

**CONTINUITY AND CHANGE**  
**IN THE REIGN OF VALENTINIAN I**

by

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Submitted in fulfilment of the requirements  
for the degree of  
Doctor of Philosophy

**University of Tasmania**  
(February, 1993)

*graduated  
1995*

The thesis contains no material which has been accepted for the award of another higher degree or diploma in any tertiary institution nor, so far as I am aware, any material published or written by others, except when due reference is made in the text of the thesis.

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Felicity Novy  
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## ABSTRACT

The aim of the thesis is to evaluate the contribution made by Valentinian I (364 - 375) to the government of the western empire during the fourth century, and to consider whether the policies pursued in specific areas of imperial administration can be considered as innovative or as consolidation within the broader context of the fourth century. Attention is given to the success that Valentinian's reforms enjoyed in the context of the last years of the fourth century.

Imperial policies are grouped for examination into specific areas designed to provide an analysis of all facets of the reign. The study begins with an examination of the literary sources, their chronology and the literary tradition about Valentinian. Particular attention is given to Ammianus Marcellinus, whose account of the elevation of Valentinian provides the basis for examination of the nature of imperial accessions, with particular reference to the successors to fallen dynasties, such as that of Constantine. The civil administration is treated as a whole, incorporating matters relating to the functions of the bureaucracy, an examination of the social origins, career structures and religious affiliations of those who served in the imperial service, facilitated by the compilation of a prosopographical data base of all known Valentinianic personnel. Special emphasis is also given to financial policy and the administration of the city of Rome. The ramifications of such policies are examined in the context of specific events such as the trials conducted at Rome for magic and treason and the cohesion of administrative policy is analysed through detailed scrutiny of the legislation promulgated by the emperor. The military and religious policies of Valentinian receive separate treatment. The religious policy is analysed primarily as a study of the exceptional nature of religious toleration in the fourth century.

What may appear as indifference in religious policy provides an effective contrast to the military campaigns, the facts of which and the strategic initiatives in the defense of the empire place Valentinian high in the military history of the late empire.

From a consideration of the above, it is concluded that Valentinian consolidated many of the existing trends current in the fourth century on a scale that can be considered innovative.



## **Acknowledgements**

There are many people to whom my thanks are due for aiding in the composition of this thesis. In particular, Professor P. R. C. Weaver, for his continued interest and encouragement during all stages of the thesis and Dr P. Wilkins, on whose erudition I have been privileged to draw and who read parts of the final draft.

Above all, my thanks go to my supervisor, Dr Paul Gallivan, whose tireless energy in offering advice and suggestions during many informative and stimulating discussions, together with completing the major part of the final reading, were a continual source of encouragement throughout the whole period of composition.

I wish to record my thanks to the Department of Classics, University of Tasmania, for granting me the Dunbabin scholarship, which enabled me to undertake a period of research in Germany, Hungary, Austria and Yugoslavia.

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## INTRODUCTION

This thesis does not aim to be a biographical portrait of the emperor Valentinian. Rather, the aim of this thesis is to evaluate the contribution that Valentinian made to the government of the fourth century Roman empire in the west. More specifically, it aims to decide whether or not his reign witnessed a departure from what had preceded it or whether it represented a phase of consolidation. In order to achieve this aim, the reign is divided into the major areas of imperial policy - civil administration, military concerns and relations with the church. Valentinian's policies in respect of these areas are analysed, with particular emphasis on the place that should be given to his reforms in the overall context of the fourth century. As the thesis will concentrate almost entirely on the western empire, the policies pursued by Valens will receive attention only where they have a direct relevance to the western empire, or where they make an interesting comparison.

Since there are no surviving personal writings of Valentinian, it is first necessary to examine the literary tradition about him, with particular weight given to the account of Ammianus, upon whom there is a great degree of reliance for the details of the reign. Because of this reliance, it is mandatory to examine the sources of Ammianus' information and to establish the date of the composition of his work in order to identify any possible bias that might taint the objectivity of his account. After this examination, the portrait of Valentinian is examined and a comparison made with the portraits that Ammianus draws of the other emperors who receive his attention. No attempt has been made to produce a complete literary study of Ammianus; rather, my examination is confined to a consideration of the strengths and weaknesses in his account of the reign. For the purposes of comparison, the treatment that Valentinian received at the hands of the ecclesiastical historians is assessed with special attention to their sources of information.

Once the sources for the reign have been surveyed and placed into context, the early military career and social background of Valentinian is examined. Special emphasis is given to an attempt to ascertain the reasons behind Valentinian's unexpected elevation to the purple. His background and military training are examined in an effort to assess whether or not it was unusual for an emperor to be chosen from the lower ranks of the military hierarchy as a successor to a fallen dynasty. Once the pre - imperial career of Valentinian, and, for the purposes of comparison that of Valens, have been evaluated, attention is then given to the actual form that his accession took. Special consideration is also given to locating the authority by which an emperor was appointed. Finally, the important decision taken by Valentinian, to re - divide the empire along east - west lines, is studied, especially with regard to the form that the division took and what, if any, unity remained. The effect that this division had on the changing relationship between the eastern and the western empires and the relative positions of Valentinian and Valens is also assessed.

The remainder of the thesis is divided broadly between the civil and military problems that faced the new emperor and the policies he adopted to overcome them. It begins with an analysis of the general administrative policies of the reign in an attempt to isolate the specific problem areas and the methods that were employed to solve them (Chapter 3 i). Particular emphasis is given to the structure of individual careers, both military and civil, and the methods that Valentinian took to regulate these careers into a framework of rules relating to the precedence of officials within the hierarchies. Once his contribution to this field of administration has been determined, the relationship that the new Pannonian emperor had both with the members of his court, his administrators and generals is examined with the primary aim of determining whether the rationale behind Valentinian's appointment of imperial officials differed radically from that of his predecessors. Of particular concern is an assessment of the contention that Pannonians were promoted through

the hierarchy because of the exclusion of members of the senatorial aristocracy, and that this resulted in a thorough purge of his predecessors' administration. To address these questions it is necessary to identify the origins and career structures of those administrators who were prominent between 364 - 375, and a comparison is made with the careers of those individuals who were prominent in earlier years. Special attention is given to the conjecture that Valentinian was following a predetermined and consistent policy of appointment throughout his reign. A summary of the careers of all known administrators and military personnel who served under Valentinian and Valens is provided in Appendix vii.

Chapter 3 iii is concerned with the policies pursued by Valentinian in the sphere of finance. In order to determine any changes in policy, the problems that were facing Valentinian are identified and the methods that he employed to find a solution are critically analysed. Whether or not these differed from preceding years is assessed by a comparison with the methods that previous emperors employed as solutions. The approach taken to the inveterate problems of land cultivation, taxation and the methods for the collection of tax, along with currency stabilisation and minting policy, receive special attention. The final section in this chapter is concerned with Valentinian's relations with the city of Rome and its inhabitants, in order to determine why he promulgated such a large body of legislation directly relevant to Rome, while he never actually visited the city in person. The content of the legislation is analysed in an attempt to determine its intent.

Following the example of Ammianus, separate consideration is given to the trials that were conducted at Rome throughout the 370s for practicing magic and adultery (Chapter 4). The aim of this chapter is to isolate the motives that lay behind the prosecutions in order to decide whether or not there existed a dangerous conspiracy at Rome led by members of the senatorial aristocracy. To achieve this, it is necessary to examine the rank and guilt of the accused and establish why they were

prosecuted and by whom they were brought to trial. To determine whether these trials constituted a major departure from previous imperial policy it is necessary to identify precedents and, for conclusions to be reached, it is necessary to clarify the narrative account of Ammianus, in particular, the chronology of the trials. A suggested summary of the chronology is given in Appendix ii.

No emperor in the fourth century could completely abrogate responsibility for religious affairs, but Valentinian, by pursuing a policy of religious toleration came very close. The motives behind this toleration are examined together with the ramifications that such toleration had for both the Church, in particular, and the western empire in general. The actual dealings that Valentinian had with the Church are analysed in an attempt to illustrate the respective attitudes of both parties to religious toleration. Some attention is given to the possibility that the revolts of Firmus and Procopius were motivated by religious issues together with the reaction in the west to the Arianism of Valens. To discover the uniqueness of such a policy of toleration as practised by Valentinian, the aspects of the reign are compared and contrasted to those of earlier rulers during the fourth century.

Chapter 6 deals with the military aspects of the reign. In the first place, the military strategies that were adopted since the time of Augustus are identified. To assess Valentinian's contribution in the context of such strategies a direct comparison is made with the strategies adopted by his immediate predecessors so that any innovation can be identified. This is achieved primarily through an analysis of archaeological evidence from the Rhine and Danube frontiers as well as of those remains identifiable beyond the frontiers. The reasons for building fortifications outside the perimeter of the Roman Empire are also assessed. The second part of this chapter deals with the chronology of the campaigns waged by Valentinian and his generals throughout the reign. Certain passages in Ammianus provide the starting point, which are expanded upon and clarified by drawing on other sources. The final

section aims to identify the methods used by Valentinian to keep the army up to strength with special emphasis on the use made by him of barbarians who were settled within the empire. Again, in order to make a judgement as to whether or not the reign was one of innovation or consolidation, a comparison is made with other emperors who faced similar problems. With respect to all of the above, some consideration is then given to the success that the measures undertaken by Valentinian met with in the years that followed his death.

The numismatic evidence for the reign is discussed throughout the text, rather than in isolation, since it provides a valuable insight into many aspects of the reign of Valentinian including his civil, military and religious policies.

The appendices are concerned mostly with questions of chronology that arise out of the main body of the text. Appendix i is a chronology for the reigns of Valentinian and Valens, especially the location of the emperors at specific times. Appendix ii is a suggested chronology for Ammianus 28.1. Appendix iii deals with the chronology of the career of Sextus Claudius Petronius Probus since it has ramifications for other chronological aspects of the reign. Appendix iv attempts to determine that date and addressee of the anonymous treatise *De Rebus Bellicis* since evidence is drawn from that source which relates directly to the policies pursued by Valentinian. Appendix v is concerned with the death of the Elder Theodosius. In particular three questions are considered: who was responsible for the actual execution order; why it was necessary; and who, if anyone, exerted influence to engineer his execution. Appendices vi and vii are tabulated summaries of both the legislation that was promulgated during the reign of Valentinian and of all the known military and civil personnel who had held office during the reign. The former is largely based on the *Codex Theodosianus* with cross references to the *Codex Iustinianus* where relevant. Those laws that are found in the *Codex Iustinianus* alone are included at the end of the table. The data base concerned with personnel provides,



by way of summary, the individual's career span, the region in which he served, his religion, rank and full career. The majority of the individuals listed are mentioned at various places of the thesis.

## CHAPTER 1: The Literary Sources for the Reign.

### (i) Ammianus and his Sources:

#### Date and circumstances of composition.

*convenerat iam referre a notioribus pedem, ut et pericula declinentur veritati saepe contigua, et examinatores contexendi operis deinde non perferamus intempestivos ...*<sup>1</sup>

So runs the preface to the opening of the narrative concerning the reign of Valentinian. That Ammianus can use the pluperfect '*convenerat*' may well signify that those conditions that previously existed and that rendered it inopportune for him to continue his narrative beyond the brief reign of Jovian had passed.<sup>2</sup> By implication circumstances have changed for the historian; however, the identification of the exact set of circumstances that brought about this change depends upon the date at which Ammianus composed and published the final six books of his work.

That Ammianus placed this preface at the beginning of the narrative concerning Valentinian and Valens suggests that it was events concerning these Emperors that made Ammianus cautious about writing a history of their reigns. The death of Valens then would allow Ammianus the freedom to continue a history of their reigns. I see no necessity to assume that the circumstances mentioned by Ammianus would only have been met with the death of Valentinian II and the effective end of the immediate Valentinianic dynasty in 392. The correspondence of Symmachus provides sufficient evidence that direct criticism of Valentinian I was possible not only under Valentinian II but also under Gratian.<sup>3</sup> Thus, rather than

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<sup>1</sup> Amm. 26.1.1.

<sup>2</sup> Naudé (1984) p.74.

<sup>3</sup> Symmachus (*Ep.* 1.13.2) wraps the reign of Gratian in the symbolism of the redeemer and glorifies it as a new age '*novi saeculi fata*'. This sentiment is echoed in the coinage where several legends read *Gloria Novi Saeculi*, (*RIC* IX gold solidi p.45, 64; bronze aes p.66). Gratian exhibited no desire to be viewed as a continuator of his father's policies as Symmachus asserts (*Oration* 4.10ff): *Gratulamur tibi, iuvenis Auguste, quod paterni successor factus imperii, tantum malos iudicis, quasi hereditatis onera repudiasti*. It is possible that Ammianus had the deaths of Valentinian and Valens in mind, rather than either Gratian or Valentinian II when he states '*Et*

the death of Valentinian the younger as providing a suitable opportunity for Ammianus to continue his history, I believe that it was the death of Valens that inspired the continuation which was ultimately published in the late 380's, while Valentinian II was still living. A date c. 388/90 can be securely postulated for the completion and publication of the last books of the history, both on internal textual evidence and the external circumstances that converge around that date which would provide a suitable context for the termination of the history.<sup>4</sup>

In the entire work of Ammianus there is no single reference or comment that would suggest a date later than 390.<sup>5</sup> Indeed, references to events that can be securely dated from other sources cluster around the late 380's.<sup>6</sup> In the early books of the history Ammianus assumed that the historian Aurelius Victor had been urban prefect, a post which he held in 388-9.<sup>7</sup> This does not necessarily mean that these early books were written in or around that year; rather, the post held by Aurelius Victor could be a later insertion when revising those books written at a later date. If he were writing in the mid 390's it is difficult to explain why Ammianus makes no mention of the urban prefecture held by Alypius just two years after that of Victor.<sup>8</sup> A reference to the Alexandrian Serapeum as still standing is difficult to explain unless Ammianus had finished his work prior to 391 in which year the Serapeum was destroyed by Christians.<sup>9</sup> The evidence does not terminate here: reference is

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*quoniam adest liber locus dicendi quae sentimus, aperte loquemur ...* (27.9.4).

<sup>4</sup> There is much disagreement amongst modern scholars on the date of the last books of Ammianus. Thompson (1947) pp.116-7 opts for 394, after the fall of Eugenius; Maenchen - Helfen (1955) pp.384ff 392-3, prefers after the death of Valentinian II; Syme (1968a) p.23 opts for 395/6; Naudé (1984) pp.71ff prefers 389/90; Matthews (1983) p.40 n.11 notes the convergence of internal references to c.390; Sabbah (1978) Chapter 2.

<sup>5</sup> If composition was completed 394/6 as Syme and Thompson suggest then one would expect to find some references to events that occurred after 390.

<sup>6</sup> Cameron (1971) p.262; Matthews (1983) p.40 n.11.

<sup>7</sup> *'Ubi Victorem apud Sirmium visum, scriptorem historicum, exindeque venire praeceptum, Pannoniae secundae consularem praefecit, et honoravit aenea statua ... multo post urbi praefectum.'* (Amm. 21.10.6).

<sup>8</sup> Cameron (1971) p.262. Ammianus (28.1.16) mentions that Alypius was banished during the trials at Rome in 370/1. He was urban prefect in 391 (CTh. 14.2.2; CIL 6.1185=ILS 783).

<sup>9</sup> Amm. 22.16.12, *'His accedunt altis sufflata fastigiis templa, inter quae eminet Serapeum, quod*

made to the death of Rusticus Julianus in 387/8,<sup>10</sup> the consulship of Flavius Neoterius in 390 is mentioned in Book 26<sup>11</sup> and Petronius Probus is described in a way that suggests that he was no longer living - perhaps making the scathing criticism directed against one of the most conspicuous members of the Anician family more easily explained.<sup>12</sup> Further, Libanius wrote a letter to a 'Marcellinus' which praised the recipient on the reception of a recital of a portion of his history.<sup>13</sup> This recital had taken place at Rome and the most convenient opportunity for Libanius to learn of the event would be through individuals returning to Antioch from Rome in the entourage of Theodosius I following the latter's sojourn in Rome after the defeat of Magnus Maximus. Although the letter is dated to 392 there is no reason to believe that it was an immediate reply to an event that had recently occurred. It was the main concern of Libanius to inform Marcellinus of the death of his son - thus reference to the recital amounts to an addendum to a letter sent for a substantially different reason. Those who wish argue for a completion date in the mid 390's argue that these later references only prove that the books 14 -25 were completed by 390 and that Ammianus began composition of books 26 - 31 only after the first portion of his history was completed, read and well received, going so far at times as to state that it was Libanius' letter that inspired the later books.<sup>14</sup> This is not the case. It is possible to show that the history in its entirety was completed before 391 and the "age of tolerance" signalled by the defeat of Maximus

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*licet minuatur exilitate verborum, atriis tamen columnatis amplissimus, et spirantibus signorum figmentis, et reliqua operum multitudine ita est exornatum, ut post Capitolium, quo se venerabilis Roma in aeternum attollit, nihil orbis terrarum ambitiosius cernat.'*

<sup>10</sup> He died while holding the prefecture of Rome, under Magnus Maximus, '*...in praefectura enim urbana, quam adhuc administrans extinctus est*' (Amm. 27.6.2).

<sup>11</sup> Amm. 26.5.14. He was consul with Valentinian II (CIL 6.503, 512; Naudé (1984) p.73).

<sup>12</sup> Amm. 27.11.2. The key phrase that suggests that Petronius Probus was dead is '*quoad vixit*'. Ammianus goes on to present Probus as a jealous, cruel schemer, avaricious and like a "fish out of water" when no longer holding public office (27.11.2ff). Probus is last attested as alive in 388. He died at the age of sixty, soon after the flight to Thessalonica upon Maximus' invasion of Italy (CIL 6.1756).

<sup>13</sup> Lib. *Ep.* 1063 written in 392.

<sup>14</sup> Naudé (1984) p.71.

by Theodosius and the latter's stay in Rome in 388/9 provides a suitable context for the completion of the history. Given the date of Libanius' letter it is more than likely that both historian and emperor were in Rome simultaneously. Ammianus refers to the expulsion of *peregrini* from Rome during a famine in 383/4 as '*haud ita dudum*'.<sup>15</sup> Given that substantial portions of the history concerning the reign of Valentinian could not have been written prior to the historian gaining access to western sources of information it is possible to surmise that Ammianus had arrived in Rome prior to this particular famine and was still there when Theodosius visited the city following the defeat of Maximus.

The emphasis that the historian places on the legitimacy of the elevation of Valentinian II, although without the formal assent of Gratian, strongly suggests that the former was still alive; thus, 30.10.4-6 must have been written before 392. The direct proximity of Theodosius to the historian in Rome must have also exerted a strong influence upon the latter. Note the tone with which Ammianus describes the Elder Theodosius, often falling little below forced panegyric. If, as I argue elsewhere,<sup>16</sup> the death of the Elder Theodosius was suppressed by Ammianus because of the involvement of Merobaudes and Probus, then the loyalty of both men towards Valentinian II may explain Ammianus' continued silence on the matter even though both were dead by 390. That it was their deaths that made it safe for

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<sup>15</sup> Amm. 14.6.11f which does not contradict a date c.388. The exact date of the expulsion of foreigners unfortunately is not known precisely. If it was 383, the urban prefect would have been Anicius Auchenius Bassus, which would explain some of the historian's general enmity towards the Anicii. If the date was 384 then Q. Aurelius Symmachus was responsible - which may explain his absence from the pages of Ammianus. I prefer the date of 383 for the expulsion as it is consistent with Ammianus' attitude towards the Anicii, while the absence of Symmachus can be explained another way. Considering the presence of Theodosius in Rome, it may not have been considered wise to forthcoming about a man who had openly lauded Maximus (Symm. *Ep.* 2.13, 18, 28, 30, 31, 32; Socrates *HE* 5.14.6); even though Theodosius himself would appoint him consul for 391 (*CIL* 6.32018; 10.37; 10.5646; Symm. *Epp.* 2.62-4; 5.15; 9.149, all concerned with preparations for the consulship). The Elder Symmachus is perhaps treated ambivalently by Ammianus, but his father-in-law Orfitus is vigorously condemned for arrogance. Ammianus also relates his impeachment for embezzlement (27.3.2; Symm. *Epp.* 9.150; *Rel.* 34; Syme (1968a) pp.6 and 141). Thompson (1947) pp. 16 and 129 sees Ammianus' treatment of the Elder Symmachus as entirely favourable and motivated by a desire to please the son. There are some who would not see a description of forced flight from a palatial mansion at the hands of the Roman mob as particularly dignified. See Cameron (1964a) p.18.

<sup>16</sup> see below note 17.

Ammianus to continue his history is a distinct possibility, while direct condemnation of them for their role in the execution of Theodosius was not possible because both were instrumental in the elevation of Valentinian II who was still living.<sup>17</sup> With Theodosius in Rome Ammianus perhaps was concerned with gestures of loyalty to the two ruling houses, thus expounding the virtues of Theodosius' father while failing to condemn those who were responsible for his downfall.<sup>18</sup> Ammianus' new found freedom to continue his history is to be viewed in terms of this conciliatory policy of Theodosius.<sup>19</sup>

Thus both the internal textual evidence and the external circumstances strongly suggest a completion date for the history around 390. This being so, it is possible to examine the written sources that would have been available for Ammianus to consult in the compilation of his history. In particular, this involves an examination of the relationship between the works of Ammianus and Eunapius.

Photius noted that there were two editions of Eunapius' history, both covering a period from 270-404 but divergent in style and tone.<sup>20</sup> The fundamental question is whether the first edition of Eunapius' history was completed prior to

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<sup>17</sup> See Appendix V for the problems surrounding the death of the Elder Theodosius. Probus' loyalty to the house of Valentinian is reaffirmed by the fact that he accompanied Justina and Valentinian II in their flight to Thessalonica upon the invasion of Italy by Maximinus. Merobaudes was conspicuous in the elevation of Valentinian II. He died by his own hand in 388, shortly before the consular ceremonies for that year (*PLRE* Merobaudes 2). For an interesting discussion on the relationship that existed between Maximus, Merobaudes, Gratian and Theodosius I see Rogers (1981) pp.82-89.

<sup>18</sup> The pagan aristocracy was full of conciliatory gestures toward Theodosius. Aurelius Victor dedicated a statue to him '*pro victori semper Augusto*', (*ILS* 2945); Rufinus Albinus, Victor's successor, dedicated a group of statues to him as '*extinctor tyrannorum*' and to Thermantia, the late mother of the emperor (*CIL* 6.3791a; *ILS* 8950; Chastagnol (1962) pp.232-4).

<sup>19</sup> Naudé (1984) p.82. Given this context, the praise that Ammianus lavishes on Valentinian's policy of religious toleration could well be viewed as implicit praise of the toleration exhibited by Theodosius prior to becoming rigorously anti-pagan in 392. If this was the case, then the explanation offered by both Syme (1968a) p. 13 and Thompson (1947) p.116 that Ammianus was launching a veiled attack on the religious policy of Theodosius by praising Valentinian's toleration is misguided. See further Chapter 5 below.

<sup>20</sup> Photius *Bibliotheca* 77; Blockley (1983) l.p.3; Barnes (1978) p.196. The extant fragments of Eunapius confirm this. Fragment 1 indicates that the history began in 270, where Dexippus had ended, and, towards the end of the work, reference is made to the empress Pulcheria (*frg* 72.2), who became Augusta on July 4, 414 (*Marcellinus Chron.* a.414 (*Chron. Min.* II.71)).

388/90 and if it could have been used by Ammianus for part of his history.<sup>21</sup> That a close literary relationship existed between Ammianus, Eunapius and the *Epitome de Caesaribus* has been well illustrated by Schlumberger.<sup>22</sup> However, in his thesis the relationship depends on the independent use of an unknown source which is an unnecessary complication. It is possible to show that Eunapius was used directly by Ammianus, not via an unnamed source. The date of completion and the scope of the first edition of Eunapius depends upon the interpretation of two passages from the *Vita Sophistorum*. The first passage concerns the destruction of the Alexandrian Serapeum in 391. Eunapius states, while speaking of the despicable behaviour of the monks, 'Τυραννικὴν γὰρ εἶχεν ἐξουσίαν τότε πᾶς ἄνθρωπος μέλαιναν φορῶν ἐσθῆτα, καὶ δημοσίᾳ βουλόμενος ἀσχημονεῖν ἐς τοσόνδε ἀρετῆς ἤλασε τὸ ἀνθρώπινον. ἀλλὰ περὶ τούτων μὲν καὶ ἐν τοῖς καθολικοῖς τῆς ἱστορίας συγγράμμασιν εἴρηται'.<sup>23</sup> Traditional opinion opts for the explanation that Eunapius described the destruction of the Serapeum in his history and hence a late date is postulated for the history's composition. It is equally plausible that Eunapius refers to a previous description which only referred only to the behaviour of monks and not to the destruction of the Serapeum.<sup>24</sup> This is certainly the impression that is conveyed by Eunapius, since the narrative has clearly proceeded from a specific to a general denunciation of the behaviour of monks. The second passage in question

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<sup>21</sup> I am greatly indebted to Barnes for the argument that Eunapius had completed the first edition of his history c. 380 and that Ammianus has used him as a source. The traditional view that the first edition of Eunapius' history reached 395 and hence was written after that date has been convincingly refuted by Barnes (1976) pp.265-7; (1978) p.117. Blockley (1983) I pp. 2-5 modifies this, claiming that an initial version of the History covered the period from Aurelian to Julian, with a supplement up to Adrianople and that a final instalment, published at a later date took the history up to 404. See also now Fornara (1991) p.2ff.

<sup>22</sup> Schlumberger (1974) pp. 183-232.

<sup>23</sup> *Vita Sophistorum* LCL p. 422. This work was completed no later than 396 (Barnes (1978) p.115).

<sup>24</sup> Penella (1990) p.11; Barnes (1976) p.266 states that the mention of the Serapeum in the history is a misunderstanding; Blockley (1983) I p.4. In describing Alaric's invasion of Greece, Eunapius finds a further opportunity to be highly critical of Christian monks, whose treachery facilitated Alaric's easy invasion of Greece, Τοιαύτας αὐτῷ τὰς πύλας ἀπέδειξε τῆς Ἑλλάδος ἥ τε τῶν τὰ φαῖα ἑμάτια ἐχόντων ἀκωλύτως προσπαρεισελθόντων ἀσέβεια, καὶ ὁ τῶν ἱεροφαντικῶν θεσμῶν παραρραγεῖς νόμος καὶ σύνδεσμος (*Vita Soph.* LCL p. 438).

concerns the invasion of Greece led by Alaric. Eunapius states, ὧν τὰ μὲν ἐν τοῖς διεξοδικοῖς τῆς ἱστορίας εἴρηται, τὰ δέ, ἂν ἐπιτρέπη τὸ Θεῖον, λελέξεται, ὅτε Ἀλλάριχος ἔχων τοὺς βαρβάρους διὰ τῶν πυλῶν παρήλθεν. Traditionally, the μὲν .... δέ clause is taken to refer to the invasion of Alaric into Greece in 395. However, Barnes, followed by Blockley, takes the clause to mean the invasion that 'is to be described at a future time'.<sup>25</sup> When Eunapius talks of disasters befalling Greece it is possible that he alludes to disasters prior to the invasion of Alaric. Zosimus describes how Attica was spared the disasters that befell Greece and Crete following the death of Valentinian because of the ritual measures that were performed by Nestorius. It is possible that this Nestorius is to be identified with the hierophant who initiated Eunapius into the Eleusinian mysteries and who was the last legal hierophant. Eunapius does not mention his name, claiming that to do so would be unlawful.<sup>26</sup> Zosimus describes him as 'ὑπέργηρων' in 375 - and he was unlikely to have lived for a further twenty years. Thus the disasters described by Eunapius should be identified with those described by Zosimus.<sup>27</sup> This means that the passage in question from Eunapius need not refer to the invasion of Alaric but to previous disasters, which would mean that the first edition of Eunapius' history could have been, and probably was, completed by 380 and that it ended, like that of Ammianus, with the battle of Adrianople. Further evidence for a completion date c.380 can be adduced from *fragment* 41 where Eunapius states that, in his first edition he was ignorant about the habits and customs of the Huns. This suggests that it must have been written prior to the invasions of Alaric and very shortly after they came into prominence in 376.<sup>28</sup> Thus, if, as seems likely, Eunapius was the

<sup>25</sup> *Vita Soph.* p.436-8. Barnes (1978) pp.115-117; Blockley (1983) I p.4. Barnes takes the 'μὲν' clause to refer to the invasion of Alaric, while the 'δέ' clause refers to earlier disasters. See also Penella (1990) p.12.

<sup>26</sup> Both Clinton (1974) p.43 and Paschoud (1977/8) p.51 identify the prophesising hierophant of Eunapius with the Nestorius of Zosimus.

<sup>27</sup> Zosimus 4.18.2-6, used in support of Barnes' theory by Blockley (1983) I p.4.

<sup>28</sup> 'Τὰ μὲν οὖν πρῶτα τῆς συγγραφῆς, οὐδενὸς οὐδὲν σαφὲς λέγειν ἔχοντος ὅθεν τε ὄντες οἱ Οὐννοι ὅπη τε κείμενοι τὴν Εὐρώπην πᾶσαν ἐπέδραμον καὶ τὸ Σκυθικὸν ἔτριψαν γένος, ἐκ τῶν παλαιῶν συντιθέντι κατὰ τοὺς εἰκότας λογισμοὺς εἴρηται, τὰ δὲ ἐκ τῶν ἀπαγγελλομένων δοξάζοντι πρὸς τὸ ἀκριβές, ὥς ἂν μὴ πρόσω τοῦ πιθανοῦ τὴν



earlier historian, then it is entirely possible that Ammianus used him as a source.<sup>29</sup> This could help to explain certain similarities that exist between Zosimus and Ammianus since the latter may have used Eunapius as a source among many, while Zosimus used him almost exclusively for the early part of his history.<sup>30</sup>

Perhaps the most compelling evidence that Eunapius wrote before Ammianus is derived from their knowledge concerning the Huns. The Huns first came into prominence during the reign of Valens. As noted above, Eunapius was ignorant about the habits of the Huns. This reaffirms terminus date c.380.<sup>31</sup> Such a lack of information does not impede Ammianus, who provides a digression on the nature and habits of the Huns.<sup>32</sup> Therefore, it is plausible that Ammianus was writing, at

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γραφὴν ἀπαρτίζομεν μὴδὲ παραφέροι, πρὸς τὴν ἀλήθειαν ὁ λόγος.' (*frag.* 41); Barnes (1978) pp. 114-117.

<sup>29</sup> Chalmers (1953) pp.165-170 argued this thesis but does not claim that the first edition of Eunapius' history was published in its entirety by 380. Rather, he argues that an instalment of the history was published by this date and that it continued up to 395. Ammianus could have easily come across the first edition of the history of Eunapius while he was in the east prior to journeying to Rome. Goulet, accepted by Blockley, places Eunapius in Athens until 368/9 and Ammianus was in the east until sometime after 378, since on his way to Rome he travelled through Thrace and visited the scene of the battle of Adrianople (Amm. 31.7.16; Blockley (1983) I. p. ix).

<sup>30</sup> There is little doubt that Zosimus, writing in the early sixth century made extensive use of Eunapius. Photius states that Zosimus followed the earlier historian slavishly, and the change of source to Olympiodorus is executed clumsily. For example, Zosimus treats Stilicho critically when using Eunapius and the attitude of Zosimus changes to one of mild eulogy when using Olympiodorus (Ridley (1969-70) pp.574-92; Kaegi (1968) pp.76ff). Schlumberger (1974) pp.183-232 provides a thorough compilation of passages for the period of Diocletian to Valens from Ammianus, Zosimus and the anonymous author of the *Epitome de Caesaribus*. He finds no close relationship between the epitomator and Zosimus after the reign of Valens, which would be easily explained if they both drew on Eunapius as a source and his first edition terminated with the aftermath of Adrianople. The *Epitome* ends with the burial of Theodosius I in Constantinople on November 8, 395, (*Ep.* 48.20). The second edition of Eunapius' history extended to 404. Thus it must have been the first edition that was used by the epitomator. For an example of similarities, compare Amm.22.2.6ff with Zosimus 3.12ff and Amm. 30.7.2 with *Ep.* 45.2. In general terms the approach towards the compilation of history as exhibited by Eunapius is not dissimilar to that of Ammianus. In *fragment* 1, Eunapius rejects a strictly chronological approach to history; however, a chronological approach is preserved within blocks of material, see *fragment* 14.3 for example. To some extent this approach is followed by Ammianus who, when faced with a plurality of Emperors, chooses to narrate events in the east and west as blocks, each containing its own chronological framework. *Fragment* 75 indicates that Eunapius also used an east - west division which is often reflected in Zosimus. It is possible that Ammianus used Eunapius in order to gain precise details of specific circumstances for which he was unable to procure eye witnesses; for example, Ammianus seems to have followed Eunapius in narrating the surrender of Anatha and Diacira while taking no notice of him for events such as forcing the canal at Pirisabora and crossing the swamps below Phisseria (Matthews (1989) p.175). On Julian's Persian expedition in Ammianus and Zosimus see Fornara (1991).

<sup>31</sup> *Fragment* 41.

<sup>32</sup> Amm. 31.2.ff.

least the final books of his history, after Eunapius had completed and published his first edition. Jerome writing the *Adversus Iovinianum* in 393, like Ammianus, provides details concerning the habits of the Huns. The similarities between the two are sufficient to suggest that Jerome had knowledge of the account of Ammianus. It may be inferred that Ammianus had completed and published his history, in its final form before 393 and thus a date c. 390 would allow ample time for Jerome to gain knowledge of the Huns through the text of Ammianus.<sup>33</sup> I believe that the similarities between the two descriptions are sufficiently compelling to concede that Ammianus was the source for Jerome. Note the description of the Huns made by Ammianus, '*et semicruda cuiusvis pecoris carne vescantur, quam inter femora sua equorumque terga subsertam, fotu calefaciunt brevi*', which Jerome echoes '*Nomades et Troglodytae et Scythae et Hunnorum nova feritas semicrudis vescuntur carnibus*.'<sup>34</sup> Three factors speak for the direct reliance upon Ammianus: the Huns did not eat half-raw meat, no other writer says that they did and no other writer of the period comments that any other nomadic or semi-nomadic peoples did so either.<sup>35</sup> Nor is this the sole indication that Jerome knew Ammianus. Both

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<sup>33</sup> Such a view was put forward by Cameron (1971) pp.259ff and Maenchen-Helfen (1955) p.399, who see 392 as the terminal date for Ammianus to allow sufficient time for Jerome to become acquainted with Ammianus' description of the Huns. Blockley (1975) states that Ammianus did not use Eunapius but concedes in the introduction to volume 2 that at least part of Eunapius' history, up to 378, predates Ammianus', (1983, p. vii). Syme (1968a) p. 20 sees the similarities between the two descriptions of the Huns as a notion too obvious to require a written source. He assumes, without any real evidence, that the Huns, as a recent phenomenon, would have inspired a certain amount of gossip regarding their habits and that this would have been common knowledge to both Ammianus and Jerome independently.

<sup>34</sup> Amm. 31.2.3; Jerome, *Adv. Iov.* 2.7.

<sup>35</sup> Cameron (1971) p.259. If, as Syme suggests, that this misinterpretation of the Huns was "common knowledge" it is unusual that no other writer mentions it. Other habits that are found in Ammianus are mentioned in other sources but not that they ate half-raw meat. For example, Ammianus states that the Huns are not adapted to battle on foot so they prefer to remain on horseback - even to sleep, *Qua ex causa ad pedestres parum, adcommutati sunt pugnās, verum equis prope affixi, duris quidem sed deformibus et muliebriter eisdem non numquam insidentes, funguntur muneribus consuetis. Ex ipsis quivis in hac natione pernox et perdiu emit et vendit, cibumque sumit et potum, et inclinatus cervici angustae iumentis, in altum soporem ad usque varietatem effunditur somniorum* (Amm. 31.2.6). Jerome in a letter addressed to Heliodorus, written in 396 echoes these comments, '*Romanus exercitus, victor orbis et dominus, ab his vincitur hos pavet, horum terretur aspectu, qui ingredi non valent, qui, si terram tetigerint, se mortuos arbitrantur.*' (Ep.60.17). Zosimus also comments upon this feature of Hunnic life, '*Παρελθόντες δὲ ὁμῶς τοῖς ἵπποις καὶ γυναῖξιν καὶ παῖσιν καὶ οἷς ἐπεφέροντο τοῖς ὑπὲρ τὸν ἱστρὸν κατωκημένοις ἐπήεσαν Σκύθαις, μάχην μὲν σταδίαν οὔτε δυνάμενοι τὸ παράπαν οὔτε εἰδότες ἐπαγαγεῖν (πῶς γὰρ οἱ μὴδὲ εἰς γῆν πῆξαι τοὺς πόδας οἷοι τε*

authors provide the only mention, in any literary text, of the Attacotti.<sup>36</sup> Ammianus, at Book 28.8.5 mentions the Attacotti appearing alongside other tribes, who, during the reign of Valentinian and Valens invaded the Empire. They are grouped together with the Scots, Picts and Saxons and are reported to have been troubling Britain. Jerome too mentions the Attacotti, adding the detail that they were a tribe of cannibals.<sup>37</sup> If Jerome derived his knowledge of the Huns from the pages of Ammianus, this could well have been the source of his information concerning the tribe of the Attacotti. Ammianus had included a digression on Britain during the reign of Constans, which is now lost, and this could have provided details that are found in Jerome.<sup>38</sup> Therefore, it is likely that Jerome had access to and used the text of Ammianus, which confirms that Ammianus had completed the last books of his history prior to 392. That Eunapius was ignorant regarding the habits of the Huns suggests that the first edition of his history preceded that of Ammianus and amounted to what Blockley characterised as “instant history”.<sup>39</sup>

Written narrative history, however, did not constitute the only sources that provided Ammianus with information. Certain information, particularly regarding the reign of Valentinian, could only have been gathered when the historian was resident in Rome. Is it possible to identify his sources of information in the western capital? The two diatribes delivered against the senate and people of Rome would appear to be impassable obstacles to any argument that suggests Ammianus was on

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ὄντες ἐδραίως, ἀλλ’ ἐτί τῶν ἱππῶν καὶ διαιτῶμενοι καὶ καθεύδοντες.’ (4.20.4). Jordanes mentions the “fact” that the Huns cut the faces of the male children to arrest the growth of a beard (*Getica* 127), a trait that is brought out by Ammianus (31.2.2) and also mentioned by Claudian (*In Rufinum* 1.325ff) written c.395/7 and perhaps also derived from Ammianus.

<sup>36</sup> Maenchen - Helfen (1955) p. 398 refuted by Syme (1968a) p.20; Blockley (1975)p.178. Attacotti are mentioned in the *Notitia Dignitatum* (*Or.* 9.29; *Occ* 5.48, 50, 70, 197, 200; 7.24, 74, 78).

<sup>37</sup> *Adv. Iov.* 2.7.

<sup>38</sup> *Amm.* 27.8.4, referring to the previous digression .

<sup>39</sup> Blockley (1983) II p.vii. It is possible that Jerome also knew of the first edition of Eunapius’ history and, if the hypothesis is accepted that it extended to 378, it could explain the uniform treatment of events prior to that date and their divergence after it (Banchich (1986) p. 323 with special reference on the *Epistulae ad Heliodorum*).

terms of intimate familiarity with members of the indigenous Roman aristocracy.<sup>40</sup> The existence of a powerful patron is also unlikely if he was in fact expelled, as seems likely, during the famine at Rome in the mid 380's. Furthermore, attacks on the Anicii, and by implication the Symmachi and the Nicomachi tends to rule out any possibility of a close association existing between Ammianus and these families.<sup>41</sup> As mentioned above, there is no mention of Q. Aurelius Symmachus anywhere in the history - a strange omission if he was a friend, or even acquaintance of the historian.<sup>42</sup> Vettius Agorius Praetextatus is also postulated as a possible informant of Ammianus on the basis of the historian's praise for him.<sup>43</sup> However, Ammianus praises Praetextatus in his capacity of urban prefect and Ammianus could scarcely ignore such an outstanding figure.<sup>44</sup> It is surely insufficient to use praise as a basis for determining the sources of Ammianus' information - did the historian know personally every individual whom he praises? It is more likely that Ammianus' circle of acquaintances was not the indigenous Roman aristocracy but rather they were of a similar background to himself, from the provinces and domiciled in Rome. Such men as Fl. Eupraxius, a native of Mauretania Caesarensis, Viventius, from Pannonia, the Thessalonican Hypatius or the African Aurelius Victor.<sup>45</sup> For the internal history of Rome, the now lost

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<sup>40</sup> Amm. 14.6 and 28.4.

<sup>41</sup> Attacks on the Anicii, and Petronius Probus in particular (Amm. 16.8.13; 27.11.1). For the arguments that the Anicii were related to the Symmachi and the Nicomachi see Chastagnol (1962) p.294.

<sup>42</sup> See above n.15. No mention is made of Symmachus during his proconsulate of Africa in 373, precisely the time when Theodosius *maior* was campaigning there. See Matthews (1971) pp. 128ff. It has been assumed that Symmachus *Ep.* 9.110 was actually sent to the historian Ammianus Marcellinus and thus proving that they were acquainted (Thompson (1947) p.18; Pack (1953) p. 187 n.22). The anonymous addressee sought the opinion of Symmachus of speeches that were delivered in the Roman Senate - there is no reason to assume that Ammianus was ever a member of the Roman senate, a fact that, if true, the historian was unlikely to pass over in silence. For further arguments against this supposition see Cameron (1964a) p. 17ff.

<sup>43</sup> Amm. 27.9.8; 27.7.6. Cameron (1964a) p.22.

<sup>44</sup> On his death the senate dedicated a statue to him, and another was dedicated by the Vestal Virgins (Symm. *Rel.* 12; *CIL* 6.2145).

<sup>45</sup> Eupraxius (Amm. 27.6.14; 27.7.6; 28.1.25); he was apparently still alive in 384 (Symm. *Rel.* 32.1); Viventius is described as *integer et prudens Pannonicus* (Amm. 27.3.11) he was dead by 384, (Symm. *Rel.* 30.3); Hypatius (Amm. 29.2.16) was apparently living in Antioch until his

*Annales* of Virius Nicomachus Flavianus are often cited as a possible source for Ammianus.<sup>46</sup> However, there is no indication that Nicomachus' work covered a period comparable to that of Ammianus and the argument that the lost *Annales* were Ammianus' "Thucydidean" source postulated by both Seeck and Alföldi has been successfully refuted by Baynes.<sup>47</sup> Ammianus does not make any mention of the historical writings of Flavianus - which is not the case for Victor who is cited as an historian.<sup>48</sup>

Ammianus' experiences throughout the empire, together with his residence in Rome enabled him to consult a wide variety of eye witnesses for events about which he himself had no direct knowledge. For example, the demise of the emperor Valens at Adrianople was related by a young man who himself was present' and the historian's own travels around the battlefields of Thrace would have supplemented his knowledge.<sup>49</sup> The Armenian eunuch Eutherius, *praepositus sacri cubiculi* of Julian and present at his court in late 361, is described by Ammianus as '*immensum quantum memoria vicens*' and is widely accepted as an assured source.<sup>50</sup> Relating more specifically to events that occurred under Valentinian and Valens, Ammianus himself was an eye witness to the trials at Antioch in 371.<sup>51</sup> For

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appointment as urban prefect of Rome in 378/9 (*Lib. Or.* 1.179-80). He was accused of treason at Antioch in 371 but his sentence was remitted (*Amm.* 29.2.9-16). Ammianus was resident in Antioch at this time. Victor (*Amm.* 21.10.6) was urban prefect in 389 (*CIL* 1186) precisely when Ammianus was in Rome. Thus there existed ample opportunity for Ammianus to come into contact with all these figures.

<sup>46</sup> The *Annales* (*CIL* 6. 1782 and 3 = *ILS* 2947 and 8). That they were used by Ammianus is postulated by Thompson (1956) and McGeachy (1955) pp. 281ff.

<sup>47</sup> Seeck (1906b) pp. 431ff; Alföldi (1952) pp.3ff; Baynes (1953) p.169.

<sup>48</sup> *Amm.* 21.10.6.

<sup>49</sup> Valens' death, *Is ipse iuvenis, occulte postea reversus ad nostros, haec ita accidisce narravit.* (31.13.16); Ammianus and the battle fields of Thrace (31.7.16).

<sup>50</sup> *Amm.* 16.7.5; 20.8.19,9.1-4; 16.7.6; Julian *Ep.* 29. He ultimately retired to Rome (*Amm.* 16.7.7); Sabbath (1978) pp.228-30; Syme (1968a) p.95).

<sup>51</sup> *Et quoniam addici post cruciabiles poenas vidimus multos, ut in tenebrosis rebus confusione cuncta miscente, summatim quia nos penitissima gestorum memoria fugit, quae recolere possumus, expeditius absolvemus* (*Amm.* 29.1.24; Sabbath (1978) pp.220-1). It is possible that it was here that Ammianus became acquainted with Fl. Hypatius, consul in 359 and later praetorian prefect of Italy (*Amm.* 29.2.16).

the trials in Rome under Valentinian, Ammianus must have collected his information only after he had come to Rome from the east in the 380's and his reliance on oral tradition is obvious from his narrative - in particular relating to events that occurred at the court.<sup>52</sup> Ammianus admits that he is reliant on current rumor as his source of information: it was rumored that Maximinus had a soothsayer treacherously murdered, that it was through the influence of Victorinus that three senators were acquitted and that Aginatus was of noble descent.<sup>53</sup> It was an oral source that provided the historian with the details of an alleged letter sent by Aginatus to Probus attempting to denounce Maximinus.<sup>54</sup>

If eye witness reports and hearsay provided Ammianus with the majority of his material for affairs in Rome, it does not necessarily follow that he used the same sources for the narrative of Valentinian's military campaigns. There are many indications that Ammianus used and utilised official reports, transcripts and imperial letters and decrees. Official reports made by the emperor to the Roman Senate concerning the status of current campaigns could well have been known by the historian.<sup>55</sup> There is evidence to suggest that Ammianus knew the contents of the report made by Theodosius *maior* regarding the restoration of Britain.<sup>56</sup> Similarly, the narrative concerning the campaigns waged in Mauretania appear to have been based on official reports made to Rome and it is tempting to see the

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<sup>52</sup> A malicious report to the emperor (Amm.28.1.10); a report to the emperor from certain judges (28.1.21); a senatorial deputation to Valentinian (28.1.25); Valentinian receives spiteful accounts from Simplicius and Maximinus (28.1.51).

<sup>53</sup> Amm. 28.1.7; 28.1.27 '*ut dispersus prodidit rumor*'; 28.1.30 where Ammianus can find no trustworthy documentary evidence for the ancestry of Aginatus; 27.7.8 where the exposition of Valentinian's cruelty is based on hearsay.

<sup>54</sup> Amm. 28.1.33; for the use of rumour outside the reigns of Valentinian and Valens (Amm. 14.7.20; 21.15.2, 4, 5. ).

<sup>55</sup> That such communication between the emperor and the senate existed, particularly regarding important events (Amm. 16.12.69; Symm. *Epp.*1.95; 3.18; *Rel.* 47). The latter refers to the composition by literary men of orations on the imperial victories which were read out to the senate and the people; Matthews (1989) p.377. Ammianus could have had access to such reports through an urban prefect such as Viventius, Eupraxius or Victor. See above n. 44.

<sup>56</sup> Amm. 28.3.7 '*... ita reddiderat statui pristino, ut eodem referente et rectorem haberet legitimum.....*' See Sabbah (1978) pp.172-3.

report of Virius Nicomachus Flavianus, the *vicarius Africae*, as the direct source of the information known to Ammianus.<sup>57</sup> Furthermore, Ammianus appears to have access to imperial letters presumably because their contents had become public knowledge - note especially the events surrounding Philagrius and the arrest of Vadomarius. Ammianus suggests that the letter containing imperial orders became public via Philagrius himself<sup>58</sup> and Ammianus claims to have direct knowledge of the contents of both the letter of Šapor to Constantius and that of Julian to Constantius, when the former had been hailed as Augustus by the troops.<sup>59</sup> Finally, Ammianus may well have had knowledge of panegyrics delivered to the emperors. It is more than likely he knew of the panegyrics delivered to Valentinian and Gratian by Symmachus while he was touring the Rhine frontier in 370.<sup>60</sup>

Thus it should be clear that Ammianus was not confined to one single source or type of source - written, oral, official or unofficial.<sup>61</sup> He made use of previously published histories, oral tradition, eye witness accounts and the evidence of his own experiences to compile his history, aiming to convey as close as possible to the truth in each situation. Ammianus' explanation of his use of sources and his view of his own achievement should be kept in mind,

*Utrumque potui veritatem scrutari, ea quae videre licuit per aetatem,  
vel perplexe interrogando versatos in medio scire, narravimus ordine  
casuum exposito diversorum; residua quae secuturus aperiet textus,  
pro virium captu limatius absolvemus, nihil obrectatores longi (ut*

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<sup>57</sup> Amm. 28.6.28 'Haec acta secuta est relatio gestorum pandens plenissimam fidem; ad quam nihil responsum est.' Compare Amm. 28.6.13, 20f, 25. Ammianus finds himself in a position to indicate that Julian was modest in making reports (16.12.67-70); while a little later, when referring to the content of Constantius' published edicts, in order to provide further proof of Constantius' arrogance, he talks of extant statements filed amongst public documents '... in quibus ambitiose delata narrandi extollendique semet in caelum' (16.12.70). Ammianus also refers to the public report of Ruricius (28.6.22) concerning the falsification of reports on the condition of Tripolitania.

<sup>58</sup> Amm. 21.4.1-6.

<sup>59</sup> Amm. 17.5.3-14; 20.8.5-18.

<sup>60</sup> See below Chapter 6.

<sup>61</sup> Transcripts of trials were also used by Ammianus, as is made evident in the narrative concerning the trial of Strategius following the Procopian revolt (Amm. 26.6.5).

*putant) operis formidantes. Tunc enim laudanda est brevis cum moras rumpens intempestivas, nihil subtrahit cognitioni gestorum.*<sup>62</sup>

The success of Ammianus' investigations and his claims to impartiality will now be examined with particular reference to his treatment of Valentinian.

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<sup>62</sup> Amm. 15.1.1.



## (ii) The Portrait of Valentinian.

The first major entrance Valentinian makes into the narrative occurs when he is elected to the imperial office unanimously '*voluntate praesentium secundissima*' by the leading civil and military dignitaries.<sup>63</sup> Ammianus emphasises the unanimity of the choice: he is chosen '*nulla discordante sententia*' and '*nullo renitente*'.<sup>64</sup> The actual elevation of Valentinian appears to have been relatively straightforward. Ammianus specifically states that Valentinian was '*ut aptus ad id quod quaerebatur atque conveniens*' and '*ut vir serius rector*'.<sup>65</sup> However, Ammianus gives some indication of the tone that the following narrative will take: Valentinian convenes a meeting of the military and civil officials '*quasi tuta consilia, quem sibi placentia secuturus*', and when Dagailafus suggests that Valentinian should not choose Valens as his imperial colleague he is angered but '*...apertus ille sed tacitus, et occultans quae cogitabat*'.<sup>66</sup> The impression is given that there is something sinister in an emperor who not only conceals his thoughts from others but who also '*multa secum ipse diu volvens*'. It is interesting that, while Ammianus stresses the unanimity of consent involving the elevation of Valens, he adds by way of qualification, '*nec enim audebat quisquam refragari*'.<sup>67</sup> The ability to inspire fear in his officials and subjects is a trait of Valentinian's character that Ammianus will find many opportunities to exploit throughout the narrative. On the one occasion

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<sup>63</sup> Amm. 26.2.2.

<sup>64</sup> Amm. 26.1.5.

<sup>65</sup> Amm. 26.1.4; 26.2.2. The Orthodox Christian historians are equally flattering to Valentinian. Sozomen (*HE* 6.5) comments that he was a good man who was capable of holding the reins of Empire and adds, by way of eulogy, that for thirteen years he had guided the Empire with wisdom and skill (*HE* 6.36). Socrates offers similar judgements (*HE* 4.1). The pagan Zosimus is more reserved, stating that the best man for the job was Salutius, but because he declined the position, they had to choose Valentinian who, while an experienced soldier, was quite uneducated (*Zos.* 3.36). However, Zosimus' veracity must be doubted here because according to Ammianus, Salutius was considered an imperial candidate upon the death of Julian as opposed to that of Jovian.

<sup>66</sup> Amm. 26.4.1ff.

<sup>67</sup> Amm. 26.4.4.

that Valentinian is contradicted by one of his officials, the quaestor Eupraxius, when confronted with a delegation protesting the imposition of torture upon members of the senatorial class, and the subsequent imperial denial of promulgating such a law, it is the quaestor who is praised for having the courage to exercise his freedom of speech, rather than Valentinian, who on realising his mistake rescinded the law. This was a law which, according to Ammianus, '*supergressum omnia diritatis exempla*'.<sup>68</sup> Conversely, Ammianus has no hesitation praising Julian for his willingness to listen to advisers, and in this case he considers it to be a virtue of the emperor rather than the adviser.<sup>69</sup> Nor does the historian choose to narrate the incident when Valentinian, having enacted legislation declaring nocturnal sacrifices illegal, rescinded the law's application in Greece, following a deputation led by Praetextatus, who declared that such a law would make life unbearable in Greece. Valentinian's dogmatism could also waver.<sup>70</sup> Thus, in the preliminary account of reign of Valentinian there are several indications that the portrait will not be totally positive, nor a eulogising of deeds and words that characterised the portrait of Julian. Ammianus provides a necrology for all the emperors and for some private citizens, and it is that of Julian that is most instructive with regards to Ammianus' view of the "ideal" emperor and the qualities such a ruler should possess.<sup>71</sup> These include *temperantia*, *prudentia*, *iustitia*, *fortitudo*, *scientia rei militaris*, *auctoritas*, *felicitas* and *liberalitas*.<sup>72</sup> Throughout the narrative, all emperors are assessed implicitly by these standards. However, possession of all, or some, of these virtues by emperors other than Julian does not guarantee instantaneous praise - and it is

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<sup>68</sup> Amm. 28.1.25.

<sup>69</sup> Amm. 25.4.16, '*Levoris ingenii, verum hoc instituto rectissimo temperabat, emendari se cum deviaret a fruge bona permittens...*'.

<sup>70</sup> Zosimus 4.3.3, 'Ἐπεὶ δὲ Πραιτεστάτος ὁ τῆς Ἑλλάδος τὴν ἀνθρώπων ἔχων ἀρχήν, ἀνὴρ ἐν πάσις διαπρέπων ταῖς ἀρεταῖς, τοῦτον ἔφη τὸν νόμον ἀβίωτον τοῖς Ἕλλησι καταστήσειν τὸν βίον, εἰ μέλλοιεν κωλύεσθαι τὰ συνέχοντα τὸ ἀνθρώπειον γένος ἀγνώτατα μυστήρια κατὰ θεσμόν ἐκτελεῖν, ἐπέτρεψεν ἀργοῦντος τοῦ νόμου πράττεσθαι πάντα κατὰ τὰ ἐξ ἀρχῆς πάτρια.

<sup>71</sup> The emperors: Constantius (21.16ff); Julian (25.4ff); Jovian (25.10.14ff); Valens (31.14ff).

<sup>72</sup> Amm. 25.4.2-6, 7, 8, 10, 11, 12-13, 14, 15.

here that the portrait of Valentinian becomes particularly complex. Ammianus himself admits that Valentinian possessed many of the qualities which received glowing praise by the historian in Julian. He is a great soldier, who does not hesitate to enter battle alongside his troops. At the same time he is a clever engineer, an elegant painter and modeller, a reducer of taxes and a cultivated man of discriminating tastes. He is also a near maniac with a tendency for pathological cruelty, who despises anything cultured. Within the same character bravery is juxtaposed with cowardice, indulgence with severity, liberality with greediness and culture with savagery.<sup>73</sup> His abstemious behaviour is praised but is reduced all but to insignificance as it is swamped by examples of cruelty and bloodlust that Ammianus hurls at the reader. It is possible that Ammianus simply could not make up his mind about Valentinian and thus found it impossible to present a consistent portrait of the ruler. Conversely, and I think more likely, the historian had decided that Valentinian did not conform to his conception of a "good" ruler. Therefore, while including qualities that would have received outstanding praise if they were embodied in Julian, these become swamped by examples of less laudatory behaviour. The structure of the *elogium* for Valentinian supports the notion that Ammianus aimed to present a negative assessment of the emperor. The summary of the deeds and qualities of Julian, Constantius, Jovian and Valens are all presented with the *bona* preceding the *vitia*. The *elogium* of Valentinian reverses this order. This should not be construed as mere coincidence and the effect is not necessarily a favourable one. The thirty lines that are devoted to an elucidation of the emperor's virtues are overshadowed, if not completely swamped, by the preceding seventy five lines that are devoted to the emperor's vices. Anything that is said in praise of the emperor is automatically qualified by what precedes it. The impression that vice far overshadowed virtue is difficult to avoid. On the other hand, to have the *bona* following the *vitia* could be construed in a more favourable light, as it is with the praiseworthy deeds that Valentinian takes leave of the pages of Ammianus, and it is

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<sup>73</sup> Elliot (1983) p.169.

these which are perhaps more likely to be remembered.

Prior to commencing his exposition of Valentinian's *saevitia*, *avaritia*, *invidia* and *timor*, Ammianus makes an appeal to posterity and the resultant freedom that it brings an historian to judge the past with neither fear nor excessive adulation. It is tempting to see Ammianus' plea as an assurance of his veracity, perhaps aimed at contemporary critics. With this formality dispensed with, Ammianus considers himself to be at liberty to elucidate the baser features of Valentinian's character. He is violent and prone to anger and cruelty, he is avaricious, envious, cowardly, a supporter of cruel judges and he lacked felicity.<sup>74</sup> As Ammianus proceeds to his virtues, contradictions become immediately apparent: he lightened the burden of taxation, he was indulgent to the provincials, he founded towns, established frontiers and generally kept good military discipline. He was chaste, avoided nepotism and curbed the wantonness of the imperial court, he never sold offices, was a good general, an inventor with a lively memory and he spoke *facundia proximo*. He held cultured but not extravagant banquets, was tolerant in matters of religion and was endowed with majestic physical features.<sup>75</sup> Although there is more variety in the *bona*, the space devoted to the emperor's vices is over twice the length. Furthermore, many of the virtues that the historian claimed Valentinian possessed are qualified by derogatory remarks. While he did maintain military discipline he indulged the higher officers often with disastrous results, he did not practice nepotism *absque fratre*,<sup>76</sup> no office was sold during his reign except at the beginning. The substantial imbalance between the treatment of vice and virtue in the *elogium* is reflected throughout the main body of the narrative.

Valentinian's cruelty and severity are continually noticed, often as qualifying remarks, but there exist two complete expositions, with anecdotes included. On one

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<sup>74</sup> Amm. 30.8.2-7, 8-9, 10, 11-12, 13, 14.

<sup>75</sup> Amm. 30.9.1-6.

<sup>76</sup> Although Ammianus qualifies this remark, he makes no mention of the appointment of Gratian to the imperial purple.

occasion, Ammianus intrudes into the narrative, '*simulque reformidat, ne ex professo quaesisse videamur in vitia principis, alia commodissimi*'. However, he cannot help relating the account of Goldflake and Innocence - Valentinian's two pet bears, to whom he was accustomed to feed his victims. It is unfortunate that Ammianus did not find the opportunity to elucidate more fully on the '*alia commodissimi*'.<sup>77</sup> Indeed, it seems only fitting for an emperor so prone to anger to die in a fit of apoplexy.<sup>78</sup> Ammianus takes any opportunity that presents itself to portray Valentinian's negative reactions to events. Take for example the appeal that Hymetius made to the emperor against an impending death sentence handed down by the *vicarius urbis Romae*, Maximinus, during the trials at Rome. The matter was referred to the senate by Valentinian for judgement and, as a result, Hymetius was exiled to Dalmatia. Ammianus does not choose to elaborate on Valentinian's referral to the senate, but contents himself with the comment '*aegre imperatoris iracundiam tulit, perciti vehementer, quod hominem addictum (ut ipse proposuerat) morti, clementiori sententia didicerat plexum*'.<sup>79</sup> If Valentinian had intended to execute Hymetius, it is unclear why he referred the matter to the senate at all; when he would have been perfectly capable of over-ruling the appeal. Ammianus appears to

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<sup>77</sup> Amm. 29.3.9; 27.7.4-9. At 29.3 Ammianus provides a catalogue of the atrocities that Valentinian was supposed to have committed - note the victims, a *paedagogianus*, a *praepositus fabricae*, a presbyter of the Christian faith, a *strator*, a charioteer and two tribunes who had supported Procopius - all *minutiae*, and while Valentinian's reaction may be considered severe, it is not likely that they occurred at the same time in his reign as Ammianus implies. The death of the presbyter occurred in 371 (Jerome *Chron.* a.371) and the tribunes in 365/6. One further case, that of Africanus who had sought a second tenure as governor, under the patronage of Theodosius, occurred some time after 369. The reiteration of commands, while not formally condemned until 416, were apparently not condoned or encouraged. A further catalogue of victims occurs at 27.7.4 and Ammianus states that they were of low rank, *humilium*. However, one of those accused was not of low rank, he is described as *ex-comes largitionum* and was executed for '*delicta brevia*'; yet, we know from other sources that he was in fact executed for substantial fraud - hardly a trifling offence (see below Chapter 4. ii). Perhaps Valentinian was doing what Ammianus had praised Julian for - making an example of a few (Amm. 25.4.8). The frequent allusions that Ammianus makes to the emperor's propensity to anger and cruelty are too numerous to provide references for the entire work, but see in particular 26.4.2; 27.6.14; 28.1.11, 20, 23; 2.9; 6.22; 30.4.3-4, 11-12, 19; 6.3.

<sup>78</sup> Amm. 30.6.3.

<sup>79</sup> Amm. 28.1.23. When Ammianus finds it difficult to avoid criticising Julian during the trials at Chalcedon, he manages to exonerate him, partially because of his ignorance of what was fitting, and because of the fact that his lack of confidence led him to place Arbitio in charge of the inquisitions (Amm. 22.3.8).

be attributing motives to Valentinian on the assumption that the emperor's character was flawed.

Whenever Valentinian performed an act that was not consistent with the picture of a half crazed madman feeding his victims to his pet bears, Ammianus finds subtle methods for removing any credit from him. Take the treatment of Phronimus and Euphrasius for example. Both men were supporters of Procopius in the east but, being Gauls, they were sent to Valentinian in the west for trial following the downfall of the usurper. The emperor on this occasion exhibited leniency. Euphrasius was pardoned, despite his obvious guilt, and Phronimus was banished. Ammianus, with a style reminiscent of the Hymetius affair, does not comment on the leniency or lack of cruelty of Valentinian; rather, he confines himself to the comment that Phronimus received a punishment that was more severe for a similar crime.<sup>80</sup> Thus, the first catalogued vices in the *elogium*, those of cruelty and anger, find ample confirmation throughout the body of the narrative proper. What of the others? According to Ammianus, Valentinian was avaricious, but this is difficult to reconcile with another, seemingly contradictory statement, that he both lightened the burden of taxation and refused to sell offices. For elucidation it is necessary to return to the narrative. The lightening of tribute does not receive explicit confirmation in the narrative, although there are several references to the emperor's *avaritia*.<sup>81</sup> Ammianus perhaps infers that, because some of Valentinian's officials were corrupt, then the emperor himself must possess these characteristics since he allowed the practice to continue unchecked. The two most obvious examples of corrupt officials are Petronius Probus and Romanus, the

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<sup>80</sup> Amm. 26.10.8 '*quod divo Iuliano fuit, acceptus, cuius memorandis virtutibus, ambo fratres principes obtrebant, nec similes eius, nec supparet*'; 26.7.4, for them as supporters of Procopius. See also Seeck (1966) p.13 and Nagl *RE* viia 2188ff.

<sup>81</sup> The legal codes provide some indication that Valentinian did lighten taxation (*CTh.* 1.29.1; 11.11.1; below Chapter 3. iii). Examples of *avaritia* occur at Amm. 28.1.20; 30.5.5-8. Ammianus is not entirely consistent when it comes to the financial policy of Julian, however, the purpose would appear to make Julian's policy appear in a favourable light at all times. For example, at 16.5.15 Ammianus states that to the end of his reign Julian observed the rule not to remit arrears of tribute by indulgences because it would only benefit the rich. However, at 25.4.15 it is stated that the tribute was lightly imposed and crown gold was remitted and many debts cancelled.

latter extorting the province of Tripolitania and, with the connivance of Palladius and Remigius, managed to convince Valentinian that the people of Tripolitania had no complaint.<sup>82</sup> The emperor ordered that the envoys who conveyed the complaint should have their tongues cut out (a detail which Ammianus relates with relish), while Romanus apparently avoided punishment altogether. Ammianus manages to convey the impression that this was a typical example of Valentinian's avarice. The lack of discipline amongst the highest members of the administration makes the point more emphatic, and Ammianus is not alone in drawing attention to Valentinian's laxity in disciplining the upper echelons of the administration.<sup>83</sup> The case of Probus is similar. He was oppressing the provincials of Illyricum with excessive tax burdens,<sup>84</sup> and Ammianus again takes the opportunity to emphasise the selective discipline practised by Valentinian. By implication that it was the emperor and not the praetorian prefect whom Ammianus held responsible. However, Valentinian should not be held solely responsible for the rapacity of his officials. The possibility that the emperor was ignorant of events in the provinces must be considered a reality. Ammianus himself hints as much. In the first place, while indicating the leniency of Valentinian, he comments '*Solum tamen incitato petebat odio Probum, numquam ex quo eum viderat minari desinens vel mitescens: cuius rei causa nec obscurae fuerunt nec leves*'.<sup>85</sup> The historian goes on to describe Probus' extortion and it is only at the end of the discourse concerning the evils of his administration that Ammianus acknowledges that his account is based on rumour. Then, after implicitly criticising the emperor for indulging Probus, he casually admits that the emperor knew nothing of the prefect's transgressions.<sup>86</sup> So it was Probus and not Valentinian

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<sup>82</sup> For the Tripolitanian affair see Amm. 28.6ff.

<sup>83</sup> *Epit. de Caes.* 45.

<sup>84</sup> Amm. 30.5.4-9.

<sup>85</sup> Amm. 30.5.4.

<sup>86</sup> Amm. 30.5.7 '*Haec ita illecebrosius atque inhumanius agi loquebatur quidem pertinax rumor; Valentinianus vero tamquam auribus cera illitis ignorabat ... parsurus tamen fortasse Pannoniis, si*

who was responsible for ruining the province; Jerome admits as much.<sup>87</sup> A similar ignorance concerning events may also explain Valentinian's behaviour during the Tripolitanian affair. Ammianus explicitly states that Palladius misled Valentinian, and it is not until after the latter was dead that Gratian was able to establish the truth of the matter, since he was given "trustworthy" information.<sup>88</sup> Despite his implied omniscience, the emperor was always dependent on reports from his officials regarding the state of the provinces. If these administrators chose to falsify the truth and were sufficiently organised to do so consistently the emperor would not necessarily be in a position to realise what was happening. It is interesting that the author of the *Historia Augusta* is explicit about this problem and although put into the mouth of Diocletian, it is not difficult to see it as applicable to the fourth century in general:

*Colligunt se quattuor vel quinque atque unum consilium ad decipiendum imperatorem capiunt, dicunt quid probandum sit. Imperator, qui domi clausus est, vera non novit, cogitur hoc tantum scire quod illi loquuntur, facit iudices quos fieri non oportet, amovet a re publica quos debeat obtinere. Quid multa?*<sup>89</sup>

Perhaps when accusing Valentinian of being avaricious Ammianus really means the depredations of his officials and the emperor's apparent failure to act - arguably motivated by ignorance - implied that their actions were condoned.<sup>90</sup> Furthermore, Ammianus may have misinterpreted the Emperor's motives. The comments made by Jerome, writing soon after events, should not be dismissed out of hand,

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*haec ante ingemiscenda compendia comperisset, quae nimium sero tali didicit casu.*' Julian, according to Ammianus, sought to absolve himself from any responsibility for the death of Ursulus, by claiming that the crime was committed without his knowledge (Amm. 22.3.8).

<sup>87</sup> Jerome *Chron.* a.372, '*Probus praefectus Illyrici iniquissimus tributorum exactionibus ante provincias quae regebat, quam a barbaris vastarentur, erasit*'.

<sup>88</sup> Amm. 28.6.20 '*... reversusque ad comitatum, arte mendaciorum impia Valentinianum fefellerat, Tripolitanos frustra queri commemorans*'; 28.6.28.

<sup>89</sup> *Historia Augusta*, Aurelian 43.

<sup>90</sup> Ammianus does not relate any examples of high officials receiving punishment from the hand of Valentinian. The chamberlain Rhodanus, for example, was executed for corrupt practices (*Chron. Paschale* a.369; Malalas 13.15).



'*Valentinianus egregius alias imperator et Aureliano moribus similis, nisi quod severitatem eius nimiam et parcitatem quidem crudelitatem et avaritiam interpretebantur*'.<sup>91</sup> Thus, Ammianus provides elucidation of Valentinian's cruel and avaricious nature throughout the narrative.

He also finds many opportunities to exemplify the claim made in the *elogium* that Valentinian was cowardly.<sup>92</sup> Ammianus relates the methods that Remigius, the *magister officiorum*, was accustomed to use to deflate Valentinian's temper. He told the emperor that incursions of barbarians threatened and, that upon hearing this, the emperor '*quia timore mox frangebatur, ut Antoninus Pius erat serenus et clemens*'. However, this is not consistent with the majority of the narrative which describes Valentinian as a fearless and cautious leader, commanding the troops against the barbarians. In fact, Valentinian's military prowess is one virtue reported in the necrology that is amplified throughout the narrative.<sup>93</sup> Given the almost ceaseless military activity during the reign and Valentinian's predilection for fortifying and defending the frontiers, it is understandable that he would be concerned about barbarian inroads into the empire. Ammianus himself notes that it was not a matter to be taken lightly.<sup>94</sup>

It seems contradictory that Ammianus can refer to Valentinian as cowardly in the *elogium*, when the military prowess of the emperor is consistently confirmed throughout the narrative proper. However, Valentinian's military achievements are often qualified, as at 29.6.2 where Ammianus praises the emperor for his concern

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<sup>91</sup> *Chron.* a. 365. It is possible that Jerome had been on the fringes of court life perhaps serving as an *agens in rebus* under Valentinian at Trier, where he was converted to an ascetic life (Matthews (1975) p.50), a possibility that is dismissed by Kelly (1975) p. 30 n. 23 as "brilliant" but an "implausible guess". For Jerome's sojourn in Trier and the evidence for it see Kelly (1975) pp. 25-33.

<sup>92</sup> *Arguebat hic idem princeps timidos saepius, maculosos tales appellans et sordidos, et infra sortem humilem amendandos, ipse ad pavores irritos aliquotiens abiectius pallens, et quod nusquam erat, ima mente formidans* (Amm. 30.8.11-12 ).

<sup>93</sup> Note especially 27.10.10ff.

<sup>94</sup> '*Parabatur post haec contentioribus curis, et per copias multiformes, in Alamannos expeditio solitis gravior, destinatus id publica tutela poscente, quoniam reparabilis gentis motus timebantur infidi.*' (Amm. 27.10.5)

for the frontiers of the empire but adds '*studio muniendorum limitum glorioso quidem sed nimio*'. He is praised for sharing the lot of the troops, but this is overshadowed by the increased arrogance of the military, the failure to discipline the higher officials and the emperor's rashness.<sup>95</sup> Not one of the Valentinianic campaigns on the frontiers are related in as full detail as those of Julian's, and those which are related are generally of a minor character which seems to contradict Ammianus' own criteria for selecting what will and will not be related.<sup>96</sup> It has been rightly contended that the description of strongholds and forts themselves do not justify the elaborate treatment Ammianus affords to them.<sup>97</sup> The lengthy description of the efforts taken to secure the walls of a fortress on the Neckar seems justified to Ammianus because the fort was built by Valentinian from its foundations and the task of preventing the fort being washed away placed considerable demands on Roman engineering skill.<sup>98</sup> It is one of the few technical details provided by Ammianus. Immediately following the narrative of these constructions is a further exposition of the Valentinianic building program, this time on Mount Pirus, in the territory of the Alamanni.<sup>99</sup> The soldiers who were working on the construction of this fort were slaughtered by the Alamanni and it is implied that Valentinian's zeal for building led to a noteworthy defeat. This is in keeping with Ammianus' claim that Valentinian took his zeal for building too far.

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<sup>95</sup> Amm. 29.4.5; 27.9.4; 27.10.11. The propensity for behaving in a rash manner is one fault for which Ammianus does censure Julian. See in particular 16.2.4; 21.5.13; 24.5.6; and the final act of rashness which was to have dire consequence - running into battle without his armour (25.3.3-6). However, in the end, Ammianus ultimately absolves Julian from any responsibility for the debacle in Persia by laying the blame on Constantine rather than Julian! '*Et quoniam eum obtrectatores novos bellorum tumultus, ad perniciem rei communis, insimulant concitasse, sciant docente veritate perspicue, non Iulianum sed Constantinum ardore Parthicos succendisse ...*' (Amm. 25.4.23). See further Thompson (1947) p.79.

<sup>96</sup> *quae superfluum est explicare, cum neque operae pretium aliquod eorum habuere proventus, nec historiam producere per minutias ignobilis decet* (Amm. 27.2.1).

<sup>97</sup> Crump (1975) p.121.

<sup>98</sup> Amm. 28.2.1-4.

<sup>99</sup> Amm. 28.2.5-9. The exact location of Mons Pirus is not known. Rolfe suggests Heilige Berg at Heidelberg LCL 27.10.9 n. 3.

Ammianus uses the construction of a fort in the territory of the Quadi to provide further confirmation. The construction activity over the Danube, like that over the Rhine, had disastrous results, culminating in the murder of Gabinius and the resultant raids into Illyricum.<sup>100</sup> The entire episode is related but material seems to have been used selectively with two main criteria in mind: fortification activity must involve the direct actions of the emperor and, perhaps more importantly, the events must have some dramatic value. Roman defeats and barbarian invasions make for a lively narrative especially when both, according to Ammianus at least, were the direct result of an over-enthusiastic imperial fortification program. Therefore, the military activities that Ammianus chooses to relate are not designed to be an exhaustive catalogue of fortification activities; but rather, are included for their dramatic effect.

This concern for the dramatic is reflected in the use of imagery and simile. The use of animal imagery is particularly noteworthy in the narrative. Blockley<sup>101</sup> has analysed the distribution of such animal images throughout the narrative and found that Books 14 and 15 have a total of 11 images, Books 16-25 have 10 and Books 26-31 have 31. The disproportion is explicable. Books 14 and 15 feature the activities of Gallus - a figure to whom Ammianus is openly hostile. The narrative concerned with the reign of Julian contains notably fewer images, and when they do occur it is in reference to either Julian's enemies or to barbarians.<sup>102</sup> The narrative concerning the reigns of Valentinian and Valens abounds with animal imagery. Valentinian is described as *bestia* along with usurpers, barbarians and Christians,<sup>103</sup> which suggests that the allusion was not meant to be flattering.

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<sup>100</sup> Amm. 29.6.2-16. See below Chapter 6.

<sup>101</sup> Blockley (1975) Appendix B pp.184ff.

<sup>102</sup> Barbarians are *bestiae* (Amm. 16.5.17); Eusebius is *coluber* (18.4.4); George is *viper* (22.11.3).

<sup>103</sup> Procopius (27.6.1); Valentinus (30.5.10); Huns (31.2.2); Goths (31.7.9; 31.15.2); Christians (22.5.4).

Valens is *ferus* along with barbarians, Procopius and Maximinus.<sup>104</sup> Both Valentinian and Gallus are *leones*.<sup>105</sup> Others that are associated with animal images include Petronius Probus, Leo, Paulus *Catena*, the Roman nobles and the Roman plebs, none of whom receive favourable treatment from Ammianus.<sup>106</sup> While such devices render the narrative more dramatic, they do not aid a totally objective view of the characters involved. Moral preconceptions intrude into the narrative and events are implicitly judged against these. Decisions concerning the character of emperors and leading individuals seem to have been made prior to Ammianus embarking on his narrative, and this meant that he had to qualify those actions that were not consistent with his preconceived notions of individual motives or give a scaled down narrative of events and actions that did not conform. Judgements appear to have been made, not on individual, specific events but on general principles often with anecdotes provided to reinforce Ammianus' moral stance.<sup>107</sup> Note the manner in which he portrays the trials at Rome in the 370's where, while on no occasion explicitly stating that those accused were innocent, he presents the trials as ruthless and unjustified and designed to satiate the cruelty and ruthlessness of Maximinus and Leo, and by implication Valentinian.<sup>108</sup> The constant remarks made by the historian that he is unable to catalogue all the cases because of their number conveys the impression that they were widespread and indiscriminate.<sup>109</sup> Yet, Ammianus is capable of interpreting events as politically necessary when it suited his purpose. The Armenian king Pap was executed at a banquet, presumably at the instigation of Valens, and Ammianus takes a high moral tone, neglecting to

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<sup>104</sup> Valens (29.1,17); Huns (31.2.18); Goths (31.7.9); Maximinus (28.1.10; 28.1.38); Procopius, (26.6.4).

<sup>105</sup> Gallus (14.9.9); Valentinian (29.4.7.).

<sup>106</sup> See 28.4.6.

<sup>107</sup> Note especially 29.3; where anecdotes are used for reinforcement (29.3.3, 6, 9).

<sup>108</sup> Amm. 28.1ff. On these trials see Chapter 5.

<sup>109</sup> Amm. 28.1.2, 14.

say that Pap had done exactly the same thing to Narses. When Marcellianus led Gabinius, the king of the Quadi, to a similar fate the former is condemned, hardly surprisingly since Marcellianus was the son of Maximinus, the arch villain to Ammianus, although it was Equitius whom the Quadi held responsible.<sup>110</sup> However, when it is Julian who is involved in similar events they are treated on a level of political pragmatism. The arrest of the German Vodomarius at a banquet, on the orders of Julian, is condoned and even approved.<sup>111</sup> The identity of the protagonists involved appears to dictate whether Ammianus will take a high moral stand or view events on the level of political expediency.

What conclusions can be drawn concerning Ammianus' portrait of Valentinian? Was he the military tyrant of barbaric cruelty and without "a brain in his head" as suggested by Seeck, or was he a far seeing statesman concerned with the welfare of the empire and portrayed by Ammianus 'as black as one-sided hatred can contrive' as believed by Alföldi?<sup>112</sup> Neither can be considered to be accurate. In the first place, Ammianus' narrative is built around the person of the emperor, and this tends to produce a somewhat stereotypical image.<sup>113</sup> The portrait of Valentinian is coloured by both moral preconceptions and literary considerations with the final result that the portrait is undoubtedly a negative one. The virtues and praiseworthy characteristics that Ammianus lists in the *elogium* find little or no

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<sup>110</sup> In particular, Amm. 30.1.22 '*Hocque figmento nefarie decepta credulitate, inter epulas quae reverendae sunt vel in Euxino ponte...*'; Blockley (1975) p.71; Gabinius (Amm. 29.6.5) '*hospitalis officii sanctitate nefarie violata, trucidari securum fecit*'; 29.6.12.

<sup>111</sup> Vodomarius, 21.4.1-6.

<sup>112</sup> Seeck (1966) p. 35; Alföldi (1952) p.4.

<sup>113</sup> Eutropius noted that the tyrant has four key vices - licentiousness, cruelty, rage and avarice (*Brev.* 7.23). Ammianus portrays Valentinian as possessing the three former characteristics. It is tempting to conclude that Ammianus had read this and had decided that Valentinian conformed, more or less, to this characterisation and attempted to portray him throughout the narrative as such. The centrality of the emperor to Ammianus' narrative provides a convenient explanation for his termination of the western narrative at the death of Valentinian while continuing the narration of eastern events down to the death of Valens. If Ammianus had continued the western narrative down to 378, it would have meant that the reign of Gratian would have just begun. Conversely, continuing the eastern narrative to 383 would have meant that Theodosius' reign would have had to receive attention, and Theodosius would still have been reigning Emperor. It was a somewhat inconvenient reality that imperial reigns did not terminate simultaneously.

support in the narrative and it is perhaps because of the historian's high regard for Julian that this is the type of portrait that emerges. If Valentinian's military prowess, religious toleration and bravery were allowed full expression in the narrative, the figure of Julian would not stand out so exceptionally from the pages of the narrative. Thus, Valentinian's skills and virtues are continually qualified, but they are not excluded altogether. To Ammianus, it was Julian who was the "ideal" emperor, and the presentation of all others suffered as a result. The portrait of Julian also attempts to be intrinsically honest, but as indicated above, the faults that Ammianus finds with him are excused on various grounds. In some ways Ammianus uses the process in reverse for Julian and Valentinian, that is, Julian's faults are glossed with excuses designed to decrease the importance of the faults, while it is the virtues of Valentinian that are glossed with derogatory comments to reduce the value of his successes and better personal characteristics. However, this was certainly not the case with the ecclesiastical historians, to whom Julian was the worst type of emperor - a pagan, who actively tried to re-establish the pagan cults at the expense of Christianity, and it remains to be seen the effect that their particular view of history has on the presentation of emperors in general and Valentinian in particular.

### (iii) Valentinian and the Ecclesiastical Historians

To say that the ecclesiastical historians do not treat the reign of Valentinian fully is a gross understatement: military campaigns, trials for magic and fornication, financial affairs and administrative concerns are largely absent. However, these histories provide an important counter view of the empire that balances that of Ammianus, and while they are largely silent on Valentinian, they must not be ignored entirely, since they provide an important supplement to knowledge of the fourth century.

The reign of Theodosius II witnessed a remarkable amount of literary activity, including the completion of the ecclesiastical histories of Socrates, Sozomen and Theodoret, together with the history of the Eunomian Philostorgius, who slightly predates the other three. Eunapius of Sardis and Olympiodorus of Thebes also completed final editions of their works during this time. Finally, it was by imperial order in 429 that the Theodosian Code was commissioned and completed in 438.<sup>114</sup> That it was in particular due to the literary enthusiasm of Theodosius II that such a varied amount of literature appeared during this time cannot be doubted. Sozomen is explicit about the literary leanings of the emperor when, in his dedicatory preface, he both praises the emperor's literary judgement and hopes to win public recognition and reward from the throne for his work.<sup>115</sup>

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<sup>114</sup> Socrates wrote between 438/443 (Chesnut (1977) p.177); Sozomen was writing between 439-450 and dedicated his work to Theodosius II (*HE* proem 1-5). It is possible that Sozomen's work was published in 443 (Matthews (1970) p.81). This can be inferred from the reference to a "recent" visit made by Theodosius to Heraclea Pontica (*HE* proem. 13), which has been linked to a visit of Theodosius to Heraclea mentioned in the Theodosian Code (*Nov. Theod.* 23, dated 22 May, 443; Harries (1986) p.45). However, Roueché (1986) has pointed out that the Heraclea mentioned in the novel is more likely to be Heraclea Salbake, near Aphrodisias, where the constitution was delivered. Theodoret composed c. 449 - 450 (Quasten (1953) pp.550-1; Kaegi (1968) p.229). Philostorgius published his work between 425/433 (Kaegi (1968) p.229); Emmett-Nobbs (1990) p.252 opts for a date c. 430. The Theodosian Code was published on December 25, 438 (*Nov. Theod.* 1). Eunapius had completed the second edition of his history which went up to 404 and a passing reference to the empress Pulcheria (frg 72.2) suggests he was alive until 414 (Kaegi (1968) p. 230; Chalmers (1953) p.167)); Olympiodorus completed his history c.425 (Photius *Bibliotheca* 80; Thompson (1944) p. 46); Blockley (1983) I p.29 notes the possibility that Olympiodorus published his history in instalments from 417; Matthews (1970) p. 79ff.

<sup>115</sup> Soz. *HE* proem. 4-7, goes so far as to remind the Emperor that he should recompense the speakers with favourable judgement, not merely with golden images, the erection of statues, gifts and honour.

All four ecclesiastical historians claim to be continuing the work of Eusebius. However, all take a slightly different starting date for their own histories. Eusebius had brought his history to a close with the defeat and death of Licinius in 324, and it is from this date that both Sozomen and Theodoret begin their histories. Socrates, on the other hand, chose to begin at 305 because, in his opinion, Eusebius had omitted a detailed study of the Arian controversy and this required correction, while Philostorgius commenced from the outbreak of the contest between Arius and Alexander.<sup>116</sup> The backgrounds of Sozomen and Socrates were not dissimilar, both were Orthodox laymen and lawyers in Constantinople with the former a native of that city and the latter a native of Palestine. Theodoret and Philostorgius were different. The former was a monk and then bishop of Cyzicus and the latter, an Arian, or more precisely a Eunomian, and a native of Borissus in Cappadocia.<sup>117</sup> The varying backgrounds and religious preferences of these authors had an influence on the character and purpose of their work. Philostorgius, according to Photius, wrote an encomium on the heretical party, that is Arianism, and an assault on the Orthodox rather than a history.<sup>118</sup> To Theodoret, the principal issue was the conflict between Arianism and Orthodoxy, and he resoundingly comes out on the side of the latter. His history is extremely narrow in conception, obliterating almost

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<sup>116</sup> For the starting date: Philostorgius (Photius, intr); Socrates (*HE* 1.2); Sozomen (*HE* 1.1); Theodoret (*HE* 1.1.4). For continuation of the history of Eusebius: Theodoret (*HE* 1.1.4); Sozomen (*HE* 1.1) where he states that he had written a two-volume epitome of the events from the ascension of Christ to the deposition of Licinius based on the works of Clemens, Hegisippus, the historian Africanus and Eusebius. The epitome is no longer extant; Philostorgius (*HE* 1.2), where Photius notes that although the history of Eusebius is praised by the Eunomian, he is still guilty of erroneous ecclesiastical opinions; Socrates (*HE* 1.1) states that he is continuing Eusebius' history but also criticises the *Vita Constantini* for being merely an encomium on the emperor Γράφων δὲ ὁ αὐτὸς εἰς τὸν βίον Κωνσταντίνου, τῶν κατ' Ἄρεον μερικῶς μνήμην πεποιήται, τῶν ἐπαίνων τοῦ βασιλέως καὶ τῆς πανηγυρικῆς ὑφηγορίας τῶν λόγων μᾶλλον, ὥς ἐν ἐγκωμίῳ φροντίσας ἢ περὶ τοῦ ἀκριβῶς περιλαβεῖν τὰ γενόμενα. The terminus date for each work is also different: Socrates finishes in the seventeenth consulate of Theodosius II, that is, 439 (Soc. *HE* 7.48); Sozomen concludes with the elevation of Valentinian III (*HE* 9.16); Theodoret finishes in 428, and Philostorgius terminates at the proclamation of Valentinian III and the death of John the tyrant in 425 (*HE* 12.13).

<sup>117</sup> *PLRE* II, Sozomenus 2; Socrates 2; Croke and Emmett (1983) p.6.

<sup>118</sup> Photius, Introduction, τῶν ὀρθοδόξων διαβολὴ καὶ ψόγος μᾶλλον ἢ ἱστορία. Philostorgius is continually referred to as ὁ δυσεβής – the impious one.



all mention of secular affairs, and even the theme of monasticism is assigned to the earlier religious history.<sup>119</sup> The histories of Sozomen and Socrates are wider in conception than either of the other two. The primary goal of each is to narrate the fortunes of the Christian Church; however, both, to a greater or lesser degree, include some material that covers secular material.<sup>120</sup> Socrates, in the introduction to Book 5, defends his inclusion of secular material which would suggest that he had drawn a certain amount of criticism when the earlier books had been published. He justifies such inclusions by three considerations: firstly he sought to present an exact statement of fact, secondly he wanted to save the audience from becoming satiated with repetitions of the contentious and nefarious disputes amongst bishops and finally, to show that whenever the affairs of the state were disturbed, the affairs of the church, were also disturbed by some kind of cosmic sympathy.<sup>121</sup> In addition, Socrates shows a marked sympathy towards the Novatians throughout his history, giving more prominence to both civil and ecclesiastical enactments that concerned them than does Sozomen. This leaves the impression that, even if Socrates was not to be counted amongst their numbers he was certainly sympathetic to their cause.<sup>122</sup> On the other hand, there can be no doubts concerning the Orthodoxy of Sozomen who states that his purpose in writing is to present the truth and to show that the promotion of the Christian faith was directly due to providence and Divine government. To this end, he systematically presents the course of imperial legislation regarding religion and the Church.<sup>123</sup> More so than Socrates,

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<sup>119</sup> Jackson, (1892) p. 18 ; Markus (1975) p. 13.

<sup>120</sup> Kaegi (1968) p.188.

<sup>121</sup> Socrates *HE* 5 prooem. Τοῦτο γὰρ πολλῶν ἔνεκα ποιούμεν· τοῦ εἰς γνῶσιν ἄγειν τὰ γινόμενα. ἀλλὰ γὰρ καὶ τοῦ τοὺς ἐντυγχάνοντας μὴ προσκορεῖς γενέσθαι, ἐκ τοῦ μὴ σχολάζειν τῇ φιλονεικίᾳ τῶν ἐπισκόπων καὶ οἷς κατ' ἀλλήλων ἐτύρυσαν πρὸ δὲ τούτων, ἵνα γνωσθῇ ὅπως τῶν δημοσίων παραττομένων, ὡς ἐκ τινος συμπαθείας καὶ τὰ τῶν ἐκκλησιῶν ἐταράττετο. The theme of cosmic sympathy is central to the history of Socrates and shall be discussed more fully below.

<sup>122</sup> Allen (1990) p.267. For example, he plays down any disunity that existed between the Novatians and the Orthodox - indicating the doctrinal unity that existed between the two and noting also that both groups suffered under the Arian emperors Constantius II and Valens (*HE* 4.9; 5.19, 20; 7.25).

<sup>123</sup> Soz. *HE* 1.7, providence; Constantine (*HE* 1.3, 5, 8, 9, 21, 23); Constantius (*HE* 3.17;

Sozomen is intent upon demonstrating the historical significance of the piety of the Orthodox emperors - which is considered to be the most important of all imperial virtues.<sup>124</sup> The different purposes and viewpoints expressed by the authors have an effect on the portrayal of both emperors and events. To the Arian Philostorgius, for example, the entry of Theodosius I into boyhood and his victories over usurpers are portended by signs of great misfortunes, while miracles of many holy men were concentrated under the rule of Constantius II, the Arian emperor<sup>125</sup> whose victory over Magnentius was foreshadowed by a huge cross glowing in the sky.<sup>126</sup> To the Orthodox Sozomen, it is the victory at the battle of the Frigidus that is presented as a battle between the cross of Christ and the ancient gods, which is somewhat reminiscent of the defeat of Maxentius and the pagan gods by Constantine who, according to Eusebius, fought under the banner of Christ.<sup>127</sup> To the pagan Zosimus the conclusion of the battle of Frigidus was punishment for the misconduct of a bad ruler.<sup>128</sup> To him the beginning of Roman ruin began under Constantine,<sup>129</sup> to Socrates, Sozomen and Theodoret the reign of Constantine was the dawning of a new, and Christian, era. To Sozomen, it was under Julian the Apostate that God provided manifest tokens of displeasure and permitted many calamities to befall the empire in the form of floods, tidal waves, famines and earthquakes.<sup>130</sup> If Julian was heroism incarnate to pagan authors such as Eunapius and Ammianus, he was the antithesis of this to the ecclesiastical historians. Thus

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4.15); Julian (*HE* 5.5, 15, 17); Jovian (*HE* 6.3); Valens (*HE* 6.12, 19); Gratian (*HE* 7.1); Gratian and Theodosius I (*HE* 7.4); Theodosius (*HE* 7.9, 12, 16, 20, 25; 8.4); Valentinian II (*HE* 7.13); Arcadius (*HE* 8.7, 24).

