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SUMMARY OF THE CONTENTS

This thesis examines how rebellion, usurpation and conspiracy to usurp imperial power (all crimes of high treason) were suppressed by the state during the Late Empire, with a particular focus on the years 397-411, during the reign of the western Emperor Honorius.

The thesis starts with a table of contents, followed by an abstract and then a section of abbreviations and a list of figures and tables.

The introductory chapter details the aims, current state of the research and the methods used in order to research the thesis.

Chapter one, *Defining Rebels and Usurpers*, examines what characteristics determined whether an individual was perceived as either a rebel or a usurper within the Roman world.

Chapter two, *The Endgame of Treason*, examines what was common to the suppression of rebellion and usurpation during the fourth and early fifth-centuries: the seeking of sanctuary, ritual mutilation, especially of the right hand, before death or exile, *poena post mortem*, and the practice of *damnatio memoriae*.

Chapter three, *The Eagle and the Snake; Gildo's revolt, 397-8*, deals with the revolt of the *comes Africae*, Gildo, in 397-8.

Chapter four, *Shared Fates; Stilicho, Eucherius and Serena, 408*, concerns the coup which toppled the *comes et magister militum*, Stilicho, in 408.

Chapter five, *The Usurpation of Flavius Claudius Constantinus, 407-11*, deals with the usurper Constantine III, his numismatic self-representation, his dynastic propaganda, and his eventual defeat and beheading.

The concluding chapter brings together the main findings of the thesis and a bibliography follows.

The Endgame of Treason

Suppressing Rebellion and Usurpation in the Late Roman
Empire, AD 397-411

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Supervised by:
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August, 2014

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DECLARATION REGARDING THE WORK

I, Christopher Doyle, certify that this thesis is all my own work. I have not obtained a degree in this University, or elsewhere, on the basis of this work.

ABSTRACT

This thesis examines how rebellion, usurpation and conspiracy to usurp imperial power (all crimes of high treason) were suppressed by the state during the Late Empire, with a particular focus on the years 397-411, during the reign of the western Emperor Honorius. The thesis identifies four themes common to the endgame of treason:

1. Sanctuary: Although this was frequently sought, it almost never worked for fugitive rebel leader or usurpers, as the right to asylum was continually and flagrantly violated
2. Treatment in captivity: physical abuse, torture and mutilation
3. *Poena post mortem*: this included decapitation and head-display
4. The process of *damnatio memoriae* enacted against rebels, usurpers and other state enemies

Three individual cases are examined in the context of the four themes stated above:

1. The revolt of the *comes Africae*, Gildo, in 397-8
2. The alleged attempt at usurpation by the western *magister*, Stilicho, in 408
3. The western usurper Constantine III, in 407-11

The thesis examines the background to each of these three cases; how each individual was presented by the state, and how all three represented themselves and the varying circumstances of each of the three men's suppression at the hands of the state.

Chapter one, *Defining Rebels and Usurpers*, examines what characteristics determined whether an individual was perceived as either a rebel or a usurper within the Roman world.

Chapter two, *The Endgame of Treason*, examines the aforementioned phenomena common to the suppression of rebellion and usurpation during the fourth and early fifth-centuries: the seeking of sanctuary, ritual mutilation, especially of the right hand, before death or exile, *poena post mortem*, and the practice of *damnatio memoriae*.

Chapter three, *The Eagle and the Snake; Gildo's revolt, 397-8*, deals with the revolt of the *comes Africae*, Gildo, in 397-8.

Chapter four, *Shared Fates; Stilicho, Eucherius and Serena, 408*, concerns the coup which toppled the *comes et magister militum*, Stilicho, in 408.

Chapter five, *The Usurpation of Flavius Claudius Constantinus, 407-11*, deals with the usurper Constantine III, his numismatic self-representation, his dynastic propaganda, and his eventual defeat and beheading.

The thesis asks this key question; did the form of punishment, both before and after death or exile, of a person charged (*reus/rei*) with high treason (*crimen maiestatis*) differ in relation to whether they were categorised as a rebel or a usurper? It was common for usurper's heads to be exhibited on the walls of Roman cities post-defeat. Michael McCormick contends that the ritualised display of usurpers' heads was the state's means of convincing rebellious troops to submit, once they had seen their former leaders' decapitated heads upon spikes.¹

The present thesis expands upon this by suggesting that it was *only* usurpers whose heads were displayed, as they were the only ones who had minted coins and were thus widely recognised. Rebels, on the other hand, tended not to receive the same treatment, though they did endure the other accompanying torments – torture and humiliation if taken alive, and *poena post mortem* once deceased.

¹ M. McCormick, *Eternal Victory; triumphal rulership in Late Antiquity, Byzantium and the early Medieval West* (Cambridge, 1990), 45.

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During a particularly arduous point of this research, my eldest son, Luke, wrote a list of tips to help me through what he could see was a difficult process for his father. Among these tips were the maxims; 'never give up' and 'always try'. I hope that I have lived up to Luke's advice.

Chris Doyle,
Galway, 2013

ABBREVIATIONS AND TERMINOLOGY

1. ANCIENT AUTHORS

- Amb. *De ob. Theod.* Ambrosius Mediolanensis, *Sancti Ambrosii oratio de obitu Theodosii*, (ed.) O. Faller, *CSEL* 73 (1955), 371-401
- Amb. *Ep.* Ambrose, *Epistulae*, (eds) O. Faller and M. Zelzer *CSEL* 82 (1968-90)
- Amm. Marc. Ammianus Marcellinus, *Rerum gestarum libri qui supersunt*, (ed.) Wolfgang Seyfarth, 2 vols. (Leipzig, 1978)
- Ann. Rav.* *Annales Ravennates*, (ed.) B. Bischoff in B. Bischoff and W. Köhler, *Medieval Studies in Memory of A. Kingsley Porter*, I (Cambridge, Mass., 1939), 125-38
- Arist. *Eth. Nic.* Aristotle, *Ethica Nicomachea*, (ed.) J.L. Ackrill (Princeton, 1984)
- Aug. *Contra lit. Pet.* Augustinus Hipponensis, *Contra litteras Petiliani*, (ed.), M. Petschenig, *CSEL* 52 (1909), 3-227
- Aug. *De civ. Dei.* Augustinus Hipponensis, *De civitate Dei*, (eds) B. Dombart and A. Kalb, *CCSL*, 47-8 (Turnhout, 1955)
- Aug. *Ep.* Augustinus Hipponensis, *Epistulae*, (ed.) A. Goldbacher, *CSEL* 34/2 (1895-1923)
- Aug. *Contra. ep. Parm.* Augustinus Hipponensis, *Contra epistulam Parmeniani*, (ed.) M. Petschenig, *CSEL* 51 (1908), 19-141
- Aur. Vict. *Caes.* Sextus Aurelius Victor, *Liber de Caesaribus*, (ed.) F. Pichlmayr, (Leipzig, 1911)
- Cass. Dio. Cassius Dio Cocceianus, *Historiae Romanae*, (ed. and tr.) E. Cary (London, 1914-27)

<i>Chron. Min.</i>	<i>Chronica Minora Saec. IV. V. VI. VII.</i> vol. 1, (ed.) Th. Mommsen, <i>MGH (AA)</i> (Berlin, 1892)
<i>Cic. Amic.</i>	Marcus Tullius Cicero, <i>Laelius de Amicitia</i> , (ed.) C.F.W. Müller (Leipzig, 1884)
<i>Claud.</i>	<i>Claudius Claudianus</i> , (ed.) Th. Birt, <i>MGH (AA) X</i> (Berlin, 1892)
<i>c.m.</i>	<i>Carmina minora</i>
<i>Epith.</i>	<i>Epithalamium de nuptiis Honorii</i>
<i>Eut. I, II</i>	<i>In Eutropium I, II</i>
<i>Fesc.</i>	<i>Fescennina de nuptiis Honorii Augusti</i>
<i>Get.</i>	<i>De bello Getico</i>
<i>Gild.</i>	<i>De bello Gildonico</i>
<i>Probinus et Olybrius</i>	<i>Panegyricus dictus Probino et Olybrio consulibus</i>
<i>Ruf. I, II</i>	<i>In Rufinum I, II</i>
<i>Stil. I, II, III</i>	<i>De consulatu Stilichonis I, II, III</i>
<i>Theod.</i>	<i>Panegyricus dictus Manlio</i>
<i>Theodoro consuli</i>	
<i>III Cons.</i>	<i>Panegyricus de tertio consulatu</i>
<i>Honorii Augusti</i>	
<i>IV Cons.</i>	<i>Panegyricus de quarto consulatu Honorii Augusti</i>
<i>VI Cons.</i>	<i>Panegyricus de sexto consulatu</i>
<i>Honorii Augusti</i>	
<i>Cons. Const.</i>	<i>Consularia Constantinopolitana</i> , in <i>The Chronicle of Hydatius and the Consularia Constantinopolitana</i> (ed.) R. W. Burgess (Oxford, 1993), 215-45
<i>Cons. Ital.</i>	<i>Consularia Italica</i> (ed.) Th. Mommsen, <i>MGH (AA) IX</i> (Berlin, 1892), 249-339
<i>Eun. fr.</i>	Eunapius of Sardis, fragments (ed.) R. Blockley, <i>The Fragmentary Classicising Historians of the Later Roman Empire</i> , vol. 2 (Liverpool, 1983), 2-150
<i>Eutr.</i>	Eutropius, <i>Historiae Romanae Breviarium</i> , (ed.) N. Thomas, (London, 1760)

Florus. <i>Epit.</i>	<i>Flori Epitome de Tito Livio Bellorum Omnium Annorum DCC</i> , (ed.) O. Rossbach, (Leipzig, 1896)
<i>Gesta Coll. Carth.</i>	<i>Gesta Collationis Carthaginensis habitae inter Catholicos et Donatistas anno 411</i> , (ed.) J. P. Migne (1844-65), vol. XI, Col.1344A
Greg. Tur. <i>Hist.</i>	Gregory of Tours, <i>Historiarum libri X</i> , (ed.) B. Krusch and W. Levison, <i>MGH (SRM) 1.1</i> ²
Hyd.	Hydatius, <i>Continuatio chronicorum Hieronymianorum</i> (ed.) Th. Mommsen, <i>MGH (AA) XI</i> (Berlin, 1894), 3-36
Iord. <i>Rom.</i>	Iordanes, <i>Romana et Getica</i> (ed.) Th. Mommsen, <i>MGH (AA) V/1</i> (Munich, 1882), 1-52
Iust.	Marcus Iunian(i)us Iustini, <i>Epitoma Historiarum Philippicarum Pompei Trogi</i> , (ed.) O. Seel (Leipzig, 1985), 1-302
Jer. <i>Ep.</i>	Hieronymus, <i>Epistulae, PL. 22</i>
Jos.	Joshua, 'The Book of Joshua', in <i>The Holy Bible; The Old Testament in the Douay Text, the New Testament, and the Psalms in the Westminster Text</i> (London, 1958)
Marcell. com.	Marcellinus (<i>comes</i>), <i>Chronicon</i> , (ed.) Th. Mommsen, <i>MGH (AA) XI</i> (Berlin, 1894), 37-108
Mart.	Marcus Valerius Martialis
<i>Epig.</i>	<i>Epigrammaton libri XII</i> (ed.) D.R. Shackleton Bailey, (Leipzig, 1990)
<i>Spect.</i>	<i>Epigrammata Spectaculorum liber (siue Epigrammaton liber)</i> , (ed.) D.R. Shackleton Bailey, (Leipzig, 1990)

- Matt. Matthew, 'The Gospel of St. Matthew', in *The Holy Bible; The Old Testament in the Douay Text, the New Testament, and the Psalms in the Westminster Text* (London, 1958)
- Not. Dig.* *Notitia Dignitatum*, (ed.) Otto Seeck (Berlin, 1867; repr. Frankfurt-am-Main, 1962)
- Olymp. Olympiodorus (ed. and tr.) R. Blockley, *The Fragmentary Classicising Historians of the Later Roman Empire*, vol. 2 (Liverpool, 1983)
- Orientius. *Comm.* Orientius, *Commonitorium*, I, II, (ed.) R. Ellis, *Poetae Christiani Minores*, CSEL 16 (Vienna, 1888), 205-43
- Oros. Orosius, *Historia adversum paganos libri VII*, (ed.) C. Zangemeister, CSEL 5 (Vienna, 1882); *The Seven Books of History against the Pagans: the apology of Paulus Orosius*, (tr.) I.R. Raymond (New York, 1936). *Orosius' Seven Books of History against the Pagans*, (tr.) A. T. Fear (Liverpool, 2010).
- Ov. *Fast.* Publius Ovidius Naso, *Fasti*, (eds) E.H. Alton, D.E. Wormell, and E. Courtney, (Wiesbaden, 1997)
- Pan. Lat.* *Panegyrici Latini*, (eds) C.E.V. Nixon and B.S. Rodgers (Berkeley, 1994)
- Paulin. *Amb.* Paulinus diaconus Mediolanensis, *Sancti Ambrosii Mediolanensis episcopi*, PL. 14, Cols.0027A-0046C
- Proc. *BV* Procopius, *De bello Vandalico*, (tr.) H. B. Dewing (Cambridge, 1916)
- Prosp. Tiro. *Prosper Tironis epitoma chronicon ed. Primum a. CCCCXXXIII, continuata ad a. CCCCLV*, (ed.) Th. Mommsen, MGH (AA) IX (Berlin, 1892), 341-499

<i>Res. Gest.</i>	Caesar Augustus, <i>Res Gestae Divi Augusti</i> (ed.) J.M. Moore (Oxford, 1967)
Rut. Nam. <i>De red.suo.</i>	Rutilius Namatianus, <i>De reditu suo</i> (eds) J. Vesserau and F. Préchac (Paris, 1933)
Sall. <i>Iug.</i>	Caius Sallustius Crispus, <i>De bello Iugurthino</i> (ed.) A. Kurfess (Leipzig, 1957)
SHA.	<i>Scriptores Historiae Augustae</i> , I, (ed.) E. Hohl (Leipzig, 1965)
<i>Comm.</i>	<i>Commodus Antoninus</i>
<i>Helio.</i>	<i>Antoninus Heliogabalus</i>
<i>Marcus Antoninus.</i>	<i>Marcus Aurelius Antoninus</i>
Sid. Ap. <i>Ep.</i>	Apollinaris Sidonius, <i>Epistularum libri ix</i> , (ed.) Chr. Lütjohann, <i>MGH (AA) VIII</i> (Berlin, 1887), 1-172
Sid. Ap. <i>Carm.</i>	Apollinaris Sidonius, <i>Carmina</i> , (ed.) Chr. Lütjohann, <i>MGH (AA) VIII</i> (Berlin, 1887), 173-264
Soc.	Socrates Scholasticus, <i>Historia Ecclesiastica, Nicene and Post-Nicene Fathers</i> , 2 nd Series, Vol. 2 (eds) P. Schaff and H. Wace, A.C. Zenos (tr.) (Buffalo, NY, 1890), i-183
Soz. <i>Hist. eccl.</i>	Salminius Hermias Sozomen, <i>Historia Ecclesiastica</i> (ed.) E. Walford (London, 1855)
Suet.	Gaius Suetonius Tranquillus, <i>De Vita Caesarum</i> (ed.) M. Ihm (Leipzig, 1907)
<i>Iul.</i>	<i>Divus Iulius</i>
<i>Aug.</i>	<i>Divus Augustus</i>
<i>Tib.</i>	<i>Tiberius</i>
<i>Claud.</i>	<i>Divus Claudius</i>
<i>Ner.</i>	<i>Nero</i>
<i>Dom.</i>	<i>Domitianus</i>
Symm. <i>Ep.</i>	Symmachus, <i>Epistulae, Q. Aurelii Symmachi que supersunt</i> (ed.) O. Seeck; <i>MGH (AA) VI</i> (Berlin, 1883)

Tac.	P. Cornelius Tacitus
<i>Hist.</i>	<i>Historiae</i> (ed.) Charles Dennis Fisher. (Oxford, 1911)
<i>Ann.</i>	<i>Annales (Ab excessu diui Augusti)</i> (ed.) H. Heubner (Leipzig, 1994)
<i>Tert. Apol.</i>	Tertullianus, <i>Apologeticum</i> , (ed.) E. Dekkers, <i>CSL</i> 1 (1954-61), 85-171
Veg.	Vegetius, <i>Epitoma rei militaris</i> , (ed.) M.D. Reeve (Oxford, 2004)
Verg.	Publius Vergilius Maro
<i>Aen.</i>	<i>Aeneis</i> , (ed.) O. Ribbeck (Leipzig, 1895)
<i>G.</i>	<i>Georgica</i> , (ed.) O. Ribbeck (Leipzig, 1894)
Zon.	Zonaras, <i>Epitome Historiarum</i> , vol. 3, (ed.) L. Dindorf (Leipzig, 1870)
Zos.	Zosimus, <i>Historia Nova</i> , 5 vols, (ed.) F. Paschoud (Paris, 1970-89); Zosimus, <i>New History</i> , R.T. Ridley (tr.) (Canberra, 1982)

2. EPIGRAPHY

Latin Abbreviations

AVG = <i>Augustus</i>	D N = <i>dominus noster</i>
AVGG = <i>Augusti</i>	IMP = <i>imperator</i>
CAES = <i>Caesar</i>	IMPP = <i>imperatores</i>
COM = <i>comes</i>	KAL, KL = <i>Kalendae</i>
COS = <i>consul</i>	S = <i>sacrum, sanctus, sancta, suus</i>
COSS = <i>consules</i>	S C = <i>senatus consultum</i>
DD = <i>donum dedit, dono dedit</i>	S P Q R = <i>senatus populusque Romanus</i>
DD NN = <i>domini nostri</i>	V C = <i>vir clarissimus</i>
DDD NNN = <i>domini nostri tres</i>	

Epigraphical Conventions and Symbols

/ = The line of text breaks in the original

[abc] = Text accidentally lost is conjecturally restored

[[abc]] = Text deliberately effaced is conjecturally restored

<abc> = Text replaces other text deliberately effaced

(abc) = Meaning of abbreviation given, e.g. FL (*Flavio*)

Modern Epigraphical Abbreviations

<i>ICUR</i>	<i>Inscriptiones Christianae Urbis Romae</i> <i>Septimo Saeculo Antiquiores</i> , vol.1, (ed.) G. B. De Rossi, (Rome, 1857- 1861)
<i>IG</i> (Berlin, 1873 –)	<i>Inscriptiones Graecae</i> , 49 vols,
<i>ILA fr.</i>	<i>Inscriptions Latines d’Afrique</i> (eds) R. Cagnat and A. Merlin (Paris, 1923)
<i>ILS</i>	<i>Inscriptiones Latinae Selectae</i> (ed.) H. Dessau (Berlin 1892-1916)

3. JOURNALS

<i>Britannia</i>	<i>Journal of Romano-British and</i> <i>Kindred Studies</i> (1910 –)
<i>CA</i>	<i>Classical Antiquity</i> (1982 –)
<i>CJ</i>	<i>The Classical Journal</i> (1905 –)
<i>DOP</i>	<i>Dumbarton Oaks Papers</i> (1941 –)
<i>EHR</i>	<i>English Historical Review</i> (1886 –)
<i>HNSJ</i>	<i>Harvard National Security Journal</i> (2010 –)
<i>HTR</i>	<i>Harvard Theological Review</i> (1908 –)

<i>JBAC</i> (1958 –)	<i>Jahrbuch für Antike und Christentum</i>
<i>JEH</i>	<i>The Journal of Economic History</i> (1941 –)
<i>JLA</i>	<i>Journal of Late Antiquity</i> (2008 –)
<i>JLS</i>	<i>Journal of Libyan Studies</i> (1960 –)
<i>JRS</i>	<i>Journal of Roman Studies</i> (1910 –)
<i>MEFRA</i>	<i>Mélanges d'Archéologie et d'Histoire de l'Ecole Française de Rome, Antiquité</i> (1970 –)
<i>PSQ</i>	<i>Political Science Quarterly</i> (1886 –)
<i>TWQ</i>	<i>Third World Quarterly</i> (1979 –)
<i>ZPE</i>	<i>Zeitschrift für Papyrologie und Epigraphik</i> (1967 –)

4. LAWS

<i>Corpus Iuris Civilis</i>	Justinian, <i>Corpus Iuris Civilis</i> (ed.) Th. Mommsen, P. Krueger, R. Schöll, and W. Kroll, 3 vols. (Berlin, 1872–1895; repr. Dublin and Zurich, 1968–70)
<i>Cod. Just.</i>	<i>Codex Justinianus</i>
<i>Dig.</i>	<i>Digesta</i>
<i>Inst.</i>	<i>Institutiones</i>
<i>CTh.</i>	<i>Codex Theodosianus</i> (ed.) Th. Mommsen, <i>MGH (AA) XI</i> (Berlin, 1894); <i>The Theodosian Code and Novels and the Sirmondian Constitutions</i> , C. Pharr (tr.), Princeton, 1952)

5. MODERN

<i>BMC</i>	British Museum Catalogue
<i>CCSL</i>	<i>Corpus Christianorum Series Latina</i>
<i>CLRE</i>	Bagnall, R.S., et al. (eds), <i>Consuls of the Later Roman Empire</i> (Atlanta, 1987)
<i>CIL</i>	<i>Corpus Inscriptionum Latinarum</i> , (ed.) Th. Mommsen et al., 17 vols. (Berlin, 1863–1986)
<i>CSEL</i>	<i>Corpus Scriptorum Ecclesiasticorum Latinorum</i> (Salzburg, 1866 –)
<i>CSL</i>	<i>Corpus Scriptorum Latinorum</i>
<i>LCL</i>	<i>Loeb Classical Library</i> (London, 1912–)
<i>LRE I & II</i>	A.H.M., Jones, <i>Later Roman Empire AD 284-602</i> , 2 vols. (Oxford, 1964)
<i>PLRE I, II, & III</i>	<i>The Prosopography of the Later Roman Empire</i> , (eds) A. H. M. Jones, J. R. Martindale et al., 3 vols. (Cambridge, 1971–92)
<i>PHM III</i>	<i>Prosopografía de Hispania Meridional, Antigüedad Tardía AD 300-711</i> , vol. III, (ed.) Salvador-Ventura, F., (Granada, 1998)
<i>MGH (AA)</i>	<i>Monumenta Germaniae Historica. Auctores antiquissimi</i> , 15 vols. (Berlin, 1826 –)
<i>MGH (SRM)</i>	<i>Monumenta Germaniae Historica. Scriptores rerum Merovingarum</i> , 7 vols. (Hanover, 1885 –)
<i>PL</i>	<i>Patrologia Latina</i> (ed.) J. P. Migne (1844-65)

6. NUMISMATICS

Collections

- AE* *Année Épigraphique*, published in *Revue Archéologique* and separately (1888 –)
- AIN* *Annali dell'Istituto Italiano di Numismatica* (1954 –)
- BSFN* *Bulletin de la Société Française de Numismatique*, (Paris, 1865 –)
- DOC* *Dumbarton Oaks Collection*, (eds) Grierson, P. and Mays, M. *Catalogue of Late Roman Coins in the Dumbarton Oaks Collection and in the Whitmore Collection* (Washington D.C., 1992)
- LRBC* *Late Roman Bronze Coinage, AD 324-498* (eds) P.V. Hill., et al. (London, repr. 1978)
- MEC 1* *Medieval European Coinage, vol. 1: The Early Middle Ages (5th-10th centuries)*, (eds) P. Grierson and M. Blackburn (Cambridge, 1986)
- RIC I* *The Roman Imperial Coinage*, vol. I, (eds) C. H. V. Sutherland and R.A.G Carson (London, 1984)
- RIC IV (I)* *The Roman Imperial Coinage*, vol. IV, part I, Pertinax to Geta, (eds) H. Mattingly and E. A. Sydenham (London, 1936)
- RIC V (II)* *The Roman Imperial Coinage*, vol. V, part II, Valerian I – Diocletian, (ed.) P. H. Webb (London, 1927-1933)

- RIC VI* *The Roman Imperial Coinage*, vol. VI, *From Diocletian's Reform, AD 294, to the death of Maximinus, AD 313*, (ed.) C. H. V. Sutherland (London, 1967)
- RIC VII* *The Roman Imperial Coinage*, vol. VII, *Constantine and Licinius, AD 313-337*, (ed.) P. M. Bruun (London, 1966)
- RIC VIII* *The Roman Imperial Coinage, The Family of Constantine I, AD 337-364*, (ed.) J. P. C. Kent (London, 1981)
- RIC IX* *The Roman Imperial Coinage*, vol. IX, *Valentinian I – Theodosius I*, (ed.) J. W. E. Pearce, (London, 1951)
- RIC X* *The Roman Imperial Coinage*, vol. X *The Divided Empire and the Fall of the Western Parts, AD 395-491*, (ed.) J. Kent, (London, 1994)
- RN* *Revue Numismatique*, (Paris, 1836 –)
- RNS* *Royal Numismatic Society of London*
(1904 –)
- SNG* *Sylloge Nummorum Graecorum: Deutschland, Sammlung Von Aulock* (Berlin, 1957)
- SNR* *Schweizerische Numismatische Rundschau/Revue Suisse de Numismatique* (Bern, Switzerland, 1925 –)

Numismatic Abbreviations, Terms and Symbols²

Aureus = A gold coin of the late Roman republic and early Roman Empire.

AVG = Augustus; The number of Gs usually indicates how many reigning Augusti there are at a given time

Christogram = A monogram depicting the Chi-Rho symbol, often shown on coins being engraved upon a shield or on a *labarum*.

COM = *Comitatus*; this indicates the mint of the imperial court.

Contorniate = A type of medallion with a depressed border inside the rim.

Copper-alloy = Standard term used for bronze coinage.

COS = Consul.

Cuirassed = Top part of armour covering the chest area, often combined with the term draped to form 'draped and cuirassed'.

DD NN = *Dominorum Nostrorum, Domini Nostri* (Our Lords).

Denarius = A silver Roman coin, produced during the Republic and the first three centuries of the Empire.

Diadem = Ornate headband, tied at the back. Late Roman coins commonly show the emperor wearing a diadem of pearls, or sometimes rosettes and laurel leaves, to indicate royalty. In coin descriptions, a person wearing one is said to be diademed.

DN = *Dominus Noster* (Our Lord).

Draped = Wearing clothing other than armour, used to describe the bust of an emperor. Wearing clothing without armour would be draped, while wearing something such as a cloak over armour would be called draped and cuirassed.

Exergue = Space on a coin's reverse below field.

Field = Flat undecorated area of a coin, usually between the legend and the central design or type. Sometimes, mint-marks or other control marks are inserted here.

Globus cruciger = An *orbis* topped with a cross symbolising God's dominion over the world which is upheld through the protection of the emperor.

² This list is compiled from the 13 vols of the *RIC*, (London, 1923-94).

Labarum = A military standard with a Christogram, which came into being after Constantine I and was inspired by the 'cross in the sky' vision he had just prior to the Battle of the Milvian Bridge against Maxentius in 312.

Laureate = Wearing a laurel wreath.

Legend = Inscription, usually excluding the mintmarks and any special marks in the field. Typically, the legend runs around the outside edge of the coin, though there are exceptions.

Manus Dei = The hand of God; This phrase occurs in literature, on coins the *manus Dei* is depicted as a hand reaching down from above, often holding a halo above the head of a figure (either the emperor or empress) shown.

Mappa = A type of napkin later adapted as an imperial motif. Emperors and other officials dropped the *mappa* to signal the start of a circus race. It also became a symbol of the Late Imperial consulship.

Mintmark = Letters or symbols that tell us which mint, and sometimes which *officina*, a coin came from. Found in both the exergue and the field of Roman coins.

Monogram = Two or more letters joined to form a single motif.

Nimbate = A *nimbus*, a type of halo, about the head of an emperor or empress.

OB = *Obryziacum aurum* (fine or pure gold); generally 99% in Late Roman coinage.

Obverse = Front or head side of a coin.

Officina = The workshop of an imperial mint. Some mints had several *officinae* and so symbols or numerals are sometimes inserted on a coin to signify which particular *officina* the coin was produced in.

Orbis/ orbis terrarum = Symbolic of the Roman Empire or the terraqueous globe; when the *orbis/orbis terrarum* is in the hand of an Emperor it means that he has been elevated to the supreme power of the state.

Paludamentum = A heavy military cloak.

Patera = A ceremonial shallow dish used for pouring libations.

Pediment = When depicted on Roman coins the pediment is the triangular space between the roof and lintel of a temple.

P F = *Pius Felix* (dutiful and wise).

PM = *Pontifex Maximus* (high priest) this title was held by all emperors from Augustus until 379, when Gratian dropped it from his title in a symbolic

gesture designed to appease the rising Christian religion. The title held pagan connotations which were at odds with the new Christian ethos, where emperors could no longer be seen as the high-priest of the Roman state.

Prow = Front part of a ship, often a galley in Roman coinage. Late Imperial coinage often shows a small prow with a figure, usually the emperor, standing upon it or resting his foot on it. It also implies the ship of state.

PS = *Pusulatum* (pure silver); a relative term since the percentage of silver varied greatly in Late Roman coinage, depending on the mint and by whoever ordered a series struck.

Quinarius = A coin to the value of a half-*denarius* or a half-*aureus*.

Reverse = Back of a coin.

Sceptre = Staff or rod symbolising imperial authority.

Sestertius = Large brass coin.

SM = *Sacra Moneta* (Sacred mint /money).

Solidus = Gold coin introduced by Constantine I, c. 309-10.

Standard = Pole or spear, often decorated with military honours, symbol of cohort, not the entire legion.

Striking/struck = The physical act of stamping coinage using dies.

TR P = *Tribunicia Potestas* (Tribune of the People).

Tremissis = Gold coin, worth one third of a *solidus*.

Type = In relation to Roman coins, this is the central/dominant reverse design, for example an emperor standing, with his foot on a captive.

Victory = Personification of the winged goddess Victoria shown in various styles, at times as a large figure, more often as a small figure, sometimes Victory is atop an *orbis terrarum*. Victory is one of the very few traditional deities which remained in use in Roman art, coinage, sculpture and literature right up until the very end of the Western Empire. It was also used by various barbarian rulers on their coinage in imitation of Roman currency.

VOT = *vota, votis, votum* (vows to the gods for an imperial reign).

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Introduction

INTRODUCTION

‘Eight months insensibly elapsed; an amazing period of tranquil anarchy, during which the Roman world remained without a sovereign, without a usurper, and without a sedition.’¹

Aims

The overall aim of this thesis is to determine what happened during the state’s suppression of rebellion and usurpation in the Late Empire, and to see what differences and similarities existed in the forms of punishment that were meted out to Rome’s internal enemies. Did the production of coinage by usurpers determine how they would be punished, as opposed to rebels, and others who did not? Was ethnicity and social status a factor also?

This thesis examines what happened during the suppression of rebellion and usurpation, the endgame of treason, during the Late Roman Empire. It takes as its focus the reign of the Western Emperor Honorius (393-423), more specifically the years 397-411. The thesis analyses the cases of three persons charged with the crime of high treason (*crimen maiestatis*): the *comes Africae* Gildo, after his revolt in 397-8, the *magister militum* Stilicho who was charged with conspiracy to usurp imperial power in 408, and the military commander Constantine III, whose usurpation occurred between 407-11.

The thesis identifies four themes common to the endgame of treason in the Late Empire of the fourth and early-fifth centuries:

1. The act of seeking sanctuary, in various forms, by leading persons charged with *crimen maiestatis*, and the widespread overturn of the right of sanctuary by the legitimate authorities to remove fugitives from their refuge.

¹ E. Gibbon, *The History of the Decline and Fall of the Roman Empire*, vol. 1, chap. 12, 6th edition (Dublin, 1784),

Introduction

2. Punishment, particularly mutilation, before either death or exile, of captured rebels, usurpers and other state enemies.
3. *Poenae post mortem*, typically involving decapitation and sometimes bodily mutilation, particularly of the right hand.
4. The multi-faceted process of *damnatio memoriae* enacted against the state's domestic enemies: rebels, usurpers and others.

The greater time-frame of this thesis is from Constantine I's accession in 306 to the death of Honorius in 423. This is because Constantine's reign began with usurpation, i.e. his own, and it was his regime which set Christianity on a path to becoming the dominant religion of the Late Roman Empire. The growth of the Christian religion, as we will see in the course of this thesis, contributed to, among other things, the idea of Christian sanctuary in churches as a right, which eventually became sacrosanct in the fifth century. Honorius' death is our *terminus ante quem*, due to the climax of insurrection reached during his reign.

The specific focus of the three case-studies, Gildo, Stilicho and Constantine III, is chosen because of their interconnectedness with each other through Honorius, and their impact on the fate of the Western Empire. Also, while each could technically be called usurpation, and have similar attributes, they are all equally different, but ultimately have the same conclusion, execution on the basis of having committed treason.

Current State of the Research

Rebellion and usurpation

Since 1996, when Hugh Elton commented that 'surprisingly little' research had been dedicated to the study of usurpation, we find, almost two decades later, that indeed surprisingly little research has been carried out.² For a phenomenon so familiar to nearly every generation of Romans since at least the early Principate, we might reasonably expect more commentary on the subject of usurpation than currently exists. Between Constantine I's elevation

² H. Elton, *Warfare in Roman Europe, AD 350-425* (Oxford, 1996).

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to Augustus in 306 and the death of the Emperor Honorius in 423 the phenomena of rebellion and usurpation became so common that there was, on average, one in progress about every four years.³ The majority of these acts of treason were successfully suppressed, and in fact only two usurpers, Constantine I (306-37) and Julian (360-63), of the period discussed, ever actually succeeded. Rebellion also features little in detailed studies. Apart from individual articles pertaining to specific instances of rebellion and usurpation, the larger works are comparatively few in number. More often, rebellion and usurpation appear as part of works on other themes of Roman history.⁴

The most recent large studies undertaken on usurpation are Tristan Taylor's 2010, 'Usurpation in the Roman Empire, 68-305 C.E.', and Joachim Szidat's *Usurpator Tanti Nominis; Kaiser und Usurpator in der Spätantike, 337-476 n. Chr.*⁵ Taylor's work is a welcome addition to the study of usurpation, but only deals with the subject from the death of Nero in 68 to the eve of Constantine I's usurpation in 306. In addition to analysis of primary texts, Taylor draws on laws and material culture, in particular numismatics, to complement his aims of showing the inner workings of usurpation.

Szidat's work, on the other hand, is far broader in scope. It takes its starting point as Constantine I's accession to imperial power in 306 and concludes with the final death throes of the Western Empire in the 470s. Szidat examines the social and political backgrounds of usurpers, how certain usurpers went on to become legitimate, and the relationship of usurpers with the senate and the army. He concludes by analysing how the continued recurrence of usurpation, especially from the third century on, contributed to institutional change in the Late Empire.

³ See table 1, 12.

⁴ The list of modern works on other themes but which have references to rebellion and usurpation is far too long to include here. Instead, the following are perhaps some of the more notable: S. Mitchell, *A history of the Later Roman Empire, AD 284-641* (London, 2007); C. Ando, *Imperial Ideology and Provincial Loyalty in the Roman Empire* (Berkeley, 2000); M. McCormick, *Eternal Victory; triumphal rulership in Late Antiquity, Byzantium and the early Medieval West* (Cambridge, 1990); J. M. O'Flynn, *Generalissimos of the Western Roman Empire* (Alberta, 1983); J. Matthews, *Western Aristocracies and Imperial Court, AD 364-425* (Oxford, 1975); R. MacMullen, *Enemies of the Roman Order* (Oxford, 1966).

⁵ T. Taylor, 'Usurpation in the Roman Empire, 68-305 C.E.', (unpublished doctoral thesis, Yale University, 2010); J. Szidat, *Usurpator Tanti Nominis; Kaiser und Usurpator in der Spätantike, 337-476 n. Chr.* (Stuttgart, 2010).

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There are a small number of influential articles which have raised awareness of the phenomenon of usurpation, the most important being: Alan E. Wardman's 1984, 'Usurpers and Internal Conflicts in the Fourth Century AD', and Mark Humphries' 2008, 'From Usurper to Emperor: The Politics of Legitimation in the Age of Constantine I'.⁶

Contribution of this Thesis

This thesis' treatment of rebellion and usurpation differs from the aforementioned in several respects:

1. It deals specifically with the suppression of rebellions and usurpations; the physical punishment of the defeated; the aftermath of the initial suppression – ritual head-display, *damnatio memoriae*; and the forms of propaganda used against the state's domestic enemies – triumphalist messages upon coinage and commemorative inscriptions.
2. The issue of sanctuary is examined in the context of suppression; how the claim of sanctuary was frequently invoked by the losers but was nearly always disrespected by the victors.
3. It has a much smaller time focus, primarily that of the reign of Honorius, or, more specifically, the years 397-411. Within this fourteen-year period we encounter our three case studies: Gildo, Stilicho, and Constantine III.

⁶ A. E. Wardman, 'Usurpers and Internal Conflicts in the Fourth Century AD', *Historia* 33 (1984), 220-37; M. Humphries, 'From Usurper to Emperor: The Politics of Legitimation in the Age of Constantine I', *JLA* 1 (2008), 85-100.

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The Three Case Studies

Gildo

Until the 1990s, the standard works for the peoples of Roman North Africa were Christian Courtois's 1955, *Les Vandales et l'Afrique*, and Yves Modéran's 1989, 'Gildon, les Maures et l'Afrique'.⁷ In between these two works, in 1977, Abdallah Laroui wrote *The History of the Maghrib*, which considered Gildo as more of a liberator for his people against the harsh rule of Rome.⁸ Also, W.H.C. Frend's 1985, *The Donatist Church: a movement of protest in Roman North Africa* incorporated Gildo into his account of North African Donatism, but, again, Gildo was only part of a bigger picture.⁹

Gildo himself as a topic of study has been sporadic, however. Since Stewart Irwin Oost's 1967 article, 'Count Gildo and Theodosius the Great', which explored some questions about Gildo's loyalty to that emperor, there have been few forays into the subject.¹⁰ Alan Cameron's 1970 work, *Poetry and Propaganda at the Court of Honorius*, devoted an entire chapter to Gildo. Cameron's work has had a recent companion in Catherine Ware's 2012, *Claudian and the Roman Epic Tradition*. However, both Cameron and Ware's research deal primarily with analysing the technique and style of our main source for Gildo, the court poet and panegyrist Claudian. More recently, Brent D. Shaw has re-examined Gildo, and has argued that Gildo did not commit any treason at all against the western imperial government. Yet again, Gildo appears as a small part of a far larger study.¹¹ Andy Blackhurst's 2004 article, 'The House of Nubel: rebels or players', is one of the very few studies devoted to Gildo, the man himself. Blackhurst examined Gildo's role and the role of his family in Roman and North African political affairs.¹² Aside from

⁷ C. Courtois, *Les Vandales et l'Afrique* (Paris, 1955); Yves, 'Gildon, les Maures et l'Afrique', *MEFRA* 101 (1989), 821-72.

⁸ A. Laroui, *The History of the Maghrib: An Interpretative Essay* (Princeton, 1977).

⁹ W. H. C. Frend, *The Donatist Church: a movement of protest in Roman North Africa* (Oxford, 1985), 208-10, 213, 220-7, 241, 44.

¹⁰ S. I. Oost, 'Count Gildo and Theodosius the Great', *Classical Philology* 57 (1962), 27-30.

¹¹ B. D. Shaw, *Sacred Violence: African Christians and sectarian hatred in the age of Augustine* (Cambridge, 2011), 46-50.

¹² A. Blackhurst, 'The House of Nubel: rebels or players?' in A. H. Merrills (ed.), *Vandals, Romans and Berbers: new perspectives on late antique North Africa*, (Aldershot, 2004), 59-75.

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Blackhurst, therefore, none of the above authors have studied Gildo in any great detail, nor have they examined how he was suppressed and died.

Stilicho

John Matthews' 1975, *Western Aristocracies and Imperial Court, AD 364-425*, is still the standard work for the period of Stilicho's rise and fall from power. 1983 saw John Michael O'Flynn examine the influence of Stilicho as, in his own words, a 'generalissimo' within the administrations of Theodosius I and Honorius.¹³ O'Flynn's overall aim was the study of a succession of other powerful western generalissimos, such as Arbogastes and Odovacar. However, three full chapters were devoted to Stilicho. A single chapter was given to an analysis of Stilicho by Arther Ferrill, in his 1986, *The Fall of the Roman Empire: The Military Explanation*, while Peter Heather's 1991 *Goths and Romans*, examined Stilicho's suppression through the lens of Roman-Gothic relations.

Stilicho has also received attention concerning his military campaigns. Two articles stand out: Mollie Miller's 1975, 'Stilicho's Pictish War' and Emma Burrell's 2004, 'A re-examination of why Stilicho abandoned his pursuit of Alaric in 397.'¹⁴ Aside from Anne Ducloux's 1994, *Ad ecclesiam confugere; Naissance du droit d'asile dans les église; IVe-milieu du Ve's*, which addresses Stilicho's failed church sanctuary bid, there do not appear to be other treatments which deal specifically with Stilicho's fate.¹⁵ As with Gildo, there does not appear to have been any significant enquiry into the circumstances of the deaths of Stilicho and his family in 408.

¹³ O'Flynn, *Generalissimos*, 13-62.

¹⁴ M. Miller, 'Stilicho's Pictish War', *Britannia* 6 (1975), 141-5; E. Burrell, 'A Re-examination of Why Stilicho abandoned his Pursuit of Alaric in 397', *Historia* 53 (2004), 251-6.

¹⁵ A. Ducloux, *Ad ecclesiam confugere; Naissance du droit d'asile dans les église IVe- milieu du Ve s.* (Paris, 1994)

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Constantine III

There are a group of articles which explicitly address the usurpation of Constantine III. After Edward Freeman's two treatments of Constantine III, his 1886 article, 'The Tyrants of Britain, Gaul and Spain', and his 1904 book, *Western Europe in the Fifth Century*, Constantine's story was largely ignored by historians until 1957, when C.E. Stevens picked up the story from where Freeman. Stevens' article, 'Marcus, Gratian, Constantine' examined Constantine III's attempts to gain the western throne. Stevens used close analysis of the literary sources combined with some of the usurper's numismatic propaganda in order to present his version of the events of 407-11.¹⁶ E. A. Thompson's 1977, 'Britain, AD 406-410' argued for Constantine's usurpation as having been the result of a peasant uprising.¹⁷

J. F. Drinkwater's 1998, 'The Usurpers Constantine III (407-411) and Jovinus (411-413)', focuses on establishing a coherent chronology of events of the usurpation, from its origins in Britain, and subsequent developments in Gaul and Spain. Two years later, in 2000, Michael Kulikowski's 'Barbarians in Gaul, Usurpers in Britain' appeared, which treated Constantine's relations with the barbarians operating within imperial territory.¹⁸ The most recent, and largely overlooked, study of Constantine III is F. J. Sanz-Huesma's 'Usurpaciones en Britania (406-407): Hipótesis sobre sus causas y protagonistas', which was preoccupied with establishing who exactly Constantine III may have been. In Sanz-Huesma's view, the usurper was not an ordinary soldier from the ranks, but a skilled manipulator of high status, who very carefully planned the revolts in Britain that brought him to power.¹⁹

Constantine III appears in amongst broader works about Late and sub-Roman Britain: Christopher A. Snyder's 1998, *An Age of Tyrants; Britain and the Britons, AD 400-600*, and Simon Esmonde-Cleary's 2000 of *The*

¹⁶ E.A. Freeman, 'The Tyrants of Britain, Gaul and Spain, AD 406-411', *EHR* 1 (1886), 53-85; idem, *Western Europe in the Fifth Century* (London, 1904), 81-129; C.E. Stevens, 'Marcus, Gratian, Constantine', *Athenaeum* 35 (1957), 316-47.

¹⁷ E. A. Thompson, 'Britain, AD 406-410', *Britannia* 8 (1977), 303-18.

¹⁸ J. F. Drinkwater, 'The Usurpers Constantine III (407-411) and Jovinus (411-413)', *Britannia* 29 (1998), 269-98; M. Kulikowski, 'Barbarians in Gaul, Usurpers in Britain', *Britannia* 31 (2000), 325-45.

¹⁹ F. J. Sanz-Huesma, 'Usurpaciones en Britania (406-407): Hipótesis sobre sus causas y protagonistas', *Gerión* 23 (2005), 315-24.

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Ending of Roman Britain.²⁰ Numismatic research on Constantine III includes two articles by Jean Lafaurie, from 1953 and 1957 respectively: ‘La Chronologie des Monnaies de Constantin III et de Constant II’ and ‘Solidus de Constantin III du Musée de Fribourg’.²¹ Pierre Bastien’s 1987 volume, *Le Monnayage de l’atelier de Lyon: du règne de Jovien à la mort de Jovin (363-413)* also examined Constantine’s coinage.²² In addition, there is Emilienne Demougeot’s 1988, ‘Constantin III, l’empereur d’Arles’, *L’Empire Romain et les Barbares D’Occident, IV^e – VII^e siècle*.²³

Common Themes

Sanctuary

There is little modern research on sanctuary or asylum in the Late Empire. The following are three studies that have been used and referenced throughout this thesis: two important articles, Wieslaw Mossakowski’s 2006 ‘Concept of Asylum (*Asylum, Confugium*) in Ancient Rome’ and Jan Hallebeek’s 2004 ‘Church Asylum in Late Antiquity; concession by the Emperor or competence of the Church?’, and one major book in 1994, Anne Ducloux’ *Ad ecclesiam confugere; Naissance du droit d’asile dans les église IV^e- milieu du Ve^s*.²⁴

Punishment

Michael McCormick’s 1986, *Eternal Victory; triumphal rulership in Late Antiquity, Byzantium and the early Medieval West*, examines the types of punishments endured by captured enemies of the state, foreign and domestic.

²⁰ C.A. Snyder, *An Age of Tyrants; Britain and the Britons, AD 400-600* (Gloucestershire, 1998); Matthews, *Western Aristocracies*, 275ff.; A. S. Esmonde-Cleary, *The Ending of Roman Britain* (London, 2000), 138-43.

²¹ Lafaurie, J., ‘La Chronologie des Monnaies de Constantin II et de Constant II’, *RN* 6 (1953), 37-65; idem, ‘Solidus de Constantin III du Musée de Fribourg’, *SNR* 40 (Berne, 1959), 22-26.

²² J. Lafaurie, ‘La Chronologie des Monnaies de Constantin III et de Constant II’, *RN* 6 (1953), 37-65 and, for the Lyons mint issues see P. Bastien, *Le Monnayage de l’atelier de Lyon: du règne de Jovien à la mort de Jovin (363-413)*, vol. 6, (Wetteren, 1987).

²³ É. Demougeot, ‘Constantin III, l’empereur d’Arles’, *L’Empire Romain et les Barbares D’Occident, IV^e – VII^e siècle* (Paris, 1988), 171-213.

²⁴ W. Mossakowski, ‘Concept of Asylum (*Asylum, Confugium*) in Ancient Rome’ *Pomoerium* 5, (2004-6), 53-7; J. Hallebeek, ‘Church Asylum in Late Antiquity; concession by the Emperor or competence of the Church?’ in E. C. Coppens (ed.), *Secundum Ius*, Opstellen aangeboden aan prof mr. P. L. Nève, Rechtshistorische reeks van het Gerard Noodt Instituut (Nijmegen, 2004), 163-82 Ducloux, *Ad ecclesiam confugere*.

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McCormick's writ is immense in this book, beginning during the Principate and concluding during the ninth century.²⁵ Ramsay MacMullen's 1986 article, 'Judicial Savagery in the Roman Empire', draws attention to the increase in state-brutality towards its citizens (from all classes) during the Late Empire.²⁶

Damnatio memoriae

The Roman custom of *damnatio* has received considerably more attention than sanctuary and punishment. The most significant recent studies on *damnatio memoriae* since the seventeenth-century joint dissertation of Christophorus Schreiter and J. H. Gerlach's *Dissertationem juridicam de damnatione memoriae; Praescitu superiorum in florentissima philurea*.²⁷ McCormick's, *Eternal Victory*, while not specifically focused on *damnatio*, features some important sections throughout on the issue; Peter Stewart's 1999 article, 'The Destruction of Statues in Late Antiquity' is more detailed, but primarily deals with physical portraiture, while Eric Varner's 2004, *Mutilation and Transformation; damnatio memoriae and Roman imperial portraiture*, is a much more comprehensive study of the phenomenon, but only extends as far as the third century AD.²⁸

Numismatics

The ten volumes of the *Roman Imperial Coinage*, invaluable as they are, have limitations, due to the ever increasing discoveries of coinage throughout the territories of the former Roman Empire.²⁹ Britain, for example, has the Portable Antiquities Scheme (PAS) which has seen a huge rise in the amount of new coin finds from all over Britain.³⁰ Philippa Walton's 2012 study on

²⁵ McCormick, *Eternal Victory*.

²⁶ R. MacMullen, 'Judicial Savagery in the Roman Empire', *Chiron* 16 (1986), 43-62; reprinted in R. MacMullen (ed.), *Changes in the Roman Empire; Essays in the Ordinary* (Princeton, 1990), 204-17.

²⁷ C. Schreiter, and J. H. Gerlach, *Dissertationem juridicam de damnatione memoriae; Praescitu superiorum in florentissima philurea* (Leipzig, 1689).

²⁸ McCormick, *Eternal Victory*; P. Stewart, 'The Destruction of Statues in Late Antiquity' in R. Miles, (ed), *Constructing Identities in Late Antiquity* (London, 1999), 159-89; E. Varner, *Mutilation and Transformation; 'Damnatio Memoriae' and Roman imperial portraiture* (Leiden, 2004).

²⁹ H. Mattingly et al., *The Roman Imperial Coinage*, 10 vols. (London, 1923-94).

³⁰ <http://www.finds.org.uk>

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Rethinking Roman Britain: coinage and archaeology has drawn on many of these recent finds.³¹ C. H. V. Sutherland's 1959 article 'The Intelligibility of Roman Imperial Coin Types', still stands up as a pivotal moment in our understanding of Roman numismatic studies.³²

Laws

The study of Roman law is extensive; the following are just some of the resources used for this thesis. Jill Harries 1999' *Law and Empire in Late Antiquity*, and 1993 article, 'The Background to the Code'³³; Tony Honoré's 1998 work, *Law in the Crisis of Empire, AD 379-455* is an invaluable aid to the study of the Theodosian Code³⁴; John Matthews' 2000 book, *Laying down the Law*, is on a par with Honoré and is equally vital for our understanding of how Late Roman laws were created.³⁵

Methods

This thesis uses over seventy illustrations, the majority of which are of coins. Where there is no numismatic output, as is the case for Gildo and Stilicho, other illustrations have been employed in order to provide a continuity of material culture throughout this work. To this end maps, diagrams, sculpture, ancient and antiquarian art and tables are applied.

³¹ P. J. Walton, *Rethinking Roman Britain: coinage and archaeology*, *Moneta* 137 (Wetteren, 2012).

³² C. H. V. Sutherland, 'The Intelligibility of Roman Imperial Coin Types', *JRS* 49, (1959), 46-55: 54.

³³ J. Harries, *Law and Empire in Late Antiquity* (Cambridge, 1999); idem. 'The Background to the Code' in J. Harries and I. Wood (eds), *The Theodosian Code; Studies in the Imperial Law of Late Antiquity* (London, 1993).

³⁴ T. Honoré, *Law in the Crisis of Empire, AD 379-455* (Oxford, 1998).

³⁵ J. Matthews, *Laying Down the Law* (New Haven, 2000).

1. Defining Rebels and Usurpers

1

DEFINING REBELS AND USURPERS

‘Erase the stain of civil war with a great and just triumph’¹

‘The usurper is obsessed with reading public moods’²

1. 1. Introduction

This chapter examines what were the characteristics which determined whether an individual was viewed as a rebel, a usurper, or legitimate during the Late Empire. Some of the literary and legal terminology used to describe Rome’s domestic enemies is explored: *tyrannus/tyranni*, *hostis publicus/hostes publici*, *praedonis/praedoni*, *latro/latrones*, and *perduellis/perduelles*. The chapter considers how the deeds of the aforesaid group are frequently referred to in our sources as acts of madness, foolishness or recklessness (*demens/dementia*, *furor/furoris*, *amentia*, *insania*). The concept of insurrection as a form of madness is set against the context of other groups similarly categorised: thieves and barbarians. Also examined is the *recusatio imperii*, where certain usurpers claimed coercion by the military as justification for their treason. The chapter concludes with an examination of the shared fates of male relatives, primarily the sons, of the state’s defeated internal enemies.

¹Claud. *Gild.* 429-30: *Iusto magnoque triumpho civiles abolete notas*. Claudius Claudianus (ed.) Th. Birt, *MGH (AA) X* (Berlin, 1892). Platnauer interpreted *abolete* as to ‘wash out’. M. Platnauer, (tr.) *Claudian* (London, 1922), 131. In constitution *CTh.* 15.14.12 (17 May 395) of the *Codex Theodosianus*, similar language is used against the usurper Eugenius (392-4): *omnem abolemus infamiam*. Pharr translated this phrase as ‘we blot out the stain of infamy.’ C. Pharr, *The Theodosian Code and Novels and the Sirmondian Constitutions* (Princeton, 1952), 438.

² D. C. Rapoport, ‘The Political Dimensions of Military Usurpation’, *Political Science Quarterly* 83 (1968), 551-72: 560.

1. Defining Rebels and Usurpers

Table 1: Rebels, usurpers and coinage; 306-425

No.	Name	Rebel/Usurper	Coinage
1	Constantine I (306-37)	Usurper (successful)	Yes
2	Licinius (308-24)	Legitimately appointed Augustus, declared a usurper posthumously	Yes
3	Aurelius Valerius Valens (316)	Legitimately appointed Augustus, declared a usurper posthumously	Yes
4	Martinianus (324-25)	Legitimately appointed Caesar, declared a usurper posthumously	Yes
5	Maxentius (306-12)	Usurper	Yes
6	Domitius Alexander (308-10)	Usurper	Yes
7	Calocaerus (333/4)	Rebel	No
8	Magnentius (350-53)	Usurper	Yes
9	Decentius (350-53)	Usurper	Yes
10	Julius Nepotianus (350)	Usurper	Yes
11	Vetranio (350-51)	Usurper	Yes
12	Gallus (351-54)	Legitimately appointed Caesar, declared a usurper posthumously	Yes
13	Silvanus (355)	Usurper	No
14	Julian (361-63)	Usurper (Successful)	Yes
15	Procopius (365-66)	Usurper	Yes
16	Marcellus (366)	Usurper	No
17	Firmus (c.372-75)	Rebel/Usurper (ambiguous)	No
18	Magnus Maximus (383-88)	Usurper	Yes
19	Flavius Victor (384-88)	Usurper	Yes
20	Eugenius (392-94)	Usurper	Yes
21	Rufinus (392-95)	Possible attempt at usurpation	Uncertain
22	Gildo (397-98)	Rebel/Usurper (ambiguous)	No
23	Marcus (406/7)	Usurper	No
24	Gratianus (406/7)	Usurper	No
25	Constantine III (407-11)	Usurper	Yes
26	Constans (409/10-11)	Usurper	Yes
27	Julianus (408-11)	<i>Nobilissimus</i> (son of Constantine III)	No
28	Stilicho (408)	Conspiracy to usurp	No
29	Eucherius (408)	Conspiracy to usurp	No
30	Maximus (409-11)	Usurper	Yes
31	Priscus Attalus (409-10,414-15)	Usurper	Yes
32	Jovinus (411-13)	Usurper	Yes
33	Sebastianus (411-13)	Usurper	Yes
34	Heraclianus (c. 412-3)	Usurper	No
35	Iohannes (423-25)	Usurper	Yes

1. Defining Rebels and Usurpers

1.1.1. A ‘short’ African rebellion

‘The whole desert he described as being like a gravelled drive carelessly weeded, of infinite breadth and leading to nowhere’³

Most of the time, rebellions could be tolerated for a little longer than usurpations, so long as they did not present an imminent danger to an incumbent, legitimate emperor.⁴ There are exceptions to this, however. The insurrection in 397-98 of the *comes Africae* Gildo was one such instance, the details of which have been variously interpreted as rebellion, usurpation or outright banditry.⁵ Either category is valid, depending on which primary sources we accept. Gildo was accused of colluding with eastern officials from Constantinople to bring the North African provinces under their jurisdiction, thereby cutting off the west’s chief food supply.⁶ Relations between west and east were strained at this point in time, even though the eastern Augustus, Arcadius, was the older brother of Honorius. Unsurprisingly, Gildo’s actions were received as hostile by Honorius’ administration. Influenced by his guardian, the *magister militum* Stilicho, Honorius ordered an army to Africa to deal with the threat.

