

## THE LAW'S AVENGER: EMPEROR JULIAN IN CONSTANTINOPLE

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**ABSTRACT:** After serving five years as a *Caesar* in Gaul, Julian was prepared to fight a civil war against the emperor Constantius II to defend his claim to the title of *Augustus*. Yet on his way to the encounter, Constantius suddenly died, and the new sole ruler Julian, the less promising candidate in the conflict, emerged as a victor devoid of a victory proper. This paper analyses the way in which Julian handled the curious succession in ideological and practical terms: What ruler image did he establish? How did he set the new government apart from the old one? How did he wish to be seen by his subjects? And how did he intend to shape and frame his empire? Noticeably, in dealing with the transformation, Julian and his new ruler clique discarded typical modes of social reintegration after civil war. Julian opted for a broadly confrontational approach, deliberately taking the risk of alienating large parts of the established administrative elite. One of his closest companions at the time, Claudius Mamertinus, described Julian's controversial role as that of a law's avenger. The aim of this contribution is to determine the precise function of this notion in political discourse and praxis.

Flavius Claudius Iulianus, better known to posterity as Julian the Apostate, is one of the most intriguing figures to rule the Roman Empire. He reigned less than two years as sole emperor, but ranks among the most famous and infamous autocrats on the Roman throne: he is remembered not only for his futile effort to reverse the Christianization of the Roman Empire and to establish a philosopher's kingdom based on Greek culture and education; posterity has also shown great interest in his ascent to sole rule through usurpation. This is first of all due to the unusually good sources available: for scarcely any other usurpation can the protagonists, their strategies, and their intentions be perceived so clearly, and seldom is the series of events known in such vivid detail. This abundance is not simply a consequence of the comparably long period from the beginning to the outcome of the usurpation, but rather is the result of the exceptional fact that this time the pretender to the throne, not its defender, succeeded. Thus, to a higher degree than in other usurpations, the extant sources reflect the challenger's perspective and his path to sole rule.<sup>1</sup>

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1 The most influential monographs on the political-military and administrative aspects of Julian's reign are ALLARD 1906–1910; BIDEZ 1930; BOWERSOCK 1978; PACK 1986; BRINGMANN 2004; ROSEN 2006. For the details of Julian's usurpation, see also THOMPSON 1943; KAEGI 1975; SZIDAT 1975; NIXON 1991; SZIDAT 1996b; FOURNIER 2010; BLECKMANN (forthcoming).

The sources provide us with a clear picture of the course of events and the political-military strategies of the persons involved. It is well known that, early in 360, Julian (whom Constantius had elevated to *Caesar* four years earlier and appointed to secure Gaul) was proclaimed *Augustus* by the Rhine troops without the legitimate emperor's permission. Julian subsequently spent several months in a futile effort to reach a diplomatic settlement with Constantius. Not until the final failure of negotiations did he set out for the East in summer 361 to force a decision in civil war. Events, however, took an unexpected turn: his rival suddenly fell sick and died on November 3, 361, and Julian was immediately recognized as the legitimate emperor by the eastern administrative and military elite. Thus, on December 11, 361 – virtually as a civil war victor without a victory proper – he at last ceremoniously entered Constantinople: as the new sole ruler he took possession of the city that was his former rival's most important residence, the most important administrative center of the eastern half of the Empire, and his own birthplace.

In light of the circumstances, even the members of the administrative elite who had previously remained loyal to Constantius were not interested in prolonging the conflict with Julian. Understandably, the aristocracy in Constantinople tried to show its good will toward Julian from the start. They took pains to paint their changeover to Julian as a voluntary decision: the contemporary historian Ammianus Marcellinus credibly attests that the senate advanced well beyond the gates of the city to welcome in “respectful attendance” the new *Augustus* upon his *adventus* to Constantinople.<sup>2</sup> Members of the established elite knew that Julian depended on their expertise and networks to govern the Empire effectively – particularly in the East, where Julian had not been active as *Caesar*. They could thus confidently expect Julian to work toward a rapid settlement. In violent regime changes in the past, usually only the closest adherents of the defeated emperor fell victim to political purges. Whoever did not belong to the inner circle of supporters and advisors normally benefited from generous declarations of amnesty: only in this way could victors in civil wars rapidly consolidate their new power and integrate the administrative apparatus of their rivals.<sup>3</sup>

The Constantinopolitan elite, however, would quickly realize that Julian had no interest in playing the part of the pragmatic administrator. The new emperor instead seemed intent on provoking a wide-ranging confrontation with the established aristocracy: he presented himself as an emperor whose principles forbade him to come to terms with their lifestyle and self-conception. With the confrontational image that Julian painted of himself as ruler and successor to Constantius,

The commentaries on Ammianus are extremely helpful for understanding the course of events, in particular on books 20–22, by SEYFARTH 1970; SEYFARTH 1975; SZIDAT 1977; BOEFT/HENGST/TEITLER 1987; MATTHEWS 1989: 81–114; BOEFT/HENGST/TEITLER 1991; BOEFT/DRIJVERS/HENGST/TEITLER 1995; SZIDAT 1996a. CONTI 2004 collects the epigraphic evidence for Julian; see also ARCE 1984: 89–176; volume 8 of *Roman Imperial Coinage* collects the coinage minted under Julian; on Julian's coinage, see further ARCE 1984: 177–214.

2 Amm. Marc. 22.2.4: *Exceptus igitur tertium Iduum Decembrium verecundis senatus officiis*; trans. ROLFE 1940.

3 SZIDAT 2010: 269–272, 286–291; LEE 2015; LEPPIN 2015.



he characteristically broke with the paradigms set by the vast majority of his predecessors. On account of his intransigence toward the administrative elite, Julian was described by one of his closest companions as *ultor iuris*: "the law's avenger." The present chapter will elaborate how Julian brought this concept to life both in practical and in discursive terms. The unusual circumstances of his rise to power led Julian not only to take advantage of traditional topoi of civil war but also to break new ground, giving his rule an innovative profile.

The characterization of Julian as *ultor iuris* comes from the consular *gratiarum actio* of Cl. Mamertinus on January 1, 362: the new consul delivered this speech of thanks before the emperor and the senatorial aristocracy gathered in the senate house of Constantinople on the day he took office.<sup>4</sup> The description of Julian as *ultor iuris* is thus not a retrospective interpretation, but rather a concept infused directly into the contemporary ruler discourse to help outline Julian's new role as sole emperor and successor to Constantius. In the speech, Julian's characterization as *ultor iuris* is closely related to that as *vindex Romanae libertatis*: "defender of Roman liberty." Both descriptions are borrowed from Roman tradition, but in Julian's case they take on a new and illuminating significance. Mamertinus utilizes both concepts to complement one another. Julian's role as *vindex Romanae libertatis* relates primarily to his actions in external affairs and highlights his military successes against the barbarians:<sup>5</sup>

[6.1] *Mitto cunctam barbariam adversus vindicem Romanae libertatis in arma commotam, gentesque recens victas et adversum iugum nuper impositum cervice dubia contumaces in redivivum furorem nefandis stimulis excitatas. Quae omnia obstinam et immobilem principis maximi tandem vicere patientiam.*

[6.1] I shall not speak of the entire barbarian world roused to arms against the defender of Roman liberty, and of peoples recently conquered and stubbornly resisting the yoke newly placed upon their untrustworthy necks incited by impious inducements to renewed fury, all of which at last overcame the resolute and steadfast patience of the greatest of rulers.