<sup>124</sup> Downey (1965) p.65.

<sup>125</sup> Phil. *HE* 9.1; Cracco-Ruggini (1977) p.113.

<sup>126</sup> Phil. *HE* 3.26.

<sup>127</sup> Cracco-Ruggini (1977) p.112; Eusebius *VC* 27.

<sup>128</sup> Zosimus 4.58.

<sup>129</sup> Zosimus. 2.34.2.

<sup>130</sup> *HE* 6.2.

the ecclesiastical historians, while all writing in a broad sense about the history of the church, write with their own purposes and from their own view point. Their conceptions of the ideal Roman emperor also have an effect on the manner in which events and protagonists are portrayed. This will be evaluated below with special reference to the effect that these had on the portrayal of Valentinian, but first it is necessary to examine briefly their sources of information.

It is very difficult to trace the sources that were used by Philostorgius, primarily because his work survives as an epitome compiled by Photius. It is probable however that he used the pagan history of Olympiodorus, which had been published in 425.<sup>131</sup> However this cannot have been the only source that the ecclesiastical writer had consulted since he exhibits an entirely different attitude towards Stilicho than that evident in the pages of Olympiodorus.<sup>132</sup> Jeep is of the opinion that he took much of his secular material from Eunapius, but this is difficult to prove.<sup>133</sup> The argument rests on the similarities that exist between the work of Zosimus, who relied heavily on Eunapius, and Philostorgius. However, while being similar in some places, in others they are totally different with Philostorgius being closer to Socrates than Zosimus and in others different from them all.<sup>134</sup> The sources that Philostorgius used are almost impossible to disentangle; however, the sources used by Socrates are easier to identify.

It is likely that Socrates used Eunapius directly for the events of the late fourth century, and he makes a cogent defense of the use of pagan writings by Christians, when he was considering the law of Julian prohibiting Christians from being instructed in Greek literature.<sup>135</sup> Socrates states that there were many Greek

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<sup>131</sup> Emmett-Nobbs (1990) p. 260. Note the confusion in Philostorgius (or perhaps Photius) between the name of the murderer of Stilicho, Olympius, with the name of the source, Olympiodorus. (Olym. *frag* 2; Zosimus 5.25.1).

<sup>132</sup> Blockley (1983) I p.100ff. Note the attitude exhibited at *HE* 12.2 for example.

<sup>133</sup> Jeep (1885) pp. 56-64. Cameron (1970) pp.475-7 is of the opinion that Philostorgius had used Eunapius, as is Barnes (1978) p. 120.

<sup>134</sup> Blockley (1983) I pp.99-100.

<sup>135</sup> Cameron (1970) pp.475-7. The law that forbade Christians from being teachers of the

philosophers who were not far from the knowledge of God: Paul himself had studied them, and Socrates shows himself to be conversant with the works of Euripides, Sophocles, Plato and Xenophon.<sup>136</sup> Socrates was also conversant with a large range of Christian sources. He had made use of Eusebius' *Life of Constantine*, in addition to the ecclesiastical history, while for other events he followed the *Ecclesiastical History* of Rufinus whose chronology he criticised.<sup>137</sup> He had also used the *Acts of Archelaus* and the collection of the acts of the synods made by Sabinus, whom he criticises for being unfair.<sup>138</sup> Epiphanius, Athanasius, Evagrius, Palladius, Nestorius and Origen were all consulted.<sup>139</sup> Socrates states that he was compelled to revise the first two books of his history when he discovered and read the writings of Athanasius and some other letters that were written by eminent persons of the time.<sup>140</sup> In addition to written narrative sources, Socrates also utilised public documents, pastoral and episcopal letters, decrees and acts of synods which, on occasions, he declines to quote complete, due to their length.<sup>141</sup> In effect, the western half of the empire receives scant attention from Socrates with the western church receiving attention only when it affected affairs in the east. Only a cursory account is given of Ambrose and Augustine, while the

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Classics was equally abhorred by pagans (Amm.28.4.20).

<sup>136</sup> Soc. *HE* 3.16. He also had read and perhaps used the *Breviarium* of Eutropius (*HE* 1.2; 2.5, 25, 47; 3.22. Jeep (1885) pp.124-127), in addition to Julian, Libanius and Themistius, PW IIIA, i p.897.

<sup>137</sup> Soc. *HE* 1.8, 12, 19; 2.1; 3.19; 4.24.

<sup>138</sup> Soc. *HE* 1.8; 2.15, 17, 20; 3.10, 25; 4.12,22.

<sup>139</sup> Epiphanius *Ancoratus* (*HE* 5.24); Athanasius, *Apologia*, (*HE* 2.28; 3.8); *de Decr. Nic.* (*HE* 4.13); Evagrius (*HE* 3.7); Palladius (*HE* 4.23); Nestorius (*HE* 7.19-24); Origen (*HE* 3.7.).

<sup>140</sup> Soc. *HE* 2.1 Ὑστερον μέντοι συντυχότες Ἀθανασίου συντάγμασιν ἐν οἷς τὰ καθ' αὐτὸν ὀδύρεται πάθη, καὶ ὅπως διὰ τὴν διαβολὴν τῶν περὶ Εὐσέβιον ἐξωρίσθη, ἔγνωμεν δεῖν πιστεύειν μᾶλλον τῷ πεπονησέναι, καὶ τοῖς γινομένων τῶν πραγμάτων παροῦσιν, ἢ τοῖς καταστοχασμένοις αὐτῶν, καὶ διατοῦτο πλανηθεῖσιν. Ἔτι μὲν καὶ ἐπιστολῶν τῶν τότε διαφορῶν ἐπιτετυχηκότες ὡς οἶόν τε τὴν ἀλήθειαν ἀνιχνεύσαμεν, διὸ ἡναγκάσθημεν τὸ πρῶτον καὶ τὸ δεῦτερον βιβλίον ἀνωθεν ὑπαγορεύσασαι, συγχρῶμενοι καὶ ἐν οἷς ὁ Ῥουφίος οὐκ ἐηπέπτει τοῦ ἀληθοῦς

<sup>141</sup> *HE* 2.17. When using oral sources Socrates makes an effort to reach the accounts of actual eye witnesses (Proem. 1; 5.10, Proem. 6).

Donatists are entirely absent.<sup>142</sup> While Socrates does include some blocks of purely secular material, they are designed to illustrate the preordained harmony that existed between the ecclesiastical and the secular spheres of life - a concept that was expressly stated by Socrates in the introduction to book five.<sup>143</sup> For example, the period of civil wars between the successors of Constantine, the assassination of Dalmatius, Constantine the younger, a war with Persia conducted by Constantius and the rise of Magnentius. During the same period the affairs of the Church also became unsettled on account of the behaviour of Athanasius.<sup>144</sup> When the position of Valens was threatened because of the usurpation of Procopius, and as a result the former had to check his persecution of the Orthodox, the civil war that was to come was anticipated by earthquakes and floods.<sup>145</sup> While the secular sphere was undergoing the upheavals that resulted from the usurpation of Gaïnas in 399 'οί τὴν ἱερωσύνην πεπιστευμένοι τοῦ βᾶπτειν καθ' ἑαυτῶν δόλους, ἐφ' ὕβρει τοῦ χριστιανισμοῦ, οὐδαμῶς ἀπείχοντο'.<sup>146</sup> At the same time that the Church was undergoing troubles during the Synod at Antioch in 341, the secular government was disturbed by incursions of the Franks into Gaul and by violent earthquakes throughout the east, centred at Antioch.<sup>147</sup> Thus, purely secular material is included by Socrates as a means of exemplifying his belief in the sympathy that existed between secular and ecclesiastical affairs. That this concept is present, to a greater or lesser degree, in the history of Sozomen is most easily explained by the latter's

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<sup>142</sup> See also *HE* 7.10 where only a brief mention is made of Alaric and Rome. See further Downey (1965) p.66.

<sup>143</sup> Some blocks of secular material include the biography of Julian (*HE* 3.1); the Goths (*HE* 4.34); the early chapters of Book 4 relating to the civil troubles under Valens and a similar one on Magnentius (*HE* 2.25).

<sup>144</sup> Soc. *HE* 2.25 Καθ' ὃν καιρὸν οὐτε τὰ χριστιανῶν ἡσύχαζεν, ἀλλὰ δι' Ἀθανάσιον, καὶ τὴν τοῦ ὁμοουσίου λέξιν περὶ τὰς Ἐκκλησίας πόλεμος ἦν.

<sup>145</sup> Soc. *HE* 4.3. Note also the burning of ecclesiastics by Valens is accompanied by famine in Phrygia. Thucydides, when justifying the magnitude of the Peloponnesian war, stresses the impressive earthquakes, droughts and eclipses that took place during its course (1.23).

<sup>146</sup> Soc. *HE* 6.6.

<sup>147</sup> Soc. *HE* 2.10.

unacknowledged use of the slightly earlier history of Socrates.<sup>148</sup> That Socrates' history predated that of Sozomen can be inferred from one passage where Socrates relates a story which he says has not previously appeared in a published work. Sozomen tells the same story specifying no source - merely that it is λέγεται.<sup>149</sup> However, Sozomen's work is not merely a paraphrase of that of Socrates - he has consulted other independent sources, which leads him to modify and/or supplement the information that he derived from Socrates. Among these is Olympiodorus, from whom Sozomen drew heavily for his final Book, which is almost entirely devoted to the troubles in Italy under Alaric and Stilicho.<sup>150</sup> Sozomen allocates more space than Socrates for the pagan attacks made upon Christianity and for the pagan emperor Julian. He also provides more substantial detail on the different histories of the eastern and western halves of the Empire.<sup>151</sup> It is possible that Sozomen drew this information from the history of Eunapius since the discussion of Constantine is designed as a refutation of a version he ascribes to Ἕλληνες and which is found in Zosimus.<sup>152</sup> It is tempting to identify the "Greeks" as Eunapius.<sup>153</sup> However, Eunapius was not the only pagan Greek that was consulted by Sozomen. He quotes Libanius regarding the manner of Julian's death. This quotation is taken from the funeral oration delivered by the former. Sozomen had

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<sup>148</sup> For example Soz. *HE* 8.26 Ὅτι δὲ τοῦτον τὸν χρόνον, ὡς ἐπιπὰν συνενεχθὲν εὐρεῖν ἔστιν ἐν ταῖς τῶν ἱερέων διχονοίαις, καὶ τὰ κοινὰ θορύβων καὶ παραγῆς ἐπειράθη. Also, *HE* 6.10 where the persecutions of Valens are accompanied by hail of extraordinary size and earthquakes. It is interesting that the earthquakes that occurred under Theodosius I and II do not receive any specific mention; Hartranft (1957) p.205.

<sup>149</sup> Soc. *HE* 1.13; Soz. *HE* 1.22; Chesnut (1977) p.197. I am yet to come across an argument that sets out to prove that Sozomen preceded Socrates. Sozomen also copies some mistakes from Socrates. The latter states that the election of Ambrose to the See of Milan occurred "about the same time" as that of Damasus to Rome, when in fact it happened seven years later. Sozomen places the death of Liberius and the accession of Damasus only one chapter prior to the elevation of Ambrose as bishop, *HE* 6.23, 24.

<sup>150</sup> Soz. *HE* 9. Olympiodorus must have been used in conjunction with a second source. Note the divergence between *HE* 9.13 and *Fragment* 16; Blockley (1983) I pp.100ff.

<sup>151</sup> Soz. *HE* 1.5; 5.1ff; 5.9-11; 5.16; 3.7; 9.6; Downey (1965) p.66.

<sup>152</sup> Soz. *HE* 1.5; Zosimus 2.29.

<sup>153</sup> Blockley (1983) I p. 99. Note also that Sozomen gives a prominent role to Sopater whom Eunapius also makes prominent during the reign of Constantine (*Vita Soph.* LCL pp. 379 -391).

previously quoted a letter of Julian and mentioned the pamphlet *Misopogon*.<sup>154</sup> To this must be added material accumulated through his own observation and from interviewing those who knew the facts.<sup>155</sup> He quotes directly from five imperial letters, four synodal letters, seven episcopal letters and one presbyteral letter<sup>156</sup> and provides the general object or an abstract of fifty one others.<sup>157</sup> Therefore, while Sozomen did rely on the history of Socrates to an undefined extent, he also utilised other sources of information. Nor should he be dismissed as a mere plagiarist, and his own acknowledged need for research should not be viewed as completely erroneous.<sup>158</sup>

It remains then to examine the ecclesiastical historians' conception of an "ideal ruler" and to apply this to their presentation of Valentinian in order to ascertain how far this diverged from the view of the secular historians. To the ecclesiastical historians the most important quality that an emperor should possess was piety - *εὐσέβεια*, the reward for which was safety and prosperity.<sup>159</sup> The theme of piety permeates the dedicatory preface of Sozomen's work, and because piety is rewarded with prosperity, one of the chief imperial responsibilities is to

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<sup>154</sup> Soz. *HE* 6.2; 5.16; 5.19; compare Soc. *HE* 3.17. Sozomen even gives a direct indication that he had used Josephus (*HE* 1.1).

<sup>155</sup> Soz. *HE* 2.3; 7.19, 28; learning from those who knew the facts, 7.19; 8.9, 12; from hearsay, inquiry or oral tradition, 1.21; 2.8; 4.25; 5.2, 9; 6.2, 17, 34, 37; 7.8, 15, 17, 20, 21, 25; 8.2, 7, 9, 19.

<sup>156</sup> *HE* 2.16, 27, 28; 3.2, 22, 23, 24; 4.13, 14, 18; 5.16, 18; 6.4, 11, 23; 8.26.

<sup>157</sup> Hartranft (1957) pp 213 -223. When a direct quotation from official documents has been provided by Socrates, Sozomen often prefers to provide a brief summary. Similarly, when Eusebius has provided a full transcript of decrees these are only summarised by Sozomen. For example, the Constantinian decree which legalised the profession of the Christian faith is summarised by Sozomen *HE* 1.8 and quoted in full by Eusebius *VC* 2.30-37.

<sup>158</sup> Harries (1986) pp.48ff sees it as distinctly possible that Sozomen was in possession of a fuller version of the Theodosian Code than that which survives today. For example, Sozomen knew of three laws regarding manumission in churches, *HE* 1.9.6. In the legal corpus there are only two extant, *CTh* 7.7.1, of 321 and *CJ* 1.13.1 of 316 which mentions an earlier law. Further, *CTh* 1.27.1 is cited in paraphrase at *HE* 3.8, but the latter includes a provision that is not in the extant law.

<sup>159</sup> Theodoret *HE* 2.32.6; Soz. *HE* 9.1, 16. Sozomen's views on the connection between imperial piety and public welfare have their exact pagan counterparts in Zosimus' moralising remarks about the Christian emperors Constantine and Theodosius. Markus (1975) p.12.

maintain order between the church and the state.<sup>160</sup> The emperor should follow the example of Constantine according to the theory of imperial power laid down by Eusebius.<sup>161</sup> Throughout the *Vita Constantini* Eusebius attempts to outline what an emperor ought to be, and he too emphasises the importance of piety, hailing Constantine as 'victorious, pious and common benefactor' and noting that the sons of Constantine have been elevated to the purple by virtue of their piety.<sup>162</sup> The relationship between piety and the maintenance of harmonious relations between the church and the state also originates with Constantine and Eusebius. For example, the behaviour of Constantine throughout the early stages of the Arian and Donatist controversies suggests a desire for unity rather than an opportunity to impose his own theological beliefs on the clergy. Unity and not the 'semantic refinement of metaphysical speculation' was his aim.<sup>163</sup> Unity within the church is linked to another virtue - that of encouraging the continued Christianisation of the state<sup>164</sup> and, as may be expected, Julian epitomised the opposite and attempted to de-Christianise the state and reverse the process that had begun under Constantine.<sup>165</sup> To promote Christianity, emperors were expected to provide financial aid to the Church which had as its corollary either the closure of pagan temples or their conversion into Churches.<sup>166</sup> With respect to these imperial virtues the

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<sup>160</sup> This theme is most prevalent in the work of Socrates (*HE* 1.7, 9-10, 16, 34; 3.26, 5.10; 7.22; 7.40).

<sup>161</sup> Downey (1965) p. 60.

<sup>162</sup> *VC* 1.41; proem.1; Drake (1967) introduction.

<sup>163</sup> Kee (1982) p.112. Note also the emphasis on unity in both the church and the state as interdependent units, 'My (Constantine's) design then was, to bring the diverse judgements formed by all nations respecting the deity to a condition ... of settled uniformity; and secondly, to restore the health of the system of the world, then suffering under a malignant power of grievous distemper' (*VC* 2.65 Trans. Drake). Note also Constantine's letter to the Antiochenes (*VC* 2.60). Sozomen and Socrates echo such themes (Soz *HE* 1.16; 2.1, 19; 6.24; 9.1; Soc. *HE* 1.7, 8; 3.25-26; 5.7). Julian is the exact opposite, attempting to sow discord within the church (Soz. *HE* 5.5).

<sup>164</sup> Soz. *HE* 1.8, 9; Soc. *HE* 7.22, 23.

<sup>165</sup> Soc. *HE* 3.13, 17; Soz. *HE* 5.3, 17.

<sup>166</sup> Financial aid to Churches (Soc. *HE* 1.2, 3; 2.8; Soz. *HE* 1.8, 9; 3.17), following Eusebian praises for Constantine's bequests (*VC* 4.28), despite its leading to a mass of non-worthy converts (*VC* 4.24). Note also *CTh* 16.2.4 which both legalises and encourages bequests to the church. According to Eusebius, such benefactions '... in turn gives him compensation for his piety,



ecclesiastical historians are silent about Valentinian; however, a certain amount of praise is given to those emperors who followed a policy of toleration, amongst whom is counted Valentinian. An emperor should not disregard or treat with contempt church councils and the Arian sympathisers Constantius and Valens are particularly criticised on this account.<sup>167</sup> On the other hand, the orthodox Valentinian, especially in the eyes of Sozomen, behaved well on this account.<sup>168</sup> His description of Valentinian's reaction to a delegation of bishops wishing to be granted permission to assemble at Lampsacus provides a good example of what Sozomen considered to be the ideal imperial reaction in such matters: Εμοὶ μὲν, ἔφη, μετὰ λαοῦ τεταγμένῳ οὐ θέμις τοιαῦτα πολυπραγμονεῖν· οἱ δὲ ἱερεῖς οἷς μέλει καθ' ἑαυτοὺς ὅπῃ βούλονται συνίτωσαν.<sup>169</sup> The historicity of this delegation and reply must be doubted since Socrates states that it was Valens who allowed the Macedonians to assemble and Valentinian's role is not mentioned by any other source.<sup>170</sup> Indeed, the reaction of Valentinian as described by Sozomen is not unlike that of Constantine, as described by Eusebius 'You are bishops whose jurisdiction is within the Church, I am also a bishop, ordained by God, to overlook whatever is external to the Church'.<sup>171</sup> Sozomen is perhaps being inventive, inferring from the few councils recorded under Valentinian, that the emperor's attitude was explained by his willingness to stand apart from church affairs. It is perhaps unlikely that Valentinian would relinquish his rights so easily since he thought very highly of his βασιλεία, at least according to Sozomen.<sup>172</sup> Valentinian

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augments his entire house and line, and strengthens the throne of his kingdom for long cycles of years' (*LC* 9.18 trans. Drake). Pagan cults (Soc. *HE* 1.3; 3.24; 5.16; Soz. *HE* 2.5; 3.17; 6.15); on their attitude towards Julian's attempts at reversing this policy (Soc. *HE* 3.1, 18; Soz. *HE* 5.3; 5.5).

<sup>167</sup> Soc. *HE* 2.7, 13, 16, 29, 34, 37, 41; 4.6; Soz. *HE* 4.16, 19; 6.7, 8, 10, 21.

<sup>168</sup> Soz. *HE* 1.20, 25; 2.27; 6.7, 21.

<sup>169</sup> Soz. *HE* 6.7.

<sup>170</sup> Soc. *HE* 4.4.

<sup>171</sup> Eus. *VC* 4.24.

<sup>172</sup> Soz. *HE* 6.6; Dvornik (1967) p.778.

is also praised for his orthodoxy - free from heresy and paganism. Both he and Valens, together with Jovian, are praised by Socrates and Sozomen for their willingness to forgo their commissions, rather than be tainted with paganism under the Apostate.<sup>173</sup> However, when later his Arian sympathies had become evident, Valens is regarded as a heretic and condemned as such.<sup>174</sup> Thus the ecclesiastical historians treat Valentinian's religious toleration and orthodoxy in a positive manner. They say little regarding the positive advancement of Christianity during his reign, possibly because he did not attempt to obliterate completely either paganism or heresy being quite content, for example, to leave the Arian bishop of Milan, Auxentius, unmolested in his see until his death in 374. The attitude of the ecclesiastical historians to such behaviour may be inferred from the enthusiasm with which they welcome the anti-pagan legislation of Theodosius.<sup>175</sup> The military campaigns waged by Valentinian are entirely absent from the pages of ecclesiastical history, so it is not possible to judge whether they viewed Valentinian as an emperor who trusted in God as the arbiter of battles, which Socrates at least thought to be important.<sup>176</sup>

While the conception of the "ideal ruler" has a different meaning to ecclesiastical and secular historians, there are also some areas which overlap and agree.<sup>177</sup> Note the comments made by Socrates on the necessity for the emperor to

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<sup>173</sup> Soc. *HE* 3.13; 4.1; Soz. *HE* 6.6, 21. See below Chapter 2.

<sup>174</sup> Soc. *HE* 4.1; Soz. *HE* 6.6, 7. It is interesting that both Sozomen and Theodoret make excuses for the Arianism of Constantius II, the former on the grounds that he confused the terms homooousian and homoeousian (*HE* 3.18-19), while the latter exonerates him because he fell under the influence of pro-Arian bishops in his entourage (*HE* 2.2, 12, 15, 22, 23; 3.1).

<sup>175</sup> Soc. *HE* 7.22, 23; Soz. *HE* 1.8, 9.

<sup>176</sup> Soc. *HE* 1.2; 5.25; 7.22. Julian is used as the paramount example of the opposite where arrogance and overconfidence in his own human powers lead to a crushing defeat (Chesnut (1977)p. 226). Constantine's victories in arms, as portrayed by Eusebius, were achieved through the grace of God (*VC* 1.6; 1.28-31). It is hard to avoid the impression that the defeat of Valens at the hands of the Goths was just retribution for his persecution of the Orthodox - although this is not stated directly.

<sup>177</sup> It is difficult to see Ammianus regarding the increasing benefactions made to the church or attacking the pagan cults as necessary or even desirable imperial attributes. Zosimus regarded such activities conducted by Constantine and Theodosius I as the greatest calamities that befell the Roman world, a point of view expressed with perhaps even more vehemence by Eunapius. That Zosimus profoundly upset Christians can be seen by Evagrius' refutations of his historical

project an image of authority: the expulsion of cooks, barbers, eunuchs from the palace staff, reform of public travel, according to Socrates, were disapproved of by the majority of persons because they brought the imperial dignity into contempt by stripping it of pomp and magnificence that influences the minds of the vulgar.<sup>178</sup> Ammianus, an ardent admirer of Julian, while not openly condemning the purge of palace staff, criticised Julian for failing to take into account the service that had been provided by individuals. He is further criticised for disporting himself in a manner that did not befit an emperor, by rushing with undignified haste to meet the philosopher Maximus, and the ostentatious delight he took in bearing sacred objects instead of leaving the task to members of the inferior priesthood.<sup>179</sup> On the other hand Constantius II, an emperor to whom Ammianus is in no way sympathetic, is praised for maintaining the imperial dignity and for not courting cheap popularity, an attribute that is criticised in Julian.<sup>180</sup> The toleration practised by Valentinian in the religious sphere is praised by both Ammianus and the ecclesiastical historians,<sup>181</sup> and while in ecclesiastical sources it is usually holy men who have the divine boldness of speech to rebuke the emperor, it is behaviour not dissimilar to that shown by certain imperial advisers in the pages of Ammianus.<sup>182</sup>

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interpretation (Evagrius *HE* 3.40.1; Cracco-Ruggini (1977) p.115).

<sup>178</sup> Soc. *HE* 3.1.

<sup>179</sup> Amm. 22.4; 22.7, 14.

<sup>180</sup> Amm. 21.16; 22.7.

<sup>181</sup> Amm. 30.9.5.

<sup>182</sup> Referring to Eupraxius (Amm. 22.12; Chesnut (1977) p.231). Note the example of Basil confronting Valens and the latter's refusal to adopt orthodoxy is presented as a direct cause of the death of Valentinian Galates (Soc. *HE* 4.26); a similar story with more detail is related by Sozomen (*HE* 6.16; Van Dam (1986) pp. 53ff).

## Chapter 2: Origins, Early Career and Elevation.

Valentinian was born at Cibalae in Pannonia to Gratianus and his unknown wife.<sup>1</sup> His father was of ignoble birth, but having become well known because of his superior strength, on account of which he bore the *cognomen* Funarius, he succeeded in distinguishing himself through military service. His career is summarised by Ammianus. He had been *protector domesticus* and tribune, followed by a post as *comes rei castrensis per Africam* where he was accompanied by Valentinian.<sup>2</sup> A brief interval in his career occurred when he fell under suspicion for theft, but this proved to be only a temporary set back as he resumed his career with a command in Britain, perhaps under Constans.<sup>3</sup> By 351 he had retired from active service and in that year he entertained the usurper Magnentius, for which Constantius II confiscated his property.<sup>4</sup> It is not known precisely when he died. The sources are unanimous in their silence, but his death must have occurred prior to 367 when an inscription, approximately dated to that year, refers to him as deceased.<sup>5</sup>

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<sup>1</sup> Lib. *Or.* 20,25; Zos. 3.36.2; Philost. *HE* 8.16; Zonaras 13.15; Amm. 30.6.6; *Ep. de Caes.* 45.2. There is no need to follow Seeck (1966) pp.2ff. in regarding Valentinian as primarily of Germanic blood. Seeck's hypothesis is based on dubious evidence such as Valentinian's loyalty to his countrymen being derived from the German social system and that "German" morality was in his blood. See further Alföldi (1952) p.128. Any Germanic blood in Valentinian must extend back some 100 years when Marcus Aurelius settled Germanic peoples in the region of Cibalae in the 170s (Ste Croix (1981) p. 511).

<sup>2</sup> For the career of Gratianus see Amm 30.7.2-3; Symm. *Or.* 1.1. Given that Valentinian was born in 321, this post must have been held sometime in the 330s. It is possible that the post of *protector* was under Diocletian at Salona see *CIL* 3.12900.

<sup>3</sup> *PLRE*, Gratianus 1. There was fighting in Britain at this time (Frere (1967) p. 388).

<sup>4</sup> Amm. 30.7.3.

<sup>5</sup> [*memoria*]e felic[issimae / viro atq]ue per omn[ia saecula] / cel[ebrando] Gra[tiano patri] / dd principumque [*nostrorum*] Valentiniani et V[alentis no] / bilium ac triumfat[orum semper Au] / gustorum ...(*CIL* 8.7014 = *ILS* 758). The inscription was dedicated by Dracontius who had been *vicarius Africae* in 365 (*CTh.* 10.1.5) and the dedication must have been before Gratian's elevation in 367. Therefore, the inscription must date to between 365/367. The statement by the author of the *Epitome de Caesaribus* (43.5) that Gratianus held the praetorian prefecture is a mistake since it is neither mentioned by Ammianus nor does it occur on inscriptional evidence.

Gratianus' career then was relatively distinguished, but he was not unique in the fourth century in rising from the ranks of the common soldiery to a command position. Ammianus provides three other examples of men who had been promoted directly from the ranks: Maurus, who was *draconarius* of the Petulantes in Gaul in 360 and had become *comes rei militaris* by 377, Vitalianus, a soldier of the Heruli in 363 who was *protector domesticus* in the same year and *comes rei militaris* in 380, and Arbitio, a common soldier was successively *dux*, *magister equitum* and consul for 355.<sup>6</sup> Indeed the career of Magnentius, whose usurpation precipitated Gratianus' fall from grace, was not dissimilar. He is attested holding posts as *protector* then *comes rei militaris* prior to 350 and, since he was born of barbarian parents, it is not unlikely that he rose through the ranks of the common soldiery.<sup>7</sup> It is not possible to glean from the sources any further detail of the supposed offence in Africa which led to Gratianus' temporary retirement, but it may be surmised that it was not sufficiently grave to affect his recall to active service within a relatively short space of time. It is worthy of notice that he suffered no demotion in terms of rank - Ammianus makes this much clear.<sup>8</sup> There is no need to follow Solari and suggest both that Gratianus was removed from Africa because he was sympathetic to the pagan cause.<sup>9</sup> Nor that the civil war between Constantius II and Magnentius was primarily a religious war between Christianity and paganism with the attendant hypothesis that Gratianus had given Magnentius hospitality because of his

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<sup>6</sup> Maurus (Amm 20.4.18); Vitalianus (Amm. 25.10.9; Zos.4.34.1); Arbitio (Amm. 15.2.4; 15.4.1,7; 15.8.17; Soc. *HE* 2.34.5). Given the similarity of the careers of Maurus and Vitalianus to that of Gratianus, Jones (1964a) p.124 may be correct citing Gratianus as the first attested *comes rei militaris* sent to Africa.

<sup>7</sup> According to Julian he was of Germanic parentage (*Or.* 1.33D-34A); Aurelius Victor describes him as '*gentis barbarae*' (*Caes.* 41.25); and the Epitomator as '*ortus parentibus barbaris, qui Galliam inhabitant*' (*Ep. de Caes.* 42.7); his post as *protector* (Zos. 2.42.2).

<sup>8</sup> *.digressusque multo postea pari potestate Britannicum rexit exercitum..* (Amm. 30.7.3).

<sup>9</sup> Solari, (1932a) p.161 basing his argument on *CIL* 8.7014, a monument commemorating Gratianus erected by Dracontius *vicarius Africae* with the co-operation of pagan sacerdotal.

supposed pagan sympathies.<sup>10</sup> It is possible that Gratianus had served with Magnentius under Constans and thus Magnentius appealed to shared experiences, just like the usurper Silvanus did to Ursicinus.<sup>11</sup> Furthermore, the fact that Magnentius' widow, Justina, ultimately became the second wife of Valentinian may suggest some connection between the two families.<sup>12</sup> At any rate, Gratianus' disgrace through association with the failed usurpation of Magnentius did not retard the career of his son Valentinian, nor, it would seem, Justina's chances to make a good second marriage. In fact, Valentinian's career and, to a lesser extent, that of Valens, was often directly attributed to the good reputation and career of Gratianus.

Ammianus states explicitly that it was on account of his father's merits that Valentinian was favoured during his early youth.<sup>13</sup> A pattern is obvious during the fourth century in which the sons of veterans, especially officers, were recommended by their fathers' reputations and this was a great advantage for their own military careers.<sup>14</sup> Jovian provides a good example: he was the son of a general and the son-in-law of another, he himself was a senior *domesticus*, being

<sup>10</sup> Solari continues by stating that in early life both Valentinian and Valens had had pagan sympathies, converted to Christianity when it was politically expedient to do so and that Julian recalled Valentinian in the belief that he was a pagan. He implies that their later Christianity was more appearance than reality. I am unable to find any evidence that would suggest that this was the case. Even if Gratianus was a pagan, and this is far from certain, there is absolutely no reason to suppose that a child's religion necessarily follows that of parents or near relatives. For example, Melania the younger's uncle was Volusianus, a pagan (*PLRE*, Melania 2 and Brown (1961a) p.8); Fl. Ablabius, Christian consul in 331 and mentor to Constantius II was the father of the pagan Seleucus (Lib. *Epp.* 696, 697) whose daughter, Olympias, was an ardent supporter of John Chrysostom and was ordained as a deaconess (Soz. *HE* 8.9.1. ff).

<sup>11</sup> *Aegre ferebat Silvanus ad consulatum potestatesque sublimes elatis indignis, se et Ursicinum solos post exsudatos magnos pro re publica labores et crebros, ita fuisse despectos, ut ipse quidem per quaestiones familiarum sub disceptatione ignobili crudeliter agitatus, commisisse in maiestatem arcesseretur, alter vero ab oriente raptus odiis inimicorum addiceretur* ..(Amm. 15.5.28; Tomlin (1973) p.8).

<sup>12</sup> Justina's brother, Constantianus, was *tribunus stabuli* with Valentinian (Amm. 28.2.10); prior to that, in 363, he was a tribune in Julian's Persian campaign (Amm. 23.3.9; Zos. 3.13.3). It is possible that he had served with Valentinian during the reign of Julian.

<sup>13</sup> Amm. 30.7.4. '*Cuius meritis Valentinianus ab ineunte adolescentia commendabilis...*'. Note also the Epitomator '*... ob cuius [Gratiani] apud milites commendationem Valentiniano imperium resistenti oggeritur.*' (*Ep. de Caes.* 45.3 ).

<sup>14</sup> This was a factor that was also taken into account during the deliberations leading to the elevation of Jovian, '*... Jovianus eligitur imperator, domesticorum ordinis primus, paternis meritis mediocriter commendabilis. Erat enim Varroniani, notissimi comitis, filius ...*' (Amm. 25.5.4).

*protector domesticus* at thirty years of age and *primicerius domesticus* at thirty two.<sup>15</sup> The rapidity of his career must have been due to his father's reputation. Similarly, Valentinian was *tribunus* at thirty six and Valens *protector domesticus* at thirty five which indicates that, in all likelihood, they had been entered on the rolls as children, thus their military careers were made more rapid.<sup>16</sup>

In 357 Valentinian makes his first entry into the history of Ammianus as a tribune in Gaul, possibly in the *Joviani* under Julian.<sup>17</sup> The circumstances were as follows: the Alamannic king, Chonodomarius, had exploited the lack of co-operation between two Roman armies preparing to attack in a pincer movement. The *magister peditum*, Barbatio, proved to be unco-operative with Julian and the plan ended in a débâcle. The blame for this was placed on the tribunes Bainobaudes and Valentinian by Cella, a tribune serving under Barbatio, who accused them of inciting the troops under his command - they were both cashiered.<sup>18</sup> Two years later Valentinian was in Sirmium where his first son Gratian was born.<sup>19</sup> After this date there is a certain amount of confusion surrounding his career. The sources for this period, almost exclusively ecclesiastical, give the future emperor command of

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<sup>15</sup> Jerome, *Chron.* s.a.363; Amm. 25.5.4 (above n. 14) Eutropius, *Brev.* 10.17. His father Varronianus, was *tribunus* of the *Joviani* (Amm.25.5.8) and *comes domesticorum* shortly before 363 (Amm.25.5.4; Zos. 3.30.1). His father-in-law was Lucillianus (Amm.25.8.9) who was *comes domesticorum* of Gallus in 354 (Amm.14.11.14), followed by *comes* or *magister equitum* in Illyricum in 361 (Amm.21.9.5-7) and finally *magister equitum et peditum* in 363 (Amm. 25.8.9-10).

<sup>16</sup> Frank (1969) pp.75ff. A law of Valentinian grants a subsistence allowance to those youths enrolled on the register. '*Domesticorum filios vel propin[qu]os parvos vel inpuberes domesticorum coetibus [ad]gregamus, ita ut non solum matriculis inseran[tur], verum etiam annonarum subsidiis locupletentur.*' (CTh 6.24.2, 365). By the late fourth /early fifth centuries this practice was causing a certain amount of resentment as two laws favouring those who have earned positions of honour by their own efforts over those who had gained their position through the recommendation of others indicate (CTh 7.3.1, (393); 2, 409).

<sup>17</sup> Amm. 16.11.6-7. Soz. HE 4.6.3-4. The *Joviani* were a *legio palatina*. (Not. Dig. Occ. 5.145).

<sup>18</sup> Events are narrated as follows: '*Cunctis enim qui per eos tramites exiere truncatis, receptaque praeda omni intacta, hi soli innoxii absoluti sunt, qui per vallum Barbationis transiere securi, ideo labi permitti, quod Bainobaudes tribunus, et Valentinianus postea imperator, cum equestribus turmis quas regebant, ad exsequendum id ordinati, a Cella tribuno scutariorum, qui Barbationi sociatus venerat procinctum, iter observare sunt vetiti unde redituros didicere Germanos.*' (16.11.6-7).

<sup>19</sup> Amm. 25.8.9.; Ep. de Caes. 47.1.

four different regiments and assign him three different places of exile for different offences.<sup>20</sup> Sozomen rejects the version of events as a pretext, which had Julian erasing Valentinian's name from the *Joviani* and exiling him for failing in his duty to lead the troops, in favour of the version in which Julian condemned him to perpetual banishment in Melitene in Armenia because Valentinian rebuked a pagan priest who accidentally sprinkled him with "holy" water. Alternatively, Philostorgius states that Julian banished him to Thebes in Egypt while he had been *comes cornutorum* because he had been unable to dislodge him from his adherence to Christianity, adding the anecdote that Constantius had previously sent him to a garrison in Mesopotamia because he had seen flames issuing from Valentinian's mouth. It must be considered singularly unusual behaviour for Constantius to refrain from punishing more severely one who was reported to have an imperial destiny.<sup>21</sup> In the version of Socrates, Valentinian, Valens and Jovian resign their commissions voluntarily rather than renounce their faith. A little further on he specifies that Valentinian held the rank of military tribune and that Valens held a command in the emperor's guard and Julian chose to retain them in the positions when they offered to resign rather than sacrifice, recognising, according to Socrates, their ability to serve the state. Theodoret tells a similar story to that of Sozomen, involving a pagan priest. Valentinian is styled as *χιλίαρχος* of the soldiers who guarded the palace. Theodoret goes on to say that Julian exiled him to a fortress on the fringe of the desert for a little over a year where upon his fidelity to Christianity was rewarded with empire. Orosius has Valentinian tribune of the *Scutarii*, refusing to sacrifice when ordered to do so by Julian and as a result he withdrawing from service of his own accord. Finally, Ambrose, in his eulogy for

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<sup>20</sup> The sources for this period of Valentinian's career are: Soc. *HE* 3.13,21; Theod. *HE* 3.16; Soz. *HE* 6.6; Philost. *HE* 7.7; *Chron. Pasch.* s.a.364; Orosius, *Contra Paganos* 7.32.2; Amb. *de Ob. Val.* 55.

<sup>21</sup> Ammianus is explicit that other behaviour should have been expected, '*si affectatae dominationis amplam quandam falsam repperisset aut levem, hanc sine fine scrutando, fasque eodem loco ducens et nefas, Caligulae et Domitiani et Commodi immanitatem facile superabat ...*' (21.16.8).



the younger Valentinian, mentions that Valentinian I offered to withdraw from service under Julian, leaving the impression that he did so voluntarily in order to safeguard his faith.<sup>22</sup> Chronologically speaking, Ambrose is the first to mention that Valentinian confessed his faith and one would expect that Ambrose could have used this argument persuasively in 384 when appealing to Valentinian II not to restore the altar of Victory.<sup>23</sup> Is it possible then to reconcile the variant accounts of Valentinian's career between 357 and his tribunate under Jovian? It is likely that some of the sources are actually referring to the time that Valentinian was tribune in Gaul under Julian, and that his fall from grace because of the machinations of Barbatio and Cella were later embellished into a confession of faith. The problem here is the testimony of Theodoret who is explicit that only one year and some months elapsed between Valentinian's dismissal and his elevation as emperor; that is, he was dismissed by Julian, when sole Augustus, some time late in 362. If the chronology of Theodoret is accepted, then for the following reasons the most likely scenario is the version of Socrates - that is, Valentinian offered to resign his commission but Julian refused to accept it.<sup>24</sup> In the first place it harmonises well with the remark made by Ambrose which gives the impression that an offer of resignation was made but not taken up. This could explain the silence of Ambrose in 384 since an offer of resignation would not be as convincing an argument as actual resignation or suffering exile for refusal to sacrifice. Secondly, it accords well with the silence of Ammianus on the matter, who surely would not have passed over the opportunity to narrate the exile or forced dismissal of a future emperor. He had narrated the episode in Gaul in 357 and if further controversy had surrounded the relationship of Julian and Valentinian, this would have been a suitable place for inserting it. Even if Valentinian had offered to resign, the outcome

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<sup>22</sup> *'adest pater, qui militiam sub Iuliano et tribunatus honores fidei amore contempsit.'* (Ambrose, *de Ob. Val.* 55).

<sup>23</sup> *Ep.* 17.16. Tomlin (1973) p.15.

<sup>24</sup> I agree here with Jones (1964a) p.1095 n.2 that Socrates' version of events is preferable.

remained the same, for he was ultimately retained in Julian's service. Thirdly, as part of Julian's policy of instituting pagan ceremonies into all aspects of public life, soldiers, on receipt of their pay, were required to offer incense at an altar.<sup>25</sup> This could provide the potential situation for a refusal to sacrifice and the resultant offer of resignation without resorting to the dramatics of "holy" water and pagan priests. Finally, the ecclesiastical historians may have embellished Valentinian's offer of resignation in order to explain how a Christian who was ultimately an emperor could serve with apparent immunity under a pagan emperor. Julian did not dismiss men of military ability summarily on account of their religion, as the careers of Victor and Arinthaëus indicate.<sup>26</sup> Thus the variety of the accounts pertaining to Valentinian's alleged dismissal and exile under Julian must prompt scepticism regarding their historicity.

With the death of Julian and the accession of Jovian it is possible to trace Valentinian's career with more certainty. He held the post of tribune and was sent with Seniauchus and Lucillianus to secure the support of Jovinus in Gaul.<sup>27</sup> Later he was promoted to *tribunus scholae secundae scutariorum* and in early January of 364 he was at Ancyra whence he was summoned one month later to ascend to the throne.<sup>28</sup>

In contrast to his brother, Valens does not seem to have had a particularly active military career. Born in 328 he was *protector domesticus* under Julian but the sources add little more detail.<sup>29</sup> Julian had reduced the number of *protectores*

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<sup>25</sup> Greg. Naz. *Or.* 4.82-4.

<sup>26</sup> They were both *magistri militum* under Julian and zealous Christians. See below Chapter 5.

<sup>27</sup> Amm. 25.10.6-7; Zos. 3.35.1-2 has Jovian send him with Lucillianus and Procopius to announce his accession to the Illyrian troops. Zosimus here is perhaps confusing the occasion on which Procopius was sent to Persia as ambassador with Lucillianus in 358 (Amm. 17.14.3; 18.6.17). It can not have been the future usurper Procopius that Jovian sent with Lucillianus because he had been entrusted with burying Julian's remains at Tarsus (Amm. 25.9.12; *PLRE* Procopius 2 and 3).

<sup>28</sup> Amm. 25.10.8-9; 26.1.5-7, 2.1-3; Zos. 3.36.2-7; *Ep. de Caes.* 45.3; Soz. *HE* 6.6; Soc. *HE* 4.1; Eun. *frg* 29-30.

<sup>29</sup> '... *nec bellicis nec liberalibus studiis eruditus*' (Amm. 31.14.5); 'Οὐάλεντα δέ πολλαὶ παντάχοθεν περίσταντο ταραχαὶ πρότερον μὲν ἀπράγμονα τρίψαντα βίον ἄφνω δέ

*domestici* to fifty and it is possible that Valens did not survive the purge.<sup>30</sup> Valentinian appointed him *tribunus stabuli* and subsequently co-Augustus.<sup>31</sup> Before discussing the attendant circumstances that motivated the elevation of Valentinian and subsequently Valens, it is necessary to briefly discuss certain facets of their nomenclature and family connections.

The *cognomina* Valens, Valentinus and their derivatives are extremely common throughout the Danubian provinces, especially in the military sphere and it should occasion little surprise that Pannonians bear these names, especially as it is a name with connotations of valour and thus particularly suitable for those involved in military service.<sup>32</sup> Both Valentinian and Valens bore the *nomen* Flavius, as, it would appear, did Gratian, Valentinian II and later Theodosius and Arcadius together with the usurper Maximus.<sup>33</sup> There is one example of Valens being called Flavius Julius Valens, but this remains unique and at no other time are either Valentinian or his brother referred to as anything other than Valentinianus and Valens with or without the *nomen* Flavius.<sup>34</sup> The question needs to be considered whether Valentinian inherited the name Flavius from his predecessors or whether

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<sup>30</sup> *CTh.* 6.24.1.

<sup>31</sup> *Amm.* 26.4.2-3; *Zos.* 4.1.2.; *Soc. HE* 4.1.; *Soz. HE* 6.6.9; *Theod. HE* 4.6.3.

<sup>32</sup> I owe a great debt of gratitude to Dr. Peter Wilkins who made available his data on the decurial lists throughout the empire. From the collection of all known individuals of decurial status the *cognomen* Valens is attested 47 times with a noticeable majority coming from the Balkans. Moesia is the greatest contributor with 17. Italy has 16 examples, Africa 3 and Spain 1. Valentinus is attested 31 times, 18 instances from the Balkans (9 from Dacia and 5 from Moesia), 5 from Italy, the same number from Africa and 3 attested from Spain. Valentinus is the second most commonly attested *cognomen* in Dacia, with Valens also figuring (Mócsy (1985) p. 94). This is also the case for Dalmatia, while in Moesia Inferior and Superior, Valens is the most commonly attested *cognomen*. In Pannonia, Valentinus is marginally more common than Valens (Mócsy (1985) pp. 94-6). These proportions are also reflected in the *cognomina* of soldiers since the provinces collected in *CIL* 3 yield 108 examples of Valens, with Africa 24, Italy 10, Germany 6, Britain 1 and 1 also from Spain. The earliest record of the *cognomen* comes from Moesia (Dean (1916) p.54). In *CIL* 3 Valentinus is attested 18 times while Africa and Italy both have 5 examples and Germany 2. Valens and Valentinus are so common in the Balkan regions that Mócsy classes them as Danubian *cognomina* (Mócsy (1985) p. 63).

<sup>33</sup> *CIL* 5.8031; 6.1175; *ILS* 785,787 etc. Flavius was the fifth most commonly used imperial *nomen* after Julius, Valerius, Aurelius and Aelius (Mócsy (1985) pp. 47-58).

<sup>34</sup> *AE* 1949, 87.

he adopted it consciously in order to link his dynasty to that of Constantine in the same way that Septimius Severus had named his son M. Aurelius Antoninus and thus linked his dynasty to that of his popular predecessor. Only one thing is certain - by the end of the fourth century, the *nomen* 'Flavius' had proliferated to a great extent throughout the empire. Some of the most outstanding personages throughout this period bore the *nomen* including Nevitta, Arinthaëus, Merobaudes, Richomer, Bauto, Stilicho and Fravitta.<sup>35</sup> It would seem that to the newly important in the Late empire the name Flavius came to serve as a type of status symbol,<sup>36</sup> and as far as emperors were concerned the name Flavius seems to have become part of the imperial titulature. The Lombards in 584 '*ob dignitatem*' called Authari, their newly elected king 'Flavius'.<sup>37</sup> Nevertheless, given the chronologically close proximity of the reign of Valentinian to that of Constantine, the adoption of the name Flavius may have been calculated to add legitimacy and/or prestige to the new regime. The marriage of Gratian to Constantia, the posthumous daughter of Constantius II indicates that Valentinian was eager to link the dynasties in a more immutable manner. Expressions in the legal codes such as '*secundum parentis nostri Constantini divale praeceptum*' illustrate that Valentinian was eager to advertise that such a link existed.<sup>38</sup> That Procopius paraded the widow and daughter of Constantius before the troops in order to solidify support for his rebellion is indicative of the strong sentiment that was still current for the house of

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<sup>35</sup> During the reigns of Valentinian and Valens there are 26 definite examples of individuals who bore the name 'Flavius'. See appendix vii. Also Bagnall, Cameron, Schwartz (1987) pp.40ff. who see the correct usage as Flavius plus the diacritical name. Hence Flavius Symmachus would, in certain circumstances, be correct, but not Fl. Q. Aurelius Symmachus.

<sup>36</sup> Keenan (1973) p. 41 'The majority of German Flavii were not descended from persons within the territorial confines of the empire when Caracalla issued his "*constitutio Antoniniana*"; but rather, were *novi cives* who in the fourth and fifth centuries were brought into the empire, enrolled in the army, and given the name Flavius all at once'. In other parts of the empire there was a large upswing in the attested numbers of Aurelii after 212 (Mócsy (1985) p. 49).

<sup>37</sup> Paulus Diaconus, *Historia Langobardorum* 3.16: *At vero Langobardi cum per annos decem potestate ducum fuissent, tandem communi consilio Authari,... regem sibi statuerent. Quem etiam ob dignitatem Flavium appellarunt quo praenomine omnes qui postea fuerunt Langobardorum reges feliciter uti sunt.*

<sup>38</sup> *CTh.* 14.3.12.

Constantine.<sup>39</sup> Thus, Valentinian was eager to advertise a sense of continuity with the preceding dynasty, and the name 'Flavius' may have helped to advertise this link, however fictional it may have been.

It was not only with the former ruling dynasty, however, that Valentinian was anxious to establish connections. Some of the most illustrious families in the fourth century become connected with the emperor's family. Of the antecedents of Valentinian's first wife nothing is known, not even her correct name.<sup>40</sup> According to a late chronicle she was banished for fraudulent activities, but she would appear to have still been at court in 367.<sup>41</sup> There is no need to regard as historical the account of Socrates, which states that Valentinian passed a law which enabled him to commit bigamy legally after his first wife had introduced him to Justina and he had become infatuated by her beauty.<sup>42</sup> It is more likely that Valentinian divorced his first wife because it was ten years since she had borne him a child and the death of Valentinian Galates, the son of Valens, may have emphasised that for dynastic succession to become a reality, the emperor required more children.<sup>43</sup> That Gratian was elevated to the rank of Augustus following the recovery of Valentinian from a serious illness in 367 illustrates that the emperor was eager to ensure dynastic succession. If Valentinian married Justina so as to be provided with more heirs, his new wife fulfilled her functions admirably, bearing him four children in as many

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<sup>39</sup> *Inventa est enim occasio ad illiciendos eos perquam opportuna, quod Constantini filiam parvulam, cuius recordatio colebatur, sinu ipse circumferens necessitudinem praeiendebat eiusdem* (Amm. 26.7.10).

<sup>40</sup> Socrates refers to her as Severa (HE 4.31), but the *Chron. Paschale* and Malalas (13.31) refer to her as Marina. *PLRE* compromises including her as Marina Severa. She must have married Valentinian prior to 359 when Gratian was born.

<sup>41</sup> *Ep. de Caes.* 45.4.

<sup>42</sup> Soc. HE 4.31. These sentiments are echoed in a passage of Eunapius 'ὁ τούτου πατὴρ Οὐλεντινιανὸς γυναιξὶ πλείοσιν ἐχρήσατο παρὰ τοὺς διατεταγμένους Ῥωμαίων νόμους ... ἢ διὰ κάλλους ὑπερβολὴν ἐρασθεὶς ὁ βασιλεὺς ἄγεται ταύτην κατὰ δεύτερον γάμον.' (*frg* 58.2); however, the passage in question is of doubtful authenticity and is likely to have come from a Christian author (Blockley (1983) II. p. 143 n. 117).

<sup>43</sup> Valentinian Galates was born on the 18th of January, 366 (*Cons. Const.* s.a.366) and was consul with Victor in 369 (*AE* (1912) 261). He fell ill and died at Caesarea, possibly in 370. (Rufinus HE 11.9; Soc. HE 4.26.23; Soz. HE 6.16.1-10; Theod. HE 4.19.8ff).

years. Her father was Justus, *consularis* of Picenum and he was executed by Constantius after disclosing a dream that his daughter had given birth to the imperial purple.<sup>44</sup> The family must have been well enough connected for Magnentius to marry her. Justus was probably the son of Vettius Justus, consul in 328, and Neratia since the *cognomina* Cerealis, Constantius and Gallus were used by the Neratii and Justus and Gratus by the Vettii exclusively. Justina's brothers bore the *nomina* of the Neratii and the three daughters of Valentinian and Justina were named Galla, Grata and Justa.<sup>45</sup> As mentioned above, Gratian's first wife was Constantia who died, in all likelihood, in 383 since her corpse arrived at Constantinople on the 31st of August in that year. There was one son of this marriage but he died before Gratian in 383. Following the death of Constantia he married Laeta, the daughter of Tisamene, who, together with her daughter used subsidies granted by Theodosius I to ease the famine in Rome as a result of Alaric's siege.<sup>46</sup> Of Valentinian's children by Justina, only Galla was married, which must be considered a little unusual, especially given Valentinian II's status as Augustus. The latter's youth cannot be invoked as an explanation, given that when he died at the age of 24, Gratian had been married for nine years to his first wife and following her death, had immediately remarried. That two of his daughters remained unmarried can perhaps be explained by the fact that in 375, Justa and Grata were aged only three and two respectively and in 392 when Valentinian II died, they were twenty and nineteen respectively, at which time the need for dynastic marriages was less pressing. Further, a recent study has argued persuasively that the majority of women who chose celibacy did so after effective male control over the family had been removed through the death of the father.<sup>47</sup>

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<sup>44</sup> *PLRE* Iustus 1. Soc. *HE* 4.31.11-13.

<sup>45</sup> *PLRE* Iusta 1; Grata; Galla 2.

<sup>46</sup> *Chron. Pasch.* s.a.383; Aug, *de Civ. Dei* 5.25; Symm. *Rel.* 3.19; Theod. *HE* 5.12; Zos. 5.39.4; *PLRE*, Tisamene; Étienne (1978) p. 161.

<sup>47</sup> Brown (1990) p.344.

Their sister Galla ultimately married Theodosius I in 387 in return for the latter's pledge to attack the usurper Magnus Maximus. She was to be the mother of Galla Placidia. Thus, just as the Valentinianic dynasty was linked, albeit belatedly, to that of Constantine so too the dynasty of Theodosius was ultimately connected to his predecessor's.

Valens was married to the Arian Domnica, daughter of Petronius, former *praepositus Martensium militum* and in 365 styled *patricius*.<sup>48</sup> According to Ammianus, many people supported the usurper Procopius because of Petronius' cruelty and avarice.<sup>49</sup> Domnica bore Valens three children, a son, Valentinian Galates, who died while still a child and two daughters, Anastasia and Carosa, about whom little is known.<sup>50</sup>

It is now necessary to turn to the elevation of Valentinian and his subsequent appointment of Valens as co-emperor. Discussion will be provided elsewhere concerning the individuals that were instrumental in canvassing the name of Valentinian and here discussion will be limited to the politico-military climate in the empire that conditioned the choice of an individual such as Valentinian.<sup>51</sup>

Upon the death of Jovian in 363, his son Varronianus was not even considered as a candidate for imperial office. Obviously his extreme youth was a factor but it must be remembered that when Valentinian II was elected emperor he was only four years old and the infancy of Varronianus had not impeded Jovian from appointing him consul for the year 364. Additional explanations are necessary. After a reign that totalled only months, there would have been little opportunity for Jovian to cultivate any dynastic loyalty. Nor was it the case that a senior Augustus was already in office and merely required a replacement colleague,

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<sup>48</sup> Amm. 26.6.7; Soc. HE 4.26.21,5.1.3; Soz. HE 7.1.2; CTh 7.22.7.

<sup>49</sup> Amm. 26.6.7.

<sup>50</sup> See above n.43. Carosa had public baths named after her at Constantinople. Soc. HE 4.9.4; Soz. HE 6.9.3.

<sup>51</sup> See Chapter 3 ii.

as was the case upon the death of Valentinian when Valens had been entrenched in the east since 364 and Gratian in the west since 367. Upon the death of Jovian the demands of empire were, if not more pressing, then at least different - there was no ruling Augustus at all. Given the rapid succession of emperors in the period immediately preceding 364 the condition of the empire must have dictated, at least to some extent, the choice of emperor.<sup>52</sup> Consolidation of the east must have been of the highest priority after Julian's disastrous Persian campaign and Jovian's inglorious withdrawal and in the west, in addition to the Alamanni, who were devastating Gaul and Raetia, potential trouble was brewing from the Sarmatae, Quadi, Picts, Scots, Saxons, Attacotti, Austoriani, Moors and Goths.<sup>53</sup> Clearly, a single emperor would be insufficient to deal comprehensively with all the potential problems facing the empire and because the troubles were primarily of a military nature, ideally an emperor would have to be chosen who had exhibited certain capabilities in this field. It is significant then, that following the deaths of Julian and Jovian no senior *magistri militum* were canvassed as candidates for the imperial purple. The most probable explanation would be the existence of two rival factions which emerged following the death of Julian, who would not or could not allow a member of a rival faction to become emperor.<sup>54</sup> Valentinian had the advantage that, while being in a senior military position, he was not too senior to harm the

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<sup>52</sup> Constantius II had died on November 3, 361 (Jer. *Chron.* s.a. 361); Julian on June 26, 363 (Amm.25.3.23; Zos.3.29.1) and Jovian on February 17, 364 (Amm. 25.10.13, 16; Jer. *Chron.* s.a.364; Zos. 3.35.3).

<sup>53</sup> Amm. 26.4.5; '*Gallias Raetiasque simul Alamanni populabantur; Sarmatae Pannonias et Quadi; Picti Saxonesque et Scotti et Attacotti Britannos aerumnis vexavere continuis; Austoriani Mauricaeque aliae gentes, Africam solito acrius incursabant; Thracias et Pannonias diripiebant praedatorii globi Gothorum*'. The east too was under pressure from the Persian king who was attempting to gain control of Armenia (Amm. 26.4.6). See Chapter 6 ii.

<sup>54</sup> With regard to the election of Jovian, Ammianus is explicit, '*Discissique studiis turbulentis*' (25.5.2); Arintheus and Victor led the survivors of Constantius' court while Nevitta and Dagalaifus led the Gallic faction. Possible successors that were considered included Salutius, praetorian prefect, but he declined. The impression is left that Jovian, *comes domesticorum*, was elected almost accidentally, '*tumultuantibus paucis*' (Amm. 25.5.4). Upon Jovian's death the situation was a little less desperate and a greater number of possibilities were considered: Equitius, *tribunus scholae primae scutariorum*, dismissed on the grounds that he was rude and boorish, Ianuarius, a relative of Jovian, described as '*curans summitatem necessitatum castrensium per Illyricum*' rejected because he was too far away, and finally under the inspiration of Heaven, Valentinian was unanimously elected (Amm.26.1.4-5). See also Chapter 3 iv.



sensibilities of the leaders of either rival faction. In addition, Valentinian had important referees - Datianus, consul in 358 and who bore the title *patricius* was in Ancyra, from where Valentinian was summoned, and he wrote to the court at Nicaea recommending the latter's candidature.<sup>55</sup> His candidature was also supported by Salutius, Arinthaëus and Dagalaifus. In other words, he was endorsed by the leaders of both factions which had recently emerged. His relatively low profile during the later years of Constantius and Julian may have been an advantage since he was not too closely identifiable with either side to be rejected by the other. That the election of Valentinian was divinely inspired, '*nūminis adspiratione caelestis electus est*' would have been advocated in order to confer additional legitimacy - Constantius had also acted with the assent of heaven when he had appointed Julian Caesar.<sup>56</sup> The sanction of divine inspiration was particularly important when the accession ceremonial could not be initiated by a ruling Augustus or when there was no dynastic claim on the position.<sup>57</sup> Valentinian, then, was elected emperor in all likelihood because he was acceptable to both factions and he possessed the military attributes necessary to ensure the

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<sup>55</sup> Lib. *Ep.* 1446; Philost; *HE* 8.8; *patricius* (*CTh* 11.1.1.(360), *PLRE*, Datianus 1). It is possible that Datianus' consular colleague in 358, Neratius Cerealis, was a relative of Justus, the father of Valentinian's second wife, Justina.

<sup>56</sup> *Amm.* 26.1.5; 15.8.9 '*Dicere super his plura conantem, interpellans contio lenius prohibebat, arbitrium summi numinis id esse non mentis humanae velut praescia venturi proclamans*'.

<sup>57</sup> MacCormack (1981) p. 201. Gratian was born as *candidatus* for empire (*Symm. Or.* 3.5) '*hinc Augustum, inde legiones et inter hos medium regni in puberem candidatum*' as Themistius also describes Valentinian II. Note the similarities between the account of Ammianus of the commendation of Gratian by Valentinian, ... *Valentinianus exultans, corona indumentisque supremæ fortunæ ornatum, filium osculatus, iamque fulgore conspicuum, alloquitur advertentem quae dicebantur* (*Amm.* 27.6.11) and that of Julian (as Caesar) by Constantius II, *Et cum venisset accitus, praedicto die advocato omni quod aderat commilitio tribunali ad altiore suggestum erecto, quod aquilae circumdederunt et signa, Augustus insistens eumque manu retinens dextera, haec sermone placido peroravit* (*Amm.* 15.8.4). A vivid image of this is expressed on a 30 solidus gold multiple of Constantine, where he is pictured standing in between his two sons Constantine II and Constantius II. Constantine himself is crowned with a circlet by the hand of God from a cloud. Constantine II is crowned by Victory and Constantius II by Virtus, The implication seems clear - Constantine himself rules by the direct authority of God, while his two sons rule by virtue of descent from him (*RIC* VII, 576; MacIsaac (1975); MacCormack (1981) p.188. ). The occasion for the strike was the foundation of Constantinople and the impression is conveyed that Constantine is in contact with the divine (MacIsaac (1975) pp. 323-5.). A similar impression is conveyed by Eusebius (*HE* 10.4.6). The right of the senior Augustus to chose a colleague is reflected in the account of Themistius of the choice of Theodosius by Gratian (*Or.* 14.182b).

safety of the empire.<sup>58</sup> However, this is not to say that he was apathetic or took no active part in his own election. Valentinian was with Datianus when he wrote his letter of recommendation for the candidature of the former. It is inconceivable that Valentinian would not have known about it and if he had been unwilling, surely he could have prevented his name from being considered at all. The claim made by Symmachus that Valentinian was unwilling to be emperor must be treated as a convention of panegyric and therefore with scepticism. After all, Valentinian had ridden almost two hundred miles from Ancyra to Nicaea in order to accept the electors' choice, and having done so, rose to the tribunal '*praemeditata dicere iam parabat*'.<sup>59</sup> In the absence of a ruling Augustus to appoint a colleague, Valentinian recognised the right of the army to elect an emperor - it had exercised its prerogative and in no source is that prerogative dismissed as illegal.<sup>60</sup> The Valentinianic *largitio* bowl implicitly confirms that it was from the army that Valentinian received his mandate to rule.<sup>61</sup> Neri points out that the army had a special position between the subjects of the emperor and the emperor himself, in which it had the authority to confer power on him but once it had fulfilled this function it was totally assimilated with the rest of the subjects.<sup>62</sup> The army, then, may legitimately proclaim an individual emperor, especially when there was no Augustus already in power, but

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<sup>58</sup> See Matthews (1975) p.35.

<sup>59</sup> Symm. *Or.*1.10; Amm.26.2.3; Neri (1985a) pp.171ff.

<sup>60</sup> Theod. *HE* 4.6.2; Soz. *HE* 6.6.8; Philost. *HE* 7.8. I doubt that anyone would have suggested that in the mid fourth-century the Senate ought to have played a more active role in the election of the emperor. Symmachus attempts to reconcile former tradition and current reality by referring to Valentinian's election being made by the 'senate of the camp' (*Or.*1.9). The Gallic army in particular, seemed to have been very willing to abrogate to itself the power to elect emperors. Ammianus explicitly states that they regarded themselves as arbiters of the supreme power (30.10.1). See also 26.6.1; 20.4.10.

<sup>61</sup> The emperor is depicted standing on a low podium, fully armed and with a standard in his left hand. The right hand is outstretched holding a globe while Victory holds a wreath, with which to crown the emperor. Six soldiers stand behind the emperor, representative of the army by whose election he is now nimbate. Beneath the podium lie the tokens of the conquered enemy - shield, baton and helmet. The images depicted on the bowl suggest general victory and the display of the emperor surrounded by soldiers is evocative of triumph. See MacCormack (1981) plate 52.

<sup>62</sup> Neri (1985a) p.171. "L'esercito ha una posizione speciale tra i sudditi dell'imperatore in quanto ha la prerogativa di conferirgli il potere, ma è, una volta espletata questa funzione, totalmente assimilato al resto dei sudditi."

choosing a colleague with whom to share that power, if one so desired, was a different matter.<sup>63</sup>

Immediately following Valentinian's accession there was a demand, both spontaneous and unanimous, for him to take a colleague.<sup>64</sup> The demand itself would appear to have been quite reasonable given the multifarious problems that the empire was facing and the quick succession of recent emperors. There is no need to see the demand as being initiated by those who had been passed over in the initial election, and in his speech to the assembled soldiery Valentinian makes it clear that, while the army had exercised its prerogative in electing him emperor, it was his choice as to whom he would take as a colleague.<sup>65</sup> It was the *magister equitum* Dagalaifus who advised Valentinian '*Si tuos amas, imperator optime, habes fratrem; si rem publicam, quaere quem vestias*'.<sup>66</sup> The new emperor disregarded this advice and appointed Valens *tribunus stabuli* and subsequently co-emperor. Several questions arise. Most importantly, why was it necessary to appoint Valens to a tribunician post prior to appointing him Augustus? In all probability it was a conciliatory measure, designed to give a little time to both Valens and the army to reconcile themselves to the idea that Valens would be co-emperor.<sup>67</sup> It also gave Valentinian some time to assess the most pressing demands of the empire and to determine how best to meet them. While Dagalaifus' advice may appear theoretically sound, alternative options were not at all well defined. To choose one of the foremost military leaders would have met with the same obstacles that faced

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<sup>63</sup> The proclamation of Valentinian II (Amm.30.10.1ff.) shows that the army did not limit itself to occasions when there were no ruling Augusti. Valentinian II was elected by the army with no reference to Gratian, or for that matter Valens. Like his father, he was elected unanimously and it was more by good luck, together with the fact that he was only four years old, rather than by good management that Gratian and Valens accepted the elevation rather than retaliate.

<sup>64</sup> Amm.26.2.4.

<sup>65</sup> Amm. 26.2.6ff. While it is not necessary to accept that the speech is a verbatim quotation of Valentinian's words, we need not doubt that this was the essential tenor of his speech.

<sup>66</sup> Amm 26.4.1.

<sup>67</sup> Matthews (1989) p.189. It could have been, of course, for the sake of appearances, a little like Ambrose holding all the ecclesiastical offices that were prescribed the week before becoming bishop (Paulinus, *Vita Amb.* 9).

the electors when they deliberated on a choice for the replacement for Jovian. Any choice would have left too many disappointed candidates and at least with a brother, no-one could deny that is what he was.<sup>68</sup> Furthermore, a partner in the imperial power who had previously held a rank more senior to Valentinian may well have resented receiving orders from an Augustus whose seniority was dependent on a matter of days. The advantages inherent in having a colleague would have been negated if that colleague was more concerned with events in the other half of the empire, rather than with problems inherent in his sphere of control. This in turn raises certain questions relating to the relative status of the two Augusti which need to be addressed.

Strictly speaking Valentinian was the senior Augustus simply because he was the first of the pair to be raised to imperial rank.<sup>69</sup> Ammianus constantly indicates this by referring to Valens as a '...lawful partner...but one who was compliant as a subordinate' and 'the other [Valens] joined with him in the office, but only in appearance' while the military personnel were divided at Mediana according to the wishes of Valentinian.<sup>70</sup> In a sense Ammianus is correct when he says that Valentinian's seniority resulted from his unanimous election to the purple, while Valens had been appointed by Valentinian alone.<sup>71</sup> However, there is no reason to suppose that this seniority was little more than theoretical. It would have defeated the purpose of taking a colleague in power if all decisions that were taken in the east had to be referred to the west for ratification.<sup>72</sup> The example of Constantius II and

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<sup>68</sup> Matthews (1989) p.189ff.

<sup>69</sup> It is Valentinian who is invariably named first in both inscriptions and laws in both the east and the west, the most detailed example being the dedicatory inscription on the *pons Gratiani* in Rome (*ILS* 771).

<sup>70</sup> Amm. 26.1.2; 4.3, 5.

<sup>71</sup> Amm.25.5.1.

<sup>72</sup> Malalas states that Valens had the power to ratify a peace treaty with the Persians, but only as a representative of his brother (12.29). Under the tetrarchy, it appears that, in practice at least, each Augustus or Caesar had a fairly free hand in the provinces that he administered; for example, Constantius appears to have been operating freely in Britain and Gaul, especially by not choosing to enforce strictly the first edict against the Christians (Lact., *DMP* 15.7) but was content with the perfunctory demolition of certain churches. (Ste Croix (1954b) p. 106). It seems to be logical that

Julian had provided a clear example that to restrict a colleague's power did not automatically render him easier to control or ensure his continued loyalty. Symmachus states the reality of the situation succinctly,

Therefore, in establishing an Augustus with equal rights you took care that he, for whom you left nothing to be desired further, would never be distrusted by yourself.<sup>73</sup>

Symmachus makes it clear that the essence of Valentinian's generosity is that Valens will be independent, and it seems that this was confirmed in practice. Take the appointment of consuls for example. Valentinian appears to have been responsible for the consuls of 366, 371 and 374, while Valens for those of 369 and 372, and they named one candidate each for 367. The remaining four years saw joint imperial consulates - a good way to express concord.<sup>74</sup> Valens named his own ministers and was not required to act at another's bidding - he governed a defined area in his own right and was not surrounded by advisers who were appointed from the west in order to ensure Valentinian's influence in the east. There is some hint in the sources that Valens was occasionally reluctant to accept legislation promulgated in the west but this should not be taken as an indication that Valens was dissatisfied with his status.<sup>75</sup> After all, Valentinian did not exhibit any desire

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since one of the fundamental reasons behind the creation of the tetrarchy is represented by the sources as a direct consequence of military upheavals including those of Narses in Persia, Achilles in Egypt, Julianus and the Quinquenentani in Africa and Carausius in Britain (Victor *Caes.* 39.17; Eutr. *Brev.* 9.22). Since both the Caesars of the tetrarchy and Valens would have armies under their control it would be a necessity to institutionalise their positions in order to bind them more closely to the other ruling Augusti.

<sup>73</sup> Symm. *Or.* 1.11: *ergo Augustum pari iure confirmans curasti, ne unquam tibi suspectus esset, cui non reliquisti, quod ultra optare deberet.*

<sup>74</sup> 366: Gratian and Dagalaifus, *magister peditum* in the west; 367: Lupicinus, *magister equitum* in the east and Jovinus, *magister equitum* in the west; 369: Valentinian Galates and Victor, *magister equitum* in the east; 371: Gratian and Petronius Probus, PPO *Illyrici, Italiae et Africae*; 372: Domitius Modestus, PPO *Orientis* and Arinthaëus, *magister peditum* in the east; 374: Gratian and Equitius, *magister militum per Illyricum*. See below p. 96 n. 60.

<sup>75</sup> Valens may have been unwilling to accept the legislation but he did so anyway, 'Σὸν ἔργον, ὦ δᾶμιον, καὶ τὸ τεθῆναι νόμον τῶν παίδων τοῖς νόθοις ἐπικούρον. τὸ μὲν οὖν ἐπὶ νοῦν τε αὐτὸν τῷ πρεσβυτέρῳ τοῖν βασιλέοιν ἐλθεῖν ἕνα τε τῶν κρατούντων τοῖς ἐκείνου γεγονέναι γράμμασι, κοινῆς τοῦτο ἔστω τῆς τῶν ἐν χρεῖα τοῦ νόμου καθεστηκότων τύχης, τὸ δὲ τὸν νεώτερον ἥκιστα αὐτὸν ἐπαινοῦντα μάλιστα ἐπαινοῦντα φανῆναι ποιῆσαι τε κύριον.....' (Lib. *Or.* 1.145, in conjunction with *CTh.* 4.6.4, 371). For an example of a western law received in the east see *CTh.* 12.6.9. addressed to

whatsoever to intervene in the affairs of the east when Valens' Arianism was making life particularly unpleasant for the Orthodox. That the coinage from the east differs in its portrayal of the imperial college indicates that both emperors were at liberty to mint their own coin types. On the obverses of the solidi of a military type, the two ruling Augusti are equal in all respects.<sup>76</sup> However, on a consular type from the west, Valentinian asserts his superiority as he alone of the two emperors raises his *mappa*, while in the east both emperors raise their *mappae*.<sup>77</sup> The joint consulate of Valentinian and Valens in 368 was commemorated by a coin struck only at Trier, and it was issued in conjunction with a series which depicted Gratian, now Augustus with Valentinian.<sup>78</sup> Although both Augusti are depicted in imperial dress, seated on separate thrones, neither the figures nor the thrones are of equal size, which suggests a difference in status.<sup>79</sup> Valens also is careful to distinguish the inferior status of Gratian by depicting the latter togate and of smaller stature, while Valentinian and himself are in military dress.<sup>80</sup> After 368, groups of Augusti are no longer struck in the east. As the reigns of Valentinian and Valens progressed the division of the empire became more and more definite. In effect, they were two equal Augusti ruling two distinct regions that could co-exist with decreasing reference to each other.

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<sup>76</sup> Woloch (1966) pp.174ff. *RIC*. IX Constantinople nos. 5, 8, 9; Siscia no. 3; Antioch nos. 5, 30, 31. The type was minted until 367.

<sup>77</sup> *RIC* IX Milan no. 3; Antioch, no. 23. The portraiture on the coinage can be of little use to distinguish the emperors as they are clearly stylised (*RIC* IX p. xxvii). Strong (1976) p. 168 indicates that Valentinian used a very impersonal image on his coinage, which was also used for Valens and Valentinian II, and he stresses the symbolic character of the figures, created deliberately for expressing the majesty which surrounded the figures of the emperors. This had the consequence that, while the portrait can be recognised as an emperor, it is virtually impossible to tell which one it is meant to represent. This is also the case with the colossal bronze statue at Barletta. Hannestad echoes these sentiments, "who is he is anyone's guess - this is a picture of an emperor, not a person" (1986) p.331.

<sup>78</sup> *RIC* IX Trier nos. 18 d-e; Gratian, Trier, no. 16.

<sup>79</sup> Gratian's inferior status is also marked by the use of the "unbroken" legend. For example *RIC* IX, Arelate, no. 11d; Lugdunum, no. 16c; Trier, no.13b. In general see Woloch (1966).

<sup>80</sup> *RIC* IX, Antioch no. 20.

One final aspect should be mentioned in closing. Valentinian is almost unique in the fourth century, as a senior Augustus, at least in chronological and perhaps filial terms, choosing to rule the west, as distinct from the eastern half of the empire. It is obvious that he saw the west as being under a more serious threat of barbarian incursions and regarded himself as better able to handle impending military crises than Valens. Given the later history of Valens and the Goths and his lack of distinguished military service prior to his elevation, Valentinian could well have been correct. The west may also have been more familiar to Valentinian than the east. Since he had accompanied his father to Africa and having served as a tribune under Julian in Gaul and it was to Gaul that Jovian sent him as tribune to secure support for his elevation. On the other hand, there is no convincing evidence that Valentinian had ever served in the east. Finally, Valentinian had been born in the west and his father had only served in the east - the argument from tradition may have had some sway.

## CHAPTER 3: The Administration of the Empire.

### (i) The Imperial Administration: Career Structures and the Rules of Precedence

There exist many obstacles in reconstructing an account of the administration of the later Roman empire. Prosopographical material must be drawn from diverse sources which, despite their variety, often fail to supply more information than a name and perhaps a post in an individual's career, which itself is often open to debate. The legal corpus especially provides information on specific administrators, but even then the rank, date, name or all three remain insecure and open to emendation. Even if all three aspects are sound, often nothing further can be added to our knowledge of the individuals concerned.<sup>1</sup> The literary sources, Ammianus Marcellinus in particular, are of course indispensable for any knowledge of Valentinianic administrators; but it would be unreasonable to expect to find in his narrative a complete exposition of all the holders of office throughout the relevant years. While Ammianus does provide a more or less complete list of prefects of Rome, he names only one of the known *praefecti annonae*, and of the twelve individuals known to have held the proconsulate of Africa under Valentinian, only three are mentioned in that capacity by Ammianus.<sup>2</sup> However,

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<sup>1</sup> For example, nothing more is known about the recipients of the following laws: Magnus, *vicarius urbis Romae* 367 (CTh. 7.13.3); Aurelianus *praefectus annonae* 367 (CTh.13.6.5.); Amphilocius, *consularis Campaniae* 370 (CTh.12.1.71); Germanianus, *comes sacrarum largitionum* (CJ 11.62.3; CTh. 5.15.19 and 20; 10.19.4; 12.6.13); Florianus *comes rei privatae* (CJ 10.9.1; CTh. 8.5.20; 5.15.18); Severianus, *dux* in the west 366 (CTh. 5.7.1).

<sup>2</sup> Maximinus is the sole *praefectus annonae* mentioned by Ammianus (28.1.31). The remainder are discernible mainly from the legal corpus; Aurelianus (CTh.13.6.5.); Demetrianus [Africa] (CTh. 13.5.12; 9.2); Sempronius Faustus (PLRE 1,329); Fl. Hesychius (CIL 14.4408); Proculus Gregorius (CTh.14.3.15; CIL 14.137); Julianus (CTh. 14.15.2; Coll. Avell. 1.6); Isodorus [Africa] (PLRE 1, 465); Ursicinus (CTh. 14.3.14). Proconsuls who are mentioned by Ammianus: P. Ampelius (28.4.3); Julius Festus Hymetius (28.1.17-8); Sextus Rusticus Julianus (27.6.1). For the remainder who are either mentioned by Ammianus, but with no reference to holding this post, or excluded altogether: C. Hermogenianus Caesarius (CIL 6.499) mentioned as urban prefect by Ammianus (27.3.2); Chilo (CTh. 12.6.16; 13.4.4, 6.7) mentioned as *vicarius* (Amm.28.1.8); Petronius Claudius, (CIL 8.27817,



this must not be considered a fault of the historian. To indulge in a lengthy excursus on the administrators whom Ammianus chooses to include or not is to overlook a fundamental factor - that details of individual careers are only supplied for individuals who have a central role in the narrative, such as Probus or Maximinus. For Ammianus to have supplied details of every administrator that he mentions would have been superfluous and monotonous. Further, a fourth century audience is unlikely to have found exhaustive administrative or prosopographical detail any more interesting than a modern one. Thus for careers to be reconstructed as far as possible, relevant information must be drawn from a variety of sources and the dangers involved in this course of action should be obvious. There exists a tendency to fill out careers from those which are known in full for all holders of similar rank in the imperial bureaucracy. Yet, it is unsound to assume automatically that two individuals of similar rank and origin shared an identical career pattern. This is to presuppose that a rigid career structure existed in all aspects of later Roman administration, which is a misplaced assumption. Such a view excludes direct appointments by the emperor (often as a reward for earlier service) or by his leading officials. Furthermore, although the emperor was theoretically responsible for the appointments in both the civil and military hierarchies, it would be naïve to think that in reality this was the case in any but the most senior appointments. Given these circumstances it is fortunate that the works of Symmachus and of Libanius have survived, as their correspondence enables some insight to be gained into the patterns of office holding and also into the contemporary attitudes to, and expected rewards from, such service.

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AE 1955, 52, *CTh.* 14.3.12; 12.12.6); Paulus Constantius (*CTh.* 8.5.33; 4.13.7; 1.32.2); Q. Clodius Hermogenianus Olybrius (*CTh.* 8.5.7) mentioned as urban prefect by Ammianus (28.1.8; 4.1.3); Sextus Claudius Petronius Probus (*CTh.* 11.36.13; *ILS* 1266, 1268) mentioned as praetorian prefect; Q. Aurelius Symmachus (*CTh.* 12.1.73; *CIL* 6.1699); Thalassius (*Aus. Epid* 45).

The fourth century administration did not involve a rigid and inflexible *cursus honorum*.<sup>3</sup> In the civil hierarchy at least there were no posts that demanded a specific prerequisite and no post was exempt from “political” appointments made either directly by the emperor or by his subordinates. As regards the military careers, it is possible to discern a more rigid structure which demanded considerable military experience prior to being appointed as *magister*. Nor did the status of a given candidate for office dictate the pattern of his career. As the fourth century progressed the boundary between “senatorial” posts and “non-senatorial” posts narrows. Social status no longer predetermined the structure of individual careers. If anything, it was proximity to the emperor, either directly or through patronage, that was the decisive consideration when seeking office, as opposed to birth or talent. Is it possible then to speak even in general terms of a *cursus* pattern being in existence?

It has become fashionable to speak of three distinct types of career structure: the senatorial, the civil and the military.<sup>4</sup> Valentinian makes the distinction between military and civil service explicit in a rescript instructing the proconsul and the *comes Africae* that soldiers were forbidden to serve in the civil administration.<sup>5</sup> Indications of rivalry between the two spheres are evident in the pages of Ammianus, where he relates the case of Rufinus, praetorian prefect under Constantius, who came into severe danger when he appeared before the troops because the military were inclined to be harsh and bitter towards men in civil positions. “Insults from the military” also find a place in Symmachus, being, along with the onslaughts of hysterical women, one of the hazards

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<sup>3</sup> The most comprehensive account of the administration of the late empire remains Jones (1964a). Also useful is Piganiol (1947) and Seeck (1966). There are many works on more specific areas: Chastagnol (1960 and 1962); Boak (1972); Sinnigen (1957); Harries (1988) and de Bonfils (1981).

<sup>4</sup> Ausonius also speaks of three distinct categories, ‘*viros gloriae militaris... viros nobilitatis antiquae... viros fide inclitos et officiis probatos*’ (Grat. Act. 4).

<sup>5</sup> CTh. 8.7.12.(372) ‘*Nullum militem a quolibet numero ad stationes agendas per consulares Byzacenam et Tripolitanam provincias destinari iubemus, sed probati in obsequiis praesidalibus eius officii, in quo parent, vocabulo censeantur nec quicquam his sit cum armatae militiae nuncupatione commune.*’ See also CTh. 8.7.12; Vegetius, *De Re Militari* 5 and CTh. 13.3.

of civil office.<sup>6</sup> On the other hand, the chief allies of Romanus, *comes Africae* during the Tripolitanian affair, were the *magister officiorum* Remigius and Palladius, a senior *notarius*.<sup>7</sup> It would be a mistake to see later Roman administration as consisting of only rigid boundaries that were mutually exclusive.

Individuals of senatorial descent could be expected to hold a quaestorship and praetorship, followed by a post as *consularis* or *corrector* in the regions of Sicily, Italy and Africa.<sup>8</sup> A proconsular post or a vicariate in Italy, Africa or Rome would usually follow, with the summit of a senatorial career being the urban prefecture of Rome.<sup>9</sup> The consulship, by the mid fourth century, had been replaced by the urban prefecture as the usual summit of a senatorial career, the reasons for which are not difficult to discern. The imperial college tended to monopolise the consulship and when a consul was not a member of the imperial college he could be appointed from either the civil or the military hierarchy as well as from those undertaking the traditional senatorial cursus.<sup>10</sup> The comparatively short tenure of the office of urban prefect is an indication that the office had become a highly sought prize. From the *Chronicle of 354*, Ammianus and the legal codes, it can be deduced that the average length of tenure was a little under one year.<sup>11</sup> Rapid turnover suggests high demand - men of rank perceived the urban prefecture as a worthy addition to an illustrious career.<sup>12</sup>

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<sup>6</sup> Amm. 14.10.4; Symm. *Ep.* 8.41.

<sup>7</sup> Amm. 28.6.8 and 20.

<sup>8</sup> The *fasti* in *PLRE* reveals a telling predominance of individuals of known senatorial descent filling these posts. See also Arnheim (1972) and Chastagnol (1962).

<sup>9</sup> Chastagnol (1960) pp.218-9.

<sup>10</sup> Of 35 urban prefects whose origins are known between 361 and 395, 21 are of senatorial descent. Of the remainder 6 were appointees of Valentinian and 3 were appointed during Theodosius' visits to the west 388-95. These instances can be directly attributed to imperial intervention in the appointments.

<sup>11</sup> Mommsen *Chron. Min.* 1.66-9. For the list of urban prefects 312-458 see Seeck (1919), together with Chastagnol (1962), who shows 129 appointments in 133 years (290-423).

<sup>12</sup> For example: Q. Clodius Hermogenianus Olybrius PUR 369-70, PPO *Illyrici* 378, PPO *Orientis* 378, consul 379. Vettius Agorius Praetextatus, PUR 367-8, PPO *Italiae, Illyrici et Africae* 384, consul *designatus*. Flavius Afranius Syagrius PUR 367-8, PPO *Italiae*, 382, Consul 382. Q. Aurelius

Although some of the most illustrious senators held the office of praetorian prefect, this post is commonly found as the apex of a civil or court career. It does not appear to have been mandatory to have held the prerequisite posts of *vicarius* or *praeses*. Prefects could, and were, promoted directly from court posts or, as above, from traditional senatorial posts. Palatine offices do not appear to have followed any rigid and set cursus. For example, of the seventeen known imperial quaestors between the years 330 - 393, fifteen went on to hold either an urban prefecture of Rome or Constantinople or a praetorian prefecture.<sup>13</sup> However, it should not be assumed that such promotion was automatic. It is to be expected that information concerning the careers of prefects is more complete, due to their visibility, than the careers of individuals who held the more junior post of *quaestor*. It is conceivable that some held the post of *quaestor* without a further promotion and record of them has not survived.<sup>14</sup>

The post of *magister officiorum* is another that is problematical regarding the place it takes in the imperial hierarchy. First attested under Constantine, by the time of the *Notitia Dignitatum* he had under his disposition the *scholae*, *agentes in rebus*, *sacra scrinia* and the *scrinium dispositionum* together with the *admissionales*, *cancellari*,

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Symmachus PUR 384-5, consul 391, L. Aurelius Avianus Symmachus PUR 364-5, consul *designatus* 372.

<sup>13</sup> The imperial quaestors should not be confused with the quaestorship that constituted part of the traditional senatorial cursus. Although *PLRE* cites the imperial quaestor as *quaestor sacri palatii* there is no ancient evidence to provide corroboration for such nomenclature for this period. An inscription from the mid 360's styles Flavius Taurus as QSP (*AE* 1934, 159) but this remains the sole occurrence of such titlature until Antiochus in 429 who established the Theodosian commission (*CTh.* 1.1.5). In the career inscription of Nicomachus Flavianus, the only known example of an individual holding both quaestorships, the senatorial is distinguished from its imperial homonym by referring to the latter as '*quaestor intra palatium*' (*CIL* 6.1782) and '*quaestor aulae divi Theodosii*' (*CIL* 6.1783). Harries (1988) p.157 states that all known quaestors rose to a prefecture; yet, for Leonas, quaestor in 360, and Montius Magnus, 351-3, there exists no discernible evidence that suggest subsequent prefectures. See *PLRE* Leonas, Montius Magnus 11.

<sup>14</sup> Harries (1988) p.157. There simply has not survived a complete record of the careers of all imperial quaestors.

*lampadarii* and the *mensores* and in addition he had control of the *fabricae* throughout the empire.<sup>15</sup> However, there does not appear to have been any definite *cursus* that aspirants to the office were required to follow. Between the reign of Constantine and the end of the reign of Theodosius I evidence exists for the careers of eighteen *magistri officiorum*. Of these, six had served previously as *notarii* and eight went on to hold prefectures.<sup>16</sup> The mastership of the offices was also used as a step towards a provincial governorship, as in the case of Ampelius.<sup>17</sup> Furthermore, some were promoted from the two ministries of finance, for example Hadrianus, Macedonius and Palladius,<sup>18</sup> but the reverse could also be true. Under Julian, Felix was appointed *comes sacrarum largitionum* having already been appointed as *magister officiorum* to Julian by Constantius although the former had refused to accept him.<sup>19</sup> That there existed no fixed *cursus* for the office is made even more evident by the fact that three *magistri* were appointed to subsequent consulships but by the fifth century a consulship could precede the office of *magister officiorum*.<sup>20</sup> It would seem that the master of the offices could be drawn from a very wide range of civil functionaries and some may

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<sup>15</sup> Duties, *Not. Dig. Or.* 11; *Occ.* 9; Cassiodorus *Variae* 6.6. For a detailed study of the office and its development throughout the fourth century see: Boak and Dunlop (1962) and Clauss (1980).

<sup>16</sup> *Notarii*: Palladius (Athanasius *Hist. Ar.* 51; *Amm.* 22.3.3); Pentadius (*Amm.* 24.11.21,23; 20.8.19); Decentius (*Amm.* 20.4.2, 4.11; *Lib. Ep.* 1505;1507); Leo (*Amm.* 28.1.12; 30.2.10; 28.1.41); Sophronius (*Amm.* 26.7.2; Basil *Epp.* 38, 76, 96); Fl. Syagrius (*Amm.* 28.2.5-9). Prefectures: Sophronius (*Amm.* 26.7.2); Fl. Syagrius (*CTh.* 11.30.38); Principius (*CTh.* 6.30.10; 8.7.16); Fl. Rufinus (*AE* 1914, 206; *Zos.* 4.52); Theodotus (*CTh.* 6.28.5); P. Ampelius (*Amm.* 28.4.3).

<sup>17</sup> Ampelius was *magister officiorum* under Constantius (*AE* 1926,19; 1933,33); he was proconsul of Achaia 359/60 (*IG* 12.9.907); *proconsul Africae* 364 (*CTh.* 13.5.10; *CIL* 8.5337). The apex of his career was the urban prefecture 371-2 (*Amm.* 28.4.3; *Coll. Avell.* 11).

<sup>18</sup> Hadrianus *CSL* 395 (*CTh.* 5.14.35); *magister officiorum* 397-9 (*CTh.* 6.26.11); Macedonius *CSL* 380 (*CTh.* 11.30.39); *magister officiorum* 383 (Sulp. Sev. *Chron.* 2.48.5. 49.3); Palladius *CSL* 381 (*CTh.* 4.13.8); *magister officiorum* (east) 382-4 (*CTh.* 6.27.4).

<sup>19</sup> Felix (*Amm.* 20.9.5; *CTh.* 9.42.5).