The problem with understanding fully the circumstances of the Gildonic War is that all of our relevant ancient sources are biased in favour of the victors in this conflict, i.e. Honorius and Stilicho.⁷ Shaw has argued

³ L. Dunsany, ‘Travel Tales of Mr. Joseph Jorkens’, in N.H.H. Sitwell, *Roman Roads of Europe* (London, 1981), 147.

⁴ H. Elton, *Warfare in Roman Europe, AD 350-425* (Oxford, 1996), 194.

⁵ W. H. C. Frend, *The Donatist Church* (Oxford, 1985), 221 ff: Frend thought that Gildo was motivated primarily by personal gain. Blackhurst has recently asserted that Gildo was ‘styled a *tyrannus*’ by the poet Claudian ‘to suggest the illegitimacy of his rule in Africa.’ A. Blackhurst, ‘The House of Nubel: rebels or players?’ in A.H. Merrills (ed.) *Vandals, Romans and Berbers: new perspectives on late antique North Africa* (Aldershot, 2004), 59-75: 70.

⁶ The story of Gildo’s downfall is the subject of chapter three below.

⁷ Claud. *Gild.* 6: *tertius occubuit nati virtute tyrannus*; idem, *Gild.* 465-6: *tertia iam solito cervix mucrone rotetur tandem funereis finem positura tyrannis*; idem, *Stil.* II: *quod rura tyranno libera possideant.* cf. Oros. VII. 36. 2-3: *gentili magis licentia contentus quam ambitu regiae affectationis inflatus.* Orosius, *Historia adversum paganos libri VII*, (ed.) C. Zangemeister, *CSEL* 5, (Vienna, 1882). There were different rumours circulating as to why Gildo revolted. Orosius claimed that the Moor was moved by spiteful jealousy (*permotus invidia*) and that no other boy-emperor had ever lived long enough to rule. Since Honorius had only just inherited the western empire after his father Theodosius I’s death in 395, Gildo may have been acting out of concern for his own personal safety and position before anyone removed the young Honorius. A new regime might not have been as favourable to Gildo as that of Theodosius I, who had allowed the Moor to remain in his office, despite rumours of disloyalty in Theodosius’ war against the usurper Magnus Maximus in the 380s. For a

1. Defining Rebels and Usurpers

recently that there is no hard evidence that Gildo ever transferred his area of charge and that far from being a rebel or a usurper Gildo was pushed into his actions by forces hostile to him at the western imperial court as a means to counter what they saw as eastern encroachment into North Africa.⁸ Whether Gildo was innocent of the official charges laid against him or not we cannot know, but one fact is accepted. By the spring of 398 he had become a fugitive, following his defeat at the hands of the imperial army sent against him from Italy.⁹ The North African provinces were simply too important to the Roman West to be given up without contest.¹⁰ Rebellion in North Africa could not go unchecked for long.

1.1.2. Two 'long' western usurpations

'Usurpation, an activity promoted by the western armies'¹¹

Elton acknowledges that there were exceptions to the idea that usurpations were dealt with faster than rebellions.¹² It was sometimes politically and militarily expedient for the legitimate authorities to establish an accord with a usurper. Magnus Maximus usurped imperial power in the west, ruled there for five years from 383-88, and received political recognition from the legitimate Augustus Theodosius I. The main reason why Maximus' reign lasted as long as it did was due to Theodosius' preoccupation with the emergent Visigoth problem in the empire's eastern provinces. Theodosius I had the Gothic problem in the east, and therefore tolerated Maximus until the moment was right to strike hard at the upstart. We can see evidence of this

discussion of the issue of Gildo's loyalty to the Theodosian house see Oost, 'Count Gildo', 27-30. In the *Codex Theodosianus* Gildo is denounced as a *hostis publicus*, his estates were seized and his supporters persecuted: *CTh.* 7.8.7 (8 June 400); 7.8.9 (6 Aug 407); 9.40.19 (22 Nov 408); 9.42.16 (1 Dec 399); 9.42.19 (20 Apr 405).

⁸ Shaw, *Sacred Violence*, 46-50.

⁹ Claud. *Gild.* 9-16: *congressum profugum captum vox nuntiat una rumoremque sui praevenit laurea belli. Quo, precor, haec effecta deo? Robusta vetusque tempore tam parvo potuit dementia vinci? Quem veniens indixit hiems, ver perculit hostem.*

¹⁰ The importance of North Africa and its resources to the Western Empire is examined in greater detail in chapter three below.

¹¹ Wardman, 'Usurpers and Internal Conflicts', 234.

¹² Elton, *Warfare in Roman Europe*, 194.

1. Defining Rebels and Usurpers

uneasy detente in the propaganda contained in a *solidus* of Maximus (fig.2) promoting his view of the concord between himself and Theodosius.

(Fig. 2) The world in their hands
Solidus of the usurper Magnus Maximus, London mint, c. 383



Obverse: Bust rosette-diademed, draped and cuirassed. Legend: D-N-MAG-MA-XIMVS-PF-AVG (*Dominus Noster Magnus Maximus Pius Felix Augustus*). **Reverse:** Two emperors seated on throne, holding an *orbis* between them with their right hands (The *orbis* symbolised the earth. In an Emperor's hand it signified his accession to imperial rule). Victory soars above, her wings spread to express unity of purpose, palm-branch below symbolising peace and accord. Legend: VICTOR-IA-AVGG (*Victoria Augustorum/Victory of the Augusti*). Exergue: AVG (Augusta was a fourth-century name for London) – OB (*Obryziacum* = fine/pure gold). (RIC IX 2)
© The Trustees of the British Museum

By 388 Theodosius had managed to pacify the Visigoths, temporarily at least. This allowed him leeway to move decisively against Maximus. Theodosius routed the usurper's army at Aquileia, and captured its leader. Maximus was physically and verbally abused, decapitated, and his head was publicly displayed.¹³ After this victory, Theodosius' triumphal celebrations included the minting of a commemorative numismatic series, the *Salus Reipublicae* coin type (fig. 3). The propagandist message inscribed upon this coin was the promotion of Theodosius as the guarantor and restorer of health of the body politic. On this coin religious overtures to Christianity appear through a Chi-Rho and also to the traditional gods, represented by a large

¹³ *Pan. Lat.* II. 37-45. *Panegyrici Latini* (ed.) C.E.V. Nixon and B.S. Rodgers (Berkeley, 1994). There are conflicting accounts of Maximus' fate; Zosimus' version had the usurper arrested and brought before Theodosius who admonished him before ordering his execution: Zos. IV 46.2-3. Zosimus, *Historia Nova*, Zosimus, *Historia Nova*, 5 vols, (ed.) F. Paschoud (Paris, 1970-89); Zosimus, *New History*, R. T. Ridley (tr.) (Canberra, 1982). Sozomen's account differs significantly, where Maximus was killed by his own troops, *Soz. Hist. eccl.* VII. 14. Salminius Hermias Sozomen, *Historia ecclesiastica* (ed.) E. Walford (London, 1855).

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winged Victory. Theodosius' restored authority and power as the sole Augustus of the Roman state is demonstrated through the application of a single G in the obverse legend AVG (Augustus) which indicated just one reigning emperor.¹⁴

(Fig.3) Righting the ship of state
Copper-alloy coin of Theodosius I, Antioch mint, c. 388



Obverse: Bust pearl-diademed, draped and cuirassed. Legend: D-N-THEODO-SIVS-PF-AVG (*Dominus Noster Theodosius Pius Felix Augustus*). Reverse: Victory advancing, a trophy over her right shoulder, dragging captive by the hair with her left hand. Field: Chi-Rho symbol. Legend: SALVS-REI-PVBLICAE (Health of the State). Exergue: ANT (Antioch) – Δ (*officina* mark). (RIC IX 67b/70a) Image courtesy Classical Numismatic Group

(Fig. 4) Victory through usurpation
Gold *tremissis* of the usurper Constantine III, Arles mint, c. 408-11



Obverse: Bust diademed, draped and cuirassed. Legend: D-N-CONSTANTINVS-PF-AVG (*Dominus Noster Constantinus Pius Felix Augustus*). Reverse: Victory advancing holding a wreath and an orbis. Field: AR (Arelate/Arles). Legend: VICTORI-A-AVGGG (The three G's represent Constantine, Honorius and the eastern boy-emperor Theodosius II). Exergue: CON (This indicates Arles, also known as Constantina) – OB (*Obryziacum* = fine/pure gold). (RIC X 1524) © The Trustees of the British Museum

¹⁴ The numbers of Gs applied to Late Roman coin legends was usually, though not always, an indication of how many Augusti were in power at the same time.

1. Defining Rebels and Usurpers

Twenty years after the defeat of Magnus Maximus, Theodosius' son Honorius had to make a similar, temporary peace with the usurper Constantine III (fig. 4).¹⁵ Honorius, over the course of his long twenty eight-year reign, encountered a plethora of threats; barbarian invasions, animosity from within the eastern court, internal political intrigue at his own court and internal revolts and usurpations.¹⁶ Constantine III's usurpation emerged at a crucial period of Honorius' reign, when the Roman West was especially hard-pressed by barbarian armies. It is telling that Constantine III's reign endured for almost the same amount of time as Maximus' usurpation had, five years. If Honorius had not been so preoccupied with the foreign invasions the usurper would probably not have lasted as long as he did. By 409 Honorius had been compelled to accept Constantine III as a colleague, but when the opportunity presented itself to deal with the upstart, Honorius sent his *magister militum*, Constantius, against Constantine. Honorius was triumphant, but the fact remained that it had taken nearly five years to properly confront usurpation on his own doorstep in Gaul. Furthermore, as soon as Constantine had been suppressed, Honorius was confronted with yet more Gallic usurpers.

1.2. Coinage

'We use the study of coinage in default of and particularly to supplement other sources of historical information'¹⁷

Outside of literary and legal sources the most visible distinction we can make between a rebel and a usurper is whether or not they issued coinage. As a rule, rebels did not mint coins in their own image and name, whereas usurpers did. Orosius wrote that usurpers plotted in secret before making their bids for supreme power, so as to have the best chance of success before being discovered. More importantly, Orosius claimed, in those regions already

¹⁵ Constantine III's usurpation (407-11) and its suppression is the subject of chapter five below.

¹⁶ Until 402 Honorius' court was at Milan, but after this year he moved permanently to the better defended city of Ravenna, where he resided until his death in 423.

¹⁷ A. Burnett, *Coins*, (London, 1998), 58.

1. Defining Rebels and Usurpers

under a usurper's control, or where he wished to extend his power, it was vital for the usurper to be seen publicly wearing the trappings of imperial majesty, the diadem and purple robe (*diadematē ac purpura*), so that all those who saw him could recognise that he possessed imperial dignity and authority.¹⁸ The ideal way to spread a usurper's image quickly and over a wide geographical area was through coins, which Sutherland has termed 'organs of information'.¹⁹ To do this effectively meant having access to bullion, minting equipment, dies and engravers. The same, of course, went for the legitimate emperors as well.

The imperial image was considered sacred, a fact reflected upon coinage in the countermark *Sacra Moneta*, signified by the abbreviation SM. The imperial image was also legally protected, and from at least the early-fourth century onwards it was a criminal offence to counterfeit imperial currency. Such offences could be punishable by fines, exile or by the death penalty (*poena capitis*).²⁰ The defacement of currency incurred similar penalties.²¹ Any attack upon images of the emperor, therefore, was deemed, ideologically, as an attack upon the imperial person.

1.2.1. The public image of coinage

'The public image belongs to me, it's my entrance, my own creation'²²

Striking one's own coins expressed an unambiguous intention to become either a partner in imperial power or else the sole ruling Augustus.²³ From the obverse inscriptions on the coins of Magnus Maximus and Constantine III

¹⁸ Oros. VII. 40.6: *nam tyrannidem nemo nisi celeriter maturatam secrete invadit, et publice armat, cuius summa est, assumpto diadematē ac purpura, videri antequam sciri.*

¹⁹ C. H. V. Sutherland, 'The Intelligibility of Roman Imperial Coin Types', 46-55: 54. See also McCormick, *Eternal Victory*, 26-8.

²⁰ *CTh.* 9.21.1-10; 9.38.7-8; 11.21.1; *Sirm.* 8. These laws were issued at various times over the period 319-93.

²¹ *CTh.* 9.22.1 (26 July 317); 9.23.1 (8 Mar 356).

²² J. Walker, J. Lydon, K. Levine and J. Wardle, *Public Image*, (1979) EMI, Virgin Music Inc.

²³ The late-third century usurpers Postumus (*RIC V B* 346-57, 366); Carausius (*RIC V B* 463-549) and Allectus (*RIC V (II)* 557) were the last to establish secessionist regimes with their own coinage distinct from other legitimate emperors of the period. From Constantine I onward imperial coinage assumed a uniform, collegial appearance. This practice was adopted by both usurpers and legitimate Augusti.

1. Defining Rebels and Usurpers

(figs. 2 and 4) shown above we can see how both men promoted how they perceived their positions within the imperial *collegia*. The application of the two Gs (AVGG) in the legend on Maximus' *solidus* (fig. 2) indicates both himself and Theodosius I, the latter whom Maximus wished to portray as his colleague. On Constantine III's *tremissis* (fig. 4) the three Gs (AVGGG) legend represents Constantine, Honorius and Theodosius II. We should note that none of the legitimate emperors in these instances made any such reference on their own coinage to the usurpers. The numismatic propaganda of imperial collegiately was solely the endeavour of the usurpers themselves. However, the minting of coins by all emperors, usurper and legitimate, had exactly the same, twofold purpose; political and practical.

1.2.2. The political purpose of coinage

“Whose image and inscription is this?” They said, “Caesar’s.” Then he said to them “Render unto Caesar the things that are Caesar’s”²⁴

Coinage helped the spread of imperial propaganda right across the Roman world. In this way an imperial contender could tailor his ideology to suit specific audiences. For example, the silver *Gaudium Populi Romani* series struck by the usurper Vetricano (fig. 5) promoted the idea of public contentment.²⁵ The message on this series announced that Vetricano's reign would usher in a fortuitous time for the state and its citizens, should his power-bid be successful, which, as it turned out, was not.

Coins also allowed for the projection of religious affiliations, even if such linkage had no grounds in reality. The usurper Magnentius was a pagan yet allowed for Christian symbolism to be applied upon his numismatic output (fig. 6). This was to convey the message that Magnentius was favourably disposed to the ascendant Christian religion, something which Constantine I had also done in his imperial career. Magnentius' copper-alloy coin below bears the inscription *Salus Dominorum Nostrorum Augusti et Caesaris*, which appeals for the well-being of Magnentius and his brother

²⁴ Matt. 22.20-1.

²⁵ For Vetricano, see table 1, 12.

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Decentius, who was his fellow-Caesar and partner. This was the first time that the Chi-Rho symbol featured as the main part of an imperial coin's reverse design.

(Fig. 5) Joy to the people
Silver *miliarensis* of the usurper Vetranio, Siscia mint, c. 350-1



Obverse: Bust laureate, bearded, draped and cuirassed. **Legend:** D-N-VETRA-NIO-PF-AVG (*Dominus Noster Vetranio Pius Felix Augustus*). **Reverse:** Large wreath. **Field:** VOT-V-MVL-X (*Votis V, Multis X = Five years vows paid, offering made for the next five years of the reign*). **Legend:** GAVDIVM-POPVLI-ROMANI (*The delight of the Roman people*). **Exergue:** SIS (Siscia/Sisak, Croatia). (RIC VIII 261) © The Trustees of the British Museum

(Fig. 6) A man for all seasons
Copper-alloy coin of the usurper Magnentius, Amiens mint, c. 353



Obverse: Bust bare-headed, draped and cuirassed. **Legend:** D-N-MAGNENTIVS-PF-AVG (*Dominus Noster Magnentius Pius Felix Augustus*). **Reverse:** Very large Chi-Rho symbol. **Field:** Alpha and omega. **Legend:** SALVS-DD-NN-AVG-ET-CAES (*Salus Domini Nostri Augustus et Caesar/The well-being of Our Lords the Augustus Magnentius and the Caesar Decentius, Magnentius' brother*). **Exergue:** AMB (Ambiani/Amiens). (RIC VIII 34) © The Trustees of the British Museum

The *Restitutor Reipublicae* coin type, common to the late-fourth and early-fifth centuries, demonstrated a commitment to the restoration of peace and security for the empire. This coin type was used particularly after a period of political or military upheaval, and usually at the beginning of a reign. Only

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certain emperors issued the *Restitutor Reipublicae* series. These included both usurpers and legitimate Augusti, which is demonstrated from the *solidi* shown of the usurper Magnus Maximus (fig. 7), the legitimate emperor Valentinian I (fig. 8) and the usurper Jovinus (fig. 11).²⁶

(Fig. 7) Restoration through treason
Solidus of the usurper Magnus Maximus, Trier mint, 383-88



Obverse: Bust diademed, draped and cuirassed. Legend: D-N-MAG-MA-XIMVS-PF-AVG (*Dominus Noster Magnus Maximus Pius Felix Augustus*).
Reverse: Emperor standing, a *labarum* in his right hand, an *orbis* with small winged Victory in his left hand. Field: Astrological star. Legend: RESTITVTOR-REIPVBLICAE (Restorer of the State). Exergue: SM (*Sacra Moneta*/sacred mint, or money) – TR (Treveri = Trier). (RIC IX 2) © The Trustees of the British Museum

(Fig. 8) *Orbis terrarum Domini*
Solidus of Valentinian I, Nicomedia mint, c. 364



Obv: Bust diademed, draped and cuirassed, right facing. Legend: D-N-VALENTINI-ANVS-PF-AVG (*Dominus Noster Valentinianus Pius Felix Augustus*).
Reverse: Emperor standing, holding Chi-Rho standard in his right hand, a small Victory upon an *orbis* in his left hand. Legend: RESTITVTOR-REIPVBLICAE (Restorer of the State). Exergue: SM (*Sacra Moneta*) – N (Nicomedia) – S (*officina* mark). (RIC IX 250) © The Trustees of the British Museum

²⁶The usurper Constantine III also struck the *Restitutor* series at the very start of his usurpation, but for a very short period only. Chapter five discusses Constantine's *Restitutor Reipublicae* coin issue and some possible reasons as to why he initially struck this type before switching to using other coin styles.

1. Defining Rebels and Usurpers

1.2.3. Practical uses of coinage

‘On my own initiative and at my own expense, I raised an army with which I defended the state’s liberty from the oppression of a tyrannical group’²⁷

The second-century historian Tacitus recognised the military’s role as power-broker in his treatise about the struggle amongst rival generals and their legions in the aftermath of Nero’s dramatic fall from power in 68.²⁸ Emperors needed political and popular support, but their true power (*imperium*) derived from the military, as Tacitus had observed. To preserve the army’s loyalty (*fidelitas*) and obedience (*obsequium*), emperors had to ensure adequate and regular financial payments to their troops.²⁹ More often than not, it was poor financial maintenance of the army that played a part in insurrection, particularly in the peripheral, more remote regions of the empire. For example, the military mutinies in Britain in 406-7, which led to the acclamation of Constantine III, were at least partly due to continual interruptions to continental pay-shipments to the island in the years leading up to these events.³⁰ Discontent among the military in Britain may well have prompted their decision to elect a new paymaster, who might have been better able to guarantee them regular pay.

By the Late Empire the primary function of coinage was for military and civil service pay (*praebitio*).³¹ Army salaries were not particularly high, and so emperors, regardless of usurper or legitimate status, issued bonuses or donatives several times a year to their troops.³² Claudius I (41-54) had

²⁷ *Res. Gest.* 1: ...*natus exercitum privato consilio et privata impensa comparavi, per quem rem publicam a dominatione factionis oppressam in libertatem vindicavi*; Caesar Augustus, *Res Gestae Divi Augusti* (ed.) J.M. Moore (Oxford, 1967).

²⁸ *Tac. Hist.* 1. 4: *euulgato imperii arcano posse principem alibi quam Romae fieri*. Cornelius Tacitus, *Historiae* (ed.) C. D. Fisher, (Oxford, 1911).

²⁹ *Imperium* was a special, supreme power which combined military command and legal jurisdiction. During the Roman Republic it had traditionally been bestowed upon one leader in times of national crisis. Once the crisis had been averted the *imperium* was handed back to the state. From Octavian Augustus (31BC-AD14) onwards all emperors held the *imperium* permanently.

³⁰ This is examined in further detail in chapter five. For disruption to the coin supply for Britain see S. Frere, *Britannia; a history of Roman Britain* (London, 1998), 363-4.

³¹ *Iust.* 38.10.8; Marcus Iunian(i)us Iustini, *Epitoma Historiarum Philippicarum Pompei Trogi* (ed.) O. Seel (Leipzig, 1985).

³² *CTh.* 11.7.16 (13 July 401) on the duties of military tax collectors (*opinatores*) and *CTh.* 12.6.28 (26 Feb 401) on obtaining the correct taxes for soldiers’ salaries (*emolumenta*). For modern research on the subject, see M. A. Speidel, ‘Roman Army Pay Scales’, *JRS* 82 (1992),

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initiated this practice, which had grown in scale over the subsequent centuries. The largest donatives which soldiers could expect to receive were those distributed at a new imperial accession or and during celebrations of imperial *quinquennalia*.³³ Vetricano, we are told, gave ‘rich gifts to the army’ as part of his efforts to solicit and maintain the loyalty of soldiers.³⁴ Numismatic propaganda also paid homage to the military, as evidenced in the *Virtus Exercitus* coin type of Theodosius I (fig. 9). It was, after all, the army who possessed the power to either make or break an emperor.

(Fig. 9) To the excellence of the army
***Siliqua* of Theodosius I, Trier mint, c. 379-92**



Obverse: Bust pearl-diademed, draped and cuirassed. Legend: D-N-THEODO-SIVS-PF-AVG (*Dominus Noster Theodosius Pius Felix Augustus*). Reverse: Emperor standing, holding a standard with Christian monogram in his right hand, his left hand resting on shield. Legend: VIRTUS-EXERCITVS (*Virtue/Courage of the Army*). Exergue: TR (Treviri/Trier) – PS (*Pusulatum* = pure silver). (RIC IX 53) © The Trustees of the British Museum

However, although we can distinguish between what constituted a rebel from a usurper, based on whether they or not they struck coinage, there is another possibility. Some rebels may have wanted a share in imperial rule but were never able to achieve this, either because they did not have the time to bring their plans for accession to fruition nor the resources to mint money to pay troops and expand their numbers.

87-106; cf. Alston, ‘Roman Military Pay’, 113-23, for developments in the Roman military pay system. In particular P. A. Brunt’s ‘Pay and Superannuation in the Roman Army’, *BSR* 18 (1950), 50-71, provides an excellent analysis of ascending and descending army pay scales from the Republican period to the third century AD. For the Late Roman army’s fiscal supports see R. MacMullen, ‘The Roman Emperor’s army costs’, *Latomus* 43 (1984), 571-80, and also Elton, *Warfare in Roman Europe*, 118-27.

³³ R. W. Burgess, *Chronicles, Consuls, and Coins; historiography and history in the Later Roman Empire* (Farnham, 2011), 77-102.

³⁴ Zos. II 44. 3-4.

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North Africa is a case in point. No mint had operated there since the reign of Constantine I. While the general consensus is that Gildo did not mint coins, there is some disagreement on this.³⁵ While it was possible to obtain minting machinery and tools to reopen a defunct mint (as Magnus Maximus proved when he re-opened the London mint in 383), this was still a very difficult and time-consuming endeavour to undertake. Imperial governments from as early as the 300s had implemented strict regulations to prevent counterfeiting and the minting of illegal currency such as that of usurpers.³⁶ The closing of mints, especially those in peripheral locations, in the Late Empire appears to have been part of successive imperial policies to put the financial means of funding rebellion and usurpation beyond the reach of prospective pretenders. If Gildo really harboured imperial ambitions for himself we cannot really know for sure, as he did not mint coins.³⁷ Whether this was because he did not have the means or was a conscious decision on his part, we also do not know.

Rebellion was no stranger to Gildo's family. In c. 372 his brother Firmus had revolted against Roman injustice towards the populace in North Africa.³⁸ It took almost three years for Firmus' insurrection to be suppressed, and extremely savage repercussions were perpetrated against Firmus' inner circle, and also against some of the regular army units who had supported him.³⁹ There is no evidence for Firmus ever having minted coins which portrayed him as an Augustus. Literary evidence, however, suggests that he at least styled himself as an emperor. Ammianus described Firmus on horseback rallying his troops whilst wearing an improvised diadem from a

³⁵ The so-called *Domino Nostro* (RIC X 3805-19) copper-alloy coins struck at Carthage c. late-fourth or early fifth centuries have proved controversial. Turcan speculated that they may have been minted by Gildo, R. Turcan, 'Trésors monétaires trouvés à Tipasa. La circulation du bronze en Afrique romaine et vandale aux V^e et VI^e siècles ap. J.-C.', *Libyca* 51 (1961), 210-2, 248-9. They could have been struck by the usurper Heraclianus in c. 412/3. Current opinions suggest that they were possibly minted by the *comes Africae* Bonifatius during the 420s, see *LRBC*, 58 and *DOC*, 224.

³⁶ *CTh.* 9.21.1-9.23.2. This group of laws range from 319 to 395. The punishments increased in severity over these decades. Initially only slaves faced execution for this crime but by the century's end the penalty of capital punishment had been extended to all ranks. See R. MacMullen, 'Judicial Savagery', 204-17.

³⁷ See chapter 3.1., 92, for full discussion.

³⁸ *Amm. Marc.* xxix 5. 2- 8; *Zos.* IV 16. 3.

³⁹ Elton says that it was 'counter-productive' to persecute the lower-level followers of a rebel or usurper; '*Warfare in Roman Europe*', 197-8.

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neck-chain (*torquem pro diademate*) and a purple cloak (*sago puniceo*) in the style of an emperor.⁴⁰ Ammianus' vivid description reinforced the seriousness of the situation. Not only were Firmus' actions a threat to the western empire's economic stability, because of the potential disruption a revolt could cause to the North African *annona* supply, but Firmus presented an existential danger to the then western Emperor Valentinian I, by usurping the imperial dignity.⁴¹ As it turned out, Firmus' adoption of the imperial regalia held immense propaganda value for Valentinian I in justifying the subsequent brutal retribution he carried out against Firmus and his supporters.⁴² However, detailed as Ammianus' description of Firmus is, we should question the veracity of Firmus' donning imperial trappings. An earlier passage in Ammianus' histories tells how Julian was proclaimed emperor by troops, matches almost word-for-word the historian's description of Firmus' acclamation.⁴³ In Ammianus' account of Firmus he may simply have been applying a literary trope to convey atmosphere for his readership.

In 412, fourteen years after the suppression of Gildo in 398, another *comes Africae*, Heraclianus, revolted against the western government. Heraclianus prevented the *annona* shipments from departing North Africa for Italy, but unlike Gildo, Heraclianus led an army to Italy with the intention of overthrowing and deposing Honorius. The invasion was a failure, Heraclianus escaped back to North Africa where he sought sanctuary in the Temple of Memory at Carthage, but was assassinated there by Honorius' agents.⁴⁴ Just as Gildo had been classified as both usurper and rebel, so too was Heraclianus,

⁴⁰ Amm. Marc. xxix. 5. 20: *e quibus unus torquem pro diademate capiti imposuit Firmi*; idem, xxix. 5. 48: *sago puniceo porrectius panso panso milites clamoribus magnis hortari*. Orosius calls Firmus a king; Oros VII. 33. 5: *Interea in Africae partibus Firmus sese excitatis Maurorum gentibus regem constituens Africam Mauretaniumque uastauit*.

⁴¹ The grain and oil tribute from North Africa to Rome was termed the *annona*; see chapter 3.3., 99-102, for a detailed analysis of this process.

⁴² Chapter three discusses the forms of state propaganda directed against Gildo.

⁴³ Amm. Marc. xx. 4. 17-18: *impositusque scuto pedestri et sublatius eminens, nullo silente, Augustus renuntiatus, iubebatur diadema proferre, negansque umquam habuisse, uxoris colli [decus] vel capitis poscebatur. eoque affirmante, primis auspiciis non congruere aptari muliebri mundo, equi phalera quaerebatur, uti coronatus speciem saltem obscuram, superioris praetenderet potestatis. sed cum id quoque turpe esse asseueraret, Maurus nomine quidam, postea comes, qui rem male gessit apud Succorum angustias, Petulantium tunc hastatus, abstractum sibi torquem, quo ut draconarius utebatur, capiti Iuliani imposuit confidenter*.

⁴⁴ Hyd. s.a. 413; Hydatius, *Continuatio chronicorum Hieronymianorum* (ed.) T. Mommsen, *MGH (AA) XI* (Berlin, 1894), 3-36; Olymp. fr. 23; Marcell. com. *Chronicon*, s.a. 413, (ed.) T. Mommsen, *MGH (AA) XI* (Berlin, 1894), 37-108.

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although he does not appear to have minted any coinage. It appears that, due to the high importance of North Africa's agricultural exports to the Roman West, any individual who threatened this resource was considered in the same terms as a usurper. When a usurper assumed imperial titles and regalia and minted coins, the implication was that he sought to supplant the legitimate government with his own regime. Similarly, any interference with the North African annonian supply was put on the same level as a usurper's direct challenge to central government. If the North African *annona* failed to reach Italian ports an existential threat was posed to the central government, because of the food shortages and civil unrest which would inevitably follow. Therefore, rebels in North Africa were labelled as usurpers, even if they had minted no coins and not been proclaimed as Augusti.⁴⁵

1.3. The labels of treason

'Labelling the enemy as such may have direct political advantages, in that it rationalises state-endorsed violence'⁴⁶

By the Late Empire, rebellions and usurpations had become so commonplace that there was on average a civil war in progress every three to four years, from Constantine I's accession in 306 to the death of Honorius in 423.⁴⁷ Imperial legal constitutions and literature of this period apply a specific set of terms to rebels, usurpers and other state enemies.⁴⁸ Of this terminology the most often used are usurpers (*tyranni*), enemies of the state (*hostes publici/perduelli*), thieves/brigands/plunderers (*praedoni/latrones*) and a mixed bag of other expressions, including vagabonds/highwaymen (*grassatores*) and traitors (*proditores*).⁴⁹ The demonizing of one's enemy is an eternal feature of warfare the world over. For the Romans, stimulating

⁴⁵ The importance of North Africa to the Western Empire is examined in greater detail in chapter 3.

⁴⁶ M. Harb and R. Leenders, 'Know thy Enemy: Hizbullah, 'Terrorism' and the Politics of Perception, in *TWQ* 26, 1: *The Politics of Naming: Rebels, Terrorists, Criminals, Bandits and Subversives* (2005), 173-197.

⁴⁷ See table 1, 12.

⁴⁸ See Wardman, 'Usurpers and Internal Conflicts', 222-23, for some of the terminology used in Antiquity to describe Roman domestic enemies.

⁴⁹ *Amm. Marc.* xxvi. 9. 5. 10. See also B. D. Shaw, 'Bandits in the Roman Empire' *Past & Present* 105 (1984), 3-52.

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civil society and psychologically preparing the army prior to or during military engagement through the portrayal of the enemy as morally inferior, ideologically degenerate or physically weak, was a vital part of war preparations, much as it is for modern military planners.⁵⁰

1.3.1. *Tyranni*

‘We condemn all legal actions which Maximus, the most monstrous of usurpers, devised in his cunning mind’⁵¹

Tyrannus was the most commonly used Late Antique legal and literary term for a usurper.⁵² The term typically indicated an emperor who had been defeated in war, but there were other ways to define a *tyrannus*. He could have been a legally appointed Augustus like Licinius I (308-24), for example, who was subsequently condemned as a *tyrannus* by his rival, Constantine I.⁵³ However, a *tyrannus* was usually an unsuccessful individual who had illegally seized the *imperium*, either for himself or for a nominee, as, for example, the Frankish *magister militum* Arbogastes had done by placing the academic Eugenius upon the throne in 392.⁵⁴ Szidat advises against the use of *tyrannus* as exclusive to usurpers, arguing that it was not a technical term exclusively applied to defeated usurpers.⁵⁵ He cites the case of Gildo, whom

⁵⁰ Take for instance, Gildo’s portrayal by Claudian as a megalomaniacal murderer; Claud. *Gild.* 136ff.

⁵¹ *CTh.* 15.14.7 (10 Oct 388: *Omne iudicium, quod vafra mente conceptum iniuriam, non iura reddendo maximus infandissimus tyrannorum creditit promulgandum, damnabimus*).

⁵² *CTh* 5, 8 (24 Apr 314) re: Maxentius; *CTh* 15.14.1 (16 May 324) re: Licinius; *CTh* 8.4.1 (28 Apr 315/324) re: Maxentius or Licinius; *CTh* 9, 38, 2 (6 Sept 354) re: Gallus or Magnentius; *CTh* 15.14.6 (22 Sept 388) re: Magnus Maximus; *CTh* 15.14.7 (10 Oct 388) re: Magnus Maximus; *CTh* 15. 14. 9 (21 Apr 395) re: Eugenius; *CTh* 9. 38. 11-12 (6 Aug 410) re: possibly Priscus Attalus.

⁵³ *CTh.* 15.14.1 (16 May 324): *Imp. Constantinus a. ad Constantium praefectum praetorio. Remotis Licini tyranni constitutionibus et legibus omnes sciant veteris iuris et statutorum nostrorum observari debere sanctionem. Proposita XVII kal. iun. Crispo III et Constantino III caess. cons.* (324 mai. 16).

⁵⁴ *CTh.* 15.14.9 (21 Apr 395): *Imp. Arcadius et Honorius aa. Andromacho praefecto Urbi. Valeat omnis emancipatio tyrannicis facta temporibus.* For the dates of Eugenius’ usurpation, see *Cons. Const.* s.a. 392, *Consularia Constantinopolitana* in *The Chronicle of Hydatius and the Consularia Constantinopolitana* (ed.) R. W. Burgess (Oxford, 1993), 215-45; *Oros.* VII 35. 11; *Zos.* IV 54. 4.

⁵⁵ Szidat, *Usurpator Tanti Nominis*, 27-30. Szidat draws attention to the rarity of the term *tyrannus* being used for a rebel.

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Claudian calls the third of a series of usurpers, which included Magnus Maximus and Eugenius.⁵⁶

Tyranny was originally a generally positive form of government in Ancient Greece, but was later decried by some, who felt it to be a poor political system whereby the strong dominated the weak.⁵⁷ Our modern take on the term ‘tyrant’ co-exists alongside a litany of criminality. On any given day the word tyrant appears in media sources usually accompanied by appalling tales of depravity, which seek to reinforce the public perception of certain individuals as enemies of a particular order or particular way of life. Then, as now, ancient authors infused considerable exaggeration (the commonly used modern term being ‘spin’) into their accounts of rebels and usurpers. This was achieved using much the same methods as modern governments and journalism use when they wish to denounce certain public figures. We ought to bear this in mind in our considerations of how corrupt or ‘bad’ Late Roman figures, such as Gildo may or may not have been.

Augustine of Hippo complicated the definition of a *tyrannus* when he accused the secular authorities of his age of moral bankruptcy and tyrannical behaviour.⁵⁸ For Augustine this meant that the legitimate Roman government had failed in their duty to protect the state from external and internal enemies. Paradoxically, it was the failure of legitimate imperial administrations to deal effectively with the barbarians that was a major trigger for the British-based Roman army’s mutiny of 406, and which led directly to the usurpation of Constantine III.⁵⁹

⁵⁶ Claud. *Gild.* 468-9: *tertia iam solito cervix mucrone rotetur tandem funereis finem positura tyrannis.*

⁵⁷ Aristotle, for example; Aris. *Nich. Eth.* 1160^b 1; Aristotle, *Ethica Nicomachea* (ed.) J.L. Ackrill (Princeton, 1984). See also the entry for ‘Tyranny’ in V. Ehrenberg and P.J. Rhodes, (eds) *The Oxford Companion to Classical Civilization* (Oxford, 1998), 749-50.

⁵⁸ Aug. *De civ. Dei*, 2.21.56: Augustinus, *De civitate Dei*, (eds) B. Dombart and A. Kalb, *CCSL*, 47-8 (Turnhout, 1955). For a highly detailed analysis of different meanings and interpretations of the term *tyranni* in late-, post and sub-Roman contexts, see C.A. Snyder, *An Age of Tyrants: Briton and the Britons AD 400-600* (Gloucestershire, 1998), 90-108.

⁵⁹ See chapter five for Constantine’s usurpation in full.

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Claudian repeatedly referred to Gildo as a *tyrannus*.⁶⁰ In *De consulatu Stilichonis* III, Gildo was cast as a second Hannibal, even though the latter had actually physically invaded Italy, whereas Gildo did not. Instead, Gildo's alleged use of starvation as a weapon of war had similar effects, both physically and psychologically.⁶¹ In Claudian's view, Gildo might as well have invaded Italy. Claudian's references to Gildo as a *tyrannus* are understandable, if not entirely traditional, for they contained an important truism. If the West lost North Africa, to the jurisdiction of Constantinople, or even if Gildo wished to set himself as a *tyrannus* in his homeland, the effect would have been the same.⁶² Honorius' regime would not have been able to maintain law-and-order with such reduced resources, and he probably would have lost his throne. Perhaps he might have survived in exile, but he would no longer have been emperor. The Western Empire simply relied too much on North African food-production to survive such a blow, which is exactly what happened in the late-fifth century, following the loss of North Africa to the Vandals.

1.3.2. *Hostes publici*

'Nero read that he had been declared an enemy of the state by the senate and that he would be punished in the ancient custom'⁶³

In the Republican and early Imperial periods the term *hostis* was reserved for persons found guilty of high treason, as the Roman senate's declaration of Nero as a *hostis* in 68 demonstrates.⁶⁴ The phrase *hostis publicus* appears in the mid-second century in relation to the usurper Aemilianus, but the term *hostis* on its own continued to be used in literature, as well as *hostis*

⁶⁰ Claud. *Gild.* I, 5-6: *patriis solum quod defuit armis, tertius occubuit nati virtute tyrannus.*

⁶¹ Shaw's comments, etc, on Gildo's non-prevention of the *annona*, Shaw, *Sacred Violence*, 46-50; cf. C. Ware, 'Gildo *tyrannus*: accusations and allusion in the speeches of Roma and Africa', in W.W. Ehlers, F. Felgentreu, S. Wheeler, (eds), *Aetas Claudiana* (Leipzig, 2004), 96-103. Also Szidat, *Usurpator Tanti Nominis*, 30.

⁶² Claud. *Gild.* 6

⁶³ Suet. *Nero.* 49.2: *legitque se hostem [Nero] a senatu iudicatum et quaeri, ut puniatur more maiorum*; Gaius Suetonius Tranquillus, *De Vita Caesarum* (ed.) M. Ihm (Leipzig, 1907).

⁶⁴For analysis of the *damnatio* carried out against Nero, see E. Varner, *Mutilation and Transformation*, 47.

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publicus.⁶⁵ Essentially, both terms referred to an enemy of the state. For example Claudian's *De bello Gildonico* applies both *hostem* and *hosti gravior* for Gildo.⁶⁶ By the fourth century, however, *hostis publicus* had become the dominant term used in legislation. Gildo was publicly and legally denounced post-mortem. His estates were confiscated and his followers persecuted. This aspect of the *damnatio* was more to do with appropriating his and his supporters' substantial estates into the imperial treasury.⁶⁷

The same Augusti (Arcadius and Honorius) to Pompeianus, Proconsul of Africa: We decree that the landed estates of the public enemy Gildo and of his satellites shall be annexed to Our private domain and that no transients shall enter them for the purpose of compulsory quartering. All persons shall know that they must keep away entirely from Our landholders. If any person should unjustifiably enter into a landed estate of Ours for the purpose of lodging, he shall be compelled to pay a fine of five pounds of gold. Given on the sixth day before the ides of June at Milan in the year of the consulship of Stilicho and Aurelianus.⁶⁸

In a similar fashion to Gildo's condemnation, the western *magister militum* Stilicho was posthumously denounced as a *hostis publicus* in *CTh.* 7.16.1 (10 Dec 408), following his execution for alleged conspiracy to commit high treason through usurpation in August 408.⁶⁹

⁶⁵ The usurper Aemilianus was declared *hostis publicus* by the senate in 253, Zos. 1.28.2-3; Zon. 12.21. Zonaras, *Epitome Historiarum* (ed.) L. Dindorf (Leipzig, 1870), vol. 3.

⁶⁶ Claud. *Gild.* 16: *ver perculit hostem*; idem, 205: *communem prosternet Honorius hostem*; idem, 278: *in hostem*; idem, 388: *hosti gravior*;

⁶⁷ *CTh.* 7.8.7 (8 June, 400: *Idem aa (Arcadius et Honorius). Pompeiano proconsuli Africae. Praedia ex gildonis hostis publici et satellitum eius bonis sociata domui nostrae ne transeuntes hospitii gratia intrent, decernimus, ut sciant omnes a possessoribus nostris penitus abstinendum, quinque auri libras multae nomine inferre cogendo, quisquis praedium nostrum manendi causa importunus intraverit. Dat. VI id. iun. Mediolano Stilichone et Aureliano cons.*)

⁶⁸ Pharr, *The Theodosian Code*, 166.

⁶⁹ *CTh.* 7.16.1 (10 Dec, 408: *Imp. Honorius et Theodosius aa. Theodoro praefecto praetorio. Hostis publicus Stilicho novum adque insolitum reppererat, ut litora et portus crebris vallaret excubiis, ne cuiquam ex Oriente ad hanc imperii partem pateret accessus. Huius iniquitate rei moti et ne rarior sit diversarum mercium commeatus, praecipimus hac sanctione, ut litorum desistat ac portuum perniciose custodia et eundi ad redeundi libera sit facultas. Dat. III id. dec. Ravenna Basso et Philippo cons.*)

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Emperors Honorius and Theodosius II Augusti to Theodorus, Praetorian Prefect (Italy and Illyricum). The public enemy Stilicho devised a new and unaccustomed practice, in that he had fortified the shores and harbours by numerous guards so that there should be no access to this part of the empire for any person from the Eastern Empire. We are disturbed by the injustice of this situation, and in order that the interchange of different commodities may not become too infrequent, We command by this sanction that this pernicious guarding of shores and harbours shall cease and that there shall be free opportunity to go and come. Given on the fourth day before the ides of December at Ravenna in the year of the consulship of Bassus and Philippus.⁷⁰

CTh. 9.40.21 (5 July 412) condemned the *comes Africae* Heraclianus as a *hostis publicus*. Heraclianus, as the executioner of Stilicho, had received the post of *comes* from Honorius as reward, and had been accorded the honour of the western consulship in 413.⁷¹ Heraclianus' treason against the emperor who had treated him so favourably was dealt with most severely. The consulship was revoked as part of a *damnatio* enacted against him, and a law ordered that Heraclianus' 'accursed head' be cut off (*resecentur infaustae cervices*), and that his followers be proscribed along with him.⁷²

The same Augusti (Honorius and Theodosius II) to the Dignitaries and Provincials of Africa. We adjudge that Heraclianus is a public enemy, and with due authorization We decree that his accursed head shall be cut off. We pursue his satellites also with criminal prosecution...⁷³

⁷⁰ Pharr, *The Theodosian Code*, 174.

⁷¹ Zos. V 37. 6.

⁷² *CTh.* 15.14.13 (3 Aug 413: *Libertates quoque, quoniam certum est scelere eius sollemnitate consulatus esse pollutam*); cf. *Cons. Const.* s.a. 413b: *Heraclianus abolutus est*. See also, *CTh.* 9.40.21 (3 Aug 413: *Idem aa (Honorius et Theodosius). honoratis et provincialibus Africae. Heraclianum hostem publicum iudicantes digna censuimus auctoritate puniri, ut eius resecentur infaustae cervices. Eius quoque satellites pari intentione persequimur...*).

There is some confusion as to the correct dates of both Heraclianus' seizure of Africa and the actual issuing of this edict. The August calendar date for this constitution is probably accurate, as Heraclianus was still in favour during 412.

⁷³ Pharr, *The Theodosian Code*, 258.

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As mentioned earlier, we cannot know for sure that Heraclianus minted coins, nor do we know if he was actually decapitated, as ordered in the above edict. What is clear is that the name of Heraclianus entered the ever expanding list of Rome's *hostes publici*.

1.3.3. *Praedoni* and *latrones*

'There was no hope of satiating the robber'⁷⁴

The labels *praedoni* and *latrones* appear throughout literature, drama, poetry, and laws of Republican and Imperial Rome. These terms not only pertained to outlaws, brigands, pirates and thieves but were also applied to usurpers and rebels, especially during the Late Empire. Claudian used a range of abusive terms (including *praedonis*) against Gildo. As well as being a *tyrannus* and a *hostis* in Claudian's propaganda, Gildo was transformed into a type of über-brigand, bent on the theft of North Africa from the Western Empire.⁷⁵ The label of *praedonis* was also affixed to anyone even remotely suspected of conspiring to overthrow a reigning emperor. Stilicho was legally condemned as such by *CTh.* 9. 42. 22 (2 Nov 408).⁷⁶

The same Augustuses (Honorius and Theodosius II) to Theodorus, Praetorian Prefect: We order that every avenue for the recovery of property shall be closed to those persons who have given their resources, either incorporeal or corporeal, to the public brigand or to his son or other satellites, which resources that brigand used to enrich and to incite all the barbarians.

Given on the tenth day before the kalends of December at Ravenna in the year of the consulship of Bassus and Philippus.⁷⁷

⁷⁴ *Pan. Lat.* II. 25.6: *Spes... nulla praedonis explendi.*

⁷⁵ *Claud. Gild.* 66-76.

⁷⁶ *CTh.* 9.42.22 (22 Nov 408: '*Idem aa (Honorius et Theodosius). Theodoro praefecto praetorio: Qui suas opes praedoni publico vel eius filio ceterisque satellitibus dederunt vel iure vel corpore, quibus ille usus est ad omnem ditandam inquietandamque barbariem, his omnem repetendi viam iubemus esse praecusam. Dat. X kal. decemb. Ravennae Basso Philippo cons.*)

⁷⁷ Pharr, *The Theodosian Code*, 263.

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Pacatus gives a detailed account of the robbery perpetrated by the usurper Magnus Maximus in his panegyric for Theodosius I.⁷⁸ Much of Pacatus' invective appears to be exaggerated for effect, with his central charge against Maximus being that the usurper was nothing more than a plunderer (*latro*) of property and wealth. The usurper's residence resembled a robber's den more than an imperial palace (*non illud imperatoris domicilium sed latrones receptaculum uideretur*) due to the excessive demands placed on the populace under his control.⁷⁹

1.3.4. Other terms applicable to treason

'As if we were villains by necessity; fools by heavenly compulsion; knaves, thieves, and traitors by spherical predominance'⁸⁰

There was a wide array of alternative terms used to describe rebels and usurpers.⁸¹ For Pacatus, usurpers were all traitors to the state (*publicos proditores*).⁸² Ammianus called the usurper Procopius a public vagabond (*publicum grassatorem*) and the attacker of the state's domestic peace (*rebellem et oppugnatorem internae quietis*).⁸³ Firmus was likewise condemned as a disturber of the public peace (*quietis publicae turbatoris*) and also as a state enemy (*perduellem*) by Ammianus.⁸⁴ Claudian's Gildo was a delinquent caricature absent of all virtue, whose only motivation was a lust for power. Claudian's considerable list detailing Gildo's supposed character faults charged the North African with the rape of virgins (*virginibus raptor*), lewd adultery (*thalamis obscaenus adulter*) and a man who was never at peace (*nulla quies*) with himself.⁸⁵ As Wardman observed 'it is not an exaggeration to say that the stereotype of the tyrant is all vice and no virtue.'⁸⁶

⁷⁸ *Pan. Lat.* II. 24-29.

⁷⁹ *Ibid.* 26. 2.

⁸⁰ W. Shakespeare, *King Lear*, 1.2.124-28 (Cambridge, 1994).

⁸¹ Szidat also lists some of these terms; however, they are included in list form, without any other information regarding, for example, other usages of such terminology aside from usurpers, Szidat, *Usurpator Tanti Nominis*, 30.

⁸² *Pan. Lat.* II. 34. 12.

⁸³ *Amm. Marc.* xxvi. 9. 5. 10.

⁸⁴ *Ibid.* xxix. 5. 21, 55.

⁸⁵ *Claud. Gild.* 163-4.

⁸⁶ Wardman, 'Usurpers and Internal Conflicts', 223.

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The usurper Constantine III is curiously absent from the legal record. In literary sources Constantine is referred only as a *tyrannus*, with no other terminology used anywhere else to describe him.⁸⁷ After the death of Honorius in 423, the usurper Johannes (fig.10) seized the western throne.⁸⁸ Johannes was deposed after two years, executed and legally denounced as an unlucky possession-taker (*infaustus praesumptor*).⁸⁹

(Fig. 10) Seizing the moment
Solidus of the usurper Johannes, Ravenna mint, 423-25



Obverse: Bust bearded, rosette-diademed, draped and cuirassed. Legend: **D-N-IOHAN-NES-PF-AVG** (*Dominus Noster Iohannes Pius Felix Augustus*).
Reverse: Emperor standing, a labarum in his right hand, Victory on an orbis in his left hand, his left foot treading upon a prostrate captive. Legend: **VICTORI-A-AVGGG** (*Victoria Augustorum*). Field: **R-V** (Ravenna).
Exergue: **COM** (*Comitatus* = imperial court) – **OB** (*Obryziacum* = fine/pure gold). (*RIC X 1901*) © The Trustees of the British Museum

⁸⁷The issue of Constantine III's absence from the legal record is explored in chapter 5. 9., 190-2.

⁸⁸*PLRE* II, 6, 594-5: Johannes had served as a chief secretary (*primicerius notariorum*) under Honorius.

⁸⁹*CTh.* 16.2.47.1 (8 Oct 425). Ammianus also uses *praesumptor* for the usurper Procopius; *Amm. Marc.* xxvi. 8.14.

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1.4. Rebellion and usurpation as a form of madness

‘That was not self-assurance but extreme madness’⁹⁰

Rebellions and usurpations are very often described in our sources as acts of insanity, anger, recklessness, or foolhardiness (*dementia/dementiae*, *furor/furoris*, *insania/insaniae* *amentia/amentiae* and *rabies/rabiei*). It mattered little if any of these insurrections arose from a desire to address a grievance or to assist the state in a time of need. Acts of civil disobedience were viewed as base treason by the legitimate authorities. Uprisings are portrayed in literary and legal sources as a kind of theft, which could not be tolerated. Equally, it did not matter if the legitimate Augustus against whom insurrections were initiated was a despot or an incompetent. The law simply had to be upheld and insurrection had to be punished. Gildo’s North African uprising in 397 was, according to Claudian, driven by a powerful madness.⁹¹ Likewise, in the joint usurpation of the brothers Jovinus and Sebastianus in 412, and that of Heraclianus in North Africa, also in the same year, Hydatius claimed that they must have been possessed by madness to think that their insurrection could ever have succeeded.⁹²

1.4.1. The folly of common criminality

‘Throughout all those regions in which the wild madness of brigands rages, a madness that is unaware of its own danger’⁹³

We also find the traits of madness and recklessness applied to lesser criminal activities, particularly that of theft. This union of madness and thievery occurs in literature as least as early as the Principate. Describing the opening games at the Flavian amphitheatre/Coliseum in the year 80, the epigrammatist Martial vividly described the fate of a robber in the arena. The criminal, in an

⁹⁰ *Pan. Lat.* II. 30.3: *non illud confidentia sed amentia*. This line from Pacatus refers to the usurper Magnus Maximus.

⁹¹ Claud. *Gild.* 14-5: *Robusta vetusque tempore tam parvo potuit dementia vinci?*

⁹² Hyd. s.a. 412: *Iovinus et Sebastianus fratres intra Galiam et in Africa Heraclianus pari tyrannidis inflantur insania*.

⁹³ *CTh.* 1.29.8 (9 Apr 392: *per omnes regiones, in quibus fera et periculi sui nescia latronum fervet insania*).

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act of madness (*demens*), Martial exclaimed, had broken into a temple to steal its treasury's gold but was apprehended in the act.⁹⁴ The implication was that to steal from such a sacred place was sheer insanity. How could the criminal be so audacious to presume that he would escape both human and divine justice, for his impious action had already sealed his fate, which, as it transpired, was through public execution by *damnatio ad bestias*?

1.4.2. 'Mad' rebels and usurpers

'Tyrannical madness'⁹⁵

As we have seen above, rebels and usurpers were often described as thieves, because of their disruption to the public peace (*quietis publicae*), which usually led to war. Rebellion and usurpation were, therefore, a form of theft, albeit on a grand scale, and, as with common criminals, rebels, usurpers and other state enemies were often deemed mad, reckless, demented or foolish.⁹⁶

When Calocaerus, a *magister* under Constantine I, seized the island of Cyprus for himself in 335, his short-lived rule was later denounced as a mad reign (*regni demens*).⁹⁷ In 367, as the Emperor Valentinian I lay gravely ill, some of his senior officers conspired to elect a certain Rusticus Iulianus as their new emperor in the event of the incumbent's death. The plot amounted to nothing because the emperor recovered, but Ammianus' vitriolic comments of the would-be usurper's unsuitability for rule is telling. He described Iulianus as a man possessed by madness (*furoris*), which all too easily manifested itself in his extreme cruelty to others.⁹⁸

During Honorius' reign there were more than ten episodes of rebellion and usurpation, all of which happened in his western dominion. One of these

⁹⁴ Mart. *Spect.* 7.8; Marcus Valerius Martialis, *Epigrammata Spectaculorum liber (siue Epigrammaton liber)*, (ed.) D.R. Shackleton Bailey, (Leipzig, 1990).

⁹⁵ *CTh.* 7.16.2 (24 Apr 410: *tyrannici furoris*).

⁹⁶ Amm. Marc. xxix. 5. 21: *quietis publicae turbatoris*, refers to the Moorish rebel/usurper Firmus.

⁹⁷ Aur. Vict. *Caes.* 41. 11: *Calocerus magister pecoris camelorum Cyprum insulam specie regni demens capessiverat*. Sextus Aurelius Victor, *Liber de Caesaribus*. (ed.) F. Pichlmayr, (Leipzig, 1911).

