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THREE NOTES ON THE REFORMS OF DIOCLETIAN AND CONSTANTINE.

By NORMAN H. BAYNES.

I. THE EFFECT OF THE EDICT OF GALLIENUS.

In 1921 Mr. Léon Homo published an elaborate study in the *Revue Historique*¹ on 'Les privilèges administratifs du Sénat romain sous l'Empire et leur disparition graduelle au cours du III^e siècle.' I have not seen any critical consideration of that study: in the following note I desire to discuss the conclusions of Mr. Homo so far as they are concerned with the edict of Gallienus and its application down to the military reorganisation of Diocletian. Mr. Homo's treatment of the problem is based upon his view of the historical value of the *Historia Augusta*: for a detailed statement of that view the student should consult his earlier paper on 'La grande crise de l'an 238 ap. J.-C. et le problème de l'Histoire Auguste.'² His position he has summarised thus: the *Historia* is not a vast falsification dating from the end of the fourth or the beginning of the fifth century: 'Non. Il s'agit bien d'un recueil authentique de biographies rédigé sous la dynastie dioclétiano-constantinienne, et, par conséquent, l'historien du III^e siècle n'a pas le droit de la rejeter systématiquement. Mais deux réserves capitales sont nécessaires. Tout d'abord, l'Histoire Auguste abonde en anachronismes, dus à l'information médiocre et au manque d'esprit critique de ses auteurs. Deuxièmement, les prétendues pièces d'archives qu'elle contient sont des faux composés en règle générale par les auteurs des biographies eux-mêmes. Ils ne doivent donc pas être utilisés comme des documents authentiques, mais les faits précis qu'ils avancent ne sont pas nécessairement faux, puisque le faussaire peut les avoir empruntés aux sources authentiques qu'il avait à sa disposition. Quant à la nomenclature officielle qui y est donnée, elle ne vaut ni plus ni moins que celle du texte proprement dit, c'est à dire que les erreurs et les anachronismes s'y rencontrent à chaque ligne. En résumé, on n'a le droit ni d'accepter les yeux fermés, ni de rejeter a priori les données de l'Histoire Auguste, mais le premier devoir de l'histoire est de les retenir, au moins provisoirement, pour les soumettre à une critique impartiale et rigoureuse.'³ It may be well to state at the outset that I am unable to accept this favourable view of the *Historia Augusta* as a source for the reconstruction of the history of the later years of the third century.

Mr. Homo's rejection (pp. 165-180)⁴ of the theory of Borghesi

¹ Vol. cxxxvii (July-Aug. 1921), 162-203; cxxxviii (Sept.-Oct. 1921), 1-52.

² *Revue Historique*, cxxxi (1919), 209-264; cxxxii (1919), 1-38.

³ *ibid.*, cxxxvii, 162-3.

⁴ In this section of his paper Mr. Homo's treatment of the use of the title *dux* in the third century (pp. 169-179) contains a valuable discussion of the

(*Oeuvres* v, p. 397) that Alexander Severus divided the traditional *imperium* of the Roman provincial governor by separating the military from the civil power, may be unreservedly accepted, though the arguments by which that conclusion is reached I should formulate differently. The *Vita* of Alexander Severus in my judgment is for the most part pure *Tendenz*, and it is only with extreme caution that it can be used as a historical source for the reign.¹ We can pass at once to Mr. Homo's treatment of the edict of Gallienus. For this he quotes the two passages from Aurelius Victor (*Caesares* 33, 34 and 37, 6) in the following form: 'et patres quidem, praeter commune Romani malum orbis, stimulabat proprii ordinis contumelia, quia primus ipse [*sc.* Gallienus] metu socordiae suae ne imperium ad optimos nobilium transferretur, senatum militia vetuit et adire exercitum'; and 'amissa Gallieni edicto refici militia potuit, concedentibus modeste legionibus, Tacito regnante.' The latter passage he translates: 'La carrière militaire perdue (pour le sénat) à la suite de l'édit de Gallien put être rétablie sous le règne de Tacite, en raison de la modération et de la condescendance des légions.' The issue of the edict he would date to the last months of the year A.D. 261 by arguments which appear to me inconclusive (*Rev. Hist.* cxxxviii, 3-5): *e.g.* 'une mesure aussi décisive, aussi terrible pour le sénat que l'était l'édit de Gallien ne peut avoir été prise qu'à Rome, c'est-à-dire l'empereur étant sur place et ayant les moyens de réduire immédiatement toute tentative de résistance sénatoriale qui viendrait à se produire.' This is, in my judgment, to overestimate the power of the senate. The date of the issue of the edict is, however, relatively unimportant: the essential matter is its interpretation. Mr. Homo points out that the original criterion for the distribution of provinces between *princeps* and senate lay in the character of each individual province and its need of military defence: it was the *provinciae inermes* which fell to the senate. But under Gallienus the whole Roman Empire in its length and breadth was in need of military defence.² The emperor, himself at the mercy of the dictation of the Danube legions, with a resolute logic applied once more that original criterion to the altered circumstances of his day. All the provinces of the Empire were by his edict transformed into imperial provinces. The empire must be preserved, no matter at what cost: it was the hour of the soldier and the capable general. 'It was not, however, in the ranks of the degenerate senatorial aristocracy that one could hope to find capable generals, but only

epigraphic evidence, though the reader misses a reference to Mommsen's *Anhang* to Von Sallet's *Die Fürsten von Palmyra* (*cf. Ges. Schriften*, vi, 204 f.), which first pointed the way to the solution of the problem.

