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TWO LETTERS OF THE USURPER MAGNUS MAXIMUS (*COLLECTIO* *AVELLANA* 39 AND 40)¹

Among the 244 individual texts whose assemblage makes up the so-called *Collectio Avellana*—a dossier of documents, laws, and letters dating from the period from A.D. 367 to 553 AD and all dealing with subjects of schism and of ecclesiastical authority—are to be found two letters that ought not to be there, *Coll. Av.* 39 and 40. These letters, in fact, ought not to be anywhere, for they had issued from the *scrinia* of the usurping emperor Magnus Maximus (r. 383-8). Maximus fought a war against the emperor Theodosius I, a war which Maximus lost. He was executed and was subjected to memory sanctions—the so-called *damnatio memoriae*—a heterogeneous assemblage of penalties designed to conspicuously erase the memory of Maximus from the public record through destruction of his portraits, erasure of his name from inscriptions, the cancellation of his laws, and more besides.²

¹ My enormous gratitude for the feedback and insight of the attendees of the session ‘Imperial Memories in Late Antiquity’ at the Leeds International Medieval Congress 2018, at which this article was aired as a paper, and to Juliane Kerkhecker who, when I was still a doctoral student and still finding my feet in Latin, helped me untangle some of the knots in these texts. My thanks also to my former supervisor, Neil McLynn, for sharing proofs of his article ‘Tyrants, Arians, and Manichees’ with me prior to its publication, and also to Alden Mosshammer, who entered into a very patient correspondence with me concerning Easter dating and its peculiarities. Finally, my considerable gratitude to the readers of *CQ*, whose admirably thorough feedback has helped to considerably improve this piece.

² S. Lunn-Rockliffe, ‘Commemorating the Usurper Magnus Maximus: Ekphrasis, Poetry, and History in Pacatus’ Panegyric of Theodosius’, *Journal of Late Antiquity* 3:2 (2010), 321–3; A. Omissi, ‘*Damnatio memoriae* or

It is these processes of memory sanction that make the survival of Maximus' letters so unexpected. When an emperor's memory became damned it became politically toxic, and individuals who had been close to the fallen emperor but had survived the immediate round of executions attendant on his death did well to distance themselves from the deceased, whether by conspicuous displays of loyalty to the new regime, by careful attempts to edit their own past, or a judicious combination of the two.³ Destruction of letters written by, written to, or written about a fallen usurper featured high on the list of priorities here, and such evidence as we have from the period shows that it was a task scrupulously undertaken.⁴ Thus, to find preserved not one but two letters actually authored by a usurper is without precedent and these texts—one addressed to the emperor Valentinian (*Coll. Av.* 39), the other to Siricius, bishop of Rome from 384–99 (*Coll. Av.* 40)—thus constitute utterly unique survivals from the Roman world. For anyone with even a passing interest in the history of the later Roman Empire, they ought to be well known.

That they are not is a product of two interrelated factors. In the first place, the letters tend to be treated as a means to an end, not as an end in themselves, and when they appear at all in secondary literature it is usually as a passing footnote in a wider narrative (either about Magnus Maximus or about Priscillian of Avila, on whom more below) in which the extraordinary nature of these documents is not underscored and in which a considerable contextual knowledge of

creatio memoriae?: Memory Sanctions as Creative Processes in the Fourth Century AD', *Cambridge Classical Journal* 62 (2016), 176. For the laws abolishing Maximus enactments, see *CTh.* 14.15.6–8.

³ H. Leppin, 'Coping with the Tyrant's Faction: Civil War Amnesties and Christian Discourses in the Fourth Century AD', in J. Wienand (ed.), *Contested Monarchy: Integrating the Roman Empire in the Fourth Century AD*, Oxford Studies in Late Antiquity (Oxford, 2015), 198–214, highlights the fairly consistent nature of Roman practice in this regard, with a generalized amnesty accompanied by retributive punishment against an ill-defined inner circle. It was vital to find oneself outside that circle.

⁴ See below???

the events which occasioned them is assumed.⁵ Second, only one of these two letters (40, that to Siricius) has ever been translated into English, and that with very little commentary.⁶ I suspect that the linguistic barrier which their arch and often highly allusive Latin presents is a significant enough disincentive to prevent many researchers, especially students, from troubling with them.

As will be seen, these letters present material that enriches our understanding on a wide range of interrelated themes. Foremost is the insight they offer into how a usurping emperor might present his regime and how hostile emperors related to one another and the wider world. Yet they also shine a spotlight on the evolution of papal authority, on the way in which bishops interacted with emperors (and, indeed, exploited inter-imperial dynamics in order to strengthen their own positions), and on the increasingly overt Christianization of the imperial office during the fourth century. The letters elucidate our understanding of the fluid conflict between orthodoxy and heterodoxy in the Western church and they also bear directly on two great and (very differently) controversial figures the fourth century church, Priscillian of Avila, perhaps the first individual in history ever to be executed for heresy, and Ambrose of Milan, the individual who, more than any other, showed the late Roman world the power that the bishop could now wield, if he had the courage and the nous to grasp it.

⁵ H. Chadwick, *Priscillian of Avila: The Occult and the Charismatic in the Early Church* (Oxford, 1975), 8, 117, 121, 148; J. Matthews, *Western Aristocracies and Imperial Court, AD 364–425* (rev. edn. Oxford, 1990), 181; S.N.C. Lieu, *Manichaeism in the Later Roman Empire and China*, *Wissenschaftliche Untersuchungen zum Neuen Testament* 63 (Tübingen, 1992²), 148; R.M. Errington, *Roman Imperial Policy from Julian to Theodosius* (Chapel Hill, 2006), 209.

⁶ P.R. Coleman-Norton, *Roman State & Christian Church: A Collection of Legal Documents to A.D. 535* (London, 1966), 2.399–403.

The following article is thus an attempt to make this material available to a wider audience. In it, I offer detailed commentary on the dating and significance of the letters, first *Coll. Av.* 39 and then 40. Following this, I consider the survival of the letters, exploring why and how such potentially explosive documents were preserved, which itself necessitates some consideration of the nature of the *Collectio Avellana*. Finally, I offer a translation (based on Otto Günther's 1895 text) and commentary for both of the letters.⁷ Critics may deem this an excessive quantity of text to devote to a mere two imperial letters, but their extraordinary character merits a consideration of this size. The letters are of value to those studying both imperial and ecclesiastical history (and, of course, to those studying the intersection of the two). It ought to be stated again that these letters constitute unique survivals from the Roman world, and as such, they ought to be better known.

COLL. AV. 39: DATE AND SIGNIFICANCE

The first of the two letters is addressed to Valentinian II (r. 375–92), and its heading in the manuscript of *Coll. Av.*, though certainly not a heading it will have borne when it was first sent, reads ‘A letter from the tyrant Maximus to the Augustus Valentinian the Younger, against the Arians and the Manicheans’ (*Epistola Maximi Tyranni ad Valentinianum Aug. Iuniorum contra Arianos et Manichaeos*). This slightly misleading title (our Manicheans do not appear till *Coll. Av.* 40, nor are they strictly speaking Manicheans at all), none the less gives some clue as to the letter's contents, since Maximus, though he never names either Milan or the bishop

⁷ O. Günther, *Corpus Scriptorum Ecclesiasticorum Latinorum*, vol. XXXV. *Epistulae Imperatorum Pontificum Aliorum inde ab A. CCCLXVII usque ad A. DLIII datae Avellana quae dicitur Collectio* (Leipzig, 1895–8).

Ambrose directly, was clearly writing in the wake of the conflict that gripped the city between the Easters of 385 and 386.

This is not the place to rehearse in detail the events of that conflict—not least because they are themselves highly disputed in their minutiae—but a short recapitulation of the key points may be valuable.⁸ Conflict between bishop and court seems to have begun in earnest in the spring of 385, when Valentinian requested that Ambrose hand over to the court and its tame clerics (whom Ambrose and others determinedly refer to as Arians)⁹ the Basilica Portiana in order that it could be used by the court for its celebration of Easter. This Ambrose refused to do, and, though the court ultimately yielded, over the rest of the year Ambrose appears to have been increasingly hounded by the emperor and even threatened with exile. On 23rd January 386, in a move doubtless designed to give the next phase of the conflict a firm legal grounding,

⁸ Much the best and fullest account remains N. McLynn, *Ambrose of Milan: Church and Court in a Christian Capital* (Berkeley, 1994), 170–219, although it has now been complemented by the insightful M.S. Williams, *The Politics of Heresy in Ambrose of Milan: Community and Consensus in Late Antique Christianity* (Cambridge, 2017), 214–86, which largely rejects Ambrose’s characterization of the dispute as one over doctrine, and frames it rather as a contest over authority and the control of public space. See also T.D. Barnes, ‘Ambrose and the basilicas of Milan in 385 and 386: the primary documents and their implications’, *ZAC* 4 (2000), 282–99; J.H.W.G. Liebeschuetz, *Ambrose of Milan: Political Letters and Speeches* (Liverpool, 2005), 124–136 (with 136–73 a translation of the three ‘letters’ of Ambrose—one is in fact a sermon—that constitute our key primary witnesses for this episode).

⁹ Terminology is difficult but important. Though Ambrose and others among the Nicene party might denounce their opponents as ‘Arians’, this label is in fact a poor fit for the non-Nicene party in Milan, who did not subscribe to Arius’ teachings concerning the created nature of the Son. Accordingly, when referring to the non-Nicene party in Milan, I use the term ‘Homoian’, which more accurately reflects the tenets of their theological position, though on occasion I use the term ‘Arian’ when referring to the assertions of those who, like Ambrose and Maximus, used it to slander their opponents. On the term Homoian, see U. Heil, ‘The Homoians’, in G. M. Berndt and R. Steinacher (edd.), *Arianism: Roman Heresy and Barbarian Creed* (Farnham, 2014), 85–115.

Valentinian published a law reaffirming that there existed freedom of worship for all who followed the creed established at Rimini in 359 (which included the Homoians, Ambrose's 'Arians') and prescribing death to any that opposed this.¹⁰ Ambrose was then summoned to the consistory, apparently to debate with a Homoian bishop, Auxentius, a summons he very publicly refused.¹¹ Finally, as the Easter of 386 approached, the court again requested access to Ambrose's churches, first his own Basilica Nova and then (again) the Basilica Portiana. For the third time, Ambrose openly refused the requests of Valentinian's court. Valentinian's soldiers surrounded the Basilica Portiana where the Nicene faithful were gathered but the bishop and his flock refused to budge and Valentinian again backed down, withdrawing his soldiers and leaving the bishop triumphant.

Maximus' letter makes clear from the outset that it is in response to these events that he is writing to Valentinian, and his opening sentence makes reference to 'the disturbance and convulsion of Catholic law' (*catholica lex*) and then enumerates in summary the events of this controversy (39.1). It was certainly after the second (i.e. 386) phase of the conflict that Maximus was writing, for he mentions, among the various outrages reported to him, 'that a fine has been imposed' (39.3: *multam esse propositam*), reference to a fine of 200lbs of gold imposed on the Nicene congregation during Easter 386.¹² Since Maximus claims that 'rumour' (*fama*) has informed him of what has been transpiring, since he refers to priests 'being besieged in their churches' (in the present tense), since the tone he strikes is explicitly advisory (implying that the crisis was ongoing), and since he makes reference to 'new edicts' (*noua edicta*) issued by Valentinian, it would seem safe to assume this letter was written during the second and final

¹⁰ This law, astoundingly, has survived and was included in the *Theodosian Code*: *CTh.* 16.4.1.