Here Julian is viewed as the *vindex Romanae libertatis* in connection to military confrontation with *external* enemies of the Empire. In contrast, Mamertinus has Julian prevail over *internal* evils as *ultor iuris*; in particular, the consul discusses Julian's efforts to restore law and order in the Roman imperial administration:<sup>6</sup>

4 Critical editions of the speech are offered by BAEHRENS 1874; GALLETIER 1955; MYNORS 1964; translations include GUTZWILLER 1942 (German); LIEU 1986, <sup>2</sup>1989 (English); NIXON/RODGERS 1994 (English); GARCÍA RUIZ 2006 (Spanish); MÜLLER-RETTIG 2014. On Mamertinus and his speech, see esp. PLRE 1, s.v. Mamertinus 2; GUTZWILLER 1942: 17–24; BLOCKLEY 1972; LIEU <sup>2</sup>1989: 3–12; NIXON/RODGERS 1994: 386–392. Scholars normally regard Mamertinus' speech as an ordinary *panegyricus*, but as a *gratiarum actio pro consulatu* it in fact belongs to a distinct genre that is marked to a high degree by specific aspects of aristocratic self-representation. Besides Mamertinus' speech, this group also includes the preserved *gratiarum actio* of Pliny the Younger from the year 100 (heavily reworked for publication) and that by Ausonius from the year 379.

5 Mamert. *grat. act.* 6.1; trans. NIXON/RODGERS 1994.

6 Mamert. *grat. act.* 4.3f.; trans. NIXON/RODGERS 1994 (modified to read "law's avenger" instead of "laws' avenger"). GALLETIER 1955 translates the phrase as "le vengeur du droit."



[4.3] ... *Sed emendatio morum iudiciorumque correctio et difficile luctamen et periculi plenum negotium fuit.* [4] *Nam ut quisque improbissimus erat, ita maxime Caesaris rebus inimicus vitandis legum poenis de novo scelere remedia quaerebat; quia defendere admissa flagitia non poterat, in ultorem iuris invidiam congererat.*

[4.3] ... But the emendation of morals and the reform of the law courts was both a difficult struggle and a troublesome, dangerous business. [4] For the more dishonest a man was, the more hostile he was to the *Caesar's* endeavors, and he would seek a remedy for avoiding the laws' penalties in a new crime; because he had no defense against the crimes which he had committed, he built up hatred against the law's avenger.

The terms *vindex* and *ultor* clearly present Julian as embodying two Augustan concepts. In the representation of the first Roman *princeps*, these terms created a paradigmatic connection between military victory over the opposing *factio* in civil war and the restoration of *libertas*.<sup>7</sup> *Vindex* and *ultor* both referred to the emperor's role in civil war, but over the course of imperial history they developed along their own distinct lines and came to be clearly differentiated, until by the fourth century they were even used as complementary concepts: One panegyrist describes Constantine as *vindex rei publicae* for his victories over the barbarians;<sup>8</sup> in the poetical works of Optatian, on the other hand, Constantine is praised as *armis civilibus ultor* for his achievements in civil war.<sup>9</sup>

This characteristic distinction between *vindex* and *ultor* reappears in Mamertinus' consular speech of thanks: Julian is conceived here as *vindex Romanae libertatis* primarily with respect to his military successes against the barbarians. The concept *ultor*, in contrast, refers to Julian's beneficial actions within the Empire (beginning in his time as *Caesar* in Gaul) and therefore should be viewed in connection with the programmatic innovations that the regime change brought to the emperor's relationship with his subjects. Since Julian is both *vindex* and *ultor* in Mamertinus' speech, he perfectly unites these established fields of imperial representation: triumphal victory over external enemies and the reestablishment of law and order within the Empire.

Mamertinus evokes Julian's charismatic double role with a vivid picture that permits us to understand how these terms were meant to be interpreted in light of Julian's successful usurpation. Specifically, Mamertinus revisits the campaign down the Danube from Raetia to Pannonia Inferior that the usurper made with parts of his army in summer 361.<sup>10</sup> To understand the importance that Mamertinus

7 Augustus formulated this paradigmatically in his posthumously published *Res gestae*; cf. *Res gest. div. Aug.* 1: *annos undeviginti natus exercitum privato consilio et privata impensa comparavi, per quem rem publicam a dominatione factionis oppressam in libertatem vindicavi*; cf. also *ibid.* 2: *qui parentem meum necaverunt, eos in exilium expuli iudicii legitimis ultus eorum facinus et postea bellum inferentis rei publicae vici bis acie.*

8 *Paneg. lat.* 6(7).10.1: *Imperatoris igitur filius et tanti imperatoris, et ipse tam feliciter adeptus imperium, quomodo rem publicam vindicari coepisti?*

9 *Opt. Porf. carm.* 2.25. On Constantine as a victor in civil war, see WIENAND 2011; WIENAND 2012: esp. 199–233; LANGE 2012, as well as Matthias HAAKE's contribution to this volume.

10 The entire passage: *Mamert. grat. act.* 6.2–12.3.



attaches to Julian's Danube voyage, it is worthwhile first to recapitulate the course of events and to recall the role of the voyage in Julian's self-representation.

In early 361, after negotiations between Julian and Constantius had failed and civil war seemed unavoidable, the usurper set out from Augusta Raurica to the territory east of the Rhine, fought the Alamanni led by Vadomarius, and then marched east with parts of his expeditionary force along the Danube. Julian's advance was kept as secret as possible to bring him into Illyricum without significant incident. It was strategically important for Julian to extend the territory he controlled and especially to win over the military forces stationed in Illyricum. At any rate, he avoided direct confrontation with Constantius' troops as much as possible. Libanius later wrote that the Danube fleet set sail quickly and silently as if under water.<sup>11</sup> Julian apparently won over the cities along the Danube with financial rewards and benefits rather than by force, while the military bases were partly overrun and partly induced to defect by deception or financial incentives.<sup>12</sup>

According to the logic of Julian's self-representation, the Danube voyage was the direct continuation of the campaign against the Alamanni, whom Constantius had incited against Julian to put him under pressure. Julian himself spread this interpretation of the events: he made public those letters in which Constantius supposedly induced Vadomarius to break his treaties with Julian.<sup>13</sup> In this way, Julian's advance into Illyricum, which undoubtedly was motivated by the conflict with Constantius, could be represented as the result of a treaty violation instigated by Constantius, which could thus be considered the actual *casus belli*. Julian's subsequent assumption of the victory title *sarmaticus maximus* was likewise intended to show that Julian was waging war against barbarians, not Romans.<sup>14</sup>

Mamertinus similarly makes the Danube voyage the direct result of the campaign against the barbarians. In his *gratiarum actio*, the consul connects Julian's defensive war against external enemies much more closely than other sources to the idea of the revival of the provinces, which had supposedly declined under the rule of his internal political rival. To this end, Mamertinus transforms the Danube

11 Lib. *or.* 12.63: ... ἐπειδὴ καιρὸς ἦν, ἀνεφάνη πρῶτον ἐπιβάς τῶν ἐσχάτων καὶ διήνεγκεν οὐδὲν ὑφύδρου κολυμβητοῦ κρυπτομένου μὲν ὑπὸ τοῖς νότοις τῆς θαλάσσης, λανθάνοντος δὲ τοῦς ἐπὶ τῆς ἡϊόνος ἕως ἂν βούληται; cf. also Lib. *or.* 18.111; Amm. Marc. 21.9.2; Greg. Naz. *or.* 4.47. According to Zos. 3.10.3, the Danube voyage lasted only eleven days. For an attempt to investigate the historicity of Julian's Danube voyage with experimental archeology, see HIMMLER/KONEN/LÖFFL 2009.

