

Political Networks, Imperial Relations, and the Division of the Roman Empire,
AD 337 to 350

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William Lewis

Abstract

This thesis argues that the years AD 337 to 350 gave rise to a series of events that prompted one of the earliest and most influential territorial divisions of the Later Roman Empire. Following the death of Constantine the Great, his sons, Constantine II, Constantius II, and Constans, arranged to share power. But a failure of imperial collegiality, culminating in the civil war of 340, led to the empire being divided into autonomous and sovereign states. Following the period of the Tetrarchy, this established a new precedent for how the empire was governed, which eventually became permanent in 395 after the death of Theodosius I. The importance of this first division has been overlooked in scholarship, and this thesis will establish when, how, and why the Roman Empire was divided by the sons of Constantine.

This thesis is arranged in the following way. Chapter 1 introduces the thesis, provides an overview of scholarship and the available evidence, establishes a definition of division, and summarises the structure of the thesis. Chapter 2 examines the succession arrangements of Constantine and how they were overturned by Constantius, before considering the negotiations between the sons and their acclamation as Augusti. Chapter 3 reconstructs the governance of the empire from 337 to 340, and demonstrates that there was still a functional imperial hierarchy and undivided empire, even though the authority of Constantine II was beginning to be eroded. Chapter 4 re-examines the conflict between Constantine II and Constans in 340, and argues that the accepted narrative of Constantine II's aggression is false, and that Constantine II was ambushed on the initiative of Constans. This fatally undermined imperial collegiality and hierarchy, which resulted of the de facto division of the empire between the surviving brothers, Constantius and Constans. Chapter 5 uses prosopography to examine how the newly divided empire functioned, focusing on the praetorian prefecture, the consulship, and the relationship between imperial courts. Chapter 6 looks at the assassination of Constans and its aftermath, which demonstrates how division had become an established part of the imperial administration, and it was only the efforts of Constantius that caused its temporary reunification. Chapter 7 considers Constantius' attempts to preserve unity in the 350s, and his ultimate failure to address the expectation of division among the army and administration. This chapter concludes the thesis by showing that the division of the Roman Empire from 340 to 350 had become too entrenched to be reversed, and that the precedent established in these years led to the permanent division of the Roman Empire.

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List of Abbreviations

Amm.	Ammianus Marcellinus <i>Rerum Gestarum</i>
App. B. Civ.	Appian <i>The Civil Wars</i>
Art. Pass.	Artemii <i>Passio</i>
Athan.	Athanasius
<i>Apol. ad Const.</i>	<i>Defence before Constantius</i>
<i>Apol. c. Ar.</i>	<i>Defence against the Arians</i>
<i>Apol. de fuga</i>	<i>Defence of his Flight</i>
<i>Hist. Ar.</i>	<i>History of the Arians</i>
Aug. Conf.	Augustine <i>Confessions</i>
Aur. Vict.	Aurelius Victor <i>De Caesaribus</i>
CAH	<i>Cambridge Ancient History</i>
CIL	<i>Corpus Inscriptionum Latinarum</i>
CLRE	Bagnall, R. S., A. Cameron, S. R. Schwartz, and K. A. Worp 1987: <i>Consuls of the Later Roman Empire</i> , Atlanta: Scholars Press.
CTh	<i>Codex Theodosianus</i>
COD	<i>Concise Oxford Dictionary</i> (Twelfth Edition)
Eunap. VS	Eunapius <i>Vitae Sophistarum</i>
Eus.	Eusebius
HE	<i>Historia Ecclesiastica</i>
VC	<i>Vita Constantini</i>
Firm. Mat. Math.	Firmicus Maternus <i>Mathesios libri VIII</i>
ILS	<i>Inscriptiones Latinae Selectae</i>
Jer. Chron.	Jerome <i>Chronicle</i>
Jul.	Julian
<i>Ad Ath.</i>	<i>Letter to the Athenians</i>
<i>Caes.</i>	<i>Caesars</i>
<i>Ep.</i>	<i>Epistulae</i>
<i>Mis.</i>	<i>Misopogon</i>
<i>Or.</i>	<i>Orationes</i>
Lact. Mort. Pers.	Lactantius <i>On the Deaths of the Persecutors</i>
LSA	<i>Last Statues of Antiquity</i>
Lib.	Libanius

<i>Ep.</i>	<i>Epistulae</i>
<i>Or.</i>	<i>Orationes</i>
<i>Or. Const.</i>	<i>Letter of the Emperor Constantius to the Senate Concerning Themistius</i>
Oros.	<i>Orosius History against the Pagans</i>
<i>Pan. Lat.</i>	<i>Panegyrici Latini</i>
Pet. Patr. fr.	Petrus Patricius fragments
Phot. <i>Epit.</i>	Photius <i>Epitome of the Ecclesiastical History of Philostorgius</i>
Philost. <i>HE</i>	Philostorgius <i>Ecclesiastical History</i>
<i>PLRE</i> 1	Jones, A. H. M., Martindale, J., and Morris, J. 1971: <i>The Prosopography of the Later Roman Empire Vol. 1, A.D.260-395</i> , London: Cambridge University Press.
<i>RIC</i> VII	Bruun, P., with R. A. G. Carson and C. H. V. Sutherland (eds.) 1966: <i>Roman Imperial Coinage Vol. VII: Constantine and Licinius, A.D. 313- 337</i> , London: Spink & Son.
<i>RIC</i> VIII	Kent, J. P. C. 1981: <i>The Roman Imperial Coinage Vol. VIII: The Family of Constantine I A.D. 337- 364</i> , London: Spink & Son.
Ruf. <i>HE</i>	Rufinus <i>Ecclesiastical History</i>
Soc. <i>HE</i>	Socrates Scholasticus <i>Ecclesiastical History</i>
Soz. <i>HE</i>	Sozomen <i>Ecclesiastical History</i>
Suet.	Suetonius
<i>Vit. Tib.</i>	<i>Life of Tiberius</i>
<i>Vit. Vitell.</i>	<i>Life of Vitellius</i>
Symm.	Symmachus
<i>Ep.</i>	<i>Epistulae</i>
<i>Or.</i>	<i>Orationes</i>
Tac. <i>Ann.</i>	Tacitus <i>Annales</i>
Them. <i>Or.</i>	Themistius <i>Orationes</i>
Theod. <i>HE</i>	Theodoret <i>Ecclesiastical History</i>
Zon.	Zonaras <i>Epitome Historiarum</i>
Zos.	Zosimus <i>Historia Nova</i>

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I would like to dedicate this thesis to the memory of Uncle Dave and Grandma, who were lost along the way.

Chapter 1

Introduction: *Partes Regendae*

1.1 PREFACE

This is the story of how the Roman Empire was divided by accident. It is the story of how a great realm was cleaved in two, because of dynastic principles, imperial relations, and the evolving politics of multiple rule. It is a story that has been overlooked in scholarship, and its true significance was unknowable at the time. But the division of the Roman Empire is a story that still affects the world today. It contributed to the fall of the Roman Empire in the West, and the development of national boundaries and identities that have often persisted into the present.¹ It determined the culture and institutions of the Byzantine Empire.² It set the stage for the divergent worlds of Medieval Europe and the Byzantine and Ottoman East. It spelled the end to a kind of unity around the Mediterranean that has never since re-emerged, the absence of which is still felt in the politics and discourse of modernity. Arguably, it was one of the most consequential single events in world history.

But when did it happen?

Conventional wisdom says 395,³ when the empire was divided between the two successors to Theodosius I, Arcadius in the East and Honorius in the West. But there was not just one division of the Roman Empire. In fact, it was divided multiple times, and in many different ways, before the division became largely permanent with the accession of Arcadius and Honorius.⁴ Multiple emperorship had a long history, and had become commonplace after

¹ It is perhaps unsurprising that many modern national identities are defined in opposition to the Roman Empire, rather than as descendants of it. It is Boudicca and Arminius who are heroes in Northern Europe, not Suetonius Paulinus and Germanicus. Albeit with tongue in cheek, this author's institution, Cardiff University, commemorated the 1600th anniversary of the Roman withdrawal in 2010 with 'Romans Go Home' celebrations. It is interesting that even after sixteen centuries, there is still a certain post-colonial tension surrounding our Roman heritage, which is having a small resurgence online relating pre-modern British history to the Brexit question (Bonacchi, Altaweel, and Krzyzanska 2018, anticipated by Johnson 2006).

² Kaldellis 2019, *passim*.

³ All dates are *anno Domini* unless otherwise indicated.

⁴ With the exception of the attempted reunification under Justinian.

Diocletian appointed Maximian in 286 and established his Tetrarchy in 293. But Diocletian's system of multiple rulers in no way constituted division: the empire was in both theory and fact a united entity.⁵ Something happened between Diocletian's Tetrarchy and Arcadius and Honorius to create the conditions for a permanent division. The division of 395 did not emerge from nothing; it was not revolutionary, or even unexpected, and nor was its permanence anticipated at the time.⁶ It was, in fact, little more than a consequence of established precedent. To understand how the Roman Empire came to be divided, we should not look at the final division, but at the first. As there had been, in practical terms, many kinds of division of the Roman Empire since the time of the Republic, identifying the first, true division is a matter of definition (see section 1.5 below). But by understanding this division as a historical event in its own right, we can make better sense of its perpetuation and impact on world history. This investigation will concern itself solely with this division; a macro-history of divisions and their consequences would not only be outside the scope of this thesis, but would also distract from the attention that should be drawn to these critical years.

This division of the Roman Empire occurred in the years following the death of Constantine⁷ in 337. He was survived by three sons, Constantine II (born 7 August 316),⁸ Constantius (born 7 August 317), and Constans (born 320),⁹ who each assumed the rank of Augustus and took a

⁵ Leadbetter 2009, 69-73.

⁶ For example in 399, Claudian's *In Eutropium* presented the division of the empire as the temporary discord of the East, where 'wickedness flourishes to prevent our empire's breathing in harmony with one body' (1.396-8), which could be resolved by the reunification of the empire (put most strongly through the words of Aurora at 2.534-602). See Tougher 2015, 154.

⁷ Constantine refers only to Constantine I, or Constantine 'the Great' (r. 306 to 337). Constantine II (r. 337 to 340) is always specified by regnal number. Constantius refers only to Constantius II (r. 337 to 361), and his grandfather Constantius I (r. 293 to 306) is also specified by regnal number. Constans refers only to Constans I (r. 337 to 350).

⁸ The date of Constantine II's birth is controversial, but a date in the summer of 316 is compelling and the only reason to doubt 7 August is because it happens to be the same birthday as Constantius a year later – which should not necessarily preclude it. See Barnes and Vanderspoel 1984, 175-6 n.3.

⁹ Constans birth is calculated from his age at death, either 27 (*Epit. Caes.* 41.23) or 30 (Eutr. 10.9, Zon. 13.6), putting his birth in either 323 or 320. Marcos 2014, 757 n.43, puts his faith in Eutropius and prefers 320, while Barnes 1982, 45, prefers 323 based (unconvincingly) on his

third of the empire as their *pars regenda*,¹⁰ or region of administrative and military responsibility. Following Diocletianic precedent, the empire should have remained whole – a united empire ruled by a unified imperial college of three emperors – and indeed it initially did. But the succession was a violent one. The middle son, Constantius, usurped control of events. The authority of Constantine II, as senior emperor, was shown to be fragile. In years following the succession of 337, Constantine II failed to assert his seniority within the imperial hierarchy, and the territories of the empire drifted ever further apart. While unity remained in principle, autonomy became the practical norm.

Early in 340, Constantine II entered the territory of his younger brother Constans, exercising his right to move throughout the empire as the senior Augustus. Constans ambushed and assassinated him outside Aquileia. This spelled the end of the imperial college as a unified and hierarchical body. The result was that without a functional system of co-rule, the unity of the empire was at an end. Without a system of hierarchy, and with the limits of fraternal cooperation, the two halves of the empire began to ossify as separate halves. Had Constantius and Constans been more cooperative, like Marcus Aurelius and Lucius Verus, the empire might have remained united. Had they been bitter enemies, like Constantine and Licinius, the reunification of the empire might have come much sooner. As it was, for an entire decade after the death of Constantine II in early 340, until the death of Constans in January 350, the empire was ruled as two discrete and sovereign territories.

The result was that the administration and army became divided as never before. By the time Constans was assassinated in 350, and the empire was reunified under Constantius and his Caesars in the following years, a return to unity was impossible. While Constantius was committed to a kind of sole rule, never appointing a co-Augustus or allowing his Caesars full independence or autonomy, the model of an Eastern and Western Empire was too well entrenched to roll back. The administration was divided into permanent territorial prefectures, largely as a result of Constans' reforms, which perpetuated the modularity of the empire. Even

depiction on acclamation coinage. The *PLRE* observes that Nazarius' panegyric of 321 (*Pan. Lat.* 4 (10).36.1) contains a reference to the brothers (plural) of the Caesars Crispus and Constantine II (*PLRE* 1 Fl. Iul. Constans 3, 220), which would appear to confirm a date of birth in 320 rather than 323.

¹⁰ *Pars, partes* is typically used to describe the realms of different emperors in Latin; it does not imply division, but is applied to a variety of political circumstances. For readability, this thesis will sometimes substitute 'territories' as a similarly neutral descriptor.

though Constantius did not appoint a co-Augustus, his deployment of Caesars followed the rule of Eastern and Western commands. The armies, too, had become accustomed to regional rulers. After Constantius' reunification, the forces on the Rhine were not content to be commanded by a Caesar, and agitated to appoint an Augustus of their own.¹¹ Among those who elevated Julian were veterans of the old Western Empire of Constans, who had supported the revolt of Magnentius.¹² The theme of West versus East had become a default in Roman civil war.

After the death of Constantius, the Empire came under sole rule again, with Julian and then Jovian. Their short reigns and untimely deaths showed once again the frailty of one-man rule, and at the acclamation of the new emperor, Valentinian, the soldiers demanded the appointment of a colleague.¹³ Constantius' attempt to return to one-man rule had shown the danger of ambitious Caesars with a higher rank to which they could still aspire.¹⁴ Valentinian instead made his colleague, his brother Valens, a co-Augustus.¹⁵ The result was a return to the model of Constantius and Constans in the years 340 to 350, and a recreation of the division that had come to define those years. Although this division benefitted from an imperial hierarchy – Valens respected the authority of his brother – it perpetuated the separation of East and West. The successors of Valentinian and Valens inherited their territorial roles. The exception was Theodosius I, another strong-man emperor of Constantine's ilk, whose reach extended across the empire. But when he died, and left the empire to Arcadius and Honorius in 395, it was perhaps inevitable that the empire would return to the model of division first seen from 340 to 350.

¹¹ Western troops briefly supported the usurpation of Silvanus in 355 (Amm. 15.5.16-7), and apparently attempted to proclaim Julian Augustus as early as 357 after the Battle of Strasbourg, before his eventual usurpation to the rank of Augustus in 360 (Amm. 16.12.64).

¹² Lib. *Or.* 18.104. Libanius suggests these men had to be re-enlisted after turning to banditry following their defeat, but it seems more likely they would have been kept in service (as were, for example, the two Magnentian legions Ammianus encountered at Amida, at 18.9.3 and 19.5.2).

¹³ Amm. 26.2.4; Humphries 2019, 13.

¹⁴ Symm. *Or.* 1.11.

¹⁵ Valentinian was famously advised on his choice of colleague by Dagalaifus: 'If you love your relatives, most excellent emperor, you have a brother; if it is the state that you love, seek out another man to clothe with the purple' (Amm. 26.4.1).

The aim of this thesis is to demonstrate that in the period 340 to 350 – largely as a result of the period 337 to 340 – the Roman Empire was peacefully divided for the first time. This project will not address previous, hostile divisions, such as that between Constantine and Licinius, as such divisions were the temporary consequence of ongoing conflict, and were invariably followed by reunification. Nor will this project address the *longue durée* of division, as the significance of this hypothesis will be evident without detailed elaboration. What is necessary is to show how the successors of Constantine shared power, and how the constitutional and administrative arrangements of this period led to the Empire being divided in a way it had never been before. This thesis will do so by examining imperial relations and political networks that underpinned the governance of the Empire, and show how this created a new precedent for division in Roman imperial successions.

But first, it is important to situate this question in modern scholarship, and consider how this thesis fits in to scholarly work on both the division of the Roman Empire, and on the period of the sons of Constantine more generally. After reviewing the scholarly background, this introduction will then set out the evidence available to study this period, and consider how it may be deployed. Then, having considered previous approaches and identified how it will be useful to build on them, and having considered what is possible with the evidence available, it will then be possible to set out a working definition for division, to help establish the importance of the division of 340 to 350. Finally, this chapter will break down the structure and approach of this thesis, and restate the hypothesis that the division of the Roman Empire had its origins in the rule of the sons of Constantine.

1.2 HISTORIOGRAPHICAL CONTEXT

Scholarly neglect of the division of the Roman Empire by the sons of Constantine is not a result of the identification of 395 as the crucial moment of division; despite the easy convenience of this date for the periodisation of unity and division,¹⁶ it is generally treated as the culmination of a longstanding trend, and not as a point of pivotal change. Rather, this neglect stems more from historic approaches to Diocletian and the Tetrarchy, which tended to overemphasise division and have obscured the importance of developments under the sons. Not unjustifiably, the reign of Diocletian has been seen as a turning point in the development of the Later Roman Empire. Edward Gibbon proposed that, ‘Like Augustus, Diocletian may be considered as the

¹⁶ Sandberg 2008, 199-201.

founder of a new empire,¹⁷ an idea which has become a convenient boundary stone for periodisation ever since.¹⁸ Curiously, it is always the beginning of the reign of Diocletian in 284 that is used as this boundary stone, and not the appointment of a co-Augustus in 286 or the inception of the Tetrarchy in 293. It is indeed convenient to distinguish between the monarchy that predominated before Diocletian and the Empire characterised by multiple rule and division of territories that came after. The problem is that neither multiple rule nor the division of the Empire originated with Diocletian. The former was much older;¹⁹ the latter rather later.

This idea of a new imperial system established by Diocletian has been enduring and seductive, and there is a tendency to attribute to him changes that occurred over a much longer period.²⁰ Modern scholarship has begun to challenge the preconceptions and assumptions that underpin Diocletian's Tetrarchy. As Bill Leadbetter is at pains to point out – in his revisionist work *Galerius and the Will of Diocletian* – the Tetrarchy is itself an anachronistic concept.²¹ This system of multiple rulers was never called a Tetrarchy at the time; to most contemporaries, it did not signify a break with the imperial rule that came before it, and nor did subsequent non-Tetrarchic arrangements represent any kind of dissolution of a Diocletianic system of government. To his successors Diocletian was an exemplar, a model of imperial rule done right, but he was not remembered as a revolutionary.

Despite this, Diocletian has a reputation in modernity as the progenitor of division. This has its origins in Lactantius, who commented that 'this world [Diocletian] overturned (*subvertit*),

¹⁷ Gibbon 1993, I.387.

¹⁸ Barnes 1982 echoes Gibbon in his title, *The New Empire of Diocletian and Constantine*. The year 284 is used as a titular starting point for Seston 1946, Jones 1964, Cameron 1993, Mango and Scott 1997, Corcoran 2000, Mitchell 2007, McGill, Sogno, and Watts 2010, Harries 2012, Washburn 2013, and is used as an end point for many other works. See Leadbetter 2009, 1, for its impact.

¹⁹ The first co-Augusti were Marcus Aurelius and Lucius Verus, from 161 to 169. Joint successions were a frequent possibility from the very founding of the Principate: Augustus intended the joint succession of his nephews Gaius and Lucius; Tiberius intended the joint succession of Caligula and Tiberius Gemellus; Claudius intended the joint succession of Nero and Britannicus. Although Kornemann 1930 over-reaches in proposing a 'Doppelprinzipat' from the time of Augustus – see the review of Charlesworth 1933, 144-6.

²⁰ Cameron 1993, 30.

²¹ Leadbetter 2009, 2-6.

simultaneously by avarice and timidity. For sharing power with three others, he made the world divided into four parts (*fecit in quattuor partes orbe diviso*)...’ This was the partisan comment of one committed to damning the memory of the persecutors, who was writing in the aftermath of the civil wars of the Tetrarchy, during the uneasy three-years’ peace between Constantine and Licinius after the defeat of Maximinus Daia.²² It is unsurprising, in the context of a conflict division, that the dysfunctions of his time should be backdated to the reforms of the persecutor Diocletian. Despite this, Gibbon took Lactantius at his word, and extrapolated his view of Diocletian from his polemic:

Ostentation was the first principle of the new system instituted by Diocletian. The second was division. He divided the empire, the provinces, and every branch of the civil as well as military administration. He multiplied the wheels of the machine of government, and rendered its operations less rapid but more secure. Whatever advantages and whatever defects might attend these innovations, they must be ascribed in a very great degree to the first inventor...²³

Even the most cursory consideration of Gibbon’s assessment will reveal that it is both true, and not true. One might well deduce that Diocletian’s appointment of a co-Augustus, and to a lesser extent his appointment of Caesars, would have resulted in a multiplication of certain military and administrative offices. However, the evidence for this is extremely patchy, there is certainly no data to prove the kind of governmental cell division Gibbon envisages.²⁴ Nor was his better-documented rearrangement of the provinces a case of division. He began to rearrange the empire into a system of smaller provinces within larger administrative dioceses, which would eventually (beginning in the 340s) form the components of still larger praetorian

²² Lactantius probably finished his work in 314 (Barnes 1973, 39), during the ‘*anxie triennium*’ (Aur. Vict. *Caes.* 41.1) of 313 to 316.

²³ Gibbon 1993, I.423. A footnote adds: ‘The innovations introduced by Diocletian are chiefly deduced, 1st, from some very strong passages in Lactantius; and, secondly, from the new and various offices which, in the Theodosian code, appear *already* established in the beginning of the reign of Constantine.’

²⁴ The tables of officials in *PLRE* 1, 1041-1127, yield only a handful of praetorian prefects from the Diocletianic era, of uncertain date and tenures, and no evidence of other offices that might have been subject to multiplication.

prefectures.²⁵ But this was only the beginning of a kind of administrative modularity, which assisted division but certainly did not cause it. Gibbon is wrong to attribute division to the ‘first inventor.’ Diocletian certainly sowed some of the seeds, but he neither envisioned nor intended the division that resulted, and Gibbon’s assessment has led to a longstanding tendency to associate division with Diocletian – without asking what division really means or whether Diocletian truly instituted it.

The precise definition of division is something that has attracted little attention, and has contributed to the breadth of opinion on when it actually occurred. The empire was not something simply physical, that could exist in a divided or undivided state with nothing in between. It was a complex web of social, economic, and political interrelations, the strands of which could all be affected by unity or disunity in different ways and to different extents.²⁶ Any definition of division will necessarily have subjective elements, reflecting underlying political priorities and ideas of statehood, and the influence of cultural context is no doubt high. Jean-Rémy Palanque’s 1944 article, ‘Collegialite et partages dans l'Empire Romain aux IV^e et V^e siècles,’ was published toward the end of the German occupation of France, and the division of that country into ‘free’ and occupied zones between 1940 and 1942, with the dual administrations of the German Militärverwaltung and the Régime de Vichy. His criteria for division (*partage*) were twofold: to be sovereign, an emperor needed first the right to issue his own laws, and secondly the right to appoint ministers and officials.²⁷ Palanque’s criteria are not entirely satisfactory. They do not, except by extension, address the ultimate control of the armies or of the imperial revenues, both of which were cornerstones of imperial power. The appointment of officials also creates difficulties for offices that were not duplicated along with the courts, such as the consulship. Palanque struggles to answer the question of whether there could be dual sovereignty when only one emperor could appoint consuls, and simply concludes that ‘it is better not to mention it.’²⁸ The choice of consuls is important to the subject of imperial

²⁵ The praetorian prefects, before Constans, were not territorial but attached to individual emperors.

²⁶ A comparison can readily be drawn with the United Kingdom’s ongoing departure from the European Union. Even after three years at the time of writing, the question of how separate the UK should become – socially, economically, politically – for it to have truly ‘left’ has still not been answered with any consensus.

²⁷ Palanque 1944, 49.

²⁸ Ibid, 49 n.1.

relations (see Chapter 5.5), but not to the division of the empire. The officials that mattered to the exercise of power were the praetorian prefects, the chiefs of administration and finance, the commanders of armies, and the governors of provinces.

Nonetheless Palanque's article broke new ground, and provides the beginnings of a framework for approaching the division of the empire in the fourth century. Despite being outdated in many respects, it is also perceptive. Palanque quickly cuts down the notion of Diocletianic division, and differentiates between multiple emperorship and division of sovereignty.²⁹ That is, the distinction between a united empire with multiple emperors (whether of equal or hierarchical rank, in Kornemann's terminology: *Samtherrschaft* or *Mitregentschaft*), and a disunited empire with multiple emperors ruling over sovereign territories.³⁰

Palanque also recognises the importance of the sons of Constantine to the process of division over the fourth century. The Tetrarchy did not divide the empire, but was rather 'a *centralisation* of the government, corrected by a *deconcentration* of the administration and military high command.'³¹ Subsequently, the hostility within the Tetrarchy, and ultimately the tensions between Constantine and Licinius after their first civil war, led to a true division of the empire into autonomous, rival states.³² But Palanque is right to characterise these divisions as temporary spheres of territorial control arising from civil conflict, which naturally reverted to a unified empire when the conflict was fully resolved.³³ Division of this sort had happened repeatedly from the time of the Republic, when the provinces of West and East were first separated between the forces of Marius and Sulla, *triumviri* and *liberatores*, Octavian and Antony. This sort of territorial autonomy, along varying geographical lines, was simply a practical reality of an empire that regularly went to war with itself. The division between Constantine and Licinius was prolonged by stalemate, but was no different in character. What

²⁹ Palanque 1944, 47-8.

³⁰ Ibid, 48.

³¹ Ibid, 50 (emphasis Palanque's).

³² Ibid, 51.

³³ Ibid, 54: this 'division of the empire, far from being premeditated and corresponding to a profound and personal view of an emperor, was therefore only an improvised compromise, imposed in a certain way by circumstances. It should, it seems, have disappeared quickly enough, as soon as one of the two parties could tip the balance in his favour to put an end to this inconvenient dualism.'

is significant is that it subsequently became a reality of peacetime, and was the result of a negotiated succession, rather than usurpation or conflict.

This is why Palanque pinpoints the importance of the sons of Constantine, but unfortunately it is here that his analysis breaks down. He considers the Roman Empire to have been divided into eastern and western halves between Constantine II and Constantius in 337, leaving Constans an Augustus *sans terre*.³⁴ It is an adaptation of the erroneous theory that Constantine II acted as a guardian of Constans from 337 to 340, and is equally unconvincing.³⁵ Palanque is nonetheless close to the mark when he says that division ‘unexpectedly became almost definitive in 337.’³⁶ But he identified the wrong year, and the wrong cause. It was not the immediate result of the succession of Constantine and the precedent set by his co-rule with Licinius – although these were important factors. Rather it was a failure of imperial collegiality, which came to a head with the civil war of 340, and caused the East and West to be ruled as separate, autonomous, sovereign states for the subsequent decade.

However, division is only one side of the coin. The other is unity. While this thesis will argue that the empire was in all practical terms divided from 340 to 350, it will also show that there remained a considerable degree of political interrelation between each half. Officials who held minor offices in one half of the empire might continue their careers in the other.³⁷ Legislation, although divided, often cohered between different halves of the empire.³⁸ The emperors were in constant contact, negotiating matters such as the consulship and religious disputes; as Libanius put it, ‘horses and chariots every day, increasing their speed with successions of teams, carry news of each other’s thoughts to one another.’³⁹ There were certainly disputes between the courts of Constantius and Constans, verging on outright conflict – this is hardly surprising in the absence of an imperial hierarchy for resolving differences – but the division of the empire was not a result of these conflicts and nor was it predominantly characterised by these conflicts. This was a peacetime division with the consent of both emperors; although war exploded between East and West with the usurpation of Magnentius, in the period from 340 to

³⁴ Palanque 1944, 57-8.

³⁵ On the theory of guardianship, see Bleckmann 2003a, 236-41, and Potter 2004, 688 n. 100.

³⁶ Ibid, 56.

³⁷ See Chapter 5.4.

³⁸ For example, the regulation of decurions in *CTh* 12.1.23-39.

³⁹ *Lib. Or.* 59.151.

350 there was not so much as a skirmish between the two halves. Somewhat paradoxically, this kind of cooperation and coexistence is essential to how this thesis will prove the importance of this new kind of division.

1.3 LITERATURE REVIEW

As unity has proved a more popular theme in recent scholarship than division, it is an appropriate place to begin this survey of the secondary literature on this subject. In 2008, Kaj Sandberg published an article on ‘The so-called division of the Roman Empire in AD 395: Notes on a Persistent Theme in Modern Historiography,’ and he was followed in 2015 by the publication of Roald Dijkstra, Sanne van Poppel, and Daniëlle Slootjes’ edited volume, *East and West in the Roman Empire of the Fourth Century: An End to Unity?* The answer to the titular question of this volume is a resounding no, and the focus is placed on the continuation of unity in the culture and self-identity of the Roman Empire, rather than its end. The first page in the introduction observes that ‘The political division in two parts after the death of Theodosius I, in 395, seems to have marked the end of administrative unity, although Grig and Kelly, among others, have recently argued that the empire’s split has been emphasised too much in modern scholarship.’⁴⁰ The fact that the political and administrative division of the empire can be dismissed so generically rather proves the contrary. Far too little has been done to penetrate the complexities of division and how it came about, and the marker of 395 is used as a convenient abnegation of responsibility on this point. Moreover, the reference to Grig and Kelly does a disservice to their more nuanced summation:

The year of Theodosius’ death, 395, is sometimes seen as a decisive moment when eastern and western empires finally divided and Constantinople was definitively established as the capital of the east. The point on the empire’s division is overstated. It ignores not only the continuing rhetoric of unity but also the fact that the empire had been divided for the majority of the previous hundred years, with separate government and legislation even when the two regimes had a good relationship.⁴¹

⁴⁰ Dijkstra, van Poppel, and Slootjes 2015, 1, citing Grig and Kelly 2011, 17.

⁴¹ Grig and Kelly 2011, 17.

Here, it is the division of 395 that is overstated, with elements of unity continuing long after, and elements of division originating long before. But Grig and Kelly go too far in backdating it by a hundred years, following the traditional attribution of division to Diocletian and the founding of the Tetrarchy. Once again, the established framework for considering the division of the Roman Empire proves to be lacking in accuracy and precision.

In the opening chapter of *East and West in the Roman Empire of the Fourth Century: An End to Unity?*, Inglebert channels Palanque by attempting to define unity and what is meant by it. He suggests three factors of unity under imperial control (imperial politics, the monetary system, and public and private law), while giving examples of other factors that were not (commerce, ecclesiastical affairs).⁴² He also delineates three aspects of unity: the principle of the unity of the empire, concrete realisations of unity, and representations of unity.⁴³ Here Inglebert departs from Palanque in showing a much greater interest in the contemporary perception of unity. It is indeed important to stress that division did not sit easily with Roman self-perception. Part of the reason the question of division is so hard to address is those at the time did not see East and West as separable entities, destined for a divided future. Rather, division was contextualised as a phenomenon within an empire with a shared past and shared future. The Roman Empire was the *orbis terrarum*, the *imperium sine fine*; events within it did not affect the perception of the whole – a cake cut into two halves was still the same cake. Inglebert makes a convincing case for the perception of unity that persisted throughout the fourth century and beyond, but it is possible to go too far in stressing continuity and cultural unity to point of glossing over the political reality of division. ‘Thus,’ Inglebert writes, ‘if there existed in the fourth century concrete factors, principally strategic, of partition between East and West, this concerned only the apparatus of state (the capital, the grain supply, the army of each part)...’⁴⁴ Only, then, the very core of how the Roman Empire was able to function.

The many excellent chapters that make up the rest of *East and West in the Roman Empire of the Fourth Century: An End to Unity?* generally follow Inglebert’s lead in focusing on unity in Roman culture and self-perception. An exception is Jan Willem Drijvers’ chapter, ‘The *divisio regni* of 364: The End of Unity?’ Drijvers expresses disquiet with the accepted date of 395, and instead draws attention to the partition of the empire by Valentinian and Valens in

⁴² Inglebert 2015, 10.

⁴³ Ibid.

⁴⁴ Ibid, 17.

364, as a progenitor of division.⁴⁵ However, as Drijvers outlines, there was a functional imperial hierarchy; Valens obediently followed his brother's orders in his own part of the empire, while Valentinian alone decided membership of the imperial college.⁴⁶ In this respect the empire was not truly divided, but was subject to regional administration under an imperial college headed by Valentinian, who played the role of a Diocletian. The partition of 364 is indeed significant, and Drijvers provides a strong outline of the situation, but little mention is given of the context of division into East and West from 340 to 350.

This can be related to the neglect of the sons of Constantine more generally. In scholarship, they have received far less attention from historians than Constantine before them or Julian after, and as a result their significance is often overlooked in macro-histories of the Later Roman Empire. But the tide is certainly changing. Over the past two decades, there has been a growing swell of books and articles addressing the reigns of the sons of Constantine. There have been biographies of Constantius and the sons in German, French, and English. Pedro Barceló published *Constantius II. und seine Zeit. Die Anfänge des Staatkirchentums* in 2004, which considers the religious impact of Constantius' reign as its subtitle suggests, but also presents a solid biography which covers many other aspects of his reign. Subsequently, Pierre Maraval's *Les Fils de Constantin* appeared in 2013. By tackling the three sons together, Maraval is able to offer a more holistic overview of the period, which presents a chronological history flitting between East and West, followed by separate thematic chapters on politics and the church. On the whole it is an insightful book, and this author has found it to be the most useful of the biographies on the sons (pending forthcoming publications). Finally, the first English-language biography of Constantius was published by Peter Crawford in 2016: *Constantius II: Usurpers, Eunuchs and the Antichrist*. It is a meaty volume with plenty of content, but it principally concerns itself with synthesising the established history of the period. Alongside these, there have been more general studies of the era, including David Potter's *The Roman Empire at Bay, AD 180-395*, and Jill Harries' insightful *Imperial Rome, AD 284 to 363*, as well as edited volumes such as J. Wienand's *Contested Monarchy: Integrating the Roman Empire in the Fourth Century AD*, and D. W. P. Burgersdijk and A. J. Ross's *Imagining Emperors in the Later Roman Empire*.⁴⁷

⁴⁵ Drijvers 2015, 85-6.

⁴⁶ Ibid, 91-4.

⁴⁷ Potter 2004; Harries 2012; Wienand 2015; Burgersdijk and Ross 2018.

This period has also produced a number of works specifically relevant to this thesis – besides the aforementioned *East and West in the Roman Empire of the Fourth Century: An End to Unity?* In 2003, Bruno Bleckmann published a substantial article on the civil war of 340, which analyses the territorial divisions between the sons and the build-up to the conflict between Constantine II and Constans.⁴⁸ Chapter 4 of this thesis disputes Bleckmann’s conclusions, but it is nonetheless a useful work with a great deal of valid argumentation. In 2008, R. W. Burgess published a hefty article entitled ‘The Summer of Blood: The “Great Massacre” of 337 and the Promotion of the Sons of Constantine,’ which effectively wrote the book on the violence associated with the succession of the sons of Constantine.⁴⁹ It is a meticulously argued article with no less than four appendices, and in general makes a very convincing case. It has been an important foundation for the material in Chapter 2. Finally, Muriel Moser has recently published *Emperors and Senators in the Reign of Constantius II: Maintaining Imperial Rule Between Rome and Constantinople in the Fourth Century AD*.⁵⁰ It is a book reworked from Moser’s PhD thesis and retains something of that flavour, giving a detailed account of political networks in the reign of Constantius and their relationship with the imperial government. Given the importance of prosopography to this thesis, and the detail Moser dedicates to officials active under the Constantinians, their careers and interrelationships, it is indeed a useful work. As per the title, it specifically targets Constantius and his relationship with the elites, and so the coverage of 337 to 350 is comparatively limited (covered in only thirty-three pages, compared to a hundred and forty-one pages on the years 350 to 361). As this thesis focuses more on the earlier period and particularly on the officials of Constans, Moser’s work is complementary rather than overlapping.

The themes of administration and governance remain in the forefront of current and forthcoming scholarship on the sons of Constantine, as does the question of unity. It is the aim of this thesis to both further scholarly work in this area, by advancing new theories about the reigns of the sons of Constantine and the figures behind their regimes, and to draw attention to the elephant in the room: division. This is a question of paramount importance to the function of the Roman Empire in this period, as well as to its broader history, and yet it is seldom mentioned, and then only in passing. It is not something that can be taken as incontrovertible and straightforward fact of the period 337 to 350, or of the Later Roman Empire more

⁴⁸ Bleckmann 2003a.

⁴⁹ Burgess 2008.

⁵⁰ Moser 2018.

generally. Nor is it something that can be considered merely in abstract terms. The division of the Roman Empire was of enormous practical importance to how the empire was run, how political networks developed and interacted, how imperial relationships developed and how they were tested. This thesis will use this particular perspective to analyse this period in a new and original way, while giving division the scrutiny it deserves.

1.4 EVIDENCE AND SOURCES

Before establishing a definition of division, and discussing how this will be approached along with political networks and imperial relations, it is important to first set out the evidence that is available. Although the period of 337 to 350 is better attested than certain others in Roman history, the evidence is nonetheless still sparse by the standards of the fourth century, with a particular lack of narrative histories for the period. The material evidence is abundant and useful, but not so plentiful that we can select data to suit our purposes; rather, we have to tailor our purposes to suit what is available. Given the limited repertoire of answers, it is important to ask the right questions, and these questions can be more easily justified if the contemporary evidence and its restrictions – the parameters within which we have to work – are laid out here first.

The most substantial and useful cache of contemporary documentation is preserved in the *Codex Theodosianus*. This was a substantial and wide-ranging collection of laws assembled on the orders of Theodosius II and published in 438. It includes a large numbers of laws issued by Constantius II and Constans, and only a few of Constantine II, which collectively form the largest body of written material emanating from their courts. At times, this can be supplemented by laws preserved in the later *Codex Justinianus*, a similar work published in final form in 534, but the bulk of useful material for the period under study is in the *Codex Theodosianus*.

The laws of the sons are useful in a number of ways. First and foremost, they reflect policy, albeit policy that was flexible and more often reactive than ideological.⁵¹ Secondly, laws and

⁵¹ Millar 1977, 317, notes ‘the passivity of the emperor’s role, and its substantial (though not complete) limitation to the function of responding to reports, requests and inquiries.’ The laws of the sons of Constantine almost entirely follow Millar’s petition-and-response model, although there are a few proactive edicts (e.g. *CJ* 6.9.9, 6.23.15, 6.37.21, ‘*ad populum*.’ See Cuneo 1997, 31-6).

the way they were issued, and by whom, can tell us a great deal about how the empire functioned constitutionally; without knowing the precise terms of the division, we have to reverse-engineer them from how the empire practically functioned, such as in Chapter 3. Thirdly, the laws give us an enormous amount of incidental information in their salutations and subscriptions. The *Codex Theodosianus* is, along with inscriptions, one of the principal resources for knowing who held what office and when, and is vital for the prosopographical approaches to this subject used in Chapters 5 and 6. The final gift of the *Theodosian Code* is that it gives the date on which the law was given and/or received, and often the location in which it was issued. This helps to trace the movements of the emperors and their courts, as used to great effect by T. D. Barnes.⁵²

The greatest impediment to the use of the code is its frequent inaccuracy. Unlike the content, the precise dates and places of issue or receipt, the identities and offices of recipients, and even the identities of issuing emperors were not of great importance to the Theodosian compilers a hundred years later. Often, the combinations of dates, issuing emperors, and locations do not cohere. For example, there are laws attributed to Constans issued from Constantius' territory; there are laws issued to officials well outside their term of office; there are laws with oxymoronic consular dates, throwing together the consul of one year with the consul of another.⁵³ Sometimes these are easily emended. At other times, they can be irresolvable, when we cannot judge which detail is in error, if not both. The work of Theodor Mommsen and Otto Seeck has done much to emend errors, although their emendations are not always correct, and one must be mindful of what is in the original manuscripts.⁵⁴ Nonetheless, the benefits of this resource far outweigh the difficulties of using it, and Chapters 3, 4, 5, and 6 all make extensive use of the evidence found within. There is also a full translation produced by Clyde Pharr and his colleagues, which has proved invaluable, although this thesis has often modified his work in quoted passages to offer a more literal translation.⁵⁵ Finally, there is Paola Ombretta Cuneo's *La legislazione di Costantino II, Costanzo II e Costante (337-361)*, a volume which collates all the laws issued by the three sons of Constantine, arranges them chronologically, and offers commentary and interpretation law-by-law; it is an invaluable resource.⁵⁶

⁵² Barnes 1980, *passim*; 1982, 47-87; 1993, 218-228 (see below).

⁵³ E.g. *CTh* 11.1.6 in Chapter 3.4.

⁵⁴ Mommsen 1905, Seeck 1919. The translation of Pharr 1952 usefully highlights emendations.

⁵⁵ Pharr 1952.

⁵⁶ Cuneo 1997.

Alongside the *Codex Theodosianus*, the other great source of plentiful contemporary evidence is to be found in inscriptions. By the fourth century the epigraphic habit was, if not at its height, nonetheless alive and well.⁵⁷ Imperial and official inscriptions, containing the names and various titles and honorifics of emperors and officials, provide a wealth of information for prosopographical approaches to this period. Inscriptions are often fragmentary or damaged, which can make interpretation difficult, and care must be taken not to base arguments on reconstructed or uncertain readings of epigraphic texts (e.g. the Troesmis inscription which features in Chapter 2.4). Dating can also be questionable, but the number and titles of emperors along with the identity of their officials when mentioned can often allow the accurate dating of certain inscriptions, in the absence of explicit dates. Sometimes, inconsistent information on inscriptions can raise interesting historical questions, and hypotheses can be advanced to explain incongruity (e.g. Anicius in Chapter 6.5). The overall utility of inscriptions to this thesis is comparable to the *Codex Theodosianus*, but the information is distinctly different. While the *Codex Theodosianus* might tell us what office an official held at a certain point in time, an inscription might tell us what offices that same official had held over a much longer period of time, usually without specificity of date, although they do often reflect a sense of chronology.

One of the principal strengths of epigraphy as a resource is Mommsen's monumental *Corpus Inscriptionum Latinarum* (*CIL*). Across seventeen volumes, this provides a near-comprehensive database of inscriptions from all quarters of the Roman Empire; its value, in short, is to make epigraphic evidence accessible. As ever, the greater a resource's strengths, the more care must be taken not to over-rely on it. The *CIL*, despite supplements and updated editions, inevitably lags behind archaeological discoveries (e.g. the Ostian plaque of Appendix 3 of this thesis). It is also fallible, with the occasional erroneous interpolation (e.g. the stray X and G added to the Troesmis inscription in Chapter 2.4). Also, although it features numerous Greek inscriptions that also have Latin elements, it is only dedicated to Latin epigraphy. Official inscriptions tend more toward Latin than Greek in this period, but this thesis has been mindful not to overlook those in Greek (such as the Palladius inscription in Chapter 3.5), with resources such as the *Supplementum Epigraphicum Graecum* (*SEG*). Finally, while the *CIL* has comprehensive indexes and is conveniently available online,⁵⁸ it is not easily searchable.

For a digital-humanities approach, the *Last Statues of Antiquity* project (*LSA*) of R. R. Smith and B. Ward-Perkins is much more helpful. This is an attempt to catalogue the evidence

⁵⁷ See Bolle, Machado, and Witschel 2017, 17-21, on the epigraphic habit in Late Antiquity.

⁵⁸ <https://arachne.uni-koeln.de/drupal/?q=en/node/291>

for all Late Antique statues and their inscriptions in a free database that is searchable using a wide range of criteria. Although it is limited to statues and their bases, it is an immensely valuable resource that can be used with greater ease and flexibility than *CIL*. Entries are accompanied by translations, academic commentaries, and pictures or illustrations when available. This thesis has provided *LSA* numbers alongside *CIL* numbers where relevant or useful.

On the theme of prosopography, another document has proven to be particularly useful in this area: the *Chronography of 354*. This was an unusual document perhaps best epitomised by its German designation as a *Kalenderhandbuch*. Known only from Renaissance copies of Medieval copies of the original manuscript, this was originally created by Furius Dionysius Filocalus for a Christian aristocrat named Valentinus, in late 353 or early 354.⁵⁹ It was an attractively decorated, high-status calendar that included a range of other useful works of reference, including (among other things) consular fasti, a list of the urban prefects of Rome from 254 to 354, a list of popes, and the dates of Easter. The list of urban prefects is unique, giving us dates, names, and details not recorded anywhere else. Other than the consulship, the urban prefecture is the only office for which we have a comprehensive list of its holders during this period, and as such, it is immensely useful for studying the administration of the West from 337 to 350. The nature of this document and the accuracy of this list needs to be considered in greater detail than would be appropriate here, so it is discussed more fully at the beginning of the analysis of the urban prefecture in Chapter 6.2.

As much of the material mentioned so far has been prosopographical, it is worth mentioning here *The Prosopography of the Later Roman Empire Vol. 1: A.D. 260-395* (1971, henceforth *PLRE* 1). This was the result of an ambitious project led by A. H. M. Jones, J. R. Martindale, and J. Morris to assemble a reference work of known office-holders from the period, with biographical entries for each listing key references to source material. This work enables new approaches to interconnections and relations that would be too difficult and time-consuming to be practical without it. It is telling that users of the *PLRE* (such as this thesis) are still finding new avenues to explore and exploit even as we approach the fiftieth anniversary of its publication. It also makes the historian appreciate all the more the efforts of historians like André Chastagnol, who laboured without this resource to produce *Les Fastes de la Préfecture de Rome au Bas-Empire*, another key prosopographical work that this thesis uses in Chapter 6.3. The abundance of this kind of evidence, alongside the limitations of the conventional

⁵⁹ Burgess 2012, *passim*.

narrative sources, makes prosopography one of the most productive approaches to the political history of 337 to 350.

Alongside epigraphic evidence, the other truly abundant material resource is coinage. The mints of the empire produced coins in their millions, with even the very shortest reigns (such as the twenty-seven or -eight day reign of Nepotianus) producing numerous different types.⁶⁰ Coins were considered to be a significant emblem of power, and a tool of legitimation which was to be taken very seriously. The Antiochenes antagonised Julian by deliberately misinterpreting the message of his bull coins, saying it was a symbol of him desolating the world with his excessive sacrifices,⁶¹ and Julian retaliated in his tetchy attack on the Antiochenes.⁶² When Procopius usurped two years after Julian's death, claiming to be his designated successor, he sent men to take possession of Illyricum armed only with gold coins bearing his image; having one's face on the coinage was one of the key steps towards realising a claim to rule.⁶³ The numismatic evidence can therefore be taken as a highly significant indicator of how the emperors conceptualised and promoted their rule. It can also serve as important evidence for imperial relations. While the emperors possessed their own mints and had their own hierarchies of financial officials, they naturally retained the same currency and – to an extent – co-ordinated their minting activities. The production of different types, in different places, by different emperors, at different times, can be used to make more specific arguments about the history of the period 337 to 350. For example, the production of posthumous coins of Constantine is used in the analysis of the division of 337 to 340 in Chapter 3.3. Although somewhat dated by subsequent discoveries, and in need of supplementary research, the seventh and eighth volumes of *Roman Imperial Coinage* are a monument to

⁶⁰ Although the similarly short reign of Silvanus produced no coinage as he did not come into possession of a mint.

⁶¹ Soc. *HE* 3.17. Socrates erroneously assumes, based on the Antiochenes' joke about Julian's sacrificial victims, that the coin depicted an altar. Enigmatic though this coin is, it does not depict a sacrificial scene. Rather, the Antiochenes' humour comes from twisting the intended message of the coin to reflect a less-positive aspect of Julian's reign. The incident reflects quite a knowing interplay between the intended message of Julian and how the audience chose to receive it.

⁶² Jul. *Misop.* (coins mentioned at 355D).

⁶³ Amm. 26.7.11.

numismatic research and an invaluable basis for studying the coin outputs of the sons. Both have been kept in easy reach during the preparation of this thesis.

Additionally, the immense record of art and architecture dating to the reigns of Constantine and his sons is vital to any consideration of this period. The evidence is too extensive and varied to discuss with any specificity here, but it is a dimension which this thesis has not lost sight of, even though other forms of evidence (such as inscriptions) have proved to be of more frequent utility.

Alongside the contemporary material and documentary evidence, there are also a number of ancient literary sources, many of which were written by those who lived through the period. It seems appropriate to begin with Ammianus Marcellinus, who Edward Gibbon famously eulogised as ‘an accurate and faithful guide, who has composed the history of his own times without indulging the prejudices and passions which usually affect the mind of a contemporary.’⁶⁴ Ammianus was one of the great historians of Late Antiquity, and his history is a treasure trove of political and military detail, without which our knowledge of the fourth century would be considerably more skeletal. But unprejudiced and unbiased he was not. His history followed the Tacitean model in more ways than one, and Ammianus was a skilful manipulator of historical events to suit his own agenda.⁶⁵ This is particularly evident in his suppression of Christianity as a political force, his persistent character assassination of Constantius and Gallus, and his partiality to Julian.⁶⁶ This does not detract from Ammianus’ literary worth, at least not when judged by the historiographic conventions of his day, but it does mean that the modern historian must approach with considerable caution. Fortunately,

⁶⁴ Gibbon 1993, 3.65. While Gibbon’s complement is remembered (e.g. Weisweiler 2015, 104), it is usually forgotten that he also describes Ammianus to be so tasteless that it is difficult to tell his facts from his metaphors (3.3 n.1), and censures ‘the vices of his style, the disorder and perplexity of his narrative’ (3.52 n.1).

⁶⁵ Although Barnes 1998, 187, observes of Ammianus and Tacitus that ‘historians have obscured the individual genius of each by assimilating it to that of the other.’

⁶⁶ On Christianity, see Barnes 1998, 79-94. On his manipulative presentation of Constantius and his relationship with Gallus and Julian respectively, see Blockley 1972 and Chapter 7.3 of this thesis.

Ammianus' deficiencies can be balanced against a wealth of modern scholarship dedicated to his interpretation and correction.⁶⁷

One of the main reasons for the neglect of the period under study, 337 to 350, is the fact that Ammianus' history of this period is lost. The extant books of Ammianus begin in 353, and had the previous books survived, there would unquestionably be a great deal less doubt and uncertainty about the political history of 337 to 350. Nonetheless, Ammianus still has his relevance as a resource. He tells us a great deal about the characters who were active at this time. He paints a vivid picture of the world in which they lived. He lets slip innumerable details that inform our understanding of the years before his history begins. Sometimes, we can deduce how his non-extant books would have depicted particular events, and this can inform our approach to historical problems (e.g. Amphilochius in Chapter 4.3).⁶⁸

Much as Ammianus begins after our period ends, the other great historian of the fourth century, Eusebius of Caesarea, writes about events no later than 337, with his *Life of Constantine* concluding with the accession of the sons. As the historical works of Ammianus and Eusebius are responsible for a substantial part of the narrative detail we have about the mid-fourth century, the period between them could be described as a miniature dark age. Nonetheless, the *Life of Constantine* remains a valuable source that gives a near-contemporary account of the succession, massaged to reflect how the sons presented and legitimised their rule, and other works such as the *Ecclesiastical History* and *De Laudibus Constantini* yield a

⁶⁷ There are too many works to list here, but this thesis has benefitted directly or indirectly from: Barnes 1989, Barnes 1998, Blockley 1972, Blockley 1999, Drijvers and Hunt 1999, Flower 2015, Frakes 1997, Hunt 1985, Matthews 1989, Syme 1968, Teitler 1992, Thompson 1943, Tougher 2000, and Weisweiler 2015, as well as the detailed commentaries of de Jonge 1935, 1939, 1948, 1953, 1972, 1977, 1980, 1982, and their continuation in den Boeft, den Hengst, and Teitler 1987, 1991, and then den Boeft, Drijvers, den Hengst, and Teitler 1995, 1999, 2002, 2005, 2008, 2009, 2011, 2013, and 2018. And, last but not least, the faithful Loeb translation of Rolfe 1950-52.

⁶⁸ If, that is, the 'lost books' existed in the first place, and were not a surreal paratextual deception perpetrated by Ammianus, as enticingly proposed by Rees 2014, 129-42. This thesis will proceed from the more widely accepted premise that they did exist, but the possibility that they did not does not necessarily scupper arguments made from references to lost books. Whether Ammianus *did* cover events in a certain way or merely *would have* does not impede our interpretation of the historian's view of past events.

great deal of information relating to the reign of Constantine. Eusebius has also been well-studied, but from a political perspective, *Constantine and Eusebius* by T. D. Barnes is particularly useful.⁶⁹

The ancient sources that actually cover the years 337 to 350 tend to be less esteemed in their quality. Aurelius Victor was a close contemporary, active in the Constantinian bureaucracy before writing history,⁷⁰ and his *De Caesaribus* (finished in 360), contains a great deal of useful, if undetailed, information. Aurelius Victor is sometimes wrongly named as the author of the *Epitome de Caesaribus*, an anonymous and general work from the later fourth century. Around a decade after the real Aurelius Victor was writing, another former bureaucrat of Constantius,⁷¹ Eutropius, wrote a *Breviarum* of Roman history down to the death of the emperor Jovian (published late 369 or early 370).⁷² It is a rather terse recounting of events, although the way it is framed is often illuminating and Eutropius' access to the imperial court and its documents means he was potentially well informed.⁷³ At around the same time, Festus also published a *Breviarum* with the same chronological range.⁷⁴ These works all used the lost *Kaisergeschichte*, a hypothesised history from the mid-fourth century that explains the derivation of material common to a number of works. It was originally conceived of by Alexander Enmann in the late nineteenth century (and is sometimes known as the *Enmannsche Kaisergeschichte*),⁷⁵ and the theory is accepted, with modification, in modern scholarship.⁷⁶ Approaches to these sources depend in large part on determining their interrelationships and sources of information.

Later sources include the ecclesiastical historians of the fifth century: Rufinus, Socrates Scholasticus, the closely related Sozomen, and Theodoret. Given their focus on church matters, their coverage of the political history of 337 to 350 is generally vague and imprecise, but they record stray anecdotes and preserve original letters which are of considerable value. Narrative

⁶⁹ Barnes 1981.

⁷⁰ Aur. Vict. *Caes.* 20.5.

⁷¹ *PLRE* 1 Eutropius 2, 317. He also accompanied Julian on his Persian expedition, and held high office under the Valentinians.

⁷² Lenski 2002, 187.

⁷³ Probably as a *magister epistularum* (ibid).

⁷⁴ *PLRE* 1 Festus 3, 334-5.

⁷⁵ Enmann 1884.

⁷⁶ E.g. Barnes 1978, Burgess 1995.

histories are also found in the Byzantine historians, beginning with Philostorgius probably in the 440s. Philostorgius is not extant, but his history was epitomised by Photius in the ninth century, and was also used as a source of the *Artemii Passio* in the eighth century. The latter has more detail relating to our period, but the former probably follows his source material more closely. Zosimus wrote in the late fifth or early sixth century, and is the source of a great deal of unique information, but he suffers from errors and anachronisms from his own time. Later, in the twelfth century, Zonaras wrote a detailed history which is particularly strong on the civil war of 340 and the usurpation of Magnentius. Finally, there are a number of useful chronicles listing dates and events, including the *Chronicon* of Jerome (c. 380), the *Consularia Constantinopolitana* (c. 468), and the *Chronicon Paschale* (after 627), which are principally useful as a source of dates, although they are far from infallible.

To conclude this section, special mention must be made of three pagan intellectuals, who were all prolific writers, all active in the period 337 to 350, and who all knew or wrote to each other. These are Themistius, Libanius, and Julian. Themistius came to prominence in the early 340s, delivering a panegyric to Constantius in the politically sensitive aftermath of the rioting in Constantinople in the winter of 341/2.⁷⁷ Constantius eventually made him a member of the Senate of Constantinople with a flattering letter of adlection, which is the most substantial single piece of writing that survives from any of the sons of Constantine.⁷⁸ It is more elegant and cultured than the more familiar image of the slow-witted Christian fanatic might suggest.⁷⁹ Themistius delivered four panegyrics in honour of Constantius, which give unparalleled insight into the ways the sons of Constantine engaged with intellectual culture and used literary patronage to legitimise their rule.

Libanius appears to have been a less willing courtier. It is hard to avoid detecting a tone of resentment in the opening of his panegyric to Constantius and Constans in the early 340s, where he makes it very clear that he was working under compulsion. He frames it carefully, claiming he desired and intended to write such a speech, but while he was ‘still contemplating the matter the injunction confronted me and my intention and the request concurred.’⁸⁰ He also makes it

⁷⁷ Skinner 2015, 236-244.

⁷⁸ The letter survives in Greek translation, and is discussed and translated into English in Heather and Moncur 2001, 97-135.

⁷⁹ In defence of Constantius’ *paideia*, see Henck 2001a, 172-87.

⁸⁰ Lib. *Or.* 59.4.

clear that the commissioner of the panegyric demanded the difficult job of a joint address to Constantius and Constans, an admission which strongly suggests an underlying political purpose to his speech, and specific directions from the court on how to approach it.⁸¹ Given the circumstances of its composition, this speech is extremely valuable as evidence for the relationship between Constantius and Constans in the early 340s, and is discussed more fully in Chapter 4.2. Libanius was also a tireless correspondent. More than fifteen hundred of his letters survive.⁸² Although they post-date our period, with the earliest being sent in 353, they make up a valuable body of prosopographical evidence which can help identify officials and figures who served the administration in the period 337 to 350, as discussed throughout Chapter 5.

The third individual has an unusual closeness to the events he attests, being the nephew of Constantine and the future emperor Julian. Although none of his works predate the 350s, his three panegyrics contain repeated references to the events of 337 to 350, and, as an imperial insider, he gives valuable insights into how events were remembered and manipulated by the court of Constantius. His later enmity to Constantius also gave rise to a famous work of polemic, the *Letter to the Athenians*, where Julian supposedly gives voice to years of suppressed feelings about his dynasty.⁸³ It is far from a straightforward, unbiased counterpart to his panegyrics – if anything it is even more politicised and manipulative – but it gives an account of Julian and Constantius’ relationship from the time of the succession through to their outbreak of hostilities. Despite his relative inactivity (and at times total seclusion) during the period 337 to 350, Julian’s writings crop up throughout this thesis as a continually useful source of information. His works are so varied in their motivations and the needs that they serve that each requires an individual approach, and this is discussed where appropriate in-text (and in Appendix 3 for the second oration). Julianic scholarship is a field in itself,⁸⁴ but for approaches to Julian’s various works, N. Baker-Brian and S. Tougher’s collected volume, *Emperor and*

⁸¹ Lib. *Or.* 59.6.

⁸² Norman 2000, xi.

⁸³ See esp. Humphries 2012.

⁸⁴ Major works include Bowersock 1978, Athanassiadi 1992, Smith 1995, Tougher 2007, Teitler 2017.

Author: The Writings of Julian the Apostate, is particularly helpful,⁸⁵ as are the Loeb translations by W. C. Wright.⁸⁶

1.5 DEFINING AND APPROACHING POLITICAL NETWORKS, IMPERIAL RELATIONS, AND THE DIVISION OF THE ROMAN EMPIRE

Division and unity are easy to identify in their extremes, but drawing a dividing line through the grey area between them is more difficult. Attempts to formalise a delineation can lead to problems, such as Palanque's disquiet with the appointment of consuls in a divided empire (see 1.2 above). It would be easier and more honest to say that one knows division when one sees it, and that criteria for division follow rather than precede a historian's perception of it. Nonetheless, having a single set of criteria by which to judge divisions can more clearly illuminate the differences between them, and in turn show why the shade of division that appeared from 340 to 350 was of a fundamentally different character to the sharing of power in the Tetrarchy, or the division between Constantine and Licinius. This is vital to establishing the premise of this thesis. Although it has been touched upon already in previous sections, now we have surveyed the approaches of other historians and set out the evidence we have to work with, it is possible to tackle the definition of division head on, and propose a set of working criteria.

This thesis concerns the division of government. It is not directly concerned with the ongoing perception of unity in the Roman Empire – which was more ideological than realistic⁸⁷ – or with the continued close links in terms of language, culture, trade, religion, or other unifying factors that do not come under the umbrella of 'the state.' One need not look very far in the modern world to find examples of these kinds of unity between states that are unquestionably separate. For the purposes of this thesis, the criteria for defining 'statehood,' arising from the condition of a divided empire, are as follows:

1. Territorial sovereignty, and the right of each territory, or *pars*, to inviolable borders.

⁸⁵ Baker-Brian and Tougher 2012.

⁸⁶ Wright 1913-23.

⁸⁷ Sandberg 2008, 204-10, makes much of the eastern and western emperors recognising each other on coins and issuing laws in the names both emperors long after 395; rather contrary to the point he is trying to make, this only serves to emphasise how separable these tokens of unity were from political reality.

2. The independence and autonomy of the rulers and governments of each *pars*. This means there cannot be a functional imperial hierarchy, with junior emperors subject to the authority of their seniors.
3. The separation of executive, administration, and judiciary between *partes*, which, in turn, may be identified by:
4. Separate rulers and courts.
5. Separate hierarchies and systems of appointment for officials, where officials are appointed by authorities within a *pars*, and are not subject to the commands of higher-ranking officials from outside that *pars*.⁸⁸
6. A separate fisc, with each *pars* collecting its own revenues, managing its own treasury, and not contributing to or benefitting from the finances of other territories.⁸⁹
7. A divided legislature, where a government has the right to issue laws only within its own territory, and where the laws of a government have no validity in another *pars* without the endorsement of that territory's own government.
8. The recognition and acceptance of the state of division by each government.

It will be obvious that these criteria are, in a sense, very narrow. This is not a discussion of nationhood, or of people, or of culture. It may also be apparent that a division that meets these criteria, which this thesis would consider to be a 'true' division, might not differ much in outward appearance to the longstanding precedent of collegial rule (that is, a unified empire ruled by more than one emperor and court). As has often been observed, most of those living at the time did not recognise that the empire was divided. But that does not mean that it was not divided. Hindsight lets us see that with a great deal of clarity. The division of the Roman Empire began with a simple separation of the state, and grew to have world-changing consequences.

⁸⁸ The possibility of officials holding office in one territorial system and then subsequently holding office in another territorial system, as seen in Chapters 5 and 6, should not be seen as an interlinking of hierarchies. Offices outside of the administrative hierarchy, such as the consulship, need to be considered on a case-by-case basis.

⁸⁹ This is not affected by a shared currency or coordinated coin iconography. The situation of the divided empire in its early years might be loosely compared to the Eurozone, only without any kind of centralised monetary policy equivalent to that of the European Central Bank.

If we apply these criteria to the divisions of the fourth century, two points become instantly clear. The first is that these criteria are only as useful as the available evidence allows. Some criteria, such as having separate rulers and courts, are obvious and can be proved with abundant contemporary evidence. Others, such as territorial sovereignty, can be much more difficult to judge and still harder to prove. It will be impossible to systematically test each individual division against each of these criteria, and as the available evidence varies, so must our approach to different divisions. The second point is that episodes of division (or non-division) in the fourth century do indeed vary a great deal in their characters and terms.

For instance, there was no meaningful division in Diocletian's Tetrarchy. There was no territorial sovereignty, as Diocletian entered the territories of other emperors as he wished. There was no autonomy or independence of government, as the other emperors of the Tetrarchy obeyed Diocletian as senior Augustus. Nor was there a divided legislature, or at least not entirely, as Diocletian issued at least one law to territory under the command of another Augustus.⁹⁰ It is likely other criteria are also unfulfilled, but the evidence available limits what we can analyse. In short, it is as this introduction and many other works have already argued: during the Tetrarchy of Diocletian, the empire was unified under a government of multiple emperors.

The period between 313 and 324, after the defeats of Maxentius and Maximinus Daia when power was shared by Constantine and Licinius alone, is more obviously divided. At first, there is evidence of collegiality, with the so-called 'Edict of Milan' in 313. This famous document reveals an effort to co-ordinate legislation and imperial policy across the empire, which seems very much at odds with division. Administrative reforms can also be inferred from the summit of Constantine and Licinius in 313, with a clear intention to harmonise these reforms across the empire.⁹¹ Unfortunately the memory sanctions against Licinius make it a challenge to trace his legislation in the *Codex Theodosianus*, and while Constantine discretely preserved parts of his legislative programme, other Licinian laws were denounced, indicating legislative divergence during the period of co-rule.⁹²

⁹⁰ *Collatio Mosaicarum* 15.3, trans. in Gardner and Lieu 2004, 116-8; Corcoran 2000, 135-6.

