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Pre-Severan Diplomata and the Problem of 'Special Grants'

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This paper has been written\(^1\) in the conviction that the (so-called) radical theory, which "postulates that virtually all the constitutions/diplomata name only those units/soldiers possessing extraordinary merit"\(^2\) (mainly participants in expeditions belli but also in certain peacetime efforts\(^3\) matching, in importance, such expeditions), provides the most economical basis for interpreting the extremely complex features of the diplomata militaria as a documentary genre. In other words, it is assumed in this paper that virtually all the 1-11 century diplomata were 'special grants'; to my thinking, this holds for the post-Severan bronze too\(^4\), but their case is different both typologically and (the exclusion of candidates from the provincial forces) and statistically, and certainly appears more difficult to assess from the standpoint of the radical conception\(^5\). The following argumentation is centred around the salient points of the radical theory susceptible of modification or improvement when one considers how they have been treated in recent scholarship. Many remaining details will be dealt with subsequently, in other places.

(1) The fundamental difficulty with the (so-called) traditional thesis\(^6\), which takes the 'normal' diploma as an automatic reward for every man having spent, in major non-legionary troops, the prescribed term of service \((XXV pluravus stipendia\) for the auxiliaries, \(XXVI [XXVIII]\) pluravus stipendia\) for the sailors\), arises from the indications that the material known so far \((CIL XVI + RMD I + RMD II)\) markedly deviates from the numbers to be expected in view of the effectiveness of certain units, classes of soldiers and provincial armies for the Equites Singulares (all the four known so far – \(CIL XVI 144\); 146; RMD II 134; ZPE 64, 1986, 219 – fall within the reigns of Severus Alexander and maximum Thrax), a concentration which belongs to the category of significant 'anomalies' of the statistical order (cf. infra, ch. 1, and the next footnote).

The ratio of post-Severan and post-Severan diplomata for the Praetorians \((6 or 7 to 20)\) favours the latter considerably more than expected, "even allowing for the larger numbers of the guard" in III-early IV cent. \((\text{R.o.x.a.n., Distribution} 271 \text{1.} + \text{fig. 1} [\text{cf. infra p. 284 fig. 1}], \text{who reckons with the evolution of the factor of the conubium in the whole matter}). Like the 'anomaly' concerning the diplomata for the Equites Singulares (the foregoing note), it suggests a switch, under the Severi, in the policy of issue of our aera. Whatever the attraction the post-212 diplomata actually had for the Praetorians, this switch cannot be understood if matters are analyzed, traditionally, from the sole perspective of the soldiers' needs. Their merits, generic and/or individual, constituted another and the decisive criterion, which explains the post-212 exclusion of 'provincial' candidates from the aera incisisio. Coinciding with the marked increase in the production of praetorian diplomata, the post-Severan reduction of the circle of recipients to the members of the Urban and Italian troops had nothing to do with the objective need the soldiers of the whole exercitus Romanus felt for the conubium (civitates/civitas liberorum), as this just (these iura) must have been much more useful to the men from the provincial armies than to their comrades in Rome and Italy, whose social and legal status, together with their regular place of service, tended to minimize the interest in the civitas or the conubium with peregrine wives. Cf. infra, ch. 9.

A list of its protagonists may be found in Award \(210 \text{n.} 10\); on the qualifications recently introduced into it by Dr. \(R.o.x.a.n., \text{Distribution} 273 \text{274 f.}\) see ZPE 47, 1982, 149 n. 2 and below, nn. 13 and 150. Further modifications of the traditional theory were proposed at the Colloquium in a form which does not affect its essence (cf. notably Professor H. -J. Keilner's observations on the "Fundstatistik" of diplomata and the possibilities of an explanation of its paradoxes [tabellae lignae etc.]: infra p. 241 ff.).

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\(^{1}\) In addition to the standard bibliographical abbreviations, the following two will be used: Rox an, Distribution (= M. M. Rox an, The Distribution of Roman Military Diplomas, Epigr. Stud. 12, 1981, 265 ff.), and Award (= S. Dušan ić, The Award of the Military Diploma, Arh. Vest. 33, 1982, 197 ff.).

\(^{2}\) For instance, heavy building works or naval accomplishments of some menace honesta missio may have been faster in the third than in I-II centuries; but cf. RMD I 1, of A. D. 73) and 99. Note i. a. the temporal concentration of the diplomata.

\(^{3}\) Cf. infra p. 284 fig. 1, who reckons with the evolution of the factor of the conubium in the whole matter.

\(^{4}\) For the auxiliaries, arises from the indications that the material known so far (CIL XVI + RMD I + RMD II) markedly deviates from the numbers to be expected in view of the effectiveness of certain units, classes of soldiers and provincial armies.

\(^{5}\) Cf. infra, ch. 1, and the next footnote.

\(^{6}\) Cf. infra, ch. 9.

\(^{7}\) A list of its protagonists may be found in Award 210 n. 10; on the qualifications recently introduced into it by Dr. Rox an (Distribution 273; 274 f.) see ZPE 47, 1982, 149 n. 2 and below, nn. 13 and 150. Further modifications of the traditional theory were proposed at the Colloquium in a form which does not affect its essence (cf. notably Professor H. -J. Keilner's observations on the "Fundstatistik" of diplomata and the possibilities of an explanation of its paradoxes [tabellae lignae etc.]: infra p. 241 ff.).
involved\footnote{Cf. Award 204 (where "the striking preponderance of Danubian material" has been stressed) and 205 (the high percentage of the recipients from the first-named units among the auxiliary \textit{aere incisi} after c. A.D. 148); infra, chs. 4, 5 and 6c.}; analogous statistical deviations may be observed if we focus on the temporal distribution of diplomata.

Of these latter, the most instructive concern the early diplomata. It has already been remarked that the total of the Claudio-Neilorian documents published so far is so low that the automatic grants thesis appears quite implausible for that period at least\footnote{Awards 205 and 206; 192 Slobodan Dušanić has already been remarked that the total of the Claudio-Neronian documents published so far "is so low that the automatic grants thesis from, and/or reflecting the events of, the year of the Four Emperors (eleven or twelve from A. D. 68 and 70-71\footnote{Comparable e.g. to their increasing generosity in the distribution of donativa (Award 202; 216 n. 82.)}) is best understood if a change in the criteria regulating the eligibility for diplomata is assumed: owing to the then politico-military circumstances, the grants of A. D. 68-71 were much less exclusive than the previous ones\footnote{For a different view, E. Birley, infra p. 257.} And – to remain with the auxiliary diplomata, the most illustratively statistically – the whole evolution of their temporal distribution up to Trajan attests to an inflation in their production\footnote{Award 204 f.: 220 nn. 118 f.}, an inflation which resulted more from a loosening of the criteria just mentioned than from the creation of new alae and cohorts\footnote{Cf. e.g. CIL XIII 1041 (= XVI App. 15), line 3: \textit{aere inciso} (!). The expression alludes to a diploma-like bronze, judging from the parallels of CIL V 889 (= XVI App. 14), lines 3-6, and of the epikrisis papyri (\textit{καλὴς}). Cf. Award 209 n. 6 (contra, J. C. Mann); O. Behrends, supra p. 133 ff. (E. Birley, infra p. 249 ff., defends, on the contrary, H. Nesselhauf's terminus a quo under Claudius).} In the same sense, the fact that no pre-Claudian diploma (or a bronze diptychon similar to the 'standard' diplomata introduced by Claudius) has been discovered as yet – despite all the probability that analogous certificates were in use under the Julians\footnote{For a different view, E. Birley, infra p. 257.} – should be put down to the severity of the first three principes in evaluating the merits of candidates, among their soldiers, to the diplomata militaria. If the entire line of the temporal distribution of the first-century diplomata is viewed in terms of a gradual inflation – a process dictated by the increasing generosity of the emperors\footnote{15 Comparable e.g. to their increasing generosity in the distribution of donativa (Award 202; 216 n. 82.)} and accelerated by the Claudian reform and the consequences of the Civil War of A. D. 68-69 – the rarity of the pre-Claudian documents becomes easily comprehensible. It does not rule out the very existence of those documents; on the contrary, the modest total of their Claudio-Neronian equivalents tends to imply that Claudius' measure was a standardisation of the earlier practice rather than an innovation revolutionary in its indiscriminative application\footnote{16 Also to the postulate that the "men serving under native chieftains" were denied these certificates (Distribution 274 f.). However, wide employment of native chieftains is not to be assumed for the regular alae and cohorts, even in the reigns of Claudius and Nero (D. B. Sadlington, The Development of the Roman Auxiliary Forces from Caesar to Vespasian [49 B.C. – A. D. 79], Harare 1982, 85 f.; 188 f.; cf. the occurrence of coh. I and II Thracum in RMD II 79, units whose members had been recruited before the formation of provincia Thracia), so that the status of the auxiliary commanders should not be considered an important factor in the whole matter.}. As to the former point, two kinds of such 'anomalies' seem especially significant because they both stem from large samples and may be given coherent, if tentative, explanations.

(a) On the level of the three classes of troops receiving the bulk of pre-Severan bronzes (alares, cohortales, classiarii), it is evident that the cavalry had more than its statistical share and the Fleets far less\footnote{From CIL XVI 7-17, cf. 19 (ZPE 47, 1982, 152 n. 10).}. Among the individual beneficiaries of the auxiliary diplomata known to us\footnote{The seventh, CIL XVI 2 (aux. Illyr.), may have been as early as the 40's (infra p. 232).}, the alares are over-represented in comparison to the cohort-...
more constitutions – Raetia 30, Dacia Porolissensis c. 9–11, Mauretania Tingitana 27 – than the commands with larger auxiliary garrisons, whether in the provinciae armatae (e. g. Britain 12, both the Germanies together 14, Syria 7+3) or the provinces without legions (e. g. Mauretania Caesariensis) 1 too 24.

(2) The 'anomalies' outlined in the preceding chapter, when taken together 25 and closely examined, lead to the inevitable conclusion that certain non-legionary emeriti nevertheless were not given the bronzes to which their stipendia apparently entitled them. A category of such people will have figured in the epikrisis documents as the χωρίς χαλκῶν veterans 26. Of the alternative identifications of these Egyptian sine aribo, two have been popular, though both seem untenable: with the causarii from the auxilia/classes (Mommsen, Degrassi, Nesselhauf et al.), or with the ex-legionaries (Seston, Carcopino et al.), men whose military status itself excluded the diploma

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24 Slightly different figures (in a different presentation) are found in Professor Kellner's report (infra p. 247). In the discussion at our Colloquium, Dr. Roxan cited statistics which leaves out the majority of diploma fragments; her picture therefore gives the three procuratorial provinces a smaller share in the whole production.

25 Methodically, it is not advisable to analyze their three types – temporal, geographical and that concerning the diverse classes of troops – as wholly separate phenomena. During our Passau discussions, such separate treatment of them produced proposals to attribute the prominence of cavalry diploma to the differences in age and material position favouring the equites as against the pedites (G. A. Ilfoi et al.), or to explain the disparities of the provincial distribution of diplomata as a result of differing needs and traditions of soldiers serving in various parts of the Empire (H. -J. Kellner et al.), or to interpret the vacillations of the graph illustrating the temporal distribution of the second-century diplomata for auxilia (auxilia/classis) exclusively in the context of the history of the iura (civitas, conubium, civitas libera

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195

The Problem of 'Special Grants'

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21 CIL XVI 45, 50, RMD I 9, CIL XVI 56, 83, 91, 179 f. (the same constitution); cf. n. 59.

