

Chapter XVII: Foundation Of Constantinople.--Part VI.

The name and use of the indictions, [170] which serve to ascertain the chronology of the middle ages, were derived from the regular practice of the Roman tributes. [171] The emperor subscribed with his own hand, and in purple ink, the solemn edict, or indiction, which was fixed up in the principal city of each diocese, during two months previous to the first day of September. And by a very easy connection of ideas, the word indiction was transferred to the measure of tribute which it prescribed, and to the annual term which it allowed for the payment. This general estimate of the supplies was proportioned to the real and imaginary wants of the state; but as often as the expense exceeded the revenue, or the revenue fell short of the computation, an additional tax, under the name of superindiction, was imposed on the people, and the most valuable attribute of sovereignty was communicated to the Praetorian praefects, who, on some occasions, were permitted to provide for the unforeseen and extraordinary exigencies of the public service. The execution of these laws (which it would be tedious to pursue in their minute and intricate detail) consisted of two distinct operations: the resolving the general imposition into its constituent parts, which were assessed on the provinces, the cities, and the individuals of the Roman world; and the collecting the separate contributions of the individuals, the cities, and the provinces, till the accumulated sums were poured into the Imperial treasuries. But as the account between the monarch and the subject was perpetually open, and as the renewal of the demand anticipated the perfect discharge of the preceding obligation, the

weighty machine of the finances was moved by the same hands round the circle of its yearly revolution. Whatever was honorable or important in the administration of the revenue, was committed to the wisdom of the praefects, and their provincia. representatives; the lucrative functions were claimed by a crowd of subordinate officers, some of whom depended on the treasurer, others on the governor of the province; and who, in the inevitable conflicts of a perplexed jurisdiction, had frequent opportunities of disputing with each other the spoils of the people. The laborious offices, which could be productive only of envy and reproach, of expense and danger, were imposed on the Decurions, who formed the corporations of the cities, and whom the severity of the Imperial laws had condemned to sustain the burdens of civil society. [172] The whole landed property of the empire (without excepting the patrimonial estates of the monarch) was the object of ordinary taxation; and every new purchaser contracted the obligations of the former proprietor. An accurate census, [173] or survey, was the only equitable mode of ascertaining the proportion which every citizen should be obliged to contribute for the public service; and from the well-known period of the indictions, there is reason to believe that this difficult and expensive operation was repeated at the regular distance of fifteen years. The lands were measured by surveyors, who were sent into the provinces; their nature, whether arable or pasture, or vineyards or woods, was distinctly reported; and an estimate was made of their common value from the average produce of five years. The numbers of slaves and of cattle constituted an essential part of the report; an oath was administered to the proprietors, which bound them to disclose the true state of their

affairs; and their attempts to prevaricate, or elude the intention of the legislator, were severely watched, and punished as a capital crime, which included the double guilt of treason and sacrilege. [174] A large portion of the tribute was paid in money; and of the current coin of the empire, gold alone could be legally accepted. [175] The remainder of the taxes, according to the proportions determined by the annual indiction, was furnished in a manner still more direct, and still more oppressive. According to the different nature of lands, their real produce in the various articles of wine or oil, corn or barley, wood or iron, was transported by the labor or at the expense of the provincials [175a] to the Imperial magazines, from whence they were occasionally distributed for the use of the court, of the army, and of two capitals, Rome and Constantinople. The commissioners of the revenue were so frequently obliged to make considerable purchases, that they were strictly prohibited from allowing any compensation, or from receiving in money the value of those supplies which were exacted in kind. In the primitive simplicity of small communities, this method may be well adapted to collect the almost voluntary offerings of the people; but it is at once susceptible of the utmost latitude, and of the utmost strictness, which in a corrupt and absolute monarchy must introduce a perpetual contest between the power of oppression and the arts of fraud. [176] The agriculture of the Roman provinces was insensibly ruined, and, in the progress of despotism which tends to disappoint its own purpose, the emperors were obliged to derive some merit from the forgiveness of debts, or the remission of tributes, which their subjects were utterly incapable of paying. According to the new division of Italy, the fertile