⁹¹ Barnes 2011, 90-3.

⁹² Corcoran 1993, 105-119.

However, there was a certain latent hostility between Constantine and Licinius, given neither of them had clear seniority or had desired the appointment of the other,⁹³ and given that Licinius had been appointed as Augustus of the West to contend with Maxentius, a role Constantine had seized for himself, taking the prestige of Rome and the recognition of the Senate along with it.⁹⁴ Competition for Italy was probably the reason Bassianus was mooted as a Caesar, as brother-in-law of both Augusti and as a buffer between their respective ambitions.⁹⁵ The birth of Constantine's second son made this arrangement undesirable, and Constantine alleged a plot against him as a pretext to remove Bassianus and go to war with Licinius in 316. The civil war favoured Constantine, but not decisively, and co-rule continued until their second civil war in 324. The extent to which division became entrenched in this period is reflected in its end. Constantine entered into Licinius' Thracian territory to repel a barbarian incursion, and Licinius took it to be a violation of his sovereignty.⁹⁶ If, as seems likely, this was intentionally provocative, then Constantine must have perceived their territories in much the same way.

The Roman Empire, under the rule of Constantine and Licinius, was unquestionably divided. The only criterium that this division does not meet is the eighth, that each *pars* should recognise the territorial sovereignty and autonomy of the other. This may be the most controversial of the proposed criteria – and it is certainly convenient for this thesis – but it is not meant as a historian's sleight of hand. It is genuinely important to distinguish between de facto divisions that arose from conflict and divisions that were peacefully accepted. What might be called 'conflict divisions' were a longstanding feature of the Roman Republic and Empire, and invariably resulted in reunification. It was only with the arrival of consensual, peacetime divisions, that recognised and accepted the sovereignty and autonomy of other *partes*, that division could start to become a permanent feature of Roman governance, rather than an inevitably temporary symptom of civil conflict. Despite the tendency toward professing unity

⁹³ Constantine was technically senior, having been a member of the imperial college the longest (since 306), and typically takes precedence on inscriptions. However, Licinius was made an Augustus by Galerius in 308, whereas Constantine was only recognised by other members of the imperial college as an Augustus in 310 (Barnes 2011, 89), which may explain why Constantine's authority was a point of contention.

⁹⁴ Stephenson 2009, 163-4.

⁹⁵ Stephenson 2009, 163-4; Barnes 2011, 100-3.

⁹⁶ *Anon. Val.* 1.21; Barnes 2011, 106.

and peace, it is clear – not just from hindsight – that the division between Constantine and Licinius bore all the hallmarks of conflict and competition from the very beginning. Aurelius Victor describes the years 313 to 316 as the *anxie triennium* through which the different characters of Constantine and Licinius were able to co-exist.⁹⁷ Civil war was initiated by Constantine in 316, and Licinius did little to avert it.⁹⁸ In the build up to their second clash, both emperors proclaimed different pairs of consuls in 321, and for the years 322 to 324 Licinius did not recognise any of Constantine's consular appointments, and nor did Constantine continue to alternate the choice of consuls with his colleague.⁹⁹ The non-recognition of consulships had been a precursor to civil wars since the early conflict division of Octavian and Antony,¹⁰⁰ and along with other provocations, it was a sure sign that co-rule could not last.

The situation that arose under the sons of Constantine was different. It was not a temporary split between rivals, while each tried to build the strength to decisively finish the other, and nor, at first, was it even divided. It was a relatively (by Roman standards) stable succession,¹⁰¹ which left the empire to be ruled by three full brothers. The initial constitutional arrangement was as we would expect; the empire remained whole, and governed by an imperial college presided over by its most senior member, Constantine II. There was co-ordinated legislation and widespread respect for the authority of the senior Augustus. However, the middle brother, Constantius, had already shown how easily Constantine II's authority could be overthrown when he had taken control of the succession in 337,¹⁰² and in the following years Constantine II did little to exercise his seniority, which ossified. In 340, when Constantine II tried to exercise his rights by taking a closer interest in the government of his youngest brother, Constans, he was deliberately ambushed and killed. By this act, Constans overthrew the senior Augustus and imperial hierarchy, and seized control of the West without the consent of the new senior Augustus, Constantius. The actions of Constans were by no means popular with the court of Constantius, but they were accepted without conflict. Despite occasional clashes over

⁹⁷ Aur. Vict. *Caes.* 41.1.

⁹⁸ Barnes 2011, 100-3.

⁹⁹ Bagnall 1987, s.a. 321 to 324.

¹⁰⁰ In 32 and 31 BC (Syme 1939, 278-9, 291).

¹⁰¹ While there was a political and dynastic purge in the East, and a Caesar was overthrown, and an army mutinied, there was no civil war and Constantine's sons did not at any point lose control of events.

¹⁰² Burgess 2008, 42.

the following decade, both emperors – and especially Constantius – appear to have made a concerted effort to keep the peace. But the character of government had changed. Without a functional imperial hierarchy or a clear constitutional relationship, division became established by default. This time, there was no expectation of resolution and reunification. Instead, the empire accepted and adapted to the reality of division.

But the most important difference between the division of the 340s and that of Constantine and Licinius is that the former set an influential precedent for division and the latter did not. It was undoubtedly the stability of this arrangement and its impression on the administrative and military hierarchies that led to it becoming established as the norm for much of the fourth century. Despite the empire being reunified under Constantius, after his partner in government was deposed by a usurper, the model of division impacted his subsequent attempts to rule with Caesars, and after the reigns of Julian and Jovian, it was many of the same officers that pressed for an arrangement resembling that of Constantius and Constans.¹⁰³ As a result, a new division of the empire was instituted by Valentinian, along with his brother Valens, although the authority of the senior Augustus meant that the empire was not quite so divided as it had been. Nonetheless, the divided model of the 340s increasingly prevailed, and, in 395, its progression to a state of permanence became complete – even if it became apparent only with hindsight.

The purpose of this section has been to outline why the period of 337 to 350 matters in the overall scheme of Roman history, and particularly to the question of division. That is not to diminish the importance of other divisions, such as that between Constantine and Licinius and that between Valentinian and Valens, but those have been addressed by scholars already, and are less in need of a fine-toothed analysis than this period. As the title of this thesis indicates, it is not just the question of division, but the question of political networks and imperial relations that form the political context in which it occurred. In short, the whole period of 337 to 350 requires fresh study, and it is only through a holistic approach that the matter of division can be illuminated. There are too many uncertainties to proceed without establishing a

¹⁰³ Drijvers 2015, 86-7, suggests the impetus for the army's demand that Valentinian appoint an imperial colleague on 25 February 364 came from middle-ranking military commanders. We would expect such people to be in their thirties or forties, which would suggest they grew up or reached maturity in the divided empire of the 340s and began military service under the sons of Constantine. It should not be forgotten that any experienced eastern officer in February 364 would have been serving under Constantius less than three years previously.

historical framework on which to build, and that necessarily requires some revisionist approaches to various problems.

1.6 THESIS STRUCTURE

The structure of this thesis will be roughly chronological. Chapter 2, ‘Constantius Divider of Empires?’ will cover the succession of 337. It will consider how Constantine intended the empire to be settled after his death, and how the land lay for the three sons when Constantine died with little warning on 22 May 337, and how Constantius reacted ahead of his brothers, by murdering the Caesar Dalmatius and a number of family members and officials in the East. I will propose that the victims of this famous massacre constituted an established Constantinopolitan faction favoured by Constantine in his later years, from which Constantius was excluded by his positioning in Antioch, and against which he had no choice but to act. Then, it will analyse the circumstances of the negotiations between the sons of Constantine that followed, and advance a revised hypothesis for the power dynamics of this meeting, and the reasons for the eventual acclamation of all three sons as Augusti.

Chapter 3, ‘The Constantinian Triarchy,’ will put forward a new interpretation of the empire of 337 to 340. It has always been assumed that the empire was divided in 337, and the nature of this division remained unchanged throughout the period 337 to 350, despite the intervening civil war of 340. This chapter will argue, contrarily, that the empire of 337 to 340 was unified under a hierarchical imperial college with Constantine II at its head, who was recognised as senior Augustus across the empire. Nonetheless, over these three years, territorial autonomy gradually began to be normalised, as a practical consequence of multiple rule with a *laissez-faire* senior Augustus, which created the conditions for the civil war of 340.

Chapter 4, ‘The Civil War of 340,’ will advance a revisionist interpretation of the poorly attested war between Constantine II and Constans, which led to the former’s death. Moving away from the traditional interpretation of it being a reckless invasion by Constantine II, checked by a remarkable defensive action by Constans, this chapter will show that Constantine II – as per the terms of collegial rules established in Chapter 3 – had every right to enter Constans’ territory, and that he did so peacefully, having forewarned Constans of his intentions. Evidence will be put forward showing that the impetus to war came entirely from Constans’ court, and that he ambushed his brother without warning in an action that was as much palace

coup as civil war.¹⁰⁴ There is little surviving evidence for the impact of this important conflict, but Chapter 4 will argue that Constantius was not as supportive of Constans' attacks on Constantine II's memory as is commonly thought, and supported his surviving brother only as far as was pragmatic.

Chapter 5, 'Ulpian Limenius and the West,' will move on to the aftermath of this conflict, and attempt to construct a skeleton history of how the empire was governed and divided in the 340s. Due to the limited evidence for this period, this chapter will utilise a prosopographical approach, using the office holders of the period to show how administration changed and the two *partes* interacted. It will focus on two offices, the praetorian prefecture and the consulship, through the eyes of an intriguing figure who held them both: Ulpian Limenius. It will demonstrate that while there was a great deal of interconnectivity between eastern and western courts, the establishment of regional prefectures by Constans helped cement modularity into the administrative fabric of the empire, which would help it return repeatedly into a divided state. It will also trace imperial relations through the consular fasti, and show that while Constantius and Constans clashed, they ultimately respected each other's sovereignty and established an empire that was divided on equal terms.

Chapter 6, 'Fabian Titianus and the Urban Prefecture of Rome,' will continue along similar lines, this time focusing on the urban prefecture of Rome – uniquely attested in the *Chronography of 354* – and its usefulness for attesting the government of Constans in the West. It will also look at the career of perhaps the most unjustly neglected official of the fourth century, Fabian Titianus, who was probably the most powerful figure in Constans' administration, and was the most senior figure to plot his downfall. The second part of Chapter 6 follows Fabian Titianus and his colleagues into the rebellion of Magnentius, an upheaval which overthrew the empire of Constans, and left some of the best evidence for his government in their wake. It will argue that by this point, division was implicit in all the negotiations between Magnentius and Constantius, and by 350 it was an established fact of how the Roman Empire was governed. It was only dynastic considerations and general stubbornness on the part of Constantius that resulted in the brief reunification of the empire.

¹⁰⁴ The conflict between Constantine II and Constans fit the *COD* definitions of both, being a state of armed conflict between citizens of the same country, and being a sudden violent seizure of power from a government. Börm 2016, 17-8, notes the terminological deficiencies of 'civil war.' This issue is discussed more fully in Chapter 4.1.

Finally Chapter 7, ‘Constantius, Unifier of Empires,’ will recap the findings and arguments of the previous chapters, before briefly considering the reunification of the empire under Constantius in the 350s, and his attempts to remodel the imperial college to prevent a return to division. It will conclude with Constantius’ failure, and the re-emergence of the model of the 340s, resulting the permanent division of the Roman Empire.

1.7 CONCLUSION

The fourth century is justly famous as a century of change. Reforms made the administration unrecognisable. The imperial office became so radically altered that it was given a new appellation, ‘the Dominate.’ There was a religious revolution that saw Christianity go from persecuted sect to state religion. And by the end of the fourth century the empire would never again be governed as a united whole. This is remembered as the time of Diocletian and Constantine, of Julian and Theodosius, and as the end of the Roman Empire as it is traditionally known.¹⁰⁵ These famous names represent many of the issues at the heart of the fourth century, as well as the patterns of scholarly interest in it, but the omission is obvious. Where is Constantius, the longest reigning emperor since Augustus (by Roman reckoning),¹⁰⁶ who held the East against Shapur II, and consolidated Christianity as the new Roman religion? Where are his brothers, one who died on a battlefield as ignominiously as Valens, and the other who did more to reform and divide the empire than Diocletian and Theodosius put together? Well, the great eye of scholarship is wheeling round to them, and before long historians of the sons will no longer be able to claim that they work on a neglected subject.

But there is still much to be done. As sections 1.2 and 1.3 have shown, scholarship has barely scratched the surface of the division of the empire, and still less has been done to examine it in the context of the sons of Constantine. Looking at the subject more broadly, the history of the years 337 to 350 is still a relatively blank space, and new approaches can yield a great deal of information to contribute to a period that has little by way of an established historical narrative.

¹⁰⁵ The period after Diocletian is invariably known as the Later Roman Empire or Late Antiquity.

¹⁰⁶ Imperial anniversaries included years served as Caesars, so by this measure Constantius reigned for thirty seven years from 324 to 361.

Distilled to its essence, this thesis intends to do two things. First, to argue that the division of the Roman Empire that emerged in the years 340 to 350 was significant, unprecedented in its circumstances, and highly influential to the future of the fourth century, and as such it deserves greater recognition and attention in scholarship. And second, to elucidate the political networks and imperial relations at work in the broader period of 337 to 350, to provide a better framework for interpreting the events of a historically neglected period as it emerges ever further into the scholarly zeitgeist.

Chapter 2

Constantius, Divider of Empires?

The unified empire of Constantine and the rebellion of Constantius in AD 337

2.1 INTRODUCTION

From 324 to 337, the Roman Empire was indisputably under the rule of one man: Constantine. Despite an imperial college of as many as five emperors, there was only one Augustus, and his presence and authority was felt in all the quarters of the Empire. Understanding the constitutional situation and succession arrangements under Constantine during this period of sole rule is vital to the interpretation of what followed, and this chapter will lay the foundations on which this thesis will build. Constantine had already appointed his first Caesars, his sons Crispus and Constantine II, on 1 March 317. It was part of a settlement with his co-Augustus Licinius that also saw the appointment of the latter's son, Licinius II, to the same office. Both Constantine II and Licinius II were infants. Their appointment was symbolic and dynastic, and their role was not practical. Crispus, on the other hand, was old enough to take on active duties.¹ After the rule of just two Augusti since 313, the appointment of Caesars seemed to herald a return to Tetrarchic rule. However, Constantine's appointment of two Caesars to Licinius' one, creating an imperial college of five, went against the Tetrarchic precedent of each Augustus having a single Caesar to succeed him.

There was a purpose in mind, and it must be understood in the context of Constantine's recent but inconclusive victory over Licinius. It prepared the ground for the future of the imperial college; if Licinius died, there would be no question of adlecting another Licinian into the college if there was a Constantinian already in place.² This pre-emptive elevation of heirs for future vacancies is key to understanding Constantine's take on the Tetrarchy. It was an adaption of the old imperial practice that went back to Augustus, of emperors promoting their heirs while they were still alive. In this case, it is confused by their appointment to an imperial college of multiple emperors, but Constantine's intention is clear. Not only were either of the Augusti ready to be succeeded by a Caesar, but the Caesar to be promoted would not have to

¹ Pohlsander 1984, 86-9.

² *PLRE* 1 Val. Licinianus Licinius 4, 509-10, notes the existence of an illegitimate son of Licinius I, attested in *CTh* 4.6.2-3. Constantine may have feared this son would follow the same path he had in the event of his father's death, if a successor were not already designated.

find a replacement for themselves. It was a way to exercise control over the succession beyond his own lifespan.

Licinius did not survive co-rule with Constantine. He was defeated in battle in 324, and executed along with Licinius II in the following year. Constantius was added to the imperial college in 324; from it was removed Crispus in 326.³ Finally, Constans was made Caesar in 333, and so was his elder cousin Dalmatius in 335 (see Appendix 1 for a family tree). As Constantine was now the sole Augustus, and the future of the Empire lay squarely in his hands, we must consider these dispositions to be of the greatest significance. But time proved they were not inviolable. When Constantine died in 337, his junior Caesar, Dalmatius, was assassinated by Constantius, and whatever plans he had made for the succession were upended. The first section will establish what Constantine had planned for the succession, and will challenge assertions made about the three sons' attitudes to his plans. It will then look briefly at the dynastic purge that followed the death of Constantine, and its implications. The second section, along with a brief digression on a Sarmatian campaign in 337, will argue that Constantius was responsible for reshaping Constantine's succession plans, as an ad hoc response to his death, and it was Constantius who was principally responsible for the constitutional arrangements of 337 to 340 – and, indirectly, for the increasingly autonomous division between East and West in the 340s.

Much of what this chapter will discuss is, ultimately, unknowable. The evidence is too limited to argue with certainty, much less offer proofs. However, what this chapter can do is evaluate what is known from a fresh perspective, draw new inferences from what evidence we have, and put forward a hypothesis about what is likely to have happened in the year 337. The results of this *Versuch* or *essai* will have to be conjectural – albeit no more so than any other study – but it is nonetheless still necessary to address these questions. These events were of enormous importance to the history of the fourth century, and set precedents that would eventually lead to the permanent division of the Roman Empire. Moreover, without establishing a baseline understanding of the succession, it will be impossible to progress to the next stage of this thesis, and examine how the divided empire functioned as a result. The hypotheses advanced here are revisionist, to varying extents, and they inform how we read the underlying imperial dynamics of the years that follow. And while we might lack certainty when we examine this period discretely, the arguments advanced here will draw strength from how they fit into the overall picture that will be drawn over the course of this thesis.

³ Barnes 1982, 7-8.

2.2 CONSTANTINE'S EXECUTOR

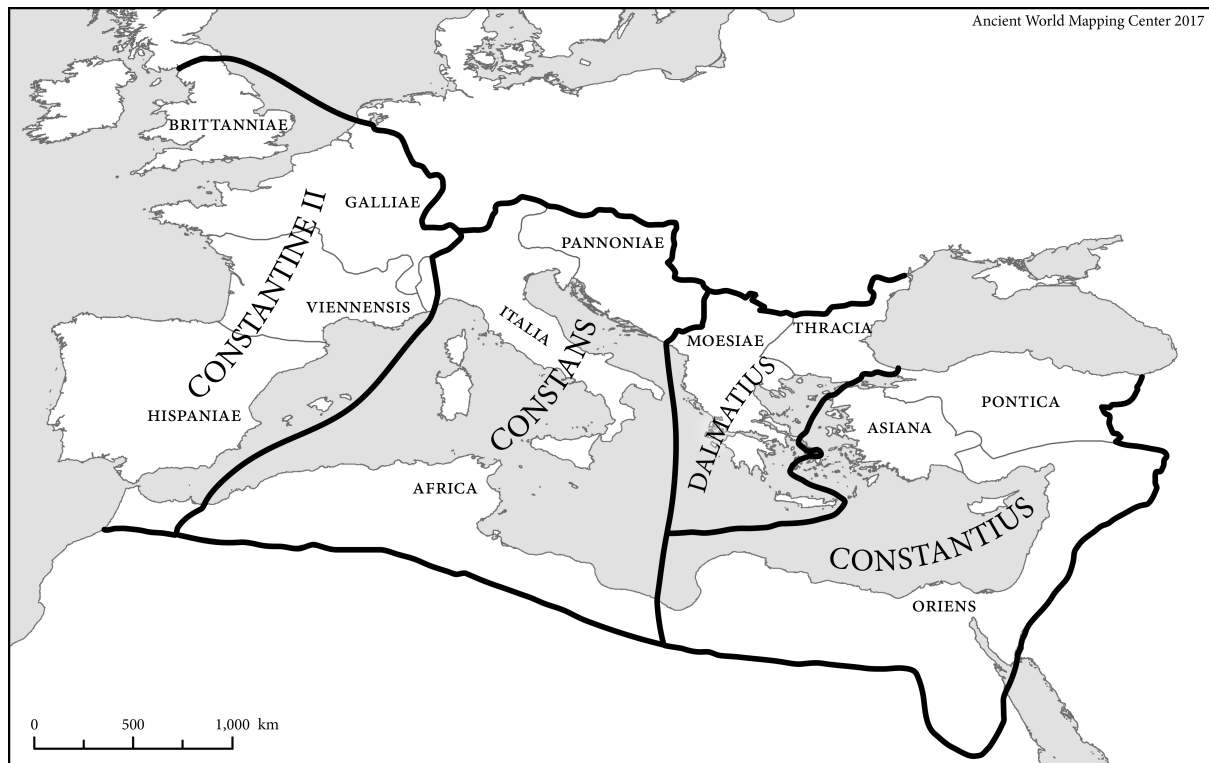


Figure 1: The territories of Constantine's Caesars from 335 to 337⁴

As the eldest surviving son and now senior member of the imperial college (albeit an imperial college comprised only of Caesars), Constantine II ought to have been executor of Constantine's will (discussed below in this section) and his wishes for the future of the Empire. These wishes would have been very clear. Constantine's appointments to the imperial college show he had been planning for the future for some time, and his successors would have known perfectly well what had been planned for them: namely, the promotion of Constantine II and Constantius to Augusti, leaving Constans and Dalmatius as their respective Caesars.⁵ This is the theory advanced by Heinrich Chantraine, which has considerable currency in Constantinian studies.⁶ It is posited on the basis of the preponderance of coins minted for Constantine II and Constantius, relative to the smaller numbers minted for Constans and Dalmatius.⁷ The principal weakness of this argument is the fact that a hierarchical coin production – that is, if coins were

⁴ Reproduced from Baker-Brian and Tougher (forthcoming).

⁵ Chantraine 1992, 3-25.

⁶ E.g. Burgess 2008, 8 n.21, and 43-5; Barnes 2011, 165; Maraval 2013, 27-9; Börm 2015, 252.

⁷ Chantraine 1992, 10-12.

minted in numbers proportional to an emperor's seniority in the imperial college – would have a very similar appearance to one stratified in the manner proposed by Chantraine. Woods also adds another reason that could explain why production favoured Constantine II and Constantius over Constans and Dalmatius: the former pair were simply older and had done more that was worthy of commemoration.⁸

The numismatic angle, then, is not as conclusive as might be hoped. However, there is a compelling argument to be made in support of what might be called the Chantraine hypothesis, based on the dispositions Constantine made while he was still alive. Constantine II was installed in Trier in 328.⁹ He had probably accompanied Constantine to Nicomedia and Constantinople as a child, but in the last decade of his life Constantine made no apparent effort to integrate his senior successor with the armies and administration of the East.¹⁰ That role was reserved for Constantius, installed in Antioch in 335, who was playing the imperial part by refortifying the cities of Amida and Antoninupolis, and perhaps supervising the construction of Antioch's new cathedral.¹¹ His positioning in Antioch, a likely staging-post for Constantine's planned campaign against Persia, suggests he was probably to have a role in this campaign. Constantine II and Constantius were, it appears, mirrors of each other, destined for the same roles in different halves of the Empire.

Another argument in support of the Chantraine hypothesis is the appointment of Dalmatius. The introduction to this chapter has mentioned a precedent for Constantine appointing 'spare' emperors, to pre-empt usurpations when vacancies opened up in the imperial college. Much as Constantine II was appointed in 317 to guarantee the principally Constantinian make-up of any future imperial college, he appointed Dalmatius in 335 for similar reasons. When he died, there would still be an imperial college of four – a Tetrarchy. There would not be an empty throne left by a promoted Caesar for aspirants to contest, nor a power vacuum in any of the empire's principal military commands. His choice of Dalmatius, in this context, was shrewd. He was young enough that he would not dominate his seniors in the imperial college (as would be the

⁸ Woods 2011, 190-1.

⁹ Barnes 1982, 84.

¹⁰ Although he did campaign on the Danube along with Constantius, technically in the eastern half of the empire but relevant to the military situation of the West. See Vanderspoel 1993, 504-7.

¹¹ Cities in Amm. 18.9.1 and Henck 2001b, 302-3; cathedral in Kleinbauer 2006, 127-8.

case with Theodosius I), and he would disincentivise any presumption of Flavius Dalmatius senior, the most militarily proven of Constantine's brothers.

The main strength of this line of argument is the lack of any credible alternatives. Constantine cannot have intended for there to have been more than two Augusti. As Chantraine points out, if this was the case, whence the brothers' dispute in 337 and why wait so long for the acclamation as Augusti?¹² Constantine, then, must have planned either for a return to the Tetrarchy, with his death leaving Constantine II and Constantius to become Augusti and Constans and Dalmatius to serve as their respective Caesars, or he must have intended to be succeeded as Augustus by Constantine II alone, thus continuing the rule of a single Augustus. The question, in short, is one Augustus or two?¹³ As has already been discussed, the exclusively western role of Constantine II indicates he was to become Augustus of only half the Empire (albeit with authority over the whole as senior Augustus). Constantius, then, would have to become Augustus of the East. The promotion of Dalmatius also precludes the possibility of a single Augustus. If Constantine did not intend on a Tetrarchy, then Constantine II having his two younger brothers as Caesars would be perfectly sufficient without needing to resurrect a marginalised branch of the family. It may well be, as Marcos argues, that there was a military need for Dalmatius: Constantine needed a capable presence on the Danube to enable him to shift his attention to the Eastern frontier. Constans was too young, Constantine II was in the West, and Constantius II was being groomed for an Eastern role in Antioch. This may well be true, but it is insufficient to explain why Dalmatius was made Caesar. Constantine could have utilised the elder Dalmatius as a general, as he had against Calocaerus the previous year,¹⁴ or relocated Constantius if an imperial presence was needed. If the Danube situation was that serious at the time, it seems unlikely Constantine would abandon it to start a war in the East. Rather, it should be seen as a proving ground for a young relative who could support the future imperial college as its most junior member.¹⁵ The appointment of Dalmatius was to fill a numerical deficiency in the college: Constantine's successors were to rule in pairs.

¹² Chantraine 1992, 14.

¹³ Cara 1993 is the principal advocate of Constantine intending to be succeeded as Augustus by Constantine II alone.

¹⁴ Theoph. A.M. 5825. He names Dalmatius Caesar, but this is clearly a mistake for Dalmatius senior. See Mango and Scott 1997, 49 n.2, and *PLRE* 1 Fl. Dalmatius 6, 240-1.

¹⁵ Marcos 2014, 757.

This was not a Tetrarchic act, inducting as it did a fifth ruler into the imperial college, but it signalled Constantine's commitment to a Tetrarchic succession. There was never an articulated ideology of Tetrarchy, not least for semantic reasons; in the ancient world 'Tetrarchy' did not imply collegiality but divided rule (which, as Chapter 3 will show, was alien to the period before 340), and the term was never used in reference to Diocletian or his colleagues.¹⁶ There was, however, an abiding memory of a time when two Augusti and two Caesars had ruled together in harmony, and the precedent of four rulers in the four quarters of the empire had bled into the administrative fabric of the empire and the expectations of the frontier armies. The memory of Diocletian should not be underestimated, especially given he was the only one of Constantius I's colleagues who was not tainted by opposition to Constantine. And it should not be forgotten that Constantine was a Tetrarch of old, who had been raised in Diocletian's court and became sole Augustus due to disagreements with his imperial colleagues rather than because of dissatisfaction with collegiate government in itself. Having disposed of his colleague Licinius, and killed his promising son and Caesar, Crispus, he had simply been left without a viable colleague to become Augustus.¹⁷

As a result, he had ruled as a single Augustus in a slightly expanded imperial college of five (apparently constituted so no further adlections were needed to ensure his succession plans), so that he would be succeeded by a new and revived Tetrarchy instituted on stronger dynastic lines than the original, which itself was instituted on a dynastic premise. Diocletian's Tetrarchy is often held to be a meritocratic revolution, but it was no such thing. Diocletian insisted on intermarriage within the imperial college, which cannot have been in the hope that marriage relations would prevent conflict – this had been proven ineffectual time and time again – but was to produce heirs. Diocletian did not intend to create a meritocracy but a dynasty, and this is confirmed in the interest he took in Constantine as the son of his Caesar, Constantius I. His original plan for the Tetrarchy had been the dynastic promotion of Constantine and Maxentius.¹⁸ Much as Diocletian's plans went awry because of the ambitions of Galerius, so

¹⁶ Leadbetter 2009, 3.

¹⁷ Although Constantine had brothers, and although his trust in them increased as they were awarded consulships and military roles in the 330s, during the years after the death of Licinius in which Constantine might have considered appointing a colleague, they were kept in semi-exile (Marcos 2014, 752-6).

¹⁸ See Cullhed 1994, 14-31.

the succession plans of Constantine were undone by Constantius. As this chapter will argue, the warped form of co-rule under the sons can only be described as distinctly post-Tetrarchic.

Burgess and Barnes hypothesise that the promotion of Constantine II and Constantius would have been intended while Constantine was still alive, so that he might manage their accession and not leave it to the acclamation of the troops.¹⁹ This would certainly have been prudent, although his death prior to their promotion was not the insurmountable difficulty Burgess suggests, saying it left ‘Constantine II and Constantius no constitutional means of becoming Augustus, apart from the earlier precedent of proclamation by the army and acceptance by the senate and people of Rome.’²⁰ Constitutionality – a moveable goalpost in an absolute monarchy anyway – was never as important as acceptance by the troops, and Constantine’s sons were not so poorly established that they relied on a title to retain the support of this body. Indeed, their status as Caesars would afford them the opportunity to demonstrate their standing by having the troops agitate for their promotion.²¹

The fact that Constantine added a fourth Caesar to his imperial college, at a time when he had cause to be contemplating his mortality,²² meaning it would revert to the rule of four upon his death with no further adlections needed, indicates he intended the new Tetrarchy to come into being only when he died, and not before. Had he truly wished to follow the traditional Tetrarchic practice of appointment, he would have made Constantine II his co-Augustus, with the intention that Constantine II would promote Constantius and appoint Dalmatius on his death. But Constantine’s dispositions very clearly reflect no intention of making a Tetrarchy during his lifetime, but a very strong plan to create one after his death. Whether he might have intended to elevate one or both of his sons to the rank of Augustus when his death was imminent is a separate question. Obviously he did not. But nor could he in his sons’ absence. He had not planned on dying in 337, and probably assumed he would have more warning of his impending end than he in fact did. Had his illness progressed more slowly than the short period between

¹⁹ Burgess 2008, 8 and n.21; Barnes 2011, 165-7. Marcos 2014, 750, expresses his doubts, wondering if Constantine’s ego would allow him to share the supreme power.

²⁰ Burgess 2008, 9.

²¹ With the removal of Dalmatius and the delayed succession, this did not go entirely to plan, and the Syrian army briefly mutinied (Jul. *Or.* 1.18D; see section 1.5 below), although the near-contemporary account of Eusebius capitalises on the army’s insistence on the promotion of the sons of Constantine alone (Eus. *VC* 4.68.2-3). On *acclamatio*, see Hebblewhite 2017, 140-150.

²² Stephenson 2009, 244-5. It was Constantine’s tricennalia.

the first signs of indisposition after Easter (3 April) and his finally succumbing on 22 May, and had he summoned his sons more quickly, he might well have effected a promotion.²³

All the members of the imperial college would have been made well aware of Constantine's plan – why should they not? But crucially, they would also have had time to ponder whether his vision was really what they wanted, and whether they might be able to frustrate their father's wishes. If this did occur to them – and it would be surprising if it did not – they kept it to themselves. Burgess has contrarily proposed that on the precious-metal coin outputs of the sons of Constantine, 'the existence of Dalmatius as a Caesar was implicitly denied in the period before May 337.'²⁴ This is on the basis that of all the mints in the Empire, the only ones that failed to produce precious-metal coins of Dalmatius were those at Trier, Antioch, and Rome, the resident mints (or in the case of Rome the principal mint) of Constantine II, Constantius, and Constans respectively.

However, this argument is deeply flawed, and depends on several unsubstantiated assumptions. The first is that the three mints he identifies represent the precise minting wishes of the sons, whereas the other mints in each of their territories (necessarily for the comparison) did not. The second assumption is that Constantine ceded a degree of minting authority to each of his sons, but only allowed them control of a mint each, and did not supervise their minting outputs. The third is that the sons, mindful of the fate of their older brother Crispus, could not only defy their father's wishes for the succession but could or would express their dissatisfaction so openly.

The fourth and final assumption is that the lack of any known precious-metal coins of Dalmatius from Trier, Antioch, or Rome means that no such coins were ever minted. At the same time, it is necessary to assume that other non-extant coin types did exist, and simply have not survived, otherwise the treatment of Dalmatius does not stand out. Burgess makes this double standard very explicit in the discussion of the Victory and Four-Standard silver at Rome (none in the name of Constans or Dalmatius) and Antioch (none in the name of Constantius or Dalmatius): 'No doubt coins were originally produced for Constans at Rome and Constantius at Antioch, since these were their home mints, after all. Even though these silver coins were produced after his accession, no similar type was struck in the name of Dalmatius at these

²³ Eus. *VC.* 4.60-1. The fact Constantius was not summoned until the last minute, too late to see his father alive, suggests Constantine did not initially take his illness seriously.

²⁴ Burgess 2008, 21-2 et passim.

mints.²⁵ That is, non-existent coins of Dalmatius are to be explained by political conspiracies, while non-existent coins of the sons are to be explained by non-survival of evidence. The precious-metal coins from these mints are often attested in small enough numbers that we cannot presume the non-existence of types from an *argumentum ex silentio*.²⁶ Any dissatisfaction the sons might have had could not have translated into firm plans. Constantine, after all, must have been in at least superficially good health if he was planning a campaign against the Persians. His death and its circumstances came as a surprise. Any hypotheticals the sons might have conceived would be poor preparation for the sudden and unexpected reality.

Constantine II, as it turned out, was not to take his place as executor. Constantine died in the suburbs of Nicomedia, and Constantine II was excluded geographically by his residence in Trier. Constans was in Milan, or possibly closer in Naissus, but was unlikely to have been personally effectual due to his youth – although no doubt his advisors were conscious of what they might accomplish. It fell to Constantius, in Antioch, to dash to his father's side. He was probably better informed of the state of his father's progress, as Constantine was heading for Antioch, and he had the ability and political acumen to get there fast when he found out something was wrong. He did not arrive, however, in time to see his father before he died, although later sources suggested he did.²⁷ Nonetheless, Constantius' proximity to his father's deathbed enabled him to make bold claims at later dates: he was entrusted with Constantine's will, he was informed of the treachery of the offspring of Theodora, he was entrusted with the entire government by Constantine.²⁸

The question of the will is particularly interesting. A story is attested in ecclesiastical historians from the fifth century onwards, in which Constantine produced a written will on his deathbed naming his sons as successors, and by implication excluded Dalmatius from imperial power. The will was transmitted to Constantius by an Arian priest who corrupted his faith, thus exculpating Constantine from his Arian leanings in later life. The story, Burgess deduces, emerged in two stages. The first was the invention of a deathbed testament to justify

²⁵ Burgess 2008, 22, 44, et passim.

²⁶ Precious-metal coin types in the name of Dalmatius are not the only ones missing from these mints: based only off surviving examples, we would have to assume Rome did not mint any precious metals at all in the name of Constans.

²⁷ Jul. *Or.* 1.16D, 2.94B.

²⁸ New will: Ruf. *HE* 10.12; Soc. *HE* 1.39.3; Soz. *HE* 2.34.2; Theod. *HE* 2.3.1-7. Treachery: Philost. *HE* 2.16; *Art. Pass.* 7. Entrusted with government: Jul. *Or.* 2.94B.

Constantius altering the succession, and the second was the addition of the Arian priest to explain the heresy of Constantius.²⁹ The latter stage does not concern us here, but the former is suggestive of an excuse put about by Constantius soon after the events of 337, when justifications would have been at their most relevant.³⁰ The story appears to modify the earlier claim of Eusebius that Constantine declared on his deathbed that he would be succeeded by his sons alone, but without mention of a formal will.³¹ As a result, we can say with some confidence that a deathbed will did not exist.

However, that is not to say there was not a will elsewhere. It seems unlikely that the most powerful man in the empire, by then in his sixties, would not have written some sort of testament, perhaps deposited in Constantinople, or perhaps, more traditionally, lodged with the Vestal Virgins in Rome. If it did exist, and presumably did not say what Constantius wanted it to, it would explain the necessity of inventing a deathbed testament. If it did not, Constantius made himself the self-appointed executor of a non-existent will. Ultimately, genuine wills and intended executors were rendered irrelevant by Constantius' proximity to Nicomedia. The unexpectedness and obscure causes of Constantine's death allowed him great latitude in how it was presented and used for political affect. He was, in short, in a perfect position to act on any of those doubts he might have had about the direction of his father's succession plans.

Constantius did act. At nineteen years old and *in extremis*, with little time to think or take advice, Constantius acted with an excess of force he would come to regret.³² Most important was the murder of Dalmatius – not something to be lumped in with the murders of other family members and officials. This was the murder of a Caesar, a man who held a rank equal to that of Constantius at the time, and it should be characterised in terms of usurpation and civil conflict rather than mere dynastic housekeeping. Only the murder of Constantine II by another

²⁹ Burgess 2008, 19-20.

³⁰ Ibid, 20.

³¹ Ibid, 19.

³² Jul. *Or.* 1.17A, in a panegyric to Constantius, suggests he 'could not, in spite of [his] own wishes, prevent others from going astray,' and later claimed in the hostile *Ad Ath.* 270D that 'he has repented...and is stung by remorse; and he thinks his unhappy state of childlessness is due to those deeds, and his ill success in the Persian war he also ascribes to that cause.' The former is far from an admission of culpability, but does suggest the court was treating the incident with acknowledgement and regret rather than denial or self-justification. See Burgess 2008, 12-17.

Augustus is comparable in this period; the Caesars Crispus and Gallus were at least legally deposed by Augusti before they were executed.³³ The murder of Dalmatius did not just signal Constantius' intention to rewrite the terms of the succession – his removal necessitated it.

Along with Dalmatius, Constantius murdered many members of his family. Among them were Constantine's half-brothers, Flavius Dalmatius and Julius Constantius,³⁴ who were senior figures in their own right; both were consuls, and the former had commanded troops and might call on their loyalty.³⁵ These descendants of Theodora were not necessarily killed because they were a threat in and of themselves, but they certainly became a threat after Constantius had assassinated a legally appointed Caesar, their close relative. They would have had ample justification for leading sympathetic troops against Dalmatius' murderer. Constantius would have had no reason to presume the loyalty of the armies of the Danubian frontier, and could not risk leaving descendants of Constantius I and Maximian that might be seized upon as figureheads for rebellion. By taking action against Dalmatius at a time when his own position was uncertain, and he could not know on whom he could count, Constantius made it necessary to make a clean sweep.

Constantius' motive in all this must have been security. He did not benefit in land or position by losing a subordinate Caesar and ceding some of his territory to the newly elevated Constans. It seems more likely that Constantius, the sole son of Constantine in the East, felt threatened by Dalmatius and his web of influential relatives.³⁶ If Constantius saw Dalmatius' appointment as Caesar as evidence of him nursing dangerous ambitions, then his possession of an army and Constantinople in the absence of Constantine could be seen as an existential threat by Constantius. The threat did not need to be great. Even at nineteen,³⁷ Constantius displayed a ruthless streak that rivalled his father's.

³³ Barnes 2011, 146, on the distinction between a legal execution and an extra-judicial murder.

³⁴ *PLRE* 1 Fl. Dalmatius 6, 240-1, and Iulius Constantius 7, 226. Constantine's other half-brother, *PLRE* 1 Hannibalianus 1, 407, was probably already dead by 337.

³⁵ *PLRE* 1 Fl. Dalmatius 6, 240-1, and Iulius Constantius 7, 226.

³⁶ Marcos 2014, 764-5. He also notes, at 767, that Constantius might have believed Dalmatius to be usurping the prerogatives of the sons, with his residence in Naissus (Constantine's birthplace) and the fact his territory probably included Constantinople.

³⁷ Constantius was born 7 August 317. It is possible the murders took place late enough for him to have turned twenty.

There were probably additional victims.³⁸ Zosimus reports that Flavius Optatus was killed in Constantius' purge.³⁹ Optatus had been made a *patricius*, a prestigious title conceived of by Constantine and later conferred on Julius Constantius. He also held the senior consulship in 334, the year before Julius Constantius and the year after Flavius Dalmatius senior. These facts alone might suggest a link to the imperial family. It is confirmed by a jibe of Libanius, that he married the daughter of a Paphlagonian innkeeper, which brought him no advantage under Licinius but great success under Constantine.⁴⁰ The reference is plainly to the family background of Helena, the mother of Constantine.⁴¹ Optatus could even have married a half-sister of Constantine, if Helena had further children after her relationship with Constantius I. It is possible, from the proximity of his consulship to those of Flavius Dalmatius and Julius Constantius, that he could have been part of an in-crowd that emerged from the wider family of Constantine in the mid-330s which Constantius regarded as threatening.

This could also apply to the senior consuls of 336 and 337, Virius Nepotianus and Flavius Felicianus respectively. Virius Nepotianus was almost certainly married to Constantine's half-sister Eutropia (whence Nepotianus junior, the usurper of 350), and is not attested after 336, and Flavius Felicianus' name was erased from an inscription in Puteoli, suggesting he was subject to memory sanctions as were others who died in 337.⁴² Finally, we might possibly add to the victims Aemelius Magnus Arborius – an old friend of Dalmatius and Julius Constantius from their time at Tolosa, as well as a tutor to one of the Caesars, possibly Dalmatius – who died young in Constantinople around 337.⁴³

³⁸ Although they probably do not include Valerius Maximus, the hypothesised praetorian prefect of Dalmatius attested in that office on 2 August 337 in *CTh* 13.4.2 (advanced by Barnes 1981, 261-2, and rejected by Burgess 2008, 30). Given that Constantius had already taken control of Dalmatius' forces on the Danube by the latter half of July 337 (see 2.4 below), the succession purge must have already taken place and it is likely Ablabius had been dismissed, if not yet killed. Valerius Maximus, probably a former praetorian prefect of Constantius as Caesar, is a likely candidate for Ablabius' replacement during the succession period.

³⁹ Zos. 2.40.2.

⁴⁰ Lib. *Or.* 42.26.

⁴¹ Barnes 1981, 251.

⁴² *ILS* 6112; Barnes 1981, 398 n.11; Burgess 2008, 10.

⁴³ Barnes 1981, 398 n.10, based on Aus. *Prof.* 16.

The overall picture is of a faction. The identification of victims is at times difficult and uncertain, but there appear certain strands of connection. This is partly descent from Theodora, and association with descendants of Theodora. But it is also something more: these were the people Constantine was promoting in the later years of his life, in reversal of his earlier policy of marginalising and controlling the sons of Constantius I and Theodora. It is highly significant that Constantius appears to have assassinated every man to hold the senior consulship from 333 to 337. It is likely, albeit impossible to prove, that this was a powerful political network centred around Constantinople from which Constantius was geographically excluded. Their prestige would have been easy to see from as far away as Antioch, in the offices they held and the honours they were awarded by Constantine, but their trustworthiness would have been an unknown factor. And Constantius certainly had no interest in preserving a potentially threatening continuation of his father's political networks.

This is confirmed in Constantius' treatment of the praetorian prefect Constantine had assigned to watch over him. This was Ablabius, and he was quickly given his congé in the early months of Constantius' reign. Eunapius implies this occurred after the allotment of territories at the meeting in Pannonia (so after 9 September 337), and gives an account of what followed.⁴⁴ Ablabius, we are told, retired to his Bithynian estate, and at some point after, Constantius sent men to induce him to usurp the purple, and when he accepted, he was put to death.⁴⁵ It is a convenient and fanciful tale, and, even if it did occur exactly as described, Ablabius could hardly have refused the purple when it was offered by armed men – lest he be deemed a witness instead of an asset. The precise reason for his death is unclear. It seems unlikely that Ablabius could have really had ambitions to displace the Constantinian Dynasty (before being put in a position where he had no choice), so his removal was probably for other reasons. It is possible he objected too strenuously to Constantius' dynastic purge or his restructuring of the succession, but given his daughter was now betrothed to an Augustus instead of a Caesar,⁴⁶ it seems unlikely he did not support Constantius' actions. Perhaps Constantius simply feared an older, influential official whom had left court on bad terms. Or perhaps Ablabius entirely misjudged the power dynamics between the veteran praetorian prefect and the young Augustus, much as Florentius would later misjudge Julian.

⁴⁴ Eunap. *VS* 464.

⁴⁵ Ibid. Zos. 2.40.3 also records Ablabius' execution, although his mention of Sopater indicates this is likely derived from Eunapius.

⁴⁶ Ablabius' daughter Olympias was betrothed to Constans (Amm. 20.10.3).

Constrained though we are by the limitations of our evidence, this incident hints at a political overhaul in the eastern Empire. Ablabius was quickly replaced by Septimius Acindynus, who was, it seems, a Roman noble from a senatorial family, holder of prestigious pagan priesthoods, a *corrector Tusciae et Umbriae*, and a *vicarius* of Spain – not under Constantine, but under his disgraced son Crispus.⁴⁷ He is not known to have held office under Constantine after Crispus's downfall. If Constantius wanted to make a clean break with the administration of his father, and appoint men who owed loyalty only to himself, then Septimius Acindynus was a good place to start.

The overall image of Constantius that emerges is of a man in control of his destiny. He was not going to tolerate subordinates who had been appointed to supervise him any more than he was going to allow an imperial colleague who might come to threaten him. In a period of months, Constantius acted decisively and independently. His acts might have met with disapproval from his family and court, they might have attracted the condemnation of posterity, and they might even have been regretted by Constantius himself. But they served the moment, and they tell us something about the dynamics of the succession and its rearrangement, which the following sections will examine in more detail.

2.3 NEGOTIATIONS IN PANNONIA

The immediate aftermath of the death of Constantine and the murder of Dalmatius was complicated by two factors. The first was the uncertainty of the succession, and the obvious collegial and territorial implications of Dalmatius' death. With any testament or intentions of Constantine now irrelevant, the Caesars would need to meet and negotiate a solution from scratch. The second issue was mutiny. Successions, from the death of the very first emperor, had always been the times of greatest instability in Roman armies.⁴⁸ As this section will discuss, it was probably to shore up loyalty among Dalmatius' former troops that Constantius personally led a campaign against the Sarmatians before the acclamation as Augusti, but his absence gave rise to mutiny in the Syrian army. It was in this atmosphere, in the run up to 9 September 337, that the imperial college met to resolve Constantius' dramatic alteration of the

⁴⁷ *PLRE* 1 Septimius Acindynus 2, 11; Moser 2018, 92-4. He erected a statue to Crispus as '*agens per Hispania V c(um) p(rovincia) T(ingitana)*,' on which Crispus's name was erased (*CIL* II 4107; *LSA* 1983).

⁴⁸ E.g. Tac. *Ann.* 1.16-52.

status quo left by Constantine. The meeting took place in Pannonia. It was the first time the three had all met in a decade, and none of them would ever meet again.⁴⁹

As the killer of Dalmatius, the ball was in Constantius' court. But the power dynamics may or may not have been in his favour. Ultimately this is a question of chronology, as the meeting in Pannonia has to be understood in the context of a constantly shifting military situation. The first matter is the army of the Danubian frontier. It had been in the charge of Dalmatius for about a year and a half, and the capable new Caesar was apparently popular with the troops.⁵⁰ He had also been given the honorific *fortissimo*, which was not empty titlature as it was used only by Dalmatius and Constantine II, indicating it was awarded in connection to specific actions.⁵¹ The loyalty of the Danubian army in the aftermath of Dalmatius' murder must have been a concern. The by-the-book response was to unite the troops against a common enemy: in this case, the Sarmatians.⁵²

2.4 A DETOUR TO TROESMIS

The evidence for this operation against the Sarmatians in 337 is almost non-existent, and was the subject of a memorable spat between T. D. Barnes and J. Arce in the pages of *Zeitschrift für Papyrologie und Epigraphik*. Barnes wrote first, in 1976, drawing attention in passing to

⁴⁹ Constantine's visit to Constantinople in 327, or to Nicomedia in 328, is likely the last time the three sons were in the same place. After 328, Constantine II ruled from Trier. Constantius and Constans were probably more closely acquainted, until Constantius went to Antioch in 335.

⁵⁰ Eutrop. *Brev.* 10.9.1 says Dalmatius was naturally talented and not unlike Constantine (*verum Dalmatius Caesar prosperrima indole neque patruo absimilis*). Aur. Vict. *Caes.* 41.15 says (prior to emendation by Mommsen, which reversed the meaning to accord with the propagandistic claim that the troops objected to Dalmatius) that Dalmatius was made Caesar with the support of the military: *Caesarem iussit assistentibus valide militaribus* (emended to *obsistentibus*). See Burgess 2008, 15; Marcos 2014, 757-61.

⁵¹ *AE* 1889, 40; Marcos 2014, 764-5.

⁵² By-the-book if one's book is Frontinus' *Strategemata* (at 9.2, citing Sulla, Constantius' forebear as maestro of civil strife).

an inscription from Troesmis.⁵³ As this inscription is both controversial and the only evidential basis for an important aspect of the succession, it is worth examining in some detail.

Imp[p(eratores) Caess(ares) DD(omini) NN(oster)] / Fl(avius) Cl(audius)
Constantinus Al[amann(icus) Max(imus) Triumphator Aug(ustus et)] / Fl(avius)
Iul(ius) Constantius Sarm(aticus) [.....] / [Fl(avius)] Iul(ius) Constans
Sarm(aticus) Pii Felices Augg(usti) / locum in parte limitis positum gentilium /
Gotho[ru]m temeritati semper aptis/simum ad [co]nfirmendam provincialium /
[s]uorum [ae]ternam securitatem erecta is/tius fabr[ic]ae munitione clausurunt /
latru[nc]ulorumque impetum perennis mun[imi]nis dispositione tenuerunt /
adcurante Sappone v(iro) p(erfectissimo) duce limitis / Scythiae⁵⁴

The emperors and Caesars Flavius Claudius Constantinus Alamannicus Maximus
Triumphant Augustus, and Flavius Iulius Constantius Sarmaticus [...], and Flavius
Iulius Constans Sarmaticus, pious and fortunate Augusti, the place in the part of
the frontier locating the border of the Goths with their endless temerity, which is
most suitable to be established for the eternal safety of the provincials, having
erected the fortification of our buildings you have confined and checked the
continual attack of bandits on the disposition of our defence. Attended to by Sappo
of *perfectissimus* rank, Dux of the Scythian Frontier.

Before discussing the articles of Barnes and Arce, it is necessary to first justify some emendations I have made to the reconstruction of the Latin text of this inscription. The first line is almost completely lost, except for the feet of the first three letters. I have changed Toutain's reconstruction of 'IMPPP CAESSS' to 'IMPP CAESS.' The three-terminal-letters-for-three-emperors rule was not hard and fast, and often two terminal letters were used as a general plural, and the AUGG in line three indicates that is the case with this inscription. I have added DD NN as this was proper titulature, and the additional letters help centre the line of this carefully spaced inscription.

⁵³ Barnes 1976a.

⁵⁴ Toutain 1891; *ILS* 724; *CIL* III 12483; Popescu 1976, 250-252 (Nr. 238).

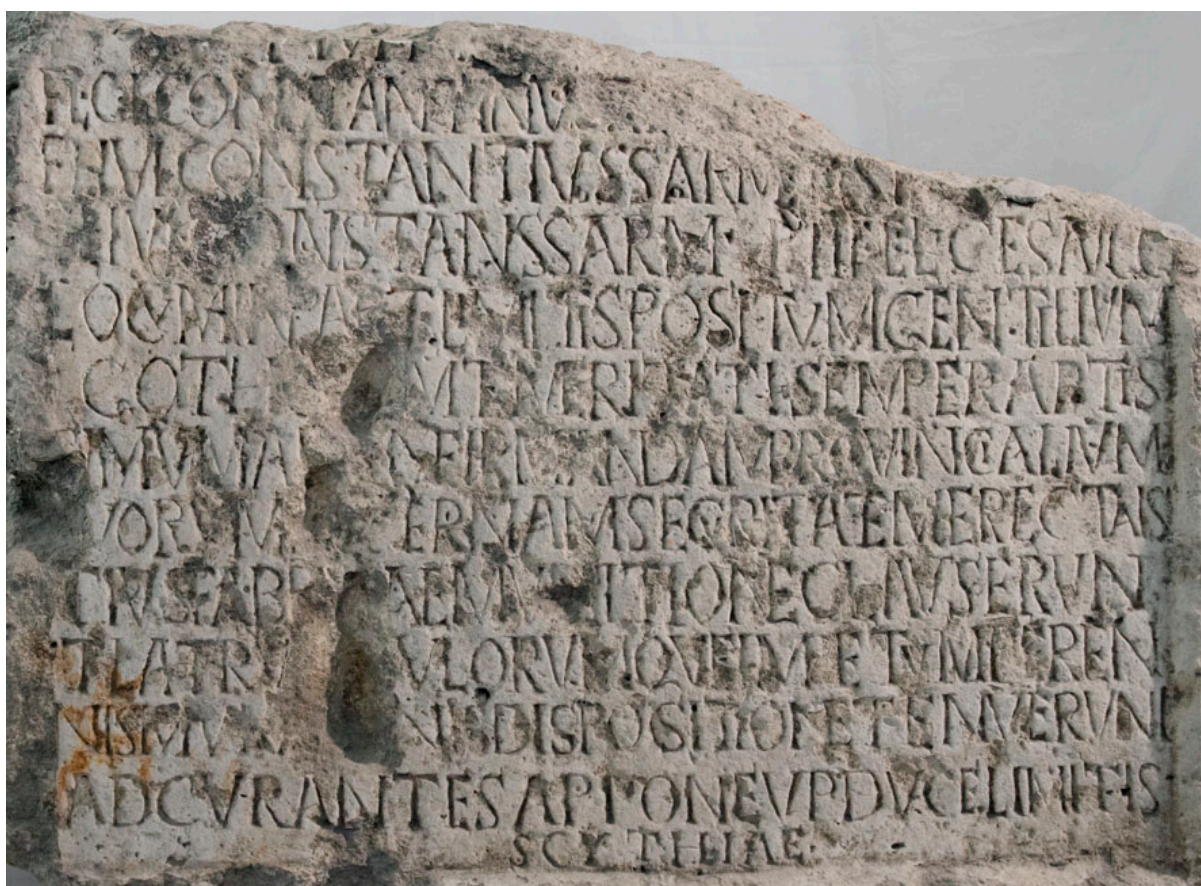


Figure 2: The Troesmis Inscription⁵⁵

The second line, after the last U in *Constantinus*, is almost completely deteriorated. The feet of AL for *Alamanicus* are just discernible, and given *Constantine II*'s previous use of this title on coins and inscriptions, its reconstruction here is perfectly convincing. The question of what follows in this line is more problematic. Toutain offers AL[amann. German. Max.), which Mommsen adjusts to AL(aman. Ma]x. G[erm. Max.].⁵⁶ Toutain did note any evidence of an X or G, and the top of the stone is broken in such a way that it is unlikely the inscription would have been any more legible a century ago. The X and G, then, must be regarded as an error of

⁵⁵ This image and another with a slightly different aspect are available in high-resolution at <http://lupa.at/21933>. They are well worth viewing at the source, where they can be zoomed in on, to follow this analysis.

⁵⁶ Toutain 1891, 243; *CIL* III 12483. Toutain's argument is based on the fact that *Germanicus* is a common imperial title and was used in conjunction with *Alamanicus* on an inscription of *Constantius* in 354 (*CIL* III 3705). Popescu 1976, 251, contrarily gives AL[aman max Goth max et] for this line. Neither is especially convincing.

Mommsen, and *Germanicus* considered conjecture. It is most unsettling that this questionable restoration has actually been used as evidence that Constantine II took the title *Germanicus*, given it is nowhere else attested.⁵⁷ If it is another victory title, it is more likely to be *Sarmaticus*, on the basis of coins associating Constantine II with a Sarmatian victory, although not according him that title.⁵⁸

However, it need not be a specific victory title. Other inscriptions show Constantine II using a separate *Aug.* or *Augustus*, even when it is repeated in plural for his brothers, to distinguish himself from his junior colleagues as Constantine had distinguished himself from his Caesars.⁵⁹ Constantine II is also known to have used *victor*, *triumfator*, and *max. semper Aug.*⁶⁰ I would estimate there are around eighteen characters missing after *Constantinus*. The tight spacing of Constantine II's name relative to the more relaxed carving of his brothers suggests all this space was intended to be used. Based on the available space, I have proposed the reconstruction Fl(avius) Cl(audius) Constantinus Al(amanicus) Max(imus) Triumfator Aug(ustus). I would not base an argument on anything after AL in this line.

My final emendation is to line three. Fl(avius) Iul(ius) Constantius Sarm(aticus) reads clearly, although the terminal downstroke of the M of SARM is lost. Everything afterwards is seriously eroded. There is a space after SARM and then what appears to be the curved centre-stroke of an S, followed by a downstroke of an I, F, H, M, N, P, or R. The bottom of the letter is intact enough to preclude B, D, E, L, and there is not sufficient letter spacing for the crossbar of a T. Toutain suggests [Per]SI[cus], which has been almost universally followed since.⁶¹ The space between the end of SARM and the apparent S is somewhat eroded. If it followed the style of the SARM• of Constans, we would expect an interpunct and a space, with the letter S would then be the start of a new word. However, this interpunct appears to signal the end of Constans' personal titles and the beginning of the shared *Pii Felices Augg*, so it is more likely that Constantius' SARM was followed immediately by one or possibly two letters before the

⁵⁷ This inscription is cited as evidence of this title by Barnes 1993, 310 n.4, and Crawford 2016, 288 n.1.

⁵⁸ *RIC* VII Trier 358-61, 364-364a, 446; Barnes 1982, 84.

⁵⁹ See Chapter 3.5.

⁶⁰ E.g. *L'Année Épigraphique* 1988, 217, *LSA* 2574 (*victori maximo semper Aug.*). Mitford 1939, 187 (*[ma]ximo triumfatori Aug.*).

⁶¹ Toutain 1891, 243. Followed by everyone except Mommsen, who gives *Sarmersicus* (*CIL* III 12483), which is not easily reconcilable with anything (Arce 1982, 246).

S, but not more. The difficulty is there is nothing obvious that would fit, and I have not offered a reconstruction. But whatever the solution may be, Persicus it is not. There is simply not the space.

Nonetheless, the part of the stone that concerns us here is the victory title *Sarmaticus*, which is very plainly applied to both Constantius and Constans. As Constantius and Constans were not titled *Sarmaticus* in early 337, in an imperial letter recorded on an inscription in Rome,⁶² Barnes' 1976 article suggested Constantius conducted 'a Sarmatian campaign between May 337 and June 338, presumably as joint commander with his brother Constans.'⁶³ Since its early expression, the chronology can be refined further. Constantius returned to winter in Antioch in 337, and appeared to have an exclusively eastern focus in 338; he is attested in Cappadocia in spring and restored Arsaces to Armenia.⁶⁴ If there was a campaign, it must have been in the summer of 337, when he was active in the area, being attested both at Viminacium and of course in Pannonia for the negotiations with Constantine II and Constans.⁶⁵

Six years later, in 1982, J. Arce responded respectfully to Barnes' article, but with a slight excess of argumentation against what was – despite being expressed with characteristic certitude – a passing suggestion of just eight lines.⁶⁶ He usefully drew attention to evidence suggesting a victory of Constans over the Sarmatians in 339, so disentangling Constantius' victory from Constans', and, less successfully, he argued that the inscription in Rome from early 337 (with no victory titles for Constantius or Constans) was not a 'complete and faithful document.'⁶⁷ His overall argument was that Constantius took this victory title in 336, on campaign with Constantine.

Barnes' blistering response was worthy of Valentinian. It was published the following year, in 1983, and accused Arce of dismissing evidence 'merely because it disproves existing beliefs.'⁶⁸ He elaborated on and defended the authority of the Rome inscription, but he also

⁶² *AE* 1934.158; *CIL* VI 40776.

⁶³ Barnes 1976a, 154.

⁶⁴ Barnes 1993, 219.

⁶⁵ *Ibid.*

⁶⁶ Arce 1982.

⁶⁷ Arce 1982, quote at 249.

⁶⁸ Barnes 1983, quote at 235.

abandoned the joint-campaign hypothesis – studiously ignoring Arce’s suggestion of this.⁶⁹ Overall, his defence of Constantius’ campaign against the Sarmatians in 337 is extremely strong, although his argument for the title *Persicus* is less so (not least for being based on an inscribed word that certainly does not exist).

Nonetheless, Arce returned fire with an indignant and hot-blooded salvo in 1984 – one can practically hear the smashing of typewriter keys echoing through the ages.⁷⁰ It picked at some of Barnes’ inconsistencies and seized upon some of his less convincing evidence, but Arce failed to land a blow on any of Barnes’ principal arguments. Barnes declined to reply. And thus ended the feud on a Sarmatian victory title that went on for inordinately longer than the campaign itself.

This scholarly dispute is worth summarising here not just because it is entertaining, but because it is important to set out the background of what – as Barnes predicted in 1976 – ‘will add a new dimension to the political crisis which followed the death of Constantine.’⁷¹ The separation of Constantius’ and Constans’ *Sarmaticus* titles fits in perfectly with what this chapter has argued about the succession. Constantius was a political whirlwind in 337: in less than four months after the death of Constantine, he had seized control of the succession, assassinated a fellow Caesar, conducted a purge of potential rivals, and rushed to take control of Dalmatius’ armies. His presence at Viminacium during the summer of 337, right on the Danube, must be associated with the Sarmatian campaign attested on the inscription at Troesmis.

Athanasius mentions having met Constantius in Viminacium, and the only occasion they could have both met was in the summer of 337.⁷² Athanasius probably left Trier sometime around 17 June 337, when Constantine II sent his letter of restoration to Alexandria, and arrived at his see on 23 November 337.⁷³ If Athanasius travelled at a consistent pace, he would have passed through Viminacium about thirty-two days after he left Trier, so (very roughly) we can place Constantius in Viminacium in the latter half of July. This coheres with another piece of evidence, that cannot be directly tied to Constantius: the *Chronography of 354* schedules a day of games to celebrate a Sarmatian victory on 27 July. There are other victories it could

⁶⁹ Barnes 1983, 230.

⁷⁰ Arce 1984.

⁷¹ Barnes 1976a, 154.

⁷² Athan. *Apol. ad Const.* 5.2; Barnes 1993, 41, 219.

⁷³ Athan. *Apol. c. Ar.* 87.4-7 and *Festal Index* 10.

commemorate, but the coincidence of date is strongly suggestive of it referring to Constantius' activities on the Danube in July 337.⁷⁴

Given its limited attestation, this campaign was probably not of any great military significance, but it must have achieved its primary aim of averting a mutiny. It also shows considerable risk-taking on the part of Constantius. Exposing himself to the mercy of Dalmatius' troops was a bold and no doubt popular statement, and Constantius would repeat the trick when he won over Vetrano's forces in 350. Perhaps, as he would in 350, he also employed bribery to ensure his theatrics had a willing audience.⁷⁵ However, we should not discount the possibility that although Constantius forestalled any reprisals from the troops of Dalmatius, they might not have been entirely conciliated to his cause. This could be another reason why this frontier was assigned to Constans, as the troops were more likely to be loyal to an emperor untainted by the murder of Dalmatius.

2.5 MUTINY

While Constantius was busy attending to matters in Constantinople and on the frontiers, his own army in Syria was becoming restless. Julian enigmatically mentions, among the 'harassing conditions of the hour,' a lack of military discipline.⁷⁶ Julian then describes a high-speed dash of Constantius to Syria, immediately after concluding negotiations in Pannonia, but even before he arrived, 'the mutiny among the garrisons ceased and order was restored.'⁷⁷ In another section, Julian says 'the troops were disaffected owing to the change of government; they raised the cry that they missed their old leader and they wished to control your actions.'⁷⁸ As Burgess rightly points out, this seems like strange material for a panegyric.⁷⁹

However, we must put these remarks of Julian into context. The change of government, at that stage, was not the succession of the sons of Constantine. It was the death of Constantine and the failure of any of his sons to replace him. The government was without a head, and laws

⁷⁴ Burgess 2008, 33 n.104.

⁷⁵ Zos. 2.44.4.

⁷⁶ Jul. *Or.* 1.20B.

⁷⁷ Jul. *Or.* 1.20D.

⁷⁸ Jul. *Or.* 1.18D.