12 Libanius also suggests this in his *Epitaphios logos* on Julian: Lib. *or.* 18.111. PACK 1986: esp. 109f. argues that already the cancellation of the *superindictio* with which Constantius intended to finance the war against Julian was perceived by the provincials as a relief.

13 This justification appears already in Julian's letter to the Athenians (*Epist. ad Ath.* 286Af.) and may be conjectured in similar form in the letters to the Roman senate, the Lacedaemonians, and the Corinthians, as well as in his letter to the troops in Italy. Libanius adopted the argument in his *epitaphios* (Or. 18.107–115) where he also describes how Julian had the letters read publicly on the march in Illyricum in order to convince the city populations and military troops of the legitimacy of his cause. In *Epist. ad Ath.* 286B, Julian writes that he had received letters written by Constantius directly from the barbarians.

14 On the title *sarmaticus maximus*, see CONTI 2004: 43f.



voyage into a spectacular publicity stunt. In complete contrast to Libanius, for whom the voyage took place almost in total secrecy, Mamertinus explicitly interprets the military advance as an attention-grabbing *pompa*. The manner in which he describes it shows that he is thinking of a *pompa triumphalis*, a victory procession celebrating both Julian's victory over external enemies and the defeat of his internal rivals, culminating in Julian's *adventus* in Pannonia. The *maximum flumen*<sup>15</sup> functions as a kind of *via triumphalis*, over which the *imperator* proceeds perched high atop the stern of his ship:<sup>16</sup>

[7.1] ... *Ut uno eodemque tempore et componeret fidissimarum provinciarum statum et barbariam omnem admoto propius terrore percelleret, longissimo cursu Histrum placuit navigari. [2] Pro sancta divinitas! Quae navigationis illius fuit pompa, cum dexteriorem incliti fluminis ripam utriusque sexus, omnium ordinum, armorum atque inermium perpetuus ordo praetexeret; despiceretur ad laevam in miserabiles preces genu nixa barbaria! ... [8.1] O facundia potens Graecia! ... [3] quid tu si ad scribendas celebrandasque res principis nostri animum adieceris, de Iuliani lembis liburnisque factura es? – quae non modo nihil cuiquam adimunt neque urbes hospitas populant, sed ultro omnibus populis immunitates privilegia pecunias largiuntur. [4] Qua dignitate describes classem per maximi fluminis tractum remis ventisque volitantem, tum principem nostrum alta puppe sublimem non per cuiuscemodi agros frumenta spargentem, sed Romanis oppidis bonas spes libertatem divitias dividendem, tum ex parte altera in barbaricum solum terrorem bellicum trepidationes fugas formidines obserentem?*

[7.1] ... To restore the condition of the most faithful provinces and at one and the same time to rob all the barbarian world of its spirit by bringing terror nearer, he decided to make a lengthy voyage along the Danube. [2] O sacred divinity! What was the procession of that voyage like, when an unbroken rank of both sexes, of every class, of people armed and unarmed covered the right bank of the famous river, while on the left bank one looked down upon barbarians kneeling in wretched supplication? ... [8.1] O Greece, mighty in eloquence! ... [3] If you turn your mind to writing up and celebrating the actions of our leader, what will you make of Julian's cutters and galleys? – which not only carry off nothing from anyone, nor plunder host cities, but freely bestow upon all peoples immunities, privileges, monies. [4] With what grandeur will you describe the fleet flying with oars and winds along the course of the world's greatest river, and then our leader, high on the lofty helm, not scattering grain over a field of some kind, but distributing good hope, freedom, riches to Roman towns; then on the other side sowing the terror of war, alarms, flight, fears on barbarian soil?

In this image, the Danube serves as a metaphorical watershed between two complementary aspects of triumphal rulership: on Julian's right, that is, south of the Danube, the hopeful population of the Empire hails Julian, while on his left the barbarians fall to their knees in a gesture of subjection. As Mamertinus depicts it, Julian spreads hope, freedom, and prosperity to the Roman people, while he visits the barbarians on the other side of the river with the terror and fear of war.

Mamertinus' metaphorical reading of Julian's Danube voyage fuses the established models of triumphal representation in an innovative portrait of a charismatic ruler whose deeds combine both martial *fortitudo* in the face of external enemies and *iustitia* before the population of the Empire into an overarching rep-

15 *Paneg. lat.* 3(11).8.4; potentially an allusion to *Caes. Gall.* 7.59.5.

16 *Mamert. grat. act.* 7.1f., 8.1, 8.3f.; trans. NIXON/RODGERS 1994.



resentation of Julian's saving power. The contrasting concepts *vindex* and *ultor* accord perfectly with this twofold image of a triumphant ruler. The semantics of civil war is thereby conceived as adding to the traditional idea of victory over external enemies. Precisely because both these discursive spaces of triumphal rulership entail different concepts, symbols, and narratives, a much more comprehensive picture of triumphal rulership could be drawn from their combination.

The two concepts evoke patterns of interpretation familiar from the tradition of imperial military self-representation, and at the same time they take on a very particular meaning in the case of Julian. The concept of *vindex Romanae libertatis* reflects the significance Julian attached to the military underpinnings of his rule. His successes as defender of the Rhine frontier were decisive in winning him support among the troops stationed in Gaul and Germany. Julian was well aware of the great importance of triumphal representation in securing the soldiers' loyalty. This emerges with particular clarity in the way Julian made use of his great victory over the Alamanni at Strasbourg in 357 – "Julian's greatest single military triumph," as John Matthews describes it:<sup>17</sup> as *Caesar*, Julian initially had to attribute the glorious victory symbolically to Constantius, who as *Augustus* claimed the triumph exclusively for himself;<sup>18</sup> Julian's emancipation from Constantius as a usurper three years later enabled him belatedly to adopt the prestigious victory title that Constantius had denied him.<sup>19</sup>

The epigraphic evidence furthermore attests to a significant intensification of Julian's military self-representation over the course of the usurpation: the spectrum ranges from traditional victory titles such as *sarmaticus maximus* to more expressive and innovative monikers such as *debellator omnium barbararum gentium* or even *extinctor barbarorum*.<sup>20</sup> The design of the portraits and the iconographic and textual programs of Julian's coinage also attest to a significant intensification of military self-representation. In light of Julian's strong ties to the military during the usurpation, it is hardly surprising that the usurper highlighted his military charisma so insistently. It is likewise unsurprising that Mamertinus lauds Julian's military role so copiously in his speech.<sup>21</sup>

Julian's characterization as *vindex Romanae libertatis* thus has nuances of meaning that can only be explained by the circumstances of his rise to power. The concept has a highly idiosyncratic rationale, even if its individual components are indebted to the traditional representation of Roman rulers. What is true of Julian's role as *vindex Romanae libertatis* also holds for Mamertinus' description of the

17 MATTHEWS 1989: 92

18 On the victory at Strasbourg, see Iul. *epist. ad Ath.* 279; cf. Mamert. *grat. act.* 4.3; Amm. Marc. 16.12.1–66; Eutr. 10.14.1; *Epit. de Caes.* 42.13f.

19 Already in his letter to the Athenians from summer 361, Julian devotes a long passage to lamenting that he was denied a triumph: the usurper here unambiguously shows the great value he attached to the representation of imperial victoriousness. The belated assumption of the victory title is attested by epigraphic evidence; see CONTI 2004: 43f.

