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The Origin of the Legend of Maurice and the Theban Legion

by DAVID WOODS

The primary account of the martyrdom of Maurice and the Theban legion occurs in a letter addressed by Eucherius, bishop of Lyons *c.* 434–50, to a fellow bishop, Salvius.[1] This relatively brief document has attracted a degree of scholarly attention out of all proportion to its length, the purpose of which has been to investigate its historical basis. There are those who believe with varying degrees of certainty that there is a historical basis to the story which Eucherius relates, that there did indeed exist a group of Theban soldiers who were executed in the Alps during the early years of the reign of Emperor Herculius Maximianus because they refused, for religious reasons, to obey his commands.[2] However their arguments have left many unconvinced. Denis Van Berchem's thorough examination of the story has raised many doubts about its veracity, and many commentators now incline to believe, with him, that no such martyrs ever existed.[3]

The purpose of this paper is to attempt a response to one such commentator who asked, 'Is there an element of truth behind the account sent by Eucherius of Lyons to Bishop Salvius *c.* 450?'[4] However, I wish to distinguish between the truth of the story, and the truth behind the story.

[1] CSEL xxxi. 163–73; B. Krusch, *Monumenta Germaniae historica: scriptores rerum Merovingicarum*, iii, Berlin 1896, 32–9; D. Van Berchem, *Le martyre de la légion Thébaine: essai sur la formation d'une légende*, Basle 1968, 55–9. All references are in accordance with the latter's division of the text.

[2] L. Dupraz, *Les passions de S. Maurice d'Agaune: essai sur l'historicité de la tradition et contribution à l'étude de l'armée pré-dioclétienne et des canonisations tardives de la fin du IVe siècle*, Fribourg 1961; D. F. O'Reilly, 'The Theban Legion of St Maurice', *Vigiliae Christianae* xxxii (1978), 195–207; D. H. Farmer, *The Oxford dictionary of saints*, Oxford 1987, 295.

[3] Van Berchem, *La légion Thébaine*; J. Helgeland, 'Christians and the Roman army AD 173–337', *Aufstieg und Niedergang der römischen Welt* ii. 23. 1 (1979), 774–7; J.-M. Hornus, *It is not lawful for me to fight: early Christian attitudes towards war, violence and the state*, Scottdale, Penn. 1980.

[4] W. H. C. Frend, *Martyrdom and persecution in the Early Church: a study of a conflict from the Maccabees to Donatus*, Oxford 1965, 486.

The focus has traditionally been on the truth of the story, investigating, for example, the movements of Maximianus, the constituents of his army, and the hierarchy of ranks within it.[5] The truth behind the story, the fascinating revelations which the story provides concerning the society within which it was composed, has been comparatively neglected.[6]

It must be stated at the outset that I find Van Berchem's arguments against the historical value of the story as told most convincing. It is not my intention to repeat them here: readers are best advised to read his work in order to understand the background to this paper. However Van Berchem realised that it was not enough simply to dismiss the story of Maurice and the Theban Legion as fiction. One must also account in a more positive fashion for the origin of this fiction. This is the more difficult task, and here Van Berchem was not entirely convincing.[7] He concluded that the legend of an eastern martyr named Maurice of Apamea was conflated with local traditions concerning a campaign by Maximianus against rebels in Gaul, and that from this confusion there arose the story of Maurice and the Theban Legion.[8] It is my intention here to provide an alternative hypothesis, to explain Maurice of Acaunum in terms other than the translation to the Alps of the cult of Maurice of Apamea.

One of the most important elements of the legend of the Theban legion has been sadly neglected. It is rather misleading to refer to the 'Theban Legion' as such, and I do so here only because this usage has become traditional. There has been a great deal of sterile debate because of the implication in such a vague translation of the text that any Theban legion will do if only we can find some reason to assert its presence in Italy during the reign of Maximianus. Eucherius' text refers to a 'legio militum, qui Thebaei appellabantur'.[9] It has escaped the attention of church historians, but not military historians, that *Thebaei* is the proper name of one particular military unit.[10] Its name has been preserved by the army lists within the *Notitia dignitatum*, a late fourth-century document.[11] The coincidence of names would in itself deserve our attention. However, far more important is the fact that the unit is firmly located in Italy by this

[5] For example, H. Bellen, 'Der Primicerius Mauricius: ein Beitrag zum Thebaer-problem', *Historia* x (1961), 238–47.

