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**A RHODIAN AMPHORA HANDLE
IN A PRIVATE COLLECTION IN HUNGARY**

BY GYÖRGY NÉMETH

Abstract: Publication of an amphora seal signed with the name Ainêtôr, from a Hungarian private collection.

Keywords: Rhodos, amphora, epônym, Ainêtôr

In January 2009 I was invited to determine an amphora handle from Israel, kept in a private collection in Hungary. The amphora seal on the broken handle contains a short text in Greek:

ΕΠΙΑΙΝΗΤΟΡΟΣ
ΑΡΤΑΜΙΤΙΟΥ

The reading of the inscription:

ἐπὶ Αἰνήτορος
Ἄρταμιτίου

In the official year of Ainêtôr
In the Artamitios month

Relying on the form of the letters, the inscription can be dated to 3rd/2nd century BC. On Rhodes it was common to stamp amphorae with the name of the eponym and the month of the production between the 4th and 1st centuries BC.¹ Ainêtôr was eponym magistrate of Rhodes between c. 220–180 BC.² The number of surviving stamped amphorae from his period is relatively high, thus Hiller von Gärtringen rates the occurrence as “häufig”, i.e. frequent. As far as I

¹ Hiller von Gärtringen. Rhodos. In: RE Suppl. V. (1931) 835–840. To Rhodian month names see J. Sarkady, Studies in Greek heortology. Debrecen 1998, 15, 104.

² V. R. Grace, The eponyms named on Rhodian amphora stamps. Hesperia 22 (1953) 116–128. The name Ainêtôr occurs on p. 122, Nr. 15. For dating, cf. Hiller op. cit. (note 1), 835. Nr. 23.

know, however, this one is the first amphora fragment with Ainêôtôr's seal in a Hungarian collection.



fig. 1: Photo of the seal



fig. 2: Drawing of the seal

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**THE DATE AND CIRCUMSTANCES
OF THE HELIODOROS AFFAIR**

**CONSIDERATIONS ON THE SELEUCUS IV DOSSIER
FROM MARESHA**

BY TIBOR GRÜLL

Abstract: In 2005 and 2006 in the Hellenistic city of Marise (Marisha/Bet Guvrin, Israel) five adjoining fragments of a Greek inscription has been found. The stele contains three letters: an order from Seleucus IV (187-175 B.C.) to his chancellor Heliodoros about a certain Olympiodoros, who was put in charge of the sanctuaries of Koilē Syria and Phoinikē; a letter from Heliodoros to Dorymenes (who was in all probability the *strategos* of Koilē Syria and Phoinikē at that time); and a letter from Dorymenes to a certain Diophanes (probably the *hyparchos* of the district of Marise). The letters are dated to the month Gorpaios of the year 134 S.E. (summer of 178 B.C.). There is no doubt that Heliodoros in the dossier of Marise, and Heliodoros in the Second Book of Maccabees (ch. 3–4) is the same person who attempted to plunder the Temple of Jerusalem, but according to the 2Macc 3:25–27 he has suffered a divine punishment. In this paper I am arguing that the “Heliodoros-affair” happened in the earlier years of Seleucus IV’s reign, probably nine or eight years before Olympiodoros was put in charge of religious affairs in Koilē Syria and Phoinikē. If we accept this chronological order, the known list of four *strategoi* of Koilē Syria and Phoinikē can be easily put together.

Keywords: Greek epigraphy; Old Testament pseudepigrapha; Seleucid administration; inter-testamental era; Jewish history in the Hellenistic age.

“Then shall stand up in his estate a raiser of taxes in the glory of the kingdom:
but within few days he shall be destroyed, neither in anger, nor in battle.”
(Dan 11:20 KJV)

The story of Heliodoros is told by the *Second book of Maccabees* (ch. 3–4). Under the high priesthood of Onias III (ca. 198–174 B.C.), “the holy city [i. e. Jerusalem] was inhabited in unbroken peace and the laws were very well observed because of the piety of the high priest Onias and his hatred of wickedness” (2Macc 3:1 SRV). Even the Seleucid ruler, Seleucus IV Philopator (187–175 B.C.) paid his respect to the most holy place of the Jews, the Jerusalem Temple, and “glorified the temple with the finest presents” (2Macc 3:2). The

setback came in the person of a man named Simon, of the tribe of Benjamin or of the priestly family of Bilgah¹ “who had been made *prostatēs* of the temple,² who had a disagreement with the high priest about the administration of the city market”³ (2Macc 3:4). After he could not prevail over Onias he went to Apollonius son of Thraseas, who at that time was governor (*stratēgos*) of Koilē Syria and Phoinikē. Simon reported to him that the treasury of the Temple of Jerusalem was so full of money that the amount could not be reckoned. Part of this money did not belong to the account of the sacrifices, so it was possible for them to fall under the control of the king Seleucus.⁴ When Apollonius told the information to the king, Seleucus IV sent Heliodorus, who was in charge of his affairs, to Jerusalem. “Heliodorus at once set out on his journey, ostensibly to make a tour of inspection of the cities of Coelesyria and Phoenicia, but in fact

¹ The Greek word *phyle* means not only ‘tribe’ but also ‘(priestly) clan’. All Greek texts contain ‘Benjamin’, but in the Latin and Armenian versions of the 2Macc we find ‘Balcea, Balgei, Balgeus’, which refers to the well-known priestly family of Balga or Bilgah, mentioned at Neh 12:5, 18, and 1Chron 24:14. In later times Jews held the clan of Bilgah in ignominy for impious acts of its members during the reign of Antiochus IV; see *M. Sukkah* 8:8, *T. Sukkah* 4:28, and *S. Lieberman*, *Tosefta Ki-fshuta*, Part IV (Mo’ed). New York 1962, 908-10.

² The Greek noun *prostatēs* (‘chief, guardian’) and the related verbs (*prostatain*, *proistasthai*) are vague terms with many uses, civil, military, and religious. In translations from the Hebrew Bible the noun *kar* (‘officer’, 1Chron 27:31, 29:6; 2Chron 8:10) is a general term. In the context dealing with the temple at 2Chron 24:11 the noun renders the king’s ‘supervisory bureaucracy’ (*pequddah*) as well as the ‘supervisor’ (*paqid*) appointed by the high priest. On these derivatives of the root *pqd* see S. Yeivin, s. v. *pqydw*, *Enc. Bib.* VI (1971) 551-2 (in Hebrew). In Josephus and in the New Testament the only high-ranking priest whose title contains the words ‘of the temple’ is the *stratēgos* (‘commander’) of the temple. *Stratēgos*, too, is a vague term covering many civil, military, and even religious functions; see *Bengtson 1937-52*. The competence of the *stratēgos* of the temple, like that of Phineas and Eleazar, included both the command of the temple police (*BJ* VI. 5.3. [294]; Acts 4:1, 5:24, 26) and influence over the priests who offered the daily sacrifices (*BJ* II. 17.2. [409]).

³ In Greek cities an *agoranomos* supervised and policed the market; he inspected merchandise for quality, controlled the licensing of merchants to sell their goods in the city marketplace (*agora*), saw to the legal validity of transactions and to the documents recording them, and might also have had religious duties. See *A. Mannzmann*, s. v. *agoranomoi*. In: *Der kleine Pauly* I (1964) 142; *A. H. M. Jones*, *The Greek City*. Oxford 1940, 215-7, 230, 240. In Ptolemaic Egypt an *agoranomos* was a registrar of documents; see *H. I. Bell*, *The agoranomeion to kai mnemeion*. *Archiv für Papyrusforschung* 6 (1920) 104-7.

⁴ To take temple property was the crime of sacrilege (*hierosylia*). Nowhere in the 2Macc 3-4 does the Greek root occur, though the author used it to condemn the depredations of Lysimachus and Menelaus (4:39, 42; 13:6) and Antiochus IV (9:2). Indeed, the point in the story of the miracle (vss. 10-12, 15, 22) is God’s protection of *private deposits* in His temple, not His protection of sacred funds or His exclusion of pagans from holy soil (cf. *Bickerman 1947*). Although a Greek could consecrate money to a god for safekeeping in his temple and still treat the money as an ordinary deposit that procedure was not open to a Jew: if a Jew consecrated his money, he gave it irrevocably to the temple (*Goldstein 1964*, 205).

to carry out the king's purpose" (2Macc 3:8). Today, this story is well-known because of its artistic representations: among Raffaello's (1512) and Delacroix's (1861) picture I know of nine paintings of the story by European artists. When the greedy and sacrilegious Heliodorus intruded into the Jewish Temple to control personally the counting of money (400 talents of silver, 200 talents of gold), he was attacked by a "magnificently caparisoned horse, with a rider of frightening mien in armor and weapons of gold", as well as two youth "remarkably strong, gloriously beautiful and splendidly dressed" who beat him badly (2Macc 3:25–27). The half dead Seleucid minister convalesced only after the high priest Onias III offered a sacrifice for his recovery (2Macc 3:32).

Seleucus IV's dossier on the inscription from Maresha

The city of Maresha, which has been twice mentioned in the Bible (2Chron 14:9; 20:37), became known as *Marisē* in Greek inscriptions and papyri of the Hellenistic period.⁵ Maresha is located in Israel's Shephelah, some 40 kms to the SW of Jerusalem. Another nearby site is the Late Roman and Byzantine city of Eleutheropolis (Beth Guvrin), found 1.5 kms to the N. Maresha was first extensively excavated by F. J. Bliss and R. A. S. Macalister, during the years 1898-1900. The site has three main features: the upper city (*akropolis*), the lower city, and the *nekropoleis*. The early Hellenistic Maresha was planned by the Hippodamian system; the lower city, built around the mound, was encircled by a defensive wall. The main finds of Maresha were the subterranean complexes with painted tombs of Sidonian style. The site was under Ptolemaic control during the 3rd century B.C., but after the Fifth Syrian War (202/1-198 B.C.) the whole territory was annexed by the Seleucid dynasty.

During the excavations of the so-called Subterranean Complex 57, located some 100 metres to the SE of Maresha's *akropolis*, were carried out under the direction of *Bernie Alpert* and *Ian Stern*.⁶ The complex has four rooms and it was Room 1 which delivered the richest finds. According to the excavators all datable material (petroglyphs, bowls and ostraca) belongs to the 3rd-2nd centuries B.C. In addition, the excavators found in Room 1 three inscribed stone fragments in Greek (fragment **D** in 2005; fragment **C** and **E** in 2006), belonging to the lower part of the stele published by *Hannah M. Cotton* (Hebrew University of Jerusalem) and *Michael Wörrle* (Commission for Ancient History and Epigraphy at the German Archaeological Institute in

⁵ *L. Robert*, *Hellenica* 2 (1946) 73; PCZ I 59006, l. 64.

⁶ Excavations and Surveys in Israel (ESI) 119 (2007), at <http://www.hadashot-esi.org.il>

Munich) in ZPE 159 (2007), which itself consisted of two fragments (**A** and **B**). It was Dov Gera (Ben-Gurion University) who published all the five fragments in ZPE 169 (2009).⁷ The complete text of the survived fragments is as follows:

[**A+B+C+D**] Dorymenes to Diophanes greetings. The copy of the letter handed over to us by Heliodoros who is in charge of the affairs is enclosed. You will do well therefore if you take care that everything is carried out according to the instructions. Year 134 [i. e. 178 B.C.], 22 of the month Gorpaios.

Heliodoros to Dorymenes his brother greetings. The copy of the order by the king concerning Olympiodoros handed over to us is placed below. You will do well therefore if you follow the instructions. Year 134, 20 (?) of the month of Gorpaios.⁸

King Seleucus to Heliodoros, his brother, greetings. We, taking the greatest care concerning the security of our subjects, and thinking it to be of the greatest good for our affairs when those who live throughout the kingdom lead their own lives without fear, and observing at the same time that nothing can partake of due good fortune without the favour of the gods, have prescribed from the start that the established sanctuaries throughout the other satrapies be provided with the ancestral honours with the proper service. However, as the affairs in Koilē Syria and Phoinikē lack someone in charge for the care of these things, we thought that Olympiodoros will preside prudently over the orderly conduct of associations (?), [he, who] has demonstrated his loyalty to us because of his attitude, from times gone by, as he had been raised <with> us and had gained for himself the best disposition in all things, he was, on the one hand, appointed chamberlain with reason, because he has proven himself worthy due to his long-standing loyalty, while on the other, he was justifiably introduced into the (ranks of the) First Friends because of his love for us, having made the most assiduous demonstrations (of loyalty) while in such a [rank], and following the way that we are inclined to [increase] the honour of the gods in accordance with the [attitude] of our ancestors and the care of the temples in which we believed from [times gone by...]

⁷ The stele, which was purchased on the antiquities market, was obviously looted, quite probably from an active archaeological site licensed by the Israel Antiquities Authority (IAA). The question arises how and why did this important piece make its way into the hands of a private collector? According to media reports, the stele was purchased in early 2007 by Michael Steinhardt, a founding co-chairman of Birthright Israel. Notwithstanding, it was not Steinhardt whom the item was purchased from, but Gil and Lisa Chaya, who are registered antiquities dealers in Jerusalem. Gil Chaya is reportedly a nephew of Shlomo Moussaieff, owner of perhaps the largest collection of Biblical antiquities in the world. Despite the fact that it is without a known context and was bought on the antiquities market, the Heliodoros stele was officially published in ZPE 159 (2007), with a separate article in the same journal confirming its authenticity by Yuval Goren of Tel Aviv University. The stele made the news again this year because, upon its publication in the ZPE, Dov Gera realized that three pieces of an inscription found by “Dig For A Day” volunteers excavating in 2005 and 2006 within Cave 57 at Tell Maresha in Beit Guvrin National Park are apparently from the missing base of the Heliodoros stele. This matches exactly with Y. Goren’s conclusion, reached independently more than a year earlier, that the stele was most likely found at the site of Tell Maresha in a closed cave where ritual burning activities took place.

⁸ Translated by *H. M. Cotton* and *M. Wörrle*, ZPE 159 (2007) 193.

[E] ...you will do well [taking care to enter him in] the contracts, as is fitting, and that a copy [of the letter] be engraved on a stele [to be set up in the most cons]picuous of [temples] in these [places...]⁹

We have relatively little information about the reign of Seleucus IV (187-175 B.C.), therefore his reign had been neglected in modern research (Gera 1997: 101–108; 2009: 131). From the inscription of Maresha it can be learned that the king had issued an order, in the form of a letter, to Heliodoros, his chancellor (*ho epi tōn pragmatōn*). This *prostagma* is preceded by two letters: the top one is written by Dorymenes and is addressed to a certain Diophanes. Dorymenes informs the recipient that a copy of a letter sent by Heliodoros “who is in charge of the affairs” is enclosed. The letter is dated to the month Gorpaios of the year 134 SE (summer of 178 B.C.). The second epistle, of the same month and year, was sent by Heliodoros to Dorymenes. The chancellor of the kingdom greets Dorymenes as “brother” and informs him that a copy of the king’s order concerning Olympiodoros is appended. The king’s order, naturally the most important document of this dossier, stood lowermost.

Let us recapitulate the contents of Seleucus IV’s instructions to Heliodoros. The letter opens with greetings from the king to Heliodoros. The king then claims to possess the greatest foresight with regard to the safety of his subjects, whose quiet lifestyle will contribute immensely to the affairs of the realm. Seleucus is aware, however, that the achievement of such good fortune is dependent upon the favour of the gods. As a result, he had dedicated himself to ensuring that the temples in all the other satrapies shall receive the honours due to them from ancient times. The monarch then informs Heliodoros of his intention to appoint a certain Olympiodoros to supervise the proper management of associations, obviously in connection with their cultic practices. Then the king delineates the most important stations of Olympiodoros’ career (*syn-trophos*, chamberlain [*ho epi tou koitōnos*], First Friend, and *stratēgos*).

The Seleucid officials

The Maresha inscription, with its objective of appointing Olympiodoros as high priest of Koilē Syria and Phoinikē, is similar in both aims and structure to two earlier dossiers, both of which revolve around an identical letter of Antiochus III (albeit with minor variations) concerning the selection of Nikanor to the post of high priest in cis-Tauric Asia Minor. The inscription found at Pamukçu in Mysia (*SEG XXXVII 1010*) contains a *prostagma* of Antiochus III to Zeuxis,

⁹ Translated by D. Gera, *ZPE* 169 (2007) 131, 138.

the king's vizier in Asia Minor. Above the royal epistle there is a missive from Zeuxis to Philotas, and on the top of the inscription a letter from Philotas to Bithys. Scholars suggest that Philotas was the governor of Mysia, while Bithys is probably a *hyparchos* of the locality in which the inscription was found.¹⁰ Part of another copy of Antiochus III's letter to Zeuxis has been found at Akşehir, in Phrygia.¹¹ As in the inscription from Mysia, the royal *prostagma* occupies the bottom part of the monument, and it is preceded with a letter of Zeuxis to a certain Philomelos, and a short note from Philomelos to Aineas on the top. H. Malay suggests to identify Philomelos as the *stratēgos* of Phrygia, and Aineas as a *hyparchos* serving under him. The parallel to be drawn from these dossiers is clear. Dorymenes, who received a letter from the chief minister Heliodoros, was in all likelihood the *stratēgos* of Koilē Syria and Phoinikē in 178 B.C. while Diophanes must have been the official responsible for Marisē and the surrounding area.¹²

Accepting Dov Gera's arguments concerning the ranks of the above-mentioned Seleucid officials we focus our main topic: the sequence of the *strategoī* of Koilē Syria and Phoinikē. (1) We shall begin with Apollonios son of Menestheus, mentioned in 2Macc 4:4.7 as *ton Koilēs Syrias kai Phoinikēs stratēgon*, just prior to death of Seleucus IV. This Apollonios seems to reappear soon after Seleucus Philopator's brother, Antiochus IV, ascended to the throne. In 173, a Seleucid diplomatic delegation headed by Apollonios arrived to Rome (Livy XLII. 6.6–12). Another mission of Apollonios son of Menestheus took him to the court of Ptolemy VI Philometor on the occasion of the king's *πρωτοκλησίᾳ* (2Macc 4:21). The date of this mission is uncertain, and it is to be placed either in 174 B.C., before Apollonios' embassy to Rome, or in 173/2 B.C., after his return from Italy.¹³ The information concerning Apollonios son of Menestheus indicates that he must have left his post as *stratēgos* of Koilē Syria and Phoinikē in 175/4 B.C. (2) Describing the Heliodoros-affair 2Macc 3:5 mentions another governor called Apollonios son of Thraseas. He

¹⁰ J. Ma, *Antiochos III and the Cities of Western Asia Minor*. Oxford 2000, 123; L. Capdetrey, *Le pouvoir séleucide: territoire, administration, finances d'un royaume hellénistique*, 312-129 avant J.-C. Rennes 2007, 259; J. D. Grainger, *A Seleukid Prosopography and Gazetteer*. Leiden 1997, 113; Gera 2007, 139.

¹¹ H. Malay, *A Copy of the Letter of Antiochos III to Zeuxis (209. B.C.)*. In: H. Hefner, K. Tomaschitz (eds.): *Ad fontes! Festschrift für G. Dobesch*. Wien 2004, 407-413.

¹² Gera 2007, 140.

¹³ Gera 2007, 140. Apollonios is also mentioned by Polybios, but in different context (XXXI. 13.3). According to the Greek historian Apollonios had enjoyed much favour with Seleucus IV, but departed to Miletus (his hometown, see P. Herrmann, *Chiron* 17 (1987) 175-190) upon the succession of Antiochus IV to the throne. O. Mørkholm (1966, 47–49) sought to harmonize Polybios' statement with the evidence of Apollonios' service to Antiochus IV.

was the *strategos* to whom Simon, the *prostates* of the Temple of Jerusalem reported about its treasures. According to Cotton and Wörrle there may have been a time gap between the two Apollonioses.¹⁴ On the contrary of this, Dov Gera claims that Apollonios son of Thraseas was “direct predecessor” of the above mentioned Apollonios son of Menestheus in the governorship of the satrapy.¹⁵ Nothing, however, is known concerning this latter Apollonios. Dov Gera argues that this name in 2Macc 3:5 is a doublet of the verse 4:4 (mentioning Apollonios son of Menestheus).¹⁶ But we also know of a certain Ptolemaios son of Thraseas, who was the last Ptolemaic governor of Koilē Syria and Phoinikē, who defected to the Seleucids on the eve of the Fifth Syrian War, and became Antichus III’s *stratēgos* there.¹⁷ Thus, there is no reason to doubt the historicity of Apollonios son of Thraseas, presumably a brother of Ptolemaios son of Thraseas.¹⁸ Apollonios must have become a *strategos* of Koilē Syria and Phoinikē in the wake of his brother. As the last attested date for Ptolemaios’ governorship is 195 B.C.,¹⁹ Apollonios would have held this post in the late 190’s or in the early 180’s.²⁰ (3) We have seen above that Dorymenes mentioned in the dossier from Maresha was in all likelihood the *strategos* of Koilē Syria and Phoinikē in 178 B.C. It is also worth mentioning that a certain Ptolemaios son of Dorymenes appears as a member of the court of Antiochus IV Epiphanes. A person of the same name is mentioned in 1Macc (and other sources) in connection with the events of 165, where he is listed as the first of three Seleucid generals beside Nicanor and Gorgias, who were entrusted to annihilate the rebellious Hasmoneans. Ptolemaios son of Dorymenes suggested the anti-Jewish decrees of Antiochus IV (2Macc 6:8). Ptolemaios son of Dorymenes was governor of Koilē Syria and Phoinikē approximately ten years after his father held this post under Seleucus IV.