and happy province of Campania, the scene of the early victories and of the delicious retirements of the citizens of Rome, extended between the sea and the Apennine, from the Tiber to the Silarus. Within sixty years after the death of Constantine, and on the evidence of an actual survey, an exemption was granted in favor of three hundred and thirty thousand English acres of desert and uncultivated land; which amounted to one eighth of the whole surface of the province. As the footsteps of the Barbarians had not yet been seen in Italy, the cause of this amazing desolation, which is recorded in the laws, can be ascribed only to the administration of the Roman emperors. [177]

[Footnote 170: The cycle of indictions, which may be traced as high as the reign of Constantius, or perhaps of his father, Constantine, is still employed by the Papal court; but the commencement of the year has been very reasonably altered to the first of January. See *l'Art de Verifier les Dates*, p. xi.; and *Dictionnaire Raison. de la Diplomatie*, tom. ii. p. 25; two accurate treatises, which come from the workshop of the Benedictines. ---- It does not appear that the establishment of the indiction is to be attributed to Constantine: it existed before he had been created Augustus at Rome, and the remission granted by him to the city of Autun is the proof. He would not have ventured while only Caesar, and under the necessity of courting popular favor, to establish such an odious impost. Aurelius Victor and Lactantius agree in designating Diocletian as the author of this despotic institution. *Aur. Vict. de Caes. c. 39. Lactant. de Mort. Pers. c. 7--G.*]

[Footnote 171: The first twenty-eight titles of the eleventh book of the Theodosian Code are filled with the circumstantial regulations on the important subject of tributes; but they suppose a clearer knowledge of fundamental principles than it is at present in our power to attain.]

[Footnote 172: The title concerning the Decurions (l. xii. tit. i.) is the most ample in the whole Theodosian Code; since it contains not less than one hundred and ninety-two distinct laws to ascertain the duties and privileges of that useful order of citizens. * Note: The Decurions were charged with assessing, according to the census of property prepared by the tabularii, the payment due from each proprietor. This odious office was authoritatively imposed on the richest citizens of each town; they had no salary, and all their compensation was, to be exempt from certain corporal punishments, in case they should have incurred them. The Decurionate was the ruin of all the rich. Hence they tried every way of avoiding this dangerous honor; they concealed themselves, they entered into military service; but their efforts were unavailing; they were seized, they were compelled to become Decurions, and the dread inspired by this title was termed Impiety.--G. ----The Decurions were mutually responsible; they were obliged to undertake for pieces of ground abandoned by their owners on account of the pressure of the taxes, and, finally, to make up all deficiencies. Savigny *chichte des Rom. Rechts*, i. 25.--M.]

[Footnote 173: *Habemus enim et hominum numerum qui delati sunt, et agrum modum. Eumenius in Panegyri. Vet. viii. 6. See Cod. Theod. l. xiii. tit.*

x. xi., with Godefroy's Commentary.]

[Footnote 174: Siquis sacrilega vitem falce succiderit, aut feracium ramorum foetus hebetaverit, quo delinet fidem Censuum, et mentiatur callide paupertatis ingenium, mox detectus capitale subibit exitium, et bona ejus in Fisci jura migrabunt. Cod. Theod. l. xiii. tit. xi. leg. 1.

Although this law is not without its studied obscurity, it is, however clear enough to prove the minuteness of the inquisition, and the disproportion of the penalty.]

[Footnote 175: The astonishment of Pliny would have ceased. Equidem miror P. R. victis gentibus argentum semper imperitasse non aurum. Hist. Natur. xxxiii. 15.]

