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ABOUT LICINIUS' FISCAL AND RELIGIOUS POLICY ⁽¹⁾

The most certain fact of Roman history during the first part of the Fourth Century seems to be the date of the entry of the Emperor Maximinus, nicknamed Daia, into Nicomedia after the death of the first Augustus, Galerius. The news of his death had been received in the capital of Bithynia sometime in May, 311. I say « sometime in May » for, although the month is well established by Lactantius (*De mortibus persecutorum*, 35) there is no mention of the day -- « idque cognitum Nicomediae mensis eiusdem ». There is no gap in the manuscript, but it is pretty clear that something is missing between the words « Nicomediae » and « mensis ». The text has been completed in many ways, almost all of them equally plausible: <sub finem>, <in fine>, <Idibus>, or <.... die > ⁽²⁾. I would propose « medio », the loss of which would be quite natural on account of an haplography. The expression « medio mensis » is not only rather good Latin, but also seems to be characteristic of Lactantius and especially, nota bene, the Lactantius of the *De mortibus persecutorum* -- « tunc Caesar medio hiemis profectioe peracta prorupit eodem die » (*De mort.*, 14, page 188, edition of Brandt).

But apart from this question, the news of Galerius' death was received in Nicomedia in May, for in this same chapter, 35, of the *De mortibus persecutorum*, it is said that shortly

(1) Cet article avait été écrit pour le volume de *Mélanges* qui va être offert à William Hepburn Buckler. Arrivé trop tard à Vienne, il paraît dans ce fascicule de *Byzantion*; notre ami Buckler voudra bien en accepter la dédicace, et en excuser... l'américano-belge.

(2) See Brandt's edition, — Vol. II, p. 214.

before (*dies paucos*), the famous Edict of Toleration issued by Galerius and his colleagues had been made public in Nicomedia on the Thirty First of April (*pridie Kalendas Maias*). These important dates are of course reproduced in every modern work on the period. But all these works add a third date which is generally considered to be equally well established. There is, for instance, this statement in the *Regesten der Kaiser und Päpste* of Otto Seeck (Stuttgart, 1919, page 159):

1. Juni 1 (follows reference to Codex Theodosianus, 13, 10, 2): « Maximinus nimmt Asia und Pontus in Besitz und erlässt bei seinem Einzug in Bithynien das folgende Gesetz. Lact., 36, 1. »

I have nowhere seen any discussion of this fact and date. Ernst Stein in his *Geschichte des Spätromischen Reiches* (on page 137), although no blind follower of Seeck's methods and results, writes: « Die von Galerius der Bevölkerung der Städte auferlegte Kopfsteuer (s. o. s. 126) hatte Maximinus vielleicht schon als Cäsar in seinem ursprünglichen Regierungssprengel nicht einheben lassen; gleich nach seinem Einzuge in Nikomedien schaffte er sie an 1. Juni 311 auch in dem neugewonnenen Gebiete ab, und stellte damit hier die diokletianische Steuerverfassung wieder her, wie er denn überhaupt der treueste Verfechter der diokletianischen Grundsätze gewesen ist, denen er so lange wie irgend möglich auch seinen persönlichen Ehrgeiz untergeordnet hatte ».

At first glance, however, the First of June as the date of Maximinus' entry into Nicomedia seems extremely early. It is true that Maximinus hastened to take possession of Asia Minor. But he could hardly move until informed of Galerius' death. He must have resided in Antioch, or Tarsus, where the news could reach him about the end of May. Then he had to cross Asia Minor at its greatest length and, as he was almost sure to meet with armed resistance on the part of Licinius, he could not travel without troops. Lawlor has very carefully studied the average rate of speed of a Roman army and has found that Maximinus could not possibly have reached Nicomedia before the month of August ⁽¹⁾.

