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

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*Manibus Alfredi de Domaszewski*

This paper has been written<sup>1</sup> 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"<sup>2</sup> (mainly participants in expeditiones belli but also in certain peacetime efforts<sup>3</sup> 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 I-II century diplomata were 'special grants'; to my thinking, this holds for the post-Severan bronzes too<sup>4</sup>, but their case is different both typological-

ly (the exclusion of candidates from the provincial forces) and statistically, and certainly appears more difficult to assess from the standpoint of the radical conception<sup>5</sup>. 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<sup>6</sup>, 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 plurave stipendia* for the auxiliaries, *XXVI [XXVIII] plurave 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 effectives of certain units, classes of soldiers and provincial armies

<sup>1</sup> In addition to the standard bibliographical abbreviations, the following two will be used: Roxan, *Distribution* (= M. M. Roxan, *The Distribution of Roman Military Diplomas*, *Epigr. Stud.* 12, 1981, 265 ff.), and Award (= S. Dušanić, *The Award of the Military Diploma*, *Arh. Vest.* 33, 1982, 197 ff.). The suggestions referred to simply by the authors' names derive from the discussions which took place during our Colloquium.

<sup>2</sup> S. Dušanić, *Notes on the Early Diplomata Militaria*: CIL XVI 20, RMD I and *Affairs in Germany*, A. D. 72–74, in: *Studien zu den Militärgrenzen Roms III*, *Vorträge des 13. Intern. Limeskongresses in Aalen 1983*, Stuttgart 1986, 730; cf. Award 197 f., with bibliography.

<sup>3</sup> For instance, heavy building works or naval accomplishments of some consequence such as the overseas transport of the Emperor with his suite etc., or of numerous troops in difficult situations. "Other factors may also have been relevant from time to time, e. g. the Emperor's wish to secure or recompense the loyalty of his soldiers" (S. Dušanić, ZPE 47, 1982, 150); the *donativum*-like grants marking the new reign (cf. CIL XVI 24 [on it: S. Dušanić, *Loci Constitutionum Fixarum*, *Epigraphica* 46, 1984, 109]) constitute a similar case.

<sup>4</sup> Various indications, of unequal value, have been adduced, or might be adduced, to support this claim; see e. g. Award 218 f. nn. 97 (the argument from the praetorian diplomata dated A. D. 221, 225 etc. being inconclusive as the rhythm of the guardsmen's 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

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 Maximinus Thrax), a concentration which belongs to the category of significant 'anomalies' of the statistical order (cf. *infra*, ch. 1, and the next footnote).

<sup>5</sup> The ratio of pre-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. (Roxan, *Distribution* 271 f. + fig. 1 [cf. *infra* p. 284 fig. 1]), 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 aere incisio. 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 (*civitas/civitas liberorum*), as this ius (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.

<sup>6</sup> A list of its protagonists may be found in Award 210 n. 10; on the qualifications recently introduced into it by Dr. Roxan (*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. Kellner's observations on the "Fundstatistik" of diplomata and the possibilities of an explanation of its paradoxes [tabellae lignae etc.]: *infra* p. 241 ff.).

involved<sup>7</sup>; 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-Neronian documents published so far "is so low that the automatic grants thesis appears quite implausible for that period at least"<sup>8</sup>. Indeed, the strong contrast between the paucity of the pre-68 bronzes (six or seven from more than 15 years<sup>9</sup>), and the comparative frequency of those dating from, and/or reflecting the events of, the year of the Four Emperors (eleven or twelve from A. D. 68 and 70–71<sup>10</sup>) 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<sup>11</sup>. And – to remain with the auxiliary diplomata, the most illustrative statistically – the whole evolution of their temporal distribution up to Trajan attests to an inflation in their production<sup>12</sup>, an inflation which resulted more from a loosening of the criteria just mentioned than from the creation of new *alae* and cohorts<sup>13</sup>. In the same

<sup>7</sup> 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 *aere incisum* after c. A. D. 148); *infra*, chs. 4, 5 and 6c.

<sup>8</sup> Award 205.

<sup>9</sup> I. e. from the period beginning with the first diploma datable with precision (CIL XVI 1, A. D. 52): 1 naval, 5 auxiliary (CIL XVI 1, 3–5; RMD II 79). The seventh, CIL XVI 2 (aux. Illyr.), may have been as early as the 40's (*infra* p. 232).

<sup>10</sup> 5 'legionary', 6 or 7 naval (CIL XVI 7–17, cf. 19 [ZPE 47, 1982, 152 n. 10]).

<sup>11</sup> Which is reflected, among other things, in the fact that we possess three individual copies of the *lex* of A. D. 68 (G. Fornì has underlined, with good reason, its statistical relevance: cf. *infra* p. 294 f.), and two copies of two *leges* of A. D. 70–71 (XVI 12 f.; 15 f.). The collective beneficiaries of those three constitutions (leg. I *Adiutrix*, cl. *Misenensis*) would not have been much stronger, as to the number of candidates to the *aere incisum*, than the *auxilia* cited in the unit lists of the Claudio-Neronian diplomata (e. g. CIL XVI 4 refers to seven cohorts) if the selection of candidates depended on the same principles in both cases. A fresh find (RMD II p. 231, no. 2: fragment of the fourth diploma for a member of I *Adiutrix*; obviously, A. D. 68) makes this all the more evident; cf. also AE 1983, 523, issued c. A. D. 70? (*infra*, note 167).

<sup>12</sup> See Roxan, Distribution 274 (fig. 1), completed *infra* p. 284 fig. 1. The inflation left its traces also in the gradual lengthening of the unit lists (*infra*, nn. 37 and 42).

<sup>13</sup> Contra, Roxan, Distribution 275. From the principates of the Flavians, Nerva and Trajan some 65 extant diplomata for the auxiliaries are registered, from the Claudio-Neronian age only 6; the ratio is too favourable for the former – given the comparatively small difference in time (c. 49 vs. c. 17 years) – to be explained as a consequence of the known additions to auxiliary strength under Nero, Vespasian and Domitian. Dr. Roxan is inclined to ascribe the dearth of diplomata of the pre-Flavian epoch

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<sup>14</sup> – 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<sup>15</sup> 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 indiscriminate application<sup>16</sup>.

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<sup>17</sup>. Among the individual beneficiaries of the auxiliary diplomata known to us<sup>18</sup>, the *alares* are over-represented in comparison to the cohort-

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. Saddington, 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.

<sup>14</sup> Cf. e. g. CIL XIII 1041 (= XVI App. 15), line 3: *aere incisum* (!). The expression alludes to a diploma-like bronze, judging from the parallels of CIL V 889 (= XVI App. 14), lines 5–6, and of the epikrisis papyri (χαλκῶ). 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).

<sup>15</sup> Comparable e. g. to their increasing generosity in the distribution of *donativa* (Award 202; 216 n. 82).

<sup>16</sup> For a different view, E. Birley, *infra* p. 257.

<sup>17</sup> Award 204 f.; 220 nn. 118 f.

<sup>18</sup> From CIL XVI + RMD I + RMD II; as a general rule, the material included in these publications provides the basis for the analyses offered in the present paper –

ales: 41 vs. 74<sup>19</sup>, whereas the normal ratio should have been 1 vs. 3 or 4<sup>20</sup>. The relatively small share of sailors – those from the provincial classes at least – is best illustrated by the scarcity of the (Trajanic and post-Trajanic) diplomata citing the *classici* together with the auxiliaries of the same command: eight or nine have been edited<sup>21</sup>, vs. more than one hundred Antonine diplomata with purely auxiliary lists. To appreciate fully this and other similar disparities, we have to remember the formulation of CIL XVI 38 and 40 (the singular *dimisso*) which implies that – on the traditional theory – the item *classico* or *classicus* must have been entered on the list whenever there were emeriti (even one or two of them only) with no better qualification than *XXVI plurave stipendia*!

(b) On the geographical level, several deviations of a statistical nature have been observed<sup>22</sup> which cannot be put down exclusively to the hazards of modern field research<sup>23</sup>. The most notable concern three provinciae inermes on the limes that obtained considerably

the diplomata edited or made known after the completion of RMD II have been taken into account only exceptionally.

<sup>19</sup> The figures cited by Dr. Roxan in her report (infra p. 281) are somewhat different (42 alares [the diplomata + CIL XVI App. 2] vs. 63 cohortales); the difference – immaterial for our purpose – probably stems from the cases wherein the exact status of a cohortalis (pedes or eques) remains uncertain. (Dr. Roxan's Table I categorizes the recipients according to their being cavalrymen or infantrymen, not primarily according to their being alares or cohortales. The ratio of equites cohortales and pedites cohortales among the aere incisi – 16:47, in Dr. Roxan's Table I – also favours the cavalry [it should have been 1:6–8 approximately], a circumstance to be connected with the composite structure of the vexillationes equitum – frequently constituted from the alares and the equites cohortales [cf. e. g. CIL III 600] – rather than with the better pay of the equites cohortis.)

<sup>20</sup> Reckoning, with G. L. Cheesman (The Auxilia of the Roman Imperial Army, Oxford 1914, 54), that "there would be at least three cohorts to every ala" and bearing in mind the relative rarity of the alae milliariae.

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

<sup>22</sup> 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–A. D. 200)" (Award 204); the Syrian diplomata tend to concentrate in the first century (5 out of 7), etc.

<sup>23</sup> 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 Fundstatistik 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.

