



Lactantius, Diocletian, Constantine

and Political Innovations in the *Divine Institutes*

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Abstract

In Book 5 of the *Divine Institutes*, the fourth century rhetor Lactantius provides an attack on Roman jurists. The starting point of Lactantius's attack is a criticism of the Golden Age. This paper argues that Lactantius's deployment of the myth of the Golden Age in the *Divine Institutes* does not carry a purely literary, philosophical or even theological dimension; rather, Lactantius is explicitly critical of the emperor Diocletian, who had claimed in his propaganda to restore the *res publica*. Couching his criticism in language of innovation, Lactantius carefully lays out a diatribe meant to recast Diocletian as Jupiter the reformer and, by extension, to place the emperor Constantine as the restorer of the divine *res publica*.

Keywords: Lactantius; Diocletian; Divine Institutes; Innovation

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It is perhaps difficult for the modern reader to imagine a context in which innovations were not fundamentally net positives.¹ Recent technological advances have forced us to rethink our relationship to the past, but perhaps most importantly, our relationship to uncertainty. Language such as *disruptor*, *trend setter*, and *innovator* are contiguous with success. Yet this was not always so. In the ancient world, the language of innovation was subsumed to the concepts of restoration. Augustus did not so much innovate – though he did – as he restored. What evolved was the meaning of polity (*res publica*), an everchanging and malleable concept.²

In few places are the tensions inherent to this dialectic of reformation/innovation so clear as they are in the tumultuous period from the reign of Diocletian to the death of Constantine (284-337 CE). The Christians had gone from a violently persecuted group in 303 to tolerated in 313 and finally favored by the emperors after Constantine became sole emperor in 324. The shape of the state itself had undergone dramatic changes: a college of emperors, new administrative structures, new taxations, eventually a new capital and two distinct empires.³

Writing in the midst of these upheavals was a rhetor named Lactantius. An African by birth, a student of the Christian Arnobius and Christian himself, he would be appointed professor of rhetoric at the imperial capital of Nicomedia before the persecution of 303. By 310, Lactantius had fled the east and found refuge at the court of Constantine I, who

1 I would like to thank Professors Elizaveta Litovskaia, Edward Nolan and Vassilis Vagios for reading and listening to various iterations of this paper and providing very valuable comments. Moreover, I would like to offer my sincere gratitude to the committee of INTERFACEng 2022 for allowing me to present my paper and have questions from the audience, as well as to the two anonymous readers who provided valuable comments and food for thought for future research. Lastly, I cannot but offer my sincere appreciation of Christine Kao's work and comments on my paper.

2 Le Doze (2015); Moatti (2018).

3 For a meta narrative of these changes, see Jones (1964).

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made him teacher to his son Crispus. In the West, Lactantius composed two treatises to attack his non-Christian enemies: first the *Divine Institutes*⁴ and second, a polemical tract, *On the death of the Persecutors*.⁵ In book 5 of the *Divine Institutes*, Lactantius skillfully deploys the myth of the Golden Age to attack the origins of the faith of non-Christians, which, he argues, were an innovation from eternal truth. In book 5, as we shall see, Lactantius turns the paradigm of the pagan Golden Age on its head. The pagan gods, guarantors of the world order, disrupted the everlasting peace of God to install, in its place, an autocratic tyranny centered on the worship of humans, not gods. The disruption posed to the continuous flow of history, *in fine*, suggests that the Christian God must have preceded pagan ones and thus Lactantius recasts his enemies as the dangerous innovators, the very position, which the Neoplatonists had placed the Christians in.

Linking the discourse of innovation with the vocabulary typically given to usurpers and autocrats is the subject of this paper. Where does this come from and why? If indeed, the idea of the *res publica* is open to alterations, why should Lactantius frame the discourse of usurpation in a broader discussion on innovation? The answer to this problem is two-fold. First, there is a discursive element to Lactantius's philosophy. Indeed – and as I shall discuss in greater depth below – in the fifth book of the *Divine Institutes*, Lactantius links the very first reform of Jupiter after the demise of his father Saturn and the end of the Golden Age with the appearance of evil into the world.⁶ Thus, for Lactantius, innovation is intimately tied to a disturbance in the everlasting nature of the universe. The second reason is more political. It is clear that Lactantius is aware of and responding to (in part) the debates of Porphyry and the Ammonian sect.⁷ Even with the victory of Constantine, the debate

4 That Lactantius's *Divine Institutes* are a philosophical and theological treatise, protreptic in nature, has meant that they have rarely been treated within the context of the political upheavals of the later Roman Empire. From Pichon (1901) to Colot (2016), only Digeser (2001) and Digeser (2012) demonstrated that Lactantius was reasoning with a general view towards the future, so that the *Divine Institutes* had a fundamentally programmatic purpose. Nevertheless, as I contend in this paper, the *Divine Institutes* contain a specifically political reflection, hidden within his rhetorical flourishes.