(1) See H. U. JACKSON LAWLOR, *Eusebiana*, page 211 ff. and

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Seeck was very probably quite conscious of the difficulty. Therefore, we believe, he tries to introduce into the passage quoted above from Lactantius as early a date as possible, as, for example, « non. ». But even in this case is it really possible to find during the two or three last weeks of May, time enough for the conveying to Maximinus of the news of his colleague's death, for the preparation of the expeditionary force itself and for the march of an army from Tarsus to the Straits? It is sufficient to read page 53 of Seeck's *Regesten* to realize that this excellent scholar was not quite confident of that. He supposes that Maximinus, although far away in Antioch or Tarsus, could have been informed earlier than the officials in Nicomedia: « Denn an das Hoflager wurde (die Nachricht) durch reitende Eilboten, vielleicht auch durch schnellsegelnde Schiffe, überbracht, während man in Nicomedia auf das Gerücht angewiesen war » (1).

This early date has ever been a chronological difficulty

235 ff. (with a contribution by L. C. Purser.) « It is not very difficult to fix the normal day's march of a Roman army. Caesar marched from Corfinum to Brundisium, a distance said to be 465 kilometres, in seventeen days. What would have been the distance traversed by an army circa 300 A. D. in a march, let us say, from Antioch in Syria to Nicomedia? The routes and distances from Antioch to Tyana via Tarsus and the Cilician Gates are easily determined. But it is less clear what road an army would have used in proceeding from Tyana to Nicomedia. Along the military road of Byzantine times, the distance was about 660 English miles. A march from Antioch to Nicomedia could have been made in a little under seven weeks. Thus (Lawlor says) if Maximinus had received, and it is possible that he did, the news of Galerius' death before the end of May of 311 and if his expeditionary force had set out immediately on the First of June, he would have reached Nicomedia about the fifteenth of July. A further march of four days brought him to Chalcedon. Thus we reach the last week of July. At Chalcedon he was perhaps obliged to wait for his adversary. When his opponent did arrive, some days must have been occupied in stormy negotiation conducted by the two emperors from opposite sides of the Straits. A week may be allowed for this parley. We must add to this the length of time necessary for the return to Nicomedia. Thus we may take the first or second week of August for the beginning of his sojourn in Nicomedia ». The reader sees that we were putting it mildly in saying that it would have been difficult for Maximinus to have been in Nicomedia on the first of June, 311.

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well known to those who have carefully studied the Edicts of Toleration, for in the rescript to Sabinus, his praetorian prefect, Maximinus, at the end of the year 312, says: «When last year I arrived fortunately in Nicomedia». He could not have made this statement if he had already arrived in Nicomedia in June. The words «last year» would have involved a chronological error at least. The date of Maximinus' rescript to Sabinus is pretty well fixed. For, according to both Eusebius and Lactantius, this rescript was issued upon the receipt of letters by Constantine and Licinius, or by Constantine alone, shortly before or after the Battle of the Milvian Bridge in October, 312. This date for the rescript is, in its turn, confirmed by Maximinus' last edict of toleration (1).

What, then, is the evidence for the «early date»? Is there no way of getting rid of it? It can be seen immediately that this date is the result of a very bold combination «à la Seeck». It is nowhere directly attested. Seeck, however, starts from a sentence in the thirty sixth chapter of the *De mortibus persecutorum* — «ingressusque Bithyniam, quo sibi ad praesens favorem conciliaret cum magna omnium laetitia sustulit censum». Before making use of this text, Seeck begins by declaring that it is absurd and by «correcting» it. He states: «It is naturally impossible that the census should have been entirely suppressed, for, without the taxation in kind, for which the census furnished the base, — the Empire and especially the army of Maximinus could not have existed at all. Therefore we must suppose that at this point there is one of the numerous gaps which deface the important little book (i. e. the *De mortibus persecutorum*). I have proposed to read, «plebis urbani sustulit censum» — «he suppressed the census of the urban population», that is to say, he cancelled the fiscal measures which had been the most unpopular feature of Galerius' financial policy. If this be true, what Lactantius tells us would correspond marvellously with the contents of a law preserved in the Codex Theodosianus (13, 10, 2)».