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<sup>24</sup>.

(2) The 'anomalies' outlined in the preceding chapter, when taken together<sup>25</sup> 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<sup>26</sup>. Of the alternative identifications of these Egyptian *sine aeribus*, two have been popular, though both seem untenable: with the *causarii* from the auxilia/classes (Mommsen, Degraffi, Nesselhauf et al.), or with the ex-legionaries (Seston, Carcopino et al.), men whose military status itself excluded the diploma

<sup>24</sup> 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.

<sup>25</sup> 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 diplomata to the differences in age and material position favouring the equites as against the pedites (G. Alföldy 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 liberorum) accorded, explicitly, by the corresponding constitutions (M. Roxan et al.). As to this last point (cf. Roxan, Distribution 278), the sharp decline in the numbers of diplomata after c. A. D. 165/167 will have reflected the difficulties created by the Marcomannic Wars rather than the change of formula in auxiliary constitutions of A. D. 140 (Award 229 n. 184). A similar decline may be observed with the naval and praetorian diplomata of the same season (Roxan, Distribution 272; 283 [figs. 1; 5]; note the irregularity of the guardsmen's discharge at the same time approximately: M. Durr, Les cohortes prétoriennes, Paris 1938, 263) though, naturally, their constitutions underwent no change bearing on the civitas liberorum posterorumque.

<sup>26</sup> CIL XVI App. 4 (A. D. 140), line 5; cf. 3 (A. D. 125/133), line 5, and 5 (A. D. 148), lines 9–11 (below, n. 28). Note that "the entries of the epikrisis lists reflect variations strongly dependent on the conditions of place and date" (Award 216 n. 73). – Our interpretation of these *sine aeribus*, probably anticipated by A. v. Domaszewski (Award 209 n. 2), has been offered for the first time in Roman Frontier Studies 1979, Papers pres. to the 12th Intern. Congr. of Rom. Frontier Studies, BAR 71, Oxford 1980, 1064 and 1068 n. 25; see also Award 198, 201 et passim (notes 14; 48; 159; 161).

grant<sup>27</sup>. Neither of the identifications can explain, firstly, the occurrence of the οἱ χωρὶς χαλκῶν οἱ νῦν (CIL XVI App. 5, lines 9–11, an unavoidable reading)<sup>28</sup>, and, secondly, the usage of a strange periphrasis (*veterani sine aeribus*) instead of the technical term (*causarii* or [*veterani*] *legionarii*). Additional obstacles to these propositions may be adduced, if necessary: officially, the *causarii* would not have been styled veterans at all<sup>29</sup>, while the low position of the *sine aeribus* in the order of the epikrisis rubrics minimizes the probability of a reference to the (ex-)legionaries<sup>30</sup>. Evidently, the χωρὶς χαλκῶν 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<sup>31</sup>. It is likely that the

<sup>27</sup> K. 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. Daris, Documenti per la storia dell'esercito romano in Egitto, Milano 1964, p. 18 ff.; 186, who treats them as "tutti quei veterani che all'epikrisis presentano un documento diverso 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 aeribus* did not receive the diplomata because, being already cives Romani and the husbands of cives Romanae, they did not need either the civitas or the conubium (op. cit., 134 ff.) – leaves the οἱ νῦν enigmatic again; it also suffers from the general weakness of overstressing the conubium element of the legal content of auxiliary diplomata (p. 137, contrast CIL XVI 160; RMD I 17 and 27 f.; see also infra n. 31).

<sup>28</sup> 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 *qui militavit* must have caused many of the eligible to receive their bronzes with considerable delay ("an intentional policy of [temporal] discrimination" may also have been a factor there: Award 213 f. n. 48). Despite Wilcken and Lesquier, the *sine aeribus* of App. 4 should be dissociated from these; they obviously had no title to, or a promise of, diplomata militaria.

<sup>29</sup> Thence CIL XVI 10 refers to the *causarii*, 11 to the *veterani*. Cf. Kraft, op. cit., 133 f.

<sup>30</sup> 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 auxiliaries/sailors. The conubium and the civitas liberorum could not have changed anything in that sequence: in CIL XVI App. 5, the *classarii* are listed after the *alares* and *cohortales*, though, at the time of the document, the latter did not obtain the civitas liberorum and the former did. – Cf. also Kraft, op. cit. (cf. n. 27) 134.

<sup>31</sup> Cf. Kraft, op. cit. (cf. n. 27) 134: "Das wesentliche Ergebnis ist zusammengefaßt, daß wir in den οὐτεράνοι χωρὶς χαλκῶν normale, ehrenvoll entlassene [auxilia/classis] Veteranen vor uns haben, die keine Diplome erhielten." That the Valerius Clemens, *veteranus coh. II Ituraeorum* (missus honesta missione a. 177, ad epicrisin 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

*sine aeribus* (or at least some of them) remained peregrine, especially in the early period<sup>32</sup>; 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<sup>33</sup>. 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*<sup>34</sup>, 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 "iam inter eos fuit, 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 auxiliaries even in the difficult season of the plague and the Marcomannic danger (to cite only diplomata later than Clemens' discharge: CIL XVI 128; 131; 132; RMD I 69; the newly-published diptychon from Drobeta RMD II 123 [= I. Piso-D. Benea, ZPE 56, 1984, 263 ff.]) – but excluded Valerius Clemens. The criterion of the legal interest, in the sense of Kraft's hypothesis (supra, n. 27), seems to have been irrelevant here – Clemens cites no wife or children, so that c. A. D. 177 he may have felt the need of the *ius conubii* – and the formalities he had to comply with for want of a diploma (lines 16 ff.) would have perhaps made him to pay for one, if that were possible. Naturally, our information on the military history of second-century Egypt and the factual background of the epikrisis papyri (with their concise and varying formulation) does not permit us to reconstruct in detail the principles on which certain *auxilia/classis* veterans were to become *aere incisi*, or *sine aeribus*, or temporary *sine aeribus*. Basically, the *ob merita* discrimination should be postulated (cf. above, nn. 25, 26 and 28).

<sup>32</sup> Cf. Daris, Dc. Es. Rom. Eg. (cf. n. 27) 101, lines 11–14, and infra chs. 3 and 7. The *sine aeribus* of the (II century) epikrisis lists, on the contrary, were Roman citizens, whose civitas (to judge from the language of those documents: Kraft, op. cit. [cf. n. 27] 134–136) was recent, acquired during their military service.

<sup>33</sup> Award 226 n. 159; cf. infra, ch. 7. Professor E. Birley rightly notes (infra p. 255 f.): One important point must necessarily be kept in mind: "the fact that diplomatas, . . . begin by specifying grants made to men of 25 or more years' service, does not mean that the more (*aut plura*) necessarily involved only a brief period of years 'overtime'; and longer service, without the grant of Roman citizenship, could well outlast the reign of Claudius." If there was no promise of a diploma to the first-century peregrine auxiliaries with (say) 25–27 stipendia spoken of by Professor Birley at the end of the foregoing quotation (a promise that would assimilate them to the temporary *sine aeribus* of the epikrisis papyri), their situation, objectively, was that of the Egyptian χωρὶς χαλκῶν. It can hardly be doubted that such people, for the most part, died before receiving the diplomata.

<sup>34</sup> Thus Wenger, RE II A (1921) 2417; M. Roxan, infra p. 266 (cf. my n. 25), inter-

content with cheaper substitutes<sup>35</sup>, 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<sup>36</sup>; most obviously, the discrimination between the *aere incisi* and the *sine aeribus* determined the unit lists<sup>37</sup> (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 *classarii*, 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<sup>38</sup> make an implicit distinction, as to the missi-

preting the prevalence of the cavalrymen among the auxiliary *aere incisi* as a reflection of their comparative wealth (but see below, the continuation of the present chapter).

<sup>35</sup> These should certainly be reckoned with, and have been (Award 227 f. nn. 164; 167; 177), for certain elements of the diploma militare, but the hypothesis (M. Roxan, H.-J. Kellner et al.) of their being equivalents to diplomata militaria in every aspect of the recipient's legal and material interests (except for the perishable nature of the substitutes' leaves) does not seem tenable.

<sup>36</sup> Award 230 n. 186; S. Dušanić, *Loci Constitutionum Fixarum*, Epigraphica 46, 1984, 113 f.

<sup>37</sup> 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 procedure. The same might be said of diplomata for the provincial Fleets; in view of the low numbers of candidates for them, the very issue of the imperial constitution would depend on such a trifling matter as the sailor's own wish.

<sup>38</sup> Daris, Dc. Es. Rom. Eg. 101 = P. Fouad I 21 (A. D. 63), lines 10–14 (cf. 102, lines 1–7; 103, lines 18–20). "In the case of the missicii regarding their citizenship . . . I said to you before that the basis of complaint is not similar and the same for each of you. Some of you are legionary veterans, some (veterans) from the cavalry (ἐξ εἰλῶ[ν]), some from the cohorts (ἐκ σπειρῶν), some from the oarsmen group (ἐκ τοῦ ἐρετικῶ), so that the legal right is not the same for all" (transl. W. L. Westermann, Cl. Phil. 36, 1941, 25). The inequalities of the "legal right" mentioned here should obviously be understood as meaning that all the missicii legionarii were citizens, while the remaining three categories were entitled to the citizenship in decreasing percentages only. If the "legal right" of the missicii *alares* and the missicii *cohortales* were the same, one clause under a cumulative label (a term equivalent to 'auxilia'), or a double label (ἐξ εἰλῶν καὶ σπειρῶν), 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

cii's *politeia* (= *civitas* (sc. *Romana*) in the original and, doubtless, correct translation)<sup>39</sup>, between the *alares* and *cohortales*, a distinction which, of course, was not a matter of the length of their service (at least not in view of the formula *XXV plurave stipendia*)<sup>40</sup>. Thence, partly, the numerical prominence of the cavalry diplomata<sup>41</sup>. Even the existence of separate diplomata, based on separate *leges*<sup>42</sup>, for the members of the *alae* and those of the cohorts in the early period, analogous to the separate diplomata for the provincial Fleets in the pre-Trajanic times or to the discrimination between the fighting and non-fighting sailors in the case of CIL XVI 1<sup>43</sup>, may be interpreted in the

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 sailors 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.