5 On Lactantius's life, see Monat (1993).

6 Lact. Div. Inst. 5.4.

7 Digeser (1999); Digeser (2012). Against the position that Lactantius is responding to the works of Porphyry, see Colot (2016) 89, n.114.

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over the relationship between Christianity and traditional piety would remain open. Lactantius, therefore, develops a discourse of innovation that fundamentally ties in Diocletian to the role of disruptor and places Constantine as the true restorer.⁸

1 The Golden Age in Book V the Divine Institutes

Book five of the *Divine Institutes* opens with a two-phased diatribe on the defense of Christianity: up to book 4, Lactantius had primarily been concerned with establishing the unicity of the creator (*singularis ... conditor*), at the same time, ruler of the world (*huius immensi rector*); thus, it is imperative for Lactantius to demonstrate that this creator/ruler should be the Christian god.⁹ Lactantius himself is aware of the vast tradition of Christian apologetics he belongs to. Though he cites Minucius Felix, Tertullian and Cyprian,¹⁰ he states that proper defenders of Christianity are lacking.¹¹ In book 5, Lactantius is stepping aside from the tradition of Christian apologetics, by “creating something else for which it is necessary that the substance of the entire doctrine be contained.”¹² Thus, he does not simply respond to arguments – as Tertullian had previously done¹³ – or arguing poorly “against a man ignorant of the truth,” – as Cyprian had done.¹⁴ Lactantius’s criticism of Cyprian is that he was “enamored with his own extraordinary erudition of divine matters, so that he was content with these matters only with which faith agrees.”¹⁵ Rather, he recasts the debate away from the scriptures.

8 The implicit references to Diocletian and the *Divine Institutes* (especially book 7), see Digeser (2014), Digeser and Barboza (2021).

9 Lact. Div. Inst. 5.1.1: non est apud me dubium quin hoc opus nostrum, quo singularis ille rerum conditor et huius immensi rector adseritur, si quis attigerit, ex istis inepte religiosis, ut sunt nimia superstitione inpatientis, insectetur etiam maledictis.

10 Lact. Div. Inst. 5.1.22-24.

11 Lact. Div. Inst. 5.2.1: defuerunt apud nos idonei peritique doctores.

12 Lact. Div. Inst. 5.4.3: alii instituere, quod nos facimus, in quo necesse est doctrinae Totius substantiam contineri.

13 Lact. Div. Inst. 5.4.3: quamquam Tertulianus eandem causam plene perorauerit in eo libro [...] tamen quoniam alii est accusantibus respondere quod in defensione aut negatione sola positum est.

14 Lact. Div. Inst. 5.4.5: nam cum ageret [Cyprianus] contra hominem ueritatis ignarum.

15 Lact. Div. Inst. 5.4.7: ille non fecit raptus eximia eruditio diuinarum litterarum, ut iis solis contentus esset quibus fides constat.

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Lactantius, therefore, departs from traditional forms of debate and will tackle his opponents on their knowledge-field.¹⁶ The structure of books 5 and 6 focuses on the establishment of true justice as inherently Christian, before Christianizing the couple *uera iustitia/uera pietas* (the crux of Roman religion) in book 7.¹⁷ Book 5, which concerns us here, is a sort of diptych, which is grounded in the first place in the recent, and very real, persecution of the Roman emperors, and in the second place in the selective summary of the debate between Philus and Laelius, which had been contained in Book 3 of Cicero's *Republic* and which is, for the most part, only extant in the *Divine Institutes*.¹⁸ Lactantius opens the first section with a reading of the Golden Age.

Lactantius offers an account of the Golden Age, the age of Saturn,¹⁹ “which they [*illi*, the poets] call golden.²⁰ For Lactantius, this Golden Age had a number of characteristics. First, there was ubiquitous worship of God.²¹ Second, the Golden Age was a time of cooperation among humans, which he links with a consequential, *ideo*, to this ubiquitous worship.²² Third, this was a time of pastoral bliss, given that all lived within the context of what was given by God: hence there was no need for laws, and justice reigned everywhere.²³ This Golden Age, however, comes to an end with Jupiter's usurpation, which has three consequences: Justice disappears; Jupiter places envy, hatred, and cheating into the heart of men; and finally, there is the appearance of laws, war and injustice.²⁴ The structure revealed at *Div. Inst.* 5.5 functions primarily as a thesis/antithesis system where, on the one hand, worship of God implies the proper functioning of Justice and, in the second place, the arrival of Jupiter brings about chaos.