[6] As Hornus states, 'I therefore continue to believe that the only (although real) interest of the text consists in its revelation of "the sentiments ... of a Roman Christian of the fifth century"': *It is not lawful*, 155; R. Van Dam, *Leadership and community in late antique Gaul*, Berkeley, Ca. 1985, 54–5, seeks to interpret it against a background of social unrest and peasant revolts.

[7] Van Berchem, *La légion Thébaine*, 42–3.

[8] On Maurice of Apamea (18 July), PG xcv, 355–71. The earliest record of his cult is a reference in Theodoret, *Graecarum affectionum Curatio* viii. 69.

[9] Eucherius, *Passio Acaunensium martyrum* 3.

[10] See D. Hoffmann, *Das spatrömische Bewegungsheer und die Notitia Dignitatum*, Dusseldorf 1969, 238.

[11] See A. H. M. Jones, *The later Roman Empire 284–602*, Oxford 1986, ii. 1417–28; J. H. Ward, 'The notitia dignitatum', *Latomus* xxxiii (1974), 397–434. The only edition is by O. Seeck, *Notitia dignitatum*, Berlin 1876, repr. Frankfurt 1962. For the *Thebaei* see *Notitia dignitatum*, Oc. v. 11; Oc. v. 154; Oc. vii. 29.

same document. In short the *Thebaei* of Eucherius' story is clearly to be identified with the homonymous unit which makes its appearance in the *Notitia dignitatum*.

The question we must now ask concerns the impact which Eucherius' story would have had upon the public in his day. They could hardly have failed to make the connection which has just been emphasised here, of the *Thebaei* of the legend with a real military unit which was stationed in their region. It is not an unreasonable assumption that this is no mere coincidence, but that the author of the legend intended such should be made. We must turn to the identity and circumstances of the author, therefore, in order to further our understanding of the legend.

We are fortunate in that Eucherius specifically names his immediate source as Isaac, bishop of Geneva, who had himself learned of the story from another bishop, Theodore, identified as Theodore of Octodurum.[12] Bishop Theodore's exact dates are not known but he did attend the Council of Aquileia in 381.[13] He was also one of the signatories of a letter addressed by the Synod of Milan to Pope Siricius early in 393, informing him of their condemnation of the monk Jovinian and his followers.[14] Thus Theodore was bishop of Octodurum at least for the period 381–93. It is a reason for concern that Eucherius does not trace the origin of the legend further back than Theodore. His failure to do so implies that he was not aware of any earlier source. It is then a reasonable assumption that Theodore did in fact invent the whole story of Maurice and the Theban Legion.

Moreover, not only does Eucherius fail to trace the story back beyond Theodore but he also states that the bodies of the martyrs were revealed many years after their deaths to their local bishop, Theodore.[15] The natural interpretation of this text is that the martyrs revealed themselves to Theodore in dreams or miracles of some kind, and that he then discovered their bodies.[16] This may be taken to indicate, not only that Theodore invented the whole story of Maurice and the Theban legion, but that he also used some conveniently discovered bodies to support his fiction. This conclusion can be supported by an examination of the

[12] 'Porro ab idoneis auctoribus rei ipsius veritatem quaesivi, ab his utique, qui adfirmabant se ab episcopo Genavensi sancto Isaac hunc quem praetuli passionis ordinem cognovisse; qui, credo, rursum haec retro a beatissimo episcopo Theodoro viro temporis anterioris acceperit': Eucherius, *Pass. Acaun.* 19.

[13] CSEL lxxxii, 312–68, for the acts of this council.

[14] Ibid. 302–11. The date is that suggested by F. H. Dudden in *The life and times of St Ambrose*, Oxford 1935, 393 n. 1, rather than the earlier date of 389/390 accepted by Van Berchem (*La légion Thébaine*, 37).

[15] 'At vero beatissimorum Acaunensium martyrum corpora post multos passionis annos sancto Theodoro eiusdem loci episcopo revelata traduntur': Eucherius, *Pass. Acaun.* 16.

[16] H. Leclerq, *Dictionnaire d'archéologie chrétienne et de liturgie*, Paris 1907–53, x/2, col. 2722, shows how the verb 'revelare' could also be used of relics translated from one place to another. Yet the text he uses to illustrate his point is of a later date, and may illustrate only a derivatory and looser use of the term. The comparison should rather be to the use of this term in 422 by Paulinus of Milan in *Vita Ambrosii* 29, 35.

activities of another bishop of the northern Italian region in the late fourth century, Ambrose of Milan.

