

HAGITH SIVAN (Johannesburg/Lawrence)

Was Theodosius I A Usurper?

The emperor Valens perished in the battle of Adrianople in August 378. Shortly thereafter, his nephew, the western emperor Gratian, recalled the Spaniard Theodosius from exile and appointed him to a military command. On January 19, 379, in Sirmium, Gratian proclaimed Theodosius emperor to succeed his deceased uncle. So, with slight variations, goes the sequence commonly accepted by all modern scholars.¹ Yet, the threads of this deceptively smooth sequence have never been unravelled nor does a careful examination of the ancient sources lend itself to the scholarly consensus just outlined.

Questions abound. Valens' defeat plunged the empire into a crisis but no less than five months passed before a successor was appointed. When Julian and Jovian died unexpectedly in 363 and 364 respectively, a successor was found and proclaimed a few days later. Nor were their successors first appointed to a military command and only later elevated to the imperial throne. Moreover, if an experienced military commander had to be found in the post-Adrianople emergency, why go all the way to Spain to recall Theodosius, rather than rely on a more seasoned man nearer to the scene? Why, in addition, was it necessary to proclaim a third emperor if a suitable regent could be found? Finally, what was the role of the army, so conspicuously, if inexplicably, absent from all modern accounts, in the proceedings?

As a point of departure, the account of Theodoret, substantially accepted and often repeated, can serve to highlight these problems. Theodosius was promptly recalled by Gratian after Adrianople and appointed to a top military command.² The reasons given for choosing Theodosius were military necessity and Gratian's pressing need to be in Gaul.³ Once recalled, Theodosius was entrusted with a portion of the army, perhaps remnants of Valens' troops who had made it to Sirmium.⁴ Theodoret does not disclose the size of the force headed by Theodosius, but Themistius, a contemporary of the events, claims that it was small and not even select.⁵ He may be right. Be that as it may, Theodosius managed to win a significant victory in Thrace over unspe-

¹ O. Seeck, *Geschichte des Untergangs der antiken Welt*, Stuttgart 1920, (rep. 1966), V, 123f.; A. Demandt, *Die Spätantike*, Munich 1989, 125; *PLRE* 1, 904 (T 4); A. Piganiol, *L'empire chrétien*, Paris 1972, 229f.; A. H. M. Jones, *The Later Roman Empire*, 3 vols., Oxford 1964, I, 156, to name but few.

² Theodoret, *HE* 5.5 where the term *Strategos* possibly designates the rank of *Magister Militum per Illyricum*, A. Demandt, *Magister Militum*, *RI*. Suppl. XII, 610-2.

³ Theodoret, *HE* 5.5; Sozomen, *HE* 7.2.

⁴ Theodoret, *HE* 5.5: One wonders also if Theodosius did not get back on this occasion the troops which he used to command in Moesia.

⁵ Or. 14.182c: σὺν ὀλίγῃ δυνάμει καὶ οὐδὲ ταύτῃ ἐξειλεγμένη.

cified barbarians.⁶ Themistius kindly supplies us with the identity of the vanquished, the Sarmatians.⁷

Neither the summons from Spain nor the Sarmatian victory took place before winter 378, since immediately after the campaign Theodosius left his soldiers in winter quarters and hurried back to Sirmium.⁸ Theodoret creates a misleading impression of a fast sequence although the decision to recall Theodosius was taken some three months after Adrianople.⁹ Moreover, so decisive and so unexpected was Theodosius' victory that the victorious general had considerable difficulty in convincing Gratian and his advisors of its veracity.¹⁰ Rather than being greeted as a hero and elevated to the dignity of Augustus, Theodosius' position after the Sarmatian victory seemed weaker than before. At this point divine sanction in the shape a dream of bishop Meletius of Antioch revealed itself to Theodosius.¹¹ Gratian's commission of inquiry into Theodosius' victory returned and confirmed Theodosius' claim. Thereupon Gratian bestowed recognition and approval and conferred on him the domains of his deceased uncle.¹²

Theodoret's version of the accession reveals both the existence of opposition and support for Theodosius, and highlights at least two stages in the process of recall and elevation. Of the elements usually associated with legitimate accession Theodoret provides two, namely divine sanction, albeit not publicly manifested, and approval of the senior Augustus.¹³ Nothing is said about the army nor was there unanimity regarding the choice of Theodosius as either general or emperor.¹⁴ In fact, there seems to have been considerable opposition on both scores, for Theodosius' opponents managed to have him kept away from the army and the court for over three years (since the execution of his father in 375 or early 376), and to cast doubts on the veracity of his victory in 378.

Sozomen and Socrates, the other ecclesiastical historians who deal with the accession of Theodosius and whose narratives substantially resemble Theodoret's, remove Meletius from a 378 Theodosian context altogether.¹⁵ They also appear unaware of Theodosius'

⁶ Theodoret, HE: 5.5 for the location. One notes that the Roman victory was considerably aided by internal dissensions among the barbarians.

⁷ 14.182c, assuming that he does mean the one won in 378. See the problems connected with a Sarmatian victory of Theodosius in G. Kaufmann, *Wurde Theodosius von Gratian zunächst zum Magister Militum und erst nach einem Siege über die Sarmaten zum Kaiser ernannt?*, *Philologus* 31, 1872, 473–80. It seems that such a victory is better attested for the year 374 rather than 378.

⁸ Theodoret, HE: 5.5

⁹ *Ibid.*: *αὐτίκα*.

¹⁰ Theodoret, HE: 5.5

¹¹ Theodoret, HE: 5.6. Cf. *Epit. de Caes.* 48 relating a dream with a similar message but with different sender and recipients.