20 See CONTI 2004: 45. Since the inscriptions in question were commissioned by subjects, not by the emperor, we see how aspects of imperial self-description were received and elaborated.

21 Specifically in Mamert. *grat. act.* 3–7.



emperor as *ultor iuris*. The emperor's role as *ultor iuris* indeed proves to be even more innovative, complex, expressive, and perplexing than Julian's role as *vindex Romanae libertatis*. The way the concept of *ultor iuris* is deployed specifically for Julian again discloses revealing idiosyncrasies that derive from the specific circumstances of Julian's usurpation. Julian appears as *ultor iuris* in a purely civil capacity, even though the concept of *ultor* was linked to the context of civil war already at an early stage.<sup>22</sup> Thus, as *ultor iuris*, Julian is not intended as a glorious warrior battling the criminal *factio* of a despotic tyrant, as established, for example, for Constantine's role as *armis civilibus ultor*. Julian appears rather as the purely civil avenger of the legitimate and just order of the Empire. The concept *ultor iuris* concerns above all the relations between the successful pretender and the representatives of the administrative apparatus Julian inherited from his predecessor and opponent Constantius over the course of his rise to sole rule. It is worth taking a closer look at Mamertinus' consular *gratiarum actio* in order to understand what exactly he means when he conceives of Julian as *ultor iuris*. The decisive question is how Mamertinus characterizes the established elite. The *basso continuo* of Mamertinus' consular speech is the intense and astonishingly indiscriminate criticism of all officials who held office under Constantius. Mamertinus denounces the alleged depravity of the entire administrative elite with drastic words. It is worthwhile to cite the climax of this extensive tirade in full:<sup>23</sup>

[19.3] ... *Sed haec vetusta dent recordari quemadmodum paulo ante honor petitus sit. Vix pauci extiterunt quorum virtutibus deferretur, cum quidem ipsis illis tarda industria ac probitatis merces veniret.* [4] *Ceteri vero perditissimum quemque ex aulicis frequentabant. Ut quispiam per artes turpissimas imperatori acceptissimus videbatur, eum assiduis obsequiis emerebantur donisque captabant. Nec viros quidem sed mulierculas exambibant; nec feminas tantum sed spadones quoque, quos quasi a consortio humani generis extorres ab utroque sexu aut naturae origo aut clades corporis separavit. Ita praeclara illa veterum nomina sordidissimum quemque ex cohorte imperatoria etiam probrosissimum adulabant.* [5] *Hi, cum in provincias immissi erant, qua sacra qua profana rapiebant, iter sibi ad consulatum pecunia munientes.* [20.1] *Itaque nullum iam erat bonarum artium studium. Militiae labor a nobilissimo quoque pro sordido et illiberali reiciebatur. Iuris civilis scientia, quae Manilios Scaevolas Servios in amplissimum gradum dignitatis evexerat, libertorum officium dicebatur.* [2] *Oratoriam dicendi facultatem (ut) multi laboris et minimi usus negotium nostri procures respuebant, dum homines noluisse videri volunt quod assequi nequiverunt. Et vere tantum laboris vigiliarumque suscipere ad id adipiscendum, cuius usus agendaе vitae ornamenta non adiuuaret, dementia ducebatur.* [3] *Itaque erat omne studium pecuniae coacervandae; tanto enim vir quisque melior quanto pecuniosior habebatur.* [4] *Iam serviendi miseranda patientia, assentandi mira calliditas. Ministrorum aulae quotidie limina terebantur. Ad fores eorum qui regii cupiditatibus serviebant ternos patriciae gentis viros cerneret ab huiusmodi dedecore non imbrī, non gelu, non amaritudine ipsius iniuriarum deterreret. Demissi iacentesque vix capita supra eorum quos precabantur genu attollebant. Ad postremum honores non iudicio aut benevolentia superbiorum sed misericordia merebantur.*

- 22 The political significance of the legal concept *iniurias ulcisci* provided the link to civil war: Cic. Phil. 6.1.2: *iustitium edici, saga sumi dixi placere, quo omnes acrius graviusque incumberent ad ulciscendas rei publicae iniurias, si omnia gravissimi belli insignia suscepta a senatu viderent*. Cf. Caes. gal. 1.2, 5.38; Cic. Verr. 2.1.72, 2.2.9; Sal. Jug. 68; Quint. 11.1.
- 23 Mamert. grat act. 19.3–20.4; trans. NIXON/RODGERS 1994.



[19.3] ... let us recall how an office was sought quite recently. Scarcely a few men existed upon whom one was conferred for their virtues, although indeed even for these very men the rewards of industry and honesty came late. [4] But the rest frequently resorted to all the worst of the courtiers. When anyone seemed really acceptable to the emperor for unseemly behavior, they used to earn his favor by unremitting services and to chase after him with gifts. They used to solicit not only men but women; not only women but eunuchs as well, whom either their nature at birth or an injury to their bodies has set apart from either sex, banished, as it were, from fellowship in the human race. Thus the noble names of ancient houses fawned upon all the foulest and most infamous men of the imperial court. [5] When these men had been let loose upon the provinces they plundered what was sacred and what was profane as they built a road for themselves to the consulship with money. [20.1] Thus there was no pursuit of the liberal and scientific arts. The labor of military service was despised by all the nobles as nasty and vulgar. The science of civil law, which had raised Manilii, Scaevolae, Servii to the most exalted rank, was said to be a freedman's occupation. [2] Our leading men spurned an orator's power of speech as a business entailing much effort but little use, while men wished to seem not to desire what they could not attain. And in fact to undertake so much labor and to lose so much sleep to obtain a thing when its use did not support the ornaments of one's life-style was considered madness. [3] Thus every exertion was directed at amassing wealth; the richer a man was the better he was regarded. [4] Then there was a pitiful submission to servitude, an amazing talent for flattery. The thresholds of ministers' courts were worn down daily. You would see men of patrician family bowing at the doors of those who ministered to the royal desires, deterred from a shameless action of this sort not by rain, not by cold, not by the bitterness of the insult itself. Humble and prostrate they scarcely raised their heads above the knees of those whom they entreated. Finally, offices were obtained not by the judgment or the kindness of the arrogant but by their pity.

Mamertinus' full-on assault is highly remarkable. When he delivered his speech on that day in the curia of Constantinople, probably not a few members of the old elite, against whom his criticism is directed, were present to follow the consul's oration. Mamertinus' criticism takes two lines of attack: the corrupt officials obtained their positions only by fawning servility and undignified personal enrichment. The wealth necessary to maintain their decadent lifestyle, expand their networks, and pursue their careers was based on the exploitation of the provinces solely to their own benefit. Mamertinus paints a grim picture of the decline of the Empire as caused by the actions of this degenerate and corrupt elite: like the typical henchmen of a tyrant, Constantius' officials systematically abuse their offices to instill fear and terror in the people – torture, rape, and extortion were the order of the day on account of their greed, to such a feverish pitch that the inhabitants of the Empire ultimately wished that they might be ruled by barbarians rather than exploited by Roman *iudices* – that is, by the governors whom Mamertinus elsewhere describes as *nefarii latrones*, “nefarious robbers.”<sup>24</sup>

Julian and his new circle of high officials thus laid blame for the decline of the provinces on an allegedly corrupt administrative elite, interested only in self-enrichment. Julian has come to put an end to this exploitative practice once and for all, to bring back justice and liberty, and to restore the *res publica* to its former rights. The ideal outcome of Julian's new policy is a social order led by a small circle of the upright friends of a wise and just monarch. The idea of a philosopher

24 Mamert. *grat. act.* 4.2.



king is salient here, which was about to become an integral part of Julian's ruler image.