¹ Cf. Norman H. Baynes, 'The Date of the Composition of the *Historia Augusta*,' *Classical*

Review, cxxxviii, 165-169, and the monograph, *The Historia Augusta: its Date and Purpose*, shortly to be published by the Clarendon Press, Oxford.

² Cf. L. Homo, 'L'empereur Gallien et la crise de l'empire romain au III^e Siècle,' *Revue Historique* cxliii (1913), 1-22, 225-267.

amongst professional soldiers formed in the rough school of frontier defence' (p. 6), 'ces chefs, l'empereur ne pouvait les trouver que dans l'ordre équestre' (p. 193). The edict has thus the effect that all senatorial governors—consular or praetorian—are replaced by governors from the equestrian order, while, concludes Mr. Homo, 'il semble très vraisemblable d'admettre que la transformation dans l'administration des provinces sénatoriales a été une réforme d'ensemble, et qu'elle se place précisément' in A.D. 261—the year of the issue of the edict (p. 199).

Under Claudius and Aurelian the edict of Gallienus remained in force: Aurelius Victor 'l'atteste formellement: Amissa Gallieni edicto refici militia potuit . . . *Tacito regnante*. Il a fallu la restauration sénatoriale marquée par le règne de Tacite pour qu'il fût abrogé' (p. 20). But Mr. Homo is forced to admit that there were some exceptions to this rule: Velleius Macrinus (ὁ λαμπρότατος ὑπατικός πρεσβευτής καὶ ἀντιστράτηγος τοῦ Σεβαστοῦ C.I.G. 3747-3748) under Claudius must have been 'un légat impérial pris, selon l'ancienne règle, dans l'ordre sénatorial' (p. 21), while, though the name is lost, C.I.L. iii, 14460 supplies us with a *legatus pro praetore* of Moesia Inferior under Aurelian. Of the reason for these exceptions we are ignorant (p. 22). With the year A.D. 275 we reach the senatorial reaction under Tacitus: for this we possess the direct statement (previously quoted) of Aurelius Victor and, further, the evidence of the *Vita Taciti* 19.2, 'Nos recepimus ius proconsulare,' 19, 3-4, 'Optinuimus quod semper optavimus, in antiquum statum senatus revertit. Nostri ordinis sunt potestates. Gratias exercitui romano, et vere romano; reddit nobis quam semper habuimus potestatem.' From a full discussion of these and other passages of the *Vita Taciti* (pp. 35-39) Mr. Homo concludes that not only was the edict of Gallienus abrogated by Tacitus, but that the senate recovered *all* its traditional rights, save only the privilege of coining bronze money.

Florian returns to the system of Gallienus; Probus comes to a compromise with the senate: *Vita Probi* 13, 1 (pp. 40-49). In senatorial provinces Probus '*permisit* patribus . . . ut proconsules crearent,' i.e. a favour granted in particular cases, but not the recognition of a right; in imperial provinces of consular rank '*permisit* . . . ut . . . *legatos ex consulibus darent*'—'c'est le droit pour le sénat de fournir, non pas de nommer—la différence est capitale—des légats anciens consuls . . . et non pas tous les légats'; it is not a complete return to the position as it had stood before the edict of Gallienus: 'Probus déclare qu'il pourra prendre dans le sénat les gouverneurs des provinces impériales consulaires, mais il se réserve aussi le droit . . . de les recruter en dehors' (p. 42)—I confess that I should not, without assistance, have thus interpreted the text of the *Historia Augusta*—'*Permisit* patribus ut . . . *ius praetorium praesidibus darent*,' i.e. in imperial provinces of praetorian rank the

governors should continue, as under the edict of Gallienus, to be chosen from the equestrian order (*praesides* = 'l'ensemble des gouverneurs impériaux équestres' p. 43), 'mais avec collation éventuelle du *ius praetorium*' (= 'les emblèmes de l'autorité symbolisés par les cinq faisceaux et le rang de sénateur avec les avantages qui en découlaient') par le sénat' (p. 44).

Carus and Carinus represent a military reaction and a complete reversion to the principles of Gallienus, though here, too, as under Claudius and Aurelian, exception must have been made in favour of individual senators, e.g. Marcus Aurelius Valentinianus, senatorial legate of Hither Spain (*C.I.L.* ii, 4102, 4103).