<sup>39</sup> Professor H. Wolff prefers a translation "the daily life of a citizen" (Liddell-Scott-Jones, A Greek-English Lexicon, Oxford 1968, s. v. πολιτεία I 2, with examples from Andocides, Demosthenes etc.); such a meaning of the term *politeia*, in the context of these Egyptian documents, is hardly to be expected, however (cf. supra p. 99 ff.).

<sup>40</sup> Cf. Germania 62, 1984, 505–507, for an outline of the deductions presented in this chapter.

<sup>41</sup> It was also due to the fact that mounted units "were more useful in . . . distant campaigns" (Award 202; 212 n. 37 et passim; above, n. 19), occasions which tended to produce many diploma grants. – For a different opinion as to this numerical prominence, supra nn. 25 and 34.

<sup>42</sup> Contra, M. Roxan, Roman Military Diplomata and Topography, in: Studien zu den Militärgrenzen Roms III, Vorträge des 13. Intern. Limeskongresses in Aalen 1983, Stuttgart 1986, 772 f.: "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 nautae* – instead of the shorter *classicis* 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) pertain to the *Speculatores*, *Praetoriani* and the *Urbaniciani* – in other words, reveal no tendency to the "experimental division".

<sup>43</sup> Award 201, 202; S. Dušanić, ZPE 47, 1982, 165 ff. (cf. supra, n. 38, on the "oarsmen" of Tuscus' papyri). – The complex relationship between the 'cumulative'

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 armatae [Raetia – Germania Superior, Dacia Porolissensis – Dacia Superior etc.] – possessed a type of imperium necessary for candidating their soldiers for the privilegia)<sup>44</sup>? 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 constitutions, of the provinces like Raetia, Dacia Porolissensis and Mauretania 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)<sup>45</sup> – tend to corroborate this conclusion. What we know on the strategic position and the military history

(Speculatores + Praetoriani + Urbaniciani; Praetoriani + Urbaniciani) and 'separate' (Praetoriani; Urbaniciani) diplomata for the City units will be best understood if examined from the same angle as the relationship between the 'cumulative' and 'separate' diplomata for the auxiliaries and sailors.

<sup>44</sup> The possibility argued for in Germania 62, 1984, 506 f. However, Professor W. Eck has been so kind as to warn us that the value of H. G. Pflaum's distinction between the "dependent" and "independent" procuratorial provinces (Les procurateurs équestres sous le Haut-Empire romain, Paris 1950, 149) is slight or nil. On the other hand, it is noticeable that the governors of Mauretania Tingitana bore the extraordinary title of the pro legato much more frequently than the other praesidial procurators (J. Šašel, Chiron 4, 1974, 470 f.). The matter does not seem to be directly connected with the province's abundance in diplomata but illustrates the military importance of Mauretania Tingitana (J. Šašel is inclined, however, to emphasize the administrative aspects of the activities of those dignitaries) and the wide range of forms which the legal expression of such an importance may take.

<sup>45</sup> CIL XVI 52; 174; RMD II 93; 99; 108; 125; 129.

of Mauretania Tingitana and (in a lesser degree) Dacia Porolissensis makes such a preferential policy quite comprehensible<sup>46</sup>. Before the Marcomannic Wars, Raetia had no spectacular crises<sup>47</sup>; nevertheless, diverse indications<sup>48</sup> 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:

<sup>46</sup> See esp. M. Euzennat, Les troubles de Maurétanie, CRAI 1984, 372 ff. (note i. a. the strategic link of M. T. to Spain). On D. P., see the survey and, especially, the bibliography in: Limes, Akten des XI. int. Limeskongr., Budapest 1977, 365 ff.; 373 f. (G. and I. Ferenczi); also, I. Piso, in: Festschrift für A. Betz, Wien 1985, 478 ("eine neue, gegen Norden und Nord-Westen strategisch gerichtete Provinz . . .").

<sup>47</sup> A point raised by Professor W. Eck at the Passau Colloquium.

<sup>48</sup> 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]; 59; 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 "Unruhen" adumbrating the Marcomannic invasions is next to certain: H.-J. Kellner, in: Roman Frontier Studies Tel Aviv 1967, Tel Aviv 1971, 102 ff. and BVbI 36, 1971, 210 f.; cf. G. Ulbert – Th. 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. Vorgeschichtsbl. 50, 1985, 239 ff.) and of an Upper Pannonian diploma of A. D. 113 at Regensburg (RMD II 86 = K. H. Dietz, Ber. RGK 65, 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!<sup>49</sup>. 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<sup>50</sup>. 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<sup>51</sup>, the independent employment of mounted troops was gradually abandoned owing to the interrelated processes of the increase in the cohortes equitatae and of the acceptance, on the Romans' part, of a defensive strategy<sup>52</sup>. Analogous reasoning can explain the paradox of the provinciae armatae 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<sup>53</sup>; 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 armatae<sup>54</sup>. This completeness is best interpreted, again, as a sign

<sup>49</sup> A new diploma, issued to a member of a cohort of M. T., has been reported from southern Spain (P. Le Roux). Consecutive finds of some 20 diplomata of exactly that type would produce the 'normal' ratio of the two types (alares, cohortales) of the Moroccan aere incisi.

<sup>50</sup> Owing to the mountainous and wooded terrain of the province and its frontier zone (note that one at least of the equites among the aere incisi from Dacia Porolissensis earned his privilege thanks to his participation in a distant campaign: RMD I 21, cf. Award 212 n. 38); on the other hand, not only were Syria, Mauretania Tingitana and, especially, Pannonia Inferior different in that respect, but their enemies (Parthians + the tribes of the desert, Moors, Sarmatians) had a formidable cavalry.

<sup>51</sup> Cf. e. g. Saddington, op. cit. supra (n. 13), 184 f.

<sup>52</sup> S. Dušanić, *Germania* 62, 1984, 505 f. The early nomenclature of the alares and the cohortales (pedites + equites), and of their officers likewise, indicates the slow coalescence of the two basic types of auxiliary regiments (ibid. 505).

<sup>53</sup> See, on CIL XVI 5 (A. D. 64, Raetia?), S. Dušanić, *Notes on the Early Diplomata Militaria* . . . (cf. n. 2) 734 f. n. 18.

<sup>54</sup> The Appendix II of P. Holder's book (*The Auxilia from Augustus to Trajan*, Oxford 1980, 169 ff.) may be conveniently consulted on this point, which calls for fur-

of the recipients' martial merits; in the armed provinces, a good part of such merita 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'<sup>55</sup> 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<sup>56</sup>, or the scarce aera produced for the provinces not lying on the frontiers of the Empire<sup>57</sup>. On a wider scale, the numerical preponderance of diplomata for the Danubian armies (Noricum, Pannonia [Illyricum, the Pannoniae], Moesia [the Moesiae] and Dacia [the Daciae] 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.

<sup>55</sup> On the notion: S. Dušanić, *ZPE* 47, 1982, 149 ff.

<sup>56</sup> CIL XVI 56 indirectly supports our opinion that Mauretania Caesariensis ranged among the provinces suffering from a somewhat restrictive policy, as to the aere incisio, 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.

<sup>57</sup> 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, à 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<sup>58</sup>; the early diplomata of the provinciae armatae issued for both the alae and the cohorts<sup>59</sup>; the auxilia + classis diplomata after Trajan<sup>60</sup>), or lists whose link with the war seems confirmed by a testimony of independent sources. Various 'anomalies' examined 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 'qualifying event' – has been received with much scepticism<sup>61</sup>. 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 Germania Superior, dated June 17, A. D. 65. The shortness of the list suggests a crypto-special grant<sup>62</sup>. 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 *cum equitibus alariis et peditatu cohortium* was sent *ex Germania* to the East in about A. D. 56/57, and from other sources we know that the (Upper German) IIII Scythica was in question. Not long before the transfer, a *centurio leg. IIII Scythicae* was promoted to the prefecture of coh. II Thracum in *Germania* (ILS 9090), unit 2 of the diploma, a circumstance to support the supposition that our three cohorts formed a part of the *auxilia* of IIII Scythica during the opera-

<sup>58</sup> CIL XVI 44 f.; 43; 48 and 51; see M. Roxan's article referred to supra n. 42. Her reserves (text and nn. 11 ff.) as to the reality of the "link between legionary commands and diplomas" do not seem necessary with regard to i. a. the 'legionary' dates of some auxiliary bronzes (below n. 73).

<sup>59</sup> CIL XVI 20, see my Notes on the Early Diplomata . . . (cf. n. 2) 730–735.