22 Award 204-206, 220 n. 116. Of course, the temporal aspect of such disparities should not be overlooked either: Dacia Porolissensis had a comparatively short life in the period of the auxiliary diplomata (c. A. D. 120-120-120 A. D. 200) (Award 204); the Syrian diplomata tend to concentrate in the first century (5 out of 7), etc.

H. -J. Kellner, infra p. 245 (contra Roxan, Distribution 279). Professor Kellner's warning against the attempts at ascribing the "so auffallende Unterschiede" of the Punktstatistik to "einen unterschiedlichen Erforschungsstand" holds good on two points: the 'anomalies' concerning the distribution among the provinces, and the modalities of the distribution within particular provinces. (The abundance of diplomata for Raetia and, to a certain extent, for Mauretania Tingitana cannot be ascribed to "the effects of long-term excavation at specific sites" [Roxan, loc. cit.].) Cf. Award 220 n. 116.
grant 27. Neither of the identifications can explain, firstly, the occurrence of the ωρις καλχων vī vīvī (CIL XVI App. 5, lines 9–11, an unavoidable reading) 28, and, secondly, the usage of a strange periphrasis (veterani sine aebitus) instead of the technical term (caussarii or veterani legionarii). Additional obstacles to these propositions may be adduced, if necessary: officially, the causarii would not have been styled veterans at all 29, while the low position of the sine aebitus in the order of the epikrisis rubrics minimizes the probability of a reference to the (ex-)legionaries 30. Evidently, the ωρις καλχων of CIL XVI App. 4 f. were two subspecies of the veterani ex alis et cohortibus et classe (classibus) with whom the corresponding part of the epikrisis lists opens; App. 8 recommends the same conclusion 31. It is likely that the

sine aebitus (or at least some of them) remained peregrine, especially in the early period 32; it should be noted therefore that the (ex-)auxiliaries without the civitas Romana appear sporadically in the Claudian and post-Claudian inscriptions, despite their having 25 or more years of service 33. Their actual numbers must have been greater than those the name-formulae on their tombstones reveal: behind many epigraphical attestations of the tria nomina, or of the combination gentile + cognomen, peregrine soldiers/veterans may be surmised (A. Mócsy).

(3) If certain emeriti did not possess the aera, that circumstance would allow of two different explanations: either the recipients had to pay for the aera 34, and consequently many of those eligible were for a man who had no other feature in his description to be noted than a minor scar (lines 22–23)) and a normal veteran who "iain inter eos sunt, qui privilegia acceperunt sine diplomatibus" (an allusion to the imminent end of the production of the auxiliary aera). The latter alternative, obviously the right one (but cf. infra p. 556 ff.), brings us back to the problem of the criteria which produced some aere incisi among the auxiliae without the civitas Romanae, who were to become aere incisi, or sine aebitus, or temporary sine aebitus. Basically, the ob merita discrimination should be postulated (cf. above, nn. 25, 26 and 28).

27 Kraft, Zur Rekrutierung der Alen und Kohorten an Rhein und Donau, Bern 1951, 129 ff. (esp. 132 ff.), provides a convenient summary of the controversy. (Cf. S. Darius, Documenti per la storia dell'esercito romano in Egitto, Milano 1964, p. 18 ff.; 186, who treats them as "tutti quei veterani che all'epigrafe presentano un documento palettonato dal diploma" [a view close to that of M. Roxan, infra p. 267 f., but difficult to share for several reasons].) Kraft's own solution – the Egyptian sine aebitus did not receive the diplomata because, being already cives Romanī and the husbands of cives Romanae, they did not need either the civitas or the conubium (op. cit., 134 f.) – leaves the ωρις καλχων enigmatic again; it also suffers from the general weakness of overstressing the conubium element of the legal content of the diplomata (p. 137, contrast CIL XVI 160; RMD 117 and 27 f.; see also infra n. 31).

28 The label obviously designated the emeriti who were already candidates for diplomata but who had not obtained them as yet; CIL XVI App. 5 dates from the period of Type III diplomata, whose exclusion of the quaestor must have caused many of the eligible to receive their bronze with considerable delay ("an intentional policy of [temporal] discrimination" may also have been a factor there: A Ward 213 f. n. 48). Despite Wilcken and Lesquier, the sine aebitus of App. 4 should be dissociated from these; they obviously had no title to, or a promise of, diplomata militaria.

29 Thence CIL XVI 10 refers to the causarii, II to the veterans. Cf. Kraft, op. cit., 133 f.

30 That order is descendant (note the position of the [non-military] Romans, liberti and servi in CIL XVI App. 3–4) and consequently the ex-legionaries would have been entered before the auxiliae/sailors. The conubii and the civitas liberae could not have changed anything in that sequence: in CIL XVI App. 5, the causarii are listed after the alares and cohortales, though, at the time of the document, the latter did not obtain the civitas liberae and the former did. – Cf. also Kraft, op. cit. (cf. n. 27) 134.

31 Cf. Kraft, op. cit. (cf. n. 27) 134: "Das wesentliche Ergebnis ist zusammengefaßt, daß wir in den überwiegend ωρις καλχων normale, ehrenvoll entlassene [auxilia/classis]+Veteranen von uns haben, die keine Diplome erhielten." That the Valerius Clemens, veteranus coh. II traiereorum (missus honesta missione a. 177, ad epigraphis pervenit a. 185), of CIL XVI App. 8 belonged to their category is virtually certain (cf. H. Nesselhauf, CIL XVI p. 161 n. 1), but his case deserves a word of comment. Nesselhauf hesitated between a causarius (which would be a surprising qualification...
content with cheaper substitutes, or the bestowal of the bronze demanded extra qualifications in addition to the length of service explicitly cited or implied in the underlying leges, and those qualifications must have been exclusive enough. Several considerations tend to eliminate the former possibility; most obviously, the discrimination between the aere incisi and the sine aedibus determined the unit lists (as the organic constituents of the [auxiliary] constitutions), not only the modalities of the distribution of the constitutions' individual copies, and depended i.a. on formal criteria (distantly comparable to those forbidding the legionary diplomata), not on the soldiers' personal choice. The privileged status of the alares above the cohortales, and of both above the classiarii, is evident in the spheres of military pay, prestige and the Rangordnung; moreover, it is reflected in the sphere of the emeriti's civitas. A fact which is overlooked is that Caecina Tuscus' papyri make an implicit distinction, as to the possibility of the missicii alares and the missicii cohortales being entitled to the citizenship in decreasing percentages only. If the "legal right" of the missicii alares and the missicii cohortales was the same, one clause under a cumulative label (a term equivalent to 'auxilia'), or a double label (εικόνα καὶ ονόματος), would have been used. The fact that in no. 103, lines 19 f., "only three differentiated groups occur - the legionaries, the cohortales and the oarsmen" was explained by Westermann, loc. cit., 25 n. 2 (27), as follows: "The veterans of the alae and speirai are there grouped as cohortales, whereas the official record makes the complete distinction. Such an assimilation of the alares to the cohortales, however, seems highly unlikely (no. 103 still cites the "oarsmen", not the soldiers in general, an eloquent precision [cf. CIL XVI 1 and infra, n. 43]); the omission of the alares from no. 103 will be either put down to the scribe's inadvertence (no. 103 is certainly less official than no. 101) or the hypothesis that the two documents reflect the requests of two different groups of (ex-)soldiers must be revived. Professor H. Wolff prefers a translation "the daily life of a citizen" (Liddell-Scott-Jones, A Greek-English Lexicon, Oxford 1968, s. v. πολίτεια 1.2, with examples from Andocides, Demosthenes etc.) so that a meaning of the term politia, in the context of these Egyptian documents, is hardly to be expected, however (cf. supra p. 99 ff.)."

Contra, M. Roxan, Roman Military Diplomata and Topography, in: Studien zu den Militärgrenzen Rom's III, Vorträge des 13. Intern. Limeskongresses in Aalen 1983, Stuttgart 1986, 772 ff.: "Starting with the premise that each diploma represents a copy, received by an individual, of a constitutio published in Rome, it would not matter if his copy contained a complete or only a partial list of those units with fellow recipients within the same province. It would certainly be easier for scribes engraving these bronzes if the lists were short, though the number of diplomas to be engraved would remain the same. This may be the simple explanation for the putative early separate cavalry and cohort diplomas. In the same way the division of the list of Syria in AD 88 ... may represent another experimental division ... ." The explanation quoted implies more than one improbability (contrast the long lists of CIL XVI 69 or 82); the hypothesis of the "experimental division" of the original lists on the scribes' part certainly cannot explain the occurrence of CIL XVI 1 (whose formula specifies trierarchis et remigibus - omitting the centuriones et maritiae - instead of the shorter classici vel sim.) and the (pre-Trajanic) diplomata for the provincial Fleets alone as compared with the auxilia + classis diplomata of later times. It should be added that the early diplomata for the City troops (RMD I 1, A. D. 73; CIL XVI 21, A. D. 76) remain to the Speculatores, Praetoriani and the Urbanici; in other words, reveal no tendency to the "experimental division"."

For the problems of the 'non-cumulative' lists and of the comparative shortness of the lists on diplomata for the provinciae armatae (as contrasted by the comparative completeness of the lists on diplomata for the procuratorial provinces) see infra, chs. 3 and 4. That the form of those catalogues should depend on the potential recipients' wish or absence of wish to purchase a diploma would be an inconceivable proposition.

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same sense, though the influence of the expeditionary records should not be neglected either (cf. the next chapter); the two kinds of factors demanding such divisions — formal or historical on the one hand, those of an ob merita character on the other — were interrelated to a degree which leaves us with many obscure points. Did the contrast between the frontier provinciae inermes producing many and few or no diplomata also had something to do with the differences in their legal status (viz. the 'independent' procuratorial provinces were generally denied the diplomata, unlike those whose governors — regularly connected with the legates of the neighbouring provinciae arma-
tae [Raetia — Germania Superior, Dacia Porolissensis — Dacia Superior etc.] — possessed a type of imperium necessary for candidating their soldiers for the privilegia)44? That would not be impossible perhaps, but the influence of the histoire événementielle should be reckoned with in the first place here. The emperors would naturally favour the commands whose auxilia suffered more from fighting the barbarians and/or performing building works than their comrades elsewhere; the strategic importance of the given frontier must also have been a factor in that. The better treatment, as regards the distribution of our consti-
tutions, of the provinces like Raetia, Dacia Porolissensis and Maureta-
nia Tingitana must have consequently been a matter of general policy rather than of legal differences among the provincial exercitus and their commanders; the transitional cases between e. g. Raetia and Mauretania Caesariensis — i.e. procuratorial provinces registering (say) some 5–7 leges (Noricum)45 — tend to corroborate this conclusion. What we know on the strategic position and the military history of Mauretania Tingitana and (in a lesser degree) Dacia Porolissensis makes such a preferential policy quite comprehensible46. Before the Marcomannic Wars, Raetia had no spectacular crises; nevertheless, diverse indications47 reveal a delicate frontier and an active garrison, worthy of numerous diploma grants on the ob merita principle.

