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## Bd. 21 (2018): Göttinger Forum für Altertumswissenschaft



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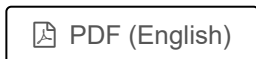
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# Imperial *adlocutiones* to the army: performance, recording and functions (2<sup>nd</sup>-4<sup>th</sup> centuries CE)<sup>1</sup>

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**Key words:** imperial army, imperial image, public speaking, imperial chancery, documentary sources, recorded proceedings

## Abstract

This paper addresses the questions of imperial public speaking and the role of imperial chancery in recording, archiving and disseminating the emperor's words by focusing on a specific typology of imperial pronouncements: imperial *adlocutiones* to the army. The author discusses five sources, covering a period from the 2<sup>nd</sup> to the 4<sup>th</sup> century CE and including epigraphic as well as juridical texts. The circumstances of performance of imperial speeches, their recording and use in official imperial documents, and the subsequent circulation of such texts are considered. The analysis provides fresh insights into the possible editorial history of the documents at hand, the modes of official communication between the emperor and his troops and the changing habits of imperial bureaucracy from the Early Empire to Late Antiquity.

## I. Preliminary considerations

The prominent role played by written records in all fields of administrative and judicial life is a commonly acknowledged feature of late antique imperial government.<sup>2</sup> In particular, both imperial legislation preserved in the Theodosian and Justinian codes, and ecclesiastical sources, most notably the acts of the Church councils and synods, provide clear evidence of the importance attached to the proper recording of proceedings as a source of legitimacy and

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<sup>2</sup> Teitler 1985; Kelly 1994; Harries 1999, pp. 108-109; Everett 2013, pp. 66-69.



authority.<sup>3</sup> In recent times, some studies have focused either on the bureaucratic culture of Late Antiquity, or on the origins of stenography and public archives under the Early Empire.<sup>4</sup> However, scholarly attention devoted to these subjects has been piecemeal. Few attempts have been made to provide a global diachronic study of scribal practices related to the production of minutes and recorded proceedings by the imperial administration, to investigate the purposes and uses of such documents over time, and to assess their changing political and cultural significance in the operation of imperial government.<sup>5</sup>

This paper is part of a broader research focusing on the recording of imperial speeches and utterances and their transmission in documentary texts – that is, on the relation between the public activity of Roman emperors and the work of the imperial chancery and bureaucracy. The choice of the emperor as focal point of the inquiry presents multiple advantages, insofar as it allows us not only to investigate the development and functioning of imperial archives from the Principate to the later Roman Empire, but also to consider how the projected imperial image and the modes of communication between emperors and subjects evolved under changing political, social and cultural circumstances.

In the early Empire as well as in Late Antiquity, Roman emperors could be prompted to take the floor and make public statements under a variety of circumstances. They might happen to address larger popular audiences at particular public events, such as funerals, festive celebrations or imperial visits in the provinces; when they wished, they could participate in the meetings of the Senate and make formal speeches before the assembly (an event attested at least in early imperial times); finally, emperors were expected to display some eloquence while receiving embassies, adjudicating causes and haranguing their

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<sup>3</sup> Imperial legislation provided that, in appeals, full records of the case proceedings shall be transmitted to the higher court: *Cod. Theod.* 11.30.1, 11.30.6, 11.30.8-9 and *passim*. A sentence, to be considered a final one, had to be read from a written tablet: *Cod. Theod.* 11.30.40. On the validity and value of written instruments, *Cod. Theod.* 11.39. With respect to ecclesiastical life and the activity of notaries at Church councils, see the evidence provided by the *Gesta Collationis Carthaginensis* (ed. Weidmann 2018), and Graumann 2018.

<sup>4</sup> With respect to literacy and bureaucracy in late antique imperial administration, see the studies mentioned above, n.2; in addition: Feissel 2009 and Haensch 2013. On Roman archives in early imperial times: Baldwin 1979, Haensch 1992, Coudry 1994, Ando 2000, pp. 73-130.

<sup>5</sup> Teitler 1985 focused on the development of tachygraphy, the organisation of imperial bureaucracy and the prosopography of imperial notaries. Armin and Peter Eich have proposed a general historical interpretation of the changes affecting style and textual form of the imperial constitutions between the Early Empire and Late Antiquity, though they did not limit themselves to records of imperial pronouncements, nor did they devote a specific discussion to this kind of documents (Eich and Eich 2004).

soldiers.<sup>6</sup> Besides literary sources, documentary, semi-documentary and technical texts bear traces of such imperial oral pronouncements. Records of speeches and other statements attributed to Roman emperors are reported (in Greek or Latin, more rarely in bilingual texts) in a certain number of inscriptions and non-literary papyri; further attestations are also provided by late antique legal compilations, in the form of extracts and quotations of earlier documents.<sup>7</sup>

In this study, I will consider just one among the many possible genres of imperial public pronouncements, i.e. imperial addresses to the army. In the Roman world military eloquence relied on a well-established tradition and bore great importance. Since late republican times, charismatic commanders had addressed soldiers to bolster support for their military endeavours, their career and their personal political programs. The weight of the army's loyalty for political stability stood out clearly also after the establishment of the Augustan Principate, proving crucial for the transmission of imperial power, in the event of imperial accessions and especially during dynastic transitions.<sup>8</sup> As a result, most emperors took care to cultivate a personal relationship with the troops and to address them personally when need or occasion arose. *Adlocutiones* to the army could be performed in conjunction with accessions to the imperial power, military campaigns and imperial visits to the troops. These formal addresses fulfilled an important function in the interaction between the emperor and his troops: they provided the ruler with an opportunity to show his qualities as an inspiring military leader, to express his proximity to the soldiers and his interest in their welfare, and to show benevolence, generosity and justice

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<sup>6</sup> An interesting survey of sources referring to imperial eloquence from Augustus to the fourth century CE can be found in Millar 1977, pp. 205-212. On the relation of the emperor with the Senate and his possible attendance to senatorial meetings, see also Talbert 1984, pp. 163-184. A famous example of imperial oration to the Senate is provided by Claudius' speech on the admission of citizens from Gallia Comata to the *ius honorum*, known both through Tacitus' account (*Ann.* IX 23-24) and a famous inscription from Lyon (Fabia 1929; see also Sage 1980; Buongiorno 2010, pp. 261-271). On the desired ability to speak effectively both in political debates and in the military camp see Campbell 1984, pp. 69-72.

<sup>7</sup> A preliminary survey of non-literary sources recording speeches and oral pronouncements attributed to Roman emperors has led me to collect about 50 possible attestations, in the period from Augustus to the rule of Constantine the Great; this approximate figure also takes into account texts of dubious or controversial interpretation (see below). Some of these texts have been examined – individually or along with other literary and non-literary sources – in studies dealing with the functions and activities of Roman emperors: see, for instance, Millar 1977, pp. 228-240, 507-537, and Corcoran 2000<sup>2</sup>, especially pp. 254-265. Research has focused particularly on the High Empire and on imperial interventions in the administration of justice: Coriat 1997; Wankerl 2009.

<sup>8</sup> On the political significance of imperial *adlocutiones* and their modes of performance: Campbell 1984, pp. 69-88 and Hebblewhite 2017, pp. 150-159.

towards his men. For these reasons the *adlocutio* was a significant imperial action, which most often took the form of a carefully staged ceremony and was advertised on coins and public monuments, such as commemorative columns and triumphal arches.

The documentary sources related to this typology of imperial speeches constitute a quite peculiar group, both for their particular audience and subject matter, and for their rarity. Indeed, in the period from the establishment of the Principate to the reign of Constantine the Great, I could single out only five possible instances. Thereafter we do not dispose, to my knowledge, of any other non-literary text recording the words pronounced by an emperor before his troops.<sup>9</sup> The distribution of available evidence over time is also relatively uneven. As we shall see, more than half of these sources pertain to the Antonine age, one text dates back to the mid-third century and another one emanates from Constantine the Great: conspicuous documentary gaps affect the first century CE, as well as the Severan age. All available sources are in Latin, and report speeches addressed to troops stationed in Rome or in Latin-speaking provinces of the Empire. Three of these texts are preserved as inscriptions on bronze or stone, and two of them are included in an edited form in late antique legal compilations. Yet, in spite of its specificity, limited extent and heterogeneity, this *corpus* of documents is quite representative of general issues concerning records of imperial utterances as a whole. It is worth mentioning some of these basic questions, as they will resurface later in our analysis.

A first and fundamental set of problems concern the identification and selection of relevant sources, that is, the interpretation of available evidence as official acts and actual records of proceedings. These difficulties affect the group of sources examined here, as well as other kinds of imperial pronouncements, most notably imperial *decreta*.<sup>10</sup> As a matter of fact, preserved sources (be they inscriptions, papyri or texts included in juridical compilations) often report just

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<sup>9</sup> The *sermo* of the emperor Anastasius, preserved (in Greek translation) in an inscription from Perge and recently published by Onur 2014 (Id. 2016: revised second edition, with an English translation and a commentary) does not report a speech actually performed by the emperor, but rather an imperial letter or, at any rate, a series of written dispositions for the army. The use of the term *sermo* to indicate written responses to petitions is attested already in early imperial times, by series of African inscriptions (*sermo procuratorum*: FIRA I, 490-498, nrs. 101-103).