<sup>20</sup> For *magistri officiorum* becoming consul: Fl. Syagrius (*CTh.* 7.12.2; *CIL* 6.3865; *AE*, 1925, 83); Fl. Caesarius (*CTh.* 8.5.49; *CIL* 10.4493; *AE*, 1909, 27); Fl. Rufinus (*Zos.* 4.51.1; *CTh.* 10.22.3; *AE*, 1914, 206; *CIL* 9.6192). For the reversal of this order: Valerius *magister et ex consule ordinarius* (*CTh.* 7.8.16, 435); *PLRE II*. Cassiodorus. In general see Clauss (1980).

have had military experience even if of the most rudimentary and peripheral kind. Under Valentinian, both Remigius and Leo had served as *numerarius* on the staff of a *magister peditum*.<sup>21</sup> Thus it is possible to speak of an administrative career structure only in the loosest possible terms. The patterns of the military careers hold similar problems.

The highest posts in the military career structure were reserved for the *magistri militum*, and at the time of the *Notitia Dignitatum*<sup>22</sup> there were two *magistri praesentales* in the west: the *magister peditum* commanded the infantry units, the *comites rei militaris* and the *duces* throughout the western provinces. The *magister equitum* commanded all the cavalry units in the field army.<sup>23</sup> Under the successors of Constantine it was found to be necessary to divide the troops into palatine and regional divisions with additional *magistri* being created to command the latter. Theoretically, these regional commanders were subordinate to the *magistri praesentales*. Although a considerable amount of military experience was necessary prior to appointment as *magister*, it is nevertheless misleading to speak of a rigid career structure. Of the 57 known *magistri* from Constans to the death of Theodosius I, 21 are known to have held posts as either *dux*, *comes rei militaris*, *comes domesticorum* or tribune. Yet only 16 of the known 149 *duces* and *comites rei militaris* from the entire empire went on to hold a post as *magister*.<sup>24</sup> Admittedly, there existed far fewer senior posts than there

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<sup>21</sup> Matthews (1975) p.201. Leo as *numerarius* (Amm. 26.1.6); *magister officiorum* (Amm. 30.2.10; 28.1.41); Remigius as *numerarius* of Silvanus in Gaul (Amm. 15.5.36); *magister officiorum* (CTh. 7.8.2; Amm. 27.9.2).

<sup>22</sup> The document is difficult to date in its entirety. However, it is likely to have been drawn up after 395 since it reflects the division of the empire as it stood at that date. Nevertheless, due to oversights of revision, the document does contain items that date to an earlier period (Jones (1964) p.1417). On the *Notitia* in general see Bartholomew and Goodburn (1976).

<sup>23</sup> *Not. Dig. Occ.* 5,6,7 ff. For a discussion of both the posts see Ensslin (1931) and for the problems of seniority between the two see Hoepffner (1936b).

<sup>24</sup> *Magistri militum* who had previously been *duces*: Fl. Arbitio (Amm. 26.9.4; 21.13.16; 15.4.1; 15.5.2); Fl. Traianus (Athan. *Fest. Ind.* a. 367, 368); he was also *comes rei militaris* (Amm. 29.1.2; 30.1.18-21; 31.7.1, 2-16); Sebastianus (Athan. *Hist. Ar.* 59; *Apol. de fuga* 6) as *comes rei militaris* (Amm. 23.3.5; 27.1.0.6; 31.11.1; Zos. 4.23; Amm. 31.12.5-7). Those who had been *comes rei militaris*, Lucillianus, the father in law of Jovian (Zos. 2.45.2; 3.8.2); *comes domesticorum* (Amm.

existed for *duces* and *comites*; yet, the office of *dux* would appear to have held little prospect for further advancement, with only four of all those known rising to a more senior position.<sup>25</sup> This could be partly due to the nature of the post. *Duces* were stationed in the frontier provinces for periods of time that were often quite extensive. This meant that they had little opportunity for contact with either the imperial court or the emperor - thus they could be easily overlooked when higher appointments were made. Further, an individual would surely not be appointed to the position of *magister* if the emperor was not assured of his loyalty or aspirations, merely because he had served in a junior post. Thus the position of *dux*, or for that matter *comes rei militaris* did not constitute a definite step in a military career.

Just as it is a mistaken assumption to speak of a fixed career pattern either in the civil or military hierarchy, it is a mistake to construe communications and responsibility as being strictly vertical. Although the provincial governors and *duces/comites* were theoretically responsible to the praetorian prefect and *magister militum* respectively, they could, and did, communicate directly with the emperor without first approaching their hierarchical superior. This meant that there existed a substantial amount of fluidity and flexibility in the system of administration.<sup>26</sup> Furthermore, distinction between civil

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14.11.14); *magister equitum et peditum* (Amm. 25.8.9-10; Zos. 3.35.1); Victor (Zos. 3.11.3; Amm. 24.1.2; 24.6.13; 26.5.2; CTh. 7.4.12); Fl. Equitius, *trib. sch. prim. scut.* (Amm. 26.1.4); *comes rei militaris* (Amm. 26.5.3; 26.5.10-11; CTh. 7.1.8); Fl. Arinthaëus, *tribunus* (Amm. 15.4.10); *comes rei militaris* (Amm. 24.1.2; Zos. 3.13.3); *magister peditum* (Amm. 27.5.4); Julius (Amm. 26.7.5; CIL 3.88=ILS 73; Amm. 31.16.8); Nannienus (Amm. 28.5.1; Greg. Tur. HF 2.9); Fl. Theodosius (Amm. 27.8.3; 28.3.9; 29.5.4; Symm. Or. 6.4; CTh. 3.14.1); Fl. Saturninus (Basil Ep. 132; Amm. 31.8.3; Cons. Const. a. 382); Arbogastes (Zos. 4.33.1-2; 4.53.1; CIL 13.8262=ILS 790). Those who had been *comes domesticorum*: Barbatio (Amm. 14.11.19; 18.3.6; 16.11.2; 16.11.7); Severus (CTh. 6.24.2, 3; Amm. 27.6.3; 27.10.6; 8.7.11; 7.1.11); Addaeus (CTh. 6.24.5; 1.5.10; 16.8.9); Fl. Richomeres (Amm. 31.7.4; 31.12.4; Lib. Or. 1.219-20); Stilicho (Claud. Laus Serenae 193-4; Zos. 4.59.1; CIL 6.1188; 6.1189= ILS 797; CIL 6.1190). Those who had been tribunes: Silvanus, *trib. sch. armaturarum* (Amm. 15.5.33; Aur. Vict. Caes. 42.15; Amm. 15.5.2; CTh. 7.1.2; 8.7.3); Agilo, *trib. stabuli* and *trib. gent. et scut.* (Amm. 14.10.8; 20.2.5; 21.12.16); Goamarius, *trib. scol. scut.* (Amm. 21.8.1; 20.9.5).

<sup>25</sup> See above note 24.

<sup>26</sup> The following laws and directives were received directly by the *duces* or *comites* concerned: CTh. 5.7.1 addressed to Severianus, *dux*; CTh. 6.24.2-3 to Severus, *comes domesticorum*, concerning

and military should not be taken to exclude any inter-relationship existing between the two spheres. Examples do exist where civil officials undertook military activity, particularly in emergency situations. It should be stressed that military activity on the part of civilians was unusual; yet, that they occurred at all should be sufficient warning against an excessively dogmatic view about the distinction between military and civil careers. Nebridius, *comes Orientis*, was ordered to gather troops because the *magister equitum* was too far away; the *magister officiorum* Anatolius fell in battle during the course of Julian's Persian expedition; Florentius, praetorian prefect, gave advice on battle tactics at Strasbourg; Musonius, *vicarius Africae*, gathered troops to resist the Isaurians and Ruricus, a praesidal governor, was entrusted with military affairs during skirmishes with the Austoriani in Tripolitania. Note also, that under Procopius civil and military functions were united in the proconsul of Asia, Hormisdas. It was the praetorian prefect Probus who directed proceedings at the siege of Sirmium during the Quado-Sarmatian raids and the *comes sacrarum largitionum*, Magnus, who had command of the military troops when imposing Lucius as bishop of

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household and imperial guards; *CTh.* 8.7.13 to Romanus, *comes Africae*, on the duties of apparitors; *CTh.* 12.12.5 to Victor, *dux Aegypti*, on delegations of barbarians; *CTh.* 15.1.13 to Teutomeres, *dux Daciae Ripensis*, regarding the repair of towers on the frontier under his control. By issuing legislation the emperor could bypass both prefects and provincial governors and address laws directly to the people, as is the case in *CTh.* 12.1.59 and 60, both to the provincials of Byzacium regarding decurions who joined the clericate; *CTh.* 12.1.64 to the Moors of Sitifs on the hereditary duties of decurions; *CTh.* 13.6.6 addressed to the provincials of Africa concerning the duties of shipmasters; *CTh.* 14.17.5 to the people of Rome relating to the distribution and quality of the *panis gradilis*; *CTh.* 16.2.17 to the provincials of Byzacium forbidding wealthy plebeians from joining the clericate; *CTh.* 1.29.5 to the senate of Constantinople concerning the *defensores civitatum*; *CTh.* 7.1.6 is another addressed to the Moors of Sitifs on imperial service and the army; *CTh.* 6.4.22, 23 are both directed to the senate at Rome providing for the nomination of praetors to be made ten years in advance; *CTh.* 6.4.18 to the senate at Constantinople on chariot races and horses; *CTh.* 5.15.16 addressed to the provincials of Byzacium containing provisions on deserted lands; *CTh.* 7.20.8 to all provincials on the privileges of veterans; *CTh.* 8.11.2 again addressed to all the provincials remitting the payment of tribute on days of public rejoicing; to the senate of Rome were addressed *CTh.* 9.13.1 on the rights of correction of near kinsmen; *CTh.* 9.16.9; defining the difference between divination and magic and *CTh.* 9.38.5 on the nature of pardons; *CTh.* 11.30.32 and 11.36.15 are both to the *ordo* of Carthage concerning provisions for lodging appeals and, finally, *CTh.* 16.2.20 to Damasus, bishop of Rome, protecting rich widows and female wards from rapacious ecclesiastics. For those laws which went directly to provincial governors see Appendix vi.



Alexandria in the place of Peter.<sup>27</sup> The opposite is found in Britain where Theodosius, following the completion of a successful campaign, embarked on a reorganisation of the province and requested that Civilis be appointed as *vicarius*.<sup>28</sup> The fluidity between civil and military careers is especially obvious in the problematic office of *notarius*.<sup>29</sup> There exist doubts as to the nature of this office, and modern opinion is divided as to whether the post was primarily military or civil in nature.<sup>30</sup> I would maintain that the office of *notarius* remained essentially civil in nature except in emergency situations, when the *notarii* were expected to undertake military activities in the same manner as any other civilian official.

In the few cases where the previous careers of *notarii* are known, not one of them had formally served in any military post, and it is stated by Libanius that a knowledge of shorthand was necessary for admission into the corps - a detail which seems to preclude exclusive military functions.<sup>31</sup> *Notarii* occur throughout the fourth century in some very diverse roles: Gaudentius was sent to Gaul to spy on Julian, while under Valentinian a *notarius* was ordered to investigate the state of affairs in Tripolitania and another was associated with Maximinus during the trials at Rome.<sup>32</sup> They are also found performing ambassadorial functions and acting as envoys,<sup>33</sup> appearing not primarily as commanders of armed troops in the field, but as messengers

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<sup>27</sup> Nebridius (Amm. 14.2.20); Anatolius (Amm. 25.3.14; 25.6.4); Florentius (Amm. 16.12.14; 18.2.7); Musonius (Amm. 27.9.6); Ruricius (Amm. 28.6.11); Hormisdas (Amm. 26.8.12); Probus (Amm. 29.6.11); Magnus (Theodoret *HE* 4.22).

<sup>28</sup> Amm. 27.8.3.

<sup>29</sup> For a discussion of the role of *notarii* in the late empire see Sinnigen (1959b) pp. 238-254.

<sup>30</sup> Tomlin (1973) p. 417, following Macmullen (1963) pp. 73ff, states that a dichotomy between military and civil existed "with the exception of the *notarii*, who often directed military operations" p. 471.

<sup>31</sup> Lib. *Or.* 42.25.

<sup>32</sup> Amm. 17.9.7; 28.1.12, 6.12.

<sup>33</sup> In 358 Spectatus *tribunus et notarius* was one of those sent as envoy to Sapor (Amm. 17.5.15) and an *ex-primicerius notariorum* was sent by Honorius to Alaric (Zos. 5.40).

and liaison officers between the military and the emperor, who may well have relied on them for both a trustworthy account of events which could not be witnessed first hand and to convey instructions, ensuring their correct execution. For example, when the Rhine frontier was threatened in 369, Valentinian sent a *notarius* to order the local *dux* to erect fortifications, and when the Pannonian frontier was also threatened, it was a *notarius* who was sent to assess the situation.<sup>34</sup> In fact, on only two occasions is it possible to identify *notarii* as having purely military functions. Procopius, in 363, was entrusted with 30,000 troops on the bank of the Tigris; however, his command was not held independently - he was associated with the regular military commander Sebastianus - and thus he could not have held sole military command, if indeed he held any real powers of command at all. It is reasonable to assume that he was present as the emperor's representative in order to ensure that events progressed according to imperial command. In only one case does a *notarius* appear as a combat officer - it was the *notarius* Jovinus who was first to lead the attack during the siege of a Mesopotamian town.<sup>35</sup> Thus, although primarily of a civil nature, the office of *notarius* exhibits the flexibility of the fourth century administration in that members of the corps could be involved in a wide range of duties, primarily functioning as messengers and envoys, and these duties necessarily involved some occasional contact with military personnel, but this does not mean that the post was primarily a military one.<sup>36</sup>

The fourth century administrative structure, then, was flexible and able to be adapted as the circumstances demanded and it underwent sporadic and occasional reorganisation. That it was not a system divided into three distinct and self-contained career patterns, each reflecting a strict hierarchy, is reflected in the reforms of Valentinian concerning the rules of honours and precedence attached to each office, and

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<sup>34</sup> Amm. 28.2.5-9; 30.3.2.

<sup>35</sup> Procopius (Amm. 23.5.5); Jovinus (Amm. 24.4.23; Zosimus 3.22).

<sup>36</sup> For the importance of the emperor in a patrimonial bureaucracy see below pp. 101 ff.

the attempt to define their relationship to each other. The confusion that must have existed between the various grades of command is reflected in the considerable body of legislation issued to clarify the situation.

In the year 372 Valentinian endeavoured to define the status designations for all branches of administrative and military service. In the Valentinianic system, praetorian and urban prefects, *magistri peditum* and *magistri equitum* were equal in rank, with precedence being decided by the time of appointment.<sup>37</sup> The *quaestor*, *magister officiorum*, *comites sacrarum largitionum* and *comites rei privatae* were ranked above proconsuls. As a result of textual corruption, it is uncertain whether the *comites rei militaris* also ranked above or below proconsuls. However, it would be more consistent with other Valentinianic rules if proconsuls were ranked below military *comites*. Although nothing is certain, the case for precedence over proconsuls is strengthened when it is considered that even honorary *magistri militum* were to be ranked above proconsuls.<sup>38</sup> This being the case, it nevertheless must not be thought

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<sup>37</sup> By 382 it was necessary for Gratian, Valentinian II and Theodosius to reaffirm that the consulship must be given precedence by these dignitaries. If a consular had also held a prefecture or had been *magister militum* he was to be given precedence by those *consulares* who had held no such posts. By the end of the fourth century there were very few *consulares* who had not held one of these high civil or military commands. '(U)niversa culmina dignitatum consulatui cedere (e)videnti auctoritate decernimus. Sed ut consulatus (ant)eponendus est omnibus fastigiis dignitatum, in (om)ni etiam curiae senatoriae actu sententia coe(tu), si quis consulatu et praefectura vel culmine mi(lit)ari conspicuus est, pridem consulari praeferen(dus) haud dubio est.' (CTh. 6.6.1). From 375 - 395 there are only five examples of consulars who did not hold either the praetorian prefecture or the post of *magister militum*. In 395 Anicius Hermogenianus Olybrius and his brother Anicius Probinus had held no other posts at all. In 391 the consul Symmachus had previously been *praefectus urbi Romae* and his appointment should be viewed in the context of Theodosius I wanting to reconcile the senatorial aristocracy after the defeat of Magnus Maximus. The year 384 saw Clearchus as consul. He had previously been urban prefect of Constantinople. Eucherius, in 381, formerly *comes sacrarum largitionum*, received the consulship. This can be at least partly explained by the fact that he was the uncle of Theodosius (Zos. 5.2.3; Them. Or. 16.203D; Bagnall, Cameron and Schwartz (1987) pp. 284-325; below Chapter 3 ii n. 106; see the relevant entries in PLRE I).

<sup>38</sup> CTh. 6.7.1, 9.1, 14.1, 11.1, 22.4. Jones (1964a) p. 143 thinks that the military *comites* ranked below proconsuls. In the legislation there is explicit differentiation between the rank granted for actual service and for honorary service. CTh. 6.14.3 (413) specifies the *comites ordinis primi* who (a) had an army entrusted to them, (b) had been despatched by the emperor to defend the provinces or (c) had acted as military assistants to the *magistri militum*, would be equal in status to *duces* of any province except Egypt and Pontus. CTh. 6.10.4 (425) states that *ex-primicerii notariorum* who have received the illustrious rank of *magistri* shall not be reduced to the rank of honorary appointees. There is no reason to suppose that this distinction between honorary and actual service was unique to the fifth century. It would have been a natural distinction for Valentinian, in his legislation concerning precedence, also to make. In addition, Theodosius issued a complicated constitution concerning the

that Valentinian entirely restructured the rules of precedence. There do exist many gaps as preserved in the legal codes. For example, no mention is made of the *comes domesticorum* - an office that was an important step to the highest military commands. Nor do the *duces* rate a mention in the extant legislation. It is perhaps possible to clarify the situation through the examination of the generic titles as indicators of rank. By 386 *duces* were referred to by the generic title of *clarissimi* which at this time would suggest a fairly low rank, perhaps on a level with consular governors or *vicarii*, but certainly ranking below the *comites consistoriani*.<sup>39</sup> Ammianus states that it was to the credit of Constantius II that he did not allow *duces* to be styled *clarissimi* but that they were all *perfectissimi*.<sup>40</sup> Therefore, the change of title must have occurred during the reign of Valentinian when there was much legislative activity in these areas. The process of rationalisation had begun prior to Valentinian but under him the process became more established and was continued in the later years of the fourth century. The use of generic titles had reached a stage of confusion and the growing importance of the the highest palatine and military posts no longer conformed to the simple distinction of *clarissimus* and *perfectissimus*. So new designations were necessary to reflect adequately the eminence of the individual posts. By the end of the fourth century the *clarissimate* was virtually reserved for young men of senatorial descent; the title of *spectabilis* was granted to individuals who held the post of *vicarius* or proconsul, while the highest echelons incorporating the praetorian and urban prefectures, the *magistri*

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distinctions in rank including those who had held a lower dignity with a high titular rank. (*CTh.* 6.6.1, 7.2, 9.2, 22.5-6,7).

<sup>39</sup> The deflated status of the *clarissimate* is reflected in the Valentinianic ruling that the sons of freedmen had access to it (*CJ* 12.1.6, 364/5), and that many new senators were actually of curial origin is evident from the insistence of Valentinian that a municipal career ought to be completed prior to obtaining the *clarissimate*. (*CTh.* 12.1.57, 73, 77, 69 and 74).

<sup>40</sup> *Duces* here are classed as *clarissimi* along with tribunes and *praepositi* (*CTh.* 12.1.113). Ammianus comments '*Nec sub eo dux quisquam cum clarissimatu provectus est. Erant enim (ut nos quoque meminimus), perfectissimi* (21.16.2).

*militum* and the consuls were now designated as *illustres*.<sup>41</sup> The system was by no means rigidly fixed and the fluidity of the status designations is reflected in the continual legislation that was necessary to redefine posts with the appropriate generic designation. For example, praetorian prefects throughout the 350's were addressed as both *clarissimi* and *illustres* and the four *comites consistoriani*, although ranking above proconsuls were initially styled *spectabiles* but soon became *illustres* as did the *comites domesticorum*.<sup>42</sup> The first attested *vir illustris* was in 363, while the first *spectabilis* was in 365,<sup>43</sup> but they tended to multiply rapidly in accordance with the growing importance of the posts they held. The *quaestor*, *comites sacrarum largitionum* and *comites rei privatae* and *magister officiorum* were still in the 360's *spectabiles* but, by the reigns of Gratian and Theodosius they had become *illustres*,<sup>44</sup> indicating that as the palatine bureaucracy evolved and strengthened, members of the consistory rose in status. This is evident especially in a law of Honorius and Theodosius, which equates the rank of grand chamberlain with that of both prefects and the highest military commanders - a clear indication that proximity to the emperor was an important factor in determining rank.<sup>45</sup>

This raises questions concerning the reasons why emperors felt it necessary to set such elaborate rules of precedence governing the status of office holders. It is

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<sup>41</sup> See Harries (1988) p.157.

<sup>42</sup> Ensslin 'spectabilis' PW IIIA 1552-68. Berger 'illustris' PW IX 1070-85.

<sup>43</sup> *CTh.* 7.6.1 where the proconsul of Africa is styled as *vir spectabilis* and *CTh.* 11.30.31 where *illustris* is applied to Mamertinus the praetorian prefect.

<sup>44</sup> *CTh.* 6.9.2; 6.26.2 and 4.

<sup>45</sup> *CTh.* 6.8.1. (422) The growing importance of the corps of *notarii* is recognised in 381 - conceding the rank of proconsuls to the *primicerius notariorum* and to his tribunes and notaries. Other tribunes and notaries receive rank equal to that of vicars. *Domestici* and lower ranking *notarii* equal *consulares*. Later the *tribuni praetoriani et notarii* are distinguished from ordinary tribunes and notaries by conferring on them rank equivalent to *comes Orientis* or *Aegypti*. Further, Honorius and Theodosius made a distinction between *praepositi* who had been *comites* and those who had not. Those who had been *comites* and who did not hold a higher rank prior to retirement, were equal to the *comes Aegypti* or the *comes Ponticae*, while *praepositi* who had not been *comites* were equivalent in rank to *duces* following their retirement (*CTh.* 6.31.1, 413).

plausible that it was as a response to a particular need and many of the extant laws suggest that the rulings were replies to particular queries from officials concerning anomalies in the system. For example, Theodosius addressed a law to Restitutus, prefect of Constantinople, detailing that the customary acclamations for the *quaestor*, *comes sacrarum largitionum*, *comes rei privatae* and *magister officiorum* should not only be ignored but that they are not to be considered equal, upon retirement, to one who has served as prefect, except when the usual considerations of priority of appointment were considered. It is tempting to view this rescript as a response to a query from the urban prefect - perhaps in an attempt to elevate his status beyond that of the four key palatine dignitaries.<sup>46</sup> Further, change in status designations may have occurred as a result of impetus from below. For example, the *magister officiorum* Fl. Rufinus appears not only to have had control of the arms factories transferred from the praetorian prefecture to his own department, but also seems to have obtained higher precedence for the office of *magister officiorum* which was still junior to the office of *quaestor* in 380, but senior by the time of the *Notitia Dignitatum*.<sup>47</sup> As is often the case with legislation, certain practices may have been common before any legislation appeared on the subject. Note how frequently designations were not simply *vir illustris* or *spectabilis* but rather *vir clarissimus et illustris*.<sup>48</sup> This suggests that Valentinian did not decree that men of certain rank must automatically be designated as *illustres*; but rather, the practice evolved out of the simple dichotomy of *clarissimus* and *perfectissimus* as distinctions for the senatorial and equestrian orders. As more individuals entered the clarissimate, those in the upper echelons became desirous to

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<sup>46</sup> CTh. 6.9.2 (380), ... *Quod cum ita sit, hos viros haberi volumus, non ut qui meruerint tantum, sed quasi qui gesserint praefecturas, cum non privilegiis temporis praeferantur, sed honoris aequalitate laetentur.*

<sup>47</sup> CTh. 10.22.3 cf 10.22.2.; CTh. 6.9.1 (372); 6.9.2 (380); Not. Dig. Occ 12.1.3. That the quaestorship now succeeded the *magister officiorum* is evident from careers such as Aurelianus, consul in 400, who in all likelihood held the mastership prior to the quaestorship. PLRE Aurelianus.

<sup>48</sup> ILS 790, 797, 801, 827, 1258, 1276, 1284, 1297, 1300, 1301, 1302, 1309, 4154, 5633, 5635, 5703; *inlustris et praeclarus vir* (ILS 6501).

distinguish themselves from the more lowly officials - thus *clarissimus et illustris*. Imperial legislation did not create the complex laws of precedence but only attempted to regulate it. Note the legislation that aimed at correcting any abuse of the "system". By 383 it was declared illegal to usurp honours and ranks which were not obtained by imperial decree - an indication that the practice was probably rife. There were definite advantages for those who were in possession of seniority of rank, not only increased prestige, but also in more tangible rewards - prominent seats at the games, a more distinguished place at festivals and priority in pleading and speaking.<sup>49</sup> This could also work in a negative way. Honorius and Theodosius promulgated legislation concerning Donatist heretics in which they specify that *viri illustres* had to pay fifty pounds of gold, *viri spectabiles* forty pounds, *senatores* thirty pounds and *viri clarissimi* twenty pounds.<sup>50</sup> Thus the Valentinianic system of precedence was modified and redefined as the need arose in the succeeding years.

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<sup>49</sup> CTh. 6.5.1 and 2. The latter law specifically refers to the system of ranks and privileges attributable to Valentinian. It is clear that it did not take much time for abuses to creep into the system. 'Valentinianus genitor nos(tri sin)gulis quibusque dignitatibus certum locum me(ritum)que praescribit. Si quis igitur indebitum sibi (locum) usurpaverit, nulla se ignorance defen(dat sit)que plane sacri legii reus, qui divina praecept(a neg)lexerit.'

<sup>50</sup> CTh. 16.5.32 (412).

## (ii) Pannonians and Senators: Accommodation or Exclusion?

Discussion of Valentinian's choice of administrators in recent years has exhibited a desire to detect a coherent imperial policy of excluding all men of noble or senatorial origin from the imperial administration and replacing them with his Pannonian compatriots. For example, Nagl, despite the balanced nature of his summary of the reign of Valentinian, is in error to maintain that the aristocracy in Rome was almost entirely excluded from imperial administration.<sup>1</sup> More recently Matthews echoes his sentiments,

Valentinian's "clean sweep" of government of Italy and Rome - for it was no less than this - was not everywhere received with great enthusiasm.<sup>2</sup>

Despite the limitations involved in a reconstruction of the composition of the administrative personnel under Valentinian, due to the problems involved in ascertaining the origins of known administrators, it is difficult to vindicate the conclusions of Matthews.

This view has as its basis the sudden rise of Pannonians both in the bureaucracy and in the military immediately following the accession of Valentinian. While it is possible to discern a Pannonian clique who were active in the elevation of Valentinian, this is not sufficient proof of the existence of an "imperial policy" designed to favour Pannonians to the detriment of others. Equitius and Leo, both of Pannonian origin, had participated in the elevation of Valentinian but they had already reached high rank

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<sup>1</sup>In this context caution should be used when speaking of the "senatorial class" as a cohesive group with a set ideology. The increasing flexibility in the social composition of the order, divergences in religious and regional loyalties and the increasing tendency for non residence in Rome should be a warning against the imposition of uniform ideology or career aspirations on any member of this group.

<sup>2</sup> Seeck (1966), Alföldi (1952). Nagl *RE* VIIA 2191; Matthews (1975) p.40.



before the election of Valentinian as emperor.<sup>3</sup> Ammianus explains that their role was to maintain the decision which the entire army had made.<sup>4</sup> Furthermore, Ammianus explicitly states that Valentinian was chosen by the key military and civil personnel and it cannot be presumed that all those present were of Pannonian/Illyrian origin,<sup>5</sup> nor that they were able to wield much influence over the decision. Leo, for example, was, in early 364, a *numerarius* of the *magister militum* Dagalaifus, who was to become an important general and a vocal supporter of Valentinian, but was no Pannonian - he was a German and stood beside the Gallic Saturninus Secundus as two of Valentinian's most fervent supporters.<sup>6</sup> These are individuals who had figured during the brief reign of Jovian, also of Pannonian origin, and who had been active in promoting his compatriots into the higher echelons of the administration.

To return to the statement of Matthews which implies that Valentinian immediately replaced key persons in the civil/military hierarchies with his own candidates. While it cannot be doubted that at the accession of an emperor certain "political" appointments could be made, it does not automatically follow that every official was removed from his post each time a new emperor came to the throne, or that all new appointments were made from one group of candidates, defined by their origin.<sup>7</sup> Because the reign of Jovian was so brief and totalled only months, support for

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<sup>3</sup> Amm. 26.1.6

<sup>4</sup> Equitius is styled, in some of the manuscripts of Ammianus, as Aequitius. Inscriptions and evidence from the legal codes are consistent in styling him Equitius and should be preferred (*ILS* 762, 774, 775; *CTh.* 7.1.8) There is no doubt that Equitius and Aequitius are to be identified as the same individual, '*...exercitus universi iudicium ... ut Pannonii fautoresque principis designati firmantes*' (Amm. 26.1.6).

<sup>5</sup> Amm. 26.1.3, '*...potestatum civilium militiaeque rectores ...*'

<sup>6</sup> Amm. 26.1.6 Dagalaifus (von Haehling (1978) pp. 252, 453); Saturninus Secundus Salutius (Julian *Or.* 8.252A).

<sup>7</sup> It would be difficult to deny that under Gratian the Gallic supporters of Ausonius rose to prominence and, under Theodosius, the Spanish, but this should be placed in the general context of patronage at Rome. See in general Matthews (1975) *passim*.

the emperor would not have solidified and become fully demonstrated, and as such, Valentinian would have no need to remove personnel for the reasons that motivated Julian to remove the supporters of Constantius II, for example, with whom he was on the brink of civil war, and whose loyalty must have been suspect when Julian assumed the position of sole Augustus.<sup>8</sup> Furthermore, it is often overlooked that Julian was also of Pannonian origin and many of the eminent positions under Valentinian were filled with his nominees. This is especially evident amongst some of the key military figures of the reign. Jovinus, presumably a native of Rome and *magister equitum* from 361 to 369, was actually promoted by Julian to be *magister armorum per Gallias*, Dagalaifus was appointed *magister equitum* by Jovian and Lupicinus, consul in 367 and *magister equitum* of Valens, served both Julian and Jovian in the same capacity. Arinthaëus, of Germanic origin, and consul in 372 had begun his military career under Julian and Equitius, consul of 374, served Jovian as *tribunus scholae primae scutariorum*.<sup>9</sup> One of Valentinian's most notorious appointments - Maximinus - a Pannonian, may have been in office before Valentinian was even raised to the purple. The chronology of the early career of Maximinus is tantalisingly vague. Prior to becoming prefect of the *annona* circa 368 he had held three governorships - *praeses Corsicae*, *praeses Sardiniae* and *corrector Tusciae* and it is only the latter that can be precisely dated to 366.<sup>10</sup> Valentinian was made emperor on February 26, 364, which would mean that if Maximinus had received his first appointment from him, he must have held office more or less in succession without interval.<sup>11</sup> Nowhere is it explicitly stated that Maximinus

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<sup>8</sup> See especially Soc. *HE* 3.13; Soz. *HE* 5.18; Drinkwater (1983) pp.348-87; Bowersock (1978).

<sup>9</sup> Jovinus (Amm. 21.8.3; 21.12.2-3; 22.3.1; 26.5.2); Dagalaifus (Amm. 26.5.2); Lupicinus (Amm. 18.2.7; 26.5.2); Arinthaëus (Amm. 15.4.10; 24.1.2; Zos. 3.13.3; Phil *HE* 8.8; Theodoret *HE* 4.33.3); Equitius (Amm. 26.1.4).

<sup>10</sup> His career is given by Ammianus (28.1.6; *CTh.* 9.1.8, November 17, 366 given at Reims). See also Seeck (1919) p. 228.

<sup>11</sup> Due to the paucity of the sources it is impossible to determine the length of tenure for these offices but it would seem unlikely that such posts were held for longer than one year. Being low ranking

received his first post from Valentinian, and it is possible that his first office was held c. 363. Thus, caution should be exercised when considering Valentinianic initiative in appointments. On the other hand, there are examples of blatant political appointments at the beginning of the reign in order to ensure trustworthy personnel in areas of importance for the emperor. For example the province of Africa. By May 13, 364 a new *vicarius Africae* appears in office - Antonius Dracontius, whose origins are unfortunately unknown. The *comes Africae* Romanus, with his assistant Vincentius, are attested in office during the course of 364 and their rise to positions of influence can be attributed to their acquaintance with Equitius, if not Valentinian himself, since they both had served in the *schola scutariorum*.<sup>12</sup> The proconsul of Africa, Publius Ampelius, an Antichene was appointed from court circles. He had been *magister officiorum* under Constantius and was later to become urban prefect in 371. The *consularis Numidia*e, Fl. Simplicius, a native of Emona, must also have been appointed almost immediately, being attested in office from 364 - 367.<sup>13</sup> Not all the provinces of the empire underwent such a rapid change of administrative personnel as did the province of Africa. Decimus Germanianus, an appointee of Julian, retained the Gallic prefecture until 366, and the prefecture of Italy remained under the control of the

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offices and held at the start of a career, the increase in demand may have meant a decrease in the length of tenure (Jones (1964a) pp. 379-382).

<sup>12</sup> Antonius Dracontius (*CTh.* 11.7.9; *Amm.* 28.6.7-8); Romanus and Vincentius (*Amm.* 29.5.6). That Romanus and Vincentius may have been known to either Valentinian or Equitius is suggested by the fact that they both held, when exiled by Julian, posts in the first and second *schola scutariorum* (*Amm.* 22.11.2). In February 364 Equitius was already *tribunus scholae scutariorum primae* (*Amm.* 26.1.4) and Valentinian had held the post *tribunus scholae scutariorum secundae* (*Amm.* 25.10.9) See further Warmington (1956) pp. 55ff.

<sup>13</sup> P. Ampelius (*CTh.* 13.5.10; Chastagnol (1962) p.187; *Amm.* 28.4.3); Fl. Simplicius (*Amm.* 28.1.45; Matthews (1975) pp.46-7). He had been *consiliarius* of Maximinus, presumably during one of the latter's earlier governorships. The relationship between the two is stressed by Ammianus (28.1.52).

panegyricist Mamertinus until he was successfully accused of peculation in 365.<sup>14</sup> The continuity evident in these careers makes it extremely difficult to portray the initial years of the reign as a “clean sweep” of the government, in which existing administrators were replaced with officials of Illyrian origin. The proportion of Pannonians/Illyrians in the administration, and the hypothesised link between their existence in the administration and the exclusion of senators, requires further analysis.

From a total of thirty eight administrators or military personnel, whose origins are known under Valentinian, only eleven are of Illyrian origin, and of these, only six held a post of any importance.<sup>15</sup> In no way can this be considered a monopoly of the military/civil hierarchy. These Illyrians appear to have attracted disproportionate attention on the part of scholars both because of the often dubious activities that they engaged in and because they were appointed to positions where there existed no strong tradition for appointing provincials who owed their rise to prominence to their association with the imperial court. For example, prior to the reign of Valentinian, there exists no proven case of an urban prefect of Rome being appointed who was not of noble origin, while from the beginning of his reign they proliferate: Bappo, of non-noble origin and a native of Gaul; Eupraxius, a native of Mauretania Caesarensis who rose through service at the court holding the posts of *magister memoriae* and *quaestor*; Viventius, a Pannonian, whose administration as urban prefect was praised by Ammianus; and Ampelius, whose possible tenure of a praesidial governorship, would suggest non-senatorial origins.<sup>16</sup> One further urban prefect who would have been of

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<sup>14</sup> Germanianus is recorded in office on April 7, 366 (*CTh.* 8.7.9; cf *Amm.* 26.5.5). Mamertinus was accused of peculation and replaced by Vulcacius Rufinus (*Amm.* 27.7.1) which is wrongly dated by Ammianus to 367. Mamertinus was last attested in office on April 26, 365 (*CTh.* 8.5.26).

<sup>15</sup> They are Fl. Equitius, *magister militum*; Leo, *magister officiorum*; Maximinus, *praefectus praetorio*; Fl. Simplicius, *vicarius urbis Romae*; Ursacius, *magister officiorum*; Viventius, *praefectus praetorio*. For the full careers see the relevant entries in *PLRE* I, and for their origins *Amm.* 26.1.6; 28.1.12; 28.1.5; 28.1.45; 26.4.4; 26.4.4.

<sup>16</sup> Bappo, PUR 372 (*CTh.* 6.4.21; Chastagnol (1960) no. 72; (1960) p.428 classes him as a Gaul while Piganiol (1947) thinks him to be a Frank. His prefecture is not mentioned by Ammianus. Eupraxius, PUR 374 (*Amm.* 27.6.14; *CTh.* 11.29.5; 11.30.36; 11.36.21); Viventius, PUR 365-7

non-noble origin was Tanacius Isfalangius who, in all likelihood, should be identified with Phalangius, *consularis* of Baetica, whom Ammianus mentions in the context of the trials at Rome. He was *vir clarissimus* by the time of his prefecture, presumably adlected to the clarissimate at some time before he held the post of *consularis*.<sup>17</sup> However, this is not to say that those of noble descent were excluded from holding the prefecture - some of the most illustrious names of the fourth century are found in the *fasti* including two Clodii Hermogeniani, Vettius Agorius Praetextatus, L. Aurelius Avianus Symmachus and Rufius Volusianus Lampadius.<sup>18</sup> It is interesting that non-noble prefects are mainly concentrated in the years 371 - 374, that is, during the height of the trials at Rome and it may represent a desire on the part of Valentinian to keep men in office who were known to him personally, as was certainly the case with Eupraxius and Ampelius. Nothing is known of the early careers of Bappo and Principius, other than their provincial origins and that no link with Valentinian can be

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(Amm. 26.4.4; 27.3.11-12); Ampelius, PUR 371-2 (Lib *Ep.* 208; Amm. 28.1.22; 28.4.3; *Col. Avell.* 11). The career of Ampelius is somewhat unusual since he was *magister officiorum* and proconsul of Achaia under Constantine. After holding a possibly praesidial governorship under Valentinian he became proconsul of Africa and finally urban prefect - an unusual progression. The attribution of a praesidial post rests on a passage of Libanius (*Ep.* 208) 'δοξεῖς τε ἐπιλελῆσθαι τῆς φιλτατῆς σοι Καππαδοκίας' which could also mean that he was simply a landowner there. Presumably he transferred from the senate of Constantinople to that of Rome (Chastagnol (1962) p.186) and he must have exerted some influence at court to gain such important western posts, especially the prefecture of Rome.

<sup>17</sup> Tanacius Isfalagius (*CIL* 6. 1672a; *CIL* 6.1672b) (Tanacius Sfalagius (Amm. 28.1.26). Chastagnol (1962) no.76 classes him as either of Illyrian or Iberian descent. Senatorial rank should not be confused with senatorial descent, since adlection to the senate was not an uncommon procedure. This is illustrated by two non-noble *consulares* known under Valentinian. Lucilius Constantius, consular of Tusciana and Umbria after 366, is described in an inscription as *praeses Mauretaniae et Tingitanae, v.c., consularis Tusciae et Umbriae* (*CIL* 11. 6958 = *ILS* 1252). The peculiar position of 'v.c.' in the inscription may well signify that the clarissimate was attained some time between the praesidial post and the consular. See in general Arnheim (1972) p.87.

<sup>18</sup> C. Hermogenianus Caesarius, PUR 374 (*CIL* 6.499 = *ILS* 4147; *CTh.* 11.36.22; Amm. 27.5.2); Q. Clodius Hermogenianus Olybrius, PUR 369 - 70 (*ILS* 1271; *CTh.* 14.3.13; 14.8.2; Amm. 28.1.8; 28.4.1); L. Aurelius Avianus Symmachus, PUR 364 - 5 (*CTh.* 1.6.4; Amm. 27.3.3 and 5; *ILS* 1257); Vettius Agorius Praetextatus, PUR 367-8 (*CTh.* 8.14.1; 9.40.10; *Coll. Avell.* 5 - 6; Amm. 27.9.9 - 10); Volusianus Lampadius, PUR 365 (*CIL* 6. 3866; *ILS* 5791; Amm. 27.3.7 - 10; *AE* (1975) 134).

firmly established.<sup>19</sup> However, these individuals should not be considered as passive agents of the emperor. Eupraxius was known to have contradicted Valentinian while serving as *quaestor* and it is likely that he received the urban prefecture as a reward for good service.<sup>20</sup> Furthermore, a precedent for non-noble prefects had been set in 365 with the Pannonian Viventius, making it difficult to advance the theory that Valentinian was deliberately appointing non-noble prefects in order to undermine the position of the aristocrats in Rome precisely at that time when the trials for magic and adultery were being conducted.<sup>21</sup> Even so, the appointment patterns of the *vicarii urbis Romae* tend to follow a similar pattern to that of the urban prefects. Prior to 370, all known *vicarii* in Rome were of noble descent. After this date there exist two conspicuous exceptions, both Illyrians, Maximinus (370 - 371) and Fl. Simplicius (374 - 375). Maximinus' career was dependent on the favour of Valentinian, while that of Simplicius was dependent on Maximinus.<sup>22</sup> It is tempting to see this pattern of appointment during the turbulent years of the trials at Rome as a reflection of the need to safeguard the interests of the emperor, particularly when the emperor himself was not present. Valentinian needed those in office whom he considered reliable and trustworthy.

That members of the upper echelons of the civil and military hierarchy, as with members of the senate, should be regarded as individuals dealing with an emperor rather than as representatives of specific classes, is further illustrated by a consideration of the behaviour of Pannonians at court, since they in no way can be considered as a cohesive "faction". A common ethnic background did not necessarily mean a common

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<sup>19</sup> Chastagnol ((1962) pp. 190-1.

<sup>20</sup> Amm.27.6.14, playing an important role in the elevation of Gratian to the position of Augustus; 27.7.6, pointing out to Valentinian the futility of executing decurions of three towns because they would be honoured as martyrs by the Christians; 28.1.25, contradicting Valentinian when he denied passing a decree permitting senators to be tortured.

<sup>21</sup> Viventius is praised by Ammianus as '*integer et prudens Pannonius*' (26.4.4).

<sup>22</sup> See above note 12.

political agenda or aim. Equitius and Maximinus did not allow common heritage to override differences of opinion. Maximinus accused Equitius of sloth in his building activities in Illyricum, in order to procure the appointment of his own son Marcellinus in the place of Equitius.<sup>23</sup> Further, Maximinus' brother - in - law, Valentinus, also presumably a Pannonian, was executed for attempting insurrection in Britain, having been exiled for '*grave crimen*',<sup>24</sup> and the Pannonian *comes* Diocles was executed by Valentinian '*ob delicta brevia*'.<sup>25</sup> It was insufficient for the *notarius* Faustinus to be the nephew of Viventius to avoid criminal prosecution and execution on a charge connected to the trials for magic.<sup>26</sup> One of the closest friends and confidants of Maximinus, Victorinus, does not seem to have been a Pannonian at all.<sup>27</sup> It is important to remember in this context that when Valentinian fell ill in 367, it was the Gallic courtiers and not the Pannonian who called a conference in order to settle on a successor.<sup>28</sup> Thus, the Pannonians did fill some important posts within the administration of Valentinian but the modern, and to a certain extent, the ancient view that they were a cohesive class of aggressive social climbers intent on the exclusion of those of senatorial descent from all echelons of the administration requires much modification. The nature of the imperial court was such that there need not exist any gulf between those of senatorial descent and those professional careerists.<sup>29</sup> Broadly speaking many

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<sup>23</sup> Amm. 28.6.3 - 4. Note that Maximinus held a civil post while using his influence to decide military ones.

<sup>24</sup> Amm. 28.3.4.

<sup>25</sup> Amm. 27.7.5.

<sup>26</sup> Amm. 30.5.11.

<sup>27</sup> Amm. 28.1.27, 34, 48. He is pictured using his influence with Maximinus to secure the acquittal of senators Tarracius Bassus, Camenius, Marcianus and Eusafius and on another occasion protecting the senators Eumenius and Abienus.

<sup>28</sup> Amm. 27.6.1.

<sup>29</sup> Alföldi (1952) pp. 51ff would maintain that such a gulf did exist and that it was impregnable.

provincials in imperial service had genuine social respectability and considerable talent, enjoying long and illustrious careers and by doing so in no way excluded the participation of the senatorial class.<sup>30</sup>

It has been shown that Valentinian imposed his own supporters and loyalists upon traditional senatorial posts such as the urban prefecture and the vicariate of Africa; yet, senators figure prominently in other posts throughout the empire. The prefecture of Italy, still in the hands of Claudius Mamertinus after Valentinian's accession was transferred in 365 to a senator of illustrious lineage - Vulcacius Rufinus. He had already held the consulate in 347 with Fl. Eusebius as colleague and the prefecture of Illyricum until 352, followed by the prefecture of Gaul in 354, and he died in office while prefect of Italy, Illyricum and Africa in 368.<sup>31</sup> He was succeeded in that office by another of illustrious rank, Sex. Claudius Petronius Probus, who retained the post until after the death of Valentinian in 375.<sup>32</sup> The succession of nobles holding the great western prefecture may be attributed to possession of vast estates in these regions which constituted the vast wealth of many senators. Perhaps Valentinian, in following the general pattern of appointment, was exhibiting a desire to avoid alienating these

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<sup>30</sup> Matthews (1975) p.41. For example, Symmachus (*Or.* 7) emphasises the personal merits of Julianus Rusticus as compensating for his lack of aristocratic background in supporting his candidature for the senate. He was *magister memoriae* in 367 and went on to hold the urban prefecture in 387 with the proconsulate of Africa intervening 371 - 3. When Valentinian fell ill, he was suggested as a successor (Amm. 27.6.1). The location of the imperial court at Trier would ensure that many Gauls had the opportunity for advancement because of their proximity to the court.

<sup>31</sup> His early career is recorded on *CIL* 6. 32051 = *ILS* 1237. Consul (*Cons. Const.* a. 347); PPO *Illyrici* (*CJ* 6.62.3; *ILS* 727; *CJ* 6.22.5); PPO *Galliarum* (*CTh.* 9.23.1; Amm. 14.10.4; Zos. 2.55.3); PPO *Italiae, Illyrici et Africae* (Amm. 27.7.2 wrongly placed by Ammianus in 368; *CTh.* 12.1..66). He was of an illustrious and active family. His brother Neratius Cerealis was consul in 358 (Amm. 14.11.27). His sister Galla, was the mother of Gallus Caesar (Amm. 14.11.7) and he had one other sister whose name is unknown, but she was the mother of Maximus PUR 361 - 2 (Amm. 21.12.24). See also Amm. 27.7.2; 16.8.3.

<sup>32</sup> The lineage of Probus is almost too extensive to be chronicled. His grandfather, Petronius Probinus was PUR 345 - 6 (*CIL* 5. 5344; 6.3344 = *ILS* 1266). His wife was Anicia Faltonia Proba, most probably the daughter of Q. Clodius Hermogenianus Olybrius, consul in 379 and PUR under Valentinian. Their three sons were all consular: Anicius Hermogenianus Olybrius and Anicius Probinus in 395 (Claudian *in cons Oly et Prob* 192 - 200) and Anicius Probus in 406. For details see *PLRE* II.



senatorial landowners.<sup>33</sup> Nor were Probus and Rufinus isolated anomalies during the Valentinianic years. Three urban prefects were undoubtedly of senatorial descent: L. Aurelius Avianius Symmachus, C. Ceionius Rufinus Volusianus Lampadius and Vettius Agorius Praetextatus.<sup>34</sup> It should be noted that these careers illustrated a type of continuum and a disregard for the exigencies of the imperial court, for all three had careers that extended into both the pre- and post-Valentinianic era. Symmachus' prefecture of the *annona*, which occurred some time between 340 and 350, was followed by the vicariate of Rome and the urban prefecture in 364 - 5. He died when consul designate, presumably in 377. Praetextatus began his career with the traditional posts of *quaestor* and *praetor* followed by the correctorship of Tuscia and Umbria, and he was *consularis* of Lusitania before 362. He was proconsul of Achaëa in 362 - 4 when he persuaded Valentinian not to enforce the recently promulgated law prohibiting nocturnal sacrifices in the region under his control. This did not have a detrimental effect on his career since he gained the urban prefecture for 367 - 8. Some sixteen years later he was appointed to the praetorian prefecture of Italy, Illyricum and Africa and, like Symmachus, died when he was consul designate for 384. The career of Volusianus was not dissimilar. He held the praetorship, followed by a post as *consularis*, perhaps of Byzacena, and possible two praetorian prefectures in 354 -5 followed by the urban prefecture in 365.<sup>35</sup> Nor was it only the highest offices that were

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<sup>33</sup> That Probus held vast estates in the areas he administered is alluded to by Ammianus (27. 11.1).

<sup>34</sup> See above note 16.

<sup>35</sup> Volusianus as praetor (Amm. 27.3.6) *consularis* (CIL 8.11334) An inscription records him as both PUR and PPO (AE (1975) 134). Compare Amm. 15.5.4-5; 5.13; Zos. 2.55. As urban prefect (CIL 6. 3866 = ILS 5791); Praetextatus (CIL 6. 102; 1777; 1778; 1779; 1780; 1781; 2145). Proconsul of Achaëa (Amm. 22.7.6); persuades Valentinian (Zos. 4.3.3); the law against nocturnal sacrifices (CTh. 9.16.7); urban prefect (CTh. 8.14.1; 9.40.10; 14.4.4; 6.35.7; 8.3.8; Amm. 27.9.9; Soz. HE 6.23.2); praetorian prefect (CTh. 6.5.2; CJ 1.54.5), consul *designatus* (Symm. Rel. 12.4). Symmachus (CIL 6.1698); urban prefect (CTh. 7.4.10; Amm 27 3.3 - 5). Symmachus (Or. 4.1) states that his father was consular. Since his name does not appear on the consular *fasti* presumably he was *designatus*. The careers of Probus and Vulcacius Rufinus were also not confined to a single reign. Probus extended from before 358, his proconsulate, up to 383, his final praetorian prefecture (Appendix iii). Rufinus had held the post *comes per Orientem Aegypti et Mesopotamiae* in 342 (CTh. 12.1.33a). Prior to this he had

filled by men of senatorial descent. Aginatus, whom Ammianus states was of noble family, although no trustworthy documentation attests the fact, held the post of *consularis Byzacenae* in 363 and later held the vicariate of Rome in 368 - 70. His senatorial background did not automatically ingratiate him to his fellow aristocrat Petronius Probus, whom he tried to turn against Maximinus, as retribution against the latter, to whose charge fell the conduct of the trials at Rome. It was Probus who ultimately betrayed Aginatus and he was executed on charges of magic and adultery in 375/6.<sup>36</sup> P. Ceionius Caecina Albinus, *consularis Numidiae* in 364/7, was in all probability one of the sons of C. Ceionius Rufius Volusianus, urban prefect in 365 and thus of senatorial descent. Another noble, Virius Nicomachus Flavianus was *consularis Siciliae* 364/5 and later *vicarius Africae* in 377, *quaestor* in 389/90, praetorian prefect 390/2 and consul under Eugenius. A son of Q. Flavius Maesius Egnatius Lollianus, Placidus Severus, is found as *vicarius urbis Romae* in 364 - 5. Avianus Valentinus, perhaps a brother of Symmachus, was *consularis Campaniae* under Valentinian.<sup>37</sup> Thus, men of noble birth were not excluded from any echelons of imperial administration. The reasons that motivate many commentators to conclude the exact opposite requires close scrutiny.

Some commentators follow Hoepffner in maintaining that the reign of Valentinian can be divided into neat pro- and anti - senatorial phases, with the second

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been *comes ordinis primi intra consistorium* and *consularis Numidiae*, perhaps under Constans or the early years of Constantius (*CIL* 6.32051 = *ILS* 1237) His career ended in 368 with his death.

<sup>36</sup> Aginatus being of noble family (Amm. 28.1.30); *consularis* (*CTh.* 11.20.1); *vicarius* (*Coll. Avell.* 8); the affair with Probus and Maximinus (Amm. 28.1.30 - 3); executed (Amm. 28.1.50 - 6).

<sup>37</sup> P. Ceionius Caecina Albinus (*CIL* 8.19502); Nicomachus Flavianus (Symm. *Ep.* 2.44; 2.27; *CTh.* 16.6.2; Amm. 28.6.28; Barnes (1976) pp. 265-268); Placidus Severus (*CIL* 6.1757; *ILS* 8948; *CTh.* 1.6.3; 12.1.68; 10.4.2). That he was the son of Lollianus (*CIL* 6.1723 = *ILS* 1225; *CIL* 6. 37112 = *ILS* 1232); Avianus Valentinus (*CIL* 10.1656). Symmachus was known to have three brothers Celsinus Titianus and two that remain unnamed, who died prior to 380. Seck identified one as Valentinus (*PW* 4.1658). See also Chastagnol (1962) p.160.

half of the reign exhibiting blatant hostility towards the senatorial class.<sup>38</sup> This thesis rests on dating a law concerning the *defensores civitatum* to 368 as opposed to the manuscript date of 364. Hoepffner bases his arguments on the impossibility of a praetorian prefecture for Petronius Probus in 364.<sup>39</sup> The text of the law runs as follows,

*Admodum utiliter edimus, [ut] plebs omnis Inlyrici officiis patronorum contra potentium [d]efendatur iniurias. Super singulas quasque praedictae dioeceseos civitates aliquos idoneis moribus quorumque vita anteacta lau[d]atur tua sinceritas ad hoc eligere curet officium, qui aut provin[c]is praefuerunt aut forensium stipendiorum egeres militam [a]ut inter agentes in rebus palatinosque meruerunt. Decurionibus ista non credat; his etiam, qui officio culminis vel ordinari[iis] quibuscumque rectoribus aliquando paruerint, non committat hoc mun[us]; referatur vero ad scientiam nostram, qui in quo oppido fuerint ordinari.<sup>40</sup>*

It is difficult to understand the reason why Hoepffner sees the legislation concerning *defensores* as anti - senatorial. The new officials were charged with protecting the lower class provincials '*contra potentium iniurias*' and Hoepffner regards the '*potentes*' as '*l'aristocratie sénatoriale*' but this is not sufficient.<sup>41</sup> The *defensores* were to be drawn from ex - provincial governors, with no distinction made between senatorial and non senatorial, former *agentes in rebus*, who had been *principes* in the offices of the praetorian prefects or vicars, retired members of the palatine civil service and retired barristers.<sup>42</sup> Other officials and decurions were expressly debarred, possibly because the former were among those who required protection and the latter perhaps included imperial financial officials, rather than being drawn entirely from members of the

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<sup>38</sup> Hoepffner (1938) 225-237.

<sup>39</sup> See below n. 42.

<sup>40</sup> *CTh.* 1.29.1 *Defensores* were revived by Valentinian but he did not create the institution which, in all likelihood, is Constantinian, but appears to have lapsed after his death. Five *defensores* of Egypt are known: Claudius Hermeias in 331 (cited in Jones (1971) 490 n. 52); Flavius Panisus (Panopolis, 331); Aurelius Achillion (Oxyrhynchus, 332); Flavius Hermeias (Oxyrhynchus, 336); Sallutius Olympiodorus (fourth century). See Rees (1952) 73.

<sup>41</sup> Hoepffner (1938) p. 227.

<sup>42</sup> *CTh.* 1.29.1 - 3; Jones (1964a) 145; Arnheim (1972) 162 - 3.

aristocracy, whose rapacity was well known, particularly in the province of Illyricum. From a constitution addressed to a certain Seneca, a *defensor*, it seems that at least one of their duties was to act as judge in more minor matters, sending those of a more serious nature to the governor. *Defensores* were in all probability revived to provide cheap and accessible litigation for those who found it difficult to approach the provincial governor in the first instance.<sup>43</sup> By viewing the *defensores* as a direct attack on the senatorial aristocracy, it is necessary for Hoepffner to redate the constitution to 368 so that it conforms to his view of pro- and anti-senatorial phases in the reign. However, the often ingenious arguments used to redate the constitution are invalid. The entire argument rests on whether or not one of Petronius Probus' praetorian prefectures could have been in 364. The proposition is disallowed by both Seeck and Hoepffner on the basis that Mamertinus was still in office. I would maintain that of the possible six dates for Probus' prefectures, 364 should be kept as the date of his first tenure of this office.<sup>44</sup> Hoepffner claims other evidence also to prove that the reign of Valentinian, up to 368, was favourable to the senatorial aristocracy, in particular the

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<sup>43</sup> Such functions are made even more explicit in later constitutions on the subject (*CTh.* 1.29.7 and 8, 392). Hoepffner (1938) p. 227 sees the *defensores* as a measure against the usurpation of land by large landowners. If, from this, it is possible to conclude that it was aimed against the senatorial aristocracy surely a similar charge could be made against the Church, which by the mid - fourth century had acquired large tracts of land throughout the empire.

<sup>44</sup> Seeck (1919) p.232 and Hoepffner (1938). Pharr, in his translation of the Code also opts for 368 (*CTh.* 1.29.1 n.2). The prefectures of Probus are a complex problem since the legal codes cite six terms while the epigraphic sources are unanimous in citing only four. The problem is dealt with in Appendix iii, and it is sufficient to say that Probus replaced Mamertinus in Illyricum, for a short period in 364. The next problem is that *CTh.* 1.29.2 which must postdate 1.29.1. *CTh.* 8.15.4 is also addressed to Seneca and was issued on the same date as *CTh.* 1.29.2, thus, it must presumably be part of the same constitution. As consular iteration numbers are absent, theoretically the date could be 365, 368, 370 or 373; however, from its position in the Code, 365 is the most plausible date, as Seeck (1919) p. 32 points out. Further, in *CTh.* 8.15.4 mention is made of a constitution which '*proxime constitutum est*'. This is *CTh.* 8.15.3. Hoepffner would disagree, regarding one year as too much elapsed time to be considered recent. He sees the allusion being to *CTh.* 8.15.5 given to Probus at Sirmium and amending the date to 368 or 370 and thus giving the *terminus ante quam* for *CTh.* 1.29.1 as 368 or 370. He claims the support of *CTh.* 1.29.4 given to Probus in 368 when an iteration number is provided. Valens' only contribution to the legislation on the matter remains *CTh.* 1.29.5 given at Hieropolis, presumably in 370. I see no reason to doubt that from the time of its implementation in Illyricum in 364/5 it took several years for *defensores* to be instituted on an empire-wide basis. I do not find the arguments sufficiently convincing to amend the MSS date of *CTh.* 1.29.1 from 364 to 368.

confirmation of the institution of *defensor senatus* initiated by Constantius.<sup>45</sup> However, this cannot be used as evidence for a pro-senatorial attitude any more than the *defensores civitatis* can be used for an anti-senatorial one. As further support Hoepffner indicates that there were many senators in key positions early in the reign. However, he does not cite any names. One could assume that he was thinking of such individuals as L. Aurelius Avianius Symmachus, C. Ceionius Rufius Volusianus Lampadius and Vulcacius Rufinus, but it is extremely difficult to detect any pattern that would suggest a change of appointment criteria in 368. Petronius Probus, of senatorial descent was still in office after the death of Valentinian in 375, Q. Aurelius Symmachus was proconsul of Africa in 373 and Hermogenianus Caesarius was urban prefect in the same year. On the other hand, the Pannonian Viventius was prefect of Rome in 365, the non-noble Terentius was *corrector* of Tuscia in 364/5 and the Gaul, Flavius Jovinus, was consul in 367.<sup>46</sup> Note also the law against nocturnal sacrifices, a fundamental aspect of certain pagan rites, promulgated in September 364, and although Praetextatus and his fellow delegates were successful in having Valentinian revoke the law in Achaea, it does not necessarily follow, as Hoepffner suggests, that this was illustrative of the emperor's pro-senatorial attitudes.<sup>47</sup> This is a good example of an emperor dealing with individual senators rather than a reflection of attitudes towards a cohesive "class". A law issued revoking a Julianic law giving immunity to senators

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<sup>45</sup> *CTh* 1.28.1-2 (May, 364). The date is suggestive since it is in the same year as the provisions concerning *defensores civitatis* (April, 364). Valentinian seems to be concerning himself with the welfare of the provincials of all levels. Thus, there appears to be a sense of legislative cohesion. Hoepffner (1938) p. 229 sees it as absolute contradiction, but it is not necessary to see these laws as contradictory since they are aimed at different levels of the population.

<sup>46</sup> L. Aurelius Avianius Symmachus, PUR 364-365 (*CTh*. 7.4.10; 11.31.2; Chastagnol (1962) no. 66); Volusianus Lampadius (*CIL* 6.512=*ILS* 4145); PPO *Galliarum* (Zos. 2.55); PUR, 365 (*CTh*. 1.6.5; *CJ* 1.19.5; Chastagnol (1962) no. 67); Vulcacius Rufinus, PPO *Italiae* 365-368 (*CIL* 6.32051=*ILS* 1237; *Amm.* 27.7.2; *CTh*. 10.15.4); Symmachus, proconsul of Africa (*CTh*. 12.1.73; *AE* (1966) 578); Hermogenianus Caesarius PUR 374 (*CTh*. 11.36.22; *CIL* 6.499=*ILS* 4147; *Amm.* 29.6.17-19); Viventius (*Amm.* 27.3.11-12; *Coll. Avell.* 1.6; *CTh*. 9.40.11); Terentius (*CTh*. 12.1.61; 12.1.65); Flavius Jovinus (*Amm.* 27.2.10; *CIL* 13.3256).

<sup>47</sup> *CTh*. 9.16.7; Zos. 4.3.3.

from arrest was promulgated in January 365 and it is difficult to see how Alföldi can interpret this as reaffirming a privilege of the senatorial order.<sup>48</sup> Such legislation also renders Hoepffner's hypothesis of two distinct phases in the reign obsolete.

The origins of those who held the consulship during the reign of Valentinian have been used by some to provide further support to the theory of senatorial exclusion from the administration. However, by the mid fourth century, it was the urban prefecture rather than the consulship that regularly constituted the summit of a senatorial career, since the consulship was a position that even the most distinguished senator could not be guaranteed of winning.<sup>49</sup> It was open as a reward to any of the emperor's highest administrators, military commanders and the emperors themselves. Tenure of the consulship was the goal of most Roman aristocrats and the supreme mark of imperial favour, and as Mamertinus points out, it was '*honus sine labore*'.<sup>50</sup> That the consulship was perceived to be removed from any set cursus is implied by the panegyricists' contrast between the consulship and the lower administrative posts. It was the symbolic potential of the consulship which maintained or even increased its prestige as a prized post - especially since it was the only office that the emperors could share with their subjects. With regard to the consulship during the Valentinianic years, the comment below seems representative,

To analyse Valentinianic statistics ... out of 26 places available (for the consulship) between 364 and ... 368, no fewer than seventeen went to the imperial family; seven to generals; one to an aristocrat and one to a praetorian prefect ... The fasti are at any rate consistent with the traditional picture of a clash between the dynasty and the aristocracy.<sup>51</sup>

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<sup>48</sup> *CTh.* 8.2.1 (362); *CTh* 9.2.2 (365); Alföldi (1952) p.55.

<sup>49</sup> The high prestige that an urban prefect commanded is reflected in the cursus of such individuals as Petronius Probinus, the father of Sex. Claudius Petronius Probus. He had been consul in 341 (*CIL* 6. 109= ILS 3991) and PUR in 345 (*Chron.* 354; *CIL* 5. 3344).

<sup>50</sup> Mamertinus (*Grat. Actio* 2.2) commenting on his consulship of 362, '*Nam in administrationibus labos honori adiungitur, in consulatu honos sine labore suscipitur*'.

<sup>51</sup> Bagnell, Cameron and Schwartz (1987) p.5.

Yet, a low proportion of aristocrats holding the consulate was not a unique feature of the reign of Valentinian which did not witness an obvious and dramatic change in the patterns of appointment from that of Constantius or Julian, just as aristocratic appointments did not experience a consistent resurgence in the post Valentinianic years. Up to 340 there is a large number of aristocratic appointments, but after this date the *fasti* show an interesting mix.<sup>52</sup> The senatorial Vulcacius Rufinus held the consulate of 347 with the *magister utriusque militiae* Fl. Eusebius. The following year saw Fl. Salia, *magister equitum*, and Fl. Philippus as consuls; the father of the latter, according to Libanius, was the son of a sausage maker - hardly an illustrious lineage, even if allowance is made for rhetorical exaggeration.<sup>53</sup> In 358 the brother of Vulcacius Rufinus, Naeratiis Cerealis, was consul together with Datianus, the son of a bath attendant.<sup>54</sup> Under Theodosius, there were only three descendants of Roman senatorial families who held the consulate - Symmachus (391), Olybrius and Probinus (395).<sup>55</sup> Both occasions followed prominent members of the aristocracy supporting western usurpers and perhaps can be construed as attempts by Theodosius to realign the loyalties of the senatorial class.<sup>56</sup> Thus caution should be used when interpreting the consular *fasti* as reflecting Valentinian's attitudes and policy, because the sweeping

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<sup>52</sup> The consuls for 340, Septimius Acindynus and L. Valerius Proculus were of senatorial birth, as were those of 341, Antonius Marcellus and Petronius Probinus. Both the consuls of 342 were members of the imperial college (Constantius and Constans) but in 343 more nobles were to emerge - M. Maecius Furius Caccilianus and Fl. Romulus. See below n. 106.

<sup>53</sup> Libanius *Or.* 42. 24-5.

<sup>54</sup> *ibid.*

<sup>55</sup> See above p. 73 n. 36.

<sup>56</sup> Matthews (1975) Chapter 9. Virius Nicomachus Flavianus, consul in the west, but without a colleague, was appointed by Eugenius obviously as a reward for his support (*Symm. Ep.* 2.83-4; *CIL* 6.1782).

generalisations, which could be used in relation to any number of reigns do not provide an adequate reflection of reality. Furthermore, appointment to the consulate was motivated by many considerations, and disdain for the aristocracy can certainly not be reckoned among them. Valentinian appointed at least three generals to the consulate as a reward for their role in his acclamation in 364 - the German *magister peditum* Dagalaifus in 366, Fl. Arinthaëus in 372 and Fl. Equitius in 374.<sup>57</sup> A further two generals received the consulate as a reward for good service. Fl. Jovinus, *magister equitum* in the west 361-9 and consul in 367, had operated with success against the Alamanni. He shared office with Fl. Lupicinus, *magister equitum* under Valens in 364-7, whom he had supported against Procopius.<sup>58</sup> So the prevalence of military men in the consulship was not 'to increase the arrogance of the military' as Ammianus would have us believe.<sup>59</sup> Similarly, it must be doubted that these men were appointed for the explicit purpose of excluding those of senatorial descent; rather, these candidates had fulfilled important roles in both the acclamation of Valentinian and the maintenance of his power as well as that of his brother. The consulship was given as a reward for service, especially in the military field, which played such an important role during the Valentinianic years. Since the commanders could not directly take credit for the victories won, as this would usurp the dignity and prestige of the imperial college, they were compensated in a manner which would be a sufficient indication of imperial favour. This is also evident in the case of the two civilian consuls of the reign. Petronius Probus, had already held two tenures of the praetorian prefecture and was mid way through his third when he held the consulship of 371 with Gratian as his

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<sup>57</sup> Dagalaifus (Phil. *HE* 8.8; Amm. 26.4.1; 9.1; *Cons. Cons.* a.366); Arinthaëus (Phil. *HE* 8.8; AE (1948) 169; (1912) 61 -3); Equitius (Amm.26.1.6; *ILS* 4147; Amm. 30.3.1).

<sup>58</sup> Jovinus and the Alamanni (Amm. 27.10.6); Lupicinus and Valens (Amm. 26.8.4; 26.9.1).

<sup>59</sup> '*hunc imperatorem omnium primum in maius militares fastus ad damna rerum auxisse communium, dignitates opesque eorum sublimius erigentem ...*' (Amm. 27.9.4).



colleague. His consulship should be seen as recompense for long and loyal service and it is almost incidental that he happened to be from one of the most noble aristocratic houses of the fourth century. The other civilian, Domitius Modestus, had served all his career in the eastern empire and thus it is likely that he was the candidate of Valens for the position. He was consul in 372 during his long tenure as *praefectus praetorio Orientis* (366 - 377).<sup>60</sup>

The claim that Valentinian systematically excluded all those of aristocratic senatorial descent can be explored from another angle. It is possible to see lack of enthusiasm on the part of the senators to pursue a career in the administration of the empire as being responsible for waning numbers, rather than to lay the responsibility at the feet of Valentinian. Petronius Probus may well have been an exception, given that he was an enthusiastic and ambitious member of the traditional aristocracy. Increasingly, the holding of office was regarded as an encumbrance, something that was laid down with relief, as an anonymous author of the fourth century noted, when speaking of the senatorial class in Rome: 'although they could hold office, ... they were unwilling, because they wished to enjoy their possessions with security'.<sup>61</sup> With the rise of "professional" bureaucrats attached to the court, together with the professional soldiers who were providing military commanders at the highest levels, an

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<sup>60</sup> His honesty in his earlier career as *comes Orientis* (358 - 362) and as urban prefect of Constantinople (362 - 363) is mentioned by Libanius (*Ep.* 1367), but his conduct as PPO was censured by Ammianus, who accused him of deluding Valens with flattery (*Amm.* 29.1.10-11). It is not always easy to assign responsibility for naming the consuls when there were two or more Augusti. Those of the reign who are likely to have been Valentinian's appointments are: Dagalaifus (366); Fl. Jovinus (367); Probus (371); Fl. Equitius (374). Those of Valens: Fl. Lupicinus (367); Victor (369); Domitius Modestus (372). The case of Arinthacus, consul in 372, is a little more complex because, although serving in the east, he did support the candidature of Valentinian, and so his consulship would not have displeased that emperor. Yet, news of his consulship had been disseminated in Egypt by Jan/Feb. of 372, which suggests that both consuls were proclaimed in the east. By March 18 the news had not yet reached Rome. See Bagnall, Cameron and Schwartz (1987) p. 14. It is most likely that Valentinian had at some earlier time given Valens tacit permission to proclaim both consuls, making sure that one of those who had supported him received the honour.

<sup>61</sup> '*inveniens omnes iudices aut factos aut futuros esse, aut potentes quidem; nolentes autem, propter suorum frui cum securitate velle*' (*Expositio Totius Mundi et Gentium* 55, *S. Chr.* 124 (1966) p. 194).

increasing number of senators devoted themselves to tending their estates that were scattered throughout the empire. In 369, a law was enacted, addressed to the praetorian prefects and governors in the west, reminding them of their duty to live in the official residences while holding office and not to look for “pleasant retreats”.<sup>62</sup> This legislation was anticipated somewhat by Symmachus who gave similar advice to Nicomachus Flavianus upon relinquishing the governorship of Sicily in 365.<sup>63</sup> The letters of Symmachus are pervaded by the attitude that offices must be held in order to gain honour and prestige and, although a necessary encumbrance, they remained an encumbrance all the same. This attitude should not be summarily dismissed as merely conforming to some kind of tradition concerning what a senator was expected to say, although Symmachus, writing to Probus with sympathy and encouragement to bear the burdens of office, invites a certain scepticism when compared with what Ammianus has to say concerning the motives for Probus’ tenure of office. Nevertheless, the career of Probus is more the exception rather than the rule amongst senators.<sup>64</sup> Take Symmachus as an example - during the forty years that he was involved in public life he held only three offices, each of no more than one year duration and with almost ten years intervening between each.<sup>65</sup> The reasons that motivated senators to hold office at all must be considered. In the first place, as is especially evident in the case of Probus, it afforded an opportunity to further personal and private interests of individuals and families. Secondly, it provided a good base for patronage - an aspect of senatorial life

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<sup>62</sup> ‘*Unusquisque iudex in his locis sedem constituat, in quibus oportet omnibus praesto esse rectorem, non de verticula deliciosa sectetur*’, (CTh. 1.16.12, April 369).

<sup>63</sup> Symm *Ep.* 11.27; Matthews (1975) p.29; McGeachy (1942) *passim*.

<sup>64</sup> Symmachus *Ep.* 1.58 cf 61; Ammianus 27.11.3 ‘...*elemento suo expulsum, haud ita diu spirat in terris, ita ille marcebat absque praefecturis* ...’. Ammianus goes on to state that Probus continually sought prefectures in order to protect the interests of avaricious families, because in his realms they could operate with impunity.

<sup>65</sup> *Corrector Lucaniae et Bruttiorum*, 365 (CTh. 8.5.25); *proconsul Africae*, 373 (CTh. 12.1.73); *PUR*, 384 (CTh. 4.17.4; 9.30.44; *Rel.* 7, 15).

that had not declined as the fourth century progressed. Thirdly, there existed specific immunities and privileges for the holders of office such as the use of the public post for private business. Finally, it bestowed status and title.<sup>66</sup> Thus the attitude of the senatorial class towards the holding of office was ambivalent. On the one hand, senators were anxious for the honour and privileges that it accorded and, on the other, they were resentful of the intrusion of public life into the quiet life of *otium*.<sup>67</sup> Thus it is necessary to balance modern assumptions concerning the expulsion of senators from the imperial administration under Valentinian with the growing senatorial reluctance to assume office. It is not sufficient to claim that the attitude, as reflected in the correspondence of Symmachus, is merely a facade, behind which lurks a class of men who secretly resented exclusion from office; rather, the attitude of the aristocracy itself was a fundamental factor in the composition of the imperial administration. The reluctance of one group of individuals is balanced by the social mobility of others. Alföldi states that the people in the fourth century were 'crushed ... in the iron clamps of castes, separated from one another by barriers which could not be passed',<sup>68</sup> - a view that must be seriously questioned.

For members of the aristocracy, holding a position of illustrious rank maintained their precedence in the hierarchy. For a man of humble birth holding public office provided an opportunity to improve his social standing.<sup>69</sup> Libanius is frank when pleading the cause of his natural son Cimon when he states that any office which offers

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<sup>66</sup> See Symmachus *Ep.* 1.21.

<sup>67</sup> The attitude of Symmachus is again interesting when he constantly stresses that his urban prefecture was not the result of ambitious career seeking but because he was chosen by the emperor (*Rel.* 1.2.2 and 10.2-3).

<sup>68</sup> Alföldi (1952) p.28.

<sup>69</sup> Jones (1964a) p. 375.

security and tenure for any period of time, even a month, is beneficial.<sup>70</sup> Social mobility for all but the lowest members of western society was a possibility, usually through service in the imperial court. Perhaps the most outstanding example of the upward mobility of a Pannonian family is that of Maximinus, which rose progressively over three generations. His father had served on the staff of the governor in the Pannonian province of Valeria as *praesidialis apparitor*.<sup>71</sup> His son began his career as an advocate followed by governorships of Tuscia, Corsica and Sardinia, *praefectus annonae*, *vicarius urbis Romae* culminating in the praetorian prefecture. Marcellianus, the son of Maximinus, had some success as *dux Valeriae*.<sup>72</sup> The imperial court provided the medium through which individuals could embark on professional careers and increase their social standing. Note the career of Ausonius, whose tutorship of the young Gratian provided an opportunity to maintain close contact with the court. When Symmachus left the court in 370 he held the rank of *comes ordinis tertii*, still superior in rank to Ausonius; however, this had changed before long when Ausonius was promoted to *quaestor* and had to be addressed as a man of high rank.<sup>73</sup> No one would argue that Symmachus was less distinguished than Ausonius in respect of birth, but the latter, through service at court, had risen to be of higher rank than the former.<sup>74</sup> Yet, this does not mean that Ausonius was automatically assimilated into the upper echelons of the Roman aristocracy: he writes, thanking Gratian for the consulship,

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<sup>70</sup> μίαν εὐρίσκει καταφυγὴν ζώνην τε καὶ τὸ ἄρξαι καὶ. δακρύων ἅμα αὐτὸν ἀγαπήσειν ἅπαν τὸ διδόμενον, ἅπαν γὰρ ἔξειν τὴν αὐτὴν ἀσφάλειαν, ὥσπερ αὐ καὶ χρόνον ἅπαντα, κἂν μὴν οὗτος ᾗ (Lib. *Ep.* 959).

<sup>71</sup> The career of Maximinus is given by Ammianus (28.1.5ff). See also PW supp. 5.663.

<sup>72</sup> Amm. 29.6.3.

<sup>73</sup> Symm. *Ep.* 1.32.4; 1.23.3.

<sup>74</sup> For a good account of the career of Ausonius see Hopkins (1961) pp. 237-246.

*Fecisti autem et facies alios quoque consules ... viros gloriae  
militaris ... viros nobilitatis antiquae: dantur enim multa  
nominibus et est fama pro merito ...*<sup>75</sup>

and when addressing Probus, his attitude is distinctly servile.<sup>76</sup> The reality of upward mobility in the fourth century meant that the competition for office was keen and to say that Valentinian followed a consistent and coherent policy of appointments suggests that he personally undertook the replacement of all imperial officials throughout the western empire. This was not the case.

Although the ultimate responsibility for the appointment of officials did lie with the emperor, it was a physical impossibility that he personally be involved in appointments to all posts. While he would have had a keen interest in the highest appointments, such as praetorian prefects and the military commander, many positions were filled as a result of lobbying at court and through the operation of patronage at all levels. After all, the emperor could not be assumed to have a personal knowledge of all candidates for office, and so he was forced to rely to a great extent on the recommendations made by his advisers and subordinates.

The correspondence of Libanius indicates that the praetorian prefects had a considerable say in the appointment of governors under their disposition.<sup>77</sup> He praises Tatianus, praetorian prefect in 388-392, for promoting the prosperity of the eastern provinces through his recommendations of provincial governors, 'for although it is for the emperor to bestow codicils, you advise him on who deserves to receive them'.<sup>78</sup>

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<sup>75</sup> Ausonius *Grat Act.* 4.

<sup>76</sup> Ausonius *Ep.* 12 *qui solus excepti tribus/ eris erorum primus est / praetorioque maximus. dico hunc senati praesulem, / praefectum eundem et consulem / (nam consul aeternum cluet / collega Augusti consulis) / columnen curulis Romulae / primum in secundis fascibus; / nam primus e cunctis erit / consul, secundus principi. / Generi hic superstes aureo / satorque prolis aureae / convincit Ascraeum senem, / non esse saeculum ferreum, / qui vincit aevi iniuriam / stirpis novator Anniae / paribusque comit infulis / Aniciorum stemmata.*

<sup>77</sup> Jones (1964a) p.391.

<sup>78</sup> Libanius *Ep.* 871 *Βασιλέως μὲν γὰρ τὸ δοῦναι τὸ γραμματεῖον, σὺ δ' ὃν λαβεῖν ἄξιον διδάσκεις.* See also Synesius *Ep* 73.

Furthermore, a constitution of 439 also speaks of praetorian prefects influencing the appointment of provincial governors.<sup>79</sup> Yet, this cannot be considered to be a right of the prefects, as the case of Symmachus illustrates. Apparently he had no choice as to who was appointed under his disposition.<sup>80</sup> Far from being a set "chain of command", the role that prefects played in the appointment of officials indicates the importance of patronage. Proximity to the emperor seems to have been the most important factor, and a candidate for office needed someone in the inner court to press his claims. This may explain why Symmachus failed to procure the appointment of his candidate for office - the prefecture of Rome was removed in proximity from the court in Milan and presumably there were others present at the court with more opportunity to press the claims of their candidates. In this context, it is possible to view the initial rise of Pannonians, such as Maximinus and Festus, as a result of the *suffragium* of more prominent Pannonians at court, such as Leo and Equitius.<sup>81</sup> It is a distortion of the truth to see the rise of particular ethnic groups as always a direct result of imperial appointment; rather, it is often an indication that certain groups of individuals had an important voice at court. The case of Petronius Probus makes a good example. The scope and application of the patronage of Probus was legendary. According to Ammianus, Probus '*nunc beneficium ostendebat, et amicos altius erigentem*' and Claudian echoes these sentiments when he speaks of Probus as outdoing even the Spanish rivers in scattering gifts of gold.<sup>82</sup> Such activity probably accounted for the election of Ambrose as *consularis Aemiliae et Liguria* in the 370s, since Ambrose had

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<sup>79</sup> CJ 9.27.6.

<sup>80</sup> *Relatio* 17; CTh 1.6.9, '*Disputari de principali iudicio non oportet: sacrilegii enim instar est dubitare, an is dignus sit, quem elegerit imperator.*'

<sup>81</sup> Maximinus (Amm. 29.6.3; 28.11.5); Festus (Amm. 29.2.22).

<sup>82</sup> '*quippe velut denso currentia munera nimbo / cernere semper erat, populis undare penates, / adsiduos intrare inopes, remeare beatos / praeceps illa manus fluvios superabat Hiberos / aurea dona vomens ...*', (Claudian *Pan. Prob. et Oly. Conss.* 45 - 7; Amm. 27.11.2); Novak (1980) pp. 473-493.

previously served on the legal staff of Probus.<sup>83</sup> Further, the role played by Probus in the appointment of Ambrose to the bishopric of Milan should not be forgotten. The prefect is reported to have told Ambrose to go and use his influence not as governor, but as bishop. When Ambrose was appointed to the post, Probus is purported to have given his approval.<sup>84</sup> Nor is there a shortage of the kinsmen of Probus in important administrative positions under his disposition. Petronius Claudius, presumably a relative, is attested as proconsular governor in Africa in 368, Olybrius was *consularis Tusciae* in 370, Claudius Hermogenianus Caesarius was prefect of Rome in 374 and the father - in - law of Probus, Q. Clodius Hermogenianus Olybrius, was urban prefect in 369 - 370.<sup>85</sup> Further, the curious combination of offices in the career of Anicius Auchenius Bassus may reflect imperial favour, perhaps through the patronage of Probus.<sup>86</sup> These careers illustrate that Probus must have used his influence at court in order to procure positions for his relatives. Surely the profusion of Ausonii in important positions under Gratian must also be attributed to the effective voice of Ausonius at court.<sup>87</sup> Nor were the workings of patronage confined to these obvious examples. While L. Aurelius Avianius Symmachus was prefect of Rome his son undertook a correctorship and the latter's cousin, Nicomachus Flavianus, was

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<sup>83</sup> Paulinus *Vita Ambrosii* 5; Homes - Dudden (1935) p.61.

<sup>84</sup> *Vita Amb.* 8.

<sup>85</sup> Petronius Claudius (*CTh* 12.1.72; Appendix iii); Olybrius (*ILS* 5557; *AE* 1955, 52); Claudius Hermogenianus Caesarius (*CTh.* 9.36.22; *Amm.* 29.6.17-19; *CIL* 6. 499); Q. Clodius Hermogenianus (*CTh.* 14.3.13; 2.10.5)

<sup>86</sup> His career is recorded on *CIL* 6.1679 = *ILS* 1262. The peculiar part of the career runs '*quaestori candidato, uno eodemque tempore praetori tutelari*'. The combination of offices is previously unknown and was obviously regarded as a single magistracy. See *PLRE* p.152.

<sup>87</sup> Decimus Hilarianus Hesperius was promoted from the proconsulate of Africa to be PPO of Gaul, which for a time, he held jointly with his father Ausonius, in 378 and then he succeeded Cl. Antonius in the prefecture of Italy (Jones (1964) 78 and 83 - 4). The father of Ausonius was made PPO of Illyricum, his son - in - law, Thalassius, became *vicarius* of Macedonia in 377 followed by a proconsulship of Africa in 378. His nephew Arborius was *comes sacrarum largitionum* in 379 followed by a brief urban prefecture. For the details see the relevant entries in *PLRE*; Matthews (1975) pp. 69ff; Alföldi (1952)p.87; Hopkins (1961) pp. 237ff.

governing Sicily. Albinus, probably the son of Volusianus Lampadius, was *consularis Numidiae*, while another Volusianus, whose precise connections are unknown, but who was possibly a relative, was *vicarius urbis Romae* in the same year. While Vulcacius Rufinus was praetorian prefect, his nephew, Naeratus Scopinus was *consularis Campaniae*.<sup>88</sup> Thus, imperial initiative may play less of a role in appointing officials than may first appear to be the case. In fact, patterns of appointment may be a more accurate reflection of which individuals had influence over the emperor, rather than specific policies followed by the emperor himself. Thus, under Valentinian, senators may not have figured as strongly in the administration, not because of a deliberate policy of exclusion, but because they lacked a powerful voice at court, which would have been one of the consequences of the removal of the court from Rome to Trier and the failure of Valentinian to visit the city.

The use of patronage to secure positions in the administration readily lent itself to corruption.<sup>89</sup> Ammianus praises Valentinian for two things relating to the appointment of officials: that he avoided nepotism and that no office was sold during his reign.<sup>90</sup> The latter statement is qualified by Ammianus when he states that this was so, except at the beginning of the reign, when one might expect rewards of offices to be made in return for support given for Valentinian's acclamation. Ammianus says little concerning which individuals were the direct choice of the new emperor; however, in the case of Eupraxius he is unambiguous. He was promoted from *magister memoriae* to *quaestor* by Valentinian for supporting the elevation of Gratian and it is made clear that he was

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<sup>88</sup> That he was the son of Neratius Cerealis, consul of 358 (*CIL* 6. 1745=*ILS* 1245); *consularis Campaniae* (*CIL* 6. 1746=*ILS* 1246); Vulcacius, PPO Italiae 365-368 (*CIL* 6. 32051=*ILS* 1237; *CTh.* 11.1.6)

<sup>89</sup> Macmullen (1988) chapter 2.

<sup>90</sup> *Amm.* 30.9.2 - 3.



the direct choice of the emperor.<sup>91</sup> That Eupraxius was a native of Mauretania Caesarensis must undermine the assumption that Valentinian directly appointed only his countrymen.<sup>92</sup>

In the context of the fourth century, the claim made by Ammianus that Valentinian did not sell offices is an important one. According to Zosimus the sale of offices under Theodosius was rife,

... by squandering public money on worthless men he [Theodosius] became impoverished and so he offered provincial commands for sale to those who applied without any regard for reputation or ability.<sup>93</sup>

It seems that the charge was not an uncommon one, since Pacatus, in his panegyric, takes the trouble to refute it and, if the charge was not common knowledge, it is unlikely that Pacatus would have bothered to mention it at all.<sup>94</sup> The purchase of offices seems to have been confined to provincial governorships, the vicariate and equivalent offices - it is never alleged that the great civil offices or military commands could be bought. The majority of information comes from the operation of the *σκηνα* *scrinia*. With the retirement of a *proximus*, the vacancy was offered to the senior supernumerary at a fixed price of 250 solidi, payable to the retiring head. If he could not afford it, the offer was transferred to the next most senior member until a willing

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<sup>91</sup> Amm. 27.6.14 *His dictis sollemnitate omni firmantis, Eupraxius (Caesariensis Maurus) magister ea tempestate memoriae, primus omnium exclamavit: "Familia Gratiani hoc meretur" statimque promotus quaestor ...*

<sup>92</sup> Alföldi (1952) *passim*.

<sup>93</sup> 'Ἐπειδὴ γὰρ ὡς ἔτυχε, καὶ περὶ τοὺς ἀναξίους, τὰ δημόσια δαπανῶν πλεόνων εἰκότως ἐδεῖτο χρημάτων, καὶ τὰς τῶν ἐπαρχιῶν ἡγεμονίας ὠνίους προυτίθει τοῖς προσιοῦσαι δόξῃ μὲν ἢ βίῳ σπουδαίῳ παντάπασιν οὐ προσέχων ἐπιτήδειον δὲ κρίνων τὸν [ἀγρὸν ἢ] ἀργύριον προσάγοντα πλεόν. Καὶ ἦν ἰδεῖν ἀργυραμοιβοὺς καὶ ὀβολοστάτας καὶ ἄλλους ἐπ' ἀγορᾶς τὰ τῶν ἐπιτηδευμάτων ἀσχροτάτα μετιόντας ἐπιφερομένους τὰ τῶν ἀρχῶν σύμβολα καὶ τοῖς πλείονα ἔχουσι χρήματα τὰς ἐπαρχίας παραδιδόντας.' (Zosimus 4.28.3 - 4).

<sup>94</sup> *Geramus tibi morem et beneficiorum summas tuorum pro tua voluntate ducentes, quicquid familiaribus tuis tribus, non expendi, potius sed rependi putemus. Enimvero cum leviter cognitos aut etiam semel visos his honoribus ditas, quibus et amici possent esse contenti, nonne omnibus vis probare amicum tibi esse qui bonus sit?* (Pacatus 17.4).

buyer was found.<sup>95</sup> The legal corpus provides numerous illustrations that the sale of offices developed from *suffragium* and that it was rampant in the fourth century. Valentinian ruled that men who attained the rank of *protector* through the *suffragium* of influential people should pay 50 solidi and that those who rose through long service only 5 or 10. Fifty years later Stilicho was to draw a similar distinction and, by 535, Justinian absolutely forbade the giving of *suffragium* for the purpose of attaining office.<sup>96</sup> Valentinian also promulgated a law that distinguished individuals who had discharged their compulsory public services by labour from those who discharged them through favouritism and *suffragium*. Only the former was exempt from further compulsory service and entitled to be ranked as honorary *comites*.<sup>97</sup> *Suffragium*, then, had begun to deviate from its original meaning of a vote, to a recommendation, favour or interest of a man influential with the emperor and finally to a commodity that could be brought and sold - *venale suffragium*, as Constantine styled it in an edict.<sup>98</sup> Yet, the patronage of even such an important figure as the elder Theodosius was not always successful, and Ammianus relates an incident where the consequences were disastrous. Africanus, provincial governor of an unspecified western province, sought a further tenure through the influence of Theodosius; he was subsequently executed for attempting to further his career with excessive haste.<sup>99</sup> While upward mobility was

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<sup>95</sup> *CJ* 12.19.17, 11; Jones (1949) p. 50. Valentinian enforces such actions by ruling that the heads of staffs should not sell their offices, but when they retire they are at liberty to sell their position only to their own assistants (*CTh.* 8.4.10, 365). The possibilities for corruption should be obvious.

<sup>96</sup> *CJ* 6.24.3 (365); 7.20.13 (407).

<sup>97</sup> *CTh.* 12.1.75 (371).

<sup>98</sup> *CJ* 12.32.1. This practice was declared illegal up to the time of Theodosius, who implicitly legalised the practice. It was so widespread and obvious, and regulation of it had such little chance of success, that Theodosius would have had little choice. See below n. 101.

<sup>99</sup> *Africanus caesarum in urbe defensor assiduus, post administratam provinciam, ad regendam aliam adspiravit, cuius suffragatori magistro equitum Theodosio, id petenti subagresti verbo pius responderat imperator: "Abi" inquit "comes, et muta ei caput, qui sibi mutari provinciam cupit:" et hoc elogio perit homo disertus, ad potiora festinans, ut multi.* (*Amm.* 29.3.6).

condoned and even encouraged, iteration of offices on the same level was not. It is an indication of the competition for offices, especially if the province concerned was an Italian or African one, for which competition was particularly high.<sup>100</sup> Although abuses of the patronage system do not appear to have permeated the upper echelons of the civil and military hierarchy, the Church does not appear to have been exempt. As the Church grew, so did its estates, and bishops could find themselves administrators of considerable fortunes.<sup>101</sup> Thus, it was inevitable that individuals would endeavour to purchase bishoprics for the sake of enriching themselves. Theodoret accuses the Arian bishop Lucius of having bought the bishopric of Alexandria 'as if it was a secular dignity'.<sup>102</sup> Apparently, the sale of secular offices was recognised as a widespread and common practice.