Such in bare outline is Mr. Homo's reconstruction of the third century constitutional struggle between the senate and the emperor. Of its extreme ingenuity not a moment's doubt is possible, but can it be accepted as history? I venture to think that it cannot be so accepted. The 'foundation-pillars'—to employ a term of von Soden's—of that reconstruction are the two texts of Aurelius Victor, especially the all-important words *amissa Gallieni edicto refici militia potuit*. Unfortunately Mr. Homo has considered those words in isolation: the first step is therefore to restore them to their context. The passage as a whole reads: 'Abhinc (*i.e.* from the death of Probus) *militaris potentia convaluit ac senatui imperium creandique ius principis ereptum ad nostram memoriam, incertum an ipso cupiente per desidiam an metu seu dissensionum odio. Quippe amisso*¹ *Gallieni edicto refici militia potuit concedentibus modeste legionibus Tacito regnante, neque Florianus temere invasisset, aut iudicio manipularium cuiquam, bono licet, imperium daretur amplissimo ac tanto ordine in castris degente. Verum dum oblectantur otio simulque divitiis pavent, quarum usum affluentiamque aeternitate maius putant, munivere militaribus et paene barbaris viam in se ac posteros dominandi*' (c. 37, 4-7). I should translate 'Had the edict of Gallienus become a dead letter, the military service could have been reformed, . . . in that case Florian would never have rashly seized imperial power; the choice of an emperor would not have rested with the rank and file of the army had there been senators permanently stationed in the camp.' In other words: *the edict of Gallienus was in fact never repealed*. But if this essential step in the senatorial programme was never taken, what of the account of the senatorial reaction during the reign of the Emperor Tacitus as given in the *Historia Augusta*, what of the 'compromise' with the senate concluded by the emperor Probus? These are both, in my judgment, unhistorical. The *Scriptores Historiae Augustae*, composing their collection of biographies in frantic haste under Julian the

¹ It is common knowledge (cf. Pichlmayr's Preface to his edition of Aurelius Victor, Leipzig, 1911) that both our MSS. of the *Caesares* are

derived from a single archetype. Here the Cod. Parisinus reads *amissa*, the Bruxellensis *amisso*; I prefer the reading of the Bruxellensis.

Apostate, had before them the recently published *Caesares* of Aurelius Victor: of the section of that work devoted to the emperor Probus 'Vopiscus' made generous use, playing upon the theme 'breui milites frustra fore'; running his eye down the chapter, he caught sight of the words 'refici militia potuit'; he inferred from them, as did Mr. Homo, a senatorial restoration under Tacitus. This gave him his cue, and imagination supplied the rest. The senatorial reaction under Tacitus would thus be limited to the choice by the senate of a successor to Aurelian.

But, if we may conclude that the edict which banished senators from the army remained in force during the whole period from the reign of Gallienus to the accession of Diocletian, how are we to interpret it? Here I should agree with Mr. Keyes¹ that it is impossible to regard all the cases of senatorial governors of provinces vouched for during this period by epigraphic evidence as exceptions from a general rule excluding senators from provincial governorships. We must, in fact, abandon Mr. Homo's interpretation of the edict. The only other possible interpretation of the words of Aurelius Victor—'senatum militia vetuit et adire exercitum'—would seem to be that in the case of senatorial governors Gallienus separated the military from the civil authority, while gradually senatorial provinces, as well as imperial provinces of consular or praetorian rank, were conferred upon governors drawn from the equestrian order. The latter change was in many cases masked, as Mr. Keyes has shown, by representing these equestrian governors as acting on behalf of a non-existent governor of senatorial rank. This subterfuge was in course of time dropped, and the equestrian governor no longer adds to his title the words *agens vices legati*. Thus, if we would formulate a hypothesis in order to picture to ourselves the operation of the edict of Gallienus, we might state it somewhat as follows. In senatorial provinces the governor is—to employ the language of the fourth century—a *praeses*, i.e. he has only civil powers; he may even be superseded altogether in favour of a governor of equestrian rank. In imperial provinces the position of the senatorial *legatus* is similar; he, too, is a *praeses*, and is deprived of his traditional military imperium. In imperial provinces of equestrian rank (and indeed in all provinces where the governor is an *eques*) the position of the governor remains unchanged,² while the number of such provinces steadily tends to increase at the expense of imperial provinces of consular or praetorian rank. It is uncertain on whom the military authority thus withdrawn from senatorial governors was conferred; in provinces where only a single legion was stationed,

¹ C. W. Keyes: *The Rise of the Equites in the third century of the Roman Empire*. Princeton Dissertation (Princeton University Press, 1915), pp. 49-54.

² It is of course possible that even the equestrian

governor before the reign of Diocletian was deprived of his military command; but I know of no evidence which would tend to support the view. Grosse's 'Fingerzeig' (*Römische Militärgeschichte*, Berlin, 1920 p. 11) does not impress me.