¹² Theodoret, HE: 5.6: Παισθείς δὲ ὁ βασιλεὺς, ὡς ἄριστα ψηφισάμενος αὐτὸν στρατηγόν, βασιλείᾳ χειροτόνηκε.

¹³ J. Rufus Fears, *Princeps a deis electus: The Divine Election of the emperors. A Political Concept at Rome*, Rome 1977.

¹⁴ Cf. Ammianus, 26.1.5 on the elevation of Valentinian I who was elected *nulla discordante sententia*. The phrase echoes a similar expression which Ammianus used to describe the selection of Salustius in 363 as successor to Julian (25.4.5: *nulla variante sententia*). One notes, by contrast, the disapproval expressed at the elevation of Valens who may have been acclaimed *universum sententiis concinentibus*, only because no one dared to object (26.4.3). Theodoret's omission about the manner in which Theodosius was approved is rectified by the *Epit. de Caes.* which assures its readers that Theodosius came to the throne *cunctis farentibus*, and by Themistius, below.

¹⁵ Socrates, HE: 5.2; Sozomen, HE: 7.1f. where Meletius does feature prominently but without connection to the events of 378.

initial appointment to a military command. All three, however, refer to Theodosius' noble ancestry and to his outstanding military reputation.¹⁶ Both assertions are incorrect. Theodosius' family may have been noble as far as provincial aristocracies were concerned, but in terms of senatorial genealogy his nobility was no more than mediocre.¹⁷ Nor could he lay claim to any outstanding military achievement. His father had a much more spectacular track record in this area. As successive years were to prove, the only two notable victories scored by Theodosius were in civil wars against Romans, and soon after his elevation he suffered a signal defeat against the Goths.¹⁸

Yet Socrates claims that long before Gratian elected him Theodosius had been universally deemed worthy of empire.¹⁹ This information, which Seeck used to reconstruct a network of supporters in Gratian's court, contradicts Theodoret's data regarding long and strenuous opposition to Theodosius.²⁰ Neither Socrates nor Theodoret identify the sources of support or opposition, nor has Gratian's own position been clarified. It is certainly not unlikely that the Spaniards at the court of Gratian, some of whom were related to Theodosius, were among his supporters as was possibly the top brass in the western army who had served with, or knew, Theodosius pater. Between them, they were able to engineer the recall of Theodosius but not before a crisis like Adrianople took place. But it is doubtful whether they had enough influence to contrive further the elevation of their candidate in place of Valens.

The fact remains that Valens' death left the empire with two eligible emperors, both close relatives, and both already Augusti, Gratian and Valentinian II. Admittedly, the latter was only seven years old but five years later, still a child, he succeeded as sole ruler over Italy with his mother as regent. Upon Theodosius' own death in 395 suitable regents were easily found. Even Theodosius himself could have served as a regent rather than a full co-emperor. Moreover, had Theodosius' imperial elevation been a foregone conclusion, as Socrates seems to hint, why was he first put to the test as a military leader, particularly if his reputation in this field had already been so well established?

Such must have been the politics behind the scenes of the imperial demise that no less than three months passed before Theodosius was recalled and two more passed before he was formally elevated. Nor is it likely that most of the time was consumed in travelling since at the height of summer no more than a few weeks were necessary to get from Sirmium to Spain and back. After his victory in Thrace in winter 378 Theodosius travelled back alone, and could have accomplished this journey in less than a week.²¹ Reasons other than time consuming journeys must be adduced to account for the unusually long periods which elapsed between Adrianople and Theodosius' recall on the one hand, and between his victory over the Sarmatians and his elevation in mid

¹⁶ Socrates, HE 5.2; Sozomen, HE 7.2; Theodoret, HE 5.5.

¹⁷ M. W. T. Arnheim, *The Senatorial Aristocracy of the Later Roman Empire*, Cambridge, 1972. Admittedly, however, by comparison with the standards of previous appointees like Jovian and Valentinian I, Theodosius did have a better known parent, larger property, and useful contacts.

¹⁸ Perhaps he disliked war. At any rate, as soon as he could, and sooner than was acceptable, Theodosius entrusted the conduct of the war in Thrace to his generals. On his attitude to war see A. Ehrhardt, *The First Two Years of the Emperor Theodosius I*, JEH 15, 1964, 10. The article is full of useful and incisive insights.

¹⁹ HE 5.2.

²⁰ Seeck, *Untergang*, V, 479; J. F. Matthews, *Gallic Supporters of Theodosius*, *Latomus* 30, 1971, 1073–99.

²¹ Theodoret, HE 5.5.

January 379 (either 16 or 19) on the other. What emerges so far from Theodoret's account is the fact that Theodosius' recall in late October/early November of 378 did not betoken his election as emperor. Had this been the case, he undoubtedly could have been elevated on the spot and designated consul for 379.²²

Casting, at this stage, suspicion on the circumstances which led to Theodosius' elevation entails raising the issue of usurpation. Before turning to the most detailed contemporary version of the events of 378, that of Themistius, it seems necessary to ask how does one define usurpation, or, for that matter, legality of title? A brief answer would simply be that, on the one hand, usurpers were failed rulers, while, on the other, many emperors were successful usurpers. The former received a bad press, the latter managed to outgrow their dubious origins. Already the contemporary Augustan historian(s) correctly observed that it is a difficult task to evaluate men who through other men's victories remained mere pretenders.²³ In her meticulous study of verbal and visual expressions of late antique rulership, Sabine MacCormack has shown that there was no single idiom to express the nuances attending imperial accessions.²⁴ The vocabulary developed and employed by successive panegyrists in the fourth century is colorful, adaptable and often ingenuous. It could meet and successfully deal with practically every aspect relating to such events. Yet, in no case during the period between the accession of Constantine and that of Theodosius was there a precise and reassuring precedent to lend full legitimacy to the latter.