16 Digeser (2000) pp. 64-65.

17 Colot (2016).

18 On the issue of Philus and Laelius, see the important contributions of Ferrary (1977) and Zetzel (2017).

19 Noting that, for Lactantius, the Golden Age was a very real historical moment. On which, see Swift (1968) p. 149.

20 Lact. Div. Inst. 5.5.2: quae illi vocant aurea.

21 Lact. Div. Inst. 5.5.3: deus utique colebatur.

22 Lact. Div. Inst. 5.5.4: et ideo non errant neque dissensiones neque inimicitiae neque bella.

23 Lact. Div. Inst. 5.5.5-6.

24 Lact. Div. Inst. 5.5.9-13.

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Lactantius is not inventing.²⁵ In fact, he cites Virgil's *First Georgics* twice,²⁶ the *Aeneid* twice,²⁷ and Aratus three times.²⁸ The survival of this passage has undergone numerous versions.²⁹ Lactantius himself seemingly makes three alterations: that God was worshipped;³⁰ that, against the poets, there was private property (but charity allowed for equal sharing in God's bounty);³¹ and, specifically against a Ciceronian claim, that Justice departed this plane of existence after Jupiter's victory against Saturn.³² Whereas elsewhere in the *Divine Institutes*, Lactantius is more inspired by the *Fourth Eclogue*,³³ and especially as relates a potential return of the Golden Age,³⁴ this passage is mediated by a different Virgilian work, the *Georgics*. The *First Georgic*, while not particularly hostile to Jupiter – Virgil mentions matter-of-factly that “the father himself wished that the path of tilling would by no means be easy” –³⁵ Virgil impugns upon him the creation of various hardships: among others, placed evil venom into snakes, ordered that the wolf should predate, and the ocean move.³⁶ Virgil's interpretation of the passage differs markedly, however, from Lactantius's. The former considers Jupiter's actions as fundamentally geared at the development of the mental acuity of humans.³⁷ The latter instead offers a “Christianized”

25 The place of ancient sources in Lactantius has been the subject of numerous studies. Ogilvie (1978) suggested that Lactantius was, for the most part, a pastiche of collated sources. He seemed unaware of Ferrary (1977) whose conclusion on Lactantius's use of Cicero suggests that Lactantius was deliberate and careful in his citations. For a similar overview of Lactantius's use of his sources, Heck (1988); Colot (2019). On classical intertexts of Christian authors, see Berlincout (2019).

26 Lact. Div. Inst. 5.5.5 = Virg. Georg. 1.126-127; Lact. Div. Inst. 5.5.10 = Virg. Georg. 1.129-130.

27 Lact. Div. Inst. 5.5.9 = Virg. Aeneid 8.320; Lact. Div. Inst. 5.5.12 = Virg. Aeneid 8.327. He cites the Aeneid a third time at Lact. Div. Inst. 5.9.4 = Virg. Aeneid 2.355.

28 Lact. Div. Inst. 5.5.4 = Germ. Arat. 112-113; Lact. Div. Inst. 5.5.5 = Cic. Aratus fragment 21; Lact. Div. Inst. 5.5.9 = Germ. Arat. 137 and a second time, Cic. Aratus fragment 23. There is also a single citation of Ovid, Lact. Div. Inst. 5.5.7 = Ovid. Met. 1.111.

29 On this, see Lovejoy and Boas (1980) pp. 23-102.

30 See above n.21. Lactantius mentions that “worship of the gods had not yet been instituted,” Lact. Div. Inst. 5.5.3: *nondum deorum cultibus institutis*. On the euhemeristic vision of the pre-Christian world and its impact on Lactantius, see Lovejoy and Boas (1980) p. 57.

31 Lact. Div. Inst. 5.5.7: *quod poetae dictum sic accipi oportet, non ut existimemus nihil omnine tum fuisse private, sed more poetico figuratum*.

32 Lact. Div. Inst. 5.5.9: *sed non, ut ait Cicero, et Iovis in regno caelique in parte resedit*.

33 This aspect is well-known, see Scott Ryberg (1958) pp. 126-127; Fisher (1982) p. 368; Ziolkowski and Putnam (2008) pp. 488-489.

34 Soler (2019). On the messianic aspect of the fourth eclogue, see Mattingly (1942); Pullbrook (1982).

35 Virg. Georg. 1.122-123.

36 Virg. Georg. 1.129-135.

37 Virg. Georg. 1.122-124: *primusque per artem*

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interpretation of Virgil, namely, that the three transformations of Jupiter were primarily envy, hatred, and cheating into the hearts of humans.