⁹⁸ Amm. Marc. xxvii. 6.1-2: *Rusticus Iulianus...quasi afflatu quodam furoris, bestiarum more humani sanguinis avidus*. Luckily for Iulianus, Valentinian, once he recovered, seemed not to have noticed that another had been proposed in his stead. Iulianus went on to be Proconsul in Africa, *PLRE* I, 479-80.

1. Defining Rebels and Usurpers

we have already encountered, the revolt of the *comes Africae* Gildo. In describing the pitched battle between Gildo and Honorius' forces in North Africa during the spring of 398, Claudian tells us that Gildo was out of his mind for supposing he could resist superior disciplined troops.⁹⁹ What, one wonders, would Claudian have said had Gildo proved victorious?

Between the years 406 and 413 there was an upsurge in usurpations within the Roman West. Orosius' claim that Honorius was in no position to deal effectively with multiple barbarian invasions in this period because he was overwhelmed with usurpers is not an exaggeration.¹⁰⁰ Honorius' best hope for dealing with the usurpers, the *magister militum* Stilicho, was dead by this point. Stilicho had been executed in 408 on a contrived charge of plotting usurpation along with his son Eucherius. While this internal intrigue played out in Italy there was already a substantial usurpation underway in the west led by Constantine III. This usurpation terminated with Constantine's death in autumn 411, but within months of his demise there were two more serious challenges to Honorius.¹⁰¹ The first of these occurred in Gaul, and was a joint-effort led by two upper-class Gallo-Roman brothers, Jovinus and Sebastianus (figs.1 above and 11 below).¹⁰²

The second challenge to Honorius happened in North Africa, from the *comes Africae* Heraclianus. None of these episodes was successful and all three men were executed. We are told that the brothers Jovinus and Sebastianus were beheaded and that their heads were displayed at Ravenna, while we know nothing of the fate of Heraclianus' corpse after his death at the hands of assassins (*percussores*) sent by Honorius.¹⁰³ As we have already seen, Hydatius got right to the heart of the issue when he said that these three

⁹⁹ Claud. *Stil.* I. 347: *robusta vetusque tempore tam parvo potuit dementia vinci?*

¹⁰⁰ Oros. VII. 42. 1: *Anno ab urbe condita MCLXV Honorius imperator, uidens tot oppositis tyrannis nihil aduersus barbaros agi posse, ipsos prius tyrannos deleri iubet.*

¹⁰¹ Olymp. fr. 20; Marcell. com. s.a. 411.

¹⁰² Oros. VII. 42. 6; Olymp. fr. 17, 19; Hyd. s.a. 412; Soz. *Hist. eccl.* IX. 15. 3; Greg. Tur. *Hist.* II. 9. Gregory of Tours, *Historiarum libri X*, (ed.) B. Krusch and W. Levison, *MGH (SRM)* 1.1²).

¹⁰³ Olymp. fr. 20; *Ann. Rav.* a. 412. *Annales Ravennates*, (ed.) B. Bischoff in B. Bischoff and W. Köhler, *Medieval Studies in Memory of A. Kingsley Porter*, I (Cambridge, Mass., 1939), 125-38. See also McCormick, *Eternal Victory*, 56-7, for his analysis of victory celebrations held over defeated usurpers.

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men were ‘filled with a similar madness’ for attempting to seize imperial power.¹⁰⁴

(Fig. 11) An aristocratic usurper
Solidus of the usurper Jovinus, Lyons mint, c. 411-13



Obverse: Jovinus pearl diademed, draped and cuirassed. **Legend:** D-N-IOVIN-VS-PF-AVG (*Dominus Noster Iovinus Pius Felix Augustus*). **Reverse:** Emperor standing, holding *labarum* in his right hand, Victory on an *orbis* in his left hand, treads down upon a prostrate captive. **Field:** L-D (Lugdunum/Lyons). **Legend:** RESTITVTOR-REIP (*Restitutor Reipublicae/Restorer of the state*). **Exergue:** COM (*Comitatus*) – OB (*Obryziacum* = fine/pure gold). (RIC X 1705) © The Trustees of the British Museum

The immoral behaviour of some legitimate emperors did not escape literary attention, either. Some of the commentaries regarding these emperors bristle with spurious accusations of vice, cruelty, and madness, which are of a similar vein to those charges levelled against rebels and usurpers. Commodus (180-92) had apparently once harboured an ‘insane wish’ to rename the city of Rome after himself.¹⁰⁵ Another such case was the Syrian teenage emperor, Heliogabalus, (218-22) whose rule was depicted as a period when madness dominated Roman governance.

¹⁰⁴ Hyd. s.a. 412: *Iouinus et Sebastianus fratres intra Galiam et in Africa Heraclianus pari tyrannidis inflantur insania.*

¹⁰⁵ SHA. *Comm.* 8.6: *fuit praeterea ea dementia, ut urbem Romanam coloniam Commodianam vocari voluerit. Scriptores Historiae Augustae, vol.I, Commodus Antoninus (cuius uitam scripsisse fertur Aelius Lampridius), (ed.) E. Hohl (Leipzig, 1965).*

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1.4.3. Barbarian madness

‘He [Alaric] realised that his mad falseness profited him nothing’¹⁰⁶

One further comparison that can be made between the madness and recklessness of rebels and usurpers is with another group operating outside the state’s control; the barbarians.¹⁰⁷ All too often the literary narrative refers to the barbarians as unable to control their passions and being guided by madness. Both Classical and Late Antique-era writers held barbarians up as a mirror against which the virtues of Roman civilization could be reflected. Ware suggests that *furor/furoris* in literature, particularly in Claudian’s panegyrics, represented the ‘external threat’ posed by the barbarians in the Late Empire.¹⁰⁸

In 394 the usurper Eugenius (fig. 12), who had been placed upon the throne through the instigation of a Frankish commander named Arbogastes, was defeated at the Battle of the River Frigidus in northern Italy by the legitimate Emperor Theodosius I. Eugenius was captured and brought before the emperor. The usurper threw himself at Theodosius’ feet, begging for mercy, but was executed and beheaded.¹⁰⁹ His head was put on a long spear and then triumphantly displayed in towns and cities across Italy, so that all of his remaining forces should surrender to Theodosius, and that all should know the terrible price of treason.¹¹⁰

¹⁰⁶ Claud. VI Cons. 206: *nil sibi perierum sensit prodesse furorem.*

¹⁰⁷ It is impractical here to examine every group or individual within Roman society for whom the term of madness was used. Suffice to say that there were numerous others, heretical Christian sects and pagans for example, who endured the stigmatizing label of insanity in state legislation, see *CTh.* 16.5.65 (30 May 430); 16.10.2 (unknown date, 341).

¹⁰⁸ C. Ware, *Claudian and the Roman Epic Tradition* (Cambridge, 2012), 4, 16, 118-24, especially 120.

¹⁰⁹ *Soz. Hist. eccl.* VII. 25.

¹¹⁰ Eun. fr. 58, 60, Eunapius of Sardis, fragments (ed. and tr.) R. Blockley, *The Fragmentary Classicising Historians of the Later Roman Empire*, vol. 2 (Liverpool, 1983); Zos. IV 53-5; Cons. Const. s.a. 392; Soc. v. 25.16. Socrates Scholasticus, *Historia Ecclesiastica* from *Nicene and Post-Nicene Fathers*, 2nd Series, Vol. 2, (eds) P. Schaff and H. Wace, A.C. Zenos (tr.), (Buffalo, NY, 1890), 142.

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(Fig. 12) With barbarian backing
Solidus of the usurper Eugenius, Trier mint, c. 392-94



Obverse: Bust bearded and pearl-diademed, draped and cuirassed, holding *mappa* in his right hand. Legend: D-N-EVGENI-VS-PF-AVG (*Dominus Noster Eugenius Pius Felix Augustus*). Reverse: Two nimbate emperors seated, each holding a sceptre, one emperor holds a *mappa* in his right hand, the right hand of the other emperor is raised. Field: T-R (Treveri/Trier). Legend: VOTA-PV-BLICA (Pledged to the state). Exergue: COM (*Comitatus* = imperial court). (RIC IX 9) © The Trustees of the British Museum

With his nominee Eugenius dead, Arbogastes killed himself with his sword rather than be taken alive. Olympiodorus interpreted this act as the typical behaviour of a mad barbarian, but in view of Eugenius' fate Arbogastes probably chose the more sensible route.¹¹¹ The attitude of Olympiodorus and other authors contradicts an accepted norm within the Roman psyche, which venerated the act of suicide when faced with certain defeat. Yet, Roman history is littered with accounts of 'true' Romans taking their own lives, for it was considered disgraceful for Roman officers to surrender to an enemy, particularly if that enemy were barbarian.¹¹²

As barbarian incursions into the empire increased from the 360s onwards there was, unsurprisingly, an increase in harsh literary invective against the invaders. Describing the devastation wreaked by tribal raiders upon the North African cities of Lepcis Magna, Oea, and Sabratha in 368 Ammianus wrote that these crimes were the hallmarks of mad savages

¹¹¹ Olymp. fr. 60. Arbogastes was the instigator of this particular usurpation. He had coerced Eugenius, a civil servant, into assuming the imperial dignity. Pacatus gives us an idea of the types of tortures which awaited the usurper Magnus Maximus, *Pan. Lat.* II. 41-42: *non potius ignem laminas crucem culleum.*

¹¹² For instance, the legate Publius Quinctilius Varus who lost three legions, and who subsequently committed suicide in Germania during the reign of Augustus; Florus. *Epit.* 2. 35. *Flori Epitome de Tito Livio Bellorum Omnium Annorum DCC*, (ed.) O. Roszbach, (Leipzig, 1896); Tac. *Ann.* 1. 61.4; *Annales (Ab excessu diui Augusti)* (ed.) H. Heubner (Leipzig, 1994).

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(*exurebat barbarica rabies*).¹¹³ There is actually a constitution which draws the themes of usurpation and barbarian violence together.¹¹⁴ It concerns the usurper Priscus Attalus (fig. 13) who was installed as emperor at Rome by the Visigoth leader Alaric in 409. *CTh.7.16.2* (24 Apr 410) allows for the safeguarding of naval and shipping ports whose security had been compromised by the plague of recent usurpation and barbarian aggression. It reads:

The same Augusti (Honorius and Theodosius II) to Anthemius, Praetorian Prefect (East). All naval bases, harbours, shores, and all points of departure from the provinces, even remote places and islands, shall be encircled and guarded by the skilful regulation of Your Magnificence, so that no person may be able to infiltrate into the regions of Our Empire either by violence or by stealth, either openly or secretly, who shall not either be prevented by the barriers which have been interposed, or who when he approaches, shall not be held immediately unless he should show in a very clear manner that he bears imperial letters from my uncle, Lord Honorius, to Me. It must be observed with the same diligence that if the intruder should say that he has messages from the aforesaid Emperor to any other person than Me, the bearer shall be detained, and the sacred imperial letter, with all the documents, shall be sealed and transmitted to My Clemency. For an occasion of tyrannical madness and barbarous savagery persuades Us to this measure, which has been agreed upon between Me and My Lord and uncle, Honorius, in memoranda that We have exchanged with each other.

¹¹³ *Amm. Marc. xxvii. 9.1*; See S. Raven, *Rome in Africa* (London, 1998), 181-2.

¹¹⁴ *CTh. 7.16.2* (24 Apr 410: *Idem aa. (Honorius et Theodosius) Anthemio praefecto praetorio. Omnes stationes navium portus litora, omnes abscessus provinciarum, abdita quin etiam loca et insulae tuae magnificentiae dispositione sollerti custodiantur indagine, ut nullus vel vi vel clam, vel aperto vel etiam occulto nostri possit imperii regiones irrepere, qui non aut interiectis prohibeatur obicibus aut, cum accesserit, ilico teneatur, nisi sacros apices a domino patruo meo Honorio ad me perferre apertissima ratione monstraverit: cum eadem diligentia observando, ut, si ad alium quemquam a memorato principe dixerit habere affatus, portitore detento sacrae litterae cum omnibus chartis signatae ad meam clementiam transmittantur. Hoc enim et tyrannici furoris et barbaricae feritatis occasio persuadet et inter me domnumque et patruum meum honorium vicissim recurrente admonitione convenit. Dat. VIII kal. mai. Constantinopoli Varane v c cons.*)

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Given on the eighth day before the kalends of May at Constantinople in the year of the consulship of the Most Noble Varanes.¹¹⁵

(Fig. 13) Invincible and eternal Rome
Siliqua of the usurper Priscus Attalus, Rome mint, c. 409-10



Obv: Bust rosette-diademed, draped and cuirassed. Legend: PRISCVS-ATTA-LVS-P-F-AVG (*Priscus Attalus Pius Felix Augustus*). **Reverse:** Roma facing, seated upon throne, the arms of which are lion-headed. In her right hand Roma holds the *orbis* on which a small Victory stands. She holds a sceptre in her left hand. Legend: INVICTA-RO-MA-AETERNA (Invincible Eternal Rome). Exergue: RM (Roma) – PS (*Pusulatum* = pure silver). (RIC X 1408) © The Trustees of the British Museum

¹¹⁵ Pharr, *The Theodosian Code*, 174.

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1.5. They made me do it! *recusatio imperii*

‘Do you really believe’, he said, ‘that this imperial robe has been put on me with my approval? Do you think that if it were possible for me to run away I would refuse to escape? Of course not! They persuaded me to take this course in the first place, and now I am in their power, hemmed in on all sides.’¹¹⁶

Accounts of individuals offering excuses for having been unwillingly forced into assuming high office (*recusatio imperii*) occur as early as the Late Republican period and continue well into the Byzantine era.¹¹⁷ Suetonius tells how Julius Caesar, whilst addressing the masses in the Roman forum, rejected their calling him their king. Caesar’s lieutenant Mark Anthony tried in vain to place a crown upon Caesar’s head several times until Caesar ended the farce by sending the crown to the protection of the temple of Capitoline Jupiter.¹¹⁸ Such political theatre was designed to manipulate the mob’s mind-set into thinking that Caesar did not want to be a monarch and that his virtue was unassailable. The reality was, of course, very different; nonetheless, Caesar set in motion a trend for future power-seekers to emulate.

After the assassination of Gaius in 41, his uncle Claudius (fig. 14) was proclaimed emperor by the Praetorian Guard, allegedly against his will.¹¹⁹ The senate did not initially approve of the manner in which the new emperor had been elevated, but after a brief interlude they accepted Claudius. He had, after all, the military on his side, and Claudius did not neglect his Praetorian benefactors. Claudius paid out generous donatives to the Praetorian Guard in order to secure their loyalty, thereby establishing a policy which most of his successors generally followed.

¹¹⁶ E.R. Sewter (tr.), Michael Psellus, *Chronographia*, (Yale, 1953), 86.

¹¹⁷ See L. de Libero, ‘Precibus ac lacrimis; tears in Roman Historiographers’, in T. Fögen (ed.), *Tears in the Graeco-Roman World* (Berlin, 2009), 223.

¹¹⁸ Suet. *Iul.* 79.

¹¹⁹ Suet. *Claud.* 10. 1-4. Gaius is better known by the nickname Caligula.

1. Defining Rebels and Usurpers

(Fig. 14) Remember who made you emperor!
Gold *aureus* of Claudius I, Rome mint, 46-47



Obverse: Claudius laureate. Legend: TI-CLAVD-CAESAR-AVG-PM-TR-P-VI-IMP-XI (*Tiberius Claudius Caesar Augustus Pontifex Maximus Tribunus Potestas Imperator*). VI indicates the sixth year of Claudius' holding of the Tribune, XI indicates the ninth acclamation from the army for Claudius. Reverse: Battlement wall around Praetorian Guard's camp, soldier on rampart, spear in right hand, eagle in front and pediment behind with fortified flanking walls. Legend: IMPER-RECEPT (*Imperator Receptus* = The Recovery of the Emperor). (RIC I 36) © The Trustees of the British Museum

1.5.1. *Recusatio imperii* in Late Antiquity

'Yet you [Constantine] earned this victory because you did not desire it'¹²⁰

Emperors were typically chosen by the senate or through direct appointment by another emperor.¹²¹ Where an emperor was proclaimed by the army, he became technically a usurper until he could secure full senatorial approval. If he could gain the support of the entire army, so much the better, as this would avoid all-out civil war. The emperor who was selected by rebellious soldiers faced two stark choices – either he accepted the troops' nomination and led them, or he refused the honour and perished by their hand. However, even when military sanction was accepted, an emperor still ran the risk of losing the support of those soldiers who had chosen him if he did not live up to their expectations. This was probably why the two usurpers Marcus and Gratianus,

¹²⁰ *Pan. Lat.* IV. 13.4: *sed hoc maxime uictoriam meruisti quia non desiderabas*. This panegyric was composed by Nazarius at an uncertain date and location; see Nixon and Rodgers, *Panegyrici Latini*, 338-42.

¹²¹ For example, the adoptive emperors, Nerva, Trajan, Hadrian, Antoninus Pius and Marcus Aurelius.

1. Defining Rebels and Usurpers

immediate forerunners of the usurpers Constantine III, were killed by their troops in 406/7 in Britain.¹²²

Immediately after the death of the tetrarch Constantius I at Eburacum (York) in 306, his son Constantine I was proclaimed Augustus in that city by his father's men. It was claimed that Constantine had initially rejected the soldiers' wish, but this was put this down to the naivety of his youth.¹²³ Constantine accepted their choice and made good on their investiture. Unlike other usurpers who also came to power through *recusatio imperii*, Constantine did not bother to explain his usurpation to the senior eastern Augustus Galerius. Rather, the opposite occurred, with Constantine, whose assumption of the purple was met with contempt from Galerius who offered to acknowledge him by the rank of Caesar only. Constantine ignored the jibe and took his forces across the seas from Britain to the mainland. The early *nummus* shown below (fig.15) was issued by Constantine while he was still technically a usurper.¹²⁴ The coin depicts Constantine's arrival (*adventus*) upon the imperial stage.¹²⁵

(Fig. 15) Constantine is coming!
Copper alloy *nummus* of Constantine I, London mint, c. 310



Obverse: Constantine laureate and cuirassed. **Legend:** CONSTANTINVS-P-F-AVG (*Constantinus Pius Felix Augustus*).
Reverse: Emperor riding horse, his right arm raised, his left hand holding spear while his horse tramples a captive. **Legend:** ADVENTVS-AVG (*Arrival of the Augustus*). **Exergue:** PLN (*Londinium/London*).
(*RIC VI 133*) © The Trustees of the British Museum

¹²² Marcus 2, *PLRE II*, 719-20; Gratianus 3, *PLRE II*, 518-19. See table 2, 48.

¹²³ *Pan. Lat.* VI. 8.3-6. This panegyric dates from 310; its author is unknown.

¹²⁴ For the most recent discussion of Constantine I's origins as a usurper, see Humphries, 'From Usurper to Emperor', 82-87; cf. Wardman, 'Usurpers and Internal Conflicts', 232-3.

¹²⁵ For Constantine I's *adventus*, see McCormick, *Eternal Victory*, 84-5.

1. Defining Rebels and Usurpers

Julian (fig. 16), although a member of the Constantinian dynasty and a legally appointed Caesar, became a usurper when troops declared for him in Gaul in the spring of 361. The soldiers had mutinied because Julian's cousin, Constantius II, had ordered them to mobilise eastward in preparation for an upcoming campaign against Persia. These units had families in Gaul, and did not want to leave them behind for a war from which they might well not have returned. The soldiers chose Julian as their Augustus so that he would protect their interests and allow them to remain in the west. The troops trusted Julian because of his proven military capabilities and leadership skills in achieving victory over recent Germanic invaders in the west. Ammianus provides us with a version of Julian's *recusatio imperii* letter he was supposed to have sent Constantius that attempted to justify Julian's acceptance of the army's will.¹²⁶ In this missive, Julian claimed to have been most unwilling to don the imperial regalia and assume the titles, but that he had done so because he had feared for his life, and so had had no recourse but to assume the *imperium*. Constantius rejected the excuse outright and prepared to move militarily against his cousin. Fate intervened, however, when Constantius suddenly died, leaving Julian as sole Augustus of the state.

(Fig. 16) Julian the Apostate
***Siliqua* of Julian, from early acclamation, Trier mint, c. 360**



Obverse: Bust beardless (later coins of Julian show him bearded), pearl-diademed, draped and cuirassed. Legend: D-N-CL-IVLI-ANVS-AVG (*Dominus Noster Claudius Iulianus Augustus*). Reverse: Large wreath. Field: Legend within wreath, VOTIS-V-MVLTIS-X (Five years vows paid, offering made for the next five years of the reign). No Outer Inscription. Exergue: TR (Treveri/Trier). (RIC VIII 364 & 365) © The Trustees of the British Museum

¹²⁶ Amm. Marc. xx. 8. 2-22.

1. Defining Rebels and Usurpers

Sometimes imperial pretenders became hostages to their own fortune. Shortly before his untimely death in 363, Julian had arranged for a smooth transition of power by appointing his cousin Procopius (fig. 17) as his successor. In the aftermath of Julian's death during a skirmish in Persia, Procopius deferred to another man, Jovian.¹²⁷ Jovian was the choice of a clique of officers from Julian's high command. In 365, however, Procopius recovered his confidence and usurped power in the eastern provinces.¹²⁸ Through the promise of generous rewards if they joined his cause, Procopius obtained the loyalty of several military units in this way.¹²⁹

(Fig. 17) A public vagabond
Solidus of the usurper Procopius, Constantinople mint, c. 365-66



Obverse: Bust bearded, pearl-diademed, draped and cuirassed. Legend: D-N-PROCO-PIVS-P-F-AVG (*Dominus Noster Procopius Pius Felix Augustus*). Reverse: Emperor standing, holding a spear in his right hand and resting his left hand on a shield that bears the Chi-Rho symbol. Legend: SECVRITAS-REIPVB (*Securitas Reipublicae/Security of the State*). Exergue: CONS (Constantinopolis). (RIC IX 210) © The Trustees of the British Museum

Even though Procopius had approached these troops himself, had gained their support, and had been proclaimed as their new emperor, he became, so to speak, their prisoner, although they gave him assurances of his personal safety.¹³⁰ Procopius, in a sense, became a hostage to his own fortune.

¹²⁷ Amm. Marc. xxiii. 3. 2; idem, xxvi 6. 2-3; Zos. IV 4. 3.

¹²⁸ At the time of Procopius' usurpation the brothers Valentinian I and Valens I were ruling jointly. Both had fearsome reputations. It was probably this which compelled Procopius, perhaps anticipating violence from them against him because of Julian's nomination of him, to take the initiative against the brothers.

¹²⁹ Amm. Marc. xxvi. 6. 13: *Qui pillecti spe praemiorum ingentium.*

¹³⁰ Amm. Marc. xxvi. 6, 14: *fide salutis data libenter, admissus constipatione vendibilium militum, cum honore quidem, sed in modum tenebatur obsessi.*

1. Defining Rebels and Usurpers

Magnus Maximus, at the end of his usurpation in 388, defended his treason to Theodosius I by claiming that the British-based Roman army had forced him ‘against his will and contrary to his military oath of allegiance’ to become their Augustus.¹³¹ This feeble excuse held no salvation for Maximus, as he was dragged before Theodosius at Aquileia and executed. By that stage Theodosius was in no mood to offer clemency, and nor could he, for if he did it would have been perceived as weakness on his behalf by the military.

The usurper Constantine III sent a dispatch through envoys to Honorius at Ravenna during late 408 or early 409. Olympiodorus tells us that, in this letter, Constantine blamed mutinous troops for forcing the imperial position upon him. The usurper asked that Honorius accept him into the imperial *collegia*, which, because the emperor had other military and political problems to contend with, Honorius duly did.¹³² Orosius, who was an advocate for Honorius’ rule and Christian piety, does not mention this recognition of Constantine, perhaps not wishing to draw attention to a seeming weakness of Honorius’ position.

**Table 2: *Recusatio imperii*
Usurpers chosen by the army, 306-425**

	Persons	<i>Chosen by Army</i>	<i>Recusatio Imperii</i>
1	Constantine I	Yes	Yes
2	Julian	Yes	Yes
3	Magnus Maximus	Yes	Yes
4	Marcus	Yes	Unknown
5	Gratianus	Yes	Unknown
6	Constantine III	Yes	Yes
7	Maximus	Yes	Unknown

¹³¹ Oros. VII. 34, 9: *contra sacramenti fidem... in Britannia inuitus... ab exercitu imperator creatus. Pan. Lat. II. 11. 5-6; idem, 2. 11. 1-12.1.*

¹³² Olymp. fr. 13.

1. Defining Rebels and Usurpers

1.6. Shared familial fates

[Augustus] had Anthony's oldest son... dragged from the statue of the Divine Julius to which he had fled for protection, and, despite useless prayers, he was executed'¹³³

The typical outcome for defeated enemies of the state, particularly usurpers, was death. There were, however, some notable exceptions, for instance, the usurper Vetricano, who was allowed to abdicate and who died in retirement six years later.¹³⁴ Most, however, could not be permitted to live, and nor could their male heirs, if they had any. Male relatives, generally the sons, of executed usurpers posed too great a risk to the reigning, legitimate emperor and their dynasty, especially if they had had been given imperial titles and had had coinage issued in their names.¹³⁵ For example, following Magnus Maximus' execution in 388, his five-year-old son Victor (fig. 18) was also killed by order of Theodosius I.¹³⁶

(Fig.18) Father and heir
Solidus of Magnus Maximus and Flavius Victor, Milan mint, c. 387-88



Obverse: Bust pearl-diademed, draped and cuirassed. **Legend:** D-N-FL-VIC-TOR-PF-AVG (*Dominus Noster Flavius Victor Pius Felix Augustus*). **Reverse:** Father (larger figure) and son (smaller figure) seated upon throne, facing ahead, together holding an *orbis* in their right hands. Victory hovers above, her wings outstretched over the two Augusti. **Legend:** BONO-REIPV-BLIC-[a]-E-NATI (Born for the good of the state). **Exergue:** MD (Mediolanum/Milan) – OB (*Obryziacum*). (RIC IX 15) © The Trustees of the British Museum

¹³³ Suet. *Aug.* 17. 5.

¹³⁴ Zon. XIII 7.

¹³⁵ See Elton, *Warfare in Roman Europe*, 193-8, on the political necessity for eliminating defeated rebels and usurpers and their children.

¹³⁶ Hyd. s.a. 388: *Maximus tyrannus occiditur per Theodosium tertio lapide ab Aquileia V kl. Aucustas et eodem tempore uel ipso anno in Gallis per Aruagastem comitem filius Maximi nomine Victor extinctus est.*

1. Defining Rebels and Usurpers

Constantine I eliminated several of his rivals and their progeny, who already held legitimate status, for example Licinius (fig. 19) and his nine-year-old son, Licinius the younger (fig.20). The latter held the rank of Caesar, which constituted a threat to Constantine, but the boy was also Constantine's nephew through Constantia, the emperor's half-sister. Familial connection and kinship did not, it would seem, offer immunity from death in circumstances of succession and retention of imperial power.

(Fig. 19) Protected by Rome's guardian spirit
Copper alloy *nummus* of Licinius, London mint, c. 314-15



Obverse: Bust bearded, laureate and cuirassed. **Legend:** IMP-LICINIVS-PF-AVG (*Imperator Licinius Pius Felix Augustus*). **Reverse:** Genius holding *modius* (corn measure), loins draped with *himation* (cloak), *patera* (libation bowl) in right hand, and *cornucopia* in left hand. **Legend:** GENIO-POP-ROM-S (*Genio Populi Romani Senatus/To the Guardian Spirit of the Roman People*). **Exergue:** F/MLL (Londinium). (*RIC VII 23*) © The Trustees of the British Museum

(Fig. 20) Gold *quinarius* of Licinius II, Ticinum mint, 317-24



Obverse: Bust, laureate, draped and cuirassed. **Legend:** LICINIVS-IVN-NOB-CAES (*Licinius Iunioris Nobilissimus Caesar*). **Reverse:** Young Licinius standing, holding a transverse spear in his right hand, his left hand is extended and holds out an *orbis*. **Legend:** PRINCIPI-IVVENTVTIS (Young Emperor). *RIC VII 113* © The Trustees of the British Museum

1. Defining Rebels and Usurpers

Constantine had Licinius and other former colleagues posthumously condemned as *tyranni* in order to legitimize his own claim to power. Through the process of *damnatio*, Constantine was able to depict these unfortunate Augusti as unfit for rule, which elevated Constantine's own moral stature to the public.¹³⁷

1.7. Conclusion

The fate of defeated rebels, usurpers and other domestic enemies of the Late Roman state was typically death, with very few exceptions. Such killings were justified through legal proscription, literary invective, epigraphic propaganda, imperial triumphs and commemorative coin series. What differs, however, is the manner of death, the types of physical punishment before and after death, and ritual head-display, which varied according to whether those on the receiving end were classified as rebels, usurpers or others.

In the next chapter, we will explore four main themes common during the final stages of state suppression of treason: the act of seeking sanctuary by fugitives deemed guilty of high treason, the forms of bodily punishments meted out by the victors both before and after execution, and finally, the process of *damnatio memoriae* enacted against the losers.

¹³⁷ *CTh.* 15.14.1 (16 May 324); 15.14.2 (12 Feb 325); 15.14.3 (8 July 326).

2. The Endgame of Treason

2

THE ENDGAME OF TREASON

‘Disloyal men, however, should be punished, and it should certainly not be lighter for subordinates’¹

‘How many heads has the deadly executioner, dreaded by all peoples, cut off?’²

2.1. Introduction

The act of rebellion, usurpation, and conspiracy to overthrow a reigning emperor was legally classified as a crime of high treason (*crimen maiestatis*).³ This type of crime was considered to be a direct assault against the emperor’s person and carried with it the capital penalty (*capitis*).⁴ Torture (*tormentum*) formed an integral part of the legal investigative process (*quaestio*) enacted against any person, and their accomplices, accused of *crimen maiestatis*.⁵ In fact torture was widely applied to citizens of all classes during the Late Empire, and *capitis* was a commonly used punishment for many minor offences, such as adultery, homicide, heresy and pagan practices.⁶ This chapter examines four central

¹ Cic. *Amic.* 12. 42: *inprobis autem poena statuenda est, nec vero minor iis, qui secuti erunt alterum, quam iis, qui ipsi fuerint impietatis duces.* C.F.W. Müller (ed.) *Laelius de Amicitia* (Leipzig, 1884).

² Amm. Marc. xiv. 11. 33: *quot capita quae horruere gentes, funesti carnifices absciderunt?*

³ This terminology is found in literary sources also, cf. Amm. Marc. xix 12. 1: *laesae crimina maiestatis.*

⁴ *CTh.* 9.6.2 (15 Mar 376: *nam et hoc [crimen maiestatis] facinus tendit in dominos*). Although some crimes could be pardoned, by the late-fourth century the Roman legal code held that there were five main capital crimes (*capitalia crimina*), which were exempt from clemency; high treason, homicide, adultery, astrology, and currency counterfeiting, which did not, see *CTh. Sirm* 8 (22 Apr 386).

⁵ *CTh.* 9.5.1.pr. (1 Jan 314; 320-23) sanctions the use of *tormentum* in treason trials. Other constitutions: *CTh.* 9.35.1 (8 July 369); 9.35.2 (17 September 376), further enshrined *tormentum* within the judicial interrogation procedure (*De Quaestionibus*) while *CTh.* 9.35.3 (4 Jan 377); 9.35.4 (27 Mar 380); 9.35.5 (6 Sept 389); 9.35.6 (21 Aug 399) and 9.35.7 (26 Feb 408) excluded senators from *quaestio*, forbade its use during certain Christian and Imperial holidays. Other exemptions included those who claimed the protection of local chief decurions. See also J. Matthews, *The Roman Empire of Ammianus* (London, 1989), 256.

⁶ R. MacMullen, ‘Introduction: an abundance of data in Ancient History’, in R. MacMullen (ed.) *Changes in the Roman Empire: Essays in the Ordinary* (Princeton, 1990), 3-12: 10.

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themes common to the suppression of rebellion and usurpation during the fourth and early fifth-centuries: the seeking of sanctuary in churches and other forms⁷, ritual mutilation, especially mutilation of the right hand, before death or exile, various forms of *poena post mortem*⁸, and the custom of *damnatio memoriae*.⁹

2.2. The seeming futility of seeking sanctuary in Late Antiquity

‘...so violence proceeded, and oppression, and sword-law, through all the plain, and
refuge none was found...’¹⁰

The most commonly applied literary and legal terms for sanctuary in this era are *confugium* and *refugium*.¹¹ Places of refuge included ecclesiastical buildings, tribal territories, friends’ houses, and, for both westerners and easterners, the court at Constantinople. Between the years 306-425, at least thirteen high ranking persons, accused of *crimen maiestatis*, sought sanctuary of the type previously noted.¹² Seven of this group received guarantees of personal safety, which were sworn to them by oath in order to entice them out from their refuge. A further two may well have been given such promises, and for the remaining four we have no good evidence of any such pledges. Only one of the individuals listed, the usurper Vetrano, claimed sanctuary, and was given a guarantee of safe passage which was actually honoured. Vetrano ended his days in obscurity. For the other twelve fugitives who claimed sanctuary, their fates ranged from summary execution to assassination at a later date, or suicide. The guarantee of personal safety was, for the most part, insincere. As the majority of asylum cases

⁷ See table 3, 67.

⁸ See table 4, 82.

⁹ See table 5, 89.

¹⁰ J. Milton, *Paradise Lost: Complete and Unabridged* (London, 2005), XI. 671-3.

¹¹ *CTh.* 9.44.1 (6 July 386: *De his qui ad statuas confugiunt*); 9.45.1 (18 Oct 392: *publicos debitores, si confugiendum ad ecclesias crediderint*); 9.45.2. (17 June 397: *ad ecclesias confugientes*); 9.45.3 (27 July 398: *ad ecclesias confugiens*); 9.45.4 (23 Mar 431: *ad tuitionem confugientium sancimus esse proposita*); 9.45.5 (28 Mar 432: *Super confugientibus ad sanctae religionis altaria sanctionem in perpetuum valituram credidimus promulgandam*); 16.6.4 (12 Feb 405: *servis, si qui forsitan ad rebaptizandum cogentur, refugiendi ad ecclesiam catholicam sit facultas*); *Sirm.*13 (21 Nov 419: *De confugientibus ad ecclesias ut quinquaginta passibus extra fores secure sint, et ut episcopo carceres visitanti liber aditus pateat*). For an more in-depth analysis of sanctuary terms see W. Mossakowski, ‘Concept of Asylum (*Asylum, Confugium*) in Ancient Rome’, *Pomoerium* 5, (2004-6), 53-7.

¹² For these persons who sought sanctuary see table 3, 67.

2. The Endgame of Treason

mentioned above were unsuccessful, then it would appear that claiming the right of sanctuary was ultimately a futile exercise. So why was it sought then? Was it simply the desperate action of desperate men, who had much to fear, particularly when in light of the exquisite tortures that might await them?¹³ It is small wonder, then, that some chose to die by their own hand or threw themselves on the mercy of the church or other quarters. Ammianus tells us how, in 355, troops chased the usurper Silvanus into a Christian church, where, exhausted and terror-stricken, he sought refuge (*quo exanimatus confugerat*). His pursuers were having none of it. They dragged him out and ran him through repeatedly with their swords.¹⁴ Silvanus' story is not unique though.¹⁵ Each of the thirteen mentioned persons had been either politically outmanoeuvred, militarily defeated, or both, and was wanted by the state for having committed *crimen maiestatis*, which carried with it a mandatory death sentence. Sanctuary, therefore, remained a last resort; but did it offer any legal immunity from punishment?

An intriguing case concerning church sanctuary is that of the senator Lampadius, who took refuge in a church at Rome in 408. This incident occurred against the backdrop of the Visigoth leader Alaric's advance against the city. In order to assuage Alaric, Stilicho met with the Roman senate in the Curia, and coerced its assembled members to pay Alaric an extortionate bribe of over five-thousand pounds of gold, thirty-thousand pounds of silver, and an enormous quantity of spices and silks. Lampadius lost his temper at this affront, famously shouting at Stilicho 'this is not peace but a pact of slavery!'¹⁶ Zosimus tells us that once his temper had subsided Lampadius fled in fear, presumably from Stilicho's retribution, to a nearby church and claimed sanctuary within its precinct.¹⁷ The incident reveals something about the nature of Stilicho's power.

¹³ Pacatus, in describing the usurper Magnus Maximus' terror stricken final moments, lists some of the torments reserved for state enemies. *Pan. Lat.* II. 38.5, 41.4-5, 42.1-2: *non potius ignem laminas crucem culleum et quidquid merebatur timebat?*

¹⁴ *Amm. Marc.* xv. 5. 31.

¹⁵ It has been suggested that Silvanus was not actually a usurper. See J. F. Drinkwater, 'Silvanus, Ursicinus and Ammianus: Fact or Fiction?', *Latomus* 227 (1995), 568-76.

¹⁶ '*non est ista pax, sed pactio servitutis*' were the words uttered by Lampadius in anger at Stilicho's request. *Zos.* V 29.9; *PLRE* II, 2, 655.

¹⁷ *Zos.* V 29. 9.

2. The Endgame of Treason

Although not an Augustus himself, Stilicho wielded practically the same authority, and, thanks to Claudian, Stilicho was generally portrayed as a benevolent figure. The Lampadius episode tells us a little of how Stilicho imposed his will upon others, and of what could happen if there was opposition to him. Voicing one's opinion did not constitute a capital offence, so why should Lampadius, a senator, have to flee for his life? We know from Paulinus of Milan's *Vita sancti Ambrosii* that, in 396, Stilicho had forcibly removed a certain Cresconius from a Milanese church, despite protestations from its bishop. Shortly afterwards however, Stilicho returned the fugitive to the bishop. Cresconius was exiled but was later pardoned.¹⁸ Whether the outcome would have been any different for Lampadius in 408 we cannot say, for we do not know what became of Lampadius. He may have survived, for, as we shall see in chapter four, the source of his terror, Stilicho, was himself compelled to take refuge in a Ravenna church in August of the same year. Stilicho was executed, and if Lampadius had luck on his side, then he may well be one of the very few cases from Late Antiquity where asylum-seeking actually succeeded.¹⁹

¹⁸ Paulin. *Amb.* 34. 1-4.

¹⁹ Zos. V 7. 5-6; 8. 2-3. After the eastern Praetorian Prefect Rufinus' assassination in 395 his wife and daughter fled to a church in Constantinople. They were allowed to leave the city, from where they travelled to Jerusalem. This appears to have been a publicity stunt designed to get rid of them peacefully, while Rufinus' assets were appropriated by his successor Eutropius.

2. The Endgame of Treason

2.2.1. Pre- and early Christian sanctuary

‘Here, Hecuba and her daughters remained, pressed tightly together in vain around the altars, like doves in a dark storm, and embracing the statues of the gods’²⁰

There were precedents for the right to asylum in pre-Christian Roman society.²¹ Ducloux says that, although the ancient rights of asylum which pagan temples offered had disappeared long before the emergence of Late Antique church asylum, the latter was probably the heir to the former.²² While laws of the pre-Christian era do not specifically refer to actual sanctuary rights in temples or other locations, there are, however, some literary references which tell us that such privileges existed. For example, the temple of the Divine Julius in the Roman Forum was supposed to offer protection to fugitives. In times of civil unrest however, such rights were not always respected.²³ During the chaos following Nero’s deposition in AD 68, the future Augustus Domitian claimed the asylum of a sacred precinct on Rome’s Capitoline Hill. When this refuge was set alight Domitian took shelter with the order of Isis, before being forced to flee Rome disguised as a member of that order.²⁴

During the state persecutions of Christians between the first century and the early-fourth centuries, church asylum held little or no sway. It is only in the post-Constantinian period where secular laws began to make allowances for the

²⁰ Verg. *Aen.* 2. 515: *hic Hecuba et natae nequiquam altaria circum, praecipites atra ceu tempestate columbae, condensae et divom amplexae simulacra sedebant*; Publius Vergilius Maro, *Aeneis* (ed.) O. Ribbeck (Leipzig, 1895). This scene from the Sack of Troy describes the moment when the Greeks led by Pyrrhus (also called Neoptolemus) burst into and violate the sacred sanctuary of Troy, killing and enslaving those inside.

²¹ Hallebeek is inclined to say that there is no direct link between pagan and Christian claims of sanctuary. J. Hallebeek, ‘Church Asylum in Late Antiquity; concession by the Emperor or competence of the Church?’ in E. C. Coppens (ed.), *Secundum Ius*, Opstellen aangeboden aan prof mr. P. L. Nève, Rechtshistorische reeks van het Gerard Noodt Instituut (Nijmegen, 2004), 163-82.

²² Ducloux, *Ad ecclesiam confugere*, 253: ‘l’asylie des temples païens avait totalement disparu depuis plus de deux siècles lorsque l’asile églises, dont il semble être l’héritier, ressurgit au IV^e siècle.’

²³ Cass. Dio. 47. 19.2. Cassius Dio Cocceianus, *Historiae Romanae* (Greek) (eds) E. Cary and H. B. Foster).

²⁴ Suet. *Dom.* 1.

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establishment of asylum rights within or around Christian places of worship. Hallebeek suggests that church asylum up until the early-fifth century was not intended to provide exemption from punishment, but rather allowed for intercession by clerics on a fugitive's behalf in order to prevent their death. If possible, through church intercession, *capitis* was to be avoided, but fugitives could still expect other punishments.²⁵ As regards any intercession which was made for some of the persons in table 3, page sixty-seven below, who claimed sanctuary, clerical advocacy had no effect whatsoever on ultimately fatal outcomes.

A canon from the Council of Sardica, in 343, offered fugitives the protection of the Church (*ad misericordiam Ecclesiae confugere*).²⁶ This is not usually taken to mean physical refuge within actual Church buildings but rather the spiritual solace of Christianity.²⁷ Official state legislation placed limits on who could or could not apply for refuge within churches.²⁸ Many of the fourth- and early fifth-century secular laws regarding sanctuary seem to have been ineffective.²⁹ However, it was not until the 430s before guidelines establishing definite rules for ecclesiastical sanctuary were formalised. Even then it was unclear as to how much protection the right of sanctuary actually offered. More often than not, the state appears to have been able to overrule Church authority in extricating wanted persons from Church property.³⁰

²⁵ On sanctuary as a concession of the emperor to the early Church see Hallebeek, 'Church Asylum', 163-5.

²⁶ H. R. Percival, (ed.) 'The Seven Ecumenical Councils of the Undivided Church' in *The Nicene and Post Nicene Fathers*, 14 (New York, 1900), Canon 7.

²⁷ See Hallebeek, 'Church Asylum', 165-6.

²⁸ *CTh.* 9.45.1 (18 Oct 392); 9.45.2 (17 June 397); 9.45.3 (27 July 398).

²⁹ See Ducloux, *Ad ecclesiam confugere*, for an in-depth analysis of sanctuary rights and violation.

³⁰ *CTh.* 9.44.1 (6 July 386); 9.45.1 (18 Oct 392); 9.45.2 (17 June 397); 9.45.3 (27 July 398); 9.45.4 (23 Mar 431); 9.45.5 (28 Mar 432); 16.6.4 (12 Feb 405); *Sirm.* 13 (21 Nov 419).

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2.2.2. Imperial laws on sanctuary, 386-432

‘In the group of laws concerned with the provision of sanctuary in churches and their precincts, it is the bishops who share with the secular power the authority for enforcing the procedures’³¹

The earliest law on sanctuary for our period was issued in July 386, and has to do treated those who claimed refuge at the statues of emperors (*de his, qui ad statuas confugiunt*).³² This law stipulated that only those with good cause were assured of safety, so long as they did not abuse the sanctity of refuge by using their protected position to take action against their enemies.³³

Six years later, in October 392, we see the first of a series of laws (*CTh.* 9.45.1) devoted solely to issues of church sanctuary (*de his, qui ad ecclesias confugiunt*). This constitution was in response to what appears to have been a widespread phenomenon, where public debtors fled inside churches to escape prosecution.³⁴ *CTh.* 9.45.1 was severe: no refuge was to be given to debtors. They were to be dragged out or, if this failed, their debts had to be paid by the clergy who sheltered them. The law further stated that, in future, clergy would have no power to defend debtors, and could themselves be held liable for the fugitives’ debts. The next two laws, *CTh.* 9.45.2 and *CTh.* 9.45.3, issued from Constantinople in 397 and 398 respectively, and were written by the same quaestor.³⁵ *CTh.* 9.45.2 refused church sanctuary to Jewish converts to Christianity, who, it was alleged, only did so to escape criminal charges. Sanctuary was only to be given in this case if these crimes had been exonerated. *CTh.* 9.45.3 forbade sanctuary to, among others, local councillors, who had become clerics to avoid their public responsibilities.³⁶

³¹ D. Hunt, ‘Christianizing the Roman Empire: the evidence of the Code’ in J. Harries and I. Wood (eds) *The Theodosian Code; Studies in the Imperial Law of Late Antiquity* (London, 1993), 151.

³² *CTh.* 9.44.1 (6 July 386).

³³ See Honoré, *Law in the Crisis of Empire*, 36-7.

³⁴ *CTh.* 9.45.1 (18 Oct 392: *debitum posthac a clericis defendendum aut per eos eius, quem defendendum esse crediderint, debitum esse solvendum*). Most public debtors were people who did not pay their taxes, Pharr; *The Theodosian Code*, 264, n. 2.

³⁵ *CTh.* 9.45.2 (17 June 397); 9.45.3 (27 July 398).

³⁶ For example, the refusal of refuge to purple dye workers (*murileguli*), see Honoré, *Law in the Crisis*, 6.

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In 398 the eastern court chamberlain Eutropius convinced Emperor Arcadius to pass a law abolishing the right of asylum in churches. Zosimus tells us that there was indeed a law establishing churches as sanctuaries.³⁷ The law which Eutropius obtained from Arcadius is not extant, probably because, as Sozomen says, after Eutropius' downfall it was effaced from public inscriptions.³⁸ Eutropius was deeply unpopular within the upper echelons of both eastern and western courts, most notably with Stilicho.

The year after the supposed abolition by Arcadius of church sanctuary, 399, a court intrigue contributed to Eutropius' downfall and, ironically, he sought church refuge inside the church of St. Sophia in Constantinople.³⁹ What happened was that the eastern capital faced a military rebellion, led by the Gothic commander Tribigildus, who detested Eutropius. Zosimus informs us that there was a consensus among Tribigildus' supporters at Arcadius' court that, as long as Eutropius was allowed the right of sanctuary, there could be no resolution to the revolt. Political expedience demanded swift action. Consequently, Eutropius was removed from the church and exiled to Cyprus. From there he was taken to Chalcedon, where he was beheaded.⁴⁰ It is in Zosimus that we find mention of an oath given to Eutropius promising him his life, but in the end Eutropius had to be violently dragged out from his refuge. Why the necessity for force if he had already been given assurances? In all likelihood, whoever gave the oath to Eutropius did so to lull him into a false sense of security; but once Eutropius realised the ruse he put up a resistance. After his execution, Eutropius was denounced through a particularly harsh law, *CTh.* 9.40.17 (17 Aug 399), which ordered the annulment of his acts, the erasure of his name from public buildings and monuments, and the destruction of his images wherever they be found.⁴¹

³⁷ Zos. V 17.5-18.3

³⁸ Soz. *Hist. eccl.* VIII 7.2.3.

³⁹ This reference to Arcadius' abolition of church sanctuary is not recorded in official imperial legislation. While it is possible that such a record may once have existed but was not preserved by the compilers of the *Codex Theodosianus*, the only source we have is Zosimus, who does not give any indication of where he obtained his information.

⁴⁰ Claud. *Eut.* II. pr. 10, 52, II. 20-1; For Eutropius' decapitation see Soz. *Hist. eccl.* VIII 7.2.3.

⁴¹ *CTh.* 9.40.17 (17 Aug 399).

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It is not until 405 that we find our next official decree on sanctuary. *CTh.* 16.6.4.2 was issued during Stilicho's second consulship in that year. It is a western law issued from Ravenna, Honorius' new capital.⁴² *CTh.* 16.6.4.2 is perhaps the most relevant of all the extant laws on sanctuary, arising from the North African Donatist controversy. This constitution expressly allowed for Catholic slaves, who had been compelled to convert to Donatism by their masters, to take church sanctuary, and be manumitted.⁴³

During the upheaval caused by multiple usurpations against Honorius' regime there is a curious law, *Cod. Just.* 1.12.2. (Apr 409) on the inviolate nature of church asylum.⁴⁴ It is preserved in the *Codex Justinianus* and states that it was unlawful to remove fugitives from church refuge against their will. The constitution also held that any violation of church sanctuary would be considered as *crimen maiestatis*.

Insurrections against Honorius peaked around 415 and by 419 new legislation determined exactly how much of the physical boundary around churches should be allotted for the purposes of sanctuary.⁴⁵ Finally, in the 430s, the legal stance had come to allow anyone in fear of their lives to enter the houses of God, provided they were unarmed.⁴⁶ Those accused of *crimen maiestatis* however, whether they were actually guilty of this crime or not, could not expect clemency in seeking sanctuary but this did not prevent some of them from doing so.

We should bear in mind that we probably do not possess every imperial constitution which concerned sanctuary, and that there could have been more. When the compilers of the *Codex Theodosianus* set about collecting their

⁴² All of the laws we have encountered thus far in this thesis regarding sanctuary are eastern.

⁴³ *CTh.* 16.6.4.2 (12 Feb 405: *convenit omnes homines sine ullo discrimine condicionis aut status infusae caelitus sanctitatis esse custodes*).

⁴⁴ *Cod. Just.* 1.12.2 (Apr 409: *Imperatores Honorius, Theodosius; Fideli ac devota praeceptione sancimus nemini licere ad sacrosanctas ecclesias confugientes abducere: sub hac videlicet definitione, ut, si quisquam contra hanc legem venire temptaverit, sciat se ad maiestatis crimen esse retinendum*).

⁴⁵ *Sirm.* 13 (21 Nov 419: *Adque ideo quinquaginta passibus ultra basilicae fores ecclesiasticae venerationis sanctitas inhaerebit*).

⁴⁶ *CTh.* 9.45.4. pr (23 Mar 431: *pateant summi dei templa timentibus*); 9.45.5 (28 Mar 432). See Honoré, *Law in the Crisis*, 119.

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material in the 430s, a project which took six years to complete, much of the archival source material was simply inaccessible to them, as a result of barbarian takeover of former imperial lands.⁴⁷ The lacunae in the Late Antique legal record cloud our full understanding of how exactly church sanctuary worked.⁴⁸ Furthermore, references to sanctuary from authors such as Zosimus above may fill in some of the blanks, so to speak, but the full inner workings of sanctuary are still not fully obvious. A letter of Augustine's illustrates this point. Written in 410, it describes the plight of Faventius, a tenant farmer who had sought church sanctuary in order to escape ill-treatment from his *dominus*.⁴⁹ Faventius had left the church environs to have dinner at a friend's house. On his return to the church he was apprehended and incarcerated. What does this incident tell us about church asylum's remit? Does this mean that once one had claimed sanctuary that one was covered, in a kind of comprehensive insurance, even if the claimant was not physically in the church?

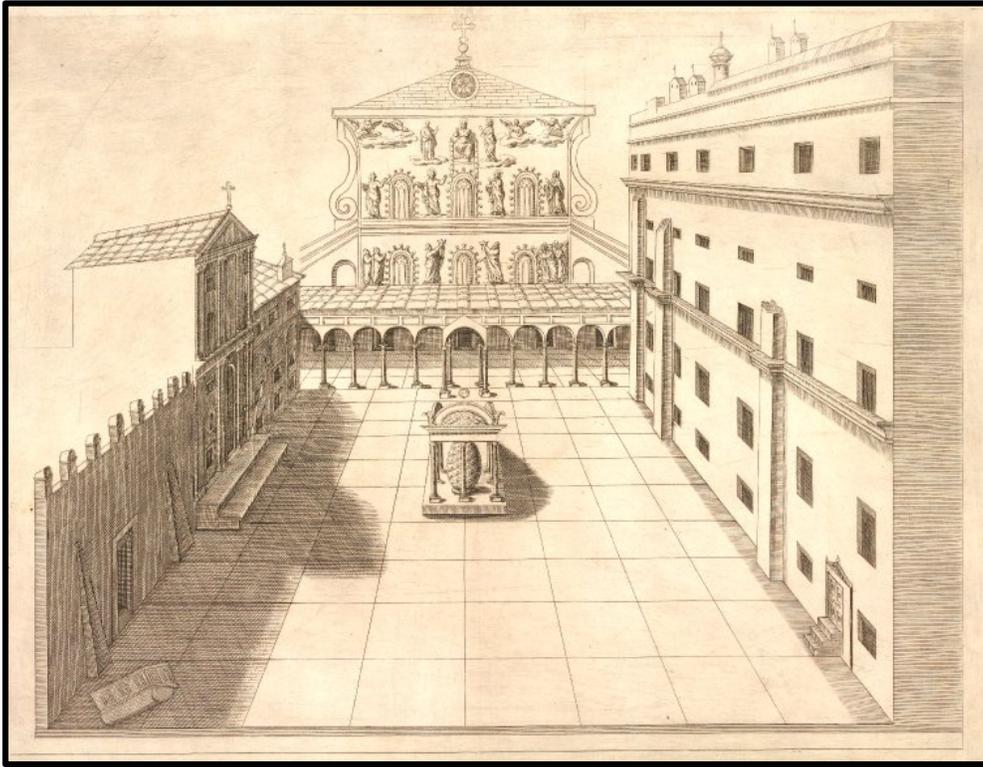
⁴⁷ For the difficulties in archival collection see Matthews, *Laying Down the Law*, 60-1; Honoré, *Law in the Crisis*, 136-53. Sirks argues otherwise, claiming other causes for the length of the collection process, see B. Sirks, 'The Sources of the Code', in J. Harries and I. Wood (eds) *The Theodosian Code; Studies in the Imperial Law of Late Antiquity*, (London, 1993), 45-67.

⁴⁸ Very few scholars have examined Late Roman sanctuary. See Mossakowski, 'Concept of Asylum'; Hallebeek, 'Church Asylum in Late Antiquity'; and Ducloux, *Ad ecclesiam confugere*.

⁴⁹ Aug. *Ep.* 123; Augustinus Hipponensis, *Epistulae*, (ed.) A. Goldbacher, CSEL 34/2, (1895-1923).

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(Fig. 21) Engraving of Old St. Peter's, Rome, c. 1620-21⁵⁰



View of the façade and atrium of Old St Peter's at Rome, with the classical fountain in the form of a pine cone in the centre; engraving by Martino Ferrabosco, c. 1620-21. Part of this building was refuge to many during Alaric's sack of Rome in 410. © The Trustees of the British Museum

⁵⁰ Olymp. fr. 11. Blockley suggests that St. Peter's is the church where Eucherius found temporary asylum in August/September 408; R. Blockley, *The Fragmentary Classicising Historians of the Later Roman Empire*, vol. 2, (Liverpool, 1983), 214, n. 30.