¹¹ This was Auxentius of Durostorum who ought not to be confused with Auxentius of Milan, Ambrose's predecessor in the bishopric who was also—rather unhelpfully—a Homoian: cf. Williams (n. 8), 252–81.

¹² See below ???.

phase of the Easter crisis, that is during the Easter of 386. Allowing time for news to move between courts, the letter must thus have been composed in the first half of April 386.¹³

The core message of this letter has been variously interpreted, and in what follows I advance my own reading. I would warn readers, however, that it is not the only interpretation possible.¹⁴ Regardless of one's position, however, it is indisputable that to properly understand the significance of the tensions underlying this correspondence, one needs to understand the relationship between Maximus and Valentinian and the grounds for Maximus' deep-seated resentment of the young emperor.¹⁵ Maximus, as has been mentioned, was a military usurper. The narrative sources are predictably laconic on the reasons for his usurpation, but from the

¹³ Easter in 386 was almost certainly celebrated in Milan on 5th April, the date prescribed both by the Roman 84-year cycle and the Alexandrian 19-year cycle: cf. A. Mosshammer, *The Easter Computus and the Origins of the Christian Era* (Oxford, 2008), 214–15. M.V. Escribano Paño, 'Maximus' Letters in the *Collectio Avellana*: A Comparative Study', in R. Lizzi Testa and G. Marconi (edd.), *The Collectio Avellana and its Revivals* (Newcastle, 2019), 65 dates the letter to 'some time after April 386', without—to my mind—addressing the arguments I give here that suggest contemporaneity with the events they describe.

¹⁴ Escribano Paño's recently published article (n. 13) follows broadly the same interpretative line that I take here, which I would consider the mainstream interpretation. Neil McLynn's forthcoming chapter 'Tyrrants, Arians, and Manichees: Magnus Maximus in the *Collectio Avellana*', in A. Evers (ed.), *Emperors, Bishops, Senators: The Evidence of the Collectio Avellana* (Leuven, forthcoming) takes Maximus' expressed concern for Valentinian within the two letters more clearly at face value—unusual for McLynn—and sees a certain fatherly concern in their tone. Both authors see the two letters (39 and 40) as likely having been sent at the same time, which is not an argument I would seek to pursue (perfectly plausible though it is). See also the note following.

¹⁵ Matthews (n. 5), 181, sees the letter as 'remarkably patronising' but none the less a potential indicator of 'a certain easing of relations between Milan and Trier'; Barnes (n. 8), 296–7 sees the letter, as I do, as a more or less open threat; most recently, McLynn (n. 14), has argued that Maximus words ought to be taken at face value and that the letter is one of honestly intended advice by a Maximus seeking not to overawe Valentinian, but to win him over.

dark hints we may find contained within them we may infer that Gratian was proving himself incapable of the delicate social, political, and military balancing act that was being a Roman emperor (Ammianus recalled the megalomaniacal spectre of the purple-born Commodus).¹⁶ More clearly articulated, however, are the grievances which Maximus had with Gratian's young half-brother, Valentinian II. In a letter to Valentinian, discussed in more detail below, Ambrose reports Maximus' own angry outburst: 'You have mocked me, you and that man Bauto, who wished to rule behind the cloak of a little boy, who sent the barbarians against me.'¹⁷ In a period in which the Empire was being rocked by the most serious military crisis in living memory, a career soldier like Maximus could see that the government of Italy was being managed by barbarian generals and a female regent (Valentinian's mother Justina) under the nominal primacy of a boy who was, in 383, still only twelve years old. What is more (and as we will see clearly within the *Coll. Av.* letter itself) Maximus was a deeply committed adherent of Nicene orthodoxy and evidently comfortable with the idea that it was an emperor's duty to protect this creed. Valentinian's mother, Justina, was certainly a sponsor of the Homoian party at Milan and it is clear that Valentinian himself was likewise supportive of the community and

¹⁶ Amm. 31.10.18–9. Other sources make reference to Gratian having showed undue favouritism to his Alan bodyguards (Aur. Vict. *Epit.* 47.7; Zos. 4.35.2–3), which hardly seems grounds for military revolt, though cf. A. Omissi, *Emperors and Usurpers in the Later Roman Empire* (Oxford, 2018), 21–34. For modern accounts of the reign of Maximus, see J.R. Palanque, 'L'empereur Maxime', in *Les Empereurs Romains de l'Espagne* (Paris, 1965), 255–67; Matthews (n. 5), 173–82, 223–7; A.R. Birley, 'Magnus Maximus and the Persecution of Heresy', *Bulletin of the John Rylands University Library* 66 (1983–4), 13–43; Omissi (n. 16), 263–90.

¹⁷ Amb. *Ep.* 30[24].4. Maximus' Gallic issues featured legends such as *RESTITVTOR REIPVBLICAE* and *REPARATIO REIPVBLICAE* (RIC IX 1–70), common legends for emperors who saw their reigns as correctives to previous misgovernment.

of their right to assemble.¹⁸ In the Empire's wider geopolitics, this made natural religious allies of Maximus and the Eastern emperor Theodosius (with whom Maximus' had a long relationship stretching back into the 360s) at the same time as it associated Valentinian with the Gothic tribesmen that not only filled the Balkans, but filled the ranks of Valentinian's own armies.¹⁹

These tensions had very tangible consequences. After Maximus' seizure of power in Britain in the spring of 383, he had crossed into Gaul. There he had met Gratian's armies near Paris. A five day standoff was ended by desertions from Gratian's army, as a result of which the younger emperor fled and was apprehended and executed by Maximus' *magister equitum*, Andragathius, on 25th August.²⁰ Only the skilled mediation of Ambrose, who went in embassy to Maximus' court at Trier, prevented Maximus' forces from descending upon Italy in that same year, and Maximus made clear and public to Ambrose his expectation that Valentinian would instead come to his court in Gaul, 'as a son to a father.'²¹ The prospect cannot have been

¹⁸ On reasons for caution over accepting a more traditional and simplistic formulation that Valentinian and his mother were themselves Arians, see Williams (n. 8), 221–3.

¹⁹ Cf. Amb. *Ep.* 76[20].12. On Maximus' relationship to Theodosius and his father Theodosius the Elder, see Amm. 29.5.6, 21; Pan. Lat. 2(12).24.1, 43.4, with the commentary of C.E.V. Nixon, and B.S. Rodgers (edd.), *In Praise of Later Roman Emperors: the Panegyrici Latini: introduction, translation, and historical commentary, with the Latin text of R.A.B. Mynors* (Berkeley, 1994), 479 n. 83; Zos. 4.35.3.

²⁰ Aur. Vict. *Epit.* 47.7; Fast. Vind. prior 502 (=MGH AA.9 297); Oros. 7.34.10; Prosper *Chron.* s.a. 384 (=MGH AA.9 461); Soc. HE 5.10; Soz. HE 7.11; Sulp. Sev. *Chron.* 2.49.5; Zos. 4.35.4–6.

²¹ For the quotation, see Amb. *Ep.* 30[24].7. The main evidence for this embassy comes from this letter (though it is also alluded to at Amb. *Ep.* 75[21].20). For modern accounts, see: McLynn (n. 8), 160–3; N. Dörner, 'Ambrosius in Trier', *Historia* 50 (2001), 217–244; Y.-M. Duval, 'Les ambassades de saint Ambrose auprès de l'usurpateur Maxime en 383 et 384' in J.-M. Carrié and R. Lizzi Testa (edd.) *"Humana Sapit": Études d'Antiquité Tardive offertes à Lellia Cracco Ruggini* (Turnhout, 2002), 239–51.

an inviting one. Maximus had in his possession the still unburied body of Valentinian's half-brother, Gratian, and should the young emperor have come to Trier his mother would have likely been driven to exile (or worse) and he himself would either have been killed or have been kept at Maximus' court as a tame legitimator for the new regime. The young emperor thus wisely refused to cross the Alps. In the East, however, Theodosius recognized Maximus as emperor and a delicate stalemate thus emerged for a period of four years between Maximus' court at Trier and that of Valentinian in northern Italy, a stalemate broken by Maximus' invasion of the peninsula in 387 (and Valentinian's flight from it).²² The basilica conflict and *Coll. Av.* 39 fall in the second half of this period, a little over a year before Maximus finally launched his invasion across the Alps.

All of this informs the carefully oblique rhetoric of the letter. Its text is couched in a scrupulously formal and respectful language appropriate to inter imperial correspondence, and Maximus addresses the young Valentinian as 'Your Serenity' (*serenitas tua*), 'Your Constancy' (*perennitas tua*), and 'Your Clemency' (*clementia tua*). Yet behind the thin screen of this proscribed courtesy, the tone is at once patronising and threatening. Maximus opens his letter by counterfactually musing out loud about the fact that *if* he were Valentinian's enemy, then events in Valentinian's territory would be playing directly into his hands. No fewer than seven times in a letter of a little less than 500 words does he repeat either that he is not Valentinian's enemy or that he has a deep concern for Valentinian. Indeed the whole tone of the letter is couched as the guidance of a concerned, even paternal advisor keen to prevent one younger than himself from falling into error. Yet this paternal interest is drawn against the backdrop of ruin, for Maximus wishes to warn Valentinian that he now sails in very perilous

²² D. Vera, 'I rapporti fra Magno Massimo, Teodosio e Valentiniano nel 383-4', *Athenaeum* 53 (1975), 267-301; H.R. Baldus, 'Theodosius der Grosse und die Revolte des Magnus Maximus: Das Zeugnis der Münzen', *Chiron* 14 (1984), 175-192; Matthews (n. 5), 176-82; Lunn-Rockcliffe (n. 2), 316-36; Omissi (n. 16), 263-9.

waters: ‘It is dangerous, believe me, to test divine things’ (39.4: *periculose, mihi crede, diuina temptantur*).²³

Maximus never directly calls Valentinian an Arian or a heretic (though he comes exceptionally close). None the less he presumes to lecture Valentinian on the proper relationship of the emperor to his church, and explicitly assumes a considerable ignorance and *naiveté* on the young emperor’s part, drawing attention to Valentinian’s inability to live up to the positive example of his departed father (39.5: *diuus Valentinus*, ‘the divine Valentinian’), and naming what has been happening in the young emperor’s territory ‘a certain resemblance to persecution’ (39.6: *quaedam persecutionis imago*). Across the course of the letter, Maximus moves from generalized declarations of concern for Valentinian to specific criticism, thence to increasingly clear and direct injunctions to alter his behaviour:

Can it be that Your Serenity, venerable to me, thinks that a religion which has once taken root in the minds of men, which God himself has established, can be uprooted? How much discord will be stirred up from this? How much controversy will arise? How frequent and destructive the insurrections? (39.6)

The threat implicit in all of this is clear enough, for who does Maximus imagine will be God’s avenger on earth if not himself? In enumerating the territories of the Western Empire that were themselves loyal to the Nicene creed, ‘all of Italy and Africa’ among them (39.4), Maximus reminded Valentinian of the proprietorial eye he was casting over the young emperor’s territory. The letter’s conclusion was, in essence, a pair of clearly worded ultimata: stop meddling in ecclesiastical affairs and hand back all churches in Italy and Rome to the orthodox party (39.8).

