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BILL LEADBETTER

«Patrimonium Indivisum»?
The Empire of Diocletian and Maximian, 285–289*

Introduction

The great temptation in historical construction is to tell the story backwards, although it was lived forwards. This is no less true in ancient history, where the struggle of ancient historians of the last generation or so has been to seek to write analytical history which neither patronizes nor idolizes its subjects. Even so, there remain unconscious traps and pitfalls which can only be perceived once someone has actually fallen into them. It is with this false wisdom of hindsight which I wish to begin. SIMON CORCORAN has recently pointed out, in a seminal work on tetrarchic legislation, that the way in which the tetrarchs related to one another has generally been perceived retrospectively. «The palatine accoutrements of the Caesars are less certain. The model normally taken is that of Constantius II and his Caesars, whom he kept on a tight rein, regulating their lives and appointing their officials. Such an analogy is dubious . . .»¹ When Diocletian began the process of sharing rule, he could only do so on the basis of precedent and experience. One must expect, therefore, some degree of groping about in the constitutional dark by the emperor and his colleagues. That at least is the thesis of this paper. The intention here is to examine the first few years of Diocletian's reign to see how the institutions came together and actually worked.

When Diocletian was proclaimed Augustus in November 284 at Chalcedon, he was simply another rebellious general in a long line of third century usurpers. Far from being a natural successor to Empire, he had to seize it by force. His victory over Carinus a few months later vindicated his

* My thanks to Wolfson College Oxford, where most of this was written and Macquarie University in Sydney, where it was completed and polished. I am grateful for the advice of TED NIXON, ROBIN SEAGER, ROGER TOMLIN, audiences in both Oxford and London and the anonymous reviewer(s) of the initial draft of this article. Such faults as persist remain my own.

¹ S.CORCORAN, *The Empire of the Tetrarchs*, Oxford 1996, 268.

treason. Seen in retrospect it was a major turning point in Roman history, but neither Diocletian nor his advisers were in a position to see this. What they did see was the necessity to continue the work of restoration commenced by earlier emperors. Indeed, for these predecessors, it had been a conscious work of restoration. The title *restitutor* featured extensively in their propaganda.

This makes it clear just how consciously reactionary the Roman ideology of power had become. Diocletian was equally conservative in his approach, although the title of *restitutor* is conspicuously absent from his coinage, appearing only in occasional inscriptions.² Diocletian's earliest coins are interested in something else. The eastern mints, and in particular the mint of Antioch, struck two primary reverse types for the new emperor: VICTORIA AVG and IOVI CONSERVATORI AVG. The first was the continuation of type standard under previous emperors. The second was a reassertion of the claim that the Empire was the gift of Jupiter. This was always an implicit claim to legitimate authority, and had been made explicit by Gallienus after the capture of his father, and subsequently by Aurelian and Probus, although Carus had preferred to stress the strength of his dynasty.³ Diocletian's return to the earlier Jupiter issues reflects both his religious and political conservatism, and a rebel's precarious claim to legitimacy.

This claim received verisimilitude from stories which were circulating about Diocletian's predecessor Carus. It was said that he had died when his tent had been struck by lightning. Moreover, the death of Carinus, Diocletian's adversary at the Margus, was equally mysterious. Carinus was no amateur general. He had been campaigning in Britain and Gaul while his father was alive and had then marched eastwards, despatching one usurper before finally facing Diocletian.⁴ At the Margus itself, his troops were carrying the day until a different fate intervened. According to the literary tradition, Carinus was slain at the moment of victory by one of his officers. The motive was revenge. Carinus had amused himself in off-duty hours by sleeping with the wives of his soldiers. One offi-

² ILS 617. See C.E.V. NIXON and BARBARA SAYLOR RODGERS, *In Praise of Later Roman Emperors*, Berkley and Los Angeles 1994, 54f. For a discussion of the term *restitutor* in imperial ideology, see B. LEADBETTER, *Imperial Ideology and the Christians*, in: M.P.J. DILLON (ed.), *Religion in the Ancient World*, Amsterdam 1996, 245–254.

³ See here J. R. FEARS, *Princeps a diis electus: the Divine Election of the Emperor as a Political Concept at Rome*, Rome 1977, 281–300.

⁴ Nemesianus, *Cynegetica* 69–73; *Aur. Vict. de Caes.* 38.1; for Carinus' British campaign, CIL XIV 146 (ILS 608); P. MELONI, *Il Regno di Caro, Carino e Numeriano*, Cagliari 1948, 123f.; B. LEADBETTER, *Another Emperor Julian and the Accession of Diocletian*, *AHB* 8.2, 1994, 54–59.

cer, a tribune, could stand no more and, in the fury of battle, slew his master, thus handing the empire to Diocletian.⁵

A likely story, one might respond. Certainly the assassination of Carinus at the apparent moment of victory is significant. People in his own entourage clearly wanted his opponent to win. That Diocletian, after this unearned victory, did not embark on a purge of his predecessor's administration, is a matter for approbation to Aurelius Victor, who praises Diocletian's *clementia*.⁶ But it is equally likely that the source of this generosity of spirit was that many of those whom he spared were on his side to begin with. Jupiter, and his rival's own men, had given him power. Holding it was another matter.