(4) Generally speaking, it follows as a natural inference that various peculiarities — statistical, formulaic and others — of our documentary genre, contradicting the traditional theory, cannot be understood if the whole problem is analyzed solely from the angle of status differences among the potential recipients of diplomata. Both the privileged position of (e. g.) Mauretania Tingitana over the Caesariensis and that of (e. g.) the alares over the cohortales resulted from the events of military history too; the status aspects spoken of here represent, as it were, a concrete expression of these events. Thus, the provinces whose relief and the nature of whose enemies favoured cavalry operations show, quite surprisingly, more aere incisi from the mounted regiments than from the infantry in the absolute totals (Syria:

47 A point raised by Professor W. Eck at the Passau Colloquium.
48 The diplomata issued for Raetia tend to be found along its limes, not in the interior of the province, and the western part of its limes at that, which, not defended by the Danube, must have been less secure than the eastern part of the same frontier. A great many of those bronzes date from the reigns of Antoninus Pius and Marcus Aurelius (CIL XVI 94; 101; 117; 183; 187; 125; 121; RMD I 58 [cf. II 95]; 39; 46; 51 [cf. II 104]; 61; 28; 32; 68; 38; RMD II 94; 112; 119; 126 — c. 20 out of a total which does not reach 30), an age of wars and defensive preparations on the part of the exercitus Raeticus (that the "Bauprogramm", under Pius, along the Raetian frontier reflects the "Unru-
hen" adumbrating the Marcomannic invasions is next to certain: H.-J. Kellner, in: Roman Frontier Studies Tel Aviv 1967, Tel Aviv 1971, 102 ff. and BVB 36, 1971, 210 ff.; cf. O. Ulbert — T. Fischer, Der Limes in Bayern, Stuttgart 1983, 24). The vulnerable transition between the Rhine and the Danube frontiers may have been in danger even before Pius; the finds of a Lower Moesian diploma of A. D. 112 at Dambach (RMD II 85 = H.-J. Kellner, Bayer. Vorgeschichtskl. 30, 1985, 239 ff) and of an Upper Pannonian diploma of A. D. 113 at Regensburg (RMD II 86 = K. H. Dietz, Beih. RCG 63, 1984, 159–268) would imply the presence of detachments sent for fighting and/or building purposes rather than a simple colonization of veterans (on a similar situation in contemporary Mauretania Tingitana, M. Euzennat, art. cit. [cf. n. 46], 375 f. with nn. 18 f.). Finally, Marcus gave Raetia (as well as Noricum and Dacia Superior [near Porolissensis]) a legion, a clear sign of the province’s (provinces’) military importance.
5 alares vs. 4 cohortales, Pannonia Inferior: 7 vs. 4; Mauretania Tingitana: 7 vs. 1). Contrast Dacia Porolissensis (3 vs. 5), whose alares, though, must have been legally as well as financially the equals of the cavalry of the three provinces just mentioned; however, their role in the local warfare must have been inferior. A logical extension of this observation would be to ascribe the separate diplomata for equites to the tradition of the independent operational employment of alae. Typical of the Republican and the early imperial practice, the independent employment of mounted troops was gradually abandoned owing to the interrelated processes of the increase in the cohortes equester and of the acceptance, on the Romans' part, of a defensive strategy. Analogous reasoning can explain the paradox of the provinciae armae obtaining fewer diplomata than Raetia, Dacia Porolissensis and Mauretania Tingitana. In the latter, the whole burden of action fell upon the auxilia only, while in the former it was shared— together with the resultant (unequal) rewards— by the legionaries, who, of course, were excluded from the diploma grants. Conversely, in (e.g.) Raetia, the normal absence of legions— which means, in the first place, of a high category of infantry— tended to produce cumulative (i.e. alares + cohortales) diplomata earlier than elsewhere; moreover, the unit lists of the three equestrian commands happen to be comparatively more complete (i.e. to cover almost all the regiments of the province) than the lists of the provinciae armae. This completeness is best interpreted, again, as a sign of the recipients' martial merits; in the armed provinces, a good part of such merits went to the milites legionarii, which not only tended to shorten the lists of the recipient units and individuals but also to postpone the appearance of the cumulative diplomata, as the (pedites) cohortales must have felt the legionaries' competition more strongly in this respect than the auxiliary cavalrymen did. Besides, the influence of the 'qualifying events' on the peculiarities of the geographical distribution of constitutions may be tentatively traced in some notable documents: note, in this connection, CIL XVI 56, the (so far) unique diploma for Mauretania Caesariensis, or the scarce aere produced for the provinces not lying on the frontiers of the Empire. On a wider scale, the numerical preponderance of diplomata for the Danubian armies (Noricum, Pannonia [Illyricum], the Pannoniae, Moesia [the Moesiae] and Dacia [the Dacie] have slightly more than 110 auxiliary diplomata, of the total of c. 220 auxiliary diplomata for the whole imperium Romanum published so far) points in the same direction; to quote a third-century slogan, the virtus exercitus Illyriciani was a crucial factor in Roman politics after Vespasian.

(5) What has been said, in the foregoing chapter, on certain details linking the 'qualifying events' to the structures of the unit catalogues on auxiliary diplomata prepares us for the conjecture that— as a general rule— all the men and regiments rewarded by a lex distinguished themselves in one and the same campaign; in other words, ther elaboration. Understandably enough, the relative shortness of the unit lists of military diplomata is revealed most clearly in the case of provinces with many auxilia, such as Syria, Moesia Inferior, Germania Inferior and Britain (at least in the case of the latter's pre-Hadrianic bronzes; on the exceptional CIL XVI 69 [XVI 70 and 82 are not very distant from XVI 69 in this respect] see Award 203 f. Chronological refinement may contribute much to a better understanding of the matter: with the inflation in the production of diplomata (supra ch. 1), the lists tend to become ever lengthier. On the notion: S. Dušanić, ZPE 47, 1982, 149 ff.

CIL XVI 56 indirectly supports our opinion that Mauretania Caesariensis ranged among the provinces suffering from a somewhat restrictive policy, as to the aere inciso, of the Emperor and his army administration. The ground of the grant seems to have been the recipients' participation in the Dacian Wars (Arh. Vest. 33, 1982, 538 f.), a merit much above the ordinary one. If local activities brought the diplomata to the auxiliaries of the Caesariensis, that must have been much a rarer case there than in the Tingitana.

Award 205 f. (such diplomata 'tend to belong to the regions and periods which actually saw a war or a quasi-war situation in otherwise peaceful parts of the Empire. Instead of being an exception, these documents provide something of a confirmation of the ob virtutem principle, . . .').
that they acted as a tactical unity in their 'qualifying event'. Such
opinions have already been expressed, not unconvincingly, a propos
of certain documents displaying very short lists of units, or lists whose
specific combinations of troops are likely to reflect specific operations
(legio et auxilia eius\textsuperscript{58}; the early diplomata of the provinciae armatae
issued for both the alae and the cohorts\textsuperscript{59}; the auxilia + clavis diplomata
after Trajan\textsuperscript{60}), or lists whose link with the war seems confirmed
by a testimony of independent sources. Various 'anomalies' ex-
amined in the first part of the present paper may be taken as providing
a general justification for such reasoning; however, the radical theory
with its corollary just referred to - a unit list usually reflects a 'qualify-
ing event' - has been received with much scepticism\textsuperscript{61}. We shall
review therefore three examples of auxiliary diplomata which, though
differing in many respects, seem nevertheless probative for our thesis;
their manifold implications will be treated next (ch. 6).

RMD II 79 comes first, a Type I diploma for three cohorts of Ger-
mania Superior, dated June 17, A. D. 65. The shortness of the list
suggests a crypto-special grant\textsuperscript{62}. A number of elements postulates "a
constitution rewarding the participants in Nero's Parthian War. . . .
The date of the constitution is close enough to A. D. 63, the end of
hostilities along the Euphrates. Tacitus informs us (Ann. XIII 35,4)
that a legion \textit{cum equitibus alarum et peditatum cohortium} was sent \textit{ex Ger-
mania} to the East in about A. D. 56/57, and from other sources we
know that the (Upper German) III Scythica was in question. Not
long before the transfer, a \textit{centurio leg. III Scythicae} was promoted to
the prefecture of coh. II Thracum \textit{in Germania} (ILS 9090), unit 2 of the
diploma, a circumstance to support the supposition that our three
cohorts formed a part of the \textit{auxilia} of III Scythica during the opera-

tions of A. D. 56/57-63\textsuperscript{63}. The choice of the (personal) witnesses is

\textsuperscript{58} CIL XVI 44 f.; 43; 48 and 51; see M. Roxan's article referred to supra n. 42.
Her reserves (text and nn. II ff.) as to the reality of the "link between legionary com-
mands and diplomata" do not seem necessary with regard to i. a. the 'legionary' day-
dates of some auxiliary bronzes (below n. 73).

\textsuperscript{59} CIL XVI 20, see my Notes on the Early Diplomata . . . (cf. n. 2) 730-735.
\textsuperscript{60} Award 216 f. n. 79. CIL XVI 3 offers a precedent, issued for the alae alone but
 citing, among the recipient's personal signatories, four men who belonged to the
navy and three who belonged to a mounted vexillation (S. Dušanić, ZPE 47, 1982, 161 ff.).
\textsuperscript{61} See M. Roxan's fine paper on "Roman Military Diplomats and Topography"
 (above n. 42) and the present volume, passim.
\textsuperscript{62} The term pertains "to the documents reflecting extraordinary situations but pre-
serving the more or less normal phrasing of the \textit{dispositiones} that form the body of the
\textit{lex}" (S. Dušanić, Notes on the Early Diplomata [cf. n. 2] 730).

\textsuperscript{63} S. Dušanić, ZPE 47, 1982, 155.
\textsuperscript{64} Ibid. 156.
\textsuperscript{65} Ibid. 156 n. 20; Germania 56, 1978, 465 n. 31.
\textsuperscript{66} See note 60 of my article in Epigraphica 46, 1984, 105.
\textsuperscript{67} Cf. Z. Visy, Acta Arch. Hung. 30, 1978, 40 and 42; W. Eck, Chiron 12, 1982,
303 n. 83; RMD II p. 127, note 3.
\textsuperscript{68} The precise find-spot being Debelac, a Roman fort lying to the south of Nicopo-
lis ad Istrum, not far from the Emporium Discoduratae (see IGBulg. II, 1968, p. 137;
B. Gerov, in: ANRW II 7/1, Berlin 1979, 222-225, with the map between pp. 216 f.).
\textsuperscript{69} Art. cit. supra (n. 67), 42; 47 and 57.
received _honestas missio_, are given certain rewards. In contrast there are a certain (small) number of diplomas where there is either a modification to (or an omission of) part of the standard formula and these may be defined as special issues. These diplomas were issued as a result of the contingencies of war, and clearly say so."108 In all the three relevant points (a) the mention of "special circumstances", (b) of either the term of service or the _ante emerita stipendia_, and (c) of _special_ iura, however, that contrast — clearly defined — is non-existent, as there are many transitional cases linking the 'normal' grants to the 'extraordinary' ones. As to (a), the 'optional' usage of the term _expeditio_ in the 'two-province' Diplomata has already been discussed (supra, 6a). It finds a parallel in the _allusions_, not explicit references, to "special circumstances prompting the grant", of _CIL XVI_ 12 ff. (sub _Lucilio Basso_107) and 60 ( _qui navigau[erunt] in qua[dri]ere Ope_), Diplomata whose crypto-special character left other signs in their texts too ( _CIL XVI_ 12 ff.: the missio agraria, 60: the mention of a single ship, the omission of the _ante emerita stipendia_ or the _XXVI plurave stipendia_). It is only a step from the Ops formula of _CIL XVI_ 60 to the 'normal' formula of auxiliary Diplomata naming the recipients' units; thus, we are tempted to imply that the latter too allude to the distinguished records of the _alae_ and cohorts concerned. As to (b), the _relativity_ of the bearing the 'term of service' formula has on the problem of division between the 'normal' and 'special' bronzes is best illustrated by constitutions which cite neither the recipients' _stipendia_ nor specify that the grants issued before due are concerned. So far, four such examples may be adduced, two naval ( _CIL XVI_ 1; 60), two auxiliary ( _CIL XVI_ 68 + _RMD_ I 17; _RMD_ I 27 f. [both legis pertain to the Palmyreni sagittarii only])108, and their formule otherwise range from the overly special (the Palmyrenes obtained the _civitas_ without the _conubium_ or the _civitas liberorum_ posteriorumque), via crypto-special ( _CIL XVI_ 60 mentions the one ship but has a 'normal' formula on the _iura_109), to the apparently ordinary ones ( _CIL XVI_ I). The comparative flexibility and dependence on the recipients' 'expeditionary' records (+ age) of the 'term of service' formula is further revealed by the transitional and special _CIL XVI_ 17; 72 and the Type II Diplomata in general. Finally, the (c) criterion also tends to connect the 'normal' and 'special' groups of Diplomata. The constitutions 'normal', crypto-special and special in their parts other than that referring to the _iura_, are united in being not reducible to the dilemma seen by the followers of the traditional theory. So 'normal' _leges_ may include 'special' clauses on the _iura_ ( _RMD_ I 53, _CIL XVI_ 132) and vice versa ( _CIL XVI_ 60, 99); the crypto-special _leges_ attest to both possibilities (cf. e.g. the 'two-province' Diplomata, granting 'normal' _iura_ only, and _CIL XVI_ 12-16, granting the missio agraria among other things). This interchangeability becomes all the more evident if (c) is studied together with the closely connected (b)110.