²³ Cf. Escribano Paño (n. 13), 56–7, who interprets these passages similarly.

By the dating given at the beginning of this article, Maximus' threats were unnecessary; the basilica conflict had almost certainly been resolved (and to the benefit of the Nicene party), well before this letter reached Valentinian. None the less, we have every reason to treat these threats with seriousness. In the first place, what little we can glean of Maximus' character suggests an image of a deeply—one might say aggressively—pious emperor. Sulpicius Severus, who lived in a Gaul ruled by Maximus, remembers an emperor frequently surrounded by and in discourse with his bishops (albeit, according to Severus, the wrong bishops).²⁴ He was an ardent persecutor of dissenting voices within the Church and, as we will see with *Coll. Av.* 40, he seems also to have been the first emperor to incorporate explicitly Christian elements into the normally secular ceremony of the imperial accession.²⁵ Nor was this the first time that an emperor had threatened war upon another to defend the Christian church. It is very clear that Constantine (and his historian-cum-panegyrist Eusebius) sought to portray the final conflict between himself and Licinius in 324 as a product of Constantine's desire to protect the Christians living in the East and suffering under Licinian persecution.²⁶ In the mid-340s, the self-confident Constans had written to his brother, Constantius, and had in no uncertain terms promised war if the later did not at once reinstate the bishop Athanasius of Alexandria to his see, a threat which had caused Constantius to back down and permit Athanasius' return.²⁷ Whether one sees these incidents as motivated by genuine piety is, in some senses, moot; the point is clear that religious malpractice was, in the Christian Roman Empire, considered

²⁴ Sulp. Sev. *Chron.* 2.49–51; *Dial.* 2.6, 3.11; *V. Mart.* 20.

²⁵ See below???

²⁶ The sources of this are complex, and the religious motivations for this war are likely back-writing on the part of Constantine. For consideration of these sources, see T. G. Elliott, 'Constantine's Explanation of his Career', *Byzantion* 62 (1992), 212–34.

²⁷ Soc. *HE* 2.22.5; cf. Philost. *HE* 3.12; Soz. *HE* 3.20.1; Theodor. *HE* 2.9; Theoph. 5849.

grounds for war and that Maximus was positioning himself strongly as the champion of a Nicene community currently threatened by Valentinian's actions. Unspoken, the threat of force waits here in the wings.

Reading the text of the letter, one cannot help but be struck by the fact that one of the key players in the basilica drama, Ambrose of Milan, is never named (though Maximus does refer to the fact 'that priests are besieged in their basilicas' (*obsideri in basilicis sacerdotes*), a comment which can only refer to the blockade of Ambrose over the Easter of 386). Reason for Maximus' indirectness (he is certainly happy elsewhere to name specific individuals and places) can probably be found in the history of the relationship between Ambrose and Maximus, which was intertwined with the relationship that existed between Maximus and Valentinian. In the autumn of 383, following the execution of Gratian (and perhaps in part out of loyalty to the dead emperor), Ambrose had acted as the head of the embassy from Valentinian to Maximus, which, we have already seen, stalled the emperor's advance.²⁸ It is clear that Ambrose dissembled at this meeting (his biographer, Neil McLynn, accuses him of outright lies) and bought peace (and time) with vaguely worded promises.²⁹ He argued it was too late in the year for Valentinian to cross the Alps, and it is clear that he presented the case in such a way that Maximus believed that Valentinian would travel to his court in 384. Doubtless happy to gain the outcome he sought without violence, and believing that the bishop of one of the Western Empire's most important cities and sees was negotiating in good faith, Maximus agreed to these terms. In later years he would complain bitterly that Ambrose had

²⁸ Above, ??? Ambrose clearly felt (and wished to display) his loyalty to Gratian, which found textual expression in his commentary on Psalm 62(61), rich with evocation of the treachery and calumny that sent the Christ-like Gratian to his death at the hands of the wicked Maximus: C.R. Raschle, 'Ambrosius' Predigt Gegen Magnus Maximus. Eine historische Interpretation der *explanatio in psalmum*, 61 (62)', *Historia* 54 (2005), 49–67.

²⁹ McLynn (n. 8), 160.

halted his advance into Italy (Amb. *Ep.* 76[20].23). And for all the bad blood that passed between Valentinian and Ambrose in this period, it is notable that when Valentinian again had need of an ambassador to Maximus, it was Ambrose that he sent to the court at Trier.³⁰ Maximus struggled, on this latter occasion, to control his temper (Amb. *Ep.* 30[24]).

Given all this, Ambrose's (near) absence from *Coll. Av.* 39 is perhaps intentional, and I would suggest that the irascible Maximus had no desire to pay Ambrose the compliment of explicitly acknowledging his role in holding his basilica against imperial soldiers. Yet whilst Ambrose's self-proclaimed heroic role in this story is downplayed by Maximus, the point remains that in this letter Maximus positioned himself as Ambrose's patron and defender. In part, this accords with Maximus' own ambition to present himself as a universal Christian ruler. He may also, however, have remembered the old adage that the enemy of my enemy is my friend, and have hoped to drive a wedge between Ambrose and the court. This appears to have been an intention never fully realized, but in 386 the basilica conflict may have looked like promising ground in which to sow seeds of further dissent in Italy and to undermine Valentinian's authority. Certainly, hostility between the Catholic Ambrose and the Homoian court was there to be exploited. Ambrose's conflict with them in 385 and 386 had brought him realistically within danger of being murdered by Valentinian's guards, and Ambrose so hated Justina, the emperor's mother, that he could not even endure to name her in his correspondence, calling her simply 'that woman' (*femina ista*) in a letter to his sister (Amb. *Ep.* 76[20].12). In this same letter, Ambrose's own account of his dealing with Valentinian's courtiers show him raising the spectre of Maximus when the demand was given that he hand up the Basilica Nova and the charge of tyranny was levelled at him for his refusal:

³⁰ Dating this second embassy has proved very difficult, with any date within the range 384–7 a possibility. On this, see [below ???](#). Williams (n. 8), 215–9, usefully explores the reasons for Ambrose's continued allegiance to Valentinian.

Let him for whom God has raised up no enemy beware, lest he make for himself a tyrant. Maximus did not call me a tyrant over Valentinian, Maximus who claims that the interposition of my embassy prevented him crossing into Italy. I added that priests were never tyrants, though they often suffered them. (Amb. *Ep.* 76[20].23)

Ambrose was not so unwise as to make direct threats against the imperial person. He denied charges of tyranny or of domineering over Valentinian. Yet, in the same breath, to evoke the threat of Maximus looming from Gaul was to implicitly unite Valentinian's external security with his internal policy in much the same way that Maximus was to do in *Coll. Av.* 39. Nor was this the only occasion on which Ambrose would respond to Valentinian's provocations by reminding the young emperor that he had protected him from Maximus (Amb. *Ep.* 75[21].20). Furthermore, by the occasion of his second mission to Trier, Ambrose was now sufficiently concerned about suggestions of collusion with the northern usurper that he felt the need to send Valentinian a verbatim report of their conversation, 'for fear any one should give you an account which weaves in lies amongst its truths' (Amb. *Ep.* 30[24].1).

In this letter then we see an assertive and self-confident Maximus who has no hesitation in communicating, albeit obliquely, the superiority he felt towards Valentinian and his increasingly impatient desire to be in possession both of Italy and of the young emperor. Though Maximus may well have had his own personal grievances with Ambrose, largely thanks to Ambrose's willingness to represent the interests of Valentinian, he was not so angry with him that he would pass up the opportunity to exploit a rift between bishop and emperor, nor—I think—would the pious and bellicose Maximus stand idle in what he saw as a very real affront to the true religion. How publicly Valentinian's fumbling Homoianism was articulated as the ultimate justification for Maximus' invasion of Italy in the summer of the year that followed this letter, we shall never know, though given the Milanese crisis was probably

already over when *Coll. Av.* 39 arrived at Valentinian's court, it would seem attempts to turn the Easter crisis into open war had fizzled out. Regardless, we can see here that the usurper was already visibly searching for his *casus belli*.

COLL. AV. 40: DATE AND SIGNIFICANCE

Unlike the previous letter, *Coll. Av.* 40 still bears that heading under which (it would seem probable) it had originally been delivered: 'Magnus Maximus, conqueror, eternal triumphator, forever Augustus to Father Siricius' (*Victor Magnus Maximus Perpetuus Triumphator semper Augustus Siricio Parenti*). Siricius was the bishop of Rome, elected to that see in December 384 and in occupancy of it until his death on 26th November 399. The letter picks up on many of the themes raised by *Coll. Av.* 39, though in a slightly different context. It is however a considerably more enigmatic document, harder to date and referring to events less perfectly understood. Maximus was clearly writing in response to a letter sent to him by Siricius (40.1). This letter is no longer extant. Its contents must therefore be inferred from Maximus' references to it in his own reply and its main topic, it would appear, was the ordination in Gaul of a certain Agroecius, which was in some way irregular. Siricius seems to have asked Maximus to make enquiry into this business, which the emperor was only too happy to do, promising to call a council (*conuentus*) of Gallic bishops to address the question (40.2). The second half of the letter then appears to shift the agenda, moving from Siricius' concerns to issues which Maximus himself wished to share with the bishop. The emperor referred to his own efforts to reform a church that he has found 'stained and polluted by the plague of criminals' (40.3: *inquinata aliqua et sceleratorum labe polluta*) and promised to send information concerning the public trial of certain 'Manicheans'. Unlike Agroecius, we are able to identify this incident

extra-textually and to state with confidence that it refers to the trial and execution of Priscillian, bishop of Avila, along with a number of his followers.

The trial of Priscillian forms an important part of the historical legacy of Maximus and so a brief summary of the issues and chronology will be important if we are to make sense of the letter.³¹ Priscillian entered the arena of ecclesiastical politics in the 370s where, in his native Spain and still as a layman, he preached a strict asceticism and radical theology, both of which attracted a large following. His movement was regarded with extreme suspicion by the formal church hierarchy, however, and it did him no favours that he had apparently dabbled in magical practices throughout his life, nor that many of his teachings resembled those of the Manicheans, a sect which had been regarded with extreme distrust by both pagan and Christian emperors alike.³²

In October 380, a council was thus convened at Saragossa in Hispania Tarraconensis at which twelve bishops (two from southern Gaul and the rest from Spain) condemned various of Priscillian's teachings, though without ever naming him or attacking him directly (at least in the published canons).³³ In that same year, however, and with the backing of the bishops Instantius and Salvianus, Priscillian was himself consecrated bishop of Avila. The validity of this consecration was almost immediately challenged and Hydatius, bishop of Cordoba and the driving force behind the Saragossa council, obtained an imperial rescript from Gratian ordering the expulsion of those condemned at Saragossa the previous year.³⁴ Priscillian, Instantius, and

³¹ The best account of Priscillian's life in English is still Chadwick (n. 5). See also C. Stancliffe, *St. Martin and His Hagiographer: History and Miracle in Sulpicius Severus* (Oxford, 1983), 278–83; Birley (n. 16), 18–36; M. Conti (ed. and tr.), *Priscillian of Avila: The Complete Works* (Oxford, 2010), 1–12.