In sum, we have four names of *stratēgoi* of Koilē Syria and Phoinikē in the early Seleucid era:

(a) Ptolemaios son of Thraseas, on the eve of the Fifth Syrian War (202/1–198 B.C.);

(b) his brother, Apollonios son of Thraseas, mentioned in connection with the Heliodoros-affair, “probably in the late 190’s or in the early 180’s” (Dov Gera), but according the 2Macc under Seleucus IV Philopator (187–175 B.C.);

¹⁴ Cotton–Wörrle 2007, 198. n. 45.

¹⁵ Gera 2007, 141.

¹⁶ Gera 2007 142.

¹⁷ Bengston 1944 II. 161–163; Gera 1987.

¹⁸ Holleaux 1942, 161. n. 6.

¹⁹ SEG XXIX, 1613. l. 37. The date refers to the letters of II. 28–37.

²⁰ Gera 2007, 142.

(c) Dorymenes, mentioned in the Maresha stele (178 B.C.), under Seleucus IV Philopator;

(d) Apollonios son of Menestheus, mentioned also in 2Macc, just prior to death of Seleucus IV (175 B.C.).

The date of the Heliodorus affair

Hellenistic kings were pleased to increase their popularity by showing generosity to temples both Greek and non-Greek whenever their resources permitted,²¹ Antiochus III was, however, killed attempting to rob a temple in 187 B.C. (Diodorus XXVIII. 3, XXIX. 15; Justin XXXII. 2.1-2). Many scholars do not reject the tale of the attempt by Heliodorus to despoil the Temple, and explain the miraculous outcome as a fanciful version of a more mundane solution of the crisis reached by the Jews and the Seleucid government.²² Now, Seleucus IV's letter to Heliodorus clearly attests to the king's desire to involve himself in the affairs of the temples of Koilē Syria and Phoinikē through the appointment of Olympiodoros as high priest of the satrapy.

Jerusalem was conquered by Antiochus III Megas in 200 B.C. in the course of the Fifth Syrian War. During the campaign, the king had received some help from the Jews (2Macc 3:5),²³ and in recognition of this support, Antiochus III issued a *prostagma*, preserved in Josephus' *Antiquitates* (*AJ* XII. 3.3. [138–144]),²⁴ which recognized the holiness of the city.²⁵ Things did not change much after the time of Antiochus III, for we are told that the kings of the period honoured the holy place and that they further added to the temple's prestige with the most excellent gifts. It is said of Antiochos III's son and heir, Seleucus IV, that he furnished all ongoing expenses for the performance of sacrifices out of his own income (2Macc 3:2-3). Notwithstanding, king Seleucus IV also inherited the harsh terms of the Apamea treaty. The Seleucids had to pay Rome's war expenses, the sum of 15,000 talents. Five hundred talents were to be handed over immediately, an additional 2,500 talents paid after the agreement was ratified in Rome, and the remainder transferred to Rome in 12 yearly installments.²⁶ Thus, the final payment to Rome was due in 177 B.C. According to Dov Gera "the appointment of Olympiodoros seems to have been part of an

²¹ Bickerman 1938, 123–4.

²² Fischer 1991; Gera 1997, 107; Schwartz 2003; Kennell 2005; Ego 2007.

²³ Gera 1997, 25–34.

²⁴ Elias Bickerman proved the authenticity of this royal decree (Bickerman 1935).

²⁵ Gera 2007, 147.

²⁶ McDonald 1967; Paltiel 1979; Burstein 1981; Gera 1997, 90.

effort by Seleucus IV to fulfill his financial obligations to Rome.”²⁷ This nomination would have posed a threat to all the sanctuaries in the satrapy, and not only to the Jerusalem Temple. At this point, however, Dov Gera makes a mistake, applying the Seleucus IV’s dossier from Maresha to the story of Heliodoros in 2Macc 3–4.²⁸

We should, however, emphasize that the exact date of the Heliodoros affair was not precisely defined in 2Macc. If we accept its basic historicity, it could have happened at any time during the twelve-year-long reign of Seleucus IV (187–175 B.C.).

Let us now turn back to the *Second Book of the Maccabees* which refers to the aftermath of the Heliodorus affair as well. According to Jason of Cyrene – supposedly the author of the 2Macc – Heliodorus was grateful to Onias III, the high priest, because of his miraculous healing, and marched back with his army to the king (2Macc 4:34–35). But Seleucus IV (and Heliodorus himself) did not abandon his project to take over the treasures of the Jerusalem Temple. They could not, because they had to pay the yearly installments to Rome. The story continues as follows: “when the king asked Heliodoros what now was the right sort of man to send to Jerusalem, he replied, if you have an enemy or a plotter against your kingdom, send him there. He will come back to you scourged, if he survives at all, because a divine power truly surrounds the place” (2Macc 3:37–38). Here the story continues with the wickedness of Simon, the *prostatēs* of the Temple (2Macc 4:1–3), which was supported by Apollonios son of Menestheus, the *stratēgos* of Koilē Syria and Phoinikē. We do not know how many time passed since the Heliodoros affair. Could it be possible that Olympiodoros, the *syntrophos*, chamberlain and one of the First Friends of Seleucus IV was the secret enemy of the sovereign, who was sent instead of Heliodoros to Jerusalem? It is not an unlikely hypothesis, if we assume that the Heliodoros affair happened between 187–178 B.C., or more likely in the first half of the reign of Seleucus IV. In consequence of this, we do not need to assume – as Dove Gera does – that “the Seleucid official who confronted the Jerusalem authorities was in fact Olympiodoros and not Heliodoros”.²⁹ According to the Israeli scholar,

Olympiodoros was appointed as high priest of the satrapy ... this office was unacceptable to the Jews ... in addition Olympiodoros was in essence a Seleucid official of middling importance, and not a powerful king or minister whose authority was paramount ... thus, it would have been natural for him to suppress the figure of Olympiodoros and replace him with the more powerful

²⁷ Gera 2007, 148.

²⁸ Gera 2007, 148.

²⁹ Gera 2007, 148–149. n. 121. Suggesting that *J. Ma* is of the same opinion.

chief minister of the kingdom... Furthermore, the chief minister became notorious later on, upon the assassination of Seleucus IV in 175. For it was Heliodoros who was blamed for the king's ultimately death, as can be learned from a later source (Appian. *Syr.* 45). The author of 2Maccabees seems to be aware of this... Thus, in both rank and character, Heliodoros would have been a more suitable choice for the role of Seleucid official who overrules the objections of the righteous Onias III, but suffers the consequences at the hands of God's emissaries.³⁰

Let us examine only Dov Gera's latter argument. Conspicuously, the author of 2Macc does not present Seleucus IV as an evil king. When Simon the *prostatēs* did not give up mocking and denigrating Onias III, the high priest journeyed to Seleucus Philopator, because "he saw that without provident intervention by the king the commonwealth could never more have peace and Simon would never desist from his madness" (2Macc 4:6). This journey have taken place in the final days of the king, because Jason of Cyrene does not tell a single word about the decision of Seleucus IV, but suddenly refers to the king's death and succession of the throne ("when Seleucus passed away and Antiochus, called Epiphanes, succeeded to the throne...", 2Macc 4:7). There is no mention of Heliodoros' coup d'état, murder or theodicy. We possess only one historical source which refers to the king's murder: Appianos' *Syriaka* (45. [233]).³¹ Not only the *Second Book of the Maccabees*, but the historically more reliable Babylonian king-list, which reports this event, does not comment on the circumstances of the king's death,³² and the *Book of Daniel* tell us expressly that the king "shall be destroyed, neither in anger, nor in battle" (*w'elō' b'e'appayim w'elō' b'e'milchāmāh*, 11:20 KJV).

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³⁰ Gera 2007, 149.

³¹ Bartlett 1973, 241 suggests that 2Macc 3:38 hints in an ironical way at the murder of the king by his minister.

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HORACE ON TERENCE

(EPIST. 2,1,59)¹

BY NEIL ADKIN

Abstract: In Horace's *Epistle to Augustus* the estimate of Terence may be less positive than is generally believed. This reinterpretation is based first on classical views of acoustic concinnity, then on etymological considerations.

Keywords: Terentius, Horatius, *labor limae*, homoeoptotic homoeoteleuton, *callida iunctura*

The article on Terence in *Enciclopedia Oraziana* opens with the following sentence: "Dal giudizio assai poco lusinghiero che H. formula sul teatro latino arcaico...T. esce tratteggiato in maniera sostanzialmente benevola, al contrario di autori in senso lato coevi".² Particular reference is made in this connection to the line which concludes Horace's review of the older Latin poets in his *Epistle to Augustus*: *vincere* (sc. *dicitur*) *Caecilius gravitate, Terentius arte* (*Epist.* 2,1,59). Here Minarini understands *ars* as denoting *labor limae*.³ The aim of the present note is to suggest that in this line Horace may however be less "benevolo" than is commonly supposed.

This epistle to the *princeps* himself repeatedly preaches the importance of *labor limae*.⁴ Horace's own style in this epistle should therefore be especially *soigné*. Part of this concern with *labor limae* is to ensure *ne ultima syllaba prioris verbi eadem sit quae prima posterioris*.⁵ It is therefore noteworthy that a flat breach of this rule should mark the beginning of the name *Terentius* itself,

¹ Works are cited according to *Thesaurus Linguae Latinae: Index librorum scriptorum inscriptio-num*. 2nd ed. Leipzig 1990.

² A. Minarini, Terenzio. in: *Orazio: Enciclopedia Oraziana* 1 (1996) 912.

³ The same view is taken by P. Fedeli, Q. Orazio Flacco: *Le opere* 2,4. Rome 1997, 1338 (ad loc.).

⁴ Cf. esp. 66-68 (*si quaedam nimis antique, si pleraque dure / dicere credit eos, ignave multa fatetur; / et sapit et mecum facit et love iudicat aequo*); 76-77 (*indignor quicquam reprehendi, non quia crasse / compositum illepideve putetur, sed quia nuper*); 167 (*sed turpem putat inscite metuitque lituram*); 224-225 (*cum lamentamur non apparere labores / nostros et tenui deducta poemata filo*).

⁵ So Julius Victor, *Rhet.* p. 85,4-5. The prescription is found already in Isocrates, *Tech. fr.* 6 Blass

which is the first of the two words Horace devotes to this author: an inconcinuous *-te Te-* is our introduction to Terence. Here the violation of the precept cannot be excused on prosodic grounds by the need for a pyrrhic sequence in the fifth *biceps* to assure a dactyl, since in this case the fifth foot is not at issue, but the fourth. The inelegance of *-te Te-* could moreover have been easily avoided by a grouping such as *arte valere Terentius*.⁶ It may accordingly be concluded that here the flaw is intentional. Such purposive lack of polish can be shown to have been deployed elsewhere in Horace's *oeuvre* in order to underline his meaning.⁷ In the reference to Terence the point of artless *-te Te-* is evidently to signal Horace's opinion that in reality this poet evinces a corresponding "artlessness".

Further confirmation of this view would seem to be supplied by the other word which Horace devotes to his treatment of Terence: *arte*. The very same sentence of Julius Victor as the one censuring such a collocation as *-te Te-* also issues the following prohibition: *ne homoeoptota, ne homoeoteleuta* (p. 85,3). The second hemistich of the line at issue in the present note is the cause of some puzzlement to Brink, who comments: "*gravitate...arte*: two nouns oddly juxtaposed".⁸ It is therefore worthy of note that this "odd" juxtaposition should engender a striking instance of homoeoptotic homoeoteleuton. In particular the whole word *arte* is a virtual homophone of the second half of the foregoing noun (*-ate*). Moreover the long *a* of these trochaic units (*-āte / ā[r]te*) is in each case placed *in arsi* at the start of the fourth and sixth foot respectively: this repetition of long *a* is acoustically all the more impactful, since the present verse is the only holodactylic in the first two hundred lines of the poem.

The resultant cacophony is exacerbated by the *Terentius* that stands between *-āte* and *ā[r]te*, since this name's own ending (*-ius*) generates another homoeoptotic homoeoteleuton by reproducing the final *-ius* of foregoing *Caecil-ius*. Furthermore the homophony of *ā[r]te* is made worse because the second half of this word consists of the same *-te* that produces the afore-mentioned dissonance of *-te Te-*. The element *te* is accordingly found conspicuously at the beginning or end of three consecutive words: its inconcinuous salience is fur-

(μηδὲ τελευτᾶν καὶ ἀρχεσθαι ἀπὸ τῆς αὐτῆς συλλαβῆς [*sc.* δεῖ], οἷον "εἰποῦσα σαφῆ", "ἡλίκᾳ καλᾷ", "ἐνθα Θαλῆς").

⁶ For such use of *valere* with the ablative cf. Oxf. Lat. Dict. 2006 (s.v. 5b): "to be...superior (by reason of a quality)".

⁷ Cf. the present writer, Three Deliberate Inconcinuities in Horace's *Ars Poetica*. in: *P. Defosse* (ed.), *Hommages à Carl Deroux 1: Poésie*. Brussels 2002 (Coll. Latomus 266), 3-5. The first of these "inconcinuities" entails a breach of the same precept at issue in the present *-te Te-*.

⁸ *C. O. Brink*, *Horace on Poetry: Epistles, Book II: The Letters to Augustus and Florus*. Cambridge 1982, 110.

ther increased by the identical length of the vowel on each occasion. In particular this *te* frames the two words that deal with Terentian drama in the present epistle: *Terentius arte*. Horace has accordingly succeeded in packing a lot of auditive inconcinnity into a mere three feet. No such inelegance marks the preceding ten lines that make up the rest of this survey of old Roman poetry.⁹ The tripod in question is given particular prominence by its location at the end of line, sentence and section.¹⁰ Special emphasis attaches to the very last word, *arte*: the sound of this very term that commends Terentian “art” in fact belies the commendation.¹¹

The article in *Enciclopedia Oraziana* from which the present note began states with reference to Horace’s use of *ars* here that “è evidente la sua valenza positiva”.¹² It would seem possible to show that this view is likewise in need of modification. After the line that ends with *Terentius arte* Horace continues: *hos ediscit et hos arto stipata theatro / spectat Roma potens* (*Epist.* 2,1,60-61). Here the *hos* are the poets of the foregoing survey. These two verses that deal with them would appear to be marked by etymological word-play. The article on “Etimologia” in *Enciclopedia Oraziana* ends by observing that “e. e accostamenti etimologici hanno un ruolo fino ad oggi quanto meno sottovalutato nella lingua di H.”¹³ The long section which Gini devotes to word-play in the *Epistle to Augustus* gives no attention to the lines currently at issue.¹⁴ Similarly the very substantial commentaries of Brink and Fedeli on this epistle fail to detect any etymologizing here.¹⁵ It would appear nonetheless that the *Roma potens* which concludes this sentence is a *jeu étymologique*:¹⁶ *Roma* was etymologized

⁹ The next ten lines are similarly free of blemish.

¹⁰ On the aural noticeability of such terminal position cf. (e.g.) Quintilian, *Inst.* 9,4,61-62.

¹¹ Horace’s own efforts to produce a half-line conspicuously lacking in *labor limae* supply handy confirmation that such is indeed the meaning of *ars* here. He wishes to show by acoustic means that the conventional view of Terence is wrong.

¹² *Minarini*, art. cit. 912.

¹³ *V. Viparelli*, Etimologia. in: *Orazio: Enciclopedia Oraziana* 2 (1997) 835. For recent attempts to identify Horatian etymologizing cf. the present writer, Etymologizing in Horace, Epistles 1,2,62-63. *Acta Classica Univ. Scient. Debrecen.* 38-39 (2002-03) 239-240; id., Horace’s Weak Sheep: Etymologizing in Epode 2,16. *Invig. Lucern.* 31 (2009) 7-8; id., The Etymology of *amnis* in Horace’s *Ars Poetica*. forthcoming in *Acta Classica* 53 (2010). For etymologizing in the Horatian scholia cf. id., Further Supplements to Marangoni’s *Supplementum Etymologicum: The Commentators on Horace*. *Invig. Lucern.* 30 (2008) 261-277.

¹⁴ *A. Gini*, *Philosophy and Word-Play in the Epistles of Horace*. Diss. Brown University 1989, 87-103.

¹⁵ *Brink*, op. cit. 111-112; *Fedeli*, op. cit. 1338. The same impercipience also marks the shorter commentary by *N. Rudd*, *Horace: Epistles, Book II and Epistle to the Pisones (Ars Poetica)*. Cambridge 1989, 86. All these commentators likewise miss the afore-mentioned inconcinnities.

¹⁶ For such “a ‘coupling’, i.e. where the two words etymologically linked are placed side by side”

from *ῥώμη*.¹⁷ It would seem that further etymologizing is also to be found in the previous line: this time the point at issue is the etymology of Terence's *ars*.

Artus is not an appropriate epithet to qualify *theatrum*: the Roman theatre was not “narrow”.¹⁸ Here *arto* has been located immediately after the main caesura, while *arte* occupies final position in the preceding line: these *loci* are the most important of the etymological markers.¹⁹ Although the more usual etymon to be given for *ars* was *ἄρετή*, the Latin noun could also be derived from the adjective *artus*.²⁰ It would seem that this second etymology is being evoked by Horace here:²¹ Terentian art is “narrow”.²² What the “narrowness” of Terence's theatrical art might entail is conveniently illustrated by a near-contemporary passage of the *Ars Poetica*,²³ where Horace prescribes (134): *nec desilies imitator in artum*. Here Ps.-Acro's gloss runs: *sensus est: siquid transferes, non erit, inquit, fideliter interpretandum nec in has angustias descendendum*. The “fidelity” of Terentian translation is notorious: in the prologue of the *Adelphi* (11) he himself employs the phrase *verbum de verbo*. The same wording is used in the immediately preceding line of the *Ars Poetica* (133), where Horace condemns this practice: *nec verbo verbum curabis reddere*. The *Epistle to Augustus* is accordingly making the wry suggestion that Terence's theatrical “art” is not a “virtue” (*ἄρετή*), but on the contrary “narrow” literality (*artum*). It may be said in conclusion that here Horace's treatment of *ars* would seem to qualify as a good example of *callida iunctura* (*AP* 47-48): *dixeris egregie notum si callida verbum / reddiderit iunctura novum*.

as an etymological marker cf. *F. Cairns*, Ancient “Etymology” and Tibullus: On the Classification of “Etymologies” and on “Etymological Markers”. *Proc. Cambr. Philol. Soc.* 42 (1996) 33 (= id., *Papers on Roman Elegy 1969-2003*. Bologna 2007 [Eikasmos, Stud. 16], 317).

¹⁷ Cf. *R. Maltby*, *A Lexicon of Ancient Latin Etymologies*. Leeds 1991, repr. Cambridge 2006 (ARCA 25), 529-531. For *ἑρρωμένος* glossed as *validus*, which is in turn glossed as *potens* cf. *G. Loewe* and *G. Goetz*, *Corpus Glossariorum Latinorum* 7. Leipzig 1901, repr. Amsterdam 1965, 502 (s.v. *δυνατός*); 634.

¹⁸ Cf. (e.g.) *Fedeli*, op. cit. 1338, who is obliged to admit that “*arto* non indica che il teatro è angusto, ma che lo sembra”. No further instance of the application of *artus* to *theatrum* is provided by the online Library of Latin Texts.

¹⁹ Cf. *Cairns*, art. cit. 33 (= id., op. cit. 317).

²⁰ Cf. *Maltby*, op. cit. 54-55.

²¹ In this connection it may be noted that for *artus* a large number of synonyms were available; cf. *Thes. Ling. Lat.* 2 col. 64,11-21 (s.v. *angustus*); ib. 2 col. 723,46-49 (s.v. *artus*).

²² The point may also be made that *arto* is placed immediately after anaphoric *hos*: since Terence has been mentioned last, here he is uppermost in the mind. Similarly *theatro*, with which *arto* agrees, is assigned the same emphatically final *sedes* as *arte* in the line directly above.

²³ For the relative chronology cf. *Rudd*, op. cit. 37.

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SCENE DI PESCA E DI CACCIA IN *OCT.* 409-417

DI MARIA GIOVANNA LA CONTE

Riassunto: La discussione dell'erronea lezione di *Oct.* 412 *vel calamo aut levi*, alla luce delle peculiarità lessicali e sintattiche del passo, la ricostruzione della sua genesi nel contesto della tradizione manoscritta, il confronto coi *loci paralleli* consentono di postulare un emendamento che risulta attendibile sotto il profilo paleografico, metrico-prosodico, stilistico, tematico. Emergono altresì rapporti intertestuali con luoghi sicuramente senecani, in particolare con *Ep. ad Lucil.* 90, che delineano una comune matrice culturale e filosofica.