Mr. Keyes has suggested that the equestrian *praefectus legionis* was the successor of the senatorial commander¹; in a province where more than one legion was stationed, the command over all the troops of that province was probably entrusted to a *praepositus* [on the inscription of Flavius Aper v(ir) e(gregius) praepositus leg(ionum) V Maced. et XIII gem. cf. Ritterling in Pauly-Wissowa, *Real-Encyc.* xii, 2, col. 1340; on Dessau, 9479 and Dessau, 8882 cf. Ritterling *ibid.* 1360]. There is no undoubted reference to the later provincial military commander—the *dux*—until the year 289, when the anonymous author of the Panegyric on Maximian, *Panegyrici* ii (or in the new edition of W. Baehrens, vi), c. 3 writes, ‘qui iustitiam vestram iudices aemulentur, qui virtutis vestrae gloriam *duces* servant,’² for the inscription, *C.I.L.* v, 3329 of the year 265 found at Verona which records the rebuilding of the walls of the Colonia Augusta Verona *insistente Aur. Marcellino v. p. duc. duc.* will hardly bear the weight of the theory which F. Reiche sought to raise upon it.³ The words *duc. duc.* may have been rightly expanded by Mommsen into *duce ducenario*, but even so it is possible that Aurelius Marcellinus ‘n’est pas un *dux limitis* mais un chef de corps, “dux,” délégué à cette tâche particulière’ (Homo, p. 172), while on this inscription Mr. Keyes writes: ‘The stone-cutter may have repeated these letters by mistake [i.e. *duc. duc.*], and the man’s title may have been simply *v.p. ducenarius*, a title which is found in another inscription of a little later date (*C.I.L.* iii, 1805). And the question comes to our mind: what would a *dux limitis* have been doing at Verona? It seems much more likely that Marcellinus was a financial officer.’⁴

In the present state of our evidence I see no direct means of demonstrating this general theory of the effect of the edict of Gallienus; it could, of course, be conclusively disproved if we could show that during this period a senatorial governor exercised distinctively military functions. I have been unable from the inscriptions to discover any such evidence; it is clear e.g. that a purely civil governor might restore the walls of Nicaea.⁵ There are, however, the two peculiar inscriptions *C.I.L.* ii, 4102 and 4103, in which M. Aurelius Valentinianus (cf. *C.I.L.* iii, 3418) is described as ‘virum clarissimum praesidem prov. Hispaniae citerioris legatum Augusti pro praetore.’ On this title Mommsen bade the student observe ‘ut munus civile cum militari videatur coniunctum esse *extra ordinem*,’ and, if this were the true interpretation of the wording, it would point to the fact that in the year A.D. 283 it was unusual for a senatorial governor to possess both military and civil power.

¹ Cf. his remarks upon *C.I.L.* viii, 2572, at p. 54.

² Seeck’s attribution of this Panegyric to Eumenius (cf. O. Seeck, ‘Die Reden des Eumenius,’ *Jahrbücher für klassische Philologie*, cxxvii, 713) in *Geschichte des Untergangs*, etc., ii (1901), p. 507, and P.-W. v, 2, 1869, has misled Mr. Homo, who

quotes the passages as from the speech *pro restaurandis scholios*. Homo, p. 171.

³ Cf. F. Reiche, *Ueber die Teilung der Zivil- und Militärgewalt im dritten Jahrhundert der römischen Kaiserzeit*. Programm. Breslau, 1900.

⁴ p. 51, cf. Grosse, *Römische Militärgeschichte*. Berlin, 1920, p. 10 n².

⁵ *I.G.R.*, 39, 40.

I cannot help thinking, however, that the words 'legatum Augustorum pro praetore' are intended to *define* the preceding title *praesidem*: *praeses* was already becoming the customary qualification of *equestrian* governors; Valentinianus wished to make it quite clear that, though only a *civil* governor, he was yet a legate of senatorial rank.

If this should prove to be the true effect of the edict of Gallienus, Diocletian only needed to complete the process of eliminating the senatorial class from provincial governorships, while on the other hand he would have introduced into the imperial provinces of equestrian rank the same separation between the civil and the military power which since the reign of Gallienus had been practised in provinces, whether imperial or senatorial, which had been governed by men of a rank higher than that of the equestrian order.

2. THE ARMY REFORMS OF DIOCLETIAN AND CONSTANTINE.

The position which the *Journal of Roman Studies* has won for itself in this country carries with it no light responsibility: what the *J.R.S.* says to-day, many historical text-books will repeat to-morrow. The conclusions of Dr. Nischer upon the army reforms of Diocletian and Constantine may thus be readily adopted by readers who are not themselves close students of fourth-century history, and it is well that these should be warned that the results reached by the author cannot be accepted without a careful reconsideration of the evidence upon which they are based. A scholar who possesses an intimate knowledge of the administrative history of the later Roman Empire has already stated his opinion that Dr. Nischer has in the main failed to prove his contentions. 'Those contentions contradict in the most important points the results of methodical research, so that his article for the most part is of no service.'¹

I am not capable of subjecting those conclusions to a detailed criticism; I merely desire to suggest some grounds for caution to readers of Dr. Nischer's paper, and to explain the reasons for my own inability to accept his principal conclusions.

Not a few of the lists of regiments included in Dr. Nischer's paper seem to me to suggest to the reader that we possess better information on Roman military history than is in fact the case. I take as an example the catalogue of legions treated by Dr. Nischer as the creation of Diocletian (pp. 3-4): I Armeniaca, II Armeniaca, I Isaura sagittaria, II Isaura, III Isaura, IV Italica, IV Parthica, V Parthica, VI Parthica, I Pontica, II Noricorum and I Illyricorum. These are ascribed to Diocletian on the authority of Seeck, but Seeck's only ground for the ascription in the case of the ten first named is that the existence of I Pontica in the reign of Diocletian—not its creation by Diocletian—is vouched for by *C.I.L.* iii, 236.

