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L1 Chapter 7: Uncovering Constans' Image

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In an academic paper, as in a panegyric, it is customary to begin with an apology for the difficulty of the topic and the writer's inadequacy in its face: the mass of material baffles exposition, the author's talent is thin, and (worse yet) people always make these excuses.[1] So it might seem simply *pro forma* to say that trying to examine Constans in the light of his image, indeed in any light at all, is a daunting task: that does not make it any less true. Some emperors have many extant speeches in their praise or blame, some none, but Constantine's youngest son—an Augustus for over a decade (337-350)—is unique in that half a panegyric about him survives, from the wrong half of the empire: the 59th oration of Libanius, expertly explicated elsewhere in this volume by Alan Ross.[2] The thought that our image of Constans hangs by the slender thread of what the Antiochene sophist believed was relevant in the middle of the 340s is of little comfort: Nicomedia was a very long way from the emperor's stamping grounds on the Rhine and Danube and Libanius never evinced any other interest in him.[3] This lack of materials for history is why Constans normally has only three fleeting roles in the history of the fourth century: as victor in a brutal civil war with his elder brother Constantine II in 340, as the man who supplied a definitive riposte when Constantius II asked Athanasius 'you and whose army?' one time too many, and as a failure who died hunted and alone, in flight from the forces of the usurper Magnentius.[4] The history of his reign has to be pieced together from inscriptions, laws, and compressed and often considerably later narratives. What follows is, therefore, necessarily a little experimental.[5]

A second caveat: Constans was probably only 14 when his father died in 337.[6] He was a child emperor who grew up and he did at least some of that growing up as ruler of two-thirds of the Roman world, sitting astride a complex machine of government and 'leading' its massive armies. If it is exaggerated to call to mind Jean-Paul Laurens' famous portrait of Honorius enthroned, feet pathetically unable to touch the floor, then the problem of agency still looms large when we think about Constans. It is obvious that

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All translations are my own.

[1] cf. Libanius, *Or*. 59.5.
[2] Chapter 8. cf. Ross 2016.
[3] The date of *Or*. 59 is uncertain: Portmann 1989, argued for 344, but Malosse 2001 argued for 348 (repeated in Malosse 2003, 7-11). The precise date is not a matter of absolute importance for this piece. For Constans' movements see Barnes 1993, 224-5. Libanius' other mention of Constans is at *Or*. 14.10 (not complimentary).
[4] For the civil war see Bleckmann 2003. On Constans' role in the ecclesiastical politics of the 340s, Barnes 1993, 47-108, in particular 89 for the authenticity of Constans' letter threatening war after the council of Serdica (that some such threat was made is strongly suggested by Lucifer of Cagliari, *De sancto Athanasio* I.29).
[5] For the basic outline of his reign, see now Maraval 2013, 39-62; Harries 2012, 189-96 is a rich and perceptive survey (one wishes it were longer).
[6] Barnes 1982, 45 for the calculation.

for much of his early reign he was guided, or even directed, by some of the men his father had placed around him—experienced administrators like Fabius Titianus, many of them from Italy and powerful aristocrats in the sub-empire Constans was to rule.[7] Despite this, reference is here made to Constans and his regime—the wider apparatus about him—interchangeably. This is because our evidence is simply not thickly-textured enough to be more subtle. It is a troublesome enough business to try to assemble the skeleton prosopography of his government, let alone to work out which factions swirled at any one time, who was really the power behind the throne, or when and why Constans changed his mind. It would be entertaining to speculate, but speculation is all it would be.

That failure of Constans mentioned above has cast a long shadow over his reign. He was the only emperor of the Flavian dynasty to die at the hands of his subjects (they generally preferred to keep murder a family affair) and the temptation to interpret everything about him through the lens of 350 is strong. It reaches its fullest expression in some of John Drinkwater's articles, which may be summarised with only a little unfairness as stating that Constans was a failure because he was overthrown and was overthrown because he was a failure. We learn that Constans was 'wholly discredited', that the extent of his popularity led him to be branded a tyrant, that he was so weak he could have been destroyed at any time, that he was a political bankrupt, that he was extremely unpopular and even 'probably deserved to be overthrown'.[8] Others have hardly been kinder about his 'ruthless and tyrannical manner', and the fact he was 'not a popular and widely respected ruler'.[9] This impression of general ineptitude and unpleasantness has its roots in the poor reputation which Constans seems, like most emperors who were overthrown, to have rapidly acquired. His elevation as Caesar in 333 was, we are told, marked by prodigies which forecast turmoil in the state: the face of heaven was on fire.[10] He was alleged to have been gay, to have shown undue favour to barbarians, to have loved drinking and carousing, and to have been 'quite mad when it came to the chase'.[11] He wasted time dashing through the woods with suspiciously good-looking barbarian boys: hostages acquired for a pretty price, the 'live coals of licentiousness' in Zonaras' wonderfully vivid phrase.[12] His ministers were hateful and oppressive, appointed after bribery, for the emperor was greedy. He himself could hardly be suffered by the provincials or the soldiers. He put the state at risk by his carousing, drunkenness, and unnatural love affairs.[13] So debauched was he that, while still in his 20s, he had somehow managed to become afflicted by gout: 'he had grown sick from an excess of pleasures because he lived licentiously'.[14] Wafting over these accusations is a sense that he was irresponsible: the contrast with his grim and imperturbable brother in the east (an image hinted at already by Libanius in the 340s)

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[7] 'Fabius Titianus 6', *PLRE* I, 918-9.
[8] Drinkwater 2000, 131-6.
[9] Šašel 1971, 205; Barnes 1993, 101. Harries 2012, 196 is more restrained.
[10] Aurelius Victor, 41.14.
[11] Zonaras 13.6: ἐμεμήνει περὶ τὰ κυνηγέσια.
[12] Zonaras 13.6: ἀκολασίας ἐμπύρευμα.
[13] A composite picture from Aurelius Victor, 41.23-4; *Epitome*, 41.24; Eutropius, X.9.3; Philostorgius, III.22-26a; Zonaras, 13.5-6; John of Antioch, f. 197 (Mariev).
[14] Zonaras 13.6: ἐξ ἡδονῶν ἀμετρίας ἐνόσησεν ἀκολάστως βιούς; *Epitome*, 41.24 mentions that he was crippled by pain in his joints, Eutropius, X.9.3 his poor health. Zonaras calls the disease ἀρθρῖτις, and it has been a natural enough assumption to make him say that Constans had arthritis, e.g. Harries 2014, 205. The word actually suggests gout (as do the symptoms).

is sharp.[15] The final, devastating, charge was that his youth was to blame: 'he was insufficiently cautious and violent in spirit *because of his youth*'.[16] There was grudging acknowledgement of his military success, though the flavour of triumph is dulled by his softness on barbarians at home, but Constans, on many accounts, had behaved very badly indeed.[17] Ammianus sniffily remarked that he knew a man who could have saved the emperor from himself: no doubt there were many keen after the fact to point out where he had gone wrong.[18]