In the summer of 386 Ambrose, pressed by the people to find relics to use in the dedication of the new basilica which he had just built, ordered the excavation of part of the floor of the Church of SS Nabor and Felix.[17] He did this because he had a feeling in his heart and because of certain other signs, the nature of which is not made clear in our sources. He did find two bodies, though, and as these immediately cured a madwoman they were obviously the bodies of martyrs. Better still, some old men then 'recalled' the names of the martyrs, Gervasius and Protasius, and remembered reading an inscription in their honour.[18]

Whilst this whole story is very suspicious and suggests that Gervasius and Protasius were the result of pious fiction there is the slight possibility that they were real martyrs, even if they did provide Ambrose with a very powerful weapon in his struggle at this time against the emperor and his mother.[19] Yet Ambrose's subsequent involvement in the discovery of the bodies of other martyrs suggests that all the saints he rediscovered may well have been no more than pious fiction. In the autumn of 393 he seems to have been involved with the discovery of the bodies of the martyrs Vitalis and Agricola at Bologna.[20] Once more previously unknown martyrs proved so kind as to reveal themselves suddenly to Ambrose. Nor was it surprising that two bodies would be found to substantiate the bishop's allegations; after all they were digging within a Jewish cemetery. In 395, back at Milan, Ambrose managed to discover the bodies of two more previously unknown martyrs, Nazarius and Celsus.[21] Even in the matter of more well-known martyrs Ambrose was not entirely to be trusted. As a letter of Augustine reveals he told of things which were not known from the public records, and our suspicion must be that a certain amount of fabrication was taking place, even if for the best and most edifying of reasons.[22]

That at this time an almost entirely uncritical climate existed which encouraged such discoveries and fabrication is shown by the revelation of Sulpicius Severus that even a brigand was being venerated as a martyr before Martin of Tours put a stop to it.[23] In the East there was a rapid succession of amazing and valuable finds. The remains of Job, Habakkuk, Micah, Zechariah, Gamaliel and Stephen were all 'discovered'.[24] Nor did

[17] Ambrose, *ep.* xxii. 2.

[18] Ibid. 12.

[19] See Dudden, *St Ambrose*, 298–320. The use of relics as a political weapon is of particular relevance to the topic in hand, for the other bishops, including Theodore, cannot have failed to be impressed by their part in Ambrose's victory on this occasion.

[20] Ambrose, *Exhortatio virginitatis* 1–10; Paulinus, *Vita Ambrosii* 29.

[21] Ibid. 32, 33.

[22] Augustine, *ep.* xxix*. 2.

[23] Sulpicius Severus, *Vita Martini* 11.

[24] For a general review of such activity, see E. D. Hunt, 'The traffic in relics: some late Roman evidence', in S. Hackel, *The Byzantine saint*, London 1981, 171–80; on Job, *Itinerarium Egeriae* 16; on Habakkuk and Micah, Sozomen, *Historia ecclesiastica* vii. 29; or Zechariah, Gamaliel and Stephen, ibid. ix. 16.

the fabrication stop at the 'discovery' of new relics. There is good reason to believe, for example, that Cyrus, bishop of Cotyaeum in Phrygia *c.* 441/2, wrote a new, entirely fictitious, account of the martyrdom of the well-known Egyptian saint, Menas.[25] In short the atmosphere was such that the invention of new martyrs was positively encouraged. Occurring at the time and in the place it did it is not unlikely therefore that Theodore's account of Maurice and the Theban legion was also a complete fiction.

It is clear how the social and religious climate in which Theodore of Octodurum lived would have facilitated the invention of such a story. However we must turn elsewhere, to the political climate of the period, in order to understand the form and details of it.

It has already been argued that the *Thebaei* of the legend are to be identified with the historical *Thebaei* of the *Notitia dignitatum*. However the exact date of the *Notitia dignitatum* is greatly disputed. Amendments were made to that part of it which deals with the Western Empire as late as 421, and on its evidence alone it is not unreasonable to question whether the *Thebaei* were stationed in Italy at the time of Theodore *c.* 381–93. Might not Isaac of Geneva or even Eucherius himself have added the *Thebaei* to an earlier, more imprecise legend by Theodore?[26] We must ask ourselves when the *Thebaei* were stationed in Italy.