Constantine's panegyrists have chosen to emphasize his innate imperial virtues and the consent of the entire army to his accession, but the fact remains that Constantine's father had been Augustus and he himself the designated heir. Indeed, Constantine's first public appearance after Constantius' death, wearing his father's purple robes, already implied the assumption of full imperial authority.²⁵ Constantine's own heirs had been Caesars for a while before their father's death, a fact which, incidentally, did not automatically ensure an immediate or smooth succession in 337. The circumstances of Julian's elevation, during the lifetime of an Augustus and without his consent, called for an expansion of the verbal and visual vocabulary describing accession. But Julian's rejection of dynastic legitimacy could not obscure the fact that he was indeed a fully-fledged member of the reigning family, and had been a Caesar with full imperial approval.²⁶ Surely even a fullsome and repetitive praise of Julian's virtues hardly could have obscured or obliterated his close connection with Constantine and Constantius. After all, by the time of his elevation Julian had been in the public eye for several years, both as a designated heir and as a successful military figure.

Although the end of a dynasty and the accession of new men may engender new expressions of legitimacy, no such development actually took place.²⁷ Jovian, as well as Valentinian, came to the throne in the absence of an existing imperial figure with the authority to confer legality. The lacuna was easily glossed over by employing well-established

²² As had become the custom throughout the fourth century to mark the assumption of the title Augustus. R. Burgess, *Quinquennial Vota and Imperial Consulships*, NC 148, 91f.

²³ HA, Pescennius Niger 1, with the interesting general comments of A. E. Wardman, *Usurpers and Internal Conflict in the fourth Century AD*, *Historia* 33, 1984, 220–37.

²⁴ S. G. MacCormack, *Art and Ceremony in Late Antiquity*, Berkeley 1981, 161f.

²⁵ Eusebius, VC I, 22. with MacCormack, 184.

²⁶ MacCormack, 192–6 on Julian's rejection of his own dynastic claims.

²⁷ MacCormack, 196f. Very briefly on the accessions of Jovian, Valentinian and Valens.

lished principles like military and divine consents. Thus, the gods and the army lent sanctification to the proceedings in both 363 and 364.

Somewhat more complicated, and potentially the only viable instance which bears resemblance to the events of 378, is the elevation of Valens in 364. While the top military brass endorsed Valentinian, the soldiers demanded the election of a second emperor. Not an unreasonable request, one may add, in view of the high rate of imperial mortality. Valen's accession was hardly a foregone conclusion. He had been a little-known military man with no claim to any fame other than his blood tie to Valentinian. Yet, this incidental factor of birth, and the fact that Valentinian was the duly-chosen Augustus, were precisely what made Valens eminently eligible in the eyes of most.²⁸ Panegyrists of both Valentinian and Valens were quick to capitalise on the potential of brotherly harmony and joint rule.²⁹ Nor did they forget to emphasise the initiative and approval of the reigning senior emperor.

Theodosius was neither son of an emperor, nor related by marriage to the imperial house (an omission later corrected). In his case, a crucial aspect of legitimacy would have been the approval and consent of the senior emperor, Gratian. For imperial ideology, in spite of practical separation between east and west, demanded a fictional show of unity. Thus, for example, laws originating in each part of the empire were always issued in the name of the whole imperial college.³⁰ Gratian's approval may have been neither instant nor voluntary. This is hardly surprising. Theodosius was the son of a powerful and popular general whose execution in 375/6 was expedient for the fragile Valentinian dynasty.³¹ He already had a son, Arcadius, a factor which was bound to create dynastic ambitions at the expense of Gratian, Valentinian II and their own heirs. Nor did his military reputation match that of his father, or make him more *capax imperii* than other potential candidates to the imperial throne.³² Gratian, then, had good reasons to prefer other candidates to Theodosius, if an appointment of a third Augustus was at all necessary.

Just how far from certain was the accession of Theodosius is further seen in two versions of the same events offered by the same rhetor, Themistius. In a series of public addresses delivered between 379 and 383 Themistius built up a picture of the events marked by changing perspectives.³³ A few months after Theodosius' accession, in autumn 379, Themistius offered the new emperor the felicitations of the senate of Constantinople.³⁴ His speech places repeated emphasis on the singular merit and military

²⁸ In spite of Ammianus' reservations, 26.4.3.

²⁹ MacCormack, 197–9.

³⁰ T. Honoré, *The Making of the Theodosian Code*, ZSS 103, 1986, 177.

³¹ The story is obscure. Orosius 7.33.7 and Jerome, *Chron.*, s.a. 376 are the main sources. Among modern discussion, A. Alföldi, *A Conflict of Ideas in the Late Roman Empire*, Oxford 1952; A. Demandt, *Der Tod des älteren Theodosius*, *Historia* 17, 1969, 598–626; C. P. T. Naude, *Flavius Merobaudes and the Death of the Elder Theodosius*, in: L. Cilliers and A. H. Snyman, eds., *Varia Studia in honorem W. R. Richards*, Bloemfontein 1987, 388–99.

³² Both Jovian and Valentinian I owed their elevation to the refusal of more eminent and possibly more suitable candidates. *Amm.* 25.4.5 (Jovian, facing competition from no less than five candidates); 26.1.5 (Valentinian).

³³ Orations 14, 15, and 16 (Dindorf; Downey). The best introduction to Themistius' life and work is still G. Dagron, *L'empire romain d'orient au IV s. et les traditions politiques de l'hellénisme: Le témoignage de Themistios*, *T & Byz* 3, 1968, 1–242.