³² Lieu (n. 5), 148–50.

³³ Sulp. Sev. *Chron.* 2.47.1–4; Chadwick (n. 5), 12–15, 26–7; Birley (n. 16), 19–20.

³⁴ Sulp. Sev. *Chron.* 2.47.5–7; Chadwick (n. 5), 35–6.

Salvianus thus set off for Italy to appeal to Damasus, bishop of Rome from 366 to 384. They travelled via Gaul and there added to their party Euchrotia, wife of a prominent Gallic orator, and her daughter Procula. Damasus, however, would not see them and, when they returned to Milan, the bishop Ambrose likewise refused them an audience. They did, however, win the support of the *magister officiorum* Macedonius, who secured for them the cancellation of the imperial rescript. Thus they returned to Spain, and Ithacius of Ossonuba, their chief opponent, was now accused of stirring up trouble within the church. He travelled to Trier, seeking the support of the praetorian prefect, and when this was not forthcoming he sought sanctuary with Britto, bishop of the city.

These events appear to have taken place whilst Gratian was still alive. At this point, Magnus Maximus entered the scene, arriving at Trier towards the end of 383. As soon as he arrived, Ithacius approached him to adjudicate the increasingly complex dispute. Maximus, a vocal devotee of Nicaean orthodoxy, assented and ordered a council at Bordeaux, which probably took place early in 384. Instantius was deposed and Priscillian then apparently appealed directly to Maximus. The emperor decided to establish a civil trial for the Priscillianists, much to the horror of numerous churchmen (including Martin of Tours) who were anxious to keep the unforgiving hand of the state's justice out of ecclesiastical affairs. Martin, indeed, appears to have succeeded in delaying the trial, but only so long as he remained in Trier, which he could not do indefinitely. Once he left, Maximus was prevailed upon to reopen proceedings and Priscillian soon confessed to a number of castigated practices, including prayer while naked and shameful nocturnal meetings. He was convicted of sorcery and, with Maximus' nod of approval, was executed along with Euchrotia, a poet named Latronianus, and two priests named Felicissimus and Armenius. Instantius was exiled to Scilly. Salvianus was spared punishment only by virtue of having died of natural causes several years previous while the Priscillianists were still in Italy (Sulp. Sev. *Chron.* 2.48). Though the official charge was sorcery, the

Priscillianists are generally regarded as the first people in Christian history to have been executed for heresy.³⁵

These then are the Manicheans to whom Maximus makes reference, and the date of Priscillian's trial is important for the dating of the letter, which seems to have been written in the immediate aftermath of its conclusion.³⁶ But dating either the trial or the letter has proven impossible with any certainty. Priscillian is usually described as having died in 385 but this date is, as far as I can establish, simply derived from the fact that his trial at Trier followed on from that held in Bordeaux (probably) in 384 and can therefore plausibly be dated to the following year. Sulpicius in his *Dialogi* claims that Martin lived 'for sixteen years' after the synod at Trier which followed the trial, which would place Priscillian's death in 381 or 382, patently impossible since Maximus was not even made emperor until 383.³⁷ The fifth century Gallic chronicler, Prosper of Aquitaine, a famously poor guide to issues of chronology, places it in 385, and the *Chronicle* of Hydatius places it in 387.³⁸ The trial was clearly still either ongoing or very recently concluded when Ambrose travelled to Trier for his second mission on behalf of Valentinian, but this embassy has proven every bit as hard to date as Priscillian's trial, with any date between the summer of 384 and the summer of 387 being possible.³⁹ Ultimately,

³⁵ Like many commonplaces of our discipline, one can find this assertion in Gibbon's pages: *The History of the Decline and Fall of the Roman Empire* (ed. J. B. Bury. London, 1896–1900), 3.153.

³⁶ Maximus refers to the events of the trial as 'recently' (40.4: *proxime*) made known.

³⁷ Sulp. Sev. *Dial.* 3.13; Birley (n. 16), 29 notes that there have been suggested emendations of the MS here.

³⁸ Prosper, *Chron.* s.a. 385 (=MGH AA.9 462); Hydatius *Chron.* 291.16 (see R.W. Burgess [ed.], *The Chronicle of Hydatius and the Consularia Constantinopolitana: Two Contemporary Accounts of the Final Years of the Roman Empire* [Oxford, 1993], 77).

³⁹ Ambrose states that he refused communion with the Gallic bishops responsible for the trial and actually saw the bishop Hyginus of Cordoba being led away into exile (*Ep.* 30[24].12), so he clearly arrived when the trial was either ongoing or recently concluded. Liebeschuetz (n. 8), 349 n. 7 argues that, since the subject of Maximus and

therefore, any date between the spring of 384 and the spring of 387 is a plausible one for Priscillian's death and *Coll. Av.* 40 could thus reasonably date from any point between the middle of 384 and Maximus' death in the summer of 388. This being said, though there is nothing in the letter that explicitly forbids its being dated to after Maximus' invasion of Italy in 387, this would seem unlikely. The context of the letter is firmly Gallic, and Maximus gives nothing that might suggest that he and Siricius were both in Italy at time of writing. Further, Maximus likewise has nothing to say about the expulsion of Valentinian (a point we would surely expect him to speak on in a letter that dwells upon his own defence of the Nicene creed against heretics) nor of the coming war with Theodosius. These silences seem to me sufficient to exclude the possibility that Maximus wrote to Siricius from Italy, and a reasonable estimate on the date of *Coll. Av.* 40 would therefore place it between spring 384 and summer 387. Any date selected within that range will ultimately be conjectural.⁴⁰

Maximus makes clear that he was responding to letters sent to him by Siricius concerning the matter of Agroecius, whom we can only assume was either a Gallic priest or an Italian priest in hiding in Gaul. Written appeal to emperors for help in resolving legal or procedural difficulties within imperial territory was, by the late fourth century, a long established norm for people on (generally) the higher ranks of the social hierarchy.⁴¹ Bishops had, from the very

Ambrose's conversation is largely the events of 383, that the embassy ought probably to be dated early. Barnes (n. 8), 293–4, finds in Ambrose's letter to his sister Marcellina (*Ep.* 76[20]) a reference to the second mission, and so dates it to 384. Chadwick (n. 5), 132–8 concedes that any date in the period 384–7 is possible, but deems 386 the most likely, whilst Birley (n. 16), 30–3 argues for the year 387.

⁴⁰ Both Escribano Paño (n. 13), 65–6 and McLynn (n. 14) assert that *Coll. Av.* 39 and 40 were sent at the same time, though without providing any particular evidence. This is certainly possible, but there is no reason to see it as certain.

⁴¹ F. Millar, *The Emperor in the Roman World (31 BC – AD 337)* (London, 1977), 507–16; C. Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition* (Berkeley, 2005).

outset of imperial sponsorship of Christianity, shown themselves keen to make use of this avenue for arbitration.⁴² Given, however, that Siricius almost certainly wrote to Maximus during the period when he and Valentinian were facing off across the Alps, the appeal takes on a rather more nuanced character. For anyone—bishop, general, magistrate, or even ordinary citizen—to appeal to an emperor with whom his own emperor was currently in conflict was a dangerous, even treasonous thing to do. In 351, Athanasius of Alexandria had found himself in a very difficult position indeed when he was accused by Constantius II of corresponding with the usurper Magnentius (who, like Maximus, was ultimately responsible for the death of the emperor's brother), and here the mere accusation of a correspondence with the usurper appears to have been enough to land the bishop in seriously hot water (albeit with an emperor already ill-disposed to him).⁴³ Admittedly, the situation in the 380s was not identical. Siricius would, perhaps, have felt that he was able to justify his conduct as necessary: only the Gallic emperor could be expected to deal with problems within the Gallic Church, and the bishops of Rome had recently enjoyed flexing their metropolitan muscles (cf. *Coll. Av.* 13). Siricius himself had issued a decretal in 385 answering fifteen specific questions put to him by Spanish bishops, and making clear his expectation that his answers would be binding through Hispania.⁴⁴ Siricius may also have taken his cue from the court at Constantinople, and Theodosius'

⁴² E.g. N. Lenski, 'Constantine and the Donatists: Exploring the Limits of Religious Toleration', in M. Wallraff (ed.), *Religiöse Toleranz: Moderne Idealien im Spiegel antiker Realien. Colloquium Rauricum XIV* (Berlin, 2015), especially 104–9.

⁴³ T.D. Barnes, *Athanasius and Constantius: theology and politics in the Constantinian Empire* (Cambridge, MA, 1993), 101–5.

⁴⁴ For which, see K. Zechiel-Eckes, *Die erste Dekretale: Der Brief Papst Siricius' an Bischof Himerius von Tarragona vom Jahr 385 (JK 255): Aus dem Nachlass mit Ergänzungen herausgegeben von Detlev Jasper* (MGH Studien und Texte Band 55. Hannover, 2013).

recognition of Maximus.⁴⁵ Whatever bad blood existed between Maximus and Valentinian, Siricius' most immediate imperial master, Theodosius' approval granted Maximus a legitimate standing (albeit one that would eventually be rescinded). None the less, a correspondence with his own emperor's enemy was a bold move and demonstrates that Siricius' own desire to manage the Church and to exert the stewardship that bishops of Rome felt was their right over the Christian community of the West trumped purely secular concerns regarding the direction of his own political loyalties.

Regarding the relationship between Maximus and Siricius that is evidenced within this letter, many commentators have stressed that emperor and bishop were, after the trial of Priscillian, in conflict with one another and that the bishop of Rome censured Maximus for his role in Priscillian's death.⁴⁶ Detailed justification of this is rarely given, but the argument would seem to be that since Siricius appears to have ceased communion with a number of the bishops involved in Priscillian's trial (the so-called 'Felician schism', after Felix of Trier, which lasted until c. 400), he must therefore have been in conflict with Maximus as well. This is certainly a plausible inference, but an inference nevertheless and one that hardly seems borne out by Maximus' letter. If Siricius *had* written to Maximus rebuking him for his behaviour, then Maximus' reply is a model of tact. Maximus makes no reference to criticism from Siricius nor does he rebuke the bishop in any way, addressing him with deference and acceding to his requests regarding Agroecius (*Coll. Av.* 40.2). His discussion of the Priscillianist controversy, which many have argued is Maximus explaining his behaviour to the furious bishop, is

⁴⁵ See above, ????