Virgil's description of the pre-Jovian idyl in the *Georgics* is extremely short, a mere four verses,³⁸ whereas Lactantius proposes instead a two-part description: from *Div. Inst.* 5.5.1 to 5.5.8 (Golden Age) and *Div.* 5.5.9 to 5.5.14 (transformation after the fall of Saturn). The short citation of Virgil from the *Georgics* is, in fact the sole element which Lactantius recovers; the rest is more difficult: it is clear that he recovers from some from the *Arati Phaenomena*, especially the importance of the reign of justice which pervades Lactantius's Golden Age.³⁹ The lynchpin of Lactantius's argument is a contradiction of Cicero:

The most just virgin departed the earth quickly, but not as Cicero said, "and she settled in the kingdom of Jupiter in part of the sky." For how can she reside or remain in his kingdom, who expelled his father from his kingdom, persecutes him with war, sentences him with exile on the whole of the earth?⁴⁰

It would not be the first time that Lactantius, in fact, selectively cites his source: the speech he gives of Philus and Laelius in the second part of book 5 of the *Divine Institutes* minimizes the position of Laelius to demonstrate rather that Philus wins an argument he otherwise lost in Cicero.⁴¹ In other words, if there is a decidedly Virgilian sentiment in Lactantius's account of the Golden Age and its aftermath, Lactantius departs from the broader attitude of Virgil towards Jupiter and the consequences of Jupiter's seizure of heavenly power.

mouit agros, curis ascuens mortalia corda
nec torpere graui passus sua regna ueterno.

38 Virg. Georg. 1.125-128: ante Iouem nulli subigebant arua coloni

Ne signare quidem aut patiri limite campum
Fas erat; in medium quaerebant, ipsaque tellus
Omnia liberius nullo poscente ferebat.

39 On Aratus's use of Justice, see Lovejoy and Boas (1980) p. 43; Ryan (2016).

40 Lact. Div. Inst. 5.5.9: Deseruit prope terras iustissima uirgo. Sed non ut ait Cicero "et Iouis in regno caelique in parte resedit." Quomodo enim poterat in eius regno residere aut commorari qui patrem regno expulit, bello persecutus est, exulem toto orbe iactauit.

41 Ferrary (1977); Zetzl (2017).

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2 Jovian Inventions and Departure from the One True Faith

Jovian intervention following the banishment of Saturn leads to the transformation of the human experience from communal cooperation to individualistic conduct. As he writes, “then they began to fight with one another, and to lie in ambush and to collect glory for themselves in human blood.”⁴² The consequence of these evils was, in fact, the upturning of the world order: where there was no private property, there now was, where prosperity was shared, it was now hoarded.⁴³ The behavior of individuals within the Jovian sphere turned the world on its head. But for Lactantius, these are symptoms (not cause) of a greater sin: “and because imitation of the customs and vices of the king is judged a kind of loyalty, all threw away piety, lest if they should live piously, they would seem to disapprove of the crimes of the king.”⁴⁴ In other words, it is through a kind of *imitatio regis* that Lactantius describes the appearance of evil into the world. The social effects of a sort of “Jovian revolution” come primarily through the imposing reforms of Jupiter himself. Lactantius, in fact lists three aspects, which need to be taken in turn: the establishment of unjust laws, the creation of “office,” and the establishment of polytheism.

For Lactantius, Jupiter and his followers “in the name of justice, established (*sanxerunt*) for themselves most unequal and most devoid of justice,” to preserve their own gain.⁴⁵ The use of the established legal jargon⁴⁶ should not detract from the fundamental novelty of Jupiter’s legislation. Indeed, the marker of the Golden Age was precisely that justice reigned so that “as justice was present and flourishing, who indeed would think about his own protection, since no one is plotting [against

42 Lact. Div. Inst. 5.5.14: tum inter se manus conserere coeperunt et insidiari et gloriam sibi ex humano sanguine comparare.

43 Lact. Div. Inst. 6.1.1.

44 Lact. Div. Inst. 5.6.9: et quoniam mores ac vitia regis imitari genus obsequii iudicatur, abiecerunt omnes pietatem, ne exprobare regi scelus uiderentur, si pie uiuerent. It is worth noting that Lactantius, at 5.5.9 views Jupiter as “nearly a parricide” (*propemodum parricida*).

45 Lact. Div. Inst. 5.6.1: leges etiam sibi iustitiae nomine iniquissimas iniustissimasque sanxerunt, quibus rapinae et auaritiae instrumenta conraderent.

46 *Sanxere* occurs twelve times in the Justinianic Code and four times in the *Theodosian Code* to denote the passage of legislation.