⁷⁹ Burgess 2008, 12-3.

were still being issued in the name of the deceased Constantine.⁸⁰ It was an unsustainable political limbo that the troops probably wished would end – especially if the traditional accession donatives were being delayed until the moment of acclamation. The old leader that they missed was Constantius, not Constantine. Constantius had ruled from Antioch since 335, and had spent much more time in Syria than Constantine ever had, and Julian juxtaposes their dissatisfaction with the fact that he was then absent in Pannonia.⁸¹ The final comment, that the troops wished to control his actions, also needs explanation. Again, the context in Julian's panegyric provides the answer. The passage on the mutiny follows a discussion of Constantine's war against Persia, aborted by his untimely death.⁸² Julian comments that 'in this crisis there seemed to be but one hope of safety, that you [Constantius] should take charge of affairs and plan the campaign.'⁸³ It seems likely, then, that the troops wanted to begin the stalled campaign, and were agitating for Constantius to take the title of Augustus. This is supported by Julian's comment that the mutiny ceased even before Constantius arrived – presumably he was preceded by the news that he was ready to accept their acclamation.

Chronologically, it is clear from Julian that the meeting in Pannonia was overshadowed by Constantius' domestic problems. There is no reason to think the mutinous Syrian army was hostile to Constantius, but uncontrollable troops were a danger in any case. Whether this affected the power dynamics of the negotiation depends on a number of factors. First, did Constantine II and Constans know about Constantius' mutiny in Syria? On the one hand the sons, emerging from the previously concordant government of Constantine, would have had little need for intelligence networks at that stage. The imperial courts were closely interconnected, as Chapter 5.2 and 5.4 will argue, but this must be balanced against the fact that the new subjects of Constantius were unlikely to share his secrets in the midst of his killing spree. It is possible that Constantius managed to suppress this information. But it seems unlikely. News spread easily and fast, especially when it concerned a matter of such widespread interest. It would be surprising if the courts of Constantine II and Constans had not sniffed the wind. The second question, then, is whether the situation was advantageous to Constantius. Mutinous troops back home would ordinarily undermine one's authority, but if they were publicly agitating to acclaim Constantius Augustus, and if Constantius had already won the support of

⁸⁰ *CTh* 13.4.2, *Frag. Vat.* 35; see Burgess 2008, 29-30 and n.85.

⁸¹ *Jul. Or.* 1.19A.

⁸² *Jul. Or.* 1.17C-18D.

⁸³ *Jul. Or.* 1.19A.

the nearby Danubian army of Dalmatius, then his position in Pannonia could have actually been very strong. We are forced to rely on speculation and supposition, but the resolution of the negotiations in Pannonia suggests it is true: Constantius was in a strong position.

Julian paints a misleading portrait in his first panegyric: he suggests Constantius generously conceded the lion's share for the sake of his relations with his brothers.⁸⁴ Given the post-history of the succession, and the notoriety of the dynastic murders, it is easy to see why Constantius' panegyrist would downplay his agency. It is a literary device, but it is also understandable that Julian would not perceive 337 as a diplomatic success for Constantius. Rather than retaining Pannonia and Greece under the charge of a Caesar, Constantius lost these territories to a new Augustus, who would go on to overshadow him in the 340s when Julian would have been more politically conscious. But, from another perspective, Constantius gained. Rather than have Pannonia, Greece, Thrace, and – critically – Constantinople ruled by a Caesar who might not be loyal, and who might ultimately answer to the senior Augustus instead of himself, Constantius could rid himself of the troublesome Danube frontier while keeping the relatively peaceful Thrace and his father's eponymous city. While Constantius held the lesser half after the civil war of 340, after the settlement of 337 the situation was quite different, and he arguably possessed the most desirable third of the empire.

But there were more compelling reasons for the promotion of Constans. Without Dalmatius, there was a power vacuum in Pannonia, one of the three principal frontiers where Roman forces were amassed. I have argued above that Constantine, if he so chose, could have appointed a general to manage this frontier. The case was different for Constantius, who had did not have the age, authority, and record of military success to guarantee the loyalty of distant and powerful generals. Constans could be transferred to this region as Caesar. But as a Caesar, he would answer to the senior Augustus, and it would amount to the transfer of territory from Constantius to Constantine II. It seems Constantius was in a powerful enough position to prevent this. Contrarily, making Constans an Augustus came with benefits to Constantius. He could act as a buffer between himself and his older brother. Perhaps even at this early stage Constantius anticipated the problems that might arise from Constantine II's seniority in the imperial college. Moreover, Constantine II and Constans cannot have had a close relationship.

⁸⁴ Jul. *Or.* 1.19B-20A. Cf. Jul. *Or.* 2.94B-95A, where Julian contrasts this with the bickering of Constantine II and Constans, suggesting their greed led to the civil war of 340, but see Chapter 4.5 for analysis of this passage and Appendix 4 for readings of Julian's second oration more generally.

The last time they could have seen each other was probably in 327 or 328, when Constans was only seven or eight.⁸⁵ Constantius, on the other hand, had probably been in close proximity to Constans until 335. He probably assumed he would be at a considerable advantage if he could promote Constans to Augustus. He would have a rank that could limit the level of control exercised by Constantine II, but his youth and personal relationship meant he could still be influenced by Constantius. This was a misjudgement, but it could have appeared sensible at the time.

Constantine's death was unexpected. The sons could not have co-ordinated how they would respond to this.⁸⁶ Constantius would have had little time to scheme. His taking control of the narrative and claims of a deathbed will, his assassination of Dalmatius and purge of his relatives, his dash to Pannonia and his campaign with Dalmatius' troops, and his dramatic restructuring of the succession must all have been made up on the fly, without consulting his brothers. The information they received about Constantius' actions must have been ever-changing and ominous. It is little wonder they were wary of him. And while there is evidence to suggest Constantine II objected to the new reality, there was little he could do about it.⁸⁷ The assassination of Dalmatius had made Constantine's plans for the succession irrelevant. Constantine II might have preferred Constans to remain a Caesar, under his control, or to have appointed a replacement Caesar (not that there were any viable candidates left alive). But Constantius was able to leverage Constans' accession – perhaps with the Danubian armies, perhaps with the agitations of his own troops – and boldly reshape his father's plans in favour of a triarchic model that suited his own interests.

2.6 CONCLUSION: THE POST-TETRARCHY OF CONSTANTIUS

This chapter has argued that Constantine's dispositions reflect his intention for a Tetrarchy to emerge after his death. It was planned in such a way that his successors themselves would have no say in their own succession. His death would leave no vacancy, only room for two

⁸⁵ See 1.3 above.

⁸⁶ *Pace* Burgess 2008, 21-2, 41-2, whose argument that the sons' courts had co-ordinated against Dalmatius rests on indefensible numismatic evidence.

⁸⁷ Julian presents the conflict as being between Constantine II and Constans (*Or.* 2.94C), but it is inconceivable Constantius was as passive as his panegyrist portrays. Constans could not have secured his accession against Constantine II's wishes without the support of Constantius.

promotions to the rank of Augusti, leaving well-established Augusti and Caesars in (roughly) the four Diocletianic regions of the Empire. It is possible Constantine had counted on further entrenching his succession plan before his unexpected death. Had he lived longer, Dalmatius could have become better established, and Constantius could have improved his status to bolster his technical seniority over his older cousin.⁸⁸

Constantine had accounted for disorder in his plans. He had appointed all his successors to the imperial college to avert the situation that had occurred on the death of his father, when he himself had been acclaimed by the troops to fill the sudden vacancy. But he had underestimated his son. Constantius was not willing to risk being outshone by Dalmatius, and nor was he interested in continuing his father's administration with figures like Ablabius. He struck quickly and decisively against the Tetrarchy that was briefly established by Constantine's death. He was not executing the prerogatives of a ruler but the artifices of a usurper. Constantine II might have been the new senior emperor, but it counted for nought in far-off Trier. Had Constantine died on the Rhine, the situation might well have been different. But as it was, Constantius was able to engineer something that can only be described as post-Tetrarchic. The rule of four was no longer viable nor desired, and over the next twenty-four years Constantius gradually fashioned a new system of imperial rule that would indelibly influence the direction of Roman history. The Tetrarchic system – insofar as there was such a thing – met its end not in 324, but in 337.

But what of the unity of the empire? Certainly there was a division of territorial responsibility, as there had been many times before – and indeed as there had been while Constantine was still alive. But the question of whether this can be considered 'true' division needs further consideration, against the criteria put forward in the introduction (1.5). The following chapter will argue that it was not. The succession is of immense significance to both the fourth century and to this thesis. Not only is it essential to understanding the lives of the sons of Constantine, it lays a vital foundation on which the following chapter will build, to establish the nature of the empire in the period 337 to 340. The solution negotiated in Pannonia does not appear to have been entirely satisfactory nor clearly resolved, it had a clear effect on the years that followed and was a major factor in the civil war of 340. A clearer elucidation of these events helps us understand the politics, government, and constitutional basis of the Empire in the period 337 to 350. The following chapters will track the aftermath of 337, in the

⁸⁸ Marcos 2014, 755, convincingly argues for Dalmatius being born c. 315. Constantius was born on 7 August 317.

division of the Empire into three semi-autonomous territories until 340, when the ambiguities of 337 and the mismatch between the expectations of the emperors allowed the youngest, Constans, to steal Constantius' limelight by deposing Constantine II, and to make himself the most powerful member of the imperial college. This reversal of fortunes was ultimately the driving force behind the division of the empire in the 340.

Chapter 3

The Constantinian Triarchy

Imperial collegiality and regional autonomy in a loosely unified empire, AD 337 to 340

3.1 INTRODUCTION

As the previous chapter has shown, whatever plans or expectations there might have been about the succession, they were overturned by Constantius. His murder of Dalmatius and agitation for the promotion of Constans to Augustus meant that the empire of late 337 was very different to what anyone might have imagined. However, while Constantius' actions changed the number of emperors and their ranks, and necessarily the distribution of territory, that is not to say he changed the nature of government – or that he divided the empire. Certainly, he had usurped the prerogatives of the senior Augustus, Constantine II, but he had only done so at a time when the senior Augustus was not present to exercise them himself. Certainly, he had forced a resolution to the succession that was unpopular with Constantine II, but Constantius may have taken some of the sting out of it by recognising the authority of his older brother. The fact Constantius accepted the return of Athanasius from Constantine II's court might suggest he was willing to take a more sedate approach after the succession.¹

The question of how the empire functioned after the succession – divided or undivided – is key to this thesis. As discussed in the previous chapter, there is much about the succession that is uncertain, and, as will be discussed in the following chapters, the civil war of 340 was a revolutionary act that fundamentally changed the dynamics of imperial rule. As a result, the period 337 to 340 must be recognised as an individual period with a distinct character, and analysed independently to inform our arguments about what preceded and what followed. There are many assumptions about the nature of division in this period, and what conditions led to a civil war between brothers, and this chapter will show that with careful analysis many of these assumptions can be modified or disregarded. As the period that immediately follows the death of Constantine, this most closely reflects his plans for the future of the empire, even though from the moment of his death his sons had already begun to dismantle them.

The evidence for this period is extremely thin, and often circumstantial enough to require

¹ Constantine II wrote in support of Athanasius' return before the acclamation as Augusti (as he signs himself Caesar; see Athan. *Apol. Cont. Ar.* 87.4-7 and *Hist. Ar.* 8.1; Soc. *HE* II.3; Barnes 1993, 34), but Constantius' acceptance of this continued until 339 (see Chapter 4.5).

careful explanation. Consequentially, this chapter will proceed systematically, looking at different aspects of division and what evidence can be used to understand its nature. It will begin by looking at the division of territory, and will then address the questions of where authority lay, the extent to which imperial territories were legislatively autonomous, whether seniority was recognised in the imperial college, and thus whether or not there was a functional imperial hierarchy.

3.2 TERRITORY



Figure 3: The territories of the sons of Constantine as Augusti, from 337 to 340²

As discussed in the previous chapter, Constantine died on 22 May 337, and nine potential rivals within the imperial family were subsequently murdered on Constantius' orders.³ Afterwards, Constantine's three surviving sons met in Pannonia to negotiate the future of the empire. On 9 September 337 all three were declared Augusti, their existing territories were confirmed, and

² Reproduced from Baker-Brian and Tougher (forthcoming).

³ See especially Burgess 2008.

the lands of the murdered Caesar, Dalmatius, were split between Constantius and Constans.⁴ Constantius, the middle brother who had just turned twenty, took all the eastern dioceses from Thrace around to Egypt, including Constantinople, and he inherited with them the Persian frontier, where renewed hostilities would keep him occupied until the outbreak of war with Magnentius. Constans, the youngest son and probably only fourteen at the time of the succession, did well for himself with Italy, most of North Africa, and Illyricum, including the cultural capitals of Rome and Athens.⁵ Constantine II, the eldest brother at twenty-one and senior Augustus, was comparatively short-changed, gaining nothing from Dalmatius' removal and keeping the less-prestigious regions of Gaul, Iberia, Britain, and Mauretania Tingitana.⁶

In fact, when we look at reconstructions of Constantine's succession plans, it appears that Constantine II was badly short-changed. As was discussed in the previous chapter, it appears Constantine was planning for an imperial college of two Augusti (Constantine II and Constantius) being served by two respective Caesars (Constans and Dalmatius).⁷ The plan went badly awry when Constantine died unexpectedly and Constantius purged the family of suspected threats, including the Caesar Dalmatius. It must have been during the meeting in Pannonia before the acclamation as Augusti that they negotiated the allocation of Dalmatius' territory, to Constans' and Constantius' benefit, and agreed to the promotion of Constans, removing the direct control Constantine II ought to have had over his Caesar's territories and presumably losing much of his revenues.⁸ Julian's account suggests that Constantine II and Constans 'quarrelled and fought with one another', while Constantius steered well clear of the dispute.⁹ This can only be half true. That Constantine II should object to losing his richest provinces is unsurprising, but his quarrel cannot only have been with Constans. There is no way that the unplanned elevation of the youngest Caesar and the allotting to him of Constantine II's provinces could have been achieved without the leverage of Constantius. Julian's

⁴ Bleckmann 2003a, 226-36, exhaustively makes sense of the problematic sources for the allocation of territory.

⁵ Constans was probably born in 323, or possibly 320 (Barnes 1982, 45).

⁶ For the date of birth of Constantine II, see Barnes and Vanderspoel 1984, 175-6 n.3.

⁷ Chantaine 1992, accepted by (e.g.) Barnes 2011, 165; Bleckmann 2003a, 226 n.3; Burgess 2008, 7-9. See Chapter 2.2.

⁸ The loss of grain-producing Africa and Sicily to his newly promoted Caesar must have had economic consequences for Constantine II.

⁹ Jul. *Or.* 2.94B-95A; cf. 1.19A-20A (all translations from Wright 1913-23).

panegyric insistence on Constantius' detachment from this dispute indicates, if anything, the opposite.

Constantine II's sole consolation for the loss of direct control of the territories that went to Constans was that as the senior Augustus he could expect to wield a kind of supra-territorial authority comparable to that of Diocletian, who received deference and obedience from his colleagues, and was able to exercise peripatetic rule throughout his colleague's territory.¹⁰ Although the effective division of the empire between the last co-ruling Augusti, Constantine and Licinius, had been hostile, Constantine had resurrected the Diocletianic model with his sons as Caesars. The sons had their own, independent courts and administrative areas, but Constantine remained in overall command and travelled throughout the empire to where he was most needed.¹¹ It is inconceivable that this hierarchical and peripatetic model would not influence Constantine II's approach to his new role as senior Augustus. Constantine II, we must imagine, would have been hostile to any kind of hard division that would diminish that overarching authority.

3.3 AUTHORITY

The constitutional arrangements of 337 to 340 need considering closely. An incidental remark of Rufinus shows he believed Constantine II held authority over his brothers' territory, as Constantius only 'obtained sole control of the Eastern Empire upon the death of his brother Constantine II.'¹² The contemporary evidence, which will be addressed below, broadly supports this. But first it is worth considering that in the everyday administration of the empire this seniority was rarely exercised. While Constantine II may have had theoretical authority, this was eroded by the day-to-day practicality of autonomous territories. For a start, it is clear from the defence of the frontiers that the three territories maintained complete military independence. For example, as discussed in Chapter 2.4 Constantius campaigned in Pannonia before it was transferred to Constans in the redistribution of the empire, after which Constans alone protected this border.¹³ There is no evidence of any emperor crossing into another's

¹⁰ For deference and obedience: Julian (*Caes.* 315A-B); Aurelius Victor (*De Caes.* 39.29). For previous divisions of the empire: Barnes 1982, 195-200.

¹¹ Barnes 1982, 198; 76-80.

¹² Rufinus *HE* 10.16 (trans. Amidon 1997).

¹³ Burgess 2008, 33; Barnes 1983, *passim* (*pace* Arce 1982 and 1984).

territory in this period of co-rule, except for Constantine II's venture into Italy in 340 with its disastrous consequences, which will be discussed in the following chapter.¹⁴

Likewise, the imperial revenues appear to have been kept separate. Julian claims Constantius' brothers did nothing to make the war with Persia easier for Constantius, implying that each territory was expected to manage its own affairs with its own resources.¹⁵ Indeed, any other arrangement would be impracticable. The only way shared coffers could function would either be to gather taxes into a central treasury and then divide resources between the Augusti, or alternatively to have the Augusti pay each other whatever sums were necessary to correct regional disparities of revenue and expenditure. The former would require offices and infrastructures that we would expect to be attested, and are not. The latter would require accurate and honest accounting. Both would be so open to abuse that we would expect each emperor to simply keep what they had anyway.

The coinage itself offers a reflection of both independence and collegiality. There is clear evidence of the three emperors sharing numismatic iconography. Burgess has compellingly suggested that the Helena and Theodora coins, featuring the deceased matriarchs of the Constantinian Dynasty with the legends PAX PUBLICA and PIETAS ROMANA respectively, were an initiative of Constantine II.¹⁶ They were first minted in Trier, which produced the greatest numbers of these types, and the design was passed on to Constantius and Constans, who in turn produced the coins in Rome and Constantinople, so that the series was minted in each of the new emperors' territories.¹⁷ It is possible these mints were chosen because of the Constantinian Dynasty's connection to these particular cities, or perhaps because of Helena

¹⁴ See imperial itineraries in Barnes 1993, 218-25.

¹⁵ Jul. *Or.* 1.18C.

¹⁶ Burgess 2008, 22-3, followed by Woods 2011, 193.

¹⁷ Although there is little to support the suggestion in Burgess 2008, 23, that Constantius and Constans were compelled to produce these coins by the senior Augustus. It is natural Constantine II would produce more, if they were his brainchild, and it is equally natural that their production should cease soon after Constantine II's death in the civil war, an event which could only problematize coins with the legends PAX PUBLICA and PIETAS ROMANA. Nor is it likely that the coins were a public 'act of expiation' for the dynastic murders of 337; a simpler explanation is that they honoured two of the few Constantinians left who had not been murdered by members of their own family at one time or another.

and Theodora's connections.¹⁸

An even more illuminating example is the posthumous coinage devised by Constantine II and Constantius to commemorate their father. The coinage reveals a cooperative side to the new imperial college, which provides a corrective to the usual image of Constantine II throwing his weight around.¹⁹ Constantine II appears quite self-assured in his minting, in that his fellow Augusti are well represented on almost all his precious-metal coin types.²⁰ He also began minting commemorative bronze for Constantine after his death, with the AETERNA PIETAS series. They featured a veiled bust of Constantine on the obverse, and on the reverse an image of the emperor as a soldier, holding a spear and globe, next to a cross or chi rho, and were produced at all of Constantine II's mints.²¹ The dative obverse legend DIVO CONSTANTINO P (to divine Constantine, father) emphasised the act of honouring as much as it did the honorand, and was reinforced in this impression by the reverse legend, AETERNA PIETAS (eternal piety).²²

Much as Constantine II quickly came up with a posthumous bronze coinage for Constantine, so too did Constantius. These are the justly famous quadriga coins, again with the traditional

¹⁸ Helen presumably lived in Trier while Constantine used it as his imperial capital from c. 307 to 312 (Barnes 1982, 69-70, but see Drijvers 1992, 21-30 for a sceptical look at Helena's ties to Trier), and she later lived and died in Rome, and was buried on the Via Labicana (Drijvers 1992, 32-4). She was also associated with her son's refounded city, and had built churches there (Codinus *De Aedif. Const.*). Theodora is less well attested but we would expect similar connections based on the residencies of her family (*PLRE* 1 Theodora 1, 895).

¹⁹ E.g. Chantraine 1992, 19; Barnes 1993, 311 n.5; Harries 2012, 189; Maraval 2013, 42-3; Crawford 2016, 35, 63-4; Omissi 2018, 156.

²⁰ Only Trier minted precious metals in Constantine II's territory from 337-340. Solidi of the SECVRITAS REI PVBLICAE, VICTOR OMNIVM GENTIVM, and VIRTVS EXERCITVS GALL types were minted in the names of all three brothers, and *RIC* draws no distinction in rarity values between Augusti (*RIC* VIII Trier 1-14). Constans is missing from the SECVRITAS REI PVBLICAE semisses and Constantius from the nine-siliqua pieces of the same reverse (*RIC* VIII Trier 16-19), although given the rarity of surviving examples it is very possible both were minted in the names of all three. A single vota issue, *RIC* VIII Trier 15, was only minted in the name of Constantius (as VOT/X/MVLT/XX only applied to him).

²¹ *RIC* VIII Trier 37; Lyons 1-3; Arles 17, 32, 40-1.

²² Moser 2018, 154-5.

veiled portrait on the obverse, but with the powerful reverse image of the late emperor ascending to heaven in a four-horse quadriga, while a hand reached down to grasp him.²³ This reverse was anepigraphic, and retained a delicate religious ambiguity.²⁴ The nominative obverse legend was a little less partisan than Constantine II's, noting the plurality of Constantine's offspring: DIV CONSTANTINVS PT AVGG (divine Constantine father of the Augusti). The pluralisation AVGG, instead of AVGGG for three emperors, is interesting but of uncertain significance. It is possible this type was designed soon after Constantine's death, in the expectation of the appointment of only two Augusti (which would support Chantaine's theory of a Tetrarchic succession, as this paper has advocated for other reasons in Chapter 2.2). However, the fact it went uncorrected suggests that AVGG is more likely being used as a generic plural of unspecified number, which is not unknown in this period. Interestingly, Constantine II very quickly discontinued his AETERNA PIETAS series in all his mints, and immediately replaced them with Constantius' quadriga type.²⁵ It is telling that Constantine II had the confidence to take the lead in promulgating a posthumous coin design, and to abandon them so decisively in favour of his younger brother's more striking alternative.

Constans took a different approach: he didn't mint any coins in the name of his dead father at all. While he followed Constantine II's lead in minting posthumous bronze in the names of Helena and Theodora at the Roman mint, none of the mints in his territory produced coins in precious metals or bronze for the deified Constantine, and when he took over the territory of Constantine II in 340, no further such coins were produced in these mints either (production was not so regular that we can certainly attribute their discontinuation to Constans, although they were produced by Constantius well into the 340s). Consecration coins were typical of hereditary successions, and Constans' failure to produce any known examples is a conundrum. It cannot be resentment of his father for intending to give him second rank in the imperial college, and nor can it be a matter of religious discomfort with his deification, as Constans

²³ *RIC* VIII Heraclea 13-14; Constantinople 37, 39, 52; Nicomedia 4, 18, 25; Cyzicus 4, 19, 25, 30; Antioch 37, 39; Alexandria 4, 12, 22.

²⁴ Hunt 1998, 2; Bardill 2012, 378-80.

²⁵ At Constantine II's mints, quadriga coins were produced only after the conclusions of the short-lived AETERNA PIETAS coins (although the two designs share a single mint mark at Arles, so it is possible they were simultaneously produced for a short time there). It is clear the one replaced the other. See *RIC* VIII Trier 44, 68; Lyons 12, 17; Arles 42.

refers repeatedly to his deified father in his laws.²⁶ It cannot be that Constans refused to adopt his brothers' coin types, either, as he did not decline to mint the Helena and Theodora types, and made no effort to design a consecration type of his own. Perhaps some other explanation eludes us, or perhaps the other types in production were deemed sufficient for Constans' needs, and he had no particular appetite to add to them with a posthumous coinage.

The overall picture is an interesting one. Constantine II was not so hung up on his laurels that he did not mind jettisoning his own posthumous coinage and adopting that of his brother's, despite the fact he might have had cause to resent Constantius' apparent monopoly on filial piety.²⁷ Constantius had come up with something of a numismatic masterpiece, one of the few coins in this period so striking as to be commented on in contemporary literature,²⁸ and he showed no reluctance in sharing it. And Constans, it seems, was left to do entirely his own thing. The overall picture is of a voluntary and unifying iconographic interchange overlying functionally independent minting practices.

Administrative division can be argued for in purely practical terms. In the reformed administrative system begun by Diocletian, each province belonged to one of thirteen dioceses, and each province's governor (of varying rank) was under the authority of the diocese's *vicarius*, and the *vicarii* were in turn under the authority of the praetorian prefect. The empire was, in effect, modular. The precise formulation of the imperial college had minimal impact on the hierarchies through which the empire was ruled. The practicality of this is reflected in the fact that this modularity began to extend to the praetorian prefectures in the 340s; the prefects had previously been attached to individual emperors, but in this period they increasingly began to be associated with four regional prefectures, as will be discussed in Chapter 5.3.²⁹ As David Potter outlines, regional autonomy was not beneficial for maximising the potential of the empire's resources, but this autonomy was politically and dynastically convenient.³⁰ He also makes the critical observation that this kind of autonomy was preferable to the officials advising the new emperors, 'who had no interest in answering to a distant

²⁶ Woudhuysen 2018, 164-5.

²⁷ Constantius capitalised on being the only one to attempt to reach Constantine's deathbed (e.g. *Jul. Or.* 1.16D, 2.94B), and was the only one to attend his funeral (*Eus. VC* 4.70).

²⁸ *Eus. VC* 4.73.

²⁹ Barnes 1992, 251-2.

³⁰ Potter 2015, 43-4.

authority' and preferred 'concentrated power in regional offices.'³¹ The implications this has for the agency and motivation of the sons, especially Constans, probably aged just seventeen to twenty during the period 337 to 340 (see Chapter 1.1), must be born continually in mind.

Regional autonomy is reflected in Eusebius' careful choice of metaphor in the contemporaneous *Vita Constantini*: the division of the empire is characterised as the inheritance of property, and it is made clear that the empire is not passing into joint custody, but being divided into shares as though they were 'allotting a patrimonial inheritance.'³² And in practical terms, the division of 337 did indeed create three largely autonomous territories, with their own military, financial, administrative, and legislative structures. However, *de facto* autonomy should not be equated with sovereignty. Division of territory did not mean division of the imperial college. Julian later observed, when recounting the disputes of 337, that:

If the emperor [Constantius] had disputed about boundaries and taken a hostile attitude, he might have obtained more than he did, but he would have governed only his allotted share. But he scorned and despised such trifles, and the result was that he really governed the whole world in partnership with his brothers, but had the care of his portion only.

~ Julian *Or.* 1.20A.

Julian certainly massages the role of Constantius here, but he is not making a propagandistic statement of unity, given the context is critical of the other brothers' disputes. On the contrary, it is a rare example of how division was conceptualised by those who lived through it. Julian posits the possibility of an uncooperative division, with each emperor's authority confined to their own territory. But what he recalls is something subtly different. The emperors might confine themselves to territories, but they governed in partnership. There was, in effect, a functional imperial college that acted as a supra-territorial ruling body.

3.4 LEGISLATIVE AUTONOMY

As outlined in Chapter 1.5, one of the key criteria for true division is independent legislative

³¹ Ibid, 44.

³² Eus. *VC* IV.51 (trans. Schaff and Wace 1955). Eusebius strategically attributes this *ad hoc* division to Constantine.

authority.³³ This is also a criterium for which there is indicative evidence. That each of the three emperors issued legislation is indisputable; Jean-Rémy Palanque assumes that if there was more than one emperor issuing legislation, the empire must have had a divided jurisdiction.³⁴ This is a significant point, but it is an assumption in need of further proof. While it is easy to show multiple emperors issuing legislation, it is much more difficult to prove that these laws applied only to individual territories and not to the empire as a whole. However, for the later period of division between Constantius and Constans (340 to 350), this can be demonstrated with direct evidence for one emperor's laws being invalid in the other emperor's territory:

Impp. Constantius et Constans AA. ordini Caesenatium. Vinum, quod ad cellarii usus ministrari solet, cuncti Italiae possessores iuxta statutum Constantii fratris mei comparent. Quod ut fieri facilius possit, ab omnibus Italis nostris conferatur pecuniae quantitas ea, quam Rufini viri clarissimi et illustris praefecti praetorio parentis amicique nostri Moderatio dandam esse censuerat. Dat. XI kal. iun. Mediolano Constantio VII et Constante III AA. cons.

Emperors Constantius and Constans to the Senate of Caesena. In accordance with the statute of my bother Constantius, all the landholders of Italy shall provide the wine which is customarily furnished for use as cellar supplies. In order that this may be done the more easily, that quantity of money shall be contributed by all our Italians which the regulation of the most noble and illustrious praetorian prefect, Rufinus, our father and retainer, decreed must be given. Given on the eleventh day before the kalends of June at Milan in the year of the seventh consulship of Constantius Augustus and the third consulship of Constans Augustus – 22 May 346.

~ CTh 11.1.6.

This is the law from Constans to the Senate of Caesena on 22 May 346, although the date has been disputed. The alternative date to 346 is 354, as the consular date in the text is the

³³ Cf. Palanque 1944, 49.

³⁴ Palanque 1944, 55.

oxymoronic seventh consulship of Constantius (354) and third of Constans (346).³⁵ It may be that the third consulship of Constans (abl. *Constante Augusto*) was confused with the third consulship of Gallus (abl. *Constantio Caesare*) putting it in 354, but mistaking Constantius' fourth consulship for his seventh is simpler, and at any rate the mention of the praetorian prefect Rufinus places it in the years 344 to 347.³⁶ T. D. Barnes abandons both consular numberings by emending the date to 353, since Constantius spent most of 354 in Gaul but was likely in Milan for 22 May 353.³⁷ However, Barnes rejects the 346 date only because he assumes that the law cited by *CTh* 11.1.6 must have also applied specifically to the same '*Italiae possessores*', meaning it was a reiteration of Constans' Italian policy by Constantius when he took over in the 350s. I do not think this assumption is merited, as the reference could equally mean that Italian landowners were to be subject to the same rules as eastern ones, and the 353 date requires the emendation of no less than *seven* different names, numbers and titles, not only in the heading and subscription but also in the text itself (e.g. '*Constantii fratris*' to '*Constantis fratris*'). The 346 date requires only the emendation of one consular numbering to be internally coherent and historically plausible. The clinching proof of the 346 date is that it was addressed to the Senate of Caesena on 22 May imposing a wine levy. The following day Constans is indeed attested in Caesena in *CTh* 12.1.38, presumably to either mollify a town which had gone over the head of his prefect or to ensure it complied with his orders, and the chronology is both perfectly possible and coheres with his reputation for speedy travel.³⁸

The value of this law is that it clearly attests to legislative division in 346. Though it was issued in the name of both surviving emperors, Constans ordered that 'in accordance with the statute of my brother Constantius (*iuxta statutum Constantii fratris mei*), all the landholders in

³⁵ For this date, *CTh* 12.1.42 has been proposed as a *lex gemina*, despite bearing little relationship in content, as it was issued on 22 May 354 and was also addressed to the Senate of Caesena. However, if these laws are *leges geminae*, they must both date to 346 rather than 354 because of the mention of Rufinus and movements of Constans (see below). More likely they are simple coincidence. (Cuneo 1997, 244-5, doubts they are *leges geminae* but concurs with a 354 date).

³⁶ *PLRE* 1 Vulcacius Rufinus 25, 782-3. Vulcacius Rufinus was praetorian prefect in Gaul for the alternative date of 354, and this rescript suggests he was active in Italy at the time it was issued.

³⁷ Barnes 1993, 314 n.31.

³⁸ *Lib. Or.* 59.147-8.

Italy shall provide the wine which is customarily furnished for use as cellar supplies.’³⁹ This plainly demonstrates a significant point: that a statute implemented by Constantius required separate endorsement to be valid in Constans’ share of the empire. The referencing of Constantius’ law – given the general scarcity of cross-referenced laws in the *Codex Theodosianus* – is probably because Constans was using the authority of a (for once) concordant imperial college to justify his wine levy.

This law, then, provides strong evidence for the legislative independence of the emperors’ territories in the 340s. It should not, however, be presumed to apply to the empire of 337 to 340. Unfortunately, *CTh* 11.1.6 has no evidential parallel in the earlier period, and is unique in providing a window into the terms of legislative division under the sons of Constantine. However, there is one famous law issued to Africa in 339 in which Constantine II seemingly attempts to interfere with Constans’ African territory. Constans had already issued laws to Africa about the evasion of municipal service, and there are three extant examples addressed to the *vicarius* Aconius Catullinus, with the first received on 16 May 338 (*CTh* 6.22.2),⁴⁰ the second on 12 December 338 (*CTh* 12.1.24), and with the third given on 1 November 338 (*CTh* 12.1.26). Less than a month after *CTh* 12.1.24, the following law on the same subject was sent to Aurelius Celsinus in Carthage, worth quoting in full:

Idem AA. have Celsine karissime n(o)b(is). Rarum karthaginis splendidissimae senatum et exiguos admodum curiales residere conquestus es, dum universi indebitae dignitatis infulas foeda familiaris rei vexatione mercantur. Igitur istiusmodi viri demptis honoribus imaginariis, cuiuscemodi illi erunt quos fuerant consecuti, civicis muneribus subiugentur. Quod quidem per omnem Africam sollertissime servari oportet. Dat. VII id. Ian. Treviris Constantio II et Constante AA. conss.

The same Augusti to our dearest Celsinus, greetings. You have greatly protested the thinness of the most splendid Senate of Carthage and the paltry *curiales* to remain, while they all trade the marks of undue rank for the disgraceful ruin of their

³⁹ All translations of the *Codex Theodosianus* are adapted from Pharr 1952.

⁴⁰ I have restored the MS date of receipt for *CTh* 6.22.2 from Mommsen’s emendation to 16 December 338, due to the distances travelled and the questionable relationship of 6.22.2 to 12.1.24.

family fortune. Therefore, such men shall be stripped of their imaginary honours, of whatever kind that they have obtained, and shall be made liable to compulsory municipal services. This regulation, indeed, must be observed most carefully throughout all Africa. Given on the sixth day before the ides of January at Trier in the second consulship of Constantius Augustus and first of Constans Augustus – 8 January 339.

~ *CTh* 12.1.27

The *Codex Theodosianus* attributes this law rather laxly to ‘the same Augusti’ – i.e. Constantius and Constans in this context – but the subscription records that it was issued from Trier. Misattributions are extremely common in the *Codex Theodosianus*, especially when the compilers had to deal with several emperors ruling simultaneously, one of whom was expunged from official history, and the surviving subscriptions are generally more accurate indicators. If it was sent from Trier in 339, then it must have been sent by Constantine II. And it was addressed to Carthage – right in the heart of Constans’ African territory.

The security of this attribution has been questioned.⁴¹ Pierre Maraval has doubts on the basis of its uniqueness, being the only law subscribed from Trier in these years and the only law that seemed to interfere in another emperor’s territory.⁴² Bruno Bleckmann expands on this, questioning how a law of Constantine II could have found its way into the *Codex Theodosianus* after the memory sanctions against him.⁴³ These objections are easily dismissed. While there is undoubtedly suppression of Constantine II in the *Codex Theodosianus*, evident from the many laws issued in the names of Constantius and Constans which would have originally named their third colleague,⁴⁴ this is unlikely to be the result of Theodosian compilers respecting memory sanctions that had been obsolete since the 350s. Rather than a calculated program of erasure, it is far more likely to have been a simple time-saving measure to sidestep an obscure family conflict. The Theodosian compilers, to judge from their poor record of distinguishing between Constans and Constantius, did not have (or indeed need) the clearest picture of who was issuing legislation, and seem to have had a policy of guesswork rather than method. In these circumstances, we would expect laws of Constantine II to have been

⁴¹ For an astute but cautious commentary, see Cuneo 1997, 29-30.

⁴² Maraval 2013, 42-3.

⁴³ Bleckmann 2003a, 239.

⁴⁴ Corcoran 2015.

incorporated under his brothers' names, with only the sporadic mentions of places of issuance to identify them as his.⁴⁵ And indeed, there is a law from 12 December 337, attributed to Constantius in the *Codex Theodosianus* but issued to the *praeses* of Baetica in Constantine II's territory.⁴⁶ This is almost certainly another law of Constantine II obscured by the compilers' attribution conventions, and proves that records of Constantine II's laws had not been eradicated by the fifth century.

So the only impediment to accepting the authenticity of this law is the seeming contradiction between an empire with regional legislative autonomy and a senior Augustus writing rescripts to his brother's proconsul. However, the contradiction is illusory. Regional legislative autonomy was a by-product of administrative division, due to the petition-and-response nature of imperial rule. Who had the authority to issue that legislation is an entirely separate question. If, as the evidence so far suggests, Constantine II took his authority as senior Augustus to be analogous to that of other domineering leaders like Diocletian, then the occasional display of overarching authority is not only unproblematic but also unsurprising. And in issuing legislation to Africa under Constans, he was following a very close precedent of Diocletian himself, who had also sent legislation to a proconsul of Africa when that territory belonged to another Augustus.⁴⁷

There remains the question of why Celsinus would petition Constantine II rather than his 'local' Augustus. It is unlikely that previous petitions to Constans had been ignored, as there had already been two laws from him to Catullinus, then *vicarius* of Africa, on this very topic (see above). Whether Celsinus had less success accessing Constans than Catullinus is an open question; he received a law from him on 12 June 338, but this may have arrived after he had sent his original petition to Constantine II, and Constans' use of '*edictum*' in this law suggests it was not a rescript in response to a petition from Celsinus anyway.⁴⁸ Perhaps Celsinus, for whatever reason, considered the court of Constantine II to be more proactive in dealing with such requests.

However, if we consider the empire of 337 to 340 to be undivided, then the explanation is simple. Officials like Celsinus, seeing the sons as a continuation of the government of

⁴⁵ Indeed, far from Constantine II being eradicated from the *Codex*, this paper will argue below that *CTh* 2.6.5 and 10.15.3 are also attributable to him.

⁴⁶ *CTh* 11.9.2; Cuneo 2012, 93-4.

⁴⁷ *Collatio Mosaicarum* 15.3, trans. in Gardner and Lieu 2004, 116-8; Corcoran 2000, 135-6.

⁴⁸ *CTh* 10.10.4.

Constantine, were unlikely to think of the emperors' territories as closed systems. Just because an official was prospering under one emperor, there was no reason why their ambition for more prestigious offices should be territorially limited. For example, in the 340s Ulpian Limenius served as proconsul of Constantinople under Constantius, but must have kept on good terms with Constans as he soon became praetorian prefect of Italy and urban prefect of Rome.⁴⁹ A similar career path was followed by Vulcacius Rufinus and probably also Marcus Maecius Memmius Furius Baburius Caecilianus Placidus.⁵⁰ It is easy to imagine why Celsinus might use an uncontroversial issue like the desertion of the municipal councils, on which imperial policy was already very clear, as an excuse to stay on good terms with Trier. In this case, Celsinus was able to write the sort of letter that merited a reply with the rare honorific '*have Celsine k(arissime) n(o)b(is)*.' This construction is used only eighteen times in the entirety of the *Codex Theodosianus*, which suggests that Celsinus was cultivating a good relationship with the senior Augustus, and was perhaps motivated to contact him for political or career reasons rather than because of a burning interest in the state of local politics. Celsinus' later defection to Magnentius is certainly suggestive of an opportunistic mind-set.

An important aspect of this rescript is that Celsinus evidently thought it unproblematic to write to Constantine II rather than Constans on a matter concerning Constans' territory. This carries two important implications. First, Celsinus thought that the senior Augustus possessed the authority to legislate over the territories of other Augusti, and the fact that Constantine II replied suggests he agreed. The second is that Celsinus did not think that approaching the senior Augustus rather than Constans would be a breach of imperial etiquette under the terms of 337. We can assume this as Celsinus had nothing to gain from creating an awkward situation in the imperial college, and indeed he continued to be held in high esteem by Constans regardless of writing to Constantine II, being appointed as urban prefect of Rome in the reshuffle after the civil war, replacing Fabius Titianus who was made praetorian prefect of Gaul.⁵¹ Chastagnol proposes that after the death of Constantine II, Celsinus '*s'est rallié rapidement à Constant*,' but such an assumption is only necessary if *CTh* 12.1.27 is taken to be a subversion of the arrangements of 337, whereas in fact it is a manifestation of them.⁵²

⁴⁹ *PLRE* 1 Ulpian Limenius 2, 510.

⁵⁰ *PLRE* 1 Vulcacius Rufinus 25,782-3; M. Maecius Memmius Furius Baburius Caecilianus Placidus 2, 705.

⁵¹ *PLRE* 1 Aurelius Celsinus 4, 192; Fabius Titianus 6, 918-9.

⁵² Chastagnol 1962, 114.

There is another aspect to this law: *CTh* 12.1.27 notes that it ‘must be observed most carefully throughout all Africa.’ Whoever drafted this law expected their emperor to have an interest in the entirety of Constans’ African territory, rather than just answering an official within it, and Constantine II himself had no problem approving this. It is possible, perhaps likely, that Constantine II’s reply was circulated far more widely than just to Celsinus. In short, Constantine II was not content to rest on his laurels as the nominally senior Augustus, but wanted to use his position practically to oversee his brothers’ administration of their territories. Along with the restoration of Athanasius in 337 and the widespread promotion of his seniority, *CTh* 12.1.27 fits a pattern of behaviour that must have seemed perfectly reasonable to one in Constantine II’s elevated position, while perhaps seeming overbearing to someone like Constans whose high office had not always been guaranteed.

3.5 SENIORITY

The key to understanding all this is seniority: was Constantine II’s greater age and longer membership of the imperial college to give him authority over his brothers and their territories? The elements of territorial autonomy in this period might suggest not. But, at the same time, it appears Constantine II embraced the affirmative. As well as *CTh* 12.1.27, The coins he minted in Trier ‘stressed his seniority emphatically,’ as Kent puts it; ‘his effigy alone breaks the obverse legend, and he alone wears a laurelled and jewelled diadem.’⁵³ This has particular significance in light of the symbolism attached to the diadem by the Constantinian Dynasty. Under Constantine, the diadem was the iconographic preserve of the Augustus, while the Caesars wore laurel crowns.⁵⁴ By maintaining this distinction, Constantine II sought to elevate himself while emphasising his brothers’ subordination.

Along with the coinage, inscriptions also suggest that Constantine II’s seniority was going to be one of the defining features of the new imperial college. The following is from a statue base from Augusta Traiana, in Constantius’ Scythian territory:

To the champion of peace and chorus leader of all good fortune, who renewed all victories from West to East without bloodshed, who guarantees the friendship of

⁵³ Kent 1981, 125.

⁵⁴ MacCormack 1981, 188-190; Dearn 2003, 182. Note the association of the diadem with the rank of Augustus in *Amm. Marc.* 20.4.17-18 and 21.1.4.

the emperors and eternal Augusti, Flavius Constantinus, the most powerful. The council and the people of the Traianeans [set this up] when Flavius Palladius, of *perfectissimus* rank, was governor [of the province of Thrace].⁵⁵

The plurality of Augusti and the honouring of a Flavius Constantinus clearly date this inscription to the period 337 to 340, which roughly coheres with the tenure of Palladius who is elsewhere attested as governor of Thrace in 341.⁵⁶ It clearly recognises Constantine II's pre-eminence in the imperial college, casting him in the role of 'chorus leader' and explicitly calling him 'the most powerful', with the implied authority to guarantee the brothers' friendship. It also ascribes to him 'all victories from West to East,' crediting him with overall responsibility for victories won in his brothers' territories.⁵⁷

The imperial hierarchy can also be deduced from this Cypriot milestone:

D(ominis) N(ostris)
[Fl(avio)] Cl(audio) Constantino
[ma]ximo triumfatori Aug(usto)
[ac Fl(avio)] Constantio
[ac Fl(avio)] Constanti
[v]ictoribus
semper Aug(ustis)
mi(lia passuum) III⁵⁸

⁵⁵ Translation, provenance, and discussion at laststatues.classics.ox.ac.uk, LSA-1665 (U. Gehr).

⁵⁶ Pace Tantillo 1999, who makes an unconvincing case for the subject being Constantine.

⁵⁷ This should be held as distinct from the Tetrarchic practice (which lapsed under Constantine) of victory titles being shared by all members of the imperial college (McCormick 1986, 112-3; Hebblewhite 2017, 56-8). This inscription does not concern victory titles, which by this point were largely individual and were never appropriated by Constantine II, but rather the attribution of responsibility for successes in the empire. It is much the same as when Constantius claimed credit for the Battle of Strasbourg in 357, and Julian resentfully described it as a matter of duty that he sent Chnodomar to Constantius instead of parading his captive himself (*Ad Ath.* 279C-D).

⁵⁸ Mitford 1939, 187; credit to Cuneo 2012, 65, for drawing attention to this inscription.

Cuneo reproduces this inscription from the time of the sons alongside two from the reign of Constantine.⁵⁹ In the earlier inscriptions, Constantine takes first place with distinct honorific titles. In this later inscription, Constantine II now takes first place with very similar and equally distinct honorifics, and his title ‘Augustus’ also appears separately from his colleagues (where a single plural use for all three would suffice) in apparent imitation of Constantine’s title appearing separately from the plural title of his Caesars. These formulaic inscriptions show Constantine II replacing his father as the preeminent leader of the imperial college, with his brothers in a clearly subordinate position despite being fellow Augusti.⁶⁰

A distinctive case is in evidence on a milestone from Dedeçam in Anatolia, where an original inscription from the reign of Constantine (left) was altered after his death (right):⁶¹

DD NN	DD NN
Fl [[Val]] Constantino max	Fl <<Cl>> Constantino max
[[vict et Fl Cl Constant]]ino	<< (vac.) imo>>
et Fl Iul Constantio et Fl	et Fl Iul Constantio et Fl
Cl Constante	Cl Constante
[[Nobbb Caesss]] (<i>vel sim</i>)	<<victoris semp>>
ab Antiochia	ab Antiochia Augg
mi p V	mi p V

The simplest way to modify this inscription would have been to just change the plural title from Caesars to Augusti, and either erase the name of Constantine or alter it to an appropriate posthumous reference. Instead, the name of Constantine has been altered (Val. to Cl.) so that it now refers to Constantine II, while Constantine II’s old name was erased with the last three letters altered to expand the victory title to max|imo. As in the Cypriot inscription, Constantine II is literally taking the place of his father at the head of the imperial college, placed apart from

⁵⁹ Cuneo 2012, 65-6. I have chosen not to discuss another, fragmentary Cypriot inscription (*CIL* III Supp. 6732) reproduced in Cuneo 2012, 69, from Mitford 1939, 189, as points that could be made from it would rest on an extensively reconstructed text.

⁶⁰ Cf. Chastagnol 1976, 262-4, for a similar case in Constantine II’s territory.

⁶¹ Milestone 94A, text 6, in French 2012, 158-9.

his junior colleagues with distinct titles as a signifier of his leadership. These inscriptions are admittedly unusual – most from the period 337 to 340 simply list the three Augusti with the same titles – but the existence of these show that there were people in positions of power who understood the imperial college to be hierarchical, with Constantine II taking over the domineering role of his father.

What is even more interesting is that all the inscriptions reproduced here were erected outside of Constantine II's territory. The perception of Constantine II's supremacy was not limited to within his own borders, and there is a clear pattern of recognition in other parts of the empire. If officials under Constantius could openly celebrate Constantine II's seniority, then this must have been an acknowledged, uncontroversial fact of the government of the time – and a strong indicator of an undivided empire.

Whether Constans and Constantius were entirely happy with this arrangement is another matter; their coinage might suggest not. While Constantine II remained senior Augustus, his brothers' coins increasingly aggrandised their own reigns.⁶² One rare *festaveus* and *solidus* type minted by Constans in Siscia subtly reorders the imperial hierarchy. On the reverse, the three Augusti are depicted with the outer two looking inwards towards the central figure, who is seated above the rest with a halo in a clear position of predominance. Although the central figure is not identified by name, VOT V is inscribed on the plinth on which he is seated, strongly implying this figure is meant to be Constans.⁶³ Although Constans celebrated his fifth anniversary of rule in the last week of 337 (counting inclusively), it is likely the coin is of a later date. Kent puts it in a second period of minting after the succession, and as the mintmark SIS* remained in use even after the death of Constantine II, it may belong to the period leading up to the civil war, although precise dating is impossible. It should be noted that *solidi* and especially multiples were not a means of mass communication. They were high-value, low-volume, slow-circulation coins that should be regarded as an insight into Constans' court rather than as a public statement of imperial policy. However, if Constans had begun to re-evaluate his place in the imperial hierarchy, this was a sign of how and why the empire came to be divided.

Similarly, Constantius had reason to be dissatisfied with the way Constantine II used his authority as senior emperor. In 337, before even the formal acclamation as Augusti,

⁶² Bruun 1987, 194, suggests Constans and Constantius used coinage to 'upgrade their own imperial rank' to equal that of Constantine II.

⁶³ *RIC* VIII Siscia 18 and 18A; Börm 2015, 254 n.86.

Constantine II restored Athanasius to his Alexandrian see in Constantius' territory, claiming (unconvincingly) that he was fulfilling the wishes of his deceased father.⁶⁴ Constantine II's assertion that he had personally inherited the intention from Constantine (especially if Constantine II actually made it up) was an explicit claim of being the continuation of Constantine's government. This was almost certainly unwelcome. Although we do not know whether Constantius opposed Athanasius theologically as early as 337, Constantine II's intervention in his brother's territory would have been worrying in itself, both as an act and as a precedent. The bishopric of Alexandria was an influential position in an often-unstable city whose grain shipments were vital to the security of the East. Having a bishop sent from Trier by a western emperor presented an alarming conflict of loyalties, and on this basis alone it is unsurprising that the emperor of the East ejected Athanasius only two years later, and would oppose his episcopacy for the rest of his life.⁶⁵

3.6 CONCLUSION

The period between the death of Constantine and the civil war of 340 is poorly attested. The limited evidence has sometimes led to the assumption that the division of 337 was much like the tense and uncooperative division of 340 to 350, or the autonomous and hostile division between Constantine and Licinius. If this was true, then Constantine II entering Constantius' territory in early 340 could have been taken as a *de facto* declaration of war, much as violation of sovereignty was used as a justification for Constantine and Licinius' civil war.⁶⁶

However, while Constantine and Licinius were hostile, having already fought one civil war with both sides spoiling for another, all the evidence from 337 to 340 paints a different picture. While the empire was divided in practical function (i.e. legislatively, financially, administratively, and militarily), the imperial college was united. Officials like Palladius and Celsinus, from diverse parts of the empire, regarded themselves as subjects not of their local Augustus but of an imperial college of three, with Constantine II its most senior member. In the day-to-day running of the empire, this is unlikely to have manifested itself at all, as the practicalities of the division promoted direct regional rule. But instances such as the restoration of Athanasius and the rescript to Celsinus and the inscription at Augusta Traiana show that

⁶⁴ Athan. *Apol. Cont. Ar.* 87.4-7 and *Hist. Ar.* 8.1; Soc. *HE* II.3; Barnes 1993, 34.

⁶⁵ Athan. *Hist. Ar.* 19.3-4.

⁶⁶ Anon. *Val.* 1.21; Zos. 2.21; Barnes 2011, 106.

beneath this was a functional imperial hierarchy. Constantine II, if he chose, had the power to intervene in any part of the empire; even if he chose to delegate territorial government in its entirety to his brothers, the underlying fact that his constitutional powers extended over the empire is of major significance. For as long as the junior Augusti were prepared to respect the authority of Constantine II, the empire remained undivided under his rule.

The ejection of Athanasius and the shift in coin iconography suggests that this respect was beginning to fade. In such a climate, it is possible that Constantine II was looking for ways to reassert his primacy, and it is also possible his brothers were looking for ways to further undermine it. The following chapter will consider the consequences of this by analysing the events of the civil war of 340, and will consider the extent to which it was a product of unresolved questions surrounding the authority and rights of the senior Augustus within the imperial college.

Chapter 4

The Civil War of 340

Conspiracy, culpability, and consequence

4.1 INTRODUCTION

Early in 340, Constantine II entered Italy and was killed in battle by the forces of Constans near Aquileia. This episode is attested in limited form in the sources, but with so little evidence to go on, it has rarely commanded the interest of scholars and is typically passed over as a skirmish of comparatively little importance. One of the few scholars to seriously address the civil war of 340 is Bruno Bleckmann, in his article ‘Der Bürgerkrieg zwischen Constantin II. und Constans (340 n. Chr.).’¹ While Bleckmann elucidates the background to the conflict with a great deal of success, the ultimate causes and consequences of this little-known civil war are yet to be satisfactorily addressed. As this thesis argues that the civil war of 340 was a critical turning point between the still-unified empire that followed the death of Constantine and the divided empire of the 340s, establishing what actually happened is of the utmost importance.

First, it is important to stress that despite its relegation to the status of a footnote in Constantinian studies, this was a serious conflict, resulting in the death of an Augustus in battle. It was every bit as decisive and consequential as the civil wars between Constantine and Licinius or Constantius and Magnentius. Its overlooked significance is due only to the lack of detailed source material. Although it can be established that Constantine II entered Northern Italy and was killed in an ambush set by his brother Constans’ troops, the exact dates, causes, and wider implications of this conflict lie scattered through an array of imprecise and contradictory accounts. These events have traditionally been interpreted as a civil war over territory and authority instigated by Constantine II,² but the sources indicate a more complex political background which led to Constantine II peacefully entering Constans’ territory and Constans opportunistically attacking him.

¹ Bleckmann 2003a. It is also addressed from the peculiar perspective of *Codex Palatinus Graecus* 117 in Cuneo 2012, and will be the subject of a chapter by this author in Baker-Brian and Tougher (forthcoming).

² E.g. Gibbon 1781, 185-6; DiMaio 1988, 240 n.61; Hunt 1998, 5; Bleckmann 2003a, 244-50; Meijer 2004, 125-6; Potter 2004, 462; Harries 2012, 189; Maraval 2013, 42-4; Crawford 2016, 63-4; Humphries 2017, 1095-7.

Whether it can even be categorised as a civil war is open to question. It was certainly ‘civil,’ but whether a single engagement between two armed forces, only one of which was intending conflict, can really be described as a ‘war’ is another matter. Henning Börm attempts to refine the definition of civil war further, his relevant criteria being as follows:

Both sides act violently, unlike, for example, in the case of a pogrom or of genocide, in which the victims are not usually considered members of the group and are not classed as being of equal status but are instead considered to be outsiders. A civil war conflict may be asymmetric, but both sides have hierarchies and leaders. In this way, it has at least rudimentary forms of organization and, because of this, requires the existence of structures, which either exist before the beginning of the civil war or are created afterwards.³

The civil war of 340 certainly fulfils these criteria. But the fact, as this chapter will argue, that conflict was pursued one-sidedly by Constans, and that Constantine II was peaceful up until the point of engagement with Constans’ forces, suggests a disquieting imbalance of intentions. In this respect, the events of 340 bear greater resemblance to a coup d’état or usurpation,⁴ with the junior Augustus violently deposing the ruling emperor in order to seize his territories. Fortunately the two terms are not mutually exclusive. This thesis has retained the familiar nomenclature of ‘the civil war of 340,’ and it is sufficient to add this as a caveat here. The elements of coup and usurpation within Constans’ actions will become evident below, as will their significance throughout the rest of this thesis.

The purpose of this chapter is to challenge assumptions about Constantine II’s and Constans’ intentions, and through a detailed analysis of the sources, the dates and distances involved, and the constitutional background, it will argue that Constantine II was attempting to enter Italy legitimately as the senior Augustus, and was opportunistically ambushed and killed by Constans. The first section, 4.2, will systematically lay out the surviving accounts of the civil war, and will suggest what may be considered reliable or significant from among contradictory sources. The next section, 4.3, will employ a methodology of dates and distances, taking the few known dates and relative journey times to propose a tighter chronology. Then,

³ Börm 2016, 17.

⁴ Terms such as ‘usurper’ or ‘*tyrannus*’ are problematic in their own way, and tend to be applied more as a measure of success than mark of method (Humphries 2008, 85-7).

4.4 will use the implications of this to propose a new interpretation of the civil war of 340. Finally, 4.5 will examine the reaction of Constantius in the 340s, and suggest that he was not so supportive of his brother's actions as is often believed.

4.2 THE SOURCES FOR THE CIVIL WAR OF 340

The sources for the immediate causes of the civil war and its prosecution are lacking in detail and spread over a wide period of time. This section will address them in roughly chronological order, with the exception of the sources based on Philostorgius which will be discussed together toward the end, and will begin with the *Codex Theodosianus*.

The most proximate law to events was addressed to Petronius, the new *vicarius* of Africa, and was issued in or near Aquileia on 9 April 340.⁵ The actual content of this law concerned the fisc, and tells us nothing about what must have been going on at the time, but it attests an imperial presence in Aquileia on 9 April, which will be important to the chronology.

Another law from twenty days later tells us rather more:

Imp. Constantius A. [sic] ad Marcellinum. Publicus ac noster inimicus diversis immunitatem dederat iugorum capitationibus et professionibus amputatis. Iubemus ergo, ut omnibus omnino haec privilegia derogentur. Dat. III. kal. Mai. Acindyno et Proculo cons.

Emperor Constantius [sic.] Augustus to Marcellinus. The public enemy and our own enemy had rendered to diverse people exemption from capitation taxes and removed tax declarations. We therefore command that these privileges shall be completely withdrawn from all persons. Given on the third day before the kalends of May in the consulship of Acindynus and Proculus – 29 April 340.

~ *CTh* 11.12.1

The attribution of this law to Constantius is an error; given the addressee and subject, the author can only be Constans (although it was likely issued in the name of Constantius also). The

⁵ There are in fact two laws from Aquileia to Petronius on 9 April, *CTh* 2.6.5 and 10.15.3, but they are almost certainly *leges geminae* – a single law split between different sections of the Code (see *CTh* 1.1.5-6).

'publicus ac noster inimicus' can only be Constantine II; there were no other public and personal enemies in the West who could have recently granted tax exemptions, and laws revisiting the acts of fallen rivals are not unusual.⁶ This is clearly part of Constans' consolidation of the western provinces, which were incorporated into his territories after the death of Constantine II and the sanctions against his memory.⁷ Constantine II's supporters were undermined by the revocation of their tax privileges, and it is likely Constans replaced Constantine II's key administrators. Given the competition for offices and the fact that Constans was still only nineteen or twenty in early 340, one might expect his court to have used all their influence to rid themselves of rivals. There has been speculation that the praetorian prefect of Gaul at the time was Ambrosius, the father of the famous Bishop of Milan, and that his death was precipitated by the war in 340, which is far from certain but an attractive theory.⁸ *CTh* 11.12.1 indicates that its addressee, Marcellinus, was initially responsible for this takeover. However, Marcellinus' prefecture lasted for only another year, and after the end of his tenure Constans made Constantine II's former territory into its own prefecture, appointing Fabius Titianus to the role in 341.⁹ Indeed, Fabius Titianus (urban prefect of Rome at the time) had attended Constans very soon after *CTh* 11.12.1, from 5 May to 10 June 340; perhaps this meeting was to determine the administrative future of the West.¹⁰ As well as hinting at the aftermath of Constantine II's death, *CTh* 11.12.1 also gives us a firm *terminus ante quem*: 29 April 340.

Our earliest retrospective reference to the conflict is to be found in a panegyric of Libanius, dating to 344 or thereabouts when the Battle of Singara was topical, and addressed jointly to Constantius and Constans:

But although I seem to be speaking of matters of greatest import I am likely not yet even now to have stated the most important. For in former times a spirit of envy had become attached to all emperors, and those who possessed the inferior provinces would plot against those who had obtained the more important ones,

⁶ E.g. *CTh* 5.8.1, 8.4.1, 15.14.1-4.

⁷ For memory sanctions, see Cahn 1987, 201-2.

⁸ *PLRE* 1 Ambrosius 1, 51; Barnes 1980, 161 n.5.

⁹ After 25 February 341 and before 24 June 341 (*PLRE* 1 Fabius Titianus 6, 918-9).

¹⁰ *Chron. Min.* I.68; Chastagnol 1962, 109.

while those who benefited from the important ones would begrudge those who drew small profits even their inferior positions. But in fact the equal shares of the overall command fed the disorder to an even greater extent, and the law of nature had been judged second to the desire for dominion, and everything related was filled with frenzy against itself. Indeed the greatest of disasters are commemorated as having occurred in the case of emperors. I think that poets have been inspired by this to exalt the conspiracies even to the vault of heaven. But now all the ancient time has been reversed, and every spiteful eye of envy has been expelled, and an unbreakable bond of friendship unites the souls of the emperors. Their government has been divided by area but is held together by goodwill, and the title of their kinship is confirmed by their deeds.

~ Libanius *Or.* 59.151-2 (trans. Lieu and Montserrat 1996).

This passage can only refer to the civil war of 340.¹¹ It is deliberately ambiguous and could technically refer to any number of historical conflicts, but its position in the closing section of the speech, after the parts addressing Constantius and Constans separately, and its introduction as ‘the most important’ of matters makes the allusion clear. Moreover, the way this reference is set in opposition to Constantius and Constans’ relationship invites the comparison with Constantine II and Constans’ relationship, and a reference to any other conflict here would make far less contextual sense. Certainly no contemporary listener would have thought of (for example) Constantine and Licinius here rather than Constantine II and Constans.

The use of the civil war to introduce the theme of contemporary imperial unity also fits in well with what we know of the political background to this panegyric. Constantius and Constans’ relationship was not as harmonious as Libanius tries to make out, and his speech was likely written around the time of Constans’ infamous threat to restore Athanasius and Paul by force of arms in 345 (see section 4.5 below). Constantius would have wanted to avoid a confrontation with the now-unified West while having to defend his eastern border with Persia, and Libanius was likely approached to help heal divisions that were looking increasingly dangerous. Indeed, in a discreetly prickly introduction, Libanius takes pains to illustrate the precise circumstances surrounding the composition of *Oration* 59. While he diligently claims to be ‘prompted by nobody’ and ‘roused to a panegyric by the merits of the case’ (59.1), he

¹¹ I owe Nicholas Baker-Brian for this reading. It has since been noted by Woudhuysen 2018, 178 n.114.

then adds that while ‘still contemplating the matter the injunction confronted me and my intention and the request concurred’ (59.4). He also complains about the difficulty of praising both emperors, and mentions that ‘the proposer of the contest showed equal love for both men and did not consider our powers rather than how on the one occasion both emperors might be included’ (59.6). *Oration 59*, then, was prompted by the imperial authorities of the East (most likely by the praetorian prefect Philippus),¹² and Libanius was specifically instructed to write a panegyric jointly addressed to both emperors. Given the timing of this oration, and the inclusion of Constans in a speech celebrating the Battle of Singara, it was clearly requested as an attempt to deescalate Constans’ increasingly belligerent rhetoric.

Elements of this highly charged political background are controversial, particularly due to the uncertainty of the speech’s date, but none affect the value of this passage as evidence. Any imperial panegyric would take pains to faithfully reproduce the ‘official line’ on controversial matters, especially when there was official input in the planning stages of the speech. Libanius would have chosen his words very carefully when referencing the sensitive events of 340, and if he was in any doubt as to his brief he would have skirted the issue entirely. Constantine II, by this point, had long been subject to memory sanctions in the West under Constans.¹³ This did not preclude all mention of Constantine II; on the contrary, memory sanctions (also known by the neologism ‘*damnatio memoriae*’) were not so much an attempt to erase history as to reshape it.¹⁴ References to condemned figures were not uncommon in panegyrics, and by making creative use of the officially sanctioned narrative – in this case contextualising the civil war of 340 within a posited tradition of envious co-rulers – the panegyrist could demonstrate their commitment to the imperial version of history. Here, Libanius is carefully showing that he can refer to the most sensitive of events with subtlety and allusion, that he can skilfully handle the controversies attendant on an imperial panegyrist, and as such it is certain that Libanius would have ensured this part of the speech concurred with Constans’ explanation of the civil war of 340.