<sup>10</sup> See the typical case of the Severan *apokrimata*, on which much has been written (a recent assessment in Haensch 2007), as well as imperial judgements reported in legal codes (e.g. CI 9.1.17 and CI 7.62.1). With respect to the process of editing to which underwent the text of imperial constitutions and *decreta* included in the works of Roman jurists and in the codes, see the classic study by Volterra 1971. On the terminology of imperial decrees, its ambiguity and difficulties in the interpretation of juridical sources, Rizzi 2012, pp. 50-104.

the content of imperial pronouncements, without providing clear information about their documentary and performative context. Introductory or final clauses and protocol formulas, which could help define the documentary typology of a text and shed light on the circumstances behind its production, may be laconic, fragmentary or lost, due to the poor state preservation of our texts or to subsequent editorial interventions. Sometimes, we dispose only of extracts of records, incorporated (in a more or less edited form) in other types of documents. As a result, doubts may persist as to whether a real speech was ever pronounced or a real discussion before the emperor ever took place, and whether we are dealing with actual records of proceedings at all. In many cases, it is only through internal clues and allusions that we can guess a text originated from an oral performance and possibly draw upon official minutes. Therefore, while analysing our sources we shall carefully scrutinize their textual form, as well as the occasion and circumstances surrounding their production.

Secondly, the paucity and heterogeneity of the sources considered in this paper is but a facet of the overall scarceness of documents recording imperial oral pronouncements, and of the multiplicity of documentary forms and physical supports on which such records were preserved and disseminated.<sup>11</sup> Far from discouraging a global comparative study, the puzzling state of our documentation should prompt us to ask how often and how systematically imperial oral statements were recorded and archived in the course of time, and for what purposes. We should also consider how accessible these records were, and under what circumstances they could be published, copied and circulated among particular groups of citizens. On the other hand, the diverse nature of our sources also bear significant advantages, as it makes possible to compare contemporary epigraphic copies with later excerpts of imperial documents preserved in the manuscript tradition. Such a compared reading might bring out subsequent stages of editorial re-elaboration, while helping to shed light on the possible uses of archival documents and on the functioning of imperial chancery. What is more, the documents referring to imperial *adlocutiones* to the army are disseminated over a quite significant time span, which witnessed critical changes in Roman civil and military administration and in the exercise of imperial power. From a general historical point of view, these text provide a fascinating glimpse into the evolving relations and modes of communications between Roman emperors, imperial bureaucracy and the army. For all their possible diversity, the sources considered indeed present two fundamental common features: they reproduce official documents and they refer to public encounters involving the presence and the verbal interaction of at least two main actors – the emperor and his troops.

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<sup>11</sup> See above, p. 69 and n. 7.

In what follows, I will focus first and foremost on the genesis and editorial history of the texts at hand, considering possible occasions and modes of performance, reasons for recording and circulation, and subsequent uses of imperial statements in juridical and administrative contexts.

## II. Discussion of sources

### 1. A monument to military discipline

The famous Hadrianic inscription from the legionary camp of Lambaesis (Africa) holds a unique place in Roman epigraphy as well as in our dossier. This epigraphic text is indeed the only document explicitly and extensively recording a series of imperial speeches to the army that has come down to us.<sup>12</sup> What is more, its content and circumstances of production set it apart from the extant evidence for imperial *adlocutiones*. As we shall see, other available sources are concerned with military legislation, particularly with the granting or confirmation of military privileges, whereas the Lambaesis inscription deals with military discipline and training, and provides a sample of military eloquence applied to a ceremonial occasion.

This epigraphic text was carved on a series of marble slabs adorning the corner pillars of a raised platform (*tribunal*) at the centre of the Lambaesis parade ground. It commemorated the visit of Emperor Hadrian, who travelled to Numidia in summer 128 to review the troops stationed in Africa. The inscription attests to the emperor's attendance at the maneuvers of various legionary and auxiliary units, which he inspected on his way from Carthage to Lambaesis; the instructions, exhortations and praises that Hadrian dispensed to the soldiers are recorded on the stone.<sup>13</sup> The phrasing of the inscription is interesting. The epigraphic text explicitly claims to be a transcript of the words uttered by the emperor (*adlocutus est quae infra scripta sunt*),<sup>14</sup> and it displays indeed a number of linguistic features appropriate for oral delivery (apostrophes to the audience in the second person; references to material circumstances and actions performed; paratactic structure and recourse to figures of speech potentially suited for aural fruition, such as asyndeton, parallelism, anaphora, assonance and alliteration).<sup>15</sup> However, while the overall brevity of the inscri-

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<sup>12</sup> The most recent edition of the text is provided by Speidel 2006 (with an English translation). A detailed historical, prosopographical and literary commentary can be found in Le Bohec 2003 (the work includes also a reprinting of the fragments edited until 2003 and a French translation). See also Bardon 1968, pp. 405-409; Campbell 1984, pp. 77-80; Levi 1994.

<sup>13</sup> Speidel 2006, p. 61.

<sup>14</sup> *Ibid.*, p. 7: field 1, lines 5-6.

<sup>15</sup> *Ibid.*, p. 88.

bed text does not necessarily imply substantial abbreviations and editing,<sup>16</sup> this document need not be the mere transcription of a stenographic record. Basic editorial interventions cannot be absolutely excluded: one could wonder, for instance, whether possible utterances of the local officers and reactions of the troops were ever inscribed, or recorded at all.

Be that as it may, the exceptionality of this epigraphic document raises questions about its modality of production and function. The very existence of the Lambaesis inscription suggests that it was possible to produce a (more or less faithful) record of oral exchanges in a military context – in other words, that competent personnel for this task could be found on the spot (in the present case, in the *officium* of Q. Fabius Catullinus, *legatus Augusti propraetore* and commander of the *legio III Augusta*, or amongst the imperial retinue).<sup>17</sup> The presence of attendants in charge of the archival and drafting of documents in the army, including *exceptores*, is indeed attested (already in the second century and more regularly from the third century), although most surviving military documents consist of schematic rosters, accounts and very synthetic reports of activities.<sup>18</sup> On the other hand, the unique character of the Lambaesis inscription remains problematic: was it the product of exceptional circumstances, or of a more widespread practice, whose traces have not been preserved?

The Lambaesis inscription certainly had a commemorative function: it aimed to remember the unusual occurrence of an imperial visit to the provincial troops, and to immortalize the praise Hadrian granted to local soldiers and officers. On the other hand, this monument might also be regarded as an expression of Hadrian's military policy.<sup>19</sup> In this field, a defensive attitude aiming at the consolidation of Roman borders was paired by the emperor's sustained interest towards the training, discipline and motivation of the troops – dictated in part also by the need to secure the army's support during peacetime. Dio's epitome reports that the precepts dispensed by Hadrian during his review of provincial troops were still applied a century later as a

<sup>16</sup> As suggested by Speidel 2006, p. 89; *contra* see Speidel's review by B. Campbell, in *JRS* 98 (2008), p. 210.

<sup>17</sup> Le Bohec notices that the paleography of the inscription reveals the imitation of chancery writing. Particularly, the use of a semi-cursive lettering in the main text ("capitales rustiques") gave the text "un aspect officiel en rappelant les formes utilisées dans les courriers émanant de l'État. Car ces discours [...] forment un acte authentique de chancellerie" (Le Bohec 2003, p. 117).

<sup>18</sup> Teitler 1985, pp. 44-49; Haensch 1992, pp. 264-276; Stauner 2004, particularly p. 142 (for early attestations of *exceptores* in the army); Phang 2011. On literacy and the use of written documents in the army, see also Bowman 1994.

<sup>19</sup> Levi 1994, pp. 714-717; Birley 1997, pp. 113-141 and 209-213.

general regulation for military training and discipline.<sup>20</sup> Vegetius also refers to the *constitutiones* of Augustus, Trajan and Hadrian as important sources for military practice.<sup>21</sup> Should we imagine that imperial pronouncements dealing with such matters could be recorded and circulate in military *milieux* as authoritative guidelines for officers and soldiers?<sup>22</sup> Imperial visits to the troops would have offered appropriate occasions for the elaboration and communication of the sort of military provisions mentioned by Dio and Vegetius. In this view, the monumental inscription of Lambaesis, with its abundance of technical comments,<sup>23</sup> could have had both an honorific and an exemplary value.

## 2. Hadrian, the Praetorians and the Roman people.

Another very interesting document pertains, again, to the early second century. The text, known today in four copies, dates back to the beginning of Hadrian's rule, precisely to 119; it records an imperial constitution granting the Roman citizenship to those Praetorians who did not have it.<sup>24</sup> The most striking feature of this source is its peculiar blending of different documentary and textual formats.

As regards physical support, the preserved copies of this document were issued in the form of a military diploma: two small bronze tablets (15.5x12 cm), reporting the same epigraphic text on the two inner sides and on one of the outer sides, wired together and sealed by seven witnesses, whose names are reported on the outer sides of the second tablet. The poorly preserved final lines on the outer side of the first *tabella* may also bear traces of the recipient's

<sup>20</sup> D.C., LXIX 9: οὕτω καὶ τῷ ἔργῳ καὶ τοῖς παραγγέλμασι πᾶν τὸ στρατιωτικὸν δι' ὅλης τῆς ἀρχῆς ἤσκησε καὶ κατεκόσμησεν ὥστε καὶ νῦν τὰ τότε ὑπ' αὐτοῦ ταχθέντα νόμον σφίσι τῆς στρατείας εἶναι.