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him] or about the ruin of another, since no one longs for anything.”⁴⁷ In a context of absolute justice, laws become redundant. The very first laws, which did not derive from absolute justice but rather greed, become innovations which, while they give birth to a certain order,⁴⁸ that order is fundamentally chaotic precisely because it is divorced from ideal justice.⁴⁹

The language of innovation in the ruin of the world occurs explicitly in the second aspect, where the new masters of the world “invented (*invenire*) for themselves honors and purples (sic) and fasces, so that they might have ruled over the dejected and terrified, sustained by the terror of the axe and the sword, as with the right of the masters.”⁵⁰ The use of the verb *invenire* to describe the action of Jupiter, which Lactantius couples with a purpose *ut* clause, links unambiguously the language of innovation with the decline and fall of the Golden Age at the hands of the new masters.

From the moment he seized power, Jupiter corrupted the world.⁵¹ However, the last ultimate transformation of the world order was the establishment of polytheism. And, there again, Lactantius links the language of innovation with the corruption of the world order. Indeed, as he writes, “soon, after both himself and his progeny were consecrated and the cult of many gods established, [the Golden Age] was altogether abolished.”⁵² The end of the sentence is carefully crafted, where Lactantius repeats the particle *sub* in the compound verbs *suscepto* and *sublatum* even though the main verb comes from *tollo*. The imposition of the particle *sub* carries the notion, at the same time, of driving downward (and hence fall) and overturning force: the appearance of polytheism finishes to drive out all that was good about the Golden Age and opens

47 Lact. Div. Inst.5.5.5: quis enim praesente ac uigente iustitia aut de tutela sui, cum nemo insidiaretur, aut de pernicie alterius cogitaret, cum nemo quicquam concupisceret?

48 Lact. Div.Inst. 5.6.1-3.

49 Lact. Div. Inst. 5.5.13-14.

50 Lact. Div. Inst. 5.6.5: hinc honores sibi et purpuras et fasces inuenerunt ut securium gladiatorumque terrore subnixi quasi iure dominorum percussis ac pauentibus imperarent.

51 Lact. Div. Inst.5.6.12: haec est profecto iustitia et hoc aureum saeculum, quod Ioue primum regnante corruptum, .

52 Lact. Div. Inst.5.6.12: mox et ipso et omni eius progenie consecrata deorumque multorum suscepto cultu fuerat omne sublatum.

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an age of tyranny.

Lactantius carefully crafts a picture of the Golden Age and the decline and fall of the ideal age that is, in appearance centered on the works of known authors, which he decries only a single time, to state that justice must have left the world after the arrival of Jupiter.⁵³ He is removed from Cyprian, who would have addressed a primarily Christian audience, and set the discursive debate on the plane of his opponents.⁵⁴ Lactantius's clever use of his sources frames a narrative that is far removed from the contexts in which they are produced: gone are the benevolent impositions of the *Father himself* (Jupiter) of the *first Georgic*, or even the ambiguous goodness of the Zeus of Aratus. Lactantius's Jupiter is a pioneer, whose three innovations – the imposition of laws, the “invention” of honors, and the worship of himself and his children as gods – far from removing injustice, drove out justice itself. The various iterations of the end Golden Age in classical antiquity, as Lovejoy and Boas usefully demonstrate, do not imply a change for the worse. Rather, the interpretations of the Golden Age range from encompassing simple unalterable change to cyclical return (i.e., the notion that the Golden Age will return).⁵⁵ Jupiter's flaw, the driving out of justice, for Lactantius, led to a fundamental transformation of the Golden Age for the worse,⁵⁶ not its restoration.

3 The Political Subtext of Inst.Div.5.5-6

The dual deployment of golden age mythography, enshrined in a discourse of innovation cum deterioration, serves a dual purpose: it is a negation of the positive evolutions which Virgil iterates in the *First Georgics*, where the arrival of Jupiter dictates some progress,⁵⁷ and which is

53 He does this twice, at Lact. Div. Inst. 5.5.9-11, and 5.6.11-13.

54 Lact. Div. Inst. 5.4.4-6; Swift (1968) p. 149.

55 Lovejoy and Boas (1960) pp. 23-102.

56 Lact. Div. Inst. 5.6.11: *inprudenter igitur poetae qui eam confugisse cecinerunt ad Iouis regnum. Si enim saeculo quod uocant aureum iustitia in terra fuit, a Ioue utique pulsa est, qui aureum pulsa commutauit.*