This commentary may seem extraneous, but it lays the foundations to a vital point: the allusion in Libanius demonstrates that the story of territorial jealousy had its origins in the western court. There was no point in writing a speech extolling unity between Constantius and Constans if Libanius was going to embarrassingly mishandle the civil war, and the eastern

¹² Lieu and Montserrat 1996, 162.

¹³ Cahn 1987; Barnes 1993 253-4 n.18.

¹⁴ Hedrick 2000, xii; Flower 2006, xix, 5-6; Omissi 2016, 170-5.

officials behind his speech would certainly have known how the western court wanted the events of 340 to be portrayed. Many of the later sources continue the tradition of characterising 340 as a war over territory instigated by Constantine II; while we might have suspected them to be a legacy of Constans' version of history, it is a significant advance to be able to prove it. The territorial-jealousy story originated in the 340s. It was the version of events sanctioned by the surviving emperors. It appears in an imperially commissioned panegyric addressed to Constans. As such, we can now be certain that this story and its subsequent iterations tell us nothing more than what Constans wanted the world to hear.

The secondary accounts from the latter half of the fourth century, all of which used the *Kaisergeschichte*, tell us very little.¹⁵ Aurelius Victor mentions the 'fateful war' occurring 'three years later, more or less' after the death of Dalmatius in 337.¹⁶ Eutropius and Jerome record only that Constantine II was killed waging war on his brother near Aquileia, the former adding that he had rashly entered an engagement, and the latter adding that he was slain by the Alsa.¹⁷ The anonymous *Epitome de Caesaribus* adds two new details. The first is that Constantine II was not only killed near the River Alsa but was also thrown in it, and the second is that the war was 'on account of the legal right to Italy and Africa,' echoing Constans' version of events.¹⁸ Associating the dispute with both Italy and Africa (which is also a feature of Zosimus' account) is worth briefly considering. It may be that Constans' story claimed Constantine II intended to seize just Italy and Africa rather than overthrow him entirely. But it is more likely that the *Epitome de Caesaribus* and Zosimus assumed, erroneously, that because Constantine II had entered Italy, he wished to claim it as his own territory, and Africa along with it. The administration of Italy and Africa as a single prefecture was anachronistic in the period 337 to 340,¹⁹ but later authors would have been long accustomed to this conjunction, and associating Africa with Italy would have been a natural assumption.

There is another source which is possibly from the fourth century: *Codex Palatinus Graecus*

¹⁵ See especially Burgess 1995, *passim*.

¹⁶ Aur. Vict. *De Caes.* 41.22 (trans. Bird 1994). Although the death of Dalmatius and Constantine II are juxtaposed, Aurelius Victor draws no connection between the two.

¹⁷ Eutr. *Brev.* 10.9; Jer. *Chron.* s.a. 340.

¹⁸ *Epit. Caes.* 41.21 (trans. Banchich and Lane 2009).

¹⁹ Barnes 1992, 252.

117. This has been defended as a funeral oration of Constantine II by Paola Ombretta Cuneo.²⁰ It is a curious work, which has presented difficulties of interpretation by failing to identify by name any of its imperial subjects, and presents a story – which is unsubstantiated by any other source and which I consider to be largely fictional – where an unnamed emperor dies of plague after fighting with his brother. Many elements of the story, such as Constantine II being survived by his mother, suggest that its author had only a patchy understanding of events and had done little background research.²¹

Cuneo believes it to be the work of a contemporary close to Constantine II,²² although this date presents certain difficulties. Although the author describes events as recent or present (‘παρόντος’), the plague features prominently in the work, suggesting it was written in a time when this was more topical. My own opinion is that this oration was a later work of rhetorical exercise.²³ The lack of apparent detail making identification controversial, as well as its relative obscurity, its anonymous authorship, and its political redundancy (it is implausible as a dissident text written under Constans, and would carry little advantage under Constantius or any subsequent emperors), all point towards it being a work not intended for publication. Its undetailed content would suggest that the subject was unimportant except as a vehicle to explore or practise the form, and the author was quick to supplement their lack of knowledge with fiction.

Although this unusual source is interesting and worthy of exploration, I have chosen not to discuss it further here for the following reasons. First, I am concerned that the many unresolved questions surrounding this source would naturally instil doubts about the wider propositions it would be adduced to support; since these propositions can be supported without it anyway, I felt it was better to avoid putting a weak link in a strong chain. Secondly, Cuneo’s *Anonymi Graeci Oratio Funebris in Constantinum II* already covers the life of Constantine II from the particular perspective of this oration in considerable detail, and to properly engage with this difficult source and its scholarship would go well beyond the scope of this thesis.

²⁰ Cuneo 2012.

²¹ Details incompatible with Constantine II in *Codex Palatinus Graecus* 117: living mother: 8; plague: 2, 10, 20; buried with father in Constantinople: 24; came from the Peloponnese to the capital: 6.

²² Cuneo 2012, 18.

²³ Moreau 1959, 161, put the same conclusion rather more harshly, dismissing the oration as ‘wertlose Schülerarbeit aus viel späterer Zeit.’

The fifth-century sources, Rufinus, Orosius, Socrates Scholasticus and Sozomen, add nothing particularly useful.²⁴ Zosimus (writing probably in the early sixth century), as well as echoing the *Epitome de Caesaribus* on Italy and Africa, accounts for Constantine II's death with a strikingly different version of events:

Meanwhile, Constantine II and Constans had a dispute about Carthaginian Africa and about Italy. Constans wanted to catch his brother off guard, so he concealed his hatred for three years. He waited until Constantine II had entered a province which was loyal to himself, then sent soldiers, as if to assist him in the war against the Persians, but in reality to attack him unawares. Accordingly Constantine II was murdered.

~ Zosimus 2.41 (trans. Ridley 1982).

In Zosimus, Constantine II does not invade a sovereign territory but rather enters a province which happened to be loyal to Constans, who took the opportunity to kill his brother in a premeditated ambush. The comment on the Persians is problematic. Constans could hardly have sent troops northwest under the pretext of helping with a war being conducted by Constantius in the East. This can be explained by an earlier passage (2.39) where Zosimus betrays his ignorance of how the west was divided between Constantine II and Constans, and Bleckmann suggests the possibility that it was in fact Constantine II who used sending troops to aid Constantius as a justification for entering Constans' territory.²⁵ Perhaps Constantine II did indeed intend to visit the eastern frontier. Or perhaps Zosimus altered a now-lost element of the story to fit his misunderstood geography, or else he may have simply inserted a fictional Persian pretext to add colour to his narrative. Although this part of Zosimus' account is confused, his casting of Constans as the aggressor certainly has some merit. Whatever Constantine II was doing in northern Italy in 340, Constans made the decision to engage him there with force, and (as shall be argued below) he did so with very little *ius ad bellum*.

After Zosimus there is a rather long period of silence, until Symeon Magister, or Symeon

²⁴ Rufinus *HE* 10.16; Oros. *Hist. Adv. Pag.* 7.29; Soc. *HE* 2.5; Soz. *HE* 3.2. Sozomen claims Constantine II was killed by his generals, which seems to be an error rather than an alternative tradition in the sources, as related works directly contradict it.

²⁵ Bleckmann 2003a, 245-6.

Logothetes,²⁶ wrote a short account in the tenth century, which emphasises mutual suspicion and bellicose advisors as causal factors.²⁷ Derivative versions of this text are preserved in Leo Grammaticus and Cedrenus, and they can all be treated as a single account.²⁸

This discussion of sources has made three important omissions – Photius, the *Artemii Passio*, and Zonaras – which are best discussed together since they all commonly derive from the non-extant history of Philostorgius (likely written in the 440s or possibly the 430s). The least detailed is the epitome written by Photius in the ninth century, preserving little except – like Zosimus – the claim that Constans was plotting against Constantine II. This is unlikely to have come from Philostorgius given the content of more detailed derivations, and it remains an open question where Photius and Zosimus sourced their version blaming Constans. A more substantial echo of Philostorgius can be found in the *Artemii Passio*, perhaps from the eighth century, whose author depended heavily on Philostorgius for political context.²⁹ Quite contrary to Photius, the *Artemii Passio* says that Constantine II ‘took up arms against a brother who had done no wrong’, and that Constantine II had claimed that ‘Constans had appropriated the greatest share of the empire that belonged to him (ὅτι πλεῖστον μέρος τῆς αὐτῷ προσηκούσης ἀρχῆς ἐσφετερίσατο).’³⁰

This latter detail is particularly interesting in light of *CTh* 12.1.27 and the question of authority in a divided empire. In the *Artemii Passio*, Constantine II is not just complaining about the territorial division of the empire, but rather its legislative and judicial division; he is complaining that Constans ‘appropriated’ part of a larger whole ‘that belonged to him.’ This recalls one of our earlier sources, the *Epitome de Caesaribus*, which claims they were disputing ‘the legal right (*ius*) to Italy and Africa’, rather than the territorial division described as ‘*partes regendas*’ in an earlier section.³¹ It is certainly the case that Constantine II’s territory, if taken

²⁶ Both names are associated with the many editions of this text. One may be a copyist, or they both may be the same person, who could perhaps also be associated with the hagiographer Symeon Metaphrastes. For a summary, see Neville 2018, 118-123. The edition used is Wahlgren 2006.

²⁷ Sym. 89.1.

²⁸ Leo Gramm. 90, 5-15 and Cedrenus 1.521.18-20.

²⁹ Lieu and Montserrat 1996, 218.

³⁰ *Art. Pass.* 9-10 (trans. Lieu and Montserrat 1996)

³¹ *Partes regendas* at 41.20 and *ius* at 41.21.

as a discrete realm, could have been a source of resentment for the eldest brother and senior Augustus. But if he had assumed in 337 that it was to serve as a sphere of military responsibility and an administrative base from which to rule the whole empire, then it makes sense that Constantine II would have agreed to directly govern a familiar region with potential for military glory. The peripatetic ruling style of Constantine after the defeat of Licinius may be key to understanding Constantine II's expectations. Like Diocletian, Constantine left subordinate members of the imperial college to administer different areas of the empire while he moved from place to place addressing the most urgent needs, a role that Constantine II could reasonably expect to inherit as senior Augustus. If Constantine II felt his authority over his brothers' territories was beginning to ossify, then perhaps the division agreed in 337 began to appear unfair.

This seems to be echoed in our most detailed source based on Philostorgius,³² and our most complete narrative account of the war, in the history of Zonaras written in the twelfth century:

Constantine II, faulting the division of the territories and either demanding that he concede parts of the empire to him or seeking that both redistribute their realms, kept pestering Constans. Because he adhered to the existing distribution of the empire, was clinging to what was allotted to him, and was not the least bit accommodating to his brother, Constantine II took up arms against him and invaded Constans' share. He was abroad in Dacia, and, when he learned of Constantine II's action, he dispatched against him an army and generals, having himself promised to attack almost immediately with a larger army. Then indeed, when those who had been dispatched had come near Constantine II, they set ambushes and, after they had joined in battle with him, pretended to flee. When Constantine II's men pursued them, the men placed in ambush, who were now in their rear, set upon them from behind and, after those in flight had been turned about, trapped them in between. Much of Constantine II's army and he, too, were destroyed. For when his horse had been wounded and, as a result of the wound, had thrashed about and bucked, Constantine II fell from his seat and was killed after he had received many wounds, having failed to attain his desire and forfeited his life itself besides, and because he had been the instigator of injustices, also having lost his portion of the empire.
~ Zonaras XIII.5.6-17 (trans. Banchich and Lane 2009).

³² DiMaio 1988, 241-2.

Zonaras' account of the causes carries an important implication. It makes no sense for Constantine II to have agreed to terms in 337 that he would find unacceptable in 340 unless something had changed in the meantime. Our sources are suggestive: we know that Constantine II interfered with the administration of Constans' African territories, although we do not know with what result, and we know that he interfered with the church in Alexandria, with the result that his ally Athanasius was eventually chased out of Egypt by Constantius in 339. In both instances we can detect Constantine II's desire to exercise his authority over the territory of his brothers; in the latter case we can see this authority being rejected. In Zonaras, Constantine II seeks a fairer distribution of the empire – perhaps to redress a rejection of his authority beyond his borders – but Constans 'was not the least bit accommodating.' Zonaras says it was as a result of this that Constantine II entered Constans' territory under arms. Zosimus and Photius, drawing from some other source of information, identify Constans as the instigator. How can the two be reconciled? The only answer that satisfies both is if Constantine II entered Italy not to seize Constans' territory, but to strategically display his authority over it. This is far from implausible; indeed it is far more plausible than the alternative of an unprovoked invasion. As Constantine II was shaping his rule as senior Augustus in the mould of Constantine, personally supervising the territories of his co-rulers was not just a right but a duty. And, as shall be demonstrated in the next section, the chronology of the war supports this interpretation.

4.3 DATE AND DISTANCE ANALYSIS

The '*publicus ac noster inimicus*' law, *CTh* 11.12.1, tells us that Constantine II must have already been killed by 29 April 340. The earlier law from 9 April, split into *CTh* 2.6.5 and 10.15.3, shows that there was an emperor in the vicinity of Aquileia on this date, issuing legislation to Petronius in Africa about the fisc. What we do not know is *which* emperor was in Aquileia, Constantine II before his death or Constans after it.³³ This gives us two possible scenarios. In the first, Constantine II reached Aquileia at some point before 9 April, issued the law to Petronius, and was killed before 29 April. In the second, Constans arrived in Aquileia

³³ *CTh* 10.15.3 is attributed to Constantius (who was certainly in the East), and 2.6.5 names both Constantius and Constans. As we know from many other examples, neither attribution is dependable. The addressee does not help much either; he was a *vicarius* in Constans' territory, but Constantine II also had a history of sending legislation to Africa.

at some point before 9 April and issued the law to Petronius, in which case Constantine II had already been killed by Constans' vanguard some time before. In short, Constantine II was either killed between 9 April and 29 April, or some time before 9 April.

A consideration of the distances involved can help clarify things.³⁴ Constantine II travelled around 750 miles (all distances and speeds are measured in modern miles unless stated otherwise) from Trier, probably taking the route through Strasbourg and crossing the Alps from Bregenz to Lake Como, before heading east to end up at Aquileia. This pass was certainly in military use in the mid-fourth century. Constantius' forces used it in 355, and he evidently planned to use it again in 361, as he ordered three million bushels of wheat to be stockpiled at Bregenz and the same again near the Cottian Alps.³⁵ There are other routes Constantine II could have taken in 340, but all are less plausible within the chronological constraints. Pierre Maraval favours 'sans doute' a longer, more circuitous route via the Col de Montgenèvre, while Edward Gibbon assumed a route through the Julian Alps, although unfortunately neither give any indication why.³⁶ The most plausible alternative to the Bregenz-Lake Como crossing is via Strasbourg and Virunum (as favoured by Gibbon), but the latter is a more difficult journey. The Bregenz-Lake Como route involves a relatively short ascent and descent which briefly rises to a high point of more than two thousand metres above sea level around the modern Swiss-Italian border; the Strasbourg-Virunum route involves a gentler climb to the same height, but with much longer spent at high altitudes, so the snow at that time of year would have proved a greater impediment. For these reasons, the chronological constraints I have derived from the Bregenz-Lake Como route must apply even more so to other possible routes, and as shall be shown below, these alternative routes are unlikely to have been possible within the timeframe.

To set a benchmark for speed in the late empire, Julian's army, leaving Antioch on 5 March 363 and arriving at Carrhae several days ('*aliquot dies*') before 19 March, did not average much more than seventeen miles per day in favourable marching conditions with fresh troops, which the old soldier Ammianus regarded as extremely quick.³⁷ Given that Constantine II's

³⁴ Routes and distances were calculated using orbis.stanford.edu and omnesviae.org (note that only the former calculates accurate distances as the latter displays figures from the Peutinger Map).

³⁵ 355: Amm. 15.4.1-13. 361: Jul. *Ad Ath.* 286B and Elton 2013, 664.

³⁶ Maraval 2013, 43; Gibbon 1781, 186.

³⁷ Amm. 23.2.6-7 and 23.3.2-3, assuming around 12 days of marching and a journey of roughly 212 miles (calculated from google.com/maps to more accurately follow Ammianus' route).

troops marched a great deal further, this pace is unlikely to have been sustainable, and is adopted here only as a maximum possible speed in accordance with other modern estimates.³⁸ The legions could certainly march faster, but not for days on end; Vegetius reported that troops should (ideally) practice marching up to twenty-two miles a day, but marching was practiced only three days a month and apparently not for consecutive days.³⁹ If Constantine II equalled this speed for the approach from Lake Como to Aquileia, he could have covered this 260-mile stretch in a little more than fifteen days.

The Alpine crossing to reach Lake Como from Bregenz would have been highly weather dependent. Ammianus describes the dangers of the Alps before the snows had melted, and a climate study has found that ‘in the eastern Alps, the dendrodata indicate cooling beginning in c. [AD] 200; after a few warmer years from 221 to 231 and sharp cooling from 243 to 253, gradual cooling prevailed until temperatures stabilized c. 315 and shifted to warming c. 365.’⁴⁰ The winter of 340, then, was in a cold period. Constantine II would not have attempted this crossing before spring. This helps reconstruct his itinerary, as it is highly unlikely that he would have begun the crossing before early March, after the celebrations for the anniversary of his accession on 1 March. Even in balmy Antioch, Julian waited till 5 March 363 for good enough weather to mobilise.⁴¹

Moreover, the seventeen miles a day Julian’s army managed would have been out of the question for the steep climb over the Alps. The crossing from Bregenz to Lake Como was 142 miles, and if (to pick a convenient figure) Constantine II’s army managed nine miles a day for the crossing, the whole journey from Bregenz to Aquileia would have taken a full month in total. However, the figure of nine miles a day is an arbitrary and generous one. According to Ammianus, even in spring an Alpine descent had to be conducted at a crawl.⁴² Add to this logistical issues such as procuring supplies, unforeseen hindrances, and other delays such as the celebration of Easter (30 March 340), on top of the fact that seventeen miles per day from Lake Como to Aquileia was a generous estimate to begin with, and the figure of a month’s march in total starts to look implausibly fast. Moreover, the issue cannot be resolved by positing an earlier departure date. If Constantine II began his crossing earlier, any advantage would be

³⁸ E.g. Benario 1986, 360; Grant 1974, xxix; Murison 1979, 188.

³⁹ Veg. *Mil.* 1.9 and 1.27 (24 *mp* = 22 miles).

⁴⁰ Amm. 15.10.4-5; McCormick et al. 2012, 185.

⁴¹ Amm. 23.2.6.

⁴² Amm. 15.10.4.

negated by the weather, as he would be slowed even more by ice and snow. Considering the risk to his men present even in early spring, the later the departure date, the likelier it is.

This reconstruction is not in itself an argument for what happened (although the hypothetical does reveal quite a narrow range of possibilities). What it is, rather, is a demonstration of how fast Constantine II's journey could have possibly been when environmental conditions are taken into account. We can propose other routes and circumstances, but none that point to a faster journey from Constantine II's side of the Alps to Aquileia. A journey time of well over a month and the earliest plausible starting date of early March mean that Constantine II could not possibly have reached Aquileia before early April. Given the extremely tight schedule, the later Constantine II arrives in Aquileia, the more plausible our reconstruction is.

For this reason, it is impossible that Constantine II was killed so early in the year that Constans could catch up with his vanguard in time to issue the law to Petronius on 9 April. Constantine II would have had to have left dangerously early, sometime in February before his accession celebrations; in an average winter it would still have been snowing which would have slowed him down anyway, while endangering his army. The only realistic chronology is Constantine II leaving Bregenz in early March, arriving in Aquileia around 9 April and issuing the law to Petronius, then being killed by Constans' vanguard in the twenty days before Constans' *publicus ac noster inimicus* law of 29 April. Given the rather undramatic tone of the law, and the processes that must have already occurred to establish Marcellinus as the consolidator of Constans' new territory, as well as the fact that Constantine II had no reason to linger near Aquileia, it is logically likely that his death occurred within a few days or a week of the law of 9 April.

The attribution of this law to Constantine II comes with another implication, which bolsters my interpretation of *CTh* 12.1.27. While entering Constans' Italian territory, Constantine II was also issuing legislation to Constans' *vicarius* of Africa. The statement is a clear one: Constantine II was not just travelling through Constans' territory, but was taking a proactive interest in its governance. This legislation would be an inexplicable eccentricity for an invading general, but for a peripatetic administrator it is not strange at all. If Constantine II's entry into Italy was intended not as the opening act of an all-out civil war, but as an assertion that his *auctoritas* was not territorially limited, then demonstrating his *ius dare* over Africa makes perfect sense. Constantine II was not looking for a fight. He may have been very surprised that he got one.

Zonaras' narrative of Constantine II's death is revealing. He tells us that Constans' army, with their emperor following behind them with a larger force, set ambushes and engaged

Constantine II's men, provoking their pursuit into the ambush. For this to be possible, Constans' generals must have chosen the battleground and initiated the fighting to ensure it happened in the right place. Certainly Constantine II cannot have prepared for this engagement, as Aquileia is surrounded by flat farmland for miles around, and if he had scouted properly he would never have allowed his men to charge straight into an ambush.⁴³ The implication of this is that Constans' troops were responsible for starting the fighting. Given that Constantine II was an experienced commander, trained by Constantine the Great no less, his conduct at Aquileia suggests he was not prepared for conflict.

The *Epitome de Caesaribus* tells us that Constantine II was 'slain and thrown into a river, the name for which is Alsa, not far from Aquileia.' As repositories for unpopular emperors, rivers were a perennial favourite of the Romans, from the cries of 'to the Tiber with Tiberius' to the violent ends of Vitellius, Elagabalus, and of course Constantine's old enemy Maxentius who drowned in the Tiber at the Battle of the Milvian Bridge.⁴⁴ However, no other source claims that Constantine II was actually thrown in the Alsa, and Rufinus' silence is perhaps decisive, given his local knowledge as an Aquileian himself. But this rumour of Constantine II's posthumous fate is an interesting reflection of many of the sources' views of his character. To the author of the *Epitome de Caesaribus* he was reckless and drunk, Eutropius says he 'rashly advanced into battle,' and Orosius calls him foolhardy.⁴⁵ Constantine II, according to these sources, ended up face down in a metaphorical river of his own making. So, it follows, Constantine II made a number of terrible misjudgements. It may be that those misjudgements all occurred on the day he went into battle, and that his death was the result of a few bad decisions from a commander who should have known better. And they would have had to have been truly catastrophic decisions if they were to allow a mere vanguard of Constans' force to rout an entire invading army from Gaul. But it seems more likely that these misjudgements were on a rather larger scale. Constantine II was not prepared to fight a battle because he had not planned on starting a war.

This is a difficult point to argue given that it depends on a number of small implications in a wide range of sources, which have otherwise been distorted by the following ten years of rule in which Constans justified his actions as self-defence against an attempt to overthrow him. It

⁴³ Veg. *Mil.* III.6 for reconnaissance in fourth-century military doctrine.

⁴⁴ Suet. *Vit. Tib.* 75.1 and *Vit. Vitell.* 17.2; Cass. Dio 80.20; Lactant. *Mort. Pers.* 44.9. Cf. Johnson 2009, 9.

⁴⁵ *Epit. Caes.* 41.21; Eutr. *Brev.* 10.9; Oros. 7.29.

should not be a surprise that our sources, apparently lacking insider information, would accept Constans' legitimising narrative of 340, and relay it in the terms of every other Roman civil war they had seen or heard about. For this reason, the value placed on inference, context, and logistical possibility must be high. But there are also certain sources yet to be properly discussed. The first is Symeon Magister, a rather late source but one with interesting claims. He states that Constantine II first communicated with Constans before moving troops, and these troop movements 'induced Constans [Constantius in MS] to consternation lest he was advancing towards him for the purpose of attempting a rebellion.'⁴⁶ In Symeon, Constantine II also first communicates with Constans, which Bleckmann (via Leo Grammaticus) links to his interpretation of Zosimus – where Constantine II arranges to move troops through Constans' territories to aid Constantius against Persia.⁴⁷ According to Symeon, Constans then received bellicose counsel from his advisors, and started the war. Symeon, his extractors, and the *Codex Palatinus Graecus* 117 all strike the same note: it was suspicion and 'evil advisors exhorting them to a fight.'⁴⁸

These late sources are backed up by none other than Ammianus Marcellinus. Although Ammianus' account of Constantine II's death is lost, he later refers to 'Amphilochius, a former tribune from Paphlagonia, who had served long before under Constans and was under well-founded suspicion of having sown the seeds of discord between the deceased brothers.'⁴⁹ Amphilochius himself is introduced as a new character without cross-referencing, so probably did not feature in Ammianus' account of 340. But from Ammianus' opinion that the suspicion was well-founded we can infer that in his account (like in Symeon's) advisors would have played a substantial part in provoking the conflict of 340 – and they were advisors of Constans, not Constantine II.

And when we include Constans in the reconstructed chronology, it becomes certain that Symeon was right: Constans was forewarned. According to Zonaras, Constans was in Dacia when he heard about the invasion, and two laws in the *Codex Theodosianus* confirm he was based in the vicinity (at Naissus) in early 340.⁵⁰ If a hypothetical spy of Constans rode from

⁴⁶ Sym. 89.1 (translation from Banchich and Lane 2009, in commentary 210-11 n.46).

⁴⁷ Leo Gramm. 90, 5-15; Bleckmann 2003a, 245-6.

⁴⁸ Sym. 89.1; Cedrenus I.521.18 ff; Leo Gramm. 90, 5-15; *Codex Palatinus Graecus* 117.15. Quote is from Cedrenus.

⁴⁹ Amm. 21.6.2; *PLRE* 1 Amphilochius 1, 57.

⁵⁰ *CTh* 12.1.29 (19 January) and 10.10.5 (2 February).

Bregenz at the same time Constantine II began his crossing of the Alps, and used the imperial post to cover a distance of around 950 miles at the breakneck and unsustainable speed of Palladius, around 150 miles per day,⁵¹ then Constans – if he was at Naissus – could have been informed inside of seven days. There was a distance of around 560 miles between Constans and Aquileia to be covered. If Constans and his court were able to reach a decision and dispatch troops immediately, an advance force could have travelled the 560 miles to Aquileia in thirty-three days (at a forced march of seventeen miles a day). In this scenario, the advanced guard could have reached the vicinity of Aquileia forty days from Constantine II's departure.

As discussed, thirty-one days is the fastest Constantine II could have possibly made it from Bregenz to Aquileia. The slowest and more plausible journey, given that the latest he could have arrived at Aquileia was 9 April, is if he left the day after his accession celebrations on 1 March and arrived around thirty-eight days later. This makes a response from Constans without forewarning impossible. It is made even more impossible when we consider there is no reason to suppose that Constans would have had spies in Bregenz, of all places, or that such a spy would be able to use the imperial post in Constantine II's territory. There is no reason to suppose that this hypothetical spy could cover distances as quickly as Palladius, one of the few people from antiquity recorded for their exceptional speed, let alone sustain such incredible speeds over a week's travel and an Alpine crossing. Nor is it likely that Constans and his court took no time to deliberate and debate before making a decision, and it is even less likely that they would be able to mobilise troops instantaneously and dispatch them in an unexpected direction without logistical arrangements. Furthermore, if we trust Zonaras, Constans was not even in Naissus but somewhere in Dacia, perhaps even across the Danube. Nor is it possible that Constans' troops could have maintained seventeen miles per day when they had their own Alpine crossing to contend with, over the Julian passes on the approach to Aquileia. They would also have had to arrive in Aquileia at least a day before Constantine II to have time to choose a battlefield, prepare ambushes, and rest themselves for the fighting. When these practical considerations are taken into account, any version of events that excludes forewarning becomes not just untenable but outlandish.

What, then, was the nature of this forewarning? It cannot have been a declaration of war from Constantine II, and nor can it have been an announcement of an intention to annex territory (which would have been much the same thing). Neither of these make sense of Amphilochius 'having sown the seeds of discord' at Constans' court in Ammianus, nor of the

⁵¹ Ramsay 1925, *passim*; Burgess 2008, 49-50.

references to uncertainty and ‘base counsels’ in Symeon. Neither does Bleckmann’s interpretation of Zosimus’ remark that Constans sent soldiers ‘as if to assist him in the war against the Persians.’ Bleckmann suggests Zosimus meant to say that Constantine II (not Constans) sent soldiers on the pretext of marching through Constans’ territory to aid Constantius, with the intention of overthrowing Constans.⁵² But such a scheme makes little military sense; by this deception Constantine II would have kept some element of surprise, but he must have known how implausible the claim would sound given the brothers’ previous resistance to sharing troops,⁵³ and instead of fighting Constans closer to his own territory and supply lines, he would have had to have planned on fighting in Dacia, where Constans’ forces and fortifications were at their most concentrated.

A far more plausible explanation is implied by Symeon: ‘having communicated with his brother Constantius [i.e. Constans], he began approaching certain locations with much strength and power.’ That is, Constantine II notified Constans of his intention to march troops into Italy. The only plausible reason for him doing this is to ensure his actions were *not* interpreted as an invasion, but as the legitimate actions of a senior Augustus. This, as Symeon puts it, ‘induced [Constans] to consternation lest [Constantine II] was advancing towards him for the purpose of attempting a rebellion. And when he had attained base counsels which induced him more toward action and fear and, through these, toward war, than disabused him of such calculations, he moved against him.’ This is where the suggestions of plotting and assassination by Zosimus and Photius begin to make sense. Constans and his generals, whether out of paranoid fear or ambitious opportunism, conspired to intercept Constantine II on his planned route and ambush him.

4.4 CONSTANS’ COUP

The use of date and distance analysis, alongside an examination of the sources from a fresh perspective, reveals deep and insoluble problems with the traditional narrative of 340. The story that Constantine II, coveting his brother’s territory, launched a rash invasion and was killed in self-defence, is demonstrably a product of Constans’ court, designed to legitimise the actions of the younger Augustus. In fact, this story is not only suspect in origin but also impossible.

⁵² Bleckmann 2003a, 245-6.

⁵³ Jul. *Or.* 1.18C.

As the previous chapter has shown, surviving material from before the civil war reveals a world in which the territories were not discrete and sovereign kingdoms of the three Augusti, but part of an empire under a unified imperial college with Constantine II at its head. If Constans and Constantius had begun to question Constantine II's suzerainty over territories that were in practical terms largely autonomous, then Constantine II might have felt the need to assert this overarching authority more proactively than in previous years. Senior Augusti were historically peripatetic, with symbolic importance attached to the presence of the imperial personage. In this context, there was no justification to treat the movement of Constantine II into Italy as an invasion. Indeed, it was Constantine II's propriety in notifying his brother in advance that created the opportunity to ambush and destroy him. Constantine II must have positioned himself near the Alps, and at the end of winter, probably in early March 340, he began his crossing to northern Italy with a military force. Given that they were destroyed by a mere vanguard of Constans' troops, this force was probably small, probably made up of just the *scholae palatinae* rather than the *comitatenses* of a conventional field army. Constantine II headed through Italy to Aquileia, and perhaps – as Bleckmann adduces from the *Artemii Passio* – made overtures to Constans' officers en route.⁵⁴ Constantine II was in or near Aquileia by 9 April, and, continuing his public assertion of authority, he issued legislation to Constans' *vicarius* in Africa.

Meanwhile, Constans' forces were preparing to intercept him. Despite Constans' highly successful attempt to rewrite the history of 340, clues have survived showing that the impetus to war came from the machinations of Constans' court, and the encouragement of men like Amphilochius, who no doubt thrived under the teenaged emperor. Constans sent an advance guard to northern Italy while he himself followed with a larger contingent, perhaps expecting to meet a more substantial force than was actually the case. The advance guard set ambushes, and when Constantine II approached sometime shortly after 9 April, they attacked in order to provoke his troops before falling back. Constantine II followed Constans' retreating vanguard, either leading the charge or else trying to turn his men from danger, and he and many of his men were killed.

It is impossible to tell whether Constans' embarked on his course of action from fear of what Constantine II might attempt in his territory, in defiance of Constantine II's hegemony, or to exploit his brother's weakness for his own gain. It is impossible to tell whether he acted on his own bellicose initiative, or whether it truly was the cliché of 'evil advisors' as suggested by

⁵⁴ Bleckmann 2003a, 247-8.

some of the sources. Constans' young age at the time lends plausibility to the latter, and of course, from Constans' perspective, any advice he had chosen to follow was not evil but extremely profitable to his rule. At a stroke, the collegial hierarchy that had held together the loosely united empire was overturned. With his immense gains in territory and military resources, Constans was in a position to assert his own will over the imperial hierarchy that now had Constantius at its head. The consequence of two unyielding emperors was a divided empire.

The practicality of territorial autonomy that had begun to emerge in 337 to 340 became a defining feature of the 340s. With no functional imperial hierarchy and the aftermath of the civil war colouring the surviving brothers' relationship, the East and West became far more separate in this period of joint rule. But care must be taken not to anachronistically use the dynamics of the 340s to interpret the preceding period. Despite the derailment of Constantine's succession plans, the empire of 337 to 340 grew out of Constantine's government with little constitutional upheaval, and has clear commonalities. If a dividing line is to be placed between the collegial government envisioned by Constantine and the discordant reality of the 340s, it should be placed with the seismic shock of the civil war of 340, not the brief and unsurprising internal struggle that accompanied the succession in 337.

This little-known and neglected civil war proved to be a devastating turning point in the history of the Constantinian Dynasty. The senior Augustus was dead, and imperial collegiality along with him. Constans had overextended his flank. The power imbalance of the 340s with the unification of the West made fertile ground for usurpation. Before, a usurper taking over a third of the empire would be left in a perilously weak position, facing the two surviving emperors. But with an imperial college of just two, if Constans were to be deposed, a usurper would face only a single imperial rival while holding the stronger part of the empire. Given the poor relationship between the brothers, even retaliation from Constantius was not guaranteed, and with that, the assassination of the younger emperor became an extremely viable proposition.

Perhaps it was also an attractive proposition for those who had survived the purges of 340, and carried the memory of the previous western administration. Aurelius Celisus, for example, the 'dearest Celinus' of *CTh* 12.1.27, was one of the defectors. So was Fabius Titianus, a favourite of Constantine to judge from his consulship in 337, who had then spent the best part of the 340s in Constantine II's former territory (see Chapter 6.5-7). Perhaps Magnentius himself, Constans' killer, had a vestigial loyalty to Constantine II. As a Gallic military man born around 303, he likely spent his best years in the service of Constantine II, and would not have forgotten the betrayal of 340 easily. But Constans had. Or at least Constans

had not learned from 340, and did not remember from his own actions how easily an emperor could be unseated, and how suddenly power could be wrenched from what seemed like an inflexible grasp.

4.5 THE REACTION OF CONSTANTIUS

One might imagine Constantius had mixed feelings about the events of 340. The Caesar he had made an Augustus had ambushed and killed Constantine II, and quickly took steps to absorb his brother's part of the Empire. The law of 29 April 340, instructing Antonius Marcellinus on matters relating to Constantine II's territory, shows that Constantius made no attempt to consult his brother before taking full control of the West.⁵⁵ Constantius was now the senior Augustus, and properly Constantius ought to defer to his authority. But much as Constantius had usurped the initiative in 337, leaving his older brother little choice in the matter, now Constantius did much the same to him.

Constantius did not retaliate against this usurpation of territory and authority. It is possible that he even publicly supported Constantius by enforcing his memory sanctions in the East, but it seems unlikely. Constantine II's name is erased from three inscriptions in Smyrna,⁵⁶ but there is no evidence of memory sanctions against Constantine II anywhere else in Constantius' territory.⁵⁷ This gives the Smyrna inscriptions the air of a local ordinance rather than imperial policy – Constantius is not known to have had much to do with this particular locale. It is also true that Libanius' panegyric to the surviving emperors makes a show of leaving Constantine II unnamed, implicitly denying his existence in some sections, while obliquely critiquing his rule in another.⁵⁸ But Libanius' panegyric was commissioned specifically to patch up relations with the western court, and on this matter he followed a western brief.

⁵⁵ *CTh* 11.12.1. There was no time to have consulted Constantius before this law was issued.

⁵⁶ *CIL* III 474, 477, 7198. Barnes 1993, 253-4 n.18.

⁵⁷ Although Cahn 1987, 201-2, suggests on the basis of a single defaced coin that Constantine II's name was erased on coins in circulation in the East. This is certainly true of this one coin, but between the possibilities of this being part of a laborious state-sponsored programme of erasure, or the idle vandalism of a single partisan, the latter seems far more likely.

⁵⁸ *Lib. Or.* 59.151-2 allusively criticised Constantine II (see Chapter 4.2), but never explicitly acknowledges Constantius and Constantius had a brother.

To learn of Constantius' attitude, we must turn instead to the *Itinerarium Alexandri*. This was a work free from Libanius' need to appeal to Constans as well as Constantius, and was dedicated to the latter by someone close to his court.⁵⁹ The author says 'I hardly know, however, of any far greater and more successful accomplishments as examples set before you than those of the two very mighty Constantines, your father and your brother; what is certain is that even though you render the deeds of former times inferior to your own exploits, I believe that those very two – if the dead retain any consciousness – will be rallying to your cause.'⁶⁰ This is clearly a posthumous reference (although a recent one, as the text was likely written in 340)⁶¹ which speaks of the younger Constantine in a way that suggests his memory was honoured in the court of Constantius. And, tellingly, the author makes no favourable reference to Constans at all.

This is confirmed in an anecdote in Ammianus relating to the end of the year 360.⁶² When Constantius returned from Mesopotamia to winter in Antioch, among those appointed to greet him on his entry to the city was one Amphilochius.⁶³ Ammianus tells us he was recognised – although whether by Constantius, his court, or a *nomenclator* is unclear. He was a former tribune of Constans,⁶⁴ who was 'under well-founded suspicion of having sown the seeds of discord between the deceased brothers.'⁶⁵ That he should dare to appear here was deemed inappropriate, and he was barred; Constantius remarked that he believed him guilty, but refrained from punishing him as he had not been convicted by law. It is clear that the court of Constantius, even twenty years after the death of Constantine II, regarded the side of Constans to be at fault, and his advisors criminal. But the most interesting detail of all is the reaction of the Antiochene crowd. When Amphilochius was recognised, they raised an outcry damning him as an obstinate traitor, saying he should not be allowed to look upon the light of day. Being

⁵⁹ The author was almost certainly *PLRE* 1 Iulius Valerius Alexander Polemius 3, 709-10, who is to be identified with *PLRE* 1 Fl. Polemius 4, 710, the consul of 338 and a *comes* of Constantius in 345. Lane Fox 1997, 240-6, *contra* Barnes 1985b, 135.

⁶⁰ *It. Alex.* 2 (iv), trans. Davies 1998.

⁶¹ Barnes 1985, 135; Lane Fox 1997, 246.

⁶² *Amm.* 21.6.1-3.

⁶³ *PLRE* 1 Amphilochius 1, 57; see Chapter 4.5.

⁶⁴ Who was, interestingly, from Paphlagonia – further evidence of the interconnectivity of the divided empire under the sons.

⁶⁵ *Amm.* 21.6.2.

a deputation greeting an emperor, we may consider these people to be relatively elite, and relatively well-informed. While they cannot tell us much about the mood of 340, their reaction to Amphilochius shows there was a long and public tradition of hostility in Constantius' capital to the actions of Constans against Constantine II. As for Amphilochius the tribune, he and he alone died when a railing collapsed at the games the following day, and were it not for that unlikely coincidence, this revealing historical titbit would probably have never been recorded.

Constantius' attitude to the events of 340 is hardly surprising. On the one hand, he was effectively promoted to senior Augustus. On the other hand, after the actions of Constans against the previous senior Augustus, it was decidedly questionable what that role now meant. Moreover, Constans held two thirds of the empire, effectively doubling his military resources. Even if Constantius had his suspicions about the loyalty of Constantine II's armies to their new commander, it was clear the balance of power had shifted. Constantius cannot have been pleased to have been entirely excluded from consideration of the future of the empire. Indeed, passages in Julian's and Themistius' panegyrics to Constantius show the opposite, and there was a very real threat of conflict. We will begin with Julian:

And when [Constantine II and Constans'] feud reached its fatal issue, though [Constantius] might have laid claim to a greater share of the empire, he renounced it of his own free will, because he thought that many nations or few called for the exercise of the same virtues, and also, perhaps, that the more a man has to look after and care for the greater are the anxieties that beset him. For he does not think that the imperial power is a means of procuring luxury, nor that, as certain men who have wealth and misapply it for drink and other pleasures set their hearts on lavish and ever-increasing revenues, this ought to be an emperor's policy, nor that he ought ever to embark on a war except only for the benefit of his subjects. And so he allowed his brother [Constans] to have the lion's share, and thought that if he himself possessed the smaller share with honour, he had the advantage in what was most worth having. And that it was not rather from fear of his brother's resources that he preferred peace, you may consider clearly proved by the war that broke out later. For he had recourse to arms later on against his brother's forces, but it was to avenge him.

~ Julian *Or.* 2.94C-95A (trans. Wright).

Julian provides an interesting spin on this. The context is the second panegyric to Constantius, which is by no means a document to take at face value, and is discussed more fully in Appendix

4. This passage follows Julian's attribution of the disputes over the succession in 337 to Constantine II and Constans alone. As discussed in Chapter 2.5, this cannot possibly be true, and Constantius must have played a large part in these events. The reason for Julian's duplicity in this cannot be easily explained as normal panegyric massaging, as this is not a conventional panegyric. Rather, Julian presents events in this way to set the stage for this passage.⁶⁶ The authorial persona of the second oration is of the philosopher-come-panegyrist torturously searching for ways to praise Constantius. This presentation of events enables a way of doing this: Julian casts Constantius as the passive and powerless loser of 337 as a way of criticising Constans. As a Caesar in territory still suffering from the legacy of Constans' rule, and as the commander of the Gallic army that had deposed him, Julian would have been highly conscious of Constantius' late brother. The reference to 'certain men who have wealth and misapply it for drink and other pleasures set their hearts on lavish and ever-increasing revenues,' is certainly a stab at the libertine Constans.⁶⁷ Julian implicitly criticises Constans for the civil war of 340, suggesting expansion ought not to be an emperor's policy, and nor should an emperor embark on a war except for the benefit of his subjects. This attack on Constans enables Julian to find the faint praise he is looking for. By alluding to Constantius' lack of success after 337, and especially territorially after 340, Julian can authentically and honestly praise his famously continent lifestyle and avoidance of civil war.⁶⁸ The praise falls flat – but that is the point.

The part relevant to this chapter follows the reference to the civil war of 340. Constantius 'allowed his brother to have the lion's share,' that is, the territory of Constantine II combined with Constans' own, *because* 'he ought [n]ever to embark on a war except only for the benefit of his subjects.' Constantius' acceptance of the new empire of 340 is inextricably linked to his

⁶⁶ He could also be forgiven for having little memory of the precise dynamics of 337. These must have seemed rather irrelevant to him in the context of the murder of his father and brother.

⁶⁷ It is likely this image arose in the time of Magnentius, but there is no reason Julian in Gaul should not be susceptible to it. See Woudhuysen 2018, 160-2, 179-80, for a compelling rehabilitation of Constans against allegations of vice. However, there is no smoke without at least a little fire. Slander is typically attuned to expectations about its subject matter. One would probably not attempt to paint a picture of secret depravity and sybaritic excess if one's target was, for example, Theresa May.

⁶⁸ Contrary to the image created by Ammianus, Julian certainly did not have any problem with Constantius waging war on Magnentius. When it came to the *ius regere* of the Constantinian Dynasty, Julian and Constantius were very much of a like mind.

decision to avoid war with Constans. 'It was not rather from fear of his brother's resources that he preferred peace...' Julian's framing of events here strongly implies that a war between Constantius and Constans was very much a possibility in the aftermath of 340.

This reading of this passage makes sense considering the likely consequences of the civil war of 340, and Constans' seizing of Constantine II's territory. With the new, massive territorial imbalance, it seems most unlikely that Constantius would not have requested a redistribution of territories. We would expect Constantius to have asked for the return of all the former territories of Dalmatius, which his actions had secured for Constans in the first place, as this would leave a more evenly divided empire. Even if Constantius wanted to avoid acquiring responsibility for the Danube frontier, we would still expect that he would have requested Greece and Macedonia to redress the imbalance. Such a request, given Constantius ought to have inherited (with a Caesar) everything east of the Adriatic on the death of Constantine, would not be unreasonable. Given Constans owed his position to Constantius, such a request would not be unreasonable at all. The response of Constans was probably along the lines of 'to the victor the spoils.' In such circumstances, Constantius' only recourse was to war. How seriously this was considered is confirmed in the second oration of Themistius:

There was a time when it seemed that our emperor would have to choose either to accept the status quo and be satisfied with the possession of only a small part of his father's empire or, if he wanted it all, to fight a civil war against his kith and kin. But watch the wisdom of the divinity: almost like a dramatic poet who holds his spectators in suspense by frequently threatening some fearful event, and then unexpectedly with some surprise trick finds a solution to the difficulty in his play, so the playwright of real events, having presented the emperor with the alternative of being seen either as wrongdoer or coward, has brought on his surprise solution, which allowed him to escape both, indeed which caused the opposite to happen. For he did not do violence to his brothers, but experienced the opposite, suffering along with one of them, feeling great pain on behalf of the other because of his excessive love for him, and so came into sole possession of their father's inheritance.

Themistius *Or.* 2.38C-D (trans. Errington).⁶⁹

⁶⁹ Errington 2000, 869.

Themistius puts it even more strongly than Julian, explicitly laying out Constantius' options: either war with his brother, or an unfair territorial imbalance, both equally intolerable. Its relationship to the second oration of Julian is an interesting if irresolvable question. The second oration of Themistius certainly postdates the usurpation of Silvanus and the appointment of Julian. It was, therefore, finished in late 355 at the earliest. As it responded to Constantius' *Letter to the Senate of Constantinople* read on 1 September 355, it probably followed soon after, perhaps in early 356.⁷⁰ The date of Julian's second oration is unknown and controversial, but the mention of Agamemnon robbing Achilles of his prize of valour appears to allude to Constantius taking credit for the Battle of Strasbourg, which suggests the speech post-dates 357.⁷¹ Julian, then, wrote after Themistius, and as the two were in contact it is possible Julian read Themistius' oration. The question is whether or not Julian's passage in the second oration derives from this passage of Themistius.

On the one hand, there are a number of quite striking similarities. Both reflect the concern that Constantius' avoidance of conflict could be seen as cowardice. Both contrast Constantius' avoidance with war against Constans with his fight against Magnentius. Both are critical of Constans' usurpation of Constantine II's territory (Themistius suggests Constantius 'suffered along with' Constantine II). However, Julian's first oration, which probably predates Themistius' second, has something of a similar refrain, with Constantius conceding the lion's share of territory.⁷² Perhaps, then, this version of events, relating to territories and the prospect of war, had its origins at court. Julian, in his first oration, perhaps lacked the confidence or inclination to manoeuvre his way around this subject in its entirety, and used only part of it, referring to Constantius' generosity in allowing his brothers a greater territorial share. Themistius, the consummate panegyrist, then tackled it fully and relatively bluntly. Julian then repurposed the tale in his second oration, where it serves a slightly different purpose but still reflects the default version of the court. If this is the case, then it makes this passage even more interesting. If the court of Constantius had a continuing need, even as late as the 350s, to address a possible conflict between Constantius and Constans in the aftermath of the civil war of 340, then it cannot have been a mere passing possibility that could be ignored and forgotten. It was

⁷⁰ Heather and Moncur 2001, 44; Errington 2000, 868.

⁷¹ Jul. *Or.* 2.50A ff. Julian's resentment of this is attested in *Ad Ath.* 279C-D, although Constantius did not act improperly (Blockley 1972, 452).

⁷² Jul. *Or.* 1.19B-20A.

serious enough, and memorable enough, to require ongoing imperial spin. The implication is that the surviving brothers had come very close to going to war.

Themistius also mentions that this fearful event was frequently threatened. This may be an allusion to a later clash, in 345, when Constans explicitly threatened to invade Constantius' territory. It is important to consider the context of this threat. As Chapter 5.5 will demonstrate, Constantius and Constans had a dispute over the choice of consuls for 344. Presumably the issue arose in 343, and Constans eventually capitulated by April or May 344. Constantius appears to have initiated this dispute, perhaps leaning on his seniority to an extent Constans was not willing to permit, and ultimately came out the stronger. As Chapter 5.5 will also show, Constantius and Constans clashed over the consulship again in 346. Constantius wanted another joint imperial consulship, and Constans objected. On this occasion, Constans did not recognise his own consulship for the rest of the year, indicating the dispute went unresolved, although there do not appear to have been further issues with the consuls of the following year. In both these incidents, it seems Constantius wanted to exercise the authority of the senior Augustus, while Constans was unwilling to accommodate him.

This was not the only controversy between emperors in these years, as this was at the time when Constans was agitating for the return of the exiled Athanasius to Alexandria. This was a dispute with a long backstory. Athanasius had originally been exiled by Constantine, but his return to Alexandria had been authorised by Constantine II, now senior emperor (although still Caesar), soon after Constantine's death in the summer of 337.⁷³ This was against Constantius' wishes, but it was at a time when seniority still carried weight, and as Constantius himself had more pressing concerns to deal with during the succession anyway, Athanasius returned unimpeded. By the winter of 338/9, an autonomous approach to territorial rule was becoming normalised, and Constantius turned his mind to expelling the powerful bishop imposed by Trier. Constantius did not do so through a trumped-up civil charge – although there were plenty to choose from – but rather at a synod of eastern bishops convened by Eusebius of Nicomedia.⁷⁴ As the then-guardian of Gallus and Julian and imperial nominee to the see of Constantinople, it is safe to say Eusebius was acting with the connivance of Constantius, who was present. Keeping the matter within the church – and so, officially, nothing to do with him – was a careful and prudent approach given Athanasius' support from Trier. It was a way of circumventing Constantine II's authority, which implicitly suggests that Constantius recognised it.

⁷³ Athan. *Apol. Cont. Ar.* 87.4-7 and *Hist. Ar.* 8.1; Soc. *HE* II.3; Barnes 1993, 34.

⁷⁴ Soc. *HE* 2.8; Barnes 1993, 45-6.

Athanasius travelled to Rome. The decision to first go to the seat of the senior pontiff rather than that of the senior emperor was serendipitous, as it meant Athanasius did not burn his bridges with Constans when civil war broke out shortly after, and he was able to gain Constans' support despite his prior association with Constantine II.⁷⁵ In 342, supposedly before meeting Athanasius but certainly after the removal of Paul from Constantinople, Constans sent a letter to Constantius requesting a delegation of three bishops to 'explain to him the reason for the deposition of Athanasius and Paul'.⁷⁶ Constantius' response was to send three bishops with a new creed.⁷⁷ The petition of Constans may have come across as arrogant; the return deputation of bishops sent by Constantius answered in kind.⁷⁸

The theological schism between East and West intensified, reaching a fever pitch at the Council of Serdica in 343,⁷⁹ and though Athanasius secured his reinstatement from the western bishops, this was not recognised by the eastern bishops and Constantius reputedly gave orders for Athanasius to be beheaded if he set foot in Alexandria.⁸⁰ By 345, Constans had demanded the restoration of Athanasius and Paul, and Constantius had delayed. Constans then sent the following letter threatening to restore them by force if Constantius refused:

Athanasius and Paul are here with me, and I am quite satisfied after investigation, that they are persecuted for the sake of piety. If, therefore, you will pledge yourself to reinstate them in their sees, and to punish those who have so unjustly injured them, I will send them to you; but should you refuse to do this, be assured, that I will myself come there, and restore them to their own sees, in spite of your opposition.

~ Socrates *HE* 2.22.5.⁸¹

This was an explicit threat of civil war from one Augustus to another. Following the fate of Constantine II this cannot be dismissed as bravado, but was a highly serious diplomatic incident

⁷⁵ Barnes 1993, 52

⁷⁶ Soc. *HE* 2.18; Athan. *Apol. ad Const.* 4; Barnes 1993, 69.

⁷⁷ Soc. *HE* 2.18.

⁷⁸ Ibid.

⁷⁹ Date in Barnard 1983, 49-55.

⁸⁰ Athan. *Hist. Ar.* 19.3-4; Barnes 1993, 71-81.

⁸¹ For its authenticity, see Barnes 1993, 89-90.

between two men who both had a history of using force against their imperial colleagues and family. Athanasius and Paul are central to this dispute, but this peak of hostility between the two Augusti needs to be understood in a much wider context. It is significant that the lost books of Ammianus apparently managed to record the history of this period without ever mentioning Athanasius.⁸² As discussed in Chapter 5.5, there must have been a great deal more to Constantius and Constans' deteriorating relationship than just Athanasius. The consulship of 344 provides some secular counterpoint. The question of territory after the civil war of 340, alluded to by Julian, was probably also significant. Overhanging both issues was the question of seniority.

Constantius' seniority in the imperial college was probably not recognised and certainly not obeyed, or there would have been no source of conflict. Constantius, it would appear, made efforts – for example, in the appointment of consuls – to try to assert himself. Constans pushed back, and his taking up the cause of Athanasius and Paul was a way of demonstrating that his strong position in the empire outweighed Constantius' position in the imperial college. No doubt this is an oversimplification of the interests and motivations of both sides, not to mention the role of both their courts, but it helps to explain the hostility that almost led to war in 345. Constantius' response to Constans' threatening letter was not immediate capitulation. He consulted with his bishops first, and it was only on their advice that he accepted the return of Athanasius. Constans' letter was unequivocal – it was Athanasius or war. If Constantius was not prepared to go to war, he would not have consulted his bishops and invited an answer he might not have been willing to follow through. The implication is that both brothers were both prepared to fight in 345, and may have come quite close to actually doing so.

4.6 CONCLUSION

Although little is known about it, the civil war of 340 was one of the most important events in the reigns of the sons of Constantine. This chapter has established that the accepted narrative is false, and can be traced back to the court of Constans. It is highly significant that the timings of this conflict show that Constantine II must have notified Constans of his approach, indicating that it was peaceful, and that the conflict originated with Constans, who was undoubtedly the aggressor. The implications for the history of the 340s are considerable. Constans was the agent of Constantine II's destruction, rather than a junior emperor acting in self-defence, and the

⁸² He is introduced as a new character in Amm. 15.7.7-8. See Barnes 1993, 166-7.

reaction of Constantius shows that this was well known in the East. The consequence was that it was clear Constans would not respect imperial hierarchy, and that having taken over two thirds of the empire, Constans could not be pressured into subordination. The Western Empire of Constans was now a law unto itself, and as a result the empire was divided. Over the following decade, division would manifest itself in the clashes between the rulers of independent states.

However, the decade that followed the civil war of 340 ought not be defined by the tensions that boiled over into threats in 345. Given the unsettled constitutional situation of the time, and relative to Constantius' and Constans' track records of internecine conflict, we should perhaps emphasise this incident as a peacekeeping success rather than diplomatic brinksmanship. And indeed, as will be discussed in Chapters 4 and 5, the 340s in general saw a great deal of co-operation between the two emperors, not to mention considerable interconnectivity between their courts. Moreover, Julian makes the point that it was not from fear that Constantius kept the peace with Constans, as he would happily face the armies of the West when they fell into the hands of Magnentius.⁸³ Constantius and Constans, despite having differences like any brothers in their situation undoubtedly would, managed to maintain internal peace in the empire for an entire decade. By the standards of the time, this was no mean achievement. Despite the failure of dynasty and collegiality in 340, the two surviving brothers unfailingly recognised each other's legitimacy and sovereignty. But, as the following chapters will show, it was a case of divide and rule.

⁸³ Jul. *Or.* 2.95A.

Chapter 5

Ulpian Limenius and the West

*Political mobility, regional administration, and the consulship: governing a divided empire,
AD 340 to 350*

5.1 INTRODUCTION

As the previous chapters have shown, the history of 337 to 340 can be approached obliquely. Inscriptions, laws, letters, and coins can all be used to supplement the lack of historical narrative. The 340s themselves are more difficult. This decade as a whole is critical to our understanding of division under the sons of Constantine, as it was in these years that the character of government was reshaped by the civil war of 340 and its aftermath, and it was in this decade that the Constantinian Dynasty can be said to have taken on a distinctly post-Tetrarchic flavour. Compared to 337 to 340, the decade of the 340s presents its own distinct historical challenges. It is a longer period, with fewer pivotal events to give meaning, or an interpretative point of entry, to our evidence. While the civil war of 340 provided a firm anchor around which to experiment with evidence, the 340s themselves offer no such central focus. Keith Hopkins offered the image of the wigwam argument, where individually weak elements of evidence and argument supported each other to form a larger whole, to ‘draw strength from their inter-relationship.’¹ This was a worthwhile approach for building a history around the civil war of 340, but in the following decade, where is the central point on which the structure is to rest? For ecclesiastical historians, known events are relatively plentiful, with several major councils and the well-attested vicissitudes of Athanasius providing a framework. For political historians, the endpoint of the usurpation of Magnentius has often been pressed into service for lack of a better alternative. The result is often an excessive focus on a fate that had come to the majority of emperors since the time of Augustus: Constans’ removal from power.² But while it is challenging to write a history of Constans in the 340s, it is perhaps undesirable as well. As has been hinted at several times, imperial rule was never a one-man enterprise, and we can learn as much – if not more – from a history of the people around him.

The following chapter, then, will approach the history of the West and its relationship with the East in the 340s from the bottom up. Methodologically, this will involve using

¹ Hopkins 1980, 116.

² Woudhuysen 2018, 159.

prosopography, something which has previously been applied to the 340s, with somewhat mixed results.³ Prosopographical work by its very nature can often be dry and repetitive, and plagued by digressions in pursuit of seemingly trivial historical points that are nonetheless essential to the accuracy of the overall picture. But whatever patience may be asked of the reader is rewarded with a much clearer view of the government of the West in the 340s, and the beginnings of a linear narrative that is rarely apparent from other approaches. This chapter will consider, in turn, officials' attitudes to borders in the newly divided empire, the evolving praetorian prefecture, and finally the negotiated office of the consulship. It will apply the revised views of 340 and its aftermath from the previous chapter, and will prepare the ground for considering the end of the 340s, and the end of Constans, in the following chapter. This will lay a solid foundation for approaching the history of the 340s using non-narrative sources, and is critical to our understanding of how division functioned under the sons. And in a period renowned for its dearth of narrative, its prosopography offers a surprising richness of characters and their histories.

In practical terms, this methodology requires three stages. The first is reviewing prosopographical data, principally using *The Prosopography of the Later Roman Empire Volume 1: A.D. 260-395* (PLRE 1, see Chapter 1.3). This contains a largely exhaustive (with exceptions) record of military and political office holders, combined with *fasti* for known holders of particular offices. This work of reference is invaluable for easily collating and using data of office holders in this period. However, it is necessarily speculative about many individuals, relying heavily on inscriptions and laws in the *Codex Theodosianus* which are often unclear or debateable in identification, date, or meaning. As a result, the second stage of this methodology has been to review the evidence of the PLRE, and scrutinise the histories of individuals to ensure that the sources they rely on are dependable and defensible, to bring them up to date with reference to secondary literature and recent discoveries, and to explore these figures in greater detail than the PLRE's remit could justify. Often, this has resulted in revisions

³ E.g. Barnes 1992 contains detailed and invaluable arguments about the praetorian prefecture, but does little to apply these conclusions to the wider history of the period. Harries 2012, 189-96, does the opposite, and has drawn expansive conclusions from what appears to be quite limited prosopographical analysis. I should stress that these works are some of the best of the bunch (e.g. Woudhuysen 2018, 159 n. 5, cites the same section of Harries as 'a rich and perceptive survey'), and that any criticism is directed at the constraints of their media rather than the authors themselves.

to individuals (such as Anatolius, below) and particularly to the *fasti* (such as Constans' praetorian prefects, below). The third stage has been to use this mass of data to extract meaning, and to try to create a narrative history of Constans' administration and how it changed and developed over the 340s. This chapter is structured around the third stage, as this is where the work has its greatest significance, although the first two stages will be obvious throughout. It will start with a section called 'The Proconsul of Constantinople,' focused on one particularly curious individual: Ulpius Limenius. This is a man whose career frustrates many assumptions about the division of the Roman Empire in the 340s. We might assume conflict and competition between courts – yet Ulpius Limenius thrived under both emperors. We might expect a hard border between territories, with limited mobility⁴ for the respective territories' elites – yet Ulpius Limenius traversed these borders. We might look for a general administrative policy of Constans across the 340s – yet Ulpius Limenius' dual offices from 347 show continuing evolution. Ulpius Limenius also serves as a convenient device to introduce this chapter. It is easier – or at least more readable – to approach this subject from a human perspective. And indeed he continues to be a recurrent character in subsequent sections.

The second section is called 'The Praetorian Prefecture,' and builds on attempts to reconstruct the history of this office in the 340s, its occupants, and Constans' reforms. In this period the praetorian prefecture was instrumental to the running of the Empire, and changes to this office reflect the impact of division on both the Empire's governance and the sons' conceptualisation of their rule. This is followed by a short section, 'Constans' Eastern Court,' which takes a closer look at the mobility of elites around the divided Empire, and considers a recent theory about a preference for easterners in the court of Constans. The final section is on the consulship, always a reliable weathervane for imperial politics,⁵ and indeed is a reflection here on the fluctuating relationship between Constantius and Constans, and in particular of the long aftermath of the civil war of 340. The unique office of the urban prefecture of Rome along with rich prosopographical seam of Magnentius' usurpation will be considered separately in the following chapter.

⁴ Mobility, in this chapter, is meant in a literal, geographical sense, without connotations of political or social mobility (and for a criticism of widespread upward mobility in this period, see Skinner 2013).

⁵ Syme 1981, 189.

5.2 THE PROCONSUL OF CONSTANTINOPLE

The proconsulship of Constantinople was likely instituted at the same time as the new city in 324. The office seems to have been a deliberate concession to Rome. Constantinople was not to have its own urban prefect but a proconsul, as was more fitting to the provinces. This concession was short lived, as Constantius would create the urban prefecture of Constantinople in 359, and expand its jurisdiction to neighbouring provinces in 361.⁶ But in 342, when we find the first attested holder of this office, Alexander, the proconsulship must have been a more constrained and local office, which like Constantinople had yet to fully mature in power and status. But this must be understood in relative terms. The proconsuls of Constantinople may have played second fiddle to the later urban prefects of that city, but it was still a major office. It was important, as it managed the fastest-growing city in the Empire, and was responsible for managing its many upheavals. And it must have been prestigious, to preside over Constantine's eponymous city. Although they were probably not numbered among the highest rank of the *illustres*, as the urban prefects were, even in 342 the proconsuls of Constantinople must have counted themselves among the highest appointees in Constantius' government.⁷

Constantine's new Christian capital soon hosted new Christian unrest. The ad hoc appointment of Paul as bishop of Constantinople in 337 attracted the ire of Constantius and his replacement with Eusebius of Nicomedia. This famous bishop was close to the Constantinian Dynasty,⁸ and was at the time guardian to its surviving scions, Gallus and Julian.⁹ But as a solution to the problem of Paul, he was short lived, and when he died in 341, Paul once again contested the bishopric of Constantinople. Theological rivals ordained Macedonius, and factions of the rival claimants rioted. Early in 342, Constantius redirected his *magister equitum*, Hermogenes, to depose Paul on his way to Thrace. The Constantinopolitans resisted, either out of support for Paul or to protest the intervention of the army, and besieged Hermogenes in his

⁶ Jones 1964, 132; Soc. *HE* 2.41.1; *CTh* 1.6.1.

⁷ The proconsuls of Constantinople may have ranked among the *spectabiles*, along with the other proconsuls (Jones 1962, 378-9), although it appears offices were not assigned a fixed rank until Valentinian (*CTh* 6.5.2). The subscription to *Or. Const.* specifically mentions it was read by the *clarissimus* proconsul [of Constantinople] Iustinus (Ἰουστῖνος ὁ λαμπρότατος ἀνθύπατος).

⁸ Gwynn 1999.

⁹ *Amm.* 22.9.4.

home. His house was burned down and Hermogenes was killed and dragged through the streets.¹⁰ The proconsul, Alexander, was injured and forced to flee to Perinthus.¹¹ The city was in crisis.

Constantius did not delegate a second time, and rushed to Constantinople in person to restore order. One of the steps he took was to remove the proconsul, Alexander, who had no doubt lost credibility in his flight to Perinthus. His successor was a man named Ulpius Limenius. It may be Ulpius Limenius owed his appointment to good fortune, by simply being in the right place at the right time when Constantius needed an urgent replacement. But it seems unlikely. In a dangerous and unstable situation, where senior officers and officials had already failed to keep order, it is difficult to imagine Constantius appointing anyone who was unknown or untested. The implication is that Ulpius Limenius almost certainly had history with the eastern court and was progressing up its *cursus honorum*, and was known to its members, and probably to Constantius himself.