If the administrative personnel were determined by the emperor alone, one would expect a drastic change in the personnel when a new emperor ascended the throne. Upon the death of Valentinian, Gratian became the sole emperor in the west. Since he had been a member of the imperial college since 367, he had no doubt begun to consolidate his own group of supporters at court. Ammianus states that under Gratian some of Valentinian's key supporters were executed - Maximinus, Simplicius and Doryphorianus.<sup>103</sup> Leo too was ousted from office and all the praetorian prefects were changed. The Pannonians and professional bureaucrats who appeared under Valentinian were now replaced by a group of Gallic supporters, headed by Ausonius

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<sup>100</sup> Africa is perhaps most likely since Theodosius was present in these regions at the time. The *magister equitum* apparently had no qualms about recommending a candidate for a civil office. A further indication that the civil - military dichotomy was less rigid than often supposed.

<sup>101</sup> Amm. 27.3.12 - 15; Jerome *Adv. Johann. Hier.* 8.

<sup>102</sup> Theodoret *HE* 4.22.9; de Ste Croix (1954a) p.47; Cassiodorus *Variae* 9.15.3.9; *Encyc. of Religion and Ethics* 'simony'. The corruption of the Church is implied in the remark that Praetextatus made to the Bishop of Rome '*facite me Romae urbis episcopum et ero protinus Christianus*' (Jer. c. Ioh. Hieros. 8).

<sup>103</sup> Amm. 28.1.56.

and his family. However, this did not represent a 'sharp change of policy' as Alföldi asserts - it happened gradually throughout the early years of Gratian's rule.<sup>104</sup> Maximinus was not automatically dismissed but is found in office on February 11, 376.<sup>105</sup> Presumably, suitable replacements still needed to be found and individuals whose careers had suffered some retardation under Valentinian re-emerged under Gratian: Julius Festus Hymetius was recalled from exile in 376, Tarracius Bassus, perhaps the first praetorian prefect of Gratian, had been accused and acquitted of taking part in magical practices in 371, and his brother, then accused with him, became *vicarius Africae* in 381. Arcadius Rufinus, out of political life under Valentinian, was urban prefect in 376 and his successor Furius Maecius Gracchus was the son of the senator Cethegus, executed for adultery during the reign of Valentinian.<sup>106</sup> However, such occurrences should not be over emphasised. Change of personnel was not unusual with the change of emperor, as now a different section of the population had to be rewarded for support and service, while many individuals who had served under Valentinian continued to do so under Gratian. Just as Valentinian's reign cannot be considered as a "clean sweep" of government, the reign of Gratian was not a radical departure from what preceded it. Just as many of Valentinian's key administrators had initially been promoted by Julian or Jovian, so too those under Gratian had begun their careers under Valentinian. Flavius Claudius Antonius, praetorian prefect of Gaul in 376 - 7, of Italy 377 and consul in 382 had been Valentinian's quaestor some time between 370 and 373. Virius Nicomachus Flavianus was *consularis Siciliae* in 364/5 and held the vicariate of Africa under Gratian. He went on to hold the praetorian prefecture of 390 - 2 and again in 393 and finally the consulate of 394. Flavius Neoterius was

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<sup>104</sup> Alföldi (1952) p.84.

<sup>105</sup> See Symm. *Or.* 4.11; *Ep.* 10.2.3.

<sup>106</sup> Hymetius (*ILS* 1256); Tarracius Bassus (Chastagnol (1962) 195ff); Arcadius Rufinus (*CTH.* 1.6.7 styles him PPO but the content concerns the city of Rome); Gracchus (*Amm* 28.1.16).

*notarius* under Valentinian, praetorian prefect in 380 - 1, 385 and 390, holding the consulship in the same year. Two further praetorian prefects of Gratian began their careers under Valentinian. Q. Clodius Hermogenianus, urban prefect in 369 and praetorian prefect in 378 and Flavius Syagrius, a *notarius* in 369, *magister officiorum* in 379 and praetorian prefect of Italy 380 - 2.<sup>107</sup> Furthermore, the most prominent *magister militum* under Gratian, Merobaudes, was appointed *magister peditum* by Valentinian in 375, having served as an officer in the army of Julian.<sup>108</sup> Nor do the patterns in the consular *fasti* under Gratian exhibit a radical departure from the patterns discernible under Valentinian. There were sixteen consular places available under Gratian: members of the imperial college accounted for seven, generals three, relatives of Theodosius two, and only one was of definite senatorial origin.<sup>109</sup>

<sup>107</sup> Antonius as *quaestor* (Symm. *Ep.* 1.89); PPO *Galliarum* (CTh. 13.3.11; 9.35.2); PPO *Italiae* (CTh. 9.40.12; 9.20.1; CJ 11.7.2); consul (ILS 8255; CIL 3.39509; 5. 1620); Flavianus' career (CIL 6.1782; Symm. *Ep.* 2.44; 2.27; Amm. 28.6.28; IRT 475; Barnes (1976) pp. 265 - 8); Fl. Neoterius, *notarius* (Amm. 26.5.14); PPO *Orientis* (CTh. 9.27.1; 7.18.5); PPO *Italiae* (CTh. 8.5.43; 2.26.4); PPO *Galliarum* (CTh. 10.18.3; 8.5.50); consul (CIL 6. 503 = ILS 4151; 6.512 = ILS 4154); Hermogenianus Olybrius, *proconsul Africae* (CTh. 8.5.7); prefect of Rome (CTh. 14.3.13; 14.8.2; 11.39.6); PPO *Illyrici* (Grat. *Act.* 12.55); PPO *Orientis* (CIL 6.1714 = ILS 1271); consul (CIL 6.1714 = ILS 1271); Syagrius, *notarius* (Amm. 28.2.5-9). He was cashiered by Valentinian after being the sole survivor of a military expedition across the Rhine led by the *dux* Arator; *magister officiorum* (CTh. 7.12.2); PPO *Italiae* (CTh. 11.30.38; 1.10.1; 12.1.89); consul (CIL 6.3865; AE 1925, 83).

<sup>108</sup> Appointed by Valentinian in 375 (Zosimus 4.17); in Pannonia (Amm. 30.5.13); consul in 377 and 383 (ILS 4148; 4149; 4150). Apparently he did not suffer any reversal of fortune at the hands of Gratian for his pivotal role in the elevation of Valentinian II (Amm. 30.5.13; *Epit. de Caes.* 45.10).

<sup>109</sup> Gratian held the consulate twice (377 and 380); Valens twice (376 and 378); Valentinian II twice (376 and 378); Flavius Merobaudes, *magister militum*, twice (377 and 383); Flavius Saturninus, *magister militum*, once (383). The only consular for the reign, who was definitely of senatorial birth, was Q. Clodius Hermogenianus Olybrius, consul in 379 with Ausonius. A passage in Themistius (*Or.* 16.203D) indicates that two consuls were related to Theodosius, 'τοῦτω τῷ μέτρῳ συναριθμηθήσεται τὸννομα τοῦ σοῦ στρατηγοῦ καὶ μετὰ τοὺς ἀφ' αἵματος συγγενεῖς ὁ ἐκ τῆς ἀρετῆς καταλεγῆσεται. τὴν γὰρ τοῦ γένους ἀρχιστεῖαν πρώτην τιμήσας, τὸν πατράδελφον λέγω καὶ τὸν κηδεστὴν.' The *στρατηγός* is Saturninus, consul in 383. The *πατράδελφος* is Eucherius, consul in 381, which is confirmed by Zosimus (5.2,3) where an uncle (great uncle?) of Arcadius is named Eucherius (cf *Epit. de Caes.* 48.18) Which of Cl. Antonius and Fl. Syagrius was the *κηδεστὴς* of Theodosius? Seeck (1919) backed Syagrius, since Antonius had served in the west and thus Syagrius was nominated by the eastern emperor. However, in CTh. 11.16.4 Syagrius was praetorian prefect serving in the west. It is more likely that it was Antonius who was related by marriage to Theodosius, though the precise nature of the relationship is unclear. Note that Antonius had a brother Marius (Symm. *Ep.* 1.90) and the name Maria occurs in Claudian (*Laus Serena* 69) along with Flaccilla, the wife of Theodosius and Serena, the niece of Theodosius and later wife of Stilicho. Serena bore three

Despite the sense of continuity and apparent lack of divergence from the preceding imperial policies, the reign of Gratian was heralded as a new and optimistic age, in particular by Symmachus, who speaks of the reversal of Valentinian's policies and the reconciliation of senate and court.<sup>110</sup> How unusual was an advocated change in imperial policy? It should be remembered that Gratian had been a member of the imperial college for eight years prior to becoming senior Augustus and a change in the direction of imperial propaganda would assist in confirming Gratian as a ruler in his own right. Although certain key supporters of Valentinian were removed from their posts, there were no broad sweeping changes to administrative personnel. Perhaps it was the dominance of the Gallic clique at court that led the senators to perceive an improvement in their relations with the imperial court; after all these were men of letters and education. The correspondence between Symmachus and Ausonius leaves little doubt about how the new regime was perceived in senatorial circles. The context of Gratian's early legislation may indicate that the senatorial enthusiasm for Gratian's reign had some connection with the trials conducted at Rome under Valentinian. A law of 376 resolved that criminal cases involving senators must go before the prefect of Rome and the *iudicium quinquvirale*; in July 376 the *praefectura annonae*, the vehicle which provided Maximinus and Ursicinus a way to the urban vicariate, was placed under the judicial jurisdiction of the urban prefect and in 377, members of the *clarissime* were exempted from torture.<sup>111</sup> However, these pieces of legislation do not reflect a coherent policy; rather, they were reactions to specific circumstances, and

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children, Eucherius, Thermantia and Maria, who was presumably named after the Maria in Claudian; she may have been the sister-in-law of Theodosius and Antonius was perhaps her brother. See Martindale (1967) pp. 254 - 6.

<sup>110</sup> Symm. *Or.* 4.10. The differences between Valentinian and Gratian are elucidated by Themistius (*Or.* 13); Ambrose (*de Ob. Theod.* 52); Ausonius (*Grat. Act.* 15.71) and Ammianus (29.3.7).

<sup>111</sup> *CTh.* 9.1.13; 1.6.7; 9.35.3. The trials at Rome shall be considered fully in chapter 4.

the reign of Gratian, like that of Valentinian, preserved a sense of continuity with what preceded it. Although all reigns saw a difference of emphasis on certain areas of policy they do not reflect violent transformations - the reign of Valentinian did not see a "clean - sweep" of the government and the reign of Gratian was not a transformation from "iron cruelty" to "lovely clemency".<sup>112</sup>

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<sup>112</sup> Seeck (1966) p. 440 '... it was made clear to the people at all points that the rule of iron cruelty was at an end, and that in deliberate contrast to it lovely clemency had mounted the throne'. Ammianus provides some contrast to this when he states that Gratian may have rivalled the best emperors '*ni vergens in ludibriosos actus natura, laxantibus proximis, semet ad vana studia Caesaris Commodi convertisset...*' (Amm. 31.10.18).

### (iii) Imperial Finances

The extensive fortification activity undertaken by Valentinian on the *limes*, reconstruction of forts and *burgi*, together with the almost constant campaigns waged throughout his reign, all required a substantial amount of money both to undertake and to complete.<sup>1</sup> For these activities to be successfully completed a sound financial basis was necessary and a constant and secure supply of both money and supplies. Such preoccupations were in no way novel or unusual, preceding emperors were forced to meet similar demands; however, Valentinian made some important reforms in the field of finance, presumably in an attempt to remedy problems and/or abuses that had long been in existence, and the financial basis of his rule requires some examination.<sup>2</sup>

The major source of income for the government was that generated by the various form of taxation, and it cannot be doubted that the rate of taxation had increased steadily throughout the fourth century. Themistius notes in 364 that over the past forty years the rate had almost doubled, and this is reinforced by Victor, writing in 360, who comments that Diocletian's taxation was '*modestia tolerabilis*' compared with the '*perniciēs*' of his own day.<sup>3</sup> It was on agriculture that the heaviest burden of taxation fell. The quest to keep the land under cultivation, and hence productive and taxable, was pursued by all emperors of the fourth century. In two constitutions given to the

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<sup>1</sup> See below, Chapter 6, for a discussion of both the military activity of Valentinian and his efforts to refortify the Danube and the Rhine frontiers. Both Ammianus and Zosimus concur that Valentinian was forced to raise taxation because of military expenses, particularly after the débâcle of Julian's Persian expedition, although the former states that it served only as a pretext for the emperor's own avaricious nature (Amm. 30.8.8; Zos 4.16.1).

<sup>2</sup> Valentinian and Valens issued approximately 400 constitutions between 364 and 375; of these 172 are directly concerned with finance and city administration, notably the role of the cities in the collection of taxation. Such a high proportion is indicative of the fundamental necessity of ensuring a sound financial base for the military and administrative initiatives undertaken during the reign. See Appendix vi.

<sup>3</sup> Themistius (Or. 8.113; Victor, *Caes.* 39.32). The latter must cast doubt on the verisimilitude of the lamentations of Lactantius concerning the rate of taxation under Diocletian (DMP 7).



province of Africa, Valentinian rules that heirs to estates must assume the entire bequest and not only the rich, fertile or cultivable land. If heirs refuse to do this they must forfeit the entire bequest.<sup>4</sup> There is no precise way of knowing how widespread this practice was; however, that the two constitutions were necessary within an interval of six years suggests that imperial directives had little effect. Similarly, the directive given to Mamertinus, that abandoned land in Italy had to be auctioned and that neighbouring landowners were not to be made liable for its upkeep, as was previously the case, in all likelihood met with little success, since in the early fifth century the problem was still rampant.<sup>5</sup> The central government would have been reliant on informers or specific complaints regarding the status of land and this must have rendered the implementation of imperial directives extremely difficult.<sup>6</sup> Derelict land throughout the century had been allocated to veterans to cultivate, free of poll tax and curial duties, with ploughing oxen and seed provided, with the added provision that the previous owners could not charge rent once the land had again become productive.<sup>7</sup> The anonymous author of the contemporary *De Rebus Bellicis* is not content merely to return land to cultivation, but suggests that to reduce the incidence of “over taxation” veterans should be retired at an earlier age and have their tax exemptions abolished upon retirement in order to increase the number of individuals paying tax in the system and hence reducing the burden of those already responsible for paying tax.<sup>8</sup> While the suggestion that younger men may

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<sup>4</sup> *CTh.* 11.1.17, 371, ‘*Heredes scribiti etiam pro minus idoneis fundis fiscale onus cogantur agnoscere, vel si renuntiandum hereditati putent, cedant his omnibus rebus, quas ex isdem bonis quocumque titulo et iure perceperint*’; cf *CTh.* 11.1.10, 365.

<sup>5</sup> *CTh.* 5.11.9 (364/5); 11.1.31 (412), where African landowners were excused of the burden of paying tax on the abandoned land belonging to another.

<sup>6</sup> Jones (1964a) p.422.

<sup>7</sup> It is a renewal of a law of Constantine, although seed and oxen are now provided on a less generous scale (*CTh.* 7.20.8, 364; 7.20.3, 320/326).

<sup>8</sup> ‘*Huiusmodi igitur provisionis utilitas in augmentum provincialium habet veteranos regiis donis opulentos et ad colendos agros adhuc praevalentes agricolas. Habitabunt limites, arabunt quae dudum defenderant loca, et laborum desiderio potiti, erunt ex milite collatores*’ (*DRB* 5.4). That this is a contemporary document see Appendix iv.

be in a more sound condition physically to work uncultivated land back into production is, in theory at least, reasonable, to render them subject to paying the poll tax would remove one of the greatest incentives for attaining recruits in the first place. The anonymous author does suggest that more rapid promotion possibilities, due to the early retirement of those in the upper echelons of the military, would make service more attractive. However, there would still be the same number of jobs to be shared. At a time when military service was becoming increasingly unpopular and military activity throughout the empire becoming perpetual, the state would have been foolish to make recruitment even more difficult than was already the case.<sup>9</sup> There is evidence to suggest that Valentinian and Valens were concerned to make military service more attractive to potential recruits by increasing the scale of benefits and tax allowances for soldiers. In 325, twenty year's service was rewarded with two *capita* remission, in 370, five years service received the same remission, while in 375, for the same length of service, the remission was doubled. Therefore, the author of the *De Rebus Bellicis* has missed an important point of the fourth century - the government was willing to accept a loss of revenue in order to increase both recruitment and the retention rates.<sup>10</sup>

Valentinian and Valens also encouraged veterans to settle and to cultivate unoccupied land by conceding to them the property rights of the land, provided that they both farmed the land and paid the necessary taxes for which they were thus liable.<sup>11</sup> The constant desire to bring land back into cultivation and to maintain it in that state was the basis of a series of reforms of Valentinian concerning the status of lessees

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<sup>9</sup> See below Chapter 7 iii; Vanags (1979) p.51.

<sup>10</sup> *CTh.* 7.20.3; 7.13.6; 7.13.7. The latter law suggests that loyalty is also increased by such privileges: *Ipsorum etiam, qui militaturi sunt, privilegiis accedentibus facilius devotio provocatur, videlicet ut universi, qui militaria sacramenta susceperint, eo anno, quo fuerint numeris adgregati, si tamen in suscepto labore permanserint, immunes propriis capitibus mox futuri sint*'; Vanags (1979) p.52.

<sup>11</sup> *CTh.* 7.20.11.

of imperial estates and crown land. Perpetual lessees of imperial land had always been in a somewhat precarious position. This often included the lease being sold over the head of the lessee to the highest bidder and the lessee was liable to summary ejection if he fell into arrears with the rent.<sup>12</sup> Hence a new form of tenure was invented, the *ius privatum salvo canone*, where the land became the property of the grantee, who was required to pay a perpetual rent. The principal gain for the lessee was security of tenure.<sup>13</sup> Under the new system non-payment of rent no longer meant summary eviction since, theoretically, lessees were the owners of the land. Land would be resumed by the crown only if lessees were declared bankrupt.<sup>14</sup> Although it is not beyond dispute that it was Valentinian who first invented this form of tenure, it was he who launched it on a large scale and issued a general invitation for all subjects to apply for grants of imperial land. The advantages to the imperial government were many. In the first place, it lost nothing in terms of control of the land; however, an income was assured for the long term. Secondly, since forfeiture was no longer a direct issue and the rent charged was fixed, the property could be improved by the grantee, without risking an increase in rent, which meant that less land would again fall out of production.<sup>15</sup> The new system applied by Valentinian evidently met with some success since later emperors were still able to sell lands subject to a perpetual rent charge and hence make a capital gain in addition to maintaining their long term income. Valentinian's laws seem to have been renewed at regular intervals by succeeding

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<sup>12</sup> ...*sciat magnifica auctoritas tua priscis possessoribus sine incremento licitandi esse retinenda ita, ut quaecunque in commis[s]i fortunam inciderint ac pleno domino privatis occupationibus retentantur a Leontii et Sallustii consulatu [344], ius pristinum rursus adgnoscam.* (CTh. 5.15.15, 364); CJ 11.62.3 (365).

<sup>13</sup> CTh 11.62.4 (368); Jones (1964a) p.419; CJ 11.62.4 (368); CTh. 5.13.4 (368); CTh 5.14.30 (386); 5.14.34 (394); CJ 11.62.9 (398); CTh 5.12.2 (415).

<sup>14</sup> CTh. 5.15.18; contrast CTh 5.13.4 and CJ 11.66.2 for the security of the tenure.

<sup>15</sup> CTh. 11.62.4; 5.13.4.

emperors without any major changes.<sup>16</sup> This suggests that they were somewhat difficult to enforce and to regulate, an issue that Valentinian himself may have foreseen by including the provision that, upon the lapse of a lease, it was to be auctioned off to the highest bidder and that this required the confirmation of the central government.<sup>17</sup> The rents paid by the lessees of imperial estates were moderated by a series of exemptions granted by Valentinian: they were excused from superindictions, extraordinary levies, *sordida munera* and often excused from providing recruits, although obligated to pay the *aurum tironicum* which was off-set against the rent. They were also required to contribute to the repair of roads and bridges.<sup>18</sup> Valentinian also confirmed a law of Constantius II which imposed a special levy on the grants of imperial land.<sup>19</sup> Thus, Valentinian was exhibiting a concern to keep imperial land in cultivation and to ensure a reliable income for the central government, while at the same time keeping the control of the land. Freehold peasants were of more use to the central government since they paid tax. Therefore the government had a vested interest in keeping them from becoming the *coloni* of powerful landowners or tenant farmers.<sup>20</sup>

As stated above, many contemporary sources complained about the increasing burden of taxation throughout the fourth century, and legislation concerning both the

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<sup>16</sup> Jones (1962a) p.419; *CTh* 5.14.30 (386) (...*Quicumque defectum fundum patrimonialem exercuerit instruxerit fertilem idoneumque praestiterit, salvo patrimoniali canone perpetuo ac (privato) iure defendat velut domesticorum et avita successio(ne) quae situm sibi habeat, suis relinquat, neque eum aut promulgatione) rescripti aut reverentia sacrae adnotationis quisquam (a fructu impensi operis) excludat*, *CTh* 5.14.34 (394) offering the option to accept less fertile land along with fertile tracts, or if the recipient avoids accepting the less fertile tracts, he must also give up the fertile lands; *CTh* 5.12.2 (415) forbidding imperial estates in the orient under emphyteutic leases to be transferred to another through special grants.

<sup>17</sup> *CTh* 5.15.18.

<sup>18</sup> *CTh* 11.19.3 (364); 5.15.20 (366); 11.16.13 (382). The *aurum tironicum* was commuted at the rate of 25 solidi per recruit (*CTh* 7.13.7, 375).

<sup>19</sup> *CTh* 11.20.1 (363) a law of Julian cancelling the provisions laid down by Constantius. Valentinian in effect had cancelled Julian's provisions; 11.20.2 (364).

<sup>20</sup> Vanags (1979) p. 54.

rate at which tax was levied and the methods of collection received the attention of all the emperors, Valentinian being no exception. Initially, Valentinian had to rationalise the system after the vicissitudes of the reigns of Constantius and Julian. Julian's landed endowments made to the municipalities and temples were again confiscated and the *aurum coronarium*, made voluntary by Julian, was again made compulsory.<sup>21</sup> There was also a reaction to the tradition of lavish expenditure of the Constantinian dynasty to which Theodosius reverted, although Valentinian apparently had some difficulty correcting the notorious generosity of Constantius II, which required the reiteration of legislation within one year.<sup>22</sup> While not introducing any radical legislation concerning taxation, Valentinian does appear to have concentrated on attacking abuses already within the system. Ammianus praises both Valentinian and Valens for decreasing the burden of taxation, but adds that the former was nevertheless ruthless in exacting revenue.<sup>23</sup> They were not the first to do so. Julian, in 356, had decreased the amount of tax payable by residents in Gaul from 25 solidi per caput to 7 solidi,<sup>24</sup> and still managed to make a profit. When Valentinian abolished the poll tax in Illyricum he may not have been entirely altruistic in his motives. If individuals went into hiding they could avoid payment of the tax altogether. However, physical property could not disappear at the hint of a census, thus the amount of tax collected in real terms may not have fallen significantly, if at all, and the actual process of collection in the province

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<sup>21</sup> *Aurum coronarium munus est voluntatis, quod non solum senatoribus, sed ne aliis quidem debet indici* (CTh. 12.13.1, 362); *Universi, quos senatorii nominis dignitas non tuetur, ad auri coronarii praestationem vocentur exceptis his, quos lex praeterita ab hac conlatione absoluit* (CTh. 12.13.2). The law is not extant.

<sup>22</sup> *Namque ut documenta liquida prodiderunt, proximorum fauces aperuit primus omnium Constantinus, sed eos medullis provinciarum saginavit Constantius* (Amm. 16.8.12); Thompson (1952) pp. 25, 31ff.

<sup>23</sup> Amm. 30.9.1; 31.14.2.

<sup>24</sup> Amm. 17.3.4 - 6; 16.5.14.

was made less complicated.<sup>25</sup> Thus a possible consequence of a high rate of taxation was non payment, while a lower rate could in fact produce a higher yield.<sup>26</sup> In fact, the rate of taxation was not necessarily the problem; rather, the failure to collect the taxes properly and problems in the delivery of the tax payments to the imperial treasury were often responsible for discrepancies between the rate at which taxes were paid and the actual revenue received by the government. That there were grave problems with the collection of taxes is reflected in the concerted effort made by Valentinian and Valens to transfer the responsibility for collection from the *curiales* to *honorati* and ex-officials.<sup>27</sup> It is difficult to discern the rationale behind this change but it may be connected with the punishment threatened upon the *curiales* who imposed unauthorised superindictions upon the *tenuiores* with the connivance of the provincial governor himself or his staff - perhaps the government thought that a more stringent check could be kept on its own agents, considering that the *cohortales* were more reliable and suitable in property holdings. However, it ignores the advantages of using *curiales*, that is, they themselves were liable for the amount and the councils underwrote their liability.<sup>28</sup> In any case, the experiment does not seem to have met with much success. In Africa *curiales* continued to be used, while in Cilicia the *praeses* complained that there were not sufficient *cohortales* available and was instructed to use *curiales*.<sup>29</sup>

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<sup>25</sup> *CJ* 11.53.1 (371); Vanags (1979) p.53. Theodosius later abolished the *capitatio* in Thrace: Jones (1953) 50 - 1).

<sup>26</sup> Vanags (1979) p. 48.

<sup>27</sup> *CTh* 8.3.1 (364); 8.7.8, no ex-secretary who had adored the imperial purple could be recruited as a tax receiver; 12.6.4-5, the responsibility for appointing tax collectors was to remain with the provincial governors; 12.6.6, 7, 9 (365).

<sup>28</sup> *CTh.* 11.16.11; 12.6.5; *CTh.* 12.6.9.(368) addressed to Dracontius, *vicarius Africae*, '*Susceptores specierum idcirco per Illyrici provincias ex officialium corpore creari praecepimus, quod cognitum est, illos et re et fide idoneos haberi quam eos, qui in curia suscipere consueverint. Verum in provinciis Africae tua sinceritas hoc ad his officium iubeat amoveri atque eos susceptores specierum annonariorum manere, quos ad hanc necessitatem vetus consuetudo constringit, maxime cum, si susceptores de curia dati aliquid vel negligentia vel fraude decoxerint, ad redintegrationem specierum sicuti moris est, ordo qui creaverit possit artari.*'

<sup>29</sup> *CTh.* 12.6.9; 12.6.5; Tomlin (1973) p.379.

Furthermore, members of the *cohortales* are soon found evading service which again suggests that the reform was not successful in reality. Reforms of the system of tax collection were continually tried throughout the period following the reign of Valentinian and they too met with little success. In 383 an experiment was attempted in Pontica, assigning the responsibility for the collection of tax of the great landowners to the provincial *officium* - this too failed, since one year later Cassiodorus reported that half the outstanding tax on senatorial estates had not been collected and the *curiales* were called on to collect the outstanding amount.<sup>30</sup> Indeed the problems of tax collection were obvious much earlier than the time of Cassiodorus.

One of the major problems was the exploitation of the small landowner because the rich avoided paying tax through collusion at a high level with the officials responsible for the execution of policy. The ability of the large landowners to resist payment of taxation shifted the responsibility onto the smaller landowner and the poorer peasants. Constantine specifically legislated against this process by specifying that provincial governors themselves write out the list of taxpayers, beginning with the most powerful class.<sup>31</sup> It was an attempt to check the separatist tendencies in the curial order between the *principales* and the *curiales*. Constantius II also attempted to counter the practice of differentiation by banning the imposition of physical punishment of the *curiales* in general.<sup>32</sup> However, under Valentinian the process is formally condoned, and by 373 *principales* are found controlling all allocation of duties and given immunity

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<sup>30</sup> CTh. 6.2.2, 3; Cassiodorus, *Variae* 2.24 - 5; Jones (1964a) p. 457.

<sup>31</sup> CTh. 11.16.4 (328), '*Extraordinariorum munerum distributio non est principalibus committenda, ideoque rectores provinciarum monendi sunt, ut eam distributionem ipsi celebrent manuque propria perscribant adque encauto nomina adnectant, ea forma servata, ut primo a potioribus, dein a mediocribus adque infimis quae sunt danda praesentur.*'

<sup>32</sup> CTh. 12.1.47.

from corporal punishment.<sup>33</sup> The power that the *principales* wielded by recommending nominations or exemptions from the municipal order and the allocation of liturgies earned them the title of *potentes*.<sup>34</sup> The ramifications of such a trend were great for the central government which, in effect, lost control of taxation - by conceding the rights of the *principales* to distribute the local fiscal burden, it provided the rich with the means of increasing their power by offering protection to the smaller landowners in return for payment.<sup>35</sup> Salvian illustrates how far the problem had gone when he states that when the poor turn to the rich for protection they lose control of their land.<sup>36</sup> Thus, while the overall tax burden throughout the empire may not have been excessive, the local incidence of unfair or corrupt application of the tax burden was often rife, especially where special taxes were concerned. Constantine, Julian, Valentinian and Valens all reduced the overall level of taxation, but it becomes clear that it was the levy of extraordinary taxes without imperial authority that was at least part of the problem.<sup>37</sup> Constantius II forbade governors or *vicarii* to act on their own authority regarding superindictions.<sup>38</sup> Under normal circumstances no tax was to be levied, except that authorised by the annual indiction which the emperor signed. In emergencies, the praetorian prefect might authorise the extra levy and obtain the emperor's permission at a later date.<sup>39</sup> This emergency provision was withdrawn by Julian who made the

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<sup>33</sup> *CTh.* 12.1.75; 8.15.5. By 412 the gap between the *principales* and decurions had become firmly established (*CTh.* 16.5.52) providing for fines, '...*principales auri pondo viginti, decuriones auri pondo quinque* ...'.

<sup>34</sup> *Lib. Or.* 32.8.

<sup>35</sup> Whittaker (1980) p.14; Norman LCL, Libanius II. 411 ff. Note that Julian did not lighten the burden of taxation because it would benefit the rich.

<sup>36</sup> *ut patres habeant defensionem, perdunt filii hereditatem* (*De Gub. Dei* 5.8).

<sup>37</sup> Eusebius, *VC* 4.2, a tax decrease of 25%; Julian (*Amm.*25.4.15); Valentinian (*Amm.*30.9.1); Valens (*Them. Or.* 8.113C) tax cuts of 50%.

<sup>38</sup> *CTh.* 11.16.7; 11.16.8.

<sup>39</sup> Jones (1964a) p.451.



approval of the emperor mandatory.<sup>40</sup> The application of this provision must have been slow since it was necessary for Valens to legislate against extraordinary levies and later, Gratian again withdrew discretionary powers from his prefects.<sup>41</sup> The practical ramifications for a province, if the prefect chose to use his discretionary powers for less than honorable purposes, are made explicit by the portrait of Petronius Probus and his activities in Illyricum.<sup>42</sup> The problems inherent in exacting tax were exacerbated by the provincial officials granting exemptions, usually to the *potentes*, which meant that for the tax assessment to be met the burden fell on others.<sup>43</sup> Given this, it is not surprising that by 416 superindictions had become a regular tax.<sup>44</sup>

Since the capitation and land tax were no longer supplying the imperial treasury with sufficient funds, the collection of other taxes was made more stringent. The *collatio lustralis*, a tax created by Constantine and essentially a quinquennial levy on the trading classes, proved extremely unpopular and was finally abolished in 498.<sup>45</sup> Valentinian made smaller landowners and peasants marketing their own produce exempt from this tax, acknowledging that they were unable to pay a further tax,<sup>46</sup> while declaring void special exemptions received by private persons.<sup>47</sup> Valens declared

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<sup>40</sup> *CTh.* 11.16.10.

<sup>41</sup> *CTh.* 11.16.11 (365); 11.6.1 (382).

<sup>42</sup> *Amm.* 30.5.4-10; Frank (1972) p.74. The corruption of the system receives attention from Ammianus (30.4.1; 16.8.11-13). Speaking of the corruption of judges '*...laxavitque rapinarum fores quae roborabantur in dies, iudicum advocatorumque pravitate sententium paria, qui tenuiorum negotia militaris rei rectoribus, vel intra palatium validis venditantes, aut opes aut honores quaesivere praeclaros*' (*Amm.* 30.4.2).

<sup>43</sup> Symmachus is explicit, 'the honour of your government service is displayed by the favours you can grant' (*Ep.* 7.94).

<sup>44</sup> *CTh.* 11.5.2.

<sup>45</sup> Kent (1956) p.194.

<sup>46</sup> *CTh.* 13.1.6, 8, 10.

<sup>47</sup> *CTh.* 13.1.5-6.

that individual exemptions were made to the detriment of the common good, and both Valentinian and Valens reduced the exemptions received by veterans and retired *palatini*. After 370/2 the tax was exacted in gold alone.<sup>48</sup> However, the constant need for the government to legislate, forbidding exemptions and confirming the necessity of paying the tax, suggests that the government was not successful at any stage.

The need to increase revenue also motivated the increasing practice of commutation of goods received in kind into gold and silver. This process was begun by Valentinian in the west, perhaps initially for military reasons rather than purely economic ones, since regional troops became increasingly mobile and frontier garrisons became increasingly static and thus it was more convenient to pay mobile troops in money rather than kind, due to problems of transportation.<sup>49</sup> It was ruled that *limitanei* should receive rations in kind for nine months of the year and “prices” for three.<sup>50</sup> Commutation of taxes into gold simplified both the collection, storage and distribution of tax and supplies in addition to decreasing the wastage of perishable goods and the need for unnecessary transport. Valentinian decreed that collections of taxes should be made in quarterly instalments, probably to avoid overloading the transport system and the storage capacities of the granaries.<sup>51</sup> The supply of the frontier *limitanei* fell to the frontier provinces, and the forts located on the frontiers were to be supplied from neighbouring estates, although ungarrisoned provinces could be expected to contribute towards the feeding of the frontier army.<sup>52</sup> The burden of transport was lightened by

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<sup>48</sup> *CTh.* 13.1.9; 13.1.5, 6, 7; 11.12.3.

<sup>49</sup> Whittaker (1980) p.7.

<sup>50</sup> Jones (1964a) p. 460.

<sup>51</sup> *CTh.* 11.19.3; 11.1.15.

<sup>52</sup> *CTh.* 11.1.9 (365), *Pro loco ac proximitate possessionum annona ad limitem transvehatur. Quae iussio haut difficile capit effectum, si tabularii metu praesentium tormentorum a consuetis fraudibus arceantur* (11.1.11 (365); *Sicut fieri per omnes limites salubri prospectione praecipimus, species annonarias a vicinioribus limiti provincialibus ordinabis ad castra conferri. Et in vicinioribus castris constituti milites duas alimoniarum partes ibidem de conditis sumant nec amplius quam tertiam partem ipse vehere cogantur.* (7.4.15, 369); 11.1.21 (385); *CJ* 11.40.1 (385); Jones (1964a) p.460.

Valens, since the *limitanei* were to transport a third of their supplies themselves and they were allowed to commute one third of their supplies for cash. The second provision, and perhaps the first also, was adopted by Valentinian since the price schedule for rations so commuted was still current in 396.<sup>53</sup> Commutation to gold allowed the praetorian prefecture to increase its reserve of gold, the *arca praefectoria*, which although first mentioned in 382 could well have had its beginning under Valentinian.<sup>54</sup> However, those goods that could be commuted to gold were still regulated by Valentinian; wine and foodstuffs for Rome were forbidden to be commuted into cash, the rents of emphyteutic land could be paid both in cash and in kind, but the private landlord could not demand payment in cash from his tenant, who was accustomed to pay in kind rather than cash, "which the peasants had no hope of attaining".<sup>55</sup> In this Valentinian was not being particularly revolutionary but seems to have been bringing legislation into keeping with the prevailing customs. When referring to the commutation of rations by the *protectores*, he refers to it as an ancient custom.<sup>56</sup> What had begun as an abuse eventually had become condoned by the imperial government possibly because, on the one hand, it suited other facets of administration, for example, supply of the army with the least difficulty and cost and, on the other, the practice had become almost impossible to eradicate. For example, in 365 the issue of tax receipts for monetary payment is strictly forbidden, while in 372 it is assumed that land tax may be commuted. By 401 the *annona* is being commuted in

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<sup>53</sup> *CTh.* 7.4.15; 7.4.22.

<sup>54</sup> *CTh.* 8.1.72 (382).

<sup>55</sup> *CTh.* 11.1.8; 11.2.2; 11.19.3; 11.16.13; *CJ* 11.48.5.

<sup>56</sup> *Protectores fori rerum venalium iuxta veteris moris observantiam in annonarum suarum conmoda pretia consequantur*, (*CTh.* 7.4.10).

Africa, while by 445 land tax in Numidia and Mauretania was paid in gold and under Majorian, all land tax in Italy was paid in gold.<sup>57</sup>

The increasing incidence of commutation of the *annona* and the levying of certain taxes in cash instead of kind, suggest that there existed an adequate supply of bullion and coinage throughout the empire. Valentinian inherited a monetary system of gold, substantially unchanged since Constantine, of silver, reformed in 355/8 when the *argenteus* struck at 1/96 to the pound was superseded by the *siliqua* struck at 1/144 to the pound,<sup>58</sup> and bronze, reformed by Julian in 361 and again in 366/7.<sup>59</sup> The maintenance of a constant supply of gold bullion appears to have been a central concern of the imperial government and that there existed a scarcity in the late fourth century is reflected in a report made by Symmachus to Valentinian II, that the market price for gold had left behind the price fixed by Gratian for solidi in terms of bronze coinage.<sup>60</sup> This did not reflect a new problem, since Valentinian had attempted to cut the price of gold by decree,<sup>61</sup> and that the lustral tax was now exacted in gold alone suggests a desire to maintain the supply of gold reaching the central government.<sup>62</sup> Early in his reign, Valentinian took steps to encourage gold miners and introduced a fee of eight scruples of gold dust to be paid annually. Any collection above this was, preferably, to be sold to the fisc for a fair price.<sup>63</sup> Indeed, the imperial government appears to have

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<sup>57</sup> *CTh.* 11.2.1; 11.4.1; 12.4.28; *Val. Nov.* 13; *Mar. Nov.* 2.3; Jones (1964a) p. 461.

<sup>58</sup> King (1980b) pp. 141-179.

<sup>59</sup> *RIC IX* p. xxvi. For a discussion of the depiction of the emperor on the coinage see above pp. 61-2.

<sup>60</sup> *Symm. Rel.* 29; *CTh.* 13.2.1; 8.4.27; Tomlin (1973) p.358.

<sup>61</sup> '... in view of the diminution which is being effected in the valuation of the solidus, the price of goods ought to decrease' (*CJ* 11.11.2 (371 -3)).

<sup>62</sup> *CTh.* 13.1.5, 6, 7; 11.12.3.

<sup>63</sup> *CTh.* 10.19.3. There is evidence to suggest that goldminers found their work uneconomic, with legislation dealing with both fugitive goldminers and those who were caught aiding the Goths (*CTh.* 10.19.7; *Amm.* 31.6.6).

been particularly concerned with maintaining a stable gold currency. Julian, in 363, created officials called *zygostates* in each town who were responsible for weighing *solidi* and for settling disputes between buyers and sellers of *solidi*.<sup>64</sup> The problem was that *solidi* were being clipped and their weight and value subsequently reduced. The scheme must have worked tolerably well, since the reform was still in force under Justinian.<sup>65</sup> However, the anonymous author of the *De Rebus Bellicis* has a novel solution to the problem of *solidi* becoming *depravata*<sup>66</sup> - he lays the blame on the mints and suggests that all mint workers should be put on an island, out of contact with the public, and therefore they would have no motive for fraud.<sup>67</sup> Valentinian did not put this scheme into practice, but he was forced to take new steps. The provisions laid down by Julian did not take into account the possibility that genuine full weight coins could be corrupted en route to the imperial treasury.<sup>68</sup> To overcome this problem, Valentinian decreed that all taxes that were paid in gold, had to now be paid in bullion, which was formally tested for purity. The bullion was transported directly to the imperial residence, which meant that gold was only minted in the imperial capitals and received the certifying mark OB(*ryzium*).<sup>69</sup> In 369 mints were forbidden to convert

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<sup>64</sup> *CTh.* 12.7.2.

<sup>65</sup> *CJ* 10.73.2; Thompson (1952) p.35; Jones (1964a) p.444

<sup>66</sup> Both Ireland (1979) and Thompson (1952) translate '*depravata*' as debased. However, the term could just as easily mean deformed or disfigured, in which case *solidi* had not been mixed with other metals so much as been clipped. Therefore, while technically pure in metal content, their value was reduced because there was less metal in the coin. See Lewis and Short s.v. *depravo*; Reece (1979) pp. 227ff.

<sup>67</sup> '*Ergo huic quoque parti maiestatis vestrae est ut omnibus adhibenda correctio, ita ut opifices monetae redacti undique in unum insulam cogregentur nummariis et solidorum usibus profuturi, a societate videlicet in perpetuum contiguae terrae prohibiti, ne commixtionis licentia fraudibus opportuna integritatem publicae utilitatis obfuscet. Illic enim solitudine suffragante integra fides monetae praestabitur, nec erit fraudi locus ubi nulla est mercis occasio.*' (*DRB* 3.2-3). Corruption of mint workers and their fraudulent practices was alluded to by Constantine, (*CTh.* 9.21.2; cf *Lib. Or* 18.138; Astin (1983) p.431).

<sup>68</sup> Kent (1956) p.199.

<sup>69</sup> *CTh.* 12.6.12,13; 10.24.3; Kent (1956) p.200; *RIC* IX p.217 n.26.

private gold into solidi; however, this must have proved to be ineffectual because, by 374, the practice was again permitted upon payment of two ounces of gold to the government for every pound minted.<sup>70</sup> The concentration of the minting of gold in the imperial residences resulted in a sharp fall in the volume of bronze coinage issued from these mints. For example, Milan coined only gold and silver between 364 and 383, as did Sirmium from 378 to 383. The mint at Heraclea coined only gold and silver in 364,<sup>71</sup> while London, under Magnus Maximus 383 - 8 also only coined gold and silver.<sup>72</sup> Thus, the regulations of Valentinian concerning gold currency appear to have been motivated by a desire to maintain the gold standard and to ensure that the central government had a sufficient supply of gold from which it could meet all necessary payments.<sup>73</sup> It is not possible to know definitely whether Valentinian attempted similar measures to ensure the purity of silver; however, a certifying mark P(u)S(ulatum) suggests that it may have been organised in a similar manner to gold.<sup>74</sup>

The issue of silver coinage appears to have been closely linked with the political situation and the conduct of warfare, either internal or external.<sup>75</sup> The elevation of Julian to the rank of Augustus saw an upsurge in the production of silver. A similar increase is evident for the period 364 - 7 and again five years later. This could be connected to the payment of donatives both at the time of accession and for *quinquennalia*.<sup>76</sup> Between 364 and 367, vota types were minted both at 1/60 of a

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<sup>70</sup> *CTh.* 9.21.7,8; *CJ* 4.63.2 (374) forbids the export of gold bullion to the barbarians.

<sup>71</sup> Valens is attested as being present in Heraclea in September of 364 (Soz. *HE* 6.7.8; Appendix i).

<sup>72</sup> Kent (1956) p.157; Carson (1990) pp. 247ff.

<sup>73</sup> This was probably the motivation behind banning all exports of gold (*CJ* 4.63.2).

<sup>74</sup> Kent (1956) p. 200.

<sup>75</sup> Callu (1980b) pp. 47ff. This inference can be drawn from the prevalence of silver hoards along the frontiers in Britain, and the Rhine and Danube.

<sup>76</sup> King (1980b).

pound and *Gloria Romanorum* at 1/72 of a pound in the east. After the usurpation of Procopius the *argenteus* was reissued.<sup>77</sup> Valentinian had followed the monetary policy of Constantius and Julian but, after the accession of Gratian, monetary policy changed almost completely: precious metals were ordered to be purified, while all silver was removed from base coinage. The coining of silver ceased abruptly at Sirmium and Rome, while Arles and Aquileia no longer issued *siliquae*. Trier and Lyons remained the exceptions.<sup>78</sup>

That the minting of coinage was inextricably entwined with military activity is shown by both mint locations and the locations of hoard finds. The mints and treasuries were linked to the presence of the army, not directly on the frontiers, but where the government was distributing coins as goods.<sup>79</sup> Transient mints often served a short term military function, for example Sirmium, which struck gold and small issues of silver and bronze from 320 - 326 and sporadically throughout the fourth century.<sup>80</sup> The case of Pannonia provides another example. The circulation of coinage dramatically increased in that province between 364 and 367, while the years 371, 372 and 373 are represented by remarkably few examples; supply again increases in 374 - 5.<sup>81</sup> This variation can be explained by the fortification activity on the *limes* in the province which were completed c. 370.<sup>82</sup> The increase in the volume of coinage late in the reign of Valentinian can be explained by the presence of the emperor and the

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<sup>77</sup> Callu (1980b) p.221; 1/60 to the pound *RIC* IX Lyons no.3; Arles no.3; Constantinople no. 8; Vota, Lyon no.4; Aquileia no.3; Thessalonica no.9; 1/72 to the pound, Lyon no.5; Arles no.4; Rome nos.7 and 8; Antioch no. 6; Constantinople nos 9 and 10; Siscia nos 3 and 4; Antioch nos 4 and 5.

<sup>78</sup> Callu (1980b) pp. 213ff.

<sup>79</sup> King (1980b) p. 156.

<sup>80</sup> King (1980b) pp. 155 - 164.

<sup>81</sup> The following arguments owe much to Lányi (1969).

<sup>82</sup> See below Chapter 6.ii.

preparations for war with the Quadi, which necessitated an extra supply of money.<sup>83</sup> The intervening years see supplies of coinage issued from the mint at Siscia turning up in Britain and in Trier. Pearce<sup>84</sup> explains this with the hypothesis that, when troops transferred from Pannonia to Britain, they took with them the money for salaries also. However, it is possible to explain the phenomenon in another way. It is a possibility that Siscia was actually minting coins for Trier and Britain. Trier had only two *officinae*, while Siscia had four and it is possible that the mint at Trier could not keep up the supply for the protracted Alamannic war, as Trier did not mint any bronze. Since the mint at London had closed in 326, there had been no mint at all in Britain that coined gold and silver until Magnus Maximus in 383.<sup>85</sup> Trier originally had the responsibility to supply Britain, but if the demand increased for the war on the Rhine, then there was a decrease in the amount of surplus that was available for Britain. A hoard from Shapwick has coins minted in Arles and Lugdunum, which supplied Britain under Constantius II and Julian and they were supplemented with coins from Aquileia and Siscia. With the more centrally controlled armies of Constantius and Julian mints had closed down and the production of bronze had fallen in relation to gold; for example, Sirmium was closed c. 325/6 after the defeat of Licinius, it was reopened in 351 during the wars of succession and closed again in 364, except for occasional strikes of gold.<sup>86</sup> Valentinian restricted the bronze coinage with one main series withdrawn altogether, and a gold fractional coinage was introduced.<sup>87</sup> Thus an

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<sup>83</sup> Amm. 29.6.13-14.

<sup>84</sup> Pearce (1931 - 2) *passim*.

<sup>85</sup> King (1980b) 155-6.

<sup>86</sup> Whittaker (1980) p. 3. That there were shortages in the supply of coinage in Britain perhaps explains the large numbers of illegal copies discovered in that province. Copies that can be dated to the reign of Valentinian are almost unknown (Reece (1972) p. 241 -3). Presumably, counterfeit copies are unnecessary if the supply of coinage is adequate.

<sup>87</sup> Whittaker (1980) pp. 3ff.



“equilibrium” was created between the coinage by a reduction of the amount of bronze in circulation in relation to gold.<sup>88</sup>

The author of the *De Rebus Bellicis* exhorts the emperor to exercise prudence in limiting public grants and to look to the interests of the taxpayers in order to transmit to posterity the glory of his name.<sup>89</sup> There is evidence to suggest that Valentinian did take measures to curb imperial expenditure. The staff of *vicarii* were limited to three hundred and the emperor commended the praetorian prefect for purging his staff.<sup>90</sup> He checked the issue of warrants for the postal system and tried to limit abuses; and it was decreed that the sons of soldiers who received rations prior to enlistment should be maintained by their family.<sup>91</sup> Nor should it be forgotten that the excuse for the Alamannic invasion was that they had received smaller gifts than was usual.<sup>92</sup> The directives given, that emphasised the repair and restoration of existing buildings and fortifications, should also be interpreted in the context of economising.<sup>93</sup>

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<sup>88</sup> *CTh.* 9.23.2 (395) suggesting that the bronze values had stabilised. Gold fractional coinage (Pearce, *RIC IX* p. xxvi); the restriction of bronze coinage (*RIC IX* pp. xviii; xxix; xxxi). In the east, the issue of bronze ceased almost entirely between 367 - 379 (*RIC IX* pp. 189; 200-1; 237; 248-9; 264; 296). The new reverse type that appeared when issuing resumed, was the result of a need to reestablish a normal level of production rather than a reaction “against the claim of the west to impose uniform bronze coinage on the whole empire”, Callu (1980a) pp. 105ff.

<sup>89</sup> ‘*Erit igitur curae prudentiae tuae, optime imperator, repressa largitate et collatori prospicere et in posterum nominis tui gloriam propagare.*’ (*DRB* 2.4).

<sup>90</sup> *CTh.* 1.15.5; 8.7.10.

<sup>91</sup> *CTh.* 5.17; 7.1.11.

<sup>92</sup> ‘*Alamanni enim perrupere Germaniae limites, hac ex causa solito infestius moti. Cum legatis eorum, missis ad comitatum, certa et praestituta ex more munera praeberi deberent, minora et vilia sunt attributa, quae illi suscepta, furenter agentes ut indignissima proiecere.*’ (*Amm.* 26.5.7).

<sup>93</sup> Valens also had a reputation for controlled liberality (*Amm.* 31.14.2-3; *Epit. de Caes.* 46.3).

#### (iv) The City of Rome

Valentinian was one of the very few emperors who never physically entered the city of Rome. However, this does not mean that the needs of the city or its inhabitants were ignored; in fact, Valentinian more than any other emperor legislated on the cornerstone of the existence of the urban plebs - bread, pork, wine and oil.<sup>1</sup> It is likely that such concern was motivated at least in part by the fact that Valentinian was never in the city of Rome; that is, because of the necessity for Valentinian to spend the majority of his time on the northern frontiers he wanted to ensure that for the most part affairs at Rome remained calm.<sup>2</sup> Furthermore, when viewed in terms of his creation of the *defensores civitatis*, improving the position of the urban poor in Rome could well have been devised to elevate his imperial image in the city, especially since he did not personally go there.

Thus, the maintenance of public order in Rome tended to have a direct link to the food supply. Note that in 359 rioting broke out because of a shortage of grain and in 354/6, 355 and probably in 375 because of shortages of wine.<sup>3</sup> This should be contrasted with those occasions on which there were abundant supplies and the complaints ceased.<sup>4</sup> Valentinian took many measures to ensure an adequate supply of

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<sup>1</sup> Note in particular *CTh.* 14.3 concerned with the guilds and in particular with breadmakers. Of the 21 constitutions preserved in this section, 13 belong to the period 364 - 375.

<sup>2</sup> It can be assumed fairly safely that there were no urban troops at the disposal of the urban prefect. When bread riots became serious in 359, the prefect Tertullus was forced to offer his children as hostages to the crowd (*Amm.* 19.10.2-3); Viventius was unable to control the rioting between the supporters of two papal candidates Ursicinus and Damasus (*Amm.* 27.3.11-13); Symmachus twice complained that senators openly flouted his authority (*Rel.* 23, 31); and his nephew, when rival candidates for the papacy, Boniface and Eulalius, were causing unrest, sent his *primiscrinus* to arrest Boniface, who refused to submit - the crowd attacked the *primiscrinus*, and soldiers were later sent to reinforce the urban officials (*Coll. Avell.* 23, 31; Jones (1964a) p. 693).

<sup>3</sup> *Amm.* 19.10; 14.6.1; 15.7.3; 27.3.4.

<sup>4</sup> Under Maximus in 361 '*Hoc administrante alimentaria res abundavit et querellae plebis excitari crebri solitae cessaverunt*' (*Amm.* 21.12.24) and, in 365 under the urban prefect Apronianus, '*Sub hoc tamen Aproniano, ita iugiter copia necessariorum exuberavit, ut nulla saltim levia murmura super inopia victui congruentium, orerentur, quod assidue Romae contingit*', (*Amm.* 26.3.6). The supply of grain

grain to Rome, particularly concerning regulations for the *navicularii* responsible for shipping the grain from Africa to Rome.

Between the years 367 and 375 constitutions were enacted for Africa that resulted in a new legal institution - the *praedianaviculariorum*.<sup>5</sup> In 367 Valentinian legislated that in the case of those who were in lawful possession of land that formed, or had once formed, part of an estate of a *navicularius corporis* and who refused to recognise their duty to pay contributions to the *corpus*, their land must be ceded to the *corpus*.<sup>6</sup> If the contribution was paid, the land was automatically ceded to the corporation and, by 375, the contribution was assessed at a fixed sum.<sup>7</sup> Also in that year, Valentinian decreed that anyone who purchased anything from a *navicularius corporis* became bound to the *corpus* for the contribution attached to it; however, the emperor expressly stated that the purchaser did not have to become a member of the *corpus*.<sup>8</sup> In the event that property fell within the imperial domains, the emperor would acknowledge the obligation to contribute.<sup>9</sup> The purpose of such regulations must have been to avoid the

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could be used as a political weapon. Constantine undermined the position of Maxentius in Rome by stopping first imports of grain from Spain and then those from Africa, which resulted in shortages and unrest (Sirks (1991) p.16). Constantine banished Athanasius to Gaul when he was accused in 335 of intending to hold up Alexandria's grain fleet to put pressure on the emperor in a religious dispute by causing food shortages at Constantinople (Athan. *Apol. contra Arianos* 87.3); Gildo, in Africa, restricted the transportation of grain to Rome and used it as a political weapon. Note the measures taken in 397 to counter Gildo's revolt (CTh. 6.2.17, 18; 12.6.24; 13.5.27; 14.15.3; CJ 4.40.3; all from April 15, 397).

<sup>5</sup> Sirks (1991) p. 181.

<sup>6</sup> CTh. 13.6.4. The *navicularii* could be drawn from any stratum of society, provided they were in possession of land, the proceeds from which they were required to build, repair and sail ships in return for which they were given certain privileges such as immunity from curial service (CTh. 13.5.5, 326).

<sup>7</sup> CTh. 13.6.7.

<sup>8</sup> *Neque navicularium ilico iubemus fieri eum, qui aliquid comparavit, sed eam partem quae emptā est pro suo modo ac ratione esse munificam.* (CTh. 13.6.7; CJ 11.3.2).

<sup>9</sup> *Sed et si est quidam naviculario iuri obnoxium, quod domus nostrae proprietatem spectat, tolerare praecipimus navicularias functiones* (CTh. 13.6.3, 368) cf 13.6.5; Sirks (1991) p.183.

situation where the *navicularius* sold his land and neither declared the proceeds nor invested it.<sup>10</sup> Thus, the *navicularii* were expected to subsidise the operation of transportation of grain from their own investments and alienation of estates was expressly discouraged, except to those willing to take on the duties of the *navicularius*.

Valentinian also legislated to ensure that the *navicularii* took responsibility to guarantee that the amount and quality of grain remained constant throughout the process of collection, shipment and distribution. Shippers of grain were bound to provide a certificate that the grain was of good quality and the authorities were required to check the cargo personally. Upon transit, and upon unloading, the grain was measured again.<sup>11</sup> Earlier, Valentinian had provided that the storehouses in both Rome and Portus, which had been converted to private use, must be restored to their former condition.<sup>12</sup> This constitution also included provisions that should be followed in order to ensure that the grain was kept in a good condition for as long as possible; specifically, that grain should not be kept in the lower parts of storehouses since it was prone to spoiling by moisture.<sup>13</sup> Valentinian was careful to legislate that old supplies of grain were to be used before the new ones, and if the old grain was spoilt to such an extent as to be unable to be used without causing complaint, it was to be mixed with

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<sup>10</sup> Compare this with *CTh.* 14.3.1, where a *pistor* sold his possessions and did not declare the proceeds. The undesirable consequences of this are made clear in *CTh.* 13.6.6, where it is stipulated that if the farms of shipmasters were transferred to ownership of other people either by the fisc, municipality, shipmaster or their kinsmen or, if farms had been transferred to other shipmasters, they must be restored to their former owners. Action and prosecution would follow unless the recipient assumed the burdens of the former owner.

<sup>11</sup> *CTh.* 14.15.1, 2 (366). It is likely that a copy of the declaration accompanied the ship to Portus. *Nautici apud curatorum vel magistratum acta fateantur incorruptas sese species suscepisse eorumque, apud quos deponitur ista testatio, praesens aspectus probet nihil in his esse vitii. Quod eo tempore, quo ad sacrae urbis Portum pervenit, praefecturam iugiter observare praeceptum est.* (*CTh.* 14.15.2); *CJ* 11.23.1 (366); Tengström (1974) p. 38; *CTh.* 14.4.9 (417) cf *CTh.* 13.3.58.

<sup>12</sup> *Horrea fiscalia apud urbem Romam nec non etiam Portus in usus translata privatos cognovimus. Haec ad pristinum ... inferioribus horreorum frumenta condantur, quae natura loci et umore vitiantur* (*CTh.* 15.1.12).

<sup>13</sup> The phrase 'because of the nature of the place and the moisture' could refer to seepage either because of proximity to the Tiber or because of condensation (Tengström (1974) p. 68).

fresh grain so as to conceal the spoilt grain without any serious loss to the fisc.<sup>14</sup> The official in charge of the procedure is to be respected (*nobilis*), wise (*prudens*), faithful (*fidelis*), have a clear conscience (*optime sibi conscius*) - an indication of the importance of an adequate supply of grain of reasonable quality to the bakers in Rome.<sup>15</sup> An adequate storage facility at Rome was necessary to offset any shortages or problems in securing the supply of grain for Rome. In 374 the urban prefect was forced to take extraordinary measures for the distribution of grain and with some success since the devastation in Pannonia caused by the invading Quadi coincided with crop failures in Italy, Africa, Sicily and Sardinia.<sup>16</sup>

Since the time of Aurelian, when the corn dole was converted into a bread ration, the guild of bakers became increasingly fundamental to the supply of bread at Rome.<sup>17</sup> Bakers, like the *navicularii*, were subject to numerous legal provisions preventing alienation of their property outside of the guild and continuous attempts were made to swell the numbers in the guild.<sup>18</sup> Bakers were forbidden to leave the corporation, nor were they allowed to enter holy orders. Only after five years service might the senior

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<sup>14</sup> *Ante omnia autem quae in horreis habentur expendi volumus, ita ut non prius ad frumentum tendatur expensio, quod sub praefectura tua urbis horreis infertur, quam vetera condita fuerint erogata. Si forte vetustate species ita corrupta est, ut per semet erogari sine querella non possit, eidem ex nova portione misceatur, cuius adiectione corruptio velata damnum fisco non faciat.* (CTh. 11.14.1).

<sup>15</sup> It was decreed that 200,000 measures of sound and unspoiled grain had to be sold to breadmakers (CTh. 14.15.3, 364).

<sup>16</sup> Ps Augustine *Quaestiones veteris et Novi Testamenti*, (CSEL 50) 115; Amm. 29.6.17ff. The price of wheat was subject to wide fluctuations and the expense and hazard of transport meant that one area would be experiencing famine prices, while in another, corn could be relatively cheap (Jones (1964a) p.445). During the famine at Carthage under Valentinian, Hymetius sold public wheat at 10 *modii* per solidus and he was able to replace it the next year, buying wheat on the open market at 30 *modii* per solidus (Amm. 28.1.17-18). Similarly, to alleviate the famine at Antioch, Julian imported corn and sold it at 10 *modii* to 1 solidus. Later he had wheat shipped from Egypt and sold it at 15 *modii* to 1 solidus. (Misopog. 369).

<sup>17</sup> There had been a corn dole at Rome since 58 B.C., which was limited by Augustus to a fixed number of citizen recipients (Jones (1964a) p. 696). The Theodosian Code described bakers as *necessarium corpus* (14.3.2, 355; SHA, *Aurelian* 35; Zosimus 1.61.3), adding bread and pork to existing allowances of salt and oil.

<sup>18</sup> CTh. 14.3, where Valentinian's legislation dominates. Even under the principate baking was not a popular occupation; Trajan had to encourage freedmen to enter it (Gaius 1.34).

member of the guild become a senator, provided that he endowed another with his breadmaking assets and capital.<sup>19</sup> Alienation of property to senators, or other officials who could not take up the trade, was forbidden in 364 and this was extended in 369 to forbid the alienation of any property whatsoever.<sup>20</sup> Bakers could not be exempted by the unanimous vote of the guild, nor by imperial rescript.<sup>21</sup> Bakers were expected to finance their operations from their private property and estates - the *fundi dotales*, and when Valentinian made property inalienable in 369 he assimilated it to the *fundi dotales*.<sup>22</sup> Maintenance of a sufficient labour force in Rome's 250 bakeries<sup>23</sup> was apparently so difficult that the governors of Africa were obliged to send members to the guild every five years to reinforce the corporation. This was not a new provision but it resurrected a constitution of Constantine. Furthermore, Valentinian revived another of the laws of Constantine which stated that persons convicted of minor crimes were to be sent to labour in the bakeries.<sup>24</sup> Such provisions underline the fundamental importance of the bakeries in Rome, an importance that arises out of their function to provide bread for the urban plebs.

In the first half of the fourth century, the daily ration of bread was approximately 50 oz. of coarse bread, for which nominal payment was made. In 369 Valentinian decreased the amount of bread each recipient might be entitled to to 36 oz, but he ensured that the bread was of a better quality and that it was issued free of charge. The bread was issued to people without means of support, on the production of a bronze

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<sup>19</sup> *CTh.* 14.3.4 (364); 14.3.7 (367); *Amm.* 27.3.2.

<sup>20</sup> *CTh.* 8.5.3, 13, 14, 21.

<sup>21</sup> *CTh.* 14.3.8. Bakers were even forbidden to transfer between establishments.

<sup>22</sup> *CTh.* 14.3.7, 13, 19; Jones (1964a) p. 669.

<sup>23</sup> Tengström (1974) p. 73.

<sup>24</sup> *CTh.* 9.40.5 reinforcing 9.40.3 (319); Valentinian did not go as far as Theodosius, who is reported to have set up brothels at the entrance to bakeries and kidnapped unwary customers for service in the guild. (Socrates *HE* 5.18); recruits from Africa (*CTh.* 14.3.12 (370); 14.3.17 (380)).

ticket bearing the recipient's name and the amount to which he was entitled.<sup>25</sup> Sale was forbidden to unqualified persons. <sup>26</sup> Valens had a slightly different approach, forbidding the sale of *annona popularis*, and in the event of the death or absence of a recipient, it lapsed and was allocated to others who qualified as recipients.<sup>27</sup> In the course of time more definite restrictions had to be put in place. If any procurator, overseer or slave of a senator drew free rations, he was to be sentenced to labour in a bakery; if a senator knew this was happening, then his house was confiscated.<sup>28</sup> Alföldi makes the following comments on the above provision, "It is interesting to observe how ... antagonism to the senatorial class can be seen in these edicts"<sup>29</sup> This is a bizarre statement. At no time had the *panis gradilis* ever been intended for senators or their households; indeed, it would seem to defeat the purpose of such provisions altogether if the bread did not reach the plebs for whom it was designed and, rather than "antagonism to the senatorial class", it would not take much imagination to

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<sup>25</sup> *Civis Romanus, qui in viginti panibus sordidis, qui nunc dicuntur ardienses, quinquaginta uncias comparabat, triginta et sex uncias in bucellis sex mundis sine pretio consequatur, ita ut ius in his nullus habeat officialis, nullus servus, nemo qui aedificiorum percipiat panem ... Quibus titulus figendus est aeneus, in quem et panis modus et percipientis nomen debet incidere.* (CTh. 14.17.5, 369) addressed to the people of Rome; Jones (1964a) p 696.

<sup>26</sup> CTh. 14.17.5, 6.

<sup>27</sup> Valens' provisions: *Vendendi de reliquo popularibus annonam consuetudinem derogamus, ut huius modi celebrata ventitio omni careat firmitate. Verum si quis urbe abundum esse crediderit, panes ceteraque quae percipit in horreorum conditis reserventur, poscentibus iuxta legem eiusdem ordinis hominibus deferenda* (CTh. 14.17.7). These provisions did not last, and by the end of the fourth century the right to receive bread free of charge was hereditary and could be legally sold, *Si quae speciatim annonae domus in hac urbe habentibus divae memoriae Constantini vel Constantii largitate concessae sunt atque in heredes proprios iure successionis vel in extraneos venditiones titulo transierunt, erogatione solita ministrentur, et si quae scholarum nomine defenduntur.* (CTh. 14.17.12, 393).

<sup>28</sup> *Si quis umquam actor procurator servusve senatoris usurpatum gradilem, gratificante aut vendente scriba vel etiam consentiente, perceperit, subiciatur eculei quaestioni. Ac si eudem patuerit temeritate propria adque ignorante domino de perceptione panis illicite transegisse, ipse sub vinculis pistrino quod fraudabat inserviat; si vero senatoris culpa id fuisse constiterit, domus eius fisci viribus adgregetur ...* (CTh. 14.17.6, 370). If a scribe was involved, he was to be executed.

<sup>29</sup> Alföldi (1952) p. 64.

discover how the plebs would have reacted if the households of senators had become the widespread and illegal recipients of bread.

Valentinian was not only concerned with the bakers and the corn supply, he took measures to ensure an adequate supply of another staple of the urban plebs, pork. It was Aurelian who first initiated the allowance for pork, and the structure of the pork butcher's guild was not dissimilar to that of the bakers.<sup>30</sup> Pork was provided free of charge to the urban plebs for five months of the year and supplied by designated regions in Italy - Campania, Samnium, Lucania and Bruttium.<sup>31</sup> That the levy of pigs encountered many administrative difficulties is reflected in the edicts of five emperors from Constantine to Valentinian III.<sup>32</sup> The problem was essentially twofold: pigs varied in weight and were often judged by eye rather than by actual weight, and pigs lost weight when driven to Rome so, having been levied at the correct weight in the South, upon arriving at Rome they were deficient. Turcius Apronianus attempted to remedy the problem by granting a subsidy of 25,000 *amphorae* of wine, drawn from the wine levy, two thirds of which was to go to the *suarii* and one third to the municipal councils concerned.<sup>33</sup> Valentinian refined the regulations of Apronianus' edict for protecting both the farmers and the butchers against loss.<sup>34</sup> The specified provisions included the starvation of pigs for one night prior to being weighed and that councils either had to deliver the amount due in meat, or pay the equivalent money which was to

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<sup>30</sup> SHA, *Aurelian* 35 'nam idem Aurelianus et porcinam carnem populo Romano distribuit, quae hodieque dividitur'; *CTh.* 14.4.1, 5, 7, 8.

<sup>31</sup> *CTh.* 14.4.10; 14.4.3, 4; *Nov. Val.* 36.1.

<sup>32</sup> Constantine (*CTh.* 14.6.2); Julian (*CTh.* 14.4.3); Valentinian I (*CTh.* 14.4.10); Valentinian III (*Nov.* 36.352); see also the edict of Apronianus (*CIL* 6.1771).

<sup>33</sup> *CIL* 6. 1771. Apronianus was urban prefect 362-4. His prefecture was distinguished by an abundance of food of all descriptions, probably because of his regulations concerning the food supply (*Amm.* 26.3.6). For a detailed discussion of the edict of Apronianus see Sirks (1991) pp. 371 - 4.

<sup>34</sup> *Per singulas et semis decimas, quibus suariorum dispendia sarcuntur, damnum, quod inter susceptionem et erogationem necessario evenit, vini, hoc est septem et decem milium amphorarum perceptione relevetur* (*CTh.* 14.4.4).



be commuted at the official market price in Rome.<sup>35</sup> When pigs were commuted, the municipal councils were expected to use wine to make up the difference between the price that the landowners paid and the price in Rome which the *suarii* were entitled to receive.<sup>36</sup> If the actual pigs were delivered, fifteen percent was added to the weight to allow for the loss in transit.<sup>37</sup> This is a good illustration of the difficulties involved with levies in kind and their partial commutation.

According to the *Historia Augusta*, Aurelian had originally planned to provide free wine to the people of Rome and he made an attempt to revive viticulture in Italy in order to ensure a sufficient supply. It is noted, however, that this was never carried to its conclusion either because he died before he could carry the plan through to fruition or because he was dissuaded by the praetorian prefect, who is claimed to have said, "*Si et vinum populo Romano damus, superest ut et pullos et anseres demus*".<sup>38</sup> However, Aurelian provided for the storage of wine in the Temple of Sol so that it could be purchased by the people. By the time of Valentinian, it was possible for him to rule that both butchers and farmers of pigs could be compensated for any losses incurred with wine, which suggests that the supply of wine was ample, (this is further indicated by the reduction by a quarter of the resale value of wine).<sup>39</sup> There also appears to have

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<sup>35</sup> *Cui rei illud provisionis accedat, ut Lucanus possessor et Brūtiū, quos longae subvectionis damna quatiebant, possit, si velit speciem moderata, hoc est septuagenarum librarum compensatione dissolvere, quod ibi debet inferre, ubi vina fuerat traditurus. Quibus in rebus illud quoque a decessore tuo salubriter institutum est, quo suariis aestimandi licentia denegetur pondusque porcorum trutināe examine, non oculorum libertate quaeratur, ita videlicet, ut ne volenti quidem possessori tradere animal liceat, cuius modum non prius ponderatione certa deciderit suarius. Animal vero a possessore tradendum ob digeriem prius unius noctis tantum ieiunitate vacuetur* (CTh. 14.4.4.1-2); Sirks (1991) p.373.

<sup>36</sup> Jones (1964a) p.703.

<sup>37</sup> CTh. 14.4.4.4.

<sup>38</sup> SHA, *Aurelian* 48.3. The revival of viticulture was attempted on a wider scale in the provinces by Probus (SHA, *Probus* 18.8), '*Gallias omnibus et Hispanis ac Britannis hinc permisit, ut vites haberent vinumque conficerent. ipse Almam montem in Illyrico circa Sirmium militari manu fossam lecta vite conseruit.*

<sup>39</sup> CTh. 14.6.3 (365), cf 14.6.1 (363). Wine was obtained by levy in kind and commutation was prohibited (CTh. 11.2.2, 365).

been provision for the distribution of olive oil, although it is most unlikely that this was made free of charge.<sup>40</sup> Septimius Severus was supposed to have established a daily distribution of olive oil, which fell into disuse under Heliogabalus, but which was later restored by Alexander Severus.<sup>41</sup> It is mentioned as an established custom under Aurelian but, by the mid fourth century, it is likely that the distribution of olive oil was similar to that of wine - not free but supplied below the market price.

Together with the provisions for the food supply, Valentinian resuscitated a second century custom that provided for salaried doctors for twelve of the fourteen regions of Rome. These doctors could accept retainer fees but were not to be paid for their services and they were given precise instructions to direct their attention to the poor. They were still in existence in the sixth century, when Justinian reaffirmed their salaries.<sup>42</sup> When a public doctor died, Valentinian provided that his replacement was not to receive the post through the exercise of patronage; but rather, that his successor was to be decided by the majority decision of his future colleagues.<sup>43</sup> Valentinian was not being totally innovatory in his provisions, since doctors had enjoyed fiscal privileges at Rome since the time of Vespasian,<sup>44</sup> but he attempted to ensure that they performed their required duties and that abuse of privileges be limited. It is impossible to accept the conclusion of Alföldi that this edict, together with *CTh.* 14.17.6, which forbade the receipt by unauthorised individuals of free bread, were promulgated on the initiative of Maximinus, since when viewed within the wider context of provisions for

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<sup>40</sup> There is no mention in the legal codes concerning the free distribution of olive oil (Sirks (1991) p.388. Although *CTh.* 12.11.2 (386) makes mention of an oil treasury together with a grain treasury, and 14.15.3 (397) speaks of an oil tribute, there is no sign of a special corpus in charge of oil distribution.

<sup>41</sup> *SHA, Sept. Sev.* 18.3; *Alex. Sev.* 22.2.

<sup>42</sup> *CTh.* 13.3.8, 9, 13; *Cass. Variae* 4.19; Jones (1964a) pp. 703ff.

<sup>43</sup> *CTh.* 13.3.8.

<sup>44</sup> Hands (1968) p. 140. Hadrian enlarged on his scheme and Antoninus Pius made the privileges of doctors dependent upon the doctor's diligence in performing his duties.

the food supply and other municipal institutions such as the *defensores civitatis*, they appear to be a part of a consistent package delivered by Valentinian, to ensure that the plebs were provisioned so as to guarantee tranquillity in the city.<sup>45</sup>

Nor were the physical aspects of the city neglected during his reign. As with his military fortification policy, Valentinian exhibited a distinct preference for the renovation and restoration of existing buildings rather than the erection of new ones.<sup>46</sup> The limeburners of Rome, in return for confirmation of their exemption from extraordinary *munera*, were required to burn and transport 3,000 loads of lime annually, half of which was earmarked for aquaducts and the remainder allocated to repairs undertaken by the urban prefects.<sup>47</sup> The latter appear to have been very active: Symmachus began reconstruction of the *pons Aurelius* which was dedicated in 365/7 as the *pons Valentinianus* and the *pons Cestius* was reconstructed and renamed in 369 the *pons Gratianus*.<sup>48</sup> Ammianus states that the urban prefect Volusianus was said to have restored many buildings, and Eupraxius dedicated a new forum.<sup>49</sup> The *macellum Liviae*, dating back to the time of Augustus, was extended by the addition of porticoes

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<sup>45</sup> Alföldi (1956) p.64 goes so far as to state that Maximinus was motivated by anti - senatorial prejudices, "both enactments [*CTh.* 14.17.6; 13.3.3] are dated to Maximinus' office in Rome and both bear the stamp of his violent hatred rather than the bitter rectitude of Valentinian". Only one of the laws was addressed to Maximinus. *CTh.* 13.3.8 was delivered to the urban prefect Praetextatus (368), while *CTh.* 14.17.6 was delivered to Maximinus; however, the prefect of the *annona* would be the logical recipient of a law concerned with the regulation of the distribution of free rations.

<sup>46</sup> *CTh.* 15.1.15 (365 cf 15.1.11, 14, 16). The exceptions were the stables and storehouses (*CTh.* 15.1.17), which appear most compatible with the constitutions concerned with the public postal system (*CTh.* 8.5.17-21, 364; 8.5.22-27, 365) and his concern for the collection and storage of grain. The huge imperial baths at Trier, built by Constantine, were taken over by Valentinian and converted into barracks circa 370 (Andreae (1973) p. 545).

<sup>47</sup> *CTh.* 14.6.2-3; *ILS* 5791; an inscription records the restoration of aquaducts(*CIL* 6.3866).

<sup>48</sup> *ILS* 771, 772.

<sup>49</sup> *Amm.* 27.3.7; *ILS* 776.

and *areae*.<sup>50</sup> It is not surprising that to the *plebs urbana* the name of Valentinian stood first next to that of Trajan.<sup>51</sup>

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<sup>50</sup> *CIL* 4.1178. Nor did Valentinian ignore the provinces - in Africa, the baths at Kenchela were restored and 'a new beauty replaced the ugliness of ruins' (*AE* (1950) 217) and the rebuilding of a basilica at Cuicul involved the clearing of roof high rubble (*AE* (1946) 106). In central Italy, the repair of roads peaked, perhaps to be interpreted as part of his drive against brigandage (*CTh.* 15.15.1; 9.30.1-3; Tomlin (1973) p. 361).

<sup>51</sup> Speaking of Theodoric '*Nihil enim perperam gessit ... exhibens ludos circensium et amphitheatrum, ut etiam a Romanis Traianus vel Valentinianus, quorum tempora sectatus est, appellarentur*' (*Exc. Val.* 12.60).

## CHAPTER 4: Ammianus 28.1: Magic, Treason and Social Unrest.

The trials which were conducted from 368 and throughout the 370's at Rome are narrated by Ammianus at the beginning of Book 28, in complete isolation from the rest of his narrative. Ammianus himself admits that his chronology for these trials is both vague and confused,<sup>1</sup> and it witnesses a rather violent departure from the historian's usual methods for narrating affairs in Rome; that is, he uses the broad thematic heading of the urban prefecture but prefers instead to concentrate on the *vicarii urbis Romae*. The events of these years are not mentioned in any other context, even when the individuals involved in the trials appear in such contexts in the *Res Gestae*. For example, Ammianus fails to draw any connection between the trials at Rome and his two lengthy *excursus* on the vice and depravity of the senators and the people of Rome.<sup>2</sup> At 28.4, only three chapters after the *excursus* on the trials at Rome, the historian begins,

*Diu multumque a negotiis discussus urbanis, adigente cumulo foris gestorum, ad ea strictim exsequenda regrediar, exorsus ab Olybrii praefectura, tranquilla nimis et leni .....*

Chronologically speaking, this is at precisely the same point where he had begun his narrative of the trials at Rome. However, in the context of the narrative solely devoted to the urban prefecture of Olybrius they do not receive the slightest mention.<sup>3</sup> Shortly afterwards, the prefecture of Ampelius is described together with the detail that he allowed himself to turn to laxity in his conduct not, as we may

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<sup>1</sup> Amm. 28.1.15. '*Et quoniam existimo, forsitan aliquos haec lecturos, exquisite scrutando notare, strepentes id actum esse prius, non illud aut ea quae viderint praetermissa...*'.

<sup>2</sup> Amm. 14.6.1ff and 28.4.6ff. After reading such descriptions, the trials for magic and adultery would seem completely justified, for example, '*Parte alia uxor ... eamdem incudem diu noctuque tundendo, maritum testari compellit, hocque idem ut faciat uxor, urget maritus instanter: et periti iuris altrinsecus assciscuntur... repugnantia tractaturi: eisdemque subseruntur genitalium fatorum interpretes controversi, hinc praefecturas profusius largientes, et sepulturas divitum matronarum...*' (28.4.26).

<sup>3</sup> Amm. 28.1.8. '*Chilo ex vicario, et coniux eius Maxima nomine, questi apud Olybrium, ea tempestate urbi praefectum...*'. See also Alföldi (1952) pp.70-1.

expect, because of any connection with the trials, but rather, in relation to trading regulations.<sup>4</sup> Nor do the trials receive any mention in the necrology for Valentinian, where they could perhaps have been used effectively as a further illustration of either the emperor's cruelty or his bad choice of administrators.<sup>5</sup> When similar trials figure in the opening chapters of Book 29, just as those at Rome had figured in the opening of Book 28, no mention is made of the chronologically earlier trials in the west - no comparison, cross referencing or even glosses are made to connect the two. It was as if the two episodes were composed in complete isolation from each other and, despite their proximity in the *Res Gestae*, Ammianus failed to perceive the similarity between the two.

As mentioned above, 28.1 differs in compositional style from the greater part of the *Res Gestae* because the role of the urban prefect in affairs in Rome is either minimised or ignored completely, exhibiting instead a distinct preference for concentrating on the activities of the *vicarii Romae*. This raises important questions concerning the respective roles of the two officials, particularly their legal functions. Related to this is the legal position of the *praefectus annonae*, since it was while holding this office that Maximinus arrogated to himself the conduct of the trials, because the urban prefect, Olybrius, was incapacitated by illness. Some modern commentators<sup>6</sup> view this as a usurpation on the part of Maximinus, condoned, if not openly encouraged, by Valentinian in order to keep power out of the hands of the senatorial order during these years.<sup>7</sup> This is not sufficient as an explanation. The trials at Rome cannot simply be construed as a manifestation of Valentinian's anti-senatorial policies. Sinnigen is unambiguous in his opinion,

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<sup>4</sup> Amm. 28.4.4.

<sup>5</sup> For example, '*Nec enim usquam reperitur mihi cohercitione contentus, sed aliquotiens quaestiones multiplicari iussisse cruentas, per interrogationes funestas, non nullis ad usque discrimina vitae vexatis et ita erat effusior ad nocendum ut nullum aliquando damnatorum capitis eriperet morte, subscriptionis elogio leni, cum id etiam principes interdum fecere saevissimi.*' (Amm. 30.8.3).

<sup>6</sup> Alföldi (1952) pp. 69ff; Thompson (1947) Chapter 6.

<sup>7</sup> See above pp. 89ff.

Beginning with the brutal Maximinus, he [Valentinian] chose as vicars men who did not share the urban prefect's interest in the senatorial class. For the first time since vicars had been linked to the urban prefecture, the latter office was to be eclipsed by the deliberate, perfectly legal measures of the central government.<sup>8</sup>

Surely this ignores an important feature of Valentinian's appointments to the urban prefecture - they were not all of noble birth, and it is too simplistic to make the rigid distinction that urban prefects were all noble and were all by definition partisans of the old senatorial order and that the *vicarii* were all, by implication, non - noble. Alongside such distinguished prefects as L. Aurelius Avianus Symmachus, Vettius Agorius Praetextatus and Q. Clodius Hermogenianus Olybrius are those of not quite so eminent lineage - Bappo, Principius, Viventius and Fl. Eupraxius.<sup>9</sup> Thus on the basis of this, to make all urban prefects automatically pro-senatorial and all *vicarii* anti-senatorial seems highly contentious. The silence of Ammianus concerning the activities of the urban prefects during the height of the trials may have led Sinnigen to make such distinctions; however, a more probable explanation is that Ammianus was eager to avoid embroiling the prefect in the affairs at Rome and so deliberately understated the role of the urban prefect so as to place more of the "blame" for the conduct of the trials onto the *vicarii* rather than the prefects themselves.<sup>10</sup> Upon close examination, it becomes evident that the *vicarius* did not

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<sup>8</sup> Sinnigen (1959a) p. 103.

<sup>9</sup> Of Bappo and Principius nothing more is known with any certainty except that they did hold the prefecture. From the legal codes it is possible to ascertain that they held office precisely during the trials but Ammianus is silent. Bappo (*CTh* 6.42.1); Principius (*CTh* 13.13.10); *PLRE*, Bappo 2, Principius 1. Chastagnol (1962) pp. 188-9, outlining the theories of other scholars on the origins of Bappo and pp. 189-90 on Principius. Viventius was in office 365-7 and he received praise for his administration from Ammianus (27.3.1); Eupraxius, formerly the laudatory *quaestor* of Valentinian, was urban prefect in 374 (*CIL* 6.1177) but is not mentioned in this capacity at all by Ammianus. See in general, Chastagnol (1962) pp. 159ff.

<sup>10</sup> Note inconsistencies when dealing with Apronianus. Ammianus praises Apronianus, a '*iudex integer et severus*' (26.3.1ff) and it is difficult to reconcile the fact that the behaviour which earns the historian's praise is concerned with trials for magic which two books later is roundly condemned. '*... id primum opera curabat enixa, ut veneficios ... captos postque agitatae quaestiones nocuisse quibusdam apertissime confutatos, indicatis consociis morte multaret, atque ita paucorum discrimine reliquos (siqui laterent), formidine parium exturbaret.*' (26.3.1).

usurp the position of the *praefectus urbis Romae* with or without the intervention of Valentinian.

The first incident in the trials that Ammianus chooses to relate is the complaint brought before the urban prefect Olybrius by Chilo, an ex-*vicarius*, and his wife Maximina, who claimed that their lives had been threatened by poison (*venenum*). On account of Olybrius' lingering illness and the resultant delays in proceedings, the trial was transferred to Maximinus, *praefectus annonae*. Ammianus is explicit that this was as a direct result of a request by those who had brought the charges;<sup>11</sup> that is, Chilo and Maximina. He offers no explanation as to possible reasons why it was the *praefectus annonae* and not the *vicarius* who was to preside over the trials; perhaps it was merely, as he said, at the request of Chilo and his wife. If this in fact was the case, then surely it cannot be construed as a deliberate measure on the part of Valentinian to undermine the jurisdiction of the urban prefect and, by implication, the senate of Rome. However, the move itself lacks a definite precedent and the interface of the three officials in Rome requires examination. Two constitutions promulgated in 365 and 376, regulating the spheres of operation of the urban prefect and the prefect of the *annona* are masterpieces of ambiguity.<sup>12</sup> Basically, the urban prefect is to have precedence, including a supervisory capacity over all authorities in the city; yet, the prefect is to recognise what is due to the hierarchically junior official. Nothing is said regarding any

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<sup>11</sup> '*hi qui rem detulerunt*' (Amm. 28.1.9).

<sup>12</sup> The laws are worth quoting in full, [*s*]tudentibus nobis statum urbis et rationem annonariam aliquando firmare in animo subiit eiusdem annonae curam non omnibus deferre potestatibus. Ac ne praefectura urbis abrogatum sibi aliquid putaret, si totum ad officium annonarium redundasset, eidem praefecturae sollicitudinis ac diligentiae necessitatem mandamus, sed non ita, ut lateat officium annonariae praefecturae, sed ut ambae potestates, in quantum sibi est negotii, tueantur annonam sitque societas muneris ita, ut inferior gradus meritum superioris agnoscat atque ita superior potestas se exserat, ut sciat ex ipso nomine, quid praefecto debeatur annonae (CTh. 1.6.5); Suis partibus annonae praefectura moderatur, sed ita, ut ex veterum more praefecto urbis per publicam incedente honoris eius et loci gratia expansio panis habeatur. Eatenus tamen praefecturam annonae cedere volumus dignitatis fastigio, ut curandi partibus non cedat. Necque tamen apparitoribus urbanae praefecturae annoniarum officium inseratur, sed apparitorum aemulatione secreta ministerio suo annonae praefectura fungatur, non ut potentiae subiecta, sed ut negotii sui diligens tantumque se a contemptu vindicans, quantum non pergat in contumeliam superioris. Praefectura autem urbis cunctis quae intra urbem sunt, antecellat potestatibus, tantum ex omnibus parte delibans, quantum sine iniuria ac detrimento alieni honoris usurpet (CTh. 1.6.7).



potential overlapping of legal functions of the two officials. The *praefecti annonae* of Rome, Constantinople and Africa had their own courts but these were mainly concerned with the investigation of matters pertaining to the distribution of bread and the bakers' guilds.<sup>13</sup> There is no reference to their jurisdiction extending to cases such as that of Chilo. By December 6, 371 senators who were accused of practicing magic were to be tried in the court of the urban prefect and remitted to the emperor if that court was unable to reach a decision.<sup>14</sup> However, at the height of the trials in Rome, Maximinus was apparently only *vicarius*. How can the influence that Ammianus represents him as having over the trials be then explained? Upon the illness of Olybrius it is possible that Maximinus was actually acting urban prefect, until such time as a permanent replacement was appointed. In 368 Aginatius was *vicarius urbis Romae* until sometime in 370 when Maximinus succeeded to the position.<sup>15</sup> Olybrius is attested as urban prefect from January 1, 369 until August 21, 370, when he is last attested in office.<sup>16</sup> A new urban prefect is not attested in office until January 1, 371 when P. Ampelius took up duties.<sup>17</sup> For the time between August 21, 370 and January 1, 371 it is difficult to discern who held the post of urban prefect. It is possible that Olybrius continued in office until 371 although this must be considered unlikely if, because of protracted illness, he was unable to conduct his duties. It is possible that Maximinus was appointed as acting

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<sup>13</sup> Jones (1964a) p.691. See also Tengström (1974) *passim*; Chastagnol (1960) pp.65ff; above Chapter 3 iv.

<sup>14</sup> *CTh.* 9.16.10, '*Quia nonnulli ex ordine senatorio maleficiorum insimulatione adque invidia stringebantur, idcirco huiusmodi negotia urbanae praefecturae discutienda permisimus. Quod si quando huiusmodi inciderit, quae iudicio memoratae sedis dirimi vel terminari posse non creditur, eos, quos negotii textus amplectitur, una cum gestis omnibus praesentibus adque praeteritis ad comitatum mansuetudinis nostrae sollemni observationi transmitti praecipimus.*'

<sup>15</sup> Styled *praepositus pro praefectis*, Maximinus was instructed to continue the investigations with the *notarius* Leo (*Amm.* 28.1.12).

<sup>16</sup> Chastagnol (1962) p.184. *PLRE*, Olybrius 3.

<sup>17</sup> Olybrius is last attested in office on August 21, 370 (*CTh.* 2.10.5); Ampelius is attested on January 1, 371 (*CTh.* 15.10.1). See also *PLRE* Maximinus 7 and Ampelius, in addition to Chastagnol (1962) pp.178-188. Maximinus is also associated with Ampelius when he received instructions regarding the followers of Ursinus in Rome (*Coll. Avell.* 11.12).

urban prefect until Ampelius was appointed and then Maximinus was made *vicarius*. Is it possible to find support for this hypothesis from the sources?

When introducing Maximinus and in providing a summary of his career, Ammianus describes him as *vicarius praefecturae Romae*.<sup>18</sup> Rolfe translates this as 'vice prefect of the city', but does this mean *vicarius* or acting prefect? At 28.1.12 Maximinus was '*dispositus pro praefectis*' and it is three sections later, in the company of the then urban prefect Ampelius, that Ammianus describes Maximinus explicitly as *vicarius Romae*.<sup>19</sup> There seem to be two possible explanations. In the first place, Ammianus might have used a different terminology to describe the office of *vicarius* either for variety or in order to display his erudition, or secondly, that there were in fact subtle variations in the rank of Maximinus during this time. In order to find a resolution to this problem it is necessary to look for possible parallels in other careers. C. Caelius Saturninus is styled *vicarius praefecturae urbis* under Constantine in a detailed career inscription.<sup>20</sup> Chastagnol identifies Saturninus as a vicar of the urban prefect as distinct from the praetorian prefect.<sup>21</sup> However, Saturninus attained this post only after two appointments as diocesan vicar. To have become *vicarius* of the urban prefect would have been a demotion.<sup>22</sup> Thus, it is possible that he was, in effect, acting urban prefect. Two points are especially relevant to the career of Maximinus. First, both individuals had previously held the post of prefect of the *annona* and second, as *vicarius praefecturae urbis*, Saturninus had the right to hear appeals. If Maximinus also held appellate jurisdiction it would help to explain his central role in the conduct of the

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<sup>18</sup> Amm. 28.1.5.

<sup>19</sup> Amm. 28.1.22.

<sup>20</sup> CIL 6.1704. His career relevant to the issue at hand is given as follows *PRAEFECTUS ANNONAE URBS; EXAMINATOR PER ITALIAM; VICARIUS PRAEFF. PRAETORIO BIS, IN URBE ROMA ET PER MYSIAS; VICARIUS PRAEFECTURAE URBS*...See also *PLRE*, Saturninus 9.