<sup>21</sup> Veg., *Mil.* I 8: *Haec necessitas compulit euolutis auctoribus ea me in hoc opusculo fidelissime dicere, quae Cato ille Censorius de disciplina militari scripsit, quae Cornelius Celsus, quae Frontinus perstringenda duxerunt, quae Paternus diligentissimus iuris militaris assertor in libros redegit, quae Augusti et Traiani (H)adriani constitutionibus cauta sunt. Ibid. I 27: Praeterea et uetus consuetudo permansit et diui Augusti atque Hadriani constitutionibus praecauetur...*

<sup>22</sup> Schiller 1970; Voisin 2003, pp. 34-38.

<sup>23</sup> See, for instance, text passages in fields 6, 26 and 30: Speidel 2006, pp. 9, 13, 14-15.

<sup>24</sup> The text of a first fragmentary copy of this imperial enactment was published in Eck 2013. A second better preserved copy was edited almost at the same time in two different publications, by a Hungarian and a German team of researchers respectively: Mráv and Vida 2013; Eck, Pangerl and Weiß 2014a. A third copy of the same text was made available shortly afterward: Eck, Pangerl and Weiß 2014b. Fragments of a fourth specimen were recently identified by the same Eck 2017.

name, with the indication of his filiation, tribe and place of origin – a set of information usually found in military diplomas.<sup>25</sup>

On the other hand, the text engraved on this *Doppelurkunde* has been labeled by its editors as an edict, or rather as an edict couched in the form of a speech.<sup>26</sup>

*Imp(erator) Caesar divi Traiani Parthici f(ilius) divi Nervae nepos Traianus Hadrianus Aug(ustus), pont(ifex) maxi[mus], trib(unicia) potest(ate) III, co(n)s(ul) III dicit:*

*Cum sit ea fortissimarum pientissimarum[m] [que] cohortium praetori mei dignitas, ut et stipendiorum his et praemiorum honor praecipuus habeatur, pro summa fide ac sedulitate perpetua circa principem vestrum suumque imperatorem minime proposito meo convenit, quicquam, quod ulli eorum deesse videatur, aut lentius et expectat[um] petitionibus singulorum aut intra domesticos parietes tribuere.*

*Qui mos igitur bene meritos et pro contione donare vobis testibus, Quirites! Iis praetorianorum meorum, quicumque in pr(idie) k(alendas) Ian(uarias) me iterum et Fusco Salinatore co(n)s(ulibus) in numeris fuerunt eius condicionis, ut non legitimi cives Romani viderentur, vel ex dilectu probati parum examinata origine parentium vel ex alia qua causa translati, civitatem Romanam do omniae, quae pro civibus Romanis gesserunt, proinde confirmo, quasi iam tunc, cum militare coeperunt, cives Romani fuissent.*

*Proposit(um) <i>d(ibus) Febr(uariis) (outer side: k(alendis) [--] or R[omae])<sup>27</sup> Imp(eratore) Hadriano Aug(usto) III <- - - - - co(n)s(ulibus) ?>.*

*Coh(ors) I?II pr(aetoria), P.? Att[io? P.?] oder P.? Ati[o? P.?] f(ilio) Pap(iria tribu) Nepoti?, Mesemb(ria).*

*M(arci) Didi Saturnini; L(uci) Statori Quintiani; L(uci) Iuli Maximi; M(arci) Iuli Memnonis; L(uci) Antoni Maximi; Q(uinti) Cosconi Modesti; L(uci) Terenti Nigri.<sup>28</sup>*

Emperor Caesar Trajan Hadrian Augustus, son of the deified Trajan Parthicus, grandson of the deified Nerva, pontifex maximus, endowed with the tribunician power for the third time, consul for the third time, says:

Since the dignity of the very strong and very devout cohorts of my Praetorium is such, that they are granted special honour with respect to salaries and

<sup>25</sup> Reading proposed by Eck, Pangerl and Weiß 2014a, pp. 244-247; the editors observe that this information was added by a second hand, probably after the series preparation of the *tabellae* by the central administration (ibid., 250). On Roman military diplomas, see also the studies collected in Eck and Wolff 1986, and Speidel and Lieb 2007.

<sup>26</sup> Mráv and Vida 2013, p. 126: “Das Dokument zitiert Hadrians in Form einer Rede verlautetetes Edikt”; Eck, Pangerl and Weiß 2014a, p. 248: “Das Edikt ist in Form einer Rede gekleidet”. The text reported here follows the edition of Eck, Pangerl and Weiß 2014a; all English translations are mine, unless otherwise stated.

<sup>27</sup> According to the reading of Eck 2017, p. 142, the last identified copy provides a textual variation for the outer side of the first *tabella*: [*Proposit(um) Romae in castris] praetor(iis) i(dibus) Febr(uariis) [[Imp(eratore) Hadriano Aug(usto)] III/[---] coh(ortis) VII pr(aetoriae).*

<sup>28</sup> As it seems, none of these names coincides with those of the witnesses known through military diplomas. Eck, Pangerl and Weiß 2014a, p. 250, suggested that these individuals might be fellow members of the Praetorian Guard.



rewards, in return for their utmost loyalty and constant zeal toward your princeps and their own imperator, it did not suit my purpose at all to grant what some of them seem to be lacking either with no haste, waiting for the petitions of each one, or within the walls of my residence.

On the contrary, in these circumstances it is customary to reward those who have well deserved it before a public assembly, with you as witnesses, Quirites! To those among my praetorians, who were enrolled in the cohorts until the day before the kalendae of January, under my second consulate and that of Fusco Salinator, and found themselves in such a condition that they did not appear to be Roman citizens according to the law, either because they were recruited at conscription without sufficient examination of their parents' origin, or because for whatever reason they were transferred (from another unit), (to them) I grant the Roman citizenship, and hence I confirm all acts they performed in the capacity of Roman citizens, as if, when they started their military service, they were already Roman citizens.<sup>29</sup>

Published on the ides of February (?? In Rome??), under the reign of Hadrian Augustus (consul) for the third time...

I(?)II praetorian cohort, to P(ublius?) At(tius?) Nepos (?), son of P(ublius?), of the Pap(iria? tribe), from Mesembria

[follow the names of the witnesses]

The *praescriptio* (lines 1-2), with the imperial titulature followed by the verb *dicit*, replicates the phrasing of imperial edicts. Also the mention *proposit(um)* at the end of the epigraphic text, with reference to the publication of the imperial decision, follows the usual pattern for such legal texts.<sup>30</sup> Of course, military diplomas are by definition “derivative documents” originating from an imperial constitution – normally published in Rome in the form of a *tabula aenea* posted *in muro post templum divi Augusti ad Minerva* – of which they are customized copies. However, the repetition of the edict’s protocol, observable in this case, is highly unusual.<sup>31</sup>

<sup>29</sup> This final close echoes the formula employed in the *Tabula Clesiana* (46 CE), reporting a constitution of Claudius, by which the emperor granted the Roman citizenship to the Alpine people of the Anauni, who had long claimed such a status without sound legal foundation: *CIL* V 5050 (= *ILS* 206). On the similarity between these two documents, see Eck, Pangerl and Weiß 2014a, p. 250; Moatti 2016, p. 524, n. 2 and p. 551, n. 106.

<sup>30</sup> The date is given in a peculiar and problematic form: see Eck, Pangerl and Weiß 2014a, pp. 246-247. On the language of the edict and its form of publication, see Benner 1975, pp. 17-30.

<sup>31</sup> In most military diplomas, the imperial titulature is directly followed by the mention of the concerned units and soldiers (in the dative) and by the text of the imperial disposition; the name of the recipient and the subscription (*descriptum et recognitum ex tabula aenea quae fixa est Romae* etc.) are inserted below. On the debated relation between the publication of the imperial constitution and the issuing of the individual diplomas, see Weiß 2007.

The last identified copy of this document also seems to bear mention of the particular location where this imperial constitution was affixed – the *castra praetoria*, according to Eck’s interpretation.<sup>32</sup> If his reading of this very fragmentary text is correct, this would represent a further difference with respect to usual procedure attested by military diplomas. This detail would also confirm the role played on crucial occasions by the military camp as a space of institutional communication between the emperor and his troops – a communication which could materialize through the public posting of the imperial legislation concerning the army, as in this case, and/or could involve also an oral promulgation before the concerned troops, as further sources will show.<sup>33</sup> Finally, the fact that just one out of four surviving copies of this Hadrianic constitution appears to report this information shows that textual variations also existed among official standardized copies of imperial pronouncements.