It is possible Ulpius Limenius travelled from Antioch with Constantius, or he may already have been resident in Constantinople. Libanius' autobiography, a rather partisan document that should be approached with caution, claims that Ulpius Limenius had some kind of vendetta against him. 'Before taking up his office, he sat in the city square and prayed to Fortune that his tenure would last at least long enough for him to be able to kill me.'¹² This would indicate that Ulpius Limenius was resident in Constantinople already, as Libanius at this early stage in his career was hardly famous enough to attract hostility from as far away as Antioch. However, I do not think Libanius is trustworthy enough to make this point, and his autobiography goes out its way to inflate his importance in the affairs of the time. In *Oration 1*, Libanius claims to have won a following of more than eighty students (1.37), to the chagrin of his rivals (1.38), and in particular clashed with one Bemarchius, who had just returned from a tour of the East where his panegyrics had ingratiated him with Constantius and the court (1.39). Having failed to challenge Libanius oratorically, Bemarchius resorted to trying to influence the proconsul of Constantinople, Alexander, and he accused Libanius of magic and astrology, which could be proved by the torture of his Cretan copyist (1.42-3). Finally, he deployed gang violence during 'the popular riots' (τοῦ δήμου μανία), and imprisoned Libanius (1.44-5). Libanius claims Alexander would have released him, but Ulpius Limenius replaced him after the riots and

¹⁰ Soz. 3.7; Soc. 2.12-3.

¹¹ Lib. *Or.* 1.44.

¹² Lib. *Or.* 1.46 (all trans. from Norman 1969-1977).

supported Libanius' rivals, torturing his copyist in an attempt to incriminate him, and ultimately drove him from the city (1.45-48).

Reading between the lines, we can make an educated guess as to what really happened. Libanius and his rivals both had gangs of followers, and it is possible both sides used violence. This gave Libanius a high profile at the time of the riots over Paul and Macedonius. He entirely suppresses the context of these riots in his autobiography, to create the impression of his centrality to events, even though his rivalry with Bemarchius must have been entirely peripheral to the dissension over Paul. When Ulpius Limenius took over, lacking the background knowledge of his predecessor, and no doubt scrutinising any disruptive groups in the city, he could very easily have suspected Libanius of sedition. It is unlikely that Libanius was a personal target as he claims, but it seems very plausible that he was caught up as collateral damage when Ulpius Limenius was restoring order in the aftermath of the riots. Amusingly he would later end up praising Constantius for his response to the riots and having 'separated out those who were blameless,' despite his experiences.¹³ Although, his praise for Constantius' avoidance of capital punishment may have reflected genuine relief.

Libanius did not rate Ulpius Limenius: 'I did not regard him seriously even as a man – his only serious aim was to play the fool.'¹⁴ It seems an odd characterisation of someone who otherwise comes across as a man of great severity, torturing Libanius' copyist to the point of 'the torturers giving up from sheer exhaustion.'¹⁵ It is unclear what Libanius is referring to with his out-of-place insult, but it might indicate that Ulpius Limenius made a point of showing disregard for politics to avoid dangerous entanglements. This would explain the play on words, that playing the fool was in fact a serious aim. In Constantinople, in any case, he seems to have pursued his duty quite zealously, although the fact that Libanius and Themistius were both able to emphasise Constantius' forbearance soon after the event indicates that Libanius exaggerated for effect in his later autobiography.¹⁶

Ulpius Limenius' tenure as proconsul of Constantinople does not appear to have been tremendously long. Athanasius refers to letters against the Thracian bishop Olympius being

¹³ Lib. *Or.* 59.97.

¹⁴ Lib. *Or.* 1.45: 'ἐγὼ δὲ αὐτὸν οὐδὲ στουδαῖον ἐνόμιζον ἄνθρωπον, ὃ γὰρ ἦν ἡ σπουδὴ γελασθῆναι.'

¹⁵ Lib. *Or.* 1.46.

¹⁶ Lib. *Or.* 59.97; Them. *Or.* 1.14B-C; Skinner 2015, *passim*.

delivered to the proconsul Donatus in the aftermath of the Council of Serdica.¹⁷ The assumptions that the nearest proconsul would be the proconsul of Constantinople and that this occurred within the year 343 are both reasonable.¹⁸ But it is possible that Donatus was an unusual case in being a proconsul of one of the Thracian provinces, or Athanasius may have erroneously named one of the consular Thracian governors as proconsular, and it is also possible Athanasius has truncated events and this happened in 344. As a result, it is impossible to estimate Ulpus Limenius' tenure with any certainty, but if the proconsulship of Constantinople passed to Donatus sometime before late-343, it must have been less than two years. Given there are ten proconsuls of Constantinople attested between 342 and 359, there is nothing to suggest his tenure was abnormal. Nor is there anything else to say about his proconsulship, as after his clash with Libanius he is never attested in the East again.

Indeed, he is not attested anywhere between 342 and 12 June 347. But on that date he makes a rather bold re-entry into the historical record, as he then began his term as urban prefect of Rome, which he would hold until 8 April 349, along with a concurrent praetorian prefecture¹⁹ which is mentioned in two laws in the *Codex Theodosianus*, dated 12 February 349 (*CTh* 9.21.6) and 28 March 349 (*CTh* 9.17.2). The *Chronography of 354* indicates he held both the praetorian and urban prefectures concurrently from 12 June 347, suggesting he was appointed to both offices at the same time.²⁰

Although Constans was no stranger to administrative reform (see section 5.3 below), it is both significant and atypical that Ulpus Limenius held the praetorian prefecture and the urban prefecture at the same time. The praetorian prefecture was an office second only to the emperors; 'a magistracy which,' Eunapius noted, 'though it lacks the imperial purple, exercised imperial power.'²¹ The urban prefecture had always been prestigious, but had increased in power and importance as the emperors themselves vacated Rome, and was, according to

¹⁷ Athan. *Apol. de fuga* 3; cf. Athan. *Hist. Ar.* 19.

¹⁸ Accepted by *PLRE* 1 Donatus 1, 268.

¹⁹ The territory is not specified, but must have been Italy and Africa (see 5.3 below).

²⁰ As his praetorian prefecture is only attested in 349 we are unable to verify this – alternatively it is possible he was appointed praetorian prefect before or after his appointment as urban prefect – so we must approach the precise chronology of his appointment with due caution. The evidence of the *Chronography of 354* is accepted by *PLRE* 1 Ulpus Limenius 2, 510.

²¹ Eunap. *V.S.* 490 (trans. Wright 1921).

Libanius, ‘held to be the peak of an administrative career.’²² When one adds to this a third office, the consulship, which Ulpus Limenius held concurrently in 349, we start to see a picture of a man who had very rapidly ascended to the summit of the *cursus honorum*. While several of Constans’ praetorian prefects were honoured with the consulship and urban prefecture as well, holding two at once was rare, and three at once unique.²³ Much as we can only assume Ulpus Limenius became a trusted servant of the eastern court prior to 342, in the intervening years between his proconsulship and his urban prefecture, he must have ingratiated himself with the western court even more so.

Ulpus Limenius’ decision to go west need not be regarded as a defection or successful headhunting on the part of Constans. The long gap between attested offices gives ample scope for Ulpus Limenius to have relocated for entirely different reasons. It is possible he was an easterner attracted by the West and perhaps particularly Rome, as Ammianus was later in the century. But, given his name, it seems more likely he was a westerner who had never intended to remain in the East permanently. He may have had kinship or social relations with people in both imperial courts, and his reputation may have allowed him opportunities in Constans’ court regardless of his history with Constantius, or perhaps even because of it. Although the brothers’ relationship was at times hostile, it is evident that Constantius considered loyalty to the imperial college to be as important as loyalty to himself.²⁴ Certainly Ulpus Limenius was not crossing some kind of late antique iron-curtain. And nor was he alone. A number of Constans’ high officials, including M. Maecius Memmius Furius Baburius Caecilianus Placidus, Anatolius,

²² Lib. *Ep.* N4.13.

²³ Aconius Catullinus and Furius Placidus also held all three offices under Constans, and the latter held his consulship at the same time as his praetorian prefecture. Fabius Titianus also held all three, but is unusual in that he was appointed consul (by Constantine) and urban prefect (by Constans) *before* his praetorian prefecture. Hermogenes held the praetorian and urban prefectures simultaneously, but this may be a result of Ulpus Limenius’ death in office, discussed below.

²⁴ Athanasius performs some interesting literary gymnastics in the *Apologia ad Constantium* trying to simultaneously distance himself from Constans, whom he was accused of turning against Constantius, while at the same time feeling the need to laud Constans’ memory to demonstrate his loyalty to the Constantinian Dynasty (as opposed to Magnentius). The overall impression is that whatever Constantius and Constans might have thought of each other, the imperial college was inviolable to outsiders.

and Vulcacius Rufinus, had held office in the East under Constantius before serving under Constans.²⁵ The courts may have been separate and the distances great, but the ruling elite remained small and interconnected, and mobility was high. Ulpian Limenius is certainly not unique in this regard.

5.3 PRAETORIAN PREFECTS IN THE WEST

While the *Chronography of 354* makes the precise dating of urban prefects possible, the dating of praetorian prefectures is considerably more difficult, owing to fragmentary evidence as well as the sweeping changes made to the structure of this office in the West, whereby the attachment of praetorian prefects to individual emperors was largely superseded by a system of regional prefectures.²⁶ This was a policy of Constans which had its origins in the aftermath of the civil war of 340. Antonius Marcellinus, who was Constans' sole praetorian prefect, or *praefectus praetorio praesens* (prefect attendant on the emperor), naturally became responsible for Constans' new western territory.²⁷ Constans appears to have been dissatisfied with this situation, and Antonius Marcellinus must have been getting old given he was already a *praeses* in 313.²⁸ He was honoured with the consulship in 341, but was retired as Constans' *praefectus praetorio praesens*. An inscription in Thrace indicates he remained praetorian prefect into 341,²⁹ but Constans had already summoned Fabius Titianus to attend to him, from 5 May to 10 June 340, and he was likely appointed praetorian prefect of Gaul on this occasion, an office in which he is attested early the next year.³⁰ Around the same time, Aconius Catullinus was also made praetorian prefect, presumably of Italy, Africa, and Illyricum. With this duplication of

²⁵ See section 5.4 below.

²⁶ Although prefects continued to be attached to emperors as late as the 354 under Constantius (Barnes 1992, 253-6).

²⁷ Hence *CTh* 11.12.1 to Marcellinus, concerning Constantine II's former territory.

²⁸ If one accepts Seeck's reasonable emendation of *CTh* 11.3.1; otherwise 319.

²⁹ *CIL* III 12330; *PLRE* 1 Antonius Marcellinus 16, 548-9.

³⁰ Hunt in Cameron and Garnsey 1998, 6, suggests this was a delegation to present congratulations on Constans' victory. However, the rareness of absences of the urban prefect in the *Chronography of 354* and the care with which absences are noted indicates this was something exceptional and frowned upon, and more likely done on the emperor's initiative than the prefect's.

prefects, for the first time, the praetorian prefect was not a single office-holder attached to their emperor, but the holder of a regional office.

The transformation from attendant prefects to regional ones was probably a process of evolution rather than reform. Rather than the office of *praefectus praetorio praesens* being abolished as such, it was supplemented with regional prefects that restricted the territory of attendant prefects by default.³¹ Presumably, this created a conflict with the *praefectus praetorio praesens*, as when Constans went from Illyricum to Gaul, as he often did, there was little point taking his *praefectus praetorio praesens* to a territory that had its own prefect who was already integrated into the region. One imagines the solution was to leave the *praefectus praetorio praesens* to manage affairs in Illyricum, effectively making them a regional prefect as well. A de facto arrangement along this lines can have easily arisen from the appointment of Fabius Titianus, and settled into a permanent system quite quickly.

Constans' decision to appoint multiple prefects appears to have been a shrewd one. By replacing Constantine II's *praefectus praetorio praesens* with a regional prefect governing the same territorial area, he could maintain continuity of administration while hopefully avoiding the resentment of being governed by the victors.³² In this respect, Fabius Titianus was a good choice, being an old supporter of Constantine rather than someone solely identifiable with Constans,³³ as well as holding the prestigious office of urban prefect of Rome. If Constans wanted Gaul to feel like it was being brought back into the traditional Constantinian fold, rather than being consolidated by a conqueror, then it is hard to think of a better candidate on paper than Fabius Titianus. His character seems to have lived up to his résumé, as he held his prefecture for longer than any other prefect in that century. He is indeed an interesting figure, and one to whom we will return in the following chapter.

Constans' other praetorian prefects had shorter tenures. It is difficult to estimate start and end dates, or even to assign territories with any certainty, as the prefects are typically attested in snapshots, by laws or inscriptions or papyri that only indicate they held the office on a single

³¹ Barnes 1992, 252.

³² Although arguably, by maintaining this separate administrative identity, Constans may have ultimately failed to bind the Western provinces to his government, even if it kept the peace in the short term.

³³ Fabius Titianus was, at unknown times but almost certainly under Constantine, corrector, consular governor of Sicily, proconsular governor of Asia, and *comes primi ordinis*, before being appointed to the consulship of 337, again by Constantine.

given day. Nevertheless, we can build a tentative narrative of Constans' prefects. After the tenure of Antonius Marcellinus, as has been discussed, the office multiplied. The assignation of Fabius Titianus to Gaul is only mentioned in Jerome, which is a little disquieting, but what we know of the locations of other prefects seems to confirm this was the case.³⁴ Alongside Fabius Titianus was Aconius Catullinus, who was already in office by 24 June 341. His sphere of responsibility is unknown, but if Fabius Titianus was in Gaul we would expect it to encompass Italy, Africa, and Illyricum. The next prefect to be appointed was Marcus Maecius Memmius Furius Baburius Caecilianus Placidus, probably in or before 342 as it is listed before his consulship in inscriptions.³⁵ Aconius Catullinus finished his praetorian prefecture sometime before 6 July 342, when he became urban prefect of Rome,³⁶ so it seems likely that Furius Placidus succeeded him. Furius Placidus followed the same career trajectory as Catullinus, and ceased his praetorian prefecture at some point prior to becoming urban prefect on 26 December 346.

The critical moment for the division of Constans' old territory into two prefectures, the one in Illyricum and the other comprising of both Italy and Africa, seems to have come with another easterner, Anatolius of Beirut. He is the subject of some controversy, as he makes two distinct appearances in the historical record. First is as praetorian prefect in Illyricum in the mid-340s, where he appears as a character in Eunapius and is attested in the *Codex Theodosianus*, and secondly as praetorian prefect in Illyricum once again in the later 350s, where he is attested in Ammianus and the *Codex Theodosianus*.³⁷ Seeck was dissatisfied with two Anatolian prefectures a decade apart, and (disregarding Eunapius) emended the *Codex Theodosianus* in order to compress the two into a single prefecture, held by Anatolius from 357-360.³⁸ Later, on the strength of Eunapius' attestation of an Anatolian prefecture in the 340s, A. F. Norman proposed that there were in fact two Anatolii, who both held the Illyrian prefecture at different times.³⁹ Norman effectively demonstrates the impossibility of Eunapius' account referring to a

³⁴ Jer. *Chron.* s.a. 345.

³⁵ *PLRE* 1 M. Maecius Memmius Furius Baburius Caecilianus Placidus 2, 705-6.

³⁶ The *Chronography of 354* specifies when praetorian and urban prefectures are held concurrently, and does not so specify in the case of Catullinus.

³⁷ 340s: Eunap. *VS* 491-2; *CTh* 12.1.38 (23 May 346). 350s: Amm. 19.11.2-3 and 21.6.5 (cf. Aur. Vict. *Caes.* 13.5-6).

³⁸ Seeck 1919, 40-1, 119.

³⁹ Norman 1957.

prefecture in the 350s, and the other evidential manipulation required for the single-prefecture theory to work. However, his conclusion that there must be two Anatolii rests on an echo of Seeck's opinion that the holding of two Illyrian prefectures a decade apart was inappropriate for a single person, and that taking the two Anatolii as one was 'in any case pure assumption.'⁴⁰

It is, however, an assumption with merit. To disregard this assumption is to assume instead the existence of two Anatolii, who both came from Beirut, and who both happened to hold the praetorian prefecture of Illyricum. This is unlikely. Moreover, Anatolius as he appears in Eunapius (for the 340s) and the letters of Libanius (for the 350s) is completely consistent in character. In Eunapius, he delights in setting the sophists of Athens a tricky challenge, then taking the wind out their sails with gentle mockery (he 'commiserated the fathers whose sons were being educated by such men').⁴¹ Likewise, Libanius mentions Anatolius' ridicule of 'some drivelling pseudo-sophist,' and Libanius himself finds himself on the end of Anatolius' joy of sparring with sophists and taking them down a peg or two.⁴² Bradbury also notes their consistency of character, but is reluctant to overturn Norman; he hypothesises instead that they were 'two members of the same distinguished Berytus family.'⁴³

These rationalisations are unnecessary and untenable. Unusually for prosopographical work, we are not dealing just with dry names and dates but a man of unique and individual character. It is impossible to read the anecdote in Eunapius and the letters of Libanius and imagine these to be two different people. In both cases we have a man gleefully testing the wits of the sophists, someone who is very distinctively playful in his engagement with intellectual culture, and above all someone possessing the same mischievous and pointed sense of humour. This was not just *paideia*, which one would expect in any member of the elite holding high office,⁴⁴ but a sardonic subversion of it, a challenging of the intellectual order that was unique enough to throw Libanius and no doubt others quite off balance. On the strength of his character, as well as simplicity of explanation, we must accept there was only ever one sophist-trolling praetorian prefect of Illyricum called Anatolius of Beirut. Any attendant difficulties should be resolved by emendation of offices and chronology, rather than by duplication of the man.

⁴⁰ Norman 1957, 257.

⁴¹ Eunap. *VS* 491.

⁴² Bradbury 2000, 173-181, esp. 173-6. Quote is from Lib. *Ep.* N22.

⁴³ Bradbury 2000, 185.

⁴⁴ Brown 1992, 38.

And, in fact, the attendant difficulties are few. Besides fitting him into our schema of praetorian prefects, the only issue is that he should have held the same office twice a little more than a decade apart. But such a biography is perfectly coherent. The Anatolius of Eunapius is young and ambitious; he has not yet been able to visit Greece despite a great desire to, and he has only just ascended to the highest civil office.⁴⁵ During the civil war he must have allied himself with Constantius. He backed the right horse and was likely rewarded with the proconsulship of Constantinople,⁴⁶ and was then offered the urban prefecture of Rome in 355, itself a common next step for one who had held the praetorian prefecture.⁴⁷ But Anatolius turned down the urban prefecture, a decision that further supports the interpretation that Anatolius had already held high office, and appeared uninterested in the praetorian prefecture of Oriens.⁴⁸ It seems he was holding out for a specific office,⁴⁹ his old prefecture of Illyricum, either because he knew and presumably liked it there (boasting as it did a whole city of sophists to torment), or because he anticipated Constantius' campaigns and wanted a prefecture with an imperial presence and military action. And, sure enough, Ammianus records he distinguished himself in Illyricum as both a competent and conscientious administrator and as a logistical

⁴⁵ Eunap. *VS* 490-1.

⁴⁶ Lib. *Or.* 1.80 mentions that in 354 he made friends with a proconsul in Constantinople who came from Phoenicia, which is likely Anatolius. (This Phoenician is identified as Strategius Musonianus in the Loeb edition, as Libanius refers to him in the following passage. However, it seems odd that Libanius should refer to Strategius allusively in *Or.* 1.80 and then repeatedly by name in *Or.* 1.81-2. It is more likely the allusion is saved for a close friend, Anatolius – certainly a Phoenician unlike Strategius – and his introduction as a Phoenician ‘of the Charites’ (Φοίνιξ ἀνὲρ ὑπὸ Χαρῖτων) is a deliberate play on the well-known signum of Strategius ‘of the Muses’). The identification of this Phoenician as Anatolius is leant weight by the fact Libanius later reminisces about their friendship in Constantinople (Lib. *Ep.* N22; *PLRE* 1 Anatolius 3, 59-60).

⁴⁷ Offer of prefecture in Lib. *Ep.* F391/N4, declined in *Ep.* F423.

⁴⁸ Bradbury 2000, 174.

⁴⁹ Libanius unconvincingly denies he is accusing Anatolius of being an office-hunter (σπουδαρχίδην) in Lib. *Ep.* N4.14.

facilitator of the army of Constantius, before he died in office in 360.⁵⁰ With this established, we can bring our focus back to Anatolius' first prefecture in the 340s.

Anatolius began his praetorian prefecture of Illyricum in 344, as he arrived from Constans' court in Gaul not long after Prohaeresius. The latter's visit must belong to the winter of 343/4, as it is associated with Constans' visit to Britain in the winter of 342/3 on the basis of an allusion in Himerius, but can only have come in the following winter as Eunapius explicitly recounts Prohaeresius drinking the frozen water of the Rhine.⁵¹ Constans could not have been anywhere near the Rhine in the winter of 342/3, but his location in the winter of 343/4 is unknown, so this year is the only possible candidate.⁵² Prohaeresius cannot have taken more than a year to return to Athens, even stopping by Rome en route, which means we can date Anatolius' contemporaneous arrival to 344 with reasonable confidence. One of the by-products of Seeck's emendations to Anatolius' praetorian prefectures is that it necessitated further emendations to bring forward his earlier career, with no evidential basis except the previous emendations themselves. One of the benefits of restoring Anatolius' two prefectures is that this discomfiting situation can be reversed and the dates of the *leges geminae* *CTh* 11.30.19 and 12.1.28, addressed to Anatolius as vicarius of Asia on 26 November 339, can be allowed to stand.⁵³

⁵⁰ Amm. 19.11.2-3; death at 21.6.5. Ammianus suggests this occurred before his successor Florentius began his consulship in 361.

⁵¹ Barnes 1987, 208-9; Watts 2006, 60; Eunap. *VS* 492.

⁵² The winter of 341/2 was also likely spent near the Rhine, but Prohaeresius could not have been expelled from and recalled to Athens so quickly. Oddly Barnes 1987, 208, along with Harries 2012, 192 and 328, and most recently Moser 2018, 116, all assume Prohaeresius visited Trier, which is of course on the Moselle.

⁵³ Seeck 1919, 40, argues that as Anatolius held a single prefecture in the 350s, as a result of his emendation of *CTh* 12.1.38 to fit with Libanius, then the gap in offices is too great for the same Anatolius to have been vicarius Asiae in 339, so *CTh* 11.30.19 and 12.1.38 have to be emended as well. He proposes that the second consulship of Constantius in 339 was confused with his fifth in 352 (so proposing that 'Constantio A. II et Constante cons./Constantio II et Constante AA. cons.' was a corruption of 'Constantio A. V et Constantio cons.'). Seeck bolsters this with the fact that in *CTh* 11.30.19 there is only a single 'A.' for an Augustus ruling alone (even though its twin, *CTh* 12.1.28, has 'AA.' for two Augusti). This single missing 'A.' is one of those common infelicities that are rarely noted unless one is already looking for textual

The restoration of these laws add another very interesting snippet of information. Anatolius was a vicarius in the East in 339. So, much like Ulpius Limenius, and various others of Constans' administration, Anatolius had held office under Constantius before going to the West to serve under Constans. Unlike the others, with Anatolius 'of Beirut' we have good reason to believe he was eastern by origin as well. Given he was vicarius of Asia in November 339, and probably did not move between continents in the middle of winter, the earliest Anatolius could have left for the West was the spring of 340. Perhaps Anatolius was attracted by the sudden increase of Constans' territory in the aftermath of the civil war, and the career opportunities it presented. Or perhaps he went later, at some unknown point in the following years; he appears to have been succeeded as vicarius by Scylacius at some point prior to 24 February 343.⁵⁴ It is an interesting question how much time and effort an eastern official would have to spend at the western court before being entrusted with high office, and whether this was any longer or shorter than a figure of equivalent stature who had held office in the West. The evidence does not yield tight enough prosopographical chronologies to answer either of these questions. If a tentative impression can be offered, with all due caveats, the gaps between attested offices are generally suggestive of officials attending court for around a year or two waiting for a post, with both longer and shorter periods possible. Those who already held office in the West were more likely to be appointed to a new post immediately after their tenure ended. Whether candidates were advantaged or disadvantaged by eastern origins or service is a question to which this chapter will return in section 5.4. Nonetheless, it appears Anatolius travelled to Constans to seek office; it does not look like a case of headhunting.

Anatolius remained in office from 344 to at least 23 May 346, when he is attested as praetorian prefect in *CTh* 12.1.38. He is also attested in the following law, *CTh* 12.1.39, dated to 1 April 349, although this almost certainly names Anatolius by mistake as it was sent by Constantius. The emperor (Constantius) and place of issuance (Antioch) are both consistent with the recorded date (1 April 349), and there is no easy way to emend the date to Anatolius' second prefecture. In my opinion, the best explanation is to emend the name of Anatolius to Flavius Philippus, assuming that the compilers erroneously carried over the name Anatolius

reasons to justify a historically motivated emendation, and is evidence of the flimsiest kind to support an emendation made necessary only by another emendation that is itself conjectural. This is reason enough to return to the drawing board.

⁵⁴ *PLRE* 1 Scylacius 1, 811.

from 12.1.38 to 12.1.39, and conflated the praetorian prefects of two different emperors.⁵⁵ It is unlikely that this was another case of emperors addressing laws outside their own territory, as per Constantine II's law to Aurelius Celsinus,⁵⁶ as the evidence shows Anatolius had been replaced as praetorian prefect before 349 anyway. That he was praetorian prefect as late as 23 May 346 is interesting, as it shows he overlapped (for at least a day!) with Vulcacius Rufinus, who was already praetorian prefect on 22 May 346.⁵⁷

This helps build a picture of Constans' praetorian prefects in the mid-340s. Anatolius joined a college comprising of himself, Fabius Titianus and Marcus Maecius Memmius Furius Baburius Caecilianus Placidus in 344. Given that Fabius Titianus can be associated with Gaul and Anatolius with Illyricum, it is now safe to say that Furius Placidus governed the region of Italy and Africa. He was probably only limited to that region with the arrival of Anatolius. He is last attested in office on 28 May 344, but may have continued for some time after that. Vulcacius Rufinus, who joined the college while Fabius Titianus and Anatolius were still in office, must have been his successor. He is first attested on 22 May 346, but might have become praetorian prefect of Italy and Africa at any time since Furius Placidus' last attestation.⁵⁸

Difficulties arise in the summer of 347, when our old proconsul of Constantinople arrives on the scene. Ulpian Limenius is attested as urban prefect of Rome from 12 June 347 until 8

⁵⁵ Seeck 1919, 119, instead emends Anatolius' office to *consularis Syriae*, which quite nicely suits his rearrangement of Anatolius' career. His justification is that the law was unsuited to a praetorian prefect because it concerned only decurions and magistrates, but this is roundly contradicted by *CTh* 12.1.11, 13, 14, 19, 20, 21, 22, 31, 35, and 37, all of which are addressed to praetorian prefects and concern men of no greater rank than decurion, and this argument would not hold much evidential weight even if it was not so contradicted. Seeck also uses the hypothesis of Anatolius as *consularis Syriae* to explain Anatolius' connection to Antioch in *Lib. Ep.* 314. However, that Anatolius had previously erected buildings in Antioch can be explained by his earlier career in the East; he may also have been *comes Orientis, Aegypti et Mesopotamiae* much like M. Maecius Memmius Furius Baburius Caecilianus Placidus and Vulcacius Rufinus who also went on to become praetorian prefects under Constans, or he may simply have adorned a city outside of his jurisdiction as vicarius of Asia to endear himself to the emperor resident in it.

⁵⁶ *CTh* 12.1.27 (discussed in Chapter 2.5).

⁵⁷ *CTh* 12.1.38 (Anatolius, 23 May) and 11.1.6 (Vulcacius Rufinus, 22 May).

⁵⁸ Barnes 1992, 256-9.

April 349. Vulcacius Rufinus' praetorian prefecture overlaps, and is attested on 22 June and 22 October 347, then 28 December 349.⁵⁹ Ulpian Limenius is referred to as praetorian prefect for the whole period of his urban prefecture in the *Chronography of 354*, but is otherwise attested as praetorian prefect only on 12 February and 28 March 349.⁶⁰ Several possibilities present themselves. Ulpian Limenius could have become praetorian prefect after 347, with the *Chronography of 354* mistakenly backdating it to the start of his urban prefecture. In opposition to this stands the faith most scholars have in the accuracy of the detailed and meticulous *Chronography of 354* – but this really is faith as there is nothing against which to test it. Alternatively, Vulcacius Rufinus could have in fact been a *praefectus praetorio praesens* in addition to Fabius Titianus, Anatolius, and Ulpian Limenius, although it is unlikely as a *praefectus praetorio praesens* would be both redundant and a source of conflicts of authority when each region had its own dedicated prefect. Another option is that Ulpian Limenius could have been some kind of honorary praetorian prefect coexistent with Vulcacius Rufinus. This would make the combination of urban and praetorian prefectures less difficult to explain, as Ulpian Limenius would in practice have been urban prefect only. However, while honorary prefectures are not unheard of,⁶¹ it would be unusual for an active official to receive an honorary office. Moreover, both the urban and praetorian prefectures were held by Ulpian Limenius' successor, and if the latter was honorary, it would surely have lapsed instead of being passed over.

The most attractive solution is the one suggested implicitly by Barnes.⁶² In this scenario, Vulcacius Rufinus was first praetorian prefect of Italy and Africa, succeeding Placidus as we expected, and earning the gratitude of the people of Ravenna as expressed in a dedicatory inscription on a statue base in Rome.⁶³ Later, he was praetorian prefect of Illyricum under Constans, as he is so thanked in an inscription in Savaria.⁶⁴ His role in the civil wars of 350-353 indicates he was praetorian prefect of Illyricum under Vetricianus.⁶⁵ Both he and Anatolius were in their original prefectures in May 346, and Ulpian Limenius was inaugurated the

⁵⁹ *PLRE* 1 Vulcacius Rufinus 25, 782.

⁶⁰ *PLRE* 1 Ulpian Limenius 2, 510.

⁶¹ E.g. *PLRE* 1 Flavius Eugenius 5, 292; Libanius 1, 506; Gamalielus, 385.

⁶² Barnes 1992, 257 and 259.

⁶³ *CIL* VI 32051/*ILS* 1237; discussion at laststatues.classics.ox.ac.uk, LSA-1253 (C. Machado).

⁶⁴ *ILS* 727

⁶⁵ Barnes 1992, 259; his activities in the early 350s will be returned to.

following June. This indicates a single reshuffle, prompted either by the departure of Anatolius or the arrival of Limenius. Anatolius left office, and Vulcacius Rufinus was removed from Italy and Africa to make way for Ulpus Limenius, and was given the praetorian prefecture of Illyricum instead. This was not a demotion: Illyricum was a frontier region with a regular imperial presence, and Constans doubtless wanted it in the hands of a tested praetorian prefect. Vulcacius Rufinus himself may have been attracted to it for the same reasons Anatolius was in the 350s.

The praetorian prefecture was disrupted again in 349. The *Chronography of 354* records ‘cessaverunt praefecture dies *XLI a die VI idus April. usque in XV kal. Iun.*’: for forty-one days, between 8 April and 18 May, there was no prefect. Typically, the urban prefecture of Rome was transferred seamlessly, and gaps in the record – meticulously recorded by our chronographer – occur only in exceptional circumstances. Something serious, then, must have happened to Ulpus Limenius. The most likely explanation is that he died, at the height of his career, holding the offices of urban prefect, praetorian prefect, and consul. It is possible Ulpus Limenius fell suddenly and dramatically from favour, and given Constans was murdered less than a year later it is likely many western officials were already contemplating treason. But there is no hint of discovery of any plots, nor any memory sanctions against Ulpus Limenius, and Constans was not put on his guard, so it is probable the death of Limenius was unremarkable.

While the *Chronography of 354* indicates the urban prefecture went unfilled, it is likely that during the interregnum after Ulpus Limenius’ death Eustathius briefly served as acting praetorian prefect, as he is addressed as such in the *Codex Theodosianus*.⁶⁶ Ulpus Limenius’ eventual successor in both offices was Hermogenes, a little-known figure who is probably identifiable with the Hermogenes who served at the court of Licinius in his youth, before integrating himself in the court of Constantine and eventually becoming proconsul of Achaia under Constans.⁶⁷ The identification of these two Hermogenai as one results in a readily believable career path, and it is more likely the two are the same man than that a Hermogenes rose to the two highest offices in the West without being attested in any previous role. This

⁶⁶ *PLRE* 1 Eustathius 2, 310-11. He is addressed as praetorian prefect in *CTh* 2.1.1 and 11.7.6 on 8 March 349; the *PLRE* sensibly suggests emending Mart. to Mai. to coincide with the interregnum. I can think of no plausible alternative.

⁶⁷ *PLRE* 1 Hermogenes 2, 423, and Fl. Hermogenes 9, 424-5.

Hermogenes, if he survived the events in Rome in 350 (see chapter 6.5), may be the same Hermogenes who was praetorian prefect of the Orient from 358 to 360.⁶⁸

The question of whether Constans intended the conjunction of the urban and praetorian prefectures to be permanent is both interesting and difficult to resolve. Its only obvious benefit is the smoother running of Italy and the city of Rome. As the logistics of supplying the Eternal City required considerable interaction with Italy and its ports and trade with Africa, the conjunction of offices had the potential to help the supply chain and reduce the disturbances caused by shortages. However, there were numerous downsides. It prevented the urban prefecture to be used as a prestigious award for senior officials, and so reduced the number of appointments Constans could make to avoid disaffecting his supporters. Indeed, Libanius singles out the regular turnover of office-holders as a positive attribute of Constantius and Constans' shared reign, 'for if the business of government is burdensome, they do not consider it right that the same men be worn down by a continual burden; whereas if it allows a share in good fortune, they invite many to participate in that fortune.'⁶⁹ Furthermore, it appears from the notes of absences from the city in the *Chronography of 354* that urban prefects were expected to remain in the city for the duration of their tenure.⁷⁰ Fulfilling this requirement while managing a territory that stretched from the Alps to the Atlas Mountains must have been a stifling constraint. Unfortunately, there is no evidence to illuminate why Constans combined these offices, and it is impossible to tell whether he intended the conjunction to be permanent. While it is true the offices remained combined under Ulpian Limenius' successor, Hermogenes, this may simply be because Ulpian Limenius died unexpectedly, and it was easier to appoint a single successor to fill this unplanned vacancy than to find an additional candidate at short notice. As Constans died less than a year later, we are left in the dark as to what were his long-term plans. Without the uncovering of further evidence or an innovation in analysis, I can only offer the tentative opinion that Constans probably did not intend to permanently forgo the benefits of having both a praetorian and an urban prefect, but that he conceived of the two

⁶⁸ *PLRE* 1 Hermogenes 3, 423. Cf. Barnes 1987, 218-20.

⁶⁹ *Lib. Or.* 59.164 (trans. Lieu and Montserrat 1996); Jones 1964, 384-5.

⁷⁰ Cf. *Amm.* 27.3.8-10, where Ammianus highlights the fact the urban prefect Lampadius fled as far as the Milvian Bridge, a little more than one-and-a-half miles from the Aurelian Walls; the fact that the Milvian Bridge was specifically noted might indicate this was poor form for an urban prefect.

offices at once (or three including the consulship) as a way to honour Ulpus Limenius above and beyond what was normal from a prominent *vir illustris*.

It is possible using prosopography to build a narrative of the praetorian prefecture under Constans, and to see the exigencies that drove the transformation of this office. First, a great increase in territory, and the question of whether the government of Constantine II should be absorbed or managed separately. The appointment of a second, regional prefect suggests the latter solution, but it was perhaps the force of personality of the irreplaceable Fabius Titianus that ensured the prefecture did not relapse into the old model. The praetorian prefecture of Gaul had never before, and would never again, be held by a single man for so long, and one might wonder if Constans allowing this monopoly on high office created conditions in which he, himself, became replaceable.

In Italy and Africa, the evidence indicates the praetorian prefecture was less stable. Aconius Catullinus probably did not last more than a year (before 24 June 341 to before 6 July 342) and his successor Furius Placidus held office for between two and four years (from 342 until after 28 May 344 but before 22 May 346). During Furius Placidus' tenure, his prefecture was split with Anatolius, who became prefect of Illyricum. Vulcacius Rufinus replaced Furius Placidus as praetorian prefect of Italy and Africa at some point before 22 May 346, and served until he took up Anatolius' position as praetorian prefect of Illyricum, probably when Ulpus Limenius became urban and praetorian prefect on 12 June 347. Vulcacius Rufinus remained as prefect, as did Ulpus Limenius until his death on 8 April 349. Eustathius stepped in until Hermogenes was appointed his successor on 19 May 349. The overall picture this paints appears messy and disorganised, with an inability to find stable office holders to match Fabius Titianus. But it is an impression created only by a paucity of evidence, by a decade of administrative history being truncated into half a paragraph. In fact, the turnover of prefects of Italy and Africa seems well managed; other than Aconius Catullinus (whose subsequent urban prefecture indicates Constans was happy with his service), all Constans' praetorian prefects held office for multiple years, and even in the case of the unexpected death of Ulpus Limenius, he seems to have been able to quickly find an appropriate and qualified candidate. Moreover, his gradual attachment of praetorian prefects to particular territories seems deliberate and sensible, and indeed it was an innovation that would go on to define the administration of the Later Roman Empire. The reshuffle that saw Vulcacius Rufinus reallocated from Italy to Illyricum is suggestive of a good eye for deploying manpower. Ultimately, there is little to suggest any kind of failure of governance in the administration of Constans. But that is not his reputation.

5.4 CONSTANS' EASTERN COURT

One recent theory, which has offered to add a little colour to the prosopographical narrative of the 340s, is that Constans stimulated opposition by favouring easterners in his court. It was first suggested by Jill Harries, who notes that 'Constans himself, reared as a child in Constantinople and the East, may have had a personal preference for the Greek world,' and identifies several of his appointees as probable easterners. Harries also suggests that Constans 'relied on a small group of tried and loyal supporters; this may have annoyed and frustrated other aspirants to high office...Hoping perhaps to break control of the western elites over government posts, he had relied too much on outsiders and a small core group of trusted advisors and administrators.'⁷¹ This idea seems to have embedded itself the zeitgeist of Constantinian studies: Adrastos Omissi, without citing Harries, echoes 'Constans had alienated himself from vested interests within his own Empire, with charges of favouritism perhaps suggesting that powerful men were being passed over for important positions.'⁷² He also attributes to the sources 'that he was showing favouritism to certain subordinates.' None of the sources he cites mention anything of the sort.⁷³ It would appear that this notion of alienation via favouritism has established itself by the back door; despite having no basis in the sources (indeed the only source to mention this praises Constans for the precise opposite),⁷⁴ it is taken as the axiomatic truth of Constans' relationship with his elites.

But the idea reaches its anachronistic zenith with Peter Crawford, who, quoting Harries directly, draws together the ideas of favouritism and East-West divide much more explicitly:

'There may also have been some regional feeling in the growing dislike of Constans... That there was some feeling of impediment to advancement in the west under Constans, through prolonged tenures and cultural favouritism, is suggested by a number of westerners travelling east to take up positions under Constantius. Such willingness of the Augusti to use officials of opposing origin might suggest a failure to recognise or care about any east-west divide within the empire.'⁷⁵

⁷¹ Harries 2012, 192 and 194.

⁷² Omissi 2018, 163.

⁷³ Ibid, 163 n.48.

⁷⁴ Lib. *Or.* 59.164.

⁷⁵ Crawford 2016, 66-7.

Prima facie, the evidence for this is compelling. Four of Constans' most senior and trusted officials, Marcus Maecius Memmius Furius Baburius Caecilianus Placidus, Anatolius, Vulcacius Rufinus, and Ulpus Limenius had all held political office in the East before serving as praetorian prefects under Constans.⁷⁶ Another praetorian prefect, Hermogenes, if we can judge from his name and early career, was possibly of eastern origin, and perhaps so were Orion, Flavius Eugenius, and Eustathius, who held a variety of offices in the consistory, if we can judge them from name alone.⁷⁷ But this is not a long list. And of all of them, we can only be confident that Anatolius of Beirut had an eastern origin. The others are purely anthroponomastic guesswork. Vulcacius Rufinus, Furius Placidus, and Ulpus Limenius all appear to have had familial links within Italy, not to mention Latin names. And indeed, it seems very unlikely that people like Ulpus Limenius could arrive from their service in the East and rise so far and fast without already having substantial ties to the western court.

There certainly was a degree of diversity of origin in Constans' court, but mobility in this period was high. It appears to have been fairly typical for officials to serve in one region early in their careers, before moving to another region later. There were as many officials who followed the career path of serving in Constans' African territory before moving to more senior roles in western Europe as there were those who did so after serving in the East, such as Mecilius Hilarianus, Fabius Titianus, Aurelius Celsinus, Flavius Lollianus Mavortius, and Aconius Catullinus. These were not unknown easterners or Africans being brought in on Constans' unpopular initiative, these were serious political figures who must have had well-established support in the West. To categorise them in terms of 'western' and 'eastern' ascribes to Constans' court an anachronistic insularity and xenophobia. It was not, as Crawford puts it, 'a failure to recognise or care about any east-west divide.'⁷⁸ Rather, it was a reflection of the mobility of elites and interconnectivity between two halves of a newly divided empire.

⁷⁶ Furius Placidus and Vulcacius Rufinus were both *comites Orientis, Aegypti et Mesopotamiae*; Anatolius was *vicarius Asiae*; Ulpus Limenius was proconsul of Constantinople.

⁷⁷ Harries 2012, 192-3.

⁷⁸ Crawford 2016, 67.

A final consideration is that Constans, unlike Constantius,⁷⁹ was not criticised for his appointments.⁸⁰ The fact that many of his most senior officials went on to form Magnentius' government shows that Constans' removal was in no way caused by dissatisfaction with personnel. There is also little merit to the suggestion that a slow turnover of offices caused resentment among those waiting for advancement. Other than Fabius Titianus' long tenure, Constans seems to have replaced officials reasonably regularly. We do not have the evidence to pass judgement on most offices, but as we have seen he appointed considerably more praetorian prefects than Constantius did over the same period, he had four known *comites res privatae* (finance ministers) to Constantius' one, and he appointed twelve urban prefects of Rome in as many years, which was more than Constantine did in the preceding twelve years, and was more than Constantius and Julian would appoint in the equivalent period after they retook the West. On this basis, the West under Constans does not appear to be a court strangled by in-groups, but a land of administrative opportunity. It is certainly unfair to say Constans posed any kind of 'impediment to advancement in the West.' Regardless, the migration of the administrative elite around the empire probably says more about the elite's personal

⁷⁹ E.g. Aur. Vict. *Caes.* 42.24-5; Jul. *Ep.* 13 (389-90) and 51 (397B); *Pan. Lat.* 3.19.3-20.4.

⁸⁰ An exception is Libanius' attack on Constans' *magister officiorum* Eugenius, in a later petition to Julian in support of Aristophanes of Corinth. Libanius recounts that Eugenius, 'as a result of some marriage,' attempted to dispute some property of Aristophanes, who, rather than relinquish it or fight for it, 'fled the life of a city councillor and took up a military career' (Lib. *Or.* 14.10; cf. Harries 2012, 193 and 288-9). However, reading between the lines, it seems rather more likely that Aristophanes was pursuing a career in imperial service to evade his expensive obligations (*munera*) on the municipal council, a common enough get-out to have received a flurry of legislation in the 340s and 350s (*CTh* 12.1.31, 37, 38, 40, 43, 45), and Libanius is using the cliché of the rapacious official ('You know how greedy for everything such fellows were') to gloss over it. And indeed, Libanius rather shamelessly makes Aristophanes' return conditional on immunity from service on the council (14.44-7). A further half-exception is Vulcarius Rufinus, who Ammianus mentions in later life 'that he never let slip a favourable opportunity for gain, if there was hope of concealment' (Amm. 27.7.2), but this entails no criticism of Constans, or indeed any criticism of Vulcarius Rufinus' behaviour under Constans.

inclinations and familial commitments than it does about Constans and Constantius as employers.⁸¹

5.5 THE CONSULSHIP

For it has come to pass that the consulship is now a matter of wealth, not of men, because, of course, if it is offered to merit, it ought not to impoverish the holder.

~ *Historia Augusta, Aurelian* 15.5 (trans. Magie).⁸²

By the fourth century, and indeed long before it, the consulship had become an entirely ceremonial office. This is not to say that it was no longer important, but that its importance was for different reasons than the other offices of the *illustres*. As the highest office, which gave its occupants' names to the year, it was an extremely high honour to be bestowed with discrimination and care. Those who were awarded the consulship – and those who were not – can tell us something about the administrations of the emperors. How they were chosen can enlighten us further about how the empire was divided in the 340s. As discussed in Chapter 1.2, this was a sticking point for Jean-Rémy Palanque, who could not answer how there could

⁸¹ For example, Anatolius' enthusiasm for Greece may go some way toward explaining his desire to have his praetorian prefecture in Illyricum. On the other side of the coin, some postings were less desirable than others. In later years, Julian was far from enamoured with 'the boorishness of the Gauls and the winter climate' (Jul. *Ep.* 1), and there was even a story at some point that Eusebia had secured his appointment because she could not face travelling there herself (Amm. 15.8.3). It is easy to imagine why an Italian aristocrat might seek an exotic posting early in their career, while hoping to hold future offices closer to home. I doubt the emperors minded sharing officials; if anything having their former officials in another emperor's court was a benefit.

⁸² The consuls mentioned in this passage suggest that this section of the *Historia Augusta* was written in or shortly after 343, and makes a contemporary comment on the consulship in this period. The date is controversial, as the author purports to be writing early in the fourth century, and Momigliano, perhaps esteeming the author's consistency more than is merited, suggests he would not give himself away 'by such childish anachronisms' as reference to a consul of 343 (Momigliano 1960, 140).

be true division if only one emperor could appoint consuls.⁸³ The answer, which evidences division rather than hierarchy in this period, is that there was a system of nomination by eastern and western courts.

However, before discussing the consuls in detail, it is important to stress that although there is every appearance of a system of nomination, with each emperor putting up one consul for each year, we should not oversimplify how they negotiated appointments to the highest dignity of the empire. As Benet Salway puts it, the consulship was ‘the rightful concern of both emperors,’ and we should not discount the importance of mutual consent.⁸⁴ Evidence of coordination and disagreement throughout the period are suggestive of this process of communication and negotiation. Furthermore, there should also be a healthy scepticism of ‘eastern’ and ‘western’ appointees. As the previous sections have shown, the elites of the empire were not tied to particular regions within it, and both emperors showed favour to elites from outside their own territorial sphere. It would be naïve to assume that any easterner must be an appointee of Constantius, and any westerner must be an appointee of Constans. I have used which emperor they served in official capacities as a more consistent guiding principle, but, as will be seen, there was often more to it than that. Certainly there was nothing to stop, for example, an eastern emperor nominating a Roman aristocrat who served as a western official.⁸⁵ It is difficult to frame the discussion of the consulship of the 340s without at times using language that seems to disregard some of these caveats. So perhaps the best thing is to mention them here and bear them in mind as we try to associate consular nominations with particular emperors insofar as is possible, and build a prosopography of the consuls of the 340s.

⁸³ Palanque 1944, 49 n.1.

⁸⁴ Salway 2008, 302.

⁸⁵ Ibid, 301-2.

The Consuls of the 340s⁸⁶

	Consul prior <i>Nominating emperor</i>	Consul posterior <i>Nominating emperor</i>
337	Fl. Felicianus <i>Constantine</i>	T. Fabius Titianus <i>Constantine</i>
338	Fl. Ursus <i>Constantine II?</i>	Fl. Polemius <i>Constantius?</i>
339	Constantius II	Constans I
340	Septimius Acindynus <i>Constantius</i>	L. Aradius Valerius Proculus <i>Constans</i>
341	Antonius Marcellinus <i>Constans</i>	Petronius Probinus ?
342	Constantius III	Constans II
343	Furius Placidus <i>Constans</i>	Fl. Romulus ?
344	Fl. Domitius Leontius <i>Constantius</i>	Fl. Bonosus (in West, to April/May) <i>Constans?</i> Fl. Iulius Sallustius (East all year, West after May) <i>Constantius</i>
345	Fl. Amantius ?	M. Nummius Albinus ?
346	Constantius IV	Constans III
347	Vulcacius Rufinus <i>Constans</i>	Fl. Eusebius <i>Constantius</i>
348	Fl. Philippus <i>Constantius</i>	Fl. Salia <i>Constans</i>
349	Ulpian Limenius <i>Constans</i>	Aconius Catullinus <i>Constantius?</i>
350	Fl. Sergius ?	Fl. Nigrinianus ?

⁸⁶ Adapted from *PLRE* 1, 1044.

The first consuls under the new emperors, those of 337, would have been chosen the year before by Constantine. They were the Christian *comes Orientis*, Flavius Felicianus, and our prosopographical stalwart Fabius Titianus. Their successors in 338 were the first consuls to be chosen by the new emperors: two Flavii by the names of Ursus and Polemius. Ursus is little known. It is possible he is the *magister utriusque militum* written to by Apsyrtus,⁸⁷ but this has to be weighed against the fact that of the twenty-one *magistri militum* appointed by the sons of Constantine,⁸⁸ all are either *magistri equitum* or *magistri peditum*, none are *magistri utriusque militum*. Given that it is not even certain Apsyrtus was writing in the fourth century, it is wise to disassociate the Ursus who held the consulship in 337 from the Ursus who may have been *magister utriusque militum* at some unknown point.⁸⁹ Polemius is not much better attested, but was apparently a *comes* under Constantius in 345.⁹⁰

T. D. Barnes attempts to draw a connection between the consulship of Ursus and Polemius and the dynastic murders of 337. He suggests Ursus and Polemius were probably generals, and notes the significance of Firmicus Maternus' dedication of his *Mathesis* to the '*ordinario consuli designato*' Lollianus.⁹¹ This must be Q. Flavius Maesius Egnatius Lollianus Mavortius, and as the *Mathesis* was certainly written before Constantine's death, Lollianus must have been designated consul by Constantine and had his designation cancelled to make way for Ursus and Polemius instead.⁹² Barnes makes no explicit point, but the juxtaposition of the dynastic murders, Lollianus' cancelled consulship, and the elevation of probable generals in his place, makes it clear Barnes was considering whether Ursus and Polemius were being rewarded for using military action to support the succession. Barnes is rightly cautious, but as this is such a superficially appealing theory it is worth considering in explicit terms.

The critical point is whether or not Ursus and Polemius were generals. The evidence of Apsyrtus is not secure, as discussed above. There is also an Ursus mentioned in seventh century hagiographic source for St Nicholas, where he is one of three generals sent to put down a revolt

⁸⁷ Στρατηγότης in *Hipp. Cant.* 80.1, translated to *magister utriusque militum* in *PLRE* 1 Fl. Ursus 4, 989. Mason 1974, 87, translates this term as *dux exercitus*, which in this period must be considered the same thing.

⁸⁸ *PLRE* 1, 1112-3 (including those appointed by Constantius to serve under Julian).

⁸⁹ For a summary of the problematic dating of Apsyrtus, see McCabe 2007, 123-7.

⁹⁰ *PLRE* 1 Fl. Polemius 4, 710; Athan. *Hist. Ar.* 22.

⁹¹ Barnes 1981, 262 and 398-9 n.17-8; Firmicus Maternus *Math.* 1 praef. 8.

⁹² *CLRE* 19; *PLRE* 1 Q. Flavius Maesius Egnatius Lollianus signo Mavortius 5, 512-4.

in Phrygia, who are falsely accused before Constantine and eventually rehabilitated with the help of the saint.⁹³ The credibility of this source is thrown into question by the numerous other officials who are mentioned. Ablabius is verifiable as Constantine's praetorian prefect, but one of Ursus' companions, Nepotianus, seems unlikely to be the same Nepotianus who married into the imperial family and held the consulship of 336, and all the other officials are not identifiable at all: Eupoleonis or Herpylion or Apilion, Ursus' other companion; Datianus the judge; Eustathius the *praeses*, presumably of Lycia (although reference is also made to 'in what fashion you administer your princely prefecture'); and Eudoxius and Simonides, the 'heads of state'. Constantine and Ablabius could have still been well-known in the seventh century, but the lack of supporting evidence for the existence of all these other officials suggests they are fictional, and makes it very dubious whether we can identify the Ursus of this story with a historical figure. Therefore, the theory Ursus was an eastern general at the time of the succession must be regarded with a great deal of cynicism. The theory that his consular colleague, Polemius, was also a general at this time has no evidence at all to support it.

As for the displacement of Lollianus, it is hardly surprising that the new emperors would want to nominate their own consuls, and there is nothing else to link the replacements to the upheaval of the succession. Nor is it likely that Constantius would remove generals of proven loyalty from their commands in order to join the *clarissimi*.⁹⁴ Nonetheless, given that Polemius was later made a count by Constantius and probably dedicated the *Itinerarium Alexandri* to him, it is tempting to attribute his consulship in 338 to the emperor in the East.⁹⁵ If this is the case, then Ursus must be an appointee of Constantine II simply by process of elimination, as it is inconceivable the first two consuls of the new regime were only associated with the two junior emperors. Especially since the consuls of the previous year, though Constantine's nominees, can both be linked with the two junior Augusti, and the two junior Augusti would have their own consulship the following year: 339.

⁹³ Trans. in Jones 1978, 29-36.

⁹⁴ Amm. 21.16.2 mentions Constantius did not advance military commanders to senatorial rank, '*nec sub [Constantio] dux quisquam cum clarissimatu provectus est.*' This is more likely to mean he did not allow concurrence of offices, or that he did not promote commanders directly to *clarissimus* rank.

⁹⁵ Although it should be noted that Polemius might have been western in origin, as his Latin appears to have been better than his Greek in *It. Alex.* (Lane Fox 1997, 243).

This was to be the first imperial consulship in a decade. The last had been held by Constantine and Constantine II in 329. This, in 339, was Constantius' second consulship (his first was with his father in 326), and Constans' first. What is significant about 339 is first that Constantine II did not hold a consulship, despite being senior Augustus, and secondly that this first imperial consulship of the new regime was in 339, and not in 338 as we would expect in celebration of the acclamation as Augusti. On the first point, Salway rightly objects to the suggestion of *CLRE* that Constantine II was 'overruled and excluded by his junior colleagues,' suggesting instead that the senior Augustus, having held already held four consulships to Constantius' one, 'could afford to be magnanimous.'⁹⁶ Perhaps Constantine II considered it important that Constans should ascend to the consular dignity, and that Constantius should hold a second consulship at the same time in order for the seniority of the imperial college to be reflected in the number of consulships held. Perhaps alternatively, or additionally, he considered that forgoing the consulship at a time when he would obviously be expected to hold one would publicly demonstrate the confidence he had in the strength of his position. It would show that unlike his junior colleagues, *his* name had no need of further adornment. The other possibility is that Constantine II simply did not care much for holding honorific office.

An ostentatiously laid-back approach to the consulship might also go some way to explaining why Ursus and Polemius occupied the consulship of 338, instead of the emperors. The alternative explanations are weak. Barnes' implicit suggestion that they distinguished themselves in the succession, or were otherwise important to the sons' continued tenures, is frustrated by the fact that there is very little evidence that Ursus or Polemius were politically significant figures. They barely feature in the historical record other than as consuls, except for Polemius' mention as a *comes* seven years later, which is hardly suggestive of him being a critical figure in Constantius' government.⁹⁷ Chantraine's tenuous explanation is that the negotiations over territory and sovereignty extended into 338.⁹⁸ There is no other evidence for negotiations into 338, and the locations of the Augusti seem to preclude this. Moreover, there is no reason why the consulship should be affected by other negotiations unless the consulship itself was a point of controversy. That it was is the *CLRE*'s tack, suggesting they postponed any imperial consulship to the following year because they could not agree on which of them would hold the office. This is weakened by the eventual resolution of the issue. If Constantine

⁹⁶ *CLRE*, 13-4 and Salway 2008, 301.

⁹⁷ Although *It. Alex.* suggests Polemius was a proactive courtier.

⁹⁸ Chantraine 1992, 5-6 n.11.

II had wanted to be one of the consuls of 339, it is implausible that his junior colleagues could – or would – have prevented him, and if Constantine II *had* been prevented from holding the consulship of 339, then he would certainly have nominated himself to the consulship of 340 instead.⁹⁹ Hence, *CLRE*'s explanation does not match the resolution of the issue, and Constantine II's ambivalence about the consulship cannot be avoided.

As it is clear Constantine II did not care to hold a consulship, and that in turn there was no impediment to Constantius and Constans becoming consuls a year earlier than they did, it must follow that they did not want to be consuls in 338 either. Perhaps this was all much in the same vein: much as the senior emperor was secure enough to forgo the consulship, so too could his junior colleagues afford to wait until after they had rewarded some of their dignitaries with the same honour. If the sons wanted to counter the impression of instability conveyed by the murder of many of their family members and the removal of the praetorian prefect, Ablabius, then declining to occupy the consulship as soon as it became available was certainly one way of doing it. If they wanted to reassure the *viri clarissimi* that a return to multiple rulers would not mean a return to near-perpetual imperial consulships, as had been the case for much of the period of the Tetrarchy,¹⁰⁰ then this was proof that senators would not be marginalised. A final possibility to consider is that the sons' negotiations in Pannonia continued until their acclamation as Augusti on 9 September 337. It may be that the Caesars felt themselves under pressure to confirm consular nominations somewhat earlier, at a time when they were still uncertain about the outcome of their negotiations, and they felt it better to avoid confusing matters any further with imperial consulships. This is all uncomfortably speculative, and there are many possible explanations, but none can be convincingly linked to the dynastic murders of 337 or to the later disagreements between Constantine II and Constans, as *CLRE* and Barnes have suggested. The overturning of Lollianus Mavortius' designation, the choice of Ursus and Polemius for 338, and the consulship of the junior emperors in 339 all remain open to interpretation.

⁹⁹ He did not, as Acindynus and Proculus are attested as consuls from 19 January 340 (*CTh* 12.1.29), before Constantine II's death.

¹⁰⁰ There were thirty-two pairs of consuls between 293 and 324, of which (varying slightly depending on which consuls one recognises) twenty-three were imperial, or 72%. By comparison, of the thirteen pairs of consuls chosen by the sons between 338 and 350, only three were imperial, or 23%.

The consulship of 340 was held by two officials easily identifiable with Constantius and Constans, respectively: Septimius Acindynus and L. Aradius Valerius Proculus. Septimius Acindynus had been Constantius' praetorian prefect since before 27 December 338, and perhaps since the time of the succession.¹⁰¹ His consulship may be considered as something of a golden handshake, as he stepped down from his prefecture at some point during that year: he is last attested as prefect around 24-28 August 340, and was replaced by Fl. Domitius Leontius sometime before 11 October 340.¹⁰² It was certainly prudent to offer Acindynus a rather large carrot when enticing him from the most powerful office below the emperors, lest there be a repetition of the Ablabius incident (regardless of whether Ablabius had been a genuine threat or not when he was dismissed, accused of attempting usurpation, and summarily executed, the eastern court was no doubt keenly aware they needed to find a better way of processing redundancies).

Acindynus' colleague, L. Aradius Valerius Proculus, was another old supporter of Constantine, holding multiple administrative and court positions. He was doubly honoured by Constantine before the emperor's death, first with an honorific inscription in the forum, and secondly with the urban prefecture of Rome, which he held from 10 March 337 to 13 January 338.¹⁰³ Although he had not been appointed by Constans, he was one of his most senior officials for over seven months, and it is tempting to attribute his nomination to Constans, especially given a probable family connection to Constans' later praetorian prefect, Vulcacius Rufinus.¹⁰⁴ However, considering Valerius Proculus' career history, and the fact that with three emperors

¹⁰¹ First attested on 27 December 338 in *CTh* 2.6.4. Acindynus' tenure depends on how long Valerius Maximus served as a praetorian prefect of Constantius after his attestation on 2 August 337 in *CTh* 13.4.2. Given the timing and his limited attestation, he may have been a stopgap appointment. See note to Chapter 2.2.

¹⁰² *P. Vindob. Sijp.* 5 and *CTh* 7.9.2. The subscription of the latter is slightly suspect (Barnes 1992, 253 n.19), but is bolstered by the fact that Domitius Leontius takes precedence over Fabius Titianus on inscriptions listing the prefects, confirming he became prefect sometime before early 341.

¹⁰³ *CIL* VI 40776; *PLRE* 1 L. Aradius Valerius Proculus signo Populonium 11, 747-9.

¹⁰⁴ Valerius Proculus was probably related to Valerius Maximus (*PLRE* 1 Valerius Maximus 49, 590-1), who probably married a sister of Vulcacius Rufinus, as his probable son is described as a nephew of Rufinus Vulcatius [sic] (*Amm.* 21.12.24). See hypothesised stemma at *PLRE* 1, 1147.

there could not be a nominee each, it seems more likely that Valerius Proculus was chosen because of his mutual acceptability. Acindynus, despite being Constantius' praetorian prefect, may have had a similar tripartisan appeal, being a Roman aristocrat from a consular family.¹⁰⁵ It may be significant that Acindynus became consul prior and Valerius Proculus consul posterior, given that of the two, Proculus was the more distinguished. Salway notes that under Constantine, 'whenever a *novus homo* shared the fasces with a man from an established senatorial family the parvenu consistently precedes the aristocrat.'¹⁰⁶ However, there is little to suggest that this convention continued under the sons, and while Acindynus was perhaps not from so noble a family as Proculus, he was still the son of an *illustris*. Alternatively, it is possible Acindynus took precedent as a current as opposed to former praetorian prefect.¹⁰⁷ It is interesting is that Acindynus and Valerius Proculus both had wide-ranging careers across the empire under Constantine.¹⁰⁸ Both had opportunities to become acquainted with the sons as Caesars at the court of Constantine. So while Acindynus can be identified as an official of Constantius and Valerius Proculus as an official of Constans, each had a much longer history of service to the Constantinian Dynasty and can be presumed to have connections to and supporters in multiple emperors' courts. Rather than seeking an explanation in Acindynus' and Proculus' relationships with individual emperors, it is more convincing to consider them as high-status individuals who could be agreed upon by the imperial college as a whole. The mutual acceptability of Acindynus and Proculus to all three emperors can be taken as an indication of the undivided nature of the empire prior to 340, without the separated nominations and partisanship which indicate division after the death of Constantine II.

The consular nominations for 341 cannot have escaped the shadow cast by the civil war of 340. The dynamic, we can imagine, was a conflicted one. On the one hand, Constantius was now indisputably the new senior Augustus, in both age and imperial tenure. Yet Constans had already shown his disregard for Constantine II's seniority, and he now held a far larger share

¹⁰⁵ His mother was apparently Greek, but his father is described in the *toga picta* in Symm. *Ep.* 1.1. Acindynus owned a villa in Baul that came into Symmachus' possession, suggesting he was established in the West despite his service in the East.

¹⁰⁶ Salway 2008, 299.

¹⁰⁷ It does not seem likely that before 340 the seniority of the consul was related to the nominating emperor.

¹⁰⁸ *PLRE* 1 Septimius Acindynus 2, 11, and L. Aradius Valerius Proculus signo Populonium 11, 747-9.

of the empire – but much of this was new territory, manned by forces of uncertain loyalty. Constantius, who had problems of his own, appears to have adopted a policy of support for his brother. He was not happy with the situation, and would later recriminate against one of the little-known architects of the civil war,¹⁰⁹ but he was cooperative with the consuls of 341; both were designated far enough in advance that there was no post-consular dating from the previous consulship, and the consul prior was Constans' praetorian prefect, Antonius Marcellinus.¹¹⁰ Antonius Marcellinus had undertaken the consolidation of Constantine II's territory and had no doubt been an important and influential figure in the tumult of 340. Much like Septimius Acindynus, Antonius Marcellinus also stepped down from the prefecture during his consulship. His colleague was one Petronius Probinus, who would later hold the urban prefecture of Rome under Constans from 345-6. It would be anachronistic to say this later prefecture marks him as a particular supporter of Constans when he was designated in 340. Perhaps he was chosen more for the nobility of his name and his appeal to the imperial college and aristocracy rather than as a reward for any particular service.¹¹¹ Or perhaps Constantius gave Constans a free hand choosing the consuls of 341 as he was in greater need of rewards for his supporters after the civil war with Constantine II.