<sup>21</sup> Chastagnol (1960) pp. 35, 463.

<sup>22</sup> Arnheim (1970) p.606.

trials at Rome. More contemporary to the time of Valentinian is the case of L. Aurelius Avianius Symmachus, operating c. 350 and styled '*pro praefectis praetorio in urbe Roma finitimisque provinciis*'.<sup>23</sup> It would appear that Symmachus was being used as a direct substitute for the urban prefect. Such substitutes are known to have been used in 359 and 360. In the former case the urban prefect had died in office and in the latter for some reason the prefecture was vacant and business needed to be conducted.<sup>24</sup> These parallels indicate that it would not have been entirely without precedent that Maximinus was acting urban prefect late in 370. There exist plausible reasons to explain why it was Maximinus and not the then *vicarius* Aginatus who acted for the prefect

On the most simplistic level it may have been due to the direct patronage of Valentinian - after all, the emperor was under no obligation to follow any set of strict rules in respect of the promotion and substitution of officials. Maximinus may have been deemed sufficiently able and experienced to undertake the supervision of the trials. Secondly, the *vicarius* Aginatus some years later was prosecuted and executed for magical practices and adultery,<sup>25</sup> and perhaps there already existed some shadows over his career in the early years of the trials. Since Aginatus was a senator of a noble family and expected the trials to be entrusted to his care, it is possible that some doubts existed concerning his objectivity.<sup>26</sup> If Maximinus was indeed appointed as acting prefect, it would not have been entirely without precedent. As seen above, Caelius Saturninus, *vir perfectissimus*, had been

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<sup>23</sup> CIL 6.1698.

<sup>24</sup> In 359 the urban prefect Bassus died in office and Artemius took over his duties until such time that a replacement was found (Amm. 17.11.5). In 360, it was the *vicarius* who received instructions regarding the promotion of minor officials when there was no urban prefect. These instructions included those concerning the promotion of members of the prefect's staff (CTh. 14.1.1; Seeck, (1919) p.47; Sinnigen (1959b) p.102).

<sup>25</sup> Amm. 28.1.50-6.

<sup>26</sup> Amm. 28.1.30 and 32 '*Quod Aginatus indignissime ferens, dolensque in examinandis causis Maximinum ab Olybrio sibi praelatum, cum esset ipse vicarius Romae, familiari sermone docuit Probum occulte, facile vanum hominem recalcitrantem subliminibus meritis posse opprimi, si ille id fieri censuisset*'.

*praefectus annonae* prior to becoming acting urban prefect as had three other very distinguished urban prefects: Neratius Cerealis, M. Maecius Memmius Furius Baburius Caecilianus Placidus and L. Aurelius Avianius Symmachus.<sup>27</sup> That Maximinus had a favoured career, in all likelihood under the direct auspices of Valentinian, is evident from his appointment as replacement for Aginatus in the vicariate during the course of 370 and his subsequent promotion to the praetorian prefecture of Gaul, while Aginatus himself held no higher post following the vicariate.

Chronological difficulties with officials are further compounded by the confusion and vagaries that are involved in setting a precise chronological sequence for the trials themselves. Ammianus places the trials 'a little more than sixteen years after the fall of Nepotianus', that is, 366/7.<sup>28</sup> Surely it was not beyond our historian to be a little more precise! He himself admits that the chronology is vague with the claim that the period was one of 'new madness without restraint'<sup>29</sup> The impression is successfully conveyed that a clear chronology was impossible because of the sheer number of cases that were being brought to trial, which adds to the creation of an atmosphere of widespread and indiscriminate slaughter of the upper classes at Rome which Ammianus found impossible to reduce to a normal and straight forward narrative. It is not possible to clarify the chronology of the trials from Ammianus alone; however, partial elucidation can be achieved through recourse to external evidence.

According to Ammianus, the trials began with the affair brought before Olybrius by Chilo in 369-70. At this point Chilo is described as *ex-vicarius*.

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<sup>27</sup> Cerealis, urban prefect 352-3 (*CTh.* 16.10.5, *CIL* 174; *praefectus annonae* 328 (*CTh.* 14.24.1. *PLRE*, Cerealis 2). See also Chastagnol (1962) pp. 135-9. Caecilianus Placidus, *praefectus annonae* (*CIL* 10.1700, 337/50); urban prefect 346 (*Chron.* 354. Chastagnol (1962) pp.125-8); Avianus Symmachus, *praefectus annonae* (*CIL* 6.36954, 340/50); urban prefect (*Amm.* 27.3.3 and 5, *CTh.* 7.4.10; 10.1.9; Chastagnol (1962) p.159-163).

<sup>28</sup> *Amm.* 28.1.1 '...anno sexto decimo et eo diutius post Nepotiani exitium ...'.

<sup>29</sup> *Amm.* 28.1.15 '... tot calentibus malis, et novo furore, sine retinaculis imis summa miscente, cum iustitium esse, quod timebatur, non iudicium, aperte constaret.'

According to Thompson<sup>30</sup> Chilo was not an *ex-vicarius* until 375/6 and he accordingly alters the date of the complaint brought by Chilo to the later date, adding that it in some way involved the Elder Theodosius and subsequently led to his execution. This intricate and complicated solution to the problem is essentially misguided. The three individuals of dubious lineage whom Chilo accused were Sericus, an organ builder, Asbolius, a wrestler and the *haruspex* Campensis. All three were brought before Olybrius.<sup>31</sup> However, the fate of all three is not again mentioned until Book 28.1.29. which is likely to have been much later chronologically since the trials seemed to have dragged on for many years.<sup>32</sup> As such, Ammianus may be confusing Chilo's rank at the conclusion of the trials with that at the beginning. On the other hand, it is possible that Chilo could have been *vicarius* of some province prior to 368, in which case, Ammianus' description of him as *ex-vicarius* would be correct. Thompson is mistaken to suggest that Chilo could have only been correctly styled *ex-vicarius* after 375/6, when he had held the vicariate of Africa, because Chilo was not *vicarius Africae* at all, but rather he was *proconsul Africae*.<sup>33</sup> There is no need to emend the date of his complaint from 369/70 to 375/6 because at the later date he was actually an *ex-proconsul*, having held a vicariate of an unknown province prior to 369/70.<sup>34</sup>

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<sup>30</sup> Thompson (1947) p.139. He finds some support in Chastagnol (1960) p.432.

<sup>31</sup> Amm. 28.1.8.

<sup>32</sup> Take Maximinus and Aginatus for example. Aginatus was *vicarius urbis Romae* in 368 (*Coll. Avell.* 8) when he received orders concerning the supporters of Ursinus and he was upset when the conduct of the trials was entrusted to Maximinus (Amm. 28.1.32). He was not executed on charges of magic and adultery until 375/6, although he had been imprisoned since 374 (Amm. 28.1.50-6).

<sup>33</sup> *CTh.* 13.6.7; 13.4.4. emended by Seeck (1919) to *proc.* p.246. His emendation is accepted by *PLRE*, Chilo 1.

<sup>34</sup> There are other examples from the period of Valentinian and Valens of individuals who held a vicariate and a proconsulate, usually in that order. For example, Clearchus was *vicarius Asiae* from 363-6 (*CTh.* 1.28.2; 8.1.9; *Eun. Vita Soph.* 7.5.2), and then *proconsul Asiae* 366-7 (*ibid.* 7.5.5; *PLRE*, Clearchus 1); Julius Festus Hymetius was *proconsul Asiae* 366-8 and *vicarius urbis Romae* in 362 (*CIL* 6.1736; *CTh.* 11.30.29; *PLRE* Hymetius); Clodius Octavianus was *vicarius urbis Romae* before 363 (Amm. 23.1.; *CIL* 8.4647; *PLRE* Octavianus 2), and finally, Thalassius, *vicarius Macedoniae* 376/7 and *proconsul Africae* 377-8 (*Aus. Epiced.* 45; *PLRE* Thalassius 3). Thompson wonders 'is the description of Chilo as *ex-vicarius* wrong, or is the date which he is said by Ammianus to have brought the accusation wrong?' (1947) p.138. I contend that neither is

The involvement of Hymetius in the affair may also shed some light on the chronology of the trials. Hymetius had run into trouble with Valentinian while he was still proconsul of Africa because of fraudulent activities concerning the corn supply. That crime itself had no real relevance for the trials for magic in Rome; however, it is possible that Ammianus had Hymetius in mind when he placed the start of the trials in 366/7, since he states that it was immediately following his proconsulate that he was busy consulting soothsayers and astrologers.<sup>35</sup> Now it is unlikely that Valentinian would have tolerated in his officials such behaviour while still in office. As Hymetius was still proconsul of Africa in 367/8 his consultation of soothsayers must have occurred at some time after this.<sup>36</sup> This could then correspond with the date of the prefecture of Olybrius and the complaint brought by Chilo, that is, 369/70. Ammianus may have had the previous transgression of Hymetius in mind and thus placed the trials two years earlier than they had actually begun. The *haruspex* Amantius, whom Hymetius is said to have consulted, was executed '*postea*' and although his execution is mentioned just prior to the exile of Hymetius, it in fact occurred after it.<sup>37</sup> Hymetius was tried by the urban prefect, Ampelius, when Maximinus was *vicarius urbis*.<sup>38</sup> Maximinus was still *praefectus annonae* on March 19, 370 and appointed praetorian prefect some time prior to July 13, 371. Thus Hymetius must have been tried between January 370 and June 371.<sup>39</sup> A certain piece of legislation directed to Ampelius confirms this. *CTh.*

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wrong. All is harmonised if Seeck's emendation is followed and it is accepted that our knowledge of Chilo's career is imperfect, with a term as *vicarius* only recorded by Ammianus.

<sup>35</sup> Amm. 28.1.20, '*Quo infitiant, secretioribus chartis ab eius domo prolatis, commonitorum repertum est, manu scriptum Hymetii, petentis ut obsecrato ritu sacrorum sollemnium numine, erga se imperatores delenirentur.*'

<sup>36</sup> *CJ* 3.16.1

<sup>37</sup> Amm. 28.1.21. '*...Amantius vero, damnatus postea rerum capitalium interiit.*'

<sup>38</sup> Ampelius was urban prefect 370-2 (Amm. 28.4.3; 28.1.22; *Coll. Avell* 2; *CTh.* 15.10.1; 6.7.1).

<sup>39</sup> *Praefectus annonae* (*CTh* 14.7.6); *praefectus praetorio* (*CJ* 11.48.7).

9.16.10 dated to December 6, 371 ruled that senators accused of magical practices were to be tried by the urban prefect and, if a decision could not be reached, then remitted to the emperor.<sup>40</sup> This is precisely what had happened in the case of Hymetius, except that Valentinian handed the case over to the jurisdiction of the Senate. This corresponds to the chronologically earlier law of October 8, 367 addressed to Praetextatus, *praefectus urbis Romae*, which demanded that the emperor be informed when punishments of exceeding severity were inflicted on senators - perhaps an indication that there existed already some unrest at Rome.<sup>41</sup> The volume of legislation for the year 371 on these and related topics suggests that it was in that year that the trials had reached their peak in Rome.<sup>42</sup> Other incidents narrated by Ammianus also may be more firmly dated by reference to the legal corpus. A law, post-dated at Rome on March 23, 374, refers to penalties prescribed for harbouring guilty persons,<sup>43</sup> and Ammianus reveals that Avienus, who was harboured by Anepsia, was betrayed to Simplicius by Sapaudulus, a slave of Anepsia.<sup>44</sup> It was not until after the death of Valentinian that legislation was promulgated forbidding slaves to give evidence against their masters, except in cases of treason.<sup>45</sup> It is possible that Valentinian's legislation arose directly from the case of Anepsia, which then could be placed in 374/5.<sup>46</sup>

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<sup>40</sup> See above note 16.

<sup>41</sup> *CTh.* 9.40.10. '*Quotiens in senatorii ordinis viros pro qualitate peccati austerior fuerit ultio proferenda, nostra potissimum explorentur arbitria, quo rerum adque gestorum tenore comperto eam formam statuere possimus, quam modus facti contemplatioque dictaverit.*'

<sup>42</sup> For example, *CTh.* 9.16.9 where it was thought necessary to distinguish between legitimate divination and magic suggesting that the matter had arisen and required imperial elucidation '*Haruspicinam ego nullum cum maleficiorum causis habere consortium iudico neque ipsam aut aliquam praeterea concessam a maioribus religionem genus esse arbitror criminis. Testes sunt leges a me in exordio imperii mei datae, quibus unicuique, quod animo inbibissent, colendi libera facultas tributa est. Nec haruspicinam reprehendimus, sed nocenter exerceri vetamus.*' Other such laws include *CTh.* 9.16.10, on astrologers and magic and 9.43.3, addressed to the Senate of Rome, on the pardoning of certain crimes.

<sup>43</sup> *CTh.* 9.29.1.

<sup>44</sup> *Amm.* 28.1.49.

<sup>45</sup> *CTh.* 9.6.1-2 (March 15, 376).

<sup>46</sup> Matthews (1989)p.214. See appendix ii for the full chronology of Book 28.1.

This chronological confusion appears to have encouraged some scholars in their belief<sup>47</sup> that a dangerous conspiracy existed at Rome aimed at Valentinian, and that the trials were a means of removing all the real or imagined dangers under the guise of something less political and more emotive. However, to arrive at an accurate interpretation of the trials at Rome it is necessary to place them in the context of the broader history of the fourth century in order to eradicate the impression that the trials were a unique event and a direct reflection of the harshness of Valentinian's rule. Thompson states,

Only two points are clear and neither of them is brought out by Ammianus. First, that there was a dangerous conspiracy at Rome in these years. Secondly, this conspiracy was organised by the cream of the aristocracy.<sup>48</sup>

This statement is contradictory. It is difficult to see where Thompson has found confirmation of these two points if neither of them is brought out by Ammianus. I would suggest that there was no such conspiracy at Rome and, therefore the aristocracy was not involved at all.<sup>49</sup> The trials should be considered for what they were - prosecutions of those resident in Rome for practising the magical arts or engaging in adulterous liaisons, prosecution for which was neither innovative on the part of Valentinian nor unique to his reign.

How was magic defined in the fourth century?<sup>50</sup> In the *Digest*, under the broad title '*de verborum significatione*' the meaning of the term *venenum* is discussed, and from the *Twelve Tables*, it is noted that a distinction has to be made

<sup>47</sup> Especially Alföldi (1952) pp. 69ff and Thompson (1947) pp. 87ff.

<sup>48</sup> Thompson (1947)p. 104; cf Hamblenne (1980) p. 201.

<sup>49</sup> Pro conspiracy: Chastagnol (1960); Schuurmans (1949); Hoepffner (1938) Contra: Demandt (1969); Brown (1972a). See further appendix v.

<sup>50</sup> The comment made by Alföldi that 'the hocus pocus of magic and witchcraft which we know to be silly and harmless nonsense' is misleading (1952) p.76. No matter what the twentieth century's views on the matter, this statement remains intrinsically false for the fourth century. See in general Martroye (1930) pp. 669ff; Maurice (1927) pp. 108ff.



between what can be considered harmful and what can be considered beneficial.<sup>51</sup> In other words, the term had both positive and negative connotations.<sup>52</sup> However, by the middle of the fourth century '*venenum*' came to mean "poison" with all the connotations that the term carries.<sup>53</sup> Further, the laws that were concerned with poisoning came to cover the maleficent magical *artes*.<sup>54</sup> *Maleficium*, too, absorbed connotations of sorcery, although the extent to which such connotations were interpolated into the concept could vary enormously. For example, in the war with Constantine, Maxentius was led to defeat by *superstitiosa maleficia*. Christians could, and did, take this to mean paganism while the pagans could read it as divination and magic.<sup>55</sup> The distinction between "white" and "black" magic was upheld and redefined by both Constantine and Valentinian. Note especially,

*Haruspicinam ego nullum cum maleficiorum causis habere consortium iudico neque ipsam aut aliquam praeterea concessam a maioribus religionem genus esse arbitror criminis.*<sup>56</sup>

Ammianus presents many cases where one party claims to have been harmed through the nefarious practices of others, for example Chilo and his wife. As the fourth century progressed the distinction between legitimate dabbling in *haruspicina* and more sinister activities became increasingly blurred. Uncertainty regarding the precise definition of *ars magica* resulted from the variety of purposes and practices covered by the Roman legal term.<sup>57</sup> During the years 317-9, Constantine ruled that

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<sup>51</sup> *Dig.* 50.16.236. '*Qui "venenum" dicit adicere debet, utrum malum an bonum: nam et medicamenta venena sunt, quia eo nomine omne continetur, quod adhibitum naturam eius, cui adhibitum esset, mutat*'; elsewhere, '*Ergo nomen medium est at tam id, quod ad sanandum quam id, quod ad occidendum paratum est, continet, sed et id quod amatorium appellatur*' (*Dig.* 48.8.3.2).

<sup>52</sup> Barb (1963) pp. 100ff.

<sup>53</sup> Souter (1949) a. *venenum*.

<sup>54</sup> Smith (1978) p.75.

<sup>55</sup> *Pan. Lat.* 12.4.4; Salzman (1987) p.177. It goes without saying that, according to the panegyricist, Constantine was led on to victory by *divina praecepta*.

<sup>56</sup> *CTh.* 9.16.9 (371). The end of the rescript is particularly interesting, '*Testes sunt leges a me in exordio imperii mei datae, quibus unicuique, quod animo inbibissent, colendi libera facultas tributa est. Nec haruspicinam reprehendimus, sed nocenter exerceri vetamus*.' See above p. 150 n. 43.

<sup>57</sup> Smith (1978) p.75

those men conversant with the magical arts, who directed their talents to the detriment of others were to be punished. If, on the other hand, such arts were used for medical remedies or to counteract the vagaries of nature they were to be condoned as they did harm to no-one's safety or reputation.<sup>58</sup> It is only fifty years later that Valens had an old woman executed for distributing charms for the curing of fevers and a man suffered the same fate for slaughtering a donkey in search of a cure for baldness.<sup>59</sup> Under Constantius II it was not only *veneficii* who were severely punished '*ob facinorum magnitudinem*' but also *haruspices*, *mathematici*, *augures*, *chaldaei* and *magi*.<sup>60</sup> In fact everyone from astrologers, diviners and soothsayers were viewed not only with suspicion but also with a great deal of fear. Such fear, whether rational or irrational ultimately led to the repression of those practices. It is only necessary to remember the manner in which certain Christian rituals were portrayed in the early centuries and that Origen thought such rumours were serious enough to refute.<sup>61</sup> Even in the time of Eusebius, Christians were being accused of Thyestian banquets and Oedipal incest.<sup>62</sup> That the practice of magic tended to be an individual rather than a collective undertaking, together with its private as opposed to public nature appears to have convinced the majority of the populace that it was practiced for impious reasons.<sup>63</sup> Not only was magic seen as

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<sup>58</sup> *CTh.* 9.16.3, '*Eorum est scientia punienda et severissimis merito legibus vindicanda, qui magicis adincti artibus aut contra hominum moliti salutem aut pudicos ad libidinem deflexisse animos deteguntur. Nullis vero criminationibus implicanda sunt remedia humanis quaesita corporibus aut in agrestibus locis, ne maturis vindemiis metuerentur imbres aut ruentis grandinis lapidatione quaterentur, innocenter adhibita suffragia, quibus non cuiusque salus aut existimatio laederetur, sed quorum proficerent actus, ne divina munera et labores hominum sternerentur.*'

<sup>59</sup> *Amm.* 29.2.26. This can perhaps be put down to the excessively superstitious nature of Valens.

<sup>60</sup> *CTh.* 9.16.4 (Jan. 25, 357).

<sup>61</sup> *Contra Celsum* 1.2.8. '... a malicious rumour about the gospels, to the effect that Christians sacrifice a child and partake in its flesh and again that when the followers of the gospel want to do the works of darkness, they turn out the light and each man has sexual intercourse with the first woman he meets.'

<sup>62</sup> *Eus. HE.* 5.1.14; 52.

<sup>63</sup> Pharr (1932) pp. 278-9.

providing a convenient cloak for subversive or seditious political movements but sex crimes also were often laid at its door.<sup>64</sup> In the *Institutes* magic spells are coupled with *susurri* - whispers,<sup>65</sup> which gives an indication that there was an atmosphere of distrust which was to break out into total repression in the fourth century. Christianity too, suffered from accusations of secrecy<sup>66</sup> and it is in this light that certain pieces of legislation that sought to regulate proceedings that may have been suspect must be viewed. For example, the examination of entrails was allowed only in the temples and other public places<sup>67</sup> and a law of Constantinian date forbade *haruspices*, sacrificing priests or interpreters of sacrifices to practice in private houses.<sup>68</sup> The council of Ancyra not only imposed a penance for five years in 314 on anyone predicting the future but also anyone who received in their homes those who revealed to them magic remedies or the secrets of purification.<sup>69</sup> Coupled with this are astrology and prophecy - especially when the inquiry was directed towards the imperial fortunes. It was a fine line that separated inquiries concerning the demise of one emperor - through death, abdication or force and his replacement by another, and treason.

Arising from the concern for the welfare of the emperor and, by analogy, the welfare of the state, there exists a large body of legislation that stretches back to the republic. Most of this legislation was based on Sulla's *Lex Cornelia de Veneficiis* and the formula given remained valid until 529. Astrologers were expelled from Rome in 33 B.C., and later Augustus, as Pontifex Maximus, ordered that two

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<sup>64</sup> Suetonius *Tib.* 1.2.42-6; Philostratus, *Vita Apoll.* 7.39. For the interrelationship between sex crimes and magical practices see Betz (1986) *passim*.

<sup>65</sup> *Inst.* 4.18.5.

<sup>66</sup> Origen, *Contra Celsum* 1.1, 'Celsus' first main point in his desire to attack Christianity is that Christians secretly make associations with one another which is contrary to the laws because "societies which are public are allowed by the laws but secret societies are illegal".

<sup>67</sup> *CTh.* 16.10.1 (March 8, 321).

<sup>68</sup> *CTh.* 9.16.2 = *CJ* 9.18.3. This in itself was nothing new. Tiberius had made it an offence to consult *haruspices* without witnesses (Suet. *Tib.* 63).

<sup>69</sup> Maurice (1927) p.118.

thousand books on spurious divination were to be burnt, sparing only the Sibylline Books.<sup>70</sup> Justification for such drastic measures emerges from the context of the period - in A.D. 12, when Augustus found himself in a quandary regarding the succession, soothsayers and astrologers were flourishing, and his measures should be interpreted as an attempt to ensure that such aspirants who aimed at the throne would not be encouraged by prophecy and astrology. A similar reasoning may have motivated Tiberius when he not only deported all foreign soothsayers from Italy but also classified personal divination as a criminal offence.<sup>71</sup> By the time of Nero, the equation had been made between *maiestas* and astrology.<sup>72</sup> As the empire progressed those perceived as possessing "imperial horoscopes" were regularly executed and the practices of magic and astrology, in particular, were repressed with increasing severity.<sup>73</sup> In 296-7, Diocletian issued an empire-wide ban on astrologers and the same policies were followed by Constantius II who threatened anyone who wore amulets or who was even remotely suspected of necromancy.<sup>74</sup> Consider the trials that were conducted in the east under Valens at the same time when the trials were occurring in the west. A plot was discovered on the evidence of a certain Palladius that the *praeses* Fidustus and Pergamius, together with Irenaeus, had learnt the name of the man who was to succeed Valens.<sup>75</sup> This was achieved by using a tripod of laurel twigs onto which was placed a plate inscribed with the letters of the greek alphabet and after some machinations, the question was

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<sup>70</sup> Dio 49.4.3.4; Suet. *Aug.* 31.1; Cramer (1971) p.86.

<sup>71</sup> Suet. *Tib.* 36.

<sup>72</sup> Tac. *Ann.* 16.14 ff. where Anteius and Ostorius Scapula were executed for having their horoscopes cast.

<sup>73</sup> See in particular the fate of Theodorus who was, it was thought, to have an imperial destiny (Amm. 29.1.5ff).

<sup>74</sup> CJ 9.18.2; Amm. 19.12.14, '*Nam siqui remedia quartanae vel doloris alterius collo gestaret, sive per monumentum transisse vesperi, malivolorum argueretur indicibus, ut veneficius, sepulchrorumque horrores, et errantium ibidem animarum ludibria colligans vana, pronuntiatus reus capitis interibat.*' See also CTh.9.16.7 for similar measures of Valentinian and Valens.

<sup>75</sup> Amm. 29.1.5 ff.

asked ‘*qui praesenti succedet imperio?*’.<sup>76</sup> By way of an answer the letters *ΘΕΟΔ* appeared. Those involved inferred that the *secundicerius notariorum* Theodorus was meant. The so-called “plot of Theodorus” presumably was pagan-inspired and some of its most identifiable participants had been key supporters of Julian.<sup>77</sup> However, its repression and the ensuing investigation into magical practices cannot be construed as primarily motivated because it was a pagan plot, nor can the enquiries be regarded as a wider Christian drive toward the repression of paganism.<sup>78</sup> At Antioch the motive for repression was political. Divination, when employed to discover information concerning the emperor, had long since constituted treason and was treated accordingly. Ammianus himself admits as much.<sup>79</sup> Libanius too, mentions the event, and following the death of Valens, did not attack him but rather, offered an explanation that the emperor sought only the conspirators - including all soothsayers.<sup>80</sup> It is unlikely that the pagan Libanius would comment in such a way if the investigations into magical practices had constituted a comprehensive repression of paganism. Libanius himself had been the victim of magical incantations on more than one occasion and did not refrain from making similar accusations against his rivals.<sup>81</sup> To make such accusations was not without its dangers. Around 350 at Antioch a rival sophist employed a degenerate youth to go to the Caesar Gallus and to accuse Libanius of being in the possession of two female heads kept for the purpose of bewitching both Gallus and Constantius.<sup>82</sup> Although nothing came of the accusation, the potential for disaster

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<sup>76</sup> Amm. 29.1.32.

<sup>77</sup> Alypius (Julian *Ep.* 402D - 404B; Eutropius, *Brev.* 10.16).

<sup>78</sup> Blockley (1975) p.119.

<sup>79</sup> Amm. 29.1.15 ‘...*non abnuimus (neque enim ambigitur) salutem Valentis, et antea saepius per occultas coitiones, et tunc in extrema demersam...*’.

<sup>80</sup> Lib. *Or.* 1.171. See also Norman (1965) pp. 199-200.

<sup>81</sup> Twice Libanius was charged with trafficking in the supernatural and, even when sojourning at Nicomedia, where he himself claims to have been at his happiest, he was not free from charges of practising magic (*Or.* 1.43, 62-3, 98, 194, 201, 281).

<sup>82</sup> *Or.* 1.98. See also Betz. (1980) *passim*.

was obvious. If Libanius had fallen under more serious suspicion or if the emperor had been a little more insecure, Gallus would have taken stronger action than suggesting to Libanius that he would be wise to return to Constantinople.<sup>83</sup>

This should provide at least a partial indication that the repression of magic and astrology was not made more severe as a direct result of the spread of Christianity and the resultant desire to eradicate paganism and its attendant practices. Indeed it becomes evident that the task of dealing with magic never fell into the sphere of the Church - it was a temporal responsibility that was a concern of the emperor, just as it was dealt with by magistrates in earlier antiquity.<sup>84</sup> Similarly, it would be incorrect to specify that it was only pagans who were convicted of practising magic.<sup>85</sup> There are no general categories into which offenders can be placed. It is probably due to the nature of our sources that we know most about accusations of magic made against the Roman aristocracy or the professors of the great cities. In the trials conducted under Valentinian it is true that

<sup>83</sup> Lib. *Or.* 1.98. Potentially less serious in relation to his political well being, but no less serious in the eyes of Libanius, was the incident involving the discovery of a dead and maimed chameleon in his lecture room. The discovery convinced Libanius that his deteriorating health was due to magical arts working against him (a condition which he in fact owed to being struck by lightning). It was suggested to Libanius that he seek help through the use of magical amulets and charms in order to aid the illness of his younger brother which ultimately resulted in total blindness (*Or.* 1. 201). Libanius was advised to employ all resources 'many physicians, countless drugs and even more amulets'. See also Bonner (1932) pp. 34-44.

<sup>84</sup> Barb (1963) p. 102 ff. Constantine and his successors were often represented on medallions holding a zodiac in one hand, implying imperial control not only of subjects but also of the heavenly bodies. It is little wonder that the practice of astrology - a practice which professed the ability to control these bodies - was repressed. See further, Maurice (1927) p. 110 and *Amm.* 14.5 ff.

<sup>85</sup> It would seem that the practice of magic flourished in the early Christian communities. The name of Jesus was frequently invoked in spells and the survival of Christian amulets, curse tablets and magical papyri confirms that the official recognition of Christianity in the fourth century only succeeded in driving the practice underground. See further Smith (1976) p. 63; Origen perhaps epitomises the view that pagans took of early Christian practices 'Christians get the power they seem to possess by pronouncing the names of certain demons and incantations' (*Contra Celsum* 1.6); and further 'they [Christians] worship angels and are addicted to sorcery of which Moses was their teacher' (*ibid.* 1.26). Amongst the collection of gems at the British Museum there is a Christian amulet which represents the crucifixion with the Aramaic inscription 'Jesus M(essiah)'; magical signs are present on the reverse (*Medieval and Late Antique Gems*, G231).

some members of the aristocracy were tried and found guilty,<sup>86</sup> but it is also true that members of the lower classes were also tried and convicted: an organ builder, a wrestler, two *haruspices*, a *consiliarius* and the anonymous head of a mint.<sup>87</sup> Indeed, magic continued its progress around the Christian communities in the form of popular superstition. Athanasius considered anyone who wore an amulet an infidel; yet, even Athanasius, if we can trust Ammianus, was charged with the interpretation of prophetic omens by which he had foretold future events.<sup>88</sup> Later Jerome commented that he would rather see the death of a child than for it to recover through the use of magical remedies.<sup>89</sup> Even Augustine thought that it was necessary to admonish his audience, presumably Christian, for their confidence in *haruspices*, augurs, *mathematici* and *malefici*.<sup>90</sup> The necessity of such rebukes suggests that the practice of magic was just as widespread in Christian communities as in pagan ones. The repression of magical practices can in no way be equated with repression of paganism.<sup>91</sup> It is perhaps the perfunctory and misguided equation of repression of paganism with the repression of magic that has led to the Valentinianic trials at Rome being equated with a premeditated attack on the Roman senatorial aristocracy under the thin guise of eradicating the practice of magic. The equation is wrong and the arguments and premises used in its support require careful scrutiny.

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<sup>86</sup> See below pp. 169 ff.

<sup>87</sup> Amm. 28.1.8 ff.

<sup>88</sup> Amm. 15.7.8, '*Dicebatur enim fatidicarum sortium fidem, quaeve augurales portenderent alites, scientissime callens, aliquotiens praedixisse futura; super his intendebantur ei alia quoque, a proposito legis abhorrentia cui praesidebat.*'

<sup>89</sup> PG 62 coll.357.

<sup>90</sup> *Sermon*. 9.3.17.

<sup>91</sup> This is illustrated by an incident in 359 when severe storms had prevented the grain fleet from docking at Ostia and, fearing a scarcity of grain, the mob in Rome rebelled. As a last resort, the urban prefect, Tertullus, offered a sacrifice in the temple of Castor and Pollux at Ostia and the storm abated (Amm. 19.10.4). At no time is there any suggestion that the prefect was doing anything that was illegal or prohibited (Barb (1963) *passim*).

One of the key pieces of evidence quoted in support of the theory that Valentinian used the trials as a vehicle to repress the senatorial aristocracy at Rome is the legislation which was promulgated legalising the torture of senators accused of flirting with magical practices.<sup>92</sup> Given that torture had been prescribed in cases of treason and given also that treason was often equated with magic when it was directed against the emperor or the imperial house, it is hardly surprising that torture was prescribed for those who were suspected of practicing the nefarious arts. Precedents did exist. In 320/3, Constantine issued a law which categorically stated that individuals of high rank shall not be exempt from torture in cases of treason.<sup>93</sup> Later, Constantius II also provided a direct precedent for Valentinian when he ruled that torture should be imposed in cases that were concerned with *maleficium*.<sup>94</sup> Ammianus fails to mention that this precedent existed, noting only that Valentinian's law was rescinded following a senatorial deputation to the emperor. This may well have been so, but the law was not formally rescinded, by means of legislation, until 377 when it was Gratian who enacted a specific law prohibiting the torture of members of the senatorial order.<sup>95</sup> By implication, in the two years that intervened between the death of Valentinian and this piece of legislation, the torture of senators was still permitted.

The persecution of senators is often cited as the response of the government to the discovery of a "senatorial conspiracy", on the assumption that the high proportion of *clarissimi* among the accused must represent the leaders of the plot. It

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<sup>92</sup> CTh. 9.16.7. '*Ne quis deinceps nocturnis temporibus aut nefarias preces aut magicos apparatus aut sacrificia funesta celebrare conetur. Detectum enim adque convictum competenti animadversione mactari perenni auctoritate censimus.*' See also CTh. 9.16.8-10.

<sup>93</sup> CTh. 9.5.1. '*Si quis alicui maiestatis crimen intenderit; cum in huiusmodi re convictus minime quisquam privilegio dignitatis alicuius a strictiore inquisitione defendatur, sciat se quoque tormentis esse subdendum, si aliis manifestis indiciis accusationem suam non potuerit conprobare. Cum eo, qui huius esse temeritatis deprehenditur, illum quoque tormentis subdi oportet, cuius consilio atque instinctu ad accusationem accessisse videbitur, ut ab omnibus commissi consciis statuta vindicta possit reportari.*'

<sup>94</sup> CTh. 9.16.6.

<sup>95</sup> CTh. 9.35.3 *Severam indagacionem per tormenta quaerendi a senatorio nomine submovemus.*



often seems to be forgotten that Ammianus states that he would not waste time or effort in discussing the *minutiae*. Even the historian himself forgets this when he begins his narrative with a *haruspex*, an organ builder and a wrestler.<sup>96</sup> P. Hamblenne quite rightly points out the wide variety in the social status of the accused and that if the trials were merely a ruse for senatorial repression, then surely only those of senatorial rank would figure among the accused.<sup>97</sup> If Valentinian aimed at the diminution of the position of the senate and of senators, it seems most unlikely that he would appoint Symmachus - a senator and a prominent pagan - *praefectus urbis Romae* for 373 or Petronius Probus consul for 371, precisely at the height of the trials. I believe that it is not possible to detect a conspiracy at Rome, aimed against the imperial government in any form at all and therefore whether such a conspiracy was led by the senatorial aristocracy is not an issue.

Alföldi<sup>98</sup> sees the number involved in the trials as considerable, but he is a victim of the narrative of Ammianus, which tends to telescope events in such a fashion so as to transmit the impression that this was indeed the case. In fact, only twenty five names are explicitly mentioned in connection with the trials. If the trials began around 370 and continued until 375, the period in which individuals were accused spans at least five years - thus the actual number of persons accused given the time frame was not particularly great. Further, on no occasion does Ammianus state that the accused were innocent of the crimes they were supposed to have committed - a point he would hardly have passed over in silence if it had been the case. The guilt of three *humiliores* with whom the narrative commenced, is implied. Marinus, a public advocate accused of practicing magic in order to gain Hispanilla as a wife, can be presumed guilty. The guilt or innocence of the senator Cethegus is

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<sup>96</sup> Amm. 28.1.8ff.

<sup>97</sup> Hamblenne (1980) pp.185-225.

<sup>98</sup> Alföldi (1952) p.79.

not stated but in two cases where guilt is almost certain - the noble Alypius and Hymetius - exile and not death was the prescribed punishment, for a "trifling fault" in the former case and for private divination in the latter.<sup>99</sup> The trial of Hymetius led to the execution of the *haruspex* Amantius, and the *consiliarius* Frontinus was exiled - both were guilty of nefarious practices.<sup>100</sup> The guilt of Lollianus, for writing books concerned with the magical arts, is also certain and, as a result, he was executed. Ammianus concentrates on his youth when the crime was committed, and thus, unintentionally, reinforces his guilt.<sup>101</sup> The law was unambiguous in such matters and the prescribed penalty was duly carried out. The four senators, Tarracius Bassus, Camenius, Marcianus and Eusaphius, who were accused of using poison together with the charioteer Auchenius as an accomplice, were all acquitted on account of doubtful evidence.<sup>102</sup> If the trials were engineered as an anti-senatorial measure surely this would not have happened! Two senatorial women, convicted of fornication, appear to have been guilty and two further senators accused of using poison actually confessed their guilt.<sup>103</sup> Adultery and the use of poisons had long since constituted capital offences. Thus, Valentinian, through his agents at Rome, was acting entirely within the scope of the law in punishing those guilty of such practices. Nor do the trials justify the tag "senatorial repression" - it would be indeed odd in any narrative concerned with the affairs at Rome, not to find members of the leading families, such as the Amicii, figuring among them - after all, the fate of members of the Roman nobility would be more entertaining for the audience of Ammianus than the fate of charioteers and

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<sup>99</sup> Amm. 28.1.16 - 22.

<sup>100</sup> Amantius (Amm. 28.1.21); Frontinus exiled to Britain (Amm. 28.1.21).

<sup>101</sup> Amm. 28.1.26 ...*Lollianus, primae lanuginis adolescens, ... exploratus causam Maximino spectante, convictus codicem noxiarum artium nondum per aetatem firmato consilio ....*

<sup>102</sup> Amm. 28.1.27 ...*documentis etiam tum ambiguis, suffragante absoluti sunt Victorino, ut dispersus prodidit rumor, qui erat amicus Maximino iunctissimus.*

<sup>103</sup> Paphius and Cornelius confessed to the use of poison and they were subsequently executed (28.1.29); Charitas and Flaviana were accused of either adultery or fornication (28.1.28).

wrestlers. For example, note what a prominent part the Anicii play in the affairs of Rome. Faltonius Probus Alypius and perhaps Aginatus, both accused during the trials, were members of the house as was the urban prefect Olybrius, the brother of Alypius.<sup>104</sup> It is perhaps odd that Ammianus does not mention the filial relationship of the two or that Alypius' cousin was none other than Sextus Claudius Petronius Probus.<sup>105</sup> Nor were the Caeionii exempt: Lollianus, son of the former urban prefect C. Caeionius Rufius Volusianus Lampadius was advised by his father to appeal from the *vicarius* Maximinus to the imperial court - he was executed.<sup>106</sup> Also from the Caeionii were Tarracius Bassus and Alfenius<sup>105</sup> Caeionius Julianus Kamenius, acquitted of charges along with two other senators. That such individuals appeared in the trials does not prove a senatorial plot. Those who postulate such a theory<sup>107</sup> never indicate what the aims of such a conspiracy might have been - especially in the fourth century when the center of power was removed from Rome.<sup>108</sup> It is highly unlikely that a conspiracy against the emperor could have succeeded without military backing and there is no evidence to suggest that any of the accused had military connections.<sup>109</sup> We may well presume that the emperor knew only too well what constituted a political conspiracy and would have repressed it as such without having to disguise his actions or intentions under the guise of magic and adultery.<sup>110</sup> I see no reason to impute to the trials any more

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<sup>104</sup> See above pp. 85ff.

<sup>105</sup> I do not think it is necessary to see Olybrius' illness as feigned because of his brother's involvement in the trials. Probus, although holding an eminent position in the administration, did nothing to shield Alypius either.

<sup>106</sup> Amm. 28.1.26.

<sup>107</sup> Thompson (1947) pp. 103ff and Chastagnol (1960) p. 430.

<sup>108</sup> Matthews (1975) p. 59.

<sup>109</sup> I am unable to establish any certain link between these trials and the execution of the Elder Theodosius at Carthage in 376. I have discussed this aspect more fully elsewhere. It is sufficient to state here that such a proposition does nothing to explain the time lapse between the majority of the trials in 371/2 and the execution of Theodosius in 375/6 (Blockley (1975) p. 119; Appendix v).

<sup>110</sup> See Amm. 21.16.10; Brown (1972a).

serious motives than those for which they were ostensibly held, that is, for magical practices and adultery. The senatorial class had shown a propensity for both throughout history and they had always been dealt with by means of harsh measures - the trials under Valentinian were in essence no different.

To explain the many discrepancies in the account of Ammianus, it is not necessary to postulate the existence of a conspiracy. It is more likely that the historian himself was not exactly certain of the events which he narrates. For many of the major incidents his only source seems to have been rumour. The long and drawn out case of Aginatus and his relationship with both Maximinus and Probus is introduced with the comment '*ut locuta est pertinacior fama*'.<sup>111</sup> That his account is based on rumour is largely forgotten as the historian confidently ascribes motives and thoughts to individuals in an unequivocal manner. Likewise the acquittal of the four senators was made secure according to Ammianus, not because of the doubtful nature of the evidence against them but rather through the influence of Victorinus with Maximinus '*ut dispersis prodidit rumor*'.<sup>112</sup> In fact the entire affair involving Aginatus, Maximinus and Probus is suspiciously vague. According to Ammianus, Aginatus and Maximinus first fell out when the former was placed in charge of the trials in preference to the *vicarius* Aginatus. Maximinus supposedly made an insulting comment about Probus and Aginatus informed Probus, by means of a secret communication, that Maximinus could easily be brought low if Probus wished it.<sup>113</sup> However, he refused to become involved and sent the letter to Maximinus. Ammianus does not indicate how he had managed to acquaint himself with the contents of the letter, especially as the contents were secret as he had previously indicated. The narrative, as Ammianus himself noted, was based on rumour and hearsay. The conclusion to the saga is also a little odd. Apparently

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<sup>111</sup> Amm. 28.1.30; above Chapter 1 (i).

<sup>112</sup> Amm. 28.1.27.

<sup>113</sup> Amm. 28.1.32-35.

Maximinus, now resident in Gaul, obtained the death sentence for Aginatus, but he dared not have the *vicarius Romae*, Simplicius, carry out the execution and chose instead a Gaul named Doryphorianus to carry it out. Maximinus was within the bounds of law to demand execution if the charges against Aginatus laid by Anepsia, who claimed that she had suffered attempted seduction through the nefarious arts while resident at the house of Aginatus, were proven. If the imperial letter actually contained an order of execution, the entire farce with Doryphorianus seems inexplicable. It would seem that Ammianus is intent to use this incident as a further reflection of the evil nature of Maximinus.<sup>114</sup>

The whole of 28.1 is an attempt to discredit Maximinus and Simplicius completely and thus, by implication, Valentinian. This is supported by two indicators. First, the emphasis that is placed on the role of *vicarii* and the resultant understating or completely ignoring the role of the urban prefects. Second, the individuals who suffered in the trials are typical of those individuals whom elsewhere Ammianus condemns for their debauchery. It is only three chapters later that Ammianus provides a long excursus on many examples of adultery, fornication, magical practices and the consultation of horoscopes in a tone that can not be considered as complimentary. Thus 28.1 was used by Ammianus for purposes other than objective narrative - it provided a platform for an attack on Maximinus, his associates and, by implication, Valentinian.

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<sup>114</sup> Note especially the description of the torture of the slaves of Aginatus as illegal (Amm. 28.1.55). The historian seems to forget what he had previously stated - it was not merely a case of adultery, but seduction that was to be achieved through the use of magic and in cases involving the *nefariae artes* torture was prescribed.

## CHAPTER 5: Pagans, Christians and Heretics: The Politics of Toleration.

*Postremo hoc moderamine principatus inclaruit, quod inter religionum diversitates medius stetit, nec quemquam inquietavit, neque ut hoc coleretur, imperavit aut illud: nec interdictis minacibus subiectorum cervicem ad id, quod ipse coluit, inclinabat, sed intemeratas reliquit has partes ut repperit.<sup>1</sup>*

So speaks Ammianus in the *elogium* composed for Valentinian at the end of his reign. It remains one of the few examples of praise that Ammianus does not qualify with anecdotal material and it is only here that the historian provides an explicit statement on the nature of Valentinian's religious stance.<sup>2</sup> It is not so much that the historian is totally unconcerned with ecclesiastical affairs, but rather, he limits himself to discussing those affairs which were deemed relevant to the grand design of the *Res Gestae*. One example will suffice. The rivalry between Ursinus and Damasus for the bishopric of Rome is narrated, not as a set piece designed to illuminate the continual competition between Orthodoxy and Arianism in episcopal appointments but rather, because Ammianus saw it as an important event in the urban prefecture of Viventius whose tenure of office is included in a digression on affairs at Rome under various prefects.<sup>3</sup> Perhaps it was because a policy of

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<sup>1</sup> Amm. 30.9.5.

<sup>2</sup> There are many works on Ammianus' religious position. See in particular: Rike, (1987); Hunt, (1985); V.Neri, (1985b); G.Sabbah, (1978) pp. 202, 546-8; E.A.Thompson, (1947) pp.26-31. The various issues concerning the religious thought of Ammianus will only be discussed here as they relate to Valentinian and his religious policies.

<sup>3</sup> Amm. 27.3; Ursinus and Damasus (27.3.11). In this digression all the prefects were required to deal with civil discord of various kinds. Symmachus had his house fired due to some imprudent remarks on the future destiny of his wine; Lampadius almost suffered a similar catastrophe at the hands of the urban mob and fled to the Mulvian Bridge. Thus Viventius' experience of civil discord harmonises well thematically.

religious toleration in the fourth century was so rare that Ammianus indentified it as an area worthy of praise in the government of Valentinian.<sup>4</sup>

Although his religious toleration is almost unparalleled in the fourth century, it has attracted little scholarly attention, with the majority of commentators being content to see it as a consequence of Valentinian's predilection for the defence of the frontiers, or because it is far more interesting to study 'those who are ideologically committed rather than those who are not'.<sup>5</sup> Nevertheless, it is beneficial to make some study of the nature and effects of religious toleration, not only as it effected the relationship of Christianity to paganism but also how it affected the inter Christian struggles, the evolution of the Church's conception of itself and the effects that these had on the empire as a whole.

By the mid fourth century, toleration no longer simply meant the toleration of paganism; rather, it was designed to encompass all the various sects that Christianity had produced with the exception of the Manichees (who had never enjoyed the luxury of toleration). This is significant because in effect it meant that Valentinian was not prepared to impose a superficial unity on the Christian Church specifically or upon the empire in general. Whether it was or was not a duty of the imperial power to impose such a unity and to scrutinise the purity of the faith, Valentinian did not follow the precedent of either Constantius or Julian by becoming a partisan of one particular faith or sect. One should not confuse tolerance and non - intervention in the Church with a desire to foster popularity. Unwillingness to interfere in doctrinal and episcopal disputes was often met with resentment and frustration.<sup>6</sup> I would contend that this was part of a definite policy

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<sup>4</sup> Thompson, (1947) goes so far as to say that by explicitly praising Valentinian's tolerant attitude Ammianus implicitly criticises Theodosius' intolerant one. See above Ch. 1 iv for the reasons why this is not correct.

<sup>5</sup> Rike, (1987) p.1. Although written of Ammianus, I think the statement is also pertinent to Valentinian's religious position, 'if he [Ammianus] enjoys a special reputation for independence, however it has cost him much, for we instinctively pay more attention to those who are ideologically committed than to those who are not.'

<sup>6</sup> See below pp. 183ff.

on religious matters by Valentinian and not merely a reaction to various occurrences throughout his reign. When placed in the context of the preceding two decades, it becomes evident that the only way that Valentinian could ensure the necessary internal harmony within the empire that would enable him to concentrate on the problems of barbarian incursions was to follow a policy of toleration and further, to intercede in Church affairs only to restore tranquillity. It is possible that the military concerns of the empire dictated the course that Valentinian's religious policy would take, but it cannot be considered reactive in the sense of the tolerations decreed during Alaric's invasion or after Adrianople,<sup>7</sup> because it was followed consistently from the outset to the end of his reign.

A brief survey of the religious climate throughout the empire at Valentinian's accession is necessary in order to place his religious stance in context and to illustrate the necessity of such a policy. Sozomen writes by way of postscript to the struggles between Eudoxius and Acacius under Constantius II,

‘..[then]...entailed upon the Church....a persecution more grievous than those which it had suffered under pagan emperors...for both the persecutors and the persecuted belonged to the Church...’<sup>8</sup>

One chapter later he goes on to comment that it would be impossible to enumerate all those who were either ejected from their sees or exiled because they did not adhere to the doctrine which was in favour at the time. A brief survey will illustrate the deep rifts that characterised the Church at the time and how the charges were framed in secular, not ecclesiastical terms. Those deposed included Macedonius, Eleusis of Cyzicus, Hortasius of Sardis, Dracontius of Pergamum - all for disturbing the peace and violating the laws of the Church; Basil of Ancyra for causing dissension and sedition in Illyricum, Italy and Africa as well as in the Roman Church; Sophronius of Pompeiopolis for avarice; Neonas of Seleucia for

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<sup>7</sup> Alaric (*CTh* 16.5.51); Adrianople (*CTh* 16.5.5, withdrawing the rescript); Soz. (*HE* 7.1) See also Brown (1961b) p.290.

<sup>8</sup> Soz. *HE* 4.21.



performing a dubious ordination; Elpidius of Satalis for participating in the misdemeanours of Basil and finally, Hilary of Poitiers and Rhodanus of Toulouse for refusing to condemn Athanasius. Even the Bishop of Rome, Liberius was exiled for a short time to Thrace.<sup>9</sup> While the leaders of the Church were undergoing this crisis of identity Constantius was busy legislating to improve the material position of the Church. In 349 clergy and their children were exempted from fiscal obligations in the cities,<sup>10</sup> they were granted a share of the *annona* paid by provincials,<sup>11</sup> and while not bowing to a request to exempt the Church from all taxes, Constantius did concede immunity from any new taxes.<sup>12</sup> As the Church gained in both power and wealth, competition to secure a leading place among the hierarchy and to be in a better position to exploit the new privileges correspondingly increased. The internecine struggles within the Church would have been exacerbated rather than relieved by the prohibition on bishops being tried in the secular courts. Constantius' theory that 'they will obtain immunity from the kindness of bishops'<sup>13</sup> would seem to depend upon whether the defendant and the court were disposed towards accepting the same doctrine. The emperor did not confine himself to persecuting the orthodox within the Church for pagan cults did not escape his notice. Temples were closed for the purpose of worship and participants in sacrifices were punished with death.<sup>14</sup> Whether or not Constantius

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<sup>9</sup> Soz. *HE* (4.11,21); Duchesne (1912) p.246ff; Frend (1986). Athanasius himself leaves little doubt about how Constantius viewed his role in the scheme of things, 'Whatever I will, be that esteemed a canon; the bishops of Syria let me speak thus. Either then obey or go into banishment' (*Hist. Arian.* 33).

<sup>10</sup> *CTh.* 16.2.9 notes that the sons of clerics must continue their service in the church for this privilege to apply.

<sup>11</sup> Soz. *HE* 5.5.1-3.

<sup>12</sup> *CTh.* 16.2.8; *CJ* 1.3.1.(343).

<sup>13</sup> *CTh.* 16.2.12 '*Mansuetudinis nostrae lege prohibemus in iudiciis episcopos accusari, ne, dum adfutura ipsorum beneficio impunitas aestimatur, libera sit ad arguendos eos animis furialibus copia. Si quid est igitur querellarum, quod quispiam defert, apud alios potissimum episcopos convenit explorari, ut opportuna adque commoda cunctorum quaestionibus audientia commodetur.*

<sup>14</sup> *CTh.* 16.10.2-6. Note that Constantius did not proceed with wholesale destruction of the temples: being a pagan was not yet a crime, worshipping as one was. See Cochrane (1957) pp. 317ff.

would ever have achieved his goal of unity within the Church must be consigned to the field of conjecture because of the advent of Julian and the attempted restoration of paganism as the religion of the empire.

The measures that Julian took against the Church are indicative of his strategy to reinstate paganism. It is not individual Christians who suffered *per se* (indeed Julian actually legislated that individual Christians should not be molested on account of their religion)<sup>15</sup> but rather, the Church as an institution. Ammianus could well have been right in his interpretation of the motive behind the recall of the exiled bishops and clerics by Julian: it was to weaken the Church in its resistance to paganism.<sup>16</sup> It is easy to imagine the multitude of problems associated with a large number of bishops returning to their sees only to find them occupied by their theological rivals.<sup>17</sup> The problem would have been exacerbated by the measures that Julian took to redress the inequalities that had arisen between the pagan religion and the Christian Church as a result of imperial policy since the time of Constantine. Restoration of the temple lands was accompanied by the cancellation of immunities and privileges of the Church.<sup>18</sup> Christians were dismissed from the army and excluded from governmental office and, symbolically, the monogram of Christ was removed from the *labarum*.<sup>19</sup> Although they were not persecuted in the literal sense of the word, conduct towards the

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<sup>15</sup> Julian, *Ep.* 435D-8C, written in 362.

<sup>16</sup> Amm.22.5.4 *Quod agebat ideo obstinate, ut dissensiones augente licentia, non timeret unanimantem postea plebem, nullas, infestas hominibus bestias, ut sunt sibi ferales plerique, Christianorum expertus.* Sozomen (*HE* 5.4 ) also gives this interpretation while Socrates (*HE* 3.1), Theodoret (*HE* 3.4.1) and Rufinus *HE* (10.28) do not.

<sup>17</sup> The notable exception was Athanasius who on returning to Alexandria found his see vacant. The former Arian bishop George was slain while still in office (Soc *HE* 3.1).

<sup>18</sup> Julian, *Ep.* 430C ; *CTh.* 12.1.50, *Decuriones, qui ut Christiani declinant munia, revocentur;* *CTh.* 10.3.1.

<sup>19</sup> The army (Soz. *HE* 5.17, 6.6); Theod. (*HE* 3.8.2., 16.2-3, 17.8); administration (Soc., *HE* 3.13; Soz. *HE* 5.8; Rufinus *HE* 10.33); *labarum* (Soz. *HE* 5.17).

Christians cannot be considered impartial and Julian retaliated in kind for the closure of pagan temples by confiscating ecclesiastical property, votive offerings and vessels, culminating in the closure of the cathedral of Antioch.<sup>20</sup> Also by way of recompense, he ordered that those guilty of destroying pagan temples were to either rebuild them at their own expense or to suffer imprisonment.<sup>21</sup>

Thus for over a decade the Church and the empire had suffered the vacillations of Constantius, his ultimate declaration for Arianism and the violently antithetical attitudes of the Apostate. There existed no such thing as a general imperial policy regarding the Church, or even with regard to religious affairs generally; rather, there were only the policies of various emperors which could be confirmed or overturned at will by successive rulers. The violent vacillations in policy more than any other factor dictated that a policy of toleration was not only desirable but necessary if the empire was to retain any semblance of stability. This was recognised by Jovian when petitioned by all factions of the Church after the death of Julian was made known.<sup>22</sup> On September 16, 363 Christianity once again became the religion of the empire, less than one month after the Apostate's death. It was in the company of Athanasius that Jovian rode triumphantly into Antioch<sup>23</sup> although petitioned by the Arian bishop of Alexandria to do otherwise.<sup>24</sup> Although an adherent of the Nicene creed, the new emperor left the Arian bishops of Antioch and Constantinople, Euzoius and Eudoxius, unmolested in their sees while ordering that the pagan temples be again shut.<sup>25</sup> This is indicative of the policy that

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<sup>20</sup> Soz. *HE* 5.5, 8; Theod., *HE* 3.12; Cassiodorus, *HE* 6.7.4; Amm. 22.13.2.

<sup>21</sup> Soz. *HE* 5.5.; Soc. *HE* 3.11. It is interesting that Sozomen narrates the case of Eleusis, bishop of Cyzicus, who was ordered to rebuild, at his own expense, a Novatian church which he had previously destroyed - a further example of Julian's policy of turning potential Christian opposition to his pagan restoration back on itself.

<sup>22</sup> Soc. *HE* 3.24-5.

<sup>23</sup> Seeck (1919) p.213.

<sup>24</sup> Athanasius, *ad lov.* app.

<sup>25</sup> Soc. *HE* 3.24. For the divergent accounts of Jovian's religious policy see Seeck, *RE* 9.2009-10. Themistius' plea that Jovian should hold the balance between various religions may be construed as indirect evidence for a gathering anti-pagan reaction (Them. *Or.* 5.69C).

Valentinian was to follow, preferring unity within a see to the appointment and deposition of bishops either on a doctrinal whim or as a result of a desire to forcibly impose on the Church his preferred creed.

When Valentinian ascended the throne he was faced with a Christian empire crippled by schism, paganism still strong, if disorganised by the death of the Apostate, and all parties vying for supremacy under Jovian. A measure of conciliation was necessary. The policy that the new emperor was to follow is manifested on his coinage. That religious issues ought to be on the imperial agenda only to ensure the internal stability of the empire so that attention and resources could be concentrated on the frontiers is reflected in the general political/military character of his coins. The emperor is marked as a Christian by the *labarum* - rarely is there a more overt statement of his religious position.<sup>26</sup> The notable exception to this is an aes coin in the Museum in Budapest, which, on the reverse, has the emperor standing and holding a shield inscribed with a "swastika" type cross, while on his right a hand is reaching down from heaven. This overt Christian symbolism is completely new for the reign of Valentinian and is unexampled on any other Roman coin. It is tempting to suspect that the coin type never became widely circulated because it was simply too overt and may have encouraged the more radical and fundamentalist Christians throughout the empire to petition the emperor to repress the pagan cults and temples with more ferocity than he was disposed to.<sup>27</sup>

This policy of moderation is also reflected in the emperor's legislation concerning religious issues. Out of a total of 394 laws extant in the legal codes that were promulgated during the years of Valentinian's rule, only 28 deal either

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<sup>26</sup> Mattingly (1933) p. 191.

<sup>27</sup> See Pearce (1938). The "swastika" type cross is found in the Christian catacombs in Rome. Thus it must have been a recognisable Christian symbol, at least to other Christians. See also Piganiol, (1947) p. 210.

directly or indirectly with matters of religion. These range from the regulation of privileges for the clergy and Christians generally to regulating abuses within the Church itself.<sup>28</sup> On three occasions legislation promulgated by Julian is explicitly revoked - temple lands are to be returned to the fisc (this was motivated, no doubt, more by financial rather than theological motives), reinforcing other legislation in the same year which not only provides for the recovery of temple lands returned to them by Julian but also those sold or donated elsewhere '*a diversis principibus*'. It is not until 370 that Valentinian issued a "blanket" law confirming the legislation of Constantius over that of Julian. Clearly, pagans were attempting to use Julian's legislation that was still in force to improve their position.<sup>29</sup> Despite this law, not all of Julian's legislation was overturned automatically by Valentinian. Exemptions for members of the clergy involved in commercial activities from paying the lustral tax were not revived and wealthy plebeians were forbidden to join the clergy at all.<sup>30</sup> Far from confirming Constantius' wide ranging exemptions for the clergy, which included curial service of a 'menial nature' and exemption from all tax payments together with their wives, children, male and female attendants and their children,<sup>31</sup> Valentinian imposed conditions on the entitlement of the clergy to claim privileges. If one of the curial class wished to join the clergy, then either a near relative must assume his curial duties or, his property must be ceded to the

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<sup>28</sup> For example, women dedicated to the Christian faith shall be immune from the capitation tax (CTh. 13.10.6); rich widows are protected from rapacious clerics after their money (CTh. 16.2.20), a law which both Ambrose (Ep. 18.14-5) and Jerome (Ep. 52.6) acknowledged as necessary.

<sup>29</sup> CTh 5.13.3. Valentinian was not above referring to Julian as he of '*divina memoria*' (CTh 10.1.8); CTh 16.2.18, *Quam ultimo tempore divi Constanti sententiam fuisse claruerit, valeat, nec ea in adsimulatione aliqua convalescant, quae tunc decreta vel facta sunt, cum paganorum animi contra sanctissimam legem quibusdam sunt depravationibus excitati*; CTh 13.3.6, *Si qui erudiendis adolescentibus vita pariter et facundia idoneus erit, vel novum instituat auditorium vel repetat intermissum* cannot stand the interpretation placed on it by Tomlin (1973) p.403 who says that it repeals the Julianic law forbidding Christians to teach rhetoric and literature. In fact the date of this law has to be emended for it to be Valentinianic at all; see Seeck (1919). It is more likely because of its great unpopularity (Amm.22.10.7) that it was repealed by Jovian.

<sup>30</sup> CTh 13.1.5. For exemptions for clergymen under Constantius see CTh 16.2.14 and 10; plebeians (CTh 16.2.17).

<sup>31</sup> CTh 16.2.14.

municipal council - failure to do so would result in recall from the Church in order to fulfil his own municipal duties.<sup>32</sup> This is more in the spirit of the legislation of Constantine which specifies that exemptions from compulsory public service were not to be granted indiscriminately nor great numbers to be added to the clergy rashly.<sup>33</sup> Valentinian goes so far as to impose definite time limits after which clergymen cannot be recalled to discharge municipal duties. In 370 it was ruled that clerics who had been in the service of the Church for ten successive years could not be recalled; any less time in service and the municipality could reclaim their citizens for public duties. No doubt some cities were exercising excessively retrospective claims against some clergy. One year later the time limit was altered so that clerics could not be recalled to the municipal senate if they were members of the clergy prior to the accession of Valentinian.<sup>34</sup> The actual time limit imposed is less important than the principle involved; that is, no individual should enter the clergy with the sole intention of evading his municipal duties. Thus, while restoring some of the clergy's privileges, Valentinian did not go as far as Constantius and he provided that the privileges of the Church would not harm the empire in other respects, the administration of the cities for example, or the functioning of certain guilds which habitually suffered a shortage of labour or service in which was considered particularly onerous.<sup>35</sup> The judicial functions of the Church were not neglected. It was decreed that as a layman the emperor could not deliver judgement on priests and an edict was issued that reserved judgement

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<sup>32</sup> *CTh* 12.1.59 (364) *Qui partes eligit ecclesiae, aut in propinquum bona propria conferendo eum pro se faciat curialem aut facultatibus curiae cedat quam reliquit, ex necessitate revocando eo, qui neutrum fecit, cum clericus esse coepisset.* While this does annul a Julianic provision (Julian, *Ep.* 380D-1A) it goes no closer to that of Constantius which included no such safeguards against evasion of decurional duties.

<sup>33</sup> *CTh* 16.2.6.(329). On the problems associated with Christian converts rushing to join the Church, Eusebius *VC* 4.54.

<sup>34</sup> *CTh* 16.2.19 (370); *CTh* 16.2.21.(371), *li, qui ecclesiae iuge obsequium deputarunt, curiis habeantur immunes, si tamen eos ante ortum imperii nostri ad cultum se legis nostrae contulisse constiterit: ceteri revocentur, qui se post id tempus ecclesiasticis congregarunt.*

<sup>35</sup> Members of the guild of bakers were excluded completely from entering the clergy, *CTh* 14.3.11; see above Ch. 3 iv.

of ecclesiastics for the priesthood.<sup>36</sup> Nevertheless, the right of trial for bishops by their peers was limited in two important respects: charges must relate to the faith or to Church discipline ( as opposed to Constantius who forbade anyone to summon a bishop before a secular court at all <sup>37</sup> ) and if the charges were criminal then the offender, whether priest, bishop or pope, must be tried by the secular authorities - a provision confirmed by Gratian in 376.<sup>38</sup> Clearly, criminal charges such as treason were reserved for secular judgement because these would have more serious ramifications for the security of the state, secular as well as ecclesiastical.

While some of Valentinian's social legislation specifically mentions Christians, it does not assign excessive privileges on the basis of professed religion. It is true that he forbade Christians to be sued for taxes on a Sunday, but this is hardly proclaiming that Christians should not be sued for taxes at all.<sup>39</sup> Certain persons were to be released from detention at Easter - with the exception of traitors, necromancers, poisoners, magicians, homicides, adulterers and rapists.<sup>40</sup> Christian custodians for pagan temples were forbidden to be appointed, which could be interpreted equally as being in the favour of the pagan cults, since Valentinian does not order those temples to be shut, and it is difficult to imagine such prominent pagans as Symmachus and Praetextatus accepting Christian custodians with equanimity.<sup>41</sup> That Valentinian's religious policy, as reflected in specific legislation, was one of moderation distinct from the extremes of both Constantius and Julian, reverting instead to the spirit of the Constantinian era, is

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<sup>36</sup> Morrison, (1964) p. 9.

<sup>37</sup> *CTh* 16.2.12.

<sup>38</sup> *CTh* 16.2.23. Note also *CTh* 11.36.20 in which Valentinian rules as illegal an appeal by the ex-bishop Chronopius who appealed from a decision of an unknown synod to the court of the proconsul of Africa, Claudius.

<sup>39</sup> *CTh* 8.8.1; 11.7.10.

<sup>40</sup> *CTh* 9.38.3. (367). Similarly, *CTh* 9.40.8. decrees that no Christian should be sent to the arena as punishment, not that they should receive no punishment.

<sup>41</sup> *CTh* 16.1.1.

reflected in later views on his stance. The stringently Orthodox Damasus and Ambrose could appeal to the memory of Valentinian to extract concessions from his sons; yet he himself had not conceded what they wished - the bishop of Rome's primacy over other bishops.<sup>42</sup> On the other hand, the pagan Symmachus could exert the same moral pressure on Valentinian II: Gratian's abolition of the state cult was an insult to his father's memory.<sup>43</sup>

What were the ramifications of such a policy in practical terms? One would expect to find a mixture of pagans and Christians being appointed to the higher civil and military posts and this tends to be confirmed by the evidence. Some of the most illustrious individuals under Valentinian were indeed Christians - Petronius Probus and Clodius Hermogenianus Olybrius for example, but these stood alongside staunch pagans such as Aurelius Avianus Symmachus and Praetextatus. It would seem certain that individuals were not appointed on the basis of religion alone. The mixture of Christians and pagans in the civil hierarchy is reflected in the military - the Christians such as Fl. Theodosius and Fl. Jovinus were balanced by individuals such as the pagan *magister equitum* Dagalaifus. Even under Julian all civil and military personnel are not of one specific religion - the German Nevitta was pagan but both Arinthaëus and the Sarmatian Victor were Christians.<sup>44</sup> Surely, the incessant military activity in the fourth century demanded that the *magistri militum* be appointed less on religious grounds than on the ability to command an army successfully. It is perhaps indicative of the tendency to appoint military personnel, in particular, on the basis of competence that the religion of only two out of the sixteen known *magistri militum* of Constantius - Sabinianus, *magister equitum Orientis* in 359 and Fl. Lupicinus *magister equitum Galliarum*

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<sup>42</sup> Tomlin (1973), p.402.

<sup>43</sup> Symm. *Rel* 3.20.

<sup>44</sup> Nevitta (von Haehling (1978) p. 249-250); Arinthaëus received baptism on his death bed (Basil *Ep.* 269, a letter of condolence to his widow). Victor, was actually a zealous Catholic (Theod. *HE* 4.33; Basil *Ep.* 152-3). Both Arinthaëus and Victor continued serving Valens in the east.



359-60<sup>45</sup> were Christian. Similarly, under Valentinian II it was the zealously pagan Arbogastes who aspired to become *magister militum* and it was under Gratian, increasingly more militant in his Christianity as he fell under the influence of Ambrose, that Arbogastes had begun his career as *comes rei militaris*.<sup>46</sup> So too in the civil administration, Constantius had appointed three pagan praetorian prefects of Italy, one of the east and one of Illyricum.<sup>47</sup> It cannot be presumed that pagans were appointed solely to keep the peace between the Christian sects. For example, Flavius Philagrius, one of Constantius' *praefecti Aegypti*, was pagan but he was active in installing the Arian bishop Gregory as bishop in the place of Athanasius in 339. He is also recorded as helping the Arians at Philippopolis and Adrianople.<sup>48</sup> With the exception of Julian, no emperor is recorded as appointing only pagan prefects of Rome which perhaps illustrates the changing religious preferences of the aristocracy at Rome.<sup>49</sup> The *proconsules Achaiae* follow a similar pattern with the two Christian exceptions to pagan predominance under Constantius.<sup>50</sup> Despite the comment of Zosimus that Valentinian removed all of Julian's civil and military appointees, with the exception of the *magistri militum*

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<sup>45</sup> von Haehling (1978) pp. 252ff.

<sup>46</sup> He was a leader of the pagan reaction under Eugenius along with Nicomachus Flavianus (Paulinus *Vita Ambrosii* 26) but still, nevertheless, a friend of Ambrose (ibid. 30).

<sup>47</sup> PPO *Italiae*: Vulcacius Rufinus (*CIL* 6.32051) he continued to serve under Valentinian; Volusianus Lampadius (*AE* (1945) 55 and *AE* (1955) 180); he was PUR under Valentinian (*CIL* 6.512); Lollianus Mavortius (*CIL* 6.30895. PPO *Illyrici*, ); Anatolius (von Haehling (1978) p.100; *PLRE*, Anatolius 3); PPO *Orientis*, Hermogenes (von Haehling (1978) p.63).

<sup>48</sup> Athanasius, *Fest. Ind.* a.339 and 343; *Hist. Ar.* 9,10,12,51; *Encyc. Ep.* 5; Von Haehling (1978) pp.195-7.

<sup>49</sup> The suggestion by Alföldi (1952) pp. 80ff that a pagan urban prefect was appointed to preside over Rome when fighting erupted between Ursinus and Damasus so as not to become directly involved cannot have been the case for two reasons. In the first place, Praetextatus was immediately followed in office by the Christian Olybrius, and there continued to be sporadic trouble between the rival factions, and secondly, since the conflict was between two Orthodox deacons, it would have been difficult for even a Christian to take sides as there was no demarcation along doctrinal lines.

<sup>50</sup> Strategius Musonianus, an Arian according to *PLRE* Anonymus 49; von Haehling (1978) pp.161ff.

Arinthaëus and Victor,<sup>51</sup> there is little direct evidence for such a purge being instigated on religious grounds. It is hard to see why Valentinian would purge the administration of Julian's appointees who were predominantly pagan, and replace them with other pagans if they were dismissed on the basis of their religious beliefs. Zosimus also comments that Salutius, Julian's praetorian prefect, was relieved of his post by Valentinian. What he neglects to add is that he was reinstated and continued to serve under Valens.<sup>52</sup> It is Ammianus who states that Salutius was offered the throne upon the death of Julian - the new emperors perhaps thought it prudent to assure themselves of his loyalty to the new regime prior to confirming his appointment to the praetorian prefecture.<sup>53</sup> It would have been foolish to allow an individual whose loyalty was not automatically ensured to continue in a high post and perhaps serve as a focal point for opposition to the new regime. Further, Claudius Mamertinus, the pagan praetorian prefect of Julian is attested in office as late as 365, hardly an example of an immediate purge.<sup>54</sup>

Thus, Valentinian did not appoint only Christians to the highest civil and military echelons for pagan appointments continued to be made. For example, Vulcacius Rufinus, who succeeded Mamertinus in the praetorian prefecture of Italy was a pagan as were five of Valentinian's urban prefects.<sup>55</sup> Not to have continued the tenure of such men would have meant that the imperial administration would have lost experienced personnel and it could have caused problems in those parts of the empire which still had flourishing pagan populations.

Valentinian's relationship with the Church echoes this desire for a sense of continuity and stability. Like Constantine, Valentinian was more concerned with

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<sup>51</sup> Zosimus, 4.2.

<sup>52</sup> Amm. 26.5.5.

<sup>53</sup> Amm. 25.5.3, compared with Zosimus 3.36 who places it after the death of Jovian.

<sup>54</sup> *CTh.* 8.5.26. He was relieved of office for peculation (Amm. 27.7.1).

<sup>55</sup> Vulcacius Rufinus, PPO *Italiae* 365-8 (*CTh* 9.30.3; 10.15.4). For Valentinian's urban prefects see Chastagnol (1962) pp.159-194.

the role that Christianity would play in the wider context of the empire rather than being intricately concerned with the content of doctrine and creed. Constantine did not forcibly impose unity of belief on the Church; rather, in the interests of unity everyone did not have to believe the same thing and individual differences ought to be respected.<sup>56</sup> This is the spirit of the policy that Valentinian was to adopt, as distinct from that of Constantius II, who imposed Arianism or later Theodosius I, who imposed Catholicism on the empire. This becomes obvious when Valentinian's appointment of bishops, the treatment of heresy and schism within the Church and his reaction to the increasingly militant Arianism of his brother and co-Augustus Valens are considered.

According to Sozomen and Ambrose, Valentinian made it quite clear that an emperor, in his view, should not occupy himself with theological disputes.<sup>57</sup> This is made manifest in his attitude to the appointment of bishops who were deemed heretical in the eyes of the orthodox. Ambrose states that Valentinian had promised him that he would not be disturbed if he accepted consecration.<sup>58</sup> Placed in context, this means refusal to debate publicly with those of Arian sympathies. It is plausible that Valentinian had promised Ambrose that he would be free from Arian - inspired disturbances. In so doing the emperor was not openly favouring Orthodoxy for its own sake; rather, he was taking precautions against the possibility of civil disturbances because of their disruptive nature; imperial policy was doing for Ambrose what it had done for the Arian Auxentius before him -

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<sup>56</sup> See Drake, (1976). Constantine is quoted by Eusebius as saying 'For since you have .... but one faith, and one sentiment concerning our religion and since the Divine Commandment in all its parts enjoins upon us the duty of maintaining a spirit of concord ... let there be one faith and one understanding among you ... but as your subtle deputations on questions of little or no significance ... such differences should be consigned to the secret custody of your own minds and thoughts' (V.C. 2.71). Thoughts that are echoed in the religious policy of Valentinian.

<sup>57</sup> Ambrose, *Ep.* 21; Soz. *HE* 6.7, 'I [Valentinian] am but one of the laity, and have therefore no right to interfere in these transactions: let the bishops to whom such matters apertain, assemble where they please.' This has a certain similarity to a remark of Constantine as quoted by Eusebius 'You are bishops whose jurisdiction is within the church. I am also a bishop, ordained by God to oversee whatever is external to the church' (Eus. V.C. 4.24).

<sup>58</sup> Ambrose *Ep.* 21.7.

preventing internecine ecclesiastical fighting from breaking out into public rioting.<sup>59</sup> When Hilary of Poitiers had protested that Auxentius of Milan was a heretic, Valentinian appointed the *quaestor* and *magister officiorum* to hear the case together with ten bishops. Auxentius managed to convince them of his orthodoxy and the commission dismissed Hilary's charges without trial. It was Hilary who was ordered to leave Milan or be remanded in custody.<sup>60</sup> It is revealing that Hilary does not question the right of emperors to intervene in episcopal appointments and it seems that the emperor was regularly expected both to appoint and confirm bishops in their sees. Bishops could be condemned by Church councils but the ecclesiastical authorities remained dependent on the emperor for execution of that policy. For example, the Council of Lampsacus deposed the Arian bishop Eudoxius but its decision had no effect, and as a response it attempted to gain the support of western bishops but to no avail.<sup>61</sup> It was as executor of ecclesiastical policy that the emperor operated - especially when it came to deposing bishops who had been condemned by Church councils. Only when Auxentius had died and Milan was ready to erupt in sedition did Valentinian order that Ambrose be ordained as quickly as possible.<sup>62</sup> Not necessarily because he was Orthodox, in fact he had not been baptised; but rather, because the people had demanded him as

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<sup>59</sup> Tomlin, (1973) p.413. No doubt Valentinian was anxious to avoid a repetition of the situation in Rome that followed the death of Liberius (Hanson (1988) pp. 467ff); see below pp.186 ff.

<sup>60</sup> Theod. *HE* 3.17; Soz. *HE* 6.23; Hilary, *Contra Auxentium* cc.7-9. Auxentius remained in his see despite being condemned by the Council of Rome in 368/9 (Soz. *HE* 6.23); that Hilary took an uncompromising stance against Arianism is reflected in the terms of address he uses to Constantius, 'I proclaim to you, Constantius, what I would have spoken to Nero, what Decius and Maximian would have heard from me: you are fighting against God, you vent your wrath against the church, you persecute the Saints, you hate the preachers of Christ, you take away religion; you are a usurper, not only of things human but of things divine' (*Liber contra Constantium* 7). One can only surmise the language that Hilary would have used if addressing a pagan instead of a Christian, albeit Arian, emperor.

<sup>61</sup> Basil *Ep.* 66, 70, 69, 90-1; Hanson (1988) pp. 764-5.

<sup>62</sup> Soz. *HE* 6.24; Paulinus *Vita Ambrosii* 6. Theodoret (*HE* 4.6) has Valentinian deferring to the bishops in order to suggest an appointee to the vacant see. Nevertheless the end result was the same. Popular acclamation elected Ambrose and Valentinian confirmed this without further reference to the assembled bishops. Socrates (*HE* 4.30) has the bishops confirming the popular acclamation.

bishop and Ambrose had refused. Valentinian had been motivated by a desire to ensure civil order as opposed to deliberately confirming an Orthodox bishop because of his Orthodoxy.<sup>63</sup> Valentinian is unique amongst all the emperors of the fourth century in keeping to what Constantine proclaimed at the council of Arles in 314.<sup>64</sup> It is only Theodoret who has Valentinian take any concern at all in Church councils with the "council of Illyricum"; however, as this council is not recorded by any other source, Theodoret's veracity must be doubted and the council itself declared apocryphal.<sup>65</sup> No ecclesiastical council is recorded as having met on Valentinian's orders or under his direct or indirect supervision.<sup>66</sup> It appears that he adhered to his professed disinterest in Church affairs.<sup>67</sup> To Valentinian a bishop was a bishop whether Arian or Orthodox, and provided that there was no civil unrest he would not depose or impose bishops on on the directive of synods or petitions from individuals.<sup>68</sup> If the respective sees remained tranquil then there was no need for autocratic imperial directives that could fuel potential aggravation. The

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<sup>63</sup> Despite not having been baptised, Ambrose was probably recognised as having Orthodox sympathies. His sister Marcellina had received the veil from Liberius in 353 (Amb. *De Virginitate* 3.1); the appointment of Nectarius to the bishopric by Theodosius is not dissimilar to that of Ambrose (Soz. *HE* 7.8).

<sup>64</sup> Optatus App.5. Eusebius states that Constantine sat 'in the midst of them as an individual amongst many, dismissing his guards and soldiers...' (V.C. 1.44.2); in context he must be referring to the council of Arles. See Barnes (1978c) p.57. At Nicaea too, Constantine did not himself preside. He was present at the council and participated in the debate but his contribution was to attempt to cool the temperature of the debate (Eus. V.C. 3.13).

<sup>65</sup> Theod. *HE* 4.7. The bishops of this "council" decreed that the Nicene faith should be universally accepted. It is included more to contrast Valentinian with Valens, and to show that Valens, at this stage at least, was Orthodox in his sympathies (Morrison (1964) p.14); Dvornik (1966) p. 768ff. wrongly accepts the existence of the council without question. It is highly unlikely that both Sozomen and Socrates would have neglected to mention the council if indeed Nicene orthodoxy was prescribed for all bishops. Furthermore, it would have been unusual for Valentinian to have supported so overtly such a partisan document which contains many references to the Bible. As well, the names of the bishops sending it are otherwise unknown (Hanson (1988) pp. 793-4.); it must be considered to be highly unlikely that the young Valentinian II was responsible, since his mother Justina was a staunch Arian.

<sup>66</sup> Soc. *HE* 4.2ff; Soz. *HE* 6.7.

<sup>67</sup> Soz. *HE* 6.21.

<sup>68</sup> Frend, (1986) p.617.

policy followed by Valentinian in relation to the rivalry between Ursinus and Damasus for the bishopric of Rome illustrates this.

The conflict between Ursinus and Damasus had its origins in that conflict between Felix and Liberius which had been in existence since Liberius was exiled for refusing to condemn Athanasius.<sup>69</sup> Broadly speaking, Ursinus was supported by those who had refused to recognise Felix and Damasus was supported by those who were prepared to compromise between the latter and Liberius.<sup>70</sup> Two of the seven deacons, whose duty it was to appoint a successor, sided with Ursinus, himself a deacon and he was subsequently consecrated in the Basilica Iuli.<sup>71</sup> The deacon Damasus was supported by the remaining three and was consecrated in the episcopal Church of St. John Lateran.<sup>72</sup> It seems that Damasus, in addition to commanding a slight majority of deacons, also commanded the loyalty of the majority of the clergy and in all likelihood the congregation.<sup>73</sup> This factor more than any other dictated on which side imperial support would fall. Viventius, the urban prefect, sided with Damasus, and Ursinus, together with his two supporting deacons, was arrested. Rioting continued despite the removal of Ursinus and 137 were killed in the fighting that erupted between the two factions.<sup>74</sup> Ursinus was

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<sup>69</sup> On Liberius and Felix see *Collectio Avellana* 1. On the conflict generally see in particular Lippold (1965) and Green (1971).

<sup>70</sup> Green (1971) p. 532.

<sup>71</sup> *Coll. Avell.* 1.5.

<sup>72</sup> *Coll. Avell.* 1.5-6.

<sup>73</sup> *Coll. Avell.* 1.5. '[Damasus] omnes quadrigarios et imperiam multitudinem pretio concitat...'; *Coll. Avell.* 1.7 '...tunc Damasus cum perfidis invitat arenarios quadrigarios et fossores omnemque clerum'. Jerome is the only source to credit Damasus with primacy of consecration (*Chron.* a.366).

<sup>74</sup> Amm. 27.3.13 at the Basilica Sicinini, also known as the Basilica Liberii (*Coll. Avell.* 1.6). The Ursinians' claim that 160 were killed in Damasus' attack on the latter basilica makes the identification of the two basilicas probable. Ammianus' description of the whole affair is compelling (27.3.11ff); in these chapters he portrays the episcopal conflict as a desire to command the riches; being bishop of Rome had made both Ursinus and Damasus '*supra humanum modum ad rapiendum episcopi sedem ardentes*'. Note too the alleged remark made by Praetextatus to Damasus 'make me bishop of Rome and I will become a Christian tomorrow' (Jerome *C. Joh. Hier* 8).

banished but in the following year (367) allowed to return only to cause a renewal in the rioting so that Praetextatus, now urban prefect, expelled Ursinus and his associates a second time.<sup>75</sup> Yet, this was not to be the end of the trouble. The *vicarius* Aginatus reported that Ursinians were congregating outside the walls of Rome and the *vicarius* and urban prefect were jointly charged with preventing such assemblies within twenty miles of Rome.<sup>76</sup> Valentinian eventually eased the conditions of confinement for Ursinus and he was allowed, along with his associates, to live where he pleased provided that it was not in Rome or Suburbicarian Italy.<sup>77</sup> Ursinians had been active throughout Valentinian's reign attempting to discredit Damasus. Around 370/1 Isaac, a Jew, oscillating between Judaism and Christianity laid a capital charge against Damasus, accusing him of being the real criminal in the deaths that occurred during the double election. Damasus found support at Valentinian's court in the person of Evagrius, Orthodox presbyter of Antioch.<sup>78</sup>

In directing the situation in such a way, Valentinian's motives are clear: he desired peace to be restored at Rome, repeating often such phrases as '*qua omnibus pace vivendum*' and '*ita demum enim tumultibus cunctis procul longeque summotis certa pax plebi in aevum omne tribuetur*'.<sup>79</sup> The restoration of civil tranquillity was achieved without making the supporters of Ursinus martyrs -

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<sup>75</sup> *Coll. Avell.* 7 for the mild conditions of exile, '*absque aliqua religionis inuria, ut peregrinari potius quam exulari videantur*'; see also *Amm.* 27.3.12ff and 27.9.9 which overlooks Ursinus' first exile.

<sup>76</sup> *Coll. Avell.* 8 and 9.

<sup>77</sup> *Coll. Avell.* 10. Afterwards, Olybrius reported that all was quiet. *Coll. Avell.* 11 and 12.

<sup>78</sup> Jerome *Ep.* 1.15, written A.D.370, '*Iam enim ad Evagrii nostri nomen advenimus - cuius ego pro Christo laborem si arbitrer a me dici posse, non sapiam, si penitus tacere velim, voce gaudium valeat digno canere praeconio Auxentium Mediolanii incubantem huius excubiis sepultum paene antequam mortuum, Romanum episcopum iam paene factionis laqueis inretitum et vicisse adversarios et non nocuisse superatis?*' The exact charge is unclear and we only know of it from allusions contained in the letter of the council of Rome in 378, called ostensibly to rehabilitate the reputation of Damasus. The bishop is exonerated by Gratian (*Coll. Avell.* 13). The *Liber Pontificalis* speaks of adultery but as Damasus was almost 80 years old such a charge seems unlikely. See Duchesne (1912) p. 371.

<sup>79</sup> *Coll. Avell.* 6 and 8.

Valentinian wanted public order without making individuals suffer.<sup>80</sup> Despite being unwilling to become involved in ecclesiastical "politics", Valentinian could not allow rioting to go unchecked whether it was connected with the Church or not, even more so given that both protagonists adhered to the Nicene creed, as did the emperor. Imperial intervention was necessary in order to restore calm and it was achieved without excessively harsh treatment of the Ursinians. Indeed, it could be argued that there would have been less trouble if Valentinian had been more forceful in his initial treatment of the supporters of Ursinus. Perhaps he was discouraged to do so by the example of Constantius who had left bishops in exile for long periods, the possibility being always present for them to become a focal point for more widespread sedition and unrest.

Both secular and ecclesiastical sources are unanimous in proclaiming Valentinian's non-intervention in Church affairs. *Prima facie* an explanation is at hand given the pressing military concerns facing him, and as such he was required to allow the Church to establish its own equilibrium. Yet, it is also possible to find an alternative explanation given that Valentinian does not seem to have fallen under the influence of one particular bishop.

It is during the reign of Constantius that the court bishops rise to prominence and stay there - an inevitable if dangerous practice if the emperor was to be involved in Church politics.<sup>81</sup> Early in the reign of Constantius it is Eusebius of Nicomedia/Constantinople and later Eudoxius who exert their influence on the emperor. Theodoret goes so far as to excuse Constantius' Arianism on the grounds that he fell under the influence of bishops who were themselves of Arian sympathies.<sup>82</sup> Socrates is explicit about the existence of episcopal influence under Jovian; speaking of bishops, he states that they '...endeavoured to anticipate each

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<sup>80</sup> '...ea nobis est innata moderatio ut publicam disciplinam sine cuiusquam calamitate munire cupiamus' (Coll. Avell.7).

<sup>81</sup> Greenslade (1954) p.24.

<sup>82</sup> Theod. HE 2.2, 10, 12, 15, 22, 23.



other, in the hope of influencing the emperor to favour their own beliefs'.<sup>83</sup> Moreover, Valens, according to the ecclesiastical historian, was Orthodox at the outset of his reign but his wife Domnica and the bishop of Constantinople led him astray.<sup>84</sup> We may well ask why it was that Valentinian did not fall under the sway of Justina, who later was to exert such a strong Arian influence over Valentinian II.<sup>85</sup> The easiest explanation is that it was significantly easier to formulate policy for a child four years old than for an adult emperor with a set method of dealing with the Church. One need only reflect on the influence that Ambrose had on Gratian and later on Theodosius I in order to realise how episcopal influence could dictate imperial policy.<sup>86</sup> Gratian's repudiation of the title of Pontifex Maximus may have been due to the influence of Ambrose. Gratian had borne the title in 370, and in 379 Ausonius refers to him in terms that suggest that, even at this stage, he was still Pontifex. His repudiation then must belong to early 383 when the senatorial deputation went to Milan and the full ramifications of his anomalous position were indicated. By 383 the influence of Ambrose had replaced the more moderate and tradition-minded Ausonius.<sup>87</sup> Despite modern assumptions that

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<sup>83</sup> Soc.*HE* 3.24.

<sup>84</sup> *ibid.* 4.11.

<sup>85</sup> The account by Sulpicius Severus of Valentinian I refusing Martin of Tours entry into the palace because of the influence of the Arian Justina is apocryphal, although the idea of the emperor refusing to grant all of Martin's requests harmonises well with his character. The emperor, according to Severus, is won over to the side of Martin when his throne spontaneously erupts into flame. Severus may be resorting to Justina's influence to explain Valentinian's unwillingness to become embroiled in church matters (*Second Dialogue* 5). The editor of *PLRE* states that Justina only exhibited her Arianism after Valentinian I's death. This is not necessary. Justina could well have always been staunchly Arian and Valentinian did not take any notice. For the most part Arianism is treated no differently by the emperor than Orthodoxy.

<sup>86</sup> Gratian's position on the Altar of Victory is a good example. It is Ambrose who convinces Gratian not to accede to Symmachus' requests for the altar to be restored to the senate house (*Rel* 3.1.20). Furthermore, Gratian revoked his own edict of toleration continuing the policy inherited from Valentinian I, decreeing that all heresies must forever cease. Such a *volte face* can only be attributed to the influence of Ambrose (Soc. *HE* 5.2; Soz. *HE* 7.1; Theod. *HE* 5.2; *CTh* 16.5.5.; Homes Dudden (1935) pp.190ff).

<sup>87</sup> The senatorial deputation must have been connected with the anti-pagan legislation promulgated in 382 (*Amb.Ep.* 17.10 written in 384). Ambrose says that the laws were promulgated '*ante biennium ferme*'. See also Symm. *Rel.* 3.7. Gratian in 370 (*CIL* 6.1175) and in 379 (Ausonius *Grat. Act.* 35, 42, 66). Gratian cannot have refused the title on his accession in 367 because at age 8 he would not have been in a position to refuse anything. See further, Cameron (1968) pp. 96-99.

religious toleration was popular, it was not a position acceptable to Ambrose who is relatively silent about Valentinian I's religious policies - after all to Ambrose, Valentinian was a Catholic who had countenanced the errors of paganism and heretics, had married an Arian for his second wife and had openly supported Auxentius, the long time Arian thorn in the side of the Orthodox.<sup>88</sup> No doubt toleration of paganism and heretics would not have been satisfactory to staunch adherents of the Nicene creed any more than toleration of Catholics would not have been desirable for staunch Arians. Hence, just as Ambrose encouraged Gratian to repress all those who did not shelter under the umbrella of Orthodoxy so too Eudoxius, Arian bishop of Constantinople, probably encouraged Valens to persecute the Orthodox. It cannot be shown that Valentinian was influenced by any one particular bishop during his reign, a factor which must have made a policy of toleration easier to adhere to. In the light of this, it is necessary to examine Valentinian's attitude to, and apparent condoning of, Valens' increasingly militant Arianism.

Theodoret remains the only source, ecclesiastical or secular, to state that Valentinian made an attempt to persuade Valens against persecuting the Orthodox. He quotes a letter, allegedly from Valentinian and Valens, affirming consubstantiality of the trinity and uses the inclusion of Valens' name in the heading to indicate that as long as Valentinian lived Valens remained Orthodox.<sup>89</sup> The letter must be considered a forgery, since it shows a concern with doctrinal niceties for which Valentinian was not known. Further, Valens had been baptised by the Arian Eudoxius in 367 - the other ecclesiastical sources at least have little doubt that Valens was manifestly Arian from the early years of his reign. It is also

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<sup>88</sup> The only act for which Ambrose specifically praises Valentinian is his refusal to apostasise under Julian (*Ep.* 21.3; *De Ob. Val.* 55). For other allusions to Valentinian (*Epp.* 17.16; 21.2, 5.7). See also Homes Dudden (1935) pp.85ff.