³⁴ Dagron, *ibid.*, 23 for date and location (Thessalonike). Note also that the speech is unusually short for Themistius. Scarcity of information? Embarrassment?

virtues which made Theodosius uniquely suitable for the imperial role.³⁵ The ambassador of the ruling class of Theodosius' capital knew less about his new ruler than his audience in Thessalonike, but he nonetheless managed to convey the happy approval of Constantinople and its senate, neither of which had any share in the Sirmian procedure. Themistius does his utmost to mantle the elevation of Theodosius with a cloth of legitimacy, substituting in the process the principle of kinship for that of merit.³⁶ Gratian is praised for not choosing a relative to succeed his deceased uncle. The words were probably intended to remind the listeners of the choice made by Gratian's father, Valentinian I, in 364, when he selected his brother, Valens, as co-ruler.

Themistius set out to create a picture which deliberately blurred the time-gap between Theodosius' recall and elevation and gave the impression that he was summoned straight to the purple. The moving forces behind the accession were 'chance' (or the critical time) and the 'Romans'.³⁷ The former anticipated Gratian's decision, while the latter called Theodosius to the throne since they recognised in him Epaminondas-like qualities. Theodosius alone was able to drive back the Sarmatians „as they raged and overran the whole countryside near the river“.³⁸ Much as he would have liked, even Themistius was unable to make much of this victory since it was, in spite of Theodoret, quite a minor one. More significantly, Theodosius had not proved himself as yet against the real enemy of the Romans, the Goths. Yet, the Romans who rewarded his virtue so handsomely with the throne must have thought that this was sufficient proof of imperial fitness. They made Theodosius emperor and Gratian, like a public herald, proclaimed his merit.³⁹

Fully aware of the importance of unanimity and imperial recognition in the process of imperial accession, especially in the absence of other criteria, Themistius stresses the universality of the recognition bestowed on Theodosius and Gratian's mediating role.⁴⁰ Recognising Theodosius' prowess, Gratian chose to ignore the gap in their ages, and crowned the older man whom his intellect had chosen as a father.⁴¹ Both, Themistius assures us, deserve praise, the one (Gratian) for proclaiming the other's seniority, and the other (Theodosius) for his faith in the goodwill of his newly-found son. There is a certain ambiguity if not uneasiness in the picture thus drawn of the relations between Gratian and Theodosius. After all, it made little sense to choose a man younger than the nineteen-year-old Gratian as Valens' successor. One further wonders at this early claim of seniority which contradicted the existing position of both Gratian and Valentinian II.

No hint of opposition is intimated in the first Theodosian oration of Themistius and he also gives Gratian his full due as a senior Augustus whose recognition was indispensable. At the beginning of 381, in the second Theodosian oration (Or.15), the emphasis shifts from the imperial virtues of military excellence to the emperor's civic virtues, especially his sense of justice. A ruler, claims the orator, is best employed in dispensing justice to his subjects, and not only in devising ways of eliminating barbar-

³⁵ 14.182b–183a. See also the useful comments of S. G. MacCormack, *Art and Ceremony*, 206–212.

³⁶ 14.182b.

³⁷ 14.182c: ὁ καιρὸς ... καὶ Ῥωμαῖοι.

³⁸ *Ibid.*

³⁹ 14.182c–d.

⁴⁰ *Ibid.*

⁴¹ 14.183a

ians.⁴² The emperor's own military ability, however, is once more brought forward to account for his accession. Themistius' listeners may have just heard of imperial victories over the Goths, the Alans and the Huns.⁴³ None of these was won by Theodosius in person. The fifteenth oration of Themistius refers briefly to the accession, but still grudgingly gives Gratian his due, depicting him greeting Theodosius with a wreath of kingship.⁴⁴ The gesture reflects the imagery of the crowning of Theodosius in the accession speech (Or.14). Evidently, the legitimacy which Gratian's status conferred on his junior colleague still carried some weight in Theodosian propaganda in 381. The speech also came hard on the heels of an agreement which Gratian had entered into with a Gothic group in Pannonia and which served as the model for a similar pact signed by Theodosius and the eastern Goths in 382.⁴⁵

By 383, however, the situation had changed radically. In a speech delivered on the first day of the year, a new version of the emperor's accession emerged. Gratian is now removed from centre stage, his role minimalised and marginalised. Instead of a senior emperor acting wisely in a state of emergency, it is now God who made the choice. Gratian merely proclaimed what the heavens had already decided. „When almost all, generals and soldiers alike, were disheartened ... and there was no one to stem the tide, god summoned forth the only man capable of checking this flood of calamities. Gratian then proclaimed the heavenly choice. Land and sea accepted the acclamation as a token of good hopes and good omens“.⁴⁶ Here is a palpable effort to minimise the chronological gaps between Adrianople, Theodosius' recall and his elevation, and to endow the whole procedure with divine sanction. In this narrative Gratian's appearance is so brief that one wonders why Themistius did not do without him altogether. His formal approval, merely a rubber-stamp, faintly echoes the central role of an initiator and herald which had been assigned to Gratian over three years before. Nor does the western emperor reappear in the parts of the oration which describe the negotiations surrounding the pact of 382 or its terms, although the Gothic peace hardly could have been achieved without him.⁴⁷

To what extent, then, did Theodosius owe his elevation to his senior colleague? If Themistius of 379 is to be believed, to a very large extent indeed. If, however, Themistius of 383 is to be trusted, Theodosius owed nothing to the western emperor. Perhaps the true circumstances of Theodosius' accession required the discretion of the panegyrist. In 379 Themistius' audience may have included eye-witnesses who had been in Sirmium when Theodosius was elevated, and well apprised of what actually happened. In 383 Themistius addressed Theodosius in his own senate, surrounded by eastern dignitaries whom the emperor had appointed. His emphasis was now on peace, and not on war, and the changed circumstances dictated the changed perspectives. By then, the orator himself was clearly expressing the wishes of the new regime that wanted to advertise a version in which Theodosius' elevation owed nothing to a human agency. Themistius had also been appointed to tutor Arcadius, the heir apparent. Two weeks after the

⁴² Or. 15.188–9. See the doubts cast on the unity of this speech by H. F. Bouchery, *Contribution à l'étude de la chronologie des discours de Themistius*, AC, 5, 1936, 200–4. Dagron, 23, dismisses the arguments.