Even more unusual than the document’s opening is the text which follows the *praescriptio*. This conspicuously diverges from the formulaic conciseness observable in most military diplomas. Not only is the imperial *dispositio* (lines 8-13) – including the mention of the concerned troops and the conditions for the granting of privileges – tailored on the specific situation of the recipients, but it is also preceded by a quite elaborate preamble (lines 3-8). Here, Emperor Hadrian, speaking in the first person, clearly refers to the circumstances of promulgation of the imperial provision at hand: he stresses his choice to announce it before an assembly of Roman citizens (*pro contione*), addressing the audience directly in the second person and calling the presents to act as witnesses for his decision (*principem vestrum* and *vobis testibus, Quirites!*). As the editors of the text noticed, the exact nature of this *contio* can hardly be specified, as well as the identity of the audience; what seems clear, is that, although the presence of the Praetorians (the beneficiaries of the imperial decision) is implied, they are not directly addressed, and are only mentioned in the third person.<sup>34</sup> The apparent oral and public promulgation of an imperial decision is reminiscent of earlier Republican practices;<sup>35</sup> in Hadrian’s words, this sort of enactment is explicitly opposed to the discretionary granting of privileges in response to individual petitions (lines 5-7). The political meaning of this choice of publicity, made at the beginning of Hadrian’s rule and on the aftermath of his return to

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<sup>32</sup> Eck 2017, p. 142.

<sup>33</sup> See below.

<sup>34</sup> Eck, Pangerl and Weiß 2014a, p. 248. The apostrophe *Quirites*, used as a general designation for the citizens of Rome, appears in a much later imperial edict of Theodosius II and Valentinian III *ad populum romanum*, dated to 445 (*Nov.Val.* 16).

<sup>35</sup> Benner 1975, p. 25; Mantovani 2016, pp. 28-29.

Rome in 118, has been stressed by the text's editors.<sup>36</sup> The display of imperial benevolence towards the Praetorian troops and the simultaneous involvement of the civic body in the enactment of an imperial decision certainly aimed at building public consensus towards the new ruler, both among potentially hostile military factions and in the senatorial milieu.

A possible parallel to the casting of diverse documentary texts in the physical form of a *Doppelurkunde* can be found in a number of bronze tablets, dating from the third century and reporting attestations of *honesta missio* for legionary soldiers.<sup>37</sup> Two such bronze *tabellae*, dated to 240 and studied by Weiß, contain extracts from a composite documentary dossier, including a confirmation letter of Emperor Gordian III, the petition, by which the recipient requested the attestation, and the subscription of the legion's commander. This seems to confirm that military diplomas could serve as a general "documentary frame" for the physical layout of attestations of service or status: the text inscribed could reproduce documents of a different sort.

In the case of Hadrian's ruling for Praetorians, such attestations could have incorporated extracts from the records of the official public promulgation, performed by the emperor himself. It is hard to know to what extent the preserved document reproduces the words spoken by Hadrian. The text of the imperial speech appears to be tangled with subordination, particularly in the preamble.<sup>38</sup> While, in a general way, syntactical hesitations and/or inconsistencies are not unusual in spoken language, here they may also result from the transposition of the imperial pronouncement in written form, a process that could entail shortening and rephrasing. At any rate, a text prepared in advance probably laid behind Hadrian's public announcement; as our next source will prove, written statements could be read out publicly by the emperor himself.<sup>39</sup> Could such a draft have merged into the stenographic records of the emperor's public address to the citizens, and into the official copies of the imperial constitution?

Be that as it may, the content and features of this document reveal the impact of public oral delivery in the process of documentary elaboration. Not only does the text display rhetorical habits typical of Hadrianic style (the predilection for parallelism and repetitions, a certain ponderousness of syntactic con-

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<sup>36</sup> Eck, Pangerl and Weiß 2014a, pp. 248, 251-252; Mráv and Vida 2013, p. 137. On the circumstances of Hadrian's accession, see also Birley 1997, pp. 77-112.

<sup>37</sup> Weiß 2015.

<sup>38</sup> See particularly the passage at lines 7-8 and the interpretation of the relative clause (a different syntactic interpretation is given in Mráv and Vida 2013, p. 125).

<sup>39</sup> See below, the analysis of Marcus Aurelius' *oratio*.

struction, the taste for homoteleuta and alliterations),<sup>40</sup> but all in this text appears to befit peculiar circumstances, and to be intended for a specific audience in a well-defined performative occasion. Our document also bears traces of a process of administrative and textual elaboration unfolding in several steps: oral promulgation before a *contio* (and the possible recording of such an event), public posting of the imperial edict, and production of individual copies in the form of military diplomas. Each stage probably involved textual selections and adaptations, according to the form of fruition of the text, its documentary form and its function – in this case, to redress an irregular situation concerning Roman citizenship among praetorian troops and to provide a proof of status for future needs.

### 3. Marcus Aurelius at the *castra praetoria*

The Antonine age provides one further instance of an orally delivered imperial decision, once again concerning the privileges of the praetorian soldiers.<sup>41</sup> The content of the imperial constitution and its context of promulgation are recalled in the *Fragmenta Vaticana*, a collection of legal sources probably compiled in the late fourth or early fifth century.<sup>42</sup>

*Ex filia nepotes non prodesse ad tutelae liberationem sicuti nec ad caducorum uindicationem palam est, nisi mihi proponas ex ueterano praetoriano genero socerum auum effectum; tunc enim secundum orationem diui Marci, quam in castris praetoris recitauit Paulo iterum et Aproniano I cons. VIII id. Jan., id habebit auus, quod habet in nepotibus ex filio natis. cuius orationis uerba haec sunt: “et quo facilius ueterani nostri soceros repperiant, illos quoque nouo priuilegio sollicitabimus, ut auus nepotum ex ueterano praetoriano natorum iisdem commodis nomine eorum fruatur, quibus fruatur, si eos haberet ex filio”.*

It is well known that the grandchildren (born) from a daughter do not count towards the release from tutorship nor towards the claim for *bona caduca*, unless you assume that the father-in-law became grandfather through a son-in-law who is a praetorian veteran. In this case indeed, according to an oration of the deified Marcus, which (he) read out in the praetorian camp under the second consulate of Paul and Apronianus, the eighth day before the ides of January [5 January 168 CE], the grandfather will have (the same right) that he has toward the grandchildren born from a son. And these are the words of that oration: “And in order that our veterans might find fathers-in-law more easily, we will also encourage the latter with a new privilege, (namely) that the grandfather of children born from a praetorian veteran may benefit on

<sup>40</sup> On Hadrian’s rhetoric style, see Bardon 1968, pp. 393-424.

<sup>41</sup> On veterans’ privileges and their development from early imperial times to the reign of Constantine see Wolff 1986, pp. 97-115 (particularly p. 112, n. 181).

<sup>42</sup> Edition: Mommsen 1890. On the history of this text, De Filippi 2012.

account of them of the same advantages that he would enjoy if they were born from a son of him". (*Fragmenta Vaticana*, 195)

This passage is included under the title *de excusatione*, where legislation concerning the exemption from tutorship is collected. The quotation of Marcus Aurelius' ruling on this subject does not come as a surprise: this emperor is credited with the organization and generalization of a system of excuses, which regulated the exemption from the duty of guardianship.<sup>43</sup> The imperial constitution quoted above brought considerable advantages to the fathers-in-law of praetorian veterans, allowing them to act as if the grandchildren born from their daughter were under their *patria potestas*. This offspring could thus be taken into account in order to obtain *excusatio tutelae* on the basis of the number of legitimate children,<sup>44</sup> and to enforce rights over inheritances whose acquisition depended on the existence of descendants.<sup>45</sup>

Apart from the juridical content, what deserves attention here is, again, the allusion to the context of promulgation of the law: the jurist refers to an imperial *oratio*, which is said to have been read out (*recitavit*) in the praetorian camp, on a precise date, apparently by the emperor himself. The term *oratio* is usually employed to designate imperial communications to the Senate, by which the emperor informed the assembly about his action or submitted law provisions for formal ratification.<sup>46</sup> Given the frequent absence of the ruler from the capital, from the second century onwards imperial *orationes ad senatum* tended to consist more and more frequently in written messages read out by a magistrate, usually one of the quaestors. However, the date reported by the compiler of the *Fragmenta Vaticana* (early January 168), if correct, would imply the imperial presence in Rome at the time of the promulgation. During the winter of 167/168 Marcus Aurelius and Lucius Verus were indeed in the

<sup>43</sup> On the treatment of this subject in the *Fragmenta Vaticana* and the possible sources used by its compiler, see De Filippi 1984. On this juridical issue, see also: Fayer 1994, pp. 445-463; Viarengo 1996; Chevreau 2017.

<sup>44</sup> The number of children needed to obtain release from *tutela* was three for residents in Rome, four for residents in Italic *municipia* and five for provincials; *nepotes* born from a son were also counted among *liberi*: Fayer 1994, pp. 456-457, n. 258; De Filippi 1984, pp. 1171-1172; Chevreau 2017, p. 198.

<sup>45</sup> "The term [*caduca*] indicates also the inheritance itself or the legacy which became vacant because of the incapacity of the heir or the legatee or because of other reasons (...). The treatment of *caduca* and things in *causa caduci* was identical: they were assigned to the person who benefited by the testament, if they had children. If such heirs or legatees were lacking, they went to the treasury of the Roman people" (Berger 1953, pp. 377-378). On *bona caduca* see also Millar 1977, pp. 158-163; a detailed treatment of this subject can be found in Provera 1964.

<sup>46</sup> The official text of one such speech attributed Marcus Aurelius is preserved by an inscription from Miletus (Milet VI 3, 1075: Herrmann 1975).

capital: they were detained by the outbreak of a severe plague, an emergency which forced them to postpone the planned Pannonian expedition against the Marcomanns.<sup>47</sup> On the eve of the first Marcomannic war, the loyalty and support of the troops – particularly of the powerful Praetorian Guard, which was responsible for the protection of the emperor and would have been actively involved in the defense of northern Italy<sup>48</sup> – was a matter of paramount importance. These critical circumstances largely justified the bestowal of favours on the army and the emperor's personal appearance before the troops. Once again, the ruler could have addressed an assembled audience, this time restricted to the troops, to communicate a measure which concerned them directly.