<sup>60</sup> Award 216 f. n. 79. CIL XVI 3 offers a precedent, issued for the alares 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.).

<sup>61</sup> See M. Roxan's fine paper on "Roman Military Diplomas and Topography" (above n. 42) and the present volume, *passim*.

<sup>62</sup> The term pertains "to the documents reflecting extraordinary situations but preserving the more or less normal phrasing of the *dispositiones* that form the body of the *lex*" (S. Dušanić, Notes on the Early Diplomata [cf. n. 2] 730).

tions of A. D. 56/57–63<sup>63</sup>. The choice of the (personal) witnesses is concordant: 5 out of 7, instead of being the *conterranei* of the recipient (a Breucan, from Pannonia), were Aquileians, probably municipal clerks; "it must be concluded that the *acta* noting the candidature of our *cohortales* to the diplomata went to Rome from Aquileia, whose magistrates and *scribae* were employed to compose the *acta* and provide signatures . . ."<sup>64</sup>. An intermediary station of Roman troops en route from Germany to Asia Minor/Syria and back (Tac., *Hist.* 1,31, of A. D. 68), Aquileia certainly lodged the recipients of RMD II 79 c. A. D. 56/57 and A. D. 64/65: for II Thracum and A. D. 56/57 that would follow also from the provenance of ILS 9090, for VII Breucorum (unit 3 of the diploma) and A. D. 64/65 from the origo of the cohort's prefect<sup>65</sup>. Finally, the symbolic locus constitutionis fixae – the *basis Claudiorum Marcellorum* – reveals a connection with Nero's propaganda in the season of the Parthian campaign; Nero's tessera with the Mars Claudiorum reverse well illustrates the topicality of the Claudians' *prisca virtus* theme during the important events in the East<sup>66</sup>.

The list of CIL XVI 28 introduces problems of a somewhat different nature. A Type III diploma, issued on September 20, A. D. 82 (not 83)<sup>67</sup>, and found on the strategic road leading from Novae (Moesia) to Thrace<sup>68</sup>, it groups 5 alae and 9 cohorts *quae sunt in Germania* (sc. *Superiore*) with one ala and 2 cohorts *quae sunt in Moesia*. Its recipient, with Ancyra as his origo, was a member of coh. I Aquitanorum, i. e. the unit belonging to the *German* part of the list. It was Dr. Zs. Visy who pointed out the circumstance "dass . . . im Jahre 82 . . . drei germanische Truppen in Moesien ihr Standquartier hatten" and combined it with the indications (ILS 2127 line 5, etc.) that there was a Dacian war in A. D. 81/82<sup>69</sup>. His observations may be corroborated, modified and expanded to the effect that the bellum Dacicum should be postu-

<sup>63</sup> S. Dušanić, ZPE 47, 1982, 155.

<sup>64</sup> Ibid. 156.

<sup>65</sup> Ibid. 156 n. 20; Germania 56, 1978, 465 n. 31.

<sup>66</sup> See note 60 of my article in *Epigraphica* 46, 1984, 105.

<sup>67</sup> Cf. Zs. Visy, *Acta Arch. Hung.* 30, 1978, 40 and 42; W. Eck, *Chiron* 12, 1982, 303 n. 83; RMD II p. 127, note 3.

<sup>68</sup> The precise find-spot being Debelec, a Roman fort lying to the south of Nicopolis 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.).

<sup>69</sup> Art. cit. supra (n. 67), 42; 47 and 57.

received *honesta 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<sup>106</sup>. In all the three relevant points ([α] the mention of "special circumstances", [β] of either the term of service or the *ante emerita stipendia*, and [γ] 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 (α), 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*<sup>107</sup>) and 60 (*qui naviga[verunt in qua]driore 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 (β), 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 *leges* pertain to the Palmyreni *sagittarii* only])<sup>108</sup>, and their formulae otherwise range from the overtly special (the Palmyrenes obtained the *civitas* without the *conubium* or the *civitas liberorum posterorumque*), via crypto-special (CIL XVI 60 mentions the one ship but has a 'normal' formula on the iura)<sup>109</sup>, to

<sup>106</sup> 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.

<sup>107</sup> Above n. 90.

<sup>108</sup> 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 ff.). The *ob merita* 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.).

<sup>109</sup> 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

the apparently ordinary ones (CIL XVI 1). 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 (γ) 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 (γ) is studied together with the closely connected (β)<sup>110</sup>.

enough. He wrote: "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" and (footnote 2) ". . . even if 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 *tria iura* upon the Ops' sailors and, in trying to define its character (a 'normal' or a 'special' one), we must take into account also the omission of the 'term of service' (or the *ante emerita stipendia*) formula, as well as of an adverb of the type of those read in CIL XVI 17 (*fortiter industrie-que*) or 160 (*pie et fideliter*). 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 XVI 17, close to XVI 12–16, entered) and the five Vespasianic aera 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 ff. extr. runs *iis, qui naviga[nt in cent(uria) qua]driore Ope et [militant in] classe* etc. At the beginning of line 11, his inspection of the original shows that H. Nesselhauf's *liberti[s]* "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 XVI 60 as given above, n. 94. On one important point, the *militant*, it is identical to Professor Gilliam's text. The *navigaverunt/militant* formula finds a (remote) parallel in XVI 160: *militant* (the present tense) / *expeditione Dacica functis* (the past participle).

<sup>110</sup> 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 posterorumque*) 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!"<sup>111</sup> A propos of this complex of problems, four remarks would seem pertinent. (α) 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<sup>112</sup>. 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?)<sup>113</sup> was erected to *C. Iulius Dapnus, chorte Surorum, annorum L, who militavit annis XXX, missione(m) ac(c)epit pro meritis suis*<sup>114</sup>. A tradition similar to that which determined Dapnus' 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<sup>115</sup>. – (β) There is no doubt that some at least of the expeditionary corps com-

service) but did so in the case of auxiliaries, a fact which explains the omission of *conubium* et al. from the text of XVI 160. Award 229 n. 179.

<sup>111</sup> Roxan, art. cit. (cf. n. 42), sub init.

<sup>112</sup> CIL XVI App. 11 = IGLSyr. 718, l. 88 f.: ἐμ πᾶσι τοῖς πολέμοις συνεστρατεύσάμενός μοι καὶ π[ολλ]ᾶς ἀπο/[δεί]ξεις, καὶ τῆς εὐνοίας καὶ τῆς πίστεως καὶ τῆς ἀνδρείας δέδωκώς κτλ.

<sup>113</sup> Holder, op. cit. (cf. n. 54) 324 no. 2122.

<sup>114</sup> Cf. E. Birley (infra p. 254 f.): The example of C. Iulius Macer (ILS 2531) and two others (CIL XIII 7515, VIII 21038) is a different case and has to be discussed "under the topic of *ob virtutem* awards."

<sup>115</sup> Cf. the formulae of the Praetorian bronzes (perhaps going back to the Augustan epoch): the *fortiter et pie* (resembling the praise of the recipients' service on the overtly 'special' diplomata for auxiliaries and sailors) and the *militia functi* without the number of years prescribed (even in the constitutions pertaining to the Praetorians alone, in the period of separate diplomata for the Urbaniciani).

prised older soldiers<sup>116</sup>, 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 Porcium Vetustinum procuratorem cum essent in expeditione Mauretaniae Caesariensis*. 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 *bellica virtus* (or war records in any case) appeared superfluous<sup>117</sup>. 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'<sup>118</sup>. – (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<sup>119</sup>. 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<sup>120</sup>; 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 *viginti quinque pluribusve stipendiis* would suffice to cover them all<sup>121</sup>. The employment of *emeriti* or near *emeriti* for such purposes would not have been without advantages: the military value of an *emeritus* was consider-

<sup>116</sup> According to Professor M. Speidel's opinion, that practice must have been rare. Cf. his *Roman Army Studies I*, Amsterdam 1984, 277.

<sup>117</sup> Award 199 f.; 213 f. nn. 42 and 49.

<sup>118</sup> For (at least) two probative examples from the pre-Flavian period, S. Dušanić, 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 Adiutrix*, that of A. D. 70, though (in view of the *vicena stipendia aut plura* clause) some of the legion's ex-classici may have become candidates to diplomata during the following years too.

<sup>119</sup> J. Rea, ZPE 26, 1977, 223 ff. (cf. Speidel, *Roman Army Studies I*, Amsterdam 1984, 109 f.).

<sup>120</sup> Ibid. 226. Cf. Speidel, op. cit. 277.

<sup>121</sup> Or perhaps two grants in the Type III period, when the *plurave* 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-militones belonging to the same expeditionary corps, a circumstance that may provide an explanation of the concentration spoken of above, (β). – (δ) Despite all this, there must have been certain temporal dispersions of constitutions rewarding the auxiliaries 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 frequent 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 diploma<sup>122</sup> – 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 consecutive 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 coincident fractions preserved"<sup>123</sup>. An analogous example from Britain implies that the dispersion of constitutions reflecting the same 'qualifying event' may be traced, in certain extraordinary cases, through more than a decade<sup>124</sup>. Within such a duration, fresh 'qualifying events' were likely to take place; we are consequent-

<sup>122</sup> Award 214 n. 48; supra n. 28; Roman Frontier Studies 1979, ..., BAR 71, Oxford 1980, 1062 (text to n. 5).

<sup>123</sup> Award 204 and 219 n. 109.