In Mamertinus' account, Julian's monarchy gains legitimacy as an alternative to the caricature of a corrupt state. Yet the difference between the old and new elite described in the consul's speech had a *fundamentum in re*. The ostentatious rejection of the practices by which the members of the old elite won distinction must not be misinterpreted as mere civil war polemic. A glance at Ammianus' historical work helps to clarify this point. The historian in fact counts the quality and efficiency of Constantius' administrative apparatus among his virtues (*bona*), not among his vices (*vitia*),<sup>25</sup> but his remarks also make clear exactly where Mamertinus' criticism is valid. According to Ammianus, Constantius had awarded offices at court in a thoroughly transparent and predictable way: "He bestowed appointments at court by the plumb-line, as it were. Under him no one who was to hold a high position was appointed to a post in the palace suddenly or untried, but a man who after ten years was to be marshal of the court, or head treasurer, or to fill any similar post, was thoroughly known."<sup>26</sup>

The award of offices "nach der Goldwaage" (in Seyfarth's loose, but very apt German translation) should be taken literally. Someone who is "thoroughly known" (*apertissime noscebatur*) among the political leadership is someone who knows how to work his way up steadily by virtue of his personal qualities and merits, but also through mutual recommendations, favors, and opportunism.<sup>27</sup> Constantius clearly strove to maintain a consistent, predictable personnel policy.<sup>28</sup> He permitted officials to hold attractive offices only for noticeably short periods of time, which presumably was an intentional strategy that allowed him to give as broad a number of ambitious and loyal officials as possible a fair prospect of prestigious offices. That automatically increased the importance of the highest ranking power brokers for the careers of low-ranking officials, so that Mamertinus' description (despite its polemical nature) cannot be entirely false at heart.

Julian's usurpation, in contrast, elevated an entirely new group of people to the leading offices at breathtaking speed. Most of the people in question owed their spectacular rise to the historical accident of a successful usurpation, but especially to their proximity to Julian cultivated already in Gaul. Mamertinus is thus right when he mentions the new emperor's *amici*. The conditions for their meteoric careers indeed differed dramatically from the slow stratification processes that had prevailed in the administrative elite in the eastern half of the Empire for the preceding two decades under Constantius' rule. Only a small number of cases are known from the early period of his sole rule where, for pragmatic reasons, Julian

25 Amm. Marc. 21.16.1–3.

26 Amm. Marc. 21.16.3; trans. ROLFE 1940; cf. also Zon. 13.11.13.

27 SEYFARTH 1975. On the significance of the phrase *palatinas dignitates velut ex quodam tribuens perpendiculo* in the sense 'scrupulously, with meticulous care,' see BOEFT/HENGST/TEITLER 1987: 43. SZIDAT 1996a: 200 remarks with respect to the passage *palatinas dignitates ... apertissime noscebatur*: "Die Beförderung zu den zivilen Ämtern am Hof wird als frei von jeder Willkür und Zufälligkeit dargestellt."

28 On this, see SZIDAT 1996a: 200f.



admitted members of the previous government into the closest circle of his own officials. For the most part they were of considerable importance for the smooth transition of rule and for maintaining control of the armies.<sup>29</sup>

This approach gave the close circle of Julian's *amici* well publicized preeminence over the rest of the elite. For Mamertinus, the new paradigm is manifest first and foremost in the ceremonial encounter between Julian and his most trusted followers. Mamertinus vividly describes it in perhaps the most famous passage of his speech: he reports a remarkable encounter with the emperor that supposedly happened on the morning of the *processus consularis*, mere hours before the new consul launched into his vehement attack on the old elite in the senate house of Constantinople. Mamertinus relates that the emperor himself had interrupted a *salutatio* and even risen from the throne in order to share some personal words of greeting with his two consuls at eye level. The emperor extended his right hand particularly to Mamertinus as *consul prior* and allowed Mamertinus to kiss him on the mouth. Julian himself then ordered that litters be brought for the consuls, while he led the procession to the curia on foot:<sup>30</sup>

[28.2] ... *Itaque matutino crepusculo palatium petimus. [3] Adventare nos principi, forte tum danti operam saluatoribus, nuntiatur. Statim e solio tanquam praeceptus exsiluit, vultu trepido atque satagente, qualis mens mea esse potuisset, si principi serus occurrerem. [4] Aegre remotis populi qui nos praegrediebatur agminibus, ut quam longissime nobis obviam procederet laboravit. Illic, proh sancta divinitas! gaudentibus cunctis, quo ore? qua voce? inquit. Ave, consul amplissime. Dignatus osculo oris illius divinis affatibus consecrati dexteram dedit, illam dexteram, immortale pignus virtutis, et fidei ... [29.4] Post primae salutationis fausta colloquia, quid pro iure consulari agere nobis placeat sciscitatur, senatorium impleturus officium si libeat tribunal petere, si concionem advocare, si rostra conscendere. Sed nos ad curiam solemnia huius diei senatusconsulta ducebant. [5] Itaque se comitem statim praebebat, et utrumque latus consulatus praetextatis tectus incedit, non multum differens a magistratibus suis et genere et colore vestitus...*

[28.2] ... we sought the palace at the crack of dawn. [3] Our arrival is announced to our leader, who happened to be giving his attention at that moment to well-wishers at his court. He leapt straightway from the throne as if he had been anticipated, wearing an anxious and troubled expression such as my own would be, if I were late meeting the ruler. [4] With difficulty the hosts of people who had come before us were moved back, and he struggled to advance as far as possible to meet us. Everyone there was delighted when, in the name of sacred divinity! with what an expression, what a voice, he said: "Be well, distinguished consul." He considered me worthy to kiss that mouth consecrated by divine utterances, and he gave me his right hand, that right hand, the immortal pledge of valor and of faith ... [29.4] After the auspicious words of the first salutation, he inquires what, in accordance with consular right, it pleased us to do, as he was intending to fulfill his duty as a senator. Did it please us to direct our steps to the tribunal, to summon a public meeting, to ascend the rostrum? But the solemn decrees of the Senate on this day were taking us to the Senate house. [5] So he instantly offers himself as companion and walks along protected on either side by consuls clothed in the *toga praetexta*, in the kind and color of his own dress not much different from his magistrates ...

- 29 The generals Agilo (PLRE I, s.v. Agilo) and Arbitio (PLRE I, s.v. Arbitio 2) were among the most important officials retained by Julian.
- 30 Mamert. *grat. act.* 28.2–4, 29.4f., trans. NIXON/RODGERS 1994. Mamertinus potentially elaborated this passage during later revisions in preparation for the publication of the text.



Mamertinus is making use here of *topoi* that already Pliny the Younger had used to praise Trajan for his conduct as *civilis princeps* in Rome – *topoi* that emperors would reprise again and again in Late Antiquity to demonstrate their good relations with the Roman aristocracy. The emperors of the fourth century often played the part of *civiles principes* especially after the victorious conclusion of a civil war, so as to win over the elite among their former adversaries and to send signals of solidarity with the senate and people of Rome. The visits of Constantine, Constantius II, Theodosius I, and Honorius to Rome are instructive examples.<sup>31</sup> The passage quoted above has repeatedly been interpreted along these lines, yet Julian's ostensibly republican gestures take on a meaning all their own in light of the emperor's confrontational approach toward the old elite: Julian's gestures of civility were deliberately limited to his own *amici* and unfolded their full impact only in combination with gestures of distance from the established aristocracy. The symbolic acts with which Julian emphasized the preeminence of his *amici* clearly negated wealth as a marker of distinction and senatorial rank as a criterion for closeness to the monarch. The new emperor revealed himself to the administrative elite in Constantinople precisely not as a *civilis princeps*, but rather (exactly as Mamertinus had formulated it) as an *ultor iuris* surrounded by his upright *amici*.