Marcus Aurelius' enactment, as reported in the *Fragmenta Vaticana*, has been indicated by Honoré as an early example of *interlocutio de plano*, that is, an oral ruling given by the emperor out of court, which could be recorded in a protocol or in the imperial *commentarii*, and had normative force.<sup>49</sup> Yet, the use of the label *oratio* by the jurist, as well as the nature of the imperial enactment, which took the form of an address to the troops, seems to hint to a more formalized kind of communication.<sup>50</sup> What we have here is rather the promulgation of an imperial decision through its public reading, which was performed by the emperor himself.

Our source does not specify whether this imperial decision was subsequently posted in written form, possibly in the praetorian camp – as in the case of Hadrian's constitution –, and whether further copies of the text were issued, nor do we know what type of source was used and excerpted by the compiler of the *Fragmenta Vaticana*. At any rate, the text reported suggests that the reading of a written text could be recorded among the words spoken by the emperor and become part of the official proceedings. Such an eventuality is not unprecedented. A comparable behavior is attested on at least another occasion, in a judicial hearing before the imperial tribunal. A papyrus of the Severan age shows that the emperor in person could communicate his decision on a point

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<sup>47</sup> Marcus Aurelius and Lucius Verus would leave the capital only in the spring of the same year, for the first Marcomannic campaign: SHA, *Marc.* 13-14; Kienast 1990, p. 137.

<sup>48</sup> The prefect of the Guard, Furius Victorinus, was sent to defend the city of Aquileia, attacked by the Marcomanns and Quadi: he was killed and lost a part of his troops (SHA, *Marc.* 13.5).

<sup>49</sup> Honoré 1994, pp. 28-29. On *interlocutiones de plano*, see Nörr 1983.

<sup>50</sup> As a matter of fact, Nörr referred to this same passage of the *Fragmenta Vaticana* as an example of imperial *oratio* at the Praetorian camp, an infrequent kind of imperial constitution but not equivalent to an *interlocutio de plano* (Nörr 1983, p. 522).

of law by reading a written text drafted after consultation with his *consilium*.<sup>51</sup> Over and above the clear differences in form, content and context of the imperial pronouncement, it is noteworthy that here, as in the case of Marcus Aurelius' *oratio*, the act of reading a written statement by the emperor was recorded as such and included into administrative acts. The tangled relation between uttered and written statements stands out as an inherent characteristic of imperial communication and imperial constitutions.

The sources discussed so far have provided some examples of how records of imperial oral performances could be incorporated and reused in various documentary and juridical contexts. It is worth noting that, though the original performative circumstances always imply the presence of an audience, the latter's reactions are never mentioned in the texts considered. This might depend on the nature and normative character our sources: only imperial pronouncements had the force of law, and were therefore relevant for the authors and potential users of these documents. Yet, later attestations show that the response of the emperor's addressees could be deemed significant enough to make their way into the official records.

#### 4. A bronze tablet from the reign of Philip the Arab

A badly damaged bronze tablet unearthed in 2014 on the site of Brigetio legionary camp (Hungary) might provide an early attestation of this phenomenon.<sup>52</sup> Seven fragments of this document have been recovered so far; putting them together, the editors have been able to reconstruct four very lacunose text portions. The detection of partially erased but still legible traces of the name *Philippus Augustus* has led scholars to date this epigraphic document to the reign of Philip the Arab (244-249), possibly to the last two years of his rule.<sup>53</sup>

The place of finding, as well as the apparent content and form of this new epigraphic text have suggested comparisons with another famous bronze tablet, reporting Licinius' *epistula* on privileges of veterans and dated to 10 June 311, which was also discovered in Brigetio.<sup>54</sup> The two documents were found not

<sup>51</sup> P.Oxy. LI 3614: Σουήρω καὶ Οὐϊκτωρείω ὑπάτοις πρὸ μιᾶς νωνῶν [...] ἐν Ἀλεξανδρείᾳ. Μετ' ἄλλα. Καῖσαρ σκεψάμενος μετὰ τῶν φίλων τῇ πατρίῳ φωνῇ ἀπεφήνατο, ἀναγνοὺς ἐκ βιβλίου... etc.

<sup>52</sup> Edition: Bohry, Bartus, and Számadó 2015.

<sup>53</sup> Ibid., p. 40.

<sup>54</sup> Paulovics 1936; see also Campbell 1994, pp. 241-243; Corcoran 2000<sup>2</sup>, pp. 145-148; Hebblewhite 2017, pp. 101-102. A second copy of this document has been found near Durostorum (modern Silistra, Bulgaria): Fezzi 2007, pp. 269-275; Sharankov 2009, pp. 61-67.

far from each other, in an area that, according to archeological reconstructions, should have hosted the *principia* of the legionary camp. The conformation of the new table's border, preserved in two surviving fragments, suggests that also this inscription, like the first one discovered, was intended to be set up for public display.<sup>55</sup> Another point in common is the apparent similarity of subject: as far as it can be inferred, the new epigraphic text also dealt with the privileges of soldiers and veterans. This seems to be implied by the presence of terms referring to military life and career on the one hand (*[--vete]ranorum*, l. 4, fr. 1; *legionu[m ---]*, l. 2, fr. 2; *[qu]orum sunt adepti*, l. 7, fr. 3, perhaps completed by *honestam missionem; quae in cast[ra/-ris]*, l. 3, fr. 4), and expressions like *com(m)od[is ---]* (l. 7, fr. 2) and *antiquitus privill[egium]* (l. 6, fr. 3) on the other hand.<sup>56</sup>

All these elements have led the editors of Philippus' table to suppose that this document could have been similar, in its aspect and purpose, to the one issued by Licinius some sixty years later. On this ground, they have proposed to restore the ending of the *intitulatio*, preserved in a fragment of the inscription's upper corner, as *[exemplum sacrarum littera]rum*, by analogy with the *praescriptio* engraved on Licinius' table. It has been observed that before the first Tetrarchy the heading *exemplum sacrarum litterarum* was appended only exceptionally to copies of imperial rescripts, while it becomes relatively frequent only in official acts of the Later Empire.<sup>57</sup> If we accept the reading suggested by the editors, the new Brigetio tablet would provide an early instance of its use. At first sight, this title would also suggest that the inscribed text took the form of a written message, most likely an *epistula*, as in the case of the Licinius' constitution.

Yet, traces of direct verbal exchanges in the extant fragmentary text hint at other scenarios. Though the lacunose apostrophe *carissi[me nobis / -mi commilitones or conveterani?]*, preserved in one of the tablet's upper fragments (l. 6, fr. 2) could apply both to an epistolary and to a dialogic context,<sup>58</sup> the lower sections of the inscription display unequivocal records of acclamations (*[i]nvicti di(i) vos*

<sup>55</sup> Bohry, Bartus, and Számadó 2015, pp. 29, 31 (see description of fragment 2).

<sup>56</sup> Compare with the wording of Licinius' letter: ... *militum nostrorum commodis adque utilitatibus semper consultum esse cupiamus... et hii qu(i)licet post viginti stipendia adeque honestam missionem adepti fuerint...* (Paulovics 1936, p. 41).

<sup>57</sup> Drew-Bear, Eck and Herrmann 1977. According to Drew-Bear, the only exception was represented by a rescript of Severus and Caracalla, preserved in several copies coming from Asia Minor.

<sup>58</sup> Compare, again, with Licinius' letter: *Dalmati carissime* (in the exemplar from Brigetio: Paulovics 1936, p. 41), *Terti carissime* (in the exemplar from Durostorum: Sharankov 2009, p. 64).



*serven[t]*, l. 8, fr. 3; [*ac*]clamatum e[st], l. 7 fr. 4).<sup>59</sup> A first hypothesis could be that the inscribed text reproduced a composite act, including perhaps a short imperial cover letter and some extracts of proceedings, where acclamations to the emperors were recorded. But we cannot exclude the possibility of alternative readings for the initial heading. Since the reading of the letter *r* in the proposed reconstruction *littera]rum* is uncertain, the ending *-]um* could also be integrated differently (for instance as *-exempl]um*, preceded by the indication of the original document) and refer to another type of documentary text. Unfortunately, given the very fragmentary state of the inscription, all reconstructions must remain highly speculative. The only element that seems to be assured is the presence of extracts of recorded proceedings in the engraved text.

The mention of the emperor's name in two passages, apparently in the nominative case – not far from the expression *pr(a)esen[tia (?)]* (l. 9-10, fr. 2), and in a textual section where acclamations and perhaps a verb of speaking are recorded (l. 8-10, fr. 3) – may also hint to Philippus' participation into the dialogue exchange. Based on these observations, the text editors have proposed to interpret this document as an imperial constitution in the form of an *interlocutio de plano*, and have considered the physical presence of the emperor at the moment of its promulgation as possible or even likely.<sup>60</sup>

As a matter of fact, it is not possible to clarify the exact circumstances surrounding the verbal exchange recorded in this document. There are no elements to say if it took place in Brigetio, in another military post, or somewhere else. What is sure is that the content of this dialogue was deemed significant enough for imperial propaganda and military life to be inscribed on bronze and set up in the center of a legionary camp.