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2.2.3. By any means necessary; ‘acceptable’ violations of sanctuary

‘The man suddenly escaped and took refuge in a chapel of the Christian sect; however, he was at once dragged from there and beheaded’⁵¹

What emerges from the stories of Eutropius, Silvanus and others is that, when the emperor or his agents intervened to remove a fugitive from sanctuary, nothing stood in the way, and there was also little or no condemnation. Olympiodorus informs us that, in autumn 408, Stilicho’s son Eucherius fled inside a church at Rome for protection. An initial attempt to remove him was thwarted by the church’s bishop, but when a letter arrived from Emperor Honorius overturning Eucherius’ claim, the cleric had no choice but to acquiesce. The emperor’s men swore that no harm would come to Eucherius, but once beyond the sacred precinct he was executed.⁵² Sanctuary violation, it seems, could be overruled by the emperor. When someone other than the emperor did it, it was described as a profane act, but it was just as sacrilegious when committed in the emperor’s name. However, in Honorius’ case, our sources do not criticize him for impiety in overruling an individual’s claim to sanctuary.

This double standard can be seen at work in the case of the Romano-African leader, Mascezel. Mascezel was a brother of the insurrectionist *comes Africae* Gildo. Mascezel was also appointed as military commander of the army which defeated his brother in 398. For a short time afterwards Mascezel was the darling of the western imperial court, until he fell afoul of Stilicho and was eliminated. There are two different reports of what happened next. In the first, Zosimus says that Stilicho grew jealous of the North African’s success and orchestrated Mascezel’s murder.⁵³ The second version, a vignette from Orosius, was an effort to justify the killing. In this account Mascezel had won his victory through God’s divine assistance. Later, however, Mascezel became inflated with

⁵¹ Amm. Marc. xxvi. 3.3: *subito lapsus confugit ad ritus Christiani sacrarium abstractus que exinde ilico abscisa ceruice consumptus est.*

⁵² Olymp. fr. 9.

⁵³ Zos. V 11. 3-4.

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pride, in Orosius' opinion, and overstepped his authority. He violently ejected some fugitives from a church where they had sought sanctuary.⁵⁴ Due to this sacrilege, Orosius claimed, Mascezel received retribution. The moral lesson implicit from this second account was that pride, allied with religious impiety, was destined to end in misfortune.⁵⁵ There is no such condemnation on Orosius' part for Honorius, when the emperor did the same thing to usurpers. In fact, Orosius ascribed Honorius' Christian piety a fundamental role in suppressing his internal enemies.⁵⁶ With God on his side, how could Honorius be wrong in overruling the right of sanctuary?

2.2.4. Conclusion

The period between the reigns of Theodosius I and Theodosius II, 379-450, witnessed a development in state legislation governing church asylum rights. This change was reflective of the changing religious, political, social and military climate of the time. However, as seeking church sanctuary seems to have worked for a very small percentage of claimants, we may reasonably ask if sanctuary was ultimately a futile exercise for persons accused of *crimen maiestatis*. A legal constitution on asylum, issued in April 409, made it plain that under no circumstances should a fugitive's right to sanctuary be abused; but it is apparent that this often was not the case on the ground.⁵⁷ This seems to have been a legal technicality, because all too often false guarantees of safety were given under oath to fugitives who subsequently surrendered on good faith only to face the executioner. This was certainly the case with the defeated usurper Constantine III and his son Julianus in 411, who took holy orders at Arles prior to their capitulation to Honorius' forces. Both father and son were murdered a short time later on a lonely north Italian road by their captors. Guarantees of safety were,

⁵⁴ Ducloux, *Ad ecclesiam confugere*, 115-7. Ducloux maintains that sanctuary violation was necessary and acceptable in Late Antiquity, when it came to matters of state.

⁵⁵ Oros. VII. 36. 13: *ad utrumque semper diuinum uigilare iudicium, quando et, cum sperauit, adiutus et, cum contempsit, occisus est.*

⁵⁶ Oros. VII. 42. 15: *Hunc omnem catalogum, ut dixi, uel manifestorum tyrannorum uel inoboedientium ducum optima Honorius imperator religione et felicitate meruit.*

⁵⁷ *Cod. Just.* 1.12.2 (Apr 409).

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therefore, a means to an end. They circumvented the legal requirement of not using coercion to get their quarry to come out peacefully. In effect, the swearing of an oath promising safe-conduct provided a legal loophole, which allowed for wanted men to be dispatched by the sword quickly and quietly.

It has already been shown how Greek and Roman writers often portrayed barbarians as mad, reckless, uncivilized and untrustworthy.⁵⁸ The same sort of criticism of barbarian inconstancy was applied to the swearing of oaths. According to Eunapius, Theodosius I had received sworn oaths from the Visigoths, guaranteeing their loyalty and obedience to him in exchange for their acquiescence. In Eunapius' view, however, the Visigoths made a mockery of the custom of oath-swearing, something which the emperors appeared to hold in high regard.⁵⁹ Yet, all too frequently we see the breaking of imperial guarantees given to fugitives who had claimed sanctuary. It should be pointed out that even where an oath had been exchanged, often it was the troops and their officers on the ground who broke their word and killed prisoners. Emperors were not necessarily always in full control of their forces. The Late Antique views on barbarian disregard for Roman customs which we have from Eunapius and others do not hold up in relation to the right of sanctuary. When Alaric finally captured the eternal city in August 410, and sacked it for three days, he expressly forbade his men from violating church property and those within from being harmed (fig. 19).⁶⁰ It appears that, over the three-day sack of the city, Rome's churches had never had so many visitors, no doubt taking advantage of Alaric's orders to his men to respect ecclesiastical precincts.⁶¹ Who, then, we might ask, had the most respect for asylum rights, the state authorities or the barbarians? Alaric, as we

⁵⁸See chapter 1.4.3, 39-42.

⁵⁹ Eun. fr. 48. 2.

⁶⁰ Oros. VII. 39. 1: *adest Alaricus, trepidam Romam obsidet turbat inrumpit, dato tamen praecepto prius, ut si qui in sancta loca praecipueque in sanctorum apostolorum Petri et Pauli basilicas confugissent, hos inprimis inuiolatos securosque esse sinerent, tum deinde in quantum possent praedae inhiantes a sanguine temperarent.* See also Ducloux, *Ad ecclesiam confugere*, 134-40.

⁶¹ Olymp. fr. 11. There were many who survived the Visigothic capture of Rome because they had taken refuge in churches.

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have seen, treated those who sought church asylum fairly, whereas Augusti such as Arcadius and Honorius evidently did not.

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Table 3:
Sanctuary, Method and Location, Guarantees of Safety, Outcome, 306-425

	Name, Date of downfall	Sought sanctuary	Method & location	Guarantees of safety given	Outcome
1	Licinius 324	Yes	Became private citizen, retired to Thessalonica	Yes	Executed
2	Vetranio 350	Yes		Yes	Retired
3	Silvanus 355	Yes	In Christian chapel, unknown location	No	Executed
4	Procopius 366	Yes	Uncertain	No	Executed
5	Firmus 375	Yes	Uncertain	Yes	Suicide
6	Gildo 398	Uncertain	Uncertain, possibly intended to seek refuge in the east	Uncertain	Uncertain, either committed suicide or was murdered
7	Eutropius 399	Yes	Church of St. Sophia, Constantinople	Yes	Executed
8	Stilicho 408	Yes	Church sanctuary at Ravenna	Yes	Murdered
9	Eucherius 408	Yes	Church sanctuary at Rome	Uncertain	Murdered
10	Constantine III 411	Yes	Took holy orders in Church at Arles	Yes	Murdered
11	Julianus <i>Nobilissimus</i> 411	Yes	Church sanctuary at Arles with his father Constantine III	Yes	Murdered
12	Edobichus 411	Yes	At house of friend, Ecdicius	Yes	Murdered
13	Maximus c. 422	Yes	With barbarians in Spain	No	Executed

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2.3. The treatment of state enemies in captivity

‘Xantippus... took him prisoner and so ended the war...’⁶²

How were captured state enemies, whether they were usurpers, rebels or others, treated? More often than not, this group received ill-treatment before either their executions or exile. As we have seen, torture was a central feature of the Roman judicial interrogation process. Consequentially, when defeat was imminent, it was deemed preferable to take one’s own life although not all enemies of the state were able to do so when their end beckoned, either because they lacked the courage to commit the act or were captured before they had the opportunity. Mutilation was common in the treatment of captured state enemies, in particular mutilation of the right hand, a symbol found in imperial propaganda such as coinage, art, sculpture and in law. Mutilation of the right hand seems to have been reserved mainly for usurpers and for those suspected of plotting usurpation.

2.3.1. The symbols of Victory; *dexteræ triumphalis* and *manus Dei*

‘That hand, which planned to wield the sceptre, which the submissive nobility knelt so many times to kiss, is torn from the miserable body and lies long unburied.’⁶³

Table 4, on page eighty-two below, lists the manner of death of twenty-one individuals accused of *crimen maiestatis* during the period 306-425. The table also details which of this group suffered bodily mutilation, especially of the right hand, decapitation, and head-display. The symbolism of the right hand was particularly significant to the propaganda associated with imperial victory. This

⁶² Veg. 3. pr: *Xanthippi declaratur exemplo, qui Atilium Regulum Romanum que exercitum saepe uictorem, cum Carthaginensibus non uirtute sed arte solus ferret auxilium, prostratis exercitibus cepit ac domuit uno que congressu triumphans bellum omne confecit*; Vegetius, *Epitoma rei militaris*, (ed.) M.D. Reeve (Oxford, 2004). The ‘him’ in question was Atilius Regulus, a Republican consul of the late-third century BC.

⁶³ Claud. *Ruf.* II. 442-5: *illa manus, quae sceptrum sibi gestanda parabat, cuius se totiens summisit ad oscula supplex nobilitas, inhumata diu miseroque revulsa corpore feralem quaestum post fata reposcit.*

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symbolism is most evident on imperial coinage; for example, the coins of Arcadius (fig. 23) and Honorius (fig. 24) shown below. Right-hand iconography occurs relatively frequently in literature as well. Ammianus tells of a dream that Constantius II (fig. 22) had, which foretold the emperor's impending death. In this dream Constantius held in his right hand the *orbis terrarum*, an extremely common motif in Late Imperial coinage, sculpture and art. Constantius' dead father, Constantine I, appeared to him in the dream alongside a child, who tore the *orbis* from Constantius' hand and threw it far away.⁶⁴ This dream sequence may possibly have been Ammianus' invention but it accurately conveys Constantius' very real loss of his *auctoritas* to a challenger, his younger cousin, the usurper Julian. Ammianus also speaks of a certain Nebridius, who was in Julian's army when the latter usurped the throne. As Nebridius was loyal to Constantius, he naturally feared for his life when his patron's enemy came to power, and so he threw himself at Julian's feet and asked for the protection of the emperor's right hand, which was granted.⁶⁵

The symbolism of the emperor's hand also appears in legal texts. Between 402 and 426 references to the imperial right hand of victory emerged in several constitutions, using variations of the formula *triumphalis dexteræ nostræ*, or *dexteræ triumphalis*.⁶⁶ However, it is primarily through coinage that we can see this imperial ideology at its most effective.

⁶⁴ Amm. Marc. xxi. 14. 1-2: *namque et nocturnis imaginibus terrebatur, et nondum penitus mersus in somnum, umbram viderat patris obtulisse pulchrum infantem, eumque susceptum et locatum in gremio suo, excussam sibi proiecisse longius sphaeram, quam ipse dextera manu gestabat. Id autem permutationem temporum indicabat, licet interpretantes placencia responderent.*

⁶⁵ Nebridius was spared and was allowed to leave unharmed; Amm. Marc. xxi. 5. 12: *quibus auditis, cum stantes propius milites acriter inflammati, eum appetere trucidandum, ad genua sua prolapsus, imperator paludamento protexit, indeque reversus in regiam cum antegressum eum vidisset supplicemque iacentem orare, ut levandi causa timoris ei porrigeret dexteram, "ecquid, ait praecipuum amicis servabitur, si tu manum tetigeris meam? sed tu quo libet abi securus." hocque audito, ille innoxius ad larem suum recessit in Tusciam.*

⁶⁶ *CTh.* 14.17.14 (22 March 402); 10.20.16 (23 February 426).

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(Fig. 22) The world in his right hand
Solidus of Constantius II, Trier mint, uncertain date



Obverse: Emperor right facing, diademed, draped and cuirassed. Legend: D-N-CONSTAN-TIVS-P-F-AVG (*Dominus Noster Constantius Pius Felix Augustus*). **Reverse:** Large Victory advancing right, wreath in right hand, palm branch in left, head turned back towards Constantius who, in military dress, is facing Victory and holding an *orbis* in his right hand, a sceptre in his left hand. Legend: VICTORIA-AVG-NOSTRI (The victory of our Augustus). Field: T-R (Treveri = Trier). (No listed reference) © The Trustees of the British Museum

(Fig. 23) God's right-hand sanctions imperial victory!
Copper-alloy coin of Arcadius, Constantinople mint, 383



Obverse: Arcadius draped and cuirassed, pearl-diademed, holding spear and shield. The triumphal right hand of God (*manus Dei*) crowns Arcadius with a laurel wreath from above. Legend: D-N-ARCAD-IVS-P-F-AVG (*Dominus Noster Pius Felix Augustus*). **Reverse:** Emperor standing over defeated captive, a shield in left hand and a *labarum* in right hand. Legend: GLORIA-RO-MANORVM. Exergue: CON (Constantinopolis) - Γ (Mint workshop (*officina*) mark) - * (the star may refer to a sighting of astronomical or meteorological phenomena). (*RIC IX 53b*) Image courtesy Classical Numismatic Group

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(Fig. 24) The glorious right hand
Silver *miliarensis* of Honorius, Constantinople mint, c. 403



Obverse: Honorius facing left, pearl-diademed, draped, and cuirassed. **Legend:** D-N-HONORI-VS-P-F-AVG (*Dominus Noster Honorius Pius Felix Augustus*). **Reverse:** Emperor nimbate, wearing military dress and draped, standing, front facing, head left, gesturing with raised right hand and holding globe in left hand. **Legend:** GLORIA-ROMANORUM. **Field:** star (perhaps of astronomical or meteorological significance). **Exergue:** CON (*Constantinopolis*). (RIC X 47) Image courtesy Classical Numismatic Group

The *solidus* of Honorius below (fig. 25), struck soon after the death of his brother Arcadius in 408, shows a noticeable departure in imperial triumphal propaganda. The goddess Victoria is absent from this coin's reverse. She has been replaced by the *manus Dei*, which crowns the emperor with a laurel wreath from heaven.⁶⁷ Honorius' right hand holds a Christogram, while his left hand rests upon his sword-hilt. On the coin's reverse Honorius tramples a lion, which has a serpent's tail, beneath his feet. This hybrid creature is likely symbolic of the many usurpers who rose against Honorius during his reign. The lion indicates their strength, but the serpent's tail symbolizes the treachery of fellow Romans. The coin's obverse shows Honorius bearded, which is either an indication of mourning for his sibling or an image of his maturity and resolve to deal effectively with Rome's enemies.⁶⁸

⁶⁷ The *manus Dei* appears on only a few late imperial coins whereas the personification of Victory is the much more common motif; for a discussion, albeit brief, on Victory on Late Roman coinage see A. R. Bellinger and M. A. Berlincourt, 'Victory as a Coin Type', *ANS* 149 (New York, 1962), 60-64.

⁶⁸ The wearing of beards as a sign of mourning is well attested in Roman art and in literature. Julius Caesar vowed not to shave until he had avenged the death of a friend, Suet. *Iul.* 67. 2.

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(Fig. 25) Triumph of the righteous
Solidus of Honorius, Ravenna mint, after 408



Obverse: A bearded Honorius, draped and cuirassed, wearing helmet and diadem, facing right. Legend: D-N-HONORI-VS-P-F-AVG (*Dominus Noster Honorius Pius Felix Augustus*). **Reverse:** Emperor standing, facing, holding long Chi-Rho in right hand, left hand resting on hilt of sword, crowned with laurel wreath by the *manus dei*, placing right foot on neck of serpent-tailed lion which possibly represents usurpers. Legend: VICTORI-A-AVGGG (It is unclear who the three Gs represent here; it could be Honorius, Theodosius II and the recently deceased Arcadius or it could also refer to Constantius III which would place the coin around the year 421 when Constantius was created Augustus). **Field:** R-V (Ravenna). **Exergue:** C (*Comitatus*) – OB (*Obryziacum*). (RIC X 1310) © The Trustees of the British Museum

2.3.2. Removing the hand of power

‘My hand cut off and made a merry jest’⁶⁹

After the usurper Priscus Attalus (fig. 26) fell from power in 415 he was exiled to the Lipari Islands off the coast of Sicily.⁷⁰ Attalus had been protected by Alaric up until 410, and by Alaric’s successor Athaulf until 415, when the Visigoths surrendered the usurper as a token offering of good faith in a peace deal with Honorius.⁷¹

⁶⁹ W. Shakespeare, *Titus Andronicus*, 5. 2. 175, (Middlesex, 1975), 39.

⁷⁰ Oros. VII. 42.9.

⁷¹ Zos. VI 12.1-3; Soz. IX 8.10-11.

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(Fig. 26) A usurper spared
Extremely rare *solidus* of the usurper Priscus Attalus, Rome mint, c. 409-10



Obverse: Emperor facing right, pearl diademed, draped, cuirassed. **Legend:** IMP-PRISCVS-ATTALVS-P-F-AVG. (*Imperator Priscus Attalus Pius Felix Augustus*. **Reverse:** Emperor standing, facing right, holding labarum in right hand and Victory on an *orbis* in left hand, while treading bound captive with left foot. **Legend:** VICTORIA-AVGVSTI. **Field:** R-M (Roma). **Exergue:** COM (*Comitatus/imperial court*) – OB (*obryziacum*). (*RIC X 1401*) Image courtesy of Classical Numismatic Group

Before he was exiled, the fingers of Attalus' right hand were cut off.⁷² There seems also to have been a ritual horse-trampling of Attalus (*calcatio colli*) as part of the humiliation process.⁷³ It is unclear as to why Attalus was spared when so many other traitors were not but it could have been due to an incident during Attalus' usurpation when a subordinate of his named Jovius advocated the mutilation of Honorius' hand before deposing the emperor. Attalus had refused point blank to carry out this deed, thinking it immoral and shameful.⁷⁴ Perhaps, when Attalus was brought before Honorius in 415, the usurper's moral reservations were the reason behind the emperor's clemency. When Honorius died in 423 another usurper, Johannes (fig. 27), claimed the western throne, reigning for the next two years.⁷⁵ He was only removed when an eastern army was sent from Constantinople against him. Johannes did not fare as well as Attalus had. Before his decapitation, Johannes was physically abused and his right hand was cut off.⁷⁶

⁷² Olymp. fr. 14.

⁷³ McCormick, *Eternal Victory*, 57-8.

⁷⁴ Olymp. fr. 14.

⁷⁵ For Honorius' death: Olymp. fr. 39; Zon. XIII 21. For Johannes' usurpation: *Ann. Rav.* s.a. 423; *Hyd.* s.a. 424 (Hydatius is a year out with his reckoning).

⁷⁶ Olymp. fr. 43.

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(Fig. 27) From grammar teacher to emperor
Solidus of the usurper Johannes, Ravenna mint, c. 423-25



Obverse: Emperor bearded, facing right, rosette-diademed, draped and cuirassed. Legend: D-N-IOHAN-NES-P-F-AVG (*Dominus Noster Johannes Pius Felix Augustus*). Reverse: Emperor standing, facing right and holding *labarum* in right hand and Victory on globe in left hand while trampling a captive. Legend: VICTORI-A-AVGGG (The number of Gs indicates Johannes and Theodosius II). Field: R-V (Ravenna). Exergue: COM (*Comitatus*) – OB (*obryziacum*). (*RIC X 1901*) Image courtesy Classical Numismatic Group

2.3.3. Non-Augusti and the right-hand of victory

‘And behold, a man was standing before him, with his drawn sword in his hand’⁷⁷

The *dexteræ triumphalis* was also used in reference to persons other than emperors. The association of military victory with the emperor’s right hand most likely originated from the gestures used by military commanders in directing troop movements particularly during combat. The *magister militum* Stilicho (fig. 28) is a case in point regarding this union between the powers of field commanders and high imperial office. Viewed by Claudian as Rome’s greatest general, Stilicho’s right hand was described by the poet as instrumental in

⁷⁷ Jos. 5. 13-15.

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directing the imperial victory over the rebellious *comes Africae*, Gildo, during the spring of 398.⁷⁸

(Fig. 28) Detail from the diptych of Stilicho, Basilica of S. Giovanni Battista, Monza, Italy, uncertain date⁷⁹



Stilicho, facing, wearing *paludamentum*, holds a spear in his left hand while his right hand rests upon a shield, which features two small heads, possibly those of the brother-emperors, Arcadius and Honorius. Stilicho's sheathed sword is slung to the right. Part of an ivory consular diptych thought to represent Stilicho. No copyright permission needed.

It was not just military victory but also state justice which Stilicho's right hand was associated with. According to Claudian, Stilicho's omnipotent hand

⁷⁸ Claud. *Stil.* 1. 7-8: *complectere dextram, sub iuga quae poenos iterum Romana redegit.*

⁷⁹ For the view that the Monza diptych may not represent Stilicho, see K. J. Shelton, 'The Diptych of the Young Office Holder', in *JBAC* 25 (1982), 132-71. Cameron is convinced, however, that it represents Stilicho, Serena and Eucherius; Cameron, *Poetry and Propaganda*, 48.

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had a major role in the assassination of the eastern praetorian prefect Rufinus. The prefect was alleged to have plotted usurpation against Arcadius, and for this he lost his life.⁸⁰ Outside the Constantinian land walls of the eastern capital, a group of soldiers cut down Rufinus in front of the Emperor Arcadius.⁸¹ The first assailant to attack Rufinus declared ‘it is the right hand of Stilicho that strikes you!’⁸² A dark comedy then transpired. After Rufinus was killed his body was dismembered. His right hand was fixed to a spear and paraded by a mob through the streets of Constantinople. Insults were made against the dead man whose reputation for greed was now mocked, as his hand was thrust towards bystanders in a grim parody of seeking alms. Rufinus’ head was also fixed to a spear and publicly displayed on the city’s walls.⁸³ The fate of Rufinus is important for our present purposes. In the period under discussion, 306-425, beheading, right-hand mutilation and triumphal display were usually reserved for those who had usurped the imperial title. As we have seen, a usurper may be defined as one who struck coinage with his name and image.⁸⁴ We do not, however, possess any coinage of Rufinus, but Claudian tells us that Rufinus had ordered a quantity of gold, probably coinage, to be stamped with his own image (*quod post vota daretur, insculpi propriis aurum fatale figuris*).⁸⁵ If there had been suspicion of Rufinus’ imperial aspirations before then, his wish to have currency marked with his own portrait must have been the catalyst which led to his downfall.⁸⁶

Frequent literary accounts attest to the right hand as the main appendage used by the military for throwing spears, pulling bow-strings and wielding

⁸⁰Both Claudian and Olympiodorus’ accusations against Rufinus’ attempt at usurpation are suspect, Olymp. fr. 64; Claud. *Ruf.* II. 314, 342, 346, 383-4, 442, 450. Cameron is also not convinced by Claudian; A. Cameron, *Poetry and Propaganda at the Court of Honorius* (Oxford, 1970), 89-90.

⁸¹ The Constantinian walls are inferred here. The far larger Theodosian walls were constructed later, during the mid-fifth century.

⁸² Claud. *Ruf.* II. 402-3: *hac Stilicho, quem iactas pellere, dextra te ferit; hoc absens invadit viscera ferro.*

⁸³ On Rufinus’ grisly demise; Claud. *Ruf.* II. 405-39; cf. Zos. V 7. 5-6. For Rufinus’ greed; Zos. V 1. 1-5.

⁸⁴ See chapter 1. 2. 17-18.

⁸⁵ Claud. *Ruf.* II. 341-2.

⁸⁶ *Ibid.* *Ruf.* II. 341-2.

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swords.⁸⁷ Besides the obvious practical uses, Roman soldiers attached a psychological and symbolic importance to the right hand of their enemies. In the aftermath of Constantius II's victory in 358 over the Limigantes, a barbarian people, Roman troops scoured the battlefield cutting off the right hands of dead barbarians as trophies (*alii dexteris amputates*).⁸⁸ Among the rank and file, therefore, we see how the mutilation of the right hand, the more important martial limb, worked to emasculate an enemy. The same principle applied at the higher levels of power. By cutting off a defeated rival's hand, whether he was alive or dead, his power was absorbed by the emperor who ordered it done. It was not only enemies whose right hands could be cut off, but also Roman soldiers if they had displayed cowardice on the field of battle.⁸⁹ The shame of having suffered this form of punishment must have been particularly hard to bear for military men.

2.3.4. Conclusion

The mutilation of hands, notably the right hand, was a common occurrence in the rituals of humiliation that accompanied triumphal state celebrations over various categories of *hostes publici*. This punishment could be applied both to those who were spared and to those who were executed. We have seen above how symbolically important the *dexteræ triumphalis* of the Augustus was, and how it was represented in law, art, coinage and literature. When a pretender's right hand was mutilated but his life was spared the mutilation of his hand ensured his ineligibility to hold imperial office, because the emperor was supposed to be complete in body in order to rule.⁹⁰ In the fourth and fifth centuries, the display of severed right hands, and also decapitated heads, of executed *hostes* was designed to send a message of warning against future sedition.

⁸⁷ Amm. Marc. xxv. 1. 13;

⁸⁸ Ibid. xvii. 13. 10.

⁸⁹ In the war against the North African usurper Firmus during 373, the *comes* Theodosius punished some of his men for their cowardice with immolation and right-hand amputation, Amm. Marc. xxix. 5. 49.

⁹⁰ The phenomenon of mutilation became a mainstay in later Byzantine triumphal rituals of punishment, where not only the hands were mutilated but so too were the eyes, noses, ears and tongues of pretenders, and also some legitimate emperors.

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(Fig. 29) Imperial period decapitation, anonymous, Netherlands, 16th-17th centuries



Three Roman soldiers escorting a captive, in the foreground to left; behind, to right, a surprised emperor seen under a canopy; a decapitated corpse is seen lying on the ground, the executioner standing over the corpse holding a large axe. © The Trustees of the British Museum

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2.4. *Poena post mortem*

‘Then, when the body had been discovered and butchered, all the people of Rome broke out in vengeful delight’⁹¹

What happened to the corpses of rebels and usurpers and their followers? The praetorian prefect Rufinus was denied a proper burial and his naked body was as carrion for birds to pick at (*nudus pascit aves*).⁹² Similarly, Magnus Maximus’ corpse was left by the wayside. Desecration of the bodies (*poena post mortem*) of state enemies recurs throughout the annals of Imperial Rome. After Emperor Heliogabalus’ assassination and condemnation in 222, his corpse was mutilated, thrown into a toilet and then dragged through the streets of Rome, before being unceremoniously dumped into the River Tiber as mere refuse.⁹³ With the growth of Christianity and the spread of its views on the resurrection of the body after death, desecration of the body, which obviously left a body incomplete, must have posed moral dilemmas.⁹⁴ Or perhaps it did not?

⁹¹ *Pan. Lat.* XII. 18.3: *Reperto igitur et trucidato corpore uniuersus in gaudia et uindictam populus Romanus exarsit.*

⁹² *Claud. Ruf.* 2. 450-3.

⁹³ *SHA Helio.* 17.1-3; See E. Varner, *Mutilation and Transformation; damnatio memoriae and Roman imperial portraiture* (Leiden, 2004), 18.

⁹⁴ *Aug. de civ. Dei.* 22.20: *non possit omnipotentia Creatoris omnia reuocare, quae uel bestiae uel ignis absumpsit, uel in puluerem cineremue conlapsum uel in umorem solutum uel in auras est exhalatum.* See C. W. Bynum, *The Resurrection of the Body in Western Christianity, 200-1336* (New York, 1995). 59ff; cf. P. Brown, *The Body and Society; men, women, and sexual renunciation in early Christianity*, (New York, 2008), 44ff. 222-4, 381-4, 441-2, for his discussion on beliefs and attitudes relating to the resurrection of the body and the fourth-and fifth-century controversies about this.

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2.4.1. Mutilation, decapitation and ritual head-display

‘If anyone contemplates placing a diadem upon his head may he gaze at the head of Maximus plucked from its shoulders, and at his nameless corpse’⁹⁵

The quote from Pacatus’ above gives an intriguing glimpse into how Magnus Maximus’ corpse was treated post-execution. The fate of Maximus’ body is interesting, since the usurper was a devout Catholic, who had championed his faith’s cause in oppressing pagan and heretical religions. Why was he not afforded a Christian burial?

In May 366, less than a year since his assumption of the *imperium*, the usurper Procopius’ luck ran out. He sought sanctuary in a forested mountainside, after his army deserted him for Emperor Valens’ side. Betrayed by the few retainers who had fled with him, he was delivered by them in chains to Valens, who had him immediately beheaded (*statimque abscisa cervice*).⁹⁶ However, a shadow was cast over Valens’ victory by his sadistic purge of Procopius’ inner circle which followed. Ammianus was so shocked by the orgy of violence unleashed on Procopius and his officers that the historian felt obliged to say that it would have been far better for them to have fallen in battle than to have been taken alive.⁹⁷

After the rebel/usurper Firmus’ defeat in North Africa during 375, a similar cycle of retribution was carried out against his camp followers. One of Firmus’ supporters was his brother Mazuca who had been wounded in battle and taken prisoner. Knowing full well what awaited him in captivity, Mazuca killed himself. Judging from what happened to his corpse, Mazuca chose the only sensible course available to him. His head, we are informed, was torn off by a frenzied mob and paraded through the streets of Caesarea, (modern Cherchell, Algeria) where it was repeatedly struck, maimed and mocked.⁹⁸ Immolations,

⁹⁵ *Pan. Lat.* II. 45. 2. 25-6: *Quisquis imponere capiti diadema meditabitur, auulsum humeris Maximi caput et sine nomine corpus adspiciat.*

⁹⁶ *Amm. Marc.* xxvi. 9. 1-10.

⁹⁷ *Ibid.* xxvi. 10. 13.

⁹⁸ *Ibid.* xxix. 5. 42.

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mutilations, decimations and other torments were visited upon many of Firmus' officers and soldiers simply because they had chosen the losing side.⁹⁹ We are told that Firmus, much to the chagrin of his Roman pursuers, evaded vengeful justice by hanging himself. We do not know what became of his corpse. It was identified by some local citizens who had known him, and the word was then spread that Firmus was dead.¹⁰⁰

2.4.2. Conclusion

Victorious troops, anxious to prove their loyalty to their emperor, often took matters into their own hands by killing the defeated leaders of rebellion or usurpation. When Magnus Maximus was brought before Theodosius I, the soldiers present wished not for their emperor to witness the usurper's death, and so, Maximus was dragged off by them to his fate.¹⁰¹

Nevertheless, whether a usurper was killed by imperial command or by overzealous troops, it was necessary that the head be severed and publicly displayed. One of the main reasons for this was to show that a usurper was truly dead and that all support for him should cease. Additionally, the head of a usurper, typically portrayed upon the currency he had minted, had to be removed both physically and symbolically so that it could be demonstrated beyond doubt that that his regime had been illegal, and that, therefore, his coinage was also illegal. As we shall see in the next section on *damnatio memoriae*, the money of defeated emperors was considered worthless, apart from its base metal value, and also seen as politically dangerous. As a consequence, it was acceptable to deface or re-melt a usurper's coinage, once he was dead, of course!

⁹⁹ Ibid. xxix. 5. 21-24, 31, 43.

¹⁰⁰ Ibid. xxix. 5. 53-55.

¹⁰¹ *Pan. Lat.* II.

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Table 4:
Manner of death, *poena post mortem*, head-display; 306-425

No.	Name	Manner of Death	<i>Poena Post Mortem</i>	Head Display
1	Licinius	Strangulation	No	No
2	Maxentius	Drowning	Unknown	Yes
3	Magnentius	Suicide (unknown method)	Unknown	Yes
4	Decentius	Suicide by hanging	Unknown	Unknown
5	Julius Nepotianus	Died in battle	Unknown	Yes
6	Procopius	Burnt to death or torn to pieces	Yes	Yes
7	Marcellus	Execution (unknown method)	Yes	Unknown
8	Firmus	Suicide by hanging	Unknown	Unknown
9	Magnus Maximus	Beheading	Yes	Yes
10	Eugenius	Beheading	Unknown	Yes
11	Rufinus	Stabbed to death	Yes	Yes
12	Gildo	Suicide/Execution	Unknown	Unknown
13	Constantine III	Execution (unknown method)	Unknown	Yes
14	Constans	Died in battle	Unknown	Yes
15	Iulianus <i>Nobilissimus</i>	Execution (unknown method)	Unknown	Yes
16	Stilicho	Execution by sword	Unknown	Unknown
17	Eucherius	Execution (unknown method)	Unknown	Unknown
18	Maximus	Execution (unknown method)	Unknown	Unknown
19	Jovinus	Execution (unknown method)	Unknown	Yes
20	Sebastianus	Execution (unknown method)	Unknown	Yes
21	Heraclianus	Execution (unknown method)	Unknown	Unknown

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2.5. *Damnatio memoriae*

‘The only real clue lay in the words ‘refs unpersons’, which indicated that Withers was already dead... he did not exist: he had never existed.’¹⁰²

Damnatio memoriae, or simply *damnatio*, was the process whereby an individual accused of *crimen maiestatis*, plain treason (*maiestas/perduellio*), or various other crimes, had their reputation (*existimatio/fama*) publicly and often violently censured. The term *damnatio memoriae* is modern, and originated in seventeenth-century Germany. Roman writers, however, employed a diverse range of terms to describe the custom of *damnatio memoriae*.¹⁰³ Furthermore, the spread of Christian ideology in Late Antique Roman society had set in motion a reversal of tolerance towards the erection and veneration of statues. For some, the worship of statues was idolatry and, in reaction to this, widespread destruction and disfigurement of non-Christian art-forms occurred with greater frequency as the empire became increasingly Christianized.¹⁰⁴ With this in mind, I deal primarily deal with non-religiously motivated forms of *damnatio* for the following discussion.

¹⁰² G. Orwell, *Nineteen Eighty-Four*, 3rd edition, (London, 1954), I. IV.

¹⁰³ Describing the events following Emperor Domitian’s assassination in 96, Suetonius tells us that the senate abolished or obliterated all traces of the emperor’s memory (*abolendamque omnem memoriam*), Suet. *Dom.* 23. 1. A Severan law on inheritance from 208 associates the terms *memoria* and *damnata*: *Cod. Just.* 7.2.2 (17 May 208: *Ex testamento defuncti libertates praestari non possunt hereditate non adita, vel si rei memoria propter crimen quod morte non intercidit damnata est*).

¹⁰⁴ For the growth in religious violence towards non-Christian buildings and other art forms see E. Sauer, *The Archaeology of Religious Hatred in the Roman and Early Medieval World* (Gloucestershire, 2003).

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2.5.1. The mechanics of *damnatio*

‘A written order was sent to the soldiers commanding them to take away from Alexander the name of Caesar, and...to smear mud on the inscriptions on his statues in the camp’¹⁰⁵

The process of a *damnatio* encompassed a wide variety of forms, what though not always in the same order or containing all its possible aspects. Each case was different, and the severity of condemnation depended on how far the state wished to go in punishing proscribed persons.¹⁰⁶

(Fig. 30) The brothers who fell out
Copper-alloy coin of Caracalla and Geta, Stratonicea mint, c.198-211



Obverse: Caracalla, laureate, draped, Geta, completely erased. **Legend:** Reverse: Large figure of Hecate beside small altar. She hold a *patera* in her right hand, a torch in her left hand. **Legend:** Indecipherable. (SNG 2687)
The ancient site of Stratonicea is located near Siledik, western Turkey. © The Trustees of the British Museum

Victims of *damnatio memoriae* were typically declared to be *hostes publici* and could be subjected to any number of the following penalties: property confiscation by the imperial treasury, invalidation of legal acts, mutilation or remodelling of public and private portraiture, defacement of papyri and coinage (fig. 30), erasure of the victim's name from inscriptions¹⁰⁷ (fig. 31), denial of a victim's *praenomen* to family members, and the confiscation and burning of any

¹⁰⁵ SHA. *Helio*. 13. 6-7: *misit et ad milites litteras, quibus iussit ut abrogaretur nomen Caesaris Alexandro. misit qui et in Castris statuarum eius titulos luto tegetet, ut fieri solet de tyrannis.*

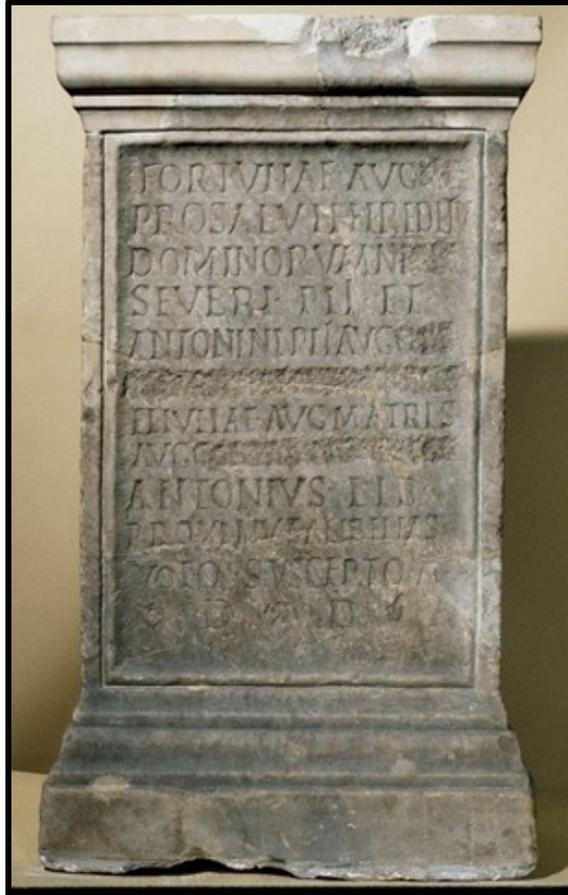
¹⁰⁶ P. Stewart, 'The Destruction of Statues in Late Antiquity' in R. Miles, (ed.) *Constructing Identities in Late Antiquity* (London, 1999), 159-89.

¹⁰⁷ What Suetonius called *titulos eradendos*, Suet. *Dom.* 23.

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literature written by or about a victim.¹⁰⁸ There was a traditional procedure to follow in order for the physical, political, social and symbolic destruction of an individual to occur.

(Fig. 31) Caracalla's brother and wife erased from public inscription, Rome, c. 193-211



Marble votive inscription dedicated by Antonius, a freed slave (*libertus*). It commemorates the safe return of the emperor Septimius Severus (193-211), his wife Julia Domna, and their children Caracalla and Geta. The names of Geta (Caracalla's brother) and Plautilla (Caracalla's wife) were physically erased from this inscription after Geta's murder and Plautilla's execution following her implication in alleged plots against Caracalla. (*CIL VI 180*)
© The Trustees of the British Museum

¹⁰⁸ Suet. *Tib.* 1. The name Lucius was banned from use among the Claudian house as it was the *praenomen* of a notorious robber and also a convicted murder. Instead, the *cognomen*/surname Nero, meaning strength and energy, was incorporated into the family's usage. See also Varner, *Mutilation and Transformation*, 1.

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There were a variety of channels through which a *damnatio* could happen. Sometimes it was a spontaneous affair, carried out by an incensed mob, as happened at the so-called ‘Riot of the Statues’ at Antioch in 387, where anger at increased taxes led to statues of Theodosius I and his family being smashed and dragged through the city’s streets.¹⁰⁹ At other times the army carried out their version of *damnatio memoriae*. However, neither the army nor the public had legitimacy, if they lacked official political support. In most instances *damnatio memoriae* needed senatorial authority through decree (*senatus consultum/decretum*) to be legally proper.

2.5.2. *Damnatio memoriae* in Late Antiquity

‘All ages shall be mute about him’¹¹⁰

In Late Roman legal texts, most victims of *damnatio memoriae* are not named, but are usually referred to as *hostes publici*, *tyranni* or *praedoni*.¹¹¹ The victim’s identity would probably have been obvious from the dating and the context, although we do on occasion find a name.¹¹² By the early-fifth century it had become legally permissible for the memory of deceased persons found guilty of *crimen maiestatis* to be charged with crimes.¹¹³

A particularly common feature of the Late Antique *damnatio* laid against rebels and usurpers was the annulment of legal acts they may have passed. Following the usurper Magnus Maximus’ execution in 388, *CTh.* 15.14.6 (22

¹⁰⁹ Stewart, ‘The Destruction of Statues’, 159-89; cf. Varner, *Mutilation and Transformation*, 224.

¹¹⁰ *CTh.* 9.40.17 (*ut eiusdem universis actibus antiquatis omnia mutescant tempora*). Pharr, *The Theodosian Code*, 257-8.

¹¹¹ See chapter 1. 3. 26-34.

¹¹² *CTh.* 15.14.1 (16 May, 324: *Remotis Licini tyranni constitutionibus et legibus omnes sciant veteris iuris et statutorum nostrorum observari debere sanctionem*); 15.14.7 (10 Oct, 388: *Omne iudicium, quod vafra mente conceptum iniuriam, non iura reddendo maximus infandissimus tyrannorum creditur promulgandum, damnabimus. Nullus igitur sibi lege eius, nullus iudicio blandiatur*).

¹¹³ *CTh.* 16.5.40.5 (22 Feb 407: *In mortem quoque inquisitio tendit, nam si in criminibus maiestatis licet memoriam accusare defuncti*).

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Sept 388) ordered that any honours which had been granted by the *tyrannus* during his reign would no longer be recognised; *nullus sibi honorem audeat vindicare, quem tyrannica concessit audacia, sed ad pristinum statum damnata praesumptio revocetur*. A second such law, *CTh.* 15.14.7 (10 Oct 388), was issued to the same effect; *nullus igitur sibi lege eius, nullus iudicio blandiatur*. These types of pronouncements determined that those judges (*iudices*), and certain other officials promoted by the usurper, could have no legitimacy, and that their appointments should be stricken from all public records.¹¹⁴ There were some exceptions, though, in the repealing of Maximus' acts, including cases where slaves who had been manumitted under Maximus' rule were allowed to retain their letters of freedom.¹¹⁵ This seems to have also been the case for other proscribed persons, and the effectiveness of rescinding a usurper's legal acts is debatable.¹¹⁶

2.5.3. Conclusion

Just as the savage punishments outlined above were supposed to deter sedition, *damnatio memoriae* was also intended to have the same effect. While the modern term *damnatio memoriae* implies the very eradication of a victim from the historical record, the original Roman practice was quite different.¹¹⁷ The large corpus of literary, legal, and material evidence for the custom tells us that it was a punishment designed to inflict as much dishonour as possible on a victim's *fama* and on their family long after the demise of its original subject. Proper funerary rites were sometimes denied to victims of *damnatio memoriae*, an

¹¹⁴ *Iudex/iudices*, in Late Antiquity, refers to the provincial governor (*iudex ordinarius*). In this period, senior administrative officials had the legal capacity to judge cases in their own region. *CTh.* 15.14.6 (22 Sept, 388); 15.14.7 (10 Oct, 388) '*Nullus igitur sibi lege eius, nullus iudicio blandiatur*' (Therefore, no man shall flatter himself with any law or decision of the tyrant). '

¹¹⁵ *CTh.* 15.4.8 (14 Jan, 389).

¹¹⁶ Indeed, C. Ando, *Imperial Ideology and Provincial Loyalty in the Roman Empire* (Berkeley, 2000), 242, asserts that it must have been pointless to try to annul acts of proscribed emperors particularly if they had ruled for a considerable period.

¹¹⁷ E. A. Meyer, *Legitimacy and Law in the Roman World* (Cambridge, 2004), 34-5, says that *damnatio memoriae* was 'the visible indication of obliteration and the sense of the absent in the present, [which] carried the greatest significance'.

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extreme dishonour in Roman society.¹¹⁸ Without proper funerary rites, it was held that the souls of such persons were destined to wander the earth for eternity.¹¹⁹ There was, within the Roman psyche, a view of a correlation between the face and head and a person's name.¹²⁰ When it came to *damnatio memoriae*, this idea translated into facial disfiguring of portraiture, whether it was statuary, paintings, mosaics or coinage.

¹¹⁸ Magnus Maximus' decapitated trunk was apparently unburied. There were exceptions however in regards the treatment of the corpses of persons on the receiving end of *damnatio memoriae*. For example the emperor Commodus, who, although declared a *hostis publicus* by *senatus consultum*; was still interred in Hadrian's mausoleum at Rome. Despite senatorial opposition to this Commodus' ashes were allowed to remain *in situ*. SHA. *Comm.* 18-20.

¹¹⁹ Ovid speaks of the hungry, mischievous spirits of the dead, the *lemures* or *larvae*, Ov. *Fast.* V, 419-93.

¹²⁰ Stewart, 'The Destruction of Statues', 165.

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Table 5: *Damnatio memoriae*, 306-425

No.	Name	Methods of Condemnation
1	Licinius	Legally labelled a <i>tyrannus</i> , legal invalidation of his acts.
2	Maxentius	Legally labelled a <i>tyrannus</i> , senatorial condemnation, Legal invalidation of some of his acts, mutilation and removal of images, portraiture recut and remodelled, inscriptions erased, condemned on Arch of Constantine.
3	Magnentius	Legally labelled a <i>tyrannus</i> , legal invalidation of some of his acts.
4	Magnus Maximus	Legally labelled a <i>tyrannus</i> , legal invalidation of some of his acts, removal of his portraiture.
5	Eugenius	Legally labelled a <i>tyrannus</i> , legal invalidation of some of his acts.
6	Gildo	Legally and epigraphically labelled a <i>hostis publicus</i> , legal condemnation of both Gildo and his supporters, seizure of his estate.
7	Rufinus	Legal condemnation, seizure of his estate.
8	Eutropius	Legal condemnation, stripped of his consulship, mutilation and removal of his portraiture, inscriptions erased, confiscation of his estate.
9	Constantine III	Uncertain as to what type of <i>damnatio</i> occurred against him for none of his acts survive and he is entirely absent from the legal record; only one inscription survives from Trier.
10	Constans	The same uncertainty as for his father Constantine applies here.
11	Stilicho	Legally labelled a <i>hostis publicus</i> , his closure of the sea-routes between east and west was reversed.
12	Eucherius	Legally condemned along with his father Stilicho.
13	Priscus Attalus	Labelled a <i>tyrannus</i> , legal invalidation of some of his acts.
14	Heraclianus	Legally labelled a <i>hostis publicus</i> , his consulship was annulled, and some of his acts were invalidated, confiscation of his estate.
15	Iohannes	Legally labelled a <i>tyrannus</i> , some of his acts invalidated, particularly his denial of privileges to the Church.

3. The Eagle and the Snake; Gildo's revolt, 397-98

3

THE EAGLE AND THE SNAKE; GILDO'S REVOLT, 397-98

'From Mount Atlas came Gildo's mad Moors'¹

'I would tell him [President Reagan] the truth about us. He hears about us only through hostile sources'²

3.1. Introduction

In late spring of 398 a ship carrying the fugitive *comes Africae* Gildo ran aground at the coastal town of Thabraca (modern Tabarka) on the Tunisian coast (fig. 32).³ In the year previous to this event Gildo was supposed to have been in the process of transferring the North African provinces to eastern control when the *magister militum* Stilicho sent an army, led by Gildo's brother Mascezel, against him.⁴ In the ensuing hostilities Gildo was defeated and there are different accounts of how this was achieved. Claudian, chief propagandist for the western imperial government, tells us that Gildo's army were no match for a larger force of superior imperial troops, and were consequently slaughtered.⁵ At the same time, Claudian neglects to mention the fact that a considerable portion of Gildo's forces consisted of imperial

¹ Claud. *VI Cons.* 104-5: *Maurusius Atlas Gildonis Furias.*

²Excerpt from an interview with Muhammad Abu Minyar al-Gaddafi, in M. Colvin, 'Gaddafi, the Man the World Loves to Hate', *The Philadelphia Press*, (3 Aug 1986).

³Claud. *Eut. II. pr.*, 69-71: *inclita captivo memoratur Tabraca Mauro.*

⁴It was alleged by Claudian that the eastern minister Eutropius, (see chapter 2.2.2., 59) was alleged to have subverted Gildo's loyalty away from Honorius. Claud. *Eut. I.* 399-400: *Gildonis taceo magna cum laude receptam perfidiam et fretos Eoo robore Mauros*; idem. *Stil. I.*, 269-78: *Quamvis obstreperet pietas, his ille regendae transtulerat nomen Libyae scelerique profano fallax legitimam regni praetenderat umbram...illinc edicta meabant corruptura duces.* See R. C. Blockley, 'The Dynasty of Theodosius', *CAH XIII* (Cambridge, 1998), 114-5. cf. Cameron, *Poetry and Propaganda*, 113, for the suggestion that Claudian was hedging his, and his benefactor Stilicho's, bets by being vague as to who exactly in the east seduced Gildo's loyalty away from Honorius. This was so as not to offend the eastern emperor Arcadius, to whom Stilicho made continual overtures. Orosius suggests that it was Gildo's jealousy and heathen outlook which caused his rebellion, rather than an imperial claim, Oros VII. 36. 2-3. See also Blackhurst, 'The House of Nubel', 69.

⁵ Claud. *Stil. I.* 333-56f.

3. The Eagle and the Snake; Gildo's revolt, 397-98

garrison troops.⁶ Orosius provides us with a far more sanitised version of Gildo's defeat. According to Orosius, there were no casualties at all in this confrontation, due to a combination of luck and divine Christian intercession.⁷ This was not the first time where Orosius had described divinely sanctioned bloodless victories; for example in his description of the usurper Magnus Maximus' suppression.⁸

(Fig. 32) Where Gildo met his fate
The island of Tabarka, c. 1665



Seventeenth century etching of Tabarka Island, with castle in the middle, surrounded by the Mediterranean Sea, sailing ships across the middle ground; in the foreground, the city of Tabarka at left. © The Trustees of the British Museum

Although the exact circumstances of how Gildo's resistance collapsed in disarray are unclear, the consensus in the literary sources is that Gildo fled from the battlefield and later tried to leave North Africa by sea for an undisclosed location. Unfortunately for Gildo, his escape attempt was

⁶ Blackhurst, 'The House of Nibel', 70; cf. Ware, *Claudian*, 45, who suggests that Claudian was first and foremost a panegyrist and was not necessarily concerned with letting facts get in the way of a good story.

⁷ Oros. VII. 36.12: *septuaginta milia hostium uincuntur paene sine pugna.*

⁸ Cf. Orosius' account of Theodosius I's defeat of Magnus Maximus, Oros. VII. 35. 5: *Theodosius incruentam uictoriam Deo procurante suscepit.*

3. The Eagle and the Snake; Gildo's revolt, 397-98

thwarted by strong winds, which blew his ship back to shore. He was soon captured and he was either strangled to death or took his own life.⁹

In light of the considerable volume of literary and legal invective heaped upon Gildo's reputation we know almost nothing of his own self-representation. With bona fide usurpers like Magnus Maximus or Constantine III we can at least gain some understanding of their self-representation through their numismatic output, but, as we have already seen, Gildo did not mint coins.¹⁰ This was partly because there were no mints in North Africa since Constantine I had closed the one at Carthage in 311. The Carthage mint had existed for just fifteen years, from its establishment by Diocletian in 296 to Constantine's closure. It seems to have been closed to remove the means for funding usurpation in North Africa, following the usurpation of L. Domitius Alexander who had opposed Constantine. Domitius Alexander was the last western emperor to strike coins from Carthage (fig. 33).¹¹ Something similar occurred with the London mint. It too was closed by Constantine I in 325.¹² Magnus Maximus reactivated it in 383 in order to fund the early part of his usurpation. His early coins were distributed as donatives to his troops, and helped to publicise his imperial claim. The strong probability that Gildo struck no coins implies that he had no intention of assuming imperial powers and titles, and therefore cannot be seen as a *tyrannus* in the proper Late Roman sense of the term.

⁹ Oros. VII. 7. 36. 11: *Gildo et ipse fugam molitus arrepta nauis ut in altum prouectus ac deinde reuocatus in Africam est, post aliquot dies strangulatus interiit*; cf. Zos. V 11.1: Iord. Rom. 320: *Gildo tunc Africae comis a Theodosio dudum ordinatus, ac si iuvenilem regnum utrumque despiciens, sibi velle coepit Africam optinere et a fratre proprio Mascezel dum se vidisset detectum oppressionique vicinum, propria se manu peremit*. Iordanis, *Romana et Getica* (ed.) Th. Mommsen, *MGH (AA) V/1* (Munich, 1882), 1-52.

¹⁰ See chapter 1.2.3., 23. For the debate as to whether Gildo minted coins or not see Turcan 'Trésors monétaires', 210-2, 248-9; cf. Blackhurst, 'The House of Nubel', 59-75.

¹¹ See table 1, 12.

¹² For the London mint closure see *RIC* VII, 19. Constantine I was proclaimed in Britain and minted first coinage from there as part of his practical and political campaign to gain imperial power. His closure of the British mint may have been strategically motivated because it effectively sealed off his western rear from the potential of others following suit, i.e. declaring themselves emperor and striking coins from Britain.

3. The Eagle and the Snake; Gildo's revolt, 397-98

(Fig. 33) Unconquered Rome and fertile Africa
Very rare copper-alloy coin of the usurper L. Domitius Alexander,
Carthage mint, c. 308-11



Obverse: Alexander laureate. Legend: IMP-ALEXANDER-P-F-AVG (Imperator Alexander Pius Felix Augustus). Reverse: Africa, in long robe, stands holding up fruit in both hands. Legend: INVICTA-ROMA-FELIX-KARTHAGO (Invincible Rome, Fortunate Carthage). One of the last imperial coins minted at Carthage. (RIC VI 68) © The Trustees of the British Museum

It is Claudian who cast Gildo as a *tyrannus* and set him in the same context as the usurpers Magnus Maximus and Eugenius, who did issue coinage as part of their claims to legitimise themselves as ruling Augusti.¹³ By declaring Gildo to be a *tyrannus* Claudian was instilling in the minds of his listeners and readers just how dangerous it was to allow Gildo to remain in his position as Rome's main man in North Africa. Not content to classify Gildo as simply another *tyrannus*, Claudian went further in his pillorying. He invoked the memory of that most ancient and dreaded enemy of Rome, the Carthaginian general Hannibal, who had invaded the Roman heartland of Italy many centuries previously (fig. 34).¹⁴ And even though Gildo did not actually invade Italy in person, the accusation, and the fear that he might prevent vital food supplies from reaching there, had a similar physical and psychological effect upon the imperial court and the senate. Claudian, therefore, presented Gildo as an existential threat to the Roman way of life,

¹³Claud. *Gild.* 6: *tertius occubuit nati virtute tyrannus*. Cameron, *Poetry and Propaganda*, 102-3, advises against taking Claudian at face value, especially in relation to the portrayal of Gildo. Cf. Szidat's words of caution, see chapter 1.3.1., 27-9, in applying the term *tyrannus* to usurpers alone, Szidat, *Usurpator Tanti Nominis*, 27-30; cf. Ware, *Claudian*, 154-7.

¹⁴ Claud. *Stil.* III. pr. 21-2: *Noster Scipiades Stilicho, quo concidit alter Hannibal antiquo saevior Hannibale*. M. Dewar, 'Hannibal and Alaric in the Later Poems of Claudian', *Mnemosyne* 47 (1994), 349-72.