[Footnote 175a: The proprietors were not charged with the expense of this transport in the provinces situated on the sea-shore or near the great rivers, there were companies of boatmen, and of masters of vessels, who had this commission, and furnished the means of transport at their own expense. In return, they were themselves exempt, altogether, or in part, from the indiction and other imposts. They had certain privileges; particular regulations determined their rights and obligations. (Cod. Theod. l. xiii. tit. v. ix.) The transports by land were made in the same manner, by the intervention of a privileged company called Bastaga; the members were called Bastagarii Cod. Theod. l. viii. tit. v.--G.]

[Footnote 176: Some precautions were taken (see Cod. Theod. 1. xi. tit. ii. and Cod. Justinian. 1. x. tit. xxvii. leg. 1, 2, 3) to restrain the magistrates from the abuse of their authority, either in the exaction or in the purchase of corn: but those who had learning enough to read the orations of Cicero against Verres, (iii. de Frumento,) might instruct themselves in all the various arts of oppression, with regard to the weight, the price, the quality, and the carriage. The avarice of an unlettered governor would supply the ignorance of precept or precedent.]

[Footnote 177: Cod. Theod. 1. xi. tit. xxviii. leg. 2, published the 24th of March, A. D. 395, by the emperor Honorius, only two months after the death of his father, Theodosius. He speaks of 528,042 Roman jugera, which I have reduced to the English measure. The jugerum contained 28,800 square Roman feet.]

Either from design or from accident, the mode of assessment seemed to unite the substance of a land tax with the forms of a capitation. [178] The returns which were sent of every province or district, expressed the number of tributary subjects, and the amount of the public impositions. The latter of these sums was divided by the former; and the estimate, that such a province contained so many capita, or heads of tribute; and that each head was rated at such a price, was universally received, not only in the popular, but even in the legal computation. The value of a tributary head must have varied, according to many accidental, or at least fluctuating circumstances; but some knowledge has been preserved of a very curious fact, the more important, since it relates to one of

the richest provinces of the Roman empire, and which now flourishes as the most splendid of the European kingdoms. The rapacious ministers of Constantius had exhausted the wealth of Gaul, by exacting twenty-five pieces of gold for the annual tribute of every head. The humane policy of his successor reduced the capitation to seven pieces. [179] A moderate proportion between these opposite extremes of extraordinary oppression and of transient indulgence, may therefore be fixed at sixteen pieces of gold, or about nine pounds sterling, the common standard, perhaps, of the impositions of Gaul. [180] But this calculation, or rather, indeed, the facts from whence it is deduced, cannot fail of suggesting two difficulties to a thinking mind, who will be at once surprised by the equality, and by the enormity, of the capitation. An attempt to explain them may perhaps reflect some light on the interesting subject of the finances of the declining empire.

[Footnote 178: Godefroy (Cod. Theod. tom. vi. p. 116) argues with weight and learning on the subject of the capitation; but while he explains the caput, as a share or measure of property, he too absolutely excludes the idea of a personal assessment.]

[Footnote 179: *Quid profuerit (Julianus) anhelantibus extrema penuria Gallis, hinc maxime claret, quod primitus partes eas ingressus, pro capitibus singulis tributi nomine videnos quinos aureos reperit flagitari; discedens vero septenos tantum numera universa complentes. Ammian. l. xvi. c. 5.*]

[Footnote 180: In the calculation of any sum of money under Constantine and his successors, we need only refer to the excellent discourse of Mr. Greaves on the Denarius, for the proof of the following principles; 1. That the ancient and modern Roman pound, containing 5256 grains of Troy weight, is about one twelfth lighter than the English pound, which is composed of 5760 of the same grains. 2. That the pound of gold, which had once been divided into forty-eight aurei, was at this time coined into seventy-two smaller pieces of the same denomination. 3. That five of these aurei were the legal tender for a pound of silver, and that consequently the pound of gold was exchanged for fourteen pounds eight ounces of silver, according to the Roman, or about thirteen pounds according to the English weight. 4. That the English pound of silver is coined into sixty-two shillings. From these elements we may compute the Roman pound of gold, the usual method of reckoning large sums, at forty pounds sterling, and we may fix the currency of the aureus at somewhat more than eleven shillings. * Note: See, likewise, a Dissertation of M. Letronne, "Considerations Generales sur l'Evaluation des Monnaies Grecques et Romaines" Paris, 1817--M.]