Parole chiave: caccia, pesca, *calamus*, *aetates mundi*.

1. Il contesto tematico e stilistico

Nella prospettiva di uno studio sistematico della tradizione manoscritta dell'*Octavia* un passaggio fondamentale è costituito dai vv. 409-417, che vanno preliminarmente collocati nel contesto della prima fra le due scene (377-435; 436-592) delle quali è protagonista Seneca¹. Si tratta di una sequenza monologica in cui il personaggio dapprima lamenta d'essere stato innalzato dalla sorte ai fastigi del potere per poi rovinare *gravius* e sopportare la vista di *tot ... metus* (377-380), quindi rimpiange l'esilio in Corsica, dove poteva dedicarsi agli studi e godere dello spettacolo offertogli dalla volta celeste (381-390), infine precognizza la catastrofe del genere umano (391-394) e la palingenesi del mondo (395).

Il personaggio a questo punto inserisce un *excursus* sulla storia del cosmo, prospettata come ciclo tetrastico di generazioni che procedono fatalmente da una condizione di felicità edenica (394-406), collocata *tenente regna Saturno poli* (396) e dunque coi tratti distintivi della "bella età de l'oro" di tassiana

¹ I vv. 377-592 costituiscono il punto di forza di quanti negano la paternità senecana dell'*Octavia* ritenendo irriuale la presenza nel dramma antico di personaggi viventi e tanto più l'auto-rappresentazione dell'*auctor* (Aug., *Civ. Dei* 2, 9, riassumendo e parafrasando Cic., *Rep.* 4, 10, afferma *veteribus displicuisse Romanis vel laudari quemquam in scaena vivum hominem vel vituperari*). Si tratta tuttavia di argomentazione non del tutto cogente, dato che siamo a conoscenza di almeno due drammi (*l'Agon* e la *praetexta de itinere ad Lentulum*) ruotanti sulla contemporaneità e quindi su personaggi vivi e vegeti (rispettivamente Alessandro Magno e Cornelio Balbo Minore) che, tra l'altro, le fonti (Ath. 13, 595 c-596 a, nel primo caso, e Asinio Pollione, *apud Cic.*, *Fam.* 10, 32, 3 e 5 nel secondo) indicano come possibili autori.

memoria (*Aminta* 565), all'*ekpyrosis* finale attraverso tre stadi intermedi, curiosamente designati non con la metafora metallico-cromatica² consueta in analoghi contesti³ ma, in forma apparentemente più generica, come *alia suboles*, definita *minus mitis* (406-407), *tertium genus* che *sollers novas ad artes extitit* (407-408) e dà inizio al progresso materiale dell'umanità; *deterior aetas* (416 sgg.), coincidente con il presente, destinato al *caecum chaos* e alla *caeli ruina*, del cui imminente compimento sono segnali premonitori *scelera*, *impietas*, *libido*, *luxuria*, i mali che s'annidano nei palazzi del potere e nella fattispecie (430-434) travolgono Nerone⁴.

L'*excursus* fornisce quindi le coordinate generali di una teodicea che nel progresso materiale dell'umanità, sollecitata a soddisfare i bisogni primari dalla

² Vd. *M. Peri*, *Ma il quarto dov'è? Indagine sul topos delle bellezze femminili*. Pisa 2004, pp. 82-87.

³ Ovvio il riferimento a Hes., *Op.* 109-201, che parla di cinque generazioni (ma vd., a questo proposito, *J.-P. Vernant*, *Il mito esiodeo delle razze. Tentativo di analisi strutturale*. In: *Id.*, *Mito e pensiero presso i Greci. Studi di psicologia storica*. tr. it. Torino 1970, pp. 13-38, spec. 15-29); Arat. 98-136 (sulla cui scia si pongono i traduttori latini dei *Phaenomena*, da Cicerone ad Avieno); Ov., *Met.* 1, 89-150 e, parzialmente, 15, 96-260. Del tutto assente la metafora metallico-cromatica in Thphr., *Piet.*, e Dicaear., *Vita Graec.*, a noi noti per il tramite di Porph., *Abst.*, rispettivamente, 2, 5-9 e 4, 2, che presentano un ciclo sostanzialmente ternario scandito in stato di natura, età della pastorizia, età dell'agricoltura. Sulla riduzione del mito ad opposizione binaria (età aurea vs età ferrea) vd. *E. Pianezzola*, *Forma narrativa e funzione paradigmatica di un mito. L'età dell'oro latina*. In: *Id.*, *Ovidio. Modelli retorici e forma narrativa*. Bologna 1999 (1974), pp. 43-61.

⁴ In genere, poeti e scrittori che trattano il mito delle *aetates mundi* strutturano il discorso secondo una linea diacronica che dall'*aurea aetas* giunge alla *ferrea*, individuata di solito nel presente: vd. Hes., *Op.* 109-201, l'unico a presentare cinque *gene*; Arat. 98-136; Eratosth., *Cat.* 9, 1-13; Cic., *Arat.*, frr. 35-37; Ov., *Met.* 1, 89-150; Germ., *Arat.* 103-139; Hyg., *Astr.* 2, 25, 1; Avien., *Arat.* 292-352. Chi vi attinge singoli segmenti topici prende l'abbrivo dal presente, genericamente connotato come età di decadenza, o per contrapporvi il passato, che in tal caso assume i contorni nostalgici del paradiso perduto (Catull. 64, 397-408; Tib. 1, 10, 1-10; 3, 41-50; 2, 3, 29-46; Prop. 2, 32, 49-52; Sen. Rhet., *Contr.* 1, *Praef.* 14; 2, 1; Ov., *Am.* 3, 8, 35-58; *Her.* 4, 125-134; *Fas.* 1, 191-253); o per auspicare l'avvento di una nuova e più felice *aetas*: Verg., *Ecl.* 4 e, in chiave provvidenzialistica, *Georg.* 1, 121-159, cui possiamo accostare anche 2, 136-176, per la caratterizzazione dell'Italia come *Saturnia tellus*, e 458-474; 536-540, dove il recupero della civiltà contadina si configura come reale possibilità di far rivivere il regno di Saturno. Spesso in Virgilio questo motivo è collegato a finalità panegiristiche: implicite in *Georg.* 2, 458-474; 536-540, in cui il ritorno alle attività agricole è reso possibile dalla restaurazione della pace interna ad opera di Ottaviano; esplicite nella quarta ecloga e in *Aen.* 6, 791-794 *hic vir, hic est, tibi quem promitti saepius audis./ Augustus Caesar, divi genus, aurea condet / saecula qui rursus Latio regnata per arva / Saturno quondam*. Non sempre, comunque, il confronto si risolve in bilancio negativo per l'età presente: cfr. ad es., in prospettiva positivista, Ov., *Med.* 1-22; Man. 1, 66-84; 5, 276-279. Si discosta da entrambe le tendenze Lucr. 5, 925-1010, in cui gli aspetti positivi della civiltà materiale del presente hanno il loro contrappeso nell'egoismo e nella spietatezza.

necessità e dalla mancanza di risorse, scorge in realtà i segni sempre più evidenti del male e nella tirannide ne identifica la manifestazione più conclamata: l'autore dell'*Octavia* è dunque agli antipodi tanto della visione provvidenzialistica di Verg., *Georg.* 1, 121-159, quanto della fede positivista nelle “magnifiche sorti e progressive” (G. Leopardi, *La ginestra* 51) di *Vitr.* 2, 1-3 o di *Man.* 1, 66-90, ripercorrendo piuttosto il Seneca di *Ep.* 90, in aperta polemica con Posidonio, o di *Nat.* 1, 17, 5-6 e 5, 15 *passim*.

Presentano questa chiave di lettura i versi relativi al *tertium genus*, nei quali il Seneca *agens* enumera le strategie (caccia, pesca, domesticamento, agricoltura) con le quali esso reperisce le risorse alimentari. Il passo presenta altresì i più vistosi problemi ecdotici; è pertanto necessario chiarire preliminarmente le componenti formali del testo.

La struttura sintattica e stilistica della sequenza consta di una protratta serie di *cola* paralleli (pred. verb. al modo infinito + cpl. ogg. + abl. strum.) subordinati alla relativa consecutiva *quod auderet*; si noti altresì nei versi dedicati rispettivamente a pesca, domesticamento, agricoltura la presenza di espansioni attributive costituite da participio congiunto (410 *fluctibus tectos*; 412bis *subiectos iugo*) o da proposizione relativa propria (414-415 *laesa quae fruges suas / interius, alte condidit sacro sinu*).

Altra vistosa caratteristica formale è il ricorso all'*enjambement*, per cui la menzione di ciascuna *ars* non coincide con la misura del verso, ma si protende nell'emistichio del verso successivo:

- 409-410 *quod sequi cursu feras / auderet acres*
- 410-411 *fluctibus tectos gravi / extrahere pisces rete,*
- 411-412 *calamo levi / decipere volucres*
- 412bis-413 *premere subiectos iugo / tauros feroces*
- 413-414 *vulnere immunem prius / sulcare terram*

Questi aspetti formali costituiscono, come vedremo, una delle chiavi di volta della nostra proposta interpretativa.

Quando il Seneca personaggio delinea le caratteristiche del *tertium genus*, ricorre agli aggettivi *sollers*, *sanctum*, *inquietum* in funzione di predicativi retti da *extitit*, ciascuno dei quali accompagnato da un modificatore, complemento indiretto o avverbio, rispettivamente *novas ad artes*, *tamen*, *mox*.

La iunctura *nova ars / novae artes* allude il più delle volte ad espedienti o stratagemmi dagli effetti controproducenti, volontari o meno: vd., *ex. gr.*, Verg., *Aen.* 1, 657-658 *At Cytherea novas artis, nova pectore versat / consilia* (la sostituzione di Iulo con Cupido per accendere Didone d'amore per Enea)⁵;

⁵ Cfr. la ripresa in Aus., *Cento* 84-85 *at Cytherea novas artes et pronuba Iuno / sollicitat suadetque ignota lacessere bella*.

7, 477 *arte nova* in riferimento all'*escamotage* della Furia Aletto per creare il *casus belli* fra Rutuli e Troiani; Ov., *Ars* 2, 48 *Finitusque novae iam labor artis erat*, dove l'*ars nova* è la costruzione di ali posticce escogitata da Dedalo per fuggire con Icaro dal labirinto di Creta⁶; non ha invece valenze negative o quanto meno ambigue in Ov., *Met.* 1, 709, dove *arte nova* fa riferimento alla musica prodotta dalle canne palustri in cui si è trasformata la ninfa Siringa, per sfuggire alle brame di Pan. Ci riporta invece ad un contesto analogo a quello dell'*Octavia* (rievocazione dell'*aetas aurea* in opposizione binaria al presente, prospettato più o meno esplicitamente come *aetas ferrea*) Sen., *Phaedr.* 550-551 *Invenit artes bellicus Mavors novas / et mille formas mortis* che contrappone le zuffe primordiali dell'uomo primitivo agli strumenti di morte ben più micidiali (*artes novas*) inventati dalla generazione successiva.

Ne consegue che *sollers*, che di per sé significa «ingegnoso / industrioso / abile / intelligente»⁷, assume un'accezione più sfumata e ambigua («accorto / scaltro») ⁸, rispetto alla quale il nesso avversativo *tamen sanctum* ha funzione di parziale rettifica⁹.

Quanto a *mox*, l'avverbio parrebbe suddividere il *tertium genus* in due fasi, nella prima delle quali il genere umano, di per sé incline alla scaltrezza (*sollers ... novas ad artes*), è comunque pio, devoto e non ha ancora le mani macchiate di sangue (*sanctum*), nella seconda (*mox*), privato della condizione di atarassia che aveva contraddistinto la generazione aurea, diventa *inquietum*, «tormentato da affanni e preoccupazioni»¹⁰: una condizione dolorosa che il valore consecutivo della relativa mette in relazione di causa / effetto con l'audacia nella ricerca e produzione di quelle risorse che, come già nel mito platonico del rovesciamento cosmico (*Pol.* 268 e-274 e), la Terra non elargisce più *sua sponte* (405-406) e che l'uomo, spinto da quella che Plat., *ibid.* 274 c, definisce *chreia*, deve procacciarsi con ogni mezzo possibile.

⁶ Cfr. Sen., *Oed.* 892 *Gnosium regem timens / astra dum demens petit / artibus fisis novis*.

⁷ Cfr., *ex. gr.*, Lucr. 5, 1355-1356 *nam longe praestat in arte / et sollertius est multo genus omne virile*, con riferimento all'abilità dei maschi nell'escogitare nuovi mezzi di sopravvivenza. Si noti altresì il ricorso alla figura etimologica in *arte...sollertius*: ché *sollers* è sentito come composto dell'osco *sollus* (nell'accezione del gr. *olos*) e *ars*.

⁸ Per cui cfr. Mela 1, 65 *Phoenicen inlustrare Phoenices, sollers hominum genus et ad belli pacisque munia eximium: litteras et litterarum operas aliasque etiam artes, maria navibus adire, classe conflagere, inperitare gentibus, regnum proeliumque conmentis*, ove notiamo la riproposta della concomitanza di *ars* e *sollers*.

⁹ Formulazione analoga in Ov., *Met.* 1, 125-127 *Tertia post illam successit aenea proles, / saevior ingeniis et ad horrida promptior arma, / non scelerata tamen*.

¹⁰ Per il ricorso ad *inquietus*, a designare nel linguaggio filosofico la condizione opposta all'atarassia, vd. il *TLL* s. v. *inquietus*: cfr., ad es., Sen., *Tranq.* 12, 3 *his plerique similem vitam agunt, quorum non inmerito quis inquietam inertiam dixerit*.

Figlia del bisogno, l'*audacia* sollecita la *sollertia* dell'uomo ad esercitare l'attività predatoria con tecniche sempre più pervasive e violente, che assumono gradatamente i contorni della *impietas*: non a caso tutta la sequenza è impostata su una *climax* ascendente di metafore che procedono dalla sfera semantica della *fraus* all'immagine cruenta della lacerazione e dello smembramento con cui l'autore allude all'agricoltura (413-415) e all'estrazione dei metalli (416-417 *in parentis viscera intravit suae*, ad introdurre la sequenza dedicata alla quarta *aetas*). In particolare, la metafora della *fraus* (412 *decipere*) affiora nella sequenza di versi dedicati alla caccia, che l'autore distingue, in rapporto alle specie animali predate, in *venatus* o, *stricto sensu*, ricerca e cattura o uccisione di selvaggina di grossa taglia (*Oct.* 411-412 *quod sequi cursu feras / auderet acres*), pesca (*Oct.* 410-411 *fluctibus tectos gravi / extrahere pisces rete*), *aucupium* (*Oct.* 412)¹¹.

Il mondo antico, mentre accoglie senza riserve la "caccia 'eroica' della tradizione mitica ed epica"¹², dal carattere agonistico e premilitare, che l'uomo esercita inseguendo di corsa la preda¹³, generalmente sottopone a censura culturale qualunque forma di caccia finalizzata all'alimentazione o comunque praticata con l'ausilio di reti o esche¹⁴, che si configurano come vera e propria *fraus*. Questo è tanto più vero per l'*aucupium* o uccellazione, che pure sotto il profilo economico doveva essere molto più significativa e diffusa presso i ceti meno abbienti, anche per il basso costo delle attrezzature richieste.

Per il ricorso alla metafora della *fraus* e dell'adescamento in contesti dedicati all'*aucupium*, vd., *ex. gr.*, Hor., *Epod.* 2, 34, dove le reti tese fra le fronde degli alberi sono definite *turdibus edacibus dolos*; Ov., *Met.* 11, 73-75 *utque suum laqueis, quos callidus abdidit auceps, / crus ubi commisit volucris*

¹¹ Tripartizione recepita come canonica ancora nel XII secolo: cfr. Hugo de Sancto Victore, *Didascalicon de studio legendi* 2, 25 *Venatio dividitur in ferinam, aucupium et piscaturam*.

¹² O. Longo, *Le regole della caccia nel mondo greco-romano*. Aufidus 1 (1987), p. 77.

¹³ Vd. Plat., *Leg.* 824 a; Xen., *Cyn.* 12, 6, per cui cfr. Cic., *Nat.* 2, 161 *Iam vero immanes et feras beluas nanciscimur venando, ut ... exerceamur in venando ad similitudinem bellicae disciplinae* o, ad es., Ov., *Am.* 3, 2, 32 *cum sequitur* (Diana) *fortes fortior ipsa feras*. E ancora, la caccia è legittima quando obbedisce a scopi difensivi: vd., *ex. gr.*, Plat., *Pol.* 274 e, nel mondo latino, Lucr. 5, 966-969; 982-998; Ov., *Met.* 15, 103-119.

¹⁴ La giustifica come dettata dalla necessità della sopravvivenza Verg., *Georg.* 1, 139-140 *tum laqueis captare feras et fallere visco / inventum et magnos canibus circumdare saltus*, citato da Sen., *Vit.* 14, 3 e *Ep.* 90, 11 quale esempio di *sagacitas* piuttosto che di *sapientia*, come invece vorrebbe Posidonio. Ciò non toglie che la preda, circuita con esche e reti, susciti un moto di compassione, come evidenzia il ricorso al verbo *fallere*: cfr. Hor., *Ep.* 1, 16, 50-51 *suspectos laqueos et opertum milvus hamum. / Cautus enim metuit foveam lupus accipiterque*; Gratt. 85-94; Man. 5, 183-188; Petr., fr. 46, 9 *seu magis imbelles libuit circumdare cervos*; Sil. It. 2, 97-99 *ille procul campo linquentem retia cervum / vulnere sistebat, rueretque inopina sub ictu / ante fera incauto, quam sibila poneret arcus*.

sensitque teneri, / plangitur ac trepidans astringit vincula motu: ben altra era la sicurezza dei volatili durante l'età dell'oro quando *et aves tutae movere per aera pennas* (15, 99) e nessuno si diletta a *alitibus contexere fraudem* (Petr., fr. 46, 8)¹⁵.

Unica eccezione Cassiodoro, che riconosce sporadica cautela anche agli uccelli: *tenaces laqueos avis cauta declinat, haerentem viscum ales suspecta non insidet* (Var. 11, 40). Di ancor minore considerazione godeva, nel mondo antico, la pesca¹⁶, priva com'è delle valenze agonistiche della caccia, dal momento che i pesci sono per lo più inermi e la loro cattura è interamente basata sul ricorso ad esche e reti, in una parola sull'uso di *insidiae*: e se l'accento di Verg., *Georg.* 1, 141-142 risulta di per sé privo di connotazioni di tal fatta, non si dimentichi che l'uso metaforico di *fallere* al v. 139 prolunga la sua eco anche sulla pesca.

Non sfuggirà, a questo punto, che l'autore dell'*Octavia*, operando un'inversione rispetto alla graduatoria consueta, colloca l'uccellazione al massimo grado della *fraus*, ribaltamento cui potrebbe non essere estranea la promozione della pesca operata dagli *Halieutica*, ovidiani o pseudoovidiani che siano¹⁷: vd. Sen., *Herc. f.* 155-158 *Hic exesis pendens scopulis / aut deceptos instruit hamos / aut suspensus spectat pressa / praemia dextra: / sentit tremulum linea piscem*.

2. La quantità di una sillaba

Se il significato e la cornice ideologica dell'intero passaggio risultano, a nostro avviso, sufficientemente chiari, non altrettanto si può dire per la sua dinamica interna, che presenta non pochi aspetti problematici sotto il profilo interpretativo e ecdotico.

¹⁵ Cfr. altresì Plin., *Nat.* 16, 248 *hoc est viscum pinnis avium tactu ligandis oleo subactum, cum libeat insidias moliri*; Val. Flacc. 6, 263-264 *illa* (scil. *avis*) *dolis viscoque super correpta sequaci implorat ramos atque irrita concitat alas*; Mart. 13, 68 *Galbina decipitur calamis et retibus ales, / turget adhuc viridi cum rudis uva mero*; 14, 216, *Non tantum calamis sed cantu fallitur ales, / callida dum tacita crescit harundo manu*; *Dist. Cat.* 1, 27 *Noli homines blando nimium sermone probare: / fistula dulce canit, volucrem dum decipit auceps* (per il riferimento al richiamo qui e in Marziale vd. *infra*, p.12). Non di rado, l'*aucupium* viene sfruttato nelle similitudini come figurante dell'adescamento per eccellenza: vd. Pl., *As.* 215-220 con la duplice analogia fra l'*auceps* e la cortigiana, fra l'innamorato e il malcapitato pennuto (e cfr. per la trasposizione della medesima analogia in contesto di pesca *Truc.* 35-40); ma soprattutto, nella letteratura cristiana, l'analogia fra l'*avis* e il peccatore, fra l'esca e le lusinghe mondane (soprattutto quelle carnali), fra le panie e il peccato.

¹⁶ Vd. Longo, art. cit., p. 60; A. La Penna, *La disputa sul primato della caccia o della pesca nell'antichità*, *Philologus* 148 (2004), p. 295.

¹⁷ Vd. per tutti Plin., *Nat.* 32, 11-12.