Mamertinus' speech reflects the principles of a new political culture with which Julian hoped to restructure the emperor's relations to the administrative elite after his successful rise to sole rule. However, not only symbolic encounters between the new emperor and the old elite attest to innovations of political interaction and communication, but also concrete measures of Julian's. The most drastic action taken against the old regime was the deposition and public condemnation of its most prominent representatives. Already by mid December 361, Julian had assembled a high-ranking commission that met in Chalcedon and served as a tribunal for a political purge with which the new ruler attempted to dispose of the most important power brokers of the old regime.<sup>32</sup> Even though this action caused a stir, it was certainly not surprising, much less innovative. After civil wars it was customary to punish the most important representatives of the defeated side.<sup>33</sup> This often even proved a convenient opportunity to display the *iustitia* and *clementia* of the new ruler: justice could be served when a few prominent scapegoats were held to account, while the rest of the aristocracy could be pardoned.

Julian, however, had no interest in forgiving the rest of the old elite at the expense of only its most prominent representatives. He was interested much more in a complete reconfiguration of the emperor's personal and ceremonial environment. This appears most vividly in his notorious reform of the court: thereby Julian dismissed numerous courtiers whom he considered nothing but a useless bur-

31 See in general SCHMIDT-HOFNER 2012; for the role of civil war: WIENAND 2015.

32 Amm. Marc. 22.3.1–12; cf. ALLARD 1906–1910: vol. II, 92–110; BOWERSOCK 1978: 66–70; and BRINGMANN 2004: 95–97. Even if the army played a decisive role, and Julian later distanced himself from some of the verdicts, the tribunal was a milestone in overturning the old regime. At the same time, Chalcedon seems to have provided the first public stage for a large-scale application of Julian's new policy as a powerful tool of inner-elite conflict.

33 SZIDAT 2010: 322–340.



den on the public treasury. Ammianus reports an instructive episode that vividly reflects the objectives of Julian's court reform:<sup>34</sup>

[9] *Evenerat isdem diebus, ut ad demendum imperatoris capillum tonsor venire praeceptus introiret quidam ambitiose vestitus. Quo viso Iulianus obstupuit (ego) inquit (non rationalem iussi sed tonsorem acciri). Interrogatus tamen ille quid haberet ex arte compendii, vicens diurnas respondit annonas totidemque pabula iumentorum, quae vulgo dictitant capita, et annum stipendium grave absque fructuosis petitionibus multis. [10] Unde motus omnes huius modi cum cocis similibusque aliis eadem paene accipere consuetos, ut parum sibi necessariis, data quo velint eundi potestate, proiecit.*

[9] It happened at that same time that a barber, who had been summoned to trim the emperor's hair, appeared in splendid attire. On seeing him, Julian was amazed, and said: "I sent for a barber, not a fiscal agent." However, he asked the man what his trade brought him in; to which the barber replied twenty daily allowances of bread, and the same amount of fodder for pack-animals (these they commonly call *capita*), as well as a heavy annual salary, not to mention many rich perquisites. [10] Incensed by this, Julian discharged all attendants of that kind (as being not at all necessary to him), as well as cooks and other similar servants, who were in the habit of receiving almost the same amount, giving them permission to go wherever they wished.

The metaphor of the repulsive opulence of the emperor's barber reveals a monarch who is redefining the established criteria for social success and rank within the court society. The reasons that Julian gives for his actions in Ammianus' account bear a striking resemblance to those that emerge in Mamertinus' speech. The society that Julian attacks in both interpretations accepts a purely formal criterion for success: social rank as the (quantifiable) outcome of a regular career in the imperial administration and court society. But as far as the established rules of socio-political hierarchization depend on the ostentatious display of wealth and the grandiose lifestyle that goes with it, proximity to the monarch, in the eyes of Julian, is not a sign of personal intimacy with the emperor, but rather a symptom of the socially destructive effects of excessive luxury.

Both in Ammianus and in Mamertinus, Julian's new political culture breaks with these formalized criteria of an official career or regulated social advancement. Rather, closeness to the monarch is measured here according to the degree of one's intimacy with the emperor as a friend, the most important basis of which is one's personal integrity. Mamertinus clearly emphasizes the primacy of an official's personal integrity in contrast to automatic mechanisms of social advancement. It is worthwhile to quote this passage in full:<sup>35</sup>

[21.1] *At nunc quisquis provincias tribunatus praefecturas consulatus cupit, nihil necesse est pecuniam per fas et nefas quaerat ac libertatem suam saluator vilis imminuat. Quanto fuerit paratior servituti, tanto honore indignior iudicabitur. [2] Tum aliud quoddam hominum genus est in amicitia principis nostri, rude (ut urbanis istis videtur), parum come, subrusticum; blandimentis adulantum repugnat, pecuniae vero alienae tamquam rei noxae tactum reformidat, maximas opes in rei publicae salute et gloriosaimperatoris sui laude constituit. [3]*

34 Amm. Marc. 22.4.9f.; trans. ROLFE 1940. Ammianus here describes the intolerable conditions in the palace in a way that recalls Mamertinus' criticism of Constantius' officials.

35 Mamert. *grat. act.* 21.1–5; trans. NIXON/RODGERS 1994.



*Iam ipse ingenti divinaque Prudentia adversus omnes adsentatorum inlecebras captionesque munitus est. Quippe ei a fucatis adulantium venenis quod periculum est, qui aures etiam veris laudibus gravatus impartiat? [4] Sed multo multoque nunc facilior est ratio honorum petendorum. Quisquis, inquam, capere magistratum uoles, auri atque argenti neglegens esto, nullas ostiatim potentum aedes obito, nullius pedes nullius genua complectitor. Adhibeto tantum tibi gratuitas et paratu facillimas comites, iustitiam fortitudinem temperantiam atque prudentiam: ultro ad te maximus imperator accedet et ut capessas rem publicam flagitabit. [5] Otioso tibi atque alia curanti prouinciae praefecturae fasces sella curulis atque omnia insignia magistratuum deferentur. Quid enim sibi uerae uir perfectaeque uirtutis non constanter de honore promittat, cum me propter tantillum innocentiae meritum uno in anno ter uideat honoratum?*

[21.1] But now, whoever longs for provinces, tribuneships, prefectures, consulships, need not seek money by lawful or unlawful means and like a cheap courtier subvert his own freedom. The more prepared someone is for servitude, the more unworthy of office will he be judged. [2] And then, our leader's friends belong to some other class of men, rough (as it seems to these city people), not very courteous, a little coarse; they resist the flatteries of fawners, in fact they shun the touch of other men's money as if it were a noxious substance, they consider their greatest wealth to be the health of the state and the glorious praise of their emperor. [3] Now he himself has been fortified by his great and divine good sense against all the attractions and deceptions of yes-men. In fact, what danger is there from the tainted portions of flatterers to him who offers his ears grudgingly even to true praises? But now office seeking is much, much easier. [4] Whoever of you, I say, wants to obtain a magistracy, forget about gold and silver, do not go door to door visiting powerful men's houses, kiss no one's feet, clasp no one's knees. Merely summon those free and most easily provided of companions: justice, courage, moderation, and wisdom; the greatest of emperors will approach you on his own and demand that you take the State in hand. [5] While you are disengaged from public affairs and occupied with other things, provinces, prefectures, fasces, the curule chair, and all the insignia of magistracies will be conferred upon you. For what faithful assurance of public office should a man of real and perfect virtue not give himself, when he sees me for the mere attribute of integrity placed thrice in one year in a position of honor?