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akin to how modern-day terrorist are portrayed. Once Gildo had been dealt with, Honorius' government was hailed as the saviour and protector of the people's welfare.

(Fig. 34) The spectre of Hannibal
Print by Virgil Solis, Germany, c. 1530-1562



Hannibal on horseback at the Battle of Lake Trasimene, 217BC with battleships in the background. © The Trustees of the British Museum

Because of the lack of numismatic and other forms of self-representation – epigraphic, statuary, and literary – on Gildo's part, it is therefore virtually impossible to determine his motivations and aims, outside what hostile sources tell us. The disparities between the primary sources concerning Gildo's revolt (his reasons for rebellion, his defeat and his death) mean that we have to allow for a certain amount of conjecture, based on biased sources, in order to piece together a plausible chronology of events.¹⁵

¹⁵ The principal modern historians who have dealt with Gildo's revolt and downfall are: Oost, 'Count Gildo', 27-30; Matthews, *Western Aristocracies*, 267-8, 272-3; Frend, *The Donatist Church*, 224-7, 241, 44. The most recent reworking of Gildo's rebellion is by Shaw, *Sacred Violence*, 46-50, who asserts that there is no solid evidence for Gildo's withholding of the

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What this chapter sets out to do, therefore, is to examine what took place in the final act of the suppression of Gildo's revolt, and to determine whether Gildo suffered the same fate as many of the other enemies of the state, especially usurpers, in Late Antiquity. The chapter explores the themes common to the final stages of the suppression of rebellion and usurpation; did he try to seek sanctuary, how he was treated in captivity, the manner of his death, did he suffer any *poenae post mortem*, in what way did the western imperial government celebrate its triumph over Gildo, i.e., was there any public display of his remains, and finally what forms did the *damnatio* enacted against him and his circle take? To take us up to the events surrounding Gildo's defeat in the spring of 398 we will first examine both his and North Africa's position within the Roman system.

annona from Rome, and neither is there any such proof for Gildo's intentions to transfer North Africa's allegiance to Constantinople. Shaw further states that, because of the biased nature of the primary source material about Gildo, it is impossible to know the truth of why he rebelled.

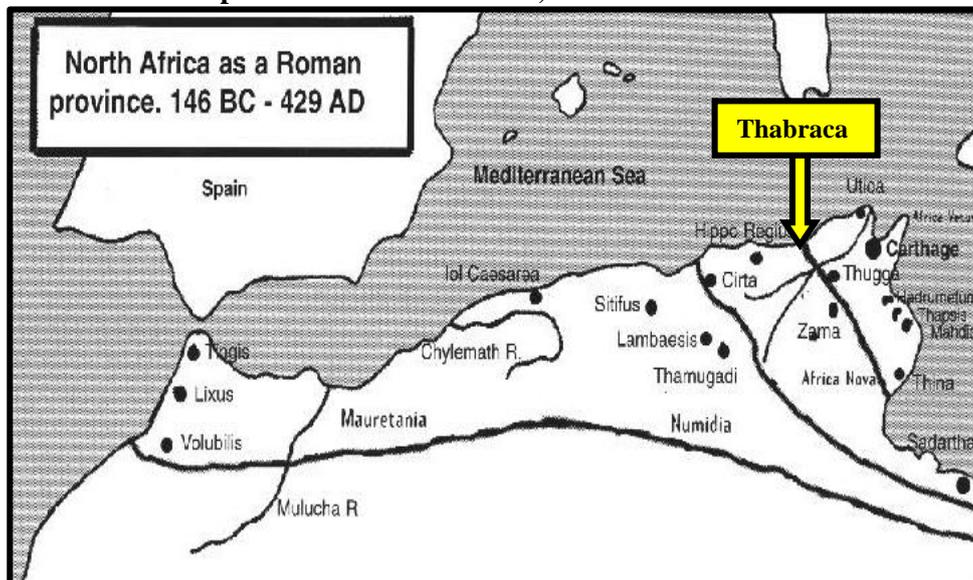
3. The Eagle and the Snake; Gildo's revolt, 397-98

3.2. Rome in the Maghrib

‘...Africa... advantageous to emperors for all occasions...’¹⁶

In his role as *comes Africae* Gildo had responsibility over the vast region more commonly known as the Maghrib.¹⁷ This region stretched, both in Roman times and today, from the Atlas Mountains and their coastal plain, to the Atlantic Ocean and the Gulf of Gabés and from the Mediterranean coast to the edges of the Sahara desert (fig. 35).

(Fig. 35) The granary of Rome
Map of Roman North Africa, c. 146 BC- c. AD 429



Historical map of the Ancient Maghrib when it was under Roman domination from the end of the Third Punic War with Carthage in 146 BC to the Vandal conquest in the 420s-430s. The yellow arrow points to Thabraca where Gildo was captured and perished. No copyright permission needed

The agricultural regions of the Maghrib were long considered by Rome as its personal granary, from which it was able to cheaply feed the Italian urban population, especially the eternal city. Vessels laden with African wheat, corn, and grain, as well as olive oil and other products, docked

¹⁶ Amm. Marc. xxi. 7. 2: *veritusque ne Africa absente eo perrumperetur ad omnes casus principibus oportuna.*

¹⁷ The word Maghrib means the ‘far west’ which derives from the Arabic *Jezirat al-Maghrib* meaning ‘Island of the West’; Sitwell, *Roman Roads of Europe*, 147; see also D. Cherry, *Frontier and Society in Roman North Africa* (Oxford, 1998), 4.

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regularly at ports such as Ostia (fig. 36).¹⁸ Over time, Rome had gradually tightened its grip on the Maghrib and its people through political manoeuvring and expansionist wars, which began during the third century BC. Full Roman domination was achieved by the mid-first century AD.¹⁹

(Fig. 36) The harbour at Ostia
Bronze *sestertius* of Nero, Rome mint, c. 64



Reverse: At the top, lighthouse bearing statue of Neptune holding sceptre in his left hand; at the bottom is a reclining figure of River Tiber holding a rudder in his right hand, a dolphin in his left hand; to the left of the River Tiber is a crescent-shaped pier with a portico of fourteen pillars, terminating with figure sacrificing at altar before a building; to the right is a crescent-shaped row of fourteen breakwaters or slips terminating with figure seated on rock; within the central harbour are seven ships. Legend: AVGVSTI-S-POR-OST-C (*Augusti Senatus Portus Ostia Consulta*). (RIC I 162) © The Trustees of the British Museum

The Maghrib appears to have had higher cereal productivity than the other food-producing areas of the Roman Empire. One of the main reasons for this was Rome's brutal policy of ensuring continued surplus export by the North African workforce, even when those people themselves faced

¹⁸North Africa's other resources included timber, wild animals, marble, wool, ivory, pottery, and purple-dye. See S. Hornblower and A. Spawforth (eds), *The Oxford Companion to Classical Civilization* (Oxford, 2004), 13. Returning grain ships from Italy also transported other cargo, such as bricks for instance: B. Ward-Perkins, *The Fall of Rome and the End of Civilization* (Oxford, 2005), 103, 131. Carthage was the principal port for the exportation of cereals while other exports such as oil, timber, and animals departed from about twenty other ports dotted along the North African Mediterranean coastline: S. Raven, *Rome in Africa* (London, 1993), 70-2.

¹⁹ B.D. Shaw, 'Archaeology and knowledge; the history of the African provinces of the Roman Empire' *Florilegium: Carlton University Papers on Late Antiquity and the Middle Ages 2*, Ottawa, 1980, 28-60 = chap. I in *Environment and Society in Roman North Africa* (London, 1995), 44.

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starvation.²⁰ According to Laroui, Rome was interested in North Africa primarily as a source of cheap food, and as such had no qualms in exploiting the African population. Abdallah Laroui further suggests that there were only two times when North Africans experienced any relief from their involuntary obligations to the Roman state. The first occurred during Gildo's revolt, and the second was during the Vandal conquest and occupation of North Africa, between c. 429-534 (fig. 37).²¹ Laroui cast Gildo as a type of people's champion, but this interpretation should be treated with caution, for Gildo was the *dominus* of extensive North African estates and a member of the major landowning class in the region: the western senatorial elite.²² Perhaps the main difference that we can make between the senators and Gildo is along ethnic lines: Gildo was a North African, while the majority of the senatorial estate-owners were western European.²³ Furthermore, the notion of Gildo having been a supporter of the servile classes stems from his supposed alliance with the North African Donatist Church, particularly his relationship with Optatus, one of its most influential bishops.²⁴

²⁰These reasons include the Maghrib's natural aridity which suited cereal cultivation, and its comparatively small population levels which ensured an actual surplus available to send overseas; see B.D. Shaw, 'Climate, environment, and history: the case of Roman North Africa', *Climate and History: Studies in Past Climates and their Impact on Man* in T.M.L. Wigley et al. (eds), Cambridge, 1981), 379-403 = chap. III in *Environment and Society in Roman North Africa* (London, 1995), 389-91.

²¹Laroui, *The History of the Maghrib*, 33. For a history of Vandal Africa, see Courtois, *Les Vandales et l'Afrique*. For North African Vandal coinage, see F. M. Clover, 'Felix Karthago' *DOP* 40 (1986), 1-16.

²²Courtois, *Les Vandales*, 146; cf. Cameron, *Poetry and Propaganda*, 106-7, who questions the depiction of Gildo as a land reformer, which is suggested earlier by Courtois through his interpretation of Claudian's line: *proturbat avita quemque domo; veteres detrudit rure colonos*, Claud. *Gild.* 197-8.

²³J. Arce, 'Otium et Negotium: The Great Estates, 4th – 7th century', in L. Webster and M. Brown (eds), *The Transformation of the Roman World, AD 400-900* (London, 1997), 19-32; cf. Blackhurst, 'The House of Nubel', 73.

²⁴Aug. *Contra. ep. Parm.* 2.2.4: *cum optatum gildonianum, decennalem totius africae gemitum, tamquam sacerdotem atque collegam honorantes in comunione tenuerunt*; Augustinus Hipponensis, *Contra epistulam Parmeniani*, (ed.) M. Petschenig, *CSEL* 51, 1908; Aug. *Contra lit. Pet.* 1. 10. 11: *gildonianus optatus*, Augustinus Hipponensis, *Contra litteras Petilianii*, (ed.), M. Petschenig, *CSEL*, 52 (1909). See Frensd, *The Donatist Church*, 208-10, 225-6; cf. Shaw, *Sacred Violence*, 48-50, who disputes the traditional view that Gildo was in league with the Donatists.; also Frensd, 'The Donatist Church Forty Years On', in *Archaeology and History in the Study of Early Christianity, Variorum XV*, (London, 1988), 70-84.

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(Fig. 37) The inheritors of Roman Africa
Silver coin of the Vandal King Gelimer, Carthage mint, c. 530-33



Obverse: King Gelimer diademed, draped and cuirassed, all contained within wreath. Legend: D-N-RIX-GEILAMIR (*Dominus Noster Rex Gelimer*). Reverse: Large wreath surrounding a Cross in field. Legend: D-N (*Dominus Noster*) – L (Mint mark). (MEC I 26, 420) © The Trustees of the British Museum

3.3. The *annona*, Africa's eternal duty

'We are fed at the whim of the Moor'²⁵

In 315 Constantine I enacted legislation which defined the North African grain and oil tribute (*annona*) as the 'eternal duty' (*aeneum frumentum*) of the grain producing provinces to Rome.²⁶ The *annona* was sold at greatly subsidised prices and was also freely distributed to the urban poor at times as a means of social and political control. An uninterrupted food supply was therefore fundamental to the stability of the Roman state in maintaining public order.

Supply shortfalls also occurred due to adverse weather conditions which delayed the arrival of grain ships at Italian ports from North Africa which, all too often, resulted in increased food prices, starvation, rioting and civil unrest. If there were not sufficient grain reserves or alternative supplies

²⁵ Claud. *Gild.* 70: *pascimur arbitrio Mauri*.

²⁶ *CTh.* 14. 25. 1 (12 Dec 315; 318: *Si quis corpora aeneo frumento obnoxia distraxerit, ab omni interpellatione liber sit, quamvis alia corpora possederit sive coemerit libera ab aenei frumenti inquietudine. Comparatores enim rerum obnoxiarum teneri oportet pro modo eius rei, quam adepti sunt, etiamsi extra liberalitatem rem fuerint consecuti. Sed quia plerique ex magistratibus aenei frumenti pensitationi obnoxii vel ipsi sibi, dum administrant, alios subrogarunt vel redempti pro aliis alios creaverunt, rescissis subrogationibus ad eiusdem aenei frumenti pensitationem teneantur. Illos enim solos ex subrogatis perseverare oportet, quos constiterit idoneos esse facultatibus et minus idoneorum loco non a redemptis magistratibus subrogatos*).

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at the ready, then it was the government which became the target of public anger. A hungry, discontented populace could, and sometimes did, bring about the downfall of governments whom they held responsible for food shortages. Hence, any disruption to the annonarian system posed an ever present danger to the western empire.

Besides natural causes, the other threat to the annonarian system was caused by human conflict. When rebellions, usurpations and invasions occurred in North Africa the cities of the Roman West suffered, and it is no coincidence that when these types of upheavals took place they were usually followed with rapid military reaction from the imperial government.

Strict regulations managed the distribution of the *annona*, yet in spite of this there appears to have been widespread fraud at every level of the African annonarian system, which even severe penalties including deportation and capital punishment never managed to effectively deter.²⁷ The emperor Augustus had foreseen potential problems in overreliance on the North African food imports. He had even contemplated discontinuing the supply to Italy, because he felt that it discouraged maintenance and development of Italian agricultural output.²⁸ Nothing ever came of this notion, however, and the shipments continued as before. Almost three centuries later, when Diocletian (fig.38) reorganised the state into administrative *dioceses*, the empire was effectively split into two parts, each a separate capital.²⁹

²⁷ Certain laws made attempts to prevent fraud from occurring within the African grain supply system; for example *CTh.*1.15.14 (19 Dec 395: *Cavendum est, ne qua ob canonem Africae fiat frumenti deceptio*) and 14.15.6 (28 Sept 399: *Idem aa (Arcadius et Honorius). Messalae praefecto praetorio. Ne deinde facinora impunitate coalescant, evidenti praeceptione decernimus, ut a vicario ceterisque iudicibus, quos ex urbicario canone quidquam usurpasse constiterit, in quadruplum praesumpta poscantur, ita ut duplum iudices, duplum eorum officia cogantur inferre. Deinceps autem nisi ab huiusmodi scelere temperetur, iudices deportationis poena retinendos, primates officiorum capitali supplicio subiugandos perpeti auctoritate sancimus. Et cetera* (this last phrase indicates that there is a lacuna in the text). *Dat. IIII kal. octob. Altino Theodoro v. c. [vir clarissimus] cons.*) It appears that in some instances, however, the fraud was actually perpetrated by the authorities, whereby other materials (such as sawdust) were mixed in with the grain to give it greater volume and last longer!

²⁸ *Suet. Aug. 42: impetum se cepisse scribit frumentationes publicas in perpetuum abolendi, quod earum fiducia cultura agrorum cessaret.*

²⁹ Diocletian (284-305) reorganised the provinces of the empire into more manageable districts (*dioceses*) during the 290s. Roman North Africa was re-divided into eight small provinces, seven of which became part of the dioceses of Africa while the most western part, *Mauretania Tingitana* (Modern Morocco), was incorporated into the Spanish dioceses. See

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(Fig. 38) Africa, an imperial possession
Aureus of Diocletian, Carthage mint, c.296-305



Obverse: Diocletian, laureate, bearded. Legend: DIOCLETI-ANVS-P-F-AVG (Diocletianus Pius Felix Augustus). Reverse: Africa personified, draped with elephant-skin head-dress, standing, holding a labarum in her right hand, an elephant tusk in her left hand. At her feet is a lion with a captured bull. Legend: FELIX-A-D-VENT-AVGG-NN (Felix Adventus Augustorum Nostrorum). Exergue: PK (Carthago). (RIC VI 1) © The Trustees of the British Museum

After Constantine I's establishment of his new capital at Byzantium, the Egyptian province was incorporated into eastern jurisdiction.³⁰ Egyptian grain was diverted away from the Roman West towards Constantinople, in order to serve that city's growing needs. In the laws pertaining to the Egyptian *annona* the term *aeneum frumentum* is absent.³¹ This implied a hope that Diocletian's restructuring could have been reversed, and that Egypt would once more send provisions westward; but the Egyptian never again supplied the west. Over the last two centuries of its existence, the western empire became increasingly reliant upon the Maghrib for the bulk of its corn and oil imports. Gildo's imminent transfer of the North African provinces over to the east in 397 would have cut off the *annona* to the Roman West. At the time of Gildo's departure from western control the population of the city of Rome

J. Wilkes, 'Changes in Roman provincial organization, AD 193-337', *CAH XII* (Cambridge, 2005), 710; also M. Kulikowski, *Late Roman Spain and its Cities* (Baltimore, 2004), 71.

³⁰Claud. *Gild.* 60-65: *Cum subiit par Roma mihi divisaque sumpsit aequales Aurora togas, Aegyptia rura in partem cessere novae. Spes unica nobis restabat Libyae, quae vix aegreque fovebat.*

³¹*CTh.*14.26.1 (28 Jan 412: *Imp. Honorius et Theodosius aa. Anthemio praefecto praetorio. In aestimatione frumenti, quod ad civitatem Alexandrinam convehitur, quidquid de crithologiae et zygostasii munere et pro nauclerorum tuenda substantia eminentia tua disposuisti, roboramus. Adque ut curialibus praedae auferatur occasio, iubemus eos ad huiusmodi sollicitudinem adfectandam numquam accedere, sed designata officia tuis provisionibus examinata sollicitudinem praedictam implere. Dat. V kal. feb. Constantinopoli Honorio VIII et Theodosio V aa. Cons.*)

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was estimated to have numbered around eight hundred thousand people.³² Pressure was very great upon Honorius and Stilicho to prevent famine in Rome and other cities, and as part of their war preparations against Gildo they were forced to requisition from the western empire's northern granaries.³³ If the North African *annona* could so easily be threatened by insurrection, what steps did the empire take to maintain its grip on this, its most important resource?

(Fig. 39) Africa personified
Bronze appliqué, Carthage, 2nd-3rd centuries



Bronze appliqué decorated with a bust of Africa personified as a woman in Greek dress and curly hair, framed by an elephant's head. Flanking the bust are an elephant's tusk and a lion. Height: 22.86cm
© The Trustees of the British Museum

³² B. Lançon, *Rome in Late Antiquity* (Edinburgh, 2000), 118-9.

³³ Claud. *Eut.* I, 402-9; idem. *Stil.* III. 91-8.

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(Fig. 40) A North-African *dominus*?



Section from a North African mosaic pavement at Carthage, long held to be a Vandal nobleman, which may actually be a late-fourth century Romano-African aristocrat. The piece shown here was one of seven sections of a large pavement whose hunting scenes formed the principal motif of a mosaic; horseman in front of a villa; in grey, black, white, bistre, red, pink, brown, blue and buff colours; large tree picked out in grey-green and dark blue; field has plants with red flowers. Height: 1.69 m: Length: 2.45 m
© The Trustees of the British Museum

3.4. Loyalty and disloyalty

‘Africa will be servant to Rome only’³⁴

The term *devotio*, in Late Imperial legislation, was used to describe the prompt payment of taxes by all provincials. For the inhabitants of the ancient Maghrib their *devotio* to the western empire was expected to be demonstrated through their uninterrupted *annona* supply to Italy.³⁵ To ensure security

³⁴ Claud. *Gild.* 207: *solī famulabitur Africa Romae.*

³⁵ *CTh.*11.1.29 (31 Mar 401: *Impp. Arcadius et Honorius aa. provincialibus provinciae proconsularis. Perpensa cura statuimus, ut non amplius vobis aliquid extra ordinem indicetur, quam rei annonariae necessitas ac devotio postularit*); 11.28.6 (25 June 410: *Idem aa (Honorius et Theodosius). Macrobio proconsuli Africae. Considerantes Africae devotionem usque in initium fusionis quintae universa reliqua, quae tam ad arcam sublimium*

3. The Eagle and the Snake; Gildo's revolt, 397-98

across the Maghrib, successive Roman administrations fostered a patron-client relationship with leading local tribal families.³⁶ Such households, along with the imperial garrisons, were responsible for providing defence along the southern frontier (*fossatum Africae*) against raiders from the sub-Saharan region, and also to suppress any internal uprisings.³⁷ As reward for their *fidelitas* and, more importantly, their *obsequium*, the empire bestowed Roman titles upon these families, who benefited financially and socially from such agreements.³⁸ Gildo's father Nubel was one such tribal leader.³⁹

More importantly, the North African elites were expected to maintain a continued and uninterrupted production and supply of the *annona* to Rome. To guarantee these elites' compliance, additional policies were implemented by Roman governments. Some of the children of leading North African families were sent to Rome as hostages to ensure their parents' *fidelitas*. Sons could go on to become civilian administrators, or military officers, while daughters were sometimes married into the imperial household, or into other high status Roman families. Gildo's own daughter Salvina married into the imperial household at Constantinople. It may well have been this eastern connection which prompted Gildo's shift in allegiance away from the west.

potestatum quam ad largitiones pertinent, relaxari praecipimus. privatae quoque rei debita similiter relaxamus chartis abolitis, quibus debita publica continentur. Dat. VII kal. iul. Ravennae Varana cons).

³⁶ B. D. Shaw, 'Autonomy and Tribute: Mountain and Plain in Mauretania Tingitana', in P. R. Baduel, (ed.), *Désert et Montagne au Maghreb: Hommage à Jean Dresch = Revue de l'Occident Musulman et de la Méditerranée*, vol. 41-42 (1986), 66-89. At least in *Mauretania Tingitana*, there was a type of autonomy based on ethnic lines and determined by the geography of the mountainous regions. The most Romanised and more manageable parts of North Africa were the coastal areas, in contrast to the rural interior of the Ancient Maghrib. It is difficult today to determine the exact boundaries of these provinces, due to the area's mountainous terrain and shifting desert plains. Even Rome was never quite able to clearly define its own borders there. Cf. H. Elton, 'Defining Romans, Barbarians, and the Roman Frontier', in Mathisen, R. W., and Sivan, H., (eds) *Shifting Frontiers in Late Antiquity* (Aldershot, 1996), 126-35.

³⁷ Cherry, *Frontier and Society*, 29, 47, 146; G.D. B. Jones and D. J. Mattingly, 'Fourth-Century Manning of the *Fossatum Africae*', *Britannia* 11 (1980), 323-6.

³⁸ Archaeological excavation suggests major changes in the political structure of North African cities, for example at Sabratha (in modern Libya), where entire streets were taken over for private use by local families, who also used the traditional communal eating areas beside their ancestral tombs. A. Di Vita, 'Sabratha', in Divita, A., Divita-Evrard, G., and Bacchielli, L., (eds) *Libya : The Lost Cities of the Roman Empire*, (Cologne, 1999), 162-3. For the Romanization and acculturation of elites in North African society, see G. Woolf, 'Beyond Romans and Natives', *World Archaeology* 28 (1997), 339-50.

³⁹ Gildo's father Nubel was a western Mauretanian client-king of Valentinian I. Ammianus calls him *regulus per nationes Mauricas potentissimus*; Amm. Marc. xxix. 5.2.

3. The Eagle and the Snake; Gildo's revolt, 397-98

Jerome mentions that Salvina was a hostage within the eastern court.⁴⁰ Gildo's eastern leanings perhaps had more to do with concern for his daughter's wellbeing in Constantinople than with an affinity for Arcadius over Honorius. The domestic situation in Arcadius' court differed from his brother's, in that the older emperor was already married, and his wife, Aelia Eudoxia (fig. 41), was the daughter of a Frankish commander, long since deceased.⁴¹ Aelia, perhaps had initially been a 'hostage', like Salvina, in order to guarantee her father's loyalty at Constantinople during the reign of Theodosius I.⁴² In the west, the women closest to Arcadius' younger brother Honorius were all members of Stilicho's family; his wife Serena and their two daughters Maria and Thermantia, both of whom ended up married to Honorius.⁴³

(Fig. 41) Another hostage for a father's loyalty?
Copper-alloy coin of Aelia Eudoxia, Nicomedia mint, c. 400-04



Obverse: Empress, pearl diademed, crowned by *manus Dei* from above. **Legend:** AEL-EVDO-XIA-AVG (*Aelia Eudoxia Augusta*). **Reverse:** Empress seated and facing, her arms are folded across her chest; she is being crowned with a wreath from above by the *manus Dei*. **Legend:** GLORIA-RO-MANORVM. **Field:** Cross. **Exergue:** SM (*Sacra Moneta*) – NA (*Nicomedia*). (*RIC X 80*) Image courtesy Classical Numismatic Group

⁴⁰Jer. *Ep.* 79. 2: *ut ei conjugem nobilissimam quaereret, et bellis civilibus Africam dissidentem, hac velut obside sibi fidam redderet*; Hieronymus, *Epistulae*, PL. 22.

⁴¹ Her father was the Frank Bauto, *magister militum* in the west c.380-85, and joint-consul with Arcadius in 385, Zos. IV 33.1; *CIL X* 4490.

⁴² Zos. V 3.2.

⁴³ Claud. *Fesc.* I. 40, II. 27, III.9, IV. passim; *Epith.* 29-30, 119, 228ff. for Maria's marriage to Honorius (398-c. 407). Claud. *Epith.* 339; *Stil.* II. 359; Zos. V 28.1, for the marriage of Aelia Materna Thermantia to Honorius (408-?).

3. The Eagle and the Snake; Gildo's revolt, 397-98

By the late-fourth century, Gildo's family had become extremely powerful in the western lands of North Africa, both as landowners and as imperial administrators.⁴⁴ Gildo himself had become Rome's chief military commander in the Maghrib in about 386.⁴⁵ This was a unique position bestowed upon Gildo by Emperor Theodosius I, possibly as a reward for Gildo's assistance against his own brother Firmus' insurrection during the early 370s.⁴⁶ Certain siblings of Firmus, including his brother Mazuca (whom we have seen), and sister Cyria, had supported and funded the rebellion, whereas Gildo remained loyal to Rome.⁴⁷ Gildo served as an officer, alongside the future usurper Magnus Maximus, with the imperial taskforce sent by Emperor Valentinian I to suppress Firmus.⁴⁸ Another of Gildo's brothers, Mascezel, had also sided with Firmus, but had escaped on horseback from a battle which saw his men slaughtered.⁴⁹ Somehow Mascezel survived Roman retribution, because twenty or so years later he was appointed by Stilicho as military commander in the war against Gildo. Could it be possible that clemency was extended to Mascezel and others by Valentinian, or did Mascezel find refuge somewhere beyond Rome's (or his brother's) reach? Claudian tells us that Gildo tried many times to kill his brother prior to the revolt of 397.⁵⁰ During the suppression of Firmus it was probably not prudent to have eliminated every one of Nubel's children who had opposed Rome due to the connections and influence the family had across North Africa. Such actions would most likely have spawned more discontent in the region. Mascezel seems to have regained favour with Rome at some point between Firmus' defeat in 375 and Gildo's insurrection in 397.⁵¹

⁴⁴ See Blackhurst, 'The House of Nubel', 61-2, for Gildo's family as landowners and as security for the settled population.

⁴⁵ Gildo was the Count and Supreme Commander for Africa. *CTh.* 9.7.9 (30 Dec 393: *Gildoni comiti et magistro utriusque militiae per Africam*). Gildo held this position from c. 386-97/8. Oost, 'Count Gildo', 28-9, suggests a later date, 387/88, for when Gildo received the title.

⁴⁶ *Amm. Marc.* xxix. 5.2.44. Matthews suggests a fraternal dispute as the root cause of Firmus' revolt, J. Matthews, *The Roman Empire of Ammianus* (London, 1989), 368-9. See chapter 1.2.3., 24-5.

⁴⁷ Ammianus says that most of Firmus' family was involved in the rebellion, *Amm. Marc.* xxix. 5. 40-1. for Cyria; *Amm. Marc.* xxix. 5. 28.

⁴⁸ *Ibid.* xxix 5. 6, 21-4.

⁴⁹ *Ibid.* xxix. 5. 11, 14.

⁵⁰ *Claud. Gild.* 390-6.

⁵¹ 'A Gildo to fight a Gildo' is how Shaw, 'Sacred Violence', 48, terms Mascezel.

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Its grain shipments threatened, though not interrupted, Rome's response to Firmus' revolt was severe.⁵² The three-year conflict which ensued was only brought to a close by the total defeat of Firmus. Ammianus informs us that Firmus was betrayed and captured, and that the rebel took his own life rather than endure the inevitable tortures to which he would most certainly have been subjected.⁵³ Such a horrific fate may have been the reason for Firmus' suicide, but, as MacMullen has pointed out, in many instances where individuals in similar circumstances committed suicide, they did so because they could not endure the 'terrible eye of the community'.⁵⁴

The accord which existed between Rome and its North African clients allowed for political, social and economic advancement, and was intended to strengthen the bond between the emperor and his clients.⁵⁵ It was a one-sided affair, though, with Rome as the dominant partner. When, on occasions such as during Firmus and Gildo's revolts, this relationship deteriorated, the empire was quick to turn on its former allies in order to protect Roman interests in the Maghrib. Considering the punitive actions taken against his brother, in which he himself had played a role, Gildo must surely have been aware of the kind of response he would invite with his treason, and in fact Claudian asked how Gildo did not fear to suffer the same fate as that of his brother Firmus.⁵⁶ Gildo could have been in no doubt of the impact that the cutting off of the supply of the North African *annona* to the west would have. Although Gildo's course of action in 397 is generally described as a rebellion, it differed in one major respect in that (again if we accept Claudian's view) the *comes* was merely shifting loyalty from west to east.⁵⁷ Technically, Gildo

⁵² Nowhere does Ammianus say that Firmus ever actually prevented the *annona* from departing African shores for Italy. The Roman commander sent against him, the *comes* Theodosius, must have taken steps to protect this supply route. It was the threat of interruption to the *annona* which prompted Roman military action.

⁵³ Amm. Marc. xxix. 5. 54: [Firmus] *repertumque funiculum, quem ad finiendae vitae paraverat casus, de clavo parieti affixo suspendit, ubi collo inserto, animam absque mortis cruciabilibus exhalavit.*

⁵⁴ R. MacMullen, 'Roman Elite Motivation: Three Questions', *Past and Present* 88 (1980), 3-16: 3-4.

⁵⁵ For a comparison with hostage exchange practised in other parts of the empire, for example, Gothic nobles being compelled to send their children to Rome, see P. Heather, *Goths and Romans, AD332-489* (Oxford, 1991), 99.

⁵⁶ Claud. *Gild.* 335-6: *ausus Latio contendere Gildo germani nec fata timet?*

⁵⁷ Claud. *Stil.* I. 269-73. Blackhurst, *The House of Nubel*, 68-70, makes the point that Gildo's loyalty remained with the house of Theodosius I, who had originally raised the North African

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was not rebelling, because he was still loyal to the empire, albeit the eastern part; but because this constituted a clear and present danger to the west's survival, then there could only be one outcome, massive military retaliation.

3.5. Western intervention

'On this depended Rome's salvation'⁵⁸

The news of Gildo's imminent eastern defection was received with great alarm by the western government, according to Claudian.⁵⁹ The timing could hardly have been worse for Honorius and Stilicho, as they had to contend with the Visigothic horde rampaging throughout the Balkans and Greece.⁶⁰ However, we must be careful with this account, for although Claudian tells us that Gildo's treason was unexpected, and had only become apparent in the winter of 397, western preparations for war in North Africa appear to have been underway as early as June 397, as indicated by an imperial constitution, *CTh.* 7.13.12, which urgently sought fresh recruits.⁶¹

Emperors Arcadius and Honorius Augusti to Hyperechius, Count of the Privy Purse: The public welfare recommends that We conscript recruits into the army. For this reason We permit not even Our patrimony to be exempt from the present payment. Through all the provinces, therefore, through which Our property extends, it is Our will that recruits be furnished from the sacred imperial patrimony with the proper expedition. Given on the fifteenth day before the

to the position of *comes Africae*, and that this loyalty did not change. Rather, it was a break away from the domineering power of Stilicho, who had subverted imperial power.

⁵⁸ Claud. *Stil.* I. 374: *hic stabat Romana salus.*

⁵⁹ Ibid. *Gild.* 16: *quem veniens indixit hiems, ver perculit hostem.*

⁶⁰ Ibid. *Ruf.* I. *pr.* 9-20. See Burrell, 'A Re-examination', 251-6. For Stilicho's campaigns against Alaric and the Visigoths at this time, see Matthews, *Western Aristocracies*, 270-3.

⁶¹ *CTh.* 7. 13. 12 (17 June 397: *Impp. Arcadius et Honorius aa. Hyperechio comiti rerum privatarum. Publica suasit utilitas iuniores in arma conscribere, ideoque ne patrimonium quidem nostrum a praestatione praesenti immune esse patimur. Igitur per omnes provincias, per quas res nostra distenditur, ex patrimonio sacro maturitate qua convenit praeberi volumus iuniores. Dat. XV kal. iul. Mediolano Caesario et Attico viris clarissimis cons.*). See Honoré, *Law in the Crisis*, 213-4.

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kalends of July at Milan in the year of the consulship of the Most Noble Caesarius and Atticus.⁶²

Claudian's later date for the revolt was probably intended to present Stilicho's supposedly rapid military reaction as a sign of Western Roman power and preparedness, and to send a message to the eastern court not to trifle with the west's resolve. A quick and successful campaign therefore contained immense propaganda value for Stilicho. The most recent occasion of insurrection in Africa before Gildo's was led by his brother Firmus, and had lasted nearly three years. Firmus had been defeated, but perhaps at the back of Stilicho's mind was the fact that the victorious Roman commander in that war, the *comes* Theodosius, grandfather of Arcadius and Honorius, was later executed despite his success. Stilicho needed a swift victory, so that he could consolidate his position at Honorius' court. Stilicho had been self-appointed guardian to the young emperor for only about two years at this time and was encountering opposition to his stewardship from both the western and eastern courts.⁶³

If constitution *CTh.* 7.13.12 was issued out of necessity, due to the upcoming Gildonic campaign, then the traditional date for the western response to Gildo's revolt, or proposed territory transfer, needs to be re-evaluated.⁶⁴ Claudian, as it happens, lends weight to the possibility of early war preparations in the west.⁶⁵ The poet asked where the influx of fresh and inexperienced recruits had come from.⁶⁶ It took time and patience to train raw

⁶² Pharr, *The Theodosian Code*, 172.

⁶³ There was senatorial opposition to Stilicho's recruitment 397 campaign. This group did not want able-bodied men taken from their properties for the military levy, instead they offered monetary recompense, *CTh.* 7.13.13 (24 Sept 397: *Idem aa (Arcadius et Honorius). Theodoro praefecto praetorio. Amplissimi ordinis petitionibus adnuit nostra clementia, ut pro tironibus pretia inferantur. Damus itaque optionem, ut quod conducibile senatui videtur eligendi habeat potestatem, id est aut tirones aptos officiis militaribus praestent aut pro singulis viginti quinque solidos numerent post initam videlicet sumptuum rationem et vestium et pastus. Quod si aurum dare maluerint, mox ad nostrum aerarium deferatur. Dat. VIII kal. oct. Patavi Caesario et Attico viris clarissimis cons.*). See Cameron, *Poetry and Propaganda*, 233-4; Matthews, *Western Aristocracies*, 270-3; cf. O'Flynn, *Generalissimos*, 25-37.

⁶⁴ Cameron, *Poetry and Propaganda*, xv, 94, gives an autumn timeframe for Gildo's cutting off of the *annona* whereas Burrell's 'A Re-examination', 251-6, questions the traditional autumn dates for Gildo's revolt.

⁶⁵ Claud. *Stil.* I. 306-9: *veteres firmare cohortes, explorare novas; duplices disponere classes, quae fruges aut bella ferant; aulaeque tumultum et Romae lenire famem?*

⁶⁶ *Ibid.* *Stil.* I. 315-7: *unde tot adlatae segetes? Quae silva carinas texuit? Unde rudis tanto tirone iuventus emicuit senioque iterum vernante resumpsit Gallia bis fractas Alpino vulnere vires?*

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recruits, for, as Vegetius, author of military treatises and Claudian's contemporary, cautioned, it was folly to take such troops to war where they would most likely be ineffective.⁶⁷ In all likelihood, Stilicho had advance knowledge of Constantinople's plan to incorporate the North African provinces into its sphere, and therefore prepared to deal with Gildo quickly before this scheme came to fruition. Claudian's late autumn/early winter timeframe for the African revolt therefore marked the 'official outbreak of hostilities' when Stilicho's army was ready.⁶⁸ Furthermore, military success depends not only upon careful planning, intelligence gathering, and consolidation of forces and supplies, but also in the use of subterfuge, for, as Vegetius again advised, an enemy should be kept unaware of battle plans, in order to prevent them from preparing effective resistance.⁶⁹ Indeed, as evidenced by Claudian, Stilicho lulled Gildo into a false sense of security, before launching his campaign against the rebel.⁷⁰

3.6. Nowhere to hide; the long reach of Rome

'It is not armies, or treasures, that form the defences of a kingdom, but friends'⁷¹

We are not told by any ancient source that Gildo sought (or even found) sanctuary in North Africa. A problem therefore exists in establishing Gildo's whereabouts between the time of his defeat, capture and death. While modern historians differ in calculating the date of Gildo's defeat, which ranges from March to May 398, hardly any mention the date of Gildo's death, which fell on 31 July 398.⁷² Even if Gildo's army was beaten in May, the latest date

⁶⁷ Veg. 3. 10. 1-24.

⁶⁸ Burrell, 'A Re-examination', 254.

⁶⁹ Veg. 3. 26. 33: *Quo genere depugnaturus sis, nesciant hostes, ne aliquibus remediis obsistere moliantur.*

⁷⁰ Claud. *Stil.* I. 340-3: *res mira relatu: ne timeare times et, quem vindicta manebat, desperare vetas. Quantum fiducia nobis profuit!*

⁷¹ Sall. *Iug.* 10.4 : *non exercitus neque thesauri praesidia regni sunt, verum amici.* Caius Sallustius Crispus, *De bello Iugurthino* (ed.) A. Kurfess (Leipzig, 1957).

⁷² Cameron, *Poetry and Propaganda*, xv, has March as the date of Gildo's defeat; T. D. Barnes, 'An Anachronism in Claudian', *Historia* 27 (1978), 498-9, posits April or May. For Gildo's death, *Chron. Min.* 1. 298: *his cons. [Honorio III et Eutichiano] Gildo occisus est prid. kl. Augustas.* Shaw, *Sacred Violence*, 48, says that Gildo died in a 'minor skirmish' in spring 398.

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offered, this still leaves a time-lapse of about two months before his eventual capture and death later on that summer. So, where was Gildo, and what was he doing in the intervening period? Did he, like his brother Firmus years before, find sanctuary with other North African tribes or families with longstanding connections to father Nubel, perhaps in the mountains or desert regions of the Maghrib? As Ammianus tells us, Firmus found refuge in a remote region and was planning flight (*fuga consultat*), but he was eventually betrayed to his Roman pursuers by a local magnate who wished to ingratiate himself with Rome.⁷³ Something similar may have occurred in Gildo's case, but this remains a matter of conjecture.

To where did Gildo hope to escape to by sea in the summer of 398? The court at Constantinople might have been his objective, for by now Gildo had lost everything: his lands, power, titles and his prestige among his own people in North Africa. Gildo's defeat at the hands of Mascezel had caused him a serious loss of face. Remaining in North Africa was therefore not a viable option, and it would only have been a matter of time before he was caught or betrayed.

(Fig. 42) Marble relief sculpture from Carthage, c. 200



Man sailing in a *corbita*, a small coastal vessel with two sails, North Africa. Height: 22.86cm © The Trustees of the British

⁷³ Amm. Marc. xxix. 5. 53.

3. The Eagle and the Snake; Gildo's revolt, 397-98

Constantinople, then, was Gildo's likely place of refuge, for this was where his daughter Salvina had married into Arcadius' household (see 3.4 above).⁷⁴ However, if it were true, as Claudian alleged, that Gildo had intended to transfer North Africa and its annonarian supply to eastern control, the fact remained that no eastern military support had materialised to aid Gildo. He must have realised that he had been used in the eastern chamberlain Eutropius' proxy war against Stilicho. Cameron was of the opinion that the western imperial reaction was so rapid that Eutropius had neither the time nor the inclination to provide assistance to Gildo.⁷⁵ Because of Gildo's ineffective resistance against Mascezel's army, Eutropius saw his African ally as an unwanted asset. Eutropius had probably always considered Gildo to be expendable. The once powerful commander of all of Roman North Africa had been outmanoeuvred militarily and politically, and now he was harried until finally he was driven into the Mediterranean Sea. Furthermore, in Greece and the Balkans, the Visigoth leader Alaric and his forces, had escaped annihilation by Stilicho on numerous occasions between 395 and 397.⁷⁶ Stilicho could not afford to have yet another enemy evade his clutches. An example had to be made. Gildo had to be crushed and killed; there could be no alternative.

3.7. The eagle and the snake; Gildo's punishment

'Gildo, as Thabraca certainly knows, paid a deserved penalty.'⁷⁷

Did Gildo share in the fate of other enemies of the state, and undergo mutilation before and after death? Certainly Claudian hoped so; expressing such a desire in the panegyric *De bello Gildonico*. This work was recited soon after Gildo's defeat in the presence of Honorius at the court of Milan, and while Gildo had yet to be apprehended, Claudian, perhaps reflecting the sentiment of the court, declared that, once Gildo was apprehended, he should

⁷⁴ See Blackhurst, 'The House of Nubel', 65-70.

⁷⁵ Cameron, *Poetry and Propaganda*, 95.

⁷⁶ Oros. VII. 37. 2: *taceo de Alarico rege cum Gothis suis saepe uicto, saepe concluso semperque dimisso*; Zos. V 7. 2-3.

⁷⁷ Claud. *Eut.* I. 410: *ille quidem solvit meritas (scit Tabraca) poenas*.

3. The Eagle and the Snake; Gildo's revolt, 397-98

suffer the same lot as the usurpers Magnus Maximus and Eugenius, i.e. torture, execution and decapitation.⁷⁸

(Fig. 43) Eagle attacking a snake
Intaglio, Roman, unknown date and origin



Gold oval seal-ring intaglio made of brown glass-paste,
Height: 0.9cm, Width: 1.1cm. © The Trustees of the British
Museum

Claudian goes further. An allegorical scene from *De bello Gildonico* describes the eagle (the general Mascezel) of Jupiter (the western government) swooping from the sky and seizing a snake (Gildo) in its claws. The head of the struggling snake is bitten off by the bird's beak and held by its talons (*armiger a liquida cunctis spectantibus aethra correptum pedibus curvis innexuit hydrum, haesit in ungue caput*) and the dismembered trunk falls to the ground below (*truncatus decidit anguis*).⁷⁹ The striking imagery of this passage finds a numismatic parallel in a gold coin series struck by Honorius after 408 (fig. 44).⁸⁰ This series depicts the emperor trampling a hybrid animal, a lion with a serpent's tail, representative of the many enemies Honorius faced during his long reign, including Gildo.

⁷⁸ Ibid. *Gild.* 465-6: *tertia iam solito cervix mucrone rotetur tandem funereis finem positura tyrannis*. A similar sentiment emerges in the wording of a later legal constitution, *C.Th.* 9.40.21 (3 Aug 413) which called for the usurper Heraclianus' accursed head (*resecentur infaustae cervices*) once he had been captured. We do not know if this order was carried out. See chapter 1.2.3., 25-6.

⁷⁹ Claud. *Gild.* 467-71.

⁸⁰ *RIC* X 1310. The coin shown in fig. 25, chapter 2.3.1., 72, is of the same series as fig. 44.

3. The Eagle and the Snake; Gildo's revolt, 397-98

(Fig. 44) Among the viper's nest
Solidus of Honorius, Ravenna mint, c. 408



Obverse: A bearded Honorius, draped and cuirassed, wearing helmet and diadem, facing right. **Legend:** D-N-HONORI-VS-P-F-AVG (*Dominus Noster Honorius Pius Felix Augustus*). **Reverse:** Emperor standing, facing, holding long Chi-Rho in his right hand, his left hand resting on the hilt of his sword, crowned with laurel wreath by the *manus Dei*, placing his right foot on neck of serpent-tailed lion, which possibly represents usurpers. **Legend:** VICTORI-A-AVGGG (*Victoria Augustorum*). **Field:** R-V (Ravenna). **Exergue:** C (*Comitatus* = imperial court) OB (*Obryziacum* = fine/pure gold). (*RIC X 1310*) © The Trustees of the British Museum

Apart from Claudian's wish for the decapitation of Gildo, it is unclear if this in fact occurred. There are, however, indications that the *comes Africae* was subjected to considerable violence just prior to his death. After Gildo's ship was cast back onto the African coast, he was seized by a lynch mob and brought into the town of Thabraca. In scenes reminiscent of his brother Mazuca's treatment at the hands of a mob in 374, Gildo was paraded through the streets of Thabraca.⁸¹ He was verbally and physically abused until a hastily arraigned court under the auspices of a judge (*iudex*) condemned him to death.⁸² After this ill-treatment, it would appear that Gildo was then summarily executed, at least according to Claudian, from whom the above episode is derived. The *iudex* was usually the provincial governor, but the

⁸¹ Mazuca had been on Firmus' side. He was badly wounded during a skirmish with imperial forces, and was captured alive by the *comes* Theodosius, and brought to Caesarea (modern Cherchell, Algeria), where the latter intended for the town's citizens to exact retribution from Mazuca, who had earlier ravaged the settlement. Mazuca killed himself before he arrived at Caesarea. The mob was incensed at having been denied an opportunity for vengeance. Mazuca's head was torn off and flaunted about the streets by the joyous inhabitants, Amm. Marc. xxix. 5. 42: *caput tamen eius avulsum residuo integro corpore, cum magno visentium gaudio urbi illatum est ante dictae.*

⁸² Claud. *Stil.* I. 361-2: *laetae passurum iurgia plebis fracturumque reos humili sub iudice vultus.*

3. The Eagle and the Snake; Gildo's revolt, 397-98

term could also be applied to any official acting in a judicial capacity.⁸³ What Claudian means is that an official of low rank was responsible for sentencing Gildo to death. Orosius supports such a scenario.⁸⁴ In his version of the story Orosius alluded to the death-sentence as having been carried out too hastily, because whoever killed Gildo concealed the corpse rather than face Mascezel's ire. The latter wanted the satisfaction of personally punishing his own brother, who, it was alleged, had murdered Mascezel's sons.⁸⁵ Harries points out that *iudices* could face punitive charges if their decisions were appealed to and overturned by the emperor. In some instances, *iudices* feared for their own safety if their legal pronouncements were deemed to have been in error.⁸⁶ The case against Gildo probably seemed fairly straightforward to the *iudex* at Thabraca, and we can be in little doubt that Gildo would probably have been executed anyway, most likely by his brother Mascezel. However, because someone went to the effort of hiding Gildo's premature death from Mascezel, this would suggest fear, not just from the outraged Mascezel, but from the imperial government as well. In those versions in which Gildo killed himself, the same persons involved in Gildo's capture and detention may have believed that they would be held accountable for not preventing the former *comes* from choosing his own form of death.⁸⁷

Gildo's violent end was shared by at least one of his camp, an official named Marcharidus. This man, as indicated in *CTh.* 9.42.18 (13 July 401), was subjected to the torments of a *quaestio*, in an attempt to extract information about hidden wealth:⁸⁸

⁸³ J. Harries, 'The Background to the Code', in Harries, J. and Wood, I., *The Theodosian Code* (London, 1993), 2, 4, 15; cf. Pharr, *The Theodosian Code*, 585; also MacMullen, 'Judicial Savagery', 204-17.

⁸⁴ Oros. VII. 36. 12: *fugit uictus ad tempus, ne plus audeat uictor iratus. transportatur in diuersum locum, ut nesciat frater occidi, quo uindicatur occiso.*

⁸⁵ Ibid. VII. 36. 4: *huic Mascezel frater fuit, qui nouarum rerum molitiones in fratre perhorrescens, relictis apud Africanam militiam duobus filiis adulescentibus in Italiam rediit. Gildo, et absentiam fratris et praesentiam filiorum eius suspectam habens, adulescentes dolo circumuentos interfecit.*

⁸⁶ Harries, 'The Background to the Code', 2.

⁸⁷ Zos. V 11.1: *Iord. Rom.* 320.

⁸⁸ *CTh.* 9.42.18 (13 July 401): *Idem aa [Augusti] (Arcadius et Honorius). Bathanario comiti Africae. Marcharidus proscriptus plurima rerum penes diversos reliquit, sicut quaestio habita patefecit. Ut quisque igitur aliquid ex eius facultatibus retinet, si intra duos menses spontanea restituat voluntate, sciat se ad veniam pertinere, si quae susceperat fideliter repraesentet, alioquin patrimonio suo fisco sociato poenam se deportationis noverit subiturum. Dat. III id. iul. Mediolano Vincentio et Fravitto cons.*

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The same Augusti (Arcadius and Honorius) to Bathanarius, Count of Africa. When Marcharidus was proscribed, he left much of his property in the possession of different persons, as was revealed by the inquest which was held. Therefore, if any person who retains something from said property should return it of his own free will within two months and if he should faithfully deliver at once what he received, he shall know that he will obtain pardon. Otherwise, he shall know that his patrimony will be annexed to the fisc and that he will undergo the penalty of deportation. Given on the third day of the ides of July at Milan in the year of the consulship of Vincentius and Fravitus.⁸⁹

One further piece of the puzzle concerning whether or not Gildo was ritually mutilated comes from an intriguing remark of a bishop attending the Council of Carthage in 411, who alluded to the interment of Gildo's remains in a Catholic church in the town of Lamzelli.⁹⁰ This raises some questions: why would Gildo, an alleged Donatist supporter, be interred in a Catholic church, and how was it that Gildo, an officially declared *hostis publicus*, was afforded burial rights? Frend called this an 'ironic twist of fate'.⁹¹ If the information on Gildo's resting-place is accurate, it would indeed be ironic, especially after what we know about how the corpses of individuals like Magnus Maximus, Rufinus, and others were left as carrion following *poena post mortem*. If Gildo had been mutilated, which is likely, considering his treatment at Thabraca, or even decapitated, the idea that he was eventually interred within a Catholic ecclesiastical space leaves the floor open for further investigation at a later date.⁹²

⁸⁹ Pharr, *The Theodosian Code*, 263.

⁹⁰ *Gesta Coll. Carth.* i. 206. 1343-4: *Aurelius episcopus ecclesiae catholicae Macomadiensis dixit. Rufus episcopus ibi fuit noster. Lamzelli in basilica nostra positus est Gildo; Gesta Collationis Carthaginensis habitae inter Catholicos et Donatistas anno 411*, (ed.) J. P. Migne (1844-65), vol. XI, Col.1344A.

⁹¹ Frend, *The Donatist Church*, 225.

⁹² See chapter 2.4., 79, for the *poena post mortem* of Heliogabalus and Magnus Maximus.

3. The Eagle and the Snake; Gildo's revolt, 397-98

3.8. Gildo's *damnatio*

'Memory, like historical facts...have been erased'⁹³

Claudian's accusations, in *De bello Gildonico*, that Gildo murdered his nephews, Mascezel's sons, along with denying them burial, as further evidence of Gildo's despicable nature.⁹⁴ Whether or not Gildo was guilty of this particular crime is immaterial at this point. Such rhetoric was designed to depict Gildo in as poor a light as possible, as a *casus belli* for Stilicho in justifying launching a war against him. As Gildo had sided with the eastern court, any official western action against him on Stilicho's part could have been construed in the east as an act of war. By placing Mascezel in charge of the army sent to fight Gildo, Stilicho absolved himself of blame, and the conflict was presented as a dispute between feuding brothers, instead of the attack on an eastern ally that it was.⁹⁵ Eutropius, though far removed from the dust of battle on North African sands, must surely have seen through Stilicho's machinations. Aware that he had been outmanoeuvred, there was little Eutropius could do. Before long he fell from Arcadius' favour and was executed.⁹⁶

With Gildo gone from the political scene by late 398, and Eutropius' fall from power in the next year, a concord was re-established between the eastern and western courts.⁹⁷ This renewal was publicized through the celebration of Gildo's destruction and the restoration of the North African *annona* to the west through coinage (fig. 45), inscriptions (*CIL* IX 4051; VI 1187) and legal sanctions.⁹⁸ Both Arcadius and Honorius' names featured on

⁹³ R. Fisk, 'Why Operation Desert Fox Degrades Us All', *The Independent*, (20 Dec 1998).

⁹⁴ Claud. *Gild.* 392-8: *patrias in pignora contulit iras et, quos ipse sinu parvos gestaverat, una occidit iuvenes inhumataque corpora vulgo dispulit et tumulo cognatas arcuit umbras naturamque simul fratremque hominemque cruentus exiit et tenuem caesis invidit harenam.* See Ware, *Claudian*, 74, 156.

⁹⁵ See Shaw, 'Sacred Violence', 48; cf. Cameron, *Poetry and Propaganda*, 94-5 and Blackhurst, 'The House of Nubel', 72-3.

⁹⁶ For Eutropius' downfall, his failed attempt at seeking sanctuary and his execution see chapter 2.2.2., 59.

⁹⁷ Even during the inharmonious period from 395-98, largely caused by the enmity between Stilicho, Rufinus and Eutropius, embassies had gone to and fro between the two power centres of Milan and Constantinople. On the embassies between Arcadius and Honorius see Claud. *Stil.* III. 81-3; for condemnation of Eutropius and the restoration of imperial accord see Claud. *Eut.* II. pr. 35: *utraque te geminos sub sidere regia damnat.*

⁹⁸ Claud. *Stil.* I. 18-9: *Latio quod reddita servit Africa.*

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all of these forms of propaganda, for to omit one emperor's name was considered a serious mark of disrespect.⁹⁹

(Fig. 45) Fraternal concord
Solidus of Arcadius, Constantinople Mint, c. 397-402



Obverse: Arcadius helmeted, facing with spear in his right hand, a shield in his left hand. **Legend:** D-N-ARCADI-VS-P-F-AVG (*Dominus Noster Arcadius Pius Felix Augustus*). **Reverse:** Constantinople wearing plumed helmet and seated upon a throne, her right foot on a prow. She holds a spear/sceptre in her right hand, an *orbis* with a small winged Victory in her left hand. **Legend:** CONCORDI-A-AVGG (*Concordia Augustorum* of Arcadius and Honorius) I (mint mark). **Exergue:** CON (Constantinopolis) – OB (*Obryziacum* = Pure/fine gold). (RIC X 7) © The Trustees of the British Museum

It had been standard procedure, since at least the reign of Constantine I, that if there was more than one member of the imperial *collegium*, then the bulk of imperial legislation bore the names of all reigning Augusti, even during times of political disunity. Demonstrating joint resolve in the condemnation of Gildo was, therefore, a political requirement, intended to promote imperial unity and strength, even though the former *comes Africae* may have had eastern support. Gildo was proscribed by every possible means, thus sending a clear message that disobedience to the Western Empire would not be tolerated in North Africa, or at the very least, that eastern meddling in the Maghrib was to be curtailed.