In examining the general historical situation, and hence the likely date when troops from the Orient might have reached the north Italian region, two events immediately spring to mind: the campaign by the eastern emperor, Theodosius I, against the usurper Maximus in 388; and his campaign against a second usurper, Eugenius, in 394. On each occasion a large eastern army was brought into northern Italy for the culmination of the campaign. The *Thebaei* may have been brought into Italy on either of those two occasions. However, we do not have to rely only on a broad consideration of the sequence of historical events in order to decide the most probable occasions for their arrival. There is more specific evidence contained in two relevant historical passages. The first, from the sixth-century Greek historian Zosimus, tells of an attempt by Theodosius,

[25] P. Peeters, *Orient et Byzance: le tréfonds oriental de l'hagiographie byzantine*, Brussels 1950, 32–41. See also D. Woods, 'A historical source of the Passio Typasii', *Vigiliae Christianae* xlvii (1993), 78–84, and 'An unnoticed official: the praepositus saltus', *Classical Quarterly* xliv (1994), forthcoming, on the invention *c.* 397 of a fictitious northern African military martyr by the name of Typasius.

[26] It is clear, for example, that *Pass. Acaun.* 5, which describes the geographical location of the place of martyrdom, owes nothing to any of Eucherius' sources, but is a digression on his part to try to fill Salvius in on some background detail. It is unfortunate that his own geographical knowledge was so shaky, and that he erred in describing the distance between Acaunum and Octodurum as 60 miles, rather than the actual figure of about 10 miles. It is not particularly surprising that a bishop of Lyons should have made such a mistake, but it is unthinkable that the bishop of Octodurum would have erred in such a way. It is unreasonable to use this geographical error, as has been done, to impute the historicity of the legend of the Theban Legion when it is so obviously simply an error of Eucherius.

whilst campaigning in the Balkans *c.* 380, to lessen his dependence upon barbarian recruits.[27] He apparently realised that they had come to form too large a part of his army and that should they mutiny the Roman forces would not be able to hold them. Thus he despatched a large force of barbarians to Egypt in exchange for some of the Roman troops who were stationed there. The two forces met at Philadelphia in Lydia. Trouble arose when a market trader, who had tried to get one of the barbarians to pay him for goods which he had taken, was attacked. The Egyptian troops took the side of the local people against the barbarians, and in the ensuing violence over two hundred of the barbarians were killed, and many others died hiding in the town sewers. Nor was that an end to the violence. Despite his attempts to prevent it there was a mutiny in Theodosius' army, and a section of his Roman forces, which included some of the troops recently summoned from Egypt, was surrounded and destroyed.

The most immediate importance of this passage is that it shows that Theodosius' mobile army contained Egyptian forces after *c.* 380. It is quite clear from the text that not all the Egyptian reinforcements were killed in the mutiny. This passage also provides the key to the interpretation of our second passage.

In the summer of 389 Latinus Pacatus Drepanius delivered his panegyric on the Emperor Theodosius, at Rome, in the presence of the emperor himself. In this speech, which describes the victory of Theodosius over the usurper Maximus, there occurs a strange passage which contrasts the Egyptians who fought at the battle of Actium with the barbarians who fought for Theodosius. It contrasts those sent forth by 'enervating Pharos and effeminate Canopus, and the Nile, nursemaid of fickle peoples', and those sent forth by the 'menacing Caucasus, icy Taurus, and the Danube which hardens mighty bodies'. One commentator has described this passage as very contrived, and has tried to explain it as an attempt to distract readers from the strongly barbarian nature of Theodosius' army, and from the question that this raised as to who had really been acting in Rome's interest, Theodosius with his barbarian army or Maximus with his Gallic forces.[28] However it is better explained, I think, in terms of the internal politics of Theodosius' forces.

It was the barbarians who had played a key role in the victory of Theodosius, and their officers had become a force to be reckoned with in court politics. Pacatus, I would suggest, was angling for the support of this powerful lobby by his disparaging remarks about Egyptians. Apart from the resentment and mistrust which normally existed between barbarian newcomers and the Romanised citizens of the empire there still existed memories of the events of *c.* 380. The barbarians still hated the Egyptians, and vice-versa, because of the killings which took place then, of barbarian

[27] Zosimus, *Historia nova* iv. 30–1; dated to 380 by P. Heather, *Goths and Romans 332–489*, Oxford 1991, 152.