The next year, 342, saw another imperial consulship, Constantius' fourth and Constans' third (the role of imperial consulships will be discussed more fully below).

In 343, M. Maecius Memmius Furius Baburius Caecilianus Placidus became consul prior, and Flavius Romulus became consul posterior. The polyonymous Furius Placidus was another of Constans' praetorian prefects, and since he had recently served as Constantius' *comes Orientis, Aegypti et Mesopotamiae iudex sacrarum cognitionum*, he was probably a popular choice with Constantius as well. His colleague, Flavius Romulus, was a man about whom we know nothing, although Salway suspects he may be the same man as the *magister equitum* who fought for Magnentius at Mursa.¹¹² If this is so, we might expect Romulus to have been active in Constans' half of the empire leading up to Magnentius' usurpation in 350, but this says

¹⁰⁹ Amm. 21.6.1-3 (see Chapter 4.5).

¹¹⁰ *CLRE* s.a. 341, 216-7.

¹¹¹ Although Ammianus, when attacking Petronius Probinus' corrupt son, Sextus Claudius Petronius Probus, mentions the integrity of the family (*'prosapiae suae claritudo,'* Amm. 30.5.4).

¹¹² Salway 2008, 306-7: i.e., that *PLRE* 1 Flavius Romulus 3, 771, is the same as Romulus 2, 771.

nothing about his activities or position when he was nominated in 342. Whether he was awarded the consulship by the agency of Constantius or Constans or by common agreement is entirely unknown.

The following year, 344, presents an interesting conundrum. In the East, Flavius Domitius Leontius (Constantius' praetorian prefect, who may have stepped down during his consulship as had Antonius Marcellinus and Septimius Acindynus)¹¹³ and Flavius Iulius Sallustius were both recognised as consuls all year. In the West, however, Flavius Bonosus was recognised as Leontius' colleague until April or May, after which Sallustius was recognised in his stead. Leontius was an easterner, probably from Berytus, and appears to have been a relatively new man: an inscription from Berytus describes how his merits propelled him by single steps of honours to the summits of the prefecture and consulship (*'provocantibus eius meritis quae per singulos honorum grados ad hos [e]um dignitatum apices provexerunt'*).¹¹⁴ The erection of this statue to Leontius came at the direction of the provincial assembly of Phoenice, with the confirmation of the emperors, which is probably the reason the inscription is in Latin rather than Greek. But the text itself appears to come from the mouth of the *ordo* of Berytus, and with the inscription's emphasis on climbing up by merit, the *ordo* seems to have been proud of the heights Leontius had reached by his own endeavour, and that he was not of a particularly distinguished background.¹¹⁵

Leontius's consular colleague was Flavius Iulius Sallustius, who had been a *comes* and *magister peditum* in the East, and can safely be described as Constantius' man. The identity of his rival Flavius Bonosus is critical to the understanding of the two *consules posteriores* in 344. The *PLRE*, Salway, and Woods are right to agree (contra *CLRE* and Barnes) that the Flavius Bonosus who held the consulship in 344 is the same man as the *magister equitum* Bonosus written to by Constantius in 347.¹¹⁶ The fact that Bonosus was a senior military official of

¹¹³ On the basis that Flavius Philippus is attested as praetorian prefect of the East by the autumn of 344 (see below).

¹¹⁴ *CIL* III 167; *PLRE* 1 Fl. Domitius Leontius 20, 502-3; laststatues.classics.ox.ac.uk, LSA-1190 (U. Gehn).

¹¹⁵ Although Leontius is not one of the various praetorian prefects of Constantius who Libanius singles out for their humble backgrounds in *Or.* 42.21. (This is a slippery passage, discussed in Skinner 2013, 22-7).

¹¹⁶ *PLRE* 1 Flavius Bonosus 4, 164; Salway 2008, 304-6, followed by Woods 2012, 896; contra *CLRE* s.a. 344, 222 and Barnes 1993, 313 n.22. Written to in 347: *CTh* 5.6.1.

Constantius in 347 does not, however, say anything about his position in 344 – or rather 343 when he must have been designated consul in the West. The *PLRE* suspects, reasonably, that he is identifiable with the man named on brick stamps in Pannonia, with variations on ‘OF ARN BONO MAG’ and ‘OF ARN BONO VP.’¹¹⁷ The equestrian rank *vir perfectissimus* indicates these brick stamps predate 343, as Bonosus would have gained senatorial rank along with his nomination to the consulship, which would mean Bonosus was active in the West when he was nominated consul.¹¹⁸

Salway’s argument for the resolution of this problem is compelling. He suggests it was simply an error. Salway reckons that it was Constantius’ turn to choose both consuls in 344, and that by mistake the western court ended up proclaiming the wrong *magister militum* of Constantius as consul, i.e. Bonosus instead of Sallustius.¹¹⁹ Woods refines the idea further by suggesting that rather than it being a blunder, Constantius changed his mind at the last minute, preferring Sallustius to Bonosus, and the western court did not hear in time and proclaimed the wrong man consul.¹²⁰

The ‘accidental consul’ theories are undeniably attractive, but they are predicated on some rather unsound foundations. To begin with their conclusions, neither Salway’s nor Woods’ quite make sense. Contrary to Salway’s own assertion that the consulship was ‘the rightful concern of both emperors,’ and that ‘the consular nominations of the 340s exhibit a high degree of careful negotiation between Constantius and Constans,’¹²¹ his theory depends on the assumption that the consuls of 344 were chosen by Constantius without any prior consultation of Constans. For Constans’ court to be misled by a clerical error, Constans could have had no input or right of veto on Constantius’ consular choices, which seems most unlikely. Woods’ theory is undermined by this assumption as well, but also by the distances involved.¹²² Granted a last minute decision of Constantius would not have reached Constans by the beginning of the year, but nor – given Constantius would have realised the urgency of communicating this last-minute decision – can it truly have taken until April or May for Constans to learn Sallustius was consul, rather than Bonosus.

¹¹⁷ *CIL* III 4669 a-b, 11376 a-g, suppl. 14360³ *ad* 11376.

¹¹⁸ *PLRE* 1 Flavius Bonosus 4, 164. *Pace* Salway 2008, 306.

¹¹⁹ Salway 2008, 307-9.

¹²⁰ Woods 2012, 895-8.

¹²¹ Salway 2008, 302 and 306.

¹²² Woods 2012, 897-8.

The final and most critical issue is the pattern of consular nominations. Salway bases his theory on it being Constantius' turn to nominate both consuls, as he theorises that the previous consuls Placidus (reasonably) and Romulus (questionably) were both nominated by Constans.¹²³ However, a more convincing pattern would be the nomination of one consul per emperor, with the rough alternation of consul prior and posterior. Thus in 340 Constantius nominated Acindynus and Constans nominated Valerius Proculus; in 341 Constans nominated Antonius Marcellinus and (presumably) Constantius nominated Petronius Probinus; Constantius nominated himself as consul prior in 342 with Constans as his colleague; it then reverted to Constans to choose the consul prior for 343, Furius Placidus, and Constantius (presumably) nominated Flavius Romulus; in 344 it would have been Constantius' turn to nominate the consul prior, Domitius Leontius, and Constans' turn to choose consul posterior; in 345 it was Constans' turn to nominate consul prior (the consuls themselves are difficult to allocate); it was then Constantius' turn to nominate consul prior and he again nominated himself with Constans' as his colleague in 346; the pattern then continues predictably until 350 with the exception of 349, where Constantius appears to have nominated Constans' praetorian prefect, Aconius Catullinus, something which is not altogether implausible given the favour Constantius showed to the Roman aristocracy.¹²⁴

If one accepts that Constantius occasionally chose to nominate western aristocrats, which as Salway rightly suggests is perfectly explicable,¹²⁵ this pattern works entirely predictably and consistently and without problems. The difficulty, then, is explaining how problems did in fact arise in 344. One possibility is that the pattern of consulships had been disrupted at some point; as I suggested above, Constantius may have allowed Constans to nominate both the consuls for 341 as a way to promote stability in the West. Or the elusive Flavius Romulus might have been an official Constans was particularly keen to honour alongside Furius Placidus, to which Constantius conceded. Either scenario would account for Constantius feeling he was owed both consular nominations in 344, and so appointed both Domitius Leontius and Flavius Sallustius as consuls, while Constans nominated Flavius Bonosus as consul posterior in opposition to Sallustius. Alternatively, with the predominance of western consuls up to that point, Constantius may have been under pressure to put forward more nominees from the eastern court, and decided to try to use his authority as senior Augustus to do so, with the same result.

¹²³ Salway 2008, 306-7.

¹²⁴ Moser 2018, 111-7.

¹²⁵ Salway 2008, 301-2.

A final and attractive possibility is that Constantius simply did not recognise the merit or eligibility¹²⁶ of Bonosus, one of Constans' military officials, and put forward his own alternative. Any one of these plausible explanations could explain why Constantius and Constans proclaimed rival consuls in 344, and why they disputed only over the consul posterior and not Domitius Leontius. The fact that Constans' candidate, Flavius Bonosus, later served Constantius in a military capacity means nothing. Constantius could hardly have blamed Bonosus for his dispute with his own brother, and as has been repeatedly seen, there was little to stop individuals pursuing their careers in different parts of the empire.

The precise origin of Constantius and Constans' argument over the consuls of 344 is less important than the significance of the fact that they had one. As it cannot have been an accident, Constans briefly nominating a western consul posterior before accepting both the consuls appointed by the East points inescapably toward conflict between the Augusti. More precisely, it points toward a dispute originating with Constantius, as he either did not recognise Constans' choice of consul posterior for 344, or did not recognise Constans' right to choose a consul posterior for 344. While the systematic nomination of consuls seems like the sort of apparatus that would arise from a divided empire, this shows that there was still an element of unity, with the western consul being a concern of the eastern emperor. Constantius prevailed in this case, although whether by means of reason or compulsion is unknown.

However, the resolution of the conflict of 344 does not prove that Constantius was able to derive authority from his seniority. On the contrary, other incidents in the mid-340s, most notably the return of Athanasius to Alexandria (see Chapter 4.5) and the consulship of 346 (see this chapter, below), show that the two emperors clashed as equals. This was a significant failure of imperial collegiality, which contributes to our understanding of the empire of the 340s as a divided state (see Chapter 1.5). This is an important corollary to the discoveries in Chapter 4. Constantine II was not a modular unit of the imperial college who could be removed without consequence; on the contrary he was integral to its function in the 330s, both before and after the death of Constantine. Constans' attack on Constantine II did not just remove a member from the imperial college, it permanently upended its hierarchy and created an entirely new dynamic for imperial rule. It is also interesting that the initiative in the conflict of 344 appears to be coming from Constantius. While the more familiar evidence from the restoration of Athanasius paints Constans as the belligerent aggressor, here we see a counterpoint. Constantius was attempting to reassert his technical right to seniority over a junior colleague

¹²⁶ On the eligibility of military commanders, see Amm. 21.16.2, but cf. Salway 2008, 303-4.

who was having none of it. Whatever the nature of their dispute, Constans ultimately capitulated, and recognised Constantius' nominee, Flavius Iulius Sallustius, as consul in April or May 344.

Conflict was avoided the next year, 345, by the nomination of two nobles who were not particularly involved in imperial politics. Flavius Amantius is known only from his consulship, and his colleague M. Nummius Albinus had been a *comes domesticorum* and suffect consul but is otherwise unattested. It is reasonable to assume they were chosen as uncontroversial candidates after the dispute of 344.

In 346, it was Constantius' turn to nominate consul prior and he nominated himself, as he had two cycles before in 342. Constans was not a willing colleague, probably because he had another candidate in mind, and was forced to become co-consul himself out of convention. That imperial consulships should not be shared with non-imperial colleagues was established in the very early days of shared rule under Diocletian, and the last such consulship was that of Maximian and Pomponius Iunianus in 288; by the establishment of the Tetrarchy proper in 293, consulships held by emperors alongside lesser citizens were a thing of the past. If Constantius nominated himself consul prior, Constans would have felt he had little choice but to be consul posterior. Indeed, the fact that both imperial consulships in the 340s fell in years Constantius was to nominate the consul prior (which was the only appropriate consulship for him to hold as senior Augustus), as well as the much greater number of imperial consulships held by Constantius as sole Augustus in the 350s relative to the 340s, suggests that Constantius provided much of the impetus behind these consulships and was moderated by a reluctant Constans. In 346 reluctance turned to obstruction. Slow recognition in the East indicates the emperors had debated the consulship for some time, and when Constantius went ahead and declared both emperors consuls in the East, Constans declined to recognise his own consulship in the West for the entirety of the year.¹²⁷ There would not be another co-consulship between Constantius and Constans.

The year 347 marks a cautious return to propriety. Constans nominated Vulcacius Rufinus, as consul prior, an uncontroversial choice given the precedents of honouring praetorian prefects with the consulship, as well as Vulcacius Rufinus' personal history of service under

¹²⁷ *CLRE* s.a. 346, 226-7. Cf. Salway 2008, 305. Even long after the fact, the *Chronography of 354* dates the year as post. cons. Amanti et Albini. Although one of Constans' mints produced gold multiples of the brothers in consular robes (Barnes 1993, 265 n.21; *RIC VIII*, Siscia 105-6).

Constantius. In turn, Constantius nominated Flavius Eusebius as consul posterior, presumably one of his close supporters, if we can judge from Constantius' later marriage to Eusebius' daughter Eusebia and the promotion of Eusebius' sons to the consulship of 359. Both were safe and predictable choices.

The year 348 is much the same. Constantius nominated his own praetorian prefect, Flavius Philippus, and Constans nominated his *magister equitum*, Flavius Salia.

The following year, 349, saw something of a thaw, and a return to the favour Constantius had previously shown to western nobles. As it was Constans' turn to nominate the consul prior, he chose our old familiar Ulpian Limenius. In turn, Constantius chose the Roman aristocrat and former urban and praetorian prefect Aconius Catullinus as consul posterior. At first sight this might appear to challenge the theory of Constantius and Constans alternating their choices of consul prior and posterior, as Ulpian Limenius and Aconius Catullinus were both former officials of Constans. However, given the strength of the pattern otherwise, particularly in the later years of the 340s, I think it is well worth considering Aconius Catullinus as a candidate of Constantius. First, as a prominent noble worthy of the consular dignity, it is easy to imagine why Constantius would have thought him an appropriate choice. Secondly, the emperors had slipped into the habit of nominating praetorian prefects as *consules priores*.

Of the ten *consules priores* of the 340s, two are imperial, seven are current or former praetorian prefects, and only one is not: Flavius Amantius in 345, who may have been chosen precisely because he was not major figure in either administration. It is, then, entirely understandable that Constantius could want to continue the trend in 349, but he had already bestowed the consulship on all three of his own praetorian prefects. In fact, every praetorian prefect that had served under the sons was rewarded with the consulship, with a few exceptions. Ambrosius, if he was in fact Constantine II's praetorian prefect, did not reach the consulship before his emperor's downfall. Fabius Titianus was not appointed consul by the sons, either because he had already been appointed by Constantine in 337 or because he never retired his praetorian prefecture before Constans was overthrown. Anatolius never reached the consulship, perhaps because he was too young to be awarded it after his first prefecture, and died during his second prefecture. And finally Maiorinus was never consul, although his status as a praetorian prefect of Constantius in the 340s is decidedly unlikely. The *PLRE* finds it likely that Maiorinus was a praetorian prefect in a time of more than one emperor, or that he served more than one emperor, at some point before 357.¹²⁸ Given that, including Caesars, the empire

¹²⁸ *PLRE* 1 Maiorinus 1, 537-8.

had been under the rule of multiple emperors continuously since 285, with the exception of the year between the death of Gallus and appointment of Julian (354 to 355), this does not especially narrow it down, although the fact Maiorinus' son was active in the 360s is suggestive of a Constantinian date. The *PLRE* speculates that this may have fallen between Domitius Leontius and Flavius Philippus, at some point between the former's last secure attestation (6 July 344) and the latter's first (28 July 346).¹²⁹ However, Flavius Philippus appears in Socrates and Sozomen as the praetorian prefect who ejected Paul from Constantinople in autumn 344.¹³⁰ There is, therefore, no gap where Maiorinus could have realistically held a prefecture between Domitius Leontius and Flavius Philippus, and nor is there any such gap until perhaps 350, when Flavius Philippus probably accompanied Constantius to Illyricum and another praetorian prefect may have been appointed to administer the East until Thalassius was made praetorian prefect to the new Caesar Gallus in the autumn of 351. This is, however, entirely speculative; it is sufficient to say Maiorinus was not a praetorian prefect in the 340s.

There were, then, only three living praetorian prefects who had served under the sons and had not held a consulship: Anatolius, Ulpian Limenius, and Aconius Catullinus. The latter two were something of an obvious consular pairing. They were acceptable to both emperors, explicable to everyone else, and conducive to the emperors' continuing good relations. When considered as part of the pattern of service and reward among Constantius' and Constans' senior officials, their appointment to the consulship of 349 makes perfect sense. If we accept that the system of consular nomination was a delicate matter with room for negotiation, and that the imperial college had wider interests than the dogmatic elevation of partisan supporters, and that the choice of consuls as a reflection of the emperors' interactions could reflect successes as well as failures, then the agreement of Constantius to appoint Aconius Catullinus as consul posterior presents significant evidence for a return to harmonious relations in the later 340s.

The nominations for the following year, 350, were apparently decided in 349, but their acceptance was disrupted by the usurpation of Magnentius and the murder of Constans in 350. The consul prior was, by all accounts except one, Flavius Sergius. He is not otherwise known,

¹²⁹ *PLRE* 1, 1049.

¹³⁰ Soc. 2.16 and Soz. 3.9. Most translations of Sozomen have Philippus as prefect of Constantinople. This is an error, as the Greek has γράφει Φίλιππῳ τῷ ὑπάρχῳ ἐν Κωνσταντινουπόλει ὄντι, so writing to the prefect in Constantinople, and Constantinople did not have a prefect until the later 350s in any case. For the date, see Barnes 1993, 214.

and given his old Roman name was perhaps chosen for his nobility rather than his importance. His colleague was Flavius Nigrinianus, a man who was presumably an Antiochene and supporter of Constantius, based on the career of his son Florentius (who was deputy to Constantius' *magister officiorum* during the Silvanus affair and was *magister officiorum* himself at the time he was condemned at Chalcedon; not to be confused with the Florentius who clashed with Julian as praetorian prefect and was consul in 361).¹³¹ One non-extant inscription from Rome names a Flavius Anicius instead of Flavius Sergius. The date is given 'III·KAL/MA·FL·ANICIO·ET/NIGRINIANO·CONSS.' Depending on whether MA stands for Martius or Maius, the date could be either 27 February or 29 April 350. If it is the former, then it is possible it is connected to the usurpations of Magnentius and Nepotianus, and the western consul was temporarily replaced while retaining Nigrinianus as the legitimate consul nominated by Constantius (this possibility is explored in Chapter 6.5). Alternatively, it is possible 'Anicius' is simply an epigrapher's error, as suggested by the *PLRE*, or the consul prior may have been a Flavius Sergius Anicius whose signum was not well known outside of Rome. The *Chronography of 354* certainly attests other signa that are not elsewhere attested, such as Aconius Catullinus *Philomatius*.¹³² But, once again, the evidence does not permit us to draw conclusions.

5.6 CONCLUSION

The consulship continues to offer invaluable evidence into the 350s, both with the contested consulships of the period of Magnentius' usurpation, and with the more heavily imperial consulships implemented by Constantius in the 350s, clearly reflecting both the appointment of two new Caesars, the insecurity of Constantius in the post-civil war context, and perhaps also a preference of Constantius for imperial consulships that had been constricted by the reluctance of Constantine in the preceding decade. But it is not the place to discuss these things here. As for the 340s, the pattern is very clear, and gives us insight into the processes by which consuls were appointed by the sons. The earliest consuls, chosen when Constantine II was alive and the imperial college had a functioning hierarchy, appear to have been chosen *ad hoc*, to cement the sons' position in power. Ursus and Polemius in 338 responded to the slow and uncertain ascension of the sons; the subsequent imperial consulship of 339 conformed, in a

¹³¹ *PLRE* 1 Nigrinianus 2, 631, and Florentius 3, 363.

¹³² *PLRE* 1 Aconius Catullinus signo Philomatius 3, 187-8.

way, to expectation, but its delay and Constantine II's waiver of the office made a deliberate statement of their security and power; Acindynus and Proculus began to reward the senior officials instrumental to the regime. With the civil war of 340 and the death of Constantine II, the dynamic was completely upended. After the newly empowered Constans consolidated his expanded share of the empire, the appointment of consuls settled into a new rhythm: each emperor would nominate a consul each, subject to negotiation, and would alternate between nominating the consul prior and posterior. Imperial consulships were apparently counted as nominations, which would suggest the impetus for imperial consulships in this period came from Constantius.

It is an open question whether this system was itself negotiated, or whether it was – as is often the case – a pattern that emerged for no particular reason other than convenience, and became too well established by precedent to overturn. But there was no reason to do so. With two emperors managing the appointment of two consuls, this system could largely negate the problems that might arise from volatility in the imperial college. The main exception is seen in the consulship of 344, which came at a time of particular conflict between Constantius and Constans, leading up to the latter's threat of civil war in 345 over the restoration of Athanasius and Paul.¹³³ Owing to the prominently ecclesiastical nature of the sources for the 340s, as well as the abundant works of Athanasius, it is easy to see the relationship between Constantius and Constans in primarily religious terms, as a manifestation of the (so-called) Arian Controversy. But when Ammianus introduces Athanasius in Book 15, he does so without cross-referencing, and it is clear the Bishop of Alexandria has not featured at any point before.¹³⁴ As Barnes puts it, this 'implies that his account of the 340s omitted the Council of Serdica altogether and achieved the difficult feat of describing the dealing between Constantius and Constans after the council without ever mentioning the bishop of Alexandria,' because of Ammianus' insidious suppression of Christianity in his narrative of events.¹³⁵ No doubt Ammianus' slippery presentation of religious matters is decisive here, but at the same time the point proves it *was* possible for a detail-oriented historian to write a history of the 340s while entirely ignoring the ecclesiastical aspect to Constantius and Constans' interactions. There must, then,

¹³³ Soc. *HE* 2.22; versions are also preserved in Rufinus *HE* 10.20 and Phot. *Epit.* 3.12; the letter is also mentioned by Theoderet *HE* 2.6. See Barnes 1993, 89-90, for the letter's authenticity.

¹³⁴ Amm. 15.7.7-8.

¹³⁵ Barnes 1993, 166-7.

have been a great deal of personal and political conflict to provide a secular explanation for events. This recasts our understanding of the threat of civil war over Athanasius and Paul in 345. It was a part of a series of wider political and religious tensions that encompassed the choice of consuls for 344, the restoration of bishops in 345, the imperial consulship of 346, and no doubt other issues that have not survived into the sources. The question of seniority and authority was almost certainly a key stake in these tensions.

However, conflict should not be overstated. Much as we can identify evidence for tension, particularly in the mid-340s, we can also identify negotiation and cooperation. The consuls across a decade-long period are remarkably coordinated, and instances of disagreement are relatively rare. Constantius and Constans appear to have reorganised the administration of the empire after the civil war of 340 with considerable forbearance and pragmatism. Much as Constantius might have privately resented the overthrowing of Constantine II and the junior emperor's expectation of equal rule, he made concessions to keep the peace with his brother. Likewise, much as Constans might have wanted to pressure and even overwhelm his weaker brother, he showed no sign of trying to expand beyond his eastern borders, he gave way in the matter of the consuls of 344, and he showed considerable openness to appointing former officials of Constantius to western posts.

Nonetheless, nowhere is the difference between 337 to 340 and 340 to 350 clearer than in the appointment of consuls. The consulships of 337 to 340 reflect the difficulties and concerns of new emperors whose path to power had not been without obstacles, they reflect the needs of the imperial college to allocate the consular dignity to themselves and to officials, and most significantly they reflect collegial appointment. The consulship in the 340s is very different, with separate nominations from each imperial court, and disagreements arising from a lack of imperial hierarchy. The consulships of the 340s reflect division.

The other sections of this chapter have attempted to flesh out the character of this division. The reconstructed careers of officials like Ulpian Limenius and Anatolius show that there was not a sudden and hostile severing of the empire into rival states. While the apparatus of the state was divided, the governing elite continued to traverse territorial boundaries during the course of their careers, and maintain connections with multiple imperial courts. Nor, as section 5.4 argued, was this problematic in the divided empire. Division applied to institutions, and it was not (at least outside of religious circles) accompanied by any particular divergence of ideology or identity. This is one of the most significant features of the division of the 340s. Previous divisions based on conflict always had avenues for resolution and reunification, whereas a division based on consensus had much greater potential for stability and permanence. It was precisely the fact that the division of the 340s was peaceful and predominately

cooperative, and led to complementary administrative arrangements such as Constans' reform of the praetorian prefecture (as discussed in section 5.3), that made it a positive example for the future government of the Roman Empire.

As this chapter mentioned in the conclusion to section 5.3, when dealing with a poorly attested period with few known events, one is often forced to present very long periods of time in a very concise narrative. This invariably over-emphasises the importance of the few events that are known, and tends to lead to the characterisation of a period by the events that are probably attested because they were exceptional rather than symptomatic. This can be mitigated, if not entirely resolved, by turning to other kinds of evidence and other means of approach. The prosopographical approach is particularly worthy as it situates the emperors, about whom most is known, within the contexts of their wider governments, which were at least as, if not more, important. It de-emphasises the anecdotal and situates everything within a broader, encompassing picture of the structure of power in the period. In some cases, it corroborates what might be guessed from narrative sources: Constantius and Constans do indeed appear to have had a conflict in the mid-340s. In other cases, we learn something new: this conflict was not exclusively religious, but encompassed a political element that involved the appointment of consuls in 344, which probably originated in the consular nominations in the aftermath of the civil war of 340; it was not resolved with the return of Athanasius in 345 but continued into 346, where for a whole year Constans did not recognise his own consulship with Constantius as his colleague; there was finally a period of *détente* in the later 340s, which Ulpian Limenius, the former official of Constantius who went west to join the court of Constans, may have had something to do with. His elevation to the praetorian and urban prefectures coincided with the start of a period of undisturbed agreement over the appointment of consuls, which Ulpian Limenius himself would benefit from when he was elevated alongside Aconius Catullinus, shortly before his death in April 349.

Ulpian Limenius died on the brink of a revolution. Had he lived for another year, he would have witnessed the death of his emperor at the hands of a conspiracy of his own officials and officers. He would have seen the spectacle of another year of five emperors: Constantius, Constans, Magnentius, Vetranio, and Nepotianus, all of whom claimed the title Augustus, and all but one of whom would be dead or deposed within three years. Against the apparent stability of the Empire in the 340s, the events of 350 appear as a conflagration, with the old Roman enthusiasm for usurpation erupting after a rare period of peace. The reasons for this must lie in the government of Constans in the 340s, but they are difficult to detect because of the

systematic reshaping of Constans' memory after his death.¹³⁶ The same approach of widening the net, and using prosopography to build a clearer picture where other evidence fails, still has value, and will be carried into the next chapter, first with a consideration of the urban prefects of Rome in the 340s and early 350s, and then with a wider analysis of the kind of people who supported the removal of Constans from power. But the late Ulpian Limenius can no longer serve as our guide to the fluid events of the early 350s. For that we must turn to someone whose career in the 340s suggests a dependable, loyal, and effective ally of the Constantinian Dynasty, but whose life choices in the early 350s reveal a man who truly believed Fortune favoured the bold: the long-term praetorian prefect of Gaul, Fabius Titianus.

¹³⁶ See esp. Woudhuysen 2018.

Chapter 6

Fabius Titianus and the Urban Prefecture of Rome

High-status officials, the fall of Constans, and the future of dynastic division

6.1 INTRODUCTION

This chapter will follow on from ‘Ulpian Limenius and the West,’ and examine the administration of Constans in the 340s from a different perspective. Rather than look at Constans’ government at its most functional, it will look at it through the fragments left behind by its disintegration. In particular, this will rely on a prosopography of rebellion, looking at those who supported Constans’ removal, those who accepted it, and those who stayed loyal to the Constantinian Dynasty. Exploiting this snapshot of an administration in flux will enable a much finer-grained look at how Constans’ government functioned, and how far division was embedded in the wheels of state. It was with Constans’ assassination that we see his officials put their cards on the table. George Woudhuysen is right to worry that by looking at the 340s through the window of 350, we run the risk of telescoping the previous decade into a prequel to usurpation, with an excessive focus on causation over too long a time period.¹ This is certainly something that needs caution, and balancing against more neutral approaches (such as the previous chapter). Nonetheless it is a revealing way to show the extent to which the western administration was separable from the emperor, and its prospects of continuing as a separate entity from the East.

But before turning to this, this chapter will begin by considering the urban prefecture of Rome and those who held it; as will become apparent as the chapter progresses, the urban prefecture is something of an evidential nexus for the officials who defected to the usurper-government of Magnentius. We do not know much about the personnel that made up Magnentius’ government, and the urban prefecture is the only office for which we know who Magnentius appointed and when. Unfortunately, as we know almost nothing about Magnentius’ courtiers or holders of unofficial influence (such as wives or eunuchs), our evidence is inherently unbalanced. There is little that can be done about this except to accept the existence of a historical dark matter whose causative role will remain unknown, while approaching the urban prefecture as a facet and not the whole.

¹ Woudhuysen 2018, 159.

As the urban prefecture combines some of the most distinguished figures of the age with one of the only comprehensive attestations of an administrative office in this period, the study of the holders of this office is the keystone to any consideration of the 340s and the turbulent end to that decade, and is especially vital to any prosopographical methodology applied to this period. This chapter, then, will examine the urban prefects in much the same way as the previous chapter examined the consuls. And much as the previous chapter adopted a holder of the urban and praetorian prefectures and consulship to lead the way, so too shall this one, with the erstwhile Ulpian Limenius ceding his place to one of the most interesting and mysterious figures of the 340s: our eponymous guide to this stage of the thesis, Fabius Titianus.

But first it is important to consider the typical function of the urban prefecture of Rome. It is worth repeating the quote of Libanius that it was ‘held to be the peak of an administrative career.’² It was more than just prestigious, it was an office vital to the stability of the largest city in the empire. Although A. H. M. Jones, in an acerbic moment, describes the urban prefects as ‘carrying an official precedence out of proportion to their responsibilities and duties, which were not exacting... These offices were therefore in especial demand, particularly by members of the senatorial aristocracy who wished to maintain their prestige and precedence without an undue expenditure of effort.’³ This rather undersells an office which Anatolius – a man who twice sought out the praetorian prefecture of an active conflict zone – turned down due to the level of dissension in Rome.⁴

By no means was it a sinecure to appease the senatorial aristocracy, and we can glimpse its difficulties in the multiple anecdotes in Ammianus from the 350s and 360s, which, although they post-date our period, offer a flavour of the office in the fourth century. Orfitus had to deal with serious riots in his first prefecture, arising from a shortage of wine, and then the swooping down of Constantius and his armies for an intensely ceremonial and logistically challenging visit.⁵ Leontius was confronted by violent mobs after the arrest of a charioteer, and probably

² Lib. *Ep.* N4.13 (although in this context, Libanius’ remark is intended, at least in part, to flatter Anatolius).

³ Jones 1964, 385-6.

⁴ Lib. *Ep.* 391 [Foerster]: ‘dissension is rife in Rome, with the commons at odds with the Senate.’

⁵ Amm. 14.6.1 and 16.10.4ff.

had to carry out a papal abduction.⁶ Bassus suffered ‘mutinous disturbances,’ and died of natural causes.⁷ Tertullus would offer up his own children to arouse the pity of the populace to save his life in a famine riot.⁸ Symmachus survived his prefecture unscathed, but then had his house burnt down for a rumour he had said ‘he would rather use his wine to quench lime kilns than sell it at the price people hoped for.’⁹ His successor as urban prefect, Volusianus,¹⁰ also had his house attacked in the worst of many disturbances, and despite thwarting an effort to burn it down, he had to flee to the Milvian Bridge.¹¹ Volusianus’ successor, Viventius, was entirely unable to quell factional violence and had to retire to the suburbs.¹²

Not only were the urban prefects responsible for feeding and supplying a city that would punish shortfalls with violent disorder, they also had to manage one of the centre points of both inter- and intra-religious dissension, while being deputised into the absent emperors’ role of mollifying the senatorial elites. In addition to their very political role, they also had extensive administrative duties, including managing ports, public works, drainage, judicial duties, and supervision of trades and guilds.¹³ The life of an urban prefect must have been spent juggling the respective demands of an interweaving web of various social and economic classes, religious groups, and political, judicial, and administrative bodies, while also balancing the various duties attached to the average *vir illustris* – public benefactor, patron, *pater familias*, financier/land-baron – all while showing temperance, prudence, courage, and justice while conspicuously oozing *paideia* on the side, and on top of that maintaining a long-distance relationship with a suspicious emperor and conniving imperial court. One can only imagine the prefect Tertullus, having survived riots by the skin of his children’s teeth, listening in horror

⁶ Amm. 15.7.1-5 (charioteer; it may have been this that put off Anatolius at around the same time); 15.7.6-10 (abducting Liberius; it is not explicitly said that Leontius orchestrated this, but no one else in Rome would have the means or authority, and Ammianus clearly associated his abduction with Leontius’ prefecture. Barnes 1992b argues from this premise.)

⁷ Amm. 17.11.5.

⁸ Amm. 19.10.1-3.

⁹ Amm. 27.3.4.

¹⁰ C. Ceionius Rufius Volusianus, occasionally known as Lampadius.

¹¹ Amm. 27.3.8-10.

¹² Amm. 27.3.12.

¹³ Lançon 2000, 46.

as the exclamations of the Senate committed him to the losing side in the conflict between Julian and Constantius.¹⁴ One might also wonder why Fabius Titianus sought a second term.

This chapter will consider that particular question in due course, but first it will look at our foremost source for the urban prefecture of Rome in the first half of the fourth century, the *Chronography of 354*. Although this source has been briefly discussed in Chapter 1.3, its importance in underpinning our knowledge of the urban prefecture in this period means that it is worth discussing it more explicitly here. After this, the following section will go through the history of the prefecture from 337 to 350, in much the same way as for the consulship in the previous chapter, but it will be an easier job as many of the names will already be familiar. Then, this chapter will follow Fabius Titianus on to his second prefecture, through the rebellion of Constans' government against its own emperor, and the prosopographical conclusions that can be drawn from the will to revolution.

6.2 THE CHRONOGRAPHY OF 354

The urban prefecture of Rome attracts the attention of any historian of the 340s for two reasons: first, its significance as an office in Late Antiquity, and secondly, its unique attestation in the *Chronography of 354*. While in the study of praetorian prefects we are forced to patch together a motley collection of names and dates into an imprecise record, with the *Chronography of 354* we have an apparently comprehensive list of the urban prefects of Rome and their years of office from 254 to 354. From 288, the urban prefects also begin to be furnished with the precise dates on which they entered office, as well as editorial notes about their tenures. The list of urban prefects formed part of the larger *Chronography of 354*, originally a codex comprising calendars, reference lists, and illustrations, made by Furius Dionysius Filocalus for a Christian aristocrat named Valentinus in late 353 or early 354.¹⁵

It is curious that at no point in the manuscript is Valentinus given his full name, yet his calligrapher writes all three of his own names. Perhaps, if the *Chronography of 354* was commissioned as a gift, the use of a mononym was to emphasise a shared cognomen, for example if it were a gift between Avianus Valentinus and M. Aurelius Valerius Valentinus,

¹⁴ Amm. 19.10.1-4 (riots), 21.10.7 (exclamations), 21.12.24 (replaced as urban prefect by Julian).

¹⁵ Burgess 2012, 345-6 et passim.

who were probably related members of the Symmachi who shared only the name Valentinus.¹⁶ The likelihood of the *Chronography of 354* being commissioned by either one or the other of these individuals is greatly increased by the lack of viable alternatives. Normally this argument would not hold much water, but we know the commissioner of the *Chronography of 354* was a high-status Roman aristocrat, and this is a group that is prosopographically well attested in the mid-fourth century.¹⁷

The *Chronography of 354* was an artistic work, but it was also a practical one. Most of its sections contained information useful (or perceived to be useful) at the time. After the introductory dedications and illustrations of the Tyches of Rome, Alexandria, Constantinople, and Trier, the *Chronography of 354* includes a list of imperial birthdays, a list of the days of the week (including their hours and planetary influences), a list of the signs of the Zodiac and their influences, a calendar with days of games and birthdays, with auspicious and inauspicious days marked, consular portraits (of the consuls of 354, Constantius and Gallus) along with consular *fasti* from the founding of the Republic in 509 BC, a table of the dates of Easter, a list of the last century's urban prefects of Rome, lists of popes and martyrs and their places of burial, and finally a list of popes with some limited biographical information.¹⁸ These were not just matter of esoteric, antiquarian interest. The consular dating system, and habit of referring to periods of certain office holders (for example, Ammianus speaks of events 'in the second prefecture of Orfitus,'¹⁹ as its own distinct period), meant that being able to compare and relate various periods of office was extremely valuable. While some of this information would have been useful only rarely (Salzman's example is who, in 354, would need to know 'who was pope in 258 or consul in 259?'), the *Chronography of 354* as a whole would have been an extremely convenient resource for everyday consultation.²⁰ One can easily imagine its owner

¹⁶ *PLRE* 1 Avianus Valentinus 7, 936, and M. Aur. Val. Valentinus 12, 936, see Stemma 27, 1146.

¹⁷ Salzman 1990, 201-2.

¹⁸ Burgess 2012, 347-9. (The other surviving sections – the *Notitia Regionum Urbis XIV*, the *Liber Generationis*, the *Breviarium Vindobonense*, and the *Consularia Vindobonensia Priora et Posteriora* – were later additions to the original *Chronography of 354*).

¹⁹ Amm. 16.10.4, '*secunda Orfiti praefectura*.' This is reminiscent of consular dating, although Orfitus' name has not been rendered in the ablative as it would be in a consular date.

²⁰ Salzman 1990, 56-60 (quote at 57-8).

looking to find out who was urban prefect or pope when a particular ancestor was consul,²¹ or whether it really was five hundred years since the consulship of Cn. Cornelius Lentulus and L. Mummius Achaicus, when Rome had razed Carthage,²² or when was probable-relative-by-marriage Fabius Titianus erecting statues as *praef urbi* and when was he erecting statues as *iterum praef urbi*?²³ While its author and commissioner had wide-ranging interests in both content and aesthetics, a utilitarian aspect still underlies it. It is its practical purpose that provides the most compelling evidence for its accuracy: anyone wealthy enough to commission such an elaborate and elegantly illustrated codex was important enough to rely on its contents and powerful enough to insist on its accuracy.

This gives us reason to believe in the *Chronography of 354*, or at least in one of its most practical parts, the list of urban prefects. But can it be verified? On the one hand, the list does seem dependable, and as such is typically deployed by historians as a self-evidently reliable source of information. Details such as the carefully recorded absences of praetorian prefects, and the fact that the chronographer has not invented dates of office when he does not have them, buoy our confidence in the meticulousness of our source. But this is not the complete picture. The consuls that appear in the consular *fasti* are not coherent with those of the list of urban prefects. The former lists the consuls chosen by Constantius for 351-2 ('post Sergio et Nigriniano' and 'Constancio V et Constantio iun.') and the latter lists the rival consuls of Magnentius ('Magnentio et Gaisone' and 'Decentio et Paulo'). The use of 'Constancio' for Constantius, despite the correct 'Constantio' for Constantius Gallus, is another curious feature of the list of consuls, while the list of urban prefects amusingly jumps from Constantius' third consulship in 342 (the last recognised in the West until the fall of Magnentius) to his sixth in 353 without any explanation. This must have been obvious to Filocalus, and the fact that he did not correct these inconsistencies is a concern. However, the fact this is so glaringly obvious – no one in Rome can have failed to notice the fall of Magnentius – suggests the lack of correction is attributable to laziness rather than ignorance.²⁴ By no means does it necessarily

²¹ If the Valentinus of the *Chronography of 354* was indeed one of the Symmachi (see above), and Cameron 1999 is right to propose the Symmachi were prominent from the third century, then the period covered by the *Chronography of 354* would be very relevant to their family history.

²² In 146 B.C.

²³ See section 6.6 below.

²⁴ A failure to observe the Constantinian Dynasty's attacks on the memory of Magnentius would hardly have been a major issue for Valentinus or Filocalus; the 'damnatio memoriae'

compromise the integrity of the source he used. It does, however, help to date it. The list of urban prefects must have been a slightly out-of-date and possibly non-official source.²⁵

If it was a non-official source, with certain interpolations by copyists and perhaps by our chronographer, then this goes some way to explaining errors and inconsistencies (assuming these are not errors introduced to the manuscript by later copyists). For example, several urban prefects have their length of tenure noted, often inaccurately. Annius Anulinus' thirty-three days in office is given as 'd. XXXIII,' Publilius Optatianus' thirty days is given as 'd. XXXI' and his second prefecture of thirty-three days is given as 'd. XXXII,' Turcius Apronianus' 'menses III' is short by at least ten days, and Egnatius Lollianus 'm. III d. VI' is short by one day. This is calculated on the assumption that the urban prefects' tenures ended the day before their successors took office. If the day of changeover is counted in the previous prefect's tenure, then this resolves Annius Anulinus and Publilius Optatianus, but only increases the miscalculation of Turcius Apronianus and Egnatius Lollianus. It is possible the latter two notes were added to update an earlier list, using a different method of calculation, although in the case of the former it is too great a gap to be anything other than a copying error (missing the days to be added to the three months). All of this points to a process of later interpolation to an original list (along with probable updates to the list as well, to make sure it was up-to-date at the time of publication), which, while confirming there was scope for error by innumerate copyists, also increases our confidence in it as a source by the reassurance that the negligent author or authors of the notes was not the author of the overall work.

The copyist theory is also an attractive explanation for certain curious misspellings, such as 'Turgius' for Turcius and 'Catulinus' for Catullinus. The *Chronography of 354*'s offering of 'Neratius Caerealis' for Naeratius/Neratius Cerealis, however, provides an interesting little conundrum. The *Chronography of 354* is certainly in error with 'Caerealis': in a multitude of inscriptions and laws it is always 'Cerealis' (*PLRE* 1 Naeratius Cerealis 2, 197-9). The spelling of Neratius/Naeratius is less certain. In the inscription on his huge equestrian dedication to Constantius in the Forum Romanum, it is 'Neratius'. Yet in the dozen inscriptions on the statues with which he adorned his public baths, he is 'Naeratius' (*CIL* VI 1744a-1, 1745). His apparent son, Naeratius Scopius, spells his name the same way (*CIL* VI 1746, IX 1566, X 1253). This would suggest that the 'Neratius' spelling in both the *Chronography of 354* and on

was performative and symbolic, and had no need of enforced conformity to its narrative (indeed, conformity would undermine its dissonant effect on public memory).

²⁵ Salzman 1990, 283-6.

the statue base in the forum are errors. In the case of the latter, though, this seems unlikely. The statue base, despite some tightening of the letter spacing towards the right of the first three lines where the carver has started running out of space, and the poor centralisation of line four, is well-carved by the standards of Late Antiquity. The misspelling of his employer's name would be a rookie error for the carver who won such a prestigious commission, and such a monument was unlikely to be put up with the dedicator's name uncorrected. Moreover, the Neratii (a prodigious senatorial family) had traditionally always spelt their name 'Neratius'.²⁶

The solution presents itself in the dates. The *Chronography of 354* and the inscription in the forum both belong to the first half of the 350s, while the baths inscriptions postdate his consulship in 358. At some point in the mid-350s, then, Neratius Cerealis elected to become Naeratius Cerealis. Perhaps it was an affectation of some kind, or an attempt to rectify the unsatisfactory pronunciation of his name he might have encountered as his career took him outside of Italy.²⁷ The misspelling of 'Caerealis' in the *Chronography of 354*, then, might be tentatively attributed to confusion rather than negligence. It also raises the interesting question of in what medium the Chronographer acquired his information. Could the issue of spellings be answered, in part if not in whole, by the Chronographer hearing rather than reading these names, or compiling his list partly by memory? This is an alarming possibility given the quantity of scholarship that rests on the accuracy of this source. But on balance, the quantity of detailed information, with the insertion of unnecessary factoids that if the author was unconcerned with accuracy he would have omitted entirely, are suggestive of credibility.

The *Chronography of 354* is, on the whole, something of an oasis in the evidentially barren 340s. Since beggars cannot be choosers, this oasis has often been supped from by historians with a certain reluctance to look too closely at the source of its water. Since each urban prefect is given only a single date, the start of their tenure, and apart from the sporadic, inconsistent notes on length of tenure, there is nothing against which to test these dates. Even if each prefect was given an end date as well as a start, it would make it much easier to identify copying errors. As it is, there is nothing to be done except approach the *Chronography of 354* with caution, knowing on the one hand that there is good reason to have faith in the quality of its original

²⁶ If, as may well be the case, Neratius Cerealis was adopted (Salway 1994, 133), he would surely have been more conscious of the spelling of his new name rather than less.

²⁷ A parallel exists in the case of Mecilius/Maecilius Hilarianus. I am not sure how to relate that to this case.

information, and that as an expensive and laboriously produced document those errors we can identify are hopefully all there are; but knowing on the other hand that any errors in the dates or identities of the urban prefects will be, in the majority of possible cases, impossible for the historian to spot.

Fortunately, many of these considerations are a worst-case scenario; it is far more likely most of the known errors were introduced to the text in the near-seventeen-hundred years of transmission after its original production. My solution to the unknown quantity of potential errors (and it is not a particularly original solution) will be to take the list of urban prefects largely at face value, while starting on a note of caution here. I will also avoid basing critical arguments on chronologies that could easily collapse if a date were proved to be wrong.

EXCERPT FROM THE LIST OF URBAN PREFECTS IN THE CHRONOGRAPHY OF 354

Adapted from Divjak and Wischmeyer 2014, 442-467, adding modern dates and length of tenure.

Year	Consuls	Date	Prefect	Tenure	Rank
336	Nepotiano et Facundo	Cont. from 30 December 335	Rufius Albinus	436 days	<i>praefectus urbis</i>
337	Feliciano et Titiano	10 March 337	Valerius Proculus	309 days	<i>praefectus urbis</i>
338	Urso et Polemio	13 January 338	Mecilius Hilarianus	547 days	<i>praefectus urbis</i>
339	Constantio II et Constante	14 July 339	Turgius [<i>sic</i>] Apronianus	103 days	<i>menses III praefectus urbis</i>
		25 October 339 (<i>item</i>)	Fabius Titianus	447 days (488 inc. absence)	<i>praefectus urbis</i>
340	Acyndino [<i>sic</i> ?] et Proculo				<i>ex die III non. Maias [5 May] in III idus Ivn. [10 June] Iunius Tertullus vicarius cognovit eo quod ad Augustum profectus est postea reversus Fabius Titianus praefectus urbis.</i>
341	Marcellino et Probrino	25 February 341	Aurelius Celsinus	400 days	<i>praefectus urbis</i>
342	Constantio III et Constante II	1 April 342	Fl. Lollianus Mavortius	97 days	<i>m. III d. VI. praefectus urbis</i>
		6 July 342	Aco Catulinus Philomatius	645 days	<i>praefectus urbis</i>
343	Placido et Romulo		Aco Catulinus		<i>praefectus urbis</i>
344	Leontio et Salustio		Aco Catulinus		<i>praefectus urbis</i>
		11 April 344	Q. Rusticus	450 days	<i>praefectus urbis</i>
345	Amantio et Albino		Quintus Rusticus		<i>praefectus urbis</i>
		5 July 345	Probinus	539 days	<i>praefectus urbis</i>

346	post cons. Amanti et Albini		Probinus			<i>praefectus urbis</i>
		26 December 346	Placidus		168 days	<i>praefectus urbis</i>
347	Rufino et Eusebio		Placidus			<i>praefectus urbis</i>
		12 June 347	Ulpius Limenius		666 days	<i>praefectus pretorio et urbis</i>
348	Filippo et Salia		Limenius			<i>praefectus pretorio et urbis</i>
349	Limenio et Catullino		Limenius			<i>praefectus pretorio et urbis</i>
						<i>cessaverunt praefecture dies XLI a die VI idus April. [8 April] usque in XV kal. Ivn. [18 May]</i>
		19 May 349	Hermogenes		284 days	<i>praefectus pretorio et urbis</i>
350	Sergio et Nigriniano		Hermogenes			<i>praefectus pretorio et urbis</i>
		27 February 350	Fabius Titianus		367 days	<i>praefectus urbis</i>
351	Magnentio et Gaisone		Fabius Titianus			<i>praefectus urbis iterum</i>
		1 March 351	Aurelius Celsius		72 days	<i>praefectus urbis iterum</i>
		12 May 351	Celius Probatius		26 days	<i>praefectus urbis</i>
		7 June 351	Clodius Adelfius		194 days	<i>praefectus urbis</i>
		18 December 351	Valerius Proculus		266 days	<i>praefectus urbis</i>
352	Decentio et Paulo		Valerius Proculus			<i>praefectus urbis iterum</i>
		9 September 352	Septimius Mnasea		17 days	<i>praefectus urbis</i>
		26 September 352	Neratius Caerealis [sic]		438 days	<i>praefectus urbis</i>
353	Constantio VI et Constantio II		Neratius Caerealis			<i>praefectus urbis</i>
		8 December 353	Vitrasius Orfitus			<i>praefectus urbis</i>
354	Constantio VII et Constantio III		Vitrasius Orfitus			<i>praefectus urbis</i>

6.3 CONSTANS' URBAN PREFECTS

As the introductory anecdotes show, there is rather more flesh on the bones of the urban prefects in Ammianus than there is on those in the *Chronography of 354*. But our curt list of names for this period is far from sterile. Most striking is the overlap between the urban prefects of Rome and the praetorian prefects and consuls: there will be few new names discussed here.

The first urban prefect to serve under the sons of Constantine was Valerius Proculus, a name chiefly familiar here from his later consulship in 340. He was also one of the limited number of people to have a second urban prefecture, which he would hold under Magnentius in 351-2.²⁸ Since he took office on 10 March 337, he was certainly an appointee of Constantine. Constans was clearly content enough with Valerius Proculus to allow him a respectable term of almost a full year. Constans' first choice of prefect was his successor, Mecilius Hilarianus, who took office on 13 January 338 and would hold the office for eighteen months. Other than that he had been consul in 332 and a former governor (*corrector Lucaniae et Bruttiorum*) and proconsul of Africa under Constantine, there is not much else to say.²⁹ There is even less to say about his successor, Turcius Apronianus, another former *corrector Lucaniae et Bruttiorum* who became urban prefect on 14 July 339, except that the Turcii are a family of *viri clarissimi* attested in unusual quantity.³⁰ It may be significant, however, that he was urban prefect for one hundred and three days, a short enough tenure to attract editorial comment in the *Chronography of 354*,³¹ although for what reason he was replaced is a mystery. These first appointees of Constans appear to represent the ranks of the senatorial aristocracy rather than particular political loyalists. Perhaps also they are not so much appointees of Constans as of the imperial college, given that Constantine II was still alive and the imperial college was still unified and hierarchical. Just as the consulship was the concern of all the emperors,³² perhaps too the first urban prefects were selected by negotiation and mutual acceptability.

²⁸ Of the thirty-two individuals to hold the urban prefecture in the years 312 to 354, six held it twice and no one held it three times or more.

²⁹ *PLRE* 1 M(a)ecilius Hilarianus 5, 433.

³⁰ *PLRE* 1 L. Turcius Apronianus 9, 88 and stemma at 1147.

³¹ Albeit a miscalculated one. While longer-serving urban prefects go without comment, the chronographer notes Turcius Apronianus was '*menses III praefectus urbis*.'

³² Salway 2008, 302.

The next choice of urban prefect is equally explicable in these terms: he was the former consul Fabius Titianus. But his career had been rather more active than his predecessors, as he had also been a *corrector Flaminiae et Piceni*, *consularis Siciliae*, *proconsul Asiae iudex sacrarum cognitionum*, and *comes primi ordinis* before his consulship, all of which must have been held under Constantine.³³ Being a more mobile and continually occupied individual, Fabius Titianus could be described as a supporter and administrator of Constantine rather than just an elite who had served in his government. The fact that he was something of a political force is suggested in *The Chronography of 354*'s note that he went to Constans on 5 May 340, in the immediate aftermath of the civil war. It is clear from the rare and meticulously recorded absences in *The Chronography of 354* that urban prefects were expected to remain in the city, so it is unlikely Fabius Titianus travelled north without having been summoned. Given Fabius Titianus took over Constantine II's former territories as praetorian prefect early the following year, it is likely he was either summoned to be appointed, or was summoned to advise and was appointed in consequence. In any case, it is fair to say Fabius Titianus was the name that occurred to the court of Constans at a time of sudden administrative upheaval. It may well be that making an ally of Fabius Titianus was considered an important step in consolidating the western provinces to their new ruler, as well as soothing any strong reactions to Constans' usurpation of his brother's territory that might have emanated from the Senate and People of Rome.

After his conflagration with Constans, Fabius Titianus returned to his duties as urban prefect. Along with the many proactive and reactive roles we might expect, he also followed in many a prefect's footsteps by leaving his mark on the city of Rome. Six identical inscribed statue bases survive from his prefecture, to which might be added a further fragmentary base that could also date from his second prefecture.³⁴ These appear as follows:

³³ Unless one of these offices was squeezed between his consulship and urban prefecture, but *CIL* VI 1717 implies these offices were held in the order I have related them. It is unlikely he was old enough to have held his earliest office before Constantine took over Italy in 312. *PLRE* 1 Fabius Titianus 6, 918-9.

³⁴ *LSA* 1328-1334 = *CIL* VI 1653a-c, 31880-1 (+p. 4726), 37107-8 (+p. 4726). *LSA* 1334 is fragmentary, but the similarity of carving style suggests it belongs to this group. I have not been able to find any images of *LSA* 1332, and the inscription is too fragmentary to date it to Fabius Titianus' first or second prefecture.

Fabius Titianus
v(ir) c(larissimus) consul
praef(ectus) urbi
curavit³⁵

Fabius Titianus
senator, consul,
urban prefect,
restored (this)

These inscriptions were not all carved by the same hand, as significant differences can be seen in spacing and technique, indicating multiple carvers. *LSA* 1328 and 1333 are the work of our first carver.³⁶ All of the letters are shaped similarly. Most telling is the fact that the carver struggles with the second stroke of the letter ‘V’: the first ‘V’ in line one of *LSA* 1328 and the first ‘V’ in lines two and four on *LSA* 1333 all have a crooked second stroke, where the carver has begun the stroke from the top and has had to correct the angle halfway down. I would suggest *LSA* 1333 was carved first, as the letter-spacing has not been planned well and the carver begins to run out of space towards the end of the first line, forcing it to slope downwards, and the same error means the second line is poorly centred. The carver does not make the same mistake twice, and on *LSA* 1328 he betrays his preoccupation by over-correcting to the left; he may also have been focusing more on his spacing than his script by this point, as he missed the second ‘i’ in Titianus and had to squeeze it in afterwards.

LSA 1329 and 1334 also suggest a common carver, different to that of 1328 and 1333, because of the short height of the letters and the close, neat spacing. Too little is left of 1334 to properly compare letter formation, but the distinctive, flat serifs on the letter ‘V’ betray the same craftsman. Finally, *LSA* 1330 distinguishes itself from the others by the shape of the letters ‘I’ and ‘T’, the former having much larger serifs and the latter having a much shorter cross-stroke. It also departs from the others in placing ‘VC’ at the end of the first line rather than the beginning of the second. *LSA* 1331 is worn, and I have not found a photo with good enough resolution to comment, but the fact that this base is the only other that places ‘VC’ in the first line, and appears to have similar word- and line-spacing to *LSA* 1330, I would tentatively suggest this was the work of the same carver. I have not been able to see or find an

³⁵ *LSA* 1328. This is the most intact inscription, but the others all appear to have the exact same order and spelling of words, with only a single variation of line spacing (*LSA* 1330, see note below).

³⁶ I owe thanks to the Ny Carlsberg Glyptotek for kindly supplying a high-resolution image of *LSA* 1328.

image of *LSA* 1332, so am unable to comment on this inscription, but the others alone show that there were at least three different carvers working on Fabius Titianus' project.

This number of bases, all inscribed with exactly the same wording by a team of carvers, indicates a single large-scale project. The find spots of these bases indicate the project was located in the Roman forum, adorning the front of the Basilica Aemilia.³⁷ '*Curavit*' suggest Fabius Titianus was restoring or rearranging old statues, which would be very much in line with fourth-century urban decorative practices; no indication of their subjects is given, so perhaps they were easily identifiable to the Roman eye. The number of carvers very much suggests this project numbered far more bases than just the six or seven that survive. Depending the rate of loss or reuse of Titianus' statue bases, this sculptural arrangement could easily have numbered a dozen or more statues. If the statues were set before the columns at the front of the Basilica Aemilia, we might expect a full set of seventeen, or perhaps even more if there were others statues added to the second story or elsewhere in the forum. It is unique in both concept and scale in the epigraphic evidence from 337 to 350, and no other urban prefect under Constans attempted a project like it.³⁸ Unfortunately we cannot draw conclusions about Fabius Titianus' performance as urban prefect relative to his peers, as our evidence only lets us imperfectly compare this single aspect of the job.

The urban prefecture of Fabius Titianus ended on 24 February 341, and he was succeeded by one of his apparent relatives. This was Aurelius Celsinus, the proconsul of Africa who had written to Constantine II,³⁹ and who had apparently ingratiated himself enough with the court of Constans to ensure the continuation of his career in the 340s. He would come to succeed Fabius Titianus in the urban prefecture for a second time in 351, under Magnentius. A family link between Aurelius Celsinus and Fabius Titianus is suggested by the later existence of a

³⁷ Kalas 2015, 116-117.

³⁸ Although there are three bases for reused statues from the Circus Maximus, using the exact same wording as Fabius Titianus' bases, except naming the urban prefect Turcius Apronianus (*LSA* 1336, 1337, 1550 = *CIL* VI 1655a-b + p. 4727, 40782b), indicating a similar project under another prefect. However, as one of the bases is reused from a statue of Constans, these cannot date from the urban prefecture of Turcius Apronianus in 339, but must date from the urban prefecture of his son of the same name in 362-4. Thus Apronianus imitated Titianus and not vice versa.

³⁹ And received a friendly reply in *CTh* 12.1.27.

certain Celsinus Titianus, a *vicarius* of Africa in 380 and brother of the famous Q. Aurelius Symmachus.⁴⁰

The exact connection between these two men is something of a mystery. The later Celsinus Titianus was the son of L. Aurelius Avianus Symmachus, who had four sons, only one of whom bore both the names Aurelius and Symmachus. It is hypothesised that Celsinus Titianus' father, L. Aurelius Avianus Symmachus, had married a daughter of Fabius Titianus,⁴¹ an attractive suggestion as it also explains why his other son, Q. Aurelius Symmachus, would name his own son Q. Fabius Memmius Symmachus (taking the names of his hypothesised great-grandfather Fabius Titianus and maternal grandfather Memmius Vitrasius Orfitus, both urban prefects). This explains the 'Titianus', but then whence the 'Celsinus'? It seems likely to me that Aurelius Celsinus, bearing the famous nomen of the Symmachi, was in fact a member of that family.⁴² Where he is to be placed in the family tree and how he came to transmit his name to Celsinus Titianus is an open question; given that Celsinus Titianus' brother Avianus Valentinus probably took one of his uncle's names,⁴³ perhaps Aurelius Celsinus was an unattested brother of L. Aurelius Avianus Symmachus and M. Aurelius Valerius Valentinus.⁴⁴

⁴⁰ *PLRE* 1 Celsinus Titianus 5, 917-8.

⁴¹ *PLRE* 1 stemma 27, 1146; Salzman and Roberts 2011, xix. L. Aurelius Avianus Symmachus mentions his father-in-law to Q. Aurelius Symmachus in *Symm. Ep.* 1.2, but unfortunately gives no further clue about his identity.

⁴² Chastagnol 1962, 112, has Aurelius Celsinus as L. Aurelius Avianus Symmachus' father, and not Aurelius Valerius Tullianus Symmachus (cos. 330) as *PLRE* has it. I prefer the *PLRE* on this point, as the dates of their respective flourishing point towards Tullianus being the father.

⁴³ If one accepts that *PLRE* 1 Avianus Valentinus 7, 936, was a son of L. Aurelius Avianus Symmachus, and that *PLRE* 1 M. Aur. Val. Valentinus 12, 936, was probably the latter's brother. The precise relationships are not hugely important: however they are related, names are transmitted between different branches of the same family, and the name Celsinus may have been transmitted the same way.

⁴⁴ The other obvious possibility, which I think unlikely, is that Celsinus Titianus was adopted out to avoid excessive dilution of the Symmachi inheritance between heirs. In that case, he took the name Titianus from his maternal grandfather and Celsinus from his adoptive father. In this scenario, Aurelius Celsinus' shared *nomen* must have been coincidence, and Celsinus

Alan Cameron reckons Fabius Titianus was not an aristocrat but a new man, and his marriage to Symmachus' daughter enabled his entry into Rome's pagan elite, implying we can date this marriage, roughly, by when he took up his priesthood, which is not attested before 350.⁴⁵ The implication is that a marriage link would not have existed at the time Aurelius Celsinus first succeeded Fabius Titianus. One problem with this is that it is unlikely Fabius Titianus (not a common name) bore no relation to the Titianus who was *praeses* of Cappadocia under Licinius or the Titianus (probably the same Titianus) addressed in *CTh* 8.5.2.⁴⁶ Based on name alone, there is a good chance he was also related to T. Flavius Postumius Titianus, who was consul in 301 and urban prefect of Rome from 305 to 306.⁴⁷ (Given the variance of names that appears within the family of the Symmachi, it is perfectly plausible that a Fabius might be related to a Flavius Postumius). It is possible he was even descended from the consul of 245, C. Maesius Aquilius Fabius Titianus. On this basis, Fabius Titianus was probably at least a descendent of *virī clarissimi*, and quite possibly of consuls as well, and his marriage cannot be dated by the imperfect record of his priesthoods. Given the uncertainty of Fabius Titianus's background, I will treat the link between him and Aurelius Celsius as vaguely as possible. Nonetheless, given that such a link existed, it is quite possible it existed before 341 and that Fabius Titianus lobbied for the appointment of Aurelius Celsinus, indicating influence at the court of Constans.

On 1 April 342, Aurelius Celsinus was succeeded by Q. Flavius Maesius Egnatius Lollianus Mavortius. Egnatius Lollianus was another of Fabius Titianus' ilk, a long-term servant of the Constantinian Dynasty, having held multiple offices under Constantine and having been abortively designated consul for 338, as discussed in Chapter 5.5.⁴⁸ Perhaps his (relatively short) urban prefecture was in some respect consolation for his earlier displacement from the consulship in favour of the new emperors' candidates. But other than his ninety-seven days as urban prefect, Egnatius Lollianus is not attested holding any other office under Constans,

Titianus must have been rather old when he became *vicarius* in 380, as he would have to have been adopted before the fall of Magnentius, and Romans were rarely adopted at a young age.

⁴⁵ Cameron 2011, 138-9.

⁴⁶ *PLRE* 1 Titianus 1 and 2, 917.

⁴⁷ *PLRE* 1 T. Flavius Postumius Titianus, 919-20.

⁴⁸ *PLRE* 1 Q. Flavius Maesius Egnatius Lollianus signo Mavortius 5, 512; Barnes 1981, 399 n.18; *CLRE*, 19.

despite his activity under Constantine.⁴⁹ His revived career under Constantius in the 350s, as consul in 355 and praetorian prefect in 355-6, might suggest this was not entirely by choice, and that he was somewhat side-lined under Constans' administration. He was not, however, induced to join Magnentius.

He is succeeded, in the *Chronography of 354*, by an 'Aco Catulinus Philomatius,' who can only be the former praetorian prefect Aconius Catullinus.⁵⁰ The chronographer's knowledge of his *signum*, unattested elsewhere, and the abbreviation of his name, also seen in inscriptions so not an error, reflects a certain Roman familiarity with Catullinus.⁵¹ Perhaps he was another member of the old Roman aristocracy, as his name would suggest. His accomplishments as urban prefect are almost entirely unknown, except for his successful petition to Constans requesting protection of the temples outside the city walls, which received *CTh* 16.10.3 in affirmation.⁵² Given the intense hostility of Constans' other pronouncements on the subject, this conciliatory rescript can be regarded as something of a coup for the pagan prefect.