(1) EUSEBIUS, *Hist. Eccl.*, 9, 10, 7-8. Cf. HÜLLE, *Toleranzerlasse*, page 755 ff.

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Let us examine this short text. It runs thus, « Idem Augustus (i. e. Constantine) ad Eusebium v. p. praesidem Lyciae et Pamphyliae. Plebs urbana, sicut in Orientalibus quoque provinciis observatur, minime in censibus pro capitatione sua conveniatur, sed iuxta hanc iussionem nostram immunis habeatur, sicuti etiam sub domino et parente nostro Diocletiano seniore A(ugusto) eadem plebs urbana immunis fuerat. Dat. Kal. Iun. Constantino A. III et Licinio III coss. (313) ». It is in the *Zeitschrift für Social- und Wirtschaftsgeschichte*, IV, page 290, that Seeck for the first time tried and succeeded, in the eyes of the historians, in converting an edict of Licinius and Constantine into.... the very edict of Maximinus which suppressed the census on the population of the towns. Let us consider Seeck's reasoning. To be entirely fair to him, we shall translate literally his « ipsissima verba ». « Diocletian in this edict is not yet called « Divus ».... the document must have been issued before his death on the third of December, 316 (1).

« It was only in 324 that Constantine became the master of the Asiatic provinces through his victory over Licinius.

(1) Aurelius Victor's and Lactantius' agreement as to the close relation of that death with the events of the year 313, and especially with the marriage of Licinius with Constantia, Constantine's sister, the celebration of which the old emperor refused to attend, would suffice to make that date for Diocletian's death completely impossible. But there is another proof and a decisive one, in favour of the year 313. Maximinus himself, in his final Edict of Toleration (EUSEBIUS, IX, 10, 8) refers to Diocletian as *θεοτάτος*. Thus Diocletian must have died between the first of June 313 and July-August 313, before Maximinus, as Lactantius correctly remarks. And if one objects that Licinius and Constantine were not then on very good terms with Diocletian, we shall reply that, in order to win over the sympathy, not only of the Christians, but also of the Pagans of Asia Minor, the best thing to do was to invoke the authority of the founder of the Tetrarchy. — The true date of Diocletian's death was brilliantly established by TILLEMONT, *Histoire des Empereurs*, Venise, 1732, tome IV, p. 610, note xx sur Dioclétien: *Que Dioclétien est mort vers le milieu de l'an 313*. Cf. W. SESTON, *Revue des Études anciennes*, 1937, p. 210. As to Maximinus, he was already dead when Pap. Boak 14 was written (dated September 13, already under Licinius). Cf. SESTON, *ibid.*, p. 208 n. 1, and p. 209.

Before this date he was not in a position to communicate any laws to the governor of Lycia and Pamphylia. We may draw from these facts the inference that this legislative measure is rather the work of one of his colleagues, Maximinus Daia or Licinius. If so, naturally it is only by error that this law was inserted in the Codex Theodosianus, since after the fall of these two emperors, all their legislative acts had been annulled. But similar errors could occur very easily because of the headings listing three emperors, just as in the preambles of the genuine edicts of Constantine ».