⁴⁶ Coleman-Norton (n. 6), 2.399 describes the letter as the emperor's 'defence against the pope's protest about the former's execution of some Priscillians'. Escribano Paño (n. 13), 66–72 is more guarded, but none the less asserts that Siricius must have made inquiry about the execution.

introduced in such a way that it seems rather more that Maximus was bringing the topic up, not responding to anything that Siricius had asked him.⁴⁷

Maximus is certainly explaining his behaviour to Siricius in the letter, for he appears to be promising to send Siricius further documentation concerning the trials at Trier, but it is hard to detect any explicit censure to which Maximus is responding, for his tone remains amicably cooperative throughout. It is possible, granted, that Maximus' response was consciously framed in order to neuter criticisms directed at him by Siricius by completely ignoring them, but given that the Maximus we meet in Ambrose's *Ep.* 30[24] and in Sulpicius Severus is a man inclined to anger when confronted with challenge and given that Maximus' letter to Valentinian brims over with barely veiled threats, this seems a perverse reading of *Coll. Av.* 40.⁴⁸ However Siricius responded to the bishops of Gaul, it seems that he and Maximus remained on cordial, even friendly terms. Nor is this surprising, for whilst bishops might censure other bishops, they were generally much more cautious when addressing emperors.⁴⁹

⁴⁷ He introduces the trial of Priscillian with the phrase 'as for the crimes which it has recently been made known (*quid adhuc proxime proditum sit*) that the Manichaeans are committing', which suggests less that he is responding to an issue that Siricius himself raised than that he is addressing a topic so widely known that he can expect Siricius to have heard about it, but that the bishop had not himself brought up; a more idiomatic rendering (though more distant from the Latin itself) would be 'you will have heard, no doubt, that the Manicheans confess to a crime'.

⁴⁸ Ambrose was hardly as conciliatory as I propose that Siricius was being here. During his second mission to the court of Maximus, he refused all communion with the bishops involved in the Priscillianist trial, for which Maximus lost all patience with him and ordered him to leave (*Amb. Ep.* 30[24].12).

⁴⁹ As Richard Flower points out in the introduction to his *Emperors and Bishops in Late Roman Invective* (Cambridge, 2013), 17–18, what makes Athanasius, Hilary of Poitiers, and Lucifer of Cagliari such commanding objects of study is that they had the nerve to engage in open and direct criticism of a living emperor (and all three notably underwent exile for their resistance to the imperial will).

This is not, of course, to suggest that Siricius was not appalled by Priscillian's execution or to doubt the reality of the Felician schism, merely to suggest that Siricius' behaviour towards bishops at least nominally subordinate to him and his behaviour towards the emperor should not necessarily be expected to be the same.

For our understanding of Maximus and the concerns that drove him, the letter is invaluable. In vouching for his own religious credentials, Maximus describes himself as one who *uidelicet et ad imperium ab ipso statim salutari fonte conscenderim* ('ascended to imperial rule directly from the font of salvation itself': *Coll. Av.* 40.1). It is hard to read this statement—and, indeed, it is in this light that scholars have tended to read it—as anything other than a declaration by Maximus that the ceremony attendant on his accession had included his baptism (effected, one would assume, by a senior British bishop).⁵⁰ If so, this would constitute the earliest ever testimony of an explicitly Christian element being fused into the more traditionally secular imperial acclamation.⁵¹ Though, in Constantinople, we have evidence during the fifth century for an increasing involvement of church leaders in the growing formalization of accession rituals tied to the topography of Constantinople, Maximus' letter predates even the earliest of these by some three quarters of a century.⁵² Baptism, the ritual cleansing of sin, was an astoundingly important ceremony, frequently reserved (for laymen and emperors alike) until shortly before the moment of death.⁵³ For Maximus to publicly unite his one chance to clean

⁵⁰ E.g. Birley (n. 16), 14, 24, 36; McLynn (n. 8), 161 n. 10.

⁵¹ H.-U. Wiemer, 'Akklamationen im spätrömischen Reich: zur Typologie und Funktions eines Kommunikationsrituals', *Archiv für Kulturgeschichte* 86 (2004), 27–73.

⁵² J. Nelson, *Politics and Ritual in Early Medieval Europe* (London, 1986), 259–64; G. Dagron, *Emperor and Priest: The Imperial Office in Byzantium* (Cambridge, 2003), 59–83.

⁵³ Constantine, according to the bishop Eusebius, refused to don his imperial robes again after his baptism (*VC* 4.62). Theodosius had been baptized in the autumn of 380 during a severe illness, from which it was feared that the emperor would die (*Soc. HE* 5.6; *Soz. HE* 7.4). In 392, as Valentinian II's options slowly narrowed, he reached

his spiritual slate with the ceremonial attendant on his accession was an exceptionally strong statement of Maximus' religious devotion and his conception of his role as a sacred one, but also of his confidence in the rectitude of his coming reign.

Above all, this letter (and its predecessor) show how concerned Maximus was with the business of both religious orthodoxy and the management of the church. The nature of the evidence, of course, promotes this conclusion (these letters were selected for the *Collectio Avellana* precisely because they deal with church matters) and so one would want to be careful about generalising too freely from them; not every output of Maximus' court will have been so saturated with Christian sentiment. Yet the point remains: Maximus was a usurper with a military background, a hard and uncompromising man who had seized power and had seen an emperor murdered in doing so. And yet he was too a man imbued with a deep religious conviction and a Christian piety. There is no contradiction in this, nor should we see one, but it is worth pointing out how fulsomely Christianity had come to assume a role within the imperial office in the seven decades since Constantine's conversion. Theodosius' panegyrist Pacatus would later present Maximus as a Phalaris, praying for 'the wounding of religion [to satisfy] his impiety', drawing much rhetorical value from Maximus' handling of the Priscillianist incident in order to do so (*Pan. Lat.* 2[12].29.4). Theodosius himself made much of his piety, and so it suited Theodosius to be praised in terms that denigrated the religious

out to Ambrose of Milan to beg for baptism, perhaps aware that he was soon likely to die, whether by his own hand or by another's (*Amb. Ep.* 25[53]). A movement to earlier baptism across the fourth century is detectable, with Valentinian having been baptized while still a private individual and Valens receiving this sacrament whilst emperor but in no danger of imminent death; cf. N. McLynn, 'The Transformation of Imperial Churchgoing in the Fourth Century', in S. Swain and M. Edwards, *Approaching Late Antiquity: The Transformation from Early to Late Empire* (Oxford, 2004), 250–8. None the less, the uniting of an accession with this Christian ritual is without precedent.

credentials of his rival, but such was the victor's prerogative.⁵⁴ It is this consideration that brings us to our final section.

MEMORY SANCTIONS AND THE SURVIVAL OF MAGNUS MAXIMUS' LETTERS

We turn now to the difficult question of how and why these letters have survived. Neil McLynn, in a forthcoming chapter on Maximus' letters, writes that the questions surrounding the survival of the letters 'resist conclusive answers' and one cannot help but enjoy that understatement.⁵⁵ Though memory sanctions were not the blanket imposition of total silence and censure that they are sometimes imagined to be, it nevertheless remains true that no other document authored directly by an individual who fell from power and thus became a *tyrannus* survives to us from the late Roman world, and these letters thus present a totally unique opportunity to hear the authentic voice of a late Roman usurper. The question of their survival is in fact composed of two distinct parts. First, how, where, and why did they survive Maximus' downfall in 388? Secondly, why did these texts make their way into the sixth century compilation of the *Collectio Avellana*? We will address these questions in order.

That these letters were not destroyed following the fall of Maximus is bizarre. I have tried for several years to make sense of it without ever having achieved a result that satisfied me completely and, while I am not so hubristic to think that someone else may yet crack the code,

⁵⁴ Ambrose of Milan made much, in a letter to Theodosius of 388/9, of the fact that Maximus had been denounced as a Jew (Amb. *Ep.* 74[40].23), and Theodosius' orator, Pacatus, devoted much attention to Maximus' impiety: Omissi (n. 16), 280–2.

⁵⁵ McLynn (n. 14). Likewise, Escribano Paño (n. 13), 51: 'The reason why two letters from a *tyrannus* would be incorporated into the CA remains an insufficiently addressed matter.'

it ought to be stated that everything we know—or think we know—about late Roman political life tells us that these letters should have been destroyed in 388 when Magnus Maximus was officially defeated. As sources for any sort of future legal judgement or citation of precedent, one would assume they were worthless.⁵⁶ *Coll. Av.* 39 with its condescending tone and its reminders of both Valentinian's political failures and his alleged Arianism was an embarrassment at best, a treasonous affront on the imperial person at worst. More importantly, *Coll. Av.* 40, given that it provides clear evidence that the bishop of Rome had been in contact with the usurper Maximus, was likewise a potentially damaging document.⁵⁷ Any archive in which these letters were preserved risked bringing down upon its caretakers the wrath of the conquering emperor Theodosius.

If this were a simple omission, so that the letters lay forgotten in some archive somewhere for centuries, it would not seem so odd. The sheer multiplicity of imperial self-representation made universal erasure impossible. Texts on stone, perhaps not least because of the sheer effort required to erase them, often escaped the censorious chisel.⁵⁸ Texts on parchment and papyrus, so much easier to destroy, are far rarer, though the ghosts of fallen *tyranni* can be detected in the *Codex Theodosianus*, thanks to the occasional inclusion of their laws during its apparently haphazard composition (although one should note here that the *tyranni* must be inferred, since fallen emperors are never named by the code).⁵⁹ Maximus' letters, however, were not

⁵⁶ Maximus' laws were explicitly declared void (*CTh.* 14.15.6–8, with my own comments, below).

⁵⁷ See comments on Athanasius, [above ????](#).

⁵⁸ In general, works on memory sanctions tend not to draw our attention to the sheer amount of *surviving* material for the obvious reason that this is not their object of focus. For some quantification of epigraphic erasures, see C. Crespo Pérez, *La Condenación al Olvido (damnatio memoriae): La deshonra pública tras la muerte en la política Romana (Siglos I–IV d.C)* (Madrid, 2014), especially 54–9.

⁵⁹ The ghosts of a number of Licinius' laws can be detected in the code (see S. Corcoran, 'Hidden from History: the legislation of Licinius', in J. Harries and I. Wood [edd.], *The Theodosian Code: Studies in the Imperial Law*

overlooked, but were known and were demonſtrably being read within juſt a few years of his downfall.

The key figure here is the monk and ſcholar Tyrannius Rufinus (or Rufinus of Aquileia).⁶⁰ Rufinus was a native of Italy but had made his name as both an aſcetic and a ſcholar in the Eaſt in the 380s and early 390s (where, importantly, he had been a great copier and collector of ſuch works as fell within reach of his pen). By 397 he was back in Italy, in Rome, and in the years that followed he ſpent his time both in the ancient capital and in his native Aquileia. It was while at the latter, in 402, that the biſhop of the Aquileia, Chromatius, aſked Rufinus to produce a Latin translation of Eusebius' *Church History*, a project which Rufinus had completed within a year with the addition of two further books that carried Eusebius' ſtory down to the death of Theodoſius in 395.⁶¹ In the pages of Rufinus' book 11, we find this telling paſſage, which follows hard on the heels of Rufinus' account of the baſilica conflict in Milan in 385–6:

of *Late Antiquity* [London, 1993], 97–119) as, notably, can one or perhaps even two laws of Maximus himſelf: T. Honoré, *Law in the Criſis of Empire 379–455 AD: The Theodoſian Dynasty and its Quaestors* (Oxford, 1998), 187–9. Notably, theſe laws ſurvive without the name of the condemned attached to them, and only retrojecting dates and place of iſſue can help us detect their origins. Laws iſſued to individuals who later ſuffered memory ſanctions likewise ſurvive: H. Ménard, 'La mémoire et ſa condamnation d'après les codes tardifs: l'exemple de la révolte d'Héraclien en 413 apr. J.-C.', in S. Benoist and A. Daguet-Gagey (edd.), *Mémoire et hiſtoire: les procédures de condamnation dans l'Antiquité romaine* (Metz, 2007), 267–78. Notably, our letters are not texts of this category, but rather are documents that—particularly in the caſe of *Coll. Av.* 40—directly incriminated ſpecific individuals in treaſonous activity.