## 5. Constantine and the veterans

One last text provides the best demonstration that a provincial military camp could become the setting of a meeting between the emperor and his troops, and that the words uttered by both parties on this occasion could be recorded and archived as having general juridical validity. The source concerned is a constitution of Constantine the Great, in which a meeting between the emperor and a group of veterans is recorded. The text is preserved in a lengthier (possibly interpolated) form in the Theodosian Code (7.20.2) and in an abbrev-

<sup>59</sup> This kind of imperial salutation was commonplace since early imperial times: Aldrete 1999, p. 109, and Bohry, Bartus, and Számadó 2015, pp. 39-40.

<sup>60</sup> Bohry, Bartus, and Számadó 2015, pp. 39-40; Nörr 1983.

viated version in the *Codex Iustinianus* (12.46.1).<sup>61</sup> I will let aside the *vexata quaestio* concerning the date and place of promulgation of the constitution, as reported in the apparently corrupted *subscriptio*,<sup>62</sup> and I will rather focus on the text form and its possible elaboration process.

*IDEM A. Cum introisset principia et salutatus esset a praefectis et tribunis et viris eminentissimis, adclamatum est: Auguste Constantine, dii te nobis seruent: vestra salus nostra salus: vere dicimus, iurati dicimus. adunati veterani exclamaverunt: Constantine Auḡ, quo nos veteranos factos, si nullam indulgentiam habemus? Constantinus. A. dixit: Magis magisque conveteranis meis beatitudinem augere debeo quam minuere. Victorinus veteranus dixit: Muneribus et oneribus univ̄ersis locis conveniri non sinamur. Constantinus A. dixit: Apertius indica; quae sunt maxime munera, quae vos contumaciter gravant? Univ̄ersi veterani dixerunt: ipse perspicis scilicet. Constantinus A. dixit: iam nunc munificentia mea omnibus veteranis id esse concessum perspicuum sit, ne quis eorum nullo munere civili neque in operibus publicis conveniatur neque in nulla collatione neque a magistratibus neque vectigalibus. In quibuscumque nundinis interfuerint, nulla proponenda dare debebunt. publicani quoque, ut solent agentibus super compellere, ab his veteranis amoveantur; quiete post labores suos perenniter perfruantur. Filios quoque eorum defendant decertationes, quae in patris persona fuerunt, quosque optamus florescere sollicitius, ne si contumaces secundum eosdem veteranos comprobati potuerint, decimentur his sententiis, cum praesidali officio adiungentur. Probabilius iussionem meam curabunt ergo stationarii milites cuiusque loci cohortis, et parentes eorum desperationem, et ad sanctimoniam conspectus mei sine ulla deliberatione remittere, ut sint salvi, cum senuas consecuntur poenas indulgentiae. DAT. KAL. MART. IN CIVITATE VELOVOCORUM CONSTANTINO AUG. VI ET CONSTANTINO CAES. CONSS.<sup>63</sup>*

The same emperor (Constantine). When he had entered the *principia* and had been greeted by the prefects and tribunes and the *virii eminentissimi*, an acclamation arose: “Constantine Augustus, may the gods preserve you for us! Your welfare is our welfare: we are speaking the truth, we are speaking on oath”. The assembled veterans cried out: “Constantine Augustus, to what purpose have we been made veterans, if we have no special privilege?”

Constantine Augustus said: “I ought more and more to increase not to diminish the happiness of my fellow-veterans”.

The veteran Victorinus said: Do not allow us to be subject to compulsory public service and burdens everywhere”.

<sup>61</sup> Campbell 1994, pp. 245-246 (English translation, with the exclusion of the presumably corrupted final section, and short commentary); Corcoran 2000<sup>2</sup>, pp. 257-259; Connolly 2010 (with some confusion on the relation between *Cod. Theod.* and *Cod. Iust.*: see p. 94, n. 1).

<sup>62</sup> The date, as indicated at the end of the text, is 1 March 320; alternative dating to 326 or 307 have been proposed. On this point, in addition to Corcoran and Connolly, see also Barnes 1982, p. 69, n. 102, and the review of Barnes’ book by A. Marcone, in *Athenaeum* 63 (1985), pp. 553-555.

<sup>63</sup> The text reported is that of the edition by Mommsen and Meyer 1905. The English translation is based on Pharr 1952, pp. 179-180 and Campbell 1994, pp. 245-246.

Constantine Augustus said: “Tell me more clearly, what are especially the compulsory public services, which oppress you persistently?”

All the veterans said: “Surely you yourself know”.

Constantine Augustus said: “Let it be absolutely clear that by my munificence it has now been granted to all veterans that none of them shall be harassed by any compulsory public service, nor by any public labour, nor by any exactions, nor by magistrates, nor by taxes. In whatever markets they do business, they shall not have to pay any taxes on sales. The tax collectors, as they are accustomed to make exorbitant exactions from those in business, also are to keep away from these veterans; after their exertions, they shall enjoy rest for all time. By means of this same letter we have forbidden our treasury from disturbing any of them at all, but they shall be allowed to buy and sell, so that they may enjoy their privileges unimpaired in the repose and peace of our era, and their old age shall enjoy rest after their labours.

The decisive battles fought by their fathers shall protect also the sons of veterans, whom with great anxiety we desire to prosper; therefore, if according to these same veterans they can be proven to be recalcitrant, may they be sentenced according to these dispositions, (and) may they be assigned for service in the staff of the provincial governor. Therefore the *stationarii* of the cohort of each district<sup>64</sup> will carry out my order, and their parents (will take care for) this foolish boldness, and they (will see) to sending them without hesitation to the sanctity of My presence, so that they may be safe (from further punishment), when they incur in the penalties (addressed by this) privilege (which I have granted to you).<sup>65</sup>

Given on 1 March, in the community of Velovoci, in the consulship of Constantine Augustus and Constantine Caesar.

The constitution lacks an introductory heading of the type *pars actorum.../apud acta...* (what Coles, with respect to records of proceedings in papyri, called the “extract phrase”),<sup>66</sup> which could have provided information on the particular documentary source for this constitution; just the identity of the issuing emperor (*Idem Augustus*, i.e. Constantine) is recalled. The text opens *in medias res*: the ceremonial entry of the emperor in the *principia* and his greeting by the present dignitaries are described by a narrative formula similar to those found also in other reports of imperial audiences.<sup>67</sup> This quite standard proto-

<sup>64</sup> On the *stationarii*, soldiers with fiscal and police functions, see Petracchia Lucernoni 2001.

<sup>65</sup> The text of this paragraph, as well as the final protocol reporting date and place of promulgation seem to present irreparable corruption (see the apparatus in Mommsen and Meyer’s edition, and Pharr 1952, p. 180, n. 27-29). On Constantine’s legislation concerning the sons of veterans, Dillon 2012, pp. 38-39, 44.

<sup>66</sup> Coles 1966, pp. 29-30. Relevant examples from the Theodosian Code are mentioned by Matthews 2000, p. 173.

<sup>67</sup> See *Cod. Iust.* 9.51.1, 10.48.2 and the opening protocol of the famous Dmeir inscription (Roussel and De Visscher 1942, p. 178); see also the discussion in Connolly 2010, pp. 110-112. On the composition of the group of dignitaries accompanying the emperor, see Corcoran 2000<sup>2</sup>, p. 259.

col is followed by the record of two acclamations. The first one (*adclamatum est: Auguste Constantine, dii te nobis servent. Vestra salus nostra salus: vere dicimus, iurati dicimus*) develops the initial generic greetings, introducing the subsequent dialogue, and it is built upon rhythmical repetitions of parallel *cola*. It includes the standard invocation of the gods' favour on the ruler<sup>68</sup> and evokes traditional themes, such as the personal relationship between emperor and troops, the loyalty of the army to its leader and the sacrality of the military oath.<sup>69</sup> The second one (*Constantine Auḡ, quo nos veteranos factos si nullam indulgentiam habemus?*) is specifically attributed to the veterans (*adunati veterani exclamaverunt*) and is an integral part of a petitioning process.<sup>70</sup> There ensues a dialogue exchange between the emperor, a veteran named Victorinus and, again, the whole assembly of the veterans, who lament being liable for public services and fiscal impositions. Constantine's conclusive response takes the form of an elaborated juridical disposition, including references to an *epistula* which is said to have been sent to the imperial *fiscus* for confirmation of the veterans' privileges.

Serena Connolly has described this text as "a highly stylized and artificial account of a meeting and a conversation", supposing that more complex discussions and consultations must have taken place before the delivery of the final imperial response.<sup>71</sup> Such negotiations might have predated the meeting recorded here, as suggested by Simon Corcoran, and could include preliminary meetings between the parties or the submission of petitions by the soldiers.<sup>72</sup> A possible precedent for this kind of collective negotiations can be found in a documentary dossier dating to 63 CE and reporting a series of meetings between a group of veterans and the prefect of Egypt C. Caecina Tuscus (P. Fouad I 21 and SB V 8247 = FIRA III, 171 a and b).<sup>73</sup> These two papyri contain respectively a copy of the acts (*ἀντίγραφον ὑπομνηματισμοῦ*) of a hearing held at the prefect's tribunal in Alexandria, and a less formalized record (*ἀντίγραφον ἐντυχείας*) reporting not only this final audience, but also three meetings that preceded it. This latter document provides a glimpse in the unfolding of the petitioning process. The veterans first approached the prefect collectively, on the way of the legionary camp, and were instructed to submit individual

<sup>68</sup> Compare it with the fragmentary acclamation preserved in the Brigetio Table (see above).