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107. M. Roxan, art. cit. (cf. n. 42), text to nn. 2–3. Cf. e.g. V. A. Maxfield, Epigr. Stud. 9, Bonn 1972, 244 with n. 10.

108. Above n. 90.

109. The circumstance that a 'national' _numerus_ is referred to in both constitutions cannot explain — it alone — all the peculiarities of the grants (on which see P. Le Roux, infra p. 357 f.). The _ob meritio_ principle may have determined the issue of _CIL XVI_ 68 + _RMD_ I 17 and _RMD_ I 27 f. too (Roman Frontier Studies 1979, ... BAR 71, Oxford 1980, 1061 f.).

109. Professor J. C. Mann's analysis of that document (Hermes 82, 1954, 504 with n. 2; cf. his table p. 503, reproduced by Roxan, Distribution 266) is not precise enough. He wrote: " _CIL XVI_ 60 seems... to have granted citizenship only, without discharge, — there is too little room on the diploma to allow us to restore a reference to discharge" (note 2). ... even if _CIL XVI_ 60 granted _conubium_, it cannot... be regarded as certain that its recipients had been discharged." But the document's certain reference to the _civitas liberorum_ (tab. I extr. line 11; see supra n. 94) implies the grant of _conubium_ too; the lex bestowed the customary _conubium_ upon the Ops' sailors and, in trying to define its character ('normal' or 'special' one), we must take into account also the omission of the 'term of service' (or the _ante emerita stipendia_ _iurum_) formula, as well as of an adverb of the type of those read in _CIL XVI_ 17 ( _fortiter industrioque_ or 160 _sic et fidelius_). It is characteristic of the difficulties of tracing a dividing line, both clear and reliable, between the 'normal' and 'special' Diplomata that the tables of J. C. Mann and M. Roxan, just cited, do not include _CIL XVI_ 12-16 though the tables have a rubric "Other privileges" (with _CIL XVI_ 17, close to _CIL XVI_ 12-16, entered) and the five Vespasianic _aetas_ contain an extraordinary deducti _formula_. — In the letter of January 31, 1986, Professor J. F. Gilliam was so kind as to send me a version of his paper (prepared in 1980-1981) on "CIL XVI, 60 and Related Diplomata". His text of the fragment's lines 6 f. _extre._ runs: _qui navigau[erunt] in centurial_qua[dri]ere Ope et _militant_in _classe_ etc. At the beginning of line 11, his inspection of the original shows that H. Nesselhauf's _liberti_ "seems to be at least uncertain"; thus, Professor Gilliam is inclined to restore there a _formula not referring to conubium and civitas liberorum_. Finally, Professor Gilliam observes, most convincingly, that Trajan's flag-ship on the Euphrates must have "carried an experienced crew, one that had served together on some other warship, conceivably the Ops" (thence the present tense of the verb _militare_ on the fragment). For the reasons both epigraphical and historical, I prefer to retain the text of _CIL XVI_ 60 as given above, n. 94. On one important point, the _militant_, it is identical to Professor Gilliam's text. The _navigau[erunt] /militant_ _formula_ finds a (remote) parallel in _XVI_ 160: _militant_ (the present tense) _expeditio_ _Duca[nes] (the past participle)._ 

110. On _CIL XVI_ 72 (as contrasted by e.g. _XVI_ 160) see above n. 94. The document's combination of the grant of _conubium_ (+ _civitas liberorum posteriorum_) with the _Type I_ _formula_ did not interfere with the sailors' _disciplina militaris_ (or conditions of
(b) At this juncture, the general objections concerning the 'term of service' formula are best examined: "If diplomas with the regular formula were granted ob virtutem to members of units after the cessation of hostilities, why was the 25 (or 26) year clause included? Either those who had shown bravery in battle had to wait until they had completed the appropriate term of service before getting a diploma, in which case the date of issue of a specific example has no relevance for any particular campaign, or only those who were in their last year(s) in the army and had been conspicuously valiant would qualify for the award after an expedition. In the latter case men who had served less than the statutory term would have a distinct lack of incentive to do well in battle!" A propos of this complex of problems, four remarks would seem pertinent. (a) By itself, there would be nothing improbable in the duality of criteria - length of service and personal valour - leading to the aere incisio. Octavian's letter for Seleucus the navarch illustrates the point rather well. Especially in the early period, the Emperors were notoriously reluctant to grant the honesta missio to their soldiers, and so they probably were with the related privileges too; e.g. CIL VIII 21038 = ILS 2568 (of a Claudian date?) was erected to C. Iulius Daphnus, charte Svororum, annorum L, who militavit annis XX, missionem (m) actu eipit pro meritis suis. A tradition similar to that which determined Daphnus' career may have determined the careers of the majority of the aere incisi: both many stipendia and special merits may have been required for the grant of the bronze. - (b) There is no doubt that some at least of the expeditionary corps comprised older soldiers, near to, or beyond, the limit of 25 (26,28) stipendia. Thus the recipients of CIL XVI 99 (A.D. 150; the alares of the two Pannoniae) are described quinis et vicenis pluribusve stipendis emeritis dimissis honesta missione per Porcius Vetusstum procuratorem cum essent in expiditione Mauretanicae Caesarisets. This clause is unparalleled on diplomata but its uniqueness must be put down to the rarity of the procedure of the honesta missio applied to the episode in question; whenever the missio was carried out in the province of the recipients' normal garrisons, not in the province of the expedition, a reference to the bellum virtus (or war records in any case) appeared superfluous. Consequently, we are led to take into account various other indications that the diplomata tend to be concentrated in the times immediately following the 'qualifying events'. - (γ) This tendency, if not imaginary, may be connected with the age structure of men participating in the expeditionary vexillations. From an Egyptian letter we learn that three intakes of members of a cohort had to be sent to fight in Mauretania. It is legitimate to assume a wider practice behind such a choice, one which stems from the experience that soldiers of the same generation cooperate with greater efficiency, the latter postulate would also imply that the three intakes of the Egyptian letter, or at least two of them, were consecutive. If the emeriti or near emeriti were concerned - as was the case with the beneficiaries of CIL XVI 99 - one diploma grant specifying vicini quinquem pluribusve stipendis would suffice to cover them all. The employment of emeriti or near emeriti for such purposes would not have been without advantages: the military value of an emeritus was considered

116 According to Professor M. Speidel's opinion, that practice must have been rare. Cf. also Roman Army Studies I, Amsterdam 1984, 277.

117 Award 199 f. 213 f. nn. 42 and 49.

118 For (at least) two probative examples from the pre-Flavian period, S. Duliani, ZPE 47, 1982, 155 and 163 f. From the later production, the frequency of naval diplomata reflecting the bellum Vitellii and of the auxiliary diplomata following (more or less closely) the wars of Domitian and Trajan is especially striking. See the tables published by M. Roxan (cited above n. 12). - It seems significant that, so far, we know of only one constitution for II Aduatix, that of A.D. 70, though (in view of the vicena stipenda et plurae clause) some of the legion's ex-classici may have become candidates to diplomata during the following years too.


120 Ibid. 226. Cf. Speidel, op. cit. 277.

121 Or perhaps two grants in the Type III period, when the plurae was frequently omitted.
able, in some respects at least (cf. the prestige of the triarii in the earlier Republican army), and the High Command may have wished to have formal grounds for accompanying their discharge with a diploma and other privileges a diploma carried with it. Both the factors were likely to contribute, when it came to the selection of candidates to diplomata, to a better rating of the older soldiers than their younger com-
mitiones belonging to the same expeditionary corps, a circumstance that may provide an explanation of the concentration spoken of above, (B). – (6) Despite all this, there must have been certain temporal dispersions of constitutions rewarding the auxiliares whose units took part in campaigns either complete or in their greater parts. Though such detachments were employed during the first century more frequently than during the second, the dispersion just mentioned tended to become – it may be presumed – increasingly fre-
quent with time, owing to the loosening of criteria regulating the aere incisio and the gradual reduction of the XXV plurave stipendia limit to the simple XXV stipendia. Indeed, there are reasons to believe that the soldiers whose length of service was below 25 stipendia but whose records were worthy of a diploma used to obtain a promise of the diploma122 – and, eventually, the bronze itself, when the prescribed term of service was reached. "We have, for the Antonine Pannonia Inferior and Moesia Superior at least, the diplomata of several consec-
secutive years, constantly citing the same and incomplete catalogue of provincial regiments; it has already been remarked that such a state of affairs suggests grants to the men of consecutive generations fighting for the same troops in the same battles. Statistically, it is highly unattractive to suppose that in all these years complementary pairs were issued, and only incident fractions preserved123. An analogous example from Britain implies that the dispersion of constitutions reflecting the same 'qualifying event' may be traced, in certain extraor-
dinary cases, through more than a decade124. Within such a duration, fresh 'qualifying events' were likely to take place; we are consequent-
ly compelled to suppose that some lists – especially in the second cen-
tury – are 'hybrid', i.e. that they depart from the general principle according to which one diploma list reflects one 'qualifying event'125. However, that principle must have remained generally valid, to judge from short lists, and/or those with special structures (e.g. RMD I 21f.; CIL XVI 99 and 108), in the post-Trajanic times.