This tradition of Constans as vice-filled *princeps*—a too-much, too-young story for late antiquity—runs through many of the sources for the fourth century all the way to Zonaras.[19] The tale is surprisingly uniform: the same vices, often in the same order, a parade of the expected debaucheries of the tyrant. This uniformity, indeed the very conventional nature of the outrages attributed to Constans, should make us suspicious. The picture was already present in outline by the time Aurelius Victor was composing his history around 360. He has the main lines of the indictment before him: Constans was proud, rash, had vicious ministers, maltreated the soldiers, was suspected of unnatural passions, and showed too much favour to those barbarian hostages.[20] Victor, with rather great subtlety than he is generally believed to have possessed, turns Constans' proclivities to good rhetorical effect. Having set them out, he jolts the reader awake: 'would all the same that such vices had persisted!' a sentiment calculated to shock.[21] He explains that the reign of Magnentius, a barbarian after all, was so bad that men longed for the preceding one, despite its problems. By the mid-350s at the latest then, the story of Constans as bad-boy emperor had begun to solidify, so much so that an author could begin to play with it to make a startling, ethically troubling point about recent history. In contrast, Constans acquired in a few later texts a parallel reputation as stout defender of Nicene orthodoxy, a reputation canonised in the Greek ecclesiastical historians and their Latin translation: Constans defeating the Franks, Constans sticking up for Athanasius, Constans defending his pious inheritance.[22] He was the kind of man on whom medieval churchmen (unaware of his other activities) lavished stolid praise. So, for instance, Heriger of Lobbes explained that though the destruction caused by the Huns had made it impossible to investigate the early history of the bishopric of Tongres/Liège, he was certain that the wealth of all churches had overflowed in the era of Constans.[23] This alternative view of the emperor cannot have encouraged the invention of further misdeeds: it was embarrassing enough for Athanasius' great defender to have done some of the things of which he was accused without other ones being put into the mix. That Constans already had his bad reputation so soon after the civil war which followed his murder and that many thereafter had compelling reasons

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[15] Libanius, *Or*. 59.122.
[16] Aurelius Victor, 41.23: *per aetatem cautus parum, atque animi vehemens*.
[17] Aurelius Victor, 41.23 for the suppression of foreign peoples, with which *Epitome*, 41.23 agrees.
[18] Ammianus Marcellinus, 16.7.5.
[19] Zonaras, 13.5-9.
[20] Aurelius Victor, 41.23-4.
[21] Aurelius Victor, 41.24-5: *Quae tamen uitia utinam mansissent*.
[22] e.g. Socrates, 2.13.4 (defeating Franks), 2.23.1-7 and Theodoret, 2.8.54 (sticking up for Athanasius), *Historia ecclesiastica Tripertita* IV made much of this available for a Latin audience.
[23] Heriger, *Gesta pontificum Tungrensium sive Leodicensium* 15 (linked, it must be admitted, with Constantine and Constantius II).

to want him to be an upstanding, even a virtuous figure suggests two things: that surprisingly uniform account of his misdeeds has a common early origin and most of what is found in it (regardless of the date of the individual work) is a reasonably reliable witness to what was believed about the emperor soon after his death. Leaving, with regret, these salacious tales to one side for a moment, it might be better to try to work out how Constans was presented, perhaps presented himself, before a large number of people had a compelling need to blacken his name. We might be surprised by what we find if we try to read the reign of Constans from its start, without the presumption that his overthrow was a grim certainty, and then return to the question of those scandalous stories: to unearth an emperor, so to speak, from the accretions of later hostile tradition and then bury him under it again.

To hear Constans speak, however faintly, with his own voice one has to turn first to the laws or, to speak strictly, the extracts of the laws issued in his name, preserved in the Theodosian Code.[24] There are many and well-known hazards in trying to write history out of the Codes.[25] What we have are not the bits of laws that would be most interesting to us, but those which contained some legal point which the fifth-century compilers were keen to preserve: not for them the portentous prologues, which (incidentally) tended to explain the reason for the law's issue, nor all of material which told one who had issued the law and to whom. The laws of Constans—it is often far from easy to tell which those are—have been severely pruned.[26] While their clipped tone is a refreshing contrast to the suffocating bombast of Constantine's later legislation, we can see from some of the longer extracts that his son was not averse to a little bureaucratese, only a portion of which has survived: his longest law (*C.Th.* IX.17.2, 349) occupies 26 lines in Mommsen and Meyer's edition of the *Codex Theodosianus*, but most are considerably shorter.[27] More hazardous still, the Codes often just reflect the routine hum of administration, the workings of a bureaucracy which had its own time and its own internal logic: nothing to do with whoever might be in charge. It has always been worryingly easy to see government being carried on as normal in the Code and thus conclude that such and such an emperor, condemned by our other sources, was a good administrator and cannot have been so bad really. That is often rather optimistic. The very first laws issued by Constans' government (c. 337-340) are a perfect example of these hazards. Most of them relate to the problems of the curial class in North Africa or are attempts to crack down on anonymous denunciations.[28] We see the emperor pressing men into the councils and assuring them that all sorts of people who are evading their obligations on various pretexts will receive short-shrift from him: that they pretend to hold the 'shadow and <mere> titles of dignities' will not help them now.[29] Equally, the emperor's commitment to 'strengthening innocence with security and restraining the shamelessness of certain men' by protecting people from anonymous denunciations is emphasised.[30] It is tempting to detect deliberate policy at work here, to see Constans trying to buy off key interest-groups early in his reign. The

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[24] On the process of editing, see Matthews 2000, 200-54.
[25] Corcoran 2000, 11-19 is succinct summary.
[26] In general, I follow Seeck 1919, 185-197 in identifying laws as issued by western emperors for 337-350; Cuneo, 1997 is a treasure-trove of information on the laws from 337-361.
[27] Mommsen and Meyer 1905, I.2 464.
[28] Denunciations: *C.Th.* IX.34.5, X.10.4. Councils: *C.Th.* XV.1.5= *C.J.* X.48.7, XII.1.26, VI.22.2, XII.1.29.
[29] *C.Th.* VI.22.2: *umbram et nomina adfectaverint dignitatum*.
[30] *C.Th.* X.10.4: *Innocentiam securitate firmantes et quorundam audaciam prohibentes*.

city-councillors, 'the sinews of the state' as Majorian put it, were assured that the emperor had their interests close to his heart, while men of property, nervous in the period of turmoil which followed Constantine's death, were reassured that he was not about to do anything rash (perhaps an implied contrast with the orgy of violence over which Constantius II had presided in the east).[31] That temptation to see these measures as carefully planned is strengthened by the fact that almost the only extant legislation of his brother Constantine II is interested the problems of the curial class, at exactly the same time and in exactly the same region, a region which we know was disputed between them only three years later.[32] Tempting indeed, but real? We cannot, if we are honest, divine whether this is a true insight into one of the darkest portions of the fourth century, or simply a reflection of the well-ordered files of the two bureaucrats, Celsinus the proconsul and Catullinus the *vicarius*, to whom most of the laws are addressed. That the text of one hints that Celsinus was the man pushing for new legislation perhaps suggests that the initiative came from the locality, not the distant courts. Certainty, however, is impossible: we cannot tell whether this is the texture of the archives or of history.[33]