<sup>69</sup> On these themes, see Campbell 1984, pp. 19-69; Hebblewhite 2017, pp. 159-169.

<sup>70</sup> Aldrete 1999, pp. 118-127; Roueché 1984, particularly p. 183. On Constantine's attention and responsiveness to public acclamations, which show "his sensitivity to the power of public opinion and the need to communicate his public persona", see Dillon 2012, pp. 134-135.

<sup>71</sup> Connolly 2010, p. 96.

<sup>72</sup> Corcoran 2000<sup>2</sup>, p. 258.

<sup>73</sup> One can add to the dossier also a third fragment, P. Osl. inv. 1451: Daris 1964, pp. 199-201, nrs. 101-103. See also Campbell 1994, pp. 206-207, nr. 337; Westermann 1941, pp. 21-29.

requests in order to receive written confirmation of their rights. A second encounter took place in the *principia*, and resulted in the submission of the individual *πιττάκια*. After a third brief meeting, limited to an exchange of greetings, the veterans were granted a hearing and received a formal response from the prefect, which was recorded also in the official *ὑπομνηματισμός*.

The interest of the Egyptian documents does not lie in their content only: their textual form also provides useful insights as to how records of an administrative process could be kept and elaborated. The *ἀντίγραφον ἐντυχείας* reporting the successive meetings between the veterans and the prefect seems to have been drawn up on the initiative of the same veterans, who refer to themselves in the first person. This text provides only brief information about the circumstances of each encounter (place and date), and includes some dialogue exchanges, as well as allusions to the initial uproar provoked by the petitioners. The *ἀντίγραφον ὑπομνηματισμοῦ* reports just the prefect's final decision; it is opened by a detailed protocol, listing the names of the magistrates and members of the council who were present at the hearing, and bears traces of subscription by a second hand. Though the content of Tuscus' conclusive response is substantially the same in both versions, the wording of the two documents differs, betraying different choices in the selection of what was recorded and different degrees of formalization.<sup>74</sup>

The consideration of these documentary papyri may help shed light on the events and the documentary practices underlying the records of the meeting between Constantine and the veterans in *Cod. Theod.* 7.20.2. The extant text seems to have undergone at least two sorts of editorial interventions: first, a "normalization" of oral interventions; second, the possible conflation of documents related to different phases of the administrative and documentary process.

As suggested by Connolly and Corcoran, a certain amount of spoken material was probably suppressed: summarizing and selection operated to provide a synthetic, clear and well-ordered presentation of the issue at hand, intended to be used as a reference legal text. Moreover, imperial hearings and *adlocutiones* were stage managed events, regulated by a well-established protocol. In such contexts, oral interventions must have been rarely spontaneous: they certainly followed a well-defined order and were probably prepared in advance.

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<sup>74</sup> For instance, while in the official *ὑπομνηματισμός* Tuscus reassures the veterans that their rights will be respected in a proper and quite impersonal administrative language, in the *ἀντίγραφον ἐντυχείας* he finally exhorts the veterans to return to their "own affairs and not be idle" (translation by Campbell 1994, p. 206, nr. 337 b).

Possible derogations, like individual shouting, clamor and muttering of the crowd were likely to be ignored in the records or reformulated in the form of collective acclamations.<sup>75</sup> As the comparison with the Egyptian papyri mentioned above illustrates, editing mechanisms such as the excision of unessential and/or unordered verbal exchanges and the reformulation of utterances according to bureaucratic standard language were already at work in official documents issued by the early-imperial provincial administration. It is expectable that the same editorial strategies operated also later in the production of imperial acts by the central administration. In *Cod. Theod.* 7.20.2, individual and collective utterances ascribed to the veterans are short and relatively simple, as expected from petitioners under similar circumstances.<sup>76</sup> A higher degree of formalization is discernible in the words attributed to the emperor, which appear to be modelled on routine administrative language.

The wording of Constantine's final disposition, in particular, seems to be paradigmatic of the recasting of imperial oral pronouncements in an elaborated juridical and bureaucratic register. This section of the text also sheds light on the second sort of editing, whose traces are discernible in *Cod. Theod.* 7.20.2. This passage might indeed have recorded a response based on a written text, prepared after consultation with the emperor's advisers and possibly read out before the assembled veterans, in accordance with what appears to be a well-established practice. The action performed by Constantine has been interpreted by scholars either as the oral publication of an imperial edict, or as the delivery of an *interlocutio de plano*, whose content was additionally issued as a written text, in the form of the imperial *epistula* mentioned

<sup>75</sup> This kind of scribal interventions is explicitly acknowledged in later records of proceedings, most notably in the Acts of the Council of Chalcedon: *ACO* II.1, 170, lines 34-37 "Aetius deacon and notary said: 'It often happens at these most holy gatherings that one of the most God-beloved bishops present says something, and what one man says is recorded and counted as if everyone alike had said it. This is what has happened from time immemorial: for instance, one person speaks and we write, "The holy council said.'" (Ἀέτιος διάκονος καὶ νοτάριος εἶπεν· Ἐν τοῖς τοιοῦτοις ἀγιωτάτοις συνεδρίοις συμβαίνει πολλάκις ἓνα τῶν παρόντων θεοφιλεστάτων ἐπισκόπων εἰπεῖν τι καὶ τὸ παρὰ τοῦ ἑνὸς λεγόμενον ὡς παρὰ πάντων ὁμοῦ ἐκφωνούμενον καὶ γράφεται καὶ νοεῖται. Τοῦτο ἐξ ἀρχῆς παρηκολούθησεν· ἀμέλει ἑνὸς λέγοντος γράφομεν ἢ ἅγια σύνοδος εἶπεν: *ACO* II.1, 170.34-7, [*actio* 1.767]; translation Price 2005, p. 257). I thank my colleague Tommaso Mari for bringing this passage to my attention. On scribal practices and traces of reality in the Acts of Chalcedon, see also his forthcoming article: T. Mari, *Spoken Greek and the work of notaries in the Acts of the Council of Chalcedon*, in: S. Dahlgren et al. (eds.), *Scribes and Language Use in the Graeco-Roman World*, Cambridge.

<sup>76</sup> See the exchanges between Tuscus and the veterans reported in *FIRA* III, nr. 171. A further example of the language of individual petitioners before the emperor is provided by the dialogue between Constantine and a certain Agrippina in *Cod. Theod.* 8.15.1. On common types of acclamations, see Aldrete and Roueché (n. 70 above).

by Constantine.<sup>77</sup> As a matter of fact, the abrupt shift of tone characterizing the passage from the dialogue to the enunciation of the imperial decision rather suggests that here the text editors merged together two different documents, namely some records of proceedings and a substantial written presentation of the imperial decision (maybe the draft read out by the emperor, or a subsequent version of the constitution, penned down after the meeting), abridging and editing both of them. Indeed, reference to an imperial letter sent to the *fiscus* (*eadem epistula*) is made in such terms that they would imply an earlier mention in the text: this confirms the impression that we are dealing with part of an excerpted document, assembled here in a sort of documentary *collage*.

In the absence of further independent evidence, it is impossible to know whether the editing detected in the preserved text were already present in the sources used by the compilers of the Theodosian Code or not. At any rate, the accumulation of editorial manipulations all along the document's history— from the first record of proceedings to the drafting of official copies for archiving or circulation to the final inclusion in the Theodosian Code – might explain confusions and corruptions observable especially in the final section of the text.

### III. Final remarks

On the grounds of the analysis of sources carried out so far, some general considerations can be drawn. These concern both general textual features of imperial allocutions to the army as reported in available documentary records, and the possible evolutions of such documents over time.

On the whole, two recurrent characteristics of our documentation emerge. Firstly, its apparently unsystematic production and its relative lack of standardization: forms and contents of each document seem to depend largely on its particular circumstances of issue and circulation. Secondly, the fact that all of these documents appear to have been invested with exemplary, normative and symbolic value. This is a consequence of the fact that they reported the words of the emperor, and that these were naturally endowed with exceptional authority.

The rareness of extant copies reporting this type of imperial pronouncements might depend, at least in part, on the vagaries of preservation; but also on the fact that, while imperial constitutions communicated orally could be recorded in writings, they were not necessarily published. Even when a publication occurred, it did not necessarily result in the inscription of the text on

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<sup>77</sup> Corcoran 2000<sup>2</sup>, p. 358, n. 31-32.

unperishable materials.<sup>78</sup> As shown by Eck, the publication of official documents for administrative and juridical purposes usually took the form of public reading and temporary posting on a perishable support, whereas inscription on stone or bronze aimed at the preservation of a shared public memory.<sup>79</sup> In one way or another, a durable publication served the interests of those responsible for it. These were most often the recipients of imperial constitutions – local communities and individuals who could get any material or juridical advantages, or any prestige from such documents. But in some cases the central government could also have an interest in ensuring the lasting visibility of particular acts. The sources analysed in this paper provide a sample of the intertwining motives which could lie behind the publication and dissemination of a specific kind of imperial pronouncement.