<sup>89</sup> Theod. *HE* 4.31.

Theodoret who states that Valentinian refused to send aid to Valens in the event of the Gothic invasions because he disagreed with Valens' Arianism.<sup>90</sup> This is absurd. Not only was Valentinian himself fully committed on the western frontiers but it was he who advised Valens to take action.<sup>91</sup> It seems that Theodoret had some problems grasping how a tolerant emperor with Nicene sympathies was able to tolerate an Arian inspired persecution of the Orthodox in the east. The supposed rebuke Valens received for his Arianism at the hands of his three generals Traianus, Arinthaëus and Victor falls into the same category. Collectively, the generals were known supporters of the Nicene creed and to have served an Arian emperor with equanimity may have been beyond belief to one such as Theodoret. The remonstrances of Traianus, that defeat in battle was due to the emperor's "impiety", accords well with the traditional ecclesiastical explanation of cause and effect when "impious" emperors who act against God are ultimately brought low.

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No source other than Theodoret alters the impression that Valentinian took not the slightest notice of Valens' ecclesiastical activities and much of what Theodoret states must be discounted as highly unlikely. He does not seem to realise that there were now distinct differences in the religious expression between east and west. In the west the fires of controversy among Christians appear to have been dying down naturally and Valentinian seemed happy enough to avoid civil discord and allowed this process to continue without imperial interference. The east was different. Whereas in the west doctrinal discord did not entail disputed sees (with the notable exception of Ursinus and Damasus, who were both

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<sup>90</sup> *ibid.*

<sup>91</sup> Amm. 27.4.1. '*Valens enim ut consulto placuerat fratri, cuius regebatur arbitrio, arma concussit in Gothos ...*'

<sup>92</sup> Theod. *HE* 4.33. Traianus' remonstrances to Valens did not stop him dying at Adrianople alongside his Arian emperor (Amm. 31.13.18); Traianus as a Catholic (Theod. *HE* 4.28); Arinthaëus (Basil *Ep.* 269 to his widow, mentioning his deathbed baptism); Victor (Basil *Epp.* 152-3). For the tradition in ecclesiastical historiography of non-sympathetic emperors meeting unsavoury ends see Eusebius *HE* 8 and Lactantius, *De Mort. Pers.* 49.3; 33.

Catholics) and there existed no real rival to the Orthodox Hilary, Eusebius or Ursacius, to name a few, any more than there existed an Orthodox rival to Auxentius, the east was wracked by schism - often several bishops disputing the same see.<sup>93</sup> imperial non-intervention could have had serious repercussions for the stability of the east. Whereas Valentinian, in order to ensure stability, only had to intervene usually to settle civil rioting as in the case of the Damasus episode and to some extent in the case of Ambrose, Valens had to take sides to ensure that the east did not factionalise completely. Perhaps he sided with the Arians because it was this party which was initially the strongest. Those who confessed the creed of Ariminum occupied the important sees of Constantinople and Antioch and it was only four years prior to the accession of Valens that 500 bishops had accepted the creeds of Ariminum and Constantinople.<sup>94</sup> Thus Valens embarked on a persecution of the Orthodox much detailed by Socrates and Sozomen,<sup>95</sup> and refused to support the synod of Lampsacus which had formally deposed the Arian Eudoxius, much in the same way that Valentinian had refused to depose Auxentius when condemned by the Council of Rome. In fact, Valens' treatment of the Orthodox Basil has some similarity with the treatment of Auxentius by his brother. Valens did not impose on Basil either formula on communion with anyone who was of doubtful orthodoxy and Basil was left relatively unmolested. When the Orthodox of the east turned to their western counterparts for support, they met with little, if any, enthusiasm as the letters of Basil make clear. In 371 Basil urged Athanasius to persuade the western bishops to come out against Valens' persecution and later in the same year he wrote to Damasus, again asking for

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<sup>93</sup> Duchesne (1912) pp. 290ff. It is interesting that it was a layman, and imperial *consularis*, who was ordained in the place of Auxentius - perhaps the least unacceptable to the majority. Even if there was dispute concerning the consecration, at least no rival bishop was consecrated alongside Ambrose. The contrast with the east is especially evident in the case of Antioch and the competition for the bishopric between Eustathius, Melitus (supported by the eastern bishops) and Paulinus (ordained by Lucifer of Cagliari and supported by the west and Egypt).

<sup>94</sup> Basil *Ep.* 244, written to the bishop of Aegae, Patrophilus, 376. See also Frend (1986) pp. 629ff.

<sup>95</sup> Soc. *HE* 4.15ff, Soz. *HE* 6.7, 14, 18, 20, to give but a few examples.

assistance against the Arian persecutors. In 372 Basil sent an open letter to the bishops of Italy and Gaul in which the phraseology suggests that the bishops had not been quick to rouse themselves to action.<sup>96</sup> In the same year a solitary Illyrian bishop wrote to him in support. Basil's reaction is to declare that the west will have to reconvert the east. Basil's entreaties had little effect and in 375 he condemned Damasus as "stuck up and haughty".<sup>97</sup> If the east was unable to mobilise support of supposed sympathisers in the west, why should the emperor have taken it on himself to intervene? Even if he did not approve of Valens' handling of the situation he could not deny that Valens was the emperor of the eastern empire and as such it was up to him to resolve the situation to the best of his ability. Despite private remonstrances perhaps, for which we have no evidence, what was Valentinian supposed to do about it? Civil war and the deposition of Valens on religious grounds would have been out of the question, given the serious military problems faced by Valentinian in the west. After all, he refused to send aid to Valens during the Procopian insurrection because of the impending Alamannic invasion.<sup>98</sup>

If then the Orthodox Christians were less than delighted with Valens' conduct towards them, can it be also said that Procopius' revolt began in the name of religious dissension - this time not Christian, but pagan?<sup>99</sup>

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<sup>96</sup> Note especially the following, '...we might rouse you to take those measures for our relief which we have long been expecting would come from you to the churches in the east, but which we have not received...' and '...we implore you to rouse yourselves...', '...we beseech you... to take into consideration neither length of journey, nor the business you may have at home, nor any other concern of man' (Ep. 92). See also, *Epp.* 66, 70, 90, 91.

<sup>97</sup> *Ep.* 215.

<sup>98</sup> Amm. 26.5.13. '...replicabat aliquotiens, hostem suum fratrisque solius esse Procopium, Alamannos vero totius orbis Romani; statuitque nusquam interim extra confinia moveri Gallorum.' Since the ecclesiastical squabbling did not receive support in the west, and was thus perceived as not a threat to the whole empire, why should Valentinian intervene? Orosius, *Contra Paganos* 7.32-3, states that Valentinian's authority kept Valens' Arianising tendencies in check, leaving the impression that Valens' persecution only began after Valentinian's death. As seen above in relation to Theodoret, this was not the case. In all likelihood the statement was designed so as not to place any blame on the memory of an Orthodox emperor who himself had refrained from persecution.

<sup>99</sup> For the most comprehensive ancient account of Procopius' revolt see Amm. 26. 6ff and Zosimus 4.6 ff.

Ammianus states that Julian had presented Procopius with a purple cloak at the outset of the Persian campaign in 363 and had a deathbed wish that the succession should devolve on Procopius.<sup>100</sup> The historian also notes that the evidence for these events was unsatisfactory, but that they were included at all suggests that there were rumours current at the time that Procopius had some claim to the purple - no doubt spread by Procopius' supporters.<sup>101</sup> Partisans of Julian are found amongst the supporters of Procopius - Phronimus, Araxius, Hormisdas and Helpidius for example<sup>102</sup> and the portrait of Procopius on some of his coinage bears a visual similarity to that of Julian.<sup>103</sup> Beyond this it is difficult to ascertain with any certainty the religion of those who supported Procopius. Some undoubtedly were pagans but it is insufficient to say that this makes Procopius' usurpation a "pagan reaction". Valens also had pagans serving him with undisputed loyalty - for example, Serenianus, who executed Marcellus when he declared himself Augustus on Procopius' death.<sup>104</sup> Further, if Procopius had based his support narrowly on pagans he would have alienated rather than consolidated the sympathy of the predominantly Christian east where he had found his initial support. I think that it is closer to the truth to say that Procopius emphasised his connection with Julian in his propaganda because he was the last survivor of the house of Constantine, as distinct from stressing such a connection

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<sup>100</sup> Amm. 23.3.2; 26.6.2,3; Zosimus 4.4.2. In the narrative of Ammianus, the elevation of Procopius takes on an absurd air. He is dressed in a gold embroidered tunic, but looked '*in paedagogiani pueri specie*' with purple shoes and he clutched a small piece of purple cloth. One wonders what happened to the purple cloak that Julian had supposedly given him. Upon mounting the tribunal he was hindered from speaking because of his trembling (Amm.26.6.15ff). Hardly the image of a man long desiring to be emperor.

<sup>101</sup> Amm. 26.6.3. '*...ut susuravit obscurior fama, nemo enim dicti auctor existit verus*' and '*...falsoque rumore disperso...*'.

<sup>102</sup> Phronimus (Amm.26.10); Araxius (26.10.7); Hormisdas (26.8.12); Helpidius (26.6.9).

<sup>103</sup> Austin (1972), pp.192-3, *RIC* IX. 209-16 (Constantinople), 192-3 (Heraclea), 239-41 (Cyzicus), 250-2 (Nicomedia); Matthews (1989) pp.200ff.

<sup>104</sup> Amm. 26.10.1. See in addition 26.8.6-12, 14.7.7.

because Julian was a pagan. He may well have had personal pagan sympathies but this is not the same thing as saying that he raised an insurrection against Valens, and by implication Valentinian because they were Christians - as has been seen, paganism was not savagely repressed by the emperors.<sup>105</sup> So the exact reasons for Procopius' usurpation remain somewhat mysterious - perhaps it is necessary to look no further than the desire for power to explain usurpation. But it is clear that Procopius made more of an effort to be associated with Constantine and Constantius, rather than Julian. Given that Julian was about to launch a civil war against Constantius the two cases cannot be considered parallel. Too close an identification with Julian may have meant association with potential civil war, hardly good propaganda. Procopius goes to great lengths to ensure that the connection between himself and the Christian emperors did not remain obscure.<sup>106</sup> He employs the legend *Reparatio Fel(icius) Temp(orum)* on his coinage: a legend never used by Valentinian and Valens but minted widely by Constans/Constantius and only by Julian when he was Caesar. Furthermore, the bronze coinage from all four mints that struck for Procopius bear a *Chi-Rho* on the reverse - hardly a sign of an insurrection motivated by a desire to reinstate paganism.<sup>107</sup> The usurper also insisted on taking Constantius' widow Faustina and her daughter with him wherever he went. This had an extremely favourable effect on his dealings with the

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<sup>105</sup> There is no reason to suppose that Procopius was limiting his ultimate designs to the east. Two of Procopius' supporters were Gauls - Phronimus, ordered to take charge of Constantinople, and Euphrasius, *magister officiorum*. Both were returned to the west for trial (Amm. 26.7.4, 10.8). Procopius was encouraged to rebellion by the false news that Valentinian had died (Amm. 26.7.3). We could be excused for asking why this should make much difference when it was Valens' position that Procopius was attempting to usurp. Some of Procopius' coins bear the mint marks of Arelate and it has been suggested that these are propaganda coins for the benefit of Procopius' western support (*RIC IX* 215). Further, the issue of gold coins bearing Procopius' head was, according to Ammianus, used to attempt to subvert the Illyrian army (Amm 26.7.11; Austin (1972) p. 193).

<sup>106</sup> He was related, in a distant sense, to the house of Constantine, through marriage and not blood. His mother was a sister of Julian's mother Basilina.

<sup>107</sup> Kent, Carson, Hill (1965) pp. 84, 88, 93, 97. It is tempting to see this overt Christian symbolism as an attempt not to be labelled a purely pagan reaction and thus alienate the Christians throughout the empire. See also Blockley (1975) Ch. 3.

Visigoths who had held Constantine in high regard - he had erected a statue of Athanaric's father in the senate house at Constantinople.<sup>108</sup>

Thus Procopius may have been promised the empire by Julian and he may have had personal pagan sympathies but his usurpation was not raised as a specifically pagan one directed against the legitimate emperors, who happened to be Christians. If this was the case it would have made little sense to go to Jovian, also a Christian and renounce all claims to imperial power.<sup>109</sup>

If Procopius' revolt cannot be considered a pagan reaction, is it possible to see the revolt of Firmus in Africa as a Donatist reaction?<sup>110</sup> The Donatists differed from the Arians in that their schism did not arise out of doctrinal concerns but rather out of procedural ones, that is what to do with the *traditores*.<sup>111</sup> The Donatists were habitually repressed by the Christian emperors, which exacerbated their tendency for civil insurrection, which in turn led to harsher repression and so on.<sup>112</sup> No matter how tolerant Valentinian was of both paganism and Christian schisms the Donatists were not included and they suffered persecution at the hands of the *comes Africae* Romanus, no doubt under imperial orders.<sup>113</sup> This being so,

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<sup>108</sup> Faustina (Amm.26.7.1); Procopius and the Visigoths (Amm 26.10.3; 27.5.1; Zosimus 4.7.2; Eunapius *Fr*g 37; Amm 27.5.1). The Visigoths would have had an extra incentive to support Procopius given that Valens was about to attack them (Amm. 26.6.11; 27.5.2).

<sup>109</sup> Zosimus 4.4.3,5.1; Amm 26.6.3-4.

<sup>110</sup> Firmus' rebellion broke out in late 372 and was successfully subdued by Theodosius by 374/5. For the narrative of events see Amm. 26.9.7ff.

<sup>111</sup> The Donatists considered themselves the only true Catholics remaining in the empire. Valentinian issued a law against re-baptism which must have been directed against the Donatists (CTh 16.6.1, Feb.373), *Antistitem, qui sanctitatem baptismi illicita usurpatione geminaverit et contra instituta omnium eam gratiam iterando contaminaverit, sacerdotio indignum esse censemus*. This is made more probable because the law is addressed to the proconsul of Africa, where the Donatists were particularly strong and in, all likelihood, it aims to rescind the rescript of Julian favouring the Donatists (Ep. 432C-5D). That Valentinian did not legislate against them until late in his reign perhaps indicates that civil discord was impending. That the two periods in which Donatists were suppressed more vigorously followed uprisings, that of Firmus and also that of Gildo, is less indicative of a fear of lasting alliances between usurpers and Donatists than being part of the process of returning North Africa to obedience within the empire. CTh 16.5.4; 16.2.34. Brown (1961b) styles this process the "ideology of reconquest" p.297.

<sup>112</sup> Jones (1964a) p.966. By far the most comprehensive survey of the Donatists is Frend (1952).

<sup>113</sup> Augustine, *Contra Literas Petilian* 3.25.29. *Gesta Collationis Carthagine habitae* 3.258.



it was not the case however that Firmus revolted as a reaction against the persecution of the Donatists. The Donatists had little to gain from the legitimate government and had little to lose by backing a pretender to the imperial power,<sup>114</sup> much in the same way that pagans such as Symmachus risked supporting Maximus and were forced to quickly revert to supporting the legitimate emperor when they realised that they had backed the losing side. It was primarily the harsh exactions by Romanus that had inspired the revolt and once underway it received Donatist support. Although the Donatists advocated a policy of imperial non-intervention in affairs of the Church after Constantine had rejected their appeals against Caecilian, it could not have hampered their cause to have some kind of imperial support, and it was this they were hoping for when they supported Firmus.<sup>115</sup> There can be no doubt that they did support Firmus. Ammianus states that the embassy despatched to Theodosius by Firmus included 'Christian bishops' and Augustine leaves little doubt that these bishops were Donatists, narrating how the Donatist bishop handed over the town of Rusabici to Firmus and the Donatists were nicknamed *Firmiani* due to their support of the rebel.<sup>116</sup> Nevertheless, this is not the same thing as saying that Firmus' revolt was initially inspired to further the cause of Donatism - any more than Procopius' was inspired to further the cause of paganism. Zosimus states that Firmus' revolt was primarily inspired by overtaxation and increases in the *annona* and the testimony of Ammianus supports this.<sup>117</sup> There is no reason to suppose that Firmus was not a usurper of the usual sort - attempting to set himself up as emperor and gain

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<sup>114</sup> Jones (1959) p.282.

<sup>115</sup> The belief that the emperor should not be involved in ecclesiastical affairs is epitomised in the famous remark '*quid imperatori cum ecclesia?*' (Optatus 3.3). When Julian ordered the restoration of the banished clergy the Donatists were willing enough to accept imperial aid (Opt. 2.6; Aug. *Contra Litt. Pet.* 2.97.224).

<sup>116</sup> Amm. 29.5.15; Aug. *Ep.* 87.10. Augustine goes so far as to defend Romanus against Donatist attacks (*Contra Litt. Pet.* 3.25.29). See also Frend (1952) pp.72ff. and Warmington (1956) p.91.

<sup>117</sup> Zosimus 4.16; Amm. 29.5.8. '*...docentibus eum non sponte sua ad id erupisse, quod norat scelestum, sed Romani iniquitate grassante licentius...*'; see also 29.5.3.

personal power. There are several indications of this. The rebels proclaimed Firmus "king" which suggests that he was hailed as Augustus.<sup>118</sup> One of the tribunes from the *Constantiniani* "crowned" Firmus with a neck chain in the place of a diadem - symbolism that echoes an imperial proclamation and Ammianus has him mounted on a horse clothed in a purple cloak.<sup>119</sup> Further, the size and swiftness of the imperial response suggests that the revolt was one to be taken seriously. Firmus' army is described as a " vast horde" numbering 20,000 savages.<sup>120</sup>

Thus, Firmus' revolt cannot be seen as a manifestation of Donatist dissatisfaction. This could well have motivated them to support the usurper in the hope of enjoying toleration if he was successful but the revolt was primarily motivated by a desire to set himself up as emperor and was triggered no doubt by Romanus' scandalous activities in the African provinces. The Donatists had no qualms about supporting Firmus' brother Gildo when he also rebelled - it did not matter that Gildo had taken the Roman side against Firmus when he served under Theodosius *maior*.<sup>121</sup>

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<sup>118</sup> Orosius, *Contra Paganos* 7.33; *CIL* 8.5338.

<sup>119</sup> Amm. 29.5.20,48.

<sup>120</sup> Amm. 29.5.29, 47. Matthews (1989) pp.373ff.

<sup>121</sup> Amm. 29.5.6, 21, 24. Gildo revolted in the Autumn of 397 and was defeated by an army commanded by his brother Mascezel in 398. Under Gildo the Donatists were known as "*Gildonis satellites*" (Aug. *Ep. Parm.* 2.4.8,15.14; *Contra Litt. Pet.* 2.92.209; *Ep.* 87.5). See also Jones (1959) pp. 283ff.

## **Chapter 6: The Army and the Frontiers: Revolution or Consolidation?**

### **(i) Defensive strategy: Valentinian and his predecessors**

The spheres of civil administration and religious policy saw no radical reforms or innovations on the part of Valentinian. Rather, he capitalised on existing trends, preferring continuity and stability to radical reform and upheaval. This is also holds true for military policy. No aspect of Valentinian's system of frontier defence or methods employed for the purpose of checking barbarian incursions were unique in conception. This is not to say that the extent to which defensive systems were reinforced or the zeal with which he applied imperial resources to military ends was paralleled elsewhere. Rather, Valentinian drew on the experiences and techniques utilised especially by Constantius II and Julian and applied them in a systematic manner to those frontiers that fell under his sphere of competence.

Valentinian's military policies will be discussed from three broad perspectives, none of which is mutually exclusive: firstly, the system of fortifications that was employed on the frontiers of the empire. The success of this system will then be discussed in relation to the the actual campaigns that were waged throughout the reign either by the emperors themselves or by their immediate subordinates. Secondly, the actual chronological sequence of campaigns will be discussed. Thirdly, the measures that were taken by Valentinian to overcome some of the problems inherent in recruitment and the settlement and utilisation of barbarians in the army of the late empire will be investigated. Through the evaluation of these three aspects it should then be possible to decide whether Valentinian did have in mind a comprehensive strategy for frontier defence, which was then applied consistently to all areas of the empire, or whether he acted as a direct response to specific incursions, threats or problems and

hence was not implementing a coherent policy.

First however, it is necessary to place the reign of Valentinian within the context of the trends that can be discerned throughout the imperial period in military and frontier strategy.<sup>1</sup>

Under Augustus and his immediate successors, the empire was not marked by clearly defined frontiers equipped with fixed frontier defences. *Limites* did not exist in their later sense of a fortified and guarded border area.<sup>2</sup> Armies were not permanently stationed on borders as territorial defences, but rather, served as mobile striking forces. Additional frontier security was provided through the use of client states which deterred infiltration of the border and other minor threats.<sup>3</sup> This system of defence ensured adequate security provided that the threats to the frontiers were not on a large scale. Although he annexed more territory than any Republican general, Augustus' policy came to be defensive in nature, using frontiers as geographical limits of direct Roman control.<sup>4</sup> The primary weakness of this system was that given the advent of either

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<sup>1</sup> Throughout I will be referring to "frontier policy" only intending to mean general trends that can be identified in a given period of time. I do not wish to give the impression that the defence of all the frontiers throughout the empire always followed identified procedure. As Mann points out 'Each [frontier] developed merely as a local response to local circumstances. It is impossible to force them into rigid straightjackets' (1979) p.180.

<sup>2</sup> Luttwak (1976) p.18, according to whom it is the entire absence of a perimeter defence that characterises the entire system of Roman imperial security under Augustus and the Julio-Claudians. For the evolution in meaning of the terms *limes* and *limitinaei* throughout the imperial period see Isaac (1988) pp.125-147.

<sup>3</sup> Frontier security during the early empire could be achieved with the use of minimal resources primarily because of the Roman penchant for dividing their enemies against themselves, who were thus too distracted fighting each other to plunder Roman territory. Tacitus describes it as Tiberius' 'purpose of regulating foreign affairs by crafty policy and keeping war at a distance' (*Ann.* 6.32.1). Note also *Germania* 33 'May the tribes, I pray, ever retain if not love for us, at least hatred for each other ... fortune can give no greater boon than discord among our foes' and the Britons too, 'Seldom is it that two or three states meet together to ward off a common danger. Thus, while they fight singly, all are conquered' *Agricola* 12. See too Appian, *Roman History* pref. 7 For the use of "client states" see Strabo *Geography* 14.5.6; *CIL* 5.7231; Dio 60.8.1-3 (Claudius); Tacitus, *Germania* 41-3; Dio 63.1.2.-5.4.

<sup>4</sup> For Augustan acquisitions for the empire see Suet. *Aug.* 21 and 23 and *Res Gestae* 3. The annexation of vast territories included the future provinces of Moesia, Pannonia, Noricum, Raetia, the Cottian and Maritime Alps.

foreign wars or internal unrest, such as the Pannonian revolt, the frontier zones would become denuded of troops and effectively left unprotected through the provision of an expeditionary army.<sup>5</sup> Nevertheless, this system was adopted with few modifications by Augustus' successors. Under the Flavians and the Antonines however, a methodological change can be detected in the system of frontier defence. Luttwak broadly labels the new system as 'preclusive defence',<sup>6</sup> which is characterised by a mobile and offensive, as opposed to a static, army. Under this system of defence, combat with external enemies would take place beyond the frontiers and the fixed defences built along the *limes* functioned as a defensive infrastructure for offensive operations. Military power was fragmented into regional armies with support provided through watch towers, outpost stations and forts, communication and supply routes, troop bases and roads.<sup>7</sup> This system, relatively expensive to maintain and not particularly resilient, only succeeded as long as there existed no systematic threat to the border regions. Indeed the entire system operated on the presumption that frontier trouble would be exceptional and solitary.<sup>8</sup>

Despite the army reforms effected by Septimius Severus the defensive policies that were employed by him did not differ radically from those employed by Hadrian.<sup>9</sup>

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<sup>5</sup> Furthermore, following the recovery of Illyricum after rebellion and the loss of Varus' three legions, it became apparent that the empire could not supply unlimited numbers of recruits for the army and that new formations just could not be raised. See Wilkes (1965) p.22.

<sup>6</sup> Luttwak (1976) p.66.

<sup>7</sup> Although by the time of Hadrian the army had become increasingly static some mobility was retained through the use of *vexillationes* and *numeri* which would be despatched for a particular task and would return to the permanent station when that task was completed (Parker (1928) pp. 164ff).

<sup>8</sup> Smith (1972) p.481. The Quadic and Marcomannic invasions of the 170s and 180s that reached into Italy and Greece illustrate that the system was not particularly resilient (Lucian *Alex.* 48; Amm. 29.6.1; Birley (1966) pp. 222ff.).

<sup>9</sup> Two of Septimius' army reforms, the increase in a soldiers pay and permission for soldiers to marry legally were long overdue. Soldiers had not received an increase in pay since the time of Domitian, that is, for over a century and conferring the right of legal marriage was an acknowledgement that soldiers could now do legally what they had been doing in reality for years.

They were basically defensive rather than offensive in nature, and were intended to ward off attacks on one section of frontier without greatly denuding another.<sup>10</sup> However, in terms of transition to the systematic defence of the frontiers that was employed in the Later Empire, Severus made one important contribution - the fourfold increase in the garrison at Rome and the change in the composition of that garrison from troops drawn from Italy to troops drawn from the frontier legions.<sup>11</sup> This anticipated the military reorganisation of Constantine in that it was the first nucleus of a strategic reserve of troops.<sup>12</sup> This system of "perimeter" defence completely broke down in the course of the third century, primarily because the intrinsic weaknesses of the system were emphasised when the borders were threatened on more than one front. As one area was stripped of troops in order to meet the invasion and that area itself became subject to enemy incursions.<sup>13</sup> Problems were exacerbated by internal instability, economic woes, social upheavals, natural disasters and continual usurpations<sup>14</sup>. As a response a system of "elastic" defence evolved whereby the enemy was permitted to make incursions into the empire and to be contained in a defined area, ideally defeated, and driven back beyond the frontiers. It was necessity that bred such a

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<sup>10</sup> Smith (1972) p.485.

<sup>11</sup> Dio 75.2.3-6.

<sup>12</sup> Luttwak (1972) p.132. Birley (1969) p.65 summarising the earlier views of Platnauer and Domaszewski put forward at the beginning of the century, states that the reforms of Septimius 'formed a sort of half way house between the definitely and entirely local army of the early empire and the Diocletianic dual system of a centralised and easily mobilised main army together with a carefully disposed frontier force'.

<sup>13</sup> That emperors had to arm themselves on several fronts at this time is well illustrated by the reign of Gallienus, who was faced by the separate Gallic-Roman empire of Postumus but forced to abandon its destruction because of the usurpation of Macrianus and Quietus, while simultaneously faced with a serious Gothic invasion in the east, concurrent with a European invasion by the Goths, Borani, Burgundi and Carpi (Zosimus 1.27).

<sup>14</sup> From the death of Severus Alexander in 235 to the accession of Diocletian in 284 there were a total of 26 emperors proclaimed not including nominal co-regents. All but Valerian (captured by the Persians) Decius (fighting a foreign enemy) and Claudius (plague) were assassinated or killed in civil wars (Jones (1964a) pp. 23 and 423).

system since the frontiers were no longer sufficiently resilient to withstand barbarian onslaughts on several fronts. This led to some significant changes. From the second half of the third century forts and *burgi* were built within the empire in order to fortify highways and supply lines rather than to provide fortification for the frontier regions only. The necessity for their existence is well illustrated by the Alamannic invasion deep into Italy, which was defeated by Gallienus in 259, and the invasion of the Iuthungi which was defeated by Aurelian in the Po Valley a decade later.<sup>15</sup> Gallienus selected strategic points behind the *limes* as a base for a strong military contingent wherever it was deemed to be necessary and thus, instead of fortifying only the actual border, a broad area in the interior was also fortified.<sup>16</sup> The army was given increased mobility through the creation of independent cavalry units, which was, according to Zosimus, a clever strategic move.<sup>17</sup> The intention appears to have been to leave troops stationed on the frontiers in increasingly regionalised armies and to employ mobile contingents for rapid and sudden deployment. Whether these cavalry units constituted a virtual body of *comitatenses* is not at issue here; rather, mobile cavalry units and fortification of the hinterland anticipated the trends that evolved under Diocletian and Constantine. Gallienus did not introduce a fully evolved military system; rather, a number of measures were taken as reactions to specific threats that were later incorporated into the defensive system of the Later Roman Empire.<sup>18</sup>

By 337 the defence of the empire was characterised by a fully mobile field army,

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<sup>15</sup> Luttwak (1972) p.160; de Blois (1976) p.6. These invasions by the Alamanni and Franks had been facilitated by the removal to the Danubian territories of several  *vexillationes*  from the legions stationed on the Rhine. The weakening of the Rhine frontier and its consequences led to the revolt of the Rhine army in 259 and the usurpation of Postumus.

<sup>16</sup> de Blois (1976) p.84.

<sup>17</sup> Zosimus 1.30.

<sup>18</sup> I do not intend to enter into the debate concerning whether it was Diocletian or Constantine who instituted the fully formed *comitatenses* of the fourth century. I shall confine myself to discussion of the defensive system as it was at the end of the reign of Constantine.

the *comitatenses*, and static frontier troops, permanently garrisoned on the perimeter of the empire. The mobile army was permanently attached to the emperor with no particular connection to any frontier. Two new posts were created to command the mobile troops: the *magister peditum* and the *magister equitum*.<sup>19</sup> Security of the border areas was consolidated by widespread fortification of towns, roads and supply routes behind the frontiers.<sup>20</sup> Enemy incursions were no longer expected to be repulsed by the frontier line itself; but rather, the fortified towns, farmhouses, granaries and forts were expected to provide both initial resistance to invaders and support for the mobile forces - a system of defence - in - depth.<sup>21</sup> In the years after Constantine there were no major modifications to the system of imperial defence. Theoretically at least, the units of the field army remained fully mobile but in practise units that were stationed in one area for extended periods formed local attachments and were, hence, less willing to be stationed outside their province.<sup>22</sup> This trend was formalised in 365 when the distinction between *palatini* and *comitatenses*, that is, the inner core of the field army at the immediate disposal of the emperor and the regional field army, was made explicit in legislation concerning the different rate of subsistence allowances payable to each.<sup>23</sup>

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<sup>19</sup> Williams (1985) pp.198ff.

<sup>20</sup> To Zosimus this was the achievement of Diocletian alone since Constantine had done his utmost to undermine his predecessors' work by transferring the soldiers from the frontiers into the cities where they became infatuated with luxuries. Zos. 2.34.2 Καὶ ταύτην δὴ τὴν ἀσφάλειαν διαφθείρων ὁ Κωνσταντῖνος τῶν στρατιωτῶν τὸ πολὺ μέρος τῶν ἐσχατιῶν ἀποστήσας ταῖς οὐ δεομέναις βοηθείας πόλεσιν ἐγκατέστησε, καὶ τοὺς ἐνοχλουμένους ὑπὸ βαρβάρων ἐγύμνωσε βοηθείας, καὶ ταῖς ἀνειμέναις τῶν πόλεων τὴν ἀπὸ τῶν στρατιωτῶν ἐπέθηκε λύμην δι' ἣν ἤδη πλεῖσται γεγόνασιν ἔρημοι, καὶ τοὺς στρατιώτας ἐκδόντας ἑατοὺς θεάτροις καὶ τρυφαῖς ἐμαλάκισε, καὶ ἀπλῶς εἰπεῖν τῆς ἄχρι τοῦδε τῶν πραγμάτων ἀπωλείας αὐτὸς τὴν ἀρχὴν τὰ σπέρματα δέδωκε.

<sup>21</sup> Luttwak (1976) Chapter 3.

<sup>22</sup> Jones (1964a) p.125. See also Amm.20.4.4, where the Gallic legions did not want to be moved outside Gaul and the Germans that were enrolled in the Gallic army had done so on the proviso that they would not be required to serve beyond the Alps.

<sup>23</sup> CTh. 8.1.10, *Actuariis palatinorum et comitatensium numerorum senas annonas, senum etiam capitum, pseudocomitatensium etiam quaternas annonas et quaternum capitum ex horreorum conditis praecipimus ..... per decennium curam eius officii sustinere, ut perspicue manifesteque fides eorum et industria conprobetur*. This is the first official mention also of the *pseudocomitatenses*, which were usually units transferred from the frontier armies to the field armies without an upgrading of their



Where then can Valentinian be placed in the development of frontier defence? The reign of Valentinian represented the last concerted attempt to fortify and hold the Rhine and Danubian frontier defences. The methods that he employed were by no means revolutionary in conception, but rather, were a consolidation and continuation of the methods employed by both Constantius and Julian in their work on the frontiers.<sup>24</sup> Luttwak<sup>25</sup> characterises the reign of Valentinian as the last systematic attempt to revert to a system of preclusive defence, that is, attempting to ensure that the frontiers of the empire were not breached and that the interior was not devastated by barbarian incursions. However, this explanation is not sufficient since it fails to take account of, or provide an explanation for, both the increase in fortification activity in the interior of the empire surrounding the frontier zones and the apparent penchant on the part of Valentinian for building fortifications beyond the frontiers in the territory of the enemy. The latter consideration raises an important question that requires an answer - was Valentinian planning an invasion of either Alamannia or Sarmatia? If so, the aim of such an invasion needs to be considered. Offensives into barbarian territory may have been intended to ensure that tribes, even those who fell technically into the category of client states, remained passive and did not threaten the frontier. As such, campaigns waged outside of Roman territory were not necessarily for the sake of land acquisition. I will argue that Valentinian not only broadly followed the defensive policies of his predecessors but also that the principal aim of his strategy was defensive not offensive.

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status, which are found in the *Notitia* almost exclusively in the regional field armies (*Not. Dig. Or.* vi. 68-9; ix. 21-2, 23-29; vii. 35-7; Jones (1964a) pp. 609-10). In the east 8 units of *pseudocomitatenses* were raised prior to 379 and a further 12 after. In the west all 28 units were raised after 395 (Jones, *ibid.*, Appendix ii. 5-7).

<sup>24</sup> Burns (1981) p.396; Schönberger (1969) p.186; von Petrikoviks (1971) p. 187.

<sup>25</sup> Luttwak (1976) p.132.

The primary indication that Valentinian did not plan a radical departure from the military policies of his predecessors lies in certain problems associated with the archaeological evidence. It was previously fashionable to ascribe all late Roman fortifications to Valentinian on the basis of certain types of brick tiles that have been found at excavation sites - but this has since been demonstrated to have been erroneous. The tile stamps bearing the names of the Valentinianic *duces* Frigeridus and Terentianus in Valeria and datable to 375,<sup>26</sup> were found in association with many other brick stamps and hence the latter were also rendered of certain Valentinianic date. However, it has now been shown that a great proportion of the stamps attested at the fortified landing places on the *ripa Sarmatica* cannot be of Valentinianic date and that Frigeridus cannot have functioned in Valeria in 375, but rather in 372 at the latest.<sup>27</sup> Further, as the majority of these brick stamps come from roofing tiles it is impossible to use them as confirmation of new building activity, they merely prove that the buildings were either completed, reconstructed or repaired under Valentinian. Identification of certain Valentinianic fortifications is made more problematical because of the lack of any clear methodology in patterns of construction of military posts in the late empire. For example, during the mid fourth century towers are attested as round, square, rectangular and semi-circular without any particular defensive reason apparent for dictating their shape.<sup>28</sup> The very difficulty that exists in attempting to distinguish

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<sup>26</sup> Frigeridus (*CIL* 3.3761, 3764, 10676); Terentianus (*CIL* 3.3762, 10677; *PLRE* Terentianus 2 and Frigeridus). The most often cited contribution of Valentinian to frontier defences - the network of *burgi*, was in no way novel. An inscription from Serdica during the reign of Antoninus Pius records that 4 *praesidia*, 12 *burgi* and 104 *phruri* were built *ob tutelam provinciae Thraciae* (Johnson (1979) p. 69). Further, inscriptions from sites in Germania Superior, Pannonia, Numidia and Mauretania mention the construction of *burgi* under Commodus, Severus Alexander and Caracalla (*CIL* 13. 6509; 3.3385; 8. 2494-5; 8.22629).

<sup>27</sup> Mócsy (1974)p. 291; von Petrikovits (1971) p.184. Bricks bearing the name of Frigeridus *dux*, *Legio X Gemina* were found in the *burgus* at Visegrád, datable by inscription to 372.

<sup>28</sup> von Petrikovits (1971) in list 7 pp.215-7 includes in the constructions of certain Valentinianic date a military fort at Asperden that is equipped with round towers together with rectangular angle towers of an earlier date. At Brisiacum the tower foundation is rectangular, while at Eszergöm the towers are square and semi projecting. It is salutary to keep his warning in mind, that 'different methods of fortification were employed side by side, simultaneously and in the same areas, so that we should guard

Valentinian's work on the frontiers could well be indicative in itself of the type of policy that he was pursuing on the frontiers - that is, a policy which aimed to reconstruct and repair fortifications that were already in existence, adding new ones only where it was absolutely necessary or where existing ones were completely deficient. If, on the other hand, Valentinian had followed a novel and radically different frontier policy, one would expect that his work would be much easier to distinguish and identify. Hence, many late Roman fortifications could be attributed to either Constantius, Julian or Valentinian.<sup>29</sup> Nevertheless there do exist some late Roman fortifications that are able to be certainly ascribed to the reign of Valentinian and which provide supplementary evidence to the narrative of Ammianus. From inscriptions it is possible to securely date one military fort and two watch towers in the vicinity of Esztergöm, from Noricum a frontier watch tower is attested for 370 and, although extensive building activity is attributed to him in Raetia, only one *burgus* can be certainly attributed to him,<sup>30</sup> despite the claim made by Ammianus that Valentinian

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against any tendency to date late Roman fortifications on typological grounds. This method .... is worse than useless.'

<sup>29</sup> See von Petrikovits (1971) list 8 pp. 217ff. The policy of utilising fortifications that were already in existence harmonises well with Valentinian's policy in the sphere of civic building. In a law addressed to the urban prefect Symmachus, Valentinian is explicit '*Intra urbem Romam aeternam nullus iudicum novum opus informet, quotiens serenitatis nostrae arbitria cessabunt. Ea tamen instaurandi, quae iam deformibus ruinis intercidisse dicuntur, universis licentiam damus*' (CTh. 15.1.11, May 25, 364). A law expressing similar sentiments is directed to Teutomeres *dux Daciae Ripensis*, which explicitly places such policies in a military context '*In limite gravitati tuae commisso praeter eas turres, quas refici oportet, si forte indigeant refectione, turres administrationis tempore quotannis locis opportunis extrue*' (CTh. 15.1.13). This finds confirmation in military terms, since a fort at Veröce, erected under Constantius, was renovated by Valentinian as was one at Felsögöd. See Burns (1981) p.396.

<sup>30</sup> von Petrikovits (1971) pp. 184ff. Definite Valentinianic *burgi* are: CIL 13.11573 (Summa Rapida, near Koblenz); 13.115381; ILS 762; CIL 3. 10596; 3.3653. Presumably, this last *burgus* was erected for the purpose of supervising trade, perhaps between the barbarians and the Romans. '*Burgus, cui nomen commercium, qua causa et factus est*'. The link between *burgi* and the imperial post is also well established (Seeck, s.v. *Burgus*, PW 3.1066-7). According to Symmachus, Valentinian personally supervised the construction of a fort at Altrip (Alta Ripa; Or. 2.20) and Ammianus has him engaging in hydraulics to ensure the stability of a fort on the banks of the Neckar (Amm. 28.2.2-4). Presumably he refers to the fort at Alta Ripa.

fortified the entire bank of the Rhine from the beginnings of Raetia to the mouth of the Rhine in the North Sea.<sup>31</sup> Ammianus raises an important issue here. Valentinian built fortresses beyond the frontiers in the territory of the barbarians: whether it was for offensive or defensive purposes is a question that needs to be addressed. In other words, was Valentinian planning a full scale invasion of Alamannia, Sarmatia or the territory of the Quadi and, if so, was that invasion designed to annex further territory for the empire or to ensure that these tribes remained quiescent? The distinction is necessary because offensives could be used as an integral part of a basically defensive strategy; however, the existence of fortifications in barbarian territory do not in themselves mean a full scale invasion was planned. Nor were such fortifications, often erected in conjunction with forts on the Roman bank, revolutionary or even novel - between Budapest and Belgrade there is evidence for nine fortresses of Constantius and Valentinian that were built in the territory of the Quadi.<sup>32</sup> It is Ammianus' perception that the Valentinianic garrison built in Quadric territory was the immediate catalyst for the invasions into Pannonia in 374, because the emperor had carried his grand design of protecting the frontiers too far and succeeded only in antagonising the Quadi to the point of retaliation.<sup>33</sup> It is more likely, however, that Ammianus is missing an important point: that tribal clients were sometimes dependent and therefore obedient but

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<sup>31</sup> Amm. 28.2.1. *At Valentinianus magna animo concipiens et utilia, Rhenum omnem a Raetiarum exordio, ad usque fretalem Oceanum, magnis molibus communiebat, castra extollens altius et castella, turresque assiduas per habiles locos et opportunos, qua Galliarum extenditur longitudo: non numquam etiam ultra flumen aedificiis posititis, subradens barbaros fines.* These sentiments are echoed by Ausonius in the *Mosella* when he comments that now the Rhine has been reinforced and constitutes a true frontier '*accedent vires, quas Francia quasque Chamaves / Germanique tremant: tunc verus habere limes*' (*Mos.* 434-5).

<sup>32</sup> Burns (1981) p. 396; Valentinian's raid into the territory of the Quadi (Amm. 30.5.14). As early as 294 the *Consularia Constantinopolitana* records that forts had been built in Sarmatia opposite Aquincum and Bononia (*Chron. Min.* 1. 230). In the *Notitia* forts are described as '*in barbarico*' (*Not. Dig. Occ.* 33.41, 33.48). See also Mócsy (1974) p.269.

<sup>33</sup> Amm. 29.6.2 *Valentinianus enim studio muniendorum limitum glorioso quidem sed nimio, ab ipso principatus initio flagrans, trans flumen Histrium in ipsis Quadorum terris quasi Romano iuri iam vindicatis, aedificari praesidiaria castra mandavit: quod accolae ferentes indigne, suique cautiore, legatione tenus interim et susurris arcebant.*

at others they were hostile and required constant management either through diplomatic techniques or by punitive warfare.<sup>34</sup> The presence of Valentinian at Carnuntum throughout the summer months of 375, together with his senior generals, and the fact that Valentinian ordered this fortification into operation as quickly as possible suggests that the Emperor was increasingly aware of the deteriorating situation on the frontier and an awareness that the Quadi, despite their client status, were still capable of posing a real threat to the Romans.<sup>35</sup> The subtlety of Rome's relationship with the Quadi is overlooked by Ammianus who remarks that this activity conveyed the impression that the Quadi were already under Roman rule. The historian neglects to mention that the Quadi had been under loose but effective Roman diplomatic control since the time of Tiberius.<sup>36</sup> However, when Ammianus has cause to mention similar fortifications on the Rhine frontier, he cites different motivating factors on the part of Valentinian. In the *elogium* for Valentinian, Ammianus states that Valentinian was dreaded by the Alamanni because he both increased the strength of the army and fortified both banks of the Rhine so that no enemy could penetrate the Empire's frontiers unobserved - a defensive motive.<sup>37</sup> Ammianus then would seem to be suggesting that Valentinian's operations in Quadic territory were of a fundamentally different nature to those in the territory of the Alamanni. I do not think that this was the case. Ammianus appears to have made a direct causal association between fortification across the Danube and the

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<sup>34</sup> Luttwak (1976) p.21.

<sup>35</sup> Amm. 29.6.6; 30.5.11; Austin (1979) p.70.

<sup>36</sup> The Romans had shown a willingness to intervene in dynastic affairs of the Quadi since the early Principate. That the acquiescence of the three major tribes of the Quadi, Marcomanni and Iazyges for any offensive to be made against Dacia is evident through their inactivity during Domitian's campaigns against Decebalus in 85 and 88. When these tribes eventually did threaten, Domitian was forced to come to terms with Decebalus (Luttwak (1976) p.100). Following the incursions of the 170s Rome exhibited a preference for diplomacy rather than outright conquest by imposing terms on peoples beyond the frontier (Maxfield (1987) p. 187).

<sup>37</sup> Amm. 30.7.6 *Ideo autem etiam Valentinianus merito timebatur, quod auxit et exercitus valido supplemento, et utrobique Rhenum celsioribus castris munivit atque castellis, ne latere usquam hostis ad nostra se proripiens possit.*

Quadic invasions. One becomes dependent on the other. However, it is not possible to say that this constituted a direct attempt to occupy enemy territory<sup>38</sup>. The archaeological evidence provides support for the view that Valentinian was not planning a full-scale invasion into Quadic/Sarmatian territory with the principal aim of incorporating the territory into the empire. Although there is evidence for a fort of Valentinianic date in Sarmatian territory, it is small and isolated, standing sixty kilometres away from the Danube and thus too small to have existed without a treaty with the Sarmatians for the presence of Roman troops, for which there is no evidence.<sup>39</sup> Even Ammianus speaks of a singular fort erected in the territory of the Quadi.<sup>40</sup> When Valentinian raised a punitive expedition into Quadic territory in 375, for the purpose of retaliation, he did not advance into the centre of the Quadic territory, as might have been expected if his aim had been the conquest and annexation; but rather, he advanced by way of the eastern border area opposite Aquincum.<sup>41</sup> When the Quadi complained to Equitius, the latter immediately ordered that construction should be halted, which in turn led to his own dismissal and replacement by the *dux Valeriae*, Marcellianus, son of Maximinus.<sup>42</sup> It was the continued construction by Marcellianus and the murder of the

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<sup>38</sup> See above note 32.

<sup>39</sup> Mócsy (1974)p. 293. The purpose of this fort is somewhat obscure. If it was designed as an early warning post, then it can only be considered a failure because, when the Quadi invaded in 374/5, it was the praetorian prefect Probus who began the preparation to meet the onslaught (Amm. 29.6.11). A large *burgus*, plausibly of Valentinianic date, has been discovered in the territory of the Sarmatians (Soproni (1967) pp. 138ff).

<sup>40</sup> Amm. 29.6.2. See note 32 above.

<sup>41</sup> Mócsy (1974) pp. 295-6. It is possible that Valentinian was planning an encircling movement to ensure a complete capitulation of the Quadi (Amm. 30.5.13; Austin (1979) p. 71).

<sup>42</sup> When Equitius was replaced by Marcellianus he was *magister militum per Illyricum* and many forts of certain Valentinianic date are attributable to him (CIL 3.10596 (Salva); 5670a (Fatiana, 370); 3653 (Salva, 371); Amm. 29.6.3,12). It was on his advice that the Quadic envoys were admitted to an audience with Valentinian, during which the emperor died from apoplexy (Amm.30.6.2). Thompson (1947) pp. 98-100 views Marcellianus and Maximinus as being perfectly justified in their criticisms of the pace of Equitius' work. The Quadi were not alone in their concern regarding Roman fortifications in their territory. The Alamanni had murdered some Romans at Mons Piri while they were in the process of constructing fortifications in their territory (Amm. 28.2).

Quadic king Gabinius at a banquet that precipitated the joint Quadic/Sarmatian invasion into Pannonia.<sup>43</sup> By the beginning of May 375 Valentinian himself had arrived at Carnuntum where he spent the entire summer, at the end of which, he proceeded to Aquincum where he launched a series of raids into enemy territory.<sup>44</sup> Given this, the outposts in barbarian territory were in all likelihood designed to provide some kind of base in enemy territory to afford some protection for raiding parties and with the added benefit of decreasing the likelihood of incursions into the empire, since the enemy could be left in disarray because of the activities of the Roman raiding parties. This left Valentinian sufficient time to consolidate both the *limites* and the territory in the hinterland with a system of defensive networks designed to withstand any future barbarian incursions.

Valentinian's defensive strategies were made viable by those which his predecessors had designed. Julian had fortified many urban settlements which made it possible for Valentinian to concentrate on lesser strongholds, often stretching deep into the interior of the empire.<sup>45</sup> On both the Rhine and Danubian frontier it is possible to identify series of small *burgi* as his work.<sup>46</sup> Further, the major roads leading from the frontiers were guarded by additional forts presumably to ensure the security of the

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<sup>43</sup> Mócsy (1974) p. 294; see too Ammianus 29.6.5. Marcellianus should also be held responsible for the indiscipline of the Pannonian garrison, alleged by Zosimus (4.16.5) and alluded to by Ammianus (30.5.3).

<sup>44</sup> Amm. 30.5-6. Note for example 30.5.13 '*Praemisso igitur Merobaude cum militari peditum manu, quam regebat ad vastandos cremandosque barbaricos pagos*'. These operations could be seen as clearing operations and preparatory for a larger Roman onslaught.

<sup>45</sup> Julian's priorities were dictated to a large extent by necessity. When he was sent to Gaul, Köln, Strasbourg, Brumath, Saverne, Seltz, Speyer, Worms and Mainz were already held by the enemy (Amm. 16.2.12). It is evident that the barbarians had completely desolated the north western frontier and thus the major defensive posts/centres were to have first priority and in 359 Julian commenced the refortification of seven cities: Castra Herculis, Schenkenschanz, Kellen, Neuss, Bonn, Andernach and Bingen (Amm. 18.2.4; Zos. 4.5).

<sup>46</sup> Crump (1975) p. 123. The *burgi* on the Rhine frontier (*CIL* 13.9141 (371), 11537), Summa Rapida in the vicinity of Koblenz, 371/4, (*CIL* 11538); Rote Waag (*CIL* 3.10596; 3653). On the Danube the *burgi* follow the line of the Iller and they can be traced along the South bank as far as Straubing. See Schönberger (1969) p.186.

supply routes; for example, a *burgus* of certain Valentinianic date at Asperden, near Cleves, illustrates that the land route in Germania II from the Maas to the lower Rhine was afforded military protection.<sup>47</sup> This meant that the Germans faced a defensive frontier system of great depth, which was consolidated by fortifications on barbarian soil in conjunction with forts on the Roman bank; for example, on the Rhine at Köln-Deutz, Engers, Niedelahnstein, Wiesbaden- Biebach, Kastel and above the Main at Mannheim-Neckarau. Similar activities are attested on the Danube: in Valeria, Cirpi became the headquarters of the *Leg. II Adiutrix*.<sup>48</sup> How successful was Valentinian's fortification strategy? In the early years of his reign, the Alamanni were sufficiently strong to sack the city of Mainz which followed a series of reactive responses by certain Roman commanders to Alamannic forays.<sup>49</sup> Valentinian again seized the initiative and conducted a series of raids into Alamannic territory, assassinating some of the leaders of the tribe.<sup>50</sup> Again it needs to be stressed that these raids were not aimed at the acquisition of enemy territory; but rather, they were designed to prevent the enemy from regaining the initiative and thus to allow the emperor sufficient time to undertake a comprehensive programme of fortification. According to Zosimus, Valentinian's defensive strategy was a success, since no peoples crossed the Rhine frontier for nine years to harass the Roman cities of Gaul. The frontier defences on the Lower Danube that were under construction since 367<sup>51</sup> proved quite ineffective

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<sup>47</sup> von Petrikovits (1971) pp.188ff.

<sup>48</sup> Burns (1981)p.396ff.

<sup>49</sup> Amm. 27.1.3-2.11.

<sup>50</sup> Amm. 27.10.3-4, 6-15; 28.5.15; 29.4.2-6. Valentinian wanted to crush Macrianus but was thwarted from doing so because of the indiscipline of the soldiery. Presumably he sought this end to weaken the Alamanni, so they would be less concerned with plundering Roman territory, rather than having the desire to annex Alamannia for the sake of acquisition of territory, an undertaking for which he would have lacked sufficient resources anyway.

<sup>51</sup> Coin hoards show the circulation of newly minted Valentinianic bronze in the frontier provinces rose to a peak in 367 and fell sharply post 370. Tomlin (1973) p.230. See above Ch. 3 iii.



against the Quadic/Sarmatian invasions in the early 370s. However, *burgi* were only meant to check plundering and raids. The Illyrian field army remained the major defence and the withdrawal of units in 373 to fight in Mesopotamia cannot have helped the situation.<sup>52</sup> However, after Valentinian, the frontiers did not hold for any extended period of time. The system of frontier defence that had reached its culmination under Constantius and Valentinian was vulnerable, not because of any inherent weakness in the system; but rather, after Adrianople the nature of the threat had changed radically and under Theodosius, large parts of the system were entirely abandoned.<sup>53</sup> The pressure exerted on the frontiers by the Goths, and in their turn by the Huns, was too great to be mitigated by the consolidation of a defence in depth strategy on the frontiers.

However important the process of consolidation was on the frontiers under Valentinian, it remains only one facet of the military policy of the reign - the frontiers were able to be reinforced through other means: barbarian settlement and recruitment, diplomacy and the conduct of selective campaigns. An examination of the actual campaigns waged during the reign, and their chronology, will give an important indication of where imperial priorities lay.

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<sup>52</sup> Zos. 4.12.

<sup>53</sup> Burns (1981) p. 399.

## (ii) Valentinian's campaigns and Ammianus 26.4.5-6.

Ammianus praises the frontier defences of Valentinian in the following terms,

*'...nemo eum vel obtrektor pervicax incusabit illud contemplans, quod maius pretium operae foret in coercendis verius limite barbaris quam pellendis'*<sup>54</sup>

Ideally this would be the optimum state of affairs. However, Valentinian was forced to wage war on several occasions, either in person or through his generals, and these campaigns require analysis.<sup>55</sup> The major difficulty is one of chronology. From the point of view of Ammianus, that is the literary point of view, continuous narrative dictates that events in the east and west are often narrated concurrently and hence confusion clouds the set order of events.

Immediately following the appointment of Valens as co-Augustus by Valentinian, Ammianus provides a catalogue of invasions by barbarian peoples, who, according to the historian, were flooding across the borders of the empire. Numbered among the invading hordes are the Alamanni, Sarmatians, Quadi, Picts, Scots, Attacotti together with the Austoriani troubling the western provinces, while the east was being harassed by the Goths, and the Persians were laying claim to Armenia.<sup>56</sup> It is not clear whether

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<sup>54</sup> Amm. 29.4.1.

<sup>55</sup> For the relationship between the actual campaigns and the reign as a whole see Appendix i.

<sup>56</sup> Amm. 26.4.5-6 *'Hoc tempore velut per universum orbem Romanum, bellicum canentibus bucinis, excitae gentes saevissimae, limites sibi proximos persultabant. Gallias Raetiasque simul Alamanni populabantur; Sarmatae Pannonias et Quadi; Picti Saxonesque et Scotti, et Attacotti Britannos aerumnis vexavere continuis; Austoriani Mauricaeque aliae gentes, Africam solito acrius incursabant; Thracias et Pannonias diripiebant praedatorii globi Gothorum. Persarum rex manus Armeniis iniectabat...*' The phrase *hoc tempore* does not necessarily have to mean at the precise moment of the emperor's accession, it can be taken to mean the reign in its entirety, in much the same way as Ammianus uses *eo tempore* at 31.10.19 to refer to the whole reign of Gratian *'eo tempore quo etiam si imperium Marcus reget Antoninus ...'*. It should be kept in mind that Ammianus did not intend to write a chronicle, but rather, a history which necessarily demanded an arrangement and grouping of material in thematic rather than chronological sequence (Baynes (1928) p.232). I see no need to follow Pignatelli (1947) p. 170 in seeing 26.4.5 as the reason Valentinian divided the imperial power with Valens: 'Ce sont sans doute ces dangers qui ont déterminé Valentinien à accepter le partage du pouvoir'. In the past imperial power was shared even on those occasions when there were no such threats in existence: the empire had become too vast and too divergent to be administered efficiently by a single emperor.

these attacks were taking place simultaneously, that is towards the end of 364 and spilling into 365, or whether Ammianus is providing a summary of the invasions that occurred during the entirety of the reign. It will be argued that the latter proposition is the correct one rather than a sudden onslaught occurring on nearly every frontier simultaneously.<sup>57</sup> First the Alamanni. These peoples had been a continual source of concern to the Roman armies throughout the preceding century.<sup>58</sup> In 356, Constantius, together with his Caesar Julian, had fought campaigns against the Alamanni and the campaigns had continued into 359.<sup>59</sup> To Ammianus, the Gallic campaigns of Julian were comparable to the Punic wars; however, the Alamanni were not to be contained for any substantial period of time since their invasion of Gaul under Valentinian is the first western invasion to be narrated by Ammianus in the surviving books, according to whom they invaded Gaul because their envoys, sent to receive their regular gifts, were given smaller and cheaper ones.<sup>60</sup> These events can be dated, more or less precisely, to January 365 given that it occurred simultaneously with the revolt of Procopius in the east and thus ties in thematically with the notice in Ammianus regarding imperial security.<sup>61</sup> Nevertheless, extended narrative of the affair is delayed until after the revolt

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<sup>57</sup> This passage is used by both Frere (1967) p.391 and Mócsy (1974) p.291 as proof of otherwise unattested invasions of Britain and Pannonia respectively.

<sup>58</sup> Constantius I was lauded by his panegyricist for having burnt and ravaged Alamannia in 297 (*Pan. Lat.* 8(5).2.1). Constantius II conducted campaigns in 354 and 355 against the Alamanni who were in the company of the Franks and harassing Gaul. A third campaign followed in 356 (Amm. 16.2); Julian 15.4.1. (355); 14.10.1 (354).

<sup>59</sup> Amm. 16.2-4 who elevates the role played by Julian in these campaigns at the expense of Constantius although at 16.11.2-3 Ammianus reveals that the presence of Barbatio was due to Constantius' plans for the campaign. It would seem that the historian was well aware of Constantius' role but chose to obscure the fact (Amm. 18.1 ff).

<sup>60</sup> Amm. 26.5.7. These "gifts" were no doubt a form of subsidy payable to peoples beyond the frontier in order to act as a deterrent for invasion. On the role of subsidies in Roman imperial defence generally see Gordon (1949) pp. 60ff.

<sup>61</sup> It is more likely that it was the news of the defeat of Charietto and Severianus (Amm. 27.1.1) and not the actual news of the invasion that reached Valentinian at the same time as the news of the

of Procopius. In all likelihood cursory notice is given prior to the eastern usurpation so as to provide some explanation for the reasons behind Valentinian's decision not to send aid to Valens. Ostensibly the Alamannic threat was serious enough to warrant the imperial presence at the expense of providing aid for Valens - no doubt Valentinian did not or could not risk the entire Gallic provinces being overrun by the Alamanni, especially given the short time the new regime had been established.<sup>62</sup> The campaigns against the Alamanni were not limited, however, to the the years 365 and 366; again in 368 Valentinian was on campaign in person together with Gratian.<sup>63</sup> Campaigning was intermittent into 372 when Valentinian crossed the Rhine in an attempt to capture the Alamannic king Macrianus,<sup>64</sup> an aim which was thwarted by the indiscipline of the soldiers.<sup>65</sup> The capture of Macrianus no doubt was intended to weaken the Alamanni and to enable a replacement to be found who had a more conciliatory attitude toward the Romans. However, Macrianus continued as Alamannic king long enough to conclude a peace treaty with Valentinian in 374.<sup>66</sup> Technically then, Ammianus is correct to refer to invasions of Alamanni occurring at the outset of the reign of Valentinian, at least early in 365. However, this also conveys a false impression that the invasions were

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Procopian revolt. Ammianus states that the Alamanni invaded '*statim post Kalendas Ianuarius*'. Procopius revolted in September of that year. This would have an added significance because the defeat would be an indication of the failure of Roman frontier defence and hence Valentinian was prompted to leave Milan (Baynes (1928) p.223). It seems that Valentinian was already at Paris when Dagalaifus was despatched (Amm. 27.2.1) in order to make good the defeat.

<sup>62</sup> The importance of the imperial presence as a deterrent to potential invaders is highlighted by Ammianus, '*... eisque legationes urbium accessere nobilium, precantes ne in rebus duris et dubiis, inpropugnatas eas relinqueret, quas praesens eripere poterit discriminibus maximis, metu ambitiosi nominis sui Germanis incusso.*' (26.5.12).

<sup>63</sup> Amm. 27.10.1ff.

<sup>64</sup> Amm. 29.4.2ff.

<sup>65</sup> Amm. 29.4.5-6.

<sup>66</sup> Amm. 30.3.3ff.

limited to that period of time when, in fact, this campaign was only a continuation of hostilities that had been occurring intermittently since the third century. Even the peace treaty facilitated by Valentinian in 374 did not provide any long term security or deterrence since, in 377, Gratian was again on campaign against the Lentiensian Alamanni.<sup>67</sup> When Ammianus states that the Alamanni were harassing Gaul and Raetia at the same time<sup>68</sup> he is technically correct; however, despite the impression conveyed by Ammianus, this did not occur during the first Alamannic invasion in 365. It was not until 370 that Theodosius, the *magister equitum*, launched an attack on the Alamanni through Raetia and simultaneously the Burgundians, incited by Valentinian, attacked the Alamanni.<sup>69</sup> When they appeared on the Rhine Valentinian temporised - why this *volte face*? I would argue that Valentinian was caught somewhat unprepared. At the time that the Burgundians were to attack the Alamanni he had neither of his *magistri militum* with him: Theodosius, as noted above, was invading from Raetia while Severus, the *magister peditum*, was on the lower Rhine. Further, it appears that the troops previously levied from Illyricum and Italy had already been sent back<sup>70</sup> and those troops that were still with the emperor were heavily engaged in fortification activities.<sup>71</sup> Upon the appearance of the Burgundians with a strong force, perhaps as many as 80,000, Valentinian may not have wished for the total extermination of Alamannia, for fear of irrevocably upsetting the balance of power among the barbarians. Finally, the attempted "pincer" invasion of Alamannia led by Valentinian

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<sup>67</sup> Amm. 31.10.1ff.

<sup>68</sup> Amm.26.4.5.

<sup>69</sup> Amm. 28.5.15. Valentinian had already taken the title *Alamannicus Maximus* following the Solicinium campaign in 368 (*ILS* 771, 369).

<sup>70</sup> Amm. 27.10.6.

<sup>71</sup> Amm. 28.5.11.

and Theodosius may have been thwarted by the appearance of the Saxons in Gaul.<sup>72</sup>

The activities of the Saxons and their relationship to the attacks on Britain from the Picts, Attacotti and Scots must now be considered. At 27.8.1 Ammianus describes events in Britain in the following terms,

*Profectus itaque ab Ambianis, Treverosque festinans, nuntio percellitur gravi, qui Britannias indicabat barbarica conspiratione ad ultimum vexatas inopiam, Nectaridumque comitem maritimi tractus occisum, et Fullofaudem ducem hostilibus insidiis circumventum.*<sup>7</sup>

The so-called “barbarian conspiracy” has spawned much comment from modern scholars;<sup>73</sup> however, Ammianus does not make it explicit whether this “conspiracy” is meant in the reference at 26.4.5 to the troubles in Britain, or whether this is a separate issue. Nor is it made explicit when this “conspiracy” took place. Is it to be placed in 364/5, which is implied in 26.4.5, or is it to be placed further into the reign?<sup>74</sup> I would contend that there was no such invasion of Britain in 364/5 for the following reasons. In the first place, Valentinian was absorbed in campaigning against the Alamanni and there is no hint that during the campaigns of 365/6 there was any trouble in Britain. In the summer of 365 Valentinian left Milan for Gaul, arriving in Paris in mid October, where he directed operations against the Alamanni.<sup>75</sup> On April 7, 366 he was at Reims and Jovinus, having campaigned successfully against the Alamanni, returned there in mid June.<sup>76</sup> It must have been at Reims that Valentinian heard of the “barbarian conspiracy” because by June 3, 367 he was at Ambiani, one hundred miles distant

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<sup>72</sup> From the description by Symmachus (*Or.* 2.13) the invasions of the Saxons and the appearance of the Burgundians appear to have been simultaneous.

<sup>73</sup> For example, Baynes (1928); Tomlin (1974) pp.303-9; Blockley (1980) pp.223-5.

<sup>74</sup> Frere (1967) p.391 unquestioningly takes the invasions of Britain to have occurred in 365 and, in 367, he sees the situation as a mere degeneration of the earlier situation.

<sup>75</sup> *Amm.* 26.5.8; *CTh.* 11.1.13 (October 18, 365) given at Paris.

<sup>76</sup> *Amm.* 27.2.10ff.

from the Rhine frontier.<sup>77</sup> Thus Severus was despatched to Britain as *comes domesticorum*, that is before Valentinian fell ill at Ambiani in 367 where Severus, then *magister peditum*, was considered as a possible successor.<sup>78</sup> Thus Severus was left free to campaign in 368 against the Alamanni alongside Valentinian. It was Jovinus who was despatched to Britain to replace Severus, also before Valentinian's illness, which would explain why it was Severus and not the more senior Jovinus who was canvassed as a possible successor - Jovinus was in Britain and hence too far distant to be considered as a viable candidate.<sup>79</sup> The situation in Britain must have continued to deteriorate because Theodosius was despatched with reinforcements consisting of four Palatine regiments: the *Batavi*, *Heruli*, *Iovii* and *Victores*.<sup>80</sup> If there had been an invasion of Britain two years earlier - surely Valentinian would have sent a strong contingent in the first place, rather than waiting until the situation had deteriorated further. Indeed, the impression is conveyed that there was an element of reconnaissance in the initial despatch of Severus perhaps to ascertain the nature of the threat, particularly if this was the first outbreak of trouble in Britain. What then of the campaigns of Theodosius?

Theodosius set out for Britain in the autumn/~~Winter~~ of 367.<sup>81</sup> However, this does not necessarily mean that campaigning in Britain began in 367; rather, it is more

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<sup>77</sup> This view is upheld by Blockley (1980) and Tomlin (1979). It was at Ambiani that Gratian was made co-Augustus on August 24, 367. This is not the impression that is conveyed by Ammianus who has Valentinian hear of the "barbarian conspiracy" *after* leaving Ambiani for Trier.

<sup>78</sup> Amm. 27.6.3 '*Contra hos nitebantur aliqui studiis altoribus in favorem Severi magistri tunc peditum...*'

<sup>79</sup> Tomlin (1974) p. 306; Amm.27.6ff.

<sup>80</sup> Amm. 27.8.7; Frere (1967) p.392. In the late fourth century these regiments were the third and fifth pairs of *auxilia palatina*. (*Not. Dig. Occ.* 7.13-14, 16-17).

<sup>81</sup> Ammianus (27.8.6) states that the crossing was a quiet one. There is no reason why this was impossible at this time of year. It is conceded by Tomlin (1974) p.306 n.25 and supported by Blockley (1980) p.224.

likely that campaigning began in Spring or early Summer of 368.<sup>82</sup> Ammianus records that Theodosius went ahead of his troops,<sup>83</sup> for whom he waited at Richborough, and even if the troops had joined him by the end of 367, it does not necessarily follow that fighting immediately ensued. Note especially Ammianus 28.8.9 where Theodosius undertakes reconnaissance, collects intelligence and generally puts the Roman forces in order. The work of consolidation and planning must have been a necessary preliminary for the push North, to say nothing of the conspiracy of Valentinus, the son-in-law of Maximinus, with which Theodosius also had to deal.<sup>84</sup> This finds further support from the fact that, prior to entering into any substantial campaigns, Theodosius asked that Civilis be sent to him as *vicarius* and he appointed Dulcitius *dux Britanniarum*.<sup>85</sup> It would seem to have been the case that Theodosius spent the early part of 368 ensuring a consolidated base from which to launch an offensive into the northern part of the province. At this point the narrative of Ammianus breaks off from affairs in Britain in order to narrate the invasion of the Moors in Africa and it does not resume until 28.3, where Theodosius is found repairing military installations and city defences, a process that was completed at sometime in 369. Despite the length at which Ammianus narrates the affairs in the British province, he is at the same time, suspiciously vague concerning the actual details of Theodosius' campaigns against the barbarian invaders or the fortification of either frontiers, towns or other interior defences. The only town

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<sup>82</sup> Tomlin (1974) p.307 claims that Theodosius reached London at the end of the campaigning season, basing his arguments on Amm. 27.8.7, where his arrival in London is mentioned but no mention of any fighting is made. See Blockley (1980) p. 224. That a winter crossing of the channel was possible is illustrated by Lupicinus who had made such a crossing '*adulta hieme*' (Amm. 20.1.3).

<sup>83</sup> Amm. 27.8.7.

<sup>84</sup> Amm. 27.8.9 '*Ubi ad audenda maiora, prospero successu elatus, tutaque scrutando consilia, futuri morabatur ambiguus, diffusam variarum gentium plebem, et ferocientem immaniter, non nisi per dolos occultiores, et improvisos excursus, superari posse, captivorum confessionibus, et transfugarum indiciis, doctus*' see also Blockley (1980) p. 225. The "conspiracy" of Valentinus is the only aspect of the British campaign to find its way into Zosimus (4.12.2).

<sup>85</sup> Amm. 27.8.10.



to receive specific mention by Ammianus is London,<sup>86</sup> and there exists no specific archaeological evidence that provides confirmation of large-scale fortification.<sup>87</sup> Indeed, Ammianus spends the majority of his narrative recounting the activities directed against the revolt of Valentinus.<sup>88</sup> Even if one follows Frere,<sup>89</sup> and attributes an extensive system of refortification to Theodosius, there still remains a distinct lack of evidence, either archaeological or literary, that would put the matter beyond doubt.<sup>90</sup> It is true that no forts appear to have been occupied beyond Hadrian's wall after 368, but this does not preclude their abandonment at an earlier date. The vagueness that surrounds Theodosian activity on the island regarding fortifications is also the case for the province of Valentia, and the debt owed to Theodosius concerning its formation and/or restoration. Speaking of this matter, Ammianus states '*recuperatamque provinciam, quae in dicionem concesserat hostium, ita reddiderat statui pristino, ut eodem referente et rectorum haberet legitimum, et Valentia deinde vocaretur arbitrio principis, velut ovantis gaudio nuntio inaestimabili cognito*'.<sup>91</sup> The language of the historian makes it clear that Valentia was not a new province created by Theodosius, but rather, the restoration of a former province that was simply renamed by the *comes*.

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<sup>86</sup> Amm. 27.8.7-8; 28.3.1.

<sup>87</sup> von Petrikovits (1971) attributes the following military forts to the activity of Theodosius: Huntcliff, Goldsborough, Scarborough and some minor sites, following Frere (1967) pp. 352ff.

<sup>88</sup> Amm. 28.3.3-6.

<sup>89</sup> see above n.81.

<sup>90</sup> I would not go as far as Bartholomew (1984) p.179 and suggest that the *gentes* against whom Theodosius waged war were in fact units of the Roman army driven to indiscipline from lack of supplies. The Picts in particular had previously been unruly and I find no reason why Theodosius should not have directed his campaign against both these people and the other tribes to the North. There was a history of campaigns launched against the Picts: Constantius Chlorus died at York in 306 having defeated the Picts. Constans went to Britain in 342/3 to deal with trouble caused by either the Picts, the Scots or a combination of the two, and in 360, Julian had to send Lupicinus to restore order to the island. Theodosius' campaigns were not decisive either, since in 382 Magnus Maximus was required to campaign against the Picts (Zos. 4.35.1).

<sup>91</sup> Amm. 28.3.7.

The only obstacle to this view is the *Breviarium* of Festus which notes only four British provinces: Britannia Prima, Secunda, Flavia Caesarënsis and Maxima Caesarënsis.<sup>92</sup> Jones and Eadie point to a date around 367 for the *Breviarium*, while Cameron thinks that date too early and that the *Breviarium* was written in 370 with an eye to Valens' Persian expedition.<sup>93</sup> Whatever the date, it could well have been the case that Festus was either ignorant or careless in his omission of the province of Valentia, which is mentioned four times in the *Notitia*.<sup>94</sup> If Theodosius was restoring a Roman province, as opposed to creating a new one, then the former name of Valentia remains unknown, but opportunities for its creation were not lacking throughout the fourth century. Constans' campaign in 343 required him to take special measures in the Northern regions, or it perhaps was created c.315 when Constantine took the title *Britannicus*.<sup>95</sup> For Theodosius to restore a Roman province meant that he must have had some success against marauding tribes and it follows that a restored province would have its fortifications revamped to prevent it falling again into enemy hands, but it is impossible to say more than these generalities.<sup>96</sup>

What can be discerned of Theodosian reconstruction in Britain tends to conform to the general patterns noticeable throughout the reign of Valentinian; that is, first the area concerned is cleared of marauding barbarians, then the frontier itself is repaired

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<sup>92</sup> *Brev.* 6.

<sup>93</sup> Eadie (1967); Cameron (1969) pp.305ff.

<sup>94</sup> Festus was writing in the east, with a view to delivering his work to the eastern emperor. It is plausible that he was not aware of contemporary or near contemporary events on the other side of the empire. For example, he gives two Aquitanias where Ammianus (15.11.6) and Hilary (*de Syn pref.*) give only one; both are referring to the period of 368-9. See Birley (1981) pp. 318ff and Hind (1982) pp. 101-111 who believes that Ammianus misunderstood the situation and that it was the entire diocese that was renamed.

<sup>95</sup> *ILS* 3942.

<sup>96</sup> Once the the language of the panegyrical and near panegyrical is stripped from Ammianus, Symmachus (*Rel.* 9.4; 43.2) and Claudian (*de Cons. iii Honorii* 51-8; *de IV Cons. Honorii* 24-33), very little of any substance remains.

and refortified and this, in turn, is consolidated by means of the fortification of cities and communication/supply routes.<sup>97</sup> However, this does not address the apparent discrepancy between Ammianus 26.4.5 and 27.8.1, where, in the former passage, the Saxons are included among those tribes who were invading Britain, while in the latter, they are explicitly said to have been harassing Gaul. Is this discrepancy sufficiently serious to disallow the identification of two separate invasions, rather than conceding, that the invasions listed under the year 365 were in fact those that had begun in 367 and were brought under control by Theodosius?

At 28.5, Ammianus narrates the Saxon invasion of Gaul, which was ultimately defeated by the *magister peditum* Severus in late 369/70. Here, no mention is made of the Saxons being in the company of the Franks with whom they are coupled in 27.8.5.<sup>98</sup> Ammianus makes no mention of any activity of Theodosius against the Saxons; however, Pacatus attests that Theodosius had been active on the Rhine Waal and adds that Theodosius had defeated the Saxons in a naval battle, which is also mentioned by Claudian.<sup>99</sup> Since Theodosius returned immediately to court on

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<sup>97</sup> Amm. 28.3.2, 3, 7. Illustrating, however vaguely, Theodosian concern not only for the frontier but also for urban and coastal settlements - an indication that static frontier defence was an incomplete defence against mobile/amphibious attacks.

<sup>98</sup> Valentinian did take the title *Francicus Maximus*, *ILS* 771, which dates from December 369. Bartholomew (1984) p.184, states that the adoption of the title *Francicus* by Valentinian was in fact in recognition of Theodosius' campaigns against the Saxons, citing in support the usual ancient tendency to group the two together. However, although there is some geographical overlap in Jerome *Chron.* s.a.373 '*Saxones caesi Deusones in regione Francorum*', which is echoed in Orosius (*contra Paganos* 7.32.10), who places their defeat '*in ipsis Francorum finibus*' and although the Saxons and Franks are neighbours according to Zosimus and Julian (3.6.2; *Or.* 1.34D), they both retain their separate identities on every occasion. Saxon and Frank are not interchangeable terms for either the same people or geographical location.

<sup>99</sup> Claudian *IV Cons. Hon.* 26-31 '*... ille, Caledoniis posuit qui castra pruinis, / qui medios Libyae sub casside pertulit aestus / ... Britanni / litoris ac pariter Boraea vastator et Austri / ... maduerunt Saxone fuso / Orcades; incaluit Pictorum sanguine Thyle; Scottorum cumulos flevit glacialis Hiverne.*'; Pacatus 5.2 '*Quid, inquam, faciam? Quae Rhenus aut Vahalis vidit adgrediar? Iam se mihi Sarmatica caede sanguineus Hister obiciet. Attritam pedestribus proeliis Britanniam [Bataviam] referam? Saxo consumptus bellis navalibus offeretur. Redactum ad Paludes suas Scotum loquar? Compulsus in solitudines avias omnis Alamannus et uterque Maurus occurrent.*' This passage is problematic. While Galletier and Mynors print *Britanniam*, all the manuscripts read *Bataviam*. Textual alteration is made on the basis that Pacatus could not possibly ignore Britain, where Theodosius made his name and was promoted to *magister equitum* as a result. If Theodosius did campaign against the Saxons, then Batavia would be a likely place to do it. Julian campaigned there in 358 (Zos. 3.6.-8.1),

completion of the campaigns in Britain<sup>100</sup> and thereafter was involved against the Alamanni, Sarmatians and Firmus in Africa, it is likely that campaigns were conducted against the Franks on the Lower Rhine c.366 and against the Saxons, at sea and in Batavia, c.367, while the Saxons alone invaded Gaul c.370 and were met by the *magister peditum* Severus, since Theodosius, now *magister equitum*, was meeting the Alamannic threat on the Rhine frontier.<sup>101</sup> If Theodosius had indeed defeated the Franks circa 366, it could account for Valentinian bearing the title *Francicus* by 369,<sup>102</sup> since emperors assumed all the victory titles accrued by their generals. Further, Theodosius must have had some military experience prior to being sent to deal with the problems facing Britain; thus, when Ammianus states '*Picti Saxonesque et Scotti et Attacotti Britannos aerumnis vexavere continuis*', he is amalgamating several separate campaigns: the Saxons defeated at sea by Theodosius, perhaps while harassing Britain in 367 and the British campaigns of late 367-9; while the Franks, linked by Ammianus with the Saxons in 27.8.5, were in fact defeated by Theodosius on the Lower Rhine and Waal in 366. Thus it appears that Ammianus is using 26.4.5-6 as a summary of the entire reign of Valentinian and Valens not merely a summary of events from the first year, that is 364/5.

Just as Frere used Ammianus 26.4.5-6 as support for the theory that Britain

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and in 370 a seaborne Saxon force perhaps landed there in order to engage the Romans further south in Gaul (Nixon (1987) p.106; Amm. 28.1.5ff; Jerome, *Chron.* s.a.374; Cassiodorus, *Chron.* s.a.373). An inscription from Stobi refers to Theodosius' military exploits in Σαξωνεία (AE, (1931) 53; Bartholomew (1984) p. 182) which adds confirmation for the reading '*Bataviam*' as opposed to '*Britanniam*'. Pacatus is not intending to be all comprehensive in his catalogue of Theodosius' exploits and the reference to the British campaigns does not depend on reading *Britanniam*. Pacatus refers to '*Scotum*' which was a part of Theodosius' British campaigns - so they are covered; Nixon (1987) pp. 106ff.

<sup>100</sup> Amm. 28.3.9.

<sup>101</sup> The chronology is broadly based on Nixon (1987) App. A.

<sup>102</sup> see above n. 92.

suffered a barbarian invasion in 364, Mócsy also cites the passage as confirmation of an otherwise unattested invasion of Pannonia in the initial years of Valentinian's reign by the Sarmatians and Quadi.<sup>103</sup> This must be considered extremely unlikely. In the first place, it must be considered as odd that Ammianus did not comment further on such an invasion given that Valentinian was passing through the area at the time of the purported invasion c.364.<sup>104</sup> It could only be considered extremely foolhardy for the Quadi to have attacked with both court armies in the near vicinity. Further, when both the Quadi and Sarmatians invaded Pannonia in 374, Valentinian himself took the field against them.<sup>105</sup> According to Ammianus, prior to this invasion, the Quadi had been quiescent for a long period of time and as a nation were now not greatly feared,<sup>106</sup> hardly a description that would be fitting if they had invaded less than ten years previously.<sup>107</sup> Mócsy<sup>108</sup> bases his assumption of the verisimilitude of the invasions in 364 on a passage in Ausonius who claims to have seen a "recent" settlement of Sarmatians c.368.<sup>109</sup> However, Ausonius could well be referring to a settlement of Sarmatians in 358-9, rather than a Valentinianic settlement which is otherwise

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<sup>103</sup> Mócsy (1974) p. 291.

<sup>104</sup> Valentinian and Valens were at Serdica in late May (*CTh.* 12.2.3) and at Naissus continually between June 8 until after June 11, when the military personnel were divided between the two Emperors (*Amm.* 26.5ff; *CTh.* 1.6.2; 9.40.6; 14.17.2; Appendix i). In July, the civil personnel were divided at Sirmium (*Amm.* 26.5.4; *CTh.* 10.7.2 (July 23) and 5.15.15 (July 29) both dated from Sirmium).

<sup>105</sup> Jerome *Chron.* s.a.372, Eunapius and Libanius date the invasion of the Quadi to 374 and the latter counted it among the disasters that befell the Roman state following the unpunished death of Julian. (*Lib. Or.* 24.12). See also Zosimus 4.16.4.

<sup>106</sup> *Amm.* 29.6.1. '... *Quadorum natio mota est diu inexcita repentino, parum nunc formidanda....*'.

<sup>107</sup> It is more likely that Ammianus has in mind their decisive defeat by Constantius in 358 (*Amm.* 17.12.9ff; 16.10.20; 17.12.1,4). See above pp. 202ff.

<sup>108</sup> Mócsy (1974) p.291.

<sup>109</sup> *Mosella* 5-9 'unde iter ingrediens nemorosa per avia solum / et nulla humani spectans vestigia cultus / praetereo arentem sitientibus undique terris / Dummissum riguasque perenni fonte Tabernas / arvaeque Sauromatum nuper metata colonis....'.

unattested.<sup>110</sup> Further, Ammianus cites as the reasons for the attacks in 374 the construction of forts in Quadic territory and the murder of the Quadic king, Gabinius, by Marcellianus at a banquet.<sup>111</sup> In other words, it took direct provocation for the Sarmatians and Quadi to invade and to break their previously long period of peace. That the Sarmatians and Quadi were jointly involved in the invasions of 374 cannot be doubted. Ammianus hints that, even though it was the Quadi who had initiated the invasion, in retaliation for the murder of their king, it was the Sarmatians who did the greatest amount of damage in Pannonia,<sup>112</sup> and when Valentinian had set out for Pannonia it was the Sarmatians, and not the Quadi, who came to meet him with a variety of promises for peace.<sup>113</sup> One further problem requires some explanation: what does Pacatus mean when he speaks of the slaughter of Sarmatians by Theodosius?<sup>114</sup> Theodosius *maior* had campaigned with his son on several occasions,<sup>115</sup> and the future emperor, as *dux Moesiae*, won a victory over the Sarmatians in 373.<sup>116</sup> When Firmus rebelled, military units were sent from Pannonia and Moesia,<sup>117</sup> and it is thus plausible that Theodosius had campaigned against the Sarmatians in late 372, prior to setting out

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<sup>110</sup> Amm. 17.12.17-20; 19.11.1-7. De Ste Croix (1981) p. 514 avoids any definitive comment. Ausonius perhaps completed the *Mosella* c.368 and the term '*nuper*' is sufficiently vague to encompass a variety of time limits. Lewis and Short include amongst its meanings 'recently in modern times' s.v. *nuper*. Livy (4.30.14) uses it to refer to a time three years previously and Cicero (*pro Sulla* 32.49) to a time four years back. It is a possibility that Ausonius did not know exactly when the Sarmatians were settled on Roman territory.

<sup>111</sup> Amm. 29.6.2-7.

<sup>112</sup> Amm.29.6.1ff.

<sup>113</sup> Amm.30.5.6; Mócsy (1974) p. 295.

<sup>114</sup> Pacatus 5.2. At 5.4 he adds *Sarmaticus* to the titles that would have been accorded to Theodosius, along with *Alamannicus* and *Saxonicus*. The Stobi inscription refers to the great joy of the barbarians (i.e. the Illyrians) which would tend to add some support to Pacatus.

<sup>115</sup> Pacatus 8.3; Zos. 4.35.3.

<sup>116</sup> Amm. 29.6.15.

<sup>117</sup> Zos. 4.16.3.

for Africa to crush Firmus.<sup>118</sup> This could explain why the Sarmatians were the first to send envoys to Valentinian and why the Quadi had asked them for assistance in 373/4 - the Sarmatians were familiar with Roman territory and defences through their recent invasion. Thus there appears to be no compelling reason to suggest that a Quadic/Sarmatian invasion occurred in Pannonia in 364/5. If there were indeed two invasions, the first occurred c.371/2 and was facilitated by the Sarmatians alone and met successfully by the younger Theodosius, most probably in company with his father.

What of the Austoriani and the 'other Moorish peoples' who were harassing Africa? The Austoriani had invaded Tripolitania in 363 and succeeded in reaching the walls of Lepcis Magna.<sup>119</sup> Due to the inaction of Romanus, the province was devastated twice again in the following years and Lepcis Magna was besieged.<sup>120</sup> Therefore, it would be correct to take the notice in Ammianus as referring to the years 364/5. However, the incursions of the Austoriani cannot be confined only to these years since their last invasion can be dated to 367, the year in which one of the delegates who was sent to the imperial court by the Tripolitanians died at Trier, which did not become the imperial residence until September/October of that year.<sup>121</sup> The most likely candidate for the 'other Moorish tribes' would be Firmus, a native chieftain who killed one of his brothers, Zammac, presumably in a dispute over the

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<sup>118</sup> Nixon (1987) appendix A. Since the younger Theodosius is not recorded as campaigning elsewhere prior to this time, it is possible that his father joined him on the Danube prior to 374 (Bartholomew (1984) p.682). This may be strengthened by a passage in Libanius 'διέβησαν τὸν Ἰστρον Σαυρομάται τὴν ἄρρηκτον στρατιάν τοῦ πρεσβυτέρου μὴ δείσαντες, κατέσυραν ἀνθοῦν τοῖς, ἅπασιν ἔθνος, τὸ Ἰλλυριῶν, μετήνεγκαν εἰς, τὴν αὐτῶν μεγάλην εὐδαιμοίαν, ἔργον χρόνου μακροῦ. καὶ τὴν μὲν τοῦ ταύτης, τῆς χώρας ἄρχοντος, θαυμάσαι τις, ἂν λύπην δι' ἣν δακρύων οὐχ ὑπάτου στολῆς, ἡγήσατο εἶναι τὸν ἐνιαυτὸν αὐτῷ τὴν τόλμαν δὲ τῶν ἀσθενεστέρων πόθεν χρὴ νομίσαι γεγενῆσθαι' (Or. 24.12.). The governor to whom Libanius refers is none other than Petronius Probus, praetorian prefect of Italy, Africa and Illyricum 368-75 and consul in 371, which would mean that there was a Sarmatian invasion of Illyricum c.371/2, put down by Theodosius.

<sup>119</sup> Amm. 28.6.4.

<sup>120</sup> Amm. 28.6.4-13; Warmington (1954) pp.9-10.

<sup>121</sup> See Demandt (1968) for the chronology.

chieftainship.<sup>122</sup> However, the revolt of Firmus cannot be dated to 364/5; rather, the revolt broke out c.372 and Theodosius *maior* was sent to put down the revolt in 373 which he succeeded in doing by some time in 375. Thus, while there is evidence to suggest that the Austoriani did indeed invade c. 363-5, the Moors on the other hand, if these people were indeed identifiable with the followers of Firmus, were not formulating serious unrest in Tripolitania until 372 at the earliest, and certainly not in 364.

Therefore, of the invasions that occurred in the western regions listed by Ammianus at 26.4.5-6, only those of the Austoriani and Alamanni can be correctly placed in 364/5, and these campaigns were not confined to that particular period of time, but lasted well into the reign of Valentinian: those of the the Austoriani until 367 and those of the the Alamanni intermittently throughout the reign, until the time when a peace treaty was negotiated in 374.<sup>123</sup> Is it then possible to draw the same conclusions for the military campaigns that Ammianus lists in the passage concerned for the eastern provinces?

First the Persians. Trouble between Persia and Rome had never really been satisfactorily resolved following the hasty and ignominious withdrawal by Jovian, but it was exacerbated as early as 364 when a dispute erupted over Armenia and Hiberia;<sup>124</sup> however, Ammianus delays narrating events until the end of Book 27.<sup>125</sup> Thus, although not given Valens' full attention until after the more pressing problem of the

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<sup>122</sup> Amm. 29.5.2. for a detailed account of the episode.

<sup>123</sup> Tomlin (1973) p.402.

<sup>124</sup> This can be inferred from Ammianus (27.12.1) who conveys the impression that only a short period of time had elapsed between the treaty struck between Jovian and Sapor and the death of the former. '*...calcata fide sub Ioviano pactorum, iniectabat Armeniae manum ut eam, velut placitorum abolita firmitate, dicioni iungeret suae.*'

<sup>125</sup> Presumably the Persian problem had to wait until the Gothic peace had freed the necessary troops. The Roman contingents who were intending to restore Arsaces' son Papa to the throne of Armenia were commanded by Arinthaëus, who had been involved in the peace negotiations with the Goths. Amm. 27.5.9; Tomlin (1973) p.471.



Goths had been brought under control, Armenia did suffer from Persian intrigue and raids as early as 364. Like those with the Alamanni and the Austeriani, the dispute with Persia was not confined to a single year but was intermittent until the end of Valens' reign, and it was not until 387 that a formal peace was negotiated between the two empires.<sup>126</sup>

The Goths are another matter. Following the execution of Procopius, 3,000 Goths crossed the Danube, an event which must be placed chronologically in the spring of 366.<sup>127</sup> The campaigns waged by Valens against the Goths spanned the period from spring 367 until summer 369 when Valens was forced to make peace with Athanaric as an equal and following the exchange of hostages, returned to Constantinople where he assumed the title *Gothicus*.<sup>128</sup> Thus, Ammianus cannot be referring to any campaign directed against the Goths as early as 364/5 since the first mention of any trouble between the Goths and the Romans comes after the execution of Procopius, which cannot be dated earlier than Spring 366. The Goths continued to be a problem. Valens in 376-7 settled large numbers of Visigoths in Thrace and Gratian too settled Visigoths in the vicinity south of the Po in 377 to farm the lands there.<sup>129</sup> After Adrianople, Gratian concluded a treaty with the Goths and allowed them to settle in Pannonia and Upper Moesia.<sup>130</sup> Therefore, when Ammianus states '*Hoc tempore velut per*

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<sup>126</sup> Baynes (1928) n.15. By 369 Sapor was reinforcing his army in Armenia and Papa was forced to flee to the mountains between the Roman empire and Artagerk (Amm. 27.12.11), and in 371 a combined Roman and Armenian force defeated Persian troops at Vagabanta, beyond the Mesopotamian border (Amm. 29.1.1-4). The relationship between Rome, Armenia and Persia was made more complex by the factionalism within Armenia. Papa had Narses, his key supporter to reclaim the throne, poisoned at a banquet, (Blockley (1975) p.65), and the latter himself came to a similar end when Traianus had him invited to a banquet under a peaceful pretext and had him murdered in 374 (Amm. 30.1.18-20).