<sup>124</sup> CIL XVI 69 (A. D. 122: *alae* 13, cohorts 37), 70 (A. D. 124: *alae* 6, cohorts 21) and 82 (A. D. 135: *alae*?, 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).

ly compelled to suppose that some lists – especially in the second century – are 'hybrid', i. e. that they depart from the general principle according to which one diploma list reflects one 'qualifying event'<sup>125</sup>. However, that principle must have remained generally valid, to judge from short lists, and/or those with special structures (e. g. RMD I 21 f.; CIL XVI 99 and 108), in the post-Trajanic times.

(c) Among the other obstacles<sup>126</sup>, 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 governors<sup>127</sup> 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"<sup>128</sup>. 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 *remansores*<sup>129</sup> and the whole *exercitus* remaining in the parent command indirectly gave their contribution<sup>130</sup>. 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

<sup>125</sup> Cf. Award 215 n. 68.

<sup>126</sup> M. Roxan, art. cit. (cf. n. 42): "... probably the most telling argument against diplomas as rewards for bravery in battle lies in the fact that mechanisms for the recognition of outstanding valour already existed through viritate awards of citizenship, while units could be given Imperial and other honorary titles of even more importantly block grants of *civium Romanorum* ...". But, if our theory on diplomata as ob *merita* rewards is right, the diplomata brought their recipients some 'additional' advantages (not only the *civitas/conubium/civitas liberorum posterorumque*), which the other 'mechanisms' did not (infra, ch. 8b).

<sup>127</sup> M. Roxan, loc. cit., and G. Alföldy, infra p. 385–436; B. Lörincz, infra p. 375–384.

<sup>128</sup> Roxan, loc. cit.

<sup>129</sup> Cf. CIL VI 225 = ILS 2186 (*remansor*); ILS 2764 and 9221 (*reliquatio classis*).

<sup>130</sup> Cf. Gordian III's coins from Viminacium which depict Moesia Superior as holding the vexilla of the province's legions; at the moment of the type's issue, these legions (or their vexillationes) served on the Eastern front, a circumstance provoking the production of that occasional reverse (Starinar 12, 1961, 145 ff.; 154). Also, cf. the dedication to Noreia set up by the *decuriones exercitus Norici* fighting in Mauretania Caesariensis, AE 1975, 951 (Speidel, Roman Army Studies I, Amsterdam 1984, 338). On the other hand, cf. CIL XVI 99: its recipients, Pannonian cavalry, became *dimissi honesta missione per Porcium Velustinum* ... *cum essent in expeditione Mauretaniae Caesariensis*; thence, the mention of the legates of the two Pannoniae in the *sub* clauses had no administrative importance in that case at least.

conclusion follows almost automatically. The exceptions to the rules of the universal naming of the provincial governors<sup>131</sup> and of the omitting the names of unit commanders whenever the recipient comes from a vexillation, not the complete regiment<sup>132</sup>, point in the same direction: there is no cogent reason to qualify military diplomata, on the sub and cui praeest (praefuit) clauses, as routine grants.

(d) It may be and indeed has been assumed by some<sup>133</sup>, 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 diplomata] – 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"<sup>134</sup>. Actually, the unit lists of auxiliary diplomata complete the indications, just enumerated, which suggest that the great majority of auxiliary diplomata should be qualified as 'crypto-special'<sup>135</sup>; 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<sup>136</sup>. 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<sup>137</sup> –, 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<sup>138</sup>, 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<sup>139</sup>. 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 Urbaniciani were, roughly, of the same type as those of the auxiliaries and sailors. Perhaps the Praetoriani's (Urbaniciani'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<sup>140</sup>.

(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

<sup>131</sup> The constitution underlying RMD I 21 f.

<sup>132</sup> The rule, Roxan and Alföldy (above n. 127). The exception, RMD II 97 (assuming that Paternius commanded a vexillation of coh. I Tungrorum (mil.); cf. notes 4 and 9 ad num.).

<sup>133</sup> Including the present author in his earlier articles (Germania 52, 1974, 412; 56, 1978, 469 f.).

<sup>134</sup> S. Dušanić, Notes on the Early Diplomata . . . (cf. n. 2) 734.

<sup>135</sup> Supra chs. 3–6.

<sup>136</sup> Award 216 n. 79.

<sup>137</sup> 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 Urbaniciani 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.); 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 cohortes urbanae: H. Freis, Die Cohortes Urbanae, Köln-Graz 1967, 38 ff.; 69 et passim).

<sup>138</sup> Above n. 5.

<sup>139</sup> S. Dušanić, Notes on the Early Diplomata . . . (cf. n. 2) 733.

<sup>140</sup> Saxer's "Ausleseprinzip" no. 1 (op. cit. [cf. n. 81], 118 [of legionary vexillation]).

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/conubium/civitas liberorum posterorumque* were, practically speaking, unnecessary to many of the *aere incisi*; consequently, "the attraction of diplomata was not reduced to the attraction of *iura*" explicitly referred to in the corresponding *leges*<sup>141</sup>. 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 Romanam*) *qui eorum non haberent (dedit)* – supports the indications obtained from the Roman name formula of a whole series of diploma beneficiaries, 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<sup>142</sup>. Another sign of the presence of *cives Romani* among the (future) *aere incisi* of the *auxilia/classis* category may be traced in the rubric of *epikrisis papyrus* registering the οἱ χωρὶς χαλκῶν οἱ νῦν<sup>143</sup>; 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<sup>144</sup>. And, of course, notwithstanding all the unknowns surrounding the *Constitutio 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.<sup>145</sup> – 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

<sup>141</sup> Award 207.

<sup>142</sup> Cf. e. g. Kraft, op. cit. (cf. n. 27), 108 ff.; Award 207 and 227 n. 165.

<sup>143</sup> Supra n. 28.

<sup>144</sup> Cf. Kraft, op. cit. (cf. n. 27), 135 f.

<sup>145</sup> Ibid. 112 ff. and *Historia* 10, 1961, 120 ff. (Degrassi; M. Roxan [Distribution 278 f., and infra p. 268 ff.] etc.); cf. Award 227 n. 166.

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<sup>146</sup>. Neither various statistical tests concerning the bronzes which register the names of *uxores* and/or *fili* appended to the names of recipients<sup>147</sup>, nor the Antonine changes of the diploma formulae referring to the *conubium* and the *civitas liberorum posterorumque*<sup>148</sup>, suffice to attribute these two *iura* the importance envisaged by Kraft and scholars of his opinion. Even here, the effects of the *Constitutio Antoniniana* – traditionally estimated – would present difficulties: for instance, what was the use of the Praetorians' *conubium* with the *peregrini 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 I 78, etc.)<sup>149</sup>? To assume that the *peregrini iuris feminae* included here *Latinae* (*libertae*) too<sup>150</sup>, would imply a flexibility of a documentary text for which there is no Roman parallel<sup>151</sup>. Finally, Kraft's view suffers 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-

<sup>146</sup> Award 207 and 228 n. 170.

<sup>147</sup> 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 *uxor/fili* notes.

<sup>148</sup> Those changes reflect, primarily, the High Command's varying attitudes to the problem of the *disciplina castrens* 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. 165/167" see supra n. 25). On the Type I diplomata for the *classici* after Trajan (CIL XVI 72; probably also XVI 60 [supra nn. 94 and 109]) see above n. 110.

<sup>149</sup> Against Mrs. M. - P. Arnaud-Lindet's combination with the post-212 peregrinae (REL 55, 1977, 309) see Award 226 n. 162. However, the possibility of the peregrine wives is more difficult to exclude in the case of the post-212 *Equites Singulares* (M. Speidel).

<sup>150</sup> Roxan, Distribution 272 f. (on *Latinae* [Iunianae] and Italy).

<sup>151</sup> The Capitol as the place where the (early) praetorian constitutions were exhibited indirectly shows that these documents regulated, essentially, the Romans' relations 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<sup>152</sup>. 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 weiterliefen", 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 haberent* on the (post-140) naval diplomata<sup>153</sup>. Though these documents must have been distributed to people who, for the most part, already possessed the civitas<sup>154</sup>, 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 haberent* figures as early as A. D. 93 (CIL XVI 38) on a diploma for (i. a.) 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 possible<sup>155</sup> (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 posterorumque had very little chance of being applied in practice, would have been more convincing in several respects<sup>156</sup>. This especially holds for diplomata termed as 'legally irrel-

evant', i. e. diplomata whose recipients did not have even theoretical need of their legal content, in the sense of the regulations engraved on the bronze itself<sup>157</sup>. Conceivably, the character of a 'legally irrelevant' diploma is much easier to demonstrate for diplomata granting merely the civitas than for those granting the conubium or the tria iura: CIL XVI 160 (explicitly citing only the grant of citizenship, and that to a man who already was a civis Romanus) presents the clearest example<sup>158</sup>, paralleled by a category of the aere incisi from the epikrisis documents<sup>159</sup>. Besides, various indications on the 'additional' advantages discussed in the next paragraph would have carried more weight than Kraft was inclined to admit<sup>160</sup>, and their connection with the late Republican *ob virtutem* grants would have emerged – a distinct gain on the method side.