But one has to persevere with the laws—there isn't much of an alternative. What do they tell us about Constans and how he wished to be seen? First, running like a thread through all his legislation right up to mere months before he died, is a constant emphasis on dynasty and on Constantine in particular, reference to him like a ritual incantation: 'our illustrious father', 'our venerable father', 'our deified begetter', 'the deified emperor our father'.[34] The number of mentions of the former emperor in so small and summarised a corpus of texts is striking. Constans cannot but relate his actions to those of his father, even when he is modifying some of his hastier legislative measures. Constantine had specified punishments for abduction so vicious that it seems judges were unwilling to convict. We might expect Constans to avoid an admission that he was altering his father's measures, but here still he related his own act to 'the authority of an earlier law, by which our illustrious father ordered that there be the most savage punishments for abductors', so important was the dynastic link.[35] Constantine's reign served as a fixed point of reference, through the lens of which any new measure could be seen and with which the actions of his son could be associated. The device is more subtle and effective than one might expect and it leads one to unthinkingly associate the actions of the son with those of the father, to see the reigns as a continuum and thus implicitly to see Constans' regime as a legitimate continuation of what had gone before. It is worth pausing on the fact that most scholarly attention to Constans' laws has focussed on what one of them, on pagan sacrifice, might tell us about

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[31] Majorian, *Novels* vii, *praefatio*: *curiales nervos esse rei publicae*. On events in the east see Burgess, 2008.

[32] *C.Th.* XII.1.27, issued at Trier; Zosimus 2.41.1 says Constantine II and Constans fell out in a dispute over 'Carthaginian Libya and Italy' (τῆς ὑπὸ Καρχηδόνα Λιβύης καὶ Ἰταλίας γενομένης ἀμφισβητήσεως), though the rest of his account does not encourage much confidence.

[33] This accepts the view of the sources of the *Codex Theodosianus* laid out in Matthews 2000, 280-93; he in fact considers precisely these laws in his study of 'Variants and Anomalies', no. 6.

[34] *C.Th.* IX.34.5 (*inclytus pater noster*), X.10.6 (*divo genitore nostro*), VIII.12.6 (*venerabili parente nostro*), XVI.10.2 (*divi principis parentis nostri*).

[35] *C.Th.* IX.24.2: *legis prioris extet auctoritas, qua inclytus pater noster contra raptores atrocissime iusserat vindicari*.

his father—exactly the easy equivalence between before and after 337 for which the new emperor hoped.[36]

We are left in little doubt by all this that Constans is continuing his father's work and thus suffused with the reflected glory of a family which had been on the imperial throne for over four decades—even longer if its spin doctors were to be believed. Lest the warm glow of familial piety grow a little too hot, we should note that one of the key points of the laws is that just as Constantine and Constans were family, he and Constantine II were not. It is with some surprise that one realises that the 'enemy of the public and ourselves', the man whose immunities Constans is cancelling, is his elder brother, brutally killed in a scrappy engagement near Aquileia.[37] Constans evidently preferred to act as though he had never existed, or at least as though they were not brothers. This rhetoric of family is interesting because it could be invoked whatever the issue at hand actually was and so it gets us round a few of the problems with the Codes mentioned above. It must frequently have been hard to shoe-horn the main talking point of the regime into a tedious decision about precisely what the time limit for an appeal from the guardian of a minor in a case of intestate succession across provincial boundaries was when it had been improperly impetrated, and other such fascinating issues which coagulate in the legal material. If, however, the regime's agenda was simply to point out that the emperor was the pious son of a great imperial father, then that could be mentioned pretty much regardless of the topic. This was exactly what Constans did, his father appearing in laws on anonymous denunciations, gifts from the *res privata*, the validity of donations lacking the donor's signatures, and sacrifice, the sublime and the mundane equally arrayed.[38] This blood relation was not lost on Lucius Crepereius Madalianus, a successful servant of the dynasty, 'powerful by the exercise of faith and goodness', who rose through the ranks of imperial administration to finish his career as proconsul of Africa and *comes* of the first rank.[39] At Rome, he set up a dedication to advertise his loyalty to the Flavian family and his recent appointment as prefect of the grain supply. There, he too made the link between father and son: 'to the deified and venerable Constantine, father of the greatest princes'.[40]

Father, son, and servant meet again in the most, the only, famous law which Constans issued (and Madalianus received), probably towards the end of 341. This thundered: 'Let superstition cease, let the madness of sacrifices be abolished. For whoever has dared to celebrate sacrifices contrary to the law of the divine prince, our father, and this the order of our clemency, let the fitting vengeance and present sentence be stretched forth against him'.[41] This is normally cited for what it can tell us about Constantine and in an incisive recent piece Alexander Skinner suggests that it

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[36] *C.Th.* XVI.10.2 has been central to debates about Constantine's legislation against sacrifice since Barnes 1981, 210 n. 15; see also Bradbury 1994, esp. 126-7, Barnes 2011, 130.
[37] *C.Th.* XI.12.1: *publicus ac noster inimicus*; *Epitome*, 41.21, Eutropius, X.9.2 provide the location, Zonaras, 13.5 the most detail.
[38] See above, n. 37.
[39] 'Lucius Crepereius Madalianus', *PLRE* I, 530.
[40] *CIL* VI, 31248 = EDR121708 (with photograph).
[41] *C.Th.* XVI.10.2: *Cesset superstitio, sacrificiorum aboleatur insania. Nam quicumque contra legem divi principis parentis nostri et hanc nostrae mansuetudinis iussionem ausus fuerit sacrificia celebrare, competens in eum vindicta et praesens sententia exeratur*. The year date is secure, but there is no transmitted day or month.

might be more relevant to the east in the early 340s than the west.[42] Despite this and despite the law's vagueness in its current form, it does have something interesting to tell us about the western empire of the 340s. This is Constans as the pious Christian, a stern overseer for any of his subjects who might be inclined to indulge in some of the traditional practices of Roman religion: tough on paganism, tough on the causes of paganism. Perhaps too tough, for only a little later he hastened to legislate in defence of the actual temple buildings: 'Although' (that infallible sign in the Codes of the emperor screeching into reverse gear) 'all superstition ought to be utterly destroyed', the physical structures of paganism were not simply to be torn down as they were the scene of games, circuses, or contests.[43] Towards the end of his reign, Constans' longest extant law suggests that people had generously interpreted his earlier measure as giving them licence to pull down tombs on their land if they looked a little bit heathen: they were to be punished and the buildings repaired.[44] That some eight years after he had railed against superstition and sacrifices, the same emperor was making provision for the urban prefect at Rome to tramp round inspecting monuments with the *pontifices* is an index of quite how messy the end of paganism was in practice.