(c) Among the other obstacles126, of an epigraphical or factual sort, which the radical theory is bound to encounter, there is one which pertains to the "almost universal naming" of unit commanders and provincial governors127 in auxiliary diplomata. In the opinion of that theory's critics, it "underlines the regular nature of the grant to members of units listed as stationed in provinces as part of a normal garrison"128. To my thinking, however, the occurrence of such names on diplomata, instead of proving the 'regularity' of the grant (or its taking place in the mother province of the auxilia listed), actually reflects something of the esprit de corps: the recipients' merita, though acquired far from their normal garrisons, were treated as a part of the general effort to which the restantes129 and the whole exercitus remaining in the parent command indirectly gave their contribu-
tion130. If our interpretation of (e.g.) RMD II 79 and CIL XVI 28 (the bronze's German section) and 106 is correct (supra, ch. 5), that

122 Award 214 n. 48; supra n. 28; Roman Frontier Studies 1979, ..., BAR 71, Oxford 1980, 1062 (text to n. 5).
123 Award 204 and 219 n. 109.
124 CIL XVI 69 (A. D. 122: alae 13, cohorts 37), 70 (A. D. 124: alae 6, cohorts 21) and 82 (A. D. 135: alae 7; cohorts 31). The exceptional length of these lists suggests the same 'qualifying event' (supra n. 54: Hadrian's visit to the island, and the works on his wall there).
conclusion follows almost automatically. The exceptions to the rules of the universal naming of the provincial governors and of the omitting the names of unit commanders whenever the recipient comes from a vexillation, not the complete regiment, point in the same direction: there is no cogent reason to qualify military diplomas, on the sub and cui praest (praefuit) clauses, as routine grants. (d) It may be and indeed has been assumed by some, that the characteristics of unit lists such as those dealt with on the foregoing pages need not imply that the structure of all the lists was determined by the recipients' extraordinary merits. The reason for special groupings of units on certain bronzes has been sought sometimes in a simple administrative convenience, not in the discriminative value of a diploma grant. The corollary of such a hypothesis is that there must have existed side by side special, crypto-special and quite normal issues (these last being allegedly the most numerous, by far), without any essential difference in their formulation. This would be hard to believe, however: "various aspects of the genre [of military diplomas] – notably the evolution of their formulae, statistical indications concerning the recipients' classes of troops, provinces and units within a provincial command, and the peculiarities of the grants of iura cited in the corresponding constitutions" – tend to assimilate the large crypto-special category to the openly 'special' diplomata rather than to the automatic certificates of the type of the tabellae honestae missionis and the like. Actually, the unit lists of auxiliary diplomata the indications, just enumerated, which suggest that the great majority of auxiliary diplomata should be qualified as 'crypto-special'; the same conclusion holds for naval aera, to judge i. a. by the significant distribution, in time and space, of the rare auxilia + classis constitutions. But the problem appears in a somewhat different light where the praetorian (+ UC) diplomata are concerned – their total in I–II cent. being only 6–7 –, they have been given little attention in the present article. The lists of these refer to all the cohorts of those troops. Does the completeness of lists on diplomata for the City soldiers signify the automatic character of the grants involved? In view of the scarcity, both absolute and relative, of praetorian aera in the pre-Severan epoch, such a state of affairs does not seem possible. What is more, the 'irregular' find-spots of RMD I, CIL XVI 21 and 81, and the date + special formula of CIL XVI 25, suggest special issues for men having served as stationarii or members of expeditionary corps (the Emperor's suite) outside of Rome. The numbers in question are small (4 vs. 7) but seem to justify an inference that the 'qualifying events' of the early Praetoriani and the Urbanici were, roughly, of the same type as those of the auxiliares and sailors. Perhaps the Praetoriani's (Urbanici's?) expeditionary detachments were formed, and/or stationarii selected, in a way that engaged all the cohorts of this (these two) class(es) of the City forces.

(8) A discussion of diploma formulae inevitably brings in the complex theme of the ius/iura (civitas/conubium/civitas liberorum posterorumque) accorded through such documents (cf. ch. 7a–b). Too many uncertainties reign on that subject – i. a. the Passau dialogues disclosed important dissents on such basic topics as the meaning of the conubium brought by diplomata, the bearing of the Constitutio Antoniniana or the legal relevance of the use of the Roman name formula, on diplomata (the recipients [+ their wives]) and elsewhere – to hope for solutions acceptable to all. Nevertheless, since certain

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131 The constitution underlying RMD I 21 f.
132 The rule, Roxan and Alfoldy (above n. 127). The exception, RMD II 97 (assuming that Paternius commanded a vexillation of coh. I Tungorum (mil); cf. notes 4 and 9 ad num.).
133 Including the present author in his earlier articles (Germania 52, 1974, 412; 56, 1978, 489 f).
134 S. Dušanić, Notes on the Early Diplomata ... (cf. n. 2) 734.
135 Supra chs. 3–6.
136 Award 216 n. 79.
137 CIL XVI 25 (A. D. 72?; for a member of coh. II pr.); RMD I 1 (A. D. 73; the recipient's situation – a speculator, praetorian or an Urbanicianus – unknown); XVI 21 (A. D. 76; coh. VI pr); 81 (A. D. 122; coh. (?) III pr.); 95 (A. D. 148; coh. II pr.); 98 (A. D. 150; coh. III pr.) and RMD II 124 (A. D. 180/184). The diplomata issued for the Urbanici are still rarer: CIL XVI 18 (? A. D. 73; coh. I or XIII urb.); 124 (? A. D. 166; a 'cumulative' [praet. + coh. urb.] constitution, the only extant copy of which names a member of coh. X urb.); 133 (A. D. 192; coh. XIII urb.) and 134 (A. D. 194; coh. X urb.).
138 Among the UC bronzes published so far, all the three for the units in Rome name the soldiers belonging to coh. X (CIL XVI 124; 134 and 137 [A. D. 216]), an interesting concentration for which there is no statistical reason (on the strength of the cohorts urbanae: H. Freis, Die Cohortes Urbanae, Kölner-Graz 1967, 38 ff; 69 et passim).
139 Above n. 5.
140 S. Dušanić, Notes on the Early Diplomata ... (cf. n. 2) 733.
141 Saxer's "Ausleseprinzip" no. 1 (op. cit. [cf. n. 81], 118 [of legionary vexillations]).
aspects of the whole problem are closely connected with the radical
theory, it calls for succinct comments here.

(a) To state my position briefly, I still think that the civitas/conu-
bium/civitas liberorum posteriorumque were, practically speaking,
unnecessary to many of the aere incisi; consequently, "the attraction
diplomata was not reduced to the attraction of iura" explicitly
referred to in the corresponding leges. This conclusion follows,
firstly, from the indications that there were many Roman citizens –
their numbers increasing with time – among the recipients of auxilia/classis
diplomata. The alteration of the formula of the auxiliary
bronzes c. A.D. 140 – the introduction of the clause (civitatem Roma-
nam) qui eorum non haberent (dedit) – supports the indications obtained
from the Roman name formula of a whole series of diploma benefi-
ciaries, naval as well as auxiliary; while not constituting an absolute
proof of the men's citizen status, that name type – when met with on
the highly official documents of the diploma's type – seems to have
had more weight than A. Mócsy has conceded in his stimulating
report. Another sign of the presence of civis Romani among the
(future) aere incisi of the auxilia/classis category may be traced in
the rubric of epikrisis papyrus registering the oi χωρίς χαλάκων qivūy
the phrasing of the clause which notes their civitas suggests – let it be
remarked – that the civitas was recently acquired, obviously during (or
at the end of) their military service. And, of course, notwithstanding
all the unknowns surrounding the Constituto Antoniniana, we may
suppose that after 212 Roman citizens became the great majority,
or quasi-totality, of the recipients of Fleet (+ Equites Singulares)
diplomata. At least no one of the post-212 recipients of that order
appears with a peregrine name-formula.

Second, the theory of K. Kraft et al. – the conubium and/or the
children's civitas constituted the raison d'être, legal in character, of
later diplomata for which the privilege of the beneficiaries' own
citizenship tended to lose (and lost, after A. D. 212?) all relevance –
has several weak points. No doubt, some late recipients continued to
use one or both of these iura but from sources other than diplomata
we learn that the veterans – auxiliary veterans in the first place – usually
had no family or intention of founding one; "if ready to accept
the matrimonial life at all", they preferred women of citizen status. Neither
various statistical tests concerning the bronzes which register the
names of uxores and/or filii appended to the names of recipients,
or the Antonine changes of the diploma formulae referring to the
conubium and the civitas liberorum posteriorumque, suffice to
attribute these two iura the importance envisaged by Kraft and schol-
ars of his opinion. Even here, the effects of the Constitutio Antoni-
niana – traditionally estimated – would present difficulties: for in-
stance, what was the use of the Praetorians' conubium with the pere-
grini iuris feminae after A.D. 212, especially in those cases wherein the
guardsmen chose to settle in Italy (CIL XVI 151, 153, 155 f.; RMD 178,
etc.)? To assume that the peregrini iuris feminae included here Lati-
nae (liberti) too, would imply a flexibility of a documentary

text for which there is no Roman parallel. Finally, Kraft's view suf-
fers from a certain formalism – or, to be exact, from a lack of interest
in the historical dimension of the diploma genre with its manifold
variations – in interpreting the wording of diplomata. He insists upon
the ius conubii - "das Entscheidende aller Diplome" (p. 117) – but
overlooks the fact that it was the civitas which was central to the gen-

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142 Award 207 and 228 n. 170.
143 Ibid. 207 f.; 227 ff. (nn. 165; 169 and 174). The appendices which refer to wives
and/or children who already possessed civitas before the recipient's honesta
missio were interpreted there as having no legal consequence. That must be true in the sense
of the ius (iura) explicitly cited in the corresponding constitution, but some additional
advantages of an administrative nature should be postulated for such ux/or/fili notes.
144 Those changes reflect, primarily, the High Command's varying attitudes to the
problem of the disciplina castrensis as opposed by the soldiers' consuetudo to live
with their concubines (Award 208; 228 f. n. 179; on the "sharp decline in the numbers
of diplomata after c. A.D. 163/167" see supra n. 25). On the Type I diplomata for the
classic iuris (CIL XVI 72; probably also XVI 60 [supra nn. 94 and 109]) see
above n. 110.
145 Against Mrs. M. A. A. Arnaud-Lindet's combination with the post-212 pere-
grines (REL 55, 1977, 309) see Award 226 n. 162. However, the possibility of the pere-
grine wives is more difficult to exclude in the case of the post-212 Equites Singulares
(M. Speidel).
146 Against M. A. A. Arnaud-Lindet's combination with the post-212 pere-
grinae (REL 55, 1977, 309) see Award 226 n. 162. However, the possibility of the pere-
grine wives is more difficult to exclude in the case of the post-212 Equites Singulares
(M. Speidel).
147 Ibid. 112 ff. and Histona 10, 1961, 120 ff. (Degrassi; M. Roxan [Distribution
278 f., and infra p. 268 ff.] etc.). Cf. Award 227 n. 166.
148 The Capitol as the place where the (early) praetorian constitutions were exhib-
ited indirectly shows that these documents regulated, essentially, the Romans' rela-
tions with the peregrini (peregrinae), Kraft, op. cit. (cf. n. 27) 117 n. 1.
esis of auxiliary aera (after all, the most numerous pre-Severan category), as shown by Pompeius Strabo's first decree (ILLRP 515) and the comparatively late auxiliary issues granting citizenship only. While admitting that post-212 diplomata for sailors, Equites Singulares and Praetorians had no practical value ("sondern als alter Brauch ohne Beziehungen zum ursprünglichen Sinn weiterzuliegen", p. 128), he nevertheless neglects the influence of the vis inertiae in an earlier detail of diploma formulation which, from the strictly legal point of view, should have been brought into line with the changed situation, viz. the non-occurrence of the qui eorum non haberen156 on the (post-140) naval diplomata153. Though these documents must have been distributed to people who, for the most part, already possessed the civitas, the modifier was never introduced there; the contrast with the auxiliary diplomata becomes all the more marked when we remember that an equivalent of the qui eorum non haberen figures as early as A. D. 93 (CIL XVI 38) on a diploma for (i.e.) coh. VIII voluntariorum civium Romanorum. The difference as to that detail obviously derives from the low rating of the classici in general and the tradition that the Fleet recruits were in their status as far from the cives Romani as possible155 (which, in its turn, recommends again the idea of some special merits behind the naval grants at least).