(b) The history of the iura dealt with above discloses a process of gradual separation of their propagation from the grants of military diplomata: the civitas, perhaps also the conubium, became accessible to the *sine aeribus* too; among the recipients, the numbers of cives Romani tended to increase, but not the numbers of the candidates to marriage with peregrine wives<sup>161</sup>. A natural inference from such a state

have expected a formula, analogous to the formula of auxiliary diplomata, granting civitas to the already born children of the recipients (cf. Kraft 123); there is no good reason to assume a better treatment of the Vespasianic auxiliaries and sailors than the Vespasianic guardsmen in that respect. In our opinion, the enigmatic conubium of the praetorian diplomata reflects their early – perhaps Augustan – connection with the colonization of the veterans of the City troops outside of Italy (cf. Pliny, NH 5, 20, 2: Gunugu in Mauretania). Cf. supra n. 115 and infra n. 167.

<sup>157</sup> Award 207 f.; 227 n. 163.

<sup>158</sup> The three Herda 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. Galsterer, Untersuchungen zum römischen Städtewesen auf der iberischen Halbinsel, Berlin 1971, II, 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).

<sup>159</sup> 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 aeribus* (cf. CIL XVI App. 5, lines 10 f., and 4, lines 5 f.). Such epikrisis entries disprove the idea of treating CIL XVI 160 as a simple carte d'identité.

<sup>160</sup> Op. cit. (cf. n. 27), III n. 10.

<sup>161</sup> Above nn. 32 f.; 38 f.; 147 f. Conversely, some of the (theoretical) candidates to such a marriage remained *sine aeribus* (supra n. 31).

<sup>152</sup> CIL XVI 160 (A. D. 106/110); CIL XVI 68 + RMD I 17 (A. D. 120); RMD I 27 f. (A. D. 126); XVI App. 4 (A. D. 140), lines 5 f. (cf. Award 226 n. 161).

<sup>153</sup> Award 208; 229 n. 180.

<sup>154</sup> Ibid. 227 n. 165 (contra Arnaud-Lindet, art. cit. [cf. n. 149], 303 n. 1).

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

<sup>156</sup> 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-auxiliaries) promoted into the praetorium (thus Kraft, op. cit. [cf. n. 27] 123; Arnaud-Lindet, art. cit. [cf. n. 149] 308; Roxan, Distribution 269 f.), we should



of affairs is that the diploma must have meant something more than an *instrumentum* testifying to the *civitas/conubium/civitas libero-rum posterorumque*. In a previous study, I emphasized the moral value of the receipt of a diploma<sup>162</sup>; 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 *epikrisis papyri* give some justification, though all the administrative aspects of those entries cannot be ascertained as yet<sup>163</sup>.

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<sup>164</sup>: the *missio agraria*. If the *deductio* to Paestum and Pannonia is expressly provided for by the fleet diplomata of A. D. 71<sup>165</sup>, the preserved part of the praetorian aes CIL XVI 25 refers to the recipients' *agri* because of their *immunitas* 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 colonization of the beneficiaries<sup>166</sup>. Despite the silence of their diplomata on this point, the fact of the land allotments to certain of the praetorian<sup>167</sup>, naval and auxiliary *aere incisi* emerges in various ways,

<sup>162</sup> Award 208.

<sup>163</sup> 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 *epikrisis* lists.

<sup>164</sup> Roxan, *Distribution*, does not discuss the connection which seems to have existed between the *deductio* of some of the diploma bearers and the find-spots of their bronzes. Cf., however, E. Birley, *Ancient Society* 13/14, 1982/83, 273.

<sup>165</sup> CIL XVI 12–16 (and 17?). Judging from the epigraphic (Paestum) and both epigraphic and numismatic (Pannonia) evidence, the *deductio* was really carried out, though with little success (S. Dušanić, *The Witnesses to the Early "Diplomata Militaria"*, in: *Sodalitas, Scritti in onore di A. Guarino*, Napoli 1984, 280 f. n. 55).

<sup>166</sup> Cf. Award 230 n. 188.

<sup>167</sup> 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 *raison d'être* (formally at least) of the majority of the praetorian *aera* published so far. Cf. the recently edited fragment from Baetica, J. González, *Faventia* 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 (*Jcob. VIII*) with an Italian origo (*[Lucus Feroniae]*); the find-spot belongs to an area where there were several municipia Flavia and which was likely to receive the veterani

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. praet.)<sup>168</sup>.

Now, the *missio agraria* of the Praetorians and the Urbanicani, though not a routine measure, is sporadically documented and had nothing incompatible with the status of the citizen veterans<sup>169</sup>. The case of the *missi honesta missione* from the *auxilia* and classes, the non-citizen troops, must have been different. They were normally excluded from the funds of the *aerarium militare*, at least in the early period<sup>170</sup>, and the *missio agraria*, like the *praemia militiae*, were denied them<sup>171</sup>. 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<sup>172</sup>) 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<sup>173</sup>. The antinomy between these privileges of the diploma bearers from the non-citizen troops and the exclusive status of the *aerarium militare* leads us to two complementary conclusions: the *aere incisio* with its 'additional advantages', expensive as it was, could not appertain to all the *emeriti/dimissi honesta missione* from the 'peregrine' units; the issue of diplomata

*deducticii* after the *bellum Vitellii*. Line 1 int. seems to refer to the recipient's 'additional advantages' in a way similar to that of CIL XVI 25. The fragment will be discussed elsewhere in some detail.

<sup>168</sup> I shall deal with the problem of "The *Missio Agraria* and the Find-Spots of Military Diplomata" in a separate article.

<sup>169</sup> Durry, op. cit. (cf. n. 25) 301 ff.; Freis, op. cit. (cf. n. 137) 49. In view of CIL XVI 12–16 (?17); 25; 18; RMD I 1 etc., the Vespasianic data are especially instructive: CIL IX 4682 f.; X 1263.

<sup>170</sup> Cass. Dio 54, 25, 5 f. and 55, 23, 1. Cf. M. Corbier, in: *Armées et fiscalités dans le monde antique*, Colloques du CNRS, N° 936, Paris 1976 (1977), 207 ff.

<sup>171</sup> H. Wolff, supra p. 48 f.

<sup>172</sup> Cf. also the case of the *colonia Iulia Equestris* (constituted from Caesar's *alares*: F. Vittinghoff, *Römische Kolonisation und Bürgerrechtspolitik*, Wiesbaden 1951, 23 n. 6 and 69; contra R. Frei-Stolba, *Historia* 23, 1974, 442 f. et al.) and the early examples examined by A. Mócsy, *Die Bevölkerung von Pannonien bis zu den Markomannenkriegen*, Budapest 1959, 88 with n. 42 (on Corp. agr. Rom. I 229 and 234). CIL VI 31139 (Hadrianic) should probably be interpreted as recording the *missio agraria* (*colonia Claudia Ara Agrippinensium* being concerned) of an ex-peregrine *missus honest(a) mission(e) ex numer(o) eq(uitum) sing(ularium) Aug(usti)* (H. Wolff). On the auxiliary *acceptarii* at Cuicul, J. C. Mann, *Legionary Recruitment and Veteran Settlement during the Principate*, London 1983, 180 n. 571.

<sup>173</sup> See S. Dušanić, *Epigraphica* 46, 1984, 112 ff. (contra H. Wolff, supra p. 48 f.).

legally or factually irrelevant was probably demanded by a tradition (or a norm) according to which the aere incisio was a *conditio sine qua non* 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<sup>174</sup> 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.<sup>175</sup>) 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 liberorum posterorumque*; three such recipients seem to appear as early as ILLRP 515<sup>176</sup>. It may be supposed that the aere incisi from the *auxilia* (?) and the Fleets) were even eligible for *dona militaria*<sup>177</sup> (again in Strabo's second decretum), normally denied to the soldiers of 'peregrine' units<sup>178</sup>, at least in the post-Flavian period<sup>179</sup>. It goes without saying

<sup>174</sup> "Milites ob virtutem duplici frumento donatos habes praeterea (i. e. in addition to Strabo's second decree) apud Livium 7, 37, 2 et Caes. Bell. civ. 3, 53, 5 . . ." Degraffi ad ILLRP 515, n. 18, cf. V. A. Maxfield, *The Military Decorations of the Roman Army*, London 1981, 236 ff.

<sup>175</sup> Free choice: cf. Cod. Theod. VII 20, 3. (CIL XVI App. 14: ? *missio nummaria* of an Urbanicianus c. A. D. 71? [Award 209 n. 3]; X 1263: *missio agraria* of a veteranus coh. XI urb. c. A. D. 71). The privileged treatment of the *alares*: above n. 172 (*colonia Iulia Equestris*).

<sup>176</sup> Supra, n. 158.

<sup>177</sup> The torques and armillae were discovered together with the diploma (CIL XVI 96, A. D. 148: aux. Pann. Sup.) issued to a peregrine Azalian (A. Mócsy, *Pannonia and Upper Moesia*, London-Boston 1974, 175 and 313 n. 184 + Pls. 21 f.). On RMD II 102 from the same year (aux. Asiae), unearthed together (?) with a medaillon-like phalera (?), see Award 206; 225 n. 154, and Maxfield, supra p. 34 ff.; its case is doubtful (H.-J. Kellner).

<sup>178</sup> V. Maxfield, ZPE 52, 1983, 146, notes that there is only one citizen auxiliary known to have received *dona militaria* in the period later than the first years of Vespasian's reign (AE 1969/70, 583: Ti. Claudius Maximus). As Maximus began his career as a legionary, his inscription cannot be taken as a proof that citizen auxiliaries as such were eligible for *dona*; that may have been only a privilege of the aere incisi, one among those explaining the distribution of diplomata 'legally or factually' irrelevant.