Innanzitutto ai vv. 391-393 *si senescit e tunc adest* sono frutto di emendamento in luogo della lezione fornita dai manoscritti, rispettivamente *se senescit* (o *sese nescit*) e *nunc adest*¹⁸. In secondo luogo ai vv. 406-407 colpisce nell'economia generale dell'*excursus* lo scarsissimo rilievo dato dall'autore della *praetexta* alla seconda *suboles*, ch  ad essa   riservato appena un complemento predicativo, *minus... mitis* (*Oct.* 406-407): questa definizione   apparsa tanto cursoria e generica da indurre filologi agguerriti come *O. Zwierlein*, *Kritischer Kommentar zu den Trag dien Senecas*. Mainz 1986, p. 466, a sospettare una lacuna dopo *mitis*. Altrettanto dicasi per i vv. 414-415, nei quali il Seneca *agens* immagina che la Terra, ferita, *fruges suas / interius, alte condidit sacro sinu*: poich  non ci sono precedenti che aiutino a far luce sul significato profondo di questa immagine, *Zwierlein*, *Kritischer Kommentar*, cit., p. 468, emenda *interius* in *interior*, postulando la caduta di un verso immediatamente precedente ed integrando, a titolo puramente indicativo, *summisit aegre quasque habet largas opes* («la Terra, ferita dall'aratro, cominci  a far crescere a malincuore le messi e quelle ricchezze che ha dentro di s , nascose nei recessi del suo grembo»).

Ma   al v. 412 che si presenta l'ostacolo pi  impervio: il secondo emistichio *crate vel calamo aut levi*, palesemente corrotto,   lezione trasmessa da gran parte dei codici della recensione A, ad eccezione del *Parisinus Latinus* 8260 (sigla P), appartenuto a Richard de Fournival che lo commission  per la propria biblioteca nella prima met  del XIII sec.¹⁹, e di alcuni *recentiores*²⁰, che omettono del tutto il verso 412 e presentano il tradito *extrahere pisces rete vel*

¹⁸ Discussione, analisi della struttura sintattica, *loci paralleli* in *R. Ferri*, *Octavia*. A play attributed to Seneca. Cambridge–New York 2003, pp. 234-235, n. *ad loc.*

¹⁹ Il codice   stato identificato, con assoluta certezza, con una delle voci che compongono la *Biblionomia*, catalogo ideale e reale (la biblioteca dello stesso Richard ad Amiens) redatto il 1243 ed il 1260 (vd. *L. V. Delisle*, *Cabinet des manuscrits I-II*. Paris 1874, pp. 518-535; *A. Birkenmajer*, *La biblioth que de Richard de Fournival, po te et  rudite fran ais du d but du XIII  si cle et son sort ult rieur*. *Studia Copernicana* 1 (1970), pp. 117-201). Giunto nelle mani del teologo G rard d'Abbeville (*P. Glorieux*, *Biblioth ques de Ma tres parisiens: G rard d'Abbeville*. *Recherches de th ologie ancienne et m di vale* 36 (1969), pp. 148-163; *P. Grand*, *Le Quodlibet XIV de G rard d'Abbeville*. *La vie de G rard d'Abbeville*. *Archives d'histoire doctrinale et litt raire du Moyen  ge* 31 (1964), pp. 213-218),   tra i testi della biblioteca di Amiens che giunsero alla Sorbona per suo tramite (*R. H. Rouse*, *The Early Library of the Sorbonne*, *Scriptorium* 21 (1967), pp. 47-51). Nella seconda met  del Seicento entr  a far parte della collezione di Jean-Baptiste Colbert, incamerata poi nel 1732 nella biblioteca regia (*Delisle*, op. cit., I, pp. 439-486). Siglato convenzionalmente P, il manoscritto appartiene alla famiglia   del ramo A della tradizione. Questa famiglia, geograficamente riconducibile all'area compresa tra la Francia del Nord e le Fiandre, include oltre a P, un secondo *Parisinus Latinus* 8031 risalente all'inizio del XV sec. (T).

²⁰ Cfr. *F. Leo*, *De Senecae tragoediis observationes criticae*. Berolini 1878, pp. 46-47.

*calamo levi / tenere laqueo*²¹, dove inspiegabile risulta il colon *tenere laqueo*, privo com'è di un complemento oggetto a meno di non sottintendere poco plausibilmente *pisces*: ché *laqueus*, usato in contesti relativi alla pesca come metonimia di *rete*, è attestato nei tardi Eusebius Emesenus, *Serm.* 28, 11 *nec pisces a laqueis cum vi trahuntur quamdiu et capiuntur* e Boeth., *Cons.* 3 *carm.* 8, 5 *non altis laqueos montibus abditis, ut pisce ditetis dapes*.

Del v. 412 le edizioni critiche accolgono unanimemente il primo emistichio *decipere volucres*²²; difformi risultano invece le soluzioni adottate per il secondo: l'orientamento prevalente degli studiosi è stato quello di recepire come autentica la lezione *crate vel* ed emendare la stringa testuale *calamo aut levi* attingendo variamente ai *loci similes* che ricorrono nella letteratura latina²³. In base a siffatta scelta la congiunzione disgiuntiva *vel* introdurrebbe l'introduzione di un metodo alternativo dell'*aucupium* (*decipere crate* oppure *tenere laqueo*), parallelamente al v. 411 in cui *calamo levi* costituirebbe l'alternativa a *rete* nella pesca («pescare con la rete o con la leggera canna»)²⁴.

²¹ In realtà P tramanda *vel calamo levi* con vergato a margine *aut* da porre davanti a *levi*, che è di fatto l'emistichio guasto del v. 412: in tal caso il *saut du même au même* ha comportato la caduta di *vel calamo levi* *decipere volucres* e non viceversa.

²² L'edizione di J. F. Gronovius, L. Annaei Senecae Tragoediae. Lugduni Batavorum 1662, p. 746, che a sua volta cita il Fabricius, espunge di fatto da *crate* a *laqueo* offrendo il seguente testo: *extrahere pisces rete vel calamo levi / decipere volucres, premere subiectos iugo / tauros feroces*, donde la tradizionale numerazione dei versi.

²³ Chi considera spuria la disgiuntiva *vel* del v. 412, tende a considerare l'espressione *vel calamo levi* del verso 411 come indicazione di un metodo alternativo di pesca (rete o canna), *crate* come ablativo strumentale retto da *decipere*; in tal caso l'emendamento va ad integrare il colon *tenere laqueo* privo di complemento oggetto: cfr. N. Heinsius, L. Annaei Senecae Tragoediae. Lugdunum Batavorum 1611 *extrahere pisces rete vel calamo levi, / decipere volucres crate, cervorum greges / laqueo tenere*, dove l'inserimento di una nuova scena di caccia sembra però estranea alla struttura tematica del testo; K. Busche, Zu Octavia praet., Wochenschrift für klassische Philologie 32 (1915), pp. 1192-1194 *extrahere pisces rete vel calamo levi, / decipere volucres crate, fronde disposito vafre / tenere laqueo*; da ultimo R.-F. Chaumartin, Sênèque. Tragédies III. Paris 1999 segnala nel testo una lacuna dopo *crate* e in apparato cita la proposta di Leo, op. cit. *turbidos forti canes* e di O. Zwielerlein, L. Annaei Senecae tragoediae. Incertorum auctorum Hercules Otaeus, Octavia. Oxford 1987 *crate vel tereti vagas* predicativo dell'oggetto implicito *volucres*, che fu già del Siegmund.

²⁴ R. Peiper, Praefationis in Sen. tragoedias supplementum. Breslau 1870 propose *decipere volucres crate vel posito vagas / laqueo tenere*, con *vagas* predicativo di *volucres*, oggetto implicito di *tenere*, rettificando vistosamente la congettura avanzata nell'edizione Teubner da G. Richter, L. Annaei Senecae trag. Peiperi subsidiis instructus denuo edenda curavit. Lipsiae 1902: qui, sulla scorta di Hor., *Epod.* 2, 45 *claudensque textis cratibus laetum pecus*, il testo era stato emendato in *texta pecus / tenere laetum*, con *calamo levi* retto da *decipere* e *crate texta* dipendente da *pecus tenere laetum*. A. Siegmund, Zur Textkritik der Tragödie Octavia. Leipzig Wien 1907, in base a Sen., *Phaedr.* 45, corregge in *decipere volucres crate vel tereti vagas / tenere laqueo*: congettura riproposta da C. Hosius, Octavia Praetexta. Bonn 1922 e condivisa in apparato da

Minoritaria l'opzione di quanti ritengono che anche *crate* sia frutto di corruzione: Düring, sulla scia di Leo²⁵, ipotizza che il sostantivo *crate* sia stato originariamente vergato nel subarchetipo A o in suo apografo come variante di *rete* nello spazio interlineare corrispondente all'attuale verso 411: in seguito, la nota critica *vel* apposta in margine, per richiamare l'attenzione sulla variante, avrebbe prodotto così la stringa di testo *crate vel calamo levi* che, nelle trascrizioni successive, avrebbe dato luogo ad una diplografia nel verso seguente, colmando una lacuna del testo o rimpiazzando la lezione originaria²⁶.

Già G. Ballaira, Seneca. Ottavia. Torino 1974, n. *ad loc.* e Zwierlein, Kritischer Kommentar, op. cit., p. 467, dei quali condivido le perplessità, hanno messo in dubbio la possibilità che *rete* sia glossato da *crate*²⁷, che non è mai connesso con le attività della pesca, a meno di non postulare poco attendibilmente che il lettore o il commentatore di A sia ricorso a *cratis* nel significato di *nassa*, una gabbia per la pesca di vimini intrecciati, usata per catturare il pesce in branco o in acque basse²⁸, o nell'accezione di griglia (di vimini o di ferro)

Zwierlein, L. Annaei, op. cit., J. G. Fitch, Annaeana Tragica. Notes on the text of Seneca's tragedies. Leiden 2004, A. J. Boyle, Octavia attributed to Seneca. Oxford 2008, integrazione che ha goduto e gode di maggior fortuna.

²⁵ Leo, op. cit. si limitava a segnalare nel testo una lacuna dopo *decipere volucres* e prospettare in apparato la caduta di una stringa del tipo *turbidos forti canes*, suggerita da Verg., *Georg.* 1, 139-140 *tum laqueis captare feras et fallere visco / inventum et magnos canibus circumdare saltus*; ma anche in questo caso, come già abbiamo segnalato per lo Heinsius, l'inserimento di una scena di cinegetica pare estranea alla strutturazione della sequenza.

²⁶ Prudenzialmente C. Giardina, L. Annaei Senecae tragoediae. Bologna 1966, *ad loc.*, preferisce segnalare la lacuna nel testo e presentare in apparato le congetture prodotte negli anni, senza entrare nel merito. Altrettanto dicasi per Ferri, op. cit., *ad loc.*, che, ponendo *crate vel calamo aut levi* fra *cruces*, si pronuncia, piuttosto che per una lacuna, per un guasto non più emendabile.

²⁷ Se, per definizione, la glossa, è un'annotazione posta da un lettore o commentatore sul margine o nell'interlinea della pagina per chiarire un lessema del testo, è allora necessario, da una parte, che tale lessema sia d'uso infrequente o semanticamente ambiguo, dall'altra che la glossa abbia funzione denotativa: cfr., ad es., Serv., ad *Aen.* 4, 2 disambigua *vulnus alit* con *curam pascit*; Iohannes Scottus Eriugena, *Glossemata de Prudentio* 35 chiarisce *acumine* con *hamo*; *Annotationes in Marcianum* 19 glossa *calamis* con *sagittis*). Ora, *cratis* designa in senso proprio un'intelaiatura, un graticcio appunto di vimini intrecciati, largamente usato nell'agricoltura in funzione di pergolati, di tutore per piante rampicanti, stuoie utilizzate per l'essiccamento della frutta, componente di congegni bellici e costruzioni difensive, mentre in senso lato indica tutto ciò che consta di materiale intrecciato (ad esempio, la lorica). Può essere anche metonimia di cassa toracica o di struttura ossea (Verg., *Aen.* 12, 507-508 *crudum / transadigit* (sogg. *Aeneas*) *costas et cratis pectoris ense*) o designare metaforicamente tutto quanto risulti inestricabile (Oros. 3, 2, 9 *contexui indigestae historiae inextricabilem cratem*), ma non se ne conoscono altri campi d'applicazione che possano suggerire al lettore medievale un uso sinonimico per *rete*.

²⁸ Ov., *Hal.* 13-14 *aversus crebro vimen sub verbere caudae / laxans subsequitur*; 15-16 *arto / mitis luctantem scarus hunc in vimine vidit*; Plin., *Nat.* 9, 132 *Capiuntur autem purpurae parvulis*

con cui venivano delimitate le aree di pesca in acque dolci²⁹: cfr. Wandelbertus Prumiensis, *Carm. de mensibus* 350-353 *Amnibus hinc etiam piscosis ponere crates / Vimineas, densosque ad litora figere fascis, / Qua vada demisso tranquillat flumine cursum, / Inventum, facilem capiant ut retia praedam*; attrezzi del genere erano usati, ad es., per la pesca nel lago di Garda³⁰.

D'altronde anche Ferri esclude che *cratis* possa essere connesso con la caccia: per catturare gli uccelli, si adoperavano lunghe pertiche³¹, sulla cui estremità si fissavano diagonalmente bastoncini che, simulando i rami di un albero, inducevano i pennuti ad appollaiarvi; oppure si ricorreva a reti mimetizzate da foglie e bastoncini di vischio, dove i malcapitati uccelli attratti da esche rimanevano intrappolati³². Talvolta reti di tal fatta venivano stese sulle fronde degli alberi con l'aiuto di canne *aucupatoriae*.

A parer nostro, tuttavia, prima ancora di affrontare lo spinoso problema del v. 412, occorre interrogarsi sul significato dell'espressione *calamus levis* del verso precedente.

In senso proprio *calamus* designa una pianta palustre dagli innumerevoli usi e campi d'applicazione: basta leggere Plin., *Nat.* 16, 156-169 per farsi un'idea del suo sfruttamento massiccio, a seconda delle qualità organolettiche delle singole specie, dagli armamenti all'edilizia, dalla musica alla nautica all'editoria. In senso traslato *calamus* designa spesso per metonimia oggetti che da esso

rarisque textu veluti nassis in alto iactis (inoltre 21, 114; 32, 116), per cui cfr. altresì Oppian., *Hal.* 4, 49.

²⁹ Come ritiene Ferri, op. cit., n. ad loc.

³⁰ Cfr. il diploma carolingio con cui Ludovico il Giovane conferisce all'abazia di San Colombano il diritto esclusivo di pesca alla confluenza fra il fiume Mincio e il Garda, nei pressi dell'attuale Peschiera: *Diplom. Kar.* 4, 31 *nos praesenti auctoritate nostra per omnia perstruimus, ut nec pars praedictae Brixienis ecclesiae nec ullus omnino ibi ulterius aliquod opus edificare aut aliam praeter ipsam piscariam facere aut crates ponere vel retia trahere praeter legitimam potestatem sancti Columbani praesumat.*

³¹ Petr., *Sat.* 109, 7 *Exsonat ergo cantibus totum navigium, et quia repentina tranquillitas intermiserat cursum, alius exultantes quaerebat fuscina pisces, alius hamis blandientibus convellebat praedam repugnantem. Ecce etiam per antemnam pelagiae consederant volucres, quas textis harundinibus peritus artifex tetigit; illae viscatis inligatae viminibus deferebantur ad manus. Tollebat plumas aura volitantes, pinnaeque per maria inanis spuma torquebat:* ivi s'allude a oggetti fatti di segmenti lignei montati consecutivamente per arrivare ad uccelli appollaiati sull'albero della nave, non certo di oggetti a forma di graticcio per catturare uccelli in volo.

³² Cfr. Prud., *Ham.* 804-808, in cui l'anima che cade preda del peccato è paragonata (*Haud secus ac*) ad uno stormo di bianche colombe che *descendat in arvum / ruris frugiferi, laqueos ubi callidus auceps / praetendit lentoque illevit vimina visco / sparsit et insidias siliquis vel farre doloso*; Varr., *Rust.* 3, 7, 7 *quos columbarii interficere solent duabus virgis viscatis defictis in terra inter se curvatis, cum inter eas posuerint obligatum animal, quod petere soleant accipitres, qui ita decipiuntur, cum se obleverunt visco.*

sono tratti, quali il *calamus scriptorius*, la zampogna di Pan, la canna da pesca e da caccia, il dardo: è ovviamente il contesto ad orientarci sul significato.

Nel nostro caso, però, il contesto, indipendentemente dal guasto prodottosi al v. 412, non offre inequivoci punti di riferimento; dal momento che strumenti e tecniche di cattura erano polivalenti, atti cioè ad essere impiegati, con qualche eventuale adattamento, sia in ambiente terrestre (la caccia propriamente detta) sia in ambiente acquatico³³, *calamus* può prestarsi a tre possibili soluzioni interpretative, teoricamente equipollenti: a) come ablativo strumentale retto da *extrahere pisces* e coordinato a *rete* dalla congiunzione disgiuntiva *vel*: «pescare con la rete o con la canna (leggera)», che è poi l'interpretazione più comune; b) come ablativo strumentale retto da *decipere volucres*; c) come ablativo strumentale retto da *decipere (pisces)*, con *volucres* complemento oggetto di *tenere laqueo*³⁴.

La prospettiva muta se consideriamo che *calamus lēvis* si comporta spesso come una polirematica (o poliforme), ovvero, per dirla con De Mauro, come un lessema complesso o una locuzione cristallizzata il cui significato è unitario, non desumibile da quello delle parole che lo compongono. Se in certi contesti è evidente che *lēvis* funge da epiteto esornativo, limitandosi a evidenziare una caratteristica palmare del *calamus*³⁵, altre volte *calamus lēvis* designa complessivamente la zampogna³⁶ e, per metonimia, la poesia bucolica³⁷: fondamentale

³³ Vd. O. Longo, La caccia al pesce. In: Mélanges P. Lévêque, 1989, pp. 220-233. Cfr. ad ulteriore riprova Hugo de Sancto Victore, *Didascalicon de studio legendi* 2 (*Venatio*) *ferina multis modis exercetur, retibus, pedicis, laqueis, precipitiis, arcu, iaculis, cuspide, indagine, pennarum odore, canibus, accipitribus. Aucupium fit laqueis, pedicis, retibus, arcu, visco, hamo. Piscatura fit sagenis, retibus, gurgustiis, hamis, iaculis*, dove si può notare la polivalenza di strumenti quali *laqueus, rete, pedica, arcu, hamus*.

³⁴ Per l'immagine del *calamus* complice d'inganno ai danni dei pesci cfr. Ov., *Met.* 3, 586-587 *pauper et ipse fuit linoque solebat et hamis / decipere et calamo salientes ducere pisces*; *AL* 1, 21, 45-47 *Fraus, dolos et furtum pelagi. Componitur ergo / Saeta nocens, fallax calamus et perfidus hamus, / Principium sceleris*.

³⁵ Evidenziano la flessibilità, ex. gr., Ps. Verg., *Moretum* 60-62 *hortus erat iunctus casulae, quem vimina pauca / et calamo rediviva lēvi munibat harundo, / exiguo spatio, variis sed fertilis herbis*; Sil. It. 17, 88 *castra lēvi calamo cannaque intacta palustri*. Per questa sua qualità il *calamus* è il materiale ideale per le frecce: Ov., *Met.* 7, 779 *nec Gortyniaco calamus levis exit ab arcu*. In ogni caso la *iunctura* non è mai usata né per la canna da pesca né per la canna *aucupatoria*.

³⁶ Perché il *calamus* usato per gli strumenti musicali a fiato sia definito *lēvis* per eccellenza suggerisce Plin., *Nat.* 16, 164 descrivendo le canne utilizzate per *tibia* e *fistula*: *Calamus vero alius totus concavus, quem vocant syringian, utilissimus fistulis, quoniam nihil est ei cartilaginis atque carnis. Orchomenio et nodi continuo foramine pervii, quem auleton vocant. Hic tibiis (formata da due canne) utilior, fistulis ille (flauto di Pan, costituito da una serie di canne di sposte in ordine di lunghezza). Il fatto che *syringia* e *auleton* siano cavi, privi di sostanza cartilaginosa e *graciles* (come poi viene precisato a 169, paragrafo interamente dedicato alle canne di*

per noi Mart. 14, 216, 1-2 e *Dist. Cat.* 1, 27 (testo in n. 15), dove si fa riferimento al richiamo sonoro con cui l'*auceps* inganna i volatili. E' allora altamente probabile che *calamo levi* anche in *Oct.* 411 designi il semplice zufolo usato dal cacciatore per *decipere volucres*, attirandoli nelle sue panie.