⁴³ Cons. Const. s.a. 380.

⁴⁴ 15.188c.

⁴⁵ P. Heather, *Goths and Romans*, Oxford 1991, 334f., with scepticism about the existence of such a treaty.

⁴⁶ Or. 16.207a

⁴⁷ Heather, 171.

public delivery of the sixteenth oration, Arcadius was elevated to the dignity of Augustus.⁴⁸ The act, already anticipated by Themistius on the first of the month, blatantly reflected the dynastic ambitions of the eastern emperor. Gratian, it appears, was not consulted nor was his approval sought.⁴⁹ Theodosius hardly could have found a more spectacular way to declare his independence of his senior colleague than by appointing his own son as co-ruler and by phasing Gratian out.

That Gratian's role in the accession of Theodosius is much more complex than hitherto suspected is also clear from Ausonius' reaction to his emperor's actions after Adrianople. When Themistius was delivering his oration in Illyricum in mid 379, Ausonius in Trier addressed the absent Gratian in a speech of thanks for his consulship.⁵⁰ Among topics of contemporary interest which the consul found worthy of inclusion were Gratian's military achievements on the Rhine and the Danube, the avenging of his uncle, and his organisation of the east.⁵¹ It is surprising, to say the least, that Theodosius is altogether absent from this record.⁵² Neither his recall, nor his military appointment, or his elevation is recorded. Nowhere is he mentioned by name or even alluded to. Yet here was ideal material for a panegyric, strangely passed over by the panegyrist. Gratian, after all, showed his concern for the state by choosing Theodosius, a stranger, in preference to the legitimate claims of himself and of his own brother. By promoting Theodosius, a panegyrist could have added, Gratian also displayed magnanimity befitting an emperor, since Theodosius' elevation also entailed his recall from exile and pardon for past sins.

The Treveran court must have been well informed of the proceedings in Sirmium. By the time Ausonius delivered his oration, Theodosius had been legally installed for at least six months. Ausonius' reticence stands in strange and striking contrast to Themistius' expansiveness on the same subject at the very same date. This silence cannot be explained away on the basis of Ausonius' personal resentment towards Theodosius whom he supposedly held guilty for doubting his right to become *consul prior*.⁵³ Unusual as the discussion of seniority may appear within the context of a *gratiarum actio*, the circumstances justified the digression and added considerably to the vanity of the Gallic consul.⁵⁴ His consular colleague was none other than the blue blooded Anician Olybrius

⁴⁸ Cons. Const. s.a. 383, January 19.

⁴⁹ No laws issued in 383 acknowledge Arcadius' new title, unlike the laws issued after the elevation of Gratian himself to the same rank. On numismatic silence, Pearce, RIC IX, xix–xxi. Arcadius' elevation may have come as a direct reaction to the news about the usurpation of Maximus in Britain in 383, V. Grumel, L'Illyricum de la mort de Valentinien I à la mort de Stilicon, REByz 4, 1951, 15.

⁵⁰ Gratiarum Actio. For its date, R. P. H. Green, The Works of Ausonius, Oxford 1991, 537.

⁵¹ Grat. Actio 2.7.

⁵² Perhaps not entirely, if Green's reading of 2.7 of *partiate* for *principe* is accepted. Yet, his justification „principe makes a strangely oblique tribute to Gratian“ (p. 541) is oblique. All other editors have opted for *principe*, a reading based on the best manuscripts and on historical sense.

⁵³ Grat. Actio XII.6–8. It would have been much more like Ausonius to vaunt his 'victory' rather than to ignore his adversaries. Note the icy but characteristic single reference to his colleague in office, *clarissimus vir collega mea* (XII.5).

⁵⁴ The debate over consular seniority was, in fact, called for on this occasion since the law prescribed seniority for a candidate who had held the rank of Praetorian Prefect. Both Ausonius and Olybrius bore that title and the decision had to be made on the basis of their date of appointment to the prefecture. Ausonius had ample justification to dwell on the issue since the designation of two civilians as consuls was unusual in the fasti in the fourth century, which had been dominated by members of the imperial family and their generals. Another anomaly was the fact that the two consuls were westerners.

and it was an achievement indeed for the Gallic *novus homo* to be preferred. Nor was Theodosius in a position to have any say when the 378 consular appointments were made since he himself had not yet been recalled. Had he been, with the intention of succeeding Valens, his own designation as consul would have followed. Ausonius' silence must owe its origins to the nature of Theodosius' accession. Had its circumstances been as straightforward as Themistius endeavoured to demonstrate, Ausonius would have had no reason to ignore the instrumental role which Gratian supposedly held in the proceedings. However, if Gratian's hand had been forced, Ausonius' silence makes eminent sense. He clearly chose to ignore the events altogether rather than to depict his much admired emperor in a helpless position.⁵⁵

Hints of a situation which hovered on the brink of usurpation can be gathered, perhaps paradoxically, from a Theodosian panegyrist, Pacatus.⁵⁶ His speech in honour of Theodosius in 389 constantly draws comparisons between the presumed legality of Theodosius' accession and the assumed illegality of Magnus Maximus', Gratian's killer and successor. Yet, while Theodosius' hands were indeed not stained by the blood of the reigning monarch, his accession was not perforce accomplished in an entirely legal manner. Pacatus' oration was delivered in 389 in front of Theodosius at Rome, after the emperor had triumphed and executed Maximus. Like Themistius, Pacatus was celebrating the emperor's military virtues which, however, brought not a throne in 379 but a victory in a civil war a decade later. This was a difficult task for he was probably well informed of the events which took place in Sirmium in 378, most likely as the story of these circulated in court circles in the west. The account may not have been favorable to the eastern emperor. On the other hand, with Gratian dead, Ausonius neutralised, and Theodosius victorious over Maximus, Pacatus could afford a few embellishments.