As we have already seen, it is unlikely that Gildo minted coins. Any official acts he might have passed do not survive, for it was standard practice to annul and destroy the acts of *hostes publici*, as part of *damnatio memoriae*. His voice, for the large part, is muted, which stands in contrast to the public

⁹⁹ Most Late Imperial laws were issued in the names of all the current reigning emperors but this did not always mean that a law decreed in the east had authority in the west, and vice versa. Much of the time this was more of a formality; Honoré, *Law in the Crisis*, 148, 128-32.

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expression of 'proper' *tyranni*, who do leave some trace of their intentions and actions because of their numismatic output, use of letters and embassies, appointing of Caesari and Augusti, *magistri*, consuls and so on.

Gildo's detractors are far from silent, however. They leave little to the imagination in their denunciation of him. Claudian's *De bello Gildonico* lauded Honorius and Stilicho for their swift military response to the threat facing western control over the eternal *annona* from North Africa. The panegyric is not complete, however, and breaks off just as Mascezel was about to embark for Africa to confront his brother. In this work, Gildo is depicted as a debauched and cowardly despot. Added to the charges of disloyalty, *crimen maiestatis* and nepoticide, was a litany of Gildo's supposed vices, including rape (*virginibus raptor*) and adultery (*thalamis obscaenus adulter*).¹⁰⁰ These are standard literary tropes used to describe usurpers, rebels and other enemies of the state. In fact, Late Antique literature bristles with similar terminology relating to such individuals. It is highly improbable that all of these persons could have been as absent of virtue as they were made out to be.¹⁰¹ As a consequence, it is difficult to discern the real Gildo from the caricature into which he was turned.

In the early part of 400 Claudian delivered three panegyrics in honour of Stilicho's first consulship. In these works, and in contrast to *De bello Gildonico*, Gildo was cast as a fearsome adversary, worthy of the attention of Roman arms.¹⁰² Claudian, as Stilicho's chief propagandist, sought to embellish his patron's exploits in achieving victory over Gildo for the real victor, Mascezel, was no longer living by this stage, and so could not challenge a revised view of Stilicho the sole champion, where Mascezel did not feature. One wonders, if Mascezel were still alive, would Claudian have been able to do so? Along with literary and epigraphic recognition for Stilicho's role in Gildo's suppression, ultimately it was Emperor Honorius who was officially credited with the victory through coinage and inscriptions. (figs. 45 and 46).¹⁰³

¹⁰⁰ Claud. *Gild.* 162-8.

¹⁰¹ Wardman, 'Usurpers and Internal Conflicts', 220-37.

¹⁰² Claud. *Gild.* 163-200, 381-2; idem, *Stil.* I. 246-68.

¹⁰³ Cameron, *Poetry and Propaganda*, 113-9.

3. The Eagle and the Snake; Gildo's revolt, 397-98

(Fig. 46) Peace and loyalty restored, Honorius' African triumph
Solidus of Honorius, Milan mint, c. 398-402



Obverse: Honorius, draped and cuirassed, pearl diademed. **Legend:** D-N-HONORI-VS-P-F-AVG (*Dominus Noster Honorius Pius Felix Augustus*). **Reverse:** Honorius nimbate, riding a horse with his right hand raised high in triumph (*dexteræ triumphalis*). **Legend:** ADVENTV-S-D-N-AVG (*Adventus Dominus Noster Augustus/The Coming of Our Lord Augustus*). **Field:** M-D (Mediolanum/Milan). **Exergue:** COM (*Comitatus* = imperial court) – OB (*Obryziacum* = fine/pure gold). (RIC X 1202) © The Trustees of the British Museum

Zosimus is the only Late Antique writer to tell us that Gildo was declared a *hostis publicus* by the Roman senate, at Stilicho's instigation, and that this occurred before Mascezel's army left Italy for North Africa.¹⁰⁴ Claudian, though not explicitly, also alluded to this event.¹⁰⁵ Furthermore, a letter written in 397 to Stilicho from the senator Symmachus, which does not use the term *hostis*, is usually interpreted as having been an early petition from the senator to have Gildo condemned as a *hostis*.¹⁰⁶

¹⁰⁴ Zos. V 11.1. For this part of his history, Zosimus drew upon Eunapius as his main sources contemporary with Gildo. It is possible that Eunapius was the first literary source to mention Gildo as a *hostis publicus*.

¹⁰⁵ The senatorial condemnation of Gildo is twice alluded to in Claudian's works; Claud. IV *Cons.* 505-7: *firmitur senium iuris priscamque resumunt canitiem leges emendanturque vetustae acceduntque novae*; idem. *Stil.* I. 325-33: *hoc quoque non parva fas est cum laude relinqui, quod non ante fretis exercitus adstitit ultor, ordine quam prisco censeret bella senatus. neglectum Stilicho per tot iam saecula morem rettulit, ut ducibus madarent proelia patres decretoque togae felix legionibus iret tessera. Romuleas leges rediisse fatemur, cum procerum iussis famulantia cernimus arma.*

¹⁰⁶ Symm. *Ep.* IV 5: *Quid de Afrorum dolore et militarium virorum querellis consultus praecepto sacro amplissimus ordo censuerit, plene atque aperte gestorum curialium inspectione cognosces. sed quia me quoque familiariter indicem gestae rei esse iussisti, summam, quae decreta sunt, non tacebo. lectis d. n. Honorii Aug. litteris atque sententiis decursisque omnibus paginis, quae Gildonis crimina continebant, par bonorum motus erupit. consulti igitur in senatu more maiorum (neque enim sine legitimo ordine iudicii auctoritas stare potuisset), ingenti causae devotis sententiis satisfacimus. adiecta est post rei damnationem pro alimentis populi Rom. supplicatio. in metu enim sumus, ne obsit commeatibus annonariis medi tempore mora et perturbatio plebis oriatur. veniet in manus tuas, quid pronuntiaverim. reperies et facti huius me adseruisse iustitiam, et apud d. n.*

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(Fig. 47) Fragments of an inscription celebrating Gildo's defeat, Rome, 404



**IMPERATORIBVS INVICTISSIMIS FELICISSIMISQVE DD NN
(Dominis Nostris) ARCADIO ET HONORIO FRATRIBVS SENATVS
POPVLVSQVE ROMANVS VINDICTA REBELLIONE ET AFRICAE
RESTITVTIONE LAETVS (a)RMIPOTENS LIBY(c)VM DEFENDIT
HONORIV [s]. CIL VI 1187**

(To the unconquered and most fortunate emperors, Our Lords, the brothers Arcadius and Honorius, delivering the senate and people of Rome from rebellion and happily reinstating Africa, powerful Honorius defended Libya). This arch is referred to in Claud. VI Cons. 370-1. (*electi candoris equos et nominis arcum iam moliti tui*). Originally this inscription formed part of Honorius' triumphal arch in the Roman Forum. No copyright permission needed

The earliest literary reference, however, that refers to Gildo as an enemy appears in *De bello Gildonico*, which, as we have already seen, was composed and recited sometime between April and May 398, before the mission had been completely accomplished and brought to a close by Gildo's death.¹⁰⁷ The use of the term *hostes* at this point by Claudian does not necessarily mean that Gildo had already been declared a *hostis publicus* by the senate. It may have been included for dramatic effect by the poet, in the same way that the term *tyrannus* was also used to describe Gildo. Judging

Arcadium causam publicae egisse concordiae; Epistulae, Q. Aurelii Symmachi quae Supersunt (ed.) O. Seeck; *MGH (AA) VI i*, (Berlin, 1883). See Cameron, *Poetry and Propaganda*, 103; Matthews, *Western Aristocracies*, 267-70; cf. Shaw, *Sacred Violence*, 47; also Burrell, 'A Re-Examination', 254.

¹⁰⁷ Claud. *Gild.* 16: *quem veniens indixit hiems, ver perculit hostem*. Cameron has the recitation of *De bello Gildonico* taking place at Milan in April 398.

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from past precedent, it was a given that Gildo would be officially decreed a *hostis publicus*, something which Claudian was anticipating. It is not until after Gildo's death that we encounter official condemnation of him as a *hostis publicus*. This is evident in both epigraphy and legislation. An inscription from the Forum Romanum, erected sometime after the summer of 398, commemorates the suppression of Gildo's rebellion and castigates him as a public enemy.¹⁰⁸

Over the course of the decade following Gildo's suppression, a range of legal sanctions were initiated against him. The earliest of these proscriptive laws *CTh.* 9.42.16 (1 Dec 399) is from the year after Gildo's demise.¹⁰⁹ This edict, addressed to Peregrinus, the Count and Procurator of the Imperial Household, seems to have been established for the sole purpose of administering Gildo's African estates, due to their immense size.¹¹⁰

The same Augusti (Arcadius and Honorius) to Peregrinus, Count and Procurator of the Imperial Household. We order that the regular tax of all accounts due from the landholding of Gildo which have devolved upon Our treasury shall (now) be paid in full, with receipts for payment taken into account in the usual manner. Given on the kalends of December at Altinum in the year of the consulship of the Most Noble Theodorus.¹¹¹

State appropriation of Gildo's estates continued well into 409, as shown by *CTh.* 7.8.9 (6 Aug 409):

¹⁰⁸ *CIL* IX 4051=ILS 795: [re] I PVBLICAE MONVMENTA V [universa bonaquae capta sunt] A GILDONE H [oste pub] LICO [donan] DO FORMAS [ad] ANIENIS FL [uenta].¹⁰⁸ 'Given for the good of the whole empire that the public enemy Gildo was captured by Rome'. *Ad anienis fluenta* derives from Vergil's Georgics, 'Tiberinus...Aniena fluenta', and refers to the city of Rome itself, Verg. *G.* 4.369.

¹⁰⁹ *CTh.* 9.42.16 was issued from Honorius' domain, the western city of Altinum (modern Altino, northern Italy). Proclaimed in both Arcadius and Honorius' names at the end of 399 this edict demonstrated their renewed concord, since by this stage Eutropius had been eliminated from Arcadius' court, and co-operation was once again to flow between the two courts, if only temporarily.

¹¹⁰ *PLRE* II, Peregrinus 1, 858-9: *Comitem et procuratorem divinae domus.*

¹¹¹ *CTh.* 9.42.16 (1 Dec 399: *Idem aa* (Arcadius et Honorius). *ad Peregrinum comitem et procuratorem divinae domus. Ex possessionibus gildonis, quae ad nostrum aerarium sunt devolutae, canonem omnium titulorum ex integro sollemni more imputata cautione solvi praecipimus. Dat. kal. decemb. Altino Theodoro v. c. cons.*) Pharr, *The Theodosian Code*, 262.

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Emperors Honorius and Theodosius II Augusti to Sapidianus (Vicar of Africa). Whereas We recently ordered, by establishing a fine of five pounds of gold, that the landed estates brought to Our treasury from the property of Gildo should be exempt from compulsory quartering, We now further command that all houses which come from the same right of confiscation, in whatsoever municipalities they are located, shall be exempted from compulsory quartering, so that tenants may be found more easily. If any person, therefore, should violate Our order, he shall be punished by the fine previously imposed. Posted at Carthage on the eighth day before the ides of August in the year of the eighth consulship of Honorius Augustus and the third consulship of Theodosius Augustus.¹¹²

It is important to note that, aside from the literary and epigraphic evidence, the first legal reference, *CTh.* 7.8.7 (8 June 400), to Gildo as *hostis publicus* does not occur until two years after his death.¹¹³ There were probably previous constitutions referring to Gildo as a *hostis* between 398-99 but since *CTh.* 7.87 is the earliest existing law to do so, this is all we have for his legal condemnation as *hostis publicus*.

¹¹² *CTh.* 7.8.9 (6 Aug 409: *Imp. Honorius et Theodosius aa. Sapidiano. Licet proxime iusserimus quinque librarum auri condemnatione proposita praedia, quae ex gildonis bonis ad nostrum aerarium delata sunt, ab hospitibus excusari, nunc etiam praecipimus, ut omnes domus ex eodem iure venientes, in quibuslibet civitatibus sunt constitutae, ab hospitibus excusentur, quo possint conductores facilius inveniri. Si quis igitur contra nostram fecerit iussionem, multa pridem ferietur inflicta. Proposita Karthagine VIII id. aug. Honorio VIII et Theodosio III aa. Cons.*). Pharr, *The Theodosian Code*, 167.

¹¹³ For the full text of this law see chapter 1.3.2., 30.

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3.9. Prosecuting Gildo's satellites

'Gildo's accomplices will be delivered into custody and condemned by proscription'¹¹⁴

A significant number of Gildo's cohorts were executed, proscribed and had their names erased from public monuments. The proconsul for Africa under Gildo between 397-98 is unknown, but a fragment of an inscription concerning this official has had the last two lines erased. The proconsul's name is missing, which indicates that a *damnatio* occurred against him, most likely because he had been part of Gildo's short-lived administration.¹¹⁵ This anonymous proconsul was immediately replaced by a western senator, Victorius, who may have owned North African estates, and therefore had a vested interest in the region.¹¹⁶ The *vicarius Africae* during Gildo's insurrection was possibly Umbonius Iuvas, whose name was likely that erased from an inscription excavated in Algeria.¹¹⁷ Umbonius, like the unknown proconsul above, may well have supported Gildo and suffered censure as a result. Umbonius' replacement was a man called Dominator, of whom we know little.¹¹⁸ Gildo's immediate successor as *comes Africae* in 399 was a staunch Catholic named Gaudentius, who, along with a certain Jovius, was tasked by Honorius with not just the destruction of pagan temples and idols throughout Africa, but also with the suppression of the Donatist movement there.¹¹⁹

Gildo's followers continued to be hunted and proscribed for a decade or so after their leader's fall. This suggests that either Gildo had very many

¹¹⁴ *CTh.* 9.40.19 (11 Nov 408: *Satellites gildonis custodiis mancipentur et proscriptione damnentur*).

¹¹⁵ *ILA fr.* 276: PROCONSVLATV <////////// >, *Inscriptions Latines d'Afrique* (eds) R. Cagnat and A. Merlin (Paris, 1923). This inscription was discovered at Thuburbo Maius, a Roman site in Tunisia about 60 km southwest of Carthage.

¹¹⁶ *CTh.* 9.39.3 (13 May 398); 1.12.6 (21 May 398).

¹¹⁷ *CIL VIII* 7017: SALVIS D.D.N.N. (*Domini Nostr*) AR [c] ADIO ET HONORIO AV [gustis basili] CAM IN EXORD [io] PRINCIPIOQVE DES [titutam] PROVISO SVM T[u c] ONPLERI IVSSI [t] MM <////////// > VNA CVM FL BARB [ar] O DONATIANO V C C [?].

¹¹⁸ *CTh.* 1.12.6 (21 May 398: *Idem aa (Arcadius et Honorius). Victorio proconsuli Africae et Dominatori vicario Africae*); 16.5.35 (17 May 399: *Idem aa (Arcadius et Honorius). Dominatori vicario Africae*).

¹¹⁹ *Aug. de civ. Dei* 18.5; *Cons. Const.* s.a. 399.

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supporters, or the western government may not have been fully able to regain mastery of the Maghrib. This last point is illustrated by *CTh.* 9.40.19 (11 Nov 408):

Emperors Honorius and Theodosius Augusti to Donatus, Proconsul of Africa. The satellites of Gildo (*satellites Gildonis*) shall be delivered into custody and condemned by proscription. Given on the third day before the ides of November in the year of the consulship of Bassus and Philippus.¹²⁰

It is possible that some of the proscribed were simply innocent victims caught up, accidentally or otherwise, in the wave of persecution perpetrated by Honorius' regime in the region. The annals of Rome are full of cases where, in the aftermath of civil war, the victors made financial gain from the proceeds of eliminated rivals. The Gildonic War was no exception, as we can see in *CTh.* 9.42.19 (20 Apr 405):

The same Augusti (Arcadius and Honorius) to Ursicinus, Count of the Sacred Imperial Largesses. The landholdings from the property of Gildo and his satellites which have been held by persons who have appropriated them in violation of the rights of Our Serenity shall be added to Our patrimony, and the simple amount of the payments that are due shall be made by the said occupants from the time when they unjustly retained the estates. If said occupants should be notified before the kalends of October, and should suppose that they ought to retain the landholdings, they shall know that they will be forced to a twofold restitution, and that double the amount of fruits must be surrendered. Given on the twelfth day before the kalends of May at Ravenna in the year of the second consulship of Stilicho and the consulship of Anthemius.¹²¹

¹²⁰*CTh.* 9.40.19 (11 Nov 408: *Imp. Honorius et Theodosius aa. Donato proconsuli Africae. Satellites gildonis custodiis mancipentur et proscriptione damnentur. Dat. III id. nov. Basso et Philippo cons.*) Pharr, *The Theodosian Code*, 258.

¹²¹ *CTh.* 9.42.19 (20 Apr 405: *Idem aa [Arcadius et Honorius]. et Theodosius a. Ursicino comiti sacrarum largitionum. Possessiones, quae ex bonis gildonis aut satellitum eius in ius nostrae serenitatis retentae sunt ab occupatoribus, nostro patrimonio adgregentur, ita ut ab*

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(Fig. 48) *De sexto consulatu Honorii*
Modified *solidus* of Honorius, Rome mint, 404



This *solidus* has been reworked into a medallion with a gold loop attached for suspension. Obverse: Honorius, pearl-diademed, draped and cuirassed. Legend: D-N-HONORI-VS-P-F-AVG (*Dominus Noster Honorius Pius Felix Augustus*). Reverse: Roma helmeted, enthroned, facing and holding an *orbis* in her right hand, an inverted spear in her left hand. Legend: GLORIA-RO-MANORVM. Field: R-M (Roma). Exergue: COM (*Comitatus*) – OB (*Obryziacum*). (RIC X 1250) © The Trustees of the British Museum

It is difficult not to take a cynical view of the suppression of Gildo and his supporters as a money-making endeavour.¹²² There was much to be paid for: the North African campaign, military donatives, and victory celebrations. As late as 404, during Honorius' sixth consulship (fig.48), the Gildonic War was still being commemorated. Claudian informs us there was an extravagant triumph held at Rome in 404 in which featured bronze models of Africa and her cities personified, as well as a representation of Gildo.¹²³ Furthermore, as barbarian encroachment dramatically escalated in the years following the African war, Honorius' government needed to find funds from any source available.

his ex eo tempore, quo indebite retentantur, praestationum simplum inferatur. Qui si conventi intra kalendas octobres possessiones putaverint retinendas, sciant se ad dupli restitutionem coartandos et duplos fructus esse reddendos. Dat. XII kal. mai. Ravennae Stilichone II et Anthemio cons. Pharr, *The Theodosian Code*, 263.

¹²² From the reign of Tiberius on, property confiscation by the state of convicted traitors had become the norm.

¹²³ *Claus. VI Cons. 375-83: caelata metallo classis ut auratum sulcaret remige fluctum, ut Massyla tuos anteirent oppida currus Palladiaque comas innexus harundine Triton edomitis veheretur aquis et in aere trementem succinctae famulum ferrent Atlanta cohortes, ipse Iugurthinam subiturus carceres poenam praeberet fera colla iugo, vi captus et armis, non Bocchi Syllaeque dolis.*

3. The Eagle and the Snake; Gildo's revolt, 397-98

3.10. Conclusion

From the moment the western imperial army landed on African shores Gildo's power disintegrated. Militarily defeated, he sought refuge, but probably had few places of refuge left within the Maghrib. We do not know where Gildo hid for the next few months until his abortive escape bid by sea. If he had had Donatist support from Bishop Optatus or others, they do not appear to have been in a position to help him in any significant way.¹²⁴ The same went for his eastern backer, Eutropius. Nobody, it seems, wanted to be caught up in the imperial crackdown taking place across North Africa.

The Gildonic War shook the western imperial government's confidence, and no amount of panegyrist's propaganda could disguise the unease it had caused. However, as we have seen, Stilicho and Honorius' response was severe, and Gildo and his supporters were systematically persecuted with a brutal and methodical determination. After this pogrom was concluded, no North African ever occupied a senior imperial post again, as they had done in the past. Instead, those vacant imperial positions caused by Gildo's downfall were filled by men of proven loyalty to Honorius and Stilicho.¹²⁵ The nature of the imperial suppression relayed a clear message that insurrection would no longer be tolerated in the Maghrib in any form but such measures did not prevent further insurrections there, nor did they prevent disruption of the *annona* supply to Italy.

There are differences of opinion among our ancient sources regarding Gildo's fate. Which version should we accept? Was he killed or did he kill himself? Was he really a *hostis* of the Western Empire, or had Gildo simply gained too much power for a 'native', and was thus toppled by forces in the upper echelons of Roman society? Even in our own time, and with the technological means to instantly communicate and view events as they happen, there are often multiple versions of a story in circulation. Take, for

¹²⁴ In any case Optatus died in prison, as Augustine revealed in his letters to Petilian, the Donatist Bishop of Cirta; Aug. *Contra lit. Pet.* 2. 92. 209: *hoc modo potest alius similiter nesciens quid loquatur dicere omnes episcopos uestros dei uindicta in carcere defecisse, et cum ab eo fuerit flagitatum unde hoc probet, adiungere statim; optatus namque de satellitio gildonis accusatus tali genere mortis extinctus est.*

¹²⁵ For example, Stilicho's brother-in-law, Bathanarius, was appointed as *Comes Africae* after Gildo, *CTh.* 9.42.18 (13 July 401).

3. The Eagle and the Snake; Gildo's revolt, 397-98

example, the final moments of the Libyan leader Muhammad al-Gaddafi, as they were broadcast globally in near real-time on 20 October 2011.¹²⁶ One would assume that, because this recent event had such wide coverage, the Libyan dictator's ultimate fate is clear to all. Yet, the exact details of Gaddafi's capture and death vary greatly, depending on which news outlet one takes their information from, and, because of the multiple sources for this event, there exists a plethora of conspiracy theories.

How much more difficult it is then to discern the truth of Gildo's fate, an event that occurred some sixteen centuries ago. It appears that there were several reasons, official and secret, as to why Gaddafi fell. The same applied to Gildo, depending, of course, on the amount of ancient sources that are extant. The official reason for Gildo's removal was that he was an enemy of the Roman people, a *hostis* who threatened their very survival through alleged withholding of the North African *annona*. Worse, he was a *tyrannus*, because he had struck at the very centre of imperial power, or so Claudian would have us believe. Privately however, it may have been that the western senatorial elites stood to lose much of their revenue from North African landholdings if control over the Maghrib was denied them. Gildo had grown far too powerful within a region of vital strategic and economic importance to the Roman West. Despite Gildo's regional influence, he was not part of the senatorial class, whose contempt towards the peoples of the Maghrib is evident in Roman literature, which very often reflects something of how cultured Romans perceived North Africans; as uncivilized barbarians.¹²⁷

The only other high official of the same period to hold a similar title, *comes et magister utriusque militiae*, to Gildo was his nemesis Stilicho. Before long Stilicho would be himself toppled from power in a palace coup

¹²⁶<http://www.aljazeera.com/news/middleeast/2011/04/2011421101433418320.html>;
<http://www.aljazeera.com/news/africa/2011/10/20111021235116164421.html>;
<http://www.bbc.com/news/world-africa-15390980>;
<http://www.hrw.org/news/2012/10/16/libya-new-proof-mass-killings-gaddafi-death-site>

¹²⁷ Such writers include Ammianus, who applied standard derogatory terms in his descriptions of certain barbarian peoples; Amm. Marc. xxix. 5. 17; idem. xxx. 7.10. Stereotyping non-Romans was nothing new in Graeco-Roman civilization. After Stilicho's downfall in 408, it was his alleged part-barbarian heritage that was used to reinforce the notion of the barbarian 'savage' lurking within, just waiting for an opportunity to strike at Rome; Oros. VII. 38. 1: *Comes Stilicho, Vandalorum inbellis auararum perfidiae et dolosae gentis generis editus*; Jer. Ep. 123. 16: *Scelere semibarbari accidit proditoris*.

3. The Eagle and the Snake; Gildo's revolt, 397-98

at the instigation of the same western elites, who, as with Gildo, could not exert their control over him.¹²⁸ In the next chapter we shall examine how Stilicho, accused of plotting to seize the western throne for his son Eucherius in 408, was suppressed and condemned.

¹²⁸ Oros. VII. 42.2: *sensit tunc demum respublica et quam utilitatem in Romano tandem duce receperit et quam eatenus perniciem per longa tempora barbaris comitibus subiecta tolerarit.*

**SHARED FATES;
STILICHO, EUCHERIUS AND SERENA, 408**

‘He was constantly with the army, rarely in Rome, and only then when loyalty to the frightened emperor called’¹

‘What more bitter crime than cruel Stilicho’s betrayal of the empire’s secret?’²

4.1. Introduction

This chapter examines how, in August 408, a coup within Emperor Honorius’ consistory led directly to the murders of the western *comes et magister utriusque militiae* Stilicho, his son Eucherius and wife Serena.³ To give these high profile killings a veneer of legality, the orchestrators of the coup managed to obtain imperial sanction through letters from Honorius ordering the executions of Stilicho and Eucherius.⁴ Both had sought sanctuary, and both were tricked into coming out to face their assassins. The approval necessary for Serena’s murder varied slightly from that of her husband and son. In late 408 she happened to be in Rome, which was under barbarian siege at the time. In the absence of Honorius, who was resident at the northern Italian capital of Ravenna, the Roman senate sought imperial authorization from Honorius’ sister, Galla Placidia, who was in Rome at the time. We cannot know for sure if Galla Placidia granted anything at all to the senators, but her presence was deemed enough to allow for a *senatus consultum* decreeing Serena’s strangulation. These were pivotal events, which removed the Roman West’s most able military commander, and also many of his high

¹ Claud. *Stil.* I, 116-7: *adsiduus castris aderat, rarissimus urbi, si quando trepida princeps pietate vocaret.*

² Rut. Nam. *De red. suo.* 41-2: *quo magis est facinus diri Stilichonis acerbum, proditor arcani quod fuit imperii*, Rutilius Namatianus, *De reditu suo* (eds) J. Vesserau and F. Préchac (Paris, 1933). The ‘secret’ inferred here by Namatianus were the hidden routes across the Alps into the Roman West from barbarian territory. Through these passes, it was alleged, Stilicho had allowed or granted access to barbarian tribes now beginning to encroach upon the empire in the early fifth century. It is highly doubtful that Stilicho, an extremely able general, actually carried out such a militarily foolish course of action.

³ For Stilicho’s full title; *CIL* VI 1188, 1189, 1190; *CTh.* 7.13. 18 (22 Mar 407).

⁴ On the subtleties between letters and edicts see Honoré, *Law in the Crisis*, 135-7; cf. Matthews, *Laying Down the Law*, 66, 261-5.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

command, in the persecution which accompanied Stilicho's death. There are significant questions to be answered: How was permission from Honorius obtained, and was it given willingly?⁵ Was it even legal? Ducloux suggests that Honorius did not hesitate to write letters ordering both Stilicho's and Eucherius' executions.⁶ Can we be so sure? Regarding Serena's murder, did the Roman senate have sufficient legal justification for their actions, and was the presence of Galla Placidia, given as evidence for imperial sanction, enough to secure full imperial authorization?

We should bear in mind that there is no solid evidence that Stilicho ever actually usurped the throne, either for himself or for his son Eucherius. Nor indeed is there any evidence for Serena having ever been involved in treasonous activity. The allegation made against Stilicho was that he plotted to remove Honorius and place Eucherius on the throne. However, even the merest whisper of usurpation was enough to cost someone their life, particularly in the Later Empire. For instance, Ammianus speaks of a certain Jovianus, who, immediately after Emperor Julian's death in June 363, had been mentioned by some soldiers as possessing the necessary qualities for rule.⁷ When this rumour reached the ears of a group of army officers, who at that moment were planning to elevate their own nominee to the purple, it mattered little to them whether Jovianus was really planning usurpation. The suspicion was enough to alarm the officers, and they had Jovianus tortured to death (*novaque exinde coeptare suspectum, cruciabiliter didicerat interfectum*).⁸ A generation later, it was also rumour, along with paranoia and envy, which brought about Stilicho's ruin. That, and allegations that he planned to use barbarian *foederati* to seize power. The law was very clear on

⁵ It was insinuated by Claudian that Rufinus had forced the Emperor Arcadius to write a letter demanding that Stilicho, who at that very moment was approaching eastern territory with an army to confront Alaric there, stand down, turn around and return westward; Claud. *Ruf.* II. 169-70: *haec ubi, dictatur facinus missusque repente qui ferat extortas invito principe voces.*

⁶ Ducloux, *Ad Ecclesiam Confugere*, 256: 'Honorius, n'hésite-t-il pas, en 408, à utiliser la ruse et le faux-serment.'

⁷ Amm. Marc. xxv. 8. 18; *quod Iuliano perempto, ipse quoque nominatus a paucis, ut imperio dignus*; cf. idem. xxvi. 6. 3: *quem Iuliano perempto veluti dignum imperio paucis militibus nominatum.*

⁸ Ibid. xxvi. 6. 3.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

what should happen to any Roman who conspired with barbarians against the state, as the following excerpt from *CTh.* 9.14.3 (4 Sept 397)⁹ indicates:

Emperors Arcadius and Honorius Augusti to Eutychianus, Praetorian Prefect: If any person should enter into a criminal conspiracy with soldiers, civilians or even with barbarians, or should take or give the oaths of a conspiracy, and should plan for the death of men of Illustrious rank who participate in Our counsels and Our Consistory, or for the death of Senators, who are also part of our body, or, finally, for the death of anyone who is in Our imperial service, he shall be struck down with the sword as one guilty of high treason, and all his goods shall be assigned to Our fisc. For the laws have willed that the intent to commit crime shall be punished with the same severity as the actual commission of crime. Given on the day before the nones of September at Ancyra in the year of the consulship of Caesarius and Atticus.¹⁰

As well as an analysis of how the coup against Stilicho was carried out, this chapter explores the themes common to the suppression of usurpation and rebellion, as laid out in chapter two above, to determine if they are applicable to the cases of Stilicho and Eucherius. In many respects all of the usual elements involved in the endgame of treason are apparent. Once they had been condemned, both father and son sought church sanctuary, but were removed through deception, and, once outside the ecclesiastical boundaries, they were killed. Ducloux put the overturn of Stilicho and Eucherius' sanctuary claims down to 'la raison d'Etat.'¹¹ Neither Stilicho nor Eucherius openly declared imperial ambitions; instead, we have only hostile sources to tell us that they had conspired to. This is reminiscent of Gildo's condemnation. Nor did Stilicho and his son mint money, or, as Rufinus had

⁹ *CTh.*9.14.3.1. (4 Sept 397: *Impm. Arcadius et Honorius aa. Eutychiano praefecto praetorio. Quisquis cum militibus vel privatis, barbaris etiam scelestam inierit factionem aut factionis ipsius susceperit sacramenta vel dederit, de nece etiam virorum illustrium, qui consiliis et consistorio nostro intersunt, senatorum etiam, nam et ipsi pars corporis nostri sunt, cuiuslibet postremo qui nobis militat cogitarit, eadem enim severitate voluntatem sceleris qua effectum puniri iura voluerunt: ipse quidem utpote maiestatis reus gladio feriatu bonis eius omnibus fisco nostro addictis).*

¹⁰ Pharr, *The Theodosian Code*, 236-7.

¹¹ Ducloux, *Ad Ecclesiam Confugere*, 120.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

done, put their name on gold, as was normal practice for usurpers. There was more to the rather hasty killings of Stilicho and Eucherius than simply reasons of state, as we shall see over the course of the discussion below.

Thus far in this thesis we have seen how highly publicized were the fates of persons accused of *crimen maiestatis*. Those who sought sanctuary, church or otherwise, were removed, sometimes tortured, mutilated and killed. All too frequently the accounts of the suppression of rebels and usurpers contain graphic descriptions of physical abuse, mutilation, decapitation and triumphal head-display. In Stilicho and Eucherius' cases there is only silence. Why is this? The standard version is that Stilicho accepted his fate and went quietly to his death, while Eucherius was quietly executed. It all sounds very tidy; but surely someone of Stilicho's status would have suffered more and had their head displayed for propagandist purposes. Some possibilities as to why such a silence exists in our sources are discussed below.

In the final section, regarding Stilicho's *damnatio*, still more questions arise. It was acknowledged later by Honorius that Stilicho had been innocent of the charges laid against him, but there was never any official rehabilitation of his memory, despite there being precedent for such action occurring for someone far less important than Stilicho.¹²

¹² The urban prefect for Constantinople, Tatianus, is the individual in question. He was condemned to death, and a *damnatio* was instigated against him by the instigation of Rufinus in 393; Eun. fr. 57; Zos. IV 52; *CTh.* 12.1.131 (27 Feb 393); 9.42.12-13 (12 June 393); 11.1.23 (12 June 393). He was reprieved and exiled, but after Rufinus' execution Tatianus was brought back into the eastern government; *CTh.* 9.38.9 (31 Aug 396).

4. Shared Fates; Stilicho, Eucherius and Serena, 408

4.2. Stilicho's star ascendant

'By the counsel and bravery of his eminence, Flavius Stilicho'¹³

Olympiodorus tells us that Stilicho won many great victories for Rome against many enemies, Claudian's panegyrics frequently praised Stilicho's character and valour while to Zosimus Stilicho was the most judicious man of his day.¹⁴ From 395 to 408 Stilicho was a bulwark against multiple foreign and domestic challenges to the Roman West. Already we have encountered Stilicho at various intervals in this thesis, and have seen the pivotal role he played in suppressing Gildo in North Africa and for stemming the Visigoth advances under their leader Alaric.

Of mixed parentage, a Vandal father and a Roman mother¹⁵ Stilicho first came to prominence under the emperor Theodosius I, after he served as an ambassador to Persia in 383.¹⁶ The emperor married his niece Serena to Stilicho.¹⁷ Within a decade of these nuptials Stilicho had become supreme military commander for the Western Roman Empire, a position he occupied until his death. He also held the western consulship in 400 and 405.¹⁸ Stilicho was trusted by the Emperor Theodosius I so much so that, by the time of that emperor's sudden death in January 395, Stilicho became guardian for Theodosius' youngest son, Honorius, the idea being that Stilicho would assist Honorius until the youth could rule on his own. Theodosius I left both of his young sons, the seventeen-year-old Arcadius and ten-year-old Honorius, as heirs to the Roman state.¹⁹ Clearly, because of their youth, they would need

¹³ *CIL*. VI 31987.

¹⁴ Olymp. fr. 3; Claud. *Stil.* I. passim; Zos. V 33.6. For modern speculation about Stilicho's possible military involvement in Britain around 398, see Miller, 'Stilicho's Pictish War', 141-5; cf. S. Frere *Britannia: a history of Roman Britain* (London, 1998, 3rd edition), 223 ff, 355 ff.

¹⁵ Stilicho was of Scythian descent according to Eunapius; Eun. fr. 60; Stilicho's mother was Roman; Jer. *Ep.* 123. 17: *sed scelere semibarbari accidit proditoris*; Stilicho's father was a Vandal officer in the Roman army; Oros. VII. 38. 1: *comes Stilico, Vandalorum inbellis auarae perfidae et dolosae gentis genere editus*. Can we take Orosius seriously, though, as his usual vitriol is to liken enemies of the state, real or imagined, to barbarians, even if those individuals were actually Roman.

¹⁶ Claud. *Stil.* I 51-68. Stilicho was a military tribune (*tribunus praetorianus militaris*) at the time of the Persian embassy.

¹⁷ Olymp. fr. 1; Claud. *Gild.* 310; idem. *c.m.* 30. 184-5: *iugalem promeruit Stilicho socero referente coronam*.

¹⁸ *PLRE* I, 856.

¹⁹ Oros. VII. 36. 1. Honorius had been co-Augustus with his father since 23 Jan, 393, a common policy for emperors and their infant sons; Soc. V. 25 (10 Jan).

4. Shared Fates; Stilicho, Eucherius and Serena, 408

guidance and protection. Stilicho claimed that Theodosius, just before he died, had made him custodian of both his sons and his daughter, Galla Placidia.²⁰

(Fig. 49) With your right hand, protect both brothers²¹
Flavius Stilicho



Detail from the so-called 'Diptych of Stilicho', Basilica of S. Giovanni Battista, Monza, Italy. No copyright permission needed

Theodosius chose Stilicho because of his prior service, his membership of the imperial family, and because he was duty-bound to the emperor, the state and to god by his sacred military oath (*sacramentum*). At the time of his father's death, Arcadius was already Augustus at the eastern capital of Constantinople. Unsurprisingly, Stilicho's regency claims encountered much opposition from Arcadius' advisors there. They had much to lose if the western *magister* gained authority over their young emperor. Even if Arcadius had wanted to (and it is not certain that he did), he was never

²⁰ Claud. *Ruf.* II 1-6; Eun, fr. 60; Zos. IV 59. 1; Oros. VII. 37.1; Olymp. fr. 1; Amb. *De Ob. Theod.* 5: *de filiis enim nihil habebat novum quod conderet, quibus totum dederat, nisi ut eos praesenti commendaret parenti*; Ambrosius Mediolanensis, *Sancti Ambrosii oratio de obitu Theodosii* (ed.) O. Faller, *CSEL* 73 (1955), 371-401.

²¹ This line is from Claudian; Claud. *III Cons.* 153: *geminos dextra tu protege fratres*. According to Claudian, the dying Emperor Theodosius I had ordered Stilicho to watch over his sons Arcadius and Honorius.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

able to accept Stilicho's claims, due to the influence of these advisors. Indeed, the names of most of Arcadius' confidants are a litany of vice and criminality.²² Stilicho tried repeatedly to assert his authority in the east on Arcadius' behalf, but was unsuccessful. Instead, he sparred politically, and occasionally militarily, with his opposite numbers in the east. Tensions therefore remained in situ between the western and eastern courts, which were not fully resolved until well after Stilicho's demise in 408. After Arcadius' son Theodosius II was born in April 401, any chance for Stilicho to assert himself in the east disappeared (figs. 50 and 51). However, when Arcadius died suddenly in May 408, Stilicho planned to travel east in order to protect the infant emperor.²³

(Fig. 50) A new hope in the east
Solidus of Arcadius, Constantinople mint, c. 402-03



Obverse: Arcadius facing, pearl-diademed and helmeted, cuirassed, holding spear in his right hand over his shoulder, a shield decorated with a horseman in his left hand. **Legend:** D-N-ARCADI-VS-P-F-AVG (*Dominus Noster Arcadius Pius Felix Augustus*). **Reverse:** Victory seated upon cuirass, inscribing on shield the inscription XX (*vota decennialia* = ten years of vows already paid)/XXX (*vota tricennialia* = an offering/sacred promise of victory for the next thirty years). **Legend:** NOVA-SPES-REIPUBLICAE (*New Hope of the State*). **Field:** Star. **Exergue:** CON (*Constantinopolis*) – OB (*Obryziacum* = pure/fine gold). (*RIC X 22/23*) © The Trustees of the British Museum

Stilicho integrated himself into Theodosius' household by marrying both of his daughters Maria and Thermantia to Honorius. Maria died childless in 407, and her sister Thermantia, at Serena's insistence, married the emperor.

²²These included the eastern praetorian prefect Rufinus and the chamberlain Eutropius. Both men fell victim to Stilicho's intrigues against them. After Eutropius, the next senior minister to attempt to coerce Arcadius to do his bidding was the Gothic *magister* Gainas, but he was killed and decapitated; Soc. VI 23. 7.

²³ See Cameron, *Poetry and Propaganda*, 155.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

For reasons unknown, Stilicho objected to the second union, which also failed to produce children. It was these childless marriages that fuelled rumours that Stilicho planned for his own son Eucherius to accede to the western throne.²⁴ Innuendo aside, the official explanation given in the literary and legal sources for Stilicho's alleged treason was his relationship with the barbarians, especially the Visigoth leader Alaric.

(Fig. 51) The house of Theodosius renewed
Copper-alloy coin of Arcadius, Honorius and Theodosius II, Cyzicus mint
(Kapu Dagh, Turkey), 406-8



Obverse: Arcadius, diademed, draped and cuirassed, star behind emperor's head. Legend: D-N-ARCADI-VS-P-F-AVG (*Dominus Noster Arcadius Pius Felix Augustus*). Reverse: Three emperors standing, holding spears, Arcadius to the left and Honorius to the right hold shields, Theodosius II, the smaller figure, holds an *orbis*. Legend: GLORI-A ROMA-NORVM. Exergue: SM (*Sacra Moneta*) – K (Cyzicus) – A (*officina* mark). (RIC X 148) Image courtesy of www.ancientcoins.ca

4.3. Sympathy for the barbarian

'We fear the barbarians more than shipwreck'²⁵

A major contributing factor to Stilicho's downfall was his relationship with Alaric. The Visigoths had entered Roman territory *en masse* during the 370s, initially causing a logistical problem and then a security nightmare for the empire. The war that Rome fought against the Visigoths had been long and costly for the Romans, until, finally, a peace treaty negotiated by Theodosius I settled the barbarians as allies (*foederati*) on abandoned lands in Northern Greece. After Theodosius' death the Visigoths felt no further obligation to a

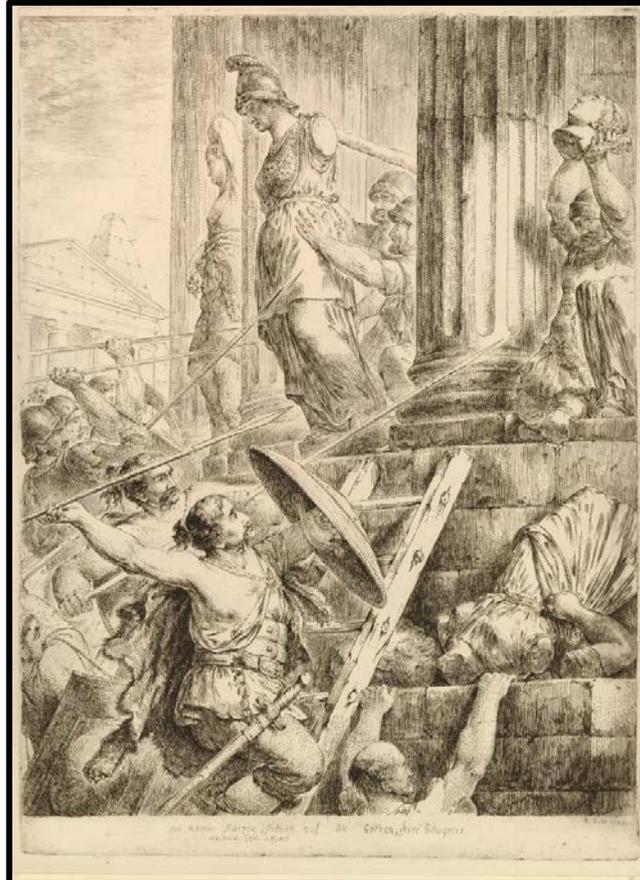
²⁴ See Cameron, *Poetry and Propaganda*, 153-5.

²⁵ Jer. Ep. 77. 8: *magis barbaros metuere, quam naufragium*; Hieronymus, *Epistulae*, PL. 22.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

dead man, and they revolted again in search of new pastures. For years afterward Alaric plundered the Eastern Empire at will, taking full advantage of internal political divisions between east and west. This Roman discord prevented a unified opposition to Alaric.²⁶

(Fig. 52) Romans and Goths
Engraving by Christian Bernhard Rode, Germany, 1782



Roman soldiers defending themselves against the besieging Goths, the latter armed with spears, by dropping sculptures onto them. © The Trustees of the British Museum

Between 395 and 402 Stilicho met Alaric in battle on numerous occasions. Each time Alaric managed to escape and regroup, only to return stronger than ever.²⁷ Critics, in particular Orosius, of Stilicho's failure to destroy Alaric insinuated that, because of his own barbarian ancestry, Stilicho

²⁶ The threats facing the eastern empire were exacerbated when other barbarians (such as the Huns) invaded. The Huns pushed down from Asia Minor as far as Egypt, leaving dreadful atrocities in their wake; Jer. *Ep.* 77.8.

²⁷ Oros. VII. 37. 2.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

must have had an innate sympathy for the Visigoths.²⁸ Orosius even claimed that Stilicho had entered into a secret alliance (*oculto foedere fouens*) with Alaric.²⁹ That Alaric evaded capture on so many occasions created a sense of unease that maybe Stilicho was not suited to the task of defending the empire. Of course, his political enemies utilized Stilicho's supposed barbarian sympathies to their advantage. However, as Vegetius pointed out in his military treatise, it was a sign of good discipline not to pursue one's enemies when they were in flight, for they could just as easily turn around and fight because their very survival depended upon it. Stilicho appears to have been following sound military judgement by not harrying the Visigoths in their retreat. In addition, Stilicho may not have had enough trained men available to him for the Visigothic campaigns, particularly, as we have seen when he was faced with an insurrection in North Africa in 397.³⁰

By 407 Stilicho had ever more problems to contend with. The Rhine frontier had collapsed when a new barbarian invasion poured into Gaul, devastating parts of the province. In response to the central government's apparent inertia, the military in Britain revolted and proclaimed their own emperor, Constantine III, to lead them against the barbarian invaders. The usurper crossed the sea with his army into Gaul and established a rival regime to Honorius' there. With a civil war on their hands, and with no prospect of assistance from Constantinople, Honorius and Stilicho faced a multi-front war. There was no other recourse but for Stilicho to make a deal with Alaric, in which the Visigoth was given a Roman military commission. Alaric was to go into Gaul and suppress Constantine III. However, Alaric was owed payment from the western government for a mission he had undertaken at Stilicho's behest in 407. Stilicho went to Rome to proposition the senate for funds with which to pay Alaric, but when his request was made to the assembled senators, there was outcry on the floor. Stilicho had asked for an enormous sum, over five-thousand pounds of gold, thirty-thousand pounds of

²⁸ Oros. VII. 38.1; see also Ferrill, *Fall of the Roman Empire*, 90 ff. Ferrill resists the notion of Stilicho as the half-Roman and argues that is 'profoundly misleading' for Stilicho was born and raised a Roman and was bound by *sacramentum* to the state and through his marriage into the imperial family.

²⁹ Oros. VII. 38. 2.

³⁰ Burrell, 'A Re-examination', 251-6.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

silver, and an enormous quantity of spices and silks. Senator Lampadius rose up from his seat in fury and shouted at Stilicho ‘this is not peace but a pact of slavery!’³¹ In spite of the senatorial discomfort over Stilicho’s appeal, Alaric was paid, but many within the Roman establishment viewed this as appeasement of and collaboration with the enemy. Perhaps more crucially, certain elements among the military hierarchy thought Stilicho’s policy was defeatist in nature. However, the reality facing the Western Empire was that Alaric was marching against Honorius and Stilicho from the east, while at the same time the usurper Constantine III advanced from the west. A deal had to be done with the lesser of the two evils, and, in this instance, Alaric was considered by Stilicho to be just that. The usurper approaching Italy constituted a far more dangerous threat which could conceivably have removed Honorius, Stilicho and their families from power, permanently.

An unexpected event in May 408 presented an opportunity to Stilicho’s opponents to eliminate Stilicho once and for all. Arcadius died in Constantinople, leaving his seven-year-old son Theodosius II as his heir. Honorius wanted to travel to Constantinople to secure his nephew’s succession, but was persuaded by Stilicho to remain in the west to deal with Constantine’s revolt. Instead, Stilicho would go east to fulfil the promise he had made to Theodosius back in 395 – that he would protect the imperial dynasty. Unfortunately, while Stilicho readied to leave, plans were already in motion to get rid of him as quickly and as legitimately as possible.

³¹Zos. V 29. 9: ‘*non est ista pax, sed pactio servitutis*’ were the words uttered by Lampadius in anger at Stilicho’s request, although this phrase might simply be a rhetorical construction. Afterwards he fled to a church in fear of his life, (this has already been referred to briefly in chapter 2.2., 54-5). Olympiodorus gives a smaller figure of four thousand pounds of gold as Stilicho’s request for Alaric, Olymp. fr. 7.

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(Fig.53) Honorius in military dress
Consular diptych of Probus Anicius, Rome, 406



Honorius, nimbate, pearl-diademed, draped and cuirassed, stands holding a *labarum* in his right hand that carries the inscription 'In the name of Christ forever conquer. The emperor holds an *orbis* with a winged Victory in his left hand. The inscription around Honorius' head reads: D-N-HONORIO-SEMP-AVG (*Dominus Noster Honorius Semper Augustus*). No copyright permission needed

4. Shared Fates; Stilicho, Eucherius and Serena, 408

4.4. The August 408 coup

‘Thus provoked, the army rightly cut Stilicho down’³²

The main instigator of the coup against Stilicho was the master of the imperial bureau, Olympius, a man who owed his career advancement to Stilicho.³³ By the summer of 408 Olympius had become ‘master of the Emperor Honorius’ inclination’, and connived to overthrow his former patron and friend Stilicho.³⁴ On 13 August 408, Honorius convened his high command, mostly members of Stilicho’s circle, at the main military barracks of Ticinum (modern Pavia). The emperor was overseeing the deployment of Roman troops to Gaul against the usurper Constantine. The soldiers were to join their new Visigothic allies en route to the campaign. Olympius was also at Ticinum with the emperor. Aware that the soldiers were unhappy at what they perceived as favouritism and overly generous payment shown to the Visigoths, Olympius incited the Roman troops to mutiny. He let it be known that their commander Stilicho was planning to use the barbarians against them while he usurped the *imperium* for himself and his son. Incensed by this apparent treachery, the assembled troops rioted and massacred all of Stilicho’s principal supporters that they could find. In one fell swoop the western military and civilian elite, mostly Stilichonians, were killed.³⁵ As with the purge against the *satellites Gildonis* a decade earlier, it is likely that some of those massacred at Ticinum were not part of Stilicho’s circle.³⁶ Zosimus informs us that the soldiers were out of control. They rampaged through Ticinum’s streets seeking Stilichonians, dragging them from whatever buildings they had taken refuge in and killing them on the streets.³⁷ It does not specify which buildings had become places of sanctuary, but it is possible that ecclesiastical properties were involved.. Either way, what is clear from Zosimus is that claims of sanctuary were not respected at all. In

³² Oros. VII. 38.5: *commoto iustissime exercitu occisus est Stilico*.

³³ *PLRE* II, Olympius 2, 801-2. At this point Olympius was *magister scriniorum*, whose chief function was to oversee the secretarial work in all imperial bureaucracies; Pharr, *The Theodosian Code*, 588. After Stilicho’s death Olympius was promoted to the very senior position of *magister officiorum*.

³⁴ Olymp. fr. 2.

³⁵ This term for Stilicho’s supporters derives from Matthews, *Western Aristocracies*, 260.

³⁶ See chapter 3.9., 124-6.

³⁷ Zos. V 32.1-7.

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fact to stop the carnage, the emperor himself had to come onto the streets to calm the troops.³⁸

Nine days after Ticinum, on the morning of 22 August 408, imperial couriers arrived at a Ravenna church where Stilicho had taken refuge. In the meantime Olympius had persuaded the emperor that Stilicho planned to depose him and elevate his nineteen-year-old son, Eucherius, to the throne. Yet Eucherius never held any post higher than an imperial secretary.³⁹ If his father had intended him for greater things, then Eucherius, at nineteen, should have progressed to a higher rank by this stage, if he was really in line to the throne.⁴⁰ Persuaded by Olympius of Stilicho's *crimen maiestas*, the emperor signed an arrest warrant for Stilicho. Stilicho sought church sanctuary in a Ravenna church along with some bodyguards. However, instead of the anticipated warrant, the couriers delivered a letter of clemency from Honorius to Stilicho.⁴¹ Zosimus remarked that a bishop was present at the church and that an oath guaranteeing Stilicho's safety was sworn in front of the prelate. This has prompted Ducloux to ask whether the oath was sworn upon the gospels.⁴² She argues that Stilicho surrendered because he felt protected by the fact of the bishop's presence. It is far more likely that it was the imperial letter itself, with its offer of pardon and safe-passage, which convinced Stilicho. Only official written documents with an imperial seal could be accepted as genuine; anything else was considered counterfeit. Having spent so long at the highest governmental level, Stilicho would have been well aware of this, hence he accepted the authority of the letter.

Stilicho left the church's environs and walked outside, where he was handed a second letter that ordered his summary execution. The couriers were in reality an execution-detail, and the pardon appears to have been a ruse to lure Stilicho out. His men prepared to defend their leader but he ordered them

³⁸ Ibid. V 32.5.

³⁹ Eucherius was *tribunus et notarius*, a member of staff of the imperial private secretaries, usually sent on special missions by the Emperor and the consistory; see Pharr, *The Theodosian Code*, 593, 598; cf. Cameron, *Poetry and Propaganda*, 48.

⁴⁰ See Cameron, *Poetry and Propaganda*, 48-9.

⁴¹ *CTh*.1.3.1. (31 July 383). Imperial rescripts bore the full force of law. Rescripts were displayed publicly where a sentence was pronounced and its judgement carried out. See also Matthews, *Laying Down the Law*, 13-16, 18; cf. Honoré, *Law in the Crisis*, 38, 87, 113, 161-2, 209-10, 234, 250.

⁴² *Zos*. V 34.4. See also Ducloux, *Ad Ecclesiam Confugere*, 123-4.

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to stand down. Loyal to the state to the very end, Stilicho offered no resistance. Instead he accepted what appeared to be the emperor's decision and submitted his neck to the executioner's sword.⁴³

(Fig.54) Praise for the army
Siliqua of Honorius, Ravenna mint, after 408



Obverse: Honorius pearl-diademed, draped and cuirassed. Legend: D-N-HONORI-VS-P-F-AVG (*Dominus Noster Honorius Pius Felix Augustus*). Reverse: Emperor in military dress, stands holding a spear in his left hand while his right hand rests on a shield. Legend: VIRTVS-EXERCITVS (*The Virtue of the Army*). Exergue: RV (Ravenna) – PS (*Pusulatum* = pure silver). (RIC X 1315) © The Trustees of the British Museum

4.5. The legality of Stilicho's murder

'Targeted killing may also interfere with important gathering of critical intelligence'⁴⁴

Among the list of the slain of Ticinum were the western quaestor Salvius and the praetorian prefect for Italy, Longinianus.⁴⁵ The quaestorship and Italian prefecture were essential for the routine procedure involved in the drafting and issuing of imperial legislation. The quaestor was chief legal advisor to the emperor, and had the responsibility of drafting laws. The Italian praetorian prefect was subordinate only to the emperor, and all proposals (*suggestiones*)

⁴³ Olymp. fr. 5; Zos. V 34. 4-5.

⁴⁴ G. Blum, and P. Heymann, 'Law and Policy of Targeted Killing', *HNSJ* 1 (Harvard, 2010), 165.

⁴⁵ *Cons. Ital.* s.a. 408; *Consularia Italica* (ed.) Th. Mommsen, *MGH (AA)* IX (Berlin, 1892), 249-339. *PLRE* II, Salvius 2, 974; *PLRE* II, Longinianus 1. 686-7. Salvius tried to save himself by clinging to Honorius' feet for mercy, but the soldiers killed him out of hand in front of the emperor.

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seeking legal action had to pass through him before reaching the emperor.⁴⁶ After Salvius and Longinianus' deaths, no replacement was appointed in their stead until the following month, 13 September 408.⁴⁷ What these details reveal is that there was neither quaestor nor praetorian prefect in office for about a month, during which time the two letters containing the power of life and death over Stilicho arrived at Ravenna. Letters from the emperor carried the full force of law, and went through much the same process of compiling and drafting as other types of legal constitutions.