[28] C. E. V. Nixon, *Pacatus' panegyric to the Emperor Theodosius*, Liverpool 1987, 94.

troops by Egyptians in Lydia, and of Egyptians by the mutinous barbarian forces in the Balkans. The importance of this passage in the present context is that it would seem to imply the presence in Italy of Egyptian forces who were still the focus of barbarian anger. The division between the Egyptians and the barbarians was known to all who attended Theodosius' court in Italy, including Pacatus, because it was still in evidence.

It is not, then, unreasonable to suggest the presence of the *Thebaei* in Italy *c.* 389. Yet if Theodore did invent the story of Maurice with an eye to the *Thebaei*, what did he hope to gain by so doing? For this we must take into account the internal evidence of the story itself as related by Eucherius.

The central thrust of the story must have been detrimental to imperial authority because its whole moral was that soldiers did not owe unlimited obedience to their emperor. This is itself an important point, but important also is the description of the circumstances in which one no longer owes this absolute loyalty to the emperor: a Christian must not take up arms against a Christian, nor against fellow citizens. In the words of Maurice and his fellow officers, they knew only how to fight against impious men and enemies, not against good men and citizens.[29]

Christians were not bound to fight for a pagan emperor against fellow Christians. This is how the message is presented. One is immediately put in mind of the dilemma which must have faced many Christian soldiers when the usurper Eugenius came to power in the West in 392. Although nominally a Christian, Eugenius' brief regime witnessed a resurgence of paganism, and more was promised. The real power behind the throne, the pagan barbarian general Arbogastes, had promised as he set out for the battle of Frigidus which put an end to Eugenius' rule, that on his return to Milan he would turn its basilica into a stable, and conscript its clerics into the army.[30] It is against this background, I think, that Theodore's story must be interpreted. Eugenius' regime would have forfeited the loyalty of the *Thebaei* on two counts. Firstly, there is the religious factor. If they joined with the usurper's forces they would be throwing in their lot with an essentially pagan regime, and would inevitably come into conflict with the undoubtedly Christian regime of the eastern emperor, Theodosius. Secondly, there is the question of civic loyalty. They would be joining in a civil war, a war against fellow citizens in support of an usurper. Worse still, the usurper was clearly the puppet of barbarians, non-citizens to whom they owed absolutely no loyalty. Thus the legend of Maurice and the Theban legion clearly justifies any opposition the *Thebaei* may have felt towards the regime of Eugenius.

There is a noticeable safety valve, as one might describe it, in this whole attempt at undermining unconditional loyalty to the emperor. In the

[29] 'Dexterae istae pugnare adversum impios adque inimicos sciunt, laniare pios et cives nesciunt. Meminimus, nos pro civibus potius quam adversus cives arma sumpsisse': Eucherius, *Pass. Acaun.* 9.

[30] Paulinus, *Vita Ambrosii* 31.

legend the *Thebaei* do not take up arms against Maximianus when he orders their decimation and, finally, their wholesale execution. They die unresisting. One modern commentator has attacked their attitude which he describes as personally heroic but illogical.[31] However, this ignores the purpose of the legend. It is not an exercise in moral philosophy, but a carefully crafted allegorical tale with a very specific political purpose. The craftsman, Theodore, did not want to seem to be justifying wholesale rebellion, whether by the earlier usurper Maximus, or by any other usurper who might like to try his luck when the West was eventually freed from the grip of Eugenius. The refusal of the *Thebaei* to fight against the rest of Maximianus' forces is a very important concrete application of the principle that one should not take up arms against fellow citizens. Had it been thought that Maximianus' army had consisted mostly of barbarian auxiliaries, then the ending to the tale might have been very different. Another advantage to so peaceful a conclusion to his tale is that it may have helped Theodore avoid any repercussions from the usurper's officials if they failed to see immediately the implications of the distinction which he had made between citizens and non-citizens.

It is thus possible to argue that Theodore composed the legend of Maurice and the Theban Legion in order to incite the *Thebaei* to rebel against, or at least desert, the cause of Eugenius. This is not to deny that other factors may have been at work too. Octodurum was in a very remote area, and it has been shown that the process of Christianisation had made relatively little progress in the more remote areas of northern Italy.[32] We must bear in mind, for example, the deaths of the three martyrs Sisinnius, Alexander and Martyrius at the hands of pagans in Anaunia in 397.[33] Any remote Christian community might well have welcomed a shift in the local balance of power in their favour, and the physical security that the stationing of an overwhelmingly Christian unit in their locality might have provided. Indeed if Theodore was of eastern origin, as Van Berchem has himself suggested, then he might well have been pleased at the prospect of the continued company of men who would undoubtedly have had more in common with him than had many of his flock. Therefore, quite apart altogether from the revolt of Eugenius, he may also have desired to embellish with deeds of glory the history of that unit whose very presence was so comforting to him.