Già abbiamo manifestato le nostre perplessità dinanzi all'ipotesi che *crate* del v. 412 possa essere considerata *altera lectio* di *rete*: a parer nostro, se il guasto è stato determinato da una glossa interlineare o marginale entrata nel testo, essa è da identificare nella stringa *vel calamo*, a chiosare un termine sinonimico, poco noto perché di bassa frequenza, che dunque non può essere *crate*. Dei termini che, in contesti dedicati all'*aucupium*, ricorrono come sinonimi di *calamus*, ovvero *harundo*, *canna*, *ames*, i primi due sono sicuramente troppo comuni per richiedere una glossa; d'uso estremamente raro risulta invece *ames*, per cui cfr. Hor., *Epod.* 2, 29-36

*at cum tonantis annus hibernus Iovis
imbris nives que comparat,
aut trudit acris hinc et hinc multa cane
apros in obstantis plagas
aut amite levi rara tendit retia,
turdibus edacibus dolos,
pavidumque leporem et advenam laqueo gruem
iucunda captat praemia.*

Qui *ames* compare concordato con l'aggettivo *lēvis*, a designare la lunga pertica «cosparsa di vischio» o di materiale organico³⁸, che veniva utilizzata per la cat-

Orcomeno) spiega perché il *calamus* sia *levis*, donde per metonimia *calamus lēvis* è poliforme per *fistula* o *tibia* o *aulos*.

³⁷ Vd. Verg., *Ecl.* 5, 1-3 *Cur non, Mopse, boni quoniam convenimus ambo, / tu calamos inflare lēvis, ego dicere versus, / hic corylis mixtas inter consedimus ulmos?*, ripreso in Paul. Diac., *Carm.* 18, 15 e Theodulphus Aurelianensis, *Carm.* 27, 39-41 *Aut inflare leves calamos mandaverit illis, / Vertice Sileni aut sarta ligare senis*. E ancora Phaedr. 4, 2, 1-2 *Dum nihil habemus maius, calamo ludimus / Ioculare tibi videtur, et sane levi*; Petr., fr. 34 *Si Phoebi soror es, mando tibi, Delia, causam, / scilicet ut fratri, quae peto, verba feras: / 'Marmore Sicanio struxi tibi, Delphice, templum / et levibus calamis candida verba dedi. / Nunc si nos audis atque es divinus, Apollo, / dic mihi, qui nummos non habet, unde petat'*; Mart. 9, 73, 9-10 *frange leves calamos et scinde, Thalia, libellos, / si dare sutori calceus ista potest*; Alc. Avit., *Carm.* 6, 1-4, *Suscipe conplectens Christo dignissima virgo, / Alcimus ista tibi quae mittit munera frater / Inque levi calamo causarum respice pondus / Et tenuis fortem commendet cantus amorem*. Cfr. per la poesia mediolatina Gunther, *Ligurinus* 1, 165-166 *Illa suis speciosa locis. Nos regia tantum / Gesta levi calamo quadam brevitate sequemur*.

³⁸ Varr., *Rust.* 3, 7, 7 *quos columbarii interficere solent duabus virgis viscatis defictis in terra inter se curvatis, cum inter eas posuerint obligatum animal, quod petere soleant accipitres, qui ita decipiuntur, cum se obleverunt visco*; Sen., *Ira* 3, 16, 1 *Sic laqueos fera, dum iactat, adstringit; sic aves viscum, dum trepidantes excutiunt, plumis omnibus inlinunt*; Petr., *Sat.* 109, 7, per cui cfr. n.

tura degli uccelli: se è vero quanto abbiamo detto di struttura e funzione della glossa, *vel calamo* potrebbe essere una nota addotta a chiarimento di *amite*³⁹ e vergata a margine già nell'archetipo, donde sarebbe entrata successivamente nel testo dell'apografo⁴⁰.

E' probabile che ad un significato del genere avesse pensato già *N. Trevet*, autore del primo commento al *corpus* delle tragedie senecane, che ai vv. 410-412 *chiosa extrahere graves pisces, tectos fluctibus, decipere volucres rethe vel levi calamo, scilicet invisato, tenere, scilicet volucres crate aut calamo levi vel laqueo premere feroces tauros subiectos iugo*, dando a *lēvis* il valore semantico e metrico di *lēvis* e lasciando irrisolto il problema della diplografia al v. 412. Curiosamente una nota a margine del verso 411 nel codice Vaticanus Urbinatis 355, a mio giudizio il codice più autorevole fra quelli che trasmettono il commento del Trevet, *chiosa id est hamo qui in calamo appenditur* (da collegare sintatticamente ad *extrahere pisces*) e *id est fistula qua decipiuntur aures*, ovviamente dei volatili: forse insoddisfatto della cursoria spiegazione fornita dal dotto domenicano, più adatta al verso successivo, l'anonimo postillatore offre una duplice alternativa; a parer nostro, la seconda si rivela attendibile.

31; Plin., *Nat.* 16, 248 *hoc est viscum pinnis avium tactu ligandis oleo subactum, cum libeat insidias moliri*; Val. Fl. 6, 260-264 *qualem populeae fidentem nexibus umbrae siquis avem summi deducat ab aere rami ante manu tacita cui plurima crevit harundo; illa dolis viscoque super correpta sequaci implorat ramos atque irrita concitat alas*; Apul., *Met.* 11, 8 *nec ille deerat, qui magistratum facibus purpuraque luderet, nec qui pallio baculoque et baxeis et hircino barbitio philosophum fingeret, nec qui diversis harundinibus alter aucupem cum visco, alter piscatorem cum hamis induceret*; Ambr., *Hel.* 8, 23 *per escam laqueus non cavetur, in esca hamus latet: cibus deducit in foveam, cibus inducit in retia, cibus visco etiam aves inligat, cibus volantes deponit ad mortem*; Hier., *Am.* 3, 8 *sin autem voluerimus legere pro uncino pomorum vas aucupis, hoc dicendum est, quod quomodo auceps visco vel retibus aves volantes per aerem, et sublimius discurrentes ad terram detrahit, sic dominus per Sennacherib sive Nabuchodonosor, quos nunc aucupes intellegimus, populum suum prius liberum, et legis observatione sublimem comprehenderit, vinxerit, transtulerit, enecarit [...]* *Nos ergo cernentes, quia deus naturalibus ramis non pepercit, timeamus eadem perpeti, et aucupis laqueos declinemus*; Prud., *Cath.* 3, 41-45 *Callidus inlaqueat volucres aut pedicis dolus aut maculis, inlita glutine corticeo / vimina plumigeram seriem impediunt et abire vetant*; Isid., *Or.* 17, 9, 70 *Chamaeleon, quae Latine viscarago vocatur eo quod viscum gignat; in quo haerent aves, quae propria voluntate descendunt ad escam.*

³⁹ Non necessariamente l'anonimo postillatore doveva essere un esperto di Orazio; si può pensare più semplicemente a un testo grammaticale come fonte di seconda mano. Troviamo il verso oraziano citato in un anonimo trattato di metrica, i *Fragmenta Sangallensia ad res metricas pertinentia*, *De iambico trimetro* (e cod. Sangallensi 876 saec. IX), p. 638, l. 31 *dactylus, 'aut amite levi rara tendet retia': habet hic primum dactylum, tertium et quintum spondios, ceteros iampos, ultimum pariambum, qui et pyrrichius vocatur.*

⁴⁰ Poiché la dittografia è comune alla maggior parte dei codici afferenti alla redazione A, essa dev'essersi prodotta già nell'iparchetipo comune. La lacuna di P può essere spiegata come un banale *saut du même au même*.

Che originariamente il testo potesse contenere *amite* in luogo di *crate* è ipotesi plausibile anzitutto sotto il profilo paleografico: le corsive precaroline sono spesso caratterizzate dalla *-a-* a forma di due *c* accostate, che in legatura con altre lettere e in presenza di abbreviazioni (le nasali sono spesso sostituite da un trattino ondulato soprascritto) potevano dar luogo a sviste anche clamorose⁴¹; in questo contesto, poi, la sillaba finale della parola che precede, *volucres*, può aver dato luogo ad una sorta di dittografia.

Quanto all'*aut levi* che chiude il verso, occorre tenere presente che il tradito dei codici non è unanime, presentando in alternativa l'abbreviazione di *ante*⁴², che paleograficamente poco si distingue dalla nota tachigrafica per *aut*: in tal caso possiamo ipotizzare un'annotazione marginale, ad indicare che la glossa *vel calamo* si riferisse alla parola «prima di *levi*»: in tale prospettiva *levi*, «levigato / cosparso di materiale vischioso», che la quantità lunga della sillaba *le-* distingue da *lēvis* («leggero»), sarebbe traccia del testo originario. Non osta a questa ipotesi di lavoro la presenza a breve distanza di *lēvis* e *lēvis*, una sorta di gioco paronomastico attestato, oltre che da Orazio stesso⁴³, da un certo numero di occorrenze; vd. Lucr. 3, 193-197 *haeret enim inter se magis omnis materiai / copia, nimirum quia non tam lēvibus exstat / corporibus neque tam subtilibus atque rotundis / namque papaveris aura potest suspensa lēvisque / cogere ut ab summo tibi diffluat altus acervus*⁴⁴; Verg., *Georg.* 2, 449-451 *nec tiliae lēves aut torno rasile buxum / non formam accipiunt ferroque cavantur acuto. / Nec non et torrentem undam lēvis innatat alnus*; Ov., *Met.* 10, 696-699 *sacra retorserunt oculos, turritaque Mater / an Stygia sontes dubitavit mergeret unda; / poena lēvis*

⁴¹ E' quanto si è verificato nel Parisinus Lat. Thuanus 8071 (sigla B), uno dei due codici che trasmettono gli *Halieutica* di Ovidio (l'altro è il Vindobonensis 271 noto come A): ad *Hal.* 3 *qui nondum gerit in tenera iam cornua fronte*, B presenta la lezione *teneraco*, A *tenerco* con *-co* espunto e *-a* soprascritto: R. Verdière, Ovidius, *Halieutica*. Paris 1974, pp. XII-XIII ipotizza attendibilmente che l'apografo comune di B ed A fosse scritto in una corsiva precarolina caratterizzata dalla *-a-* a forma di *cc* accostate, quale possiamo rintracciare nella minuscola insulare, nella cosiddetta merovingica di Luxeuil e di Corbie, oltre che nella beneventana. Analogo errore presenta il *Thuanus*, che contiene ai ff. 57-58 un miniflorilegio delle tragedie senecane secondo la redazione E (per l'esattezza *Tro.* 64-162, *Med.* 579-594, *Oed.* 403-508 e 110-136) e che per *Tro.* 127 trasmette *cinnos* in luogo di *annos* (cfr. O. Zwielerlein, Prolegomena zu einer kritischen Ausgabe der Tragödien Senecas. Mainz 1983, pp. 15-23). Il che apre la possibilità che anche l'*Octavia* possa essere stata presente nella tradizione E in una fase precedente alla composizione dell'*Etruscus* o del suo antigrafo.

⁴² E' lezione trasmessa dai codici Cameracensis 555 (sec. XIII ex.), Casinensis 392 P (sec. XIV in.), Etonensis Coll. 110 (sec. XIII ex.), che fanno parte della famiglia A ma presentano interpolazioni col ramo E: lo scambio fra *-u-* ed *-n-* è, di nuovo, frequente nelle cosiddette scritture merovingiche.

⁴³ Vd. *supra*, p. 13; cfr. altresì Hor., *Epod.* 16, 34-48; *Serm.* 2, 7, 29-38.

⁴⁴ Cfr. altresì Lucr. 5, 455-459.

visa est. ergo modo lēvia fulvae / colla iubae velant; Fast. 4, 912-915 et tremat in summa lēve cacumen humo. / Tu sata sideribus caeli nutrita secundi / crescere, dum fiant falcibus apta, sinas. / Vis tua non lēvis est: quae tu frumenta notasti; Sen., Herc. O. 545-547 non ex sagittis lēvibus: e numero, precor, / graviore prome quod tuae nondum manus / miseri in aliquem; non lēvi telost opus⁴⁵.

L'attendibilità di tale proposta, coerente anche con l'*imitatio* oraziana affiorante qua e là nel testo dell'*Octavia*⁴⁶, trova ulteriori riscontri sotto il profilo metrico: il primo emistichio del v. 412 è costituito da una soluzione dattilica in prima sede e tribraco in seconda, mentre dell'elemento che precede la cesura semiquinaria abbiamo un *longum*:

dēcīpĕ | rĕ vōlŭ | crēs || – | ◡ – ◡ – ◡ X

La restituzione di *āmītĕ lēvī* comporterebbe:

a) la sostituzione dell'elemento *longum* dopo la semiquinaria con due *brevia*, meno frequente di altre soluzioni ma comunque discretamente attestata nel *corpus* delle tragedie senecane⁴⁷;

b) la possibilità che il quinto piede, tenuto conto dell'irrilevante presenza di dattili e giambi in questa sede, sia costituito da una soluzione spondaica, in linea con la cosiddetta norma di Diomede per cui *iambus tragicus, ut gravior iuxta materiae pondus esset, semper quinto loco spondeum recipit* (3, 507 sgg.). Avremmo pertanto una struttura di tal fatta:

dēcīpĕ | rĕ vōlŭ | crēs || āmī | tĕ lē | vī – ◡ X

Infine, per la clausola del verso, è statisticamente probabile che gli elementi mancanti possano essere costituiti da una parola bisillabica, giambica (◡ –) o pirrica (◡ ◡), il che presuppone un monosillabo dopo *levi*, o una clausola cretica (– ◡ X), escludendosi soluzioni monosillabiche, giacché la clausola del trimetro ammette due elementi monosillabici consecutivi ma non l'elemento monosillabico finale, ad eccezione di *est* quando sia legato da aferesi alla parola precedente⁴⁸. Un possibile integrazione è l'infinito *fallere*⁴⁹, con desinenza poco

⁴⁵ Per la poesia mediolatina cfr. Johannis de Garlandia, *Epithal.* 9, 73-74 *Haec ubi deseruit maculosi terga iugalis, / vecta volat vento lēvis arundio lēvi.*

⁴⁶ Non va trascurato che l'intera *tournaire* presenta altri echi oraziani, quali la presenza di *lēvis* e *lēvis* o il particolare del *laqueus*. Vd. altresì la rara *iunctura superbam paelicem* in Hor., *Epod.* 5, 63 e *Oct.* 125, ripresa esclusivamente da Claud., *Min.* 2, 46-47.

⁴⁷ Questa sostituzione è possibile purché i due *brevia* appartengano alla medesima parola; il dattilo non può essere costituito da un'unica parola, possibilità ammessa solo nel primo piede. Per un computo statistico delle occorrenze di dattili in terza sede su un totale dei 7930 trimetri giambici presenti nel *corpus* delle tragedie senecane vd. il lavoro della Cervellera, op. cit.

⁴⁸ Ad eccezione di *Herc. f.* 1162, *Med.* 692, *Herc. O.* 939.

⁴⁹ Sufficientemente attestata la compresenza di *fallere* e *decipere* nel medesimo contesto: Verg., *Aen.* 4, 17 *postquam primus amor deceptam morte fefellit*; Ov., *Trist.* 4, 1, 14 *fallitur ancillae de-*

frequente in chiusa di trimetro giambico ma comunque attestata: cfr. Sen., *Med.* 203 *Difficile quam sit anima ab ira flectere*; per la medesima successione di fonemi in sostantivo vd. altresì *Thy.* 698 *ac fluctuanti similis; e laevo aethere*.

A questo punto la iunctura *tenere laqueo* con sottinteso l'oggetto *volucres*, laddove di solito è solitamente associata a *premere subiectos iugo / tauros feroces*⁵⁰, sembra chiudere il cerchio della sequenza sull'*aucupium*, come anche emerge da Hor., *Epod.* 2, 27-36⁵¹.

In ultima analisi, la restituzione pur parziale del v. 412 parrebbe rinviare ad una descrizione dell'*aucupium* nei suoi tre momenti topici: l'allettamento del volatile tramite richiamo sonoro (411-412 *calamo levi / decipere volucres*), l'invischiamento (412 *amite levi fallere*) e la cattura (412 bis *tenere laqueo*): cfr., in contesto ricco di echi oraziani, Ambr., *Hex.* 5, 14, 48 *Quibus (= turdis) nos inhospitali immanitate molimur insidias et diverso genere nunc infida sede decipere* (allusivo dell'invischiamento), *nunc sibilo eos fallere* (allettamento sonoro), *nunc laqueis eos captare* (cattura) *contendimus*.

Il quadro sin qui delineato risulta poi coerente con la struttura sintattica e stilistica dell'intero passaggio, che ha i suoi tratti caratteristici: a) nell'accumulo di *cola* paralleli costituiti da infinito + oggetto esplicito o implicito + ablativo strumentale; b) nella progressione tematica della caccia in *venatus*, pesca e *aucupium*, ordinate in *klimax* crescente di *fraus*; c) nella ripartizione dell'*aucupium* nei suoi momenti distintivi anch'essi graduati secondo una scala di intensità crescente; d) nell'*enjambement*, per cui ciascuna delle *artes* menzionate dall'autore non coincide con la misura del verso ma si distende nell'emistichio del verso successivo; e) nella simmetria ternaria che sta alla base dell'intera sequenza (tre *artes*, la caccia nelle sue tre ripartizioni, l'*aucupium* nelle sue tre tecniche).

cupiturque labor; Mart. 6, 70, 14 *multum decipiturque falliturque*; Mart. Cap. 4, 423, 11 *quis falsa captos circuit deceptio*; Ven. Fort., *Carm.* 11, 16, 12 *et fallax artem decipiendo probat*.

⁵⁰ Il problema interpretativo risiede, anche in questo caso, nella polivalenza degli strumenti di lavoro: vd. *supra*, n. 33.

⁵¹ Cfr. *Ep.* 1, 16, 50-51 *cautus enim metuit foveam lupus accipiterque / suspectos laqueos et opertum milvus hamum*, ripreso da Iohannis Victoriensis, *Liber certarum Historiarum* 5, 3 e *Polyth.* 205-206; Ov., *Met.* 11, 73-75 *utque suum laqueis, quos callidus abdidit auceps, / crus ubi commisit volucris sensitque teneri, / plangitur ac trepidans astringit vincula motu*. In funzione simbolica, Hil., *Psalm.* 123, 9 *anima nostra sicut passer erepta est de laqueo venatorum: non utique venantium, sed eorum, quibus in venatione tensi sunt laquei*; Ambr., *Bon.* 5, 16 *avis enim, quae descendit ex alto [...], frequenter aut laqueis capitur aut visco fallitur aut quibuscumque inretitur insidiis. Sic quoque et anima nostra caveat ad haec mundana descendere. Laqueus in auro, viscum est in argento, nexus in praedio, clavus in amore. Dum aurum petimus, strangulamur: dum argentum quaerimus, in visco eius inhaeremus: dum praedium invadimus, adligamur, dove non manca la topica frecciata misogina e sessuofobica: *Quin etiam mulieris decus, dum temptatur, adstringit*. Per *Hel.* 8, 23 vd. *supra*, n. 38; *Hex* 5, 14, 48; *Rufin, Or. psalm.* 36, 4, 2.*

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ANTULLA’S TOMB AND MARTIAL’S: POETIC CLOSURE IN BOOK 1

BY PATRICIA LARASH

Abstract: The final seven epigrams of Martial’s Book 1 form a subtle but important closural sequence (epigrams 1.112-1.118 inclusive). Despite their great *variatio* of topics, the seven epigrams are linked through concerns about the boundary between life and death, the integrity of a monument, and the theme of *dignus legi*, or what makes someone “worthy of being read.” Through a series of close readings, this article argues for the coherence of this sequence on formal, thematic, and verbal grounds. The sequence is centered on a pair of epigrams on the *kepo-taphion* or tomb-garden of a young girl named Antulla (1.114 and 1.116). The function of this closural sequence is both formal, to bring closure to a disparate collection of epigrams, and thematic, to reprise themes from the mock-epitaph with which Martial opens book 1 (1.1).

Keywords: Martial, epigram, closure, *fama*, poetry book, Antulla, tomb, epitaph, naming.

A book of epigrams, especially one with a *variatio* of subject matter as dramatic as that of Book 1 of Martial, can appear to be of arbitrary length and arrangement. The author or editor of a given epigram book uses *variatio* of tone, theme, *et cetera* to prevent boredom over the course of a collection of a hundred or more epigrams, and techniques of unification such as overarching subject matter and self-referential opening and closing sequences to give the book coherence if not architecture. The editors and authors of Hellenistic epigram collections, as observed by Kathryn Gutzwiller, use a single topic to unify a given book.¹ Martial, although he follows the principle of a single topic to unify his *Liber de spectaculis* and his two Saturnalian gift-tag books (Books 13 and 14), eschews a single topic in favor of extreme *variatio* in his twelve heterogeneous books, in which the reader finds *variatio* not just of tone, meter, length, and addressee, but also of subject matter. Martial uses the very *variatio* that could work against artistic unity and, instead, exploits this *variatio* to create finely crafted substructures that bring closure, and thereby formal coherence, to his Book 1.

¹ K. Gutzwiller, *Poetic Garlands: Hellenistic Epigrams in Context*. Berkeley 1998, 9-11 and 227-322. I thank Elizabeth McCahill, Stephanie Nelson, and Zsuzsa Várhelyi for advice and encouragement on this project. All flaws that remain are my own.