This process went as follows: when a *suggestio* for a particular issue was made, a core advisory group within the imperial consistory discussed how to respond to it. Unanimous agreement was imperative as regards what measures should next be taken in response to the *suggestio*. Once a legal text was worked out, it was then given to the quaestor to draft. The core group reconvened, read the quaestor's draft, and, if necessary made adjustments. Unanimity was again required before the draft was finally presented to the emperor. Once the emperor could see that there was a consensus among his consistory on the proposed law, he signed it into being.⁴⁸ Therefore, the drafting and issuing of edicts, rescripts, and letters lay primarily with the emperor and his closest advisors. If two members of this elite group, the quaestor and praetorian prefect, were dead when the emperor's letters reached Stilicho's ecclesiastical refuge, then who drafted them?

As we have seen, because of the bloody episode at Ticinum, the Italian prefecture and western quaestorship were left vacant for a short period. This was enough time for Olympius, although much lower in rank to the offices of quaestor and prefect, to make sure that no middle-men could come between him and the emperor. In all likelihood, the letters destined for Stilicho at Ravenna were written for Honorius under Olympius' supervision. The latter no doubt emphasised the necessity of such letters to the emperor, due to the extraordinary situation that the state was in, i.e. Stilicho's alleged usurpation

⁴⁶ Harries, 'The Background to the Code', 8-9; Honoré, *Law in the Crisis*, 14; Matthews, *Laying Down the Law*, 171-2; C. Humfress C., *Orthodoxy and the Courts in Late Antiquity* (Oxford, 2007), 88, n.88.

⁴⁷ *PLRE* II, 1247,1259; On the western quaestors between 402-23, see Honoré, *Law in the Crisis*, 229, 234-6.

⁴⁸ Honoré, *Law in the Crisis*, 13; E.A. Meyer, *Legitimacy and Law in the Roman World* (Cambridge, 2004), 252; Harries, 'The Background to the Code', 8-15.

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plot, Constantine III's western usurpation and the presence of Visigoth forces in Italy. The *suggestio* to have Stilicho killed probably originated from Olympius, either directly from himself or through others. There were surely other civil servants involved in Olympius' conspiracy, who, acting under his instruction, presented a *suggestio* to the imperial court. Whichever method was used, Olympius bypassed the normal procedure for the creation of laws. He was acting quickly to bring his plans to full fruition.

4.6. Death in Rome; The fate of Eucherius

'Thus does Eucherius, the son, outdo his father's courage'⁴⁹

As we have seen, it was customary for the male children of rebels and usurpers to be killed along with their fathers.⁵⁰ As soon as Stilicho had been dealt with the coup's focus shifted towards the elimination of his son, Eucherius. The subsequent murder of Eucherius was almost certainly pre-planned, especially since one of the main charges laid against Stilicho was that he had conspired to supplant the emperor with his son.⁵¹ It may not have taken much persuading on Olympius' part to convince Honorius to eliminate this possible threat to his throne. Fear of what Eucherius might do in revenge for his father would have been a factor. Furthermore, Eucherius' imperial bloodline represented a challenge to Honorius' position. Already, when Eucherius was still just a child, Claudian had promoted the idea of the boy, a grandson of Theodosius I, as a future emperor.⁵² Given that Claudian's panegyrics were typically delivered in front of the emperor and the western court, references to Eucherius' potential for the purple probably struck a chord with Honorius, or if they did not, they surely must have with the attendant courtiers, some of whom were involved in Olympius' plot of 408.

⁴⁹ Claud. *Epith.* 338: *sic puer Eucherius superet virtute parentem.*

⁵⁰ For example, Licinius and Licinius Junior, Magnus Maximus and Victor, Constantine III and Julianus, see table 1, 12.

⁵¹ Zos. V 32.1; Oros. VII. 38.1; Soz. IX 4.1; Iord. *Rom.* 322

⁵² Claud. *Stil.* III. 176-81: *dedit haec exordia lucis Eucherio puerumque ferens hic regia mater Augusto monstravit avo; laetatus at ille sustulit in Tyria reptantem veste nepotem.* Cameron thought Stilicho foolish to publicize his son's imperial ancestry; Cameron, *Poetry and Propaganda*, 49.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

(Fig. 55) Serena and her son Eucherius



**Detail from the so-called 'Diptych of Stilicho',
Basilica of S. Giovanni Battista, Monza, Italy.
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As his father was being executed, Eucherius fled Ravenna and headed for Rome, where he took refuge in a church there. His mother Serena was already in the ancient capital, as was the emperor's sister, Galla Placidia, to whom Eucherius had once been engaged to marry.⁵³ Orosius claimed that Eucherius had coveted the purple for himself, and that he had secretly courted pagan support in a plot to subvert and destroy the Christian church.⁵⁴ This

⁵³ Zos. V 34.5; Claud. *Stil.* II. 354ff.

⁵⁴ Oros. VII. 38. 4-6: *sperans miser sub hac necessitatis circumstantia, quia et extorquere imperium genero posset in filium et barbarae gentes tam facile comprimi quam commoueri ualerent. itaque ubi imperatori Honorio exercituique Romano haec tantorum scelerum scaena patefacta est, commoto iustissime exercitu occisus est Stilico, qui ut unum puerum purpura indueret, totius generis humani sanguinem dedit; occisus Eucherius, qui ad conciliandum sibi fauorem paganorum restitutione templorum et euersione ecclesiarum inbuturum se regni primordia minabatur.*

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line of thought seems out-of-step with Eucherius' family's strong Christian background.⁵⁵ Eucherius' actions in claiming church sanctuary do not correlate with someone who was seeking to revive by-now-outlawed traditional religions.

While Eucherius remained in his church refuge, Roman troops butchered the families, mostly women and children, of barbarian *foederati*, in a wave of anti-barbarian feeling. Rumours, stoked by Olympius and his co-conspirators, that Stilicho had been planning usurpation with the help of the *foederati*, incited these extra-judicial killings. The barbarian civilians resided in several Italian cities, which had had their gates shut to their men-folk following the Ticinum massacre.⁵⁶ Trapped inside the cities, and with no chance of escape, the barbarian women and children were murdered at will by the Roman soldiers. Understandably, the outraged *foederati* went over to Alaric's side. The coup against Stilicho was having unintended consequences. With Stilicho's death, Alaric's source of pay and his direct link to the emperor disappeared. The Visigothic leader advanced on Rome, intent upon recompense.⁵⁷

In the meantime, assassins were dispatched to Rome by Honorius, through Olympius' connivance, to kill Eucherius. When the assassins arrived at the church where Eucherius was hiding they assured its bishop that the fugitive would come to no harm if he was peaceably surrendered. Olympiodorus says that a letter from Honorius was produced which overruled the right of sanctuary.⁵⁸ As with the two letters delivered to Stilicho at Ravenna, it was probably Olympius who was instrumental in drafting this order. It was not just the right of sanctuary which Honorius' letter overruled, but Eucherius' right to live. A condition of an earlier law, *CTh.* 9.14.3.1 (4 Sept 397), stated the sons of anyone condemned to death for *crimen maiestatis* should be spared. However, while the stipulation that such sons should not be executed as their fathers, there is a particularly draconian

⁵⁵ Augustine alludes to Stilicho's Christianity in a letter to the conspirator Olympius written shortly after the coup of August 408; *Aug. Ep.* 97.

⁵⁶ It was actually Stilicho who had ordered the gates of the Italian cities closed in order to prevent the *foederati* entering to seek vengeance for Ticinum; *Zos.* V 33-34.2.

⁵⁷ *Zos.* V 37.4.

⁵⁸ *Olymp.* fr. 7.

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stipulation that they would inherit nothing of their father's property, and should live the rest of their lives as outcasts.⁵⁹ Death, according to this law, would be a consolation, while life itself was the penalty.

Sons, indeed, to whom We have granted their lives by especial imperial leniency (for they ought to perish by the same punishment as their father', since in them must be feared examples of paternal, that is, hereditary, crime) shall be held as persons extraneous to the inheritance and succession of their mother or grandmother, and also of all their nearest kinsmen. They shall receive nothing by the wills of extraneous persons; they shall be needy and poor perpetually; their father's infamy shall accompany them always; they shall never be admitted to any honours and to any oaths of service; finally, they shall be in such sordidness of perpetual want that death shall be to them a solace and life a punishment.⁶⁰

Once Eucherius was taken from his church refuge he was put to death outside the sacred precincts, but there is no mention as to the method by which he was killed. Neither is there any mention of ritual head-display which one would assume would be the case for an alleged usurper (even an attempted one).⁶¹ *CTh.* 9.14.3.1 does not appear to have been used in Eucherius' defence, and probably for good reason, for Zosimus says that, had Alaric reached Rome before the assassins, Eucherius would probably have been saved.⁶² Alaric might even have set Eucherius on the throne, for this is what he did two years later with the usurper Priscus Attalus.

⁵⁹*CTh.* 9.14.3.1. (4 Sept 397: *filiis vero eius, quibus vitam imperatoria specialiter lenitate concedimus, paterno enim deberent perire supplicio, in quibus paterni, hoc est hereditarii criminis exempla metuantur, a materna vel avita, omnium etiam proximorum hereditate ac successione habeantur alieni, testamentis extraneorum nihil capiant, sint perpetuo egestes et pauperes, infamia eos paterna semper comitetur, ad nullos umquam honores, nulla prorsus sacramenta perveniant, sint postremo tales, ut is perpetua egestate sordentibus sit et mors solacio et vita supplicio).*

⁶⁰ Pharr, *The Theodosian Code*, 236.

⁶¹ Olymp. fr. 5; Zos. V 37.4; Oros. VII. 38.6.

⁶² Zos. V 37. 1-4. See chapter 2.3., 68-74, for discussion of right hand mutilation.

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4.7. At the mercy of the senate; Serena's murder

'You are more important to me than my [own mother] Flacilla'⁶³

Soon after Eucherius' murder Alaric arrived outside Rome's walls, in September 408, and laid siege to it. Inside the beleaguered city there was a dangerous atmosphere of suspicion about anyone even remotely connected to the barbarians. Serena, Stilicho's wife, became a casualty of the anti-barbarian fervour. She was accused of collaboration with Alaric, and sentenced to death by a *senatus consultum*.⁶⁴ The emperor's sister, Galla Placidia, supported the senatorial decision, and so Serena was strangled to death. Whether Placidia had the authority necessary to act on her brother's behalf is unclear, but if she had, then the reasons why Placidia may have done so are also obscure. She had, after all, been raised by Serena, and had also been engaged to marry Eucherius. A later literary tradition that maintained Serena's innocence of barbarian conspiracy instead attributed her death to a sacrilegious act against a defunct pagan cult at Rome, which she was supposed to have committed.⁶⁵ Whatever the truth, or untruths, of the reasons given for Serena's murder, her fate raises questions as to why she was not spared, especially since she was a blood-relative of the imperial household. In the past, the wives of executed *tyranni* and other *hostes* were granted clemency and considered immune from prosecution.⁶⁶ Why was Serena really killed?

The senate's killing of Serena deserves further examination. Since the third century, when it still had the legislative authority to condemn people to death, the senate's authority had declined greatly. By the early-fifth century it is uncertain if the senate still possessed such power at all.⁶⁷ There is no

⁶³ Claud. *Epith.* 43: *tu potius Flaccilla mihi*; Serena was aunt by blood to Honorius; after her adoption by Theodosius she became Honorius' sister. Honorius' mother Flacilla died when he was very small, and, after his father's death, Serena assumed the role of a mother to the young emperor. Later again she became his mother-in-law when her two daughters married Honorius.

⁶⁴ Zos. V 38; Olymp. fr. 7. Orosius says nothing of Serena's murder, which perhaps did not fit in with his view of Honorius' high-minded ideals and religious observances.

⁶⁵ Zos. V 38. 1-5, Olymp. fr. 6.

⁶⁶ E.g. Justina, the wife of the usurper Magnentius; after his death Justina married Valentinian I; *PLRE* I, Iustina, 488-9.

⁶⁷ R. J. A. Talbert, *The Senate of Imperial Rome* (Princeton, 1984), 525.

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evidence of Honorius' direct involvement in Serena's murder, i.e., no letters, such as those which condemned her husband and son to death. It seems, therefore, that the senate acted independently, although it is possible that letters were sent from the emperor which could not get past the Visigoth picket-lines into Rome. In all likelihood, Serena's murder was the senate's attempt to placate a population fearful of Alaric's advance and hard pressed for supplies.⁶⁸ There does not appear to have been any retribution against the senate from Honorius, once matters had calmed down. By claiming imperial sanction via Placidia's presence, Serena's murder was therefore given a veneer of legitimacy, which also provided the senate with immunity from any later prosecution.

4.8. The 'quiet' deaths of Stilicho and Eucherius

'His [Stilicho's] family, united by a triple alliance with the family of Theodosius, might envy the condition of the meanest peasant'⁶⁹

There is nothing at all in any of our sources that indicates any form of mutilation of Stilicho and Eucherius, either before or after death. Neither is there any mention of decapitation or head-display. Both Olympiodorus and Orosius simply say that Stilicho was killed by soldiers, and that Eucherius was put to death.⁷⁰ Zosimus' account is more dramatic and has Stilicho submitting his neck to the sword-stroke. Zosimus concludes by saying that Stilicho died a pitiful death.⁷¹ There are no more specifics than this from Zosimus, which makes it difficult to deduce much from this phrase. More likely what is meant from Zosimus is that Stilicho's death was all the more wretched because he had fallen from great heights.

Aside from the legal and epigraphic aspects of Stilicho's *damnatio* (which are discussed in the next section), there seem to have been no official imperial celebrations held to commemorate his elimination. Why were

⁶⁸ Zosimus says as much; Zos. V 35.

⁶⁹ E. Gibbons, *The History of the Decline and Fall of the Roman Empire* 6 vols, 6th edition (Dublin, 1784), XXVII.

⁷⁰ Olymp. fr. 5; Oros. VII. 38.5-6.

⁷¹ Zos. V 34.5; idem. V 38. 5.

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Stilicho and Eucherius not subjected to the customary, and very public, rituals of humiliation reserved for *hostes* and *tyranni*? There are several possibilities.

Stilicho had been popular with the army and the public at large. He had done much to protect the western empire during the 390s and early 400s, particularly obtaining food provisions for Rome and other cities during the North African crisis of 397-8 (see previous chapter). In spite of the army's reaction to their former general's alleged treason, which manifested itself through the massacre at Ticinum, it is difficult therefore to imagine his corpse, or that of his son, being dragged and abused through city streets in the same way that the bodies of Rufinus or Gildo had been. There is no indication whatsoever that this happened to Stilicho or to Eucherius.

Neither father nor son appears to have been decapitated, or had their heads publicly displayed, a typical fate for usurpers, which is what the duo were accused of. Out of the twenty-one persons listed in table 4 accused of *crimen maiestatis*, we can only be certain of twelve who were decapitated and then had their heads displayed.⁷² These twelve are the only individuals we can be sure issued coinage, or stamped their name upon currency, or indeed were sons of a *tyrannus*. The others, with two possible exceptions, did not strike coinage, and there is no mention of their heads being triumphally displayed. If the imperial government was so sure of Stilicho's conspiracy to usurp the throne, then why was there no head-display? Perhaps this was because the real solid proof needed of such plans was missing, i.e. the images of Stilicho or Eucherius upon coinage.

Varner suggests that 'the desecration of elite corpses was viewed as an extremely severe form of punishment, and as a result is fairly rare for condemned emperors or other members of the imperial house.'⁷³ This is a fair assessment, particularly in relation to the cases of Stilicho and Eucherius. From the age of eleven, the emperor had been raised by Stilicho and Serena, and had eventually married their two daughters.⁷⁴ Despite the apparent

⁷² See table 4, 82.

⁷³ Varner, *Mutilation and Transformation*, 3.

⁷⁴ There had been instances in Rome's past where imperial families had turned upon each other, for example Constantius II's brutal purge of most of his male relatives c. 337. However, nothing like this had happened within ruling circles since then.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

pressures exerted upon Honorius by Olympius and others to turn against his surrogate father, Honorius probably had no desire to see the heads of members of his own family on spikes on the city walls of Ravenna.

Furthermore, Stilicho had been a senior military commander for a very long time; would every army unit and commander really have accepted the humiliation of a man whom Claudian described as much loved by his men?⁷⁵ After Olympius' treachery was discovered in 409, the *magister militum* Constantius made sure that Stilicho was avenged by having Olympius mutilated and beaten to death. There was also a military and naval mutiny in the same year, in which some of Olympius' acolytes, the *magistri* Turpillio and Vigelantius, were killed, and where Eucherius' assassins ended up in exile at the behest of the mutineers.⁷⁶

4.9. The *damnatio* of Stilicho and his affiliates

'In crimes of high treason it is permitted that the memory of the deceased may be charged with crime.'⁷⁷

Since no physical evidence could be produced by the imperial authorities to demonstrate Stilicho and Eucherius' guilt to the public, there was a need therefore to rapidly establish a *damnatio* against the two. In the months following Stilicho's death, great efforts were made to find solid proof of Stilicho's crimes. Many of his supporters, including some persons wholly innocent of any association with Stilicho, were put through the rigours of a *quaestio*, in an attempt to extract confessions from them of their complicity in his treason.⁷⁸ Despite this, not one person tortured incriminated Stilicho. This was likely due to Stilicho's innocence, and also that some of the victims had nothing at all to do with him. Nonetheless, most of those put through this ordeal were executed.⁷⁹ It was mostly Olympius' nominees who filled the positions left vacant by the executions carried out during the coup and subsequent interrogations. The executioners of Eucherius were given

⁷⁵ Claud. *Get.* 405: *sic ducis urget amor.*

⁷⁶ Zos. V 47. 2-3.

⁷⁷ *CTh.* 16.5.40.5 (22 Feb 407: *in criminibus maiestatis licet memoriam accusare defuncti*).

⁷⁸ Oros. VII. 38. 6: *paucique cum idem satellites tantarum molitionum puniti sunt.*

⁷⁹ Soz. IX 4; Oros. 38; Olymp. fr. 2.

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promotions.⁸⁰ Stilicho's own brother-in-law, Bathanarius, the *comes Africae*, was removed from his post and executed. Bathanarius' was replaced by Stilicho's executioner, Heraclianus.⁸¹

By December 408, just months after the coup, a series of posthumous proscriptions, *CTh.* 9.42.20 (24 Sept 408); 9.42.21 (25 Oct 408); 9.42.22 (22 Nov 408); 7.16.1 (10 Dec 408), were issued against Stilicho, Eucherius and their affiliates.⁸² In these laws Stilicho was labelled as a *praedonis* and a *hostis publicus*, his son and supporters condemned, and their property confiscated, exactly as had happened to Gildo ten years previously. All of those were drafted by a new quaestor, possibly Volusianus, who replaced Stilicho's man, Salvius, murdered at Ticinum on 13 August.⁸³ The first constitution in this series, *CTh.* 9.42.20, does not name Stilicho or his associates personally but we may infer from the date, 24 September 408, that these are the proscribed parties referred to. In addition to political gain, there was also financial profit to be had from the suppression of *crimen maiestatis*:

Emperors Honorius and Theodosius Augusti to Theodorus, Praetorian Prefect: We order that the fortunes of proscribed men and of their satellites shall be added to Our treasury. Thus We command that the notices of Our Serenity shall be affixed throughout the fields and on all the dwellings. Whatever fruits from the landed estates have been gathered together by their procurators shall be added at once to Our largesse. Thus such procurators may not sustain alike the punishments of exile and proscription, as they will if they should either disregard Our orders by pretence or pass over them by collusion. Given on the eighth day before the kalends of October at Milan in the year of the consulship of Bassus and Philippus.⁸⁴

⁸⁰ These were the two eunuchs Arsacius and Terentius; Zos. V 37. 4,

⁸¹ Zos. V 37.6.

⁸² See section 1.3.2., 30, for full text of *CTh.* 7.16.1 (10 Dec 408).

⁸³ Honoré, *Law in the Crisis*, 234-6, 277; *PLRE* II, Volusianus 6, 1184-5.

⁸⁴ *CTh.* 9.42.20 (24 Sept 408: *Impp. Honorius et Theodosius aa. Theodoro praefecto praetorio. Proscriptorum satellitumque fortunas aerario nostro iubemus accedere. Ideoque per agros, per cuncta domicilia titulos nostrae serenitatis adfigi praecipimus. Quidquid sane ab eorum procuratoribus ex praediorum fructibus congregatum est, largitionibus nostris protinus copuletur, ne, si iussa nostra aut dissimulatione neglexerint aut colludio*

4. Shared Fates; Stilicho, Eucherius and Serena, 408

In October 408, *CTh.* 9.42.21 was issued by Honorius' administration. This edict suggests that a certain level of fraud was involved in the confiscation of Stilicho's properties. Some of the officials tasked with these asset seizures appear not to have handed everything over to the imperial treasury, and instead had kept some for themselves:

The same Augusti (Honorius and Theodosius II) to Theodorus, Praetorian Prefect. Those persons who appear to have been involved in the property and transactions of Stilicho and either to have stealthily removed or to have robbed anything from the aforesaid property shall return it in every detail. Given on the eighth day before the kalends of November in the year of the consulship of Bassus and Philippus.⁸⁵

By November 408, an effort was made via *CTh.* 9.42.22 to cut off the funds to anyone who supported, or was suspected of supporting Stilicho: This edict also implies that Stilicho had used his political and financial power to obtain barbarian support. However, it is possible that opposition from the senate and others interests ensured that Stilicho did not get sufficient funds necessary to pay Alaric for services rendered to the state, and that consequentially Stilicho was forced to use his own resources. While we may only speculate in this instance, it is still possible. If true, such action may have contributed to the rumours that Stilicho was in league with the Visigoths in a conspiracy to overthrow Honorius.

The same Augusti (Honorius and Theodosius II) to Theodorus, Praetorian Prefect. We order that every avenue for the recovery of property shall be closed to those persons who have given their resources, either incorporeal or corporeal, to the public brigand [Stilicho] or to his son [Eucherius] or other satellites, which

praetermiserint, supplicium exilii pariter et proscriptionis sustineant. Dat. VIII kal. octob. Mediolano Basso et Philippo cons.); Pharr, The Theodosian Code, 263.

⁸⁵ *CTh.* 9.42.21 (25 Oct 408: *Idem aa (Honorius et Theodosius). Theodoro praefecto praetorio. Qui in facultates Stilichonis et actus videntur esse versati vel ex isdem facultatibus aliquid subtraxisse vel aliquid rapuisse, omnifariam reddant. Dat. VIII kal. novemb. Basso et Philippo cons.); Pharr, The Theodosian Code, 263.*

4. Shared Fates; Stilicho, Eucherius and Serena, 408

resources that brigand used to enrich and to incite all the barbarians. Given on the tenth day before the kalends of December at Ravenna in the year of the consulship of Bassus and Philippus.⁸⁶

Name erasure, that most common feature of the Roman *damnatio*, was applied to several honorific inscriptions that had been dedicated to Stilicho and erected in the Roman Forum. One of these, *CIL* VI. 41381, had been dedicated to ‘our most insightful general (and) the most victorious of our lords and also the advisor to patrons of noble rank and to the name of Rome.’⁸⁷ Another inscription, *CIL* VI 1731⁸⁸, from an honorific base in the Rostra of the Roman Forum upon which had stood a silver-plated bronze statue of Stilicho, the line ‘to the most distinguished Flavius Stilicho’ was chiseled away from an inscription that praised him as twice consul. *CIL* VI 1731 emphasized his bond with the Theodosian dynasty.

<To the most distinguished Flavius Stilicho>, twice consul and master of both forces [infantry and cavalry] and general leading the imperial troops as well as overseeing the imperial stables and over the passing years by achieving illustrious promotions in the military, rising to the summit of royal authority (and) establishing a bond resulting from his connection to all the wars and victories and also establishing a bond by marriage to our Lord Theodosius Augustus, his father-in-law, and to our Lord Honorius Augustus. The Roman people [set up] this statue of silver plated bronze on the Rostra due

⁸⁶ *CTh.* 9.42.22 (22 Nov 408: *Idem aa (Honorius et Theodosius). Theodoro praefecto praetorio. Qui suas opes praedoni publico vel eius filio ceterisque satellitibus dederunt vel iure vel corpore, quibus ille usus est ad omnem ditandam inquietandamque barbariem, his omnem repetendi viam iubemus esse praecusam. Dat. X kal. decemb. Ravennae Basso Philippo cons*); Pharr, *The Theodosian Code*, 263.

⁸⁷ *CIL* VI 41381: [p] ROV [identissimo duci] VICTO [rius] ISS [imo dominor (um) nn (ostrorum)] [c] ONSVLT [o] RI ETIAM [fautori divini] [ge] NERIS AC NO [minis Romani] [Fl] <avio Stilicho ni> [v (iro) c (larissimo) et inl (ustri) ---?>

⁸⁸ *CIL* VI 1731: [[FLAVIO STILICHONI, INLUSTRISSIMO]] / VIRO BIS CONSULI ORDINARIO / MAGISTRO UTRISQUE MILITIAE / COMITI DOMESTICORUM / ET STABULI SACRI ADQUE / AB INEUNTE AETATE / PER GRADUS CLARISSIMAE / MILITIAE AD COLUMEN REGIAE / ADFINITATIS ERECTO SOCIO / BELLORUM OMNIUM / ET VICTORIARUM ADFINI / ETIAM DIVI THEODOSI AUGUSTI / ITEMQUE SOCERO / DOMNI NOSTRI HONORI AUGUSTI / POPULUS ROMANUS / PRO SINGULARI EIUS / CIRCA SE AMORE / ADQUE PROVIDENTIA / STATUAM EX AERE ARGENTOQUE / IN ROSTRIS AD MEMORIAM / GLORIAE SEMPITERANAE / CONLOCANDAM DECREVIT / EXEQUENTE FL(AVIO) PISIDIO ROMULO / V C / PRAEF / URB.

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to their remarkable love for him and for his foresight and to the eternal glory, (with) Flavius Pisidius Romulus, of the highest senatorial rank and prefect of the city (of Rome) executing the decree for (the statue's) installation.

The defacement of this particular inscription held the most disgrace for the memory of Stilicho. The message relayed by this act of state-sanctioned vandalism was that Stilicho had been ostracized from the imperial family:

Not every inscription dedicated to Stilicho was effaced, however. There is an un-mutilated inscription from Rome which was dedicated to Stilicho, the liberator of Africa.⁸⁹ This inscription formed the base for a statue of Stilicho set up in c. 399 and which originally stood opposite the senate-house. After the 408 coup, the senators probably did not wish to be reminded of Stilicho's exploits or of their culpability in his death, every time they met in session. The statue may have been destroyed during the *damnatio*, or carried off as booty by barbarian hands; after all, Rome endured two sacks in the half-century following Stilicho's fall.

The existence of inscriptions such as this is puzzling. It is not clear why Stilicho's name was left intact.⁹⁰ It is possible that the base was just moved out of sight along with other similar pieces, with the intent being to chisel his name off later? We might imagine a dusty workshop full of marble inscriptions waiting to have Stilicho's name expunged from them.⁹¹ There is no certain explanation to be found in this present study, but the survival of inscriptions bearing Stilicho's name has a parallel in another quarter, the panegyrics of Claudian.

⁸⁹ *CIL* VI 1730.

⁹⁰ There are instances where a condemned victim's name was left unaltered, for example that of Caligula, left in situ on the Mausoleum of Augustus at Rome, *CIL* VI 886. Varner, *Mutilation and Transformation*, 41, suggests that name removal was 'not always a necessary component of the condemnation'.

⁹¹ Varner, *Mutilation and Transformation*, 140-41, discusses some of the archaeological evidence which confirms the warehousing of sculpture of condemned persons.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

(Fig. 56) Life after Stilicho

Copper-alloy coin of Honorius and Theodosius II, Heraclea mint, after 408



Obverse: Honorius, diademed, draped and cuirassed, star behind emperor's head. Legend: D-N- HONORI-VS-P-F-AVG (*Dominus Noster Honorius Pius Felix Augustus*). Reverse: Two emperors, Honorius and his nephew Theodosius II standing, their heads turned towards each other. The figure of Honorius is slightly taller than Theodosius II, thus indicating seniority and age. Both emperors hold spears while with joined hands they support the *orbis terrarum* between them. Legend: GLORIA-RO-MANORVM. Exergue: SM (*Sacra Moneta*) – HA (Heraclea). (RIC X 407) Image courtesy of www.ancientcoins.ca

4.10. The trouble with Claudian

'Poems are difficult to silence'⁹²

Most of the elements that are necessary for us to be able to categorize Stilicho's post-mortem condemnation as a 'typical' *damnatio memoriae* are evident: legal proscription, name-erasure from inscriptions, removal and destruction of portraiture and sculpture. Also, it appears that there were no coins struck by Stilicho or Eucherius to be defaced or called back to imperial mints for re-melting. However, there is one feature specific to a *damnatio* that is lacking from the case of Stilicho. This is the large body of surviving texts written by Claudian, many of which praise the great virtues of Stilicho. Surely, in late 408, by which time Stilicho had become *persona non grata* in the west, these writings were at best politically embarrassing and at worst potentially fatal for anyone in possession of them. How could it be that Claudian's works were not changed or destroyed?

The panegyrist himself was a *vir clarissimus* and was epigraphically commemorated as 'the most famed of poets', one who 'combined...the

⁹² S. Greenblatt, *The New Yorker*, (8 Aug 2011).

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intellect of Virgil and the inspiration of Homer'.⁹³ Claudian's works were composed years before Stilicho's demise, when the latter was at the peak of his power. After 404, though, Claudian disappeared from view, and no other propagandist emerged to praise Stilicho.⁹⁴ In the aftermath of August 408 Claudian's panegyrics somehow survived the proscriptions. Was this through chance, or was it due to something else? It was typical for literary works written by, or about, condemned persons to be censured or destroyed as part of the condemnation⁹⁵, and, in such a situation, the state could demand the surrender of all such writings; letters, documents, poems and other texts. It is entirely possible that Claudian's works were collected by the authorities, but if so, why were they not consigned to the flames? Were only some copies submitted to the state's agents?

The reason may be more straightforward than one might suspect. Yes, it is true that Stilicho features prominently in much of Claudian's work, but so too does the Theodosian dynasty. Altering Claudian's texts would have been a fool's errand, for there was just too much written about Stilicho and Eucherius contained within them. It did not take long before Olympius and his co-conspirators were rooted out and dealt with. The coup's mastermind did not have enough time to implement a thorough *damnatio* of Stilicho. Finally, as we have seen, it later became apparent to Honorius that his father-figure had probably been innocent of all charges. Perhaps Claudian's lofty poetry served as a reminder of what had been.

⁹³ *CIL* VI. 1710.

⁹⁴ Claudian may possibly have died around 404, Cameron, *Poetry and Propaganda*, 409f. Claudian's fate has been the subject of a recent hypothesis by David T. Fletcher, who, in turn, drew on earlier research by Arnaldo Momigliano and John Matthews; D. T. Fletcher, 'Whatever happened to Claudius Claudianus? A pedagogical proposition', *CJ* 104.3 (2009), 259-73.

⁹⁵ See Varner, *Mutilation and Transformation*, 132.

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4.11. Conclusion

In the period between the 13 August Ticinum massacre and the death of Stilicho on 22 August 408, Olympius probably anticipated that Stilicho would attempt to see Honorius at Ravenna to protest his innocence. These nine days were therefore crucial for Olympius' coup to succeed. However, during this time frame Stilicho was occupied with placating the barbarian *foederati* from attacking the Roman army. Now that Stilicho's authority had been seriously undermined, the *foederati* did not trust the imperial government, or its army, especially after what had transpired at Ticinum. We are told by Zosimus that Stilicho arrived at the church in Ravenna on the night of 21 August, and that by the next morning Honorius' letters had been drawn up and delivered.⁹⁶ Were these letters pre-prepared in anticipation of Stilicho's movements, or was Honorius's first letter of clemency actually written by the emperor acting on his own initiative, and where did the second letter originate? Quite possibly, this second letter was Olympius' creation, who, fearing the wrath of a pardoned Stilicho, convinced the emperor to issue a second order countermanding the first.

In our literary sources there are doubts about the veracity of the charges against Stilicho, but there was never any official vindication of him and the legal record is silent.⁹⁷ There is no mention of Stilicho post-mortem, other than those laws declaring him a *hostis publicus* and a *praedonis*. Olympiodorus maintained that Honorius subsequently took revenge on those, including Olympius, who had conspired in Stilicho's fall. Could Stilicho's reputation have been restored? There was a late fourth-century precedent where the urban prefect of Constantinople, Proculus, in 392, had been executed on false pretences and had suffered a *damnatio*. His name was erased from an inscription in the hippodrome of that city, but was later reinserted in a different political climate.⁹⁸ Perhaps Honorius lacked the political will to support his old guardian.

⁹⁶ Zos. V 34.3-4.

⁹⁷ Olymp. fr. 5

⁹⁸ *CTh.* 9.38.9 (31 Aug 396); Zos. IV 52; Eun. fr. 59. The instigator of the *damnatio* was the praetorian prefect Rufinus. It was only after the latter's execution that Proculus' name and honour were eventually restored through the intercession by his father to the emperor Arcadius.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

Much of the literary and legal language ranged against Stilicho is the same as that reserved for *tyranni*, yet no conclusive evidence exists to support the idea of Stilicho the usurper. Claudian had presented Stilicho as the mirror opposite to a *tyrannus*. Praise gave way to contempt. It was a half-barbarian traitor who was remembered, instead of Claudian's loyal soldier, who had followed the orders of a dying emperor, Theodosius I.

The nature of Stilicho's efforts at seeking church sanctuary is intriguing. In certain cases an accused person (*reus*) could receive pardon, but if the crime was *crimen maiestatis*, then no such clemency could be expected.⁹⁹ *Crimen maiestatis* was distinct within Roman law. Stilicho must surely have been aware that, after his circle had been so brutally killed, he would be next, and that the charge was likely to be high treason. The arrival of Honorius' first letter of clemency must have been confusing to the *magister*. It may have been intended as such by Olympius.

The charade of false clemency, before the appearance of the second letter ordering Stilicho's execution, is intriguing. Furthermore, did Stilicho really believe that church sanctuary was sacrosanct, and if so, how did he hope to counter the charge of high treason? It could be that he was caught unawares by the ruthlessness of the coup, especially since Zosimus says that Stilicho had not been aware of any serious dissension against him right up until August 408.¹⁰⁰ This seemingly futile exercise of seeking church sanctuary may have given cause for a new law to be enacted in the following year, 409. It prohibited the forcible removal of anyone, guilty or innocent, from church property where they had sought sanctuary. Anyone found guilty of contravening this law was themselves guilty of high treason.¹⁰¹

A hostile literary invective portrayed Stilicho as a half-barbarian (*semibarbarus*) traitor, who strove to create his own son emperor. Imperial laws condemning Stilicho gave official confirmation to this view. The terminology of the literary and legal invective is the same as that used to describe Roman usurpers, although Stilicho never actually usurped the *imperium* for himself. We could, however, see Stilicho's 'regency' for

⁹⁹*CTh.* 9.38. passim; *Sirm.* 8 (22 Apr 386).

¹⁰⁰Zos. V 32. 1.

¹⁰¹*CTh.* 16.8.19 (1 Apr 409). See Honoré, *Law in the Crisis*, 229, for Potamius' quaestorship.

4. Shared Fates; Stilicho, Eucherius and Serena, 408

Honorius as a type of usurpation.¹⁰² An alternative narrative derives from Olympiodorus and Claudian, who present a more favourable picture of Stilicho. Modern historians who have written on Stilicho have examined his career in imperial government, his family connections to the emperor, and his military exploits.¹⁰³

Because of Stilicho's unique influence over Honorius, it was the former who, by the early fifth century, was the *de facto* ruler of the west, rather than the emperor, to whom history has not been particularly kind. In many subsequent histories, ancient and modern, Honorius is portrayed as a weak and incompetent ruler.¹⁰⁴ The power which Stilicho wielded was unprecedented, and it was resented by some within western power-circles. After his execution on spurious grounds of treason, nearly a decade passed before another individual of similar ability to Stilicho emerged to restore some semblance of order and stability within the Roman West.¹⁰⁵

¹⁰² Taking their cue from Stilicho's arch-propagandist Claudian, Cameron, *Poetry and Propaganda*, 38-40, calls Stilicho a 'regent' for Honorius; cf. Matthews' 'regime of Stilicho', *Western Aristocracies*, 253ff.

¹⁰³ Cameron, *Poetry and Propaganda*; cf. Matthews, *Western Aristocracies*, 253-83.

¹⁰⁴ Procopius started the ball rolling with his witty jibe about Honorius being so far removed from reality that, on being told that Rome had fallen to Alaric's men in August 410, he thought that it was his pet hen, named Roma, who was meant; Proc. *BV*. III, 2. 25-6; Procopius, *De bello Vandalico*, (tr.) H. B. Dewing (Cambridge, 1916).

Whether Honorius was really as helpless as has made out is not the focus of this chapter, but it is important to note that Honorius is the only protagonist of this chaotic period of Roman history to emerge relatively unscathed after nearly four decades of rule, which was marked by multiple insurrections and foreign invasions.

¹⁰⁵ The individual in question was the *comes* Constantius who was instrumental in suppressing usurpers and barbarian enemies in the Roman West from 408-421; Sid. Ap. *Carm.* VII 210-11; Apollinaris Sidonius, *Carmina*, (ed.) Chr. Lütjohann, *MGH (AA) VIII* (Berlin, 1887), 173-264. Constantius later became emperor in 421, and married Galla Placidia; Olymp. fr. 33; Soz. *Hist. eccl.* IX 16.2.

5. The Usurpation of Flavius Claudius Constantinus, 407-11

5

THE USURPATION OF FLAVIUS CLAUDIUS CONSTANTINUS, 407-11

‘Britain...so separate from our world’¹

‘Constantine...was elected only because of the hope of his name and without any virtuous merit’²

5. 1. Introduction

Between late 406 and early 407 a series of military usurpations in Britain led to the proclamation of three Augusti, Marcus, Gratian and Constantine on the island.³ For reasons unknown, Marcus and Gratian were executed by the rebel troops, while Constantine managed to survive and stay the course for nearly five years, ruling during this time over Britain, Gaul and Spain. Constantine’s usurpation was to have far-reaching consequences for the Western Empire. His reign led directly to the permanent loss of Britain and parts of Spain and Gaul from central imperial control. This chapter first discusses the background to Constantine’s usurpation; how he funded his campaign; the development of his parallel claim to Honorius’ administration through his numismatic propaganda, and the dynastic propaganda of his eldest son Constans who became co-Augustus with him. The chapter then examines the circumstances of Constantine’s suppression; his claim of church sanctuary through the taking of holy orders at

¹ Claud. *Theod.* 51: *et nostro diducta Britannia mundo.*

² Oros. VII. 40.4: *huius loco Constantinus ex infima militia propter solam spem nominis sine merito uirtutis eligitur.*

³Olymp. fr. 13; Oros. VII. 40. 4; Zos. V 27. 2-3, 31.4; idem. VI 2. 1-2. *PLRE II*, Marcus 2, 719; Zos. 6, 2.1; Olymp. fr. 12; *PLRE II*, Gratianus 3, 518-9; The British revolts of 406-7 were most likely in response to instability in the Western Empire, and possibly also due to pay interruption to Britain. P. Salway, *Roman Britain* (Oxford, 1981), 427-30, suggests that they happened because the soldiers may have been from the regions affected by barbarian invasion, and so they wanted to get back to protect their homeland. See R. Abdy, ‘After Patching: Imported and Recycled Coinage’ in B. Cook and G. Williams, (eds), *Fifth and Sixth Century Britain* (Leiden: 2006), 80-3. More recently Sanz-Huesma, ‘Usurpaciones’, 315-24, has speculated that both Marcus and Gratian’s usurpations were orchestrated by Constantine, himself the real instigator of civil revolt. This argument, I feel, is based on shaky evidence.

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Arles; how the oaths given to him guaranteeing safe passage were broken; the decapitation and display of the heads of both Constantine and both of his sons (Constans and Julian). Regarding the customary state *damnatio* reserved for usurpers, there is an anomaly in the case of Constantine and his supporters. There is nothing whatsoever concerning him, his sons, or their satellites in legislation.⁴

⁴ There is nothing about the Gallic usurpers of 411-3, Sebastianus and Jovinus, in Late Imperial legislation either.

5. The Usurpation of Flavius Claudius Constantinus, 407-11

(Fig. 57) Twilight of empire in the west
Britannia, c. 410



William R. Shepherd's 1923 map showing Roman Britain in the early- fifth century. No copyright permission needed

5. The Usurpation of Flavius Claudius Constantinus, 407-11

5.2. A call to arms

‘From Britain, the usurper Constantine comes forth to cross into Gaul’⁵

The opening years of the fifth century witnessed widespread social, military and political instability throughout the Roman West. The preceding chapters have touched on some of the origins of this unrest – civil discord, barbarian war, governmental corruption and court intrigue.⁶ Ultimately, it was barbarian aggression which was the catalyst that brought the western imperial system to breaking point in the early fifth century.

Between 405 and late 406, multiple fronts opened up as a result of sustained barbarian incursions into western provinces. The most serious of these transgressions was an unanticipated crossing of the Rhine River by a multitude of barbarian peoples, who soon sacked many Roman urban settlements.⁷ Entire regions were lost to the invaders, with devastation and lawlessness reigning in parts of Gaul, Northern Italy and the Balkans. A contemporary observer, Orientius of Auch, declared that ‘throughout every neighbourhood, villa, crossroad and rural district...there was death, grief, destruction, slaughter, fire and mourning...’⁸ Attempts by the Roman military to halt the barbarian advance were hampered by reduced resources, and by the eastern empire’s unwillingness to assist the west in its hour of need. Emperor Honorius’ administration appeared impotent in the face of

⁵ Prosp. Tiro. 1232: *Constantinus in Britannia tyrannus exoritur et ad Gallias transit; Prosper Tironis epitoma chronicon ed. Primum a. CCCCXXXIII, continuata ad a. CCCCLV* (ed.) Th. Mommsen, *MGH (AA) IX* (Berlin, 1892), 466.

⁶ Since 376 there had been one major war with the Visigoths, three civil wars (Magnus Maximus, Eugenius and Gildo) and a series of other ‘bush-fire’ wars. All of these combined to exert a significant toll upon the Western Empire’s military resources.

⁷ The Rhine crossing is an event, which has caused endless controversy among historians, not least in terms of its exact date, which could have been any time from late 405 to early 407. For the debate: H. F. Clinton, *Fasti Romani*, vol. II (Oxford, 1850), 134; Stevens, ‘Marcus, Gratian, Constantine’, 317ff; Kulikowski, ‘Barbarians...Usurpers’, 325-425; A.R. Birley, *The Roman Government of Britain* (Oxford, 2005), 457-59.

⁸ Orientius. *Comm.* II. 181-4: *Per vicus, villas, per rura, et compita, et omnes, per pagos, totis inde vel inde viis, mors, dolor, excidium, strages, incendia, luctus, uno fumavit Gallia tota rogo; Orientius, Commonitorium, II* (ed.) R. Ellis, *Poetae Christiani Minores, CSEL 16* (Vienna, 1888), 205-43.

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these overwhelming, existential dangers. Responsibility for dealing with the barbarian crisis fell primarily to Honorius' *magister militum*, Stilicho. As the preceding chapter showed, it was partly Stilicho's failure to deal effectively with the barbarian threat that led to his downfall in 408.

By February 406 the military situation in the West had deteriorated to such a degree that the imperial authorities issued a general call to arms for the defence of the Roman homeland (*pro patria*) in February 406.⁹ This urgent plea was issued through two edicts, both of which were addressed to the provincial citizenry. So dire was the Western Empire's position at this juncture that even slaves were petitioned. The first of the two edicts, *CTh.* 7.13.16 (15 Feb 406), promised full manumission to slaves in exchange for their enlistment:¹⁰

Emperors Arcadius, Honorius and Theodosius Augusti to the Provincials: In the matter of defence against hostile attacks, We order that consideration be given not only to the legal status of soldiers, but also to their physical strength. Although We believe that freeborn persons are aroused by love of country, We exhort slaves also, by the authority of this edict, that as soon as possible they shall offer themselves for the labours of war, and if they receive their arms as men fit for military service, they shall obtain the reward of freedom, and they shall also receive two *solidi* each for travel money. Especially, of course, do We urge this service upon the slaves of those persons who are retained in the armed imperial service, and likewise upon the slaves of federated allies and of conquered peoples, since it is evident that they are making war also along with

⁹ These two edicts may well have been Stilicho's creations, rather than a direct exhortation from Honorius himself, see Honoré, *Law in the Crisis*, 231-2.

¹⁰*CTh.* 7.13.16 (15 Feb 406: *Imppp. Arcadius, Honorius et Theodosius aaa. provincialibus. Contra hostiles impetus non solas iubemus personas considerari, sed vires, et licet ingenuos amore patriae credamus incitari, servos etiam huius auctoritate edicti exhortamur, ut quamprimum se bellicis sudoribus offerant, praemium libertatis, si apti ad militiam arma susceperint, pulveratici etiam nomine binos solidos accepturi: praecipue sane eorum servos, quos militia armata detentat, foederatorum nihilo minus et dediticiorum, quoniam ipsos quoque una cum dominis constat bella tractare. Dat. XV kal. mai. Ravenna Arcadio a. VI et Probo viro clarissimo cons).*

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their masters. Given on the fifteenth day before the kalends of May at Ravenna in the year of the sixth consulship of Arcadius Augustus and the consulship of the Most Noble Probus.¹¹

(Fig. 58) The promise of victory
Solidus of Honorius, Rome mint, c. 404/7-08



Obverse: Honorius, pearl-diademed, draped and cuirassed. Legend: D-N-HONORI-VS-P-F-AVG (*Dominus Noster Honorius Pius Felix Augustus*). Reverse: Large figure of winged Victory advancing, she holds a wreath in her right hand, a cross upon an *orbis* in her left. Legend: VICTORIA-AVGVSTORVM (Victory of the Augusti). Field: R-M (Roma). Exergue: COM (*Comitatus* = imperial court). (RIC X 1259) Image courtesy Classical Numismatic Group

Slaves were traditionally prohibited from military service, but at this critical moment in early 406 they were now being urged to enlist in the army.¹² This had only ever happened in Rome's past during times of extreme national crisis, for example during the reigns of Augustus and Marcus Aurelius (AD161-80).¹³ On those occasions enlisted slaves were kept separate from regular units, given poor training and defective weapons and

¹¹ Pharr, *The Theodosian Code*, 172-3.

¹² Late Roman laws stipulated that slaves should not enter the military; *CTh.* 7.13.8, (29 Jan 380: *Inter optimas lectissimorum militum turmas neminem e numero servorum dandum esse discernimus*); 7.13.11 (15 May 382: *Idem aaa (Gratianus, Valentinianus et Theodosius). quisquis mancipium iuris alieni in tirocinium militiae duxerit offerendum, convictus ac proditus auri libram aerario nostro cogatur inferre. Dat. id. mai. Tyro metropoli, proposita Beryto Antonio et Syagrion cons.*). *Turmae* originally meant cavalry formations, but by the late empire it was generally used to denote all military units, see Pharr, *The Theodosian Code*, 171.

¹³ Immediately after the annihilation, in AD 9, of three legions in Germany, Emperor Augustus resorted to freeing slaves in an effort to shore up the empire's Rhine defences to prevent Germanic tribes from seizing the opportunity to invade into Roman territory; *Suet. Aug.* 25. 2. Marcus Aurelius was preoccupied by Germanic aggression along the Rhine during his reign. His armies suffered several defeats and also fell victim to an outbreak of plague. His military thus weakened, Aurelius used slaves, gladiators and bandits. *SHA. Marcus Antoninus* 21. 6-7; 23. 5.

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typically placed in the frontline.¹⁴ Rome had never fully trusted its slaves, perceiving them as an enemy within, a view to which numerous slave rebellions over the centuries had contributed. In fact, it was a capital offence for slaves to enlist in the Roman army without prior approval.¹⁵

Honorius' second edict, *CTh.* 7.13.17 (15 Feb 406),¹⁶ was issued to his freeborn provincial citizens at the same time as the edict urging the enlistment of slaves:

The same Augusti (Arcadius, Honorius and Theodosius II) to the Provincials: On account of Our imminent necessities, by this edict We summon to military service all men who are aroused by the innate spirit of freedom. Freeborn persons, therefore, who take arms under the auspices of military service for love of peace and of country, shall know that they will receive ten *solidi* each from Our imperial treasure when affairs have been adjusted; however, We order that three of the aforesaid sum be paid each man now. For We believe that the best soldiers will be those whose courage and concern for the public welfare have brought them forward for the present needs. Given on the thirteenth day before the kalends of May at Ravenna in the year of the sixth consulship of Arcadius Augustus and the consulship of Probus.¹⁷

This edict guaranteed a down-payment of three *solidi* to those freeborn citizens who presented themselves for recruitment and were accepted. It has been

¹⁴ Y. Le Bohec, *The Imperial Roman Army*, R. Bate (tr.) (London, 1994), 72, 87.

¹⁵ *Dig.* 49.16.8: *Nec hi quidem, qui ingenui bona fide serviunt: sed nec qui ab hostibus redempti sunt, priusquam se luant*; idem. 49.16.11: *Ab omni militia servi prohibentur: alioquin capite puniuntur*.

¹⁶ *CTh.* 7.13.17 (15 Feb 406: *Idem aas (Arcadius, Honorius et Theodosius). provincialibus. Provinciales pro imminentibus necessitatibus omnes invitamus edicto, quos erigit ad militiam innata libertas. Ingenui igitur, qui militiae obtentu arma capiunt amore pacis et patriae, sciant se denos solidos patris rebus de nostro percepturos aerario, quibus tamen ternos ex summa supra dicta iam nunc solidos praeberi mandavimus, nam optimos futuros confidimus, quos virtus et utilitas publica necessitatibus obtulit. Dat. XIII kal. mai. Ravenna Arcadio a. VI et Probo cons.*).

¹⁷ Pharr, *The Theodosian Code*, 172-3.

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suggested by Brian Ward-Perkins that this promise to give three *solidi* upfront to recruits and to pay the rest later, when order had been restored, implies that the western government simply did not have the funds available to pay the full amount to recruits.¹⁸ However, the three *solidi* payment was, as the law states, specifically for travel expenses (*viaticum*), and the payment of three gold pieces for the *viaticum* had been a regular feature of military life since the late first century.¹⁹

It should be borne in mind that, at the same time as Honorius' desperate recruitment campaign, there was a professional field army quartered in Britain. Why were these professional soldiers not ferried from Britain across to Gaul? At the very least a contingent of this force could have been spared for what *CTh.* 7.13.17 termed *imminentibus necessitatibus*?

We are told by Zosimus that the British military revolts stemmed from a desire to defend the state against foreign attackers.²⁰ What if, however, the spark which lit the revolts was Honorius' appeal for civilians and slaves to take up arms and also receive gold coinage in return? For professional troops, i.e. those in Britain, this would have been difficult to accept, and especially since military pay shipments to Britain had been inconsistent for several years in the lead up to 406.²¹ Another possible motivation for the British revolts is that the army themselves desired greater power, because Olympiodorus informs us that they chose Constantine as emperor based on his great name, and that with this name he would certainly conquer the entire empire.²² This aspect of the early part of Constantine's usurpation is further examined below in section 5.7 which concerns his *recusatio imperii*.

¹⁸ B. Ward-Perkins, *The Fall of Rome and the End of Civilization* (Oxford, 2005), 42-3. In the Late Empire, three *solidi* was a sizeable sum. See C. Kelly, *Ruling the Later Roman Empire* (Harvard, 2004), 141. Kelly estimates what one might be able to purchase with their *solidi*. For example one *solidus*=one donkey, 2 *solidi*=a colt, 3 *solidi*=a slave girl, 4 *solidi*=a slave boy, 5 *solidi*=a camel, and so on.

¹⁹ This occurred during Domitian's reign. Suetonius described the *viaticum* of three gold pieces as *quartum stipendium*; Suet. *Dom.*7.3. See also R. Alston., 'Roman Military Pay from Caesar to Diocletian', *JRS* 84 (1994), 113-23: 114.

²⁰ Zos. VI 3.

²¹ For issues concerning late-fourth and early-fifth century coinage supply routes to Britain see Frere, *Britannia*, 363-4.

²² Olymp. fr. 13.

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5.3. The cost of usurpation

‘The soldiers, often tricked in the past, were demanding their pay’²³

Jerome complained of Britain being a region particularly suited to usurpation.²⁴ He had some justification for this statement. There had been an independent Gallo-Roman Empire under Postumus in the 260s, which included Britain.²⁵ Not long after this Britain came under the governance of the usurpers Carausius and Allectus.²⁶ Over twenty years later, in 306, Constantine I was proclaimed Augustus by legions loyal to his father Constantius I (fig. 59) at York.²⁷ When Magnus Maximus was raised to the purple in Britain in 383 he crossed to Gaul, conquered much of the western provinces, and received temporary recognition from Theodosius I. In all of these instances of usurpation each usurper issued coinage which bore his name, likeness and propaganda. The minting of currency was absolutely vital for the funding of military campaigns.

²³ *Pan. Lat.* III. 1.4: *militēs saepe anteaetis temporibus ludo habiti praesens stipendium flagitarent*. This refers to Emperor Julian’s reimbursement of disenfranchised troops who were owed back pay.

²⁴ *Jer. Ep.* 133.9.14: *Neque enim Britannia fertilis provincia tyrannorum*.

²⁵ D.S. Potter, *The Roman Empire at Bay, AD180-395* (London, 2004), 261-2; After Postumus’ assassination by his own soldiers, three others ruled this Gallo-Roman state, Marius (268), Victorinus (269-71) and Tetricus (271-4). These men’s reigns were short-lived and, once Aurelian (270-5) restored order to the western Empire, Britain, Spain and Gaul returned to the imperial fold.

²⁶ Carausius (286-93), *Aur. Vict. Caes.* 39.41; Sextus Aurelius Victor, *Liber de Caesaribus*, (ed.) F. Pichlmayr, (Leipzig, 1911); *Oros.* VII 25.3.6; For Carausius’ coinage see *RIC V* (II) 463-549; For Allectus (293-6); *Aur. Vict. Caes.* 39.42; *Pan. Lat.* IV 12. 15-6. See *RIC V* (II) 558-70, for Allectus’ coinage.

²⁷ *CIL I*² 302; *Aur. Vict. Caes.* 40. 3-4; For Constantine I’s coinage see *RIC VII*, 92 *passim*. See Humphries, ‘From Usurper to Emperor’, 85-100.

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(Fig. 59) Saving Britannia
Aureus of Constantius I, Trier mint, 297



This coin is part of a series commemorating the re-conquest of Britain from usurpers by Constantius in 296. Obverse: Constantius I, wearing lion-skin headdress. Legend: FL-VAL-CONSTANTIV-NOBILISSIMVS-C (Flavius Valerius Constantius Nobilissimus Caesar). Reverse: Constantine standing, raising up Britannia from her knees with his right hand, a spear in his left hand. Large winged Victory stands behind Constantius, crowning him with a wreath. Legend: PIETAS-AVGG (*Pietas Augustorum* = The piety of the emperors). Exergue: PTR (Treveri/Trier). (RIC VI 32) © The Trustees of the British Museum

Despite his initial military backing, Constantine III needed to maintain his men's confidence, or he too could be replaced as easily as his two predecessors had been.²⁸ To that end Constantine had to issue his own money as quickly as possible.²⁹ New emperors, legitimate or usurper, were expected to distribute donatives to their soldiers as a goodwill gesture, and ideally such largesse should feature the name and face of the emperor allocating it.³⁰ The minting of coins by all emperors, usurper or legitimate, had a two-fold purpose; political and practical. First, it was politically expedient to mint coins in order to

²⁸ R. MacMullen, 'The Roman Emperors' Army Costs', *Latomus* 43 (1984), 571-580; cf. Wardman, 'Usurpers and Internal Conflicts', 234, explains usurpation partly as a construct of the military, and that it was 'an activity promoted by the western armies'.