⁶⁰ In general on Rufinus ſee F.X. Murphy, *Rufinus of Aquileia (345–411): His Life and Works* (Washington, DC 1945); C.P. Hammond, 'The Laſt Ten Years of Rufinus' Life and the Date of His Move South from Aquileia', *JThS* 28 (1977), 372–429; G. Fedalto, 'Rufino di Concordia: Elementi di una biografia', *AAAD* 39 (1992), 19–44; D. Rohrbacher, *The Historians of Late Antiquity* (London, 2002), 93–107; P.R. Amidon (tr.) *Rufinus of Aquileia: History of the Church* (Washington, DC, 2016).

⁶¹ Hammond (n. 60), 373.

And while the wicked Justina slowly worked her various schemes and abuses, Maximus, who wished to strip from himself the stain of tyranny and to show himself a legitimate emperor, sent a letter (*datis litteris*) and declared that an impious undertaking was assailing the faith of God, that the established customs of the Catholic church were being undermined, and because of these things he set out towards Italy. Justina, when she learned of this, pressed both by an enemy and by consciousness of her impiety, threw herself into flight with her son, and the exile that she had prepared for the priests of God thus fell to her lot. (Ruf. *HE* 11.16)

The letter to which Rufinus refers here must surely be *Coll. Av.* 39 (and may include 40 as well). We thus have clear testimony that one or both of these letters were known and were available to access in the years before 402.⁶² Two obvious avenues of consultation present themselves: either Rufinus read the letters in an imperial archive in his native Aquileia (where the court had occasionally made its home after 386), or, more probably, he consulted them in an archive at Rome, perhaps either Siricius' own (Siricius was in office until his death in 399), or the archives of the prefect of the city.⁶³

This is odd. Letters written by usurpers were not documents that any wise Roman should have wished to have in their possession. When Maximus' downfall was made known in Rome, the former prefect of the city, Q. Aurelius Symmachus, who had delivered a panegyric to Maximus earlier in 388 or late in 387, fled in fear of his life for the most unlikely of sanctuaries,

⁶² Cf. Escribano Paño (n. 13), 74–6, who also explores their use by Theodoret of Cyrus.

⁶³ On the court's movements between 386 and 402, see O. Seeck (ed.), *Regesten der Kaiser und Päpste für die Jahre 311 bis 476 n. Chr.: Vorarbeit zu einer Prosopographie der Christlichen Kaiserzeit* (Stuttgart, 1919), 268–304. On Rufinus' sources: Y.-M. Duval, 'Sur quelques sources latines de l'*Histoire de l'Église* de Rufin d'Aquilée', *Cassiodorus* 3 (1997), 131–51.

the basilica of St Peter's.⁶⁴ It took several years for Symmachus to effect his rehabilitation with Theodosius and his later letter collection, published partly within his lifetime and partly posthumously, is scrupulously clean of any hint of Symmachus' involvement with Maximus' regime, clearly as the result of careful editing.⁶⁵ Libanius' collected letters, likewise, have been excised for the period 365–88, during which time he was implicated in the rebellion of Procopius and may also have been in contact with members of Magnus Maximus' circle.⁶⁶ Athanasius of Alexandria spent the remainder of his life attempting to dodge accusations that, during the early 350s, he had corresponded with Constantius' enemy, the usurper Magnentius. Documentary evidence of fraternization with imperial enemies could be sufficient grounds for a death warrant.⁶⁷ Quite apart from the fact that the letters were thus politically dangerous documents to possess, Theodosius—as we would expect in any instance in which one emperor defeated another in civil war—had declared null and void all legal judgements made by Maximus and all offices he had appointed. Three laws to this effect survive in *Codex Theodosianus*, issued in September 388 at Aquileia (15.14.6), October 388 at Milan (15.14.7),

⁶⁴ At least so says Socrates (*HE* 5.14.7).

⁶⁵ J.A. McGeachy Jr, 'The Editing of the Letters of Symmachus', *CPh* 44 (1949), 223–4; A. Cameron, *The Last Pagans of Rome* (Oxford, 2011), 370–1.

⁶⁶ A.F. Norman, *Libanius' Autobiography and Selected Letters*, 2 vols. (Cambridge, MA, 1992), 1.42–3; N. Lenski, *Failure of Empire: Valens and the Roman State in the Fourth Century A.D.* (Berkeley, 2002), 6–7. In his *Ep.* 840, from 388, Libanius bears witness to the cloud that had hung over him in his relief at learning, through certain of his allies at court, that he had now passed beyond suspicion and could rest easy. Recent work on the gap in Libanius' letters (e.g. L. Van Hoof, 'Self-Censorship and Self-Fashioning: Gaps in Libanius' Letter Collection', *RBPh* 91 [2014], 209–29) enriches this picture, rather than fundamentally contradicting it.

⁶⁷ The usurper Silvanus was, for example, driven to rebellion after being convicted on the (false) evidence of letters that fell into the hands of Constantius' agents (*Amm.* 15.5.3–5). For other examples of letters getting either sender or recipient in trouble, see 19.12.4–5, 28.1.20, 28.6.26, and 29.2.25.

and January 389, again at Milan (15.14.8). ‘Every judgement which that greatest and most unspeakable of tyrants conceived in his cunning mind in order to render injury, not law, we will condemn. Let no one preen himself with any law of his, nor any judgement’, Theodosius declared, in his October rescript (*CTh.* 15.14.7). The language was hardly equivocal, and the validity of *Coll. Av.* 39 and 40 in forming any kind of legal precedent was thus very explicitly voided from virtually the moment of Theodosius’ victory.

Two tentative hypotheses may be advanced to explain this apparent aberration, each slightly different for the two letters. Concerning *Coll. Av.* 39, if the document survived (as seems reasonable assume) in an imperial archive, whether that of the emperor at Aquileia or of the prefect of Rome, then one can imagine that it may have been consciously retained, even despite Maximus’ *damnatio*, as a valuable document relating to one of the greatest political upheavals of the last generation. It is useful to have at one’s fingertips the pertinent facts, even if these facts are potentially damaging. This same archival impulse today has allowed damning insights (in the fullness of time) to emerge from within organizations as secretive as the FBI and the KGB. Furthermore, given that the (largely farcical) official justification of Theodosius’ war with Maximus involved defending the rights of the young Valentinian, one could imagine that an unsolicited letter attesting Maximus’ meddlesome attitude towards Italian affairs was considered sufficiently safe to avoid the flames.

Coll. Av. 40 is perhaps easier to explain. Though, as we have seen, Theodosius had invalidated the legal judgements of Maximus, the Christian church of the 380s was already well practiced at exploiting the fuzzy borders of where exactly secular authority ceased and ecclesiastical authority began. Indeed, Maximus himself argued in *Coll. Av.* 39 that it was not the responsibility of the emperor to meddle in the affairs of the divinely appointed religion of God. Siricius may have felt, therefore, that it was possible to retain this letter and that its

retention could be justified by reference to principles divorced from Maximus' political status, but rooted in his religious status.

Though this seems to fly in the face of expected behaviour on the part of a late Roman bishop, who would have the good sense to remember that the emperor's will was (in general) absolute, it should be noted that the *Collectio Avellana* is not alone in being a source that appears to take a politically incorrect tone in regards to the fallen Maximus. Maximus appears in both the *Vita S. Martini* and *Dialogi* of Sulpicius Severus, written in or before the year 397 and in the period c. 404–6 respectively.⁶⁸ As can be seen from the citations in the previous section, Severus' testimony regarding Maximus' conduct during his years of rule in Gaul provides vital material for understanding the religious context of the *Collectio Avellana* letters. In view of Maximus' ultimate fate, however, what is so striking about Severus' accounts is not so much their historical detail as the generally positive assessment that they provide of Maximus' character. He writes in the *Dialogi* that, 'The emperor Maximus then ruled the state, a man whose whole life was worthy of praise, if only he had been permitted to refuse the diadem illegitimately thrust upon him by the tumultuous soldiery, or to avoid civil war.' Notably, Sulpicius' very next sentence in many ways exculpates Maximus for his crimes, for, 'a great empire cannot be refused without danger, nor preserved without recourse to arms', and he stresses that Maximus routinely summoned Sulpicius' hero, Martin of Tours, to the court at Trier and discoursed with him on pious subjects, whilst Maximus' wife—concerning whom Sulpicius cannot contain his acclamation 'blessed woman!' (*beata mulier*)—waited personally on the saint at his table and washed his feet with her tears. Sulpicius may criticise Maximus for

⁶⁸ Stancliffe (n. 31), 71 and 80–1.

his role in the Priscillian affair but, like his assessment of Maximus' character, he believed the emperor was a good man whom a corrupt world led into error, not a monster of innate evil.⁶⁹

Nor is this assessment a completely isolated one. Rufinus, we have seen, was hardly critical of Maximus, whose illegitimacy he acknowledges but whose resistance to the devil-woman Justina seems to rank as more important in the final assessment (Ruf. *HE* 11.14–17). Orosius, a firm Theodosian partisan, admits that Maximus was 'an active and honest man, worthy of the name of Augustus had he not taken that title as a tyrant against the bonds of faith' (Oros. 7.34.9). Even in the Eastern Empire, suggestion of the recognition of Maximus' virtues may be found (albeit coded within a dismissive polemic) in the assertion of the church historian Sozomen that Maximus attempted to disguise the tyranny of his reign with a feigned wish to combat 'innovation in the ancient form of religion and of the ecclesiastical order'.⁷⁰ Highly unusually for a defeated usurper, a memory of Maximus as a ruler possessed of good qualities thus appears to have been preserved in the written record: at Rome, in Spain, in Gaul, and perhaps even in the East in the decades immediately following his downfall.

What are we to make of this fact? All three sources that we have cited and that seek to ameliorate Maximus' reputation share in common the fact that they were either written or collected by Christians who were firm adherents of the Nicæan creed, a position that they—as we have already noted—shared with Maximus but not with Valentinian. Might it be possible, therefore, that in these texts we are witnessing the emergence of a world in which religious orthodoxy was beginning to vie with political orthodoxy as a consideration in the reputation of men whose lives had brought them into political disgrace? The crime of treason had always been a black mark against an individual's legacy, but as the crime of heresy began to take on a

⁶⁹ Sulp. Sev. *Dial.* 2.6; cf. 3.11 and *V. Mart.* 20. For the Gospel account of the woman who washed Christ's feet, which Sulpicius explicitly references, see Lk. 7:36–50.