Such a *variatio* of topic characterizes the last seven epigrams of Book 1 (viz., epigrams 1.112-1.118 inclusive): patronage, poetry, sepulchral commemoration, erotic boasting, booksellers, and readers. These epigrams form a carefully crafted symmetrical arrangement that – despite the apparent heterogeneity of theme – in fact is, itself, internally coherent both formally and thematically. I disagree, therefore, with readers such as Johannes Scherf who argue that the closural sequences of Martial’s books are “weniger kohärent” than the opening sequences; I maintain that the closural sequence of Book 1, at least, is subtle but, upon close inspection, very coherent.² All seven epigrams, despite appearances, have to do in some way with stages of life or with disproportionately hastening or postponing the boundary between life and death. In addition, these epigrams, collectively, play with the tension between a linear journey of indeterminate length and the fixed, integral monuments, and between the busy, bustling, quotidian city and the tranquil, timeless countryside. The placement of this symmetrical sequence at the very end of Book 1 thematizes the end of the book: the event of death is a figure for the end of the book, and the image of a tomb monument is a figure for the entire book.³ Moreover, this seven-epigram sequence formally enacts closure through the subtle but strong symmetrical and linear structures that unify it and are coterminous with the end of the book. All of these thematic and formal characteristics, not consistent but coherent, combine to highlight the theme of *dignus legi*, the question of what makes someone – the patron, the deceased person, or the poet himself – “worthy of being read.”

The symmetry of the seven-epigram closural sequence depends upon a closely matched pair of poignant sepulchral epigrams. These two epigrams, both on the *kepotaphion* or tomb-garden of a young, unmarried woman named Antulla, form a strong “diptych” with one another,⁴ each being three couplets in length. They frame the middle epigram of the symmetrical sequence (1.115, erotic boasting addressed to one Procillus) and draw attention to the epigrams that frame them on either side. The centrality of the two tombstone epigrams as third and fifth in the seven-epigram sequence invites us to ask what this sequence of epigrams does for us thematically and formally.

² J. Scherf, *Untersuchungen zur Buchgestaltung Martials*. Munich and Leipzig 2001, 34.

³ For a theoretically sophisticated treatment of Martial’s book as monument, see pages 119-125 in L. Roman, *The Representation of Literary Materiality in Martial’s Epigrams*. *Journal of Roman Studies* 91 (2001) 113-145.

⁴ O. Thévenaz, *Flebilis lapis? Gli epigrammi funerari per Erotion in Marziale. Materiali e discussioni per l’analisi dei testi classici* 48 (2002), 167-191. On the Antulla pair as *kepotaphion* and its literary context, see A. Manzo, *La fonte greca degli epigrami sepolcrali di Marziale*. In: L. Belloni – G. Milanese and A. Porro (edd.), *Studia classica Johanni Tarditi oblata*. Milan 1995, 755-768, esp. pp. 758-759.

My style of reading is influenced by William Fitzgerald's readings of Martial, which trace the influence of a given epigram on the poems with which it is juxtaposed.⁵ I read Book 1's closural sequence figuratively as a structure that grants Book 1 integrity as a monument, in keeping with the mock-epitaph on himself with which Martial introduces Book 1 (1.1). Not only does the closing sequence bring an end formally to Book 1, but it also reprises the themes of naming, *fama*, and the life/death boundary that are central to the concerns expressed by the speaker of epigram 1.1, which I quote here (all translations are my own):

*Hic est quem legis ille, quem requiris
toto notus in orbe Martialis
argutis epigrammaton libellis.
cui, lector studiose, quod dedisti
viventi decus atque sententi,
rari post cineres habent poetae.*

Here he is, the one whom you read,
the one whom you ask for, Martial,
known throughout the entire world
for his witty little books of epigrams.
Dedicated reader, the recognition which you have given him
while he is alive and able to know it
few poets have even after the grave.

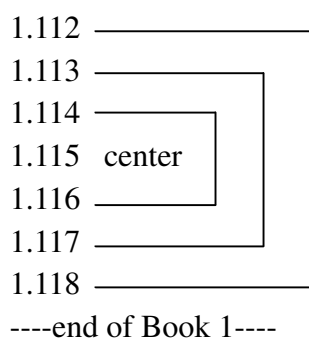
Epigram 1.1

In this epigram, the programmatic opening to Book 1, Martial uses epitaphic conventions to cast the book as a monument to his own *fama* during his lifetime.⁶ By vaunting his fame "throughout the entire world" (2), Martial takes a genre, epitaph, that is ordinarily concerned with posterity and renown throughout time and turns his use of it into a geographical conceit, thanks to the ability of his book to travel throughout the Roman empire. The themes that Martial first starts to play with in epigram 1.1 are continued, and varied, in the sequence with which Book 1 closes: where epigram 1.1 suggests the movement of the book through the world, the closing sequence suggests the movement of the reader through the book; and where epigram 1.1 plays with the idea of the author's death, the closing sequence playfully offers life and death as a figure for the experience of reading the book.

⁵ W. Fitzgerald, *Martial: The World of the Epigram*. Chicago 2007, 106-138.

⁶ See M. Citroni, *M. Valerii Martialis Epigrammaton liber primus. Introduzione, testo, apparato critico e commento*. Florence 1975, 14-15.

I shall outline briefly the structure of the sequence before commenting in detail on the text of the epigrams and then sketching out some of the interpretive implications of this sequence. The sequence consists of three symmetrical, concentric pairs, which I shall describe below, emanating from a central epigram as follows:



Moving symmetrically out from the Antulla diptych (1.114 and 1.116), with its solemn, reflective tone, poignant content, and peaceful setting, the next layer, epigrams 1.113 and 1.117, or the second and sixth in the sequence, has to do with readers who express inappropriate interest in Martial's work, whether in the juvenilia that he would rather see suppressed (1.113) or in an exaggerated social connection that would result in a free copy of Martial's book (1.117). The outermost ring of the sequence, epigrams 1.112 and 1.118 or the first and seventh in the sequence, consists of two poems, each one couplet in length, that dramatize conversations and social posturing between two men, one (1.112) about the use of honorifics for a patron and the other (1.118) about the poetic taste involved in wanting more epigrams than exist in the present book.

Of these seven epigrams, two substructures stand out: the Antulla diptych (1.114 and 1.116) and the final pair on improper access to Martial's poetry (1.117 and 1.118), which is, additionally, reinforced by epigram 1.113 on Martial's juvenilia.⁷ Given that these two substructures consist of five-sevenths of the entire sequence, the two remaining epigrams, 1.112 and 1.115, seem not to belong; 1.112, at first glance, seems to be paired with 1.118 on formal grounds only, and 1.115 is particularly jarring in tone since it places bickering about erotic rivalry between two sombre epigrams on death and grief. However, epigrams 1.112 and 1.115, seemingly incongruous, are, in fact, well integrated

⁷ These structures have already been noted: 1.114 and 1.116 as a pair (*Citroni*, 346; *Howell*, 342), and 1.117 and 1.118 (*Citroni*, op. cit. (note 6), xxxviii; *Scherf*, op. cit. (note 2), 32; *P. Howell*, *A Commentary on Book One of the Epigrams of Martial*. London 1980).

when read in the context of the broader concerns of the sequence: the boundary between life and death, and the motif of *dignus legi*.

The sequence opens thus:

*Cum te non nossem, dominum⁸ regemque vocabam:
nunc bene te novi: iam mihi Priscus eris.*

When I didn't know you, I called you "lord" and "king":
now I know you well: from now on, you'll be "Priscus"/"old fellow" to me.

Epigram 1.112

The sequence starts with a one-couplet epigram on the conventions of naming in the context of patronage. The speaker makes a play on the name of his patron (initially addressed by the honorifics *dominus* and *rex*), turning a cognomen into an impudent claim to long-standing familiarity with the higher-status addressee.

The following epigram, 1.113, addressed to a generic "reader" (*lector*, 4), takes the theme of inappropriate familiarity from epigram 1.112 and applies it to a literary, rather than social, context.

*Quaecumque lusi iuvenis et puer quondam
apinasque nostras, quas nec ipse iam novi,
male collocare si bonas voles horas
et invidetis otio tuo, lector,
a Valeriano Pollio petes Quinto,
per quem perire non licet meis nugis.*

Whatever I played at as a youth once, and as a boy,
and our trifles, which I myself no longer recognize,
if you want to pass your good hours badly
and if you bear ill-will toward your free time, reader,
seek them from Quintus Pollius Valerianus,
who does not allow my nuggets to perish.

Epigram 1.113

Here, Quintus Valerianus Pollius preserves and makes available the poet's juvenilia which the speaker-poet rhetorically disparages, either as a show of not wanting his mature work to be diluted by inferior poetry, or as an oblique way of drawing attention to the loyalty that his verse inspires.

⁸ Although I follow *Shackleton Bailey's* Teubner text when quoting Martial's Latin in general, I prefer Lindsay's punctuation for line 1.112.1 (viz., no comma after *dominum*; *W. M. Lindsay, M. V. Martialis Epigrammata*. Oxford 1902; *D. R. Shackleton Bailey, Martialis Epigrammata*. Stuttgart 1990).

The setting then shifts to a green *locus amoenus* in the following epigram, 1.114, to the first of the two epigrams on the *kepotaphion* or tomb garden of a girl named Antulla:

*Hos tibi vicinos, Faustine, Telesphorus hortos
 Faenius et breve rus udaeque prata tenet.
 condidit hic natae cineres nomenque sacravit
 quod legis Antullae, dignior ipse legi.
 ad Stygias aequum fuerat pater isset ut umbras:
 quod quia non licuit, vivat, ut ossa colat.*

Faenius Telesphorus holds these gardens next to you, Faustinus,
 and this little estate and moist meadows.
 Here he has buried the ashes of his daughter Antulla and has sanctified her name
 which you read here; he himself would more deservedly be read.
 It would have been just for the father to have gone to the Stygian shades:
 But since that was not permitted, let him live, so that he may honor her bones.
 Epigram 1.114

In this epigram, Martial draws attention to the topographical setting, the gardens next to the property of the addressee Faustinus, outside Rome (implied by “countryside”, *rus*, in line 2). The sombre tone is a contrast to the social back-and-forth of the preceding two epigrams.

The tone changes radically once again with the following epigram, 1.115, which is the center around which the rest of the symmetrical sequence pivots:

*Quaedam me cupit, – invidet, Procille! –
 loto candidior puella cycno,
 argento, nive, lilio, ligustro:
 sed quandam volo nocte nigriorem,
 formica, pice, graculo, cicada.
 iam suspendia saeva cogitabas:
 si novi bene te, Procille, vives.*

A certain girl desires me – be jealous, Procillus! –
 a girl whiter than a washed swan,
 than silver, snow, lilies, privet:
 But I want a certain girl who is darker than night,
 than an ant, pitch, grackle, cricket.
 You were just now thinking of hanging yourself:
 if I know you well, Procillus, you’ll live.

Epigram 1.115

The speaker’s formally balanced descriptions of two women provoke in the addressee, alternately, envy as expressed through a desire to hang himself, and *Schadenfreude*, expressed through a desire to keep living.

Having passed the pivot of the symmetrical sequence, the reader now encounters the beginning of the mirror image of the first half of the sequence – here (epigram 1.116), the second of the two sepulchral epigrams on the tomb garden of Antulla, responding to epigram 1.114:

*Hoc nemus aeterno cinerum sacravit honori
 Faenius et culti iugera pauca soli.
 hoc tegitur cito rapta suis Antulla sepulchro,
 hoc erit Antullae mixtus uterque parens.
 si cupit hunc aliquis, moneo, ne speret agellum:
 perpetuo dominis serviet iste suis.*

Faenius has consecrated this grove and these few acres
 of tilled soil for the everlasting honor of ashes.
 Antulla, snatched too soon from her own people, is covered by this sepulchre,
 in this each of Antulla's parents will be mingled.
 If someone desires this little field, I warn you, don't let him hope:
 it will serve its masters in perpetuity.

Epigram 1.116

Like the first epigram in the Antulla pair, this commemorates Antulla, her tomb garden, and her father's grief. In addition, this epigram's speaker makes an explicit claim to protect the integrity of Antulla's tomb (5-6). Despite the change in tone from the preceding skoptic epigram, the present sepulchral epigram nevertheless continues the theme of covetousness and envy, but here it is the desire of a hypothetical third party for the "little field" (*agellum*, 5) that hosts Antulla's tomb; and the speaker's motives in drawing attention to the envy of others are noble rather than petty as in 1.115.⁹

Pettiness returns in the following epigram (1.117). Echoing 1.113, this epigram has to do with gaining access to Martial's poetry and with judging its worth.

*Occurris quotiens, Luperce, nobis,
 'vis mittam puerum' subinde dicis,
 'cui tradas epigrammaton libellum,
 lectum quem tibi protinus remittam?'
 non est quod puerum, Luperce, vexes.*

5

⁹ I use the term "sepulchral epigram" in this article loosely to refer both to 1.114 (which is *about* a tomb) and 1.116 (which represents the inscription *on* the tomb); Henriksén, in his taxonomy, includes 1.114 among *sepulcralia* (specifically a *descriptio sepulcri*) and 1.116 among *epigrammata sepulcralia* proper (C. Henriksén, *Martial's Modes of Mourning. Sepulchral Epitaphs in the Epigrams*. In: R. R. Nauta – H.-J. Van Dam and J. J. L. Smolenaars (edd.), *Flavian Poetry*. Mnemosyne Supplement 270. Leiden and Boston 2006, 349-367).

*longum est, si velit ad Pirum venire,
 et scalis habito tribus, sed altis.
 quod quaeris proprius petas licebit.
 Argi nempe soles subire Letum:
 contra Caesaris est forum taberna* 10
*scriptis postibus hinc et inde totis,
 omnis ut cito perlegas poetas.
 illinc me pete. †nec† roges Atrectum –
 hoc nomen dominus gerit tabernae – :
 de primo dabit alterove nido* 15
*rasum pumice purpuraque cultum
 denaris tibi quinque Martialem.
 ‘tanti non es’ ais? sapis, Luperce.*

Every time you run into me, Luperus,
 you immediately say, “I want to send you a boy
 you can give your little book of epigrams to,
 which I’ll return as soon as I’ve read it.”
 It’s not worth troubling your boy with, Luperus.
 It’s a long way, if he wants to go to Pear Street,
 and I live up three flights of stairs, and long ones at that.
 What you want you can find closer to home.
 You must go by the Argiletum a lot:
 there’s a shop opposite the Forum of Caesar
 with signs all over its doorposts,
 so you can read through all the poets quickly.
 Look for me there. Ask for Atrectus¹⁰ –
 that’s the name of the guy who runs the shop –
 and from the first or second shelf he’ll give you
 a Martial all smoothed with pumice and
 done up with purple for five denarii.
 “Not a fair price,” you say? You’re a bright boy, Luperus.
 Epigram 1.117

The setting, in the middle of urban Rome and its crowded social negotiations,
 contrasts sharply with the rural, natural setting of the Antulla epigrams, and the
 language and imagery of motion through the city contrasts with the static mo-
 nument of the Antulla epigrams.

The sequence ends with this distich (1.118) addressed to a fictional character
 named Caedicianus:¹¹

¹⁰ I follow *Shackleton Bailey’s* conjecture of *nam* for *nec* in line 13 (op. cit. (note 8), 53 *ad* 1.117.13).

¹¹ For the purposes I take Caedicianus to be the butt of the joke in 1.118 rather than a confidante of the speaker; one may, alternatively, take Caedicianus as a confidante enjoying a joke at the expense of generic readers with tastes as described.

*Cui legisse satis non est epigrammata centum,
nil illi satis est, Caediciane, mali.*

For one to whom a hundred epigrams are not enough,
nothing, Caedicianus, is enough of a bad thing.

Epigram 1.118

Formally, it responds to the first epigram in the sequence (1.112), also a single couplet, and thematically it forms a close pair with the epigram immediately preceding (1.117), as both are about the value of Martial's poetry to different kinds of readers. I take Caedicianus here to be the target of the joke – the *cui* in line 1 who wants more epigrams than can fit in a book. Since this epigram coincides with the end of the book, it means that the symmetrical sequence does too, and the joke is on Caedicianus since he cannot read any more.

What unifies all of these epigrams is an interest, expressed in an astonishing variety of ways, in stages of life, proper and improper limits of life, and commemoration after death. This is obvious in the two epigrams on Antulla, the first of which expresses the sentiment that it would have been more fair (*aequum*) for Antulla's father Faenius Telesphorus to have preceded her in death (1.114.5), and the second of which expands on this *topos*, common in sepulchral inscriptions on children who die before marriage, by saying that Antulla was taken away "too soon" from her family (*cito*, 1.116.3).¹² Both epigrams, likewise, express a wish – one positive, one negative – that the commemoration of Antulla be preserved: in the first epigram, that Faenius himself may live so as to "honor her bones" (*ut ossa colat*, 1.114.6), and the second, that the grounds of Antulla's tomb not change ownership (*si cupit hunc aliquis, moneo, ne speret agellum*, 1.116.5).

Stages of life show up elsewhere in the sequence. Epigram 1.113, on Martial's juvenilia, is a humorous and ironic inversion of the theme in the context of literary production: Martial's youthful poetry, rather than meeting a deserved *mors immatura*, is, instead, given undeserved "life" by Valerianus, someone "who does not allow my nuggets to perish" (*per quem perire non licet meis nugis*, 1.113.6). Martial's poetic *oeuvre* is therefore described in terms of stages of his own life (*iuvenis et puer quondam*, 1.113.1). Epigram 1.117 uses language of the stages of life and death obliquely, when the character Lupercus says that he'll send a "boy" (*puerum*, 2) – referring to status, not age. Martial uses the folk etymology of his bookseller's address, Argiletum, or, when subjected to *tmesis*, "the death of Argus" (*Argi ... letum*, 9), to make a joke on the entertain-

¹² The expression *cito rapta-us* occurs frequently in epitaphs to express the theme of *mors immatura* (M. Citroni [op. cit., note 6], 355). On the theme of *mors immatura*, see A. Manzo (op. cit., note 4).

ment value of the poetry one can buy there. The reading “death of Argus” suggests that Martial’s epigrams, like the stories that Mercury told Argus to put him to sleep, are boring and go on for too long.¹³ Even epigram 1.112 participates in the language of stages of life with the cognomen of the addressee, Priscus, “original” or “ancient”, looking ahead to the cognomen of Antulla’s father, Telesphorus, “bearing the end” or “bringing completion”.¹⁴

The two poems on Antulla’s tomb garden are the literary monuments that anchor the symmetry of the seven-epigram sequence with figurative “topography” past which the reader “walks”. To appreciate the Antulla sub-sequence I take the metaphor of reader as traveler, prompted by the two instances of a monument that a reader figuratively walks by (1.114 and 1.116), and extend the metaphor imagistically to the central epigram that is bracketed by the two sepulchral epigrams. The metaphor of text as journey in Greek and Roman poetry has been well studied by Regina Höschele in a recent article for passages that explicitly invite the comparison by using imagery of traveling, paths, or topographical elements.¹⁵ Knowing that ancient readers were sensitive to this sort of metaphor adds to the thematic and structural importance of the Antulla diptych and the seemingly unrelated epigram that it brackets.

The poems themselves refer to a monument that is itself set up in a private garden (*vicinos ... hortos*, 1.114.1) next to another private residence, with epigram 1.114 drawing attention to the “neighbor” (Faustinus’ property, 1) overlooking the monument in epigram 1.116. Epigram 1.114 is not, strictly speaking, an epitaph but, rather, it refers to a burial monument (*condidit ... cineres nomenque sacrauit*, 1.114.3). The sepulchral content of these two epigrams spills out beyond the particulars of the burial monument represented, and so the arrangement of these two epigrams within Book 1 offers the reader the experi-

¹³ I owe this point to William Fitzgerald. Cf. Ovid, *Met.* 1.682-687 and 713-721.

¹⁴ Since epigram 1.112 can be read as a skoptic epigram, it is natural to take Priscus as a fictional character (as does *M. Citroni*, op. cit. (note 6), 343 and *P. Howell*, op. cit. (note 7), 341), in which case Martial’s choice of name for his addressee is governed exclusively by artistic considerations, and the joke is that the speaker loses respect for Priscus and may lose financial patronage as he gains social familiarity with him. However, I would like to raise the possibility in passing that the Priscus in 1.112 is, in fact, a historical friend of Martial and the same Priscus addressed in 12.praef. and elsewhere (cf. 6.18, 9.77, 10.3, 12.1, 12.14, 12.92). In that case, we should read epigram 1.112 not as skoptic but as an epigram warmly celebrating the *amicitia* between Martial and Priscus that has moved from a formal patronage relationship to one based on affective ties, and Martial exploits the coincidence of Priscus’ cognomen by placing it in the context of the present sequence. The other use of the word *priscus* in Book 1 is as a common adjective in an epigram on Martial’s old friend Decianus (*quales prisca fides famaue novit anus*, 1.39.2).

¹⁵ *R. Höschele*, *The Traveling Reader: Journeys through Ancient Epigram Books*. *Transactions of the American Philological Association* 137 (2007) 333-369.

ence of going past several topographical elements that have to do with death.¹⁶ Because they represent a monument on private property, these epigrams feel, therefore, more exclusive than the epitaphs along the public roads leading out of Rome, but by being placed among other epigrams they become available to the view of the reader “walking” through the book of epigrams.