I. It is obvious, that, as long as the immutable constitution of human nature produces and maintains so unequal a division of property, the most numerous part of the community would be deprived of their subsistence, by the equal assessment of a tax from which the sovereign would derive a very trifling revenue. Such indeed might be the theory of the Roman capitation; but in the practice, this unjust equality was no longer felt, as the tribute was collected on the principle of a

real, not of a personal imposition. [180a] Several indigent citizens contributed to compose a single head, or share of taxation; while the wealthy provincial, in proportion to his fortune, alone represented several of those imaginary beings. In a poetical request, addressed to one of the last and most deserving of the Roman princes who reigned in Gaul, Sidonius Apollinaris personifies his tribute under the figure of a triple monster, the Geryon of the Grecian fables, and entreats the new Hercules that he would most graciously be pleased to save his life by cutting off three of his heads. [181] The fortune of Sidonius far exceeded the customary wealth of a poet; but if he had pursued the allusion, he might have painted many of the Gallic nobles with the hundred heads of the deadly Hydra, spreading over the face of the country, and devouring the substance of a hundred families. II. The difficulty of allowing an annual sum of about nine pounds sterling, even for the average of the capitation of Gaul, may be rendered more evident by the comparison of the present state of the same country, as it is now governed by the absolute monarch of an industrious, wealthy, and affectionate people. The taxes of France cannot be magnified, either by fear or by flattery, beyond the annual amount of eighteen millions sterling, which ought perhaps to be shared among four and twenty millions of inhabitants. [182] Seven millions of these, in the capacity of fathers, or brothers, or husbands, may discharge the obligations of the remaining multitude of women and children; yet the equal proportion of each tributary subject will scarcely rise above fifty shillings of our money, instead of a proportion almost four times as considerable, which was regularly imposed on their Gallic ancestors. The reason of

this difference may be found, not so much in the relative scarcity or plenty of gold and silver, as in the different state of society, in ancient Gaul and in modern France. In a country where personal freedom is the privilege of every subject, the whole mass of taxes, whether they are levied on property or on consumption, may be fairly divided among the whole body of the nation. But the far greater part of the lands of ancient Gaul, as well as of the other provinces of the Roman world, were cultivated by slaves, or by peasants, whose dependent condition was a less rigid servitude. [183] In such a state the poor were maintained at the expense of the masters who enjoyed the fruits of their labor; and as the rolls of tribute were filled only with the names of those citizens who possessed the means of an honorable, or at least of a decent subsistence, the comparative smallness of their numbers explains and justifies the high rate of their capitation. The truth of this assertion may be illustrated by the following example: The Aedui, one of the most powerful and civilized tribes or cities of Gaul, occupied an extent of territory, which now contains about five hundred thousand inhabitants, in the two ecclesiastical dioceses of Autun and Nevers; [184] and with the probable accession of those of Chalons and Macon, [185] the population would amount to eight hundred thousand souls. In the time of Constantine, the territory of the Aedui afforded no more than twenty-five thousand heads of capitation, of whom seven thousand were discharged by that prince from the intolerable weight of tribute. [186] A just analogy would seem to countenance the opinion of an ingenious historian, [187] that the free and tributary citizens did not surpass

the number of half a million; and if, in the ordinary administration of government, their annual payments may be computed at about four millions and a half of our money, it would appear, that although the share of each individual was four times as considerable, a fourth part only of the modern taxes of France was levied on the Imperial province of Gaul. The exactions of Constantius may be calculated at seven millions sterling, which were reduced to two millions by the humanity or the wisdom of Julian.