<sup>179</sup> Maxfield, op. cit. (cf. n. 174) 121 ff.

that various *sine aeribus* veterans, including the recipients of the *iura* through certificates such as the *tabellae lignae*<sup>180</sup>, 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 incisio. 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<sup>181</sup>. 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 liberorum posterorumque*<sup>182</sup>. 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.)

<sup>180</sup> Above n. 35.

<sup>181</sup> S. Dušanić, in: *Roman Frontier Studies* 1979, . . ., Oxford 1980, 1064 and 1068 n. 27. Contra Dobson, supra p. 10–25.

<sup>182</sup> Cf. above nn. 4–5. Of course, it was the factor of 'additional advantages' which mattered, almost exclusively, after the *Constitutio Antoniniana*.

the alares over the cohortales in the aere incisio of I-II centuries<sup>183</sup>. "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"<sup>184</sup>; 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<sup>185</sup>. Their being published in Capitolio in tabula aenea underlined the distinctive character of the grants<sup>186</sup> and indirectly proves the *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<sup>187</sup>). When the soldiers were concerned, it was bravery in battle which mattered: it is difficult to assume for CIL XVI 1-2 (the originals of which were affixed to the walls of the aedes Fidei) a different nature (in the sense of the beneficiaries' 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 too<sup>188</sup>, and whose *ob merita* character cannot be doubted. Even the Constitutio Antoniniana refers to a victory of Caracalla: the traditional link of the bellica virtus and the civitatis donatio was still alive in the third century<sup>189</sup>!

Third, there is some independent, if circumstantial, evidence suggesting that the Claudian reform meant "a standardisation of the ear-

<sup>183</sup> 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 I 53 and CIL XVI 132 (I am inclined to follow his restoration of the *praeterea praestitit liberis formula* there).

<sup>184</sup> Award 219 n. 99.

<sup>185</sup> Cf. supra text and nn. 14 f.; ch. 7b (α, γ); n. 156; and text to nn. 174 ff., for some traditional features of military diplomata as seen from the standpoint of the radical theory.

<sup>186</sup> Th. Mommsen, CIL III p. 2007 ("donationis honor augetur publica nominis [veterani] expositione"); cf. Award 197; 208; 209 n. 6 and 228 n. 177.

<sup>187</sup> Infra n. 203.

<sup>188</sup> In any case, they must have stood on the Capitol, Nesselhauf, CIL XVI p. 147.

<sup>189</sup> Award 203; 219 n. 101.

lier 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 (*bonestam*) *missionem accepit pro meritis suis*. It is natural to conclude that analogous or greater merita were demanded for a diploma granting the tria iura with, it is permissible to assume, certain 'additional advantages'. The same inference follows from the Emperor's famous words recorded by Tacitus (Ann. 11, 24): *specie deductarum per orbem terrae legionum additis provincialium validissimis* (note the superlative) *fesso imperio subventum est*<sup>190</sup>. Their meaning is elucidated by the case of Volubilis, whose inhabitants received in A. D. 44-45 *civitatem Romanam et conubium cum peregrinis mulieribus, immunitatem annor. X* etc., obviously because of the bravery of its soldiers<sup>191</sup>, led by one M. Valerius Severus, *praef. auxilior. adversus Aedemonem oppressum bello*<sup>192</sup>. 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 *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 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<sup>193</sup>. 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<sup>194</sup>, 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-

<sup>190</sup> A. D. 48. - Cf. Award 230 n. 189.

<sup>191</sup> Cf. the clause on the *bona civium bello interfectorum* (Inscr. Ant. Maroc 2, 448, lines 14-16).

<sup>192</sup> Inscr. Ant. Maroc 2, 448 (cf. 369 [giving the date] and 370a), with comm.

<sup>193</sup> Cf. Award 215 f. n. 69.

<sup>194</sup> S. Dušanić, ZPE 47, 1982, 166 ff.; Award 201; 202; 215 f. nn. 66 f.; 69; 75.

ed to that effect<sup>195</sup>; an additional argument concerning XVI 2 seems to support our previous deductions. The dies constitutionis of that diploma, datable "ante A. D. 54"<sup>196</sup>, is February 13th. Though our evidence on Britannicus' natalis is such that three days (Feb. 11–13) have been alternatively proposed for it<sup>197</sup>, 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)<sup>198</sup>, when Britannicus' natalis must have lost its prestige<sup>199</sup>. The parallel of CIL XVI 25<sup>200</sup> 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 points<sup>201</sup>. There are 'epigraphical' reasons for believing that CIL XVI 2 opens the series of 'standard' diplomata<sup>202</sup>: that circumstance would make the choice of its day-date all the more significant.

<sup>195</sup> ZPE 47, 1982, 164 ff.

<sup>196</sup> Ibid. 168 with nn. 79 f.

<sup>197</sup> Suet., Claud. 27, 2; P. Columb. inv. 493 (cf. Herz, op. cit. [cf. n. 73] 412 n. 10; id., in: ANRW II 16/2, Berlin 1978, 1163 n. 191). To me, the day cited as a "Kaisertag" in the papyrus has nothing to do with Britannicus' natalis, and Suetonius' *vicesimo imperii die* ("12/13 Febr.": PIR<sup>1</sup> C 666) is best identified with Feb. 13 (reckoning from Jan. 24 exclusively); thus e. g. H. Mattingly, BMC I, London 1923, p. CLVI; E. Koester-mann, Komm. Tac. Annalen III, Heidelberg 1967, 261 f.

<sup>198</sup> Note the early date of the grant to the Volubilitani. – For CIL XVI 2, in that case, A. D. 44 and 46–47 would be the likeliest possibilities (cf. Award 216 n. 75).

<sup>199</sup> Cf. Tac., Ann. 12, 26, 2.

<sup>200</sup> S. Dušanić, Notes on the Early Diplomata ... (cf. n. 2) 733. Cf. Cass. Dio 60, 17, 9.

<sup>201</sup> Cf. e. g. Mattingly's comment (BMC I p. CLIX) on the sestertius with Britannicus' name on the obverse and Mars on the reverse (ib. 196 no. 226); also, the juxtaposition of two dedications from Roselle (V. Saladino, ZPE 39, 1980, 229–233 nos. 24 f.).

<sup>202</sup> ZPE 47, 1982, 168 n. 80. – The weight of CIL XVI 2 (Tab. II extant only: "gr. 835, 5" CIL XVI) is smaller than that of CIL XVI 1, Tab. II ("gr. 915" CIL XVI; "gr. 900", according to the kind note of the Soprintendente reggente of the Soprintendenza Archeologica delle Province di Napoli e Caserta [no. 17751, of Nov. 15, 1982]) but that circumstance does not necessarily imply a later date for XVI 2. Its Tab. I may have been heavier – even much heavier – than the corresponding tablet of XVI 1 ("gr. 625"), cf. e. g. XVI 12, whose first leaf weighs more than the second.

(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 articles<sup>203</sup>. 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 belli*<sup>204</sup>. 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)<sup>205</sup>, the problem of written testimonies on the recipient's identity and the like<sup>206</sup>, the postulate that the function of the diploma signatories had nothing to do with the clause *descriptum et recognitum ex tabula aenea* ...<sup>207</sup> (i. e. that their function was signatio ~ testificatio<sup>208</sup> rather

<sup>203</sup> Notes on the Early Diplomata ... (cf. n. 2) 730 ff.; Loci ... (cf. n. 36) 91–115; Witnesses ... (cf. n. 165) 271–286.

<sup>204</sup> Witnesses ... (cf. n. 165), cf. ZPE 47, 1982, 155–157 and 161–163; Notes ... (cf. n. 2), 733; Loci ... (cf. n. 36), 103 ff.

<sup>205</sup> Cf., for an analogous sequence, ILS 6175, Ostia (*senatores, equites Romani, quinquennales, plebs*). After all, the decurions of CIL XVI 14 have been entered as the *decuriones (coloniae)* in the Index (p. 2535: lader) of CIL III.

<sup>206</sup> See CIL XVI App. 8, lines 20 ff.

<sup>207</sup> 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).

<sup>208</sup> Cf. the use of the verb *signare* on CIL XVI App. 12 (int., line 12) and Daris, Dc. Es. Rom. Eg. (cf. n. 27) 89, line 6.

than *recognitio*<sup>209</sup>), 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<sup>210</sup>) and of Commodus' letter to the Athenians (signed by i. a. the *ab epistulis Graecis* and the *a rationibus*<sup>211</sup>) 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<sup>212</sup>, 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<sup>213</sup>. 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

<sup>209</sup> 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 *recognoscentes* – were more numerous and more important.

<sup>210</sup> Inscr. Ant. Maroc 2, 94 comm. (p. 89 ff., esp. 91).

<sup>211</sup> AE 1952, 6; cf. F. Millar, *The Emperor in the Roman World* (31 B. C. – A. D. 337), London 1977, 223 n. 79.

<sup>212</sup> 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.

<sup>213</sup> M. Roxan – J. Morris, *Arch. Vest.* 28, 1977, 329.

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<sup>214</sup>. 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*<sup>215</sup>, 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*<sup>216</sup>. 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<sup>217</sup>, 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 Stobian (the recipient of the Drobeta *diptychon*, Ulpius Ulpi f. Herculanus, had the origo *Stobis*), lists three 'unique' signatories (t. 5–7); namely, Stobi was a *municipium iuris*

<sup>214</sup> Ibid. (cf. p. 328 for the difficulties in explaining Blastus' occurrence on, and Iasus' absence from, CIL XVI 179 f.).