Still, this portrait of a pious and anti-pagan emperor neatly matches the man whom Athanasius met on those occasions when he absolutely, definitely did not say anything rude about the emperor Constantius at all.[45] Often lost in the study of these episodes, concealed by the furious energy of the bishop of Alexandria's self-defence, is what they tell us about Constans. He was baptised and filled the churches with generous offerings (the sight of which, the bishop added, did not deter Magnentius from murdering him).[46] He engaged in pious study, writing to Athanasius to request copies of the Scriptures from him, perhaps in imitation of his father's similar request to Eusebius of Caesarea.[47] He was also observant: Athanasius once met him at an Easter service and Zonaras suggests that at the end of his life he fled to a church, from which he had to be dragged to be murdered.[48] His reign witnessed a surge in the number of Christians and the construction of huge new churches for them: the massive, uniform basilica at Aquileia, built over the earlier, smaller patchwork church embodying the transformations of Constantinian Christianity.[49] Both there and in Trier, Athanasius was present at festal services in half-finished churches, rapidly put up to accommodate the swelling mass of the faithful.[50] It is significant in this regard that at Tours, perhaps the western city after Rome about whose late-antique Christian history we are best informed, the reign of Constans was remembered as the historical foundation of the

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[42] Skinner 2015, 247. He slips in suggesting (247 n. 1) that the consuls for the year received it: *Accepta Marcellino et Probino conss.* is just a standard dated receipt clause, and does not suggest Marcellinus and Probinus received it. Since they were both westerners, even if they had received it, that would still not strengthen the case for eastern application. On *generalitas*, see Matthews 2000, 284 for a note of caution.

[43] *C.Th.* XVI.10.3: *Quamquam omnis superstitio penitus eruenda sit*. Seeck 1919, 49 was right to emend the date to 342.

[44] *C.Th.* IX.17.2.

[45] Refuting this charge is one of the central concerns of Athanasius, *Apologia ad Constantium*, programmatically 2.1, further 3.3.

[46] Athanasius, *Apol. ad Const.*, 7.2-3.

[47] Athanasius, *Apol. ad Const.*, 4.2; Eusebius, *VC* 4.36.

[48] Athanasius, *Apol. ad Const.*, 15.4; Zonaras, 13.6. On Constans' churchgoing in general, see McLynn 2004, 243-6 for illumination.

[49] McLynn 2004, 243.

[50] Athanasius, *Apol. ad Const.*, XV.4.

religion in that city.[51] His was the era from which the succession of bishops could be known with some certainty, the period when the first basilica had been erected.

This was the emperor on whom those pious medieval scholars mentioned above were so keen – a most Christian prince indeed – and other of his measures burnish the image. In a law of 342, Constans railed against homosexuals, demanding that 'the laws rise up' and justice 'be armed with an avenging sword', 'so that those disreputable men may be subjected to special punishments'.[52] Only a year later he hastened to assure clerics of their privileges and exemptions from the burdens of the state, a reaffirmation of an earlier measure.[53] If we had more of his legislation, and at greater length too, we would surely find that just as one pillar of his rule was descent from a great father (and no mention of Constantine II), so another was a moralistic and Christian legislative programme. That this won him many friends in the Church, is suggested by the wistful way Hosius of Córdoba tried to use the example of Constans to encourage Constantius II to take a more relaxed attitude to recalcitrant religious opponents: he had never banished a bishop, or presided over ecclesiastical matters, or sent agents to make people subscribe to condemnations.[54] He was, Hosius suggests, a more Christian emperor than his brother and more willing to listen to what his bishops had to say to him. Those prelates certainly liked him: the synod of Serdica expressed frustration at the way that some bishops were forever on their way to the *comitatus*, desperate for worldly dignities, and stipulated that only those summoned by the emperor should turn up.[55]

This legislative programme, which found so many ready supporters in pulpits across the empire, was precisely what was urged on the emperor Constans, in the same overheated language of the laws, by a most curious text: the 'On the error of the pagan religions' or the *De errore profanarum religionum* of Iulius Firmicus Maternus. The sole manuscript of this is extremely poorly preserved, missing several folios at the start, and stained and damaged throughout.[56] This treatise, which is formally directed to both Constans and Constantius, is part rabid denunciation of paganism, part learned disquisition on it, mixed with some fawning addresses to the emperors. It is vexing in more ways than one, but it could be extremely significant for the history of Constans. We are not oversupplied with texts from the 340s and few of those we do have are in Latin and speak to imperial politics directly. The question is what is the *De errore* and how does it relate to the emperor? Firmicus, who was born in Sicily, began his career as an advocate. Worn out by the constant struggles of this line of work, to which his probity (he assures us) ill-suited him, he abandoned the law and tried astrology instead.[57] After discussions with Lollianus Mavortius, then *consularis* of Campania, he

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[51] Gregory of Tours, *Decem libri historiarum* X.31 (II). On all aspects of Tours late antique development, see the exhaustive work of Pietri 1983.

[52] *C.Th.* IX.7.3: *iubemus insurgere leges, armari iura gladio ultore, ut exquisitis poenis subdantur infames*. The text of the start of the law has serious problems, and Mommsen and Meyer 1905, 447, by melding the version in the *C.J.* with that of the only manuscript witness to the *C.Th.*, have further occluded matters.

[53] *C.Th.* XVI.2.8, the original probably mentioned Constantine as the originator of that former law.

[54] Athanasius, *Historia Arianorum* 44.6.

[55] Council of Serdica, Canon VIII.

[56] Turcan 1982, 63-6.

[57] Firmicus Maternus, *Mathesis* 1.pr.4 for Sicilian origin, 4.pr.1-3 for his career in the law.

rashly promised a treatise on the subject.[58] The result was the *Mathesis*, a massive eight-book synthesis of astrological learning.[59] The contrast between this work and his attack on paganism is so apparently striking that it is normally assumed he converted in between writing them. The conventional story runs something like this: Firmicus was a pagan intellectual and astrologer active in the 330s. At some point, conscious of the secular advantages of the new religion, he made the switch to Christianity: 'fear and opportunism made as many conversions as faith, as in every revolution' is one editor's comment.[60] It has even been suggested that the senatorial dignity given to him in the manuscripts was the reward of a seasonable conversion.[61] He became a fanatical opponent of his old faith, perhaps for psychological reasons: 'He had the typical intolerance of a convert, who is reborn and finds in his own past very little that is positive', as L.W. Barnard puts it, and his call for state-sponsored forced conversion has been seen as a precursor of terrible developments for humanity.[62] Either it was a combination of opportunistic conversion and fanatical rejection of his past, or else one might see in his later work a pledge of the sincerity of his new religion: converts have to be extremists to be believed, they are terrorists because they have been terrorised (so Turcan).[63] The *De errore* then becomes a screed directed haphazardly to the emperor: its real targets lie elsewhere. It is a pamphlet or a tract, attacking the flagrant absurdities of paganism, praising tough measures taken against it, and urging still more grisly ones. Firmicus emerges as a ranting saloon-bar boor, normally, albeit often only implicitly, thought to be currying favour with a regime from which he was distant. He expresses the frustrations which Christians felt at the slow pace of the death of paganism, even as he ill-understands the delicate balancing act in which the emperors were engaged.[64] They can hardly have welcomed his peremptory tone and the impossible course of action he urged on them.[65] The *De errore*, in other words, tells us a good deal about Firmicus and not very much about Constans.