On some occasions, epigraphic copies of imperial *adlocutiones* were produced on the initiative or on request of the recipients. This is the case of the Lambaesis inscription, whose realization had a clear commemorative character and was most probably due to the initiative of the officers and soldiers of the *legio III Augusta*. Individual petitions could also provide the first input for the granting or confirmation of rights to a particular group of soldiers, and for the subsequent release of personal copies of the imperial enactment, as in the case of Hadrian's constitution for the Praetorians. In this particular instance, however, epigraphic copies were issued in a massive amount by the central administration (their original number might have exceeded 400 units, according to Eck),<sup>80</sup> as a generous imperial concession in response to a generalized need. In other cases, too, the imperial will might have played a role in the long-lasting publication of these documents, although this is not always clear. The new Brigetio table, for instance, might have been engraved on the order of the emperor, like the inscription reporting Licinius' letter which was found on the same site; but it could also have been realized on the initiative of the *legatus legionis*. The few scraps of text preserved do not contain any disposition concerning publication, therefore it is impossible to draw firm conclusions in this respect. When it comes to imperial pronouncements known only through indirect manuscript tradition, it is equally hard to ascertain whether public or individual copies of such decisions were issued, possibly for temporary posting and on perishable materials, or if those records were kept in imperial archives only.<sup>81</sup>

<sup>78</sup> Feissel 1995, especially pp. 71-78 (republished in Feissel 2010, pp. 17-42).

<sup>79</sup> Eck 1998 and Id. 1999, particularly 9-15; see also Ando 2000, pp. 96-116.

<sup>80</sup> Eck 2017, p. 144.

<sup>81</sup> The existence of such archives since the second century is proved by references in contemporary imperial documents, such as the *Tabula Banasitana*: Oliver 1972 = *IAM* II, 2, 1, 94.



The fact that at least some of the documents considered were copied and durably published as a result of local initiatives or in response to individual requests accounts in part for their formal variety. Of course, the support and the physical aspect of the document also played a role in shaping the text. On the other hand, the crucial importance of imperial *adlocutiones* as political and communicative acts made these documents a powerful instrument of imperial communication and self-representation, be they intended for public display or private circulation. Thus, the aims of the authority responsible for the issuing of official copies and the interests of the concerned recipients appear to have affected in equal measure the form and contents of our sources.

For instance, the epigraphic copies of imperial pronouncements granting privileges to the soldiers tend to reserve the limited space available to the transcription of the imperial disposition – what really mattered for the interests of their addressees and readers. Yet, the inclusion in these documents of accessory information, focusing on the emperor's action and his interaction with the audience – like the unusual references to the edict's oral promulgation in the Hadrianic *tabellae civitatis* or the acclamations recorded in Philip's table of privileges – also draws attention to the role played by the public display and circulation of imperial words within the framework of imperial propaganda. The very exceptionality of these documents, which were issued in connection with particular circumstances and customized to commemorate the renegotiation of the fidelity bond between the emperor and the army, further highlight their potential evocative force.<sup>82</sup>

Between the second and the fourth century CE, Roman emperors continued to resort to the ceremony of the *adlocutio* to announce measures affecting the troops. In doing so, they demonstrated their accessibility and respect of tradition, and gave the soldiers a chance to appear as actors of the legislative process. Irrespective of their form of circulation and preservation, the fact that this kind of imperial oral utterances were recorded is itself remarkable. While the production of minutes and the archiving of recorded proceedings is regularly attested in other institutional contexts, such as the meetings of the senate, and in courts, one would not necessarily expect a similar practice to be applied in a military camp. This observation implies that, at least on some occasions, the statements made by the emperor before the soldiers may have normative force and be recorded, becoming legally binding. This was clearly the case when the emperor addressed the army to communicate administrative measures concerning their status or privileges. Written records of such imperial statements

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<sup>82</sup> More generally, on the symbolic power of *tabulae* and written documents in the Roman world, see Meyer 2004, pp. 21-43 and 87-90.

served then as foundations and proofs for the acquired rights. For this reason, such texts as *Vat.* 195, Philip's bronze table and *Cod. Theod.* 7.20.2 have been interpreted either as *orationes de plano* (i.e. imperial decisions pronounced out of the judicial context) or as public reading and promulgation of imperial edicts – two forms of official communication that ensured publicity.<sup>83</sup> As we have seen, it may be hard to differentiate between these two types of oral performance – and, for that matter, they might not be mutually exclusive: spoken words, reading of notes or texts, and the undifferentiated recording of both appear to coexist in the sources considered.

The ceremonial character of imperial *adlocutiones* and the dignifying presence of the emperor also had an impact on written records of such events. Given their authoritative and normative nature, imperial public statements could hardly be unprepared (or would hardly be reported as such in official documents). As we have seen, a written text could be read out or might have provided the blueprint for oral pronouncements; it is impossible to know whether a document, in its final version, merely reproduced a stenographic record of such a oral performance, or if it was based also on the written draft used on the occasion. As a matter of fact, a source like the record of Constantine's meeting with the veterans in *Cod. Theod.* 7.20.2 suggests that records of dialogue exchanges and extensive extracts of other documents (e.g. edicts or *epistulae*) could be juxtaposed seamlessly in official records and legal texts. On the other hand, spontaneous verbal outbursts were likely to be suppressed from the records or reformulated in order to fit the clarity, consistency and dignity expected of an imperial constitution. The formalized verbal communication and the recurrent interferences between written and uttered words observable in most official documents appear to be the product of editorial work as much as of the official institutional setting where verbal exchanges took place.

Also, the detection of possible editing, variations, abbreviations and combinations of documents in official copies of imperial pronouncements encourage reconsidering the notion of "documentary precision" with respect to ancient documentary sources. Although the loss of all Roman central archives prevents a proper study of the activity of the imperial chancery, the evidence provided by Egyptian papyri and Roman jurisprudence suggest that conformity to relevant contents rather than to the letter was sought, and that written proofs could be edited, contested, verified or even replaced by the word of witnesses.<sup>84</sup>

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<sup>83</sup> See above.

<sup>84</sup> See, for instance, *FIRA III*, nr. 171 a and b, discussed above. Further examples can be found in Harker 2008, pp. 25-28, particularly on altered and edited quotation of documents, and on the notion of documents in Antiquity. On the relation between official copies preserved in public archives (*authentica*) and copies made for public display or

Finally, a noticeable evolution in form and content of the documents considered consists in the progressive inclusion of dialogical exchanges, and more precisely of acclamations, starting from the third century. As we have seen, documentary sources reporting speeches of earlier emperors seem to have recorded exclusively imperial utterances, without leaving any room to the reactions of the audience. On the contrary, later documents incorporate the greetings and the response of the troops to the emperor's speech as an important part of both the political negotiation and its documentary output. Thus, evidence concerning the records of imperial *adlocutiones* confirms the tendency – already noticed in contemporary sources and for other areas of public life – to attribute increasing political significance to the collective expressions of feelings voiced by acclamations.<sup>85</sup>

However, this adaptation to the evolving modes of public communication in the Later Roman Empire does not seem to have ensured the further circulation and transmission of this typology of documentary records. The account of Constantine's meeting with the veterans preserved in the Theodosian Code is indeed our latest attestation. Of course, this does not mean that later emperors suddenly ceased to address their troops: the historiography of the fourth century still provides examples of such imperial speeches – one need only think of *adlocutiones* attributed to Constantius II or Julian by Ammianus Marcellinus.<sup>86</sup> But perhaps these addresses to the troops were not recorded in official acts anymore; or if they were, such records do not seem to have been regarded as independent normative sources anymore, nor to be published, copied and circulated as similar speeches of previous emperors had (at least occasionally) done. The general rarefaction of epigraphic production, both in Latin and Greek, after the third century might provide a partial explanation for such a drought of documentary sources.<sup>87</sup> But the apparent absence of imperial *adlocutiones* also in later juridical writings and, more generally, in the manuscript tradition calls for deeper historical explanations. Does this phenomenon point to a reduced significance of the encounter between the emperor and the army as an occasion for the formulation and enactment of imperial regulation? Or does it mirror an evolution toward different, more standardized textual forms for the publication and official circulation of imperial constitutions, in

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private use, and the alteration the latter could underwent, Eich 2009. See also Gardner 1986, p. 12.

<sup>85</sup> Roueché 1984, p. 182, 186; Matthews 2000, pp. 35-50; Ando 2000, pp. 199-205.

<sup>86</sup> See e.g. Amm.Marc. XV 8.4-11; XXI 5.1-11; XXXIII 5.15-24. Further examples in Hebblewhite 2017, pp. 140-159. At the turn of the fifth century, Synesius of Cyrene still warned Arcadius of the importance of maintaining a close relation with the troops and winning their loyalty (*Regn.* 13).

<sup>87</sup> Feissel 1995, pp. 79-83; Feissel 2009 (republished in Feissel 2010, pp. 43-70).

the aftermath of the great late antique law codification? What is sure, is that the evolutions observed in the documents recording imperial *adlocutiones*, with respect to their textual features and possible forms of dissemination, need to be interpreted against the background of broader changes affecting the exercises of imperial power and the functioning of the state administration at the turn of Late Antiquity.<sup>88</sup>

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<sup>88</sup> Eich and Eich 2004, pp. 75-76 and *passim*.

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