[Footnote 180a: Two masterly dissertations of M. Savigny, in the Mem. of the Berlin Academy (1822 and 1823) have thrown new light on the taxation system of the Empire. Gibbon, according to M. Savigny, is mistaken in supposing that there was but one kind of capitation tax; there was a land tax, and a capitation tax, strictly so called. The land tax was, in its operation, a proprietor's or landlord's tax. But, besides this, there was a direct capitation tax on all who were not possessed of landed property. This tax dates from the time of the Roman conquests; its amount is not clearly known. Gradual exemptions released different persons and classes from this tax. One edict exempts painters. In Syria, all under twelve or fourteen, or above sixty-five, were exempted; at a later period, all under twenty, and all unmarried females; still later, all under twenty-five, widows and nuns, soldiers, veterani and clerici--whole dioceses, that of Thrace and Illyricum. Under Galerius and Licinius, the plebs urbana became exempt; though this, perhaps, was only an ordinance for the East. By degrees, however, the exemption was extended to all the inhabitants of towns; and as it was strictly

capitatio plebeia, from which all possessors were exempted it fell at length altogether on the coloni and agricultural slaves. These were registered in the same cataster (capitastrum) with the land tax. It was paid by the proprietor, who raised it again from his coloni and laborers.--M.]

[Footnote 181: Geryones nos esse puta, monstrumque tributum,

Hic capita ut vivam, tu mihi tolle tria.

Sidon. Apollinar. Carm. xiii.

The reputation of Father Sirmond led me to expect more satisfaction than I have found in his note (p. 144) on this remarkable passage. The words, suo vel suorum nomine, betray the perplexity of the commentator.]

[Footnote 182: This assertion, however formidable it may seem, is founded on the original registers of births, deaths, and marriages, collected by public authority, and now deposited in the Controlee General at Paris. The annual average of births throughout the whole kingdom, taken in five years, (from 1770 to 1774, both inclusive,) is 479,649 boys, and 449,269 girls, in all 928,918 children. The province of French Hainault alone furnishes 9906 births; and we are assured, by an actual enumeration of the people, annually repeated from the year 1773 to the year 1776, that upon an average, Hainault contains 257,097 inhabitants. By the rules of fair analogy, we might infer, that the ordinary proportion of annual births to the whole people, is about 1 to

26; and that the kingdom of France contains 24,151,868 persons of both sexes and of every age. If we content ourselves with the more moderate proportion of 1 to 25, the whole population will amount to 23,222,950. From the diligent researches of the French Government, (which are not unworthy of our own imitation,) we may hope to obtain a still greater degree of certainty on this important subject * Note: On no subject has so much valuable information been collected since the time of Gibbon, as the statistics of the different countries of Europe but much is still wanting as to our own--M.]

[Footnote 183: Cod. Theod. l. v. tit. ix. x. xi. Cod. Justinian. l. xi. tit. lxiii. Coloni appellantur qui conditionem debent genitali solo, propter agriculturum sub dominio possessorum. Augustin. de Civitate Dei, l. x. c. i.]

[Footnote 184: The ancient jurisdiction of (Augustodunum) Autun in Burgundy, the capital of the Aedui, comprehended the adjacent territory of (Noviodunum) Nevers. See D'Anville, Notice de l'Ancienne Gaule, p. 491. The two dioceses of Autun and Nevers are now composed, the former of 610, and the latter of 160 parishes. The registers of births, taken during eleven years, in 476 parishes of the same province of Burgundy, and multiplied by the moderate proportion of 25, (see Messance Recherches sur la Population, p. 142,) may authorize us to assign an average number of 656 persons for each parish, which being again multiplied by the 770 parishes of the dioceses of Nevers and Autun, will produce the sum of 505,120 persons for the extent of country which was

once possessed by the Aedui.]