There is a further matter, which may be simple coincidence, but to which it is none the less worth drawing attention. An inscription survives from Syene in Egypt which records restoration work carried out by some Theban soldiers at the command of Mauricius, *comes et dux Thebaidos*.[34] It dates to the years 367/75. The names of most of the holders of the office

[31] Hornus, *It is not lawful*, 157.

[32] R. Lizzi, 'Ambrose's contemporaries and the Christianization of northern Italy', *Journal of Roman Studies* lxxx (1990), 156–73.

[33] Ibid. 169–73.

[34] A. H. M. Jones, J. R. Martindale and J. Morris, *The prosopography of the late Roman Empire*, Cambridge 1970, i. 570.

of *dux Thebaidos* at this period are unknown to us, and we cannot say what the usual length of time in office was, or when exactly Mauricius vacated this post. It is not unreasonable to suppose, however, that he was promoted to *comes rei militaris*, and that it was he who escorted those reinforcements from Egypt to the Balkans *c.* 380 just as a certain Hormisdas escorted their German replacements to Egypt.[35] There is nothing to suggest that he did not command these troops, or the units which they joined, for the period of the campaign against Maximus. In short, therefore, I would suggest that he commanded Theban troops who were stationed in or about Octodurum in the aftermath of the defeat of Maximus, and that Bishop Theodore chose the name of Maurice for his newly discovered martyr out of deference to him. Certainly at least one other senior officer was actively involved in the cult of the saints in this region only a few years later, and there is no evidence to suggest his was particularly unusual behaviour.[36] Maurice, one surmises, may have had similar interests.

How could Theodore have hoped to succeed with his outrageous fiction? One might have expected some cynical comment from contemporaries at the discovery of martyrs from the *Thebaei* in the region to which that unit had been posted. But it was a credulous age: a miracle would have sufficed to silence any critics of Theodore, or at least drown their cries of foul, in much the same way as a miracle had silenced the Arian critics of Ambrose on his discovery of the relics of Protasius and Gervasius.[37] Not unsurprisingly a miracle did occur. A pagan worker on the basilica in honour of the martyrs was converted to Christianity by a vision of the martyrs.[38] A crippled lady had the use of her legs restored to her.[39] There is also a certain superficial plausibility to the story. There were units of Theban soldiers which showed by their very titles that they dated from the Tetrarchic period when Diocletian and Maximianus had shared the empire together.[40] Whatever doubts there may have been in some quarters were undoubtedly rationalised away as has happened until this present day, and will doubtless continue to happen.

Is it possible to be any more precise in our dating of Theodore's invention of the Theban legion legend other than to attribute it broadly

[35] On senior commands in general, see G. A. Crump, 'Ammianus and the late Roman army', *Historia* xxii (1973), 91–103. I would argue that Maurice became one of those described as 'a sizable group of comites of the second class who acted as lieutenant commanders of the mobile reserves': ibid. 97.

[36] D. Woods, 'The early career of the magister equitum Jacobus', *Classical Quarterly* xli (1991), 571–4.

[37] Ambrose, *ep.* xxii; sight was restored to a blind man by the name of Severus who touched the fringe of the pall which covered the relics when they were being translated to the Ambrosian basilica. [38] Eucherius, *Pass. Acaun.* 17. [39] Ibid. 18.

[40] *Not. Dig.* Or. viii. 36, a legion entitled *Prima Maximiana Thebaeorum*; ibid. Or. viii. 37, a legion entitled *Tertia Diocletiana Thebaeorum*. Both these units were under the control of the *magister militum per Thracias*. Indeed the *Thebaei* were probably formed by detachments from these units after they had been brought up to full strength by the reinforcements from Egypt *c.* 380.

to the period of Eugenius' usurpation? According to Eucherius the martyrs' feast day was observed on 22 September. If, as often occurs, that date preserves the date of the discovery of the relics, we are further advanced in our attempt to date the legend of the Theban Legion.