On page 53 Seeck is forced to admit that examples of the admission into the Codex of the edicts of tyrants are not at all common. In fact, he gives only three instances, no one of which is absolutely certain. But the ordinary reader will ask : « Why should not this text be a genuine law of Constantine and Licinius or of Licinius and Constantine? Why should it be ascribed to Maximinus? »⁽¹⁾ After all, one sees no objection to the date given. The third consulate of Constantine and the third of Licinius make the date 313, a date which is rashly and not reasonably at all, we think, discarded by Seeck in the following manner. « That law cannot have been issued in 313, since if was only on the thirtieth of April of that year that Licinius had beaten Maximinus in Thrace (LACTANTIUS, *De mort.*, 46, 8 and 9) and on the first of June he could not yet have mastered the remote Lycian province. As for his adversary Maximinus, he was on his flight to Tarsus and « kaum in der Lage, Gesetze dieser Art zu erlassen ». This is not reasonable, I maintain, for we know that on the thirteenth of June, 313, Licinius was residing in Nicomedia where, on this date, he published his famous Edict of Toleration (so obstinately taken for the Edict of Milan) which is, it is needless to say, dated as is the constitution on the census, by the third consulates of Licinius and Constantine. That Edict was not necessarily published immediately after Licinius' entry into Nicomedia : for Lactantius remarks that he entered this city a few days

(1) Mommsen, in his edition of the Codex, accepts the traditional date. A manuscript has : Idem A. A. (instead of A).

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after his victory over Maximinus on the thirtieth of April (*De mort. pers.*, 46, 8-9).

If we ask about the distance between the battlefield in Thrace and Nicomedia and about the time needed to cover that distance, Lactantius will give us a detailed answer. I translate — « Before the expiration of the Calends of May, Daia arrived at Nicomedia although it was 160 miles distance from the battlefield. So in the space of one day and two nights he accomplished the journey ». Immediately afterwards he hurriedly took his wife and children and a few officers of his court and fled into Syria. One sees that the victorious Licinius could have been in Nicomedia, which had been evacuated by the enemy, a few days after the battle; and Lactantius says that this was the case (*De mort.*, beginning of chap. 48). On the first of June, then, Licinius, the colleague and ally of Constantine, was in Nicomedia and was trying, of course, to win over the population of Asia Minor by all sorts of popular measures. His edict in favor of the Christians was one of these measures, but it had been preceded by another, the successful effect of which is likely to have been almost as striking on public opinion. He suppressed the tax in kind imposed by Galerius on the urban population and which the town-dwellers naturally disliked extremely. Licinius (and Constantine) reverted in this respect to the system of Diocletian, that is to say, to exemption from the tax.

Was this move necessary if Maximinus had already granted the cities an exemption? Surely it was, for we have absolutely no reason to believe that Maximinus in 311 had bestowed exactly the same benefits on the towns of Asia Minor. Seeck's addition to the text of the *De mortibus* has no authority. Lactantius merely says that Maximinus, on his entry into Bithynia, had, with the view of acquiring immediate popularity, suppressed the Census. I accept the text as it stands and see in Maximinus' measure only a temporary favor for the province of Bithynia or rather for its capital. There is nothing in the subsequent chapters to lead us to believe that this favor was general or lasting. On the contrary, the toleration which he had at the same time and also with the view of gaining immediate popularity, granted

to the Christians, was by degrees transformed into a new persecution exactly in the same manner that his financial policy (*De mort. pers.*, chapt. 37) became merciless: everyone was almost taxed out of existence. « For if aught chanced to have been left untouched by Diocletian and Licinius, that did Daia greedily and shamelessly carry off. And now the granaries of each individual were shut and all warehouses sealed and taxes not yet due were levied in anticipation. The famine resulting from the neglect of cultivation and the prices of all things were greater than those caused by the old measure ». These same details are recounted by Eusebius (*Church Hist.* 8, 14, 10)—« Henceforward he vexed and oppressed not a single city and district but completely and as a whole the provinces under his power by exactions of gold and silver and by the heaviest assessments and varied fines, taking away from people the wealth and possessions gained by their ancestors and bestowing these as gifts on his train of flatterers ».

To those who, following Seeck's system, believe that Maximinus had for good suppressed the census of all towns on the first of June, 311, these two passages of Lactantius and Eusebius are naturally very perplexing. With his usual good faith and criticism, Professor Ernst Stein, whilst accepting Seeck's dates and attribution of the Codex Theodosianus, 13, 10, 2, observes (*Geschichte des Spättrömischen Reiches*, p. 137, 2): « Diese Handlungsweise des Kaisers scheint wenigstens teilweise zu widerlegen, was Lactanz, de mort. persec, 37, 38, und Eusebius, hist. eccl., 8, 14, 10, über Verschärfung des fiskalischen Druckes durch Maximinus erzählen ».