The evidence for Diocletian's first few years is in one sense plentiful but it is also confused. No clear picture emerges from these months, and thus, a variety of interpretations have flourished, in particular with respect to Diocletian's relationship with Maximian. SEECK, for example, long ago suggested that the Tetrarchy — or rather the Dyarchy which engendered it — was not of Diocletian's own creation, but that it was thrust upon him by the ambitions of Maximian.⁷ It remains difficult to reconcile one image of a ruler so apparently in control as to sponsor and oversee such vast reforms with another of an emperor whose hold on power was fundamentally compromised almost from the outset. Nevertheless, the kinds of arguments advanced by SEECK have found a sympathetic reading in the works of some scholars in this question.⁸ Others have been less impressed. Most recently, FRANK KOLB in his analysis of the decisive turning points of Diocletian's administration, has argued that the whole edifice was a master plan, carefully devised and constructed by a truly great and visionary Diocletian.⁹ WILLIAM SESTON, in 1946, took a more moderate view, depicting Diocletian as reacting to circumstance, rather than implementing a master plan. This view has found a recent follower in STEPHEN WILLIAM's highly derivative book on Diocletian.¹⁰

⁵ Aur. Vict. de Caes. 39.11–12; Eutropius 9.19.1; SHA Vita Car. 16. Zosimus 1.73.3 and the Epitome de Caesaribus 38.8 (perhaps following Eunapius, see here, T.D. BARNES, 'The Epitome de Caesaribus and its Sources, CPh 71, 1976, 258–268) give the rank of Carinus' assassin as tribune. On Carinus' posthumous reputation, see A. CHASTAGNOL, *Trois études sur la Vita Cari: III, Carinus effeminatus*, BHAC 12, 1972/4, 84–90.

⁶ Aur. Vict. de Caes. 39.14.

⁷ O.SEECK, *Geschichte des Untergangs der Antiken Welt I*, Stuttgart 1897, 26; see more recently I. KÖNIG, *Die Berufung des Constantius Chlorus und des Galerius zu Caesaren: Gedanken zur Entstehung der Ersten Tetrarchie*, Chiron 4, 1974, 567–576.

⁸ See for example, A. ROUSSELLE, *La chronologie de Maximien Hercule et le mythe de la tétrarchie*, DHA 2, 1976, 445–466.

⁹ F. KOLB, *Diocletian und die Erste Tetrarchie: Improvisation oder Experiment in der Organisation monarchischer Herrschaft?*, Berlin 1987.

¹⁰ W. SESTON, *Dioclétien et la tétrarchie: guerres et réformes*, Paris 1946; S. WILLIAMS, *Diocletian and the Roman Recovery*, London 1984.

SESTON's approach is likely to be the most correct, although not necessarily for the reasons which he advances. This is made clear by a study of the early nature and chronology of the dyarchy. Here the problem of the sources, to which I have already referred, arises. For the most part, the literary sources are later and derivative, with the egregious exception of a couple of Gallic panegyrics. One must therefore begin with the contemporary sources: papyrological dating formulae, coins (where datable on metrological and other grounds), and inscriptions. These, too have limits: establishing a chronology does not solve problems of causality. It does, though, make some possibilities more likely, and others more improbable.

The nomination of Maximian as Caesar

The communis opinio is that Maximian took the purple as Caesar in 285. For an event so generally accepted, the evidence is curiously meagre. This in turn poses legitimate questions about Maximian's initial appointment. No coins were struck for Maximian as Caesar; inscriptional evidence is slight and ambiguous; literary testimony is terse and inconclusive. Eutropius is the most discursive: *Ita cum per omnem orbem terrarum res turbatae essent, Carausius in Britannii rebellaret, Achilleus in Aegypto, Africam Quinquegentiani infestarent, Narsens Orienti bellum inferret, Diocletianus Maximianum Herculium ex Caesare fecit Augustum, Constantium et Maximianum Caesares . . .*¹¹

Although this testimony is followed word for word by Orosius and Jerome,¹² it is a very slender peg on which to hang an analysis of Diocletian's early months in power. To begin with, it is patently wrong in one obvious respect. Maximian was Augustus long before the creation of the Caesars. Indeed, the passage looks suspiciously formulaic, the product of a neat constitutional mind prepared to sacrifice history for symmetry. Eutropius' source here is not difficult to identify. It is likely, although not certain, to have been the mysterious and fallible Kaisergeschichte.¹³ But it is not the only evidence which has been used.

¹¹ Eutr. 9.22.1.

¹² Oros. 7.23.3–5; Jer. Chron. s. a. 289 (HELM, 225 f.).

¹³ Aurelius Victor (de Caes. 39.17) states that Maximian was created *imperator* by Diocletian to fight the Bacaudae. He includes a slightly different catalogue of imperial woes (39.22–24) in the naming of the Caesars: the Persians; Iulianus; the *Quinquegentiani*; Achilleus in Alexandria. This has obvious similarities with the slightly more compressed accounts of the Epitome de Caesaribus (39.2–4) and Eutropius (9.22). The evident similarities of the accounts indicate a common source, and the most likely candidate is the Kaisergeschichte (see J. SCHLUMBERGER, *Die Epitome de Caesaribus*, München 1974, 184; A. ENMANN, *Eine verlorene Geschichte der Römischen Kaiser*, *Philologus Supplement* 4, 1884, 444 f.). SEECK's dating of ca. 337 is the most systematic and authoritative (*Die Entstehung der H.A.*, Jb. f. Class. Philol. 141, 1890, 609–639). See also here