¹ Ernst Stein in *Byzantinische Zeitschrift* xxv, p. 387 n. 1.

The name of I Pontica is formed from that of a country, the nine other names are similarly formed, and therefore these ten legions may be inferred to be the creation of Diocletian; in the same fashion Seeck argues that the II Noricorum and the I Illyricorum are creations of Diocletian since he may be presumed to have formed the III Diocletiana Thebaeorum and the I Maximiana Thebaeorum because of the occurrence in their titles of his own name and that of his colleague. But the three Isaurian legions (I-III Isaura) have been regarded by Ritterling as the creation of the Emperor Probus,¹ while the same scholar many years ago expressed the view that Legio I Illyricorum, stationed in Palmyra, owed its formation to the Emperor Aurelian.² Indeed, one would like to know what lies behind the legend *Restitutor Exerciti* on the coinage of Aurelian.³ 'Es ist nicht ausgeschlossen dass noch andere Neueinrichtungen auf dem Gebiet der Grenzverteidigung, namentlich in den von Aurelian dem Reiche wiedergewonnenen orientalischen und gallischen Provinzen, die allgemein als Schöpfungen Diocletians angesehen werden . . . bereits auf des ersten Initiative zurückgeführt werden müssen.'⁴ In the same way I feel that readers should have been more expressly warned of the uncertainty which attaches to any estimate of the actual numerical strength of the legions; here Ritterling's reminder is salutary: 'it must never be forgotten that the legions created by Diocletian—save those formed at the beginning of his reign—will not have maintained the full strength of the earlier legions.'⁵ Why Dr. Nischer should arbitrarily have reckoned the legions in the West and those in the E. Danube provinces at 4,000 men apiece, those elsewhere in the East at 3,000, I fail to understand. It is in my judgment of the first importance that writers on the military history of the Roman Empire in the fourth century should not play a game of bluff with the reader, or illude him with statistics, unless these are clearly stated to be purely hypothetical estimates.

The two cardinal contentions of Dr. Nischer's paper as I understand it are (a) that Diocletian introduced a general system of divisional reserves, (b) that Constantine was the great military reformer, and that the empire owed to him the introduction of the mobile field army or expeditionary force. The former contention I believe to be unproven, while the latter runs counter to such epigraphic evidence as we possess. I desire very briefly to consider these two points.

¹ P.-W., xii, 2, 1348.

² 'Diese Legion ist somit eine Schöpfung Aurelians, errichtet aus Mannschaften seiner illyrischen Legionen die den Sieg über das orientalische Reich hatten erfechten helfen.' E. Ritterling, 'Zum römischen Heerwesen des ausgehenden dritten Jahrhunderts' in *Hirschfeld Festschrift*, Berlin, 1903, p. 347, and on Legio IV Martia cf. *ibid.*, n⁴. Similarly on IV Italica as a creation of

Alexander Severus or Gordian III, cf. Ritterling in P.-W. xii, 2, 1329 f. and 1337; IV Parthica he would attribute to Diocletian cf. *ibid.* 1329 f. with 1556.

³ Cf. L. Homo, *Essai sur le règne de l'empereur Aurélien*, p. 200.

⁴ Ritterling: P.-W. xii, 2, 1346-7.

⁵ See P.-W. xii, 2, 1350.

For proof of the former contention Dr. Nischer adduces the exceptional position upon the Danube frontier of the two legions III Herculia and IV Jovia as given in the *Notitia Dignitatum*. This is but one instance of Dr. Nischer's peculiar use of the *Notitia* as evidence for the position of troops in the reigns of Diocletian and Constantine. The uninstructed reader might at times almost imagine that the *Notitia*, as we possess it, was compiled in the first quarter of the fourth century. Has Dr. Nischer considered for a moment what must have been the condition of the Roman frontier-defence on the Danube after the crushing defeat of Adrianople and before the victories of Theodosius the Great? There must have been a complete dislocation of the Roman forces, and how Dr. Nischer can simply transfer the position of troops as given in the *Notitia* on this frontier to the reign of Diocletian passes my comprehension. Ritterling rightly remarks of the III Herculia that it must have originally belonged to Diocletian's organisation of the frontier defence, but that from its location in the *Notitia* we have no means of inferring in what province it was first stationed. In general the use made of the *Notitia* by Dr. Nischer in this paper in order to establish the position of troops during the reign of Diocletian appears to me to be indefensible. The second instance adduced to prove the existence of a system of divisional reserves is that of the three legions I-III Julia Alpina. These legions in Dr. Nischer's view were first stationed in the passes of the Julian Alps to act as a second reserve supporting the Danube defence. This is a guess, and as such can hardly claim probative force. We do not know by whom these legions were formed, whence they derived their name, or where they were originally posted. Personally I incline to prefer Ritterling's explanation,¹ but certainty is impossible. The third instance is that of the three Isaurian legions regarded as a divisional reserve for the Euphrates frontier; that an emperor, resident in Nicomedia, should have chosen the inaccessible hill country of Isauria in which to station legions intended to support the Euphrates line seems to me incredible. But it is from evidence such as this that Dr. Nischer feels himself entitled to proceed to the startling generalisation. 'We must suppose therefore that there were also divisional reserves for the Rhine frontier, for the eastern sector of the Danube, for Egypt and for Africa' (p. 7). Such a supposition, unsupported by any shred of evidence, surely carries with it its own condemnation. For such evidence as we possess of the way in which Diocletian recruited an expeditionary force it will suffice to refer to Ritterling in Pauly-Wissowa, xii, 2, 1359-1360, and to K. F. Kinch: *L'Arc de Triomphe de Salonique*, 1890.