At the start of the oration Pacatus promises his listeners a full account of the accession, but goes only as far as a touching but brief evocation of the dismal aftermath of Adrianople.⁵⁷ The crisis clearly called for a man who could shield the tender age of one emperor and help the other with his duties.⁵⁸ Both Valentinian II and Gratian are here disqualified from taking over their deceased uncle's domain. The matter is then referred to a 'world assembly' (*orbis terrarum comitio*), which naturally chooses Theodosius.⁵⁹ His background, homeland, family and age made him eminently suitable for the task, claims Pacatus. Not only innate virtue but also physical appearance earned Theodosius the empire by universal consensus (*omnium suffragiis hominum*).⁶⁰ Pacatus devotes considerable space to Theodosius' father, claiming for the dead general a Sarmatian victory among many others.⁶¹ He is the only one who also discusses the years which Theodosius spent in Spain after the execution of his father and before his recall.⁶² Needless to say, no

⁵⁵ Another puzzling but possibly revealing aspect of Gratian's ambiguous role is the dispatch of Constantius' purple insignia to Trier. Now, the public display of such insignia formed a vital part of a legitimate accession. Gratian's otherwise inexplicable action can be understood against his reluctance to confer legitimacy on a candidate who had been imposed on him.

⁵⁶ *Panegyriques latins XII*, ed. E. Galletier; C. E. V. Nixon, *Pacatus. Panegyric to the Emperor Theodosius*, Liverpool 1986, for useful introduction and translation.

⁵⁷ *Ibid.*, 3.1. Note its duplication in 9.1.

⁵⁸ *Ibid.*, 3.5: *qui imperatoris unius tueretur aetatem, alterius iuvaret laborem*.

⁵⁹ *Ibid.*, 3.5–6.

⁶⁰ *Ibid.*, 7.1; 3.5 for the quote.

⁶¹ *Ibid.*, 5.4.

⁶² *Ibid.*, 9.

reference is made to the fate of Theodosius pater and to his son's need to retire prematurely to the family estates. Pacatus also minimises the period between Theodosius' retirement and his recall, claiming that the latter followed hard on the heels of the former.⁶³ Theodosius spent no less than three years in cold storage in Spain.

One curious feature of the pre-elevation narrative of Pacatus is the rhetor's avoidance of claiming a Sarmatian victory for Theodosius in 378. Another notable feature is the repeated insistence on the topos of *recusatio imperii*. More than any other Theodosian panegyrist or partisan, Pacatus satiates the ears of his audience with hyperboles about his subject's prolonged refusal to assume what all knew was his due.⁶⁴ Yet, if the army made the offer it would have been suicidal to turn it down. Had it come from Gratian, why refuse? Only after considerable delay, ostensibly caused by Theodosius' own scruples, does Pacatus finally allow Gratian into the limelight with an irreversible offer of co-rulership.⁶⁵

Pacatus makes much of Theodosius' refusal to assume the imperial throne. Not only did Gratian approach Theodosius with the crown but the state itself, the *Respublica*, admonished the reluctant man for the delay, asserting that Gratian was not equal to the task, his brother a mere child, and she herself, of course, in dire straits.⁶⁶ By that stage Gratian was even begging, and the *Respublica* in tears claiming that Theodosius had no right to refuse as he had none to desire the empire before.⁶⁷ But did Theodosius covet the empire before Gratian actually made the offer? In spite of the ubiquitous appearance of the theme of *recusatio imperii* in imperial panegyrics, Pacatus' lengthy and repeated emphasis on Theodosius' hesitation and on the public nature of Gratian's gesture, begs the question.

In a key passage which compares the accession of Magnus Maximus with that of Theodosius, Pacatus claims that Theodosius reached the throne without bribing the army, without being a relative of the ruling house or through committing a foul murder.⁶⁸ Indeed, the rhetor continues, Theodosius was summoned third.⁶⁹ At first sight, 'third' may appear to mean that Theodosius was made a third Augustus, together with Gratian and Valentinian II. But the context makes this interpretation unlikely. A minor objection is that the verb used, *adsciscebaris*, is always associated with a specific target. A major objection is the fact that in the same breath Pacatus berates Maximus for seizing the throne as a single candidate after murdering the emperor.⁷⁰ In this light, therefore, 'third' implies that Theodosius, one of three candidates to the throne, secured his election in an orderly manner, unlike Maximus.

Pacatus' statement, made in public and in the presence of the emperor himself, was certainly not calculated to convey the impression that Theodosius' nomination was an

⁶³ Ibid., 10.2: *vix tecta Hispana successeras, iam Sarmaticis tabernaculis tegebaris.*

⁶⁴ Ibid., 11.1: *cum ad suscipiendam rem publicam vocabaris, oblatum imperium deprecatus es; nec id ad speciem tantumque ut cogi videreris, sed obmixe et diu ...*

⁶⁵ Ibid., 11.2: *publice et in comitio et ut aliud iam facere non posses.*

⁶⁶ Ibid., 11.3–5.