Quintus Rusticus entered office on 11 April 344, and oversaw the restoration of the Baths of Agrippa.⁵³ He was also the recipient of *CTh* 11.30.23, a delicately phrased and revealing law. It annuls a previous decree which had restricted the traditional right of the *clarissimi* to appeal against judgements of the urban prefects. The phrasing with which it summarises the annulled decree, '*nullus clarissimus a praefecti urbis sententia provocandi usurparet licentius facultatem*,' rather suggests Constans remained in favour of his earlier decree, and had been pressured to repeal it. *CTh* 11.30.23 was posted on 2 July 345, and Quintus Rusticus was replaced on 5 July 345, so Constans must have appointed a new urban prefect at much the same

⁴⁹ Although Chastagnol 1962, 119, says 'sans doute' he went immediately from the urban prefecture to the court at Milan as *comes ordinis primi intra palatium*. I do not know where he got this from and can find no other source to substantiate it. I expect this office was held under Constantine.

⁵⁰ Catulinus was a valid spelling and in use at the time, but in the case of our Catullinus it should have a double L.

⁵¹ *PLRE* 1 Aco Catullinus signo Philomathius 3, 187-8.

⁵² The consular dating of '*Constantio III et Constante III aa. cons.*' would put the law in 346, but this can be reconciled with Catullinus' time in office if we assume it was issued in Constantius' third and Constans' second consulship instead, viz. it was an easily made confusion with 342. For anti-pagan legislation see Bradbury 1994 (*CTh* 16.10.3 at 135-7).

⁵³ *CIL* VI 1165.

time as having to send this embarrassing rescript. With the text of *CTh* 11.30.23 and the fact Constans lost confidence in his urban prefect, we can reconstruct the probable sequence of events. Constans must have been pressured by the *clarissimi*, since it was their traditional rights in question. They could not have been agitating for its repeal on general principle, as that does not explain the replacement of Quintus Rusticus, which is highly unlikely to be a coincidence given its close proximity to a rare imperial volte-face. The role of Quintus Rusticus reveals itself in the subject of the rescript. He must have treated the *clarissimi*, or a high profile *vir clarissimus*, so unjustly that the revocation of their right of appeal was no longer tenable. The *clarissimi* must have gone over Quintus Rusticus' head to complain to Constans, and presumably did so in great enough numbers or with authoritative enough voices that the emperor had to come down on their side. This would explain both the volte-face and the loss of faith in Quintus Rusticus as urban prefect: he failed to manage the senatorial body.

He was succeeded by Petronius Probinus, then Marcus Maecius Memmius Furius Baburius Caecilianus Placidus, then Ulpius Limenius, all of whom have been discussed in the previous chapter. There is little to add about their prefectures. Hermogenes was the last urban prefect to be appointed by Constans, and his prefecture will be discussed later in the context of the usurpation of Magnentius.

6.4 THE PROFILE OF THE URBAN PREFECTURE UNDER CONSTANS

To a certain extent, the pattern of urban prefects appears to mimic that of the consuls, in that the occupants of this office in the late-330s tend to be Roman aristocrats with a limited history of political activity – and were perhaps sought out as non-partisan choices – whereas after the civil war of 340 it begins to function more and more as a reward for high ranking officials, in particular the praetorian prefects. This need not be anything more than a side-effect of a stable reign. The longer the sons held power, the more senior officials they accumulated who deserved reward, and the more evidence amasses – despite a poor survival rate – through which we can identify and comment on these individuals' roles in the sons' administrations. One point of considerable importance, however, is that those who held the urban prefecture are exclusively supporters of Constans. It is possible that Constantine II and Constantius had some input before the civil war of 340, but by the 340s it is certain nominations were not shared between emperors in the manner of the consulship. This supports what we might already suspect: Rome was regarded as a territorial possession of the Western Empire, and not a capital in which all members of the imperial college could declare an interest. This is a significant marker of division.

In general, pagans, aristocrats, and (curiously) a large number of African officials dominate the *fasti*. Of the twelve urban prefects in the years 337 to 350, six are attested as former proconsuls of Africa, and perhaps so were some of those for whom we have little biographical information.⁵⁴ At first sight, this might suggest that African service could privilege one's progress up the *cursus honorum* in Constans' territory, with those serving in this part of the Empire being groomed for higher office on their return. However, there are factors that can account for it being purely coincidental. Simply put, Africa would inevitably be among the first choices for any early-career aristocrat, due to its wealth, the abundance of estates owned by the Italian aristocracy, the climate, its accessibility from Italy, and the greater potential for corruption and the independent exercise of power due to the lack of direct oversight by an emperor or praetorian prefect.⁵⁵ Added to that is the lack of especially attractive alternatives in Constans' territory. For the career administrator, with the wealth and influence to seek out a particular governorship, Africa would naturally be one of the first choices. It is not surprising that those with the clout to get African postings were the same sort of people who rose to the heights of the urban prefecture. And it is hardly a case of evidential bias that so few of the officials discussed in these prosopographical chapters have a record of service in Spain or Britain. The only ones are Septimius Acindynus, who was *v.c. agens per Hispanias* under Crispus, and Aconius Catullinus, who was *praeses Gallaeciae* sometime before 338.

The length of the urban prefecture is irregular (see chart above). Constans' urban prefects served for a mean average of 410 days, ranging from the short term of Egnatius Lollianus (97 days) to the long tenure of Ulpian Limenius, interrupted only by his death (666 days).⁵⁶ In comparison, the urban prefects appointed by Constantine (from Aradius Rufinus' second urban prefecture in 312 through to Rufius Albinus' prefecture in 336), had an average term of 556

⁵⁴ Valerius Proculus, Maecilius Hilarianus, Fabius Titianus, Aurelius Celsinus, Egnatius Lollianus Mavortius, and Aconius Catullinus.

⁵⁵ Humphries 2003, 32.

⁵⁶ This is calculated from the ten urban prefects from Maecilius Hilarianus to Ulpian Limenius. Valerius Proculus is excluded as he was not appointed by Constans, which may have affected the length of his term, and Hermogenes is excluded as the prefecture was unsettled by the usurpation of Magnentius while he was in office. The calculation of days in office assumes the last urban prefect concluded his term the day before the next prefect started (the *Chronography of 354* is unclear on this point), and is mindful of leap years.

days. These prefectures were on average longer, but also had much greater variation, with tenures ranging from the very short (30 days on one occasion, 33 on another) to the very long (1460 days on one occasion, 1059 on another). Constantine appointed urban prefects over a period twice as long as Constans did, so we should expect a greater number of outliers, but comparatively it is a reasonable observation that Constans was more consistent in the tenures of his urban prefects.

However, Constans' prefects still show such variation in tenures that there is nothing to suggest there was any kind of standard. Nor do the number of days suggest the administration kept track in either months or days served (although if they did, the court might have been alarmed when Ulpius Limenius died on the day his urban prefecture reached the number of the beast). Nor does there appear to be any particular time of year urban prefects were appointed, or days of the month they took office. Indeed, the whole system appears inexplicably random. Only one urban prefect under Constans (and two under Constantine) took office on the first day of the month, which is remarkable given one would have expected the kalends (or nones, or ides)⁵⁷ to have been an obvious choice when deciding on a date to commence office. The choice of day does not appear to have any other significance, or connection to civic events or religious festivals. It is almost as if days were pulled out of a hat.

One possible explanation, which accounts for the seeming randomness, is that urban prefects were appointed at court with no specified start date. Their predecessors were notified their tenure was ending soon, and the new urban prefect took over whenever they happened to reach the city. Or (a variation on the theme) if the newly appointed prefect was already in the city, the current prefect would arrange the formal transfer of office whenever the orders happened to arrive. This sort of system would explain the tidiness of succession in the list of urban prefects in the *Chronography of 354*. The prefecture was handed over, perhaps literally, in a seamless manner; the end of one prefect's tenure was inextricably linked with the beginning of the next prefect's tenure, with the sole exception of unexpected departures from office (such as Ulpius Limenius). The exception that requires explanation is the exceptionally long tenure of Valerius Maximus Basilius, who took office on 1 September 319, and his successor Lucerius Verinus, who took office 1 September 323. This might suggest Constantine

⁵⁷ If one counts kalends, nones, and ides together, still only six out of thirty urban prefects appointed by Constantine and Constans took office on these days. While this is about double the number one would expect from random chance, it still shows that in the vast majority of cases the kalends, nones, and ides were not a factor.

experimented with a regular start date of 1 September. But given the irregularity of the rest of his appointments, and the lack of need to change a system that obviously worked, I would suggest that the appointment of Lucerius Verinus on 1 September was to a particular purpose. Perhaps he was persuaded by either the court or his predecessor to delay the start of his tenure till 1 September so that Valerius Maximus could reach a remarkable full four years in office.

That the days of office should have no apparent religious significance, either Christian or pagan, should come as no surprise. This chapter has tried to argue that the office of the urban prefect was a practical one, and its appointments political. But that observation should not be to the neglect of the fact that the urban prefecture lay in the eye of a storm in the mid-fourth century, bridging the gap between the Christian emperors and a Senate and People of Rome that were subject to considerable religious division. In later years, when a contingent of pagan senators was agitating for the return of the Altar of Victory to the Senate, they chose as their spokesman the urban prefect, Symmachus. The persuasive elegance of this particular urban prefect was no doubt a factor, but it is still indicative of how the urban prefecture fit into the religious and political landscape of the time. In this episode, Symmachus was not an imperial official for keeping the Senate in line so much as a senatorial official for lobbying the emperor.

Symmachus acknowledges and tries to resolve this conflict in his *relatio* to Valentinian II: ‘I act in a double capacity; as your prefect of the city I am transacting public business, as an envoy I present the message of my fellow citizens.’⁵⁸ The fact this self-justification appears suggests it was a sensitive point, and Symmachus carefully twists his second role into being an envoy for fellow citizens, rather than a spokesman for fellow senators. His protestation that ‘no disagreement of purpose is involved in this matter’ only reinforces the impression that there very much was.⁵⁹ Symmachus served under a very different emperor in a very different time, but the conflicted nature of the office throws light on the earlier episode of Quintus Rusticus (see above). It is clear that Quintus Rusticus was no Quintus Symmachus: rather than managing the senatorial body, and conveying their occasional requests, he inflamed them such that they petitioned the emperor personally, and forced him into an embarrassing reversal of policy. Quintus Rusticus appears as an official who tried to rule over the Senate rather than act as a bridge between Senate and emperor, and ultimately failed to fulfil the requirements of the job.

Religion added yet another dichotomy to these multi-directional forces pulling on an urban prefect. The state of the general trend towards Christianity in the fourth century is notoriously

⁵⁸ Symm. *Rel.* 3.2 (trans. Barrow 1973).

⁵⁹ Ibid.

difficult to quantify,⁶⁰ and the situation is little different when focused in on the senatorial aristocracy. This is a prosopographical question, and a controversial one. A key contributor was Raban von Haehling, who found a pagan majority of office holders under the sons of Constantine, followed by T. D. Barnes, whose statistical revisions to von Haehling's work found largely the opposite.⁶¹ Beyond statistical controversies, the whole question is made even more problematic because of the insidious evidential bias that swings like a pendulum in any analysis of pagans and Christians in imperial service. In the earlier period, there is a preponderance of evidence to demonstrate officials were typically pagans, which stems almost entirely from them holding priesthoods and advertising that fact in inscriptions (probably the foremost source of evidence for prosopographical studies). Christians have no evidential equivalent, as they tended to only advertise their religion epigraphically on tombstones (which survive in much smaller quantities for officials, as unlike career inscriptions they were only ever made once), so are more likely to fall in the 'unknown' column. But after a certain point the pendulum swings the other way, as being pagan becomes a greater hindrance to prosperous service, and public expressions of Christianity become favoured, and incentives emerged for pagans to keep quiet or else misrepresent their faith. Add to this the fact that those appointed to the highest offices, and attested as important historical figures in narrative works, are not remotely representative of the senatorial aristocracy as a whole, and reflect the considerable biases of their appointing emperors and their advisors, and it is difficult to have any kind of faith in these figures at all.

Fortunately, we can largely side-step the issue, as officials from the reign of Constans are largely uncontroversial and overwhelmingly pagan (see table below). Of his seven praetorian prefects, six are demonstrably pagan and only Antonius Marcellinus is of unknown religious persuasion.⁶² Of the twelve urban prefects from 337 to 350, six are certainly pagans, two are likely pagans, one is possibly Christian, and three are unknown. Given that some of the most strident Christian legislation of the era emanated from the court of Constans, and he was prepared to threaten civil war over bishops, this record appears rather striking. Yet as well as appointing primarily pagan officials, Constans also issued legislation for the protection of

⁶⁰ E.g. Robinson 2017 for a recent overturning of long-held assumptions about the spread of Christianity.

⁶¹ For a summary of the findings of von Haehling 1978, with Barnes' revised findings, see Barnes 1995, 145-7.

⁶² Barnes 1995, 141.

temples and championed at least one pagan philosopher, Prohaeresius. One possibility is that Constans' extremes in both directions were a result of court pressures rather than personal feelings. Court factionalism can easily account for apparent inconsistencies in an emperor's policies.

Date of Prefecture	Name	Religion
10 March 337 to 12 January 338	Valerius Proculus	Pagan ⁶³
13 January 338 to 13 July 339	Mecilius Hilarianus	? ⁶⁴
14 July to 24 October 339	Turgius Apronianus	Both sons are pagan ⁶⁵
25 October 339 to 24 February 341	Fabius Titianus	Pagan ⁶⁶
25 February 341 to 31 March 342	Aurelius Celsinus	Pagan ⁶⁷
1 April to 5 July 342	Fl. Lollianus Mavortius	Pagan ⁶⁸
6 July 342 to 10 April 344	Aconius Catullinus	Pagan ⁶⁹
11 April 344 to 4 July 345	Q. Rusticus	? ⁷⁰
5 July 345 to 25 December 346	Probinus	? Son was a Christian ⁷¹
26 December 346 to 11 June 347	Placidus	Pagan ⁷²
12 June 347 to 18 May 349	Ulpian Limenius	? ⁷³
19 May 349 to 26 February 350	Hermogenes	? Pagan ⁷⁴

⁶³ *PLRE* 1 L. Aradius Valerius Proculus signo Populonium 11, 747. *CIL* VI 1690-1 has him as *augur, pontifex maior, quindecimvir sacris faciundis, pontifex Flavialis*.

⁶⁴ *PLRE* 1 M(a)ecilius Hilarianus 5, 433.

⁶⁵ *PLRE* 1 L. Turcius Apronianus 9, 88. His two sons (*PLRE* 1 L. Turcius Apronianus signo Asterius 10, 88-9, and L. Turcius Secundus signo Asterius 6, 817-8) both held priesthoods.

⁶⁶ *PLRE* 1 Fabius Titianus 6, 918. In Dessau 8983 Cumae as *quindecimvir sacris faciundis*.

⁶⁷ *PLRE* 1 Aurelius Celsinus 4, 192, restored a temple of Mercury in *CIL* VIII 12272.

⁶⁸ *PLRE* 1 Q. Flavius Maesius Egnatius Lollianus 5, 512-4, pagan in Firm. Mat. *Math.* 8.33.

⁶⁹ *PLRE* 1 Aco Catullinus signo Philomathius 3, 187-8, petitioned Constans for protection of temples in *CTh* 16.10.3, and dedication to Jupiter Optimus Maximus in *CIL* II 2635.

⁷⁰ *PLRE* 1 Q. Rusticus 2, 787.

⁷¹ *PLRE* 1 Petronius Probinus 2, 735-6. His son, *PLRE* 1 Sex. Claudius Petronius Probus 5, 736-40, may have inherited his Christianity from his father, or may have converted with the changing times.

⁷² *PLRE* 1 M. Maecius Memmius Furius Baburius Caecilianus Placidus 2, 705-6. *Pont. maior, augur publicus populi Romani Quiritium*, and *quindecimvir sacris faciundis* on *CIL* X 1700.

⁷³ *PLRE* 1 Ulpian Limenius 2, 510 is another unknown; Lib. *Or.* 1.46 mentions him praying to Tyche, but this ought not be taken literally.

⁷⁴ *PLRE* 1 Hermogenes 2, 423, is an unknown, but if he is the same as Fl. Hermogenes 9, 424-5, his description in Himerius *Or.* 48 has something of a pagan flavour.

6.5 THE FIGHT FOR ROME

Magnentius usurped on the evening of 18 January 350. In the later stages of a party organised by his co-conspirator, Marcellinus, he slipped away and reappeared in the imperial purple, and was acclaimed emperor by the many officers in attendance. Constans was pursued and murdered in Helena shortly afterwards.⁷⁵ The conspiracy was apparently a Gallic one, as it was not supported by Illyricum,⁷⁶ and soon after (on 1 March) they acclaimed their own emperor, Vetranio, in opposition.⁷⁷ News clearly travelled fast. And it would have travelled even faster to Rome than it did to Illyricum, Rome being closer and on better roads. We would expect a fast dispatch rider, leaving on the morning of 19 January and covering a hundred or more miles a day, to reach Rome in under a week. The reaction was immediate. Nepotianus, the son of Constantine's half-sister Eutropia and the consul of 336, Virius Nepotianus, declared himself Augustus in opposition.

Dating Nepotianus' usurpation to the early months of 350, instead of summer, is controversial and requires some discussion.⁷⁸ The related *Consularia Constantinopolitana* and *Chronicon Paschale* both put the beginning of Nepotianus' uprising on 3 June (although the latter misplaces it in 349).⁷⁹ A summer date does fit with many of the narrative sources; only Orosius explicitly dates the rebellion of Nepotianus after that of Vetranio on 1 March, but Aurelius Victor, Eutropius, the *Epitome de Caesaribus*, Socrates, Sozomen, and Zosimus order events in the same way (i.e. presenting Vetranio first) while offering variations of 'meanwhile.'⁸⁰ This is indicative of derivation from a shared source; the earliest surviving

⁷⁵ Zos. 42.3-5; *Epit. Caes.* 41.22-3.

⁷⁶ Although Zos. 2.42.4 reports some Illyrian cavalry joined the conspiracy in its early days.

⁷⁷ Drinkwater 2000, 148-9 (see 6.8 below).

⁷⁸ The only scholar to support a date in January 350 is Moser 2018, 174, but this is based on a misreading/mistranslation of Bleckmann 2003b, 46 n.7.

⁷⁹ *Cons. Const.* s.a. 350 and *Chron. Pasch.* s.a. 349. The *PLRE* also cites *Jer. Chron.* s.a. 350 in support of the June date, but it gives no such indication and betrays a severe confusion of chronology, putting the deposal of Vetranio in 351 and the acclamation of Gallus after the Battle of Mursa.

⁸⁰ Oros. *Hist.* 7.29 ('then'); Aur. Vict. *Caes.* 42 ('meanwhile'); Eutrop. *Brev.* 10.11 ('at the same time'); *Epit. Caes.* 42.3 ('in these days'); Soc. *HE* 2.25.10 ('while'); Soz. *HE* 4.1.2 ('in the meantime'); Zos. 2.43.2-4 ('while').

accounts, Aurelius Victor and Eutropius, both likely used the now-lost *Kaisergeschichte*, and they both relate Vetranio's uprising and Nepotianus' as happening at the same time, but critically discuss the rebellion of Vetranio first. The way this appears in both accounts clearly reflects a literary decision made by the original source to separate proximate events, and discuss the rebellion and toppling of Vetranio together, as a usurpation which was resolved peacefully by Constantius, before contrasting it to the bloody suppression of Nepotianus by Magnentius. The conclusion we can draw is that many sources subsequent to the *Kaisergeschichte* followed its contrived chronology without realising its author had subtly reordered events to deal with them systemically and in turn. There is an exception to prove the rule: the *Artemii Passio*, which used Philostorgius rather than the *Kaisergeschichte*, names Nepotianus first. If the *Artemii Passio* is to be believed – and it is a source which should always be considered seriously – Nepotianus' rebellion began before Vetranio's did on 1 March.

Putting aside the sources, there is a strong argument against a June date in that it is inconceivable that Magnentius' forces, in possession of Rome, could have allowed a Constantinian prince and his mother to roam freely, let alone assemble an armed force and assault the city. For the June date to be possible, Magnentius' supporters would have had to be extremely negligent, and Nepotianus would have had to be suicidally reckless, knowing he lacked immediate support from Constantius in the East. If, however, it was an immediate, knee-jerk reaction to Magnentius' usurpation, while Nepotianus seems to have been enjoying considerable freedom of movement under Constans (see below), and not knowing that Vetranio would soon usurp and provide a barrier between rivals, and that Constantius was too committed in the East to march on the West, Nepotianus' counter-revolution makes much more sense. It was hurried attempt to hold Rome against Magnentius at a time when the hopelessness of the cause was not yet apparent.

The urban prefects in the *Chronography of 354* seem to support this, even though Nepotianus himself is not mentioned. Constans' prefect, Hermogenes, remained in office until he was replaced on 27 February. His replacement as urban prefect had come straight from his previous post in Gaul: he was the former praetorian prefect Fabius Titianus. If news of Magnentius' usurpation arrived in Rome in less than a week, then Nepotianus could have known by 25 January or thereabouts. Aurelius Victor says his usurpation lasted twenty-seven days; Eutropius and the *Epitome de Caesaribus* say it lasted twenty-eight days.⁸¹ If Nepotianus reacted to the news quickly, made arrangements over the course of a week (he had to raise

⁸¹ It is possible the twenty-eight-day usurpation of Silvanus has contributed to this confusion.

cash, assemble supporters, procure arms, and find suitable imperial attire), and proclaimed himself Augustus on either 31 January or 1 February, then a usurpation of twenty-seven or twenty-eight days coincides perfectly with the installation of Magnentius' new urban prefect, Fabius Titianus, on 27 February.

If we combine these dates with a rough narrative of events, they make good sense. Nepotianus and his mother, Eutropia, had been resident in the environs of Rome for around a decade at least. Athanasius had met Eutropia, and presumably Nepotianus as well, in the late 330s or early 340s, although he tactfully avoids mentioning the latter as it would rather defeat the purpose of him trying to distance himself from another usurper, Magnentius.⁸² Nepotianus was almost certainly an adult by 350. Burgess expresses his misgivings on this point, suggesting that as Nepotianus is not mentioned by the sources as having survived the dynastic murders of 337, he must have been unborn at the time.⁸³ However, it suits the various narratives of these murders to omit mention of survivors, and from the accounts of the events of 350 it seems much more likely Nepotianus was an adult, and indeed he is depicted with a beard on his coin portraits.⁸⁴ A plaque has been found in Ostia showing Eutropia and her children owned a vessel of some kind; it could have been commercial, but the quality of the bronze plaque is more suggestive of a private yacht.⁸⁵ Quite contrary to Gallus and Julian's isolated experience as spare heirs under Constantius, Eutropia and her children appear to have been granted considerable freedom of movement and association. This put them in a position where usurpation was a possibility.

News of Magnentius deposing Constans would have travelled very quickly. As Chapter 4.3 has shown, moving armies was a difficult business in winter, but dispatch riders were another matter. One can imagine Rome, with all its officials and elites, was the first port of call for any aspiring *agens in rebus* who hoped for a generous reward. Nepotianus probably found out some time after 25 January, and quickly made a decision to challenge Magnentius. He would come

⁸² Athan. *Apol. ad Const.* 6.5. Athanasius mentions an Abuterius and Spirantius in the same sentence, but it seems unlikely they have any connection to Nepotianus' usurpation. Athanasius probably became associated with Eutropia in the period of late-339 to 342, when attempting to secure an imperial audience (Barnes 1993, 53).

⁸³ Burgess 2008, 10 n.34.

⁸⁴ Tougher 2012, 188.

⁸⁵ Hammond 1964, 79-87. The plaque reads: NAVICVLA FL•VAL / EVTROPIAE NOB FE / M•ET•FILIORVM EIVS / LEGE•ET RECEDE. See Appendix 3.

to mint coins in the name of Constantius, and connect himself to the Constantinian cause by adopting the regnal name ‘Flavius Iulius Pop. Nepotianus Constantinus Augustus.’⁸⁶ This suggests that when he formulated his rebellion he assumed partnership with his cousin in the East. It is understandable that Nepotianus, in January, would expect Constantius to march westwards immediately, and if Nepotianus could raise Italy against Magnentius, the latter could be caught in a pincer between them. In such circumstances, Nepotianus could quite reasonably expect Constantius to recognise him as the new Augustus of the West. But Nepotianus had no time to consult Constantius; if he had, he would have found out that Constantius was too committed to the eastern frontier to move against Magnentius, and that the murderers of Constans had probably planned it that way.⁸⁷ Nepotianus raised a force of supporters (allegedly gladiators),⁸⁸ and, depending on whether we trust the twenty-eight days of Eutropius or the twenty-seven of Aurelius Victor, launched his usurpation on 31 January or 1 February.

If it was 31 January, this might go some way – circuitously – toward explaining the 3 June date in the *Consularia Constantinopolitana* and *Chronicon Paschale*, if there was a confusion or error of transmission between ‘*ivn*’ and ‘*ian*.’ If their source had seen the month in which the usurpation occurred, and it had either been mis-recorded or he erroneously read it as *ivn* rather than *ian*, and he also knew the usurpation lasted twenty-eight days, then he might have taken an educated guess that Nepotianus’ usurpation started on 3 June and lasted the rest of the month. That is, the fact that a twenty-eight-day usurpation began at the end of *ian* was mistaken for it finishing at the end of *ivn*.

What happened next depends on a mysterious figure in Zosimus, who is perhaps alluded to in Aurelius Victor as well. Zosimus says Nepotianus marched on Rome, and:

‘Anicetus, whom Magnentius had appointed prefect (ὕπαρχου τῆς αὐλῆς), armed some of the people and marched out of the city to engage Nepotianus. There was a sharp battle, but the Romans being inexperienced and disorderly were routed with

⁸⁶ This is a composite of three variations that appear on coins: D N IVL NEPOTIANVS P F AVG; FL POP NEPOTIANVS P F AVG; FL NEP CONSTANTINVS AVG.

⁸⁷ For the careful timing of the usurpation, see Drinkwater 2000, 133.

⁸⁸ Nepotianus is alleged to have hired gladiators in Aur. Vict. *Caes.* 42; Eutrop. *Brev.* 10.11; Oros. *Hist.* 7.29; Soc. *HE* 2.25.10; Soz. *HE* 4.1.2. Whether this has its basis in fact or in the delegitimising rhetoric of his opponents is unclear.

little trouble, and seeing them fleeing, the prefect shut the gates out of fear for the city...'

~ Zosimus 2.43.3.

The account is confused, as Zosimus suggests he failed to take the city. The fourth century accounts of Aurelius Victor and Ammianus, who had both lived in Rome and ought to be better informed, both make it clear he did take the city, as much of the bloodshed was within it.⁸⁹ Furthermore, the prefect Anicetus presents a prosopographical problem, as he is not attested by anyone other than Zosimus. We cannot be certain of his role; Zosimus describes him as 'prefect of the court,' (ὕπαρχου τῆς αὐλῆς), which would suggest a praetorian prefect, but he also applies this description to a known urban prefect elsewhere.⁹⁰ If this Anicetus was urban prefect at the time, it might explain why Aurelius Victor mentions that Nepotianus became emperor 'after the urban prefect had been murdered.'⁹¹ There is a slight problem in that Fabius Titianus was almost certainly designated this role beforehand. A satisfactory solution can be found in the status of Constans' incumbent prefect, Hermogenes, who was (like Ulpian Limenius before him) both urban and praetorian prefect at once. If this Anicetus aimed to displace him, it is natural he would become both urban and praetorian prefect until the arrival of Fabius Titianus.

There is also a stray consul from 350 to consider, who is not elsewhere attested: the Flavius Anicius mentioned in Chapter 5.5, who appears in an inscription in Rome reading 'III KAL. MA. FL. ANICIO ET NIGRINIANO CONSS.'⁹² The 'MA.' is ambiguous; the date could either be 27 February or 29 April, but the former seems far more likely in context. It would appear that Anicius was made consul to replace the western consul Sergius, but this appointment did not last as both Magnentius and Constantius continued to recognise Sergius and Nigrinianus.⁹³ The consulship of Anicius, then, would appear to be not only western (as he replaced a western consul), but exclusively Roman, which is the only place he is attested. We must return to the date. It appears in the context of a *taurobolium* altar dedicated by one Antoninus, a pontiff and quindecimvir. The inscription is non-extant and there is only a textual

⁸⁹ Aur. Vict. 42 and Amm. 28.1.1.

⁹⁰ Anullinus at Zos. 2.10.1, see *PLRE* 1 C. Annius Anullinus 3, 79.

⁹¹ Aur. Vict. 42.6.

⁹² *CIL* VI 498; *PLRE* 1 Fl. Anicius, 67.

⁹³ *CLRE* s.a. 350.

record, but its length and wording suggests it was a reasonably well-made inscription on an altar. The implication, which is important, is that the altar must have been commissioned and made in advance of the date on which it was to be used. Ergo the consuls Anicius and Nigrinianus belong to the period running up to 27 February 350; that is, in the immediate aftermath of the usurpation of Magnentius or during the rebellion of Nepotianus. Anicius' consulship need not have lasted long; his name would have been inscribed subsequently until an alternative policy from the powers-that-be became known.

So far, we have a prefect of the court named Anicetus, an unnamed urban prefect who died at the beginning of the uprising, and a short-lived consul named Anicius. My first proposition is that the Anicius who was appointed consul is the same man as the Anicetus who opposed Nepotianus in Zosimus. The two names are similar and easily confused; moreover, there is an epigraphic fragment mentioning an Anicius Anicetus, and while there is no evidence at all to suggest this is the same man, it shows the names 'go together' in Roman onomastics.⁹⁴ Finally, it is unlikely that two similarly named figures who are nowhere else attested should both crop up in Rome at exactly the same time: they must be one and the same. The inscription is to be preferred to Zosimus: this man was Flavius Anicius, or possibly Flavius Anicius Anicetus, but not Anicetus alone.

My second proposition is that Anicius must have acted in coordination with the conspiracy against Constans. Many of Magnentius' supporters were from among the Roman aristocracy (such as Fabius Titianus, Aurelius Celsinus, and Valerius Proculus), so there is no reason to think a well-planned⁹⁵ usurpation would not act in synchronicity with supporters in the capital. Zosimus' version of events, where Magnentius quickly appointed a praetorian prefect in Italy, is perfectly plausible. But it needs chronological modification; Magnentius must have appointed Anicius praetorian prefect and consul in advance,⁹⁶ so that as soon as Rome heard the usurpation was a success, Anicius was ready to take control. We cannot return to a June date for Nepotianus' rebellion to avoid this, as if Anicius had longer he would no doubt have

⁹⁴ *CIL* VI 31941; *PLRE* 1 (A)nicius Anicetus 2, 67. He is unlikely to be a member of the illustrious Roman aristocratic family, the Anicii, as none of them bear the name Anicetus or Flavius.

⁹⁵ Drinkwater 2000, 132-7.

⁹⁶ That the conjunction should occur to Magnentius is unsurprising: all Constantius and Constans' praetorian prefects had been consuls, and the previous year's consuls had both been praetorian prefects as well.

secured the city. Rome was a defensible place, and Nepotianus' rebellion only makes sense if he and Anicius attempted to seize it at much the same time, before Magnentius' supporting forces could arrive. The fact that Nigrinianus was not also displaced by a Magnentian consul can be explained by Magnentius' hopes of an accommodation with Constantius; by just replacing the western nominee, Sergius, with Anicius, he made a clear statement that his interests were confined to the West. The Western Empire, it seems, was seen as a separate entity.

All this would indicate a coordinated uprising in Rome organised by sympathisers of Magnentius, at the same time as the removal of Constans, which proclaimed Anicius consul as well as praetorian and urban prefect, explaining the inscription and Zosimus. Then Nepotianus' counter-revolution managed to retake the city, and presumably killed Anicius, among many others, which explains why the consulship reverted to Sergius and why Aurelius Victor says he became emperor after the murder of an urban prefect. It also explains the bloodshed that seems to have been caused by Nepotianus as well as Marcellinus and Fabius Titianus: there would only have been a need for Nepotianus to conduct a purge if there were demonstrably supporters of Magnentius in the city. Nepotianus, as a cousin of Constans, presumably continued to support Hermogenes as urban prefect, explaining his continued attestation as urban prefect in the *Chronography of 354* up until 27 February, as well as the absence of Anicius. Marcellinus' forces would arrive sometime before 27 February. Instead of securing the city with Anicius as praetorian prefect and Fabius Titianus as urban prefect, they found the former dead and a rebellion in full swing. The decision to send troops to Italy had been a prudent one. Marcellinus retook Rome and Fabius Titianus became the new urban prefect. Nepotianus and his supporters were put to death, along, it seems, with Eutropia and perhaps other members of the imperial family.⁹⁷

Parts of this section may appear to build much on quite limited foundations. But it is important to distinguish between separate strands of argument. The chronological argument, rejecting the June date in favour of a rebellion during February, is solid. It is a compelling fit with the surviving evidence, and is the only plausible way to explain the events of Nepotianus' rebellion. This is important, as it fundamentally changes how we read Nepotianus' rebellion, and it can stand independently of other arguments. On the other hand, my arguments for the identity and role of Anicius/Anicetus I advance much more cautiously. On the one hand, they

⁹⁷ Athan. *Apol. ad Const.* 6.5. For a completely different view on Nepotianus, putting his usurpation in 351, see Festy 2011.

draw strength from their explanatory power, and explain evidence that is otherwise unexplainable, but at the same time they are based on little more than fragments, and must be handled with care. As such, the arguments of the following section will not at any point rely on the more contentious arguments of this section.

6.6 FABIVS TITIVNVS: PRAEFECTVS ITERVM

This reconsideration of Nepotianus' rebellion serves an important purpose. It reveals Fabius Titianus' role in the usurpation of Magnentius. As the praetorian prefect of Gaul from 341 right up to the usurpation,⁹⁸ we might expect he was instrumental to the success or failure of Constans' regime. The fact he was soon appointed urban prefect by Magnentius suggests rather more: he was a supporter of the usurpation. The revised chronology of Nepotianus throws this into even sharper light. Magnentius, unsurprisingly, must have planned to dispatch forces under the command of Marcellinus to secure the capital before hearing about Nepotianus. This, in fact, further supports a February date over a June date, as it would not be possible for a messenger to travel to Gaul and for troops to return within the period of Nepotianus' usurpation; rather, it must have happened at a time when troops were heading to Rome anyway, which makes the most sense immediately after the usurpation. The dispatch of troops to Italy must have been a high priority for Magnentius, and the newly appointed urban prefect, Fabius Titianus, must have travelled with them.

The needs of a usurper were different to those of an established emperor, and Magnentius' appointments reflect the importance attached to military matters and city of Rome. Marcellinus went immediately from *comes rei privatae* to *magister militum*, and likewise Fabius Titianus went from praetorian to urban prefect. It follows that Magnentius' administrative dispositions must have been planned carefully in advance, and with the connivance not just of Marcellinus but also Fabius Titianus. It is reasonable to conclude that it was not just Marcellinus who orchestrated Constans' downfall, but Fabius Titianus as well. In fact, he was their most senior collaborator.

It was a bold move on the part of the praetorian prefect of Gaul. He had been the longest-serving praetorian prefect of the fourth century, and was an official of unparalleled seniority and stature across the Roman Empire. One can imagine he had the influence to match his

⁹⁸ Fabius Titianus is last attested as praetorian prefect on 12 November 349 (*CTh* 9.24.2), only two months before Constans was overthrown.

power, and was well placed to topple an emperor. But he must have been getting old. Having held governorships under Constantine, he must have been at least in his fifties, if not older, and had been managing a problematic prefecture for almost a decade. Perhaps this answers a difficult question: why was Magnentius chosen to replace Constans, and not a talented, prestigious, and experienced Roman noble like Fabius Titianus, who was a more widely acceptable candidate by far?⁹⁹ It could be, after many years of being ‘worn down by a continual burden,’¹⁰⁰ Fabius Titianus was ready for a change of roles and a return to Rome, which perhaps Constans was reluctant to allow him.

This might partly explain his support for Constans’ removal. But Zosimus’ account of Fabius Titianus’ embassy to Constantius in 351 suggests conviction rather than self-interest: ‘he presented a collection of absurd charges against Constantine and his sons, including the destruction of cities through Constantius’ carelessness as emperor.’¹⁰¹ Fabius Titianus, who had much more to lose than to gain in plotting a coup d’état, must have grown intensely disillusioned with Constans’ government as praetorian prefect of Gaul – a region mired in financial problems. Constans’ handling of military affairs was apparently good, as Ammianus mentions Julian was the only man the barbarians had feared since the Constans.¹⁰² But by the mid-350s Gaul was in a state of ‘*extrema penuria*’ from over-taxation.¹⁰³ It is difficult to say how much of this was a legacy of Constans, but (as Jill Harries notes), one of Magnentius’ first acts was to levy a property tax and sell off imperial property, while one of the driving figures behind the usurpation was Constans’ chief finance officer, Marcellinus.¹⁰⁴ Both these facts are indicative of frustration with financial mismanagement, and may explain the involvement of Constans’ most senior administrative official.

⁹⁹ Drinkwater 2000, 138-145, successfully argues that Magnentius was not as socially unacceptable a candidate for imperial power as many of the sources make out, but the question of why him and not Fabius Titianus or Marcellinus or anyone else is still unsatisfactorily resolved.

¹⁰⁰ Lib. Or. 59.164, on administrative service.

¹⁰¹ Zos. 2.49.1; Delmaire 1997, 113.

¹⁰² Amm. 30.7.5.

¹⁰³ Amm. 16.5.14; cf. 17.3.1-6.

¹⁰⁴ Harries 2012, 194-5.

Fabius Titianus' second urban prefecture was not like his first. He was part of a usurper government, and committed himself to trying to assert its legitimacy. Among Fabius Titianus' surviving inscriptions is a pair of statue bases dedicated to Magnentius, saturated in the language of legitimacy employed by the Constantinian Dynasty.¹⁰⁵ Magnentius has the typical titulature 'Victor ac Triumphator Semper Aug,' and the inscription is addressed to 'propagatori orbis ac Romanae rei' (expander of the Roman world and state). Three later statue bases honouring Constantius use the exact same language.¹⁰⁶

The urban prefecture of Rome was vital to the legitimacy of the new regime. If Rome, the largest city and traditional capital of the Empire, rejected Magnentius, it would be a severe blow that would compromise his negotiations with Constantius and make it more difficult to convince potential allies of the viability of his emperorship. Fabius Titianus would appear to have managed this role well, and over the course of a year (from 27 February 350 to 1 March 351) he was able to consolidate control of Rome for Magnentius, before returning to a more proximate role in his government.

But Fabius Titianus' second prefecture was not defined by his support of Magnentius. He had his own interests as well. In the midst of multiple usurpations and an incipient civil war, Fabius Titianus continued his program of sculptural restoration from his first prefecture. Two bases survive from this period, as well as the previously discussed fragment that could belong to either his first or second prefecture.¹⁰⁷ Only half of the first base survives, and the last line has only the tops of its letters, but the inscription is still clearly legible:

Fabius Titianus	Fabius Titianus
iterum	for the second time
praef urbi	urban prefect
curavit	restored (this) ¹⁰⁸

¹⁰⁵ *LSA* 1281 (*CIL* VI 1166a + p. 4331), and its twin *LSA* 1284 (*CIL* VI 1167 + p.4331) which it missing the top three lines but retains Fabius Titianus' full name.

¹⁰⁶ *LSA* 1278 (*CIL* VI 1161 + p.4331), *LSA* 1279 (*CIL* VI 1162 + p. 4331), and *LSA* 1360 (*CIL* VI 31395 + p. 4345), erected by Memmius Vitrasius Orfitus in the Roman forum.

¹⁰⁷ *LSA* 1335 (*CIL* VI 1654 + p. 4727); *LSA* 1562 (*CIL* VI, 40783b=41335a); fragment: *LSA* 1332 (*CIL* VI 31881 + p. 4726).

¹⁰⁸ *LSA* 1335 (*CIL* VI 1654 + p. 4727).

It is a modification of Fabius Titianus' earlier inscriptions, altered to reflect his second prefecture, but kept largely the same to evoke his first. The earlier line 'vc consul' is directly replaced with 'iterum,' so the new inscriptions retain the line spacing of the originals. The decision to omit mention of his consulship and praetorian prefecture must be regarded as a deliberate one, probably both for visual continuity between sets of inscriptions and to emphasise one office above all others: the urban prefecture.¹⁰⁹ As the emperors had only visited Rome briefly and sporadically, the urban prefects took on the role of local rulers, and it would appear Fabius Titianus was cultivating this relationship with the city.

The second surviving inscription is a little different. The words are erased but are roughly legible and are comparable to the first.¹¹⁰ They confirm that Fabius Titianus' return to restoring statue bases was not a singularity, but part of a larger scale project, much like the first. However, what is most interesting about this base is that traces of the original inscription before its reuse still survive on the stone. It appears to have been a statue base dedicated to Constans.¹¹¹ Fabius Titianus, then, was an early official to oversee memory sanctions against Constans in Rome. His bases were no longer simply a programme of sculptural decoration to glorify the urban prefect. They were now part of a wider programme of stripping Constans' memory from the physical fabric of the city. It is striking that Fabius Titianus was so quick to tear down a statue of Constans to spoliage its base, after that emperor had elevated him to be the most continuously preeminent official of the mid-fourth century.

Fabius Titianus' own inscription was then erased in turn after the victory of Constantius, and given how many similar inscriptions of Fabius Titianus survive unmolested, we might suspect his erasure on this base has something to do with the original, sanctified imperial inscription it replaced. If this is not just coincidence, then on this stone we have an example of retaliatory memory sanctions. It exemplifies a kind of epigraphic battle between Fabius Titianus and the Constantinian Dynasty, with both sides erasing each other's names and competing to put out their legitimising political messages. Both sides were claiming the legitimate right to rule the Roman Empire, and were denying that their opponents were

¹⁰⁹ Fabius Titianus may also have wanted to downplay his praetorian prefecture due to his betrayal of Constans. This would explain why his consulship appears on the inscription to Magnentius (above), while his praetorian prefecture does not.

¹¹⁰ *LSA* 1562 (C. Machado) offers: [[Fāb[i]us T[itia]n[u]s]], / [[c(larissimus) v(ir), p[ra]ef(ectus) [u]r[bi] II)],/ [[curavit]].

¹¹¹ Cf. *LSA* 1549 with commentary by C. Machado for original inscription.

anything but usurpers and tyrants. Moreover, they were both doing this in exactly the same way, using the same language and the same claims to legitimacy. When Constantius came to Rome after the defeat of Magnentius, the Senate (as with the Arch of Constantine, the degree of imperial connivance is unknown) built a great triumphal arch in the Forum Boarium, dedicated to his father. It was covered in niches for statues, and these were all re-used, repurposed statues being deployed in exactly the same way as Fabius Titianus did with his sculptural programme.¹¹² Much as they were deadly enemies, when viewed through the lens of the Roman senatorial elite, they appear as two sides of the same coin. While certain honorific inscriptions to Constantius drew on his dynastic claims to rule (most artfully on the Lateran Obelisk),¹¹³ it is significant that many inscriptions did not. In the eyes of the Roman elite, with their shared cultural background and common attitudes to monumental art and public communication, a usurper and a son of Constantine could be honoured in almost exactly the same manner. And it showed that the government of the newly divided Western Empire could continue beyond the dynastic circumstances that created it.

6.7 A CONSPIRACY OF CONSTANS' SUPPORTERS

To say Constans was overthrown by a usurper, or torn from power by some external force, subtly misrepresents the events of 350 in a way that is uncomfortably close to the eastern court's presentation of events. Rather, Constans was removed and replaced by a significant faction of his own government, and no one lifted a sword in his defence. This was not a cabal of plotters so much as a consensus among his senior officials in Gaul. Force and figurehead came in person of Magnentius, a former *protector* and a current *comes rei militaris*, commanding the Ioviani and Herculiani – the senior palatine units of Constans' escort army. Magnentius was, in short, the principal military figure propping up Constans' regime. Constans' *comes rei privatae* (or finance minister), Marcellinus, was a key figure who stage managed the assumption of power, and was immediately redeployed as a military commander.¹¹⁴ Between these two senior figures alone, the usurpation could draw on two

¹¹² Mateos, Pizzo, and Ventura 2017, *passim*.

¹¹³ *CIL* VI 1163. Helpfully translated by Iverson 1968, 57-8, and discussed in Henck 2001b, 281-3 (which reproduces Iverson's translation).

¹¹⁴ *PLRE* 1 Marcellinus 8, 546 (not to be confused with the former praetorian prefect, Antonius Marcellinus).

critical necessities: force of arms, and money. But there was another, more important figure who would bring them the administration, arms, supplies, legitimacy, and the city of Rome itself: the praetorian prefect, Fabius Titianus.

Before we can consider the role of Fabius Titianus, we must first examine the identity of Marcellinus, which poses a problem. The *PLRE* posits two supporters of Magnentius named Marcellinus: the *comes rei privatae* who stage-managed the assumption of power and went to Rome to put down the counter-revolution of Nepotianus, allegedly as a *magister officiorum*, and a *magister militum* named Marcellinus who was a member of an embassy to Constantius before the Battle of Mursa, and was arrested.¹¹⁵ This distinction between their offices is uncertain. Zosimus refers to the first Marcellinus (the former *comes rei privatae* of Constans) as ‘ὄν μάγιστρον ὀφφικίων,’ and Peter Patricus refers to the latter Marcellinus (arrested before Mursa) as a ‘στρατηγᾶτης.’¹¹⁶ The transliterated Latin of the former is specific, but cannot be accurate. A *magister officiorum*, in this period, was a court official with no military role, and would have no business leading an army against a rival usurper. Zosimus appears to have been confused by the fact Marcellinus was leading the court forces, which in his period was indeed in the purview of the *magister officiorum*.¹¹⁷ Zosimus, then, made an anachronistic mistake, and the Marcellinus who was formerly *comes rei privatae* and went to put down Nepotianus was more likely a *magister militum*, much like the Marcellinus who appears in Peter Patricus.

With this put aside, the only reason for the incompatibility of these Marcellini is a passage in Julian’s second panegyric, which refers to an unnamed person who orchestrated the usurpation of Magnentius and went missing in action at the Battle of Mursa.¹¹⁸ The editors of the *PLRE* and other authorities assume that the unnamed character in Julian who helped orchestrate the usurpation and the Marcellinus who helped stage it must be the same person,¹¹⁹ and so the Marcellinus who staged the usurpation must also have gone missing at the Battle of Mursa, so cannot be the same Marcellinus as the one who was arrested by Constantius. This leaves the prosopographically unsatisfactory situation of a Marcellinus who is attested only in

¹¹⁵ *PLRE* 1 Marcellinus 8 and Marcellinus 9, 546.

¹¹⁶ Zos. 2.43.4 and Petr Patr. fr. 16.

¹¹⁷ Kelly 2004, 57-8 and 258-9 n. 78. As we saw with the association of Italy with Africa in Chapter 4.2, Zosimus is susceptible to anachronism when dealing with historical administrative issues.

¹¹⁸ Jul. *Or.* 2.57D-59C.

¹¹⁹ *PLRE* 1 Marcellinus 8, 546; Drinkwater 2000, 133 n.10.

a single embassy, who holds the same name and title as another Marcellinus, from whom he is differentiated by only a single source which does not even give the name Marcellinus anyway. Could, then, the two Marcellini be one man, much as the two Anatolii were one man? This would be the most sensible resolution, but it depends on finding another identity for Julian's unnamed figure who features in the second oration.

This unnamed figure has a number of features that narrow the range of possibilities considerably. He had 'trained and tutored the usurper,' and was 'the author of that whole enterprise'; 'he had been responsible for the slaughter of so many innocent men and women, of whom many were private citizens, and of almost all who were connected with the imperial family' (Julian returns to this point to emphasise that this character slew women as well as men); he was guilty of 'insulting us with impunity'; he disappeared in the Battle of Mursa, being 'neither among the fallen or the fugitives.'¹²⁰ This led to the identification of Marcellinus, who had a major role in the very beginning of the conspiracy, and who was dispatched to Rome to put down the rebellion of Nepotianus, which led to the executions of numerous members of the imperial family, including at least one woman (Eutropia). However, there is another individual who is a better fit: Fabius Titianus. As the praetorian prefect of Gaul for the nine years leading up to the usurpation of Magnentius, who seamlessly integrated himself into Magnentius' government, it is certain he must have been instrumental to orchestrating the removal of Constans.¹²¹ Moreover, while Marcellinus provided the military force to put down Nepotianus, it was Fabius Titianus who went with him and became urban prefect of Rome, and it was he as urban prefect who had the judicial power to preside over the execution of Nepotianus, Eutropia, and their followers.¹²² Finally, while there is nothing specific to tie Marcellinus to 'insulting us with impunity' (in this speech Julian consistently uses 'us' to refer to the Constantinian Dynasty), there is a story in Zosimus of Fabius Titianus going to Constantius as part of an embassy, and liberally slandered the conduct of Constantine and his sons as emperors. Fabius Titianus was not arrested but allowed to return to Magnentius,

¹²⁰ Jul. *Or.* 2.57D-59C.

¹²¹ And not merely 'Magnentius' henchman,' as Drinkwater 2000, 147, puts it.

¹²² The *clarissimi*'s right of appeal to the emperor (*CTh* 11.30.23, discussed in 6.3 above) presumably did not apply in the circumstances, whether invalidated by the crime of treason or else ignored on the grounds of necessity hath no law.

explaining ‘with impunity’ and also how Fabius Titianus could be at Mursa, to be attested in Julian’s second oration.¹²³

The conspiracy against Constans, then, originated at the very heart of his government. It was not just his *comes rei privatae*, Marcellinus, which signifies opposition to Constans from within his court. It was Fabius Titianus, which indicates opposition from his wider administration, and perhaps his prefecture as a whole. Jill Harries, believing from the traditional reading of Julian that the impetus came from the *comes rei privatae*, suggested that the removal of Constans was in response to financial mismanagement.¹²⁴ The logic of this is sound, but the cause must be broadened to Constans’ government more generally. The participation of Fabius Titianus, who at the very height of his career cannot have been motivated by personal ambition, shows that there must have been considerable discontent with Constans and good reason to remove him.

Other supporters of Magnentius give a similar impression. The *Chronography of 354*, in its list of urban prefects, reveals familiar names among Magnentius’ appointees. Fabius Titianus was succeeded, as he had been a decade previously, by Aurelius Celsinus on 1 March 351. Given his friendly discourse with Constantine II, it is perhaps not surprising that Celsinus’ loyalty to Constans did not outlive the offices he gained from him.¹²⁵ Aurelius Celsinus’ second prefecture was short: seventy-two days compared to a little over a year for Fabius Titianus. He was replaced on 12 May 351 by Celius Probat, who is not otherwise known, and who served an even shorter term of twenty-six days – probably indicating issues with his tenure. His successor, on 7 June 351, was Clodius Celsinus Adelphius. It is not known if he was any

¹²³ There is a second mention of slanderers, at *Jul. Or.* 2.96A. Again, the subject is not named, but the fact Julian can emphasise the fact the person or persons were spared suggests it is not about the same person who disappeared at Mursa. Others (e.g. *PLRE* 1 Fabius Titianus 6, 918-9) have suggested this allusion refers to Fabius Titianus, which would preclude him from being the subject of the earlier passage as this chapter has argued, but there is nothing specific to tie him to this latter passage and it could refer to any number of people who might have cause to regret what they said, or it might be a general panegyric claim tied to no one in particular. It is certain most unlikely that if Fabius Titianus survived the civil war, he should be spared by Constantius.

¹²⁴ Harries 2012, 194-5.

¹²⁵ See Chapter 3.4.

relation to Aurelius Celsinus.¹²⁶ He was apparently accused of plotting against Magnentius, which could have been a genuine attempt to bring Italy over to Constantius, or could be baseless slander; Ammianus does not give enough information in this cross-reference to a lost book to judge, although the fact he wrote a more detailed account might suggest there was something more substantial to it.¹²⁷ The fact that his accuser, Dorus, became influential in Constantius' court after the war might even suggest the accusation was a vexatious one, designed to destabilise Magnentius' hold over Italy.¹²⁸ Constantius, who had bribed Vetranio's men to depose him and allegedly paid barbarians to attack Magnentius' western provinces, certainly had a flair for such tactics.¹²⁹

The penultimate urban prefect to be appointed by Magnentius was Valerius Proculus, another man who might, like Aurelius Celsinus, have owed more loyalty to Constantine II than to his killer.¹³⁰ He had been appointed urban prefect by Constantine, and (as discussed in Chapter 5.5) probably owed his consulship to the agreement of an imperial college dominated by Constantine II. He did not hold office again in the 340s, perhaps suggesting he was sidelined by Constans.¹³¹ Valerius Proculus was the third of a group of former urban prefects from the late-330s and early-340s to serve a second term under Magnentius, the others being Fabius Titianus and Aurelius Celsinus. Magnentius was clearly trying to create an image of continuity with an earlier period, evoking the stability implied by a single, recognisable ruling class. It was no empty image. Magnentius could indeed draw on a substantial number of big-name Roman aristocrats to legitimise his cause, and – better still – could convince former-officials who had no need of adorning their names with further offices to take an enormous risk by supporting a usurper government in competition with the Constantinian Dynasty.¹³²

With this in mind, it is difficult to know how to interpret Magnentius' other appointments. His praetorian prefects were Nunechius and Anicius/Anicetus, his generals Gaiso, Gerontius,

¹²⁶ And he was probably not the husband of the poetess Proba (Barnes 2006, 254-6).

¹²⁷ Amm. 16.6.2; Barnes 2006, 251-2 et passim.

¹²⁸ Barnes 2006, 249-52.

¹²⁹ Vetranio's men: Zos. 2.44.4. 'Barbarians': Lib. *Or.* 18.33 and 18.107; Zos. 2.53.3 (and excellent summary in Nixon and Rodgers 1994, 401-2 n.38).

¹³⁰ Delmaire 1997, 113.

¹³¹ Ibid.

¹³² Humphries 2015, 163-4.

Romulus: all of them, as Delmaire puts it, obscure and unknown.¹³³ But the conclusion Delmaire draws from this is that Magnentius could only find nonentities willing to serve in his administration. This is not necessarily so. For a start, many of the officials who served Constans are equally obscure and unknown, due to the nature of the evidence rather than any particular lack of eminence. There are a great many people in this period attested only in the office they held, and it would be a misjudgement to presume them all nonentities. A more positive way of looking at it would be to say Magnentius deployed his most prestigious supporters into high-profile offices (*viz* having many of Constans' urban prefects reprise their roles to legitimise the new emperor) while perhaps appointing those men he knew personally and trusted as his more immediate officials (*viz* generals and praetorian prefects). Much as Magnentius raised himself by a great degree, we would expect those under him before, whom he raised along with him, to be correspondingly even more obscure *to us* than he was. And the emphasis must be on 'to us,' as evidential biases very much favour the officials of successful emperors over the officials of short-lived usurpers. This is not something that can be easily translated into comment on the overall class or quality of men Magnentius was able to draw on.

We can, on the other hand, assert that there was a contingent of western elites who supported Constantius during the civil war. In two orations, Julian uses the image of the Senate preferring Pannonia to Rome, implying they fled to Constantius en masse.¹³⁴ An exaggeration no doubt, but one would imagine (and indeed expect) a kernel of truth in a portion of the Senate trusting in the forces of the East and the staying power of the established dynasty. And we can support this with specific individuals. We have already discussed Egnatius Lollianus in this chapter, who despite having lost his designated consulship and having been side-lined by Constans must have supported Constantius in the civil war, as he came into favour in the 350s, holding a consulship in 355 and praetorian prefecture in 355-356. Likewise Anatolius must have supported Constantius, as he was proconsul of Constantinople around 354 and praetorian prefect again in 357-360 (although he might already have returned to the East before Constans was deposed).

¹³³ Delmaire 1997, 113. *PLRE* 1 Nunechius, 635; Anicetus 1, 66-7 (see 6.5 above); Gaiso, 380; Gerontius 1, 393; Romulus 2, 771. (It is possible that *PLRE* 1 Romulus 2, 771, who died fighting at Mursa is the same as Flavius Romulus 3, 771, the consul of 343, in which case we could number another consular among Magnentius' supporters.) Cf. Barnes 1992a, 255, 257.

¹³⁴ Jul. *Or.* 1.48B and 2.97B-C.

Finally, there is the interesting case of Vulcacius Rufinus. He was praetorian prefect of Illyricum under Constans from 347 and continued into the civil war. It is impossible to precisely account for how Vulcacius Rufinus positioned himself politically over the course of the year 350, but it is clear he played his cards very carefully. He appears to have continued as praetorian prefect under Vetranio, as he appears in an embassy to Constantius from both Vetranio and Magnentius.¹³⁵ Subsequently, it appears Vulcacius Rufinus (along with Gomoarius¹³⁶) played a role in betraying Vetranio and stage managing his deposal in favour of Constantius. He was certainly treated very favourably by Constantius afterwards, being retained as praetorian prefect of Illyricum until 352, before being made praetorian prefect of Gaul in 354, which rather suggests he proved himself indispensable to Constantius in removing Vetranio.¹³⁷ That he should do so would not be surprising, given his links to the court of Constantius. He had been a *comes* in the East under Constantius in 342. His sister, Galla, had married Julius Constantius, and although Constantius had murdered the latter in 337, Vulcacius Rufinus could still claim to be related to the dynasty, as Gallus and Julian were his nephews. And finally his brother, Neratius Cerealis, was an important supporter of Constantius.¹³⁸

6.8 USURPATION IN A DIVIDED EMPIRE

The overthrow of Constans and the political manoeuvrings that followed reveal a great deal about the division of the empire in the 340s, most particularly in the assumptions about what would follow Constans' removal. Division was implicit in the advanced planning of Magnentius' usurpation. The multi-emperor system theoretically protected against usurpation because of the threat of retaliation from the surviving emperor, but Magnentius seemed reasonably confident this could be avoided. His usurpation was not against the imperial college as a whole, but was an internal affair of the Western Empire, to which it was hoped Constantius

¹³⁵ Petr Patr. fr. 16.

¹³⁶ Amm. 21.8.1 mentions Gomoarius betrayed Vetranio as leader of the Scutarii. Given Vetranio was deposed at a military assembly, Gomoarius probably played quite a practical role.

¹³⁷ *PLRE* 1 Vulcacius Rufinus 25, 782-3. He appears to have fallen from favour in 354 due to his kinship with Gallus (Amm. 14.10.4-5), but came back into favour under the Valentinians.

¹³⁸ *PLRE* 1 Naeratius Cerealis 2, 197-9. Relationship to Vulcacius Rufinus in Amm. 14.11.27. Salway 1994, 133, suggests their divergent names may be down to *condicio nominis ferendi*, although this is far from certain.

would grudgingly assent. The politics of East and West, it was assumed, were sufficiently divided to allow this kind of action.

As John Drinkwater's important article demonstrates, the usurpation of Magnentius was well-planned and carefully executed.¹³⁹ It was particularly mindful of the reaction of Constantius, and its staging early in the year seems to have been deliberate to ensure Constantius was already committed to the East for that year's campaigning season, thus allowing the maximum possible time between the usurpation and any redeployment of troops from the eastern frontier.¹⁴⁰ This creation of breathing room may have been to consolidate their position and prepare for confrontation, but events in Illyricum suggest otherwise. Magnentius made no attempt to seize this region, and nor did he take any action against Vetrano when he usurped on 1 March. Drinkwater argues that Magnentius deliberately left Illyricum alone as he could not be sure that Vetrano and Vulcacius Rufinus would support the plot, and because a subsequent move to secure the Succi Pass could have been seen as an act of hostility at a time when Magnentius wanted to conciliate Constantius.¹⁴¹ Only the latter half of this argument holds water. Given the decisiveness and force with which Magnentius seized Rome, he cannot have abandoned Illyricum – a region of critical military importance – solely because Vetrano and Vulcacius Rufinus were unknown quantities. Indeed, it was only Magnentius' failure to act that created the power vacuum Vetrano exploited (something Magnentius probably did not anticipate). Magnentius' inaction in Illyricum can only be explained by Drinkwater's second suggestion, that he wanted to appease Constantius by taking no military action in his direction, and leaving a buffer zone between them. This argument can be taken a step further: Illyricum was only part of the Western Empire of Constans because he was awarded it in the succession arrangements of 337. Illyricum was originally intended to have been governed by Dalmatius as a Caesar of Constantius, and may be regarded as 'lost territory' in the unbalanced division of the 340s, with Constans effectively ruling two thirds of the empire. Magnentius' apparent

¹³⁹ Drinkwater 2000, 132-7.

¹⁴⁰ Ibid, 133.

¹⁴¹ Drinkwater 2000, 148-9. Although Drinkwater also argues that if Illyricum was not permitted to join Magnentius, then the rebellion of Vetrano would have been against Constantius, and 'must reflect the depth of feeling in the Balkans against the continued dominance of the Flavian dynasty.' This aspect of his argument is seriously undermined by the ease with which Vetrano's troops shifted their allegiance Constantius later that year.

willingness to surrender this territory could be construed as an offer of a more equitable division of Eastern and Western Empires going forward.

The negotiations between Magnentius and Constantius also reflect a desire for a continuation of the divided empire. Magnentius requested a marriage alliance between himself and Constantina, and offered his own daughter to Constantius.¹⁴² This was in much the same vein as the intermarriages that had underpinned the Tetrarchy, and suggests Magnentius foresaw a long-term solution sharing the imperial college with Constantius. Magnentius even offered to recognise Constantius' rank as senior Augustus,¹⁴³ although the fact that he unilaterally made Decentius a Caesar early on in the negotiations, in July or August 350, indicates that this recognition was to be nominal, and the West would be ruled as independently as it had under Constans.¹⁴⁴

The usurpation of Vetranio meant Magnentius was playing a much stickier wicket than he might have anticipated. His hope for a continuation of the division of the 340s, with himself simply replacing Constans and potentially ceding some territory to sweeten the deal, was now impossible. Illyricum was no longer his gift to bestow, and negotiations were soured by a third self-proclaimed Augustus who was well-placed to play king-maker. Ultimately, while Magnentius tried to negotiate around the unfortunate situation in Pannonia,¹⁴⁵ Constantius capitalised on it, and ended up bolstering his own forces sufficiently to challenge Magnentius on the battlefield. Nonetheless, the fact that Magnentius and Vetranio – and indeed Nepotianus during his short usurpation – all attempted to ally themselves with Constantius, and publicly presented themselves as ruling in concert with him,¹⁴⁶ indicates a widespread desire for the West to continue as a separate entity from the East, with Constantius offering recognition of the new ruler or rulers as would a foreign state. This desire is particularly evident in the case

¹⁴² Pet. Patr. fr. 16.

¹⁴³ Ibid.

¹⁴⁴ The date is established by Bastien 1964, 15-6. Šašel 1971, 208, suggests the appointment of a Caesar was due to pressure on the Rhine frontier.

¹⁴⁵ By including Vetranio in his original negotiating position, and proposing a triarchic solution to Constantius in Pet. Patr. fr. 16. The usurpation of Vetranio must have made Magnentius' proposition considerably less compelling than if he had made it alone, with the forces in Pannonia leaderless and vacillating – if not openly declaring in his favour – while the territory of Illyricum remained a bargaining chip.

¹⁴⁶ All three initially minted coins in the name of Constantius.

of Nepotianus and Vetrician: both seemed to be operating on the assumption that they, and not Constantius, would take Constans' place if Magnentius could be defeated. In short, no one expected Constantius would lay claim to the West, or appoint his own Augustus or Caesar to manage it, as should have been the case in a united empire. Rather, they saw the West as its own realm, meriting its own ruler. The perspective of the eastern court does not seem to be substantially different. Constantius' advisors recommended he make peace, and, by extension, surrender any claim he might have had on the West as the senior Augustus and sole surviving heir of Constantine.¹⁴⁷

Constantius refused.

6.9 CONCLUSION

Chapters 5 and 6 have traced the progress of administrative division in the 340s. Chapter 5 demonstrated that Constans reformed the praetorian prefecture to compensate for his expanded territory after the civil war of 340. The regional prefectures he established would become a key feature of the administration of the Later Roman Empire, and the territorial modularity that came with them enabled divisions of the empire along the same territorial lines. The consulship remained the concern of both emperors, but the negotiations behind the appointments to this office reveal not unity but division; nominations to the consulship were divided between the emperors, and contests such as 344 and 346 reveal the lack of functional imperial hierarchy. As this chapter has shown, after 340 Constans took full control of Rome and assumed sole responsibility for the appointment of urban prefects, while Constantius presided over the development of Constantinople into an imperial capital of the new Eastern Empire. Constans' prefects provide a window into his administration, showing the kind of people he promoted and depended upon in the 340s. Often, these were the wrong people.