The second cardinal contention of Dr. Nischer's paper is that the introduction of a mobile field army was the work of Constantine the Great. But the argument based on *C.I.L.* vi, 2759 (= Dessau,

¹ P.-W. xii, 2, 1404-5.

2045) and Dessau, 2782, when compared with *C.I.L.* iii, 6194 (=Dessau, 2781), advanced by Seeck¹ to prove that at least the beginnings of a field army date from the reign of Diocletian—at latest from the year A.D. 301—appears to me to be unanswerable. As Seeck further pointed out, Dessau, 664 gives us a *praepositus equitibus Dalmatis Aquesianis comitatensibus* in Noricum, and this inscription must be dated to a period before the time when that province passed into the hands of Constantine, ‘womit der unzweideutigste Beweis gegeben ist, dass die Comitatuses vorkonstantinisch sind.’ But, if this be true, it means that Constantine in developing an imperial field army was only elaborating a policy which had been already inaugurated by Diocletian, and that in consequence there is no such sharp cleavage between the two reigns as Dr. Nischer would seek to establish. The inauguration by Diocletian of a mobile field army was indeed the natural result of the experience gained by the war in Egypt and the operations against Persia.

In a word Dr. Nischer has in my judgment failed to establish the two principal contentions of his paper: I still remain an unrepentant disciple of Mommsen, and profess his belief that ‘the army of this period must be described as the joint creation of Diocletian and Constantine.’

3. THE PRAETORIAN PREFECTURE UNDER CONSTANTINE THE GREAT.

An inscription of great interest for the administrative history of the Empire in the fourth century was recently published by Louis Poinssot and Raymond Lantier.² This inscription was found at Ain-Tebernok.³ For the detailed account of the state of the stone I can refer the reader to the *Comptes Rendus*; the inscription reads:

VIRTVTE · CLEMENTIA MemorANDO PÉ
TATE OMNES AI D · N · FL · CLA
DIO CONS T A n T i n o i u NIORI

AVG

L · PAP · PACATIANVS · FL · ABLABIVS ////
//// C · ANNIVS · TIBERIANVS · NES
t o R I u S · TIMONIANVS · VIRI · CLA
r i s s i m i p RAEFECTI · PRETORIO.

As the French scholars point out, the fourth line has been carefully obliterated, and in place of the *nob. caes.* of the original version AVG has been inserted.

Of the four praetorian prefects who dedicated this base three were already known to us:

¹O. Seeck: *Geschichte des Untergangs der antiken Welt* (Berlin, 1901) ii, 483-4; cf. R. Grosse *Römische Militärgeschichte*, etc. (Berlin, 1920), p. 59.

²‘Quatre Préfets du Prétoire contemporains de

Constantin,’ in *Comptes Rendus, Académie des Inscriptions et Belles Lettres*, 1924, pp. 229-233.

³Cf. *Atlas archéol. de la Tunisie: feuille de Grombalia, s.v. Tubernuc*, no. 2c.

L. Papinius Pacatianus : On 20 Nov., 319 Pacatianus was Vicarius Britanniarum (*C. Th.* xii, 7, 2) ; in 332 he was consul with Maecilius Hilarianus.¹ Laws are addressed to him as prefect on 12 April, 332 (*C. Th.* iii, 5, 4 and iii, 5, 5), on 8 March, 334 (*C. Th.* xiv, 4, 1) on 5 July, 334 (*C. Th.* x, 15, 2) and 17 April, 335 (*C. Th.* viii, 9, 1). A law is addressed to his successor, Felix, on 21 November, 335 (*C. Th.* xvi, 8, 5), while the successor of Felix, Gregorius, published a constitution in Carthage on 21 July, 336 (*C. J.* v, 27, 1), and constitutions addressed to him are issued on 9 October, 336 (*C. Th.* xi, 1, 3), and 4 February, 337 (*C. Th.* iii, 1, 2).