A series of North African inscriptions has also been cited. These call Maximian *nobilissimus Caesar*, and thus would appear to clinch the matter. Certainly, for A. H. M. JONES they do.¹⁴ But none of these are unambiguous. ILS 616, for example, on which JONES explicitly relies, gives Maximian the title of *nobilissimus Caesar*, as well as the standard Augustan epithets of *invictus*, *pius*, *felix Augustus*. This is not the only inscription upon which Maximian bears the titles *nobilissimus Caesar* and *Augustus*. SESTON has concluded on the basis of these that we have been furnished with conclusive proof of the recognition of Maximian's tenure of office as Caesar in particular regions of the Empire.¹⁵ One cannot go quite so far. The inscriptions do not say this, and are complicated by other inscriptions which call Maximian both *Caesar* and *consul* (his first consulship was in 287, after he had become Augustus) as well as *proconsul*, a title which one normally associates with the *Augustus*.¹⁶

The only inscription which clearly attests Maximian as Caesar is CIL VIII 10285: *Aur[eli]o Vale[r]io Max[imiano nobilissi]mo Caes.* It is not an inscription which inspires confidence since it is unique in attesting Maximian as Caesar without the title of Augustus. But it must be taken at face value. It was discovered with three other milestones, two of which are legible. One of these is an inscription of Numerian as consul designate thus fixing its date as 283.¹⁷ Another is of Diocletian, probably from 285, since he is called *cos.* Diocletian did not control Africa until after the Battle of the Margus, so the consular salutation more probably refers to his consulship of 285, rather than his brief tenure of the office in the preceding year.¹⁸ The dedication to Maximian is clear enough. The dates of the other two inscriptions make it an enticing possibility that here we have a dedication to Maximian before he became Augustus. A sole attestation does not inspire immense confidence, however. Ill-informed officials

T. D. BARNES, *The Lost Kaisergeschichte and the Latin Historical Tradition*, BHAC 7, 1970, 15–20. SYME calls the KG «brief and scrappy» (*Emperors and Biography*, Oxford 1971, 80). Its most celebrated error is its confusion of Didius Iulianus with Salvius Iulianus (*Aur. Vict. de Caes.* 19.1; *Eutr.* 8.17.1).

¹⁴ A. H. M. JONES, *The Later Roman Empire III*, Oxford 1964, 3 n. 3.

¹⁵ SESTON, l.c. (n. 10) 61.

¹⁶ As cited by SESTON 63, see also ANNA PASQUALINI, *Massimiano Herculius*, Rome 1976, 17. Most of the relevant African inscriptions are taken to refer to Galerius (PASQUALINI 19). Only CIL VIII 10285 refers unambiguously to Maximian. The imperial title, *proconsul*, which it bears first appeared under Trajan (see M. HAMMOND, *Imperial elements in the formula of the Roman Emperors during the first two and a half centuries*, *Mem. Am. Acad. Rom.* 25, 1957, 20), although it was not used regularly until the Severan period (ILS 458 illustrates the changes particularly clearly). It appears to have been unique to the Augustus, only being assumed by a Caesar upon elevation to the higher rank (SEECK, *op. cit.* [n. 7] I, 14ff.).

¹⁷ CIL VIII 10283, although the reading of *cos. des.* is not as clear as it might be.

¹⁸ CIL VIII 10284.

can abbreviate too much or get things wrong. Two of the earliest documents of Diocletian's reign give him the wrong names, a different version in each case.¹⁹

The most light on this matter is not shed by a study of titulature, but of the dating formulae employed on papyri, and regnal formulae found on inscriptions. Of these, the relevant inscriptions have been tabulated by ROUSSELLE,²⁰ although one listed by that scholar must be rejected.²¹ The remainder demonstrate an anomaly. Maximian's *tribunicia potestas* consistently lags two years behind Diocletian's until 293. ILS 617 will serve as an example here. This inscription, dated by Diocletian's *tribunicia potestas* to 288 clearly shows that in that year, Maximian was only in his third year of tribunician power on December 10th, 287. The date of his acceptance of tribunician power must therefore lie between December 10th 285 and December 10th 286. Nor is this an isolated example. This pattern is consistent, but it only remains so until 293. An inscription late in that year gives Maximian only one year fewer of tribunician power than Diocletian, rather than two as heretofore.²² The pattern can again be seen in the best known and most widely distributed inscription of the Tetrarchy — the Edict of Maximum Prices which gives a date of the eighteenth year of Diocletian's *tribunicia potestas*, and the seventeenth year of Maximian's.²³

There is a similar, although not identical, anomaly in the Alexandrian papyri of the Tetrarchy. In Egypt, Diocletian's Year One was November 24th 284 — August 28th 285. Maximian's dating formulae lag a year behind Diocletian's in Egypt which means that his year One must have commenced some time between August 29th 285 and August 28th 286.²⁴ Thus, in Tetrarchic papyri, there is always to be found a double or triple date (depending on whether the document was written before or after March 293). This multiple dating formula for the *Augusti* ceases in 303 with the celebration of Diocletian's *vicennalia*.²⁵ Thenceforth, the dating formulae for Diocletian and Maximian were identical.

¹⁹ AE 1973, 540; P. Oxy. 42, 3055; see X. LORiot, *Les débuts du règne de Dioclétien d'après une inscription trouvée à Ayasofya*, BSNaf 1973, 70–76.

²⁰ ROUSSELLE, l.c. (n. 8) 448–50.

²¹ CIL VIII 22187 is unclear. ROUSSELLE reads COS II[] PROCOS II[] in the titulature of Diocletian, but the inscription is unbroken, and so merely mistaken. It also calls Diocletian PP II[] and hence is not to be trusted.