Admittedly, Mamertinus has his own axe to grind: he must have felt the need to justify his extraordinary career and to defend his newly acquired position at the head of the administrative elite.<sup>36</sup> His total rejection of the conventional processes of aristocratic hierarchization, however, is unthinkable without the support of Julian himself and the new orientation of his personnel policy. Here too, we cannot rely entirely on Mamertinus to assess Julian's policy. Ammianus again gives the key testimony that proves Mamertinus' statements are not far off the mark. He reports another episode, the political significance of which was grasped by the aristocracy with a certain amount of dismay: during his stay in Constantinople, Julian allegedly left the senate building "in an undignified manner" in order to greet the philosopher Maximus of Ephesus, with whom he had studied and main-

36 Mamertinus' own strategy for aristocratic distinction itself warrants study. So far, the speech has generally been interpreted as an encomium combined with the personally motivated thanks given by the consul – but this falls short insofar as the *gratiarum actio pro consulatu* was a significant and in many respects traditionally conceived medium of aristocratic competition and therefore should also be read as such; I investigate this aspect of the fourth-century consular speech of thanks in a forthcoming article.



tained a highly friendly relationship.<sup>37</sup> The established norms of social interaction were deliberately overturned to stress the special character of an intimate personal relationship with the emperor. Again, the emperor set personal *amicitia* above all other status markers, and again he ostentatiously defied the prevailing rules of social rank and hierarchy.<sup>38</sup>

[3] ... *Frequentabat inter haec curiam agendo diversa, quae divisiones multiplices ingerebant. Et cum die quodam ei causas ibi spectanti venisse nuntiatus esset ex Asia philosophus Maximus, exsiluit indecore: et qui esset oblitus, effuso cursu a vestibulo longe progressus exosculatum susceptumque reverenter secum induxit per ostentationem intempestivam nimius captator inanis gloriae visus, praeclarique illius dicti inmemor Tulliani, quo tales notando ita relatum: [4] "ipsi illi philosophi etiam in his libris, quos de contemnenda gloria scribunt, nomen suum inscribunt ut in eo ipso, quo praedicationem nobilitatemque despiciunt, praedicari de se ac se nominari velint."*

[3] Meanwhile, he [i.e. Julian] came frequently into the senate house to give attention to various matters with which the many changes in the state burdened him. And when one day, as he was sitting in judgement there, and it was announced that the philosopher Maximus had come from Asia, he started up in an undignified manner, so far forgetting himself that he ran at full speed to a distance from the vestibule, and after having kissed the philosopher and received him with reverence, brought him back with him. This unseemly ostentation made him appear to be an excessive seeker for empty fame, and to have forgotten that splendid saying of Cicero's, which narrates the following in criticising such folk: [4] "Those very same philosophers inscribe their names on the very books which they write despising glory, so that even when they express scorn of honour and fame, they wish to be praised and known by name."

These episodes – the *salutatio*, the tribunal of Chalcedon, the court reform, and Maximus' greeting – are well known to scholars of Julian, although the paradigmatic nature of these acts as programmatic gestures of a new political culture has generally been underestimated. Again and again, Julian's symbolic acts come down to a principle that breathes the spirit of what Friedrich Nietzsche called the "Revaluation of Values": the new emperor ostensibly sought to found a new political culture in which he himself and his closest circle of loyal *amici* would constitute the center of social gravity. Starting with the norms and values of this inner circle, society as a whole would be purified and transformed. If socially destructive corruptibility and vainglory belonged to the old value system, the personal integrity and loyalty of leading personalities to Julian belonged to the new. This culture was also open to members of the established elite, to be sure (save the sternest supporters of Constantius), provided they accept the new rules.

Julian's confrontational approach thus entailed a linchpin for social reintegration, but the costs were intended to be high, and in the literal sense: One and the same decisive factor appears again and again in the most diverse sources as the central symbol of the old, corrupt system – money. It already figures prominently in the passages cited from Mamertinus' *gratiarum actio*: here, wealth consistently appears as a functionalistic tool for making the contacts necessary for one's career in an elite that depends heavily on the requisite lifestyle and mutual favors.

37 On Maximus of Ephesus, see PRÄCHTER 1930; BRISSON 1999.

38 Amm. Marc. 22.7.3f.; trans. ROLFE 1940. A comparable case: Amm. Marc. 22.9.13.



In the logic of Mamertinus' speech, the systemic importance of wealth for the elite virtually necessitates the illegal exploitation of the defenseless provincial population – with fatal consequences for the commonwealth: Mamertinus paints for his audience an ominous portrait of a degenerate state, in which “men longed for the barbarians, and wretched people preferred the captives' lot.”<sup>39</sup>

Money is the linchpin of Julian's policy shift not only for Mamertinus: Money plays a decisive part in the restructuring of the aristocratic value world for Julian himself. Numismatic evidence in particular reflects the great significance that the emperor attached to money: the minting of gold issues in the imperial mint of Constantinople drops markedly precisely during the months of Julian's stay, and bronze and silver production comes to an almost complete halt; regular production does not resume until the emperor left the city over half a year later.<sup>40</sup> The nearly complete suspension of minting in Constantinople can only be interpreted as the emperor's deliberate decision to forgo the usual gestures of imperial munificence – a stunning symbolic act that may be read as a direct expression of Julian's role as *ultor iuris*.

Forgoing the usual gestures of imperial *liberalitas* targeted more than a mere handful of unpleasant members of the old regime. It was a broad measure and seems to have been deliberately directed towards all members of the elite indiscriminately. This must have been even more conspicuous to the Constantinopolitan elite, since Constantius had virtually showered precious metal issues on the leading figures of his administration just shortly beforehand.<sup>41</sup> When Julian rejected the clear opportunity to obligate leading figures of his deceased opponent's regime with imperial gifts, he made no excuses (for instance, by alleging a tight

39 Mamert. *grat. act.* 4.2: ... *ut iam barbari desiderarentur, ut praeoptaretur a miseris fortuna captorum*. The audience addressed by the consul here is in part identical to those he attacks for “the no less pernicious than shameful robberies of the governors” and the “wicked robbers who called themselves governors”: Mamert. *grat. act.* 1.4: ... *idque eo tempore quo exhaustae provinciae partim depredatione barbarica, partim non minus exitalibus quam pudendis praesidentum rapinis ultra opem imperatoris exposcerent, ...*; 4.2: *Porro aliae [sc. urbes] quas a vastitate barbarica terrarum intervalla distulerant iudicum nomine a nefariis latronibus obtinebantur*.

40 In the interim between Constantius' death and Julian's departure, only the bronze issue RIC VIII Constantinople 160 and the gold issue RIC VIII Constantinople 156 were produced in Constantinople (cf. BASTIEN 1988: 92; not listed in BEYELER 2011). The bronze issue appears to have been produced by the mint on its own cognizance immediately after Constantius' death became known, before Julian could order all bronze and silver production to cease. The solidus is the only type that Julian ordered to be produced during his time in Constantinople. The format and design of the issue suggest that the coins were used for military salaries or special payments. It is not possible here to give a comprehensive and detailed analysis of minting activity in Constantinople for the year 362; I investigate the details of Julian's minting policy in Constantinople in a forthcoming article.