⁷⁰ Soz. *HE* 7.13. See also Zos. 4.42.

definitive political importance, traitors to the state might find themselves defended by the Church. Certainly, Maximus' Catholicism did not defend him from later Catholic critics, but his often favourable appearance within fourth and early fifth century sources is remarkable.

We turn now to the second of our two questions, why these letters ended up in the compendium of the *Collectio Avellana*. The starting point for this inquiry must be the *Collectio* itself, though it generates only more questions, for Maximus' letters bear no obvious relation to the documents with which we find them. The *Collectio* is a compendium of 244 (roughly) chronologically arranged letters and documents relating to questions of papal authority and the defence of orthodoxy and all dating from between 367 and 553.⁷¹ The majority are letters from the bishops of Rome to emperors or other bishops, though many other kinds of document are also preserved. All are written in Latin and more than 200 of the documents included within the collection are unique survivals.⁷² The guiding principle under which the documents were assembled appears to have been to provide historical source material regarding a number of both schisms within the see of Rome and wider doctrinal disputes within the ecumenical

⁷¹ Günther (n. 7); P. Fournier and G. Le Bras, *Histoire des collections canoniques en Occident depuis les Fausses décrétales jusqu'au Décret de Gratien* (Paris, 1931); L. Kéry, *Canonical Collections of the Early Middle Ages (ca. 400–1140)* (Washington, DC, 1999). The *Collectio* survives in two principal manuscripts now housed in the Vatican. Vat. Lat. 3787 is considered both the earliest and best version of the text, dating from the late tenth or early eleventh century. Vat. Lat. 4961 is considered slightly younger, certainly from the eleventh century, and was formerly housed at S. Croce di Fonte Avellana in the Marche, from which the *Collectio Avellana* derives its name (the name can be traced back to the treatment of the Ballerini brothers in the eighteenth century who described a collection of Avellana). A number of later manuscripts from between the fifteenth and seventeenth centuries exist but are demonstrably dependent upon Vat. Lat. 3787 and 4961: D. Jasper and H. Fuhrmann, *Papal Letters in the Early Middle Ages* (Washington, DC, 2001), 83–5. It is from Vat. Lat. 3787 that the German scholar Otto Günther made his two-part edition, published in 1895 and 1898 and still considered to be the canonical edition of the text.

⁷² Jasper and Fuhrmann (n. 71), 84.

church. Beyond this general motive, discernible from the documents within the corpus, tragically little is known about the composition of the *Collectio*. It is assumed that it was assembled in its final form at Rome in the mid sixth century, shortly after the date of its final letters.⁷³ However, Otto Günther (who edited the text in the 1890s) hypothesized—and that hypothesis prevails to this day—that *Coll. Av.* 1–40, which seems to form a relatively distinct set within the collection, was an earlier assemblage later incorporated into a sixth century (or later) compendium.⁷⁴ *Coll. Av.* 1–13 is a series of letters and documents, which includes imperial laws and *relationes* of Symmachus, relating to the Ursinian schism that rocked the church at Rome in 366 and dragged on for many years after. *Coll. Av.* 14–37 relate to the Eulalian schism, which, like the Ursinian, was a dispute over the tenure of the Roman see that ran from 418–19.⁷⁵

As a whole, the *Collectio Avellana* has an obvious—if loose—theme as a collection of documents that generally reinforce the supremacy of the bishop of Rome within the church, or that illustrate moments at which the office was disputed between multiple claimants. A subtheme might also be the relationship of the bishops of Rome to the emperors. In this respect, both letters certainly fit broadly into the correct categories: both deal with heresy, with the boundaries of secular versus religious authority, and both assert Rome's primacy (*Coll. Av.*

⁷³ K. Blair-Dixon, 'Memory and authority in sixth-century Rome: The *Liber Pontificalis* and the *Collectio Avellana*', in K. Cooper and J. Hillner (edd.), *Religion, Dynasty, and Patronage in Early Christian Rome, 300–900* (Cambridge, 2007), 60–65. Though the collection as a whole is believed to have been put together in the mid sixth century, shortly after the date of its latest document, the only secure *terminus ante quem* is the late tenth or early eleventh century, the date of our earliest MS. Blair-Dixon, perhaps flippantly, asserts that an eleventh-century context would not be impossible.

⁷⁴ Günther (n. 7), 1.3–19.

⁷⁵ A. Lippold, 'Ursinus und Damasus', *Historia* 14 (1965), 105–128; S. Cristo, 'Some notes on the Bonifacian-Eulalian Schism', *Aevum* 51 (1977), 163–7.

39.4, 40.2). *Coll. Av.* 40 also has an—albeit tangential—relation to documents 1–13 given that Siricius was the successor to Damasus (366–84), with whose disputed election the Ursinian schism began, and so one can imagine how this document was added on as an appendix (although with reservations that I express, below).⁷⁶

Coll. Av. 39 is much more difficult to explain. The document is not concerned with either of the schisms in question, nor is it related in any way to the see of Rome or the authority of its bishop. Some tentative hypotheses can be advanced. Neil McLynn, in a book chapter as yet unpublished at time of writing, has suggested that the inclusion of Maximus' letters may most readily be explained by *Coll. Av.* 38, a letter from Honorius to Arcadius protesting the treatment of another testy bishop on the doorstep of the court, John Chrysostom.⁷⁷ This is also the position of Escribano Paño.⁷⁸ One might also observe that, whilst the letter to Valentinian does not bear directly on the Roman schisms, it does nevertheless outline clearly the responsibility of emperors to tread lightly in meddling with church affairs, and, more importantly, it denounces in forceful language the 'error' of the Arians and affirms the responsibility of emperors to protect orthodox belief. Given that Ambrose, in 381 had accused the would-be pope Ursinus, then in exile, of colluding with Valens, onetime bishop of Poetovio, to establish a refortified Arian church in Milan, the connection may well lie here.⁷⁹ Though Ambrose's claim is almost certainly untrue, none the less it provides some basis for seeing both a Milanese and an Arian

⁷⁶ Note that *Coll. Av.* 4 is an official letter to Siricius from Valentinian, Theodosius, and Arcadius (*not* Maximus) congratulating the bishop on his election in the face of an attempted coup by Ursinus, and so 40 could—at a stretch—be seen as in harmony with that.

⁷⁷ McLynn (n. 14).

⁷⁸ Escribano Paño (n. 13), 80–1.

⁷⁹ *Amb. Ep. extra coll.* 5[11].3; as McLynn (n.8), 58–60 points out, the association of Ursinus with the Arians is highly improbable, given Ursinus' exemplarily orthodox credentials, but Ambrose's letter demonstrates that the accusation was being noised about.

connection *perhaps* sufficient to have earned this letter a place in the dossier. Finally, it should be stated that we cannot rule out the possibility that there is no overarching rationale behind the inclusion of these letters.⁸⁰ The dossier itself is something of a miscellany, with texts that support differing positions on the controversies, and so the documents may be less an attempt to present a single argument than an assemblage of potentially useful material of various types. 39 and 40 may look out of place simply because they are, and one hypothesis for their inclusion would thus be that they were haphazardly stuffed at the back of the dossier 1–40 by a scribe or archivist who thought them interesting and who saw they had at least a tangential relation to the material he was assembling but who but did not know what to do with them. Any academic who takes an honest look through their own notes and folders would probably have to sympathize with this.

Maximus' letters are a unique survival from the late Roman world. Thanks to them we gain a view otherwise denied to us onto the political culture of the late Roman world, we hear the authentic voice of an individual who ought properly to have been silenced, and we see how emperors spoke to one another in the tense environment of a world rocked by recurrent civil war. What is more, in these letters we see important developments not only in the Christianization of the imperial office but also in the relationship between the imperial court and the increasingly muscular and assertive Christian hierarchy. These letters deserve to be known by all students of late antiquity.

⁸⁰ The hodgepodge nature of the collection has certainly been noted by commentators: Blair-Dixon (n. 73), 61–4.

THE TEXTS

COLL. AV. 39

LETTER OF THE TYRANT MAXIMUS TO VALENTINIAN THE YOUNGER,
AGAINST THE ARIANS AND THE MANICHEANS⁸¹

(1) If Our Clemency⁸² had not a simple faith in Your Serenity and the grace of full concord [with you], I confess that those things which it is said are now occurring in the regions ruled by Your Tranquillity could be very convenient for my interests: [namely] the disturbance and convulsion of Catholic law.⁸³ For what might be so desired by him who is [your] enemy than that you labour against the churches of God—that is against God himself—and that where error

⁸¹ This heading is very obviously a later insertion, presumably made by the individual who put these letters together into the *Collectio* (since the reference to Manicheans actually seems to pick up the topic of *Coll. Av.* 40).

⁸² Throughout the course of both letters, Maximus switches freely between using singular and plural personal pronouns to refer to himself, a stylistic eccentricity that Tony Honoré (n. 59), 187–8 posits no quaestor would exhibit, suggesting these letters were personally composed (though of course not physically written, save for the six words following *et manu imperatoris* at the end of 40) by Maximus himself. Certainly their content, for all its artifice, is personal and reflective of the emperor's own inner world, and I would see this hypothesis as highly probable.

⁸³ Maximus' statement that he wishes to discuss things 'now occurring' (*nunc agi*) provides the grounds to date the letter to the period of or immediately after Easter 386, that is the first half of April 386.

is inexcusable, there he would wish you to sin?⁸⁴ (2) But since Our Serenity has a greater respect for God than that we would wish that he be violated by a most hostile foe, and since also we have so close and so attentive a concern for Your Youthful Serenity, that your deeds rightly done delight us more than your errors:⁸⁵ because of this we believed that Your Constancy ought to be advised that you should, mindful of your concern for the supreme Name and considering the power of his self-same majesty, weigh carefully with an anxious mind what you ought to do.

(3) Indeed I hear (for rumour does not allow [such things] to be kept secret, particularly when action is taken against the people) that force has been deployed against the Catholic churches by new edicts of Your Clemency, that priests are being besieged in their churches,⁸⁶

⁸⁴ This statement is highly opaque, but it would seem to be that Maximus argues that if he *were* Valentinian's enemy (which his language implies he is not; likewise §7), then Valentinian's current behaviour *would* be playing directly into his hands. This notion is here couched as a counterfactual, a hypothetical musing, but considering the strained relations between the two courts it should, I think, be read very clearly as a threat to the young emperor.

⁸⁵ The choice to make reference here to Valentinian's youth (the emperor was, in 386, 15 years old) is a calculated one, and Maximus used their respective ages as a coercive tool in his dealings with the child emperor (cf. 'behind the cloak of a little boy' and 'as a son to a father', Amb. *Ep.* 30[24].4 and 7). Ambrose too reminded Valentinian of his youth when it suited him to do so (e.g. *Ep.* 72[17].15).