To create a sense of place, these epitaphic epigrams use deictic markers (*hos, hoc*, highlighted by contrast with the *c-* and *qu-* sounds that open the other epigrams in the sequence) – not just as a literary device to represent the epitaph and its setting, but also as a continuation from actual stone epitaphs, which verbally draw the reader’s attention to the monument and its plot of land (cf. *culti iugera pauca soli*, 1.116.2).¹⁷ Martial recreates this verdant setting with references to *hortos* (1.114.1), *rus* (1.114.2), *uda prata* (1.114.2), *nemus* (1.116.1), and *agellum* (1.116.5).¹⁸ We walk past one epitaph, observe something different (sexual boasting between men), and encounter the next “tombstone.” And, after reading epigram 1.115 and its comparisons to natural life (*cicada*, 4, etc.) between the two epitaphic poems on Antulla, we may well wonder whether the grassy space between tombstones, away from the bustle of the city, might not have been used on occasion as a trysting-place. The two literary epitaphs (1.114 and 1.116) do bracket the erotic, almost lyric, opening of epigram 1.115 from the business and annoyance of urban life in epigrams 1.113 and 1.117, both of which have to do with Martial brushing off someone who is unduly interested in his verse and sending the would-be fan to find someone else from whom to get a copy.

Appropriately enough in a book obsessed with plagiarism and misuse of someone else’s poetry, the second of the two sepulchral epigrams ends with a wish, disguised as a statement, to protect the integrity of the monument and its topographical context: Antulla’s monument, and the book in which it is contained, each “will serve its master[s] in perpetuity” (*perpetuo dominis serviet*

¹⁶ A more straightforward sort of topographical mimesis found in Hellenistic epigram collections allows Martial to play as much as he does with juxtaposition and topography; Callimachus juxtaposes two straightforwardly epitaphic epigrams (on himself and his father) that should be read together (*R. Höschke*, op. cit. [note 15] 357-358 with refs.). Martial’s innovation is not only to vary the sort of monument (neighboring property, as in 1.114, or mock epitaph completely divorced from stone, as in 1.1) but also to mingle monumental with non-monumental epigrams that confront the “wayfarer” on his page (1.115).

¹⁷ The deictics, echoed by other thematic words in their respective lines: *hos ... hortos* (“these ... gardens”, 1.114.1) and *hoc nemus ... honori* (“this grove ... for [eternal] honor”, 1.116.1); the velars (*c-* and *qu-*) that open the other five epigrams: *cum* (1.112.1), *quaeumque* (1.113.1), *quaedam me cupit* (1.115.1), *occuris quotiens, Luperce* (1.117.1), *cui ... centum* (1.118.1)

¹⁸ Cf. epigram 1.88, with Rimell’s excellent reading (*V. Rimell*, *Martial’s Rome: Empire and the Ideology of Epigram*. Oxford 2008, 89-93).

iste suis, 1.116.6).¹⁹

The natural, topographical, and sepulchral imagery that is so salient in the Antulla epigrams shows up in the resolutely urban epigram 1.117 and is echoed elsewhere throughout the rest of the sequence. The speaker gives the addressee, Lupercus, very specific topographical arguments against sending a boy to his own house and in favor of sending the slave to the bookseller Atrectus. The speaker points out that the route to the speaker's house is "long" and "up three flights of stairs, and long ones at that" (*longum est*, 6; *scalis ... tribus ... sed altis*, 7), and that Atrectus' shop itself is "closer" (*propius*, 8), by the Argiletum (9), and "opposite the forum of Caesar" (*contra Caesaris est forum taberna*, 10). The difficulty in walking faced by Lupercus' slave in 1.117 is presaged by Martial's use of a "limping" meter, choliambic, in epigram 1.113. The natural setting suggested by epigrams 1.114 and 1.116 and the natural imagery suggested by epigram 1.115 are continued in the speaker's description of his address, "Pear Street" (*ad Pirum*, 1.117.6). In addition, Atrectus' shop itself is described in terms that emphasize the movement of the book-browser through space: there are "signs all over its doorposts" (*scriptis postibus hinc et inde totis*, 11) and Lupercus is instructed to find Martial (that is, his book) "there" (*illinc*, 13). The bookshelves themselves are described in spatial terms – Atrectus will take down a copy of Martial's book "from the first or second shelf" (*de primo ... alterove nido*, 15). The word that Martial uses here for "shelf" or "cubbyhole", *nidus* or "nest", not only echoes the use of birds as comparanda for the speaker's love interests in epigram 1.115, but also suggests, by juxtaposition with the epitaphic diptych on Antulla, the dovecote-like niches of burial columbaria.²⁰

Although the sexual content of epigram 1.115 is incongruous in its immediate context, it furnishes Martial with different subject matter – subject matter that, indeed, is characteristic of his oeuvre as a whole – with which to recombine themes and motifs from elsewhere in the seven-epigram closural sequence. But despite the sexual boasting, epigram 1.115 does not contain any primary obscenities. Its point is not sexual *lascivia* in and of itself as much as the humorous predictability of Procillus' envy. It marks the middle, formally and thematically, of the sequence. It creates a space between the two epitaphic epigrams, as discussed above, in which personal and social interact; the speaker's erotic desires are both a symptom of and trigger for competition between two

¹⁹ On various types of plagiarism in Book 1, see the cycle on the fictional plagiarist Fidentinus (1.29, 1.38, 1.52, 1.53, 1.63, 1.66, 1.72; cf. *P. Anderson*, *Martial 1.29: Appearance and Authorship*, *Rheinisches Museum* 149 (2006) 119-122.

²⁰ The birds in epigram 1.115 are the swan (*cycno*, 2) and the grackle (*graculo*, 5). On *nidus* to refer to a bookshelf, cf. 7.17.5: *hos [libellos] nido licet inseras vel imo*.

men, himself and the fictional Procillus. The name Procillus has shown up once before in Book 1, as the fictional addressee of a sympotic epigram in which he is mocked for inappropriately, and ineptly, remembering a dinner invitation that was issued over drinks and therefore not to be taken seriously (1.27); the *convivium* thus defended in epigram 1.27 can be taken as a metaphor for the bounded carnivalesque license claimed by Martial for his book of epigrams (the *lasciviam verborum veritatem* of 1. *praef.*). The natural imagery of epigram 1.115 places the epigram imagistically within the exterior, rural *locus amoenus* suggested by Antulla's garden tomb. However, the simple fact of the speaker's boasting to an addressee whose name was used earlier in a sympotic poem casts epigram 1.115 as a speech act suitable to the urban, interior occasion of a *convivium*. Epigram 1.115, although superficially jarring in its intrusion of erotic content into the otherwise decorous closing sequence of Book 1, thus ties together city and country and in the pivotal epigram of Book 1's closural sequence.

Epigram 1.115, furthermore, ties together life and death. Procillus' relationship to death and life represents petty versions of themes that recur in this sequence: the premature truncation of life and then the questionable desire to prolong it. The epigram sets up Procillus as an ironic hero in the context of this sequence for hypothetically having control over the ability to end or continue his own life, for reasons that have to do with his emotional reaction to the content of the speaker's boasting. We can take Procillus' reaction as a general figure for readers' reception of a book of poetry: Procillus chooses to stop or continue based on the feelings or opinions that the speaker's utterances produce in him, and readers can stop or continue reading based on how they feel about the epigrams that they are reading. Procillus therefore represents the reader of a book of epigrams, who can continue reading or put the book aside as suits his tastes. Such a reader is the fictional Caedicianus in the final epigram of the sequence and of the book (1.118), who, however, is foiled in his wish to keep living in the world of Book 1 or to keep walking past the epigram-monuments of Book 1 by the simple, incontrovertible truth that Book 1 ends and there are, therefore, no more epigrams. Caedicianus threatens the integrity of Book 1 not by plagiarism or adulteration but by resisting closure.

As a monument, the tomb – or book, as emblemized by the mock-epitaph 1.1 – needs to last and continue to be recognized as a monument in order to preserve someone's name and *fama* for others, that is, for posterity and, as Martial boasts in epigram 1.1, his contemporary world-wide audience. The Antulla epigrams illustrate the fundamental association of epitaphs proper with naming. In the first epigram of the pair, Faenius Telesphorus “has sanctified the name” of his daughter (*nomenque sacrauit*, 1.114.3). In the second epigram, although

the word *nomen* itself is absent, Antulla is named not once but twice (1.116.3-4). Two of the non-sepulchral epigrams make a point of naming characters, too. In 1.117 the speaker makes a point of naming his bookseller: “Ask for Atrectus – / that’s the name (*nomen*) of the guy who runs the shop” (1.117.13-14). In 1.112, the joke turns on the speaker’s move from calling the addressee by title to calling him by his personal name, Priscus, and the epigram’s interest in naming revivifies the apparent etymology of the noun thus implied. Linguistically speaking, the historical etymology of *nomen* is from a Proto-Indo-European root meaning “name” that is cognate with, for example, Greek ὄνομα.²¹ But by juxtaposition with the verb “I know” *no-vi* (1.112.2, 1.113.2, and 1.115.7, discussed below), the explicit interest in naming invites a reader to reanalyze the implied noun *nomen* as if it were formed from the root “know” plus an instrumental suffix (**no-men*, **“a means of knowing”*).²²

The closing sequence of Book 1 keeps returning to the question of *whether* someone is worthy of being commemorated and named. The first of the Antulla epigrams implies – as it has to – that Antulla is worthy of having her name read, and ironically compounds the pathos of her death by saying that her father, as a member of the older generation, “would more deservedly be read” (*dignior ipse legi*, 1.114.4): that is, it should be his name on the tombstone rather than his daughter’s. The three epigrams on Martial’s own poetry also deal with the question of whether Martial himself, as represented by his book of epigrams, is *dignus legi*. The punch line of epigram 1.117 is a self-deprecatory joke by the speaker pretending to agree that the bookseller’s asking price is “Not a fair price” (literally, “You’re not worth that much,” “*Tanti non es*,” 1.117.18). In a similar vein, the following epigram, 1.118, ends with a self-deprecatory comment ostensibly at the expense of the speaker’s poetry (*Martial in propria persona*) but actually serving to make fun of the addressee’s (Caedicianus’) questionable taste. Epigram 1.113 uses language of time and leisure rather than money (*bonas ... horas*, 3; *otio*, 4) for yet another example of self-deprecatory humor at the expense not only of Martial’s own juvenilia but also of Quintus Pollius Valerianus’ literary judgment. This last epigram – the earliest in sequence of the three discussed here – introduces the theme of *dignus legi*, applied to literary worth, but hints, too, at its use as an explicitly epitaphic theme in the Antulla epigrams, by the figurative use of the verb *perire* in the last line: Pollius does not allow Martial’s poetic trifles “to perish” (1.113.6).

²¹ A. Ernout and A. Meillet, *Dictionnaire étymologique de la langue latine*. Paris 2001, 443-444.

²² *si bene te novi* (“if I know you well”, 1.112.2); *quas nec ipse iam novi* (“which I myself no longer recognize”, 1.113.2); *si novi bene te* (“if I know you well”, 1.115.7).

The verb *perire* here, at the end of epigram 1.113, looks ahead not only thematically to the suggestion of burial columbaria with Martial's use of the word *nidus* in 1.117 ("niche" or "nest", 15), but also verbally to the use of the *per*-prefix in another context pertaining to the act of reading. In Atrectus' bookshop, the "poets" – labels or *tituli* that mark the books available inside for purchase – are displayed on the doorposts for advertising purposes. The speaker suggests to Lupercus that he may "read all the way through" the labels thus displayed (*perlegas*, 12). In the context of the sepulchral epigrams with which epigram 1.117 is juxtaposed, the image of skimming through names displayed publicly suggests the activity of a passer-by perusing the names on tombstones lining one of the many roads leading out of Rome.

The verb *perire* is almost never found without some association with literal or figurative death; synchronically, in the Latin usage of Martial's day, the sense of the end predominates. But in the context of the end of Book 1, which suggests the path the reader takes past Antulla's tomb and up to Pear Street and along the Argiletum in Rome, Martial revivifies the etymological sense of *perire*, "to go all the way through", emphasizing the journey rather than the destination, when he mocks Caedicianus in epigram 1.118 for wanting to read his book *too* much "all the way through", overshooting the end.

Verbal cues, converging in epigram 1.115, emphasize the journey-like "going through" of the first half or "upward slope" of this sequence. Variations of the word *novi* ("I know [you]") tie together 1.112, 1.113, and 1.115. The "knowledge" thus represented consists of social intimacy and access (increasing over time in 1.112, decreasing in 1.113) or, in the case of 1.115, knowledge of character. The theme and vocabulary of *invidia*, "jealousy," is picked up in the context of vocative addresses in both 1.113 and 1.115.²³ Forms of *vivere*, "to live," ironically tie together 1.114 and 1.115.²⁴ All three echoed words, thematically significant, are phonetically connected with the repetition of the syllable *vi* (*novi*, *invidi*, *vivat*).

These thematically significant verbal cues, in combination with the commemorative, epitaph-like function of Book 1, moreover, explain why epigram 1.112 is, in fact, a thematically appropriate opening epigram for the seven-epigram closing sequence. Here for the sake of argument I assume that the Priscus of 1.112 is a historical *amicus* rather than just a fictional target of skoptic epigram. On the surface, epigram 1.112 is about the lower-status speaker taking liberties with his "lord and master" (*dominum regemque*, 1) by abandoning the

²³ "if ... you hold a grudge against your free time" (*si .../... invidetis otio tuo, lector*, 1.113.4); "be envious, Procillus" (*invidet, Procille!*, 1.115.1).

²⁴ *vivat*, "let him live" (1.114.6); *vives*, "you will live" (1.115.7).

honorific when addressing his patron. However, Martial, as poet, is able to grant Priscus – whether friend or patron – true commemoration by using his proper name, Priscus, instead of a generic honorific, and denies ephemeral *decus* in favor of a more lasting form of recognition that deems him *dignus legi* in this book of epigrams.

Similarly, epigram 1.115, at first lyrical but then a rude intrusion between the two sombre epigrams on Antulla's tomb, highlights by contrast the second Antulla epigram. Its erotic boasting provides a point of comic relief between the two sepulchral epigrams and serves as a formal pivot between the two halves of the sequence. Epigram 1.115 also serves an important thematic function. The addressee Procillus fantasizes about having control over the boundary between life and death. But the control does not truly belong to Procillus, but rather to the speaker, whose own actions provoke Procillus to want to hang himself out of envy or continue living out of *Schadenfreude*. In the context of Book 1 we may see the speaker of 1.115 as a figure for the poet, and Procillus as a figure for the reader, in that the relationship between the two of them plays out a tension between forward momentum and coming to a stop, the tension between finishing with one epigram or going on to read more.

The final seven epigrams of Book 1, therefore, form a much-needed closural sequence. On the one hand, this closural sequence, through explicit comment in the joke addressed to Caedicianus and the seemingly arbitrary arrangement and number of the epigrams, acknowledges the unboundedness of a book of epigrams. On the other hand, this seven-epigram sequence also prepares the reader for closure, and takes a set of epigrams on apparently disparate topics and arranges them thematically and formally to create an end for the book of epigrams. By bringing the book of epigrams to an end it marks the integrity of the book of epigrams – “here is the boundary,” Martial implies, despite Caedicianus' best efforts. The closural sequence marks the collection *as* a book of epigrams, rather than an arbitrary aggregation of discrete units. This closure causes the entire book of epigrams itself, because of its subtle formal integrity, to serve as a monument in its own right. Martial, like Antulla or Priscus, is *dignus legi*, worthy of being read, in a text that both monumentalizes him for posterity and places him and his reader amidst the life of city and country.

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ANCIENT CASES OF CONGENITAL DISORDERS AND THEIR SOCIAL CAUSES

BY DÓRA PATARICZA

Abstract: More than 79 cases of children born with congenital defects are known from Greek and Roman literature. Although it is extremely difficult if not impossible to identify a single potential cause for it, attempts at explanation are already found in ancient writers. With the help of modern teratological science many teratogenous causes can partly be identified. Some of the most probable factors among these were the same as today: malnutrition, viruses, alcohol, vitamin deficiencies etc., but lead poisoning has to be taken also into account as a principal cause.

Keywords: Congenital disorder, malformation, lead poisoning, teratogens, teratogenous factors.

Introduction

Congenital defects are and were looked at as something extraordinary during history. Major abnormalities are apparent and they occur frequently enough (cca. 1,5-2,5% of the general population varying with the type of malformation and also from country to country) to be observable in everyday's life.¹ Accordingly, the description of congenital abnormalities appears as a kind of curiosity in the literature, as well. At first glance the topic of congenital deformities belongs exclusively to the science of medicine, however a deeper investigation of the related statistics and a root cause analysis indicate the socio-cultural and economic background as principal factors, as well.

This way, maybe surprisingly, a scientific investigation of exotic and somewhat marginal topics, like the analysis of congenital diseases in the ancient world reveals the underlying complex system of interactions between human beings and nature, the complex influence of culture, habits and economy. Newborns suffering of congenital abnormalities were treated in ancient times as monsters, something out of the range of normal and acceptable human life better to be kept secret. Deformed newborns were looked at more as strange animals, like human beings; and they were granted with no or little survival chance in order to eliminate the shame on the family.

¹ R. O'Rehilly – F. Müller; Human Embryology & Teratology. New York 2001, 115.

Description of deformed newborns was already a topic for the ancient Greek and Roman authors. More than 79 such descriptions are known today completely or to some extent, however even the modern science is unable to produce an approximate estimation on the total numbers due to the lack of exact data by Cassius Dio.² The moderate amount of case descriptions does not facilitate drawing any statistical consequences, as only a handful of ancient authors reported on it.

Medical background

The origins of congenital defects were largely unknown until today, and their causes remain frequently unidentified. Such defects originate in disorders during the process of ontogenesis, the process of development leading from the fertilized oocyte to a mature organism. Despite the fact that modern medicine identified a huge variety of potential causes of congenital defects, it is extremely difficult if not impossible to diagnose exactly the origin of congenital deformities in an actual case, because all malformations are in a sense multifactorial and also because the four main factors (the dosage of the teratogen, the developmental phase, the genotype of the mother and the foetus and the environmental factors) cause different problems in various stages of the pregnancy and they can also influence each other's effect.³

Teratology is the branch of medical science studying abnormal foetal development leading to congenital malformations. The word "teratology" is a derivative of the ancient Greek word of *teras* (monster), used already that time in the context of medicine to refer to a grossly malformed foetus or newborn. The pathogenic factors constituting the potential roots of deformities can be grouped into three main categories. The first part of these cases having genetic origins (i.e. malformations originating in a defective gene of a parent expected to cause 25% of all cases) remain without a detailed explanation on the root causes. The second category is formed by chromosome defects corresponding to a share of 15-28% of all congenital defects. The most widely known representative of this category is Down-syndrome.

The third category consists of teratogenous causes, like the illnesses of the mother, different chemicals, drugs, environmental impacts and nutritional defi-

² For a summary of all cases mentioned by e.g Pliny, Plutarch and Phlegon see: A. Allély, Les enfants malformés et considérés comme prodigia à Rome et en Italie sous la République. In: *Revue des Études Anciennes* 105 (2003) 139.

³ R. O'Rehilly – F. Müller, op. cit. (note 1), 117-121.

ciencies. Actually, modern medicine knows more than 2000 such factors, which cause in total approximately 10% of all congenital deformity cases.⁴ The root causes of the remaining cases (totalling 37-50% of birth defects) remain completely unidentified. even in modern times.

Assumptions for the reconstruction

If we look at the phenomenon of congenital diseases from the point of view of biology, all potential human factors vanish behind the statistics as a simple statistical entry. However, a deeper analysis of the human factors allows the discovery of the interdependencies between the social and biological influences affecting the individuals.

Genetic and chromosome defects

It can be assumed that the relative frequency of the occurrence of cases related to genetic and chromosome defects were probably of the same frequency in ancient times (or due to the lack of medical screening slightly higher) as nowadays, since they are predominantly phenomena related to human biology.

Modern statistics on the geographical distribution of genetic and chromosome defects indicate no major deviances despite huge differences in the level of economy, culture and habits, with the exception of some singular locations having extreme environmental risks (like areas near to nuclear or chemical catastrophes in modern times) or risks originating in specific religion or culture rules (like preference of marriage between relatives).

This independence justifies the assumption, that this category is independent of the social factors, and accordingly thus modern time statistics approximate properly that of the ancient world.

Teratogenous factors

However, the estimation of change of teratogenous factors over time is an extremely difficult problem. At first glance, there are several potentially important, but contradictory factors. On the one hand, an embryo in ancient times

⁴ *R. Garland*, *The eye of the beholder: deformity and disability in the Greek-Roman World*. Ithaca 1995, 144.

was not exposed to such dangerous environmental impacts like radiation or chemicals originating in an industrialized environment; on the other hand poor quality of drinking water, pollution due to unawareness of dangers and similar impacts (discussed below in detail) endangered it to at least a similar extent, as the embryos today.⁵

This way the analysis of teratogenous factors has to assess both categories of factors originating in nature and risk factors related to human activities. Moreover, these categories cannot be analysed *per se* in isolation, as humans adapt their behaviour, thus implicitly their risk exposure to their environments. Thus, the category of teratogenous factors is a historical one, showing a strong dependence on the social surroundings.