Flavius Ablabius : (cf. Seeck, P.-W. i, col. 103). It is possible that Ablabius was prefect in the West of the Empire in 326, for on 18 September of that year a constitution is addressed to him (*C. Th.* xiii, 5, 5) ; but it is to be noted that while Aemilianus publishes the constitution *C. Th.* xi, 16, 4 in Rome on 9 May, 328, Ablabius was prefect of Italy in 329, for in the constitution of 13 May of that year (*C. Th.* xi, 27, 1), addressed to him, we read 'per omnes civitates Italiae proponatur lex.' *C. Th.* xi, 16, 4 is less likely to be wrongly dated than *C. Th.* xiii, 5, 5, since the year 328 was not that of an imperial consulate (*Ianuario et Iusto cons.*) : therefore Seeck would transfer *C. Th.* xiii, 5, 5 of 326 ('Imp. Constantinus VII, Flavius Constantius Caesar cons.') to 329 ('Imp. Constantinus VIII, Flavius Claudius Constantinus Caesar IIII cons.').² If this is right, Ablabius would have been created prefect of Italy at some date after the issue of *C. Th.* xi, 16, 4. In any event Ablabius was soon transferred to an eastern prefecture, probably before 29 November, 330, on which day *C. Th.* xvi, 8, 2 was addressed to him.³ It will be useful at this point to give a chronological table of the constitutions addressed during this period to praetorian prefects administering provinces in the East of the Empire.

<i>Constantius.</i>	<i>Evagrius.</i>	<i>Ablabius.</i>
324. 16 May (or ? December). <i>C. Th.</i> xv, 14, 1 (cf. the note of Mommsen on this constitution).		
325. 28 September. <i>C. Th.</i> i, 5, 1. 7 October. <i>C. Th.</i> xii, 1, 11 ; <i>C. J.</i> xi, 68, 1.		
326. 28 April. <i>C. Th.</i> viii, 4, 1 (?), dating doubtful : cf. Seeck : <i>Rege-</i>	326. 3 February. <i>C. Th.</i> ix, 3, 2. 15 March. <i>C. Th.</i> xii,	

¹ Cf. Athanasius *Epist. beati.* 4 : his name is given as *Fabius* Pacatianus by Lietzmann *Fasti Consulares Imperii Romani*, p. 35.

² Seeck : *Regesten*, etc. p. 64, 34.

³ Cf. Seeck : *Regesten*, etc. p. 144, 26 ff.

Constantius.

sten, etc. p. 54, 38.
22 December. *C. Th.*
iv, 4, 1.

Evagrius.

I, 1. ? 315, the date is
doubtful (cf. the
erroneous *datum* of
C. Th. xvi, 8, 1 with
Mommsen's note).
25 April. *C. Th.* ix, 7, 2.
17 May. *C. Th.* xii,
1, 13.

Ablabius.

327. 11 June. *C. Th.* ii,
42, 2.

330. 29 November. *C. Th.*
xvi, 8, 2.

331. 17 April. *C. Th.* v, 9, 1
30 June. *C.I.L.* iii,
7000. On this cf.
Seeck: *Regesten*, etc.
pp. 13, 181.

331. 4 August. *C. Th.* vii,
22, 3; xii, 1, 19;
xii, 1, 20 (12 August:
'i m m o 4 A u g.'
Mommsen.)

333. 13 November. *C. Th.*
vii, 22, 5.

336. 22 August. *C. Th.* xii,
1, 22.

Ablabius was still praetorian prefect on the death of Constantine.

Annius Tiberianus: he was *comes Africae* in 325, for *C. Th.* xii, 5, 1 was addressed to him on 30 July of that year, if we accept the suggestion that the *propositum* has dropped out.¹ He still held this office when he published *C. Th.* xii, 1, 15 on 21 April, 327.² He is probably the Tiberianus who was *comes Hispaniarum* in 332 (*C. J.* vi, 1, 6), and the Tiberianus to whom as *vicarius Hispaniarum* a constitution was directed on 15 July, 335 (*C. Th.* iii, 5, 6). He is further to be identified with the Tiberianus of Jerome *Chron.* ad ann. cccxxxvii: 'Tiberianus vir disertus praefectus praetorio Gallias regit.'³

These three are thus the prefects of Italy, the East, and the Gauls; the fourth prefect of our inscription is otherwise unknown to us, but it can hardly be doubted that he administered the complex of provinces which, at least at a later date, was known as the Prefecture of Illyricum.

Our inscription (if we can rely on the subscriptions of the imperial

¹ Cf. Seeck, *Regesten*, etc. p. 83, 5.

³ Cf. *C. J.* xi, 60, 1.

² Cf. Palke de Lessert, *Fastes des provinces africaines*, etc. II (Paris 1901) pp. 178-181.

constitutions) must be dated to the period after 15 July, 335—on which day Tiberianus was still *vicarius Hispaniarum*—and before 21 November, 335 on which day a law is addressed to Felix, the successor of Pacatianus. It is just possible, though highly improbable, that Pacatianus was once more made prefect of Italy after 4 February, 337, and before the death of Constantine in May of that year. In that unlikely event our inscription could be dated to the early months of 337, but a dedication would hardly be made in Africa to the Caesar Constantine II in 337, since by the partition of the Empire in 335 (after September 18) Africa fell to Constans.¹ It can scarcely be doubted that the year of the dedication is 335.² Personally I am inclined to believe that this dedication to the eldest son of Constantine was intended as a tribute of dynastic loyalty on the occasion of the imperial partition of the autumn of 335, but that is a purely subjective impression and incapable of proof.