As one might detect from this summary, there are reasons to be sceptical of this line of interpretation, attributing to Firmicus as it does all the vices of fanaticism and sincerity and mixing in some dubious psychological reasoning. For a start, we might question the rather Manichaean view of religious belief which accounts of his conversion often imply: a world where pagans are pagans, Christians are Christians, and never the twain shall meet except for the purpose of religious strife. There were plenty of people in the middle. As Mark Edwards has recently suggested, we may be better off seeing Firmicus as a Janus-faced figure, a man who did not believe 'that the paths which others shunned were forbidden to him'.[66] The mere fact of astrological interest is often treated as proof-positive of Firmicus' paganism, as though it was roughly on a level with a firm commitment to blood-sacrifice, but it is worth remembering that there was

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[58] Firmicus, *Mathesis* 1.pr.1-6.
[59] A great deal has been written about Firmicus' astrological work, but Dickie 2012 is an excellent place to start.
[60] Turcan 1982, 23: 'La peur et l'opportunisme ont fait alors autant de conversions que la foi, comme dans toute révolution'.
[61] Monat 1992, 8.
[62] Barnard 1993, 98-9.
[63] Turcan 1982, 24. For the argument that, like Arnobius, Firmicus wished people to take his change of heart seriously see Drake 1998, Caseau 2007.
[64] Watts 2015, 87.
[65] Barnard 1993, 99.
[66] Edwards 2015, 73.

nothing inherently 'pagan' about star-gazing with intent. It is the Book of Genesis, after all, wherein the Almighty decrees 'Let there be lights in the firmament of the heaven to divide the day from the night; and let them be for *signs*...' (1.14).[67] Origen seems to have known plenty of Christians with astrological inclinations and he was even prepared to concede that although the stars did not cause events, they did indicate that they would happen.[68] On the other side, the Romans had long had a complex, one might even say abusive, relationship with astrology, one neatly summed up by the way that the emperor Augustus both banned it and issued an edict explaining the arrangement of the stars at the time of his birth.[69] Diocletian, no Christian he, had also proscribed the 'damnable art of astrology'.[70] Tacitus, as ever, got to the heart of the matter when he said that astrologers were 'a class of men who are treacherous to those in power and deceitful to those who hope: they will always be forbidden in our city and retained'.[71] This ancestral suspicion and fascination was the reason why Firmicus was so keen to emphasise that the astrologer must be a respectable and upstanding citizen, a man who refused absolutely to enquire into the future of the emperor or the state.[72]

We might, then, be better off seeing Firmicus' interests as esoteric and scholarly rather than primarily religious. In writing the *Mathesis*, he had embarked on a massive work of synthesis, one which required both technical expertise in astrology and encyclopaedic knowledge of the Greek literature on it.[73] This should at least give us pause before riding any individual 'pagan' reference in the work too hard: we cannot be certain whether it gives us an insight into what Firmicus thought, or is a calque from some much older text. In its discursive sections, more securely his own work, Firmicus adheres to a vague monotheism, one which suggests that his conversion, if such it was, was more a gentle stroll than a precipitous leap.[74] A crucial point is that Lollianus Mavortius, for whom the work was written, was a pagan, a public augur.[75] At the time of writing Firmicus' career as an advocate was (more or less by his own admission) not going well and the thickly-lathered flattery he applied to Mavortius suggests he needed any patronage he could get. That is to say he may well have had reasons to dissemble when it came to his religious views, but in the *Mathesis*, not the *De errore*.[76] Features of his vocabulary in the former do suggest that Firmicus had a more than passing acquaintance with Christianity, whatever it was he then believed.[77] It is thus unsurprising that the *De Errore* is full of Biblical quotations and allusions (66 in all) and that Firmicus' shows in it familiarity with the work of Cyprian of Carthage, Clement of Alexandria, and Arnobius.[78] His barb that pagan places of worship 'ought, most sacred

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[67] *σημεῖα* in the Septuagint, proper to astrological signs.
[68] Heine 2010, 110-112 is a convenient summary.
[69] Cassius Dio, 56.25.5.
[70] *C.J.* IX.18.2: *Ars autem mathematica damnabilis interdicta est*.
[71] Tacitus, *Hist.* 1.22: *mathematici genus hominum potentibus infidum sperantibus fallax, quod in civitate nostra et vetabitur semper et retinebitur*.
[72] Firmicus, *Mathesis* 2.30.
[73] Henry 1934, 25-43, especially 31-4 and *P. Oxy.* 4503-4507 with see Gonis 1999, 57-109 give an interesting insight into his working method.
[74] Chapot 2001.
[75] 'Lollianus 5', *PLRE* I, 512-4; for the inscription *CIL* VI, 37112.
[76] Cameron 2011, 173-4 brings out this aspect very well.
[77] Pointed out long ago by Skutsch 1910.
[78] Turcan 1982, 361 lists 66 biblical quotations or allusions in all; 51-2 for the authors he knew. Turcan suggests that his knowledge of Clement was indirect, but the verbal allusion in *De errore*

emperors, to be called tombs not temples' perhaps has its origin in the *Octavius* of Minucius Felix, while his deployment of the Ciceronian tag 'counterfeit and fabricated gods' may be borrowed from Lactantius (who made much of this remark by 'the prince of Roman philosophy').[79] He had even gone to the trouble of reading the report which the younger Pliny had sent to Trajan on discovering that his province was riddled with Christianity, neatly applying its mention of the 'infection of that superstition' to pagan religion.[80] Firmicus' references to baptismal waters and the Eucharist might lead one to suppose that he had himself been baptised, while his account of the economy of salvation is an elegant summary of the topic.[81] This depth of knowledge is not the kind of understanding hastily got up by someone hoping to take communion and pass straight into the governor's chair. This is the work of someone 'moulded by the doctrine of the sacred scriptures', as he describes himself.[82] If anything, the oddities of Firmicus' account of cultic depravities may suggest that he was rather shakier on some 'pagan' topics than he was on Christian matters.[83] All this is to say that we may be better off seeing Firmicus as the kind of Christian who gave his bishop palpitations: educated, rhetorically skilled, theologically idiosyncratic, a nightmare member of the congregation. We certainly should not make his hypothecated conversion the basis for all other arguments about him: the result rather resembles an inverted pyramid.

If Firmicus was not merely a chancer, swept up in the swelling tide of Christianity, or a convert, trying to assuage the doubts of his recently acquired co-religionists, then a whole range of new questions swims into focus. If the address to the emperors is not simply a veil for other concerns, then perhaps his relationship with the regime of Constans was closer than is generally thought. Firmicus was certainly well-informed about the emperors' activities. He gives us a resonant account of Constans' visit to Britain in 343, when the emperor 'trampled underfoot the swelling and raging waves of the Ocean'.[84] His remark that 'proud peoples have been sent under the yoke and the wishes of the Persians have collapsed' plausibly alludes to the Frankish campaigns of the early 340s and the ongoing struggles in the east.[85] The studiedly

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12.7 (*Scaenam de caelo fecistis*) to Clement of Alexandria, *Protrepticus* 4.58.4 (Σκηνὴν πεποιήκατε τὸν οὐρανὸν) suggests to me that Firmicus had read the original.

[79] Firmicus Maternus, *De errore* 16.3: *busta sunt haec, sacratissimi imperatores, appellanda, non templa*. Minucius Felix, 8.4: *templa ut busta despiciunt*. For *commenticios et fictos deos* compare Cicero, *De natura deorum* II.70, Lactantius, *Institutiones divinae* 1.17.1, 3, Firmicus Maternus, *De errore* 17.4. Lactantius, 1.17.3: *Romanae philosophiae princeps*. No Latin author between Cicero and Lactantius appears to have used these words, though Novatian, *De Trinitate* 10.5 was clearly inspired by them.