<sup>215</sup> I. Piso – D. Benea, *ZPE* 56, 1984, 269 and 277 = RMD II 123 with n. 17.

<sup>216</sup> 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.

<sup>217</sup> 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 ...").

Italici<sup>218</sup>, and various immunitates must have been included among the 'additional advantages' previously discussed (ch. 8b). The matter may have depended on Ulpius Herculanus' decision to settle in Dro-beta (the find-spot of the bronze), not Stobi<sup>219</sup>: was there a connection between Stobi's tribus Aemilia and the occurrence of the three Aemilii in the witness list of the new diploma (t. 1, 4, 7)? This latter seems noteworthy as the nomen Aemilium is rarely found with government witnesses<sup>220</sup>, 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 datarum 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<sup>221</sup> registering more than two constitutions, especially when these derive from different years, were chosen intentionally. There are actually seven such cases<sup>222</sup>: January 7th, the date of all the post-Seve-

<sup>218</sup> Dig. 50, 15, 8, 8; cf. Rev. Belge de Num. 113, 1967, 25–28.

<sup>219</sup> The recipient of CIL XVI 78 (L. Sextilius Sextili f. Pudens) made the same choice ("rep. ad Giurgiu", not at Stobi).

<sup>220</sup> The Index of RMD I (pp. 105 ff.) has only one, Q. Aemilius Soterichus, active from CIL XVI 39 (A. D. 94) to XVI 56 (A. D. 107). The Aemilii are not numerous in the Macedonian inscriptions or among the attested members of the tribus Aemilia, but cf. the *L. Aemilius L. f. Aem. Regillus Fund.* of CIL VI 3884 = 32526 a 135, A. D. 198–218 (practically speaking, the Aemilia was the tribe of Fundi). I am indebted to Professor G. Forni for a helpful letter on the problem of the relationship between the nomen Aemilium and the tribus Aemilia, and for the reference to the man from Fundi in particular.

<sup>221</sup> Many festivals lasted more than one day, see e.g. G. Wissowa, *Feriae*, RE VI, 1907, 2213 (the *feriae praeconceptivae* et sim.); G. Radke, *Sol, Der Kleine Pauly* 5, 258 (Aug. 8th + 9th); P. Herz, ZPE 31, 1978, 285 f. (the dynastic *bidua*).

<sup>222</sup> The following days were chosen for two (published) constitutions only: Feb. 13 (CIL XVI 2 = Britannicus' natalis? [ch. 9]; RMD I 38); Apr. 5 (CIL XVI 14–16, cf. infra n. 235); Apr. 30 (CIL XVI 122, RMD I 34 – Floralia? [cf. Herz, op. cit. (cf. n. 73), 193 ff. and RMD I 2: Apr. 28]); July 19 (RMD I 14; CIL XVI 178); Aug. 11 (CIL XVI 160 and 132); Aug. 14 (RMD I 7?; CIL XVI 44 f.); Sept. 5 (CIL XVI 31 and 100); Sept. 8 (CIL XVI 24; 62 f.); Sept. 15 (CIL XVI 88 and 70? – both for the British auxilia); Nov. 18 (CIL XVI 81; 169/73; 170), and Dec. 13 (CIL XVI 107 and RMD I 39 – both for the

ran diplomata for the City troops (+ Equites Singulares)<sup>223</sup>; February 7th + 8th (CIL XVI 22, RMD II 105 + RMD II 102 f., RMD I 55); February 17th + 18th (CIL XVI 32, 57 + 74, 98, 120); May 12th + 13th (RMD I 4 f. + CIL XVI 33, 50); June 29th + 30th (CIL XVI 67 f., RMD I 17 [two constitutions with three copies altogether] + XVI 55); July 2nd (CIL XVI 4, 163 f., 76 f., RMD I 35) and December 28th<sup>224</sup> (CIL XVI 152, 154 [cf. App. 12], RMD I 48). Except for February 7th + 8th and July 2nd, all of them coincide with known festivals of different sorts. January 7th marks, of course, Augustus' first assumption of the fasces<sup>225</sup>. On February 17th (+18th, no doubt) the Quirinalia were celebrated<sup>226</sup>, on May 12th (+13th) the ludi Martis (the divinity concerned being Mars Ultor!)<sup>227</sup>, on June 29th (+30th) the Quirinalia again<sup>228</sup>. December 28th was obviously marked as a sailor's day connected with the sailor's symbols such as the Piscis Austrinus (the Southern Fish, a star whose late setting must have had a place in the classici's *feralia*) and the marine goddesses Venus – Isis – Dea Syria<sup>229</sup>. As for February 7th + 8th, it should be remembered that February contains the greatest number of the dies constitutionum datarum so that some of the latter may have been synchronized with minor feasts only. As to July 2nd, several circumstances would suggest a reference to a historical event of interest for the Danubian provinces<sup>230</sup>.

Dacian auxilia ~ leg. XIII Gemina [supra n. 73]). The September dates may have had something to do with the ludi Romani (Sept. 4–19: Herz 267 ff.).

<sup>223</sup> Cf. infra n. 225 (on RMD II 131).

<sup>224</sup> Cf. CIL XVI 112 f. (Dec. 27); Daris, *Dc. Es. Rom. Eg.* (cf. n. 27) 95 B, line 21 (Dec. 28).

<sup>225</sup> Cf. e.g. ILS 112. S. Dušanić, *The Sailor's Calendar: Notes on the Day-Dates of Military Diplomata*, in: *Römische Geschichte, Altertumskunde und Epigraphik. Festschrift für A. Betz*, Wien 1985, 233 f.; 244 n. 4. Ib. 233: "... a fresh find shows that [Jan. 7] was applicable to the Fleet diplomata too" reposes on a lapsus *machinae*; the day-date of the diploma in question is Nov. 27 (now RMD II 131).

<sup>226</sup> Herz, op. cit. (cf. n. 73) 142 f. (note CIL VIII 9045!).

<sup>227</sup> Ibid. 203 (note CIL VI 2131); S. Dušanić, *Notes on the Early Diplomata* ... (cf. n. 2) 731 f.

<sup>228</sup> Herz, op. cit. (cf. n. 73) 234 (note CIL III 14370, 9 and VI 328).

<sup>229</sup> See my paper referred to supra, n. 225. The zodiacal sign of December 28th (Capricorn) gave the day also a welcome link to Caesar Augustus.

<sup>230</sup> The chronological span of the constitutions involved, wide as it is (A. D. 60–133), implies an early event. Geographically, it is linked to Pannonia (CIL XVI 4; 76 f.), Moesia (AE 1958, 233) and Dacia (CIL XVI 163 f.; RMD I 35). It may be the day of M. Licinius Crassus' great victory over the Bastarnae in 28 B. C. (his triumph fell on July 4th: *Inscr. Ital.* XIII 1, pp. 345 and 571), but the matter is far from certain and the possibility of two (or more) different events determining the dies of the constitutions cited cannot be discarded.

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<sup>231</sup> 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<sup>232</sup>. 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 Adiutrix (CIL XVI 7–9 + 10 f.) mark the units' natales signorum<sup>233</sup>; 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<sup>234</sup>; 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<sup>235</sup>; 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<sup>236</sup>. 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

<sup>231</sup> Save for CIL XVI 68 and RMD I 17 (the Palmyreni Sagittarii).

<sup>232</sup> 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. 239).

<sup>233</sup> 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.

<sup>234</sup> Supra n. 73.

<sup>235</sup> See my paper referred to above n. 225.

<sup>236</sup> Above nn. 200 and 201.

indications (not too strong, after all), that December 28th marked a day of importance for the classarii, both its assignment to the group of 'eloquent' dates and the ['naval' and 'Africo-Augustan'] ... interpretation of its nature would seem ill-founded ...<sup>237</sup> – 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<sup>238</sup> – a warning against the hypercritical approach to the problem of the dies constitutionum datarum.

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<sup>239</sup>. 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<sup>240</sup>. Thus the

<sup>237</sup> The quotation from my article cited supra (n. 225) 243 (the present additions of mine are in square brackets).

<sup>238</sup> Herz, op. cit. (cf. n. 73), 137 (of 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.

<sup>239</sup> Cf. e. g. CIL XVI 7–9: the locus is the ara gentis 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. 233.

<sup>240</sup> A part of the problem has been dealt with from another perspective by Zs. Visy, *Die Entlassung der Auxiliarsoldaten aufgrund der Militärdiplome*, Acta Arch. Hung. 36, 1984, 223–238. Inter alia, the abbreviation *pos.* (cf. the *Darnithithi* of CIL XVI 160) put before the day-date of CIL XVI 12 goes against Visy'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*<sup>241</sup>, 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<sup>242</sup>. To conclude, the unidentified days probably celebrated victories<sup>243</sup> (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<sup>244</sup>. The 'fêtes de victoire', with their outstanding place in the Calendar of 354<sup>245</sup>, 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.

<sup>241</sup> RMD II 131 (cl. 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 privilege, P. Ryl. 611, seems to have been granted on Domitian's *dies imperii* (H. Wolff, *Chiron* 4, 1974, 508 with n. 57).

<sup>242</sup> *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).

<sup>243</sup> 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.

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

<sup>245</sup> H. Stern, *Le Calendrier de 354*, Paris 1953, 79 ff.