We can now consider in the light of this inscription the most recent detailed study of the praetorian prefecture, that of Seeck, *Regesten*, etc., pp. 141 sqq. Seeck was of the opinion that under Constantine Africa and Italy formed separate prefectures. He based that opinion upon the wording of *C. Th.* xi, 27, 1, the constitution addressed to Ablabius in 329; he writes: 'Es heisst darin: *per omnes civitates Italiae proponatur lex*. Da es sich hier um Bestimmungen handelt, die ihrer Natur nach nicht auf Italien beschränkt sein konnten, kann diese Beschränkung des Publikationsbefehls nur darin ihren Grund haben, dass die Kompetenz des Präfekten Ablabius . . . nicht über Italien hinausreichte' (p. 144, 22 sqq.). It is clear, however, from our inscription that Pacatianus is named first in the list for the reason that amongst his colleagues it is he who is primarily responsible for this African dedication; but it is equally clear that Italy fell within his prefecture, as can be seen from *C. Th.* xiv, 4, 1 (on the provision of pork for the city of Rome) and *C. Th.* viii, 9, 1 (on the corporations of the city of Rome). Therefore Seeck's inference from the wording of *C. Th.* xi, 27, 1 would appear to be mistaken, and we should, I think, conclude, with Dessau (notes on 1240 and 1241) that L. Aradius Valerius Proculus when proconsul of Africa was, not praetorian prefect of Africa separated from Italy, but rather *vices agens pr. pr.* in the provinces of Africa, a position which in his case was exceptionally united with the proconsulship.

Further, since the fourth prefect of our inscription is probably a prefect of Illyricum, we must regard as very doubtful another inference drawn by Seeck: 'Für Illyricum ist kein Präfekt nachweisbar. Da der Kaiser meist selbst in diesem Teil des Reiches oder doch in seiner Nähe residierte, dürfte er für ihn die Bestellung eines *alter ego*—denn das bedeutete ja der Präfekt—für überflüssig gehalten

¹ Cf. Maurice, *Numismatique Constantinienne* I, pp. clxvi, sqq.

² And not 336 as the French editors suggest: this would mean that Pacatianus was again Prefect

in the interval between 21 November, 335 and the date on which there was issued in Constantinople the constitution which was published by Gregorius in Carthage, on 21 July, 336.

haben' (p. 144, 40 sqq.) But, if this inference should prove a misconception, there is raised afresh the very difficult question how far a single prefecture was administered in the fourth century as a collegiate office. As shown in the table above, Evagrius appears as a praetorian prefect in the east of the Empire in the years 331 and 336; Seeck therefore concluded that he was continuously the colleague of Ablabius in the Eastern prefecture. But in 335 (if that be the date of our inscription) he is not mentioned, and this certainly suggests that Seeck's inference is without justification. I am inclined to think that Evagrius was in fact Praetorian Prefect 'of Illyricum' (or bore some corresponding title which may have been in use at this period). If this were so, then Constantius will have been Prefect of the East: Ablabius will have succeeded him in that office: after 331 Evagrius retired for a time from the prefecture of Illyricum, his place being taken by the Nestorius Timonianus of our inscription. In 336 he was once more created Prefect of Illyricum, whence after Constantine's death he was transferred to a western prefecture. Antioch would have been the seat of Constantius and Ablabius, while Evagrius, as Constantine's *alter ego*, would live in Constantinople or Nicomedia. It is much to be regretted that so few *proposita* are preserved, for these might readily settle the matter. The evidence of the constitutions is as follows: in the case of Constantius we possess only two constitutions with *proposita*—*C. Th.* xv, 14, 1 and *C. Th.* i, 5, 1—the former *sine loco*, the latter resting upon conjecture. But, if the address of the latter is rightly amended—as I believe to be the case—from *Constantinum pu.* to *Constantium ppo.*, then there can be no doubt that we must make the consequential alteration *pp.* for *dat.*, since Constantine was in Constantinople or its near neighbourhood in September of the year of the Council of Nicaea. This would give us for Constantius a *propositum* in Antioch. For Evagrius also we possess only two constitutions with *proposita*—*C. Th.* xii, 1, 1 and *C. Th.* ix, 7, 2—the former *sine loco*, the latter at Nicomedia. In these cases such evidence as we possess would appear to support the suggestion. For Ablabius we unfortunately have only a single *propositum*, and that tells us little: *C. Th.* vii, 22, 5 is *datum et propositum* on 13 November, 333: Ablabius may well have been summoned to the capital for the nomination of Constans as Caesar which took place in the following month. This suggestion, it must clearly be understood, is a mere hypothesis, but we may at least say that Seeck's theory of the collegiate administration of a single prefecture during these years is not a *necessary* supposition.

Other corrections of Seeck's statements are merely consequential alterations on the discovery of the new inscription: *e.g.* we now know that Maximus was not Prefect of the Gauls continuously from 327 until after the death of Constantine (*Regesten*, etc. p. 143, 27; 145, 22); they need not be detailed here. I have only desired in this note to accentuate the interest and importance of the French publication.