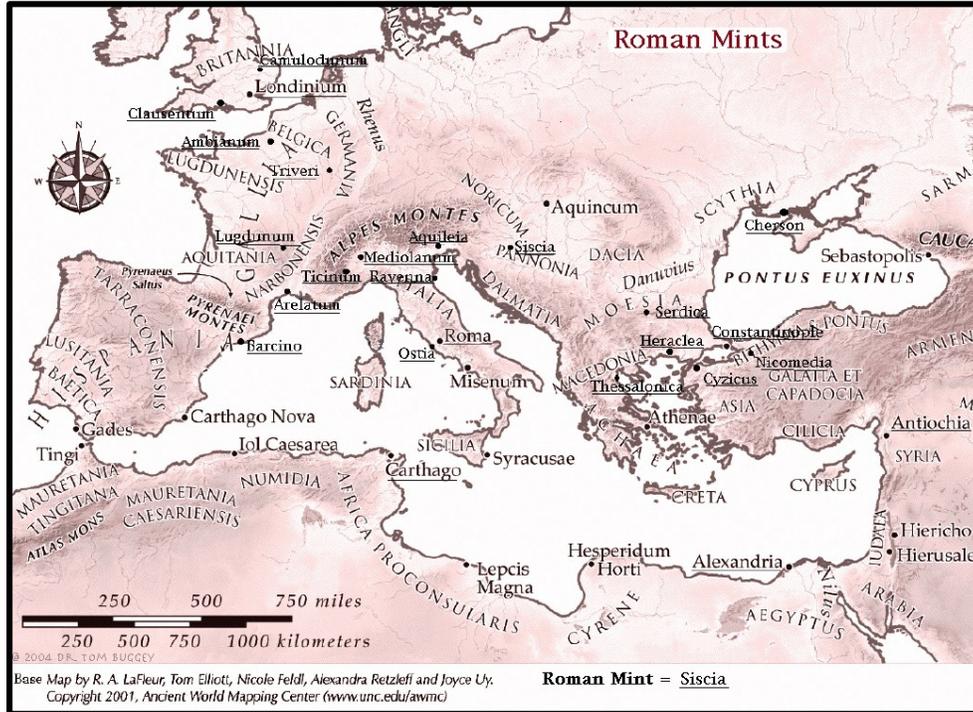
²⁹ The chronology of Constantine III's is analysed in J. Lafaurie, 'La Chronologie des Monnaies de Constantin III et de Constant II', *RN* 6 (1953), 37-65 and, for the Lyons mint issues, in P. Bastien, *Le Monnayage de l'atelier de Lyon: du règne de Jovien à la mort de Jovin (363-413)*, vol. 6 (Wetteren, 1987).

³⁰ For the sporadic nature of Late Roman military payment see Elton, *Warfare in Roman Europe*, 120-7. Soldiers relied upon donatives distributed at imperial accessions and during imperial *quinquennalia*, R. W. Burgess, 'Quinquennial vota and the imperial consulship in the fourth and fifth centuries, 337-511' *Numismatic Chronicle* 148 (1988), in *Chronicles, Consuls and Coins: historiography and history in the Later Roman Empire. Variorum Collected Studies Series* (Farnham, 2011), 77-102.

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spread imperial propaganda and promote legitimacy, while the second purpose was to pay and provision troops, and to maintain other public institutions.

(Fig. 60) The mints of the Later Roman Empire



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Access to mints was therefore vital if Constantine was to be able to successfully finance his operations. Because there had been no British mint since the end of Magnus Maximus' usurpation in 388, Constantine's first strategic aim was to secure continental mints.³¹ Furthermore, the capacity to mint his own money would allow him to circulate propaganda portraying himself as the restorer of order and authority throughout those parts of Gaul worst hit by recent barbarian attacks. In Spring 407 Constantine sailed to Gaul and set about establishing himself there.³² As with Britain, there were no functioning mints in

³¹ See chapter 1.2.3., 23, regarding Magnus Maximus' reopening of the London mint in 383.

³²For Constantine's move into Gaul; Olymp.fr. 13; Zos.VI 1-2; see Stevens, 'Marcus', 319-20; cf. Thompson, 'Britain, AD 406-410', 304-5.

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Gaul, either. Those of Arles, Trier and Lyons had been closed since 394/5.³³ These would have to be put back into operation.

5.4. Early numismatic propaganda, 407-08

‘If any person should mould a coin by false casting...he shall be punished with statutory severity...’³⁴

Lyons was the first Gallic city that Constantine occupied. Although the city’s mint had been closed for over a decade, there was probably still some minting apparatus and mint personnel present at Lyons.³⁵ It was from there that Constantine’s administration struck its first gold coinage, the *Restitutor Reipublicae* series (fig. 61).

(Fig. 61) *Restitutor Reipublicae*
Solidus of Constantine III, Lyons mint, c. early 407



Obverse: Constantine draped and cuirassed, rosette-diademed. **Legend:** FL-CL-CONSTANTINVS-AVG (*Flavius Claudius Constantinus Augustus*). **Reverse:** Constantine standing and wearing military dress. He holds the *labarum* in his right hand, the *orbis* in his left hand, while a small winged Victory crowns him with a laurel wreath. **Field:** A simple cross. **Legend:** RESITVTOR-REIPVBLICAE (*Restorer of the State*). **Exergue:** SM (*Sacra Moneta*) – LVG (*Lugdunum/Lyons*). (*RIC X 1501*) **No copyright permission needed**

³³*RIC X*, 26-9; *DOC*, 59-60, 62-3, 68-9; Drinkwater, ‘Constantine and Jovinus’, 277. Magnus Maximus and Eugenius’ usurpations were the most likely reasons for closing these mints. By shifting monetary production away from the periphery closer to Italy the imperial authorities attempted to remove funding opportunities out of reach of any would-be usurpers. Something similar occurred in 311, when Constantine I closed the mint at Carthage.

³⁴ *CTh.* 9.21.3 (6 July 326: *Si quis nummum falsa fusione formaverit...atque ipsum severitate legitima coherceri...*).

³⁵ Usually a reserve staff was left at a closed mint city in the event that that mint required reopening, *DOC*, 50-1.

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The obverse side of this coin proclaimed him as Flavius Claudius Constantinus, while on the reverse he was depicted as the Restorer of the Republic through the legend *Restitutor Reipublicae*.³⁶ Gold was the standard coinage used for military pay in this period³⁷ but due to the extreme rarity of the *Restitutor Reipublicae* series these coins were most likely freely distributed as donatives to the army in celebration of Constantine's elevation, rather than for use as regular currency.³⁸

Constantine III's rare *Restitutor Reipublicae* coin issues have never been found in Britain, only in mainland Europe. In fact, British coin-finds of other types struck by Constantine III are relatively small in number. We might expect that the province which produced him should contain more of his coinage but it does not.³⁹ This suggests that Constantine's main interests lay not with Britain but rather in the western provinces of Gaul, Spain and Italy. This made tactical sense for it was on the continent where his imperial ambitions could be realised. As it happened, Constantine lost control of Britain just two years into his usurpation in 409.⁴⁰ It is a matter of speculation as to why the Romano-British ejected Constantine's government, but, considering the scarcity of his coinage found to date in Britain, it is possible that a lack of regular pay to any garrisons he must have left behind was a contributing factor. The solely continental discoveries of Constantine's early *Restitutor Reipublicae* coin series imply that they were part of the usurper's propaganda effort in Gaul, which, unlike Britain

³⁶Lafaurie, 'La Chronologie', 37-65; idem, 'Solidus de Constantin III du Musée de Fribourg', *SNR* 40 (Berne, 1959), 22-26; Bastien, 'Le Monnayage', 71-5. *RIC* X. 1501. The *Restitutor Reipublicae* series were struck originally by Valentinian I and Valens c. 364-66, and were extremely common.

³⁷*CTh.* 7.14.7 (15 Feb 406); 8.4.17 (23 Dec 385). Silver and bronze were the currency of everyday transactions, F. Carla., 'The End of Roman Gold Coinage and the Disintegration of a Monetary Area', *Annali dell'Istituto Italiano di Numismatica* 56 (2010), 103-72: 52.

³⁸Something similar occurred with Magnus Maximus' bronze *Restitutor Reipublicae* series, *RIC* IX 8.

³⁹R. Bland and X. Loriot, *Roman and Early Byzantine Gold Coins found in Britain and Ireland*, (London, 2010), 21, 120, 184, 354, 367; P. Walton, *Rethinking Roman Britain*, *Moneta* 137 (Wetteren, 2012), 113-4, 247-51; Abdy, 'After Patching', 80-1; R. Collins, 'The Latest Roman Coin', *Britannia* 39 (2008), 256-61; Esmonde-Cleary, *The Ending of Roman Britain*, 138-43.

⁴⁰Zos. VI 5. 2-6. There is some debate on the events of the Romano-British revolt against Constantine; see Thompson, 'Britain', 306ff; cf. P. Bartholomew, 'Fifth-Century Facts', *Britannia* 13 (1982), 261-70; also W. Lütkenhaus, 'Observations on Zosimus' British Cities', *Britannia* 43, (2012), 268-270. Britain was lost forever to Roman rule at about this point, 410/11.

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at this time, had been enduring sustained violent barbarian encroachments for the previous few years.

Comparisons can be made between certain aspects of Constantine III's usurpation and that of the usurper Magnus Maximus, who also arose in Britain.⁴¹ Each of these men was reluctantly created emperor by mutinous troops in Britain, and both attempted to justify their treason through *recusatio imperii* to the emperors, Theodosius I and Honorius respectively.⁴² In terms of numismatic propagandist output, however, the two usurpers are similar. Both of their early coin issues were the *Restitutor Reipublicae* type.⁴³ Constantine III's numismatic propaganda conveyed the image that he was an *imperator* in the truest sense and not born to the purple or accustomed to ease as Honorius was. The *Restitutor Reipublicae* series was therefore Constantine's acknowledgement of the *virtus exercitus*, because of the army's having seized the initiative in electing him and confronting the barbarian menace in Gaul. By depicting himself as the state's restorer, Constantine also sent a message to the civilian population, at least among those who had access to gold coinage.⁴⁴

Constantine III, in our literary sources, is referred to as simply Constantinus. It is only in his numismatic expression where the *tria nomina* Flavius Claudius Constantinus appears, and only within a specific timeframe, 407 to mid-408, (figs. 61 and 66). By the early-fourth century the *gentilicium* Flavius had assumed a 'social marker status' among imperial civil servants and

⁴¹Maximus' usurpation lasted for five years (383-8) as did Constantine III's. See Freeman, 'Tyrants', 58; Kulikowski, 'Barbarians...Usurpers', 333 and Sanz-Huesma, 'Usurpaciones', 323 for comparisons between Magnus Maximus and Constantine III's usurpations.

⁴²For Maximus' elevation see Oros. VII. 34. 9. On *recusatio imperii* in general, see L. de Libero, 'Precibus ac lacrimis; tears in Roman Historiographers', in T. Fögen (ed.), *Tears in the Graeco-Roman World* (Berlin, 2009), 223; cf. Szidat, *Usurpator Tanti Nominis*, 75-6, 249-50. See chapter 1.5., 43-8.

⁴³Before Maximus (fig. 7) the only other emperors to issue this coin type and at the start of their reigns were the formidable military men, the brothers Valentinian I (fig. 8) and Valens. For these coins see chapter 1.2.2., 21.

⁴⁴Bronze currency was most commonly used by the lower classes, whereas silver and gold coins were primarily used for paying civil servants, the military, and for the use of higher levels of government, particularly the senatorial class. *RIC IX xv-xvii*.

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soldiers.⁴⁵ At the century's close its use had become 'as common as dirt'.⁴⁶ Constantine III's early numismatic use of Flavius may therefore reflect his original low status and possible unfamiliarity with upper-class social conventions, for, according to Orosius, Constantine was a common soldier, chosen to lead because of his portentous name.⁴⁷ As Orosius is the only contemporary source to mention Constantine's humble background, then, the usurper's earliest numismatic propaganda could be seen as material evidence for his original low status. In direct contrast, the title Flavius is never applied to the coinage of any of Constantine III's contemporaries, i.e. Arcadius (fig. 62), Honorius (fig. 63) and Theodosius II (fig. 64).⁴⁸ Instead, they are referred to as Our Lords (*Dominorum Nostrorum/Domini Nostrī*) in their coin legends.

(Fig. 62) Our Lord Arcadius Augustus
Tremissis of Arcadius, Constantinople mint, c. 388-93



Obverse: Arcadius draped and cuirassed, pearl-diademed. **Legend:** D-N-ARCADI-VS-P-F-AVG (Dominus Noster Arcadius Pius Felix Augustus). **Reverse:** Victory alighting, she holds a wreath in her right hand, a globus cruciger in her outstretched left hand. **Legend:** VICTORIA-AVGVSTORVM (Victory of the Augusti). **Field:** Star. **Exergue:** CON (Constantinopolis) – OB (*Obryziacum* = fine/pure gold). (*RIC X 19*) Image courtesy of Classical Numismatic Group

⁴⁵J. G. Keenan, 'The Names Flavius and Aurelius as Status Designations in Later Roman Egypt', *ZPE* 1(1973), 33-63.

⁴⁶ The misleading and generally inaccurate widespread application of Flavius in the *PLRE* has been pointed out by Bagnall in *CLRE*, 38; cf. A. Cameron, 'Flavius: a Nicety of Protocol', *Latomus* 47 (1988), 26-33.

⁴⁷Oros. VII.40.4. '...*ex infima militia*...'; Olymp. fr.13, does not mention Constantine's status becoming emperor, and neither does Sozomen; Soz. IX 11.

⁴⁸ Flavius does, however, appear on many inscriptions of Arcadius, Honorius and Theodosius II; *CIL* IX 4051; VI 1725.

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(Fig. 63) Our Lord Honorius Augustus
Solidus of Honorius, Ravenna mint, after 402



Obverse: Emperor draped and cuirassed, pearl-diademed. Legend: D-N-HONORI-VS-P-F-AVG (*Dominus Noster Honorius Pius Felix Augustus*). Reverse: Honorius standing, wearing *paludamentum*, trampling captive with his left foot. He holds the *labarum* in his right hand, the *orbis* in his left hand, while a small winged Victory crowns him. Field: R-V (Ravenna). Legend: VICTORI-A-AAVGGG. Exergue: COM (*Comitatus* = imperial court) – OB (*obryziacum* = fine/pure gold). (RIC X 1287) © The Trustees of the British Museum

(Fig. 64) Harmony between east and west
Solidus of Theodosius II, Constantinople mint, c. 408-20



Obverse: Theodosius II facing, helmeted and diademed, a spear in his right hand, a shield in his left hand. Legend: D-N-THEODO-SIVS-P-F-AVG (*Dominus Noster Theodosius Pius Felix Augustus*). Reverse: Constantinople personified, enthroned, holding sceptre in her right hand, an orbis with a small winged Victory crowning her in her left hand, her foot is on a prow. Field: Star. Legend: CONCORDI-A-AVGG (*Concordia Augustorum*=Theodosius II and his uncle, the western Augustus Honorius) - I (*officina* mark). Exergue: CON (Constantinopolis) – OB (*Obryziacum*=fine/pure gold). (RIC X 201-2) © The Trustees of the British Museum

In addition to the title *Flavius Claudius*, Constantine III also applied *Dominus Noster* to some of his early coinage (figs. 65 and 67), but it was not

5. The Usurpation of Flavius Claudius Constantinus, 407-11

until mid-408 that he dropped the first appellation altogether in favour of the latter (fig. 67). Once Constantine became depicted solely as *Dominus Noster* on his coinage this brought his titulature into line with standard imperial naming propaganda, i.e. that used by his contemporaries, the Theodosian dynasty.

(Fig. 65) Coin from the Coleraine Hoard, Northern Ireland
Siliqua of Constantine III, Lyons mint, 407-08



Obverse: Constantine III pearl-diademed, draped and cuirassed. Legend: D-N-COSTAN-TINVS-P-F-AVG (*Dominus Noster Constantinus Pius Felix Augustus*). Reverse: Roma seated, holding inverted spear in her left hand, an *orbis* with a small winged Victory in her right hand. Legend: VICTORI-A-AAVGGGG. Exergue: LD (Lugdunum/Lyons) – PS (*Pusulatum* = pure silver). (RIC X 1526) © The Trustees of the British Museum

(Fig. 66) Member of the Club
Solidus of Constantine III, Lyons mint, c. 407-08



Obverse: Emperor draped and cuirassed, rosette-diademed. Legend: FL-CL-CONSTANTINVS-AVG (*Flavius Claudius Constantinus Augustus*). Reverse: Emperor standing, wearing *paludamentum*, trampling captive with left foot, right hand holding *labarum*, left hand holding an *orbis*, with small winged Victory holding laurel crown over emperor's head. Field: L-D (Lugdunum/Lyons). Legend: VICTORIA-AAVGGGG. Exergue: COM (*Comitatus* = imperial court) – OB (*Obryziacum* = fine/pure gold). (RIC X 1505) © The Trustees of the British Museum

5. The Usurpation of Flavius Claudius Constantinus, 407-11

The unique legend VICTORIA-AAAVGGGG (*Victoria Augustorum*) features on the reverse side of Constantine III's earliest coinage (fig. 66). This particular coin legend publicised Constantine's self-representation as a legitimate member of the imperial *collegia*, along with Arcadius, Honorius and Theodosius II. It had become conventional for the number of Gs on Late Imperial coin legends to correspond to the number of reigning Augusti at a given time. The four Gs in this case (fig. 66) refer to Constantine III and Honorius in the west with Arcadius and Theodosius II in the east. Constantine does not, however, appear on any of these other emperors' coinage. This suggests that, while Constantine presented himself as their colleague, they did not entertain any such notion.

5.5. Later numismatic propaganda, 408-11

'Arcadius...who had ruled for thirteen years after his father Theodosius, died'⁴⁹

After Arcadius' death in May 408, Constantine's numismatic expression changed to reflect the new political situation. The four Gs previously used on his coinage was replaced with just three, VICTORIA-AAVGGG (*Victoria Augustorum*), (figs. 67, 68 and 71) struck at his newly acquired cities of Trier and Arles, whose mints he had reopened. This new coin legend was applied to all of Constantine's subsequent coinage. It is generally accepted that the three Gs signified just Constantine, Honorius and Theodosius II.⁵⁰ However, the usurper proclaimed his eldest son Constans as co-Augustus in late 409 or early 410. Would he not have included his son on his later coinage, thereby omitting the eastern Augustus?

⁴⁹ Marcell. com. s.a. 408: *Arcadius...regnauit post obitum patris sui Theodosii annos tredecim*; Marcellinus (*comes*), *Chronicon*, (ed.) Th. Mommsen, *MGH (AA) XI* (Berlin, 1894), 37-108.

⁵⁰Lafaurie, 'La Chronologie', 39, 42.

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(Fig. 67) Victory of the three Augusti
Solidus of Constantine as *Dominus Noster*, Trier mint, after mid-408



Obverse: Emperor draped and cuirassed, pearl-diademed. Legend: D-N-CONSTAN- TINVS-P-F-AVG (*Dominus Noster Constantinus Pius Felix Augustus*). Reverse: Emperor standing, labarum in his right hand, *orbis* with small winged Victory in his left hand, trampling captive. Legend: VICTORI-A-AAVGGG. Exergue: TR (Treveri/Trier) – OB (*obryziacum*) – S (*Secunda* = workshop number). (RIC X 1514/15) © The Trustees of the British Museum

(Fig. 68) Constantine's Victory Advances
Gold *tremissis* of the usurper Constantine III, Arles mint, c. 408-11



Obverse: Bust diademed, draped and cuirassed. Legend: D-N-CONSTAN-TINVS-PF-AVG (*Dominus Noster Constantinus Pius Felix Augustus*). Reverse: Victory advancing holding a wreath and an *orbis*. Field: A-R (Arelate/Arles). Legend: VICTORI-A-AVGGG. Exergue: CON (Constantina, another name for Arles) – OB (*obryziacum*). (RIC X 1524) © The Trustees of the British Museum

5. The Usurpation of Flavius Claudius Constantinus, 407-11

5.6. Dynastic propaganda

‘Against these, Constantine sent his son Constans, who, for sorrow, had been a monk before a Caesar’⁵¹

Nowhere is it mentioned in our literary sources that Constantine III renamed his sons Constans and Julian after their elevation. We are told only that Constantine III had two sons, Constans and Julian, and nothing more.⁵² Constans, the eldest, had been a monk before his father created him as a junior colleague, a Caesar, in 407, and by late 409/early 410 Constans had been elevated to the rank of Augustus (fig. 69).⁵³ The younger Julian was styled *nobilissimus* c. 407/08, and other than being executed along with his father in 411 we know little else about him.⁵⁴

(Fig. 69) Present or absent Augusti?
Very rare *Siliqua* of Constans II, Arles mint, 409-11



Obverse: Constans II draped and cuirassed, pearl-diademed. Legend: D-N-CONSTA-NS-P-F-AVG (*Dominus Noster Constans Pius Felix Augustus*). Reverse: Roma seated, holding Victory on orbis in right hand, an inverted spear in her left. Legend: VICTORIA-AAVGGG (It is unclear who the 3 Gs represent. Is it Constans, Constantine, and Honorius, or is it Constans, sans father, alongside his colleagues Honorius and Theodosius II? Exergue: KON (Constantina/Arles) – T (*officina* mark). (RIC X 1540) Courtesy of Raisal Suarez

⁵¹Oros. VII. 40. 7: *aduersus hos Constantinus Constantem filium suum, pro dolor, ex monacho Caesarem factum*. Olympiodorus, the most contemporary primary source for Constantine III, does not comment on Constans' previous occupation.

⁵²Olymp. fr. 13; Zos. VI. 4.1; Oros. VII. 40. 7. Drinkwater, 'Constantine and Jovinus', 272, says that Constantine 'likely renamed' his sons as a means of linking his dynasty to that of earlier emperors particularly those who were popular in the west. Kulikowski, 'Barbarians...Usurpers', 333, says both sons 'were given new names.' While it is true that sons of newly elevated emperors were often renamed, we should exercise caution that this was so for Constans and Julian, simply on the basis of the silence of literary evidence on the matter.

⁵³Olymp. fr. 13, 17; Oros. VII. 40. 7; Zos. VI. 4. 1; 6.13.1; Soz. X. 11. 4. For Constans' elevation to Augustus; Zos. 6 13. 1; Soz. IX 12.4.ff; Olymp. fr.16.

⁵⁴Olymp. fr. 13.

5. The Usurpation of Flavius Claudius Constantinus, 407-11

The younger of Constantine's sons, Julian, did not progress above the rank of *nobilissimus* and therefore struck no coinage. His brother Constans did, once he had become co-Augustus with his father. Constans' coins are extremely rare (fig. 69) and there are no extant gold issues, only silver *siliquae*. Those which we possess were struck at one mint, Trier.⁵⁵ It is generally accepted that Constans does not feature upon his father's coinage, but there are problems with this interpretation that are not easily explained. As discussed in the previous section, Constantine III's coinage, through the varying number of Gs in the *Victoria Augustorum* legend, is usually taken to refer to himself, Honorius, and the eastern Augusti Arcadius and Theodosius II. If Constans were co-Augustus with Constantine III in 409 or 410, then should he not also have been represented on his father's coinage? This problem is compounded by the fact of Constans' coins themselves having just three Gs in their *Victoria Augustorum* legend. To whom do these refer? Modern numismatic volumes explain the three Augusti as Honorius, Theodosius II and Constans, but if so, then why is his father not represented? Are we seeing the son establishing his own dominion, separate from his father's? Constantine's numismatic absence from his son's coinage does not make sense, since the latter had been appointed by the father. By this logic, therefore, if we include Constantine III on his son's coinage, then we must omit a legitimate emperor from the Theodosian household. As Constans was western-based, he probably included his nearest legitimate colleague Honorius, but then that leaves out the eastern Augustus Theodosius II. Would this have been an issue?

The problem might be circumvented by drawing a parallel with Late Antique consular inscriptions. It was usual epigraphic practice to include the names of both eastern and western consul, but during the Late Empire a consul's name was sometimes omitted, if he had been appointed by a usurper, or because there were poor relations between eastern and western courts.⁵⁶ As shown in the

⁵⁵ *RIC X*, 1537, 1540-1.

⁵⁶ *CLRE*, 24-6.

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chapters on Gildo and Stilicho, there were most definitely problems between the power centres of Arcadius and Honorius.

5.7. *Recusatio imperii* and the ‘consulship’ of 409

‘For one emperor to refuse to recognize the consuls of a co-emperor was a standard sign of hostility’⁵⁷

Olympiodorus and Zosimus inform us that Constantine sent letters to Honorius excusing his usurpation through *recusatio imperii* at the army’s instigation in Britain.⁵⁸ Reminiscent of Julian the Apostate’s letters to Constantius II, in which he asked for understanding, Constantine too asked for forgiveness, but there were major departures in the tone and content of both usurper’s letters.⁵⁹ Where Julian had asked for further instruction from Constantius II as to what to do next, Constantine asked that he be made a co-Augustus with Honorius. Furthermore, Julian already possessed the rank of Caesar, and was a blood-relative of Constantius II. Constantine III, on the other hand, was neither Caesar nor related to Honorius.

However, so we are told, Honorius reluctantly acquiesced to the usurper’s request. Honorius may have accepted Constantine’s proposal due to other pressures: Alaric’s Visigoths were pressing hard upon the Western Empire at this point; the general who could have dealt effectively with the usurper, Stilicho, was dead; and two of Honorius’ kinsmen, Didymus and Verenianus, were prisoners of Constantine in Spain, after a failed attempt at resistance against the usurper there.⁶⁰ These cousins of Honorius were killed out of hand by Constantine’s troops, possibly before he had even sent his letters to the emperor.⁶¹ Which of

⁵⁷ *CLRE*, 24.

⁵⁸ Olymp. fr. 13; Zos. V 43.1-2.

⁵⁹ See chapter 1.5.1., 46-7, for Julian’s *recusatio imperii*.

⁶⁰ Didymus and Verenianus had formed a militia from their workers and slaves to resist Constantine in Spain, but were defeated and captured.

⁶¹ There are differences among the primary sources on this episode: Olympiodorus places Constantine’s letters to Honorius at the start of his usurpation, and has the capture and killing of Didymus and Verenianus coming at a later date; Olymp. fr. 13; cf. Zosimus, who says that Didymus and Verenianus were already dead by the time of Constantine’s letter; Zos. V 43.2.

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these incentives was the one which forced Honorius to accept the usurper as a colleague is difficult to ascertain. It may have been a combination of all three, but, after Constantine's surrender in 411, it was the murder of Didymus and Verenianus under Constantine's watch that provided justification for the killing of the usurper.⁶²

Olympiodorus and Zosimus both tell us that Honorius grudgingly accepted Constantine as an imperial colleague in 409 and sent him an imperial robe. There is no mention, however, of the usurper sharing in the consulship of 409 with the two consuls designated for that year, Honorius and Theodosius II.⁶³ According to a solitary Greek funerary inscription, *IG XIV 2559* (fig. 70), from the necropolis of St. Paul and St. Maximus at Trier, Honorius and Constantine apparently shared the consulship in 409.⁶⁴ The church of St. Paul and St. Maximus was destroyed by war in 1674 and, unfortunately for us, only copies made prior to the destruction exist.⁶⁵ The Trier inscription has, however, caused considerable confusion in the centuries since its original discovery. It could have been a forgery, along the lines of other epigraphic and numismatic forgeries made by certain so-called 'gentlemen' scholars of the early modern era.⁶⁶ Drinkwater, however, thinks that the Trier inscription is genuine, and may refer to an 'honorary consulship.'⁶⁷ The lack of the original inscription, therefore, leaves the validity of a consulship for Constantine III open to question.

⁶² Olymp. fr. 17. Orosius mentions Didymus and Verenianus but omits their deaths.

⁶³ Olymp. fr. 13; Zos. V 43.2.

⁶⁴ *IG XIV 2559*; See N. Gauthier, *Recueil des Inscriptions Chrétiennes de la Gaule*, (Paris, 1975), 270-3; Freeman, 'Western Europe', 92; Clinton, *Fasti Romani*, II, 134.

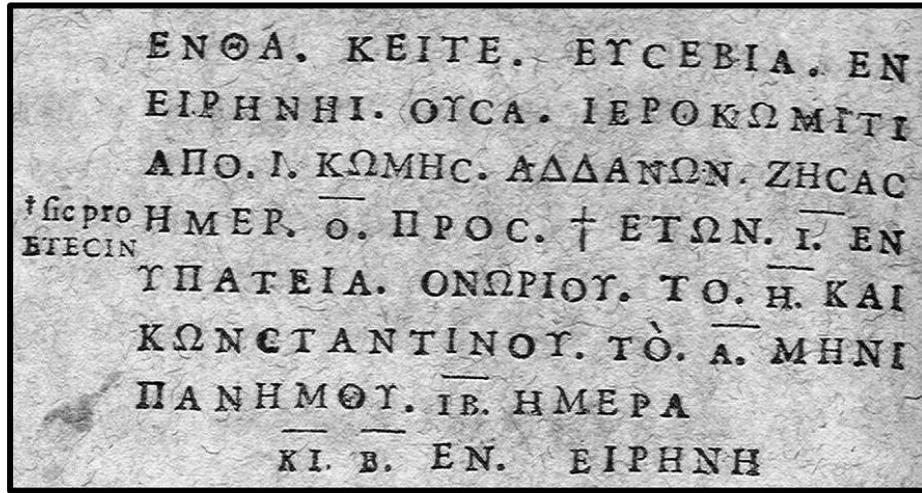
⁶⁵ J. Gruter, *Inscriptiones Antiquae Totius Orbis Romani*, 2 vols, (Heidelberg, 1603), 1052.6.

⁶⁶ For example, the Vignier forgeries; H. Rahner, *Die gefälschten Papstbriefe aus dem Nachlass von Jérôme Vignier* (Munich, 1935); cf. J. Havet, 'Questions merovingiennes. II. Les découvertes de Jérôme Vignier', *Bibliothèque de l'Ecole des chartes* 46 (1885), 205-71.

⁶⁷ Drinkwater, 'Constantine and Jovinus', 281.

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(Fig. 70) An 'honorary' consulship?
Greek funerary inscription, after Freeman, Trier, c. 409



'Here lies Eusebia in peace, from the village of Addaniens (a village near Antioch, Syria), around fifteen years old, under the eighth consulship of Honorius and the first of Constantine, twelfth day of the month of Panémos (July, according to the Syrian calendar), a Sunday, (?) in peace' (*IG XIV 2559*) No copyright permission needed

There is no mention of Theodosius II, Honorius' eastern co-consul for 409, in the Trier inscription. This should not necessarily be taken to mean political manipulation on Constantine's part. Late Antique consular inscriptions regularly omitted one consul for a variety of reasons; space, the quality or skill of the engraver, ignorance of political affairs, or simply for economic necessity.⁶⁸ That said, we ought to bear in mind that on Constantine's coinage, as we have seen, all legitimate emperors were represented. Through these symbols of unity Constantine was able to project an image of imperial concord between himself and the legitimate emperors and, as pointed out, on Constantine's coinage there is no omission of any the Theodosian emperors, even though they did not return the compliment. It is only literary sources which gives us any indication that Constantine received recognition from Honorius.

One last thought on Constantine's supposed consulate of 409. How would he have paid for it without creating a shortfall in his own treasury? When the

⁶⁸ *CLRE*, 25, 64-5.

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future emperor Constantius III assumed the western consulship in 414, the costs of the office were substantial.⁶⁹ How could Constantine have competed with Honorius' far greater resources and still have been able to maintain his position? The usurper had military campaigns to finance, provinces to govern and, more importantly, his soldiers' loyalty to maintain.

5.8. Sanctuary, surrender and severed heads

'After three years of usurpation, Constantine was executed in Gaul by Honorius' *dux*, Constantius'⁷⁰

From late 409 until autumn 411 Constantine's position in Gaul eroded steadily. He had even less success in Spain, which, although declaring for him early on, was lost to him by early 410, due to an internal mutiny led by his former *magister militum* Gerontius.⁷¹ In the meantime Britain revolted against Constantine's rule.⁷² The loss of Spanish and British tax revenues no doubt restricted the monetary resources available to Constantine to pay his troops. Furthermore, his loss of these territories critically undermined his status and authority. In the meantime Honorius' military policy took on a new dimension. His new strategy was to tackle all internal threats head-on. To this end, Honorius enlisted the very capable general Constantius, who moved quickly and decisively against Constantine' in Gaul.⁷³

Early in 411 the army of Constans was routed at Vienne, in south-eastern Gaul by his father's former *magister*, Gerontius, who killed the young Augustus. According to a later source, Marcellinus Comes, Constans was beheaded at

⁶⁹ Olymp. fr. 23.

⁷⁰ Hyd. s.a. 411: *Constantinus post triennium inuase tyrannidis ab Honorii duce Constantio intra Gallias occiditur.*

⁷¹ Oros. VII. 42.4; Olymp. fr. 16; Soz. IX 13.1.

⁷² Zos. VI 5. 2-6.

⁷³ Oros. VII. 42. 1: *Anno ab urbe condita MCLXV Honorius imperator, uidens tot oppositis tyrannis nihil aduersus barbarosagi posse, ipsos prius tyrannos deleriuubet. Constantio comiti huiusbelli summa commissa est.*

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Vienne.⁷⁴ There is no indication of any sanctuary sought by Constans at Vienne, nor is there any evidence for the display of Constans' head, for that matter.

Constantine was soon cornered at his capital, Arles, whereupon he retreated into the city in the expectation of reinforcements from his magister Edobich. This relief column did not arrive to aid the usurper, for it was ambushed by Constantius and wiped out. Edobich fled the massacre and sought sanctuary in the house of a supposed friend, Ecdicius. No sooner had the fugitive magister arrived than Ecdicius murdered him and cut off his head. The faithless friend brought the trophy to Constantius, who by now was pressing his siege of Arles, perhaps hoping to be rewarded. Constantius, disgusted by the man's poor hospitality to a friend and treacherous breach of sanctuary, had Ecdicius sent away from his camp.⁷⁵

This anecdote, which comes from Olympiodorus but might be nothing more than a false rumour, is intriguing because, very soon afterwards, in the autumn of 411, Constantine III took sanctuary in Arles (fig.71) once he realised that no more military assistance would be coming. He removed his imperial robes and insignia and claimed church sanctuary by taking holy orders.⁷⁶ This is the first recorded instance of an emperor becoming a cleric, a phenomenon associated more with the later Byzantine age. After receiving a guarantee of safe passage from Constantius, sworn under oath, the usurper surrendered, but was murdered a little later. Olympiodorus tells us that, following their capitulation, Constantine and his son Julian were sent to Honorius in Italy and that, while en route there, a direct order from Honorius arrived, which permitted the killing.⁷⁷ There is no evidence that Constantius violated Constantine's right of sanctuary or broke his oath of safe passage. What is clear is that Honorius' authority

⁷⁴ Marcell. com. s.a. 411: *Constans filius apud Viennam capite plectitur.*

⁷⁵ Olymp. fr. 17; Soz. IX 14. 3-4.

⁷⁶ Olymp. fr. 16; Soz. IX 15. 1

⁷⁷ Olymp. fr. 17. Orosius says, as a simple matter of fact, that Constantius killed the usurper at Arles, Oros. VII. 42.3. See also Ducloux, *Ad ecclesiam confugere*, 130-1, who is uncertain as to why the oath was given by Constantius to the usurper. Was it to get him out by any means necessary, or was it to raise the three-month-old siege and relieve the suffering of the people trapped inside Arles?

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overruled any promises made on the ground by his commanders. This is very similar to what had occurred with Stilicho at Ravenna three years previously.

(Fig.71) Victory unto the end
Solidus of Constantine III, Arles mint, c. 411



Obverse: Constantine, pearl-diademed, draped and cuirassed. Legend: D-N-CONSTAN-TINVS-P-F-AVG (*Dominus Noster Constantinus Pius Felix Augustus*). **Reverse:** Emperor standing, holding standard in his right hand, an *orbis* with small winged Victory crowning him in his left hand. The emperor is trampling a captive. Legend: VICTORI-A-AAVGGG. Field: A-R (Arelate/Arles). Exergue: KON (Indicates Arles mint) – OB (*obryziacum* = fine/pure gold). (*RIC X 1521-3*) © The Trustees of the British Museum

The heads of Constantine and Julian were embalmed and sent on a grisly tour of several western cities; Carthage, or possibly Carthagera; and eventually ended up at Honorius' capital of Ravenna.⁷⁸ Constantine's visage, having adorned gold and silver coins, numismatic symbols of his imperial status and propaganda, became instead a wretched reminder of the price of treason.

⁷⁸ Olymp. fr. 20.

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5.9. A *damnatio* too far?

‘For so many years, spite was the state’s reward for the bold’⁷⁹

Throughout this thesis we have encountered numerous cases of *damnatio memoriae* from the Late Empire.⁸⁰ It is precisely through proscriptive legislation and material evidence; epigraphic erasure, portraiture mutilation and coin erasure, that we are able to recognize that a *damnatio* actually took place and what the particular methods were in each instance. With regard to Constantine III, his sons and his affiliates, there is nothing to indicate that a *damnatio* occurred, but, since Roman custom typically condemned defeated usurpers, such an event is likely to have occurred.

The prerequisites for a *damnatio* to have been enabled are evident within the story of Constantine III. For a start, he was a *tyrannus* in the proper Late Antique sense of the term, i.e. an emperor who had come to power illegally with military support, and who presented a threat to the existing political order. When we consider how Gildo and Stilicho were variously categorized as *tyranni*, *praedoni* and *hostes*, and how both men ended up as victims of *damnatio*, it seems reasonable to assume that Constantine, an actual *tyrannus*, should have experienced a similar posthumous fate. What of the other elements of Constantine’s usurpation which ought to have merited a *damnatio* from the state? Both Constantine and his son Constans assumed senior imperial titles and each issued numismatic propaganda, which very clearly expressed their imperial ambitions as the usurpation developed. Furthermore, Constantine established his own rival government in Gaul, replete with *magistri*, prefects and other officials. Such activities were the classic traits of a contender for supreme power, and therefore presented a stark challenge to the government of the incumbent Emperor Honorius. As discussed earlier, Constantine may or may not have held a joint-consulship in the west with Honorius, and, if our literary sources can be

⁷⁹ Sid. Ap. Carm. V 361-3: *tot annos...pretium respublica forti rettulit invidiam.*

⁸⁰ See table 5, 89.

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depended upon, the usurper may also have been recognized as a colleague in the short-term by Honorius. Surely, any one of the aforementioned stock attributes of the Late Roman *tyrannus* deserved the state's condemnation. Why, then, is there a silence on silence, so to speak? Unlike Orwell's 'unpersons', the Roman 'disappeared' were not really meant to vanish from the pages of history.⁸¹

Once defeated and condemned, it was customary for a usurper's coinage to be collected, melted down and eventually reworked into new legitimate currency at the imperial mints.⁸² This probably happened with some of Constantine's coins, which might partly explain their relative paucity today.

Regarding the absence in the legal record for Constantine, there may be an explanation for his omission. By the time the *Codex Theodosianus* was published in 438, several parts of the western empire had long been inaccessible to the code's compilers. Britain had been lost to central imperial control for decades, and entire regions of Gaul and Spain were under barbarian rule.⁸³ Constantine's rebellion had originated in Britain, but only a handful any of his coinage has been found on that island.⁸⁴ Constantine's numismatic propaganda emanated from the imperial mint cities of Trier, Lyons and Arles. These were his power-centres for much of his reign. Two of these cities, however, Trier and Lyons, were sacked on several occasions during the fifth century. From this we may attribute some amount of destruction of evidence for Constantine's reign. Arles, the usurper's capital, may also have experienced the ravages of war in the years between Constantine's death in 411 and Theodosius II's legal codification.

As Constantine III held power for some considerable time, it is fair to assume that he passed acts in the territories under his control. The grandfather of the late-fifth century Gallic writer Sidonius Apollinaris had been one of Constantine's officials, which surely required some written documentation or epigraphic evidence, and there were also other notables who had supported the

⁸¹ See section of *dammatio memoriae*, chapter 2.5., 83-9.

⁸² Carla, 'The End of Roman Gold Coinage' 53.

⁸³ See Matthews, *Laying down the Law*, 60-1; Honoré, *Law in the Crisis*, 136-53; cf. Sirks, 'The Sources of the Code', 45-67.

⁸⁴ Walton, *Rethinking Roman Britain*, 113-4, 247-51.

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usurper. What does this tell us, then? Was there a *damnatio memoriae* against Constantine so far-reaching that it has left us with nothing other than a small amount of money and bad press? Are we to imagine that Constantine was unique, and did not have any of his acts recorded, his name inscribed or his portraiture carved in stone? This is not very likely. What all Late Antique emperors had in common, though, legitimate or otherwise, was coinage, and it is this which tends to be the one aspect of the material evidence of usurpers that survives the *damnatio*.

5.10. Conclusion

Through this chapter we have seen some of the various forms of imperial ideology on the coinage of Constantine III and his son Constans. This numismatic propaganda publicly promoted the idea of them both as alternative rulers to the apparently inept and corrupt administration of Honorius. The father and son *tyranni* posed a grave internal threat, therefore, to Honorius and his household. There was no ambiguity in this matter, as there had been with Stilicho. Constantine's usurpation was on a par with Gildo's revolt and alleged shift in geo-political allegiances. While one was a *tyrannus* and the other a *hostis/perduellis*, their potential for removing Honorius from office was similar. Neither Honorius, nor any other western imperial government, could afford to lose North Africa; nor could imperial pretenders be permitted to make substantial gains. Hence Honorius resolved to deal head-on with the many *tyranni* emerging in the west before moving on to the barbarian problem.⁸⁵

When it came to punishing Constantine, Honorius had no choice but to deal with him as a criminal guilty of high treason. The seeking of sanctuary and taking of holy orders by the usurper did not affect the outcome, which inevitably was death and beheading.

⁸⁵ Oros. VII. 42. 1.

Conclusions

CONCLUSIONS

‘To recount the history of judicial savagery in the empire...to quantify its effects in terms of capital punishment especially...is one thing. Explanation is another’¹

‘Be harmonious, enrich the soldiers and scorn all other men’²

Techniques of suppression

None of the various methods used to suppress various forms of *crimen maiestatis* – rebellion, usurpation, conspiracy to usurp imperial power – prevented the recurrence of such activities. Torture, beheading, mutilation, exile, legal condemnation and denigration of reputation, torture and execution of family members, friends and affiliates, asset seizure, social exclusion and the denial of inheritance rights to the progeny of executed *perduelli*, *tyranni* and *hostes publici* all amounted to the terrible price of failure which awaited the vanquished. Just some of these processes should have been sufficient to deter insurrection, but they clearly did not achieve this aim. No doubt, every rebel and usurper felt that he had the capability and sufficient resources to achieve his aims; but in all but two out of over thirty usurpations in the period discussed in this thesis, 306-425, it was the legitimate Augusti who prevailed.³

The value of money

More often than not it was money that played the deciding role in determining the outcome of a rebellion or usurpation. To be sure, the propaganda value of coinage was important for promoting a usurper, to the army and to the public, as the candidate best suited for governance. The farther the geographical reach of a usurper’s numismatic propaganda, then the greater the opportunity for gaining support in those regions. Through the medium of coinage a usurper had the opportunity to publicize his qualities and attributes. Termed

¹ MacMullen, ‘Judicial Savagery’, 214.

² Cass. Dio. 77.15.2; Cassius Dio Cocceianus, *Historiae Romanae*, (ed. and tr.) E. Cary (London, 1914-27).

³ The usurpations of Constantine I and Julian, see table 1, 12.

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the 'ideology of virtue', the minting of money allowed usurpers to demonstrate that they deserved to be emperor, because their virtues were supposedly better than those of the incumbent emperor.⁴ Yet, in the late-fourth and early-fifth centuries, the iconography on imperial coinage had lost much of the individuality that characterized earlier coin issues. This made it harder for usurpers to portray themselves as markedly different from legitimate emperors. Some of those coins illustrated above of Honorius (figs. 58 and 63) and Constantine III (figs. 61, 65-68 and 71) look, upon first glance, to be practically the same as each other. Even the portrait busts appear similar, and it is only through closer scrutiny of the titulature that the real differences become visible. Just how widespread literacy was among the military and civilian population in the Late Roman world is unclear, though.

It was the practical aspects of coinage – its base-metal worth and its abundance – therefore, which held the greater importance for emperors; legitimate and usurper. How much money, particularly silver and gold, an emperor had at his disposal gave him the means to levy recruits, train, feed and provide them equipment. Money also obtained the loyalty of soldiers, an accomplishment not easily sustained. The army, as it had been since at least the early Principate, could be fickle in terms of who its titular head was, but as long as a reigning Augustus had adequate financial resources, then the army tended to remain supportive. However, this was not always the case, for even emperors with sufficient resources were not always secure in their office, nor were they always able to properly keep their soldiers in check.

Who really controlled the army?

How much control Roman emperors actually exercised over their soldiers is debatable, and much depended upon the character of individual emperors. The sons of Theodosius I, Arcadius and Honorius, had far less personal authority over their armies than their father had had. For instance, the eastern prefect Rufinus' execution at Constantinople in 395, in the presence of Arcadius, seems have been orchestrated by the emperor's subordinates. This episode was interpreted as a bloody display of loyalty to Arcadius; however,

⁴ Wardman, 'Usurpers and Internal Conflicts', 227-8.

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in reality, it was a ploy instigated by the chamberlain Eutropius to let the young emperor know who the real power was in his court. Likewise in the west, Arcadius' brother Honorius bore witness at Ticinum to a similar scene, though on a far larger scale, during the coup orchestrated by the senior official Olympius against Stilicho in 408. Only with great difficulty, and some degree of personal courage, was Honorius able to bring an end to the slaughter on the streets of the garrison town. By that stage many of his high cabinet, Stilicho's men, lay dead, some having begged for their lives by clutching at the emperor's feet. On this occasion, the rampaging soldiers heeded not the person of the emperor, and indeed were oblivious to his presence while they went about their work. Zosimus informs us that it was with great difficulty, and in fear for his own person that Honorius managed to check his soldiers' bloodlust.⁵

Some usurpers came to power through the will of the army, but in many instances it was the very same army that, when the situation benefited them, got rid of their appointee, and changed allegiance to another ruler. After Constantine III's surrender at Arles to Honorius' general Constantius, both the usurper and his youngest son Julian were killed out of hand by troops who were escorting the pair back to Italy.⁶ Supposedly, this was in revenge for the deaths of Honorius' cousins Didymus and Verenianus, who had been Constantine's prisoners. The usurper had captured them and had apparently wanted to keep them alive, with the intention of using them as a bargaining-tool to compel Honorius into sharing power. However, it appears that Constantine had not been able to prevent the killings.⁷

Sometimes there were mutinies and usurpations within usurpation. Constantine III's illegitimate western government, originally created through *recusatio imperii*, came to an end partly as a consequence of mutiny within his own officer corps. This was led by his *magister* Gerontius who had become dissatisfied with the progress of Constantine's campaign. Gerontius

⁵ Zos. V 32.1-7.

⁶ Soz. IX. 13.1-15.3. However, Olympiodorus says that Honorius ordered the killing; Olymp. fr. 17.

⁷ Orosius blamed Constantine's barbarian troops for Didymus and Verenianus' killings; Oros. VII. 40.8. Olympiodorus, Zosimus and Sozomen charged Constantine with the murder of Honorius' cousins; Olymp. fr. 13, 17; Zos. V 43.2, VI 1.1, 5.1-2; Soz. IX 12.1;

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was also aggrieved at having been passed over for promotion in favour of the usurper's son Constans. In turn, Gerontius later found himself on the receiving end of his own troops in Spain in late 411. Alone with just his wife and an aide, and surrounded by his mutinous troops in a burning house, the trio committed suicide. Gerontius' soldiers then defected, in what Wardman calls 'tactical desertion', to Honorius' camp.⁸

Very few common soldiers wished to die for a lost cause in the Late Empire. After Magnus Maximus' rout at Aquileia in 388, his panicked troops fled into swamps and forests to escape the wrath of Theodosius I's army, who pursued them, killing many even when they attempted surrender. The slaughter only ceased when ordered to by Theodosius I, who granted leniency to the rank and file of Maximus' shattered forces.⁹ Theodosius subsequently incorporated these troops into his own army.

Sanctuary, an exercise in futility

The lack of imperial control over the military can also be related to the issue of sanctuary violation, episodes of which we have encountered earlier. Certain sources tell us that it was the emperor's prerogative to be able to overrule an individual's claim on church sanctuary.¹⁰ We should, however, allow for the possibility that such accounts may be cover-stories, used to conceal a lack of proper discipline on the part of imperial troops, which would have reflected poorly on the emperor and his descendants.

In all of the cases we have seen in this thesis where fugitives charged with *crimen maiestatis* sought sanctuary, none were successful, and all lost their lives once they exited their places of refuge. Nonetheless, claiming sanctuary was not just the final desperate act of an individual with nowhere left to go. Sanctuary could also offer a short window of time to plead one's innocence. This was perhaps what was behind Stilicho's actions at the Ravenna church in August 408. He may well have been biding his time for an opportunity to meet the emperor in person and put his case to him. Yet

⁸ Oros. VII. 42.4; Olymp. fr. 17.

⁹ *Pan. Lat.* II. 36. 1-4.

¹⁰ Olymp. fr. 7; This refers to Eucherius' being removed from his church sanctuary at Rome in 408.

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Stilicho should have known better, for he had first-hand experience of the shortcomings of church sanctuary. In 396, the western *magister* had once forcibly removed a certain criminal named Cresconius from the sanctuary of a Milanese church. The bishop of the church was no less a figure than Ambrose, who, along with some clerics, tried to prevent Cresconius' arrest by Stilicho's soldiers. Ambrose and the clergy were pushed aside and Cresconius was taken into custody. Later Stilicho was compelled to release Cresconius, who was then sent into exile.¹¹ Having been the most powerful man in the Roman West, next to the emperor, Stilicho surely had no illusions that church sanctuary could offer someone like himself immunity.

Stories of failed sanctuary, such as those of Silvanus, Eutropius, Cresconius, Stilicho, Eucherius, Constantine III and Julian, indicate that seeking asylum was a futile exercise, or at least it was until after the death of Honorius in 423. Up until then, church and secular law were at odds with each other on the issue of sanctuary, until the 430s, when imperial legislation changed to give greater powers to the church that allowed the institution to offer more comprehensive protection to fugitives. For the fugitives of our period claiming asylum did not ultimately save them from execution.

Mutilation, decapitation and ritual head display

For fallen rebels, usurpers and their inner circles, theirs were unenviable fates. It was a given that judicial vengeance would be applied to this group through beatings and torture, all customary elements of the *quaestio*. Mutilation of prisoners while alive satisfied the victors, while the mutilation of the hands of executed usurpers was a direct insult to their having claimed imperial power and having used the symbolism of *dexteræ triumphalis* in their numismatic propaganda.

As stated at the outset of this thesis, in chapter one, we may make a distinction between rebels and usurpers, based on the former not striking coinage, whereas the latter did. During the endgame of treason in the general period covered by this thesis, 306-425, it appears that it was only usurpers,

¹¹ Paulin. *Amb.* 14; Paulinus diaconus Mediolanensis, *sancti Ambrosii Mediolanensis episcopi*, *PL.* 14

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those who had had their images and names inscribed upon coinage, who, after decapitation, had their heads publicly displayed. There were specific reasons for the display of severed heads. The imperial image was sacred and protected by law. Furthermore, it was illegal to counterfeit imperial currency and to mint illegal money, i.e. that of a usurper. When a usurper struck his own coinage he presented himself as an alternative to the ruling emperor, which in turn constituted a direct threat to that emperor and his household. Once a usurper had been defeated, suppressed and killed, it was politically expedient to remove his head and ritually display it as punishment for his audacity in minting his own currency, which was a sacrilegious act. The power and symbolism of the imperial image were vital for the maintenance of imperial control over the state's population. The emperor was regarded as the *pater patriae*; but if there were other Augusti in circulation, with similar ideology, then that undermined the position of the legitimate government. It should be noted that other categories of enemies, such as barbarian leaders, also suffered decapitation, but the triumphal display of heads was generally reserved for the usurper, who had had the likeness of his own head place upon coinage.

Damnatio memoriae

This custom was perhaps the most effective form of punishment for insurrection. It was practically irreversible, although there were some exceptions. The eastern prefect Proculus had been executed in 392, and had become a victim of *damnatio*. His name was erased from public inscriptions at Constantinople, but was reinserted some years later at his father's behest, once his son's innocence had been revealed to the emperor. This type of reversal was extremely rare. For the victims of *damnatio* referred to in this thesis, no such exoneration occurred. Even Stilicho, who, it emerged later, had been guiltless of the charges against him, could not have had his name restored to the inscriptions in Rome. It would have been too embarrassing for the emperor Honorius, and an admission of guilt in a miscarriage of justice. For Gildo, there was no way that his reputation could have been rehabilitated, and thus he remained a *hostis publicus*. As mentioned earlier, in chapter five, no physical evidence survives of Constantine III's *damnatio*, which must have happened. He was a *tyrannus*, he minted coins, he ruled as an Augustus

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for a considerable period of time. It is tempting to think that the *damnatio* against him was much too thorough; but, for now, this issue is unresolved.

Epilogue

None of the rebels and usurpers who arose in the west during Honorius' reign offered anything new for the Roman state. What they brought to the imperial stage was a continuation of the same forms of government and policies, using the same worn-out imperial symbols and propaganda, used by every other emperor of the time. There were no alternatives sought to the North African *annona* system, nor were there any overtures made to the overburdened taxpaying citizenry of both town and country. Perhaps, as Laroui suggested, Gildo is the exception; but since our primary sources on the North African *comes* are biased against him, it is nigh on impossible to decipher Gildo's real motivations for revolt, if indeed that is what he did.¹² Instead, Late Roman usurpers emulated their legitimate contemporaries primarily by protecting the interests of the army over those of the people.

Throughout the central timeframe of this thesis, 393-423, one individual appears consistently throughout, the emperor himself. He is the link connecting Gildo, Stilicho and Constantine III together. Honorius may be described as the era's great survivor, although he has been called many other less flattering names. Despite having experienced so many challenges to his position, military and civil, Honorius outlasted them all. Did he manage to survive because he punished all those who stood against him with great severity? Honorius lasted because he was better able to maintain his military's loyalty through having greater financial resources, familial connections to the eastern court, and strong, capable generals, such as Constantius. Perhaps what allowed for Honorius' survival was that, despite all the turbulence of his time, he was able to combine all of the factors necessary to ensure continued rule.

¹² Laroui, *History of the Maghrib*, 33.

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