If Kraft and the scholars of his persuasion were willing to analyze the wording of diplomata paying due attention to its historical roots (which would also presuppose the acknowledgement of a certain 'legal archaism' therein), their interpretation of the cases (to which the bulk of post-212 diplomata belong) whose reference to the civitas/conubium/civitas liberorum/posterorum had very little chance of being applied in practice, would have been more convincing in several respects. This especially holds for diplomata termed 'legally irrele-

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152 CIL XVI 160 (A. D. 106/110); CIL XVI 68 + RMD 117 (A. D. 120); RMD 127 f. (A. D. 126); XVI App. 4 (A. D. 140), lines 5 f. (cf. Award 226 n. 161).

153 Award 208; 229 n. 180.

154 Ibid. 227 n. 165 (contra Arnau_Linde t, art. cit. [cf. n. 149], 303 n. 1).

155 The survival of an analogous tradition seems to provide an explanation for the specific 'organicum indicium' on the (late) diplomata for the sailors with the tria nomina (H. Nesselhauf, CIL XVI p. 193 f.; cf. M. Spieidel, infra p. 467 n. 3; 481 n. 44).

156 For instance, in their conjectures concerning the origin of the praetorian diplomata, if these were introduced by Vespasian as a reward for the provincials (mainly ex-associaries) promoted into the praetorium (thus Kraft, op. cit. [cf. n. 27] 123; Arnau_Linde t, art. cit. [cf. n. 149] 308; Roxan, Distribution 269 f.), we should have expected a formula, analogous to the formula of auxiliary diplomata, granting the recipients the already born children of the recipients (cf. Kraft 123); there is no good reason to assume a better treatment of the Vespasian auxiliaries and sailors than the Vespasian guardsmen in that respect. In our opinion, the enigmatic conubium of the praetorian diplomata reflects their early colonization of the veterans of the City troops outside of Italy (cf. Pliny, NH 5, 20; Gunugu in Mauretania). Cf. supra n. 115 and infra n. 167.

157 Award 207 f.; 227 n. 163.

158 The three Ilerda horsemen listed with the tria nomina in Pompeius Strabo's first decree (ILLRP 515 = ILS 8888) may be taken as a precedent, if they are qualified as cives Romani (for which there is at least one good reason), not as Latins (the solution pleaded for by H. Gaster, Untersuchungen zum römischen Städtewesen auf der libyschen Halbinsel, Berlin 1971, 11, and others). Cf. Award 208: "L. Arrius Macer of CIL V 889 ... died childless and a bachelor; despite his family conditions and his having citizenship before discharge, Arrius was given a funerary inscription which ostensibly states in aere inciso ab divo Vespasiano". S. Daris, Dc. Es. Rom. Eg. (cf. n. 27) 95 A, evidences a case similar to that of Arrius (note that the son of the diploma's recipient was not mentioned on the deltion itself).

159 Above n. 152. Note that their citizenship was obtained in all probability (cf. supra n. 144, for the formula) - in the same way and at the same time as the citizenship of the sine aequibus (cf. CIL XVI App. 5, lines 10 f., and lines 5 f.). Such epikrisis entries disprove the idea of treating CIL XVI 160 as a simple carte d'identité.


161 Above nn. 32 f.; 38 f.; 147 f. Conversely, some of the (theoretical) candidates to such a marriage remained sine aequibus (supra n. 31).
of affairs is that the diploma must have meant something more than an instrumentum testifying to the civitas/conubium/civitas liberorum posteriorumque. In a previous study, I emphasized the moral value of the receipt of a diploma; that value should not be denied, but the idea of treating the diploma as an equivalent of a military decoration should be modified. Speaking of the 'additional advantages' of the aere incisi, we should now like to lay stress upon matters more tangible than a moral award, a shift of emphasis for which the sine aeribus entries in the epigraphic papyri give some justification, though all the administrative aspects of those entries cannot be ascertained as yet.

Of the 'additional advantages' which, according to the hypothesis just propounded, the aere incisi were given as a corollary to their bronzes, one seems especially obvious though neglected by previous research: the missio agraria. If the deductio to Paestum and Pannonia is expressly provided for by the fleet diploma of A. D. 71, the preserved part of the praetorian aediles CIL XVI 25 refers to the recipients' aegra because of their immunitates only, a circumstance suggesting that the explicit mention of the missio agraria was not held to be obligatory in all the constitutions whose issues resulted in the coloniza-
tion of the beneficiaries. Despite the silence of their diplomas on this point, the fact of the land allotments to certain of the praetorian, naval and auxiliary aere incisi emerges in various ways, and the cumulation of probative signs (among which a type of the 'irregular' find-spot of the diplomata involved seems the most important) makes a number of instances sufficiently clear (e. g. CIL XVI 18: I or XIII coh. urb.; XVI 74 and 102: class. pract.).

Now, the missio agraria of the Praetorians and the Urbanici, though not a routine measure, is sporadically documented and had nothing incompatible with the status of the citizen veterans. The case of the missi bonae missione from the auxilia and classes, the non-citizen troops, must have been different. They were usually excluded from the funds of the aerarium militare, at least in the early period, and the missio agraria, like the praemia militiae, were denied them. The land allotments of auxiliaries and sailors were thus an exceptional privilege. However, it is indubitably attested (CIL XVI 12–16, not to speak of less certain instances) and it, or its equivalents (the donativa, missio nummaria etc.), were not rare among the aere incisi if the use of the aerarium militare as a locus of some early constitutions is interpreted symbolically. The antimony between these privileges of the diploma bears from the non-citizen troops and the exclusive status of the aerarium militare leads us to two complementary conclusions: the aere incisis with its 'additional advantages', expensive as it was, could not appertain to all the emeriti/dimissi bonae missione from the 'peregine' units; the issue of diplomata deducticia after the bellum Vitellii. Line 1 int. seems to refer to the recipient's 'addi-
tional advantages' in a way similar to that of CIL XVI 25. The fragment will be discussed elsewhere in some detail.

I shall deal with the problem of "The Missio Agraria and the Find-Spots of Military Diplomata" in a separate article.

The witnesses to the Early "Diplomata" in a separate article.

Ibid. 230 n. 188: the differences as to the immunitates may have determined also the entries concerning the aere incisi and the sine aeribus in the epigraph lists. The witnesses to the Early "Diplomata Militaria", in: Sodalitas, Scritti in onore di A. Guarino, Napoli 1984, 280 f. n. 55.

Cf. Award 230 n. 188. The missio agraria probably explains the (pre-Flavian?) origin of the ius conubii of the praetorian diplomata (supra, n. 156); also, it seems to have been the reason d'être (formally at least) of the majority of the praetorian aediles published so far. Cf. the recently edited fragment from Baetica, J. González, Fervente 5,2, 1983, 91–95, with fig. 1 = AE 1983, 523 (on some points, the restoration and interpretation of the document may be improved upon). Early Vespasianic (?) it was issued for a praetorian (loc. VIII) with an Italian origo (Lucus Pereo/mutae); the find-spot belongs to an area where there were several municipia Flavia and which was likely to receive the veterans and the cumulation of probative signs (among which a type of the 'irregular' find-spot of the diplomata involved seems the most important) makes a number of instances sufficiently clear (e. g. CIL XVI 18: I or XIII coh. urb.; XVI 74 and 102: class. pract.).

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legally or factually irrelevant was probably demanded by a tradition (or a norm) according to which the aere incisi was a conditio sine quanon for the 'additional advantages' (monies, lands, immunitates, dona militaria etc.). If the recipient of the bronze did not need the ius/iura granted by the corresponding constitution, he nevertheless needed other things traditionally distributed together with the bronzes. On the analogy of the two decrees of Pompeius Strabo (ILLRP 515), we should postulate a pair of documents for all the beneficiaries of the leges such as in CIL XVI: for practical reasons, only the iura (ius) are cited on the bronze diptycha, while the complementary decrees regulating other privileges must have been strictly personal (there was probably a free choice, in the majority of cases, between the missio agraria and the missio nummaria, and a discrimination between the alares and cohortales, etc.) and cheaper in form and material. The dependence of the latter instrumenta on the former would help us understand the distribution of diplomata to the rather numerous men who did not want civitas, conubium and/or civitas liberaorum posterorumque; three such recipients seem to appear as early as ILLRP 515. It may be supposed that the aere incisi from the auxiliae (and the fleets) were even eligible for dona militaria (again in Strabo's second decretum), normally denied to the soldiers of 'peregrine' units, at least in the post-Flavian period. It goes without saying that various sine aeribus veterans, including the recipients of the iura through certificates such as the tabellae lignae, would have no title to these 'additional advantages', which rewarded special merits only.

(9) The observations presented on the foregoing pages contain much that is hypothetical; inter alia, the almost unanimous opposition to the radical theory at the Passau Colloquium reflects their vulnerability. But one thing appears clear (in the author's opinion at least): the statistical 'anomalies' dealt with in ch. 1 show that certain emeriti from the auxilia, classes etc. remained sine aeribus, a circumstance which cannot be ascribed to the candidates' personal choice (chs. 3-4, note the argument from the differences in unit lists). That crucial fact poses the question of the criteria which regulated the High Command's discriminative policy as to the aere incisi. Only two alternative possibilities can be envisaged there: either the (more or less) objective needs of soldiers (and provinces) were decisive, or there was an ob merita selection, intended to promote the efficiency of various parts of the exercitus Romanus. Many indications discussed in chs. 3-8 and 10 favour the latter possibility, which also looks more conformable to the spirit of the Roman State and its army. It has the advantage of being more probable from the historical point of view too – to accord with the prehistory and the whole evolution of the documentary genre. Three problems will be pointed out, briefly, in that connection.

First, the post-212 exclusion of the provincial emeriti from the circle of candidates to diplomata had nothing to do with 'the objective needs' for civitas/conubium/civitas liberaorum posterorumque. If these iura possessed any practical value at that time, their applicability was certainly greater in the provinces than in Italy – they must have been more useful to the auxiliaries and provincial sailors than to the City troops and the men from the classes praetoriae. The criterion of the post-212 general selection, therefore, was that of (status and historical) merit, analogous to the criterion favouring (e.g.)
the alares over the cohortales in the aere incisio of I–II centuries\(^{183}\). "The [post-212] recipients belonged to troops whose position vis-à-vis the Emperor, Capital and the mater provinciarum was regarded a privilege in itself"\(^{184}\); a circumstance perpetuating the tradition that a diploma militare represented an exceptional award.

Second, emphasis should be laid upon diverse signs of continuity existing between the 'standard' diplomata and the viritane grants of civitas and related privileges known from the epochs of the Republic and the early Empire\(^{185}\). Their being published in Capitolio in tabula aenea underlined the distinctive character of the grants\(^{186}\) and indirectly proves the \textit{ob merita} nature of 'standard diplomata' too, published in the same way and in the same places (and with propaganda messages contained in the choice of the loci constitutionum fixarum and dies constitutionum datarum\(^{187}\)). When the soldiers were concerned, it was bravery in battle which mattered: it is difficult to assume for CIL XVI 1–2 (the original of which was affixed to the walls of the aedes Fidei) a different nature (in the sense of the beneficiares' qualifications) from that of CIL XVI App. 9 (Pompeius Strabo's decrees) and 11 (the grant to Seleucus the navarch), documents whose originals probably decorated the temple of Faith and dies constitutionum too\(^{188}\), and whose \textit{ob merita} character cannot be doubted. Even the Constitutio Antoniniana refers to a victory of Caracalla: the traditional link of the \textit{bellica virtus} and the \textit{civitatis donatio} was still alive in the third century\(^{189}\).

Third, there is some independent, if circumstantial, evidence suggesting that the Claudian reform meant "a standardisation of the earlier practice rather than an innovation revolutionary in its indiscriminative application" (above, text to n. 16). CIL VIII 21038 (summarized supra, text to n. 114) reveals that, under Claudius probably, an auxiliary with 30 years of service \textit{(bonestam) missionem accepti pro meritis suis}.