57 See above, n.35.

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central to Lucretius's own vision of the progress through the ages.⁵⁸ In fact, Lactantius rejects the notion that the imposition of magistracies and laws is a net positive in the *De rerum naturae*.⁵⁹ While in appearance placed under a literary and philosophical guise, the first part of the diptych of book 5 of the *Divine Institutes* is grounded in his experience of the power of the state especially during the Great Persecution. The political "I" witness of the actions of a Bithynian governor at 5.11.15 provides a clue to the important subtext that links Diocletian to Jupiter in the *Divine Institutes*.⁶⁰

That Lactantius then grounds his debate in the practical elements, and away from the poets of the Golden Age, and turns his attention primarily to the persecution of Christians which is the subtext of his diatribe in the ninth chapter of the fifth book, which culminates with a terse but scathing indictment of the drive to persecute:

But those who judge their faith highly and do not decline themselves to be worshippers of God, unto those they attacked with the entire strength of the butcher, as though they thirst for blood, and call them desperate who esteems his body lightly, as if anything could be more desperate than to twist and shred him whom you would know to be innocent.⁶¹

Lactantius firmly moves away from the poetical in the very real and tangible political realm of "the persecutors" by 5.5.13.⁶²

The account of the great persecution is addressed in the eleventh chapter, which starts with an ominous warning that men "follow the be-

58 Lovejoy and Boas (1960) p. 239

59 Lucr. De Rerum Naturae 5.1143-1160 associates laws and justice (*leges artaque iura*); Lovejoy and Boas (1960) 234. In general, on Lactantius and his rejection of Lucretius, see Heck (2003), Kiel (2021).

60 The ubiquity of Diocletian's Jovian imagery needs not be developed here. See Kolb (1987) 88-115.

61 Lact. Div. Inst. 5.9.12: Qui autem magni aestimauerint fidem cultoresque se dei non abnegauerint, in eos uero totis carnificinae suae uiribus, ueluti sanguinem sitiunt, incumbunt et desperatos uocant, qui corpori suo minime parcunt: quasi quicquam desperatius esse possit quam torquere ac dilaniare eum quem scias esse innocentem.

62 On the realpolitik component of Lactantius, see Digeser (2014), Digeser (2021) pp.78-85.

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havior of their god,” and “this same impiety which they use in other matters, they violently exert upon the just.”⁶³ Persecution, which he has likened above to the twisting of one’s body, becomes a simple matter of course: “for there was not that honor or promotion of dignity.”⁶⁴ Lactantius cleverly deploys the abstract language, which had characterized his earlier argument, with the pragmatic language of the imperial court, as the *dignitas* refers to the dignity acquired through promotion (*prouetio*) through the *cursus honorum*.⁶⁵ Lactantius finishes with two examples: a Phrygian governor who burnt down a community,⁶⁶ and another Bithynian governor who tortured to death a Christian,⁶⁷ both behaviors he ascribes to the *imitatio deorum* which he had already developed earlier, at Lact. *Div. Inst.* 5.6.9.⁶⁸

The accounts of the absence of justice in book 5 of the *Divine Institutes* contains a barely veiled criticism of Diocletian, whose own persecution Lactantius attacked more violently in another tract published in 313, *On the Death of the Persecutors* (*De mortibus persecutorum*). In the seventh chapter of the tract, Lactantius deploys a scathing criticism of Diocletian’s character. Lactantius levies a series of charges against Diocletian: that he appointed three men to share imperial rule, that he increased the size of the bureaucracy so much it posed an impossible burden on the populace. Most importantly, Diocletian had an insatiable greed, which prevented him from funding repairs all the promoting varieties of building programs which,⁶⁹ “thus he was always raving, in his eagerness to make Nicomedia equal to Rome.”⁷⁰ Lactantius’s colorful – if accurate – account⁷¹ of Diocletian’s reign hinges on the first two sentences of this seventh chapter:

63 Lact. *Div. Inst.* 5.11.1: qui deorum suorum moribus congruent [...] eandem impietatem suam qua in ceteris rebus utuntur, aduersus iustos uiolenter exercent.

64 Lact. *Div. Inst.* 5.12.8: non enim honor ille aut prouectio dignitatis. The use of dignity here refers to the *dignitas* associated with promotion in the *cursus honorum*.

65 A fairly accurate statement, in fact, since Sossianus Hierocles was named judge but that judgeship did not confer any promotion. See Cases (2019) pp. 358-359.

66 Lact. *Div. Inst.* 5.12.10.

67 Lact. *Div. Inst.* 5.12.15.

68 Lact. *Div. Inst.* 5.12.18.

69 Lact. *DMP.* 7.3-10.

70 Lact. *DMP.* 7.10: ita semper dementabat Nicomediam studens urbi Romae coequare.

71 On the accuracy of Lactantius’s account, Barnes (1973); Mackay (1999). See, moreover, Barnes (1982) pp. 195-198 for a survey of the administrative divisions of the empire.