[Footnote 185: We might derive an additional supply of 301,750 inhabitants from the dioceses of Chalons (Cabillonum) and of Macon, (Matisco,) since they contain, the one 200, and the other 260 parishes. This accession of territory might be justified by very specious reasons.

1. Chalons and Macon were undoubtedly within the original jurisdiction of the Aedui. (See D'Anville, Notice, p. 187, 443.)
2. In the Notitia of Gaul, they are enumerated not as Civitates, but merely as Castra.
3. They do not appear to have been episcopal seats before the fifth and sixth centuries. Yet there is a passage in Eumenius (Panegy. Vet. viii. 7) which very forcibly deters me from extending the territory of the Aedui, in the reign of Constantine, along the beautiful banks of the navigable Saone. * Note: In this passage of Eumenius, Savigny supposes the original number to have been 32,000: 7000 being discharged, there remained 25,000 liable to the tribute. See Mem. quoted above.--M.]

[Footnote 186: Eumenius in Panegy. Vet. viii. 11.]

[Footnote 187: L'Abbe du Bos, Hist. Critique de la M. F. tom. i. p. 121]

But this tax, or capitation, on the proprietors of land, would have suffered a rich and numerous class of free citizens to escape. With the view of sharing that species of wealth which is derived from art or labor, and which exists in money or in merchandise, the emperors imposed a distinct and personal tribute on the trading part of their subjects.

[188] Some exemptions, very strictly confined both in time and place, were allowed to the proprietors who disposed of the produce of their own estates. Some indulgence was granted to the profession of the liberal arts: but every other branch of commercial industry was affected by the severity of the law. The honorable merchant of Alexandria, who imported the gems and spices of India for the use of the western world; the usurer, who derived from the interest of money a silent and ignominious profit; the ingenious manufacturer, the diligent mechanic, and even the most obscure retailer of a sequestered village, were obliged to admit the officers of the revenue into the partnership of their gain; and the sovereign of the Roman empire, who tolerated the profession, consented to share the infamous salary, of public prostitutes. [188a] As this general tax upon industry was collected every fourth year, it was styled the Lustral Contribution: and the historian Zosimus [189] laments that the approach of the fatal period was announced by the tears and terrors of the citizens, who were often compelled by the impending scourge to embrace the most abhorred and unnatural methods of procuring the sum at which their property had been assessed. The testimony of Zosimus cannot indeed be justified from the charge of passion and prejudice; but, from the nature of this tribute it seems reasonable to conclude, that it was arbitrary in the distribution, and extremely rigorous in the mode of collecting. The secret wealth of commerce, and the precarious profits of art or labor, are susceptible only of a discretionary valuation, which is seldom disadvantageous to the interest of the treasury; and as the person of the trader supplies the want of a visible and permanent security, the payment of the imposition, which, in the case of a land

tax, may be obtained by the seizure of property, can rarely be extorted by any other means than those of corporal punishments. The cruel treatment of the insolvent debtors of the state, is attested, and was perhaps mitigated by a very humane edict of Constantine, who, disclaiming the use of racks and of scourges, allots a spacious and airy prison for the place of their confinement. [190]

[Footnote 188: See Cod. Theod. l. xiii. tit. i. and iv.]

[Footnote 188a: The emperor Theodosius put an end, by a law. to this disgraceful source of revenue. (Godef. ad Cod. Theod. xiii. tit. i. c. 1.) But before he deprived himself of it, he made sure of some way of replacing this deficit. A rich patrician, Florentius, indignant at this legalized licentiousness, had made representations on the subject to the emperor. To induce him to tolerate it no longer, he offered his own property to supply the diminution of the revenue. The emperor had the baseness to accept his offer--G.]

[Footnote 189: Zosimus, l. ii. p. 115. There is probably as much passion and prejudice in the attack of Zosimus, as in the elaborate defence of the memory of Constantine by the zealous Dr. Howell. Hist. of the World, vol. ii. p. 20.]