[80] Pliny, *Ep*. 10.96.9: *superstitionis istius contagio*. Firmicus, *De errore* 12.1: *superstitionis istius metuenda contagio*. A search in Brepols *Cross Database Search Tool* reveals no other uses of this collocation.

[81] Firmicus, *De errore* 2.5 (baptismal water), 18.2 (Eucharist), 24.2-8 (economy of salvation).

[82] Firmicus, *De errore* 8.4: *At ego nunc, sacrarum lectionum institutione formatus*. This is often deployed as evidence for Firmicus' conversion (e.g., Barnard 1993, 85, Lössl 2013, 74), which logic seems to rely on *nunc ... formatus* (as in 'just now moulded...'). However, Firmicus has just finished speaking in the voice of the Sun, and *At ego nunc* merely marks the shift back to speaking for himself.

[83] This is implicit in Edwards 2015, 111-135, where Firmicus is often on his own in making some allegation against a cult.

[84] Firmicus, *De errore* 28.6: *tumentes ac saeuientes undas calcastis Oceani*. Barnes 1993, 225 for the date of the visit to Britain.

[85] Firmicus, *De errore* 29.3: *Missi sunt superbi sub iugum populi et Persica uota conlapsa sunt*.

imprecise phrasing of what exactly had happened on the Persian frontier perhaps belongs a period before news of Constantius' victory in 343 or the bloodily indecisive battle of Singara (344) had reached the west; we might otherwise expect Firmicus to make more of eastern events.[86] All this suggests a date for the work of 343 or 344 and Firmicus thus appears to be at the forefront of the interpretation of events.[87] What looks like a subtle allusion to the fate of Constantine II—'rebellious arms have fallen before your gaze'—suggests he was good at this indeed.[88] Firmicus, as we would expect of a barrister, knew the legislation of his emperor and alluded to the recent prohibition of homosexuality, something 'nowadays punished most severely by Roman laws'; the law (*C.Th.* 10.7.3) was issued in December 342, not long before Constans went to Britain.[89] Yet he did more than merely recapitulate recent legislation. At two crucial points, Firmicus subtly alludes to the language of Constans' legislative measures. That 'avenging sword' we met above, armed there against homosexuals, is said to have been raised by the consuls against the bacchanalian revels in Republican Rome. That was an era when 'there were still wholesome morals in the city of Rome and no man longed with dissolute morals for foreign superstitions', Firmicus ingeniously suggesting that paganism was not only wicked but un-Roman.[90] At the end of the work, he reminds the emperors that Christians are enjoined to raise that sword even against idolatrous family members (a barbed comment for the sons of Constantine).[91] The avenging sword—*gladius ultor* or *gladius vindex*—is a Judaeo-Christian idea, found in the books of Leviticus (26.25) and Job (19.29).[92] It is not a particularly common phrase earlier than the latter half of the fourth century – only Tertullian used it before Firmicus – but it is a favourite tag of the laws of Constans: it occurs twice (in laws on different topics), a quarter of all its occurrences in the Code.[93] It is sufficiently rare that its use by Firmicus immediately strikes one: he is deliberately exploiting the language of the laws, something suggested also by his call for the pagan practices to be *penitus delenda*, just as Constans had ordered superstition to be *penitus eruenda*.[94] Firmicus seems less here a fanatical opportunist, catching the dull echoes of imperial priorities and attempting to shout them back, and more an insider, playing elegant verbal games with the rhetoric of the regime. In this connexion, it is interesting to note that in 342 his old patron

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[86] Victory: Athanasius, *Historia Arianorum* 16.2 with Burgess 1999, 241-4. Singara: Portmann 1989, established the date of the battle.

[87] This is a rather earlier date than generally suggested, and the work is normally put after 346/7 (Barnard 1993, 86; Chapot 2001, 63-4 e.g.). This is because Turcan 1982, 24-5 identified the *persica vota* as the failure of the siege of Nisibis in 346 (some discussions still rely on his dating, though it was calculated before Portmann revised the date of Singara), but the phrase seems to me to suit a non-event better than something specific. That is to say it comes from a time before definite events on the eastern front. cf., however, Barnes 1978, n. 100.

[88] Firmicus, *De errore* 29.3: *rebellantia ante conspectum uestrum semper arma ceciderunt*.

[89] Firmicus, *De errore* 12.2: *hodie seuerissime Romanis legibus uindicatur*. This is the only time (in all his works) Firmicus uses *hodie*, which strengthens the impression that this is a very recent measure.

[90] Firmicus, *De errore* 6.9: *Erant adhuc in urbe Roma integri mores nec quisquam peregrinas superstitiones dissolutis moribus appetebat*.

[91] Firmicus, *De errore* 29.2.

[92] The only use I have found before the Christian era of the empire is Lucan, *Bellum civile* V.206.

[93] Tertullian, *De patientia* 3. *C.Th.* IX.7.3, II.1.1, for Constans; other uses are IX.34.10 (Arcadius, 406), IX.42.2 (Constantius II, 356), XVI.10.4 (Constantius II, 356, see Seeck 1919, 41-2), IX.6.3 (Arcadius, 397), XIV.17.6 (Valentinian I, 370).

[94] Firmicus, *De errore* 16.4 and *C.Th.* XVI.10.2.

Lollianus had been urban prefect at Rome.[95] This was his first office after a break of several years and he was clearly back in favour. Firmicus may have trailed in his wake, perhaps even found a new and greater patron: Constans had a fondness for decorating his court with Christian intellectuals.[96]

Our astrologer turned polemicist now looks rather closer to the centre of power than conventionally assumed, interpreting and explaining policy and proclamation almost as soon as they appeared. That raises the question of the nature of the text, something normally skipped over. It is very hard to be certain about this: the absence of the preface, lost in those missing folios, will mean it is always unclear. There is, however, a provocative possibility. Firmicus' work is that classic item of late Roman literature: a justification of a policy (the ban on sacrifice and closure of temples) dressed up as a call for it and mixed in with suggestions about how it might be taken further. Throughout and frequently, Firmicus addresses the emperors: *uos, sacratissimi imperatores*, he says naming them in the vocative *Constanti et Constans*.[97] This is the language of panegyric: *sacratissimi imperatores* or *principes* is an invocation that is rare outside of dedications and addresses and even there generally used only once.[98] Its use with any frequency was the reserve of the panegyrist and the plural was appropriate when there was more than one emperor on the throne.[99] Like the author of *Pan. Lat.* XI(3), Firmicus cannot stop himself from using it again, and again, and again, ramming home that he is speaking to (in reality or only imagination) the emperors. We have someone with apparently close links to the regime, someone with a rhetorical training who calls what he is doing a *sermo*, overuses the imperative, and adopts a hortatory, even a hectoring tone.[100] Firmicus displays an extravagant learning, he indulges in word-play, he touches on recent imperial deeds and legislation. What we have seems, when put like that, awfully like a speech, delivered before (in posture, if not in fact) the emperor—like, in other words, one of those speeches which we loosely call panegyrics.