²² CIL XIII 5249 (ILS 630).

²³ For the text, S. LAUFFER, *Diokletians Preisdikt*, Berlin 1971, 90, praef. 1–2.

²⁴ See A. CHASTAGNOL, *Les années regnales de Maximien Hercule en Egypte et les fêtes vicennales du 20 novembre 303*, Rev. Num. VI/9, 1967, 54–81; J. D. THOMAS, *On dating by the regnal years of Diocletian, Maximian and the Caesars*, CE 46, 1971, 173–179; R. E. SMITH, *The regnal and tribunician dates of Maximian Herculus*, Latomus 31, 1972, 1058–1071.

²⁵ See THOMAS, l.c. (n. 24) 178.

CHASTAGNOL is clearly right when he argues on this basis that, upon the occasion of the *vicennalia*, Maximian's titulature was augmented by one year so as to bring about a double *vicennalia* of the two *Augusti*, rather than celebrating Diocletian's alone.²⁶

Augmentation of regnal years on special occasions is thus established as practice. An augmentation of Maximian's tribunician power can be perceived in the course of 293 when the Caesars were created. In this case, he received an augmentation of a single year, which still left him a year behind Diocletian. Clearly he did not receive the augmentation in order to become coeval with Diocletian, so then why did it occur at all?

The whole question falls into place if Maximian had been made Caesar in 285, but without tribunician power.²⁷ In general, where it is possible to ascertain imperial protocols, Caesars had not held tribunician power, at least from the time of Septimius Severus onwards.²⁸ PASQUALINI is surprised at her own conclusion that Maximian did not hold tribunician power as Caesar,²⁹ but she ought not be. With the ephemeral exception of the sons of Decius, no Caesars had tribunician power conferred upon them in the course of the third century.³⁰ So when Maximian was created Caesar, Diocletian followed established practice in not granting *tribunicia potestas* to Maximian. In 293, however, there was a departure from precedent, and the Caesars did receive tribunician power. Reasons of justice and equity demanded a fiction: that Maximian receive recognition for having had tenure of a Caesarship of equal potency. Hence the augmentation in 293.³¹

Thus, the problematic literary evidence, the unsatisfactory and even ambiguous epigraphic evidence, and the inconsistencies of imperial salutations combine. Maximian was without a doubt created Caesar in 285. BARNES suggests on July 21st.³² This date makes some sense, but lacks firm attestation, the sole evidence for it being an interpretation of a passage in the *Passio Marcelli* of dubious authenticity.³³ It is also complicated by the problem of the Egyptian

²⁶ CHASTAGNOL, l.c. (n. 24) 62–68.

²⁷ PASQUALINI, l.c. (n. 16) 24.

²⁸ NEUMANN, RE 3, 1, 1887, 1287 s.v. Caesar.

²⁹ PASQUALINI, l.c. 27.

³⁰ CIL VI 1101, 1102 (ILS 518.520) show the exceptions as the sons of Decius. See M. PEACHIN, *Roman Imperial Titulature and Chronology A.D. 235–284*, Amsterdam 1990, 257 no. 126, 263 no. 158; NEUMANN, l.c.

³¹ See the Edict of Maximum Prices where the Caesars are both *trib. pot. LX*.

³² T. D. BARNES, *The New Empire of Diocletian and Constantine*, Cambridge Mass. 1982, 4 n. 5.

³³ A genuine passage in the *Passio Marcelli* (Recension M. la) speaks of July 21st as *dies festus imperatoris vestri*. Another passage, identified by DELEHAYE as an interpolation (Les actes de S. Marcel le Centurion. Ann. Boll. 41, 1923, 260) names the day in question as Maximian's *genuinus natalis*. BARNES rejects this on the basis that it is an interpolation, but this is not ipso facto proof of error.

new year. Given that titles were augmented in Egypt on that date, both Diocletian and Maximian ought, on BARNES's dating, to share a first regnal year, since they would both have come to the purple between August 28th, 284 and August 27th, 285. However, in Egyptian papyrological dating formulae, they do not have the same regnal year until the augmentation of Maximian's titulature on the occasion of the *vicennalia*. This view then, rescues the evidence of the *Passio Marcelli* that July 21st was Maximian's *genuinus natalis*.³⁴ So, if BARNES's dating is to be rejected, when did Maximian receive the purple?

The evidence of Maximian's regnal years suggests another occasion. Both ROUSSELLE and PASQUALINI argue for a date between December 10th and December 31st, 285.³⁵ DIETMAR KIENAST prefers the period between the end of October and the beginning of December, 285.³⁶ FRANK KOLB is more precise, opting for the date of December 13th on the basis of a stray reference in Lactantius.³⁷ But he does raise a further point, not otherwise noted by others. Maximian's first consulship was in 287. Those of Constantius and Galerius were in 294, the year after their nomination as Caesars. By the end of 285, Diocletian will have long since proclaimed the consuls for the following year: Iunius Maximus and Vettius Aquilinus. But earlier in that year, particularly in July, soon after his summer victory over Carinus (before which he was in no position to nominate consuls for the following year with any certainty) he certainly could have nominated Maximian to a consulship. The fact that Maximian was not made consul until 287 would therefore suggest that he was raised to the rank of Caesar some time after the consular nominations for 286 were known. This certainly adds support to a dating later rather than earlier in the course of 285 for Maximian's elevation.