In 350, a decade of internal peace disintegrated into chaos and civil war. Three usurpers vied with the one surviving son of Constantine for control of the empire – or for a portion of it. Division was implicit in all their negotiations. Magnentius hoped to supplant Constans alone, not the whole dynasty; he proposed a marriage alliance with Constantius with himself taking Constans' seat in the imperial college. Vetrician hoped for the same, and exploited his position as kingmaker to negotiate himself a crown; it appeared to be working until he was betrayed and stripped of his rank by his own troops. Nepotianus declared himself Augustus while

¹⁴⁷ Jul. *Or.* 1.41D; Them. *Or.* 4.62B; Drinkwater 2000, 151.

playing up his association with the Constantinian Dynasty, implying he too wanted to replace Constans and rule in concert with Constantius, although as the revised chronology of his knee-jerk usurpation has shown, he had little chance of doing so. All three, at first, usurped the emblems of Flavian legitimacy.¹⁴⁸

The implication is that all three usurpers, and their advisors, officials, and armies, had come to view the empire as an divisible entity. Trusted officials like Fabius Titianus, who this chapter has argued was central to the usurpation of Magnentius, may have had much to do with its division in the first place. The old conception of a unified empire ruled by a kind of imperial trinity had been superseded by something different. The areas ruled by Constantius and Constans had become territorially distinct. To Constantius, who never quite reconciled himself to the changes wrought by the civil war of 340, the death of his brother meant control of the empire reverted to the surviving member of the imperial college. To everyone else, even among Constantius' staff,¹⁴⁹ the death of Constans meant a vacancy for the emperorship of the West. This may seem something of a redundant point given the might-is-right context of usurpation and civil war, but it indicates how division was being conceptualised, and entrenched. Much as we saw with the practicalities of autonomous rule in Chapter 3, here we see division becoming so normalised that it was automatically assumed to continue. And it was only the stubbornness and good fortune of Constantius that meant it did not.

The bloodless removal of Vetranio and the costly victory at Mursa represent the triumph of a dynasty. It was not a triumph of conviction so much as a feat of bribery and force of arms.¹⁵⁰ Had Constantius lost, division might have been rethought, and become a default for the empire considerably earlier than it eventually did. But as it was, unification prevailed. This was a disaster for Magnentius and his closest followers, but Constantius was careful to offer amnesty to as much of the bureaucracy of the West as he could.¹⁵¹ Constans proved himself to be

¹⁴⁸ Magnentius, in early inscriptions, adopted the name Flavius (Bastien 1964, 37); Nepotianus took the name Constantinus (*RIC VIII*, Rome 203). Vetranio appropriated the evocative chi rho standard and 'HOC SIGNO VICTOR ERIS' legend on his coinage (in his own name: *RIC VIII*, Siscia 275, 279, 283, 287, 288, 292; he also minted these coins in the name of Constantius).

¹⁴⁹ See 6.8 above.

¹⁵⁰ Zos. 2.44.4 suggests, very plausibly, that Vetranio's soldiers were generously corrupted before Constantius' famous speech. Mursa was not a tactical success so much as a battle of attrition.

¹⁵¹ Jul. *Or.* 1.38B-C and 2.58B; Moser 2018, 308-9.

essentially separable from his administration, and the established government of the West came to be well-integrated with its new managers from the East.

Constantius' inflexible attitude to the division is an interesting one. Over the long period of his reign, his policies on this matter appear to have been more innovative and complex than those of the hierarchically minded Constantine II or the individualist Constans. The concluding chapter will attempt to address this question, and look at Constantius' shifting attitude to the division of the Roman Empire and the structure of the imperial college. In the thirteen years since Constantius had staged a coup against his father's Tetrarchy, his views had evolved. By the time Constans fell, Constantius had an entirely new ruling philosophy.

Chapter 7
Conclusion:
Constantius, Unifier of Empires

Amid this huge mass of anxieties [Gallus] received constant letters from [Constantius], admonishing and begging him to come to him and covertly hinting that the commonwealth could not be divided and ought not to be (*rem publicam nec posse dividi nec debere*), but that each ought to the extent of his powers to lend it aid when it was tottering, doubtless referring to the devastation of Gaul. To this he added an example of not so very great antiquity, that Diocletian and his colleague were obeyed by their Caesars as by attendants, who did not remain in one place but hastened about hither and thither, and that in Syria Galerius, clad in purple, walked for nearly a mile before the chariot of his Augustus when the latter was angry with him.

~ Amm. 14.11.9-10 (trans. Rolfe).

7.1 INTRODUCTION

There had been divisions of the Roman Empire before, of different kinds. In general they fall into two categories: either the empire was not meaningfully divided and the situation could be better described as collegial rule, or it was divided by conflict, an invariably temporary situation where the borders of rival administrations were determined by the frontiers of their military influence. After the death of Constantine, the succession followed the model of collegial rule, although the fact that there were three Augusti, instead of two Augusti and two Caesars, contributed to a growing territorial autonomy. While he was alive, Constantine II held the empire together. But he lacked the strength and guile of a Diocletian or a Constantine. His failure to establish himself as an active leader of the imperial college, and his murder at the hands of Constans, meant that the empire entered into an entirely new state of governance: a peacetime division, accepted by both emperors and their subjects, and with the potential to last indefinitely.

If Constans had not been overthrown, and if he and Constantius had both lived long lives, the division of the 340s could have lasted decades longer – perhaps even for the rest of the fourth century. As it was, neither of them escaped the famously high imperial mortality rate,

or ‘purple death’ as Julian called it.¹ After the death of Constans, there was every expectation that the empire could, and would, continue as a divided entity. Magnentius and his supporters made their plans on this premise, and many of Constantius’ officers seemed to agree with this course. It was only the dogged dynasticism and autocratic nature of Constantius that brought the empire back together in the aftermath of Constans’ assassination. And even though Constantius insisted that the empire ‘could not be divided and ought not to be,’² his deployment of Caesars as co-rulers shows that he could not escape the dualistic rulership model established in the 340s. Indeed, the eternal threat of ambitious Caesars meant that Constantius’ attempt to modify the two-Augustus model failed each time – the hierarchical model had become unsustainable (see 7.3 below).

The rule of one emperor was no longer acceptable to the army, and when they compelled Valentinian to take a colleague, he heeded the lessons of recent history and appointed a co-Augustus. It was a return to the division of the 340s, although Valentinian’s clear and regularly exercised authority as senior Augustus meant the empire was not so truly divided as it had been under Constantius and Constans.³ It took another pair of brothers to do that. With the dual-Augustus model secured – and modified to suit the needs of the hour⁴ – the coinheritance of Honorius and Arcadius completing the cycle. They naturally followed the model that had increasingly prevailed since the first peacetime division of the empire in the 340s. They

¹ Amm. 15.8.17. When Julian was invested with the purple, he supposedly quoted *Iliad* 5.83, ‘seized by purple death, and fate supreme.’

² Amm. 14.11.9-10 (quoted in chapter heading).

³ This is outlined in Drijvers 2015, 91-4, and presents an irresolvable obstacle to his contention that the empire was truly divided in 364.

⁴ Principally in the appointment of child-emperors as heirs. Valentinian appointed the young Gratian as an Augustus *sans terre* (to borrow Palanque’s turn of phrase), creating an imperial college of two active Augusti (Valentinian and Valens) and one young Augustus ready to take on greater responsibilities with age. When Valentinian died, Gratian effectively took his place, but the soldiers elevated another child, Valentinian II, to the rank of Augustus, thus perpetuating an imperial college of two active Augusti and one child Augustus. Theodosius then replaced the fallen Valens, and the usurpations of Magnus Maximus and Eugenius created a situation much like that in the early 350s, and the West was recovered and the empire united under the authority of a single emperor (albeit one who did not rule alone), and with his death the empire reverted to the rule of eastern and western Augusti.

divided, and they ruled. Some, like Claudian, hoped in vain for an eventual reunification,⁵ but this was no longer pursued as policy. The days of the Roman Empire as a unitary entity were over.

This thesis has argued that the period of co-rule in the 340s was the genesis of this division. The empire had been ruled by multiple emperors before, and, in times of conflict, it had been divided between warring emperors or factions. But in the 340s, there was a new kind of division: the peacefully agreed upon separation of the Roman Empire into two autonomous states, with a greater degree of institutional independence and the potential to continue indefinitely. It set a precedent that was increasingly followed throughout the fourth century, and by its end, it had become permanent. It seems most unlikely that anyone involved at the time could have anticipated that this act of dynastic necessity and political convenience would lead to a permanent rupture of the Roman Empire. Rather, it was an accident of policy that changed the course of history.

As division was neither deliberate nor sudden, this thesis has had to cover a great deal of ground to establish causal factors and show how it happened. It is worth recapping the arguments of the previous chapters here, to draw together a concise overview of this thesis. Following that, this chapter will then consider the reunified empire of the 350s under Constantius, and his attempt to revive the office of Caesar to prevent another division. Finally, it will consider the overall importance of this short period in relation to the fourth century as a whole, a century which reshaped antiquity unlike any other.

7.2 THE YEARS 337 TO 350, REVISITED

Constantine was an anomaly. He did more than anyone else to destabilise the Tetrarchy of Diocletian, to the point of an outright conflict-division of the Roman Empire between himself and Licinius, but he also reunified it in a lasting and meaningful way from the defeat of Licinius in 324 through to his death in 337. In many ways Constantine, Diocletian's one-time protégé, fulfilled what seems to have been Diocletian's long-term ambition for the Tetrarchy: he created a dynastically aligned system of multiple rulers, working in harmony under the guiding hand of the senior Augustus, and presenting a united imperial front against all foreign and domestic enemies. The principle departure from the Diocletianic model was that Constantine ruled as the sole Augustus.

⁵ Tougher 2015, 154.

What Constantine intended to happen after his death may be hypothesised, but is impossible to prove. It seems most likely that he intended for Constantine II and Constantius to succeed him as Augusti, and for Constans and Dalmatius to remain their respective Caesars. But this does not entirely matter. In a stable imperial college, as Constantine would have expected a college made up of his sons and nephew to be, seniority would have ensured Constantine II took his place as principal ruler of the Roman Empire no matter what the precise formulation of the imperial college. However, as Chapter 2 has shown, events after Constantine's death sowed the seeds that would ultimately undermine Constantine II's seniority entirely.

Constantius was the only one of Constantine's sons close to him when he died. His location, combined with the loyalty of his army he had apparently won since being stationed in Antioch in 335, meant he was able to take control of the succession. He quickly took action against the Constantinopolitan faction favoured by Constantine in his later years, which Constantius perceived as a threat from far-off Antioch. The main victim was his fellow Caesar, Dalmatius. There is nothing to suggest Constantius stripped Dalmatius of his rank before killing him, or alleged any crime, and as a Caesar himself, Constantius had no authority to do this. It was more akin to a palace coup or usurpation than it was to an emperor exercising his judicial authority. Constantius followed up by taking command of Dalmatius' army on the Danube, close to where he held negotiations with his brothers about the future of the empire. Constantine II had already tried to test his authority as senior emperor, by restoring Athanasius to Alexandria, but this must have paled in comparison to the sinister and autocratic actions of Constantius. And, as a result, Constantius was able to pressure Constantine II to accept the elevation of Constans to the rank of Augustus alongside them.

The events of 337 were a severe blow to Constantine II's seniority, and the new triarchy of three Augusti must have further undermined the imperial hierarchy. Without Caesars, the regular chain of intra-imperial command went unexercised. A senior Augustus might overrule a junior one, but how often would such circumstances ever arise? As Chapter 3 has argued, there is a great deal of evidence to show that the empire of 337 to 340 was ruled by a hierarchical imperial college, and that people across the empire understood that they were the subjects of a unified imperial college, ruling a unified empire, with Constantine II at its head. But the hierarchical system that had worked effectively under Diocletian barely worked at all under Constantine II. It was not until the spring of 340 that he first attempted to leave his own territorial sphere and proactively supervise the government of the empire.

By the time Constantine II stepped into his father's shoes, it was too late. His junior colleagues had taken advantage of the power vacuum to assert their own autonomy. Constantine II's entry into Italy may have been seen as a threat to that autonomy, or it may

have been taken as an opportunity too good to pass up. But whatever the motivation, Chapter 4 has shown that the impetus to conflict came entirely from Constans' court. Constantine II was killed, and imperial collegiality died with him.

Constans and his court had no intention of allowing Constantius to take Constantine II's place as senior Augustus, and the speedy appropriation of Constantine II's territory proves Constantius could not even have been consulted. Constantius was nominally the senior Augustus, but Constans held significantly greater territory, and arguably wielded greater power. Although Constantius resented the killing of Constantine II, he did not press his claim as senior Augustus.

The result was that there was no functional imperial hierarchy after 340, and the regional territories of the two emperors became like sovereign states. The death of Constantine II set a precedent of territorial inviolability. The line between the emperors' spheres was now a border. Separation was complete: in terms of rulers, courts, administration, legislature, revenue, treasury, and military, there were now two Roman Empires, each of which was content to quietly recognise the other, and let the arrangement continue indefinitely. Sometimes, this resulted in conflict. With a divided empire, there was nothing to prevent or resolve disputes, and hierarchy had to be replaced with diplomacy. Chapter 4 describes the acrimony of 345 over Athanasius and Paul, while Chapter 5 shows the clashes over the choice of consuls in 344 and 346, none of which could have occurred in a unified empire. But it is more significant that the 340s, after the death of Constantine II, were characterised by internal peace. This was not a conflict division like that of Constantine and Licinius. Though it had its origins in the civil war of 340, Constantius and Constans had never fought, and they both recognised each other as emperor throughout this period. The state of division was not a temporary necessity but a permanent arrangement.

Constans' reign, which had accomplished an enormous territorial expansion in 340 and had a good record of military success throughout the 340s, ended in failure in 350. While men like Fabius Titianus had benefitted from Constans' belligerence in 340, it would appear they grew disillusioned with his peacetime rule. Constans was replaceable, and replace him they did. His assassination, and the appointment of Magnentius in his stead, appears to have been made on the understanding that East and West were sufficiently separate for Constantius to accept the replacement of his brother and recognise his new co-ruler. In that, they had made a misjudgement.

7.3 CONSTANTIUS AND THE REUNIFICATION OF THE ROMAN EMPIRE

The quote from Ammianus which opens this chapter reflects something of critical importance that is neither well-attested nor often discussed. Constantius was an emperor with a keen awareness of imperial history, who had strong feelings about how imperial co-rule should function. This was not always evident in the 340s, as Constantius was willing to accept the division of the empire as the best option in the circumstances.⁶ But in the aftermath of Constans' fall, Constantius was free to pursue his own arrangements for the Roman Empire. Beneath his ad hoc decision making during the civil war against Magnentius, we can detect an underlying ruling philosophy, and a unique plan for how the empire should be governed. This is clearly reflected in his deployment of Caesars, and in his unflagging support of his dynasty. Constantius would not accept outsiders joining the imperial college, and insisted on the promotion of his cousins, and marriage alliances between them and his sisters. Moreover, Constantius seems to have firmly opposed any circumstances that could lead to a redivision of the Roman Empire.

While Magnentius and his supporters, soon joined by Vetranio as a third wheel, had every hope of perpetuating the divided empire of the 340s, Constantius was not receptive to negotiations. When Magnentius and Vetranio sent a high-status embassy, consisting of Vulcacius Rufinus, Marcellinus, Nunechius, and Maximus, they proposed a triarchic solution, strengthening the arrangement with a marriage alliance between Magnentius and Constantina, and between Constantius and Magnentius' daughter. Constantius imprisoned all the ambassadors bar Vulcacius Rufinus, whom he brought over to his cause if he was not sympathetic already.⁷ Whatever his feelings about sharing power, he would not be sharing it with Magnentius or Vetranio. It may be this was down to a simple intolerance of usurpation, or a reluctance to share the imperial college with anyone who outweighed him in experience and military cachet, or it may be an insistence on dynastic appointments – or indeed all three. In July or August 350, Magnentius appointed a relative of his, Decentius, to the rank of Caesar.⁸ Perhaps at this point Constantius began to consider doing the same. Negotiations were ongoing,

⁶ Or at least it was preferable to waging war on his brother, an alternative which is expressed surprisingly openly in Them. *Or.* 2.38C-D.

⁷ Pet. Patr. *fr.* 16; Zon. 13.7.

⁸ Bastien 1964, 15-16.

but after Constantius' ill-treatment of ambassadors, it is likely that hopes for a peaceful division of the empire had faded.

This was not a failure of negotiation. What Magnentius and Vetranio asked for was reasonable, and there is little more Constantius could have demanded. He could not have reasonably expected either contender to stand down, or demote themselves to the rank of Caesar; either would be tantamount to a death sentence either at the hands of his troops or their own. Nor can Constantius have been willing to accept only a single colleague; Vetranio was certainly willing to accept such terms, and the fact that Vetranio was excluded from the marriage alliances proposed by Magnentius might suggest that the latter was willing to abandon his fellow usurper as well. Instead, all the evidence suggests that Constantius was simply unwilling to make peace, and overruled his advisors on this point.⁹ Perhaps by then the ongoing negotiations were more strategic than productive, with Constantius attempting to buy time or undermine his opponents. Indeed, the later embassy before the Battle of Mursa, during which Constantius' envoy Flavius Philippus tried to win over Magnentius' troops and almost engendered a mutiny,¹⁰ suggests Constantius was far more interested in using negotiations as a tool of psychological warfare.¹¹

It is likely that Constantius did not approach his negotiations with Vetranio in good faith, but used them to bring himself closer to his seat of power, in order to topple him from it.¹² This was something of a test case for the viability of his cause. After Vetranio was overthrown, with

⁹ Jul. *Or.* 1.41D and Them. *Or.* 4.62B.

¹⁰ Zos. 2.46.2-47.3.

¹¹ This was not without precedent, e.g. Sulla using envoys to entice L. Scipio's army to desert in App. *B. Civ.* 1.85. Constantius clearly had an interest in unconventional warfare, allegedly recruiting barbarians to attack his enemies (Lib. *Or.* 18.33 and 18.107; Zos. 2.53.3), using duplicitous tactics to cashier two emperors like they were no more than common soldiers (paraphrasing Amm. 15.1.2), and soliciting the assassination of another emperor by his own men (Amm. 15.5.30-1).

¹² Drinkwater 2000, 152-9.

the aid of bribery,¹³ betrayal,¹⁴ infiltration,¹⁵ and public speaking skills,¹⁶ Constantius turned his attention to Magnentius, and on 15 March 351 he unveiled his manifesto for the future governance of the empire. This was the appointment of the twenty-five or twenty-six year old Gallus as Caesar.¹⁷

The extent to which this decision reflects his ruling ideology as opposed to his pragmatism is difficult to fathom. On the one hand, there are good, practical reasons why Constantius would elevate Gallus. It meant an imperial presence on the eastern frontier, which apparently checked Persian advances and Isaurian raids, and helped to suppress a Jewish rebellion.¹⁸ Having an emperor in Antioch would also restrain the ambitions of senior officials and military leaders.¹⁹

It also meant that the Constantinian Dynasty was not just a one-man enterprise. This provided a counterpoint to Magnentius' appointment of Decentius, which is suggestive of an attempt to establish a dynasty, and was bolstered by Gallus' marriage to his cousin Constantina, the sister of Constantius. It was an important way of publicising the staying power of Constantinian rule, and its potential for a stable future. And it was not just a question of image. Constantius cared deeply about his dynasty, and probably had genuine private concerns about its future if he were to fall in the war against Magnentius. It is difficult to draw general conclusions from a decision made *in extremis*, but Constantius made the exact same decision again, in 355. Constantius made Julian a Caesar and married him to his surviving sister, Helena,

¹³ Zos. 2.44.4.

¹⁴ Amm. 21.8.1 alludes to Gomoarius betraying Vetranio. The ease with which Vulcacius Rufinus switched sides is also suggestive of betrayal. He is almost unique in managing to hold his position as praetorian prefect through a succession of three different emperors (Constans, Vetranio, and Constantius), and is matched only by Quintus Aemilius Laetus and Motilenus, although these latter two served at a time when praetorian prefects appointed emperors instead of the other way around (under Commodus, Pertinax, and Didius Julianus).

¹⁵ Jul. *Or.* 1.30C records Constantius sent troops to Vetranio. Given Constantius' flair for unconventional warfare, this is more likely to be an act of guile than generosity.

¹⁶ Jul. *Or.* 2.77A-B.

¹⁷ Date in *Cons. Const.* s.a. 351; age in Amm. 14.11.27.

¹⁸ Isaurians and Persians: Amm. 14.2.1-20 (role of Gallus at 20) and 14.3.1-4; Philost. 3.25, 28. Jewish rebellion of Dio-Caesarea in Palestine: Soc. 2.33; Soz. *HE* 4.7; Theoph. *AM* 5843.

¹⁹ It is significant that before removing Gallus from Antioch, the court of Constantius felt the need to remove Ursicinus lest he usurp in the absence of an emperor (Amm. 14.11.2ff.).

in a mirror image of Gallus' appointment and marriage to Constantina. This suggests that the appointment of Gallus as Caesar was not just an ad hoc decision. Constantius had a plan for the empire that – at least at this stage – consisted of a single Augustus and Caesar.

Gallus had his good and bad qualities as a Caesar. On the one hand, as mentioned above, he was an effective deterrent against Persian incursions while Constantius was occupied in the West, and he kept the East militarily stable during Constantius' absence. It is a sign of his usefulness and importance that Magnentius – when Constantius had him on the ropes after the Battle of Mursa – thought it worth attempting to assassinate him.²⁰ To an extent, Gallus tried to leave civil affairs to the officials appointed by Constantius. For example, when petitioned by people concerned by the prospect of famine, he referred them to the governor Theophilus.²¹ Ammianus presents this as an incitement to violence, but the grain supply was indeed Theophilus' responsibility, and it was only later – and probably irrespective of Gallus – that he was murdered in a riot.²² But nonetheless, Antioch was unstable under the rule of Gallus, and though it might not have been entirely his fault, his relationship with Constantius became irreparably damaged.

R. C. Blockley has done much to rehabilitate Gallus by unpicking the partisan narrative of Ammianus and by considering the constitutional position of Caesars under Constantius.²³ It the latter part of his argument that concerns this thesis. He uses the better-attested example of Julian to argue that Constantius expected his Caesars to take on a purely military role, and not to interfere in civil affairs, which were to remain under the authority of the praetorian prefects. Thus, it was Gallus overstepping (and perhaps misunderstanding) his bounds as Caesar, and exceeding the authority Constantius had delegated to him, that led to his ultimate downfall.

The principal weakness of Blockley's argument is that the political relationship between Constantius and Julian was necessarily conditioned by Constantius' previous relationship with Gallus. If Julian was to be limited in his civil authority, it was not necessarily because that was how Constantius expected any Caesar to behave, but because his experience with Gallus predisposed him towards such an arrangement. As a result, the example of Julian cannot be retrojected onto Gallus. Another weakness is Blockley's use of the precedent of previous

²⁰ Zon. 13.8; perhaps connected to Amm. 14.7.4, but cf. Frakes 1997, 121-8.

²¹ Amm. 14.7.5.

²² Blockley 1972, 462.

²³ Blockley 1972, 433-68.

Caesars, from the time of Diocletian onwards, who are not attested as involving themselves in legislative or administrative matters. He is certainly correct to assert that legislation was the prerogative of the Augusti.²⁴ But can we say with certainty they did not settle civic disputes or hear cases, or that they did not set local taxes and levies, or undertake any other non-military tasks? It is true no source records that they did – but what source would?

As a result, Blockley's argument that Constantius' Caesars were expected to have a purely military role, based on the precedent of Diocletian's Caesars, and not interfere in civil matters, is not entirely convincing. The status of the imperial purple meant that a Caesar would always outrank a praetorian prefect, and could (in theory) interfere however he liked in administrative matters. The difficulty was that much as Gallus outranked the eastern administration, he was himself outranked by Constantius, who remained involved in the affairs of the East. This put Gallus in the difficult situation where those under his command could go over his head, and the authority of his office clashed with the delegated authority of Constantius wielded by his senior officials. This is manifested in the altercation between Gallus and Domitianus: the Caesar believed he outranked the praetorian prefect, and the praetorian prefect believed the delegated authority of the Augustus outranked the Caesar; both were equally right and equally stubborn, but the sword proved mightier than the pen and Domitianus was lynched by Gallus's soldiers.²⁵

This accords with the most compelling elements of Blockley's argument. The first is that Gallus exceeding his delegated authority does help to make sense of the rift between him and Constantius, without having to rely on the polemical aspects of Ammianus' account – and Ammianus does say in the very opening of Book 14 that Gallus was 'overstepping the bounds of the authority conferred upon him.'²⁶ This could be, as Blockley suggests, a reflection of the lack of authority Constantius granted his Caesars, or it could be more a reflection of the faith he had in his administration. Constantius had built up the administration of the East over fifteen years; the administrative infrastructure of which Gallus found himself the head was staffed by men known to and trusted by Constantius.²⁷ Compared to the eastern administration, Gallus was a relative stranger. It is little surprise that Constantius, then, would perceive Gallus to be

²⁴ Blockley 1972, 455, citing Seston 1946, 237-9, 242.

²⁵ Amm. 14.7.9-16.

²⁶ Amm. 14.1.1; Blockley 1972, 461-2.

²⁷ Moser 2018, 180-3, although her conclusion that these officials were chosen specifically to control Gallus follows Ammianus too uncritically.

at fault in any disagreements with Constantius' officials, and that the existence of a disagreement at all could be perceived as evidence of unwarranted interference on the part of Gallus. It also explains why officials like Domitianus felt they could behave arrogantly to a Caesar.

Another compelling part of Blockley's argument is the attention he draws to the letters sent by Constantius to Gallus, in the passage of Ammianus which opens this chapter.²⁸ Ammianus says Gallus was subjected to a string of letters from Constantius persuading him to come to the West, and that the empire could and should not be divided, but that each emperor 'ought to the extent of his powers to lend it aid when it was tottering, doubtless referring to the devastation of Gaul.'²⁹ Ammianus notes that Constantius added an exemplum: 'Diocletian and his colleague were obeyed by their Caesars as by attendants, who did not remain in one place but hastened about hither and thither, and that in Syria Galerius, clad in purple, walked for nearly a mile before the chariot of his Augustus when the latter was angry with him.'³⁰ The example of Galerius was perhaps chosen because it was a famous anecdote,³¹ or perhaps because of the shared setting of Syria. But Blockley suggests it is principally because Galerius was a Caesar who had been redeployed between different regions of the empire, and this links to the comment that 'each ought to the extent of his powers to lend it aid when it was tottering, doubtless referring to the devastation of Gaul.'³² If Ammianus' description of these letters are accurate, and their place in his chronology is faithful, then they were sent after the murder of the praetorian prefect Domitianus, when Constantius had washed his hands of him.³³ However, Blockley suggests these letters continued the refrain of Constantius' earlier attempts to recall Gallus, and that the same justification would have applied – probably in good faith – before the clash with Domitianus.³⁴

One detail in a letter of Constantius, of immense relevance to this thesis, is that he says 'the commonwealth (*res publica*) could not be divided and ought not to be.'³⁵ The role of Caesar is

²⁸ Amm. 14.11.9-10.

²⁹ Amm. 14.11.9.

³⁰ Amm. 14.11.10.

³¹ Cf. Eutrop. *Brev.* 9.24; Festus *Brev.* 25.

³² Blockley 1972, 455.

³³ Amm. 14.11.1 says Constantius had already decided to kill Gallus.

³⁴ Blockley 1972, 465.

³⁵ Amm. 14.11.9.

presented as mobile, and not tied to a specific territory, but to supplement the movements of the Augustus. The way he cites the example of Diocletian and Galerius shows that the model of the Tetrarchy was not considered to be constitutionally redundant in the empire of Constantius. Moreover, the exemplum of Diocletian is used with the emphasis on his personal authority in the imperial college. If Julian absorbed the imperial ethos of his dynasty, it is interesting that in his description of Diocletian, he too emphasises his authority, and the subservience of not just his Caesars but his junior Augustus.³⁶ As this chapter has already suggested, Constantius was not happy with the equal, divided rule of the 340s. It would appear his view of the imperial college was traditional and hierarchical, and akin to the unified empire of Diocletian. His undermining of Constantine II and promotion of Constans in 337 had unintended consequences, particularly after the civil war of 340, and it would appear Constantius was keen to use the opportunity afforded by Constans' death to return to the rulership model of his father.

Constantius did not appoint a co-Augustus. Nor did he appoint more than one Caesar. The reason for this may in part have been practical – Constantius made adlections in accordance with his needs. It may also have been dynastic. Constantius, in the 350s, was consistently inflexible in even considering sharing power with others from outside the Constantinian Dynasty. Thus, there was no viable candidate for co-Augustus. Had Gallus proved to be a better Caesar, and had Constantius proved to be a more trusting and communicative Augustus, he might eventually have been promoted. Their age difference was not so great, and the next generation (if it were to appear) could serve as Caesars. Julian, in this case, would be superfluous to requirements. Alternatively, Constantius' long-term plan could have been to make Julian a Caesar as well, and if this was the case then he followed through with it despite the Gallus disaster.³⁷ But it seems more likely that Julian – not a promising imperial candidate to the casual observer³⁸ – was elevated only because of the failure of Gallus and the lack of other viable candidates within the imperial family.³⁹ Constantius' intentions for the future of

³⁶ Jul. *Caes.* 315A-B. It is difficult to identify an ulterior motive for this description.

³⁷ After Gallus, Constantius' court advised him against appointing further Caesars (Amm. 15.8.2).

³⁸ As Julian himself admits in *Ad Ath.* 274C.

³⁹ Omissi 2018, 195, divines Constantius' thinking: 'better a member of the house of Constantine on the throne, however questionable his loyalty, than an outsider.'

the imperial college are obscured by the sheer lack of candidates on which he could draw. We can say he was committed to an exclusively Constantinian imperial college, but not much more.

Julian, as Caesar, proved to be capable. He was successful enough as a commander for Constantius to place all the Gallic forces under his control,⁴⁰ and Constantius supported his civil interventions, even when he clashed with his own officials.⁴¹ Although Julian claims he was intended to be little more than a figurehead, it is clear Constantius was prepared to grant him more autonomy as an emperor than Julian is willing to admit. The precise arrangements are obscure, and are presented in a distorted form by Ammianus. In 357, he reports, Julian objected to special levies proposed by Florentius to make up budget shortfalls; by his calculation, the existing poll- and land-tax was sufficient for their necessary expenditures.⁴² Florentius objected to Julian's interference in matters in the purview of the praetorian prefect, Constantius half-heartedly chastised Julian, and Julian ignored them both.⁴³ The implication of all this is that the territory of Julian was responsible for supporting itself out its own revenues.

This certainly should be spoken of as the territory of Julian, as opposed to the Praetorian Prefecture of Gaul in which Julian happened to be active, as Ammianus strongly implies Florentius was a *praefectus praetorio praesens*, as Thalassius had been to Gallus.⁴⁴ If Constantius appointed a *praefectus praetorio praesens* for each of his Caesars, they did not have a territory of their own, but were attached to the emperors wherever they might be; if Julian's *praefectus praetorio praesens* had been administering the taxes of Gaul, then this strongly implies that Gaul and its ancillaries were entrusted to Julian as his territory.⁴⁵ This is an important distinction: Julian was assigned his own territory much as the sons of Constantine were in 337. This was the first step towards a divided empire.

Later, Ammianus reports that in 358 the soldiers had 'received neither donative nor pay from the very day that Julian was sent there, for the reason that he himself had no funds available from which to give, nor did Constantius allow any to be expended in the usual

⁴⁰ Jul. *Ad Ath.* 278D-279A.

⁴¹ Harries 2012, 300.

⁴² Amm. 17.3.1-4.

⁴³ Amm. 17.3.4-6.

⁴⁴ Amm. 20.4.8 (Florentius) and 14.1.10 (Thalassius).

⁴⁵ Julian certainly controlled Britain; presumably he controlled Spain and Mauritania Tingitana as well, which by this time were customarily governed with Gaul as a single territory.

manner.⁴⁶ This requires some careful interpretation in light of the taxation dispute of the previous year. Constantius cannot have planned to undermine the defence of Gaul for the sake of inconveniencing his own Caesar. Rather, he must have believed that pay was Julian's responsibility as emperor of a discrete territory. It is possible Julian did not believe that pay for the troops should be sourced from taxation in Gaul, but should be paid from Constantius' treasury, but such a misunderstanding seems unlikely. It is possible that Ammianus is trying to obscure the fact that Julian's stance on taxation engendered unexpected shortfalls in their treasury. But it should also be considered that by this period the troops were also paid in kind (*annona militaris*), with food, wine, clothing, and other necessities that would previously have been deducted from pay.⁴⁷ Additionally, Roman military accounting was meticulous, and shortfalls in pay would perhaps not have been such a great concern as soldiers would have faith in their arrears being paid in lump sums when ready cash became available. It is possible that Ammianus has also glossed over irregular *stipendia* during this period that cleared some of this debt to the troops. It certainly cannot be the case that there was no pay of any kind between 355 and 358. However, the crucial point is it shows the financial independence of Gaul under the Julian, and by extension, the fulfilment of another of the criteria for division.

Julian used the dissatisfaction of the troops to his advantage, as well as the history of hostility between West and East. When he finally usurped in early 360, Constantius refused to recognise him as Augustus. This may reflect reluctance on the part of Constantius to rule with another Augustus, suggesting that he intended for the imperial college to remain under the rule of a single Augustus and one (or more) Caesars. Or, Constantius may have objected because of his experience in the 340s, after Constans' own act of usurpation against the then senior emperor Constantine II. Constantius may have thought that a Caesar made an Augustus on his own initiative, with the support of his troops, would be uncontrollable. Julian was certainly aware that Constantius would not accept his battlefield acclamation in 357, and was careful to turn it down.⁴⁸

⁴⁶ Amm. 17.9.6.

⁴⁷ Hebblewhite 2017, 90-3.

⁴⁸ Amm. 16.12.64.

When Julian finally cast the die and accepted the acclamation in 360,⁴⁹ his explanatory letter to Constantius (as translated or perhaps recast by Ammianus)⁵⁰ stressed that he desired the approval of his new rank by Constantius, and that ‘for the future also I shall eagerly receive your instructions.’⁵¹ Julian also offered to accept praetorian prefects appointed by Constantius, although he demanded to appoint his own civil officials and military officers, which suggests Julian was offering Constantius a degree of seniority as Augustus that exceeded that of Constantine II in the period 337 to 340, and was promising that he would be a much more tractable colleague than Constans had been in the years 340 to 350.⁵² Julian concluded his letter with an appeal to the example of their shared ancestors (*maiorum exemplo nostrorum*), who were able to co-rule happily and successfully.⁵³ The reference is presumably to Constantius I and Maximian, and the peaceful years of the Tetrarchy from 293 to 306. Much as Constantius appealed to the empire of Diocletian in his negotiations with Gallus, so Julian appealed to the same example in his public letter to Constantius.⁵⁴

Julian’s letter was not received well. Constantius rejected the promotion outright, and simply refused to recognise Julian as an Augustus. The implication is that Constantius did not accept the acclamation of the troops as a valid form of promotion, and that the right to appoint Augusti belonged to him alone.⁵⁵ It might seem inappropriate to interpret the dynamics of 360 through the lens of the Diocletianic Tetrarchy of more than half a century before, but both Julian and Constantius had a keen awareness of imperial history. Julian is of course the author of *Caesares*, the unique satire that gives an emperor’s views on all his imperial predecessors, which refers favourably to Diocletian and his colleagues.⁵⁶ Constantius consciously emulated

⁴⁹ See Omissi 2018, 196-201, for a good summary of Julian’s usurpation and degree of connivance.

⁵⁰ Ammianus implies he examined the original at 20.8.18.

⁵¹ Amm. 20.8.5-17 (quote at 12).

⁵² Amm. 20.8.14.

⁵³ Amm. 20.8.17.

⁵⁴ Ammianus alleges a second, private letter to Constantius, ‘written in a more reproachful and bitter tone,’ at 20.8.18.

⁵⁵ This in spite of his own route to power.

⁵⁶ Jul. *Caes.* 315A-D.

the citizen emperors,⁵⁷ was flattered by comparisons to Alexander the Great and Trajan,⁵⁸ and himself used the exempla of Diocletian and Galerius in constitutional matters.⁵⁹ Chapter 2 has argued that Tetrarchic precedence underpinned the Constantinian empire, and was intended to be reinstituted after Constantine's death. It was interrupted by what I have called the post-Tetrarchy of Constantius, which disrupted the succession and founded a triarchy – then diarchy – which divided sovereignty over the empire to a far greater extent than was probably ever intended. The reunification of the empire under Constantius represents a shift. Unification was the new priority, and by opposing Julian as Augustus, Constantius attempted to prevent a return to the divided empire of the 340s.

But elements of the post-Tetrarchy had become too engrained for Constantius to take the role of a Diocletian. Even though Constantius tried to retain a united administration, with Julian's officials being appointed by Constantius' court, he could not avoid allocating territory by the familiar borders of the praetorian prefectures, first established by Constans during the division of the 340s (see Chapter 5.3). The soldiers under the Caesar's command were accustomed to the rule of an Augustus, and would not tolerate the relegation of their commander to the rank of Caesar. Nor did they owe their loyalty to an eastern emperor who had come to Gaul a conqueror.

Constantius preferred to fight Julian rather than accept what would likely turn into another division of the empire. But both emperors, to their credit, chose to attend to their external borders rather than march against each other immediately. Before they could face each other, Constantius died of fever at Mopsucrenae on 3 November 361. Ammianus reports that Constantius, on his deathbed, designated Julian his successor.⁶⁰ Ammianus prefaces this detail with 'it is said', and then adds it was 'rumour and an uncertain report', either reflecting a justifiable uncertainty at the time or else indulging his tendency to undermine Constantius' decent acts. However, on examining the alternatives it must be true. It cannot be a fraud of Julian, as Julian never deigns to exploit it in any of his extant writings and Ammianus himself suggests the story was established before Julian even heard Constantius had died. It cannot be a fraud of Constantius' officers to avert civil war either, as with Constantius dead neither side had any reason to continue fighting anyway, and, if anything, Constantius' staff might have

⁵⁷ Amm. 15.1.3.

⁵⁸ *Itin. Alex.* passim.

⁵⁹ Amm. 14.11.9-10.

⁶⁰ Amm. 21.15.2-5.

stood to benefit from recognising Julian on their own initiative. So unless this story of Constantius' deathbed came out of thin air, Ammianus' bet-hedging can be safely disregarded as being for rhetorical effect. The conclusion we must draw is that Constantius preferred to be succeeded by his cousin despite their disagreement, rather than encourage someone from outside his dynasty to contest the throne. Perhaps Constantius also considered this to be the best chance of survival for his unborn child, and that perhaps it might even inherit the empire from Julian.⁶¹

7.4 CONCLUSION

The empire reverted to one-man rule under Julian, who does not seem to have considered appointing a Caesar, even when embarking on his dangerous expedition against Persia. Julian's short-lived successor, Jovian, did not appoint a colleague either. But Jovian's successor, Valentinian, appointed his brother Valens co-Augustus. In choosing the equal rank, as opposed to the subordinate, Quintus Aurelius Symmachus notes that Valentinian 'took care in confirming an Augustus with equal rights so that he would never be suspect to you, since you had not left him anything else to wish for.'⁶² If Constantius' appointment of Caesars was a way of trying to establish a more permanent system of co-rule, without the risk of dividing the empire, Valentinian's decision shows that its failure had been noted.

The system adopted by Valentinian seems to have exactly mirrored that of Constantius and Constans in the 340s, even down the allocation of territories, with Valentinian taking Constans' former realm and Valens taking Constantius'. It may be that the soldiers agitated for a return to this arrangement specifically; the sources do not record the precise reason why they demanded Valentinian appoint a colleague, but it seems unlikely they yearned for a return to the 350s with Constantius' tumultuous relationships with his Caesars.⁶³ Division may have had its origins in a dynastic inheritance and fraternal squabbles, but its staying power was in the frontier armies' proven reluctance for their commanders to be shackled by a lesser rank. Nor can it be denied that in an empire governed by multiple emperors, who necessarily had their

⁶¹ Thanks largely to Constantius, the Constantinian Dynasty was so short-staffed by the 360s that it did not survive Julian. But his unborn child turned out to be a daughter, Flavia Maxima Constantia, and she would eventually become empress through her marriage to Gratian.

⁶² Symm. *Or.* 1.11.

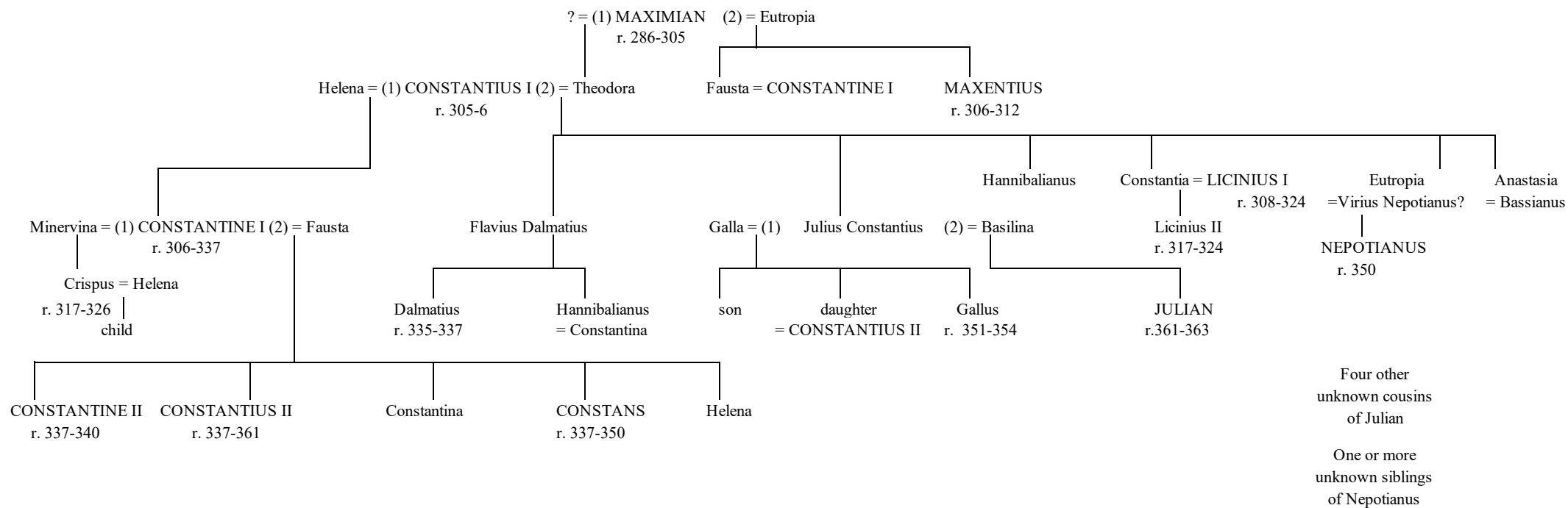
⁶³ Drijvers 2015, 87.

own courts and could manage their own administrative hierarchies, that it was convenient that they issue legislation to their officials, command their own armies, manage their own revenues and treasuries, and all the other things that led to a divided empire. With all the conveniences of administrative division, it was only a small step to territorial sovereignty and mutual recognition; in short, all the criteria for a true division of the Roman Empire.

Division was never a grand plan or even intentional, but was merely the sum of its parts. One might argue there was a certain inevitability to it; once multiple rulership was established, with emperors tied to certain regions, division was in many respects the logical conclusion. Innumerable local efficiencies and the aggregation of regional powers meant autonomy was practical, if not necessarily beneficial to the whole, and these small steps could all add up to an empire that was no longer politically unified. Meanwhile, things like cultural identity and commerce continued unabated, and it is easy to see why there was no outcry about division. After all, it was seen as just increasing degrees of decentralisation. But, though it was not perceived at the time, it proceeded like cell division, from the duplication of governing parts through to the creation of two distinct entities – similar and related yes, but still separate and destined for different futures.

It seems almost absurd to posit that the division of the Roman Empire occurred unnoticed and unchallenged, to be pinpointed by historians only long after the fact. Yet it did. It would seem that for those writing at the time, the autonomy of territories under multiple rulers, and the various factors that added up to division, were all so individually reasonable and unremarkable that they were scarcely worthy of comment. And the idea that the great, eternal Roman Empire could ever be split down the middle, leaving one half facing imminent collapse while the other half largely abandoned any claim to its former territories, must have seemed so ridiculous that no one could credit it. It is perhaps a transferrable lesson, that the institutions taken most for granted are those most likely to crumble from neglect. Nonetheless, the division of the Roman Empire must be understood in the wider context of the transformation of the ancient world. Change was in the air. The Roman Empire was not the only institution under threat. Lost in the crowd among the many revolutions of Late Antiquity, this first division of the Roman Empire was, then as now, never given the attention that it deserves.

Appendix 1: The Constantinian Family Tree



Appendix 2: Constantia and Orfitus

This appendix concerns two relatively obscure inscribed objects relating to the Constantinian Dynasty. The first is one of the British Museum's gold glasses featuring a man named Orfitus and his wife, Constantia. It was the subject of Alan Cameron's well-regarded article from 1996, 'Orfitus and Constantius: a note on Roman gold glasses,'¹ but it has attracted little attention outside art historical circles. The second is a largely forgotten inscription in the McDaniel Collection of Harvard University, which was published along with two others in the collection by Mason Hammond in 1964.² These two pieces of evidence have never been related to each other, and doing so informs our understanding of the Constantinian family tree and the career of one of Constantius' major officials. This appendix will consider each piece of evidence in turn.

ORFITUS OF THE GOLD GLASS

Gold glass is not a well-understood medium, and despite recent and ongoing work on the subject,³ there is still a lack of consensus on its uses, value, and consumers. However, these questions can be largely sidestepped here, as we are concerned only with the identity of this piece's subjects. Gold glass may not have been high art in Late Antiquity, but it need not have been commissioned by those depicted on it, and there are examples of high-status officials appearing on gold glass.⁴ The object in question, currently held by the British Museum, is a 101-108mm circular disc consisting of two layers of glass with incised gold leaf sandwiched between them.⁵ It depicts a woman (l.) and man (r.), with a smaller figure of Hercules standing between and above their shoulders. Around the edge runs the inscription • ORFITVS • ET COSTANTIA • IN NOMINE HERCVLIS • and in the inner field, ACERENTINO FELICES

¹ Cameron 1996.

² Hammond 1964, 79-87.

³ For example, the work of Howells 2015, as well as a 2019 symposium on the subject in Oxford with an edited volume underway.

⁴ Most relatable to Orfitus is another piece of British Museum gold glass also featuring an official of Constantius: Amachius (Howells 2015, 119-121 cat. no. 33, *PLRE* Fl. Amachius, 50).

⁵ Harden 1987, 280; Cameron 1996, 296-301; Howells 2015, 121-3 cat. no. 35.

BIBATIS. Cameron convincingly argues that ACERENTINO is a misspelling of *Acerentini*, an adjectival form of the Italian town of Acerentia, and that while BIBATIS is likely a Late Latin rendering of *vivatis*, it was likely to be understood in the sense of both living and drinking.⁶ So whole inscription may be translated ‘Orfitus and Constantia, in the name of Hercules, may you live/drink with Acerentine blessings.’



Figure 4: Gold glass depicting Orfitus and Costantia⁷

The Orfitus in question is very likely Memmius Vitrasius Orfitus, the pagan official who defected to Constantius in the civil war against Magnentius, and would serve as urban prefect twice in the 350s before being convicted of embezzling tax revenues.⁸ We do not know of anyone else by this name in the fourth century, and as aristocratic names were much more fluid in Late Antiquity than the traditional *tria nomina*, other generations of his family may not necessarily have used this name. The association between this Orfitus and the Orfitus is thus very attractive. But the strongest argument in its favour is the name of his wife: ‘Costantia.’

⁶ Cameron 1996, 296-8.

⁷ Image courtesy of the British Museum.

⁸ *PLRE* Memmius Vitrasius Orfitus signo Honorius 3, 651-3.

This must be an error for Constantia, as the name ‘Costantia’ is not attested in the fourth century. Cameron argues that a woman by the name of Constantia was likely to have been a member of the imperial family. This would be an appropriate match for someone of Orfitus’ status, and would explain his preferential treatment under Constantius.⁹ The principle weakness in Cameron’s article is his inability to pinpoint a specific member of the Constantinian Dynasty who might have married Orfitus.

EUTROPIA OF THE PLAQUE

Believed to have come from Ostia, and having the patina of bronze that has spent a long time underwater, this 285x200mm plaque now resides in the Smyth Library of Harvard University.¹⁰ It reads: NAVICVLA FL•VAL / EVTROPIAE NOB FE / M•ET•FILIORVM EIVS / LEGE•ET RECEDE. Once again there is the question of identity, and Hammond – although he advances his arguments cautiously – makes a strong case for this Eutropia being the daughter of Constantius I and Theodora and the mother of Nepotianus. This plaque provides evidence of considerable freedom afforded to the ship-owning Eutropia and Nepotianus during their residence in Rome in the 340s, quite contrary to the careful management of Gallus and Julian in the East.

The reference to her children in the plural is particularly interesting, as it suggests a previously unknown grandchild or grandchildren of Constantius I. Plural forms of *filius* can refer to male and female children. There is no other evidence for Nepotianus having a sibling or siblings. While many grandchildren of Constantius I and Theodora are barely attested, these tend to be either the victims of 337 (subsequently subject to memory sanctions, and poorly attested as they had little chance to make a historical mark anyway),¹¹ or women, due to the patriarchal nature of our source material.¹²

It is most unlikely the children mentioned on this plaque were the victims of 337 mentioned by Julian. The plaque suggests a considerable degree of independence on the part of Eutropia,

⁹ Cameron 1996, 300-301.

¹⁰ Hammond 1964, 79-80.

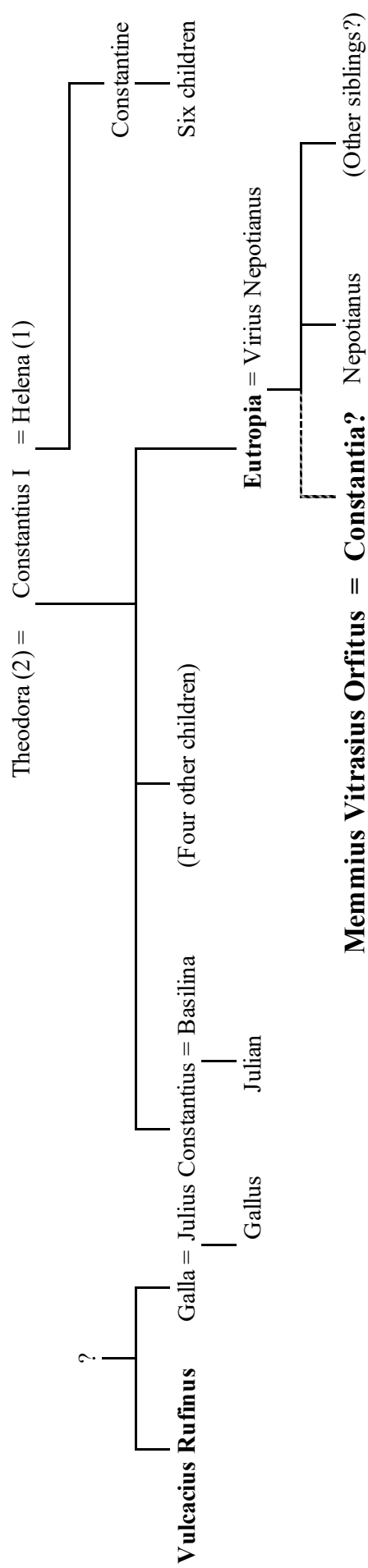
¹¹ E.g. the four otherwise-unknown cousins of Julian he mentions as victims of 337 in *Ad Ath.* 270C-D.

¹² For example, the daughter of Julius Constantius and Galla who was Constantius’ first wife is not even known to us by name.

and it seems unlikely that it could predate the death of her husband. This was Virius Nepotianus, and he was presumably still alive during his consulship in 336, but may well have been murdered in 337 as Constantius consolidated power (see Chapter One). If so, this would suggest he was based in the East, and Eutropia and her children only relocated to Rome after the dynastic murders. Alternatively, if Virius Nepotianus disappears from the historical record at this point for entirely innocent reasons, his family may have already been living in the West, safe from Constantius. In either case, it seems unlikely that this plaque predates the dynastic murders and it seems much more likely that the siblings of Nepotianus were, like Nepotianus, alive and in Rome during the 340s.

If Nepotianus' sibling or siblings are unattested not because they were murdered in 337, the other possibility suggests itself: they were women. And, like most Constantinian women, they went unrepresented in the historical record. This plaque proves Eutropia had children beyond Nepotianus, and although the gender of any children is unknown, there is a good chance one was female on probability alone, and the odds are only shortened by the lack of mention in the sources. Moreover, if Eutropia had a daughter, it would not be surprising if she was named Constantia, after her grandfather.

Figure 5: Hypothetical Marriage Relations of Memmius Vitrasius Orfitus



SYNTHESIS

Orfitus was a high-status aristocrat based in Italy, probably Rome,¹³ and we would expect him to have married another high-status aristocrat, probably with political connections given his active administrative career. Eutropia also lived in Rome in the 340s,¹⁴ and with little hope of a match within the imperial family,¹⁵ she would have sought for her children an aristocratic match of comparable status to their father, the consular Virius Nepotianus. It seems likely she had a daughter, and a daughter of Eutropia might well be named Constantia. And if the younger Nepotianus was old enough to lead a usurpation in 350, it is likely that this Constantia would be of marriageable age in the 340s.¹⁶ This hypothesised Constantia and Memmius Vitrasius Orfitus would have made an excellent match, and the coherence of time and place make this a very attractive hypothesis (see Figure 5).

Although there is a lack of positive evidence for this hypothesis, it is lent strength by how well it explains Orfitus' career in the 350s. He defected to Constantius at a time when many of his Roman senatorial peers did not, and acted as a commander against Magnentius: a series of inscriptions record he was COMES ORDINI SECVNDI EXPEDITIONES BELLICAS GVBERNANS (count of the second order conducting military campaigns).¹⁷ The inscriptions also record that he was LEGATVS SECVNDO DIFFICILLIMIS TEMPORIBVS PETITV SENATVS ET P(OPVLI) R(OMANI) (second envoy in most difficult times by petition of the Senate and People of Rome).¹⁸ The order of the inscription suggests he was an envoy after he

¹³ *PLRE* Memmius Vitrasius Orfitus signo Honorius 3, 651-3.

¹⁴ Athanasius mentions their association in *Apol. ad Const.* 6.5, and this should almost certainly be associated with his time in Rome from late-339 to 342 (Barnes 1993, 53).

¹⁵ Constantine II and Constantius were already married (Tougher 2012, 187-8), and there is no evidence Constans was interested in marrying at all, let alone into the decimated family of Constantius I and Theodora.

¹⁶ Hopkins 1965b, 316-26, demonstrates the often-young marriage age of Roman girls, and although Christians girls typically married slightly later, there are plenty of examples of Christian girls marrying at the age of thirteen or younger, so even if a daughter of Eutropia was born as late as 337, she could still have been married in the 340s. A law of 380 suggests betrothal was not unheard of even before the age of ten (*CTh* 3.5.11).

¹⁷ *CIL* VI 1739-40, 1742.

¹⁸ *CIL* VI 1739-42.

was a commander, so presumably this was after the Battle of Mursa when it became clear Constantius would take Italy. The remaining Senate – no doubt feeling a little sheepish for their support of Magnentius – would have wanted one of their own to represent them, but preferably one tied to Constantius. A marriage link would help explain their choice of Orfitus.

A marriage link would also help explain Orfitus' impressive career in the 350s. He held the urban prefecture twice, from 8 December 353 through to the latter half of 355,¹⁹ and from late 356 or early 357 through to sometime between March and August 359, perhaps appointed in connection to Constantius' visit to the city of Rome.²⁰ Things went badly wrong for Orfitus when he was accused of embezzling tax revenues, and was exiled as a result.²¹ It is telling that in the reign of Valentinian, Vulcacius Rufinus interceded to get Orfitus recalled from exile.²² They might have been friends, or Vulcacius Rufinus might have recognised a certain commonality of background,²³ but a family link would explain things even better. And, as Figure 5 shows, Vulcacius Rufinus would indeed be related to Orfitus by marriage if Orfitus had married a descendant of Constantius I and Theodora.

Unfortunately, the state of the evidence is not sufficient to prove a marriage between Orfitus and a daughter of Eutropia, but the evidence of the gold glass and bronze plaque is highly suggestive of this match, and this hypothesis is greatly strengthened by its explanatory power. I would advocate accepting this hypothesis as valid until proven otherwise, but would use it with caution. It is not what I would call a 'load-bearing' argument.

¹⁹ Orfitus is last attested as urban prefect on 6 July 355 (*CTh* 14.3.2), and his successor took office in 355 (*Amm.* 15.7.1-10). Cf. Barnes 1992b, 257-9.

²⁰ *PLRE* Memmius Vitrasius Orfitus signo Honorius 3, 651-3.

²¹ *Amm.* 27.3.2 and 27.7.3.

²² *Amm.* 27.7.2-3.

²³ Both Vulcacius Rufinus and Orfitus were Roman aristocrats and *pontifices*, and both defected from the West to Constantius, and both had their careers terminated by that emperor (the former for his support of Gallus in *Amm.* 14.10.4-5).

Appendix 3: A Digression on Julian's Second Oration

Julian's second oration is arguably his most intricate and deceptive work of literature, and it is worth briefly considering this work as a whole. It was written by Julian as Caesar in Gaul, in the latter half of the 350s. It takes the form of a panegyric, and presents itself as such throughout – with a straight face. However, it is also so rambling, digressive, allusive, and occasionally offensive to the emperor it purports to praise, that it is debatable whether it could have been delivered to Constantius. Julian's translator, W. C. Wright, thinks not, judging it too offensive.¹ Florin Curta assumes that it was.² Hal Drake does not commit too strongly, but makes the invaluable suggestion that we 'take this speech for what it appears to be: a parody.'³

The difficulty that has led to such divided views is that Julian is critical enough of Constantius to make us doubt he could have sent it to court,⁴ yet not offensive enough for the speech to have much value as a satirical polemic. If the joke, as Drake suggests, is on Constantius, 'a work entitled *The Deeds of Constantius* that had little or nothing to say about such deeds,'⁵ then there is no way to explain the various missed opportunities and genuinely positive remarks about that emperor.⁶ It would be, as Drake concludes, a fairly tasteless exercise along the lines of Seneca's *Apocolocyntosis*. I would argue that the explanation lies elsewhere. Julian is not trying to create a coherent political statement against Constantius – indeed, the whole oration is quite deliberately *incoherent* – but rather he is satirising the genre of panegyric itself. The joke is not at all that Constantius is unpraiseworthy, but that an honest author is struggling to navigate an inherently dishonest genre.

Julian launches straight into digression. It may be there is a missing *proem*, but it is unlikely: his careful echo of the opening of the *Iliad* cannot be anything other than his first line.⁷ His

¹ Wright 1913, 131.

² Curta 1995, 210 n.112

³ Drake 2012, 41.

⁴ Even if these criticisms are somewhat – and only somewhat – more apparent in hindsight (Drake 2012, 40).

⁵ Drake 2012, 41.

⁶ E.g. the fairly straight praise of Constantius' amnesty for Magnentius' supporters, and touching 'pity on the youth of the helpless child' of his enemy Silvanus (Jul. *Or.* 2.58B-C and 100B).

⁷ Jul. *Or.* 2.49C, echoing Hom. *Il.* 1.1.

theme is clear – the comparison of Constantius to the Homeric heroes – but it becomes painfully obvious that this comparison is impossible to make honestly. Julian praises Constantius desire ‘to be nobler than the King of the Greeks [viz. Agamemnon]’,⁸ but gets side-tracked describing Constantius’ opulent possessions,⁹ and then his physical characteristics,¹⁰ being unable to find any philosophical virtues to speak of. Julian’s intention is for his panegyric to be self-defeating; he identifies the usual panegyric comparisons, but by approaching these in the guise of honesty it takes too much sophistic cavorting to ever follow them through. Julian is floundering looking for a way to compliment Constantius without compromising his integrity as a philosopher, not a panegyrist.

Julian forgoes typical practice, and does not begin his speech with an introduction to his subject to situate his speech in the genre of panegyric.¹¹ He wants to set up the joke before he acknowledges it, so that it has the effect of a punchline when he eventually does so further on in the speech: ‘But perhaps those who watch over the rules for writing panegyric as though they were laws may say that all this is irrelevant to my speech...[but] I declare that I make no claim to be an expert in their art, and one who has not agreed to abide by certain rules has the right to neglect them.’¹² Julian’s comedic timing is good. This acknowledgement comes after a particularly lengthy and irrelevant digression. Julian then continues on his theme, but comes back round to the subject of panegyrists. Julian suggests Constantius has attracted ‘an abundance of these men,’ who ‘do but report to you your own opinions and depict them in fine phrases,’ who Constantius welcomes, thinking this is the correct way to eulogise, since he does not know what the correct way should be.¹³ This is a swipe at the learning of Constantius, but it also serves to explicitly affirm Julian’s authorial stance. This is the stance of the honest panegyrist, something all panegyrists claimed to be. But Julian’s satirical panegyric answers the question, ‘what if they really were?’

This argument draws a great deal of its strength from the fact that this reading makes the speech (at times) genuinely amusing, with the spectacle of the philosopher-turned-panegyrist tying himself into all sorts of knots as he tries to find a way to praise without lying. It is an

⁸ Jul. *Or.* 2.50C.

⁹ Jul. *Or.* 2.50D-51A.

¹⁰ Jul. *Or.* 2.52D.

¹¹ More usual practice is followed in Jul. *Or.* 1.1A-5B, *Or.* 3.102A-106B.

¹² Jul. *Or.* 2.63D-64A.

¹³ Jul. *Or.* 78C-D.

inventive and effective work of ancient satire, playing on the familiar trope of panegyric dishonesty.¹⁴ Alternative interpretations are less satisfying. If we take it at face value, it is rambling and dull. If we take it as a critique of Constantius, it is ineffective. If it is a subversive panegyric to be submitted to court, it comes across as pretentious and unfocused. Given that this is Julian's longest work, and most intricate, and most referential (which is to say time-consuming to write), it seems unlikely that it should misjudge its intended genre. Certain of Julian's works miss the mark, but this speech makes the most sense as a work that does what it intends very well. Nor should we mistake the verbosity of this speech for Julian's natural style; it certainly exploits it, but it is done for affect, and from it Julian derives a final punchline at the conclusion of this enormous speech (emphasis mine):

Now do you think I have made my panegyric sufficiently thorough and complete? Or are you anxious to hear also about the emperor's powers of endurance and his august bearing, and that not only is he unconquerable by the enemy, but has never succumbed to any disgraceful appetite...? But if you should bid me bring before you plain proofs of this, I shall merely say what is familiar to all, and I shall not lack evidence, but the account would be long, a monstrous¹⁵ speech, nor indeed have I leisure to cultivate the Muses to such an extent, for it is now time for me to turn to my work.

~ Jul. *Or.* 2.101B-D (trans. Wright).

This reading of Julian's second oration does not, unfortunately, mean we can rely on him providing wholly accurate information as a way of making his joke land. For a start, we should not expect Julian to be perfectly informed. There is a great deal about which he must have relied on information provided from within his family – which is to say, from the perspective of Constantius and his relatives and supporters. Secondly, even to an immediate audience of his peers, Julian still had his own concerns and is often partisan in his presentation of information. He was, after all, a Constantinian emperor at this point in time, and not even the Muses were going to get Julian to undermine his own, hard-won position. As a result, this

¹⁴ Cf. Aug. *Conf.* 6.6.9, where Augustine recalls 'preparing to recite the praises of the emperor, to tell them many lies and win favour from those knowing them as lies.'

¹⁵ δλωλόγιος (which could also be translated in less negative sense; 'immense').

dissertation will not approach Julian's second oration uncritically, or lose sight of its intended purpose, but nor will it neglect this goldmine of information on the later Constantinian Dynasty.

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