<sup>127</sup> Amm. 26.10.3; 27.4.1, 5; 31.3.4. It is more likely that the 3,000 of Ammianus is closer to reality than the 10,000 cited by Zosimus, 4.7.2 with 4.10.1. Following the Gothic disarmament, Valens had them distributed throughout the cities on the Danube (Eun. *frg* 37; Zos. 4.10.1-2).

<sup>128</sup> Wolfram (1988) p.47. Zos. 4.11; Amm. 27.5.9; 31.4.13.

<sup>129</sup> Amm. 31.13.8; 31.4.4; Jord. *Getica* 25.131-5; *Chron Min.* 1. 242.

<sup>130</sup> Zos. 4.34.2; 40.1-2; Jord. *Getica* 27-8

*universum orbem Romanum, bellicum canentibus bucinis, excitae gentes saevissimae, limites sibi proximos persultabant...*' he is speaking generally, by way of introducing the reigns as a whole, as opposed to the specific period of 364/5. Of the seven separate incursions listed here by Ammianus, only those involving the Austoriani, Alamanni and Persians can be placed at that time, and even this leaves the misleading impression that the invasions of these peoples were confined to that time only, when in fact all three continued well into the joint reigns of Valentinian and Valens.

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### (iii) Recruitment and Army Policy

Valentinian, like many Roman emperors before him, suffered a shortage in the supply of recruits required to maintain the strength of the army. Military service had become increasingly unattractive to potential recruits. The reasons behind this should be obvious enough; the increasing frequency of warfare over the preceding century meant that the resultant risk in surviving to the time of discharge became an increasing reality. Further, the diverse nature of the threats to the empire meant that military service could be undertaken in regions far distant from the recruits' native territory.<sup>131</sup> Measures were taken to address the problem.

Since the time of Diocletian and Constantine the provision of recruits had become a facet of the tax levied on landowners, who were divided into *consortia*, with the obligation to provide a number of recruits between them. Due to the unpopularity of this measure, it became increasingly difficult to raise a sufficient number of recruits in this way since the landowners showed a distinct preference for commuting the furnishing of actual recruits into a fiscal payment.<sup>132</sup> Furthermore, since at least the time of Constantine it was given the force of law that the sons of veterans were required to follow their fathers into active service, and it was this that led to an increase

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<sup>131</sup> The Gauls would neither voluntarily nor under compulsion send recruits outside their province as this would leave their homes devoid of defenders (Amm.20.8.15), '*tirones ad peregrina et longinqua Galli transmittere, diuturna perturbatione, casibusque vexati gravissimis, nec sponte sua poterant nec coacti, ne consumpta penitus iuventute, ut affliguntur praeterita recordantes, ita desperatione pereant impendentium*'. This illustrates the lack of any sense of patriotism. The increasing unpopularity of military service is shown by the necessity to brand recruits (CTh. 10.22.4; Vegetius, *De Rei Mil.* 2.5; CTh. 7.18.1-17). In addition see Wolfram, (1988) pp.16ff.

<sup>132</sup> That it was a municipal obligation to furnish recruits emerges from the *Digest* (Dig. 50.14.18.3); which also includes the provision of cavalry and *annona* among the *munera*. '*Tironum sive equorum productio et si qua alia animalia necessario producenda vel res pervehendae sive persequendae sunt vel pecunia fiscalis sive annona vel vestris, persona munus est*'. By 346 recruits appear to have been levied according to the assessment of *iuga* and *capita*, CTh. 11.16.1. See also CJ 10.62(60).3 (365); Macmullen (1976) p.297 n.11.

in the occurrence of self mutilation in order to avoid military service.<sup>133</sup> That the problem worsened during the course of the fourth century can be inferred from the change of attitude towards those recruits who mutilated themselves so as to avoid military service. As mentioned above, Constantine forced mutilated recruits to serve on the city councils and in 367 it was reiterated that such recruits must nevertheless serve in some military capacity; only one year later it was decreed that they were to be burnt alive. Valentinian was clearly losing patience. However severe the penalty, it does not seem to have made much impact since it was necessary for Theodosius in 381 to stipulate that taxpayers were required to supply two mutilated recruits in the place of one sound one.<sup>134</sup> In fact, Valentinian had varying scales of alternative service, depending on the type of infirmity/disability that prevented military service. If it was a genuine sickness or lack of stature that prevented normal service for sons of veterans then they were required to serve in some other office,<sup>135</sup> if it was due to a dilatory and lazy nature they must serve on the municipal councils, if genuinely infirm it was possible to be exempted from all duties<sup>136</sup> - it goes without saying that this did not

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<sup>133</sup> CTh. 7.22.1 (319) '*Veteranorum liberos aptos militiae, quorum quidam ut desides recusant militarium munus functionem, quidam adeo ignavi sunt, ut cum dispendio corporis militiae velint necessitatem evadere, iubemus, si ad militiam inutiles resectis digitis iudicentur, curialibus sine aliqua ambiguitate muneribus atque obsequiis adgregari*'. Early in his reign Valentinian attempted to make service for the sons of veterans more appealing by conferring on them the right to enter military service at the same rank that an ordinary recruit would have achieved following his first promotion. CTh. 7.1.5 (April 29, 364) '*... eis quoque eorum stipendiorum copiam deferemus, qui alterius gradus militia salutarem maxime rei publicae operam persequuntur*.' That this law was promulgated so early in the reign indicates the urgency of the problem.

<sup>134</sup> CTh. 7.13.4 (367), addressed to the *vicarius urbis Romae*, Magnus, '*Eos, qui amputatione digitorum castra fugiunt, secundum divi Constantini decretum tua sinceritas non sinat manus deformatione defendi, si quidem possint in quacumque rei publicae parte prodesse qui se sponte truncaverunt*'. CTh. 7.13.5 (368) '*Si quis ad fugienda sacramenta militiae fuerit inventus truncatione digitorum damnum corporis expedisse, et ipse flammis ulticibus concremetur et dominus eius, qui non prohibet, gravi condemnatione feriatur*'. The above constitution directed to the *praefectus praetorio Galliarum*, Viventius, throws substantial doubt on the claim made by Ammianus that the martial spirit of the Gauls is reflected in that no individual from these provinces would amputate his own thumb to avoid military service (Amm. 15.12.3), as happens in Italy, a practice perhaps confirmed by CTh. 7.13.4 directed to the *vicarius* of Rome.

<sup>135</sup> CTh. 7.1.5. A later law specified that such persons can be joined to the river patrol troops, CTh. 7.22.8 (372).

<sup>136</sup> CTh. 2.9.4 (364).

include self-mutilation. Valentinian's measures to increase the recruitment of eligible persons within the empire included a lowering of the height requirements from five feet ten inches to five feet seven inches.<sup>137</sup> In effect, this would mean that fewer individuals would be able to claim exemption from compulsory military service on the grounds of lack of stature. It could well have been the case that around 367 more recruits were required so that the armies were sufficiently up to strength, since there were wars being waged at this time on several fronts. The inability of Valentinian to send military aid to Valens following the usurpation of Procopius, without denuding the Rhine frontier, is a good indication that there was a need for more recruits.<sup>138</sup> The anonymous author of the treatise addressed to Valentinian and Valens, the *De Rebus Bellicis*, makes some interesting suggestions regarding recruitment and veterans.<sup>139</sup> He suggests that an increased number of men would be encouraged to enlist if the prospects of promotion were improved. To meet this end the author advises that the state ought to decrease the number of men serving in the ranks who are in receipt of the highest levels of remuneration - in other words he advocates the early discharge of those individuals in the top jobs.<sup>140</sup> The idea may have come from similar arrangements attested in some Palatine offices.<sup>141</sup> It is interesting that the author is

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<sup>137</sup> CTh. 7.13.3 'In quinque pedibus et septem uncis usualibus delectus habeatur.' (April 27, 367).

<sup>138</sup> See above pp. 189ff and Appendix i. In 366/7 wars were being waged on the following fronts: the Lower Rhine, Britain, and intermittently against the Alamanni on the Rhine; Valens was operating against Procopius and then against the Goths. See Appendix i. Julian had stripped the Gallic provinces of troops when he raised and massed troops to fight in Mesopotamia (Amm. 26.5.7; 27.1.1). Similar problems faced Valens when the Goths rose in revolt along the Danube and necessity forced him to send emissaries to the Persian king from Antioch to negotiate the fate of Armenia (Amm. 31.7.1; 30.2.8). According to Ammianus it was the losses incurred by Julian's Persian expedition that forced Valentinian to be harsh (Amm. 30.8.8). See also Zosimus 4.16; Jerome, *Chron.* a. 365; Crump, (1975) pp.49ff.

<sup>139</sup> For the date see Appendix iv.

<sup>140</sup> *De Reb. Bell.* 5.3.

<sup>141</sup> CTh. 6.26,30, 32 and 33. Astin (1983) p.400.

explicit concerning the nature of the problem: it is not a shortage of manpower; but rather, an unwillingness to volunteer. This is illustrated in the passage immediately following where it is suggested that recruits should be placed in reserve units of 150 men and trained so as immediately to be able to replace those who had been lost.<sup>142</sup> Such a substantial increase in the size of the army surely would not have been suggested if there existed a chronic shortage of manpower. Further, he suggests that veterans ought to be retired early so that they were still physically strong enough to settle on the frontiers and to cultivate the land<sup>143</sup> - again hardly an indication of acute manpower shortage. Here the author is suggesting nothing new - as early as the second century there existed a system of veteran settlement in the vicinity of forts, particularly in the Rhineland.<sup>144</sup> They are distinguished from *limitanei*, who held their land free of tax since it seems integral to the author's plan that the veterans would pay tax.<sup>145</sup>

As a means of making military service more appealing certain privileges were given to recruits and veterans. A new recruit was exempted from the capitation tax and following five years service in the *comitatenses* so too were his immediate family.<sup>146</sup> As far as veterans were concerned, they were entitled, upon retirement, to choose their own municipality and were perpetually exempt from public *munera*. It was the

<sup>142</sup> *De. Reb. Bell.* 5; See above Ch. 3 iii.

<sup>143</sup> *De Reb. Bel.* 5.4. Johnson (1979) p.67.

<sup>144</sup> *CIL* 3.3505; 6166. Aquincum and Troesmis record '*veterani et cives Romani consistentes ad canabas legionis*'

<sup>145</sup> Justinian was the only emperor who ever came close to any of the Anonymus' suggestions, but he blocked promotion entirely by omitting to promote junior officers into vacancies in the upper echelons. Procopius *HA* 24.2-6; Thompson (1952) 43-4.

<sup>146</sup> *CTh.* 7.13.7. In 326 the age limits of recruits were between 20 and 25 years. Later legislation places the age limits at 19 and extends it up to 35 for those sons of veterans who had eluded their call up. *CTh.* 7.22.2 (326); 7.13.1 (326/54); 7.22.4 (343). That the imperial government evidently had some difficulty in enforcing compulsory military service for sons of veterans can be seen in *CTh.* 7.1.8 (364).

obligation of the government to provide both animals and seed for the cultivation of the fields in the possession of veterans.<sup>147</sup> However, it seems that none of these measures had the desired effect since similar legislation continued to be promulgated in order to attempt to encourage recruitment.<sup>148</sup> Since military service was so unpopular with Roman citizens, the armies of the empire were increasingly supplemented by the recruitment of barbarians, both from beyond the frontiers and also from those settled within the confines of the empire.

The terms of settlement offered to barbarians differed widely, depending on the attendant circumstances. As vanquished enemies, large numbers of barbarians were often settled within the empire, and in return, these tribes were obliged to provide recruits for the army. When the *magister equitum* Theodosius captured large numbers of Alamanni, Valentinian ordered that they be sent to a fertile district of the Po Valley and they were settled there as *tributarii*.<sup>149</sup> There was nothing intrinsically unusual in the practice with similar settlements being recorded under Marcus Aurelius, Aurelian, Diocletian and Theodosius.<sup>150</sup> Negotiated peace treaties were another means by which

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<sup>147</sup> *CTh.* 7.20.8 (364) and *CTh.* 7.20.9 (366).

<sup>148</sup> *CTh* 7.22.9. (380) concerning the sons of veterans; 7.22.11.1 (380), if there are two sons in the household, one must go into imperial service and the other into municipal service; 7.22.12 (398) forbidding the sons of veterans to serve on civilian office staffs; 7.20.12.2 (400) forbids the granting of exemptions for military service either prior to commencing such service or before the completion of service on the grounds of religious devotion, '*Et quoniam plurimos vel ante militiam vel post inchoatam vel peractam latere obiectu piae religionis agnovimus, dum se quidam vocabulo clericorum et infaustis defunctorum obsequiis occupatos non tam observatione cultus quam otii et socordiae amore defendunt, nulli omnino tali excusari obiectione permittimus...*'

<sup>149</sup> *Amm.* 28.5.15; Frank (1969) p.60.

<sup>150</sup> Marcus Aurelius brought to Italy a large number of conquered Marcomanni (*SHA, Marc.* 22.2); Aurelian settled some defeated Carpi (*Victor, Caes.* 39.43); Diocletian and the Tetrarchs made settlements in Gaul following the defeat of the Chamavi and Frisii who had been the allies of Carausius (*Pan. Lat.* 4(8).9.1-4). Similarly, Valens disarmed the contingent of Goths who had aided Procopius and distributed them throughout the Danubian cities (*Eun. frg* 37, *Zos.* 4.10.1-2; see also *Amm.* 26.10.3). Theodosius, defeating an attempt of some Ostrogoths to cross the Danube in 386, settled some Ostrogoths and Greuthungi in Phrygia (*Zos.* 4.35.1; *Claud. De IV Cons. Honr.* 623-6; *In Eutropium* 2.153-5; de Ste Croix (1981) App. 3).

barbarians became enrolled in the army; for example, the Saxons in 369 and the Alamanni Lentienses in 371.<sup>151</sup> The constant need of recruits for the army was well complemented by the desire of the barbarians themselves to be incorporated into the empire, usually motivated by the desire for protection from pressure exerted from other tribes - in return for which they provided the necessary contingents for the army. The widespread use of barbarians in the army can be discerned from the number of high commanders who were clearly of non-Roman descent. Under Valentinian, some key military commanders were Flavius Arinthaëus, a Goth, who was *magister peditum* 366-78 and consul in 372; Dagalaifus, certainly of barbarian origin, was *magister peditum* 364-6, and consul in 366; the German, Merobaudes, was *magister peditum* 375-88 and thrice consul in 377, 383 and 388 (*designatus*); the German Nevitta was *magister equitum* 361-64 and consul in 362 while Vadomarius, the Alamannic king, kidnapped at a banquet by Julian became *dux Phoenices* 361/6 and a military commander in 371, and finally, the Sarmatian Victor, *comes rei militaris* 362-3, *magister equitum* 363-79 and consul in 369.<sup>152</sup> That commanders of barbarian origin should be present so consistently in the upper echelons of military service suggests that their numbers should even be greater amongst the lower strata of military service, since it cannot be assumed that all barbarians automatically served in command positions. For example, the Alaman Balchobaudes was tribune in 366 as was Hortarius in 373.<sup>153</sup> Valentinian appointed Fraomarius, a loyal chieftain of the Bucinobantes, an

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<sup>151</sup> Amm. 31.10.17; 28.5.4

<sup>152</sup> Arinthaëus, *tribunus* 355 (Amm.15.4.10); CRM 363-4 (Amm.24.1.2; Zos. 3.13.3.); *magister peditum* (east) 366-78 (Amm. 27.5.4,9; 27.12.13); consul 372 (AE 1912, 61-3); Dagalaifus, *comes domesticorum* (Amm. 21.8.1;25.5.2); *magister equitum* 363-4 (Amm. 26.5.2; 26.4.1); *magister peditum* (Gaul) 364-6 (Amm.26.5.2,9); consul 366 (CIL 5.8606; Amm.26.9.1); Merobaudes, *magister peditum* (west) 375-88 (Zos.4.17.1); consul I, 377 (ILS 4148, 1257); II, 383 (ILS 4150); III, 388 (Rogers (1981) pp.82-9); Nevitta, *praepositus* 358 (Amm.17.6.3); *magister equitum* 361-4 (Amm. 21.8.1; 24.4.13; 25.5.2); consul 362 (CIL 6.753; Amm.21.10.8); Vadomarius, Alamannic king (Amm.14.10.1; 21.3.4.); *dux Phoenices* 361/6 (Amm. 21.3.5; 26.8.2); Victor, *comes rei militaris* 362-3 (Zos. 3.11.3; Amm. 24.1.2; 24.4.31); *magister equitum* (east) 363-c.379 (Amm. 26.5.2; Zos.4.2.4); consul 369 (AE 1912, 261). See also Macmullen (1988) Appendix A.

<sup>153</sup> Balchobaudes, *tribunus armaturarum* (Amm. 27.2.6); Hortarius (Amm.29.4.7). Hortarius was a



Alamannic tribe, expelled by an anti-Roman faction, to the command of an Alamannic unit in Britain.<sup>154</sup> In so doing Valentinian was making no radical departure from former imperial policy; for example, the Frankish king Mallobaudes was tribune in 354-5 and his fellow Frank, Malarichus, was offered but declined the post of *magister equitum* in 363, to say nothing of the 40,000 Goths enlisted by Constantine to defend Constantinople.<sup>155</sup> In the years following Valentinian, generals of barbarian descent became the virtual rulers of the empire: Stilicho (a Vandal), Merobaudes (a German), Fravitta (a Goth) and Arbogastes (a Frank).<sup>156</sup> Particularly in times of civil war, or during extraordinary campaigns, the aid of barbarian contingents was enlisted. Magnentius had relied heavily on them in 350/1 and Constantius had also turned to them and it was presumably these Gothic contingents that Constantius had prepared for civil war that Julian made use of for his Persian expedition. Previously, Julian had sent Constantius nine barbarian units, presumably Germans, to bolster Constantius' campaign against Persia. Goths again contributed heavily for the Persian campaigns of 377/8 and Gratian later enrolled them into his army.<sup>157</sup> Thus when Zosimus states that

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rare example of disloyal service. He was executed in 372 for informing the Alamanni of the intended invasion. In 354 three Alamannic officers suffered the same fate (Amm. 14.8.10).

<sup>154</sup> Amm. 29.4.7.

<sup>155</sup> Mallobaudes, *tribunus scholae armaturam* (Amm. 14.11.21; 15.5.6); king of the Franks and *comes domesticorum* 378 (Amm. 31.10.6ff); Malarichus, a Frank (Amm. 15.5.11); offered the position of *magister equitum* (Amm. 25.8.11) and refused it (25.10.6); Constantine (Jord. *Getica* 21.112). Licinius also used Gothic contingents in his war against Constantine (*Anon. Vales.* 5.27). In the opinion of Ammianus, it was Constantine who first advanced barbarians as far as the consulate (Amm. 21.10.8), who places the charge in the mouth of Julian. There is a reference to a frontier commander of barbarian origin as early as 303 (*CIL* 3.10981).

<sup>156</sup> Arbogastes completely dominated Valentinian II (Greg. Tur. *HF* 2.9) to the point of proclaiming his successor Eugenius (Zos. 4.53; Orosius *Contra Paganos* 7.35.10-11). Theodosius appointed Stilicho as guardian of Honorius and hence he was virtual ruler of the west. Following the death of Theodosius, Stilicho claimed that he had been left in charge of both his sons (Zos. 5.4.3; Claud. *In Rufinum* 2.4-6; *de cons. Stil.* 2.53-5, 59-60; Ambrose, *de Ob. Theod.* 5).

<sup>157</sup> Magnentius, (Julian, *Or.* 1.34D; 2.56Aff); Constantius (Lib. *Or.* 18.33ff; Amm. 23.2.7; Zos. 3.25.6); Persian expeditions (Julian, *Ad Ath.* 280D; Amm. 30.2.6); Gratian and the Goths (Zos. 4.35.2).

Valentinian enrolled both barbarians living near the Rhine frontier together with farmers into the legions<sup>158</sup> it was part of a process begun in the early years of the century and accelerated by the unwillingness of indigenous Romans to serve in the army and the increasing need for emperors to fight on more than one front simultaneously. Their growing importance can be seen by their change in status; enrolled under the principate as secondary troops dependent on the legions and inferior to them in pay, in the fourth century they had become the nucleus of the army.<sup>159</sup>

The high degree of assimilation of barbarians within the empire and the fact that they often served as high military commanders would, in practical terms, appear to have had few ramifications. Circa 368 Valentinian addressed a law to the *magister equitum*, Theodosius, which forbade the inter marriage of Romans and barbarians under the pain of capital punishment.<sup>160</sup> *Prima face*, this piece of legislation conveys the impression that an impenetrable barrier existed between the indigenous Roman and the barbarians - an impression that perhaps does not convey the reality of the situation. Special dispensation was given to the Goth Fravitta from Arcadius to marry a Roman wife and Agilo married the daughter of a proconsul of Constantinople.<sup>161</sup> If such marriages were rigidly discouraged, it is difficult to explain the marriage of the adopted daughter of Theodosius, Serena, to Stilicho, a Vandal. Nebridius, the nephew of the empress Flacilla, was married to Salvina, daughter of the Mauretanian chieftain Gildo.<sup>162</sup> It is not sufficient to argue that after Adrianople the power of the barbarians

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<sup>158</sup> Zos. 4.12.

<sup>159</sup> *CIL* 13.6592. Frank (1969) p.61. As Macmullen (1985) points out, speaking of Alaric, 'He and his men were the Roman army and had been for decades' p.204.

<sup>160</sup> *CTh.* 3.14.1. The dating is that of Seeck, (1919) p.232. '*Nulli provincialium, cuiuscumque ordinis aut loci fuerint, cum barbara sit uxore coniugium, nec ulli gentilium provincialis femina copuletur. Quod si quae inter provinciales atque gentiles adfinitates ex huiusmodi nubiis extiterint, quod in his suspectum vel noxium detegitur, capitaliter expietur*'.

<sup>161</sup> Eun. *frg* 59; Zos. 4.56-7; Liebeschütz (1990) pp.13ff.

<sup>162</sup> Serena (Claud. *de Bello Gild.* 1310; *de Cons. Stil.* 169-94; Zos. 4.57.2; *CIL* 5.6250); Salvina (Jer. *Ep.* 79. Liebeschütz (1990) 24ff.)

in the army had undergone rapid transformation and that the powers exerted by the *magistri militum* were so heightened that links between the imperial family and the military had become highly desirable.<sup>163</sup> Given that Valentinian's legislation was directed to the provincials, presumably in frontier regions, there must have existed some direct motivation for such legislation. I would suggest that the legislation in question should be viewed in conjunction with a law promulgated in 366, which states that any person returned from captivity with the barbarians should be entitled to recover his property, whether in land or slaves, even if his property had been taken over while *in absentia*. However, a proviso is added that such claims cannot be considered valid if he had been among the barbarians of his own free will.<sup>164</sup> It is possible that the frontiers were being denuded of settlers who found it preferable to live among the barbarians, as had happened during previous invasions. In effect, this law was born from the apathy displayed by both peasant and landowner to defend the empire; for example, Gregory Thaumaturgus of Neo-Caesarea rebuked his flock in 355 for openly going over to the invading Goths, a problem which finds a parallel in the Gothic invasions of 376-8.<sup>165</sup> According to Zosimus, in 380 Macedonia and Thrace were filled with lamentations for the barbarians to come to their aid following instructions for

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<sup>163</sup> It would be more likely that the increase in power of the *magistri militum* was made possible by the extreme youth of the Emperors for whom they acted as regents. For example Valentinian II, Arcadius and Honorius.

<sup>164</sup> *CTh.* 5.7.1. '*Interpretatio: Quicumque necessitate captivitatis ducti sunt et non sua voluntate, sed hostili depredatione ad adversarios transierunt, quaecumque in agris vel in mancipiis antea tenuerunt, sive a fisco possideantur sive aliquid ex his per principem cuicumque donatum est, sine ullius contradictione personae tempore, quo redierint, vindicent, ac praesumant, si tamen cum adversariis non sua voluntate fuerint, sed captivitate se detentos esse probaverint.*' See also Salvian *De. Gub. Dei* 5.8, 'In those regions, it is the one and general prayer of the Roman people that they be allowed to carry on the life they lead with the barbarians. And we wonder why the Goths are not conquered by our portion of the population when the Romans prefer to live among them rather than with us. Our brothers, therefore, are not only altogether unwilling to flee to us from them, but even cast us aside in order to flee to them'.

<sup>165</sup> *Epist. Canon* 7; *Amm.* 31.6.4-7.

more rigorous exaction of taxes.<sup>166</sup> Themistius, in his oration to Valens in 368, speaks of the burdens of taxation which ‘... made their subjects long for the barbarians’.<sup>167</sup> Perhaps by forbidding the intermarriage of Roman and barbarian, Valentinian was attempting to halt the process of the frontier becoming “mixed” and no longer a cultural or psychological barrier. The Valentinianic law which forbade civilians to bear arms is symptomatic of the attitude of the provincials: they had become accustomed to being defended by a professional army, and if the imperial army could no longer defend them then they either had to defend themselves or seek the aid of the barbarians.

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<sup>166</sup> Zos. 4.22; Eun, *frg* 50.

<sup>167</sup> Or. 8.115C. See de Ste Croix (1981) pp. 474-88. Note also the traders: when the Scythians invaded the eastern empire in the time of Valerian, they received help from the Romans who were among them for the purposes of trade (Zos. 1.34.1). See also Thompson (1981) pp.71-88. For the large Roman element in the invading armies (Zos. 4.25.1; 5.5.4; Jerome, *Ep.* 130.6; 133.17; Augustine, *Ep.* 185.1; Salvian, *De Gub. Dei* 7.71; Orosius, *Adv. Paganos* 7.41.1; Goffart (1971) pp. 412ff).

## Conclusion

### The Reign of Valentinian I: Consolidation or Innovation?

In order to answer the above question it was necessary to analyse separately important aspects of the reign of Valentinian, with special emphasis on any divergence between the policies pursued by that emperor and the policies that preceding emperors had implemented in the fields of civil administration, military strategy and the stance that they had taken on the various forms of religious strife that incessantly occurred throughout the century. By definition an innovator must initiate policies that are new, while a continuator implements or keeps in existence policies that had been attempted at some previous time. The two are not of necessity mutually exclusive: there can be elements of both in the reign of any emperor and not all aspects of a reign need to be innovative or a continuation of previous policy. The reign of Valentinian did not witness any radical divergence from those which preceded it. This does not mean that the emperor followed blindly the policies of Julian or Jovian, but rather that he utilised certain policies of a number of his predecessors from the time of Constantine. Thus the policies themselves were not new, but he often applied them in a manner and on a scale that can be considered innovative.

On the death of Jovian there was nothing exceptional in the fact that it was Valentinian who was chosen as emperor. At no time during the fourth century had a prominent military commander been canvassed as a candidate for imperial power following the death of a ruling Augustus. Primarily, this was due to dynastic considerations, most notably the elevation of the sons and relatives of Constantine. However, after the extinction of the Constantinian house with the death of Julian it was Jovian, a *primicerius domesticorum*, who succeeded to the throne and not either of the *magistri militum* Fl. Nevitta or Fl. Jovinus. This can be explained by the existence of

two factions emerging on the death of Julian which would not allow a member of the rival faction to become emperor. A similar hypothesis can explain the election of Valentinian following the death of Jovian whose reign had been of insufficient length to enable dynastic loyalty to become entrenched. Valentinian was sufficiently junior in rank not to offend the leading military personnel. Following the death of Valens, Theodosius was elevated to imperial power by the then senior Augustus Gratian. Theodosius had been *dux Moesiae Primae* five years earlier and had subsequently been in retirement. The logical culmination of this practice was the appearance of individuals such as Stilicho who, on the death of Theodosius, was virtual ruler of the western empire as guardian of Honorius. Therefore, that Valentinian was chosen as emperor on the death of Jovian was nothing exceptional in the context of the fourth century.

In the area of civil administration Valentinian identified and expanded upon certain policies that had previously been in existence and thus the content of many of his reforms cannot be considered as innovative. However, he did not blindly continue his predecessors' policies but, by identifying the areas that required reform, he utilised many of the previous policies which provided a sense of continuity with what had gone before. For example, one could note the reorganisation of the rules of precedence which defined the status designation for all branches of the civil and military hierarchy. This process of rationalisation had begun before Valentinian's reign, but it was under him that the process became more stabilised and was subsequently continued throughout the fourth century. Nor did the reign of Valentinian witness a violent change in the types of individuals who were appointed as administrators. While there were Pannonians at court and also in the upper echelons of the administration they were not included with the specific aim of excluding others - especially those of senatorial descent: the reign cannot be divided into neat pro - and anti - senatorial phases. There was a sense of continuity with the reign of both Julian and Jovian since many imperial officials who had begun their careers under these emperors continued them under

Valentinian, just as many who were appointed by that emperor had careers that spanned a number of reigns. Furthermore, there is no obvious or dramatic change in the patterns of appointment to the consulate between the reigns of Julian or Constantius, Valentinian and Theodosius.

The financial policies of the reign attempted to solve problems that persisted throughout the fourth century: that is, keeping land under cultivation, maintaining a stable gold currency, the levying of taxation and the methods of revenue collection. In addressing these problems Valentinian followed fairly closely the policies of his predecessors. He initiated no radical new legislation on taxation preferring to concentrate on attacking abuses that were already in the system. He followed the example of both Constantine and Julian by decreasing the overall level of taxation - abolishing completely the poll tax in Illyricum, a move that Theodosius later copied in Thrace. A similar concern for remedying abuses in the system was evident in the treatment of both the corn supply and supply of free rations to the plebs at Rome.

The prosecution of residents at Rome for magical practices and adulterous liaisons was neither innovative on the part of Valentinian, nor was it unique to his reign. From the time of the Twelve Tables a distinction had been made between legitimate and illegitimate divination and this distinction was upheld and redefined by both Constantine and Valentinian. The concern about magical practices was an element of continuity between the reign of Valentinian and those which preceded him. Adultery had been a crime, the regulation of which had been subject to state regulations since the time of Augustus. Thus, the fact that Valentinian regulated such abuses in Rome does not constitute proof that a senatorial conspiracy existed which was aimed at the emperor, but rather that Valentinian was strictly enforcing laws that had long been in existence.

It is in a negative rather than a positive sense that Valentinian can be considered innovative in the stance that he took on the question of religion. Valentinian was the

only emperor throughout the entire fourth century who practised complete religious toleration. On those occasions when Valentinian did intervene in ecclesiastical disputes it was because they were causing civil unrest, as was the case with the urban rioting that was precipitated by the competition for the bishopric of Rome between Ursinus and Damasus or when, on the death of Auxentius, the people of Milan were demanding the consecration of Ambrose. Valentinian reverted to the tone of the religious policy of Constantine by his refusal to occupy himself with theological disputes and, in the interest of unity, by attempting to ensure that all people should be free to follow their own beliefs. A period of toleration was a practical necessity following the violent vacillations of policy between Constantius II and Julian if the empire was to retain a semblance of stability. Furthermore, a policy of toleration was followed consistently throughout the reign, and was not merely a reaction to certain circumstances, which suggests that Valentinian had a far greater concern with the stability of the frontiers of the empire rather than becoming involved in the religious disputes that characterised the age. This also explains his apparent indifference towards the Arianism of Valens, clearly believing that a multiplicity of emperors was necessary to effectively secure the frontiers of the entire empire, and that this advantage would be lost if he concerned himself with the religious affairs of the east.

Although Valentinian spent more time than most emperors protecting the frontiers from barbarian incursions, no aspect of his system for frontier defence was unique in conception. Valentinian drew on the experiences and techniques employed by Julian and Constantius and applied them in a systematic manner to those frontiers that fell under his sphere of control. His military policy was primarily defensive in nature and represented the last concerted effort to fortify and hold the Rhine and Danube frontiers. It was a policy of consolidation and a policy that possessed a large degree of coherence on all the western frontiers, which leads to the conclusion that it was a planned system of defence and not merely a reaction to certain flash points on the borders. The constant



need for a sufficient number of recruits to maintain the army at strength received continual attention from Valentinian. In order to solve this inveterate problem he concentrated on making military service more appealing to potential recruits and also followed the policy of his predecessors of enrolling newly-settled barbarians in the army. Again, these were not new solutions.

Thus, the reign of Valentinian I must be considered as one of consolidation of the empire. His overwhelming concern was for the security of the empire, without which internal reforms would have meant nothing. His greatest contribution to the history of the fourth century must lie in his determination to achieve this goal through consolidating what had been achieved by his predecessors in a precise and methodical way. Attempts to regulate administrative and financial abuses aimed for stability and his refusal to become involved in any ecclesiastical disputes provides a good indication of where his priorities lay. It was in large part due to Valentinian's efforts to consolidate the frontiers that the Roman empire in the west lasted as long as it did.

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## APPENDIX 1

### A CHRONOLOGY FOR THE REIGNS OF VALENTINIAN AND VALENS.

**YEAR: 364, Jovian and Varronius consuls**

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#### February

26. Nicaea. Valentinian elected Emperor. Amm. 26.1.7; 2.1, 2.

#### March

1. Nicomedia. Valens appointed *Tribunus stabuli*. Amm.

26.4.3.

28. Hebdomum. Valens declared Emperor. Amm. 26.4.3.

#### April

11. Constantinople. *CTh* 8.15.3.

17. Constantinople. *CTh* 13.1.5.

#### May

13. Adrianopolis. *CTh* 7.1.5.

24. Philippolis. *CTh* 8.5.19.

27/30. Serdica. *CTh* 12.2.3.

June

- 8. Naissus. *CTh.* 1.6.2.
- 9. Naissus. *CTh.* 14.17.2.
- 11. Naissus. *CTh.* 9.40.6.

Naissus. Emperors divide the military personnel. *Amm.*  
26.5ff.

July

- 23. Sirmium. *CTh* 10.7.2.
- 29. Sirmium. *CTh.* 5.15.15.

Sirmium. Emperors divide the civil personnel. *Amm.*26.5.4.

VALENTINIAN

VALENS

<b>August</b>  25 Arles? <i>CJ.</i> 10.26.2  28 Emona <i>CTh.</i> 12.13.2	
<b>September</b>  7 Aquileia <i>CTh.</i> 12.12.4 19 Aquileia <i>CTh.</i> 6.35.6 27 Aquileia <i>CTh.</i> 14.3.11 30 Altinum <i>CTh.</i> 9.30.1	<b>September</b>  ? Heraclea <i>Soz. HE</i> 6.7.8  Council of Lampsacus

## 364 cont.

<b>October</b>  5      Altinum <i>CTh.</i> 9.30.2 8      Altinum <i>CTh.</i> 11.36.16 14     Verona <i>CTh.</i> 12.1.68 15     Verona <i>CTh.</i> 11.31.1 23?   Milan <i>CTh.</i> 11.2.2	
<b>November</b>  6      Milan <i>CTh.</i> 11.30.34 17     Milan <i>CTh.</i> 16.1.1 18     Milan <i>CTh.</i> 12.10.1 25     Milan <i>CTh.</i> 9.42.6	
<b>December</b>  1      Milan <i>CTh.</i> 2.1.4 10     Milan <i>CTh.</i> 12.1.62 23     Milan <i>CTh.</i> 5.13.3	<b>December</b>  16     Constantinople <i>CTh.</i> 8.11.1

YEAR: 365, Valentinian and Valens consuls

<b>January</b>  1      Milan. Amm. 26.5.4-6.  11     Milan <i>CTh.</i> 8.11.2 15     Milan <i>CTh.</i> 9.40.8 16     Milan <i>CTh.</i> 5.11.7 22     Milan <i>CTh.</i> 9.2.2 25     Milan <i>CTh.</i> 1.15.5 30     Milan <i>CTh.</i> 8.7.8	<b>January</b>  1      Constantinople Amm. 26.5.4-6.
<b>February</b>  4      Milan <i>CTh.</i> 11.30.32 12     Milan <i>CTh.</i> 8.11.3 16     Milan <i>CTh.</i> 11.21.1 20     Milan <i>CTh.</i> 11.12.3	<b>February</b>  16     Constantinople <i>CTh.</i> 8.1.9
<b>March</b>  9      Milan <i>CTh.</i> 10.1.9 10     Milan <i>CTh.</i> 8.5.23 14     Milan <i>CTh.</i> 8.5.17 24     Milan <i>CTh.</i> 8.5.24 25     Milan <i>CTh.</i> 8.5.25 26     Milan <i>CTh.</i> 7.18.1 30     Milan <i>CTh.</i> 8.4.10	<b>March</b>  19     Constantinople <i>CTh.</i> 11.16.11

365 cont.

<b>April</b>  4      Milan <i>CTh.</i> 1.6.5  18     Milan <i>CTh.</i> 7.6.1	
<b>May</b>  16     Milan <i>CTh.</i> 9.30.4 17     Milan <i>CTh.</i> 11.1.10 25     Milan <i>CTh.</i> 11.7.11 28     Milan <i>CTh.</i> 8.5.27 31     Milan <i>CTh.</i> 7.1.7	
<b>June</b>  19     Milan <i>CTh.</i> 15.1.13 21     Milan <i>CTh.</i> 9.30.3 27?    Ticinum <i>CTh.</i> 8.15.8; 1.29.2 28     Milan <i>CTh.</i> 6.4.18	
<b>July</b>  22     Milan <i>CTh.</i> 10.4.2  31     Milan <i>CTh.</i> 11.1.12	<b>July</b>  21     Earthquakes in the east, Amm. 26.10  30     Constantinople <i>CTh.</i> 12.6.8  /August    Bithynia, war with the Goths, Amm. 26.7.11



## 365 cont.

<b>August</b>  6      Milan <i>CTh.</i> 5.11.8	
<b>September</b>  17?    Mantebrium <i>CTh.</i> 12.6.11	<b>September</b>  28      Procopius proclaimed emperor, <i>Amm.</i> 26.7.4
<b>October</b>  18      Paris <i>CTh.</i> 11.1.13	<b>October</b>  Caesarea, <i>Amm.</i> 26.7.2
<b>November</b>  22      Death of Felix, bishop of Rome  ?      Valentinian hears of the revolt of Procopius.  Ch. 6 ii	<b>November</b>  2      Caesarea <i>CTh.</i> 12.6.5 ?      Galatia <i>Amm.</i> 26.7.2, 1 ?      Nicomedia <i>Amm.</i> 26.8.2 ?      Chalcedon <i>Amm.</i> 26.8.2
<b>December</b>  10      Paris <i>CTh.</i> 10.19.3	<b>December</b>  1?      Chalcedon <i>CTh.</i> 7.4.14 ?      Ancyra <i>Amm.</i> 26.8.4

YEAR: 366, Gratian and Dagalaifus consuls.

<div>January</div> <div>Reims, Amm. 26.5.14</div> <div>? Theodosius wars with the Franks on the Lower Rhine, Ch. 6 ii</div>	<div>January</div> <div>18 Birth of Valentinian Galates.<i>Cons. Const.</i> 366</div>
	<div>February</div> <div>/April Pessinus Amm. 26.9.1-2 Thyatira Zosimus 4.8.1.</div>
<div>April</div> <div>7 Reims <i>CTh.</i> 8.7.9</div>	
<div>May</div> <div>19 Reims <i>CTh.</i> 5.15.20</div>	<div>May</div> <div>27 Nacolia Soc. <i>HE.</i> 4.9.8</div> <div>27 Procopius beheaded in Phrygia Amm. 26.9.9</div>
<div>June</div> <div>14 Reims <i>CTh.</i> 14.15.2</div>	
<div>September</div> <div>24 Death of Liberius <i>Coll. Avel.</i> 1.4</div>	

366 cont.

<b>October</b>		
1	Damasus consecrated as bishop of Rome, <i>Coll.</i> <i>Avel.</i> 1.6	
26	Riots at the Basilica Liberii <i>ibid.</i> 1.7; <i>Amm</i> 27.3.12-13.	
<b>November</b>		
17	Reims <i>CTh.</i> 9.1.8	
25	Reims <i>CTh.</i> 9.1.9	

YEAR: 367, Lupicinus and Jovinus consuls

<div>January</div> <div>8 Reims CTh. 10.19.4</div> <div>29 Reims CTh. 7.1.9</div> <div>? Theodosius, <i>magister equitum</i> goes to Britain, Ch. 6 ii</div>	
<div>February</div> <div>14 Reims CTh. 7.1.10</div>	
<div>April</div> <div>28 Reims CTh. 13.6.4</div>	
<div>May</div> <div>19 Reims CTh. 10.15.4</div>	<div>May</div> <div>10 Marcianopolis CTh. 12.18.1</div> <div>30 Marcianopolis CTh. 11.17.1</div> <div>? Daphne, Valens crosses the Danube. War against the Goths, Amm. 27.5.2</div>
<div>June</div> <div>3 Reims CTh. 13.10.5</div>	

367 cont.

<b>August</b>  18     Ambiani <i>CTh.</i> 8.14.1  24     Ambiani. Gratian declared Augustus <i>Amm.</i> 27.6.4;; Soc. <i>HE</i> 4.11.3	
<b>September</b>  ?     leaves Ambiani for Trier, <i>Amm.</i> 27.8.1	<b>September</b>  25     Dorostorum <i>CTh.</i> 10.1.11
<b>October</b>  8     Reims <i>CTh.</i> 9.40.10 13     Trier <i>CJ.</i> 6.4.2 25     Novesium <i>CTh.</i> 11.1.16	
<b>November</b>  18     Trier <i>CTh.</i> 6.35.7	

**YEAR: 368, Valentinian and Valens consuls.**

<b>January</b>  30 Trier <i>CTh.</i> 13.3.8. 12 Trier <i>Coll. Avell.</i> 7.	
<b>March</b>  12 Trier <i>CTh.</i> 5.13.4.  21? Trier <i>CTh.</i> 10.12.1.	<b>March</b>  9 Marcianopolis <i>CTh.</i> 10.17.2.
<b>April</b>  21? Trier <i>CTh.</i> 8.1.9. 23? Trier <i>CTh.</i> 7.1.6.	
<b>May</b>  6? Trier <i>CTh.</i> 7.8.2.  ? Solicinium. Crosses the Moenus Battle at Pirus. Amm 28.2.5	<b>May</b>  ? Carporum Vicus Amm 27.5.5.
<b>June</b>  9? Trier <i>CTh</i> 9.19.3. 17 Trier. <i>CTh.</i> 10.12.2.	

## 368 cont.

<b>July</b>  13? Trier <i>CTh.</i> 3.5.9.	
<b>August</b>  13/20 Solicinium. Amm.  27.10.8.	<b>October</b>  11 Nicaea destroyed by earthquake, Soc. <i>HE</i>  4.11.4
	<b>November</b>  9 Marcianopolis <i>CTh</i> 9.1.10  12 Marcianopolis <i>CTh.</i> 11.24.2.
<b>December</b>  30 Trier <i>CTh</i> 11.29.3.	<b>December</b>  13 Marcianopolis <i>CTh.</i>  10.20.4.

YEAR: 369, Valentinian Galates and Victor consuls

<p><b>January</b></p> <p>1? Trier <i>CTh.</i> 14.3.13.</p> <p>28 Trier <i>CTh.</i></p>	<p><b>January</b></p> <p>Marcianopolis <i>Amm.</i> 27.5.5.</p>
<p><b>February</b></p> <p>2 Trier <i>CTh.</i> 11.10.1.</p>	
<p><b>March</b></p> <p>14 Trier <i>CTh.</i> 11.39.6.</p>	<p><b>March</b></p> <p>11 Marcianopolis <i>CTh.</i> 9.21.7.</p>
<p><b>April</b></p> <p>1 Trier <i>CTh.</i> 1.16.11.</p> <p>25 Trier <i>CTh.</i> 4.18.1.</p>	
<p><b>May</b></p> <p>4 Tiberiacum <i>CJ.</i> 3.12.4.</p> <p>10 Trier <i>CTh.</i> 11.29.4.</p> <p>14 Trier <i>CTh.</i> 13.5.12.</p> <p>17 Confluentes <i>CTh.</i> 8.7.10.</p>	<p><b>May</b></p> <p>3 Marcianopolis <i>CTh.</i> 7.4.15.</p>



369 cont.

<p><b>June</b></p> <p>4    Mattiacum <i>CTh.</i> 10.9.6.</p> <p>19   Alta Ripa <i>CTh.</i>11.31.4.</p> <p>     Crosses the Rhine.</p> <p>     Symm. <i>Or.</i> 2.11.4.</p> <p><b>July / August</b></p> <p>     Nicer Symm. <i>Or.</i>2.23-4.</p>	
<p><b>August</b></p> <p>30   Brisiacum <i>CTh.</i> 6.35.8.</p>	<p><b>July</b></p> <p>3 Noviodunum <i>CTh.</i> 10.21.1.</p> <p>5 Noviodunum. <i>CTh.</i>10.16.2.</p> <p>     Crosses the Danube</p> <p>     against Athanaricus</p> <p>     Amm. 27.5.6</p>
<p><b>October</b></p> <p>14   Trier <i>CTh.</i> 9.37.2.</p> <p>   ?   Severus, <i>magister peditum</i></p> <p>     defeats the Saxons, Ch. 6</p> <p>     ii</p>	
<p><b>November</b></p> <p>10   Trier <i>CTh.</i> 10.17.1.</p>	

369 cont.

December		December	
2	Trier <i>CTh.</i> 13.5.13	11	Marcianopolis <i>CTh.</i>
23	Trier <i>CTh.</i> 7,20,10		10.10.11; Amm. 27.5.6

YEAR: 370, Valentinian and Valens consuls

		?    Death of Valentinian Galates    at Caesarea. Soc. <i>HE</i> 4.26.23.
	<b>January</b>	?    On the Danube    Amm. 27.5.9.  ?    Constantinople Amm.27.5.10.  31    Marcianopolis <i>CTh</i> . 7.13.2.
<b>February</b>		
	17    Trier <i>CTh</i> . 16.2.18.	
	20    Trier. <i>CJ</i> 2.6.7.	
<b>March</b>		
	12    Trier <i>CTh</i> . 14.9.1.	
	19    Trier <i>CTh</i> 11.31.3.	
	30    Trier <i>CTh</i> . 14.3.9.	

## 370 cont.

<p><b>April</b></p> <p>3 Trier <i>CTh.</i> 14.5.1.</p> <p>4 Trier <i>CTh.</i> 1.31.2.</p> <p>26 Trier. <i>CTh.</i> 13.1.8.</p>	<p><b>April</b></p> <p>? On route to Antioch. Soc. <i>HE</i> 4.14.1; Zosimus 4.13.2</p> <p>? Hierapolis Zosimus 4.13.2</p> <p>? Death of Eudoxius, Bishop of Constantinople Soc. <i>HE</i> 4.14</p> <p>30? Antioch <i>CTh.</i> 10.19.5</p>
<p><b>May</b></p> <p>5 Trier <i>CTh.</i> 12.1.71, 72.</p>	
<p><b>June</b></p> <p>1 Trier <i>CTh.</i> 8.2.2.</p>	
<p><b>July</b></p> <p>31? Vangiones <i>CTh.</i> 13.6.3.</p>	
<p><b>August</b></p> <p>15 Alteia? <i>CTh.</i> 11.31.5.</p>	<p><b>August</b></p> <p>10 Hierapolis <i>CTh.</i> 1.29.5.</p>

## 370 cont.

<b>September ?</b>  Marriage to Iustina	<b>September</b>  18 Hierapolis <i>CTh</i> 7.13.6.
<b>December</b>  1 Trier <i>CTh.</i> 14.3.12.	<b>October</b>  30 Antioch <i>CTh.</i> 15.2.2.  <b>December</b>  12 Constantinople <i>CTh.</i> 9.16.8.

YEAR: 371, Gratian and Probus consuls

	<b>January</b>  16 Constantinople <i>CTh.</i>  13.10.7
<b>February</b>  11 Trier <i>CTh.</i> 15.7.1.	<b>February</b>  11 Constantinople <i>CTh.</i>  13.5.14
	<b>March</b>  11 Constantinople <i>CTh.</i> 1  2.1.74.
	<b>April</b>  7 Constantinople <i>CTh.</i>  11.21.1.
<b>June</b>  28 Trier <i>CTh.</i> 12.1.75.	<b>June</b>  10 Cyzicus <i>CTh.</i> 11.36.17.

## 371 cont.

<p><b>July</b></p> <p>2 Birth of Valentinian II. Amm. 30.10.4</p> <p>12 Contionacum <i>CTh.</i> 11.1.17</p> <p>13 Contionacum <i>CTh.</i> 9.3.5..</p> <p>29 Contionacum <i>CTh.</i> 2.4.3.</p>	<p><b>July</b></p> <p>13 Ancyra <i>CTh.</i> 12.1.76.</p>
<p><b>August</b></p> <p>7 Contionacum <i>CJ</i> 6.22.6.</p> <p>16 Contionacum <i>CTh</i> 4.6.4.</p>	
<p><b>September</b></p> <p>6 Moguntiacum <i>CTh.</i> 15.17.2</p>	
<p><b>December</b></p> <p>11 Trier <i>CTh.</i> 8.5.32.</p>	<p><b>Winter</b></p> <p>Antioch Amm. 29.1.4.ff.</p>

YEAR: 372, Modestus and Arinthaheus consuls.

<p><b>January</b></p> <p>22 Trier <i>CTh.</i> 14.3.14.</p> <p>23 Trier <i>CTh.</i> 12.1.77</p> <p>27 Trier. <i>CTh.</i> 1.15.6.</p>	
<p><b>March</b></p> <p>2 Trier <i>CTh.</i> 16.5.3.</p>	
<p><b>April</b></p> <p>7 Trier <i>CTh</i> 13.6.6.</p> <p>24 Trier <i>CTh.</i> 7.1.11</p> <p>25 Trier <i>CTh.</i> 15.5.1.</p> <p>/ May. Mattiacum. War with Macrinus.</p>	<p><b>April</b></p> <p>4 Serdica <i>CTh.</i> 11.4.</p> <p>13 Antioch. <i>CTh</i> 6.4.19.</p>
<p><b>May</b></p> <p>30 Nasonacum <i>CTh.</i> 6.7.1.</p>	
<p><b>June?</b></p> <p>Birth of Iusta. Ch. 2</p>	
<p><b>July</b></p> <p>5 Nasonacum <i>CTh.</i> 6.7.1.</p>	



372 cont.

<b>August</b>  22 Nasonacum <i>CTh.</i> 6.4.21.  / September. Crosses the Rhine.	
<b>December</b>  1 Trier <i>CTh.</i> 16.2.22.  27 Trier. <i>CTh.</i> 10.3.2.	

YEAR: 373, Valentinian and Valens consuls.

<b>February</b>  20 Trier <i>CTh.</i> 16.6.1.	
<b>March</b>  19 Trier <i>CTh.</i> 10.19.7.	
<b>April</b>  ? Alteia <i>CTh.</i> 10.4.3.  ? Birth of Grata Ch. 2	
	<b>August</b>  3 Hierapolis <i>CTh.</i> 14.13
<b>November</b>  30 Trier <i>CTh.</i> 12.1.73.	

YEAR: 374, Gratian and Equitius consuls

<b>February</b>  War with Firmus draws to a close Amm. 29.5.31; Ch. 6 ii	<b>February</b>  16     Antioch <i>CTh.</i> 10.20.8
<b>March</b>  ?     Birth of Galla Ch. 2	<b>March</b>  11     Antioch <i>CTh.</i> 10.22.1
<b>May</b>  21     Trier <i>CTh.</i> 11.36.2.	<b>May</b>  21     Antioch <i>CTh.</i> 9.21.8
<b>June</b>  20     Trier <i>CTh.</i> 13.4.4.	
<b>July</b>  10     Robor <i>CTh.</i> 8.5.33.	
<b>August?</b>  Gratian marries Constantia Amm. 29.6.7	
<b>September</b>  7?     Moguntiacum. <i>CTh.</i> 4.13.7	

374 cont.

<b>October - November</b>  Basel Amm. 30.3.1	
<b>December</b>  3 Trier <i>CTh.</i> 4.17.1.	

## YEAR: 375, post consulatum Gratiani et Equitii

<b>April</b> 9      Trier <i>CTh.</i> 12.6.16	
<b>June</b> Carnuntum <i>Amm.</i> 30.5.2-11	<b>June</b> 2      Antioch <i>CTh.</i> 7.13.7
<b>July</b> Carnuntum <i>Amm.</i> 30.5.2-11	
<b>August</b> 12?    Carnuntum <i>CTh.</i> 9.1.12 ?      Aquincum. Crosses the Danube <i>Amm.</i> 30.5.13	
<b>October</b> ?      Aquincum <i>Amm.</i> 30.5.14	
<b>November</b> 17      Brigetio. Death of Valentinian <i>Amm.</i> 30.5.15 22      Valentinian II proclaimed emperor <i>Amm.</i> 30.10.5	
<b>December</b> Valentinian II at Aquincum <i>Amm.</i> 30.10.5; Gratian at Trier <i>Amm.</i> 30.10.1	<b>December</b> 3      Antioch <i>CTh.</i> 12.1.29

**YEAR: 376, Valens and Valentinian II consuls****VALENS****May**29 Antioch *CTh.* 1.28.330 Antioch *CTh.* 6.4.24**December**28 Valentinian's corpse at Constantinople *Amm.* 30.10.1**YEAR: 377, Gratian and Merobaudes consuls****January**25 Antioch *CTh.* 8.7.14**April**4 Antioch *CTh.* 7.4.17**July**6 Hierapolis *CTh.* 10.16.3**August**9 Hierapolis *CTh.* 7.6.3**YEAR: 378, Valens and Valentinian II consuls****March**? Antioch, Valens moves against the Goths *Amm.* 31.7.1**May**30 Withdraws to Constantinople *Soc. HE* 4.38.1**June**11 Melantias *Amm.* 31.11.1, 12.1Thrace *Amm.* 31.11.2Adrianopolis *Amm.* 31.12.10**August**9 Death of Valens *Amm.* 31.12.10

## APPENDIX II

### A Chronology for Ammianus 28.1.

The account of the trials conducted at Rome in the 370s attempted by Ammianus is extremely vague in terms of the chronological sequence of events. The following chronology aims at placing the events that the historian narrates into some kind of framework. Unfortunately precision is not always possible but evidence, external to the text of 28.1, is included in an attempt to provide at least a semblance of clarity.<sup>1</sup>

**ante 366** Chilo was *vicarius* of an unknown province.

**366** Ammianus states that the trials began sixteen years after the fall of Nepotianus (1).

**367, April 9**

A law is passed demanding that, when individuals of senatorial rank receive severe punishment, the emperor be informed (*CTh.* 9.40.10).

**366 - 368** Hymetius was *proconsul Africae*.

**368** A charge of fraud was brought against Hymetius on account of the measures that he took to relieve the famine at Carthage (17-18) and also on the charge that he consulted soothsayers, a fact that was brought out during the later investigations.

**368 - 370** Aginatius *vicarius urbis Romae*. (*Coll. Avell.* 8).

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<sup>1</sup> The numerals in brackets refer to Ammianus 28.1.

**369, January 1**

Q. Clodius Hermogenianus Olybrius *praefectus urbis Romae* (CTh. 14.3.13).

**369, July 8**

Valentinian passes a law which decreed that no individual, irrespective of rank, should be exempted from torture in cases of treason (CTh. 9.35.1).

**369/370**

The first attested case of the period was brought by Chilo who accused Sericus, Asbolius and Campensis of threatening his life through magical practices. The date has to be while Olybrius was still urban prefect and Maximinus *praefectus annonae*. Olybrius is last attested in office on August 21, 370 (CTh. 2.10.5) and Maximinus was in office by March 19, 370 (CTh. 14.17.6).

**370, September 30 - 370, December 31**

Maximinus acting as urban prefect (Ch. 4).

**370, March 19/ 371**

Aginatius informed Petronius Probus that Maximinus had denounced him. Maximinus in turn denounced Aginatius, (30-35). Aginatius accused Victorinus of selling the decisions of Maximinus.

**371, January 1**

P. Ampelius *praefectus urbis Romae* (CTh. 15.10.1; 6.7.1).

**371, January 1/ July 31**

Trial of Hymetius. The date is fixed because the judges were Ampelius, in office as urban prefect on January 1, and Maximinus, *vicarius urbis Romae*. Maximinus had taken up his position as praetorian prefect of Gaul by July 13, 371 (*CJ* 11.48.7). Implicated in the trial were also Frontinus, *consiliarius* of Hymetius, who was executed (21) and the *haruspex* Amantius, also executed (21). Hymetius was exiled to Dalmatia (19-23).

**371, May 28**

Valentinian delivers an edict to the senate at Rome which defined the difference between legitimate and illegitimate divination. This would have formed part of the reply made to a senatorial deputation to the emperor led by Praetextatus, Venustus and Minervius (24). The delegation was prompted by the case of Hymetius (*CTh.* 9.16.9).

**ante July 371**

Marinus executed for attempted seduction by magic (14).

Cethegus executed for adultery (16).

Alypius exiled for *levis error* (16).

Lollianus executed for copying a book on magic after appealing to the emperor (26).

Tarracius Bassus, Camenius, Marcianus and Eusaphius accused of *veneficium* but acquitted (27).

Charitas and Flaviana executed for adultery and *stuprum* (28).

Paphius and Cornelius executed for *veneficium* (29).



**371** The case of Esaias and Marcellus referred to the court by the *vicarius* Ursicinus (44-5).

**371, December 6**

Valentinian passes a law stating that trials for magic must be conducted by the urban prefect (*CTh.* 9.16.9).

**post 371** Rufina executed for adultery (45).  
Hesychia accused and committed suicide (47).  
Eumenius and Abienus accused of *stuprum* (48).

**372, August 22**

Bappo *praefectus urbis Romae* (*CTh.* 6.4.21).

**373, April 29**

Principius *praefectus urbis Romae* (*CTh.* 13.3.10).

**374, February 14**

Eupraxius *praefectus urbis Romae* (*CTh.* 11.29.5).

**374, May 21**

Claudius Hermogenianus Caesarius *praefectus urbis Romae* (*CTh.* 11.36.22).

**374** Simplicius *vicarius urbis Romae* (*CTh.* 9.29.1). During his tenure of this post Aginatius is arrested (45-52). He is only arrested after being denounced by Anepsia who had harboured the accused Abienus.

**374, March 23**

Valentinian directs Simplicius on the penalties for harbouring guilty persons. This possibly arose from Anepsia's behaviour with Abienus. (*CTh.* 9.29.1).

**375, November 17/376**

Doryphorianus *vicarius urbis Romae* (43, 53).

**Early 376** Aginatus executed prior to March 15, when a law was passed forbidding the evidence of slaves to be used against their masters (*CTh.* 9.6.2). It was a slave of Anepsia, Sapaudulus, who reported Anepsia and Abienus to Simplicius.

## APPENDIX III

## The Prefectures of Sextus Claudius Petronius Probus

Briefly stated the problem is this: the legal codes provide evidence for a total of seven separate tenures of the office of praetorian prefect, 364, 365, 366, 368-375, 380, 383 and 387.<sup>1</sup> From his epitaph and two posthumous inscriptions he is recorded as holding four prefectures.<sup>2</sup> Thus it is not possible to accept without emendation all the evidence from the legal codes. One inscription attempts to place the prefectures into some kind of chronological order and it runs as follows,

*Petronio Probo v.c. totius admirationis viro, procons. Africae, praef. praetorio Illyrici, praef. praet. Galliar. II, praef. praet. Italiae atque Africae III, cons. ordinario, civi eximiae bonitatis, disertissimo atque omnibus rebus eruditissimo patrono, nepoti Probiani, filio Probini vv. cc. praef[ff.] urbis et cons.*<sup>3</sup>

All of the posthumous dedications have the conflation of *praefecto praetorio quater Italiae, Illyrici, Africae et Galliarum*. The solution that was postulated by Seeck was to take the prefecture of Illyricum referred to in the above inscription as a reference to the long tenure of Italy, Africa and Illyricum from 368 to 375 and Seeck sees this as his first tenure of the office.<sup>4</sup> A Gallic prefecture followed in the year 380 between the tenures of Siburius, last attested in office in December 379 and Theodorus, who was still either *comes sacrarum largitionum* or *comes rei privatae* in 380.<sup>5</sup> By Seeck's

<sup>1</sup> The evidence is collected in *PLRE* Probus 5. For the early history of the family see Novak (1979) pp. 119-165.

<sup>2</sup> *CIL* 6. 1756; 1756a; *ILS* 1267; 1268 (*praefecto praetorio quater*; *AE* (1934) 160 (*praefecto praetorio quater*).

<sup>3</sup> *ILS* 1266. Jones (1964b) pp. 78ff. points out that the numeration does not necessarily imply that he held each prefecture that number of times; rather, it simply means that he held that of Illyricum first, Gaul second and Italy third.

<sup>4</sup> Seeck (ed.) *Symmachii Opera* p. xcix ff.

<sup>5</sup> For the details of these two careers see *PLRE* Siburius 1 and Theodorus 27.

reckoning the third prefecture was the well attested one in 383,<sup>6</sup> while the fourth was held in 387, when Maximus invaded Italy and Sozomen refers to him as prefect when narrating that saga.<sup>7</sup> Arnheim<sup>8</sup> attributes the tenure of six prefectures to Probus: 364 in Illyricum, 366 in Gaul, 368-375 in Italy, Africa and Illyricum, 380 in Gaul and Italy, 383-384 in Italy Africa and Illyricum and 387 in Illyricum and Italy. While there does exist evidence from the legal codes for all six prefectures, the inscriptions are unanimous in ascribing to him only four. Thus, two must be eradicated. Piganiol and Seeck both discounted the first two prefectures and cite the long prefecture, which began in 368, as his first. However, I would argue that the prefectures of 380 and 387 ought to be discounted.<sup>9</sup>

First the prefecture of 364. Throughout the first year of his reign Valentinian spent much time in the region of Pannonia and Illyricum.<sup>10</sup> In late 364 Mamertinus was confirmed in his prefecture of Italy, Africa and Illyricum, until he was accused of peculation in 365, and relieved of his office.<sup>11</sup> However, after the accession of Valentinian, Mamertinus received no laws that specifically related to Illyricum. On the other hand, Petronius Probus received some very specific laws regarding the establishment of the *defensores civitatis* and non-curial *susceptores*, which began in 364 and were confined to Illyricum.<sup>12</sup> It is extremely likely that Valentinian appointed Probus as praetorian prefect of Illyricum after his accession, in order to have an

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<sup>6</sup> *CTh.* 11.13.1, addressed to Probus in the following terms, '*...per omnem Italiam tum etiam per urbicarias Africanasque regiones ac per .... Illyricum*'.

<sup>7</sup> Sozomen *HE* 7.13.1 'Εν Ἰταλίᾳ δὲ τότε διέτριβεν Οὐαλεντινιανὸς, ἔτι νέος ὢν ἐπετέτραπτο δὲ τῶν τῆδε πραγμάτων διοίκησιν ὕπαρχος ὢν Προβὸς, ὑπατικὸς ἀνὴρ.

<sup>8</sup> Arnheim (1972) pp. 196-197.

<sup>9</sup> Piganiol (1947) p. 269 n. 2; Seeck, above note 4; Cameron (1985) p. 178.

<sup>10</sup> see Appendix i.

<sup>11</sup> *Amm.* 27.7.1.

<sup>12</sup> *CTh.* 1.29.1; above p. 91 n. 42.

individual whom he could trust to implement his plans for that province. His appointment could easily coincide with the movements of the emperor since his next prefecture, was that of Gaul, in 366, a province where Valentinian spent much of 366/7.<sup>13</sup> Two laws indicate that Probus was indeed praetorian prefect of Gaul in 366: *CTh.* 11.1.15 given from Reims on May 19, 366 and addressed to Probus, *praefectus praetorio*, and *CJ* 7.38.1, also addressed to Probus, *praefectus praetorio Galliarum*. Furthermore, there exists a gap in the *fasti* of praetorian prefects for Gaul between Germanianus, who is last attested in office on 7 April 366, and Florentius, attested in office on 3 June 367.<sup>14</sup> Thus the prefecture of Gaul in 366 should be accepted. The long tenure of the prefecture of Italy, Africa and Illyricum is safe and well attested.<sup>15</sup> This cannot be said for the prefecture of 380. Two laws from that year are addressed to Probus, one on 12 March the other on 27 June. This is extremely difficult to accept these dates without emendation, since Hesperius was in office on 14 March and Syagrius on 18 June.<sup>16</sup> Both of the laws addressed to Probus give the consular year as the fifth consulship of Gratian and the first of Theodosius and, since some dates must be emended in order to harmonise with the epigraphic evidence, it is preferable that the consular year should be emended to either *Gratiano II et Probo* (371) or *Gratiano III et Equitio* (374) or *p. c. Gratiani III et Equitii* (375); rather than emending the date of the prefectures of Syagrius or Hesperius, who are firmly attested in office on the specified dates.<sup>17</sup>

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<sup>13</sup> See Appendix i; Novak (1980) p. 378.

<sup>14</sup> Germanianus (*CTh.* 8.7.9; *Amm.* 26.5.5); Florentius (*CTh.* 13.10.5; *Amm.* 27.7.7); Jones (1964b) p. 87 admits that both the prefectures of 364 and 366 are difficult to emend without violence.

<sup>15</sup> The majority of the legislation addressed to Probus falls between these dates (Appendix vi); *Amm.* 27.11.1; 28.1.31-3; 29.6.9-11; 30.3.1; 30.5.4-1.

<sup>16</sup> The laws addressed to Probus (*CTh.* 6.28.2; 6.35.10); Hesperius (*CTh.* 10.20.10); Syagrius (*CTh.* 11.30.38).

<sup>17</sup> Jones (1964b) p.87.

The fourth prefecture that Probus held must be dated to 383-4, and he was praetorian prefect of Italy, Africa and Illyricum.<sup>18</sup> However, this means that two dates in the legal codes must be amended. *CTh.* 11.13.1 dated to January 19, 383 cannot be correct since Probus' predecessor Hypatius was still in office until May 28 of that year.<sup>19</sup> The successor to Probus, Nonius Atticus Maximus, is attested in office on March 26, 384.<sup>20</sup> Thus, Probus must have held the prefecture between June 383 and March 384. The law addressed to Probus therefore should be emended to January 384 and *CTh.* 6.30.6 dated October 26, 384 should be changed to June.<sup>21</sup> The final alleged prefecture of 387 can be easily dismissed. The only source that attributes this tenure to Probus is Sozomen,<sup>22</sup> who recounts the flight of Probus with the young Valentinian to Thessalonica. The same story is found in Socrates, who does not assume Probus was holding a praetorian prefecture at the time.<sup>23</sup> There is no other mention of Probus holding a prefecture this late in his career and it may be assumed that Sozomen has made a mistake.

There remains one other problematical aspect in the career of Probus. A Capuan inscription dedicated to him runs as follows,

*Claudio Petronio Probo v(iro) [c(larissimo)] proconsuli Africae et s[imul] uno eodemque tempor(e) et[iam] praetorio praefectura po[llenti], consuli ordinario, nobilita[te] munificentiaque pollenti, salubri provisorio, originali patrono, regiones [....] collegia posuerunt.*<sup>24</sup>

<sup>18</sup> Both Socrates (*HE* 5.11) and Sozomen (*HE* 7.3) state that Probus held the prefecture in this year.

<sup>19</sup> *CTh.* 2.19.5 dated May 28, 383. Hypatius was prefect of Italy and Illyricum.

<sup>20</sup> *CTh.* 13.1.12.

<sup>21</sup> Cameron (1985) p.181.

<sup>22</sup> See above note 7.

<sup>23</sup> Socrates *HE* 5.11.

<sup>24</sup> *AE* (1972) 76.

Arnheim interprets the inscription to mean that Petronius Probus was simultaneously proconsul of Africa and praetorian prefect of Italy, Africa and Illyricum.<sup>25</sup> He sees the motive behind such an unusual tenure as a desire, on the part of Probus, to control the entire region since, technically, the proconsular governor was not under the control of the praetorian prefect. Arnheim wants to identify the proconsular governor of Africa from 368-370, Petronius Claudius, with Petronius Probus, praetorian prefect. I would contend that the identification is false.<sup>26</sup> In seventeen other inscriptions referring to Petronius Probus and the four dedicated to Petronius Claudius there is no other mention of synchronisation of offices.<sup>27</sup> The synchronisation formula on the Capuan inscription is reflected in an inscription dedicated to Anicius Auchenius Bassus which runs ‘...quaestori candidato, uno eodemque tempore praetori tutelari proconsuli Campaniae, praefecto urbi...’.<sup>28</sup> It is extremely unlikely that the quaestorship and the praetorship were held simultaneously if for no other reason than the expense involved in staging the required games.<sup>29</sup> It is more likely that he held the praetorship and the proconsulship of Campania simultaneously. This is further strengthened by an inscription from Tripolitana which begins ‘Uno eodemque anno du(u)muiro Lepcimagn(ensium) et sacerdoti prov(inciae Trip(o)l(itanae)...’.<sup>30</sup> A similar phraseology is found in the panegyric delivered to Julian by Mamertinus ‘Ut uno eodemque tempore et componeret fidissimarum provinciarum statum et barbariam

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<sup>25</sup> Arnheim (1970) pp. 599ff.

<sup>26</sup> I am much indebted to the persuasive arguments put forward by Cameron (1985) pp. 164ff.

<sup>27</sup> *ibid* p. 166.

<sup>28</sup> *CIL* 6.1679 = *ILS* 1262.

<sup>29</sup> Usually a reasonable time elapsed between the two. Note the career of Q. Fabius Memmius Symmachus who held the quaestorship in 393 when he was nine years old (*Symm. Ep.* 2.77) and held the praetorsip in 401 when he was eighteen (*Symm. Ep.* 7.1), the games for which cost 2, 000 pounds of gold (*Olympiodorus frg* 41.2).

<sup>30</sup> *IRT* 567.

*omnem admoto propius terrore percelleret, longissimo cursu Histrum placuit navigari*'.<sup>31</sup> This makes it fairly clear that '*uno eodemque tempore*' precedes the items being synchronised.

Furthermore, it can be shown with some certainty that it was impossible for Probus to hold the proconsulship of Africa simultaneously with the praetorian prefecture. During the years in question Probus administered his prefecture more or less continually from Sirmium.<sup>32</sup> Two laws addressed to Petronius Claudius can be dated to December 1, 368 and February 2, 369,<sup>33</sup> while two laws were addressed to Probus at Sirmium on February 7 and 19, 369.<sup>34</sup> Probus is attested at Carthage on April 4, 369<sup>35</sup> but by June 6 he had returned to Sirmium.<sup>36</sup> Thus, if Probus was the proconsul in 368-370 he would have had to travel with remarkable speed and frequency between Africa and Sirmium.

The reason Arnheim gives for Probus needing, or wanting, to hold the two posts simultaneously, namely that the province of Africa was technically outside the praetorian prefect's jurisdiction, can be also dismissed. It was a more common practice, throughout the late empire, for high officials to exert their influence on the emperor to ensure that vacancies were filled by individuals whom they considered to be trustworthy.<sup>37</sup> The prefect of Rome was also technically outside the praetorian prefects' jurisdiction; but, from the fourth century there are only two examples of a

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<sup>31</sup> *Pan. Lat* III (XI) 7.1.

<sup>32</sup> Cameron (1985) p. 170; *PLRE* pp. 737-8.

<sup>33</sup> *CTh* 14.3.12; 12.12.6.

<sup>34</sup> *CTh*. 12.6.15; 13.3.7.

<sup>35</sup> *CTh*. 13.1.7.

<sup>36</sup> *CTh*. 7.23.1.

<sup>37</sup> See above Chapter 3 ii.



praetorian prefect holding the post of urban prefect concurrently: Ulpus Limenius in 347/9 and Hermogenes in 349-350, and in both cases they were praetorian prefect of Italy alone.<sup>38</sup> During Probus' prefecture several of his near kinsmen held the prefecture of Rome including Clodius Hermogenianus Olybrius, his father - in - law, and Claudius Hermogenianus Caesarius.<sup>39</sup> Thus, there was no need for Probus himself to hold positions that did not fall under his jurisdiction, since he could find candidates from amongst his supporters to do so. Petronius Claudius then, could have been a kinsmen of Petronius Probus but the two cannot be identified as the same individual. Probus did hold the proconsulship of Africa but it was held in 358, before his four praetorian prefectures.<sup>40</sup>

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<sup>38</sup> Ulpus Limenius (*Chron.* 354; *CTh.* 9.21.6; *CTh.* 9.17.2); he was consul in 349 (*CIL* 2.2211 = *ILS* 7222); Hermogenes (*Chron.* 354).

<sup>39</sup> Olybrius was prefect of Rome in 369-370 (*CIL* 15. 7199; *CTh.* 11.39.6; 2.10.5; *Amm.* 28.1.8); Hermogenianus Caesarius was urban prefect in 374 (*CTh.* 11.36.32; *Amm.* 27.3.2; 29.6.17).

<sup>40</sup> *CIL* 8.1783; *CTh.* 11.36.3.

## APPENDIX IV

### The date of the *De Rebus Bellicis*

The anonymous treatise *De Rebus Bellicis* was found preserved amongst a miscellaneous file of army and provincial lists, including the *Notitia Dignitatum*, at Speyer.<sup>1</sup> Since no ancient author makes any reference to the work, establishing the date of composition must rest on internal evidence alone. The "classical" date has, since the time of Seeck, been the joint reign of Valentinian and Valens.<sup>2</sup> The evidence for this date comes primarily from the preface to the work. The preface is formally addressed to a plurality of emperors, *sacratissimi principes* (praef. 1); *clementissimi principes* (praef. 8); *vestrae* (praef. 9) and *vestra* (praef. 15). Furthermore, a logical reading of praef. 8 suggests that each of the reigning emperors also had a son (*qui Romano nomini debitos affectus propagatis in filios*). The only time that these conditions were fulfilled was after the birth of Valens' son, Valentinian Galates in 366, when Gratian was seven years old.<sup>3</sup> However, Mazzarino argued for 353 - 360, when Constantius II was Augustus and Gallus and Julian his successive Caesars.<sup>4</sup> His argument rests on two misinterpretations. While the preface of the works is addressed to a plurality of emperors, the main text is obviously directed to only one (*invicte imperator* (18.7); *sacratissimi imperator* (21.1)). Mazzarino claims that this was the senior ruling Augustus, that is, Constantius II. This need not be accepted. It is more probable, that the emperor addressed in the singular, was that one who ruled the part of the empire in

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<sup>1</sup> Thompson (1952) pp. 12ff. See pp. 6ff for a list of works found with the treatise in question.

<sup>2</sup> Seeck, RE 1, 2 col. 2325 s.v. Anonymi 3.

<sup>3</sup> Gratian was born at Sirmium on April 18, 359 (Jer. *Chron.* s.a. 359; *Cons. Const.* s.a. 359); Valentinian Galates was born on January 18, 366 (*Cons. Const.* s.a. 366).

<sup>4</sup> Mazzarino (1951) pp. 72-109.

which the author wrote. I would contend that this was the western empire and the emperor was Valentinian I.<sup>5</sup> Mazzarino cites, as further evidence for his thesis, the passage in the *De Rebus Bellicis* that suggests that the emperor concerned had put down a plurality of usurpers (...*et per gradus criminum fouit tyrannos, quos ad gloriam virtutis tuae produxit [inopia] magis quam succendit audacia*, 2.3) and identified them as Magnentius and Decentius. However, the problem remains that neither Constantius II, Gallus nor Julian had a son. To circumvent this problem, Mazzarino argued that '*filios*' should be translated and interpreted as 'successor'; but, the problem remains that Gallus and Julian held the rank of Caesar in succession, so it cannot be them who 'most merciful emperors ... who transmit to your sons the affection due to the Roman name' refers to.<sup>6</sup> Cameron identified the usurpers as Procopius and Marcellus, and used this as support for his thesis that Valens was the intended recipient. However, it is possible that the usurpers meant were Firmus and Valentinus in the west.<sup>7</sup> Furthermore, at the start of chapter two, the anonymous author is very critical of the reign of Constantine and this must be considered foolhardy, if he wished his treatise to be read by Constantius II.<sup>8</sup>

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<sup>5</sup> Cameron (1979) pp. 4ff. also refutes this claim of Mazzarino, but thinks the emperor addressed was Valens. Piganiol (1947) p. 334 and Thompson (1952) pp. 1ff also share the opinion that the intended recipient was Valens. For the case for Valentinian see below.

<sup>6</sup> Cameron (1979) p. 2.

<sup>7</sup> The major problem with this hypothesis is that Valentinian Galates may well have died prior to the revolt of Firmus, which broke out in 373 (Amm. 28.6.26). Valentinian Galates died at the time when trouble was brewing between Valens and Basil (Ruf. *HE* 11.9; Soc. *HE* 4.26.23; Soz. 6.16.1-10), which occurred c. 370; however, the date is not certain. It is possible that the anonymous author attributed the suppression of Procopius to Valentinian, as well as Valens, in much the same way as victory titles were shared between collegiate emperors. For example *ILS* 771 where both Valentinian and Valens share the titles *Germanicus maximus*, *Alamannicus maximus*, *Francicus maximus* and *Gothicus maximus* while neither of them fought all the above peoples. Valentinus attempted armed rebellion in Britain in 368 (Amm. 28.3.4-6).

<sup>8</sup> *DRB* 2.1 '*Constantini temporibus profusa largitio aurum pro aere, quod antea magni pretii habebatur, vilibus commerciis assignavit; sed luitus avaritiae origo hinc creditur emanasse.*'

There are several other indications that the treatise was written during the reign of Valentinian and Valens, and in particular directed to Valentinian. In chapter 6 there is a discussion of the barbarian invasions into the empire which implies that the enemies of Rome are still external to the empire.<sup>9</sup> This suggests that it was written prior to Adrianople and the large settlements of Goths within the territories of the Roman empire which resulted.<sup>10</sup> Furthermore, the impression is conveyed that a war with Persia is not a distant prospect.<sup>11</sup> Valens led an expedition against Persia in 370,<sup>12</sup> which may have been used by the author as a counterweight to the barbarians in the west.<sup>13</sup> The emphasis on frontier fortifications and financial matters accords well with Valentinian's known concerns about such activities. The proposals that the frontiers should be fortified by means of forts at fixed intervals harmonises with Valentinian's known activities on the Rhine frontier in particular.<sup>14</sup> The argument put forward by Cameron, that the references to the Danube in the *De Rebus Bellicis* provides further confirmation that it was addressed to Valens, ignores the fact that the Upper Danube

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<sup>9</sup> DRB 6.1-3, '*In primis sciendum est quod imperium Romanum circumlatrantium ubique nationum perstringat insania et omne latus limitum tecta naturalibus locis appetat dolosa barbaries. nam plerumque memoratae gentes aut siluis teguntur aut extolluntur montibus aut vindicantur pruinis; nonnullae vagae solitudinibus ac sole nimio proteguntur. sunt quae paludibus flumenibusque defensae nec inveniri facile queunt, et tamen quietem pacis lacerant inopinatis incursibus.*'

<sup>10</sup> I disagree with Astin (1983) p.396, who argues that it could have been written after Adrianople, and that no sharp distinction was drawn between the settlement of the Goths circa 378, and those which had occurred in earlier times. Adrianople did not merely involve settlement of barbarian peoples, but a substantial defeat of the Roman army and the destruction of the emperor, a point that surely would not have been lost on a contemporary. Ammianus sees Adrianople as the biggest Roman disaster since Cannae (31.13.19). I also disagree with Cameron (1979) p. 6 who sees the reference to barbarians retreating to safety in the mountains as referring to the Isaurians (cf. Amm. 27.9.6). The references to deserts and nomads could equally refer to conditions in Africa. The Anonymus is providing a general summary of some of the advantages that are enjoyed by the barbarian tribes outside of the empire, presumably to make his inventions for assailing such natural defences more impressive.

<sup>11</sup> DRB 8.1; 12.1; 19.4.

<sup>12</sup> Piganiol (1947) p. 176.

<sup>13</sup> Wiedemann (1979) pp. 142-3.

<sup>14</sup> DRB 5.2; 20.1; See above Ch. 6 ii.

was under the control of Valentinian rather than Valens.<sup>15</sup> Furthermore, the author of the treatise shows a pronounced concern for the poorer people within the empire, who are being oppressed by the rich. Note especially the similarities between *DRB* 2.2 '*privatae potentium repletae domus in perniciem pauperum clariores effectae, tenuioribus videlicet violenta oppressis*' and *CTh.* 1.29.1, concerning the institution of the *defensores civitatis* in Illyricum '*admodum utiliter edimus, ut plebs omnis Inlyrici officiis patronorum contra potentium defendatur iniurias*'.<sup>16</sup> Finally, the nature of the work appears to complement what we know of Valentinian's character. Both Ammianus and the *Epitome de Caesaribus*<sup>17</sup> state that he was a keen inventor of new weapons and it is possible that the inventions were included in order to keep the emperor's interest while he waded through the various suggestions regarding finance and fortifications.<sup>18</sup>

Thus, while not being beyond argument, a strong case can be made that the *De Rebus Bellicis* was written in the joint reigns of Valentinian and Valens and was addressed, in reality, to Valentinian alone.

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<sup>15</sup> Cameron (1979) p. 6.

<sup>16</sup> See also Matthews (1975) p. 50.

<sup>17</sup> Amm. 30.9.4, '*venusteque pingens et fingens, et novorum inventor armorum*'; *Ep. de Caes.* 45.6, '*pingere venustissime ... fingere ceno seu limo simulcra, nova arma meditari*.'

<sup>18</sup> The author himself states that the inventions were a digression, '*His etiam adnectenda credidimus quae bellorum necessitatibus terra et mari in acquirendis victoriis procurentur (praef. 7)*', he goes on to explain why he feels this was necessary, '*Ex quibus, fastidii levandi gratia, pauca machinarum inventa referemus*.' (ibid); Wiedemann (1979) p. 146.

## APPENDIX V

### Who killed Theodosius *Maior*?

The death of the Elder Theodosius and the circumstances that surrounded it have attracted modern interest in inverse proportions to the amount of attention that they received in ancient times. Indeed, the conspicuous silence of the ancient authors, most notably Ammianus Marcellinus, has inspired a multitude of theoretical interpretations that often find no common ground. Only one factor emerges with relative clarity - that Theodosius was executed at Carthage. The responsibility for the execution order may rest with Valentinian I, Gratian, Valentinian II or Valens, any of whom could have been acting under the influence of Merobaudes, Maximinus, Romanus or Petronius Probus, or a combination thereof. Even the date of the execution is uncertain, varying between late 375 and early 376. Both dates have found modern supporters. The problem is compounded by a failure to identify with certainty the role played by the leading individuals of the time. For example, Merobaudes is portrayed as both an enemy and as a loyal supporter of the emperor Theodosius,<sup>1</sup> while also being a defender of Gratian and, at the same time, his mortal enemy.

Due to the scant attention given to the death of the Elder Theodosius in the sources, it is impossible to be able to provide a reconstruction of events that is beyond argument. As a starting point, and in the interests of clarity, it is necessary to outline briefly the possibilities which have been expounded by both ancient and modern authors.

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<sup>1</sup> As an enemy of Theodosius (Hoepffner (1936a) pp. 119ff; Demandt (1969) pp. 598ff; Lippold (1972) pp. 195ff); as a loyal supporter of Gratian (Matthews (1975) p. 173); for the intricacies of the relationship between Gratian and Merobaudes see Rogers (1982) pp. 82ff.

Ammianus is completely silent on the execution, the implications of which shall be discussed more fully below. Jerome, under the year 376, states that many nobles died alongside Theodosius at Carthage. A variant in the text adds that it was at the hands of a faction headed by Maximinus, who themselves suffered a similar penalty shortly afterwards. A gloss in the text of Orosius blames Valens for the order, an interpretation that was followed by Jordanes.<sup>2</sup> The paucity of the evidence that can shed any light on the matter has given rise to a multitude of modern reconstructions. These can be briefly summarised into the following categories. Demandt theorises that both the Elder Theodosius and Maximinus were victims of the power struggle in the west that followed the death of Valentinian I. In his reconstruction it was not Valentinian who gave the order, but he states specifically, that Theodosius was a victim of political intrigue.<sup>3</sup> Lippold follows the chronology of Demandt and accepts that the execution took place in early 376, but he holds Valentinian I responsible, citing slow dissemination of information as responsible for the delay between the execution order being given and carried out. According to his reconstruction, it was Merobaudes and Maximinus who influenced Valentinian to take such action.<sup>4</sup> Thompson goes in a different direction, and implicates Theodosius in a senatorial conspiracy based in Rome and connected to the earlier trials for treason and magical practices which were led, in his view, by the Ceionii and Anicii. In his view, it was Valentinian I who gave the order for execution.<sup>5</sup> Gasperini takes up the hint in the primary sources that it was

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<sup>2</sup> Jerome *Chron.* a. 376, '*Theodosius, Theodosii postea imperatoris pater, et plurimi nobilium occisi [multorum per orbem victoriis in Africa factione eorum periit qui et ipsi mox caesi sunt id est Maximinus ex praefecto.*'; Orosius *Contra Paganos* 7.33.6-7; Jordanes *Romana* 312 '*Theodosius, Theodosii imperatoris postea pater multique nobilium occisi sunt Valentis insania.*'

<sup>3</sup> Demandt (1969) p. 625. Hoepffner (1936a) pp. 119 - 129, is of the opinion that it was Gratian who gave the order and then follows orthodox opinion that Gratian was merely a puppet in the hands of powerful court figures.

<sup>4</sup> Lippold (1972) pp. 195-200.

<sup>5</sup> Thompson (1947) Chapter 6.

Valens who was responsible. This, I think, is unconvincing since Theodosius held command in the western regions and hence, at least theoretically, was not under the jurisdiction of Valens at all. During the joint reign of Gratian and Valens there is no evidence to suggest that Valens exerted any influence over the civil or military appointments of Gratian.<sup>6</sup> While these reconstructions have some merit, an alternative can be postulated.

First the date. It is not possible to avoid the chronology of Demandt, which places the time of the execution in early 376, or, at the very earliest, late 375.<sup>7</sup> Since Valentinian I died in November of that year, it is possible that he gave the execution order. However, I think that it is equally as plausible that it was neither Valentinian I, Valens nor Gratian; but rather, Valentinian II who was technically responsible. Since he was only four years old the young emperor can be held only nominally accountable and the initiative for the execution must rest elsewhere. There are several likely candidates. When Valentinian died he was at Brigetio in Pannonia and, by December of that year, Valentinian II was at Aquincum.<sup>8</sup> Identification of those individuals who exerted their influence on the young emperor must necessarily be found in or around those regions and they must have been present at the new court.<sup>9</sup> Two individuals

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<sup>6</sup> Gasperini (1972) pp. 180ff.

<sup>7</sup> Chastagnol (1960) p. 432, dates the death of Theodosius to late 375.

<sup>8</sup> Amm. 30.10.5; Appendix i.

<sup>9</sup> This could discount the theory that it was Maximinus who was primarily responsible for the execution order. He was at court with Gratian at Trier at the time and it was no doubt Gratian who arranged the downfall of Maximinus, who was executed in early 376 (Symm. *Ep.* 10.2; *Or.* 4.11, delivered to Gratian in 376 and saving little sympathy for the fate of Maximinus). I see no reason to link the two executions. The fact that Theodosius murdered Maximinus' brother-in-law, who had been exiled to Britain for seditious activities (Amm. 28.3.4-6), is an unconvincing reason to link the two. There is no evidence to suggest that Maximinus was sympathetic to the cause of Valentinus. That it was a relative of Theodosius who was appointed PPO *Galliarum* as a replacement for Maximinus is also inconclusive. It is difficult to find a convincing reason to explain why Maximinus would have engineered the execution of Theodosius. The gloss in Jerome merely confuses the issue and it is likely that he has mistakenly combined the two executions which must have occurred in close chronological proximity to each other.



immediately spring to mind - Flavius Merobaudes and Sextus Claudius Petronius Probus.<sup>10</sup> The case for the complicity of Merobaudes rests on two assumptions: that he was jealous of Theodosius and that he supported Romanus. However, there is no evidence that would suggest that he was jealous of Theodosius<sup>11</sup> and Demandt correctly points out that the position of Merobaudes was in no way inferior to that of Theodosius.<sup>12</sup> Whether or not Romanus, *comes Africae*, conspired with Merobaudes, or anyone else, requires consideration. Romanus was the subordinate of Merobaudes and the former was still in Africa after the execution of Theodosius, since he was present during the investigation conducted by Hesperius and Flavianus in 376 - 7.<sup>13</sup> In 377 he went to Milan where he found some support from Merobaudes, who secured a fair hearing for him. Merobaudes did not have Romanus acquitted or the decision overturned, as postulated by some.<sup>14</sup> Merobaudes did not destroy Theodosius in order to protect Romanus. Indeed, the degree of animosity that existed between Romanus and Theodosius is difficult to judge because, although Theodosius initially arrested Romanus, he appears never to have tried him, which is particularly surprising since he tortured and burnt alive two of Romanus' partners.<sup>15</sup>

What of the silence of Ammianus? Orthodox opinion argues that Ammianus not only refrained from narrating the death of Theodosius, but depicted him in an almost

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<sup>10</sup> The complicity of Probus is suggested very tentatively by Demandt (1969) p. 623, while the possible involvement of Merobaudes is convincingly defended by Rogers (1988) pp. 82ff.

<sup>11</sup> Hoepffner (1936a) p. 121.

<sup>12</sup> Demandt (1969) p. 621.

<sup>13</sup> Amm. 28.6.29.

<sup>14</sup> *PLRE* Romanus 3 follows this line but misinterprets a passage in Ammianus, as does Piganiol (1947) p. 184 n. 83. The passage in question is 28.6.29, '*Romanus ad comitatum profectus secum Caecilium duxit, cognitores accusaturum, ut inclinatos in provinciae partem: isque Merobaudis favore susceptus, necessarios sibi plures petierat exhiberi.*'

<sup>15</sup> Amm. 29.5.50.

panegyric light because he did not wish to offend the emperor Theodosius.<sup>16</sup> Thompson suggests that Ammianus refrained from narrating the death of Theodosius because of a fear, not of the emperor Theodosius, but of some other high official who had a vested interest in the whole affair being forgotten.<sup>17</sup> However, unable to find a suitable candidate, he reverts to his original hypothesis, that it was concern for the sensibilities of the emperor that dictated the historian's silence on the matter. I would disagree. Given that the books 26 - 31 were composed in the mid 380's, I would contend that Ammianus was deliberately silent on the matter because of the possible reaction, not of Theodosius, but of Valentinian II - sole legitimate emperor of the western regions following the death of Gratian in 383. Further, the trepidation of Ammianus was at least in part due to the prominence of both Probus and Merobaudes who, seven years earlier, had engineered the downfall of Theodosius, when they took a leading part in the elevation of Valentinian II upon the death of his father. I suggest the following reconstruction of events.