Certainty is not obtainable here and it would be rash to push this idea too far; perhaps it is best to leave it in what Gibbon would refer to as the subjunctive mood of 'maybe'. Certainly, the idea is a powerful reminder of the influence that a text's transmission can have on its understanding and generic categorisation. Because it is missing the first few folios, which probably set out the scope and character of the work, the *De errore* has been marked down as a curio, a piece of literary ephemera, a pamphlet, or some other dismissive word which does not require us to think too hard about it. The reality might have been very different. If it is a panegyric, what we have is a Christianising of the genre, an attempt to turn it against paganism, the new object of imperial ire, and a delineation of what the role of the Christian emperor was now to be: the monarch as warrior against the devil, personified by idolatry.[101] In his account of the Bacchanalian affair, Firmicus was trying to give Rome a past that was authentically

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[95] *Chron. 354* (ed. Mommsen, 68).
[96] See his dealings with Prohaeresius: Eunapius, *Vitae sophistarum* X.72-6 (ed. Goulet).
[97] *Sacratissimi imperatores*: Firmicus, *De errore* 3.2, 6.1, 7.7, 8.4, 16.3, 16.4, 20.7, 24.9, 25.4, 28.6, 29.1, 29.3, 29.4. *Constanti et Constans*: 20.7.
[98] See Marcellus 'Empiricus', *De medicamentis*, *Ep. Vindiciani* 1.22, Anonymous, *De rebus bellicis* 1.1, 21.1.
[99] *Sacratissimi principes*: *Panegyrici Latini* XI(3)7.7; VII(6)1.1, 13.1. *Sacratissime imperator*: Ausonius, *Gratiarum actio* 12.58; *Pan. Lat.* X(2)1.1, 1.5, 8.6, 13.5; XI(3)1.1, 1.2, 2.3, 3.8, 5.1, 6.1, 8.4, 13.1, 15.3, 19.1; XII(9)1.1; V(8)1.1, 1.3, 2.2; VI(7)1.1.
[100] Firmicus, *De errore* 13.1: *mediocritatis nostrae sermo*.
[101] Firmicus, *De errore* 20.7.

and originally non-pagan; one has the sense that he was groping towards a new imperial account of Roman history. That in several respects it does not look very like the other extant Latin panegyrics is no real deterrent. In fact, that is a good reminder that we should be cautious about building our account of what Latin panegyric was on the basis of a tiny sample of the innumerable speeches of praise delivered in late antiquity. In any case, the work now looks as though it gives us a much greater insight into Constans and his regime. It might even be possible to extract from Firmicus some wider sense of what the regime was doing and why it was doing it. In its context in the early 340s, there are some suggestive connections that one can make between the concerns expressed by Firmicus, the matters Constans legislated about, and what the emperor did each campaign season.

Jerome tells us that in 341 Constans fought against the Franks 'with mixed results' (he means he lost).[102] Firmicus naturally omits any such unfavourable details, but, recounting the emperor's triumphant campaigns against barbarians, he draws an explicit link between anti-pagan legislation and recent victories: 'Since the destruction of the temples you have been raised by God's strength even higher. You have conquered enemies, you have enlarged the empire'.[103] This might be a clue. Defeated or at least driven to stalemate by the Franks in 341, Constans was in some trouble. His legitimacy was probably vulnerable in the aftermath of a defeat on a frontier which he had only recently taken over from his dead brother, a man who knew what to do about Germans. On the Rhine, one suspects that they did not think of Constantine II as a public enemy, whatever Constans' laws said. Given the link in contemporary thought between divine favour and military success, Constans was no doubt urged to take measures to boost his standing with the Almighty, hence the order that superstition must cease, which was probably issued between the two campaign seasons. Constans was in fact victorious in the next campaign season and fixed a firm and apparently advantageous peace with the Franks, one which was vaunted in imperial rhetoric: 'the Franks were utterly defeated by Constans and peace was made with them', as Jerome put it.[104] In its aftermath, the emperor continued to pursue his Christian and moralistic legislative agenda and he continued to enjoy success, crowned by his visit to Britain in the dead of winter. Firmicus might then be cast as the advocate of that anti-pagan policy to an imperial audience that may not have been particularly enthusiastic about it. If closing the temples brought victory over the Franks, what might melting down the idols let Constans achieve? In an environment where most of the very senior officials of Constans were pagan, such policy would have needed some rhetorical and ideological support.[105] Firmicus perhaps provided the intellectual heft for the regime's new rhetoric.

The *De errore* thus further strengthens the view of Constans' policy which emerges from his legislation. Firmicus adds to it a dash of the emperor as triumphant in war and though, for obvious reasons, this is absent from the laws, it seems likely that this too was one of the major aspects of Constans' image. Almost the only good quality those negative later sources attribute to him is success in war: Ammianus, for instance, emphasises that he was the object of particular fear to the Alamanni, matched only in

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[102] Jerome, *Chronicon s.a.* 341: *vario eventu*.
[103] Firmicus, *De errore* 28.6: *Post excidia templorum in maius dei estis uirtute prouecti. Vicistis hostes, propagastis imperium*.
[104] Jerome, *Chronicon s.a.* 342: *Franci a Constante perdomiti et pax cum eis facta*.
[105] For prominent pagans under Constans, see *PLRE* I, 918-9, 'Titianus 6'; 747-8, 'Proculus 11'; 705-6, 'Placidus 2'; 187-8, 'Catullinus 3'.

reputation by Julian (high praise from the lonely historian).[106] This had a dynastic edge to it. When Magnentius rashly allowed Flavius Philippus, the emissary of Constantius II, to address his troops on the eve of Mursa, he laid in to them: 'it was not right for Roman subjects to make war on Romans, *especially* when a son of Constantine was on the throne, Constantine with whom they had raised so many monuments of their victories against the barbarians'.[107] Firmicus mixed into his account some wonderfully baroque and vivid language, the kind of thing one paid an orator to do. He emphasised the emperor's recent visit to Britain, crossing a perilous ocean in the dead of winter, to a land almost unknown (it was alleged) to the Romans, and stunning the Britons with the 'unlooked for face of the emperor'.[108] This was not an act devoid of significance for a grandson of Constantius I, who had also once crossed as a new Caesar into Britain.[109] Firmicus also used some fascinating medical imagery: idolatry, whose 'dying limbs still twitch', is a disease, the emperor a doctor who will cure it.[110] This takes a sinister turn, for Firmicus points out that doctors treat even those who are unwilling to be cured: 'free those who are dying! ... It is better that you liberate those who do not wish <to be freed> than that you concede death to those who wish for it'.[111] Compulsion, it is clear, will have a role in this anti-pagan campaign—none of Constantine's 'if you like your foul customs, you can keep your foul customs'. In its closing invocation, the text emphasised the partnership which Constantius and Constans share, a subtle way of writing Constantine II out of the picture. Athanasius, with his unerring eye for sore points, suggests that this rather fragile unity was also a feature of contemporary imperial rhetoric: he could scarcely have slandered one brother to another so similar did they look, 'for brothers are naturally mirrors of each other'.[112]

These features are worth picking out not only because they are clearly components of the image Constans wished to project, but because they lead us finally to that half-panegyric of Libanius, mentioned at the start. It might seem curious to have delayed consideration of it for so long, but trying to use it for Constans is not easy. It does cover that emperor in some detail, though it pays less attention to him than to his brother Constantius, but what are we to suppose Libanius, a rather cloistered sophist, knew of events in the West? He never evinced any interest in Constans and he did not know Latin. Except insofar as the world on the other side of Greece impinged on the career of his hero Julian, he was remarkably uninterested in and often ill-informed about it: no amount of sophistic amplification can explain away a belief that to go outside in Italy in winter was to risk immediate death from frostbite.[113] There can be little initial confidence that his account of Constans could be anything other than a series of recycled clichés—Libanius was, after all, a great intellectual environmentalist.