[Footnote 190: Cod. Theod. l. xi. tit vii. leg. 3.]

These general taxes were imposed and levied by the absolute authority

of the monarch; but the occasional offerings of the coronary gold still retained the name and semblance of popular consent. It was an ancient custom that the allies of the republic, who ascribed their safety or deliverance to the success of the Roman arms, and even the cities of Italy, who admired the virtues of their victorious general, adorned the pomp of his triumph by their voluntary gifts of crowns of gold, which after the ceremony were consecrated in the temple of Jupiter, to remain a lasting monument of his glory to future ages. The progress of zeal and flattery soon multiplied the number, and increased the size, of these popular donations; and the triumph of Caesar was enriched with two thousand eight hundred and twenty-two massy crowns, whose weight amounted to twenty thousand four hundred and fourteen pounds of gold. This treasure was immediately melted down by the prudent dictator, who was satisfied that it would be more serviceable to his soldiers than to the gods: his example was imitated by his successors; and the custom was introduced of exchanging these splendid ornaments for the more acceptable present of the current gold coin of the empire. [191] The spontaneous offering was at length exacted as the debt of duty; and instead of being confined to the occasion of a triumph, it was supposed to be granted by the several cities and provinces of the monarchy, as often as the emperor condescended to announce his accession, his consulship, the birth of a son, the creation of a Caesar, a victory over the Barbarians, or any other real or imaginary event which graced the annals of his reign. The peculiar free gift of the senate of Rome was fixed by custom at sixteen hundred pounds of gold, or about sixty-four thousand pounds sterling. The oppressed subjects celebrated their own

felicity, that their sovereign should graciously consent to accept this feeble but voluntary testimony of their loyalty and gratitude. [192]

[Footnote 191: See Lipsius de Magnitud. Romana, l. ii. c. 9. The Tarragonese Spain presented the emperor Claudius with a crown of gold of seven, and Gaul with another of nine, hundred pounds weight. I have followed the rational emendation of Lipsius. * Note: This custom is of still earlier date, the Romans had borrowed it from Greece. Who is not acquainted with the famous oration of Demosthenes for the golden crown, which his citizens wished to bestow, and Aeschines to deprive him of?--G.]

[Footnote 192: Cod. Theod. l. xii. tit. xiii. The senators were supposed to be exempt from the Aurum Coronarium; but the Auri Oblatio, which was required at their hands, was precisely of the same nature.]

A people elated by pride, or soured by discontent, are seldom qualified to form a just estimate of their actual situation. The subjects of Constantine were incapable of discerning the decline of genius and manly virtue, which so far degraded them below the dignity of their ancestors; but they could feel and lament the rage of tyranny, the relaxation of discipline, and the increase of taxes. The impartial historian, who acknowledges the justice of their complaints, will observe some favorable circumstances which tended to alleviate the misery of their condition. The threatening tempest of Barbarians, which so soon subverted the foundations of Roman greatness, was still repelled, or

suspended, on the frontiers. The arts of luxury and literature were cultivated, and the elegant pleasures of society were enjoyed, by the inhabitants of a considerable portion of the globe. The forms, the pomp, and the expense of the civil administration contributed to restrain the irregular license of the soldiers; and although the laws were violated by power, or perverted by subtlety, the sage principles of the Roman jurisprudence preserved a sense of order and equity, unknown to the despotic governments of the East. The rights of mankind might derive some protection from religion and philosophy; and the name of freedom, which could no longer alarm, might sometimes admonish, the successors of Augustus, that they did not reign over a nation of Slaves or Barbarians.

[193]

[Footnote 193: The great Theodosius, in his judicious advice to his son, (Claudian in iv. Consulat. Honorii, 214, &c.,) distinguishes the station of a Roman prince from that of a Parthian monarch. Virtue was necessary for the one; birth might suffice for the other.]