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Diocletian, who was the inventor of crimes and a contriver of evils, when he had ruined all things, could not also abstain his hands from God. He upset the orb of the earth with both his avarice and timidity.⁷²

Lactantius makes use of a semantic vocabulary linked to innovation, where Diocletian is both *inventor* and *machinator*. The consequences of the “innovations” of Diocletian (which Lactantius would list in the later portions of the passage) are, quite simply that he had ruined all things, and upset the balance of the entirety of the earth. The second verb, *subvertere*, made up of the stem-verb *vertere* (to change) and the prefix *sub* (under) implies a change for the worse.

Lactantius deploys the negative language of innovation associated with reforms of the state and a broader narrative wherein reforming emperors (especially usurpers) are never innovators. The semantic field to describe such usurper involved key words which link to criminality (*latro*, *scelus*) with a certain avidity (*cupido*).⁷³ What is absent from such rhetoric is the link which Lactantius makes explicitly with the institutional innovations of Diocletian: above all, in the *De mortibus persecutorum*, the installation of the Tetrarchy and the division among provinces, but also, and most importantly, the persecution against Christians in the *Divine Institutes*.

4 Diocletian the Fake Restorer?

Lactantius’s use of the Golden Age functions clearly on both philosophical and theological grounds; however, as we have just seen, there is a parallel between Lactantius’s description of Diocletian in the *On the Death of the Persecutors* and his understanding of Jupiter in the *Divine Institutes*. This vision plays at least on the level of imperial iconography, Jupiter/Diocletian, but Lactantius’s metaphor is especially telling since one of Diocletian’s main rival, until his demise at the hands of Allec-

⁷² Lact. DMP. 7.2: Diocletianus, qui scelerum inventor et malorum machinator fuit, cum disperderet omnia, ne a deo quidem manus potuit abstinere. Hic orbem terrae simul et avaritia et timiditate subvertit.

⁷³ See recently, Sella (2021) esp. p. 78.

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tus in 293, the usurper Carausius in Britain, had portrayed himself as Saturn, the restorer of the Golden Age.⁷⁴ The Tetrarchs did respond to Carausius. In an undated panegyric delivered in Gaul by Eumenius, a former *magister memoriae*,⁷⁵ for the restoration of schools (undated but clearly belonging to the Tetrarchic era),⁷⁶ Eumenius mentions explicitly that “thus, it is clear, that Golden Age, which once had flourished briefly while Saturn was king, is now *reborn* under the eternal auspices of Jupiter and Hercules.”⁷⁷ A civil war, mediated by Golden Age iconography had taken place during Diocletian’s reign.

Most importantly, in Eumenius’s panegyric, it is the notion of “rebirth” (*reiscerat*) which contrasts most vividly with Lactantius’s vision of Diocletian as an innovator. Diocletian’s own iconography explicitly mentions his “restoration,” especially in the coinage which occurs immediately after his accession. Beyond the more traditional aspects of imperial coinage which emphasize variously the piety or felicity of the emperor, we find, especially in the early Tetrarchic coinage a discourse centered on preservation and conservation. The Trier mint starts with the legend *Herculis Conservatori Augg*,⁷⁸ and three matching series of *Iovi Conservatori*.⁷⁹ The various numismatic programs expressed especially in the gold coinage demonstrate a Tetrarchic commitment to return, whether it is to eternal life⁸⁰ or fortune.⁸¹ In other words, the notions of restoration and conservation in the Tetrarchic propagandistic program features various prominent appeals to the absence of innovation. It is not reform, which Diocletian advertises, but continuity.

Lactantius, then, in his dismantlement of the mythical Jovian reforms,

74 De la Bedoyère (1998) pp. 83-86; Woods (2019) pp. 196-197.

75 Pichon (2012) p. 56; Nixon (2012) p. 229.

76 See the introduction to the panegyric by Nixon and Rodgers (1994) pp. 148-150. There is a mention in this panegyric of Constantius I as *princeps iuventutis* (Pan.Lat. 9.6.1) implies that the panegyric must have been delivered after March 293 CE, and before the abdication of Diocletian and Maximian at which point Constantius I would have been emperor.