⁸⁶ This is clearly a reference to the blockade of the church that took place at the end of March 386 (see above ??), and its present tense helps us to date this letter as having been written while these events were still ongoing, that is (allowing for the time it would take news to cross the Alps), sometime early-to-mid April 386. Liebeschuetz (n. 8), 130–3 suggests that there may also have been an earlier siege in (perhaps) December 385, during which Ambrose was under semi-blockade with his congregation in his church, the Basilica Nova, by soldiers sent to arrest the bishop. However the chronology here is so complex (thanks largely to the uncertain chronology of the three main Ambrosian sources), that the reality of the earlier siege can be legitimately questioned: Williams (n. 8), 226–39.

that a fine has been imposed,⁸⁷ that capital punishment is added on,⁸⁸ and most sacred law is being overthrown in the name of I know no what law. How serious this is, you will be able to see, if you wish to consider the greatness of God. I would blush even at the thought of wishing to provide the reason in which Your Serenity should believe, and to conduct a case for God. Why bother, if it were this alone? For if you were to change things consolidated and strengthened through so many ages, would the discord you were seen to excite be small?⁸⁹

Our tradition gives reverence in our mortal sphere to human laws themselves, and in fact there is censure in having done something new in things now long established and familiar. (4) All of Italy and Africa believe under this pledge of allegiance;⁹⁰ Gaul, Aquitania, all of Spain,

⁸⁷ On Palm Sunday 386 (29th March), whilst on their way to their sit-in at the Basilica Portiana, the Nicene faithful had accosted and beaten an Homoian priest, Castulus. In response the court had imposed an enormous fine of two hundred pounds of gold, to be paid within three days, upon the merchants of Milan (*corpus negotiatorum*), whom, we must assume, were conspicuous among the crowd and also, presumably, an easy target for a fine because of both their wealth and corporate status. Widespread arrests accompanied this action (Amb. *Ep.* 76[20].6). Valentinian ultimately returned this money to the merchants (Amb. *Ep.* 76[20].26).

⁸⁸ This and the ‘new edicts’ of a moment earlier are reference to Valentinian’s law of 23rd January granting freedom of assembly to the Homoians and threatening the death penalty to anyone who attempted to oppose this: *CTh* 16.1.4.

⁸⁹ Maximus’ argument here appears to be that the very idea of having to convince Valentinian that it is unwise to harm the church of God is so absurd that, were this the only issue, he would not even attempt a defence but that (as his argument develops) Valentinian is not only flouting divine law but human law as well, and overturning positions legislated for by his imperial predecessors, not least his own father.

⁹⁰ The word here is *sacramentum*, which is difficult to interpret in this context, but given the list of regions Maximus delineates, the thread of his argument, and the *haec fides* of the following clause, it would seem clear that he is referring to Nicene orthodoxy, the belief in the consubstantiality of Father and Son, as opposed to the Arian subordination of Son to Father.

and venerable Rome herself (which possesses the primacy over this territory too)⁹¹ glory in this faith, because it recognizes God and wishes to follow him.⁹² I indeed confess (which is a thing not said without sorrow) that Illyricum alone dissented. If only this example of previous error did not exist! If only that town of Mursa⁹³ endured unharmed by Arian laws and had not perished at the judgement of its former, miserable error, so that, because it had cultivated those originators [i.e. of Arian doctrine], the town was laid low by the singular vengeance of an angry God. It is dangerous, believe me, to test divine things. (5) The divine Valentinian, of venerable memory, the father of Your Clemency, ruled faithfully under this faith. He wanted to assault

⁹¹ This phrase (*cuius etiam in hac parte principatus est*) may, more than any other, explain the rationale for this letter's inclusion in the *Collectio*. Though it is certainly ambiguous, the *etiam* would seem to indicate that Maximus is declaring Rome's primacy not only over Valentinian's territory, but over his own as well.

⁹² The list of territories given here is significant, comprising the regions ruled by Maximus and Valentinian. The territories are notably not an enumeration of the totality of the Roman world, for the regions ruled by Theodosius are omitted and these comments ought therefore to be seen again in the context of Maximus' ambitions to total control of the Western Empire. Given that Maximus also stresses the he and the bishop of Rome, whose premier position he underscores, are in concord with one another, we can see that the emperor was using assertions of his own orthodoxy to advance a political position *vis-à-vis* the extent of his own secular authority.

⁹³ Here again, Maximus is obscure. Chadwick (n. 5), 118 reads in this a general assertion by Maximus that Gothic invasions (which troubled Illyricum in the 380s, though only tangentially, and which bore an obvious Arian connection) are the result of divine vengeance. This seems too obtuse. A more specific reading is that Maximus was referring to Valens of Mursa, a prominent Homoian bishop and confidant of the emperor Constantius, who would seem to fit description that follows of a 'former' (*quondam*) 'originator' (*auctor*) of error and who was infamous as a bulwark of Arianism, however poorly this label might fit Valens' own beliefs; see especially Heil (n. 9), 85–115; cf. M. Dunn, *Belief and Religion in Barbarian Europe c. 350–700* (London, 2013), 34–5. Valens' reputation was an enduring one and both he and—by association, Mursa—could certainly be used as metonyms for 'Arianism' (cf. Amb. *de Spiritu sancto* 3.10.59; Sulp. Sev. *Chron.* 2.36, 38–40, 44). Whatever the specific thinking behind the choice of Mursa, the general point, that Illyricum was viewed as a hotbed of Arianism, is clear: Dunn (n. 93), 37.

nothing which seemed to be well established.⁹⁴ These men were certainly bishops beneath him: why then this great change, that those who were before priests are now judged as sacrilegious?⁹⁵ Dedicated to the same teachings, to the same sacraments, they believe with the same faith with which they believed before. (6) Can it be that Your Serenity, venerable to me, thinks that a religion which has once taken root in the minds of men, which God himself has established, can be uprooted? How much discord will be stirred up from this? How much controversy will arise? How frequent and destructive the insurrections? How great and how present to God will be the prayers of the just, when there is begotten amongst Christians—it is an iniquity even to utter it—a certain resemblance to persecution?

(7) You will have understood how to interpret this our assiduity, that you are able in no better way to test my care for Your Clemency than if I should encourage you that you should desist;⁹⁶ indeed I think that You will recognize that no one would advise if he were an enemy. I desire that you will understand that these things have been said lovingly by us. I hope You will believe it. (8) Wherefore it is in every way proper that you should not overthrow the things which have been dedicated to the sacred godhead, that you should return all of Italy and venerable Rome and the other provinces to their churches and to their priests, nor should you plant yourself in the midst of this, because it is more proper that those who have seceded from

⁹⁴ Ambrose used exactly the same tactic with when negotiating with the younger Valentinian, citing the father's highly tolerant stance on religion as a precedent to order the son to keep his nose out (*Ep.* 75 [21].2, 5).

⁹⁵ Ambrose told his sister that Valentinian's secretary had actually denounced him as a *tyrannus* (*Amb. Ep.* 76[20].23).

⁹⁶ *nullo certe maiore genere curam meam circa clementiam tuam probare tē posse*; this is very problematic and Günther marks it with an obelus to indicate that it is plainly corrupt. I have tried as best as I can to render the sense of the original here, but Günther's notes offer several possible emendations: *probare tibi possem*, *probare recte possem*, *probari credo posse*.

the Catholic church through the Arians' interpretation should change their error through true religion than that they press their depravity upon those who are thinking rightly.

COLL. AV. 40

MAGNUS MAXIMUS, CONQUEROR, ETERNAL TRIUMPHATOR, FOREVER
AUGUSTUS TO FATHER SIRICIUS

(1) We received the letter of Your Sanctity, which was most pleasing to us and which was entirely appropriate to your title of priest and to the dignity of the most splendid city. And in truth, of the Catholic faith, concerning which you wished to consult Our Clemency, I confess that the more that I experience the special verdict from the divinity in my favour, the greater concern I have for this faith. For indeed I have ascended to imperial rule directly from the font of salvation itself,⁹⁷ and God has been with me as my patron in all my undertakings and successes, and thinks it fitting to be today and, I hope, in perpetuity my protector and guardian, my dearest father.

(2) Moreover,⁹⁸ concerning Agroecius, whom you relate was undeservedly raised to the rank of priest, what provision more respectful to our Catholic religion can I make than that Catholic priests judge, concerning this same man, of what sort he seems to be? I shall arrange a council

⁹⁷ *ab ipso statim salutari fonte conscenderim*: here Maximus tells us his accession was linked with his baptism, an unprecedented display of Christian kingship (see above??).

⁹⁸ Maximus' letter, though oblique and somewhat purple in its language, is nevertheless businesslike: he has three points he wishes to address with Siricius, each bulleted by a 'moreover' (*ceterum*).

at a convenient time of all those who live either within the Gauls or within the Five Provinces, in whichever city they shall choose, that this same council, being present and giving consideration, may judge what the law is and what has been held as custom.⁹⁹ For they who know [these things] are better able to supply these judgements, which are to be affirmed through books and through the most sacred ordinances of our forefathers.¹⁰⁰

(3) Moreover, we declare this thing is our will and intent, that the Catholic faith, with all discord far removed, and with the whole body of priests working in harmony and serving God together, endure uninjured and sacrosanct. For our arrival detected and discovered some things so marked and polluted by the stain of the wicked that, if our foresight and medicine, which came from a fear of the most high God, had not swiftly brought help to them, then surely unnatural disruption and ruin would have occurred, with the result that the sins, which could hardly have been healed thereafter, would have hardened like a scab.

(4) Moreover, as for the crimes which it has recently been made known¹⁰¹ that the Manichaeans¹⁰² are committing, on the basis not of arguments or of doubtful or uncertain suspicions, but from their own confession brought forth during legal proceedings, I prefer Your

⁹⁹ Neil McLynn (n. 14) suggests that, far from meekly promising to further the bishop of Rome's interests here, Maximus was actually seeking to usurp his authority by transferring this matter to the jurisdiction of the bishops of Gaul. My own reading sees a much more cooperative Maximus.

¹⁰⁰ In a very indirect way, Maximus is here deferring to ecclesiastical law and to the expertise of the clergy of Gaul, saying that he will allow the leaders of the church, who are the people most versed in the church's own law ('those people... who know [these things]').

¹⁰¹ For my comments on this phrase, see above, [n. 47](#).

¹⁰² Priscillian was clearly denounced as a Manichean, and had been so labelled under Gratian as well. Discovery of his own writings in the nineteenth century has shown that this charge was ill-founded (Lieu [n. 5], 148–50).

Sanctity should learn of this rather from the records themselves than from our mouth,¹⁰³ since we cannot speak without blushing of things of this sort, which are not only disgraceful to do but disgusting even to say.¹⁰⁴

AND BY THE HAND OF THE EMPEROR: May the Divinity keep you safe for many years.

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¹⁰³ Maximus presumably included with this letter the official records of Priscillian's trial (the term he uses here is *gesta*, which is synonymous with the more common *acta*). Evidently, Maximus felt that these records would tell a story plain enough that he needed to add little to it.

¹⁰⁴ Here Maximus, as I argue above (??), clearly defends the execution of the Priscillianists by reference to the horrifying depth of their heresy, something that Maximus suggests he cannot even bear to set down in writing.