⁶⁷ Ibid., 11.7: *orate ecce te dominus meus ... imperium quod ab imperatore defertur, tibi tibi nolle non licet quam velle non licuit.*

⁶⁸ Ibid., 12.1: *solus omnium qui adhuc imperaverunt ut princeps esses praestitisti. alios empta legionum suffragia, alios vacans aula, alios adfinitas regia imposuere rei publicae; te nec ambitus nec occasio nec propinquitus principem creaverunt. nam et eras a familia imperatoris alienus et adsciscebaris tertius et cogebaris invitus.*

⁶⁹ Ibid.

⁷⁰ Cf. Ausonius, *Grat. Actio 2.7: instar filii ad imperium frater ascitus* (on Gratian and Valentinian II); Amm. 25.5.8: *ad umbram imperii Iovinianum adhuc protectorem ascitum*. On the manner of Maximus' elevation, Pacatus 12.2: *repulsam patitur principatus et unus est ambitus candidati ne declaretur.*

afterthought. Rather, the existence of competition (in which Theodosius naturally gained the upper hand), as well as a belated decision to recognize and reward his imperial potential, can be also read into these words. Usurpation, after all, does not always entail the murder of the incumbent of the imperial throne. From a legal point of view, and under the circumstances prevailing in 378, seizing a vacant throne without the consent of the senior emperor amounted to usurping it. Both Themistius and Pacatus indicate that the choice of Theodosius as emperor preceded Gratian's stamp of approval. Pacatus makes the *Respublica* rather than its ruler approach the imperial candidate. In this he echoes Themistius' 383 version of a heavenly decision relayed by Gratian. The absence of the classical theme of *recusatio imperii* from the orations of Themistius strengthens the suspicion that Pacatus is attempting to account for an embarrassing chronological gap by inventing a fiction.

Any attempt to penetrate the smoke screen around the accession of Theodosius must take into account the actors behind and on the scenes. Among Theodosian supporters at the court of Gratian were relatives of the future emperor, several eminent Gallic nobles, and possibly even two military figures, Fl. Timasius and Magnus Maximus. Timasius had served under Valens, but is absent from the pages of Ammianus and probably did not hold an important command before the 390s.⁷¹ Magnus Maximus' military career was confined to the west. None of the members belonging to the presumed Theodosian party was in Sirmium when Gratian decided to recall Theodosius. Moreover, none of the military men connected with this faction had enough influence at that time either to suggest Theodosius' recall or to prevail upon the army to accept the choice. In fact, the eastern army, or what was left of it, has been strangely absent from the modern list of Theodosian supporters. Are we to believe that the decision to recall Theodosius, to put him in charge of military operations, and to elevate him to the imperial throne, was tacitly if not happily accepted by the sorely tried commanders of the eastern army and their soldiers?

Among the survivors of Adrianople three men stand out: Victor, Saturninus and Richomer. In 378 Victor was *Magister Equitum* of the east, after a long and successful career in the eastern army under both Julian and Valens.⁷² In 369 he became consul. In 378 he was one of the few who managed to salvage his troops from the disaster of Adrianople. After the battle, Victor and his soldiers joined Gratian in Sirmium. Flavius Saturninus was appointed *Magister Militum* just prior to Adrianople.⁷³ Before this he had been *Comes* and, like Victor, he withdrew in time to save his soldiers from dying at Adrianople. Flavius Richomer advanced through the ranks of the western army and became *Comes Domesticorum* under Gratian.⁷⁴ Before Adrianople he had volunteered to go as a hostage to the Gothic camp but found himself in the middle of the battlefield fighting the Goths with the eastern army. These were the chief actors in the drama that unfolded in Sirmium.⁷⁵ All three survivors, Victor, Saturninus and Richomer, were in a position to exert pressure on the young emperor to address promptly the problems which the eastern provinces faced and, above all, to restore the confidence of the

⁷¹ PLRE I, 914. Timasius' connection with Valens is based on Zosimus 5.8.3. Lippold, RE Suppl. XIII, 953 doubts his Spanish connection.

⁷² PLRE I, 957–9.

⁷³ PLRE I, 807–8.

⁷⁴ PLRE I, 765.

⁷⁵ Although the presence of Saturninus and Richomer is not attested directly, it can certainly be assumed.

demoralised troops of the eastern army. They must have known Theodosius pater, and were familiar with the military record of his son.

Their hand may be detected in both the recall and the elevation of their younger colleague. Theodosius' recall would have been aided further by the background work which Theodosian supporters had done in the previous three years at the western court. His elevation, however, was largely, if not exclusively, due to the military trio and their soldiers. Richomer could have secured the support of the western army which accompanied Gratian to Sirmium; Victor and Saturninus would have been able to do the same for the eastern army. As soon as news of Theodosius' Sarmatian victory reached Sirmium, the possibility of conferring the throne on the triumphant general presented itself and was promptly acted upon by both army and candidate. But Gratian withheld his consent for nearly two months. He and his advisors even may have attempted to circumvent the pro-Theodosian manoeuvres by offering the throne to other candidates.

One of these may have been Saturninus. This possibility emerges from statements made in the third Theodosian oration of Themistius. The speech was conceived and delivered to celebrate Saturninus' consulate in 383 and his role in the 382 peace negotiations with the Goths. Themistius indicates that the consulship of 383 had been originally reserved for the imperial family, either for Theodosius himself in order to mark his forthcoming *quinquennalia*, or for Arcadius to mark his equally forthcoming evaluation to the rank of Augustus.⁷⁶ Saturninus was indeed the first non-Spaniard and non-relative of the emperor to attain the consulship since the elevation of Theodosius. As soon as the imperial family vacated the office, Theodosius rewarded Saturninus' services with the greatest mark of imperial favour. Perhaps the most singular service of the consul of 383 was rendered in the crucial days in winter 378 in Sirmium when, like other generals before him in 363 and 364, he prudently declined the honour of becoming emperor.