Moreover, there is a further implication here which KOLB did not draw. Consular nominations were made some months in advance, although later rather than earlier in the year. Although it is impossible to be more precise than that on the matter of consular nomination, it is clear enough that, at whatever point it was in the latter part of 285, the decision to make Maximian Caesar must have been subsequent to those nominations. That being so, Diocletian's appointment of Maximian as Caesar cannot have come straight after the battle of the Margus (as BARNES argues³⁸). This makes it far less likely that Diocletian had any «grand plan» and more likely that he was responding to circumstance.

³⁴ *Passio Marcelli*, Rec. M, 2.1; see C.E.V. NIXON, The «Epiphany» of the Tetrarchs? An examination of Mamertinus' Panegyric of 291, TAPA 111, 1981, 157–166.

³⁵ See ROUSSELLE, l.c. (n. 8) 452f.; PASQUALINI, l.c. (n. 16) 26.

³⁶ D.KIENAST, *Römische Kaisertabelle*, Darmstadt², 1996, 272.

³⁷ KOLB, l.c. (n. 9) 28–31; for a critique of this, see NIXON — RODGERS, l.c. (n. 2) 47.

³⁸ BARNES, l.c. (n. 32) 4 n. 5.

Why then did he make Maximian Caesar? Reasons abound. Indeed, there is a degree of unanimity amongst modern scholars on this point. There were a number of military emergencies and Diocletian could not deal with all of them at once. Civil war inevitably weakened frontiers and the borders of the west were especially friable. The most specific need was in Gaul. A local militia of sorts, the *Bacaudae*, was threatening Roman rule in the provinces. The militia is characterized by the sources as a peasant robber-band.³⁹ Doubt has rightly been cast upon this view of the *Bacaudae* in a number of works of comparatively recent date. EDITH MARY WIGHTMAN and, more recently, ZE'EV RUBIN, have pointed out that these *Bacaudae* were far more than mere bandits.⁴⁰ Their leaders struck coins and claimed imperial titles.⁴¹ It was a usurpation of sorts, but one which had more in common with the revolt of landowners which characterized the *imperium Galliarum* than a military coup.⁴² Now, if Maximian's appointment to the rank of Caesar, and his commission against the *Bacaudae*, date from the end of 285, then this has its implications for the chronology of events. BARNES has dated this campaign and the defeat of a German raid to before the end of 285.⁴³ Clearly, neither of these can be so if Maximian was not Caesar until December of that year. These events therefore belong to 286.

This has its own logic. If the campaigns belong to 285, then there is no evident military activity for Maximian in 286 despite the sense of urgency conveyed by our sources. The hiatus, however, is artificial. Maximian became Caesar in December 285, and proceeded to the task set him — namely the suppression of the *Bacaudae* and the protection of the Gallic frontier. He was conspicuously successful. The *Bacaudae* were suppressed in a swift and merciless campaign,⁴⁴ and a German raid repelled.⁴⁵ The end of that year afforded Maximian a rest, and he wintered in Trier where he assumed his first consulship in dramatic circumstances.⁴⁶

³⁹ Pan. Lat. 2.4.3; Aur. Vict. de Caes. 39.17.

⁴⁰ EDITH MARY WIGHTMAN, *Gallia Belgica*, London 1985, 199 f.; Z. RUBIN, *Mass Movements in Antiquity: Appearances and Realities*, in: I. MALKIN and Z. W. RUBINSOHN (eds.), *Leaders and Masses in the Roman World: Studies in Honour of Zvi Yavetz*, Leiden 1995, 129–188, 137–148.

⁴¹ RIC V², 55; WIGHTMAN, l.c.

⁴² J. F. DRINKWATER, *The Gallic Empire: Separatism and Continuity in the North-Western Provinces of the Roman Empire*, A.D. 260–274, Stuttgart 1987, 247–254.

⁴³ BARNES, l.c. (n. 32) 10.57.

⁴⁴ Pan. Lat. 2.4; see also PASQUALINI, l.c. (n. 16) 31 f.

⁴⁵ Pan. Lat. 2.5.

⁴⁶ Pan. Lat. 2.6. The city may not be Trier (see BARNES, l.c. [n. 32] 57) but it seems the obvious choice.

Elevation to Augustus

By that time, however, he had left junior rank behind. At some point in 286 Maximian received promotion from his junior status to that of Augustus. The key question here is the reason for the promotion. Was it willed by Diocletian, or forced by Maximian after victory in the field?⁴⁷ It is conceivable that Maximian's victorious army hailed him as Augustus, and Diocletian acquiesced for the sake of stability. But that course of events would have left Maximian in a position of power over Diocletian which their subsequent relationship would seem to deny.

A number of matters make this clear. First, although Maximian had a court and administration, issued rescripts, and otherwise conducted the business of ruling, there is no suggestion that he ever dictated policy to Diocletian.⁴⁸ The evidence is for the reverse situation, most notably Diocletian's insistence upon Maximian's abdication in 305, and his nomination of successors far removed from Maximian's own circle.⁴⁹ Indeed, when a successful general, Carausius, did seek to graft himself into the imperial college, he was conspicuously rebuffed by both Diocletian and Maximian.

Moreover, Diocletian was always careful to ensure that his seniority to Maximian was stressed in the symbols of Empire. Although Maximian was never known as his son, but as his imperial brother, it is clear that Diocletian was always regarded as an elder brother.⁵⁰ His name, for example, always took precedence in imperial formulae. When the full titles were spelled out, Diocletian had more of them. Ultimately, the charismatic Iovius/Herculius titulature evolved, but not without at least one false start.