77 Pan. Lat. 9.18.5: *Adeo ut res est, aurea illa saecula quae non diu quondam Saturno rege uiguerunt, nunc aeternis auspicibus Iouis et Herculis renascuntur*

78 RIC 6 [Treveri] 1, 28, 43-451, [Ticinum]. 3-4, [Aquilina] 3-4,

79 RIC 6 [Treveri] 15-18, 52-55, [Ticinum] 4, [Aquilina] 4, [Carthage] 6-7, [Thessalonica] 3-5, [Nicomedia] 1, 5-6, 10-12,

80 RIC 6 [Treveri] 34

81 Vast issues and reissues of aera: RIC 6 [Treveri] 228-263; Gold, RIC 6 [Antioch] 23-24.

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both through a refutation of Lucretian progress and of Virgilian benevolent innovations, also addresses the very real (and misguided) reforms of the Jovian emperor. The relevance of this upturn of rhetoric is fundamental to Lactantius: the Christians, whom he claims are the holders of the true faith of the Saturnian Golden Age, had been previously accused of various impious innovations by the Neoplatonists at the court of Diocletian.⁸² It becomes impossible, in Lactantius's newly created referential system, for Christians to ever be impious innovators, since, no matter what the innovation might be, it would become, in fact, a restoration, bringing humanity closer to the ideal golden age.

The importance of the language of innovation is illustrated by the final address of Lactantius to the emperor Constantine in book 7 of the *Divine Institutes*: “from then, the highest God called you [most holy emperor] to restore the abode of justice and for the tutela of human kind.”⁸³ The verb used, *restituere*, is matched further by other terms: to rescind (*rescindere*) bad laws (*male consulta*), to correct sins (*peccata corrigere*). Finally, he closes his address with a prayer that “first he should keep you, whom he wished to be the guardian of things (*custodem rerum*).”⁸⁴ That Constantine should not himself suffer to be the innovator is itself a matter of perspective: in the late-fifth century, a pagan Zosimus, in the *Historia Nea*, could attack the emperor on his various innovations.⁸⁵

82 Digeser (1999) pp. 135-141, explicitly not Porphyry but rather Hierocles. It could be suggested that Lactantius's debts to Stoicism, especially as relates the materiality of the divine, would place him in direct opposition with the more abstract aspects of Neoplatonist philosophy. As Colish (1985) pp.37-47 demonstrated, Lactantius has an uneven attitude towards Stoicism, deploying some aspects via other sources (Cicero's notion of *summum bonum*), mischaracterizing, deliberately or not, the Stoa (the materiality of the aether), or turning stoic arguments on their heads (his treatment of Hercules). This attitude is overall consistent with Lactantius's axiomatic starting point that pre-Christian philosophers could have “stumbled upon the truth accidentally,” as Colish (1985) p.39 states. One evidence of this is Lactantius's treatment of Orpheus's “first born God” and states that “his mind could not comprehend [it]. Lact. *Div. Inst.* 1.5.5: quia concipere animo non poterat. See more broadly, Lact. *Div. Inst.* 1.5.15-23 where all philosophers agree on the unity of a greater will, “which is called by us God” (*quod a nobis dicitur deus*). On Lactantius and Stoicism, further Hansen (2018).

83 Lact. *Div. Inst.* 7.26.10: ex quo te deus summus ad restituendum iustitiae domicilium et ad tutelam generis humani excitavit.

84 Lact. *Div. Inst.* 7.26.10, esp.: cui nos quotidianis precibus supplicamus, ut te in primis, quem rerum custodem uoluit esse, custodiat.

85 Zos. 2. 33-35. On the double-edged sword of Lactantius's language, and its potential appropriate by non-Christians, see Digeser and Barboza (2021).

5 Conclusion

In Book 5 of the *Divine Institutes*, Lactantius had set out to disprove his adversaries by framing the debate on their terms, that is to say, the philosophical realm.⁸⁶ It is crucially important that, despite all of Lactantius's rhetorical flourishes, literary allusions, and knowledge of realpolitik, philosophy should remain central.⁸⁷ Nevertheless, as I have shown, while book 5 is anchored in the philosophical realm, it is a richly layered text. Lactantius's own disdain for the Tetrarchy is well-known, and the implicit reference to Jupiter/Diocletian is certainly imbedded in his vision of Jupiter's cosmic reforms.

What is important in this paper is not that Diocletian should be tyrannical in his governance – he makes that case much more strongly in his tract *On the Deaths of the Persecutors* – but rather that Lactantius employs the language of innovation to accuse Diocletian of impiety. Turning the table on his erstwhile abusers, Lactantius frames the debate of “true faith” around the theme of reform. The mythical Jupiter had ousted his father and ushered in an age of injustice from a near-parricide. The real Jupiter and his regime would be ousted by the new Saturn, Constantine, who would not reform the world, but restore its perpetual shape.

⁸⁶ Digeser (2001) p. 64-65.

⁸⁷ There are certainly approaches to Porphyrian theology which need to be discussed, or how the *Phaenomena* of Aratus color Lactantius's “Virgilian” Golden Age, but this extends presently beyond the scope of this paper.

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