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[106] Ammianus, 30.7.4.
[107] Zosimus, II.46.3: οὐ προσήκει Ῥωμαίοις ὄντας ὑπηκόους κατὰ Ῥωμαίων πόλεμον ἄρασθαι, καὶ μάλιστα Κωνσταντίνου παιδὸς βασιλεύοντος, μεθ'οὗ πολλὰ κατὰ βαρβάρων ἔστησαν τρόπαια.
[108] Firmicus, *De errore* 28.6: *insperatam imperatoris faciem*.
[109] *Panegyrici Latini*, VIII(4), which has this as its main theme, see 11 ff.
[110] Firmicus, *De errore* 20.5: *et licet* ***adhuc*** *in quibusdam regionibus* ***idolatriae morientia palpitent membra***; 16.4-5.
[111] Firmicus, *De errore* 16.4: *... liberate pereuntes ... melius est ut liberetis inuitos quam ut uolentibus concedatis exitium*.
[112] Athanasius, *Apol. ad Const.* 10.2: ἀδελφοὶ γὰρ διὰ τὴν φύσιν ἀλλήλων εἰσὶ κάτοπτρα.
[113] Libanius, *Or*. 18.40.

Yet, precisely those points drawn from Firmicus above to illustrate the image which Constans put about find their match in Libanius. He had the advantage of the dual to make clear that there were now and only ever had been two Constantinian brothers, but the thought is the same as in Firmicus.[114] Libanius dwelled on recent victories over the Franks, endowed with a false etymology: the Φρακτοί, or fortified people (jokes are not Libanius' strong point).[115] He too covered the expedition to Britain, like Firmicus emphasising the raging nature of the Ocean, that the emperor was not expected by the inhabitants, and that the place was almost unknown to the Roman world.[116] That last point is important: official lies, and the notion that Britain was almost obscure before Constans penetrated it is certainly one of those, are like barium meal for tracing the flow of ideas. Libanius seems here to be drawing on the rhetoric of Constans' regime, to which, despite the barriers of distance and language, he appears to be a good witness. Several other features point to Libanius' contact with official pronouncement. He is emphatic about the hereditary claim which Constantius and Constans have to the empire, dwelling at length on their relationship to Constantine and the fact that they are the third generation of emperor in their family.[117] He went so far as to draw up an interesting and interestingly explicit justification for child-emperorship: emperors were, he suggested, best caught young.[118] In an extremely curious passage, he perhaps even alludes to reforms of appellate jurisdiction which Constans made some time before 345. The language is that of panegyric: the emperors have put appeals away from themselves because their clemency is so great they might be too merciful, but the reference is oddly specific.[119] The idea of the emperor as physician, tough enough to administer bitter medicine, recurs.[120] Libanius thus seems to have been surprisingly well-informed about matters in the West. Where did he get his information? We can only speculate, but we might note the exchange of officials between the two halves of empire: Ulpius Limenius, the man who expelled Libanius from Constantinople, for instance.[121] Such men would have been able to tell tales of war on the Rhine, or crossing the channel in winter. It may be that the rousing image with which Libanius closes—a Mediterranean as a sea made safe for trade and travel, for the promiscuous exchange of goods and ideas—was more than just a good story.[122] If Libanius is a good witness to what Constans wished people to think of him, then suddenly a whole new prospect opens up, that revealed in Libanius' discussion of the emperor's habits. His Constans is vigorous, he hardly sleeps, and chases through the forests after wild-animals with a few of his chosen companions. He barely touches alcohol, abhors the theatre, has banished licentiousness, so much so that beauty of womanhood itself has been restrained, and he

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[114] Signalled right at the head of the speech, 59. prologue: δυοῖν; 59.151 may contain a veiled allusion to Constantine II.
[115] Libanius, *Or*. 59.127-133.
[116] Libanius, *Or*. 59.137-141.
[117] Libanius, *Or*. 59.42, 46, 13.
[118] Libanius, *Or*. 59.38.
[119] Libanius, *Or*. 59.162. Sometime before 345, Constans had legislated to prevent senators from appealing against the judgement of the urban prefect, one of a select body of officials appeals from whom went to the emperor: *C.Th*. XI.30.23 is undoing this measure. This occurs after the section on Constans, but in a run of passages on the empire as a whole, so could refer to an eastern measure (perhaps 1.5.4, as Malosse 2003, 214).
[120] Libanius, *Or*. 59.94, 150.
[121] *PLRE* I, 'Limenius 2', 510.
[122] Libanius, *Or*. 59.171.

is generally a sort of imperial superman, swooping down unexpectedly on his terrified (but extremely loyal) subordinates.[123]

It is time to draw to a close, but before that we might pause for a moment on this portrait of the ascetic, virile, Constans. He hardly sounds like the man sketched at the beginning from those condemnatory accounts. In fact, he almost seems the photographic negative of him and tracing back through Libanius, Firmicus, and the laws to the rumours which swirled around Constans in the 350s, we seem to see in the latter an inversion of the former. Constans presented himself as sober but was really a drunk, he legislated against homosexuality but was really gay, he conquered barbarians but really slept with them, he was extraordinarily active and fast moving but in truth was crippled by gout, his time was spent in pious activities, church-going, and conversation with bishops, but really he spent his days in carousal and revelry. This is too systematic and too orderly to be accidental, or even some pale reflection of Constans' real behaviour. It has all over it the fingerprints of someone who wished to deliberately blacken Constans' name. Who in the 350s wanted to do that? It could hardly be Constantius. Whatever feelings he may have had in private about his brother, official rhetoric rooted his right to rule the West in his hereditary claim to it: as he asked Vetranio, unanswerably, 'when a brother has died to whom does the inheritance pass?'[124] As Aurelius Victor was laying the first layers of an account of Constans as an emperor gone bad, Constantius was engaged in building him a monument.[125] There is another culprit for this propaganda though, a man with a compelling interest in ensuring that Constans had a bad reputation, who wished to occlude his own origin in humble, probably barbarian, circumstances, who needed some way of shoring up his always tottering authority, a man who boasted that he was 'the liberator of the Roman world, the restorer of Roman liberty and the saviour of the soldiers and provincials'.[126] In the end, it seems that we have unearthed Constans, buried him again, and found Magnentius standing crowned upon the tomb there-of.[127]

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[123] Libanius, *Or*. 59.149 (vigour), 144 (sober, naturally virtuous, shuns the theatre), 146 (beauty of women restrained), 145 (superhuman endurance), 148 (swooping).

[124] Athanasius, *Historia Arianorum* 50.1.

[125] Athanasius, *Historia Arianorum* 69.1.

[126] On many milestones: see Didu 1977, 45-6.

[127] *contra* Rubin 1998, I see no reason to assume that Magnentius' propaganda against Constans was driven by religious dynamics, the 'pagan' Magnentius against the Christian Constans.

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