The usurper Eugenius was beheaded on 6 September 394.[41] If, therefore, our interpretation of the legend is correct, it was not created in that year. This leaves the years 392 and 393 and, strictly speaking, either is possible. However the progress of Eugenius' revolt makes 392 a particularly attractive choice.[42] The western emperor, Valentinian II, had died on 15 May that year, at Vienne in Gaul. Eugenius was not proclaimed emperor until 15 August, at Lyons. The general who put Eugenius on the throne, Arbogastes, had wanted to make peace with Theodosius, and had only proclaimed Eugenius as emperor when it became quite clear that he was going to pay for his involvement in the death of Valentinian, whatever that involvement had actually been. It is important to note the location of these activities: Gaul. Theodore, one can surmise, had waited until news had reached him of the actual proclamation of a new emperor, and had then been inspired to his great invention. His purpose was to incite the *Thebaei* to start a movement to close the Alpine passes to Eugenius and Arbogastes, thus preventing their occupation of Italy.

To what extent, if any, was Theodore successful in his attempt to incite the *Thebaei* to side with Theodosius? The Alpine passes were not, of course, closed to Eugenius and Arbogastes. However it is interesting to note that Theodosius' victory over Eugenius at the battle of Frigidus in 394 was partly the result of the defection of some of Eugenius' forces to his side. According to the Greek historian Sozomen some troops who had trapped Theodosius in an ambush offered him their service as allies provided that he assign them honourable posts in his army.[43] He agreed, and they went over to his side. The general point that propaganda like Theodore's account of the Theban Legion may have weakened the resolve of some of the forces who fought for Eugenius, and have tempted them to defect at the first practical opportunity, is made more interesting still by the evidence of the *Notitia dignitatum*. It reveals that a small group of units, among them the *Thebaei*, had been promoted from *legiones comitatenses* to *legiones palatinae*.[44] We have no way of knowing for sure why this

[41] Socrates, *Historia ecclesiastica* v. 25.

[42] Following J. Matthews, *Western aristocracies and the imperial court AD 364–425*, Oxford 1975, 238–52, in his account of the development of Eugenius' revolt.

[43] Sozomen, *HE* vii. 24.

[44] A. H. M. Jones, *Later Roman Empire*, ii. 1422. It is a notable feature of the *Passio Acaunensium martyrum* that the term *legio* occurs repeatedly. Compare this, for example, with the complete absence of the term in the descriptions of the sufferings of two other military martyrs, the *Passio Typasii* (*Analecta Bollandiana* ix [1890], 116–23), and the *Passio Fabii* (ibid. 123–34), texts of the same era. The *Passio Typasii* uses the terms *cuneus* and *vexillatio* to describe a military unit, whilst the *Passio Fabii* avoids such specific terms altogether. The emphasis on the term *legio* is highlighted also by the attempt to define it. Thus, 'Legio

promotion took place, and several different factors may have been involved. Nor do we know when this promotion occurred. However we cannot rule out the possibility that they were promoted because of a service they had rendered Theodosius during his war with Eugenius. Perhaps some of them were those referred to by Sozomen in his description of defections to the side of Theodosius.

To summarise, there is little doubt but that the story of the martyrdom of Maurice and the Theban Legion which Eucherius' letter has preserved is a complete fiction. Van Berchem tried to explain this fiction in terms of the translation from the East of the relics of the military martyr Maurice of Apamea. It is possible, however, to advance another hypothesis. It has been suggested that the legend was in fact a carefully constructed political statement which must be interpreted in the light of the political struggles which occurred during the life of its assumed original author, Theodore of Octodurum. In brief, it was an incitement to rebellion against the usurper Eugenius which was aimed immediately at the *Thebaei*, but was also relevant to a wider audience. Such a hypothesis cannot be definitively proved, but it is based on evidence as valid as that used in the earlier hypothesis, and it therefore deserves equal attention.

autem vocabatur, quae tunc sex milia ac sexcentos viros in armis habebat': *Pass. Acaun.* 3. The purpose of this statement is not to inform us of the numbers in the *Thebaei*, and any criticism of the text on that issue misses the point, but rather to designate the military status of the *Thebaei*. They formed a 'proper' military unit and were not to be confused with units of irregular size and formation and lesser status, variously designated by terms such as *numerus*, *cuneus*, or *vexillatio*. This text therefore reveals an awareness of military status which seems particularly fitting in the case of the description of the deeds of a unit which had recently attained the elevated status of *legio palatina*.