41 Certainly, when Constantius used Constantinople as his chief residence at the end of the 350s, the mint produced extensive precious metal issues. John P. C. KENT observes “an extensive gold and silver coinage” in Constantinople into the year 360, including valuable medallions that were customarily used for largesses to high-ranking officials: RIC VIII, p. 444; cf. BASTIEN 1988: 90f.; BEYELER 2010: 139–141.



budget). On the contrary, he made it clear that his refusal to give monetary gifts should be taken as the hallmark of a new political culture. Mamertinus' *gratiarum actio* demonstrates this clearly. His statements about Julian's opinion of the importance of money for winning the subjects' loyalty to the emperor are highly significant: Mamertinus was not only one of Julian's closest companions,<sup>42</sup> he was also intimately familiar with the principles of Julian's financial policy. Only a short while beforehand, Mamertinus himself had been *comes sacrarum largitionum* and responsible for the new emperor's public budget, thus also for his cash distributions. Mamertinus may even have helped formulate the principles behind Julian's largesse policy toward the established elite.<sup>43</sup> For him, Julian's *liberalitas* reflects the essence of the new emperor's ruler conception. This is equally important for understanding both the rationale behind the cessation of minting in Constantinople and Julian's role as *ultor iuris*.

The bold break with the conventions of imperial *liberalitas* enabled Julian to force the elite symbolically into the service of the Empire. The rejection of imperial munificence is thus strictly limited to the established elite of the Empire, so the money thus saved (at least according to the logic of imperial self-representation) might benefit the simple population of the Empire. In his speech, Mamertinus represents this as an inversion of former practice:<sup>44</sup>

[10.2] ... in omnia pecuniam ab imperatore depromi et quoddam versa vice provinciis pendere tributum, illinc ad universos fluere divitias quo prius undique confluebant! – ut in maxima quaestione sit a quo accipias, imperator, qui sic omnibus largiaris. [3] Sed qui vitae tuae instituta rationemque cognoverit, facile fontem copiae huius inveniet. Maximum tibi praebebit parsimonia tua, Auguste, vectigal. Quidquid enim alii in cupiditates proprias prodigebant, id omne nunc in usus publicos reservatur.

[10.2] ... the money for everything is drawn from the emperor's account and in a reversal of conditions something like tribute is paid to the provinces, riches flow out to everyone from that place into which they used to flow together from every direction! – so that where you get the money, emperor, is a great question, since you [3] bestow it so lavishly upon everyone. But he who knows the principles of your life-style will easily discover the source of this wealth. Your frugality, *Augustus*, affords you your greatest source of income, for whatever others used to squander on their own desires is now all reserved for public uses.

In the logic of Mamertinus' speech, imperial *liberalitas* is shown first and foremost to the ordinary population of the Empire, but no longer to members of the established administrative elite, as traditionally.<sup>45</sup> Money is thus specifically negated as a factor that binds the elite to the emperor, thereby functioning as a means

42 Which resulted in a career that is downright breathtakingly for a *homo novus*: in summer 361 Mamertinus became finance minister, before November of the same year he took over the praetorian prefecture of Illyricum, which was later expanded to include Italy and Africa, and two months later on January 1, 362, he became ordinary consul. It must have been obvious that Mamertinus was one of the closest companions of the new emperor.

43 At this point, he had already handed this office over to his successor (PLRE I, s.v. Felix 3).

44 Mamert. *grat. act.* 10.2f.; trans. NIXON/RODGERS 1994.

45 *Liberalitas* toward the simple population of the Empire: Mamert. *grat. act.* 8.3–9.1, 10.2f., 14; *liberalitas* toward soldiers: 14.5.



of social stratification within the elite. Mamertinus' speech assigns money only an explicitly non-functionalist role in interaction between the emperor and the elite: gifts of money from the emperor, under Julian's new political culture, will be made only to the emperor's upright *amici*, and only when their *amicitia* is preceded by the emperor's favor; that is, when an imperial benefaction will have no influence on the social stratification of the administrative elite: "power and riches are heaped upon men who labor at nothing," as Mamertinus pointedly states. In the following way he explains the basic principle of an imperial *libertas* that does not function as a means of social hierarchization, but rather is subordinate to it:<sup>46</sup>

[25.3] ... *Si quis praestat virtutibus bellicis et laude militiae, in amicis habetur; qui in oratoria facultate, qui in scientia iuris civilis excellit, ultro ad familiaritatem vocatur. [4] Quicumque in administratione rei publicae innocentem se umquam et strenuum praebuit, in consortium munerum receptatur. [5] Regendis provinciis non familiarissimum quemque sed innocentissimum legis. Omnes a te augentur pecunia, locupletantur divitiis, honoribus honestantur.*

[25.3] ... If someone distinguishes himself in martial prowess and military renown, he is counted among your friends; he who excels in oratorical ability, or in the knowledge of civil law, is invited to be a friend without his asking. [4] Whoever has shown himself blameless and energetic at any time in state administration is admitted to participation in your duties. [5] For governing provinces you choose not your closest acquaintances but the most upright men. All have money heaped upon them by you, they are enriched with wealth, honored with offices.

Mamertinus' statements obviously are exaggerated and idealized, but in essence the consul's description is accurate. One and the same message appears again and again in programmatic gestures and symbolic acts: in his role as the new ruler over the entire Empire, Julian presents himself to his subjects as the law's avenger – *ultor iuris* – who seeks to force the elite to serve the common good. The semantic field of wealth, luxury, and self-enrichment thereby becomes key: money should ideally cease to function as a means of aristocratic hierarchization, so that it instead may benefit the commonwealth as the basis of general prosperity.

Julian's revolution of political values in fact changed the criteria for social interaction within the elite, if only in some respects and for a short time: Ammianus relates that soon litigants began to accuse elite members of embezzlement, probably on behalf of their political rivals.<sup>47</sup> Julian had changed the conditions for success, but among the aristocracy fierce competition for social rank and influence with the emperor continued – but with a different sort of ammunition. In the end, the principles behind Julian's policy could neither consistently be applied nor serve as the basis of a pragmatic personnel policy. After some months, most members of the old elite (if not swept away by the political purges) seem to have found their place in the new regime, and the coin production returned to normal.

46 Mamert. *grat. act.* 25.3–5; trans. NIXON/RODGERS 1994. Julian's soldiers were not told to tighten their belts anyway, but Julian's policy apparently had loopholes also for *liberalitas* towards members of the civil elite.

47 Amm. Marc. 22.6.1–4. Not everyone within the elite seems to have been amused: Mamert. *grat. act.* 24.7 struggles to find a harmless justification for Julian's use of a bodyguard in Constantinople, which might have been necessary not just on ceremonial grounds.



On the part of Julian, personal resentment and desire for revenge may have played a role initially, along with philosophical conceptions of kingship and ideas of leadership influenced by epos and mythology. Pragmatism and compromise, however, were not among Julian's strongest virtues. Even Ammianus, who gives an overall positive assessment of Julian's reign, makes quite clear his disapproval of Julian's personnel policy. It did not take long for all to see that the political program of the "law's avenger" provided no sound foundation for Julian's imperial administration – but that is another story.

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