It is natural to conclude that analogous or greater merita were demanded for a diploma granting the \textit{triba iura} with, it is permissible to assume, certain 'additional advantages'. The same inference follows from the Emperor's famous words recorded by Tacitus (Ann. II. 24): \textit{specie ducatarum per orbem terrae legionum additis provincialium validissimis} (note the superlative) \textit{fessi imperio subventum est}\(^{190}\). Their meaning is elucidated by the case of Volubilis, whose inhabitants received in A. D. 44–45 \textit{civitatem Romanorum et conubium cum peregrinis mulieribus, immunitatem annorum. X etc.,} obviously because of the bravery of its soldiers\(^{191}\), led by one M. Valerius Severus, \textit{praef. auxiliar. adversus Aedemonem oppressum bello}\(^{192}\). The grant to Volubilis, close to military diplomata on all the essential points (civitas, conubium, 'additional advantages', qualifying event), and the quotation in Tacitus, give us a clear idea of Claudius' principles of policy in the interrelated matters of the urbanization and treatment of the best men among the peregrine emeriti: these principles maintained the \textit{ob virtutem} criterion, displaying no tendency to radical innovation.

The promotion of Volubilis is instructive from the chronological point of view too. It shows that the elements on which the issue of 'standard' diplomata was based had been constituted, in main, already before Claudius' censorship of A. D. 47–48. Thus it contradicts, in a way, the conjecture that A. D. 47–48 should be regarded as a terminus a quo for the Claudian diplomata, a conjecture popular among partisans of the traditional theory as a corollary to their 'systematic' interpretation of the documentary genre\(^{193}\). We prefer to insist in this connection upon our hypothesis that the standardisation of diplomata was due to Claudius' conquest of Britain and his propaganda ambitions\(^{194}\), not to his censura of A. D. 47–48 and a self-explanatory policy of Romanization. CIL XVI 1 and 2 have already been interpret-

\(^{183}\) Supra chs. 1 and 3 f. Cf. what H. Nesselhauf wrote (Historia 8, 1959, 442) on the gradus dignitatis of decuriones and centuriones, in a commentary of RMD 153 and CIL XVI 132 (I am inclined to follow his restoration of the \textit{praeterea praestitit libris formula there}).

\(^{184}\) Award 219 n. 99.

\(^{185}\) Cf. supra text and nn. 14 f.; ch. 7 b (z, y); n. 156; and text to nn. 174 ff., for some traditional features of military diplomata as seen from the standpoint of the radical theory.

\(^{186}\) Th. Mommsen, CIL III p. 2007 ("\textit{donationis honor augetur publica nominis [veterani] expositione}"); cf. Award 197; 208; 209 n. 6 and 228 n. 177.

\(^{187}\) Infra n. 203.

\(^{188}\) In any case, they must have stood on the Capitol, Nesselhauf, CIL XVI p. 147.

\(^{189}\) Award 203; 219 n. 101.

\(^{190}\) A. D. 48. – Cf. Award 210 n. 189.

\(^{191}\) Cf. the clause on the \textit{bona civium bello interfectorum} (Inscr. Ant. Maroc 2, 448, lines 14–16).

\(^{192}\) Inscr. Ant. Maroc 2, 448 (cf. 369 [giving the date] and 370a), with comm.

\(^{193}\) Cf. Award 215 f. n. 69.

\(^{194}\) S. Dušanić, ZPE 47, 1982, 166 ff.; Award 201; 202; 215 f. nn. 66 f.; 69; 75.
ed to that effect; an additional argument concerning XVI 2 seems to support our previous deductions. The dies constitutionis of that diploma, datable "ante A. D. 54"196, is February 13th. Though our evidence on Britannicus' natalis is such that three days (Feb. 11-13) have been alternatively proposed for it,197, the dies of XVI 2 - when compared with the dies of XVI 25 (coinciding with the birthday of Titus, only Caesar at the moment of the document's issue) - favours the placing of Britannicus' natalis to February 13th itself. Now, if the equation dies constitutionis of XVI 2 = Britannicus' birthday proves correct (the danger of a circular argument suggests caution), it seems rather likely that the choice was intentional and that the diploma was issued prior to c. A. D. 50 (perhaps as early as prior to the censorship year of A. D. 47-48)198, when Britannicus' natalis must have lost its prestige199. The parallel of CIL XVI 25200 would indicate a symbolical day-date, and the 40's as our diploma's chronological context would support the combination with the British victories, to which the (new) name of the prince unmistakably points201. There are 'epigraphical' reasons for believing that CIL XVI 2 opens the series of 'standard' diplomata202: that circumstance would make the choice of its day-date all the more significant.

196 Ibid. 168 with nn. 79 ff.
198 Note the early date of the grant to the Volubiliani. - For CIL XVI 2, in that case, A. D. 44 and 46-47 would be the likeliest possibilities (cf. Award 216 n. 75).
199 Cf. Tac., Ann. 12, 26, 2.
201 Cf. e.g. Mattingly's comment (BMC I p. CLIX) on the sesterzius with Britannicus' name on the obverse and Mars on the reverse (ib. 196 n. 226); also, the juxtaposition of two dedications from Hispania Citerioris (cf. n. 2) 730.
202 The Problem of 'Special Grants' 233

(10) Lastly, the four sidelights on diplomata as ob merita grants. Coming from the loci constitutionum fixarum and the dies constitutionum datarum, from the lists of early signatories and the implicit testimonies of 'irregular' find-spots, all of them have already been dealt with in my previous articles203. Though some additions to (especially in the case of the 'irregular' provenances of diplomata), or modifications of, the views published there would be welcome on all four points, I shall confine myself to the novelties concerning (a) early witnesses and (b) the dies constitutionum datarum.

(a) It has been claimed that the signatories of military diplomata down to c. A. D. 75 - the so-called personal signatories - were people who knew something about the recipients, if only from the latter's papers. In other words, their task was not to control the quality of the texts of diptycha involved (recognitio) but to be real witnesses (signatio - testificatio) - their testimony may have been in written form - on matters such as the recipient's identity, origo, family situation, length and circumstances of service, including his 'qualifying event'. Their own origins and occupations, when traceable, provide an interesting insight into the modalities of the candidature to diplomata and, not infrequently (CIL XVI 3, 16 and 20; RMD II 79 etc.), those modalities reflect the recipient's participation in an expeditio bellii204. Here, a number of details in my previous analyses may be reinforced; they concern the civilian status of the equites Romani and decuriones figuring as testes on CIL XVI 10 (t. 1-2), 14 (t. 1-4), 15 (t. 1) and 19 (t. 4)205, the problem of written testimonies on the recipient's identity and the like206, the postulate that the function of the diploma signatores had nothing to do with the clause descriptum et recognitum ex tabula aenea ...207 (i.e. that their function was signatio - testificatio208 rather

203 Notes on the Early Diplomata ... (cf. n. 2) 730 ff.; Loci ... (cf. n. 36) 91-115; Witness ... (cf. n. 165) 271-286.
204 Witnesses ... (cf. n. 365), cf. ZPE 47, 1982, 155-157 and 161-163; Notes ... (cf. n. 2), 733; Loci ... (cf. n. 36), 103 ff.
205 Cf. for an analogous sequence, ILS 6175, Ostia (senatores, equites Romani, quinquennales, plebs). After all, the decuriones of CIL XVI 14 have been entered as the decuriones (colonii) in the Index (p. 253): Iader of CIL III.
206 See CIL XVI App. 8, lines 20 ff.
207 The signatories, but not the clause, figure on RMD I App.; the clause, but not the signatories, on (e. g.) ILS 5918a (CIL XVI p. 198).
208 Cf. the use of the verb signare on CIL XVI App. 12 (int., line 12) and Daris, De Ex. Rom. Ep. (cf. n. 27) 89, line 6.
than recognitio\textsuperscript{209}, and, finally, the principle itself that the signatories were regarded as real witnesses to the beneficiaries of diplomata. This last point finds indirect support in the lists of signatores of other imperial documents who may be demonstrated to have possessed some special knowledge on the affairs dealt with by the corresponding texts; the cases of the Tabula Banasitana (signed by experts on African and juridical problems\textsuperscript{210}) and of Commodus' letter to the Athenians (signed by i. a. the ab epistulis Graecis and the a rationibus\textsuperscript{211}) are sufficiently instructive. But a more important confirmation of the same principle will be obtained when we examine those diplomata in the period of recurring witnesses which were signed by men who figure only once in the testis' capacity: the conclusion which follows is that the departures from standard witness lists reflect extraordinary cases, demanding special information on the witnesses' part. Of many interesting examples\textsuperscript{212}, three will suffice here. The fourth signator of two diplomata for the Palmyreni Sagittarii (CIL XVI 68; RMD I 17, with n. 7; A. D. 120; Dacia Superior), a certain Q. Fabius Bithus, does not appear elsewhere in Mrs. Roxan's 'Witness Indices' (RMD I p. 104–109). His cognomen betrays a Thracian, a unique occurrence within the scope of the auxiliary diplomata in the period of recurring witnesses: this is all the more remarkable as the Trajano-Hadrianic government testes tended to be people of some substance and social standing.\textsuperscript{213} All in all, it is very probable that this Bithus served as a clerk in an officium of Dacia or Moesia Inferior – his praenomen and gentile may show him to have been a client of the Lower Moesian governor Q. Fabius Postuminus (c. A. D. 102/103) – whose written testimony on the Palmyreni Sagittarii's special record and grant entitled him to the signature on these two bronzes. The

second example belongs to a somewhat different category. The two Lower Pannonian bronzes CIL XVI 179 f. (aux. + class.; A. D. 148, Oct. 9), reproducing the same constitution, show one non-recurring testis (no. 4: M. Ulpius Blastus), who, however, does not occur on the Upper Pannonian bronze issued on the same day (XVI 96, with the 'standard' testes only). If the task of the signatories had been limited to the apographum ad exemplare recognoscere, we should have expected to find identical lists of testes on all the diplomata/constitutions produced on 9th October 148. Not only does Blastus contradict that assumption, but his praenomen and gentile imply again a man outside of the circle of government witnesses\textsuperscript{214}. Perhaps, he was a clerk of the Classis Flavia Pannonica, which did engage some Greeks/Orientals, and whose share in the constitution of CIL XVI 179 f. (XVI 96 covers the auxiliaries alone), a remarkable fact, may have been the reason for the diploma department in Rome to cite Blastus as a witness. Lastly, all the witnesses to the new diploma from Drobeta are hapax eiremenoi\textsuperscript{215}, a quite surprising circumstance which tends to recommend, in the author's opinion, the first of the alternative explanations of the document's prehistory proposed by the editores primi\textsuperscript{216}. If (in accordance with that explanation) the constitution's beneficiaries were discharged some years before the issue of the lex itself (dated A. D. 179, April 1) – the delay of the lex may alone account for such a singular choice of signatories, but the possibility of 'personal' witnesses should be admitted too\textsuperscript{217}, at least for some of the seven men, as an earlier diploma (CIL XVI 78, aux. Moes. Inf.; A. D. 134), also issued for a Slobian (the recipient of the Drobeta dip-tychon, Ulpius Ulpi f. Herculanus, had the origo Stobis), lists three 'unique' signatories (t. 5–7); namely, Stobi was a municipium iuris

\textsuperscript{209} From the Tabula Banasitana (Inscr. Ant. Maroc 2, 94, lines 40 and 41 ff.) we see both that the separation of the recognitio from the signatio was possible and desirable in some cases (cf. Witnesses... (cf. n. 165) 280 f.), and that, in such a situation, the latter procedure engaged people who – in comparison with the recognitores – were more numerous and more important.