The ambiguous inscriptional record from Africa has already been referred to. The coincidence of the titles of *Augustus* and *nobilissimus Caesar* seems problematic. The one would seem, customarily, to preclude the other. But there are a number of inscriptions in similar terms attested for other emperors. Indeed, in MICHAEL PEACHIN's catalogue of imperial titles borne in the half-century prior to Diocletian's accession, there can be found something like seventy instances of the coupling of these two titles.⁵¹ These instances are attested all over the

⁴⁷ SEECK, *op. cit.* (n. 7) I, 26.

⁴⁸ On Maximian's powers, see CORCORAN, *l.c.* (n. 1) 268–275.

⁴⁹ Eutr. 9.27; Aur. Vict. de Caes. 39.48; Lact. de mort. pers. 18.12–13; Pan. Lat. 6.15.6. For commentary, see NIXON and RODGERS, *l.c.* (n. 2) 241.

⁵⁰ KOLB, *l.c.* (n. 9) 88–114 has argued that the «brotherhood» of the two Augusti meant formal equality. Even if this is what was intended to be conveyed (and that is unlikely), then it wasn't conveyed very well. Mamertinus, the literary source for this observation, was bound to elevate Maximian's position, since he was delivering a speech in his praise (see here NIXON and RODGERS, *l.c.* [n. 2] 45).

⁵¹ PEACHIN, *l.c.* (n. 30). For a full list of relevant references, see appendix.

Empire, primarily in inscriptions, but also in papyrological formulae. What they have most in common is the emperors for whom they are attested: Maximus II (22 occurrences), Gordian III (2), Philippus Junior (21), Herennius Etruscus and Hostilianus (one each). Gallienus (one), Valerian II (two), Saloninus (one), Carinus (13) and Numerian (10).⁵² All of these emperors were associated in their rule with more senior partners in power, generally (although not exclusively) their fathers.

The practice of coupling the titles was commented upon in 1967 by H.-G. PFLAUM.⁵³ He examined a number of occurrences of the coupling of the two titles up to the time of Numerian. His conclusion is instructive: «Dans tous ces cas, le *nomen imperatoris* en soi n'implique aucun co-régence effectif.»⁵⁴ What people did see and understand when they read these inscriptions was an order of precedence and seniority. When these titles were coupled in the name of Maximian, people can only have read the same thing — that Maximian's power and authority were in some measure inferior to those of Diocletian.

The inscriptions only belong, however, to the first years of the dyarchy. Whether it was found to be too clumsy, or simply inaccurate, the title *nobilissimus Caesar* disappears from Maximian's inscriptions. What seems to take its place is a much more subtle ranking of the Augusti: the Iovius/Herculius titulature. It has been generally agreed that this form of title did not belong to the first year of the dyarchy.⁵⁵ This is in accord with the literary testimony of Aurelius Victor, who states that the cognomina were adopted after the Bacaudae campaign.⁵⁶ The earliest datable inscription referring to Diocletian as *Iovius* and Maximian as *Herculius* is from 288,⁵⁷ and in the following year the author of a panegyric to Maximian elaborates upon these titles, which might suggest their novelty.⁵⁸ The evidence of the coinage might be held to be more precise

⁵² PFLAUM also lists one for the sons of Decius: l.c. next note 178 (232).

⁵³ H.-G. PFLAUM, P. Licinius Gallienus Nobilissimus Caesar et M. Aurelius Numerianus Nobilissimus Caesar Aug.: à la lumière de deux nouveaux milliaires d'Oum el Bouaghi, BAA, 2, 1966/67, 175–182 (= Afrique Romaine. Scripta Varia I, Paris 1978, 229–236).

⁵⁴ PFLAUM, l.c. 180.

⁵⁵ See here, for example, W. SESTON, Iovius et Herculus ou l'«épiphanie» des tétrarques, Historia 1, 1950, 257–266.

⁵⁶ Aur. Vict. de Caes. 39.18; for discussion of this issue see NIXON and RODGERS, l.c. (n. 2) 48f.

⁵⁷ ILS 617.

⁵⁸ Pan. Lat. 2.1.2–4 (reference to the historical cult of Hercules), 2.1 (achievements of Hercules), 4.2 (Maximian explicitly likened to Hercules; and Diocletian to Jupiter), 7.5 (Diocletian likened to Jupiter, Maximian called a member of «a Herculean race»), 10.2 (Maximian compared to «the race of Hercules»), 11.7, 12.4 (Diocletian and Maximian likened to Jupiter and Hercules).

if the chronology established by BASTIEN is correct.⁵⁹ This would seem to establish that Hercules was associated with Maximian in the course of 286. The chronology can be no more precise than that, nor can the iconography. Coin types featuring Hercules as *conservator* do emerge, just as issues featuring *Iovi Conservatori* do in the earliest months of the reign of Diocletian.⁶⁰ The most evidentiary weight that these issues can bear is of a deliberate linking of Maximian with Hercules from the time of his appointment, not, as KOLB would prefer, that Maximian became Herculus as soon as he became Augustus.⁶¹

From the hiatus in the evidence, it is tempting to postulate a corresponding chronological gap between the naming of Maximian as co-emperor and the adoption of the Iovius/Herculus titulature. That being the case, then the explanation for the concurrence of the titles *nobilissimus Caesar* and *Augustus* is to hand. The development of the terminology demonstrates, among other things, Diocletian's determination to retain a hierarchy within the imperial college. Diocletian was clearly the senior; Maximian, his imperial servant. The pairing of *Augustus* with *nobilissimus Caesar* may well then represent an early attempt to give formal expression to the protocol of power. It probably proved too ambiguous, and was subsequently abandoned in favour of the religious terminology of the divine *comites* a few months later.