Another reluctant candidate may have been none other than Magnus Maximus, deemed *capax imperii* by the western army in 383. Like Theodosius, Magnus Maximus asserted that he had not assumed power willingly but was urged to do so by divine command which the soldiers imposed upon him.⁷⁷ Maximus' most valid claim to legitimacy, and one which he kept stressing, was his connection with Theodosius. Indeed, he not only claimed kinship with the latter but further asserted that he ruled in the west on his behalf.⁷⁸ Maximus' most loyal military allies seemed to have had some Theodosian connection. Merobaudes and Nannienus belonged to the clique of prominent military figures around Valentinian I, like Theodosius' father. In 378 Maximus' name may have been mentioned by the western contingents in Sirmium. He would have been, however, a suicidal fool to accept an offer which clearly depended on the good will of an unknown factor, namely the eastern army. His refusal, as that of Saturninus, paved the way to Gratian's eventual consent to extend recognition to Theodosius.

This sort of conjectured support for Theodosius' candidacy in Sirmium in 378/9 and Gratian's initial objection may further account for the unusually long time which Theodosius took to avenge the murder of the emperor who had ostensibly been responsible for offering him the imperial throne. The delay, which indirectly supported Maximus'

⁷⁶ 16.202d–203a; 205b–c.

⁷⁷ Sulp. Severus, VM 20.3.

⁷⁸ Pacatus, 24.1; 43.6.

claims of Theodosian approval, was hardly justified after the Gothic peace of 382. To Pacatus the panegyrist, the interval caused some embarrassment. It was difficult indeed to explain why a desire for justice took five years to manifest itself, and even harder to account for the nominal peace which reigned between Theodosius and Maximus throughout that period. After all, what panegyrist could have claimed that Theodosius partly owed his throne to Maximus' refusal to assume it in 378?

Perhaps the most tantalising, yet indirect, evidence concerning the controversy that surrounded the acclamation and elevation of Theodosius comes from Ammianus. The last action in the pages of his *Res Gestae* takes place in Asia Minor where a local commander by the name of Julius engineers and successfully carries out a massacre of Gothic soldiers stationed in his province.⁷⁹ Zosimus also refers to the episode but dates it to the reign of Theodosius.⁸⁰ According to him, Julius sought and received the authority of the senate of Constantinople to perform his deed. He had avoided asking Theodosius for permission, continues Zosimus, because the latter was then in Macedonia and, even more surprisingly, Julius had been appointed by Valens and hence presumably did not consider himself accountable to his successor.

This bizarre reasoning, and Zosimus' generally confused chronology, seem to support Ammianus' pre-Theodosian dating and place the action between August 378 and January 379. Julius' activities make eminent sense against a background of an interregnum such as the one existing between Theodosius' suggested usurpation (November 378) and its legalisation in January 379 with Gratian's recognition. During this period there was clearly confusion as to whose authority should be invoked to sanction plans like Julius'. With several candidates to Valens' throne, it made sense for a commander in Asia Minor to go to the nearest authoritative body in the capital. That Theodosius had not yet been legally installed seems clear from the fact that Julius' supposedly unauthorised action went unpunished. Two years later, another general who repeated Julius' trick but failed to consult the emperor was sacked and would have been executed but for bribing officials at the last moment.⁸¹ Theodosius was not one to tolerate independence on the part of his military representatives.⁸²

In conclusion, the examination of the events between August 378 and January 379 casts doubts on the standard accounts of Theodosius' elevation. Neither contemporary sources like Ausonius, Themistius, and Pacatus nor the ecclesiastical historians of the fifth century, lend support to the assumption of a smooth succession based on military merit and on the consent of the senior Augustus. In fact, the opposite seems to have occurred. Offered the throne by his soldiers after a minor but morale lifting victory, Theodosius needed official sanction to endorse his rather precarious position. Other than God and the army, the most important source of legitimacy was clearly the reigning senior Augustus. After several months of wrangling, Gratian had little alternative. Bowing to force of circumstances, he reluctantly bestowed a belated and grudging approval. Luckily for Theodosius, he managed to outlive both his rather shadowy accession and Gratian.

⁷⁹ 31.16.8.

⁸⁰ 4.26.6.

⁸¹ Zosimus 4.40; O. Seeck, *Untergang*, V, 129f., dates the incident to 380.

⁸² Two more minor points. a. Theodosius entered his new capital for the first time on November 24, 380, nearly two years after his elevation. Does the date echo his first acclamation or usurpation? b. The vicissitudes of eastern Illyricum may reflect the strained relations between Gratian and Theodosius from the

Zusammenfassung

Alle modernen Beiträge, die sich mit den auf die römische Niederlage von Adrianopel (August 378) folgenden kritischen Monaten befassen, stellen die Erhebung des Theodosius auf den Kaiserthron als einen relativ glatten Vorgang dar. Allerdings zeigt eine sorgfältige Lesung der Quellen – auch im Hinblick auf das, was dort ausgelassen wird –, daß der Aufstieg des Theodosius weder gewiß noch legitimiert war.

Summary

All standard modern accounts of the critical months following the Roman defeat at Adrianople in August 378 provide a smooth account of the elevation of Theodosius to the imperial throne in January 379. Yet, the accession of Theodosius was far from assured or wholly legitimate, as a careful reading of what the sources say (and omit) shows.

very start. According to Grmel, *op. cit.* (above, note 39), 9, 11–2, the region was ceded to Theodosius in 379 but reclaimed for the west a year later as part of the territory nominally under Valentinian II. Why the sudden importance of the five-year-old Valentinian?