\textsuperscript{210} Inscr. Ant. Maroc 2, 94 comm. (p. 89 ff., esp. 91).


\textsuperscript{212} Note e. g. the hapax eiremenoi among the witnesses to the diplomata for those provinces/units which otherwise produced the bronzes only rarely: CIL XVI 56 (A. D. 107, Maur. Caes.), t. 3, 5, 7; XVI 128 (A. D. 178, Lycia – Pamphylia), t. 3, 5; XVI 133 (A. D. 192, coh. urb. Lugd.), t. 6–7.


\textsuperscript{214} Ibid. (cf. p. 328 for the difficulties in explaining Blastus' occurrence on, and Ius' absence from, CIL XVI 179 f).

\textsuperscript{215} I. Piso – D. Benea, ZPE 56, 1984, 269 and 277 = RMD II 123 with n. 17.

\textsuperscript{216} Piso – Benea, loc. cit., 273 f., postulating "ein gewisser Zeitraum zwischen dem Datum der Entlassung der Soldaten und demjenigen des Erlassens der Konstitution" paralleled by RMD I 21 etc. The length of that "Zeitraum" and the structure of the diploma's unit list (bearing i. a. on the interrelated problems of the status of Dacia Superior c. A. D. 179 [cf. J. C. Mann, in: RMD II pp. 220–222] and of principles underlying the grouping of units in such lists) cannot be discussed here.

\textsuperscript{217} Cf. S. Dušanić, Witnesses... (cf. n. 165) 272 f. ("some occasions and/or provinces may have perhaps revived the old practice from time to time ... ").
and various immittuates must have been included among the 'additional advantages' previously discussed (ch. 8b). The matter may have depended on Ulpius Herculanus' decision to settle in Drobeta (the find-spot of the bronze), not Stobi: was there a connection between Stobi's tribe Aemilia and the occurrence of the three Aemili in the witness list of the new diploma (t. 1, 4, 7)? This latter seems noteworthy as the nomen Aemilius is rarely found with government witnesses, but it should be noted that none of CIL XVI 78, t. 5-7, belonged to that gens.

(b) The complex problem of the dies constitutionum data can be given only a summary treatment here. Of the 365 (366) days of the Roman year, less than a third are covered by the constitutions whose precise dates have been preserved on the diptycha published so far (CIL XVI + RMD I + RMD II: c. 91 vs. c. 274). The twelve months show the following picture: 3 days of January saw the promulgation of our leges, 28 days not; the ratio in February is 12:16, in March 5:26, in April 6:24, in May 6:25, in June 10:20, in July 8:23, in August 7:24, in September 9:21, in October 7:24, in December 8:23. In view of this, it would seem statistically probable that all the days or the (short) series of days registering more than two constitutions, especially when these derive from different years, were chosen intentionally. There are actually seven such cases:

1. January 7th, the date of the post-Seve-

2. February 7th + 8th (CIL XVI 22, RMD II 105 + RMD II 102 f., RMD I 55);
3. February 17th + 18th (CIL XVI 32, 57 + 74, 98, 120);
4. May 12th + 13th (RMD I 14 f. + CIL XVI 33, 50);
5. June 29th + 30th (CIL XVI 67 f., RMD I 17 [two constitutions with three copies altogether] + XVI 55);
6. July 2nd (CIL XVI 143, 163 f., 76 f., RMD I 35) and December 28th (CIL XVI 152, 154 [cf. App. 12], RMD I 48).

(c) The complex problem of the dies constitutionum data can be given only a summary treatment here. Of the 365 (366) days of the Roman year, less than a third are covered by the constitutions whose precise dates have been preserved on the diptycha published so far (CIL XVI + RMD I + RMD II: c. 91 vs. c. 274). The twelve months show the following picture: 3 days of January saw the promulgation of our leges, 28 days not; the ratio in February is 12:16, in March 5:26, in April 6:24, in May 6:25, in June 10:20, in July 8:23, in August 7:24, in September 9:21, in October 7:24, in December 8:23. In view of this, it would seem statistically probable that all the days or the (short) series of days registering more than two constitutions, especially when these derive from different years, were chosen intentionally. There are actually seven such cases:

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2. February 7th + 8th (CIL XVI 22, RMD II 105 + RMD II 102 f., RMD I 55);
What has just been said on these seven cases – May 12th + 13th seems quite striking, given the comparative rarity of the May constitutions in general – leads us to the conclusion that the dies constitutionum coincided as a rule with public festivals and jubilees; at any event, the formulae of the diplomata cited exhibit nothing to make these seven cases 'special' from the traditional point of view, while the transparent nature of January 7th would imply a comparable symbolism of the dies of I–II cent. laws too. That conclusion tends to find support in certain dies which, though statistically insignificant, accord with various features of their laws to such a degree that a pure coincidence appears to be ruled out. To quote only the clearest instances: December 22nd and March 7th of the 'legionary' diplomata for I and II Aduitrix (CIL XVI 7–9 + 10 f.) mark the units' natales signorum; the festivals of I Italica and XIII Gemina determined the dies for these legions' auxiliaries, following the logic of the legio et auxilia eius co-operation; February 9th and April 5th of the naval diplomata from the victorious year of 71 (CIL XVI 12 f. + 14–16) synchronize with the important caesurae in the sailor's calendar; the natalis of Titus (CIL XVI 2: Dec. 30) and, probably, that of Britannicus (CIL XVI 2: Feb. 13) date the diplomata whose propaganda connotations involved these two princes. True, the postulate that the quasi-totality of constitutions bear meaningful day-dates was received with pronounced scepticism in the discussions at the Passau Colloquium, where there was much insistence on the dies – the great majority of those c. 90 mentioned at the beginning of the paragraph – whose symbolism remains unidentifiable as yet. The dangers of such an e silentio reasoning are evident, however; our knowledge of the Roman army- and dynastic heortology is too fragmentary to question that postulate, likely in many respects. Were it not for the statistical indications (not too strong, after all), that December 28th marked a day of importance for the classiarii, both its assignment to the group of 'eloquent' dates and the ['naval' and 'Afroco-Augustan'] ... interpretation of its nature would seem ill-founded ... in the complete absence of any direct evidence. A complementary example may be adduced: Septimius Severus' diploma – one of his first issues, no doubt – dated February 1, 194 and given to an Urbanicianus of coh. X (CIL XVI 134). Interesting in several respects, that document bears a dies met with (so far) only once on our diploma lists, despite the fact that the February dates are well represented there. This might be taken to imply a non-symbolic choice of the dies for CIL XVI 134, all the more so as the Severan dynastico-military heortology emerges rather complete from the Feriale Duranum (whose late January–early February part is well preserved) without registering February 1st. But the dies appears in CIL V 4449, within a context clearly marked by Severan connotations – a warning against the hypercritical approach to the problem of the dies constitutionum datum.

If the foregoing observations are accepted, we would obtain a further proof of the non-routine character of the production of our documents; a comparison with the loci constitutionum fixarum imposes. Some of the dies belong to the ordinary festivals of soldiers like the natales signorum or the astronomico-meteorological dates of CIL XVI 12 f. and 14–16. But the other days identified, and the fact that the majority still escape identification, would imply a topical propaganda centred on the recipients' victorious records. Thus the

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231 Save for CIL XVI 68 and RMD I 17 (the Palmyretian Sagittarii).
232 The date occurs in a similar context as early as A.D. 150 (Herz, op. cit. [cf. n. 73] 124 f.; 454 nn. 2 ff.). A parallel evolution from a plurality towards a unity may be traced on the level of the symbolism of the loci constitutionum fixarum (cf. infra n. 215).
233 E. Ritterling, Legio, RE XII, 1924, 1383, 1439. For the Augustan touch (unrecognized before) in the choice of December 22nd, see my article cited supra (n. 225) 235.
234 Supra n. 73.
235 See my paper referred to above n. 225.
236 Above nn. 200 and 201.
237 The quotation from my article cited supra (n. 225) 243 (the present additions of mine are in square brackets).
238 Herz, op. cit. (cf. n. 73), 137 (cf. CIL V 4449, Brixia): "Es handelt sich um keine Dedikation im eigentlichen Sinn, diese läßt sich nicht datieren. Interessant ist, daß 1000 Sesterzen in einen Fonds eingezahlt werden, um Feiern am 11. April (natales Septimii Severi) und dem 1. Februar zu finanzieren. Gründe für die Wahl des zweiten Tages sind unbekannt." The author does not mention CIL XVI 134.
239 Cf. e.g. CIL XVI 7–9: the locus is the ara genitii Iuliae (with its transparent Augustan connotations), the dies December 22nd, the day of the conception of Augustus (noted by the Solarium Augusti and many other monuments illustrating the capricorn). The propaganda message of the whole unmistakably points to the Augustan ideals as defended by Galba in the Civil War: supra n. 235.
240 A part of the problem has been dealt with from another perspective by Zs. Vissy, Die Entlassung der Auxiliarsoldaten aufgrund der Militärdiplome, Acta Arch.Hung. 36, 1984, 223–238. Inter alia, the abbreviation pos. (cf. the Darrenbahn of CIL XVI 160) put before the day-date of CIL XVI 12 goes against Vissy's supposition that "die genaue (Tag, Monat) Datierung der Diplome ist nicht die Datierung des kai-
'normal' imperial dates are rare or non-existent among the dies constitutionum, while the natales of Titus and Britannicus were used with quite specific allusions to the German and British successes respectively. Of military festivals, the Quirinalia are prominent thanks, doubtless, to their historical connection with triumphs. To conclude, the unidentified days probably celebrated victories (triumphs et sim.) of the ruling dynasty or similar campaigns from the more remote past; in this, the provincial or regional context may have played a part. The 'fêtes de victoire', with their outstanding place in the Calendar of 354, illustrate the increasing importance of such occasions in the public life of the Roman Empire.

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serlichen Erlasses, sondern die der Abfassung der Konstitution" (which he considers only a "practical choice", devoid of any symbolic message). See also note 1 of my paper cited supra n. 225.

241 RMD II 131 (cf. Mis., A. D. 214), dated Nov. 27, may point to the dies imperii of Commodus, the emperor who enlisted the beneficiaries of the constitution (for an analogous retrospective day-date, cf. the natalis of Pius on CIL II 5232, A. D. 167). – A diploma-like privilegium, P. Ryl. 611, seems to have been granted on Domitian’s dies imperii (H. Wolff, Chiron 4, 1974, 508 with n. 57).

242 Fasti triumphales (supra n. 230), ann. 350; 322; 276; 273; 167 (cf. 361) B. C. The Terminalia (ann. 175 B. C., Feb. 23rd; for the meaning cf. Lactantius’ words quoted by Herz, op. cit. [cf. n. 73] 426 n. 3), the only other triumphal day to be registered by the festival’s name, may have determined the dies constitutionis of CIL XVI 90 (A. D. 144).

243 E. g. the Aug. 11 of the overtly special CIL XVI 160 (A. D. 106/110) will have been the day of the fall of Sarmizegetusa and Trajan’s imp. V (both are datable to August 106 – cf. R. Hanslik, RE Suppl. X, 1965, 1078, who, however, did not discuss CIL XVI 160 in that connection). Significantly enough, Aug. 11 reappears in the similar context of CIL XVI 132, c. A. D. 189 (the diploma being also overtly special and also reflecting a co-operation of the exercitus Pannoniae and the exercitus Daciae [note the recipient’s origo – Porolissum – and cf. RMD II p. 134, note 95]), which recalls us of Aug. 10 of RMD I 21.

244 Cf. Herz, op. cit. (cf. n. 73), 92 f.; above, nn. 73 and 230, etc.