It is in the development of these titles that Diocletian went beyond established models. While emperors had claimed all manner of divine *comites* in the past, they had not adopted divine cognomina. These cognomina themselves were adjectival in form — clearly descriptive. They described a function and, by implication, a relationship. Jupiter is invariably depicted on coins holding a globe and sceptre, the symbols of rule. Hercules is shown with lion-skin and club, the symbols of his labours. The obvious implication is that Jupiter rules and Hercules labours. This is not a crude division of power; it is an assertion of Diocletian's ultimate authority.

This is clearly seen in the Panegyrics of 289 and 291. KOLB has argued that these documents are clear evidence of the formal equality of Maximian and Diocletian.⁶² Certainly there are passages in the speeches which give that impression (2.11.1–3, 13.1.–4; 3.6.7–7.7, 11.1–5). But it must be remembered

⁵⁹ PBASTIEN, *Le monnayage de l'atelier de Lyon: Dioclétien et ses coregents avant la réforme monétaire (285–294)*, Wetteren 1972.

⁶⁰ RIC V 2, 251 no. 298 (Cyzicus), 255 no. 316, 256 no. 324 (Antioch), 257 nos. 328, 330 (Tripolis). FEARS, l.c. (n. 3) 295f. New evidence has also come to light. A recently published Oxyrhynchus papyrus (P. Oxy. 63, 4352, fr. 5) is a fragment of a poem in praise of Aurelius Diogenes, prefect of Egypt in 285, in which the poet clearly portrays Diocletian as sent by «Capitoline Zeus» to mend the broken world (lines 16–20).

⁶¹ KOLB, l.c. (n. 9) 54–60.

⁶² KOLB, l.c. 103–109.

that these are not constitutional treatises, but panegyrics in which a measure of terminological inexactitude is to be expected. Indeed, at one point, the panegyrist of 289 gives the game away. Describing a conference between Diocletian and Maximian at Milan, he exclaims: *adeo numini illius simpliciter amanterque, quidquid pro hisce terris feceras, rettulisti, cum ex diversa orbis parte coeuntes invictas dexterarum contulisti, adeo fidum illud fuit fraternumque colloquium*.⁶³

Although it would be unwise to put too much weight on individual words here like *refero* and *fides*, there is a clear implication here that Maximian, in some sense, reports to Diocletian. There is no complementary passage in which Diocletian tells Maximian what he has done. He has no report to make. More explicitly, the Panegyrist elsewhere describes Diocletian as making decisions carried out by the loyal and heroic Maximian.⁶⁴ Despite the Panegyrist's declaration of the formal equality of Diocletian and Maximian (9.4–5), it is not power-sharing which he portrays, but delegation. The two Panegyrists describe Diocletian's visits to the west, both to campaign and to meet with Maximian. Maximian makes no equivalent visits to the east. In the years of the dyarchy, Gaul and northern Italy were Maximian's sole fields of operation, whereas Diocletian, based at Nicomedia, is attested in Italy, Raetia, Syria, Dacia Nova, Pannonia and Moesia.⁶⁵ When the Panegyrist of 289 declares, at 11.2, that the Empire is an undivided heritage (*patrimonium indivisum*), he does so correctly precisely because, in the analysis, Diocletian has not divided the Empire between himself and a coeval. He has, instead, delegated authority.

What made this peculiar arrangement work was that Maximian allowed it to. Maximian accepted the superior authority of Diocletian. This, in a sense, was the new imperial virtue: *concordia*. It was celebrated on the coinage and in the panegyrics.⁶⁶ It underpinned the public ideology of the dyarchy, as it did the tetrarchy which succeeded it. The effusiveness of the Panegyrists may not simply lie in the fact that effusion was their job. Here was a civil war which stubbornly refused to happen.

Why then, did Diocletian take this risk? And when? The absence of coinage struck in the name of Maximian as Caesar makes it clear that he cannot have been Caesar for very long before his elevation to the higher rank. The earliest indubitable attestations of Maximian as Augustus belong to late May and early June 286. These make good sense of the date of April 1st offered by the *Consularia Constantinopolitana* and preferred by BARNES and KIENAST.⁶⁷

⁶³ Pan. Lat. 2.9.1–2.

⁶⁴ Pan. Lat. 2.11.6–7.

⁶⁵ BARNES, l.c. (n. 32) 49–52; 56–58.

⁶⁶ RIC V², 223 no. 17; 250 no. 290; 251 nos. 291–292; 254 no. 313; 254 no. 321; 262 no. 354; 290 no. 601; 293 nos. 615–616. Pan. Lat. 10(2) 9.3; 11.1–4; 11(3), 6.3; 7.4; 19.4.

⁶⁷ BARNES, l.c. (n. 32) 4 n. 6; KIENAST, l.c. (n. 36) 272.

Furthermore, this dating also helps explain the dearth of numismatic and epigraphic attestation of Maximian as Caesar. If Maximian were made Caesar in December and promoted at the beginning of April, then he will have held the junior rank for only about fourteen weeks.