When Valentinian I died at Brigetio on November 17, 375 there was an atmosphere of sudden political crisis.<sup>18</sup> The war being waged against the Quadi was halted and Merobaudes was summoned by means of urgent but secret communications.<sup>19</sup> Given the critical situation and the remoteness of both the court of Valens and that of Gratian, Merobaudes and Equitius took the initiative and elevated the

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<sup>16</sup> If Ammianus was writing with a view to the attitude of Theodosius I it may provide extra evidence that Maximinus was not responsible for inciting the downfall of his father. Surely if the historian had a desire to ingratiate himself to the emperor and, if Maximinus was responsible for the execution of Theodosius, then the execution of Maximinus would not only have been narrated as promised (28.1.57) but narrated in a manner that would suggest just retribution. The execution of the individual responsible for the downfall of the father of the emperor would surely not have been passed over by a historian intent on winning imperial favour. Thompson (1947) p. 105 is adamant in his view to the contrary " ...only a highly discreditable account of Maximinus was possible for a historian writing under the the emperor Theodosius whose father Maximinus had put to death ".

<sup>17</sup> Thompson (1947) p. 95.

<sup>18</sup> Matthews (1975) p. 64.

<sup>19</sup> Amm. 30.10.2.

four-year-old Valentinian II to the throne. It was in this atmosphere of political upheaval that the execution of Theodosius must be placed. The elevation of Valentinian II clearly indicates the primacy, however temporary, of the Danubian court over the Gallic, and so it is from the Danubian regions that the initiative for the execution must be sought. While it is difficult to lay the blame on the four-year-old emperor, his advisers cannot be similarly exempted. The initiative must have come from Merobaudes, Equitius and Probus, the latter two being conspicuous in their loyalty to the house of Valentinian.<sup>20</sup> Zosimus states that, when Gratian had recognised the elevation of his younger brother, the western empire was divided along the following lines: Gratian was allocated the Gallic provinces, Spain and Britain which left Italy, Illyricum and Africa under the technical jurisdiction of Valentinian II.<sup>21</sup> This is significant given that it was precisely those areas which were under the control of Probus as praetorian prefect<sup>22</sup> and that, since it was in Carthage that Theodosius was executed, while serving in Africa, it fell within Valentinian II's sphere of influence, not that of either Gratian or Valens. Furthermore, certain precautions appear to have been taken in order to ensure that the position of the new emperor was not to be compromised. Sebastianus was sent to a distant post, according to Ammianus, because he stood in high favour with the troops and thus, was to be particularly feared at the time.<sup>23</sup> This is indicative of the atmosphere surrounding the elevation of Valentinian II

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<sup>20</sup> The case of Equitius provides a good example of the complexities of the relationships that existed between the leading courtiers of Valentinian. The assumption that a *factio* existed led by Maximinus, Probus or Merobaudes is too simplistic. For example, it was Equitius whom Maximinus accused of incompetence and replaced him by his own son Marcellianus on the Danube (Amm. 29.3.4); however, Equitius had worked with Leo to canvas Valentinian I's candidature for emperor, the latter was an intimate associate of Maximinus. Further, it was Leo who fanned Valentinian's displeasure regarding the manner in which Probus administered his prefecture, because he himself was desirous of the position. Yet, Probus apparently had no qualms about betraying Aginatus to Maximinus (Amm. 28.1.30-3).

<sup>21</sup> Zosimus 4.19.2.

<sup>22</sup> He was still in office as praetorian prefect when Valentinian II was proclaimed Augustus (Rufinus *HE* 2.12).

<sup>23</sup> Amm. 30.10.3.

- no possibility of insurrection or usurpation was to be risked. It is highly likely that those who engineered the elevation of Valentinian II and the removal of Sebastianus also ensured the execution of Theodosius.

Theodosius was still in command of troops in Africa and, although somewhat isolated from the centres of power, it was a distinct possibility that any armed insurrection could seriously disrupt the grain supply to Italy.<sup>24</sup> In fact the leaders of the Danubian court may not have feared that Theodosius himself would lead a rebellion; but rather, that he may not have been able to ensure the loyalty of his troops at such a crucial time, and that the troops may have put forward a rival emperor. The revolt of Firmus no doubt remained fresh in the minds of many. If the loyalty of Theodosius himself or, his ability to command the loyalty of his troops, was in doubt he may have been executed to ensure the stability of the Valentinianic house. To Seeck, Theodosius was nothing more than a bloodthirsty plunderer and, once the veil of the panegyric is lifted from the account of Ammianus, this view is not seriously challenged.<sup>25</sup> Ammianus notes, albeit through analogy, that Theodosius was criticised for his excessive severity in enforcing discipline.<sup>26</sup> On four occasions in Africa deserters were burnt alive or had their hands cut off.<sup>27</sup> Given the methods that Theodosius employed in dealing with his troops, it is not surprising that Theodosius' troops in Britain

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<sup>24</sup> See above p. 129 n. 4.

<sup>25</sup> Seeck (1966) pp. 31ff.

<sup>26</sup> Amm. 29.5.23, drawing a comparison between the behaviour of Theodosius and Curio, proconsul of Thrace, '*Sed obiectatores malivoli vetus factum laudantes, hoc ut dirum vituperant et asperrimum, Dardanos hostes memorantes internecivos, et iuste quae sustinuerunt perpressos, hos vero subsignatos milites debuisse lenius corrigi, ad unum prolapsos errorem.*'

<sup>27</sup> Amm. 29.5.24, 50 cf. 39. There are only three other comparable episodes in the entire history: Nigrinus was burnt alive for leading a rebellion against Julian at Aquileia in 361 (Amm. 21.12.20); Julian reviving the practice of decimation (Amm. 24.3.2); Hortarius burnt alive for treachery (Amm. 29. 4. 7).

demonstrated indifferent loyalty.<sup>28</sup> Theodosius was seen to be unable to ensure loyalty from his troops and perhaps too ambitious to be retained in command in Africa. That there was an element of truth in this can be inferred from the failure of his son, or any contemporary author, to portray Theodosius *maior* as a martyr or to have been executed unjustly. That the younger Theodosius retired to Spain following the execution of his father, and that he was chosen by Gratian as co-emperor two years later, signifies two things. In the first place, it confirms that Gratian was not responsible for the death of the Elder Theodosius, since the elevation of a son whose father was executed on his orders would be committing political suicide.<sup>29</sup> In the second place, it may have been a show of independence and superiority on the part of Gratian as a reprisal for the technically illegal elevation of Valentinian II.

If, then, Theodosius was executed in order to remove any possible rival to Valentinian II and, given that suspicion of the general was justified, responsibility must be laid at the feet of those who influenced Valentinian II, in particular Petronius Probus, Equitius and Merobaudes. A case for the complicity of Probus can be constructed along the following lines. Probus had remained unchallenged during the reign of Valentinian I and, even when his rapacity had become known to the emperor, he was neither relieved of his prefecture nor did he suffer any punishment. When Valentinian II was elevated, Probus was able to associate himself closely with the imperial court and perhaps also strengthen his position by enhancing his ties with the military through either Merobaudes, Equitius or both. When Maximus revolted it was

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<sup>28</sup> Amm. 28.3.5. It has often been noticed that the African campaign of Theodosius hardly warranted the lengthy narrative that Ammianus gives it. Zosimus only mentions the campaign in passing (4.16.3) and Jordanes does not mention it at all. Presumably Ammianus wrote with an eye to Theodosius I, who was present in Rome in the late 380s, when the final books of the history were completed. See above Chapter 2 i.

<sup>29</sup> Some have argued that the failure of Theodosius to avenge swiftly the death of Gratian and the usurpation of Maximus was due to Gratian's complicity in his father's death (Rogers (1988) pp. 82ff); however, since Gratian was already dead, any deliberate delay in ousting Maximus may have been a rebuff to Valentinian II, the emperor who controlled those regions where the Elder Theodosius was operating prior to his execution.

Probus who assumed the guardianship of the young Valentinian, albeit in the name of Theodosius,<sup>30</sup> and the silence of the contemporary sources was motivated by the fact that Probus was still exerting influence at court. That Ammianus could make veiled attacks on Probus and the Anicii in general suggests that it was the death of Probus that enabled Ammianus to continue his narrative with impunity into the reigns of Valentinian and Valens, while also being free to present a favourable account of the career of the Elder Theodosius, designed to please his son.<sup>31</sup> It is also possible that the total exclusion of Symmachus from the *Res Gestae* is also connected to the influence of Probus at the court of Valentinian II during the period of composition. Symmachus was *proconsul Africae* in 373/4, precisely at the time of the revolt of Firmus and the campaigns of Theodosius.<sup>32</sup> Through his support of Maximus, Symmachus had made an implacable political enemy of Petronius Probus,<sup>33</sup> and it is unlikely that the veiled criticisms of the reign of Valentinian I, made by Symmachus in his oration to Gratian, would have been appreciated by Probus.<sup>34</sup> Further, it is tempting to identify the *civis emeritus* at whose death Symmachus failed to offer the appropriate condolences and for

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<sup>30</sup> Soc. *HE* 5.11; Soz. *HE* 7.13.

<sup>31</sup> See in particular Chapter 2 i; Ammianus makes it clear that circumstances have changed and thus he is free to publish the last six books of his history '*Dictis impensiore cura rerum ordinibus ad usque memoriae confinia propioris, convenerat iam referre a notioribus pedem, ut et pericula declinentur veritati saepe contigua ...*' (26.1.1). Ammianus' attacks on the Anicii, while snide, are not particularly serious, '*...et in urbe Anicii, quorum ad avorum aemulationem posteritas tendens, satiari numquam potuit cum possessione multo maiore.*' (16.8.13); when speaking of the urban prefecture of Olybrius, Ammianus notes that it was a time of great mildness and tranquillity, humanity and justice but adds the snide remark, '*Sed obnubilabat haec omnia vitium, parum quidem nocens rei communi, sed in alto iudice maculosum, quod citeriorem vitam paene omnem vergentem in luxum, per argumenta scaenica amoresque peregerat, nec vetitos nec incestos.*' (28.4.2). Probus was definitely dead by 395 (Claudian *Pan. Prob. et Olyb.* 31lf) and the last mention of him living is 389/90 (Matthews (1975) p.230; Naudé (1984) p.84 n. 148). See above pp. 3ff.

<sup>32</sup> *CTh.* 12.1.73; his administration was praised by Theodosius the elder (Symm. *Ep.* 10.1.2-3).

<sup>33</sup> Symm. *Ep.* 2.28, 30-2.

<sup>34</sup> Symm. *Or.* 5.3; cf 4.10.

which he was reprimanded by the *magister officiorum* Rufinus, as Petronius Probus himself.<sup>35</sup>

Thus, I would contend that Theodosius *maior* was executed as a result of the political intriguing that issued from the Danubian court following the death of Valentinian I. That his loyalty was seriously in doubt is suggested by the failure of any sources to portray his execution as unjust. The order for his execution was given nominally by Valentinian II acting under the influence of Petronius Probus who, in turn, was acting with the approval of Merobaudes and Equitius in order to ensure loyalty to the house of Valentinian. It was the death of Petronius Probus in 389/90 that enabled Ammianus to have the freedom to publish the last six Books of his history.

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<sup>35</sup> Symm. *Ep.* 3.88; Naudé (1984) pp. 83ff; Matthews (1971) pp. 79ff; Cameron 1964a) pp. 15ff.

## APPENDIX VI

### LEGISLATION PROMULGATED DURING THE REIGN

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
1.6.2.	8.6.364	Naissus	Office of the PUR	Symmachus	PUR	
1.6.3	26.6.364 (365)		Office of PUR	Severus	Vic. Romae	
1.6.3	9.3.365		Office of PUR	Symmachus	PUR	
1.6.5	4.4.365	Milan	Office of PUR and praefectus annonae	Volusianus	PUR	
1.6.6.	20.9.368		Office of PUR and replacement of personnel	Praetextatus	PUR	Amm.28.1.
1.15.5	25.1.365	Milan	Staff limits of vicarius Africae	Dracontius	Vic. Africae?	
1.15.6	27.2.372	Trier	Vicarii, rectores and tax investigations	Crescens	Vic. Africae	
1.16.9.	1.10.364	Aquileia	Provincial Governors and the availability of justice	Artemius	not given	



REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
1.16.10	8.9.365/4?	Verona	Provincial Governors, judges and written statements	Valerianus	Vic. Hispaniae	
1.16.11.	1.4.369	Trier	Provincial Governors and tax collection	Probus	PPO	
1.16.12	1.4.369	Trier	Provincial Governors and the availability of justice	Viventius	PPO	
1.28.2	6.5.364	Nicomedia	Defensores Senatus: the confirmation of Constantius' law	Clearchus	Vic. Asiae	
1.29.1	27.4.364		Defensores Civitatum: plebeians of Illyricum	Probus	PPO	See Appendix iii
1.29.2	27.6.365	Tyre	Defensores Civitatum and the referral of cases to governors	Seneca	defensor	See Chapt. 3 p.91
1.29.3	3.11.368		The selection of the Defensores Civitatum	Probus	PPO	CJ 1.55.2; Appendix iii
1.29.4.	6.11.368	Trier	Defensores Civitatum: the patrons for plebeians	Probus	PPO	
1.29.5	10.8.370?	Hierapolis	Senators as Defensores Civitatum	The Senate(east)	Senators	Valens
1.31.1.	26.2.372	Milan?	City Administration	*	*	* Recipient lost
1.31.2.	4.4.368,70	Trier	City Administration: the cessation of bribery	Olybrius	PUR	
2.1.4	1.12.364	Milan	The jurisdiction of senators, provincials and PUR	Terentius	Consul. Tusciae	
2.1.5	1.12.365		Jurisdiction in cases against the treasury	Felix	Vic.Macedoniae	
2.4.3	29.7.371	Conz	Notification of suits and the publication of rescripts	Ampelius	PUR	
2.10.5	21.8.370		No one to be advocate and judge in the one suit	Olybrius	PUR	
2.12.2.	8.12.364		Cognitors and Procurators	*	*	CJ3.40.2;Brev.2.12.2.;*lost
3.5.9.	13.7.368	Trier	Betrothals and ante nuptial gifts	Probus	PPO	Date, Seeck(1919)
3.7.1.	16.7.371		Marriage and widows under 25 years of age	The Senate	Senators	
3.14.1.	28.12.370,73		Marriages between barbarians and Romans	Theodosius	Mag.Equitum	
4.6.4.	16.8.371	Conz	Natural children and mothers*	Ampelius	PUR	* emendation to 4.6.2-3; 4.4

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
4.12.6	4.4.366	Thyatira	Claudian Decree	Secundus	PPO Orientis	Subscription of inscr. corrupt
4.13.6	29.1.368	Beirut*	Imposts and Forfeitures	Archelaus	CSL (Oriens)	Date, Seeck;CJ 4.61.7; posted
4.13.7.	7.9.374	Mainz	2/3 of tax from a municipality to go to fisc	Constantius	Procon. Africae	
4.17.1	3.12.374	Trier	Judicial decisions to be read from written statements.	Probus	PPO	
4.18.1.	25.4.369	Trier	Property in a suit and the expenses of litigation	Olybrius	PUR	3.1.n.24;CJ 7.51
5.1.2	29.12.368	Constantinople	Statutory Inheritances	Auxonius	PPO(Oriens)	Date, Seeck; Valens
5.7.1.	20.6.366	Reims	Postliminium	Severianus	Dux	Seeck=June 15
5.11.7.	16.1.365	Milan	Mutilated	Mutilated	Mutilated	
5.11.8.	6.8.365	Milan	The tax for taking over deserted fields	Rufinus	PPO	
5.11.9.	364-5*		Auctions of deserted lands	Mamertinus	PPO	Date mutilated
5.13.3.	23.12.364	Milan	Restoration to the fisc of lands granted to temples by Julian	Mamertinus	PPO	
5.13.4.	12.3.368		Provincials purchasing the farms of the privy purse	Florianus	CSL	See CJ 11.62.4
5.15.14	26.5.364		Regarding provisions for deserted lands	Mamertinus	PPO	
5.15.15	29.7.364	Sirmium	Regarding the instability of perpetual lessees	Mamertinus	PPO	
5.15.16.	12.9.364	Aquileia	All deserted lands	Provs.of Byzaciu	Provincials	10.10.9; 11.19.3;12.1.59-60
5.15.17	27.10.364	Rome	All deserted lands	Mamertinus	PPO	
5.15.18	27.2.368		All deserted lands	Florianus	CSL	Mar 12;Feb 26,370,373
5.15.19	28.7.365;368		All deserted Lands	Germanianus	CSL	
5.15.20	19.5.36	Reims	Tax payments and deserted lands	Germanianus	CSL	CJ 11.65.4
5.15.21	368/70;367/9		All Deserted Lands	Auxonius	PPO	

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
5.19.1	27.1.365	East	Inalienability of the fields of coloni	Clearchus	Vic. Asiae	CJ 11.50
6.4.17	19.1.370		Female heirs to undertake inherited duties of their fathers	Olybrius	PUR	
6.4.18	a.365	Milan	Praetors & Quaestors and the exhibitors of games	Volusianus	PUR	Confirms law of Constantine
6.4.18	13.4.372	Antioch	Praetors & Quaestors: chariot races and horses	The Senate	senators	Eastern
6.4.20	8.5.372		Praetors to enter office on the Kalends of July	Clearchus	PUC	Eastern
6.4.21	22.8.372	Nasonacum	Praetors & Quaestors	Bappo	PUR	
6.4.22	9.6.373		Praetors to be nominated for offices 10 years ahead	The Senate	senators	
6.4.23	9.6.373		Honorary consuls and praetors	The Senate	senators	
6.7.1.	5.7.372	Nasonacum	Precedence and seniority	Ampelius	PUR	6.9.1; 11.1, 16.14.1; 6.22.4
6.9.1.	5.7.372	Nasonacum	Who precedes proconsulares	Ampelius	PUR	
6.11.1	5.7.372	Nasonacum	The precedence of the magister scriniorum over vicarii	Ampelius	PUR	
6.14.1.	5.7.372	Nasonacum	Comites rei militaris precede proconsuls	Ampelius	PUR	6.7.1.n.6
6.22.4.	5.7.372	Nasonacum	Honorary Imperial Letters	Ampelius	PUR	
6.24.2	19.8.364;365		The youth of members of the household and imperial guard	Severus	Comes domest.	7.1.11
6.24.3.	19.10.65	Milan?	Household guard	Severus	Comes domest.	Date, Seeck
6.31.1.	19.5.365;8;70;3	Apollonia	Stable Masters	Zosimus	Praes.Epirus Nova	East
6.35.6.	19.9.364	Aquileia	Privileges of imperial service	Artemius	Corr.Luc.et Brut.	
6.35.7.	18.11.367	Trier	Privileges of imperial service, and rank	Praetextatus	PUR	
6.35.8.	30.8.369	Brisiacum	The retirement of palatines	Probus	PPO	
6.37.1.	24/26.5.364	Philippopolis	Equestrians to hold second rank	Mamertinus	PPO	See Seeck

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
7.1.5.	29.4.364	Adrianople	Sons of veterans	Probus	PPO	Seeck, May 13; Appendix iii
7.1.6.	23.4.368, 70.3		The imperial service and the army	Moors Sitifis	provincials	Seeck, 368
7.1.7	31.5.365	Milan	Corrupt promotion methods	Jovius	Mag. equ. et ped.	see 8.1.10
7.1.8	24.9.364	Heraclea	Sons of veterans and army service	Equitius	mag. militum	CJ 11.68.3; Valens
7.1.9.	29.1.367	Reims	The assigning of pack animals	Jovinus	Mag. equitum	
7.1.10	14.2.367	Reims	Those who harbour men fit for military service	Jovinus	Mag. equitum	
7.1.11	24.4.372	Trier	Parents to support supernumeraries until fit for military	Severus	Mag. peditum	
7.4.10	22.4.364	Santichium	Subsistence Allowance for the imperial bodyguard	Symmachus	PUR	cf 7.4.10; 8.5.19; 15.1.11
7.4.11	13.12.364	Trier*	Subsistence Allowances and requisitions	Mamertinus	PPO	*Trestaberne
7.4.12	27.12.364*	Bona Mansio	Subsistence Allowances and the oppression of landowners	Victor	Mag. peditum	*May, 27 364
7.4.13	1.10.365*	Aquileia	Subsistence Allowances and military requisitions	The People		*Sept, 364
7.4.14	Rec.1.12.365	Chalcedon	Subsistence Allowances and river patrol troops	Secundus	PPO	Valens
7.4.15	3.5.369	Marcianopolis	The role of provincials and the subsistence allowance	Auxonius	PPO	CJ 12.37.4; Valens
7.6.1.	8.4.365	Milan	Taxes payable in military clothing	Mamertinus	PPO	
7.6.2.	18.11.368	Marcianopolis	Taxes paid in military clothing to be delivered	Auxonius	PPO	Valens
7.7.1	28.1.368*	Rome*	Pasturage	Germanianus	CSL	Reims, 366, Seeck
7.7.2.	23.9.365		Municipals not to increase rent on imperial estates	Rufinus	PPO	CJ 11.61.1.
7.8.2.	6.5.368	Trier	Quarters	Remigius	MO	CJ 1.9.4; Seeck, 368
7.13.2	31.1.370	Marcianopolis	Rented imperial estates are not to supply recruits	Fortunatianus	CRP	Valens
7.13.3	21.4.367		Height limit set at 5'7" for the army	Magnus	Vic. Romae	cf 7.13.4.

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
7.13.4.	27.4.367		Mutilation to avoid military service	Magnus	Vic. Romae	
7.13.5.	26.4.368,70,73*	Trier	Capital punishment for self mutilation	Viventius	PPO	Seeck, 368
7.13.6	18.9.370	Hieropolis	Vagrants and veterans not to be offered as recruits	Modestus	PPO	Valens
7.13.7	2.6.375	Anitoch	The furnishing of recruits	Modestus	PPO	Valens
7.18.1	26.3.365	Milan	Harbourers of deserters from the army	Hesperius	PPO	CJ 12 45
7.20.8	17.11.364	Rome*	Privileges of veterans	All Provincials	provincials	Received
7.20.9	6.12.366	Verona	Veterans	Dagalaifus	Mag. peditum	
7.20.10	23.12.369	Trier	Veterans	Probus	PPO	
7.20.11	27.1.368*		Veterans to cultivate abandoned lands	Jovinus	Mag. peditum	MSS 370, Jovinus not in office
7.22.7	13.4.65,8,70,73	Beirut*	Sons of veterans must complete military service	Petronius	Patrician	Amm.26.6.7; Valens; rec.
7.22.8.	1.2.372*	Rome	Sons of veterans to be recalled from civil posts to military	Probus	PPO	*received
7.23.1.	6.6.369		Offertory of horses from honorary comites and ex-praesides	Probus	PPO	
8.1.9	16.2.365	Constantinople	Term of service of accountants and secretaries	Clearchus	Vic. Asiae	CJ 12.49.2; Valens
8.1.10	25.5.365	Milan	Fraud of military accountants	Jovinus	Mag. equitum	
8.1.11	12.12.365	Paris	Accountants to assume official cincture	Rufinus	PPO	revokes 8.1.8 (363)
8.2.4.	1.6.370	Trier	Registrars and municipal councils	Artemius	Vic. Hispaniae	
8.3.1.	19.9.364	Aquileia	Privileges of apparitors in service of mag.ped or equ.	Artemius	Corr.Luc et Brut.	CJ 12.54.; CTh 6.35.6.
8.4.8.	13.5.364	Adrianople	Regulations concerning gubernatorial staff	Mamertinus	PPO	
8.4.9.	25.3.368	Trier	Commissary officers	Probus	PPO	
8.4.10	30.3.365	Milan	Regulations on the selling of offices	Dracontius	Vic. Africae	

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
8.4.11	2.10.365?		Privileges for the apparitors of Syria	Festus	Consul. Syriae	CJ 12.57.3;Amm29.2.22
8.4.12	17.5.372		Privileges of legions to go to gubernatorial office staff	Probus	PPO	CJ 12.57.4;12.1.78
8.5.17	14.3.364/65		Public post to have a weight limit of 1000 pounds	Menander	unknown	Seeck,365
8.5.18	13.5.364		Issuing warrants for the public post	Mamertinus	PPO	7.1.5;8.4.8;12.1.8,
8.5.19	23.6.364	Philippopolis	PUR to issue post warrants only in public matters	Symmachus	PUR	Seeck May 24;15.1.11;8.5.19
8.5.20	12.9.364		Post warrants for the imperial largess	Florianus	CRP	confirms 8.5.13 (362)
8.5.21	29.9.364?	Aquileia	Furnishers of wagons are not to pay for wheels	Artemius	Corr Luc.et Brut.	1.16.9;6.35.6;8.3.1
8.5.22	18.2.365		Postal warrants	Volusianus	vicarius?	CJ 12.50.3;Posted?
8.5.23	10.3.365	Milan	Supervisors of heavy transport	Mamertinus	PPO	cf 8.5.65
8.5.24	24.3.356	Milan	Post horses not to be appropriated for carriages	Bulphorus	Cons. Campaniae	
8.5.25	25.3.365	Milan	Turning 500 paces away from direct highway forbidden	Symmachus	PUR	CJ 12.50.5
8.5.26	26.4.365	Milan?	Decurions can be used to supervise heavy transport	Mamertinus	PPO	cf 8.5.23
8.5.27	28.5.365	Milan	A postal warrant necessary to use the public post	Fortunatus	Cons. Pannoniae	
8.5.28	Rec.28.12.368	Sirmium	Public post regulations for Gaul to apply to Illyricum	Probus	PPO	cf. 8.5.17
8.5.29	12.12.368*	Trier	Who may take a supplementary post horse	Domnus	Consul. Siciliae	Posted;7.4.16
8.5.30	23.9.368		Limitation on the size of wagons used in public post	Viventius	PPO	cf 8.5.17;8.5.28
8.5.31	15.8.370	Trier	Remuneration for some officials assigned to the public post	Cataphronius	Vic. Italiae	cf 11.10.2
8.5.32	11.12.371		Senators and public post warrants	Ampelius	PUR	cf 9.16.10
8.5.33	10.7.374	Robor	Proconsuls and public post warrants	Constantius	Procons. Africae	
8.6.1.	25.1.368*	Rome*	No post warrant granted to one discharged from military	Rufinus	PPO	* This date inaccurate

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
8.7.8.	30.1.365	Milan	Ex secretaries to office staff of prefects to adore the purple	Mamertinus	PPO	
8.7.9.	7.4.366	Reims	Compulsory public service of some in the imperial service	Germanianus	PPO	
8.7.10	17.5.369	Complatum*	Imperial and compulsory service	Viventius	PPO	*Seeck =.Confluentes
8.7.11	23.12.371		Debtors and compulsory public service	Severus	Mag. militum	CJ 12.59.1
8.7.12	30.5.372	Nasonacum	No soldier to be dispatched to serve in Byzacium or Tripolis	Julianus	Procons. Africae	
8.7.13	29.6.372		Regarding the office of apparitor	Romanus	Comes Africae	
8.8.1.	21.4.368*	Trier	No Christian to be sued for tax on a Sunday	Florianus	Corr. Venetiae	* 368,370,373
8.11.1.	16.12.364	Constantinople	Annual tribute to be removed from the poorer classes	Eugrammius	unknown	Valens
8.11.2.	11.1.365	Milan	No tribute to be paid on days of public rejoicing	The Provincials	provincials	
8.11.3.	13.2.369*	Milan	No fees must be paid on days of public rejoicing	Mamertinus	PPO	*Seeck,365,despat.by PPO
8.13.5	Aug.366,70,73	Sirmium	Restrictions on purchases and gifts to officials	Probus	PPO	Posted or Re-issued
8.14.1	18.8.367	Ambiani	Circumstances for loss of liberty of ungrateful children	Praetextatus	PUR	
8.15.3.	11.4.364	Constantinople	Purchase of land, houses and slave forbidden to some officials	Jovius	PUC	CJ 8.49
8.15.4	27.6.365		Restrictions on purchases of some officials	Seneca	unknown	cf 1.29.2; 8.5.3
9.1.8	17.11.366	Reims	Criminal accusees	Maximus	Corr. Tusciae	
9.1.9	25.11.366	Reims	Formalities required for criminal accusations	Valerianus*	PUR	*Viventius
9.1.10	9.11.368	Marcianopolis	Right of accusation not to go beyond provincial boundaries	Florianus	CRP	Date & Place disputed
9.1.11	9.11.368	Marcianopolis	Penalties for failing to prove a criminal charge	Florianus	CRP	Valens
9.1.12	12.8.375*	Camuntum	Forbids accused people to accuse others	Laidicus	Praes. Sardiniae	*V.departed for .Gaul .
9.2.2	22.1.365	Milan	Those who can try the accused	Valentinus	Consularis Piceni	

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
9.3.5.	29.6.371*	Conz	Prison registrar to suffer the penalty of an escaper	Probus	PPO	*July,13;CJ 9.4.4
9.3.4.	8.9.365		Formalities required prior to accused going to prison	Valerianus	Vic. Hispaniae	
9.13.1.	30.9.368,70,3		Rights of correction of a near kinsman	The Senate	senators	CJ 9.15.1.
9.14.1	Rec.7.2.374	Rome	Penalties for killing an infant	Probus	PPO	CJ 9.16.7
9.16.7	9.9.364	Heraclea*	Forbids nocturnal sacrifices	Secundus	PPO	*Seeck; Ch.4
9.16.8.	12.12.370	Constantinople	Bans the teaching of astrology	Modestus	PPO	CJ 9.18.8;Valens
9.16.9.	29.5.371	Trier	The difference between divination and magic	The Senate	senators	see Chapter 4; App. ii
9.16.10	6.12.371		Trials for magic are to be conducted by PUR	Ampelius	PUR	
9.19.3	9.6.367;8*	Trier*	Forbids the imitation of imperial letters	Festus	Procon. Africae	At Ambiani to 28.8.367.
9.21.7	11.3.369	Marcianopolis	All gold to be stamped in the public mint	Archelaus	CSL	Valens
9.21.8	21.5.374	Antioch	Counterfeit money: an alteration to 9.21.7	Tatianus	CSL	Valens
9.29.1	23.3.374	Rome*	Penalties for the harbourers of brigands	Simplicius	Vicarius	Received
9.30.1	39.9.364	Altinum	Who can and can not possess horses in areas of Italy	Mamertinus	PPO	
9.30.2	5.10.364	Altinum	The possession of a herd of horses forbidden	Buleforus	Cons .Campaniae	
9.30.3	21.6.365?	Milan	Swine collectors may ride horses in areas of Italy	Rufinus	PPO	
9.30.4	16.12.365*	Milan	The use of horses by palatines	Valentinus	Cons. Piceni	May;V.not in Milan Dec
9.34.7	16.2.365*	Constantinople	Defamatory writings. Precedes 9.34.9			Date Seeck; Valens
9.34.8	9.11.368	Marcianopolis	Protection against defamatory writings	Florianus	CRP	Valens
9.35.1	8.7.369		No exemptions from torture in cases of high treason	Olybrius	PUR	CJ 9.4.1;9.8.4;App.ii
9.35.2	17.9.376		Exemptions from torture applying to decurions and decemprimi	Antonius	PPO	cf CJ 9.41.16



REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
9.37.2	14.10.27	Trier	No annulments possible in cases of treason	Probus	PPO	cf CT 9.42.3; CJ 9.27
9.38.3	5.5.369	Reims?	Release and pardon of prisoners at Easter time	Viventius	PUR	
9.38.4	6.6.370	Trier	Pardon of crimes: content similar to 9.38.3	Olybrius	PUR	
9.38.5	19.5.371	Trier	On the nature of pardons	The Senate	senators	CJ 9.43.3
9.40.5	9.6.364	Nish/Naissus	Persons guilty of lesser crimes to go to breadmaking guilds	Symmachus	PUR	Chapt. 3 iii
9.40.6	11.6.364	Nish/Naissus	Penalties: similar to 9.40.5	Artemius	Corr.Luc et Brut.	
9.40.7	8.10.364	Altinum	Remission from serving in the breadmaking guilds	Artemius		
9.40.8	15.1.365		No Christian is to be sent to the arena	Symmachus	PUR	
9.40.10	8.10.367	Reims	Trials of senators are to be conducted by the senate	Praetextatus	PUR	cf 14.4.4; App. ii
9.40.11	9.4.366		Imperial staff are not to be sent to the arena for punishment	Viventius	PUR	cf 14.4.4
9.42.6	25.11.364	Milan	Children of the condemned may inherit except in treason cases	Symmachus	PUR	CJ 9.49.10
9.42.7.	5.5.369*	Trier	Investigation of the property of condemned persons	Probus	PPO	* Seeck, March
10.1.8	4.2.364*	Milan*	All temples and land to be added to imperial disc	Caesarius	CRP	*Emp's not at Milan now
10.1.9	9.10.365	Milan	Appropriation of state property	Symmachus	PUR	
10.1.10	7.11.364	Hadrumetum	Penalties for defrauding the fisc	Dracontius	Vic. Africae	Date Seeck
10.1.11	25.9.367	Dorostorum	Provisions for the welfare of coloni	Alexandrianus	CRP	
10.3.2	26.6.372*	Trier	Lease of emphyteutic farms forbidden to decurions	Probus	PPO	*Dec., 27
10.4.2.	22.7.365	Milan	Ratifies Julian's law on overseers and procurators*	Severus	Vic. Romae	not extant
10.4.3	4.4.370,73		Coloni and chief tenants	Crescens	Vic. Africae	
10.7.2	22.4.364*	Sirmium*	The Caesarians and the guilds	Mamertinus	PPO	*23.7.364, Sirmium

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
10.9.1	29.3.369		Incorporations handled by the CRP	Florianus	CRP	CJ 10.10.3
10.10.9	12.9.364	Aquileia	Names of informers to be published	Prov.Byzantium	Provincials	cf 5.15.16
10.10.10	4.2.365	Milan	The punishment of informers	Prov.of Africae	Provincials	
10.10.11	11.12.369	Marcianopolis	Petitions, informers etc.	Alexandrianus	CRP	Valens
10.12.1	21.3.368*	Trier	Imperial grant necessary to claim vagrant slaves	Probus	PPO	* Date, Seeck
10.12.2	17.6.368	Trier*	Cases concerning vagrant slaves to go to the provincial governor	Probus	PPO	*Seeck 368,Trier
10.15.4	19.5.367	Reims	Advocates of the Fisc	Rufinus	PPO	
10.16.1	1.9.367,68,70	East	The liability of fiscal debtors	Auxonius	PPO	Valens,367
10.16.2	5.7.369	Noviodunum	Fiscal debtors	Archelaus	CSL	CJ 10.2.4
10.17.1	3(10).11.369	Trier	State Actions in the reclamation of property	Viventius	PPO	CJ 10.3.5
10.17.2	9.3.368*	Marcianopolis	State actions and the property of fiscal debtors	Felix	CSL	CJ 10.3.6:368;Valens
10.19.3.	10.12.365	Paris	Voluntary mining groups	Cresconius	Comes Metallorum	
10.19.4	8.1.367	Reims	Tax on gold	Germanianus	CSL	
10.19.5	30.4.70*	Antioch*	On harbouring miners	Fortunatianus	CRP	CJ11.7.7;370,Marcianopolis
10.19.6	4.6.369	Martiatum	Payment for transporting a miner to Sardinia	Probus	PPO	Date and Place Seeck
10.19.7	19.3.73*	Trier	Thracian workers are not to be harboured: Applies Valens' law	Probus	PPO	* Date, Seeck
10.20.3	28.6.368	Milan	Concubines of imperial weavers	Germanus	Consularis	CJ 11.8.3
10.20.4	13.12.368	Marcianopolis	Purple dye Fish	Auxonius	PPO	CJ 11.8.4;Valens
10.20.5	28.6.371	Trier	The status of wives of collectors of purple dye fish	Philematius	CSL	
10.20.6	27.6.372	East	On harbourers of weavers	Modestus	PPO	Valens

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
10.20.7	21.8.372		Harbourers of imperial weavers	Philematius	CSL	CJ 11.8.5
10.20.8	16.2.374	Antioch	Fines for harbourers of imperial weavers	Tatianus	CSL	Valens;cf 10.20.7
10.21.1	3.7.369	Noviodunum	Purple, woven gold garments reserved for imperial family	Archelaus	CSL	CJ 11.9.1;cf n.4.13.6
10.22.1	11.3.374	Antioch	Decorators of helmets	Tatianus	CSL	Valens
10.24.1	12.3.368	Trier	Forbidden to borrow money from officials of imperial fisc	Probus	PPO	Date, Seeck
11.1.8	13(8?).6.364	Naissus	Taxes in kind & tribute are not to be exacted in gold	Symmachus	PUR	Chapt. 3 iii
11.1.9	6.3.365	?	Provenders throughout Italy	Mamertinus	PPO	Seeck,
11.1.10	17.5.365	Milan	African landowners and duties	Dracontius	Vic. Africae	
11.1.11	17.5.365	Milan	Taxes in kind to be transported to the frontiers	Dracontius	Vic. Africae	CJ 10.16.6; Chap. 3iii
11.1.12	31.7.365	Milan	Slaves and payments to the fisc	Faventius	Vic. Italiae	CJ 11.48.3
11.1.13	18.10.365	Paris	Delinquent taxes of African landowners residing in Rome	Dracontius	Vic. Africae	
11.1.14	1.5.374?	Constantinople	Ownership of land and enrolment on the taxation lists	Modestus	PPO	Seeck,371;Soz.6.18
11.1.15	19.5.366	Reims	Instalment payments of taxes in kind	Probus	PPO	Seeck18.6.367;CIL5,3344
11.1.16	25.10.367	Nicomedia	Fiscal tribute is to be paid in three instalments	Dracontius	Vic. Africae	Seeck Nicom.=Novesia
11.1.17	12.7.371	Conz	Heirs are to assume fiscal burden for unproductive land also	Crescens	Vic. Africae	CJ 11.59.4
11.2.1	21.8.365*	Rome?	Tax receipts for payment in money forbidden	Symmachus	PUR	*Posted
11.2.2	Oct.?23,364	Milan	Tax payments in wine and decrease in price of wine	Symmachus	PUR	Chap. 3 iii; iv
11.4.1	4.4.372	Seleucia	Tax payments through tax accountants forbidden	Modestus	PPO	Valens
11.7.9	13.5.364	Adrianople	Ducenarii forbidden to collect taxes	Dracontius	Vic. Africae	
11.7.10	21.4.368,70,73	Trier	Suing for taxes forbidden on a Sunday	Florianus	Cons. Venetiae	

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
11.7.11	25.5.365	Milan	Governors forbidden from suits pertaining to imperial fisc	Florianus	CRP	
11.10.1	20.2.369	Trier	Unlawful exactions of taxes from provincials	Viventius	PPO	CJ 11.55.2
11.10.2	15.8.370/6		Tavern keepers to escort horses and supplies in towns	Cataphronimus	Vic. Italiae	Odd Recipient
11.11.1	30.9.368	Cologne	Extortion of provincials by governors	Probus	PPO	Date, Seeck/CJ11.55.2
11.12.3	20.2.365	Milan	Tax exemptions for those in the imperial service	Florentius	CSL	CJ 4.61.6
11.14.1	4.4.365*	Milan*	Old supplies to be used first in the state store houses	Volusianus	PUR	CJ 10.26.1; Chap.3 iv
11.16.11	19.3.365	Constantinople	No extra tax levy to be received from patrimonial farms	Secundus	PPO	Valens
11.17.1	30.5.367	Marcianopolis	Tax payments of 23 solidi to be made instead of horses	Alexandrinus	CRP	Valens
11.19.3	12.9.364	Aquileia	Time limit for tax payments	Prov.Byzacium	Provincials	
11.20.2	26.4.364		Fiscal grants are exempt from tax	Mamertinus	PPO	remits 11.20.1
11.21.1	7.4.371	Constantinople	Twice smelted bronze to be withdrawn from circulation	Modestus	PPO	Valens
11.24.2	12.11.370/68	Marcianopolis	Farmers shall not resort to protection	Auxonius	PPO	CTh.p.316
11.26.1	14.5.369		Unjust tax collectors	Artemius	Vic. Hispaniae	
11.29.3	30.12.365/68/70	Trier	Referral of cases to the emperor	Viventius	PPO	CJ 7.61.3
11.29.4.	10.5.369	Trier	Appeals to the emperor must be accompanied by documentation	Apodemius	magistrate	CJ 11.61.3
11.29.5	14.2.374	Rome*	Regulations for appeals to the emperor	Eupraxius	PUR	Posted
11.30.32	4.2?365/4	Milan	A limit of 30 days for lodgement of an appeal	Ordo of Carthage	decurions	Date, Seeck
11.30.33	12.9.364	Aquileia	Penalties for judges who disregard appeals	Dracontius	Vic. Africae	
11.30.34	9.11.364	Milan	Conditions for appeals to the emperor	Symmachus	PUR	
11.30.35	1.8.370/69	Marcianopolis	All documentation of a case to be sent to emperor in an appeal	Modestus	PPO	Date, Seeck

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
11.30.36	14.2.374*		Uncertainties in trials of delinquent tax payers	Eupraxius	PUR	*Posted
11.31.1	15.10.364	Verona	Decision to appeal must be made in three months	Mamertinus	PPO	
11.31.2	16.2.365	Milan	Time limits for renewal of appeals waived if judge is ill	Symmachus	PUR	
11.31.3	19.3.370	Trier	Renewals of appeals and provisions for sickness of judges	Olybrius	PUR	Date, Seeck
11.31.4	19.6.369	Altrip	The time limits for renewals of appeals	Olybrius	PUR	
11.31.5	15.8.373/70*	Altinum	Renewals and appeals and failure to turn up at court	Olybrius	PUR	370 preferable
11.31.6	8.12.370*	Constantinople	Notification of adversary and renewals of appeals	Modestus	PPO	Date, Seeck
11.32.1	3.9.365?		The judges responsibility in cases that have lapsed twice	Volusianus	PUR	Symm10.52.59
11.36.15	4.2.365*	Milan	Rejection of appeals	Ordo of Carthage	Decurions	Date, Seeck
11.36.16	8.10.364	Altinum	Rejection of appeals and fines	Symmachus	PUR	
11.36.17	10.6.365/70/71	Cyzicus	The appeals of an apparitor	Modestus	PPO	CJ 7.65.3
11.36.18	20.12.364	Milan	Reasons for rejecting the right to appeal	Symmachus	PUR	Date Seeck
11.36.19	18.8.368/70	Rome*	No appeal allowed for cases of proven public or private debt	Olybrius	PUR	*Posted
11.36.20	8.7.369		Appeals in ecclesiastical courts	Claudius	Procons. Africae	CJ 1.4.2;
11.36.21	14.2.374*		Delinquent tax payers are not allowed to appeal	Eupraxius	PUR	Posted
11.36.22	21.5.374	Trier	Rejection of Appeals	Claudius	Procons. Africae	
11.39.6	14.3.369	Trier	The refutation or proof of written documents	Olybrius	PUR	
12.1.57	7.5.364		Decurions are not to be adlected to the senate	Mamertinus	PPO	
12.1.59	12.9.364	Aquileia	Requirements for a decurion joining the clericate	Prov.Byzacium	Provincials	Repeals 12.1.60; Jul.Ep11
12.1.60	12.9.364	Aquileia	Civil priests and decurions not to go outside municipal boundaries	Prov.Byzacium	Provincials	CJ 10.32.25

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
12.1.61	28.10.364		Chief decurions of Bolsena	Terentius	Corr. Tusciae	
12.1.62	10.12.364	Milan	Decurions forbidden from entering guilds	Symmachus	PUR	
12.1.63	1.1.370/73	Beruit*	Decurions and the evasion of duties	Modestus	PPO	CJ10.32.26*Received
12.1.64	23.4.368	Trier	The hereditary duties of decurions	Moors of Sitifis	Provincials	Date, Seeck; CJ 10.32.27
12.1.65	28.5.365	Milan	All decurions must fulfil their duties	Terentius	Corr. Tusciae	
12.1.66	21.6.365	Milan	Decurions whose conduct is questionable	Rufinus	PPO	
12.1.67	28.6.365	Milan	Only palatines are exempt from municipal service	Volusianus	PUR	CJ10.32.28; cf 1.6.5.
12.1.68	6.10.364?	Verona	Regarding the ruin of the senate of Avellino	Severus	Vic. Romae	
12.1.69	6.10.365		Adlected municipals to senate must perform municipal duties	Auxonius	Vic. Asiae	Date, Seeck; Valens
12.1.70	30.1.365	Milan*	Honours attained through patronage by tax receivers	Mamertinus	PPO	*Seeck
12.1.71	5.5.370	Trier	Evasion of compulsory public service	Amphilocius/Sop	Conss.Camp./Pic.	
12.1.72	5.5.370	Trier	Purchase of farms and compulsory municipal service	Olybrius	Corr. Tusciae	
12.1.73	30.11.373	Trier	Evasion of municipal duties by entering the senate	Symmachus	Procons. Africae	
12.1.74	1.3.371	Constantinople	The inherited duties of decurions	Modestus	PPO	Valens
12.1.75	28.6.371	Trier	Honours for ex-chief decurions and civil priests	Viventius	PPO	
12.1.76	13.7.371	Ancyra	Harbourers of runaway decurions	Modestus	PPO	CJ10.32.31; Valens
12.1.77	24.2.372	Trier	Municipals must discharge compulsory duties prior to a governorship	Probus	Vic. Romae	Seeck, Feb 23
12.1.78	16/17.5.372	Pettau*	Sons of veterans must discharge compulsory municipal duties	Probus	PPO	*Posted
12.1.79	3.12.375	Antioch	Transferral of sons of municipals from Osroena to Edessa	Modestus	PPO	Val; 12.57.5; CJ12.1.105
12.6.4	18.6(4).365		Length of tenure for tax receivers of clothing in Africa	Mamertinus	PPO	7.6.1; 12.6.31

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
12.6.5	2.11.365	Caesarea	Appointment of tax receivers and provosts Especially. in Cilicia	Secundus	PPO	Valens
12.6.6.	18.7(4).365	Milan	Appointment of tax receivers	Mamertinus	PPO	CJ 12.54.2
12.6.7	4.8.364	Sirmium	The appointment of tax receivers	Mamertinus	PPO	Date Seeck
12.6.8	30.7.365	Constantinople	Appointment of tax receivers and provosts	Secundus	PPO	Valens: cf 12.6.1
12.6.9	31.8.365/68*	Constantinople	Appointment of tax receivers in Illyricum and Africa	Dracontius	Vic. Africae	cf10.1.10;Posted
12.6.10	31.10.365(64)		Tax receivers and delinquent tax accounts	Mamertinus	PPO	CJ 10.72.3
12.6.11	17.9.366;65	Mantebrum	Duration of service for a tax receiver	Florentius	CSL	
12.6.12	10.11.366		Collection of taxes in solidi to be melted into a mass of pure gold	Rufinus	PPO	Chapt. 3 iii
12.6.13	8.1.367	Rome?*	The relative value of gold and solidi	Germanianus	CSL	*Reims;CJ10.72.5
12.6.14	25.8.367	Dorostalum	Delinquent taxes	Alexandrianus	CRP	cf 10.1.11;Valens
12.6.15	7.1.369*	Savaria*	Taxes in kind to be paid in three instalments	Probus	PPO	*Posted; Chap. 3 iji
12.6.16	9.4.375	Trier	Fiscal grain only to be placed in fiscal storehouses	Chilo	Procons. Africae	CJ 10.72.6
12.7.3	4.8.367	Nemasia*	On inspecting the purity of gold	Dracontius	Vic. Africae	*Nemetacum
12.10.1	18.11.364	Milan	Prefectural apparitors and corruption in the provinces	Zosimus	Praes.Epir.Nov.	CJ 12.52.2;Date, Seeck
2.12.3	30.5.364	Serdica	Official method for provincial petitions to the emperor	Mamertinus	PPO	
12.12.4	7.9.364	Aquileia	Provincials must first present petitions to the emperor to the PPO	Mamertinus	PPO	CJ 10.65.5
12.12.5.	28.12.368		Some conditions for delegations of barbarians	Victor	Dux Aegypti	Valens
12.12.6	2.2.369	Trier	Transport for delegations	Claudius	Procons. Africae	
12.13.2	28.8.364	Emona	Landowners to assume payment of crown gold or glebal tax	Mamertinus	PPO	
12.13.3	23.6.368*	Savaria	No person is liable to pay crown gold except decurions	Probus	PPO	Posted; LRE 1176

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
12.18.1	10.5.367	Marcianopolis	Decurions are not to desert their city for the country	Tatianus	Praef. Aegypti	Valens
13.1.5	17(20).4.364	Constantinople	On payment of the lustral tax	Secundus	PPO	Seeck, April 17
13.1.6	8.9.364		All merchants, regardless of rank or religion, liable for lustral tax	Florentius	CSL	Chapt. 3 iii
13.1.7	1.4.369*	Carthage	Payment of the lustral Tax	Probus	PPO	*Posted
13.1.8.	26.4.370	Trier	Who must pay the lustral tax	Claudius	Procons. Africae	
13.1.9	30.6.372*	Beirut	All merchants and tradesmen must pay the lustral tax	Leontius	Cons. Phoen.	Valens
13.1.10	5.2.374	Milan*	Coloni and manual labourers exempt from the lustral tax	Italicus	Vic. Italiae	*V. not at Milan now
13.3.6	11.1.364		The establishment of auditoriums	Mamertinus	PPO	
13.3.7	19.1.369*	Sirmium	All men masquerading as philosophers to be returned to municipality	Probus	PPO	*Posted
13.3.8	30.1.370/368		Appointment of chief physicians to city districts	Praetextatus	PUR	368
13.3.9	10.3.370		Promotion to the position of chief physician	Olybrius	PUR	
13.3.10	29.4.370/73		Physicians and teachers in Rome exempt from public burdens	Principius*	PUR	*Praetextatus?
13.4.4	20.6.374	Trier	Tax exemptions given to freeborn professors of painting	Chilo	Vic. Africae*	*Procon. CJ 10.66
13.5.10	8.3(5).364	Adrianople	Privileges for African ship masters conveying wood	Ampelius	Procons. Africae	March correct
13.5.11	11.1.365	Milan	Compulsory service of shipmasters	Symmachus	PUR	
13.5.12	14.5.369	Trier	Compulsory service of shipmasters	Demetrianus	Pref. ann. Africae	
13.5.13	2.12.369	Trier	Obligations of boatmen and shipmasters	Olybrius	PUR	
13.5.14	11.2.371	Constantinople	The guild of shipmasters in the east	Modestus	PPO	Valens
13.6.2	11.6(1).365	Milan	Patrimonies of shipmasters are to remain in the guild	Symmachus	PUR	Chapt 3 iii; iv
13.6.3.	31.7.370	Worms	The rights of shipmasters	Musiphilus	Vic. Africae	Date, Seeck



REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
13.6.4	28.4.367	Reims	Property of shipmasters must remain in guild	Dracontius		
13.6.5	29.9.367		Those who possess the property of a shipmaster must assume his duties	Aurelianus	Praef. annonae	CJ 11.3.1
13.6.6	7.4.372	Trier	Those who possess property of a shipmaster to assume duties	Prov.Africae	Provincials	
13.6.7.	3.8.375		Those who possess property of a shipmaster to assume duties	Chilo	Procons. Africae	cf.13.4.4;CJ11.3.2
13.9.1.	5.6.372	Beirut*	Compensation for shipwrecks	Modestus	PPO	*Posted;CJ11.5;Valens
13.9.2	372-5*	Aquileia	Witnesses and requirements for compensation because of a storm	Demetrianus	Praef. annonae	*Received
13.10.4	22.11.368/70		Those exempt from the plebeian capitation tax	Viventius	PPO	
13.10.5	3.6.367	Reims	Time limits for appeals against tax collection oppression	Florentius	PPO	
13.10.6	30.3.370	Trier	Those exempt from the plebeian capitation tax	Viventius	PPO	
13.10.7	16.1.371	Constantinople	Formalities required for a revision of the tax assessment	Modestus	PPO	Valens
14.2.1	1.6(5).364	Bona Mansio	Confirms privileges for the guilds at Rome	Symmachus	PUR	
14.3.3	2.6.364	Nish	No senator or apparitor to purchase the estates of breadmakers	Symmachus	PUR	Chapt. 3 iv
14.3.4	6(8).6.364	Nish	Adlected breadmakers must leave a substitute in the guild	Symmachus	PUR	Chapt 3 iv
14.3.5	8.1(6).364	Nish	Sons of breadmakers to assume inherited duties at age 20	Symmachus	PUR	Chapt. 3 iv
14.3.6.	8.1(6).364	Nish?	No exemptions for bakers by subterfuge	Symmachus	PUR	Chapt. 3 iv
14.3.7	8.10.367	Altinum?	The chief breadmaker only has to serve for 5 years	Viventius	PUR	Seeck;364 doubtful
14.3.8	15.1.365	Milan	Breadmakers forbidden to transfer factories or leave the guild	Symmachus	PUR	Chapt 3 iv
14.3.9	30.3.368/70	Trier	Freedmen exempt from the pack-animal drivers if he has 30pds silver	Olybrius	PUR	
14.3.10	6.7.3670		The service of freedmen in guilds	Olybrius	PUR	
14.3.11	27.9.364/5	Aquileia*	No refuge in a church allowed to runaway breadmakers	Symmachus	PUR	*Seeck

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
14.3.12	1.12.370	Trier	Breadmakers and the lustrum	Claudius	Procons. Africae	Date, Seeck.
14.3.13	1.6(1).369	Trier	Ownership of property of the guild of breadmakers	Olybrius	PUR	
14.3.14	23.2.372	Trier	Obligations of the daughters of breadmakers	Ursicinus	Praef. annonae	Seeck;Feb,22
14.4.4	8.10.367	Reims*	Compensation to swine collectors	Praetextatus	PUR	CIL 6.1771;V.not at R
14.5.1	3.4.3670	Trier	Supervisors of Baths	Olybrius	PUR	Date Seeck
14.6.2	8.6.364	Nish	Exemptions for limeburners	Symmachus	PUR	
14.6.3	6.8.365	Milan	Lime supply for Rome	Volusianus	PUR	
14.8.2	28.1.369	Trier	No member of the guild of ragmen are to serve on municipal councils	Olybrius	PUR	
14.9.1	12.3.370	Trier	Students in the city of Rome	Olybrius	PUR	
14.9.2	8.5.372		Employment of librarian copyists	Clearchus	PUC	Valens
14.13.1	4.7.373	Hieropolis	Renewal of Italian rights for Constantinople	Clearchus	PUC	Date Seeck; Valens
14.15.1	10(8).7(6).364	Nish	Only unspoiled grain to go to breadmakers	Symmachus	PUR	Chapt. 3 iv
14.15.2	14.6.366	Reims	Inspection of the quality of grain	Julianus	Praef. annonae	CJ 11.23.1
14.17.1	27.3.364		On fraudulent use of bread rations	Jovinus	PUR	Chapt. 3 iv
14.17.2	9.12(6).364*	Nish	Regulation of step bread	Mamertinus	PPO	*V.at Nish June
14.17.3	5(4).4.368?		All persons to receive step bread from the steps	Maximinus	Praef. annonae	Chapt. 3 iv
14.17.4	4.4.368(65)*		All doles are to be made publicly not privately	Mamertinus	PPO	*365 preferable
14.17.5	1.8.369*	Rome*	Amount and quality of bread to be distributed	The People	Provincial	*Posted; Chapt. 3 iv
14.17.6	19.3.370	Trier	Who is entitled to receive step bread	Maximinus	Praef. annonae	Chapt. 3 iv
14.17.7	24(8).4(5).372		Forbidding the sale of food rations	Clearchus	PUC	Valens; Chapt 3 iv

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
14.21.1	8.10.364	Altinum	Statutory public service of Tiber boatmen	Symmachus	PUR	CJ 11.27.1
14.22.1	8.6.364	Nish	Private importation through the port of Rome	Symmachus	PUR	
15.1.11	25(24).5.364	Philippopolis	Imperial approval necessary for new buildings	Symmachus	PUR	Seeck May 24
15.1.12	8.6.364	Nish	Public storehouses and the storage of grain	Symmachus	PUR	Chapt 3 iv
15.1.13	19.6.364/65	Milan	The repair of towers on the frontier	Teutomeres	Dux Daciae Rip.	V.not in Milan 364; Chapt 6 i
15.1.14	1.1.365	Milan	Old structures to be restored prior to new ones being built	Mamertinus	PPO	
15.1.15	16.2.365	Milan	Enforcing 15.1.14	Dracontius	Vic. Africae	
15.1.16	15.3.365*	Senigallia	The restoration of old buildings	Mamertinus	PPO	*Posted
15.1.17	6.10.365		Materials can be granted for restoration work, not money	Valentinus	Cons. Piceni	
15.1.18	26.1.374*	Sirmium	Provincial governors to undertake municipal public works	Probus	PPO	*Posted
15.2.2	30.10.369/70	Antioch	Unlawful tapping of the water supply to Palace at Daphne	Fortunatianus	CRP	Date, Seeck; CJ11,43.1
15.5.1	25.4.372	Trier	Production of spectacles controlled by whoever pays for them	Probus	PPO	
15.7.1	11.2.367	Trier	Actors who have taken the sacrament can not be recalled to the stage	Viventius	PPO/PUR?	Seeck,371; Viv.PUR 367
15.7.2	6.9.371	Mainz	Actors	Julianus	Procons. Africae	
15.10.1	1.1.371		Ex chariot horses	Ampelius	PUR	
15.15.1.	5.10.364	Altinum	No persons has the right to employ any weapons	Bulephorus	Cons.Campaniae	
16.1.1.	17.11.365;64	Milan	No Christian is to be custodian of a temple	Symmachus	PUR	364 preferable; Chapt.5
16.2.17	10(12).9.364		Wealthy plebeians forbidden to be clerics	Prov.Byzacium	Provincials	
16.2.18	17.2.370	Trier	Confirms Constantius' regulations	Claudius	Procons.Africae	
16.2.19	17.10.370	Hierapolis	Decurions only exempt from service if in the clergy for 10 years	Modestus	PPO	

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
16.2.20	30.7.370*	Rome*	Protection of rich widows and female wards from some ecclesiastics	Damasus	Bishop of Rome	Chapt. 5
16.2.21	17.5.371	Trier	Clerics exempt from municipal service if joined church before 364	Ampelius	PUR	Chapt. 5
16.2.22	1.12.372	Trier	Extension of 16.2.20	Paulinus	Praes.Epir. Nov.	
16.5.3	2.3.372	Trier	Assemblies of Manichaeans forbidden	Ampelius	PUR	Chapt. 5
16.6.1	20.2.373	Trier	Bishops forbidden to practice re-baptism	Julianus	Proconsul Africae	CJ 1.6.1.
<b>Codex Justinianus</b>						
1.19.5	17.9.365	Rome*	Petitions rejected by praetorian prefects not to be resubmitted	Volusianus	PPO*	Posted; PUR
1.33.1	27.12.368		Comes rei privatae to investigate amount owing to fisc	Honoratus	Consularis Byzacii	
1.56.2	20.12.366		Municipal magistrates have the power to draw up public decrees	Germanianus	CSL	
2.6.7	1.3.370	Trier	In litigation each party must have equal representation	Olybrius	PUR	Seeck, Feb 20
4.41.1	28.5.368*		Transportation of wine, oil and other liquids forbidden to barbarians	Theodotus*	magister militum	Date Seeck, Theodosius
4.63.2	21.5.374*	Antioch	On no account should gold be traded with the barbarians	Tatianus	CSL	cf CTh. 9.21.8; Chapt. 3 iii
6.1.7	12.4.366		Penalties for concealing fiscal slaves	Felix	consul. Maced.	MSS 371; Seeck 366
6.4.2	13.10.367	Trier	Conditions relating to the marriage of freedmen to imperial slaves	Florianus	CRP	
6.22.7	7.7.371	Contionacum	The right of emperor and empress to make their own wills	Maximus*	PPO	Maximinus
7.38.1	366		Restoration of imperial slaves and coloni	Probus	PPO*	*Galliarum
7.39.2	28.6.365	Milan	Conditions for the lessees of land after forty years	Volusianus	PUR	
7.44.2	21.1.371		Proper consideration must be given by judges to cases	Probus	PPO	
8.51.2	5.3.374		Penalty for abandoning children	Probus	PPO	

REF	DATE	PLACE	SUBJECT	RECIPIENT	RANK	OTHER
10.26.2	25.8.364	Arles	Stores in public store houses	Artemius	Corr.Luc.et Brut.*	cf CTh. 8.3.1
10.32.29	13.10.365		Child born to parents in imperial house. follow condition of mother	Germanianus	PPO	
11.48.5	13.10.365		Census of farmers and coloni and payment of tax	Orcius	Praes. Tripol.	date Seeck
11.48.6	13.10.365		All persons to return to birth place for census	Germanianus	PPO	dated Seeck
11.48.7	13.7.371.		Coloni, attached to the land, cannot be sold separately	Maximinus*	PPO	MSS= Maximus
11.48.8	13.7.371		Regarding fugitive coloni	Probus	PPO	Dated Seeck
11.63.2	19.4.367		Slaves attached to imperial palace of emphyteutic leases	Germanianus	CSL	
11.68.3	26.4.370		Imperial slaves, coloni and their children must remain so attached	Equitius	mag. equit.et ped.	MSS Constantine, Seeck
11.75.2	26.4.370		Exemption for the imperial household and imperial land.	Claudius	Proconsul Africae	Dated Seeck
12.73.4	3.5.369		Provinces adjacent to frontiers must provide 1/3 of provisions	Auxonius	PPO	Dated Seeck; Chapt 3 iii

**APPENDIX VII**  
**A DATED ALBUM OF THE CIVIL AND MILITARY PERSONNEL**

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Aburigijs	v.c	?	East?	E	371 - 378	CRP or QSP	PPO Orientis ? 378					
Acacius	v.c.	P?	unknown	E	361 - 365	praes? Phrygiae a.361	cons.? Galatiae 361-2					
Acontius		?	East ?	E	360 - 365	rheto ante 365	gubernator ? ante 365					
Aelianus		?	unknown	E	364/378	cons. Syriae						
Minucius Aetherius	v.c.	?	unknown	E	c. 367	urban office ante 367						
Africanus	?	?	Rome?	W	c.370	advocate in Rome	gubernator c.370					
<del>Agasilus</del> Aedisius	v.c.	P	Africa?	W	ante 355 - 376	barrister Africa & Court	mag. libell. et cogn.	vic. Hispaniae 355/76				
Agilo		?	Alemann	W	354 - 362	tribunus stabuli	trib. scut.et gent. 360					
Aginatus	v.c. noble	P	Rome	W	363 - 370	cons. Byzacena 363	vic. urbis Romae 368-70	Served Procopius				
Caecina Albinus	v.c. noble?	P?	Rome?	W	364/367	cons. Numidia 364/7						

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Alexander	?	?	East?	E	364-5	agens in rebus						
Alexandrianus	?	?	East?	E	367-9	CRP						
Antonius Alypius	v.c.	?	East	E	c.365	cons. Palestinae						
Antonius Alypius	v.c.	?	unknown	W	364/7	cons. Daciae Med.						
Faltonius Probus Alypius	v.c. noble	P?	Rome?	W	c.378 - 391	vic. urbis Romae? 378	PUR 391					
Ambrosius		C	Italy?	W	c.374	cons. Aemiliae et Lig.	Bishop of Milan					
Ammianus		?	unknown	E	c.360	agens in rebus						
Ammianus		?	East?	E	c.365	assessor ducentii?	praeses Euphratensis					
Publius Ampelius	v.c.?	P?	Antioch	W	358?- 372	MO circa 358	procon. Achaiae 359/60	procon. Africae 364	PUR 371-2			
Amphilochius		?	unknown	W	c.370	cons. Campaniae						
Anatolius	v.c.	?	Italy	W	c.365	cons. (Italy) 365						
Anatolius	?	?	East	W	c.371	palatinus 371						
Andronicus	?	?	East	E	c.372	praes. Armeniae 372						
Antistuanus	?	?	unknown	W	?	defensor						
Fl. Claudius Antonius	v.c.	?	unknown	W	370 - 382	mag. scrinii 370/3	QSP 370/3	PPO Gall. 376?-7	PPO Italiae 377-8	consul 382		
Andronicus	non-noble	P	Constantinople	E	360 - 366	praes? Phoenices 360 -1	praes? Bythiniae 365	praes? Thraciae 366	Procopian			
Antipater	non-noble	?	East	E	c.373 - 4	praes? Cappadociae 373-4						
Aphobius	?	C	East	E	c.365	praes? Palestinae						
Apodemius	?	?	unknown	W	369	magistrate						
Arator	?	?	unknown	W	c.369	dux 369						
Araxius	?	P?	East?	E	Procopian	PPO Orientis						

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Arcadius	?	?	East	E	359/64	CRP 359/64						
Archelaus	?	P?	East	E	c.369	CSL						
Flavius Arinthaecus	non-noble	C	Goth?	E	355-372	tribune 355	CRM? 363-4	mag .peditum 366-78	consul 372			
Fl.Fursidius Aristides	v.c.	?	East?	E	372/6	cons. Cretae 372/6						
Marius Artemius	v.c.	?	West (Italy?)	W	364-370	corr. Luc. et Brutt. 364	con.Tus.et Umb.post 366					
Beitius Perpetuus Arzygius	v.c.	?	Africa?	W	c.366	cons.Tusc.et Umb. post 360						
Pontius Asclepiodotus	v.p.	?	unknown	W	c.377	praes. Alpius						
Atarbius	?	?	Galatia	E	362-4	praes. Euphrat. 362-3	praes? Macedoniae 364					
Pontius Atticus	v.c. noble	P	Italy?	W	c.374	corr. Lucan. et Brutt. 374						
Claudius Avitianus	?	?	West	W	362-3	vic.Africae 362-3						
Augustianus	v.c.	?	unknown	W	c.365/7	comes ord. prim.	dux Valeriae 365/7					
Aurelianus	?	?	unknown	W	c.367	praef.annonae						
Decius Magnus Ausonius	non-noble	C?	Gaul	W	375-379	comes et quaestor 375-6	PPO Gall. 377-8	PPO Gall. It. et Af. 378-9	consul 379			
Auxonius	?	?	unknown	E	362-369	corr. Tusciae 362	vicarius Asiae 366	PPO Orientis 367-9				
Bappo	non-noble	?	Frank?	W	c.372	PUR 372						
Bassianus	noble?	C	East	E	c.371	notarius 371/2						
Tarracius Bassus	senator	P?	Rome?	W	c.374	PUR post 374						
Bonosus	?	?	?	W?	359/61	agens in rebus						
Brasidas	?	?	Cyrrhus	E	c.366	notarius 366						
Bulephorus	?	?	unknown	W	364-5	cons. Campaniae 364-5						
C.Hermogenianus Caesarius	noble	P	Rome?	W	c.374	procon. Africae ante 374	PUR 374					



NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Caecilius Censorius	v.c. noble	?	Italy?	W	375/8	cons. Numidia						
Caesarius	non-noble	?	West	W	c.374	servant of Remigius	notarius 374/5					
Caesarius	?	?	Cilicia?	E	362-365	vic. Asiae 362-3	CRP 363-4	PUC 365	Imprisoned			
Caesarius	?	C	Cappadocia	E	368	comes thesaurorum Byth.						
Celsus		?	Antioch	E	362-c.365	praes. Ciliciae 362	cons. Syriae 363-4	office in Const. 365				
Cerealis	?	?	Pannonia	W	c.369/75	tribunus stabuli 369?						
Charietto	?	?	Barbarian	W	c.365	comes utram.German						
Chilo	?	?	unknown	W	368-75	vicarius ante 368	procons. Africae 375					
Civilis	?	?	unknown	W	c.368	vic. Britanniarum						
Petronius Claudius	noble?	?	Italy?	W	368-70	procons. Africae 368-70						
Clearchus	?	P	Epirus Vetus	E	ante372-384	unknown posts 359-60	vic. Asiae 363-6	procon.Asiae 366-7	PUC 372-3	PUC 382-84	consul 384	
Constantius	?	?	Pannonia?	W	363-369	tribunus 363	tribunus stabuli 369					
Crescens	?	?	unknown	W	371-3	vicarius Africae 371-3						
Lucilius Constantius	adlected	?	unknown	W	c.366	praes. Maur.et Tingit.						
Paulus Constantius	?	C	unknown	W	c.374	procon. Africae 374						
Cresconius	?	?	unknown	W	365	comes metallorum						
Dagalaifus	non-noble	P	German	W	361-6	comes domest. 361-3	mag. equitum 363-4	mag. ped .Gall. 364-6	consul 366			
Danielus	?	?	East?	E	c.374	CRM? 374						
Decentius	?	P	unknown	E	360-64	tribunus et notarius 360	MO 364-5					
Demetrianus	?	?	unknown	W	369-72	praef.annonae Africae						
Demosthenes	?	C	East	W	375/6	vic. Ponticae 375/6						

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Demosthenes	?	?	unknown	E	c.370	castrensianus						
Diocles	?	?	Pannonia	W	ante 375	CSL ante 375	Executed 364/375					
Diodorus	?	C?	unknown	W	M1V	agens in rebus	Executed 364/375					
Diogenes	?	?	East?	E		praes? Bithyniae						
Domitianus	non-noble	?	unknown	E	364-5	praes. Euphatensis						
Fl. Antonius Domitianus	v.c.adlected?	?	unknown	E	370-1	praes.Thebaidis						
Domitius	?	?	Antioch	E	357-post 364	assessor to Anatolius 357	comes Orientis? post 364					
Domninus	sen. Con.	?	Syria	E	ante 364-5	advocate ante 364	cons. Phoenices 364-5					
Domnus	v.c.	?	unknown	W	c.368	cons. Siciliae 368						
Doryphorianus	non-noble	?	Gaul	W	375/6	vic.urbis Romae	Executed under Gratian					
Antonius Dracontius	v.c.	?	unknown	W	364-7	vicarius Africae						
Dulcitius	?	?	unknown	W	368/9	dux Britanniorum						
Equitius	?	?	unknown	E	c.378	trib.et cura palatii						
Flavius Equitius	?	?	Pannonia	W	364-75	trib. sch. prim. scut. 364	CRM Illyrici 364-5	mag. mil. Illyr. 365-75	consul 374			
Eugrammius	?	?	unknown	?	364	vicarius						
Euphrasius	?	?	Gaul	E	Procopian	MO	Tried and acquitted					
Flavius Eupraxius	?	?	Mauret. Caesar.	W	376-374	mag. memoriae 367	QSP 367-70	PUR 374				
Eusebius	?	?	unknown	E	370/9	vicarius Ponticae						
G.Valerius Eusebius	v.c.	?	unknown	E	364/75	comes Orientis						
Euserius	?	?	East?	E	ante 371	vicarius Asiae	Executed at Antioch					
Eustochius	v.c.	?	unknown	W	c.365	consularis aquarum						

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Eutolmius	?	?	East	E	c.365	rhetor pre 365	rector? 365					
Domitius Eutropius	v.c.	?	unknown	W	367/75	praeses Ciliciae						
Eutropius	?	P	Bordeaux	E/W	ante 361-387	mag. epist. ante 361	mag. mem. 369 (oriens)	procon. Asiae 371/2	PPO Illyrici 380-1	consul 387		
Flavius Eutychius	v.c.	?	unknown	E	c.373	praeses Thebaidis						
Evagrius	?	C	Antioch	E	c.364	gubernator	superior post					
Ulpianus Egnatius Faventius	v.c.	P	unknown	W	363-c.367	legatus Numidia 363	cons. Numidia 364/7					
Faventius	?	?	unknown	W	365	vicarius Italiae						
Faustinus	?	P?	unknown	W	c.375	notarius	Executed 375					
Sempronius Faustus	v.c.	?	unknown	W	375/8	praef. annonae						
Felix	?	?	unknown	E	c.370	CSL						
Felix	?	?	unknown	E	365-6	cons. Macedoniae						
Festus	non-noble	C	Raetia	E	365-78	barrister	cons. Syriae 365/68	mag. memoriae	procon. Asiae 372-8			
Postumius Rufius Festus	v.c.	P	Volsinii	W	MTV	procons. Achaiae	procons. Africae					
Fidustius	?	P?	East	E	ante 371	praeses	Accused at Antioch					
Flavianus	?	?	Illyricum	E	ante 364-366	praeses Aegypti .a.364	praef. Aegypti 364-6			PPO Italiae 393-4		
V. Nicomachus Flavianus	v.c.noble	P	Rome	W	364-394	cons. Syriae 364/5	vic. Africae 377	QSP 389/90	PPO Italiae 390-2			
Florentinus	non-noble?	?	Trier	W	379-397	notarius 379/80	CSL 385-6	PUR 395-7				
Florentius	?	?	unknown	W	c.372	dux Germaniae						
Florentius	?	?	unknown	W	364-67	CSL 364-5	PPO Galliarum 367					
Florianus	?	?	unknown	W	368/73	cons. Venetiae						
Florianus	?	?	unknown	W	364-68	CRP 364-5						

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Fortunatianus	?	P	unknown	E	370-77	CRP						
Fortunatus	?	?	unknown	W	c.365	cons. Pann. Secundae						
Foscanus	?	?	unknown	W	371-2	praep. leg. prim. Martiorum						
Fullofaudes	?	?	Barbarian?	W	c.367	dux Britanniarum						
Gaudentius	?	?	Pannonia	W	c.365	scutarius						
Cornelius Gaudentius	v.p.	?	Gaul?	W	ante 373	comes	corrector Ven.et Hist.					
Gemellus	?	?	East	E	c.364	praes?						
Germanianus	?	?	unknown	W	365-7	CSL						
Decimus Germanianus	v.c.	?	unknown	W	c.355-366	cons. Baet. sub Const.	vice PPO 361?	PPO Gall. 362-6				
Germanus	?	?	unknown	W	c.365	consularis						
Gessius	?	?	Egypt	E	c.365	notar.or agens in rebus						
Gomoarius	?	?	unknown	W/E	350-366	trib. sch. scut. 350	mag. equ. Gall. 360-1	Procopian	Deserted to Valens			
Proculus Gregorius	v.c.	?	unknown	W	377-383	praef. annonae.377	QSP? 379?	PPO Gall. 383				
Helias	?	?	East	E	c.372	praes.Cappadociae						
Heliodorus	?	P	East	E	c.371	praep.cubicularii						
Hellenius	?	C	Armenia	E	c.372	praequator 372	praes. Cappad. Secund.					
Helpidius	?	P	Antioch?	E	355-364	post at Court 355	At Court 358-9	procon. Asiae? 364	Procopian			
Helpidius	?	C?	East	E	post 371	praes? Cappadociae						
Fl.Heraclius	v.c.	?	unknown	E	c.368	praes.Thebaidis						
Hermogenes	?	?	unknown	W	c.369	dux (Rhine)						
Dec.Hilarianus Hesperius	v.c.non-noble	?	Gaul	W	376-380	procon. Africae 376-7	PPO Galliarum 378	PPO Italiae et Gall. 378-9	PPO It. et Afr. 379-80			

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Hierius	?	P	unknown	E	360-4	gubernator. ante 360	praef. Aegypti 364					
Hilarius	?	?	unknown	E	365	praes.? Pamphyliae						
Hilarius	?	P	Phrygia	E	ante 371-2	soothsayer	palatine Office	Executed 371/2				
Himerius	?	?	unknown	E	c.378	MO						
Honoratus	?	?	unknown	W	c. 368	cons. Byzacii						
Hormisdas	?	?	Persian	E	c.366-83	procon. Asiae	Procopian	CRM?c.383				
Julius Festus Hymetius	v.c.noble	P	Rome?	W	355-68	cor.Tusc. et Umb.ante 355	praetor urbis c.355	cons. Campaniae. 350s	vic.urbis Romae 362	procon. Africa 366-8	Exiled 370/1	
Hypatius	?	?	Thessalonica	W	c.363	vic. urbis Romae						
Tanaucius Isfalangius	non-noble	?	unknown	W	c.368-c.375	cons. Baeticae 368/71	PUR? 372/75					
Italicus	?	?	unknown	W	c.374	vicarius Italiae						
Jovius	?	?	unknown	E	361-64	QSP 361-2	PUC 364					
Jovinus	?	?	East	E	357-65	influential at Court	CSL or CRP 364-65					
Flavius Jovinus	?	C	Gaul	W	361-9	mag.equitem 361-9	consul 367					
Julianus	?	?	unknown	E	362-4	cons. Phoenices 362	comes Orientis 364					
Julianus	?	C	East	E	c.374/5	gubernator ante 374/5	praequator Capp.					
Julianus	?	?	unknown	W	366	praef. annonae						
P. Pub.Ceionius Julianus	v.c.	?	unknown	W	ante 370	corr.Tusciae et Umbriae						
Julius Eubulius Julianus	v.c.	?	unknown	E	c.372	praes.Thebaidis						
Sextus Rusticus Julianus	non-noble	P	unknown	W	367-387	mag. memoriae 367	procon. Africae 371-3	PUR 387/8				
Julius	v.c.	?	unknown	E	371-8	mag. militum Orientis						
Laodicius	?	?	unknown	W	375	praeses Sardiniae						

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Leo	?	?	Pannonia	W	364-375/6	numerarius of mag.mil 364	notarius 370	MO 371/2 - 375/6				
Leontius	?	?	unknown	W	a.370	praep. aux. Laur. Noricum						
Leontius	?	P	East	E	362-5	sophist	cons. Palest. 362-3	cons. Galatiae 364-5				
Leontius	?	?	unknown	E	372	cons.Phoenices						
Longeius	v.c.	?	unknown	W	c. 367/8	cons. operum. publicorum .						
Lucillianus	?	?	Pannonia	W	350-63	comes domest.354	mag. equitum Illyr.361	mag .mil. et ped. 363				
Flavius Lupicinus	?	C	unknown	E	359-367	mag.equ. Galliarum 359-60	mag. equitum 364-7	consul 367				
Fl.Proculus Macedo	v.c.	?	unknown	E	367/75	praes. Pisidiae						
Magnus	?	?	unknown	W	367	vic.urbis Romae						
Vindaonius Magnus	?	P	unknown	E	354-376	rhetor	CSL 373	PUC 375-6				
Claudius Mamertinus	?	P	Gaul	W	361-365	CSL 361	PPO Illyrici 361	consul 362	PPO It. Afr. III. 361-4	PPO It. III. Afr. 364-5		
Marcellianus	non-noble	?	Pannonia	W	c.373	dux Valeriae						
Marcellus	?	?	unknown	W	ante 374/5	agens in rebus	executed for adultery					
Marcellus	?	?	unknown	E	365-6	protector	Procopian					
Marcianus	?	?	unknown	E	364	cons. Syriae						
Marius	?	P	Antioch	E	363-4	sophist	cons. Phoenices					
Masaucio	?	?	unknown	W	c.365	protector domesticus						
Flavius Mauricius	v.c.	?	unknown	E	367/75	com.et dux Thebaidis						
Maximinus	v.c.	?	unknown	E	365/73	com.et dux Arabiae						
Maximinus	non-noble	?	Pannonia	W	c.364-376	praes. Cors. 363 ?	praes. Sard. 364/6	corr.Tusciae 366	praef. annonae 368-70	PUR 30/9-31/12 370	vic. urb. Romae 370-1	PPO Gall. 371-6
Maximus	?	?	Palestine	E	361-64	praes. Armeniae 361	praes? Galatiae 362-4	praef. Aegypti 364				

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Maximus	?	?	unknown	W	365	praefectus annonae						
Maximus	?	?	unknown	E	376/7	dux Moesiae et Scythiae						
Maximus	?	?	unknown	E	372-3	praeses Capp. 372-3						
Flavius Maximus	v.p.	?	unknown	W	367/75	praef. vigiles						
Meletius	?	?	East?	E	375	protector						
Menander	?	?	unknown	W	365	gubernator?						
Menander	?	?	unknown	E	364	praes. Egyp.						
Flavius Merobaudes	?	?	German	W	363-388?	officer in army 363	mag. peditum 375-388?	consul 377	consul 383	consul 388	suicided 388?	
Messala	?	?	unknown	W	c.374	cons. Pann. Secundae						
Metrophanes	?	?	East?	E	365	praes? Pamphyliae						
Minervius	?	?	Trier	W	c.370	ex-consularis						
Domitius Modestus	?	P/C	East (Arabia)?	E	358-372	comes Orientis 358-62	PUC 362-3	PPO Orientis 369-77	consul 372			
Musonius	?	P?	Pamphylia	E	362-368	rhetor	vic. Macedoniae 362	Vic. Asiae 367/8				
Musophilus	?	?	unknown	W	368/373	vicarius Africae						
Nannienus	?	?	unknown	W	370-388	CRM 370	mag.militum 387-8					
Nebrius	?	?	Etruria	W/E	354-365	comes Orientis 354-8	QSP 360	PPO Gall. 360-1	PPO Orientis 365			
Nectaridus	?	?	unknown	W	367	comes Britanniarum						
Flavius Neoterius	?	?	Rome	W/E	365-390	notarius 365	PPO Orientis 380-1	PPO Italiae 385	PPO Galliarum 385	consul 390		
Nitentius	?	?	unknown	W	ante 377	vicarius Africae						
Clodius Octavianus	v.c. noble	P	Rome?	W	c.352-ante 363	cons. Pann. Secundae	vic.urbis Romae ante 363					
Olybrius	noble?	?	Rome?	W	370	cons. Tusciae						

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Q.Clod.Herm.Olybrius	v.c. noble	C	Rome	W/E	c.361-379	cons. Campaniae ante 361	procon. Africae 361	PUR 369-70	PPO Illyrici 378	PPO Orientis 378	consul 379	
Olympianus	?	?	East?	E	M/L IV	rhetor	praes. Cappodociae					
Olympius	?	P	Antioch	E	364	procons.Achaiae ?						
Oricus	?	?	unknown	W	366	praes. Tripolitaniae						
Aelius Palladius	?	P	Palestine	E	371-4	praef. Aegypti?						
Olympius Palladius	?	?	Euphratensis	E	363-71	praes. Isauriae 363-5	praef. Aegypti 370-1					
Palladius	?	?	unknown	W	365/8	tribunus et notarius	Suicide c. 373					
Fl.Eumathius Parthenius	v.c.	?	unknown	E	373	praes. Augustamnicae						
Paternianus	?	?	unknown	W	c.374	notarius						
Paulinus	?	?	unknown	E	372	praes. Epiri : Nova						
Anicius Paulinus	v.c.	?	Italy?	W	378?-380	procon. Campaniae 378/9	PUR 380					
Fl.Pompeius Pergamius	v.c.	?	unknown	E	375-6	praes.Thebaidis						
Petronius	patricius	?	unknown	?	c.364-5	praep. Mart. Militum						
Philematius	?	?	unknown	W	371-2	CSL						
Phronimus	?	?	Gaul	E	365-6	PUC	Procopian					
Vett.Agorius Praetextatus	noble	P	Rome	W/E	ante 362-384	quaestor	praetor	corr. Tusc. et Umb.	cons. Lusit. ante 362	p.cons.Achaiae 362-4	PUR 367-8	consul desig. 384
Principius	non-noble	?	unknown	W	373	PUR						
Priscianus	?	?	unknown	E	364	advocate ante 360	praes. Euphat. 360-1	praes. Ciliciae 363-4	cons. Palest. 364			
Sex.Clud.Petron.Probus	noble	C	Rome	W	358-383	quaestor, praetor	procon. Africae 358	PPO Illyrici 364	PPO Gall. 366	PPO It.Afr.III368-75	consul 371	PPO It. III. Afr.383
Proclianus	?	?	Macedonian	E	365-67	gubernator Euphr. 365	praef. Aegypti. 366-7					
Procopius	?	?	unknown	W	363	notarius						



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Procopius	?	?	Cilicia	E	358-366	tribunus et notarius 358	comes under Julian	Emperor 365				
Protasius	?	?	unknown	E	364/80	cons. Syriae						
Protasius	?	C?	unknown	E	364/80	cons. Syriae						
M. Valerius Quintianus	v.c.	?	Italy?	W	364/75	cons. Siciliae						
Remigius	?	?	unknown	W	355-c.372	numerarius to Silvanus	MO 368 or 370	Suicide 374/5				
Rhodanus	?	?	unknown	W	c.364	praep. sacri cubiculi						
Romanus	?	?	unknown	W	364-c.373	comes Africae						
Arcadius Rufinus	noble?	P	Rome	E/W	363-76	comes Orientis 363-4	PUR 376					
Vulcacius Rufinus	noble	P	Rome	E/W	ante 342-368	cons. Numidia	comes ord. prim. 342	PPO Italiae 344/7	consul 347	PPO Galliarum 354	PPO It. Afr. III. 365-8	
Rumitalca	?	?	unknown	E	365/6	trib. & cura palatina	Procopian					
Ruricus	?	?	unknown	E	264-c.368	praeses Tripolitaniae	Executed					
Sat. Secundus Salutius	noble?	P	Gaul	W/E	Constans-367	praes. Aquitaniae	mag. memoriae	comes ord. primi	procons. Africae	PPO Orientis. 361-5	PPO Orientis 365-7	
Saturninus	?	?	unknown	E	c.365	advocate	unknown office 365					
Flavius Saturninus	?	C	East	E	c.350-383	military officer c.350	cura Palatii ante 361	CRM? c.373	mag. equ. 377-8	mag. mil. Thrac. 382-3	consul 383	exiled
Uranus Satyrus	?	C	Italy?	W	ante 375	advocate	gubernator ante 375					
Sebastianus	?	Man.	unknown	E/W	356-78	dux Aegypti 356-8	CRM (east) 363-78	in the west 368	mag. ped. (Oriens) 378			
Seneca	?	?	unknown	E	365	eastern post?	defensor civitatis					
Serenianus	?	P	Pannonia	W	ante 354-365	dux Phoenices ante 354	guilty treason 354	comes domest. 364-5				
Severianus	?	?	unknown	W	366	dux						
Severianus	?	?	unknown	W	365	CRM						
Severus	?	?	unknown	W	365-72	com. domest. 365-7	mag. peditum 367-72					

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Flavius Severus	v.p.	?	unknown	W	c.373	praes. Africae	adlected to senate 376/8?					
Placidus Severus	v.c. noble	P?	Italy	W	364-5	vic.urbis Romae						
Flavius Simplicius	v.c.non-noble	?	Pannonia	W	c.364-75	consiliarius of Maximinus	cons. Numidiae 367/74	vic. urbis Romae 374-5	Executed sub Gratian			
Sophronius	?	C	Caesarea	E	365-post378	notarius 365	MO 369-74 (78?)	PUC post 378				
Sophronius	?	?	unknown	W	370	cons. <i>Piceni</i>						
Junius Soranus	v.c.	C	Cappadocia	E	373-4	dux Scythiae						
Spudasius	?	?	unknown	E	371	palatinus res privata						
(Ste?)rorius	v.c.	?	unknown	E	c.369	dux Scythiae						
Sulpicius	?	?	Galatia?	E	370/8	praes. Cappadociae						
Fl.Afranius Syagrius	?	?	Gaul?	W	379-382	procon. Africae 379	PUR 381	PPO Italiae 382	consul 382			
Flavius Syagrius	?	?	unknown	W	369-381	notarius 369	MO 379	PPO Italiae 380-2	consul 381			
Q.Aurelius Symmachus	v.c. noble	P	Rome	W	ante 365-91	quaestor et praetor	corr. Luc. et Brutt. 365	procon. Africae 373	PUR 384-5	consul 391		
L.Aur.Avidius Symmachus	v.c. noble	P	Rome	W	340/50-c.377	praef. annonae 340/50	vic.urbis Romae	PUR 364-5	consul desig. 377?			
Fl. Eutolmius Tatianus	?	P	Lycia	W	359-391	praes. Thebaidis	praef. Aug. 367-70	comes Syriae 370/4	comes Orientis 370/4	CSL 374-80	PPO Orientis 388-92	consul 391
Tautomedes	?	?	unknown	E	364	dux Daciae Ripen.						
Terentius	non-noble	?	Rome	W	364-5	corr. Tusciae	Executed 374					
Terentius	v.p.	C	unknown	W	c.369-74	v.p. Valeria ante 369	dux Armeniae 369-74					
Septimius Theodolus	v.p.?	C	unknown	W	ante 373	corr. Ven. et Istria						
Thalassius	?	?	Gaul?	W/E	376/7-378	vic.Macedoniae 376/7	procon. Africae 377-8					
Theodorus	?	P	Arabia	E	?	gubernator						
Theodorus	good family	P	Gaul	E	371	secund. notariorum	executed 371/2					

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Flavius Theodosius	?	C	Spain	E	373-394	dux Moesiae 373/4	Emperor 378					
Flavius Theodosius	?	C	Spain	W	368-75	CRM 368-9	mag. equitum 369-75	Executed 375				
Theradius	?	?	unknown	E	371	praes. Cappadociae						
Flavius Traianus	?	?	unknown	E	367/8	praep. Thebaidis						
Traianus	?	C	unknown	E	367-378	dux Aegypti 367-8	CRM 371-4	mag. ped. Thraciae 377-8				
Ulpianus	?	?	Euphratensis	E	ante 361-364	rhetor	official ante 361	praes? Cappad. 361-3	praes? Arabiae c.364			
Flavius Uranius	v.c. adlected	?	unknown	E	352/75	praes? Samnium 352/75	praes. Isauriae 367/75					
Urbicius	?	?	unknown	E	377	dux Mesopotamiae						
Ursacius	?	?	Pannonia	W	364-5	MO						
Ursicinus	?	?	unknown	W	371	vic. urbis Romae						
Ursicinus	?	?	unknown	W	372	praef. annonae						
Ursicinus	?	?	unknown	E	c.369	praep. Scythiae						
Ursicinus	?	?	unknown	W	364	CRM?						
Valentinianus	?	?	unknown	E	365/73	praef. Arabiae						
Valentinianus	?	?	unknown	W	365	cons. Piceni						
Valentinus	?	?	unknown	W	ante 367	tribunus						
Avianus Valentinus	noble	?	Italy?	W	364/75	cons. Campaniae						
Valerianus	?	?	unknown	W	368	comes domesticorum						
Valerianus	?	?	unknown	E	378	tribunus stabuli						
Valerianus	v.c.	?	unknown	W	365-6	vic. Hispaniae						
Victor	?	C	Sarmatian	E	362-c.379	CRM 352-3	mag. equitum 363-c.379	consul 369				

NAME	RANK	REL	ORIGIN	REG	CAREER SPAN	POST 1	POST 2	POST 3	POST 4	POST 5	POST 6	POST 7
Victorinus	?	?	unknown	E	3364-6	dux Aegypti						
Vicentius	?	?	unknown	W	c.375	tribunus						
Vincentius	?	?	unknown	W	c.373	vic.of comes Africae						
Vitalianus	?	?	unknown	E/W	363-c.380	soldier 363 (west)	protect.domest.363 (west)	CRM 380				
Viventius	?	C?	Pannonia	W	364-371	QSP 364	PUR 365-67	PPO Gall. 368-71				
Volusianus	v.c. noble	?	Italy?	W	365	vic. urbis Romae?						
Volusianus Lampadius	v.c. noble	P	Rome	W	ante 354- 365	cons. Byzacenae?	PPO Illyrici? 354	PPO Gall? 354-5	PUR 365			
Zenodorus	?	P	unknown	E	364-5	praes. Cilicia						
Zenon	?	C	Pontus	E	378	agens in rebus						
Zosimus	?	?	unknown	E	373-4	praes. Epiri; Nova						