As a matter of fact, both Lactantius and Eusebius prove conclusively that during the two years of Maximinus' rule in Asia Minor, provinces and towns suffered extremely under the burden of taxation. They show, too, that it is very improbable that the suppression of the census in Bithynia was anything other than a spectacular measure, which was recalled soon afterwards. Licinius could appear not only as the saviour of the Christians but also as the saviour of oppressed taxpayers. There is not the slightest reason for rejecting the date of 313 and, as regards the first of June,

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the arguments of Otto Seeck prove the direct opposite of his conclusions. This date is, in the case of Maximinus, extremely improbable or even directly impossible, whereas it fits extremely well the requirements in the case of Licinius. Let us add finally that in restoring this important measure to Licinius, a measure which is surely one of the everlasting merits of the emperor, who has been so badly treated by history only because he was unfortunate enough to be defeated and treacherously killed by « Saint » Constantine, I repeat, in restoring this legislative measure which quite rightly found its way into the Code, to Licinius, we explain for the first time the praise bestowed upon him by Libanius (Lib. orat. pro templis, edit. Förster, t. III, p. 90) who says that Constantine had vanquished a man « who had known how to make cities prosper ». This man, who is not mentioned by name is of course the Emperor Licinius. The great Valesius had guessed this, but, I repeat and probably my readers will agree, the present note is the first satisfactory commentary on the hitherto mysterious words of the rhetor of Antioch: κρατήσας (scil. Κωνσταντίνος) δὲ καὶ ἀνδρὸς ἐπ' ἐκείνῳ ταῖς πόλεσιν ἀνθεῖν παρεσχημένος.

* * *

A last word about Licinius. Is it not remarkable to see how modern historians, imitating the old « fathers of the Church », try to deprive that clever ruler of all his merits towards Christianity and the Roman State? We have to restore to him the so-called edict of Galerius (Sardica 311), the so-called edict of Milan (Nicomedeia 313), the so-called Census-edict of Maximinus (Nicomedeia 313).

But, above all, Licinius is the hero of the Christian victory on the Campus Egerius (313). Even those who are compelled to acknowledge that⁽¹⁾ affirm, without the slightest evidence, that the whole pro-Christian policy of Licinius

(1) We shall see (hereafter, pp. 559-560) that Prof. Stähelin in a lengthy paper on Constantine, published in 1937, goes so far as to suppress every mention of both the battle and the Edict of toleration issued at Nicomedia.

was prompted by Constantine, including the famous prayer dictated (according to Lactantius) to Licinius by an angel. But it is easy to show how consistent and original Licinius' pro-Christian course really was. While Constantine, in 310 claims to be the offspring of the Emperor Claudius Gothicus worshipper of the Solar God, under whose short reign the Christians were not very well treated ⁽¹⁾, Licinius shows, so to say, his colours, by asserting that his imperial ancestor was Philippus ⁽²⁾. Now, Eusebius (*Hist. Eccl.*, 6, 36) believes that Philippus had been a Christian, and nobody can deny that he was, at least, pro-Christian. The choice of such an ancestor as we would say in French, « était tout un programme ».

September 1938
Berkeley (California).

Henri GRÉGOIRE.

(1) See A. ALFÖLDI, *Klio*, 1938, p. 348.

(2) He seems to have claimed this origin as soon as he became Augustus : *Hist. Aug. Gordian. III 34 : quem titulum evertisse Licinius dicitur, eo tempore, quo est nactus imperium, cum se vellet videri a Philippis originem trahere*. A detail like this, which there was no reason for inventing at a time when Licinius' « christianity » was forgotten, must belong to some excellent source.

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