But why the promotion at all? Why did Diocletian change his mind after less than four months? Maximian was sent as Caesar to quell provincial dissent, but other dangers also threatened: *quid vero? statim vixdum misero illo furore sopito, cum omnes barbarae nationes excidium universae Galliae minarentur, neque solum Burgundiones et Alamanni sed etiam Chaibones Erulique, viribus primi barbarorum, locis ultimi, praecipiti impetu in has provincias inruissent, quis deus tam insperatam salutem nobis attulisset nisi tu adfuisses?*⁶⁸

The twin facts of provincial unrest and fractured frontiers are sufficient to explain Maximian's promotion. An extended imperial presence in Gaul was required. The Gallic provinces were vulnerable and had grown accustomed to a resident emperor. They had only been reunited to the central Empire for less than a decade since the episode of the *imperium Galliarum*: and since then had suffered at least one major raid, hosted an attempted usurpation, and as a result, had received extended visits from both Probus and Carinus.⁶⁹ Diocletian could not provide such attention himself. Just as the West needed to be secured, so did the East. The Persian frontier had yet to be secured. There is some evidence that the Persians had gone on the offensive after the armistice which had been negotiated on behalf of Numerian in 284. Territory taken by Carus may have been reoccupied.⁷⁰ This would certainly make sense of Diocletian's attested presence in Syria and Palestine in 286.⁷¹

The need in Gaul was certainly there. In 287, on the very day that he took the consular *fascēs*, the city where he was present (probably Trier) was threatened by a barbarian attack.⁷² Maximian was compelled to exchange the regalia of civil office for the *paludamentum* of war: *...quam facile tu, imperator, togam*

⁶⁸ Pan. Lat. 2.5.1.

⁶⁹ For the barbarian incursions into Gaul after the death of Aurelian and Probus' response, see Zos. 1.67ff, Oros. 7.24, Zonaras 12.29, Julian, *Caesares* 314, A–B, RIC V², 22 nos. 19–20 celebrate Probus' visit to Gaul; for Probus' building program in Gaul, see DRINKWATER, l.c. (n. 42) 48, 222f. The revolt was that of Proculus and Bonosus, based in Colonia Agrippinensis (Ep. de Caes. 37.2, Eutr. 9.17, Oros. 7.24.3; A.CHASTAGNOL, *L'usurpateur gaulois Bonosus, d'après l'Histoire Auguste*, BSNAF, 1969, 78–98). For Carinus' visit to Gaul, Nemesianus, *Cynegetica*, 69–78, CIL XIV 126, MELONI, l.c. (n. 4) 124f.

⁷⁰ See R.N.FRYE, *The History of Ancient Iran*, München 1984, 305.

⁷¹ T.D.BARNES, l.c. (n. 32) 50f.

⁷² T.D.BARNES, l.c. 57, suggesting other locations as well, but see E.M.WIGHTMAN, *Roman Trier and the Treviri*, London 1970, 58.

*praetextam sumpto thoraci mutasti, hastam posito scipione rapuisti, a tribunali temet in campum, a curuli in equum transtulisti et rursus ex acie cum triumpho redisti...*⁷³

This victory was only the first. He then roundly defeated the tribes from across the Rhine. In a major offensive, Maximian penetrated deep into barbarian territory. Delighted but inaccurate, the Panegyrist cried: ...*quidquid ultra Rhenum prospicio, Romanum est*.⁷⁴ The choice of Maximian had been justified.

Conclusion

It is the contention of this article that Diocletian was securely in control throughout his entire reign. Maximian's promotion was not the result of an audacious coup, but rather, the patronage of an emperor who was careful to ensure the formal expression of his superiority in rank over the colleague whom he had nominated. Furthermore, it is clear that there can have been no master-plan. There is a degree of improvisation evident in the fact that Maximian was Caesar for so short a time, as well as experimentation in imperial titulature. Here Diocletian was on less certain ground, having no real models to work from. His real innovation was in the development of the ideology of *concordia* and the charismatic Iovius/Herculus cognomina to express the relationship between the two *Augusti*. Moreover, up to a point, the dyarchy worked well. At all times Maximian acted as Diocletian's loyal subordinate. Only when that failed and the model of two emperors proved inadequate for the needs of the Empire did Diocletian give consideration to the expansion of the imperial college from two to four.

Appendix

Instances of the co-incidence of the titles *nobilissimus Caesar* and *Augustus* taken from MICHAEL PEACHIN, *Roman Imperial Titulature and Chronology A.D. 235–284*, Amsterdam 1990. The first reference number is the page, the second is PEACHIN's title number.

Maximus II: 121.100; 124.120; 125.129; 126.136; 126.140; 127.146; 129.157; 129.160; 130.161; 130.163; 131.172; 135.192; 136.195; 141.224; 142.232; 142.234; 142.236.

Gordian III: 155.25.

Philip II: 216.112–115; 226.186; 227.195; 227.199; 228.202; 228.210, 211; 229.215; 237.269, 271.

Hostilianus: 262.155.

⁷³ Pan. Lat. 2.6.4.

⁷⁴ Pan. Lat. 2.7.7.

Herennius Etruscus: 262.155.

Gallienus: 311.89.

Valerian II: 343.321; 354.408.

Saloninus: 361.447.

Carinus: 454.72; 455.82; 464.156; 465.158; 467.173; 468.179; 469.188.

Numerian: 459.111; 460.120; 461.130; 462.137; 467.173; 468.179; 469.188.

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