Information sources

The investigation of the potential causes of congenital defects in the ancient era can rely on two fundamental information sources: a comprehensive, but subjective and frequently distorted one is the opinion of the ancient writers about the origins of deformities,⁶ while the objective one, based frequently only on indirect evidence, is the reconstructive overview on the teratogenous factors (materials, illnesses, environmental influences) in the ancient ages, similar to those today.

In modern times, many questions are still open and are subject of heavy scientific discussions despite the discovery of numerous new facts and findings. At the same time many misinterpretations about them circulate in the public arena.⁷

Case descriptions in the ancient literature

Aristotle was the ancient writer creating probably the most timeless related works. He was well acquainted with the different kinds of malformation and he described frequently phenomena related to teratology in detail, primarily in the fourth book of his work entitled *De generatione animalium*. His primary scope

⁵ R. Garland, op. cit. (note 4), 144.

⁶ For a summary of ancient theories: C. Bien, Missbildung. In: K.-H. Leven, Antike Medizin. Ein Lexikon. München 2005, 620–621, of which I discuss more theories hereafter.

⁷ For the theory of teratology see: J. Warkany, Teratology of the past. In: J. Warkany, Congenital malformations. Chicago 1971.

of congenital deformities covers disproportional human bodies, extra or missing limbs, duplicated or irregularly located organs, hypospadias (malformed urethra in the male), imperforate anus (missing anal opening) and dwarfism.⁸

In his description he gave basic definitions:

„For, following what has been said, it remains to give the reason for such monsters. If the movements imparted by the semen are resolved and the material contributed by the mother is not controlled by them, at last there remains the most general substratum, that is to say the animal. Then people say that the child has the head of a ram or a bull, and so on with other animals, as that a calf has the head of a child or a sheep that of an ox. All these monsters result from the causes stated above... That, however, it is impossible for such a monstrosity to come into existence – I mean one animal in another – is shown by the great difference in the period of gestation between man, sheep, dog, and ox, it being impossible for each to be developed except in its proper time... This is the description of some of the monsters talked about; others are such because certain parts of their form are multiplied so that they are born with many feet or many heads.”⁹

This was the most comprehensive and detailed work related to congenital defects until the 17th century, which indicates on the one hand the accuracy and faithfulness of his writing at the phenomenological level, and the extreme slow progress of the science related to causal genesis. In contrary to his predecessors, Aristotle tried to find multiple alternative and specific explanations for the particular types of congenital defects. Interestingly, he refers to as monsters (*teras*) all people dissimilar to their parents in the same way as Hesiod (*Works and Days* 235).¹⁰

No substantial discoveries were made in the ancient ages with the exception of Aristotle, despite the frequent addressing of the topic in the ancient literature. For instance, 1–2nd century writer Soran¹¹ had the same misbelief as Plato¹² (5–4 c. BC), that the limbs of a newborn have to be fixed with the help of a tight bandage in order to avoid their deformation due to motion.¹³

Ancient hypotheses on the causes of congenital deformities

Already the ancients identified some risk factors properly. For instance, they were already aware of the importance of inheritance, especially the proneness to illnesses and congenital deformities of the children of people suffering a

⁸ R. Garland discussed in detail Aristotle's writings about teratology (op. cit. [note 4], 152-157).

⁹ Aristotle, *De generatione animalium* 769b-770a. (transl. by A. Platt).

¹⁰ Ibid. 767b 5-7.

¹¹ Soranus, *Gynaecology* 2, 14.

¹² Plato, *Laws* 7, 789e.

¹³ R. Garland, op. cit. (note 4), 145-146.

poor health. Plutarch describes the displeasure of the Spartans upon the decision of their king Archidamus of a short stature marrying a similarly puny wife in order to avoid “*procreating tiny kings instead of ordinary ones.*”¹⁴

Similarly, the author argues about the evolution of the tribe of long heads in the collections attributed to Hippocrates in the following way:

*„for the semen comes from all parts of the body, sound from the sound parts, and unhealthy from the unhealthy parts. If, then, children with bald heads are born to parents with bald heads; and children with blue eyes to parents who have blue eyes; and if the children of parents having distorted eyes squint also for the most part; and if the same may be said of other forms of the body, what is to prevent it from happening that a child with a long head should be produced by a parent having a long head?”*¹⁵

Pliny shares the same opinion:

*„The following facts are well known: sound parents may produce deformed children and deformed parents may produce sound children or children with the same deformity as themselves. Birthmarks, moles, and even scars can reappear in descendants, a tattoo sometimes recurring up to the fourth generation among the Dacians.”*¹⁶

At the same time, Hippocrates realized correctly, that bleeding during pregnancy, an improper shape or injuries of the uterus or of the pelvis may lead to deformities in the newborn as well. He wrote already at that time about the dangers of abortion frequently carried out by an unskilled person or the mother herself, as such interventions may lead to permanent damage to the uterus, which seriously endangers the health of a would-be embryo. While in other cases the abortion was not carried out to its very end, but the embryo was severely injured leading to a deformed newborn as a consequence of the incomplete intervention. He enlists several other risk factors in Chapter 25 of his book on female illnesses (*De mulierum affectibus*), like accidents affecting the mother, maternal dietary insufficiency or frequent unconsciousness potentially leading to deformations in the embryos.

The ancient assumption about the dominating influence of the external impacts affecting the sperm and the mother in the instance of conception was a long lasting one. Basically, we can recognize a predecessor of the research of chromosome faults in the writings exposing the importance of the age of the fa-

¹⁴ Plutarch, *Moralia*. 1D 1-5. (transl. by D. Patricza).

¹⁵ Corpus Hippocraticum, *De aëre, aquis et locis* 14. (transl. by F. Adams). See also Aristotle, *Historia animalium* 7, 585b 30-7 T.

¹⁶ Pliny, *Naturalis historia* 7, 10, 50. (transl. by M. Beagon) Aristotle, also wrote about the importance of inheritance, e.g. *Historia animalium* 7, 585b 30-7 T; *De generatione animalium* 1, 721b 32-34; *Politics* 1, 1254b 27-31.

ther at the instance of conception:

„It is extremely bad for the children when the father is too young; for in all animals whatsoever the parts of the young are imperfect, and are more likely to be productive of females than males, and diminutive also in size; the same thing of course necessarily holds true in men; as a proof of this you may see in those cities where the men and women usually marry very young, the people in general are very small and ill framed.”¹⁷

A heavy impact of the correlation of visual impressions affecting a woman and the exterior appearance of her future baby was a widespread belief most probably in strong correlation with the influence from imitative magic. Empedocles assumed that progeny can be modified by the statues and paintings that the mother gazes upon during her pregnancy thus the phantasies viewed by the woman during copulation form the foetus. According to him it happened frequently, that a woman who fell in love with a sculpture or a painting gave birth to a baby similar to them.¹⁸ This belief has oriental origins and was accepted for centuries as fundamental.¹⁹ Similar folk beliefs are still very frequent all over the world. The idea of the influence of visual impressions on the baby to be born appears in the Old Testament as well. Jacob used a gimmick based exactly on this to attain a part of the cattle of Laban.²⁰

Soran formulated the belief in the following fashion:

„What is one to say concerning the fact that various states of the soul also produce certain changes in the mould of the fetus? For instance, some women, seeing monkeys during intercourse, have borne children resembling monkeys. The tyrant of the Cyprians who was misshapen, compelled his wife to look at beautiful statues during intercourse and became the father of well-shaped children; and horse-breeders, during covering, place noble horses in front of the mares.”²¹

¹⁷ Aristotle, *Politics* 7, 1335a 11-17. (transl. by W. Ellis).

¹⁸ Empedocles, *DK* 31A 81, 20-22.

¹⁹ It was Jan Palfyn Dutch anatomist and surgeon (early 18th c.) who questioned this superstition. (C. Pinto-Correia, *The ovary of Eve. Egg and sperm and preformation*. Chicago 1998, 137-138).

²⁰ *Gen.* 30: 26-42.

²¹ Soranus, *Gynaecology* 1, 39. (transl. O. Temkin). The same superstition appears in Heliodorus' *Aethiopica* 10, 14, 7: 'How is it possible in reason that we being both Ethiopians should beget a white child?' 'As touching your question of her colour, the writing on he band answereth you, for Persina there allows that in her conception she drew somewhat from the figure of Andromeda, by looking upon her when you had to do with her. If you desire to be fully satisfied herein, look yourself also now, and you will find that Andromeda is as well expressed in the maid a sin the picture without and difference.' (transl. by T. Underdowne)

This concept held up until the 20th century. See also M. S. Tye, *Prenatal Influences*. The American Journal of Nursing, Vol. 7, No. 5 (Feb. 1907), 362-367.

According to another ancient hypothesis, as stated in the part of *Corpus Hippocraticum* entitled *de semine*, deformities can be provoked by blows to the uterus, or by its abnormal shape.²²

Modern hypotheses

The assessment of potential teratogenous effects is similarly important when examining the ancient cases of congenital deformities. Some teratogenous factors, like drugs (medicinal herbs and fungi in ancient times), alcohol,²³ viruses (cytomegalovirus, rubella, herpes, varicella, toxoplasmosis spread with raw meat or cat excrement) and insufficient nutrition are all potential causes of such deformities.²⁴ For instance, the virus of cytomegalia may cause a low birth weight, microcephaly, brain damage and other disorders of the nervous system.²⁵

In other cases, metabolic imbalance in the mother, like diabetes, folic acid or iodine deficiency may result in health problems in the newborn. Even a single fever (hyperthermia) may cause disturbance during the closure of the neural tube, microphthalmia and defective growth.²⁶ Naturally, a posterior identification of the exact root cause out of the many potential ones is practically impossible when looking at a particular ancient medical case of congenital disorder. Moreover, even the viruses and correspondingly the symptoms of the illnesses underwent mutations during the 2–3 millennia passed since then.²⁷

It has to be taken into account that the susceptibility of the mother to teratogenous influences depends on her individual overall health state, as well. The most important factors influencing the health of the foetus are: age and weight of the mother, state of her uterus, hormonal balance. Due to some still unknown reasons, the risk of a congenital deformity is the highest if the mother is younger than 20 or older than 40 years.

Malnutrition of the mother may increase the damage caused by teratogenous factors. A similar increase in risk can be observed, if the mother suffers from

²² *Corpus Hippocraticum, de semine* 10.

²³ Soran emphasized that a breastfeeding woman should not consume alcohol (*Gynaecology* 2, 19, 1), although it has to be pointed out that it is not sure if he noticed that women consuming alcohol during pregnancy gave birth to babies having prenatal or postnatal growth retardation, microcephaly, mental deficiency etc. *R. Garland* op. cit. (note 4), 151.

²⁴ I do not mention *bacteria* (syphilis, listeriosis, brucellosis etc.) because these cause foetopathia in most of the cases. *R. O'Rehilly – F. Müller*, op. cit. (note 1), 122.

²⁵ *M. Cole – S. Cole – C. Lightfoot*, *The development of children*. New York 2009, 94.

²⁶ *R. O'Rehilly – F. Müller*, op. cit. (note 1), 123.

²⁷ *V. Nutton*, *Ancient Medicine*. London 2004, 22–23.

some specific illnesses, like diabetes, toxæmia, metabolism disorders, liver insufficiency or other serious diseases frequently occurring during and caused partly by pregnancy.²⁸ It has to be taken into account in a similarly important manner that the potential consequences depend on the phase of the acuteness of the illness related to the beginning of the pregnancy. The impacts of a particular illness may essentially differ, if it affects an embryo (first three months of the pregnancy) or a foetus (the period ranging from the fourth month until the birth).

Despite the fact that the factors and direct origins of malformed babies are of a human-biology related nature, these have once again a strong historical context. For instance, pregnancy of mothers suffering from malnutrition during the first three months indicates a serious increase in the vulnerability of the central nervous system of the newborns. At the same time, an extremely bad socio-economic background may expose a pregnant woman simultaneously to nutrition insufficiency and to multiple and correlated risk factors. In general, it is a difficult or even impossible task to differentiate between the impacts of malnutrition and other risk factors, like poor or missing hygiene when examining congenital deformities in newborns of inhabitants of slums.²⁹

The frequency of occurrence and severity of such risks was highly determined in the ancient era by natural factors like meteorological circumstances out of the reach of any human control or compensation possibility at that time. The quantity, availability and price of agricultural products for the average population changed year to year depending on the amount of moisture, as watering was limited. Fresh vegetables and fruits became unavailable or unaffordable by being too expensive in a dry year or during winter for a large share of the population.³⁰ Accordingly, a pregnant woman faced a drastically increased risk of giving birth to a child suffering from a severe illness if the first three months of her pregnancy fell during a period of famine or winter time.

Another group of factors is formed by the potential illnesses of the mother prior to the pregnancy, which has to be taken into account in the analysis of congenital defects. Life expectancy in the ancient era was definitely less than nowadays. It reached only 20-30 years on average, a value similar to that in the worst regions of the modern third world.

However, the environment was a principal factor in life expectancy. The population of marshlands was most probably in the worse situation due to exposure to the risk of malaria; at the other end, grandfathers, moreover great-

²⁸ *M. Cole – S. Cole – C. Lightfoot*, op. cit. (note 25), 101-103.

²⁹ *Ibid.* 105-106.

³⁰ *V. Nutton*, op. cit. (note 27), 21.

grandfathers were living in Tifernum, a city in Umbria.³¹ It may sound surprising, but the modern idea of sustainable living, thus the harmonization of human living with the forces of nature dates back to ancient times. For instance, they already realized the importance of a proper urban architecture in the assurance of a healthy living environment. The *Corpus Hippocraticum*³² describes the beneficial impacts of an appropriate geographical allocation of cities, of constructing wide streets, moreover the importance of the the harmonization of their orientation with the dominant wind direction.³³

Unawareness on the consequences of man-nature interaction was one of the main sources of overall health problems in ancient times. Several professions exposed to natural dangers severely endangered the health of the workers. Galen describes the everyday's life of fishermen in details, including, that they are endangered by bites and electroshocks of electric rays. Many professional copyists gradually lost their eyesight of the lifelong writing over reflective surfaces. The leading cause of mortality of lead and silver miners was heavy metal toxicity.³⁴

These factors seem to have only a little relevance from the point of view of congenital deformities (as women obviously did not practice these professions at all, only some fathers), although according to latest research some teratogens like alcohol or lead may penetrate the blood-testis barrier and thus cause birth defects through paternal inheritance.³⁵ Yet, unawareness originating in the ill-developedness of natural sciences or ignorance of environmental health risk factors must have applied to pregnant women as well.

Accordingly, mortality rate originating in pregnancy and birth must have been extremely high both for children and mothers. The rate was especially extreme in the population of newborns and babies below the age of one year; moreover many mothers lost their lives during pregnancy or birth.³⁶ Infectious illnesses causing occasional epidemics regularly decimated the population.³⁷ Cold, pneumonia, and pleurisy were common during wintertime due to the little protection against cold weather. Diarrhea and dysentery frequently occurred during summer due to insufficient hygiene. Several serious, fatal, chronic or

³¹ Pliny the Younger, *Epistulae* 5, 6, 6. and 46. (Quoted by V. Nutton, op. cit. [note 27], 21–22.)

³² *Corpus Hippocraticum*, *De aëre, aquis et locis* and Vitruvius (several places). Aristotle drew similar inferences (*De generatione animalium* 4, 767a 34–36.)

³³ V. Nutton, op. cit. (note 27), 27.

³⁴ Galen, *In Hippocratis De aëre, aquis et locis commentarii* 4.497. (Quoted by V. Nutton, op. cit. [note 27]).

³⁵ R. O'Rehilly–FMüller, op. cit. (note 1), 117.

³⁶ V. Nutton, op. cit. (note 27), 22.

³⁷ *Ibid.* 24.

acute illnesses were present all through the year in addition to the seasonal diseases, like different diseases of the liver, or of the skin, worm infections, illnesses spread by sexuality, disorders of the bone, muscle and nervous systems.³⁸

Lead also played an important role in causing congenital malformations. The everyday use of highly toxic lead between 600 and 500 BC led frequently to chronic lead poisoning in the population and to congenital disorders. Lead seriously affects pregnant women and such vital organs of unborn children, like the heart, kidneys or the bones, the reproductive and nervous systems.

The variety of using lead by the ancients completely unaware even on the existence of lead poisoning cases is a striking example of the use of a particular material without being aware of its potential negative biological impacts, like toxicity. One main origin of lead poisoning was the widespread use of lead as construction material thanks to its easy manufacturing and processing. Different water pipes and household utensils were made of lead thus poisoning water and food.

The only protection against high lead levels in water was the protective limescale coating³⁹ covering the interior of the pipes and utensils, thus reducing the contact of water and lead. This was the case if the water sources were located in hills rich in limestone or chalk (like in Rome). The hard water containing a large amount of dissolved carbonates creating a thick limescale coating. Vitruvius advised the use of terracotta water pipes after recognizing the dangers of lead pipes.⁴⁰

Another form of lead poisoning originated in early food chemistry. The ancient Romans tried to complement their sparse assets of natural sweeteners (like honey) by producing artificial sugar substitutes. They boiled must in lead pots to produce sugar syrup (defrutum), and concentrated it by further boiling into sapa. The sweetish taste (and metallic aftertaste) originate in their lead sugar (lead (II) acetate – a white crystalline) content produced by the chemical reaction between the lead pot and the must. These sweeteners were used for flavouring (sweetening), like upgrading of the taste of wine, and for fruit preservation. However, the long term consumption leads to serious health problems, like infertility, congenital disorders and a high infant mortality rate.⁴¹ The lead

³⁸ Ibid. 29-31.

³⁹ Ibid. 33.

⁴⁰ Vitruvius, *De architectura* 7, 6, 10-11.

⁴¹ For details see *J. Nriagu*, Saturnine gout among Roman aristocrats. Did lead poisoning contribute to the fall of the Empire? In: *The New England Journal of Medicine* 308 (1983), 660-663. *Nriagu* states that the permanent presence of lead led to the fall of the Roman Empire because it causes infertility and increases neonatal morbidity. Classical-philologist and pharma-

concentrate in a single liter of sapa was as high as 800 mg, which exceeds the tolerance threshold by a factor of 16000 according to the calculation of Eisinger.⁴²

Another channel of exposure of women to the toxicity of lead was the intentional use of white lead for the purpose of contraception:

„It also aids in preventing conception to smear the orifice of the uterus all over before with old olive oil or honey or cedar resin or juice of the balsam tree, alone or together with white-lead; or with a moist cerate containing myrtle oil and white-lead.”⁴³

The same material was used as cosmetics, as powder for whitening the face, or colouring the eyes and hair.

Many other kinds of problems had its origin in food pollution during processing. For instance, such vital food products like bread was frequently contaminated by different partly toxic vegetables or small pebbles and stone particles mixed into the flour during harvesting and milling of the cereals. Galen reports on a story when after consuming a plate of wheat pulp as a guest in the countryside he diagnosed in himself tympanites, constipation, headache, and vision distortion.⁴⁴ Galen strictly advises against the consumption of raw fruits, as they became easily rotten in the hot temperature, or just in the opposite way, they are dangerous in their raw form.⁴⁵

Summary

Congenital abnormalities caused by teratology related factors were already known at the phenomenological level in ancient times, despite the usual secrecy surrounding them. Ancient works on congenital disorders deliver valuable information from the point of view of medical history. At the same time by using modern, causal genesis related methods complemented with archaeological evidences for reconstructing the most probable teratogenous causes of the congenital disorders described in ancient texts contributes to a more refined picture of the ancient life.

cist *John Scarborough* however denied this theory.

(http://penelope.uchicago.edu/~grout/encyclopaedia_romana/wine/leadpoisoning.html; 14 October, 2009)

⁴² Quoted by *V. Nutton*, op. cit. (note 27), 33.

⁴³ Soranus, *Gynaecology* 1, 20, 61. (transl. by *O. Temkin*).

⁴⁴ Galen, *De alimentorum facultatibus* 6, 498-499.

⁴⁵ *Ibid.* 6, 596-598.

For instance, lead poisoning was a widespread illness due to the use of the toxic lead for a variety of purposes. Archaeological research produced an extremely rich set of artefacts made of lead. Ancient texts deliver evidences and basis for well-proven hypotheses on their use ranging from the ancient architecture to the everyday's life. Causal genetics as a part of human biology may correlate this rich scientific background in order to validate the feasibility of ancient reports on congenital deformities.

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DAS FORUM VON BRIGETIO

VON IOAN PISO

Abstract: An inscription, discovered in Kelamantia, but coming from the amphitheatre of Brigetio, includes the term ‘*forenses*’. These *forenses* had been interpreted as inhabitants of Forum Hadriani, who had reserved places in the amphitheatre of Brigetio. The author contests this opinion and shows that the *forenses* are the inhabitants of one of the two civil settlements of the the camp of Brigetio, most probably of the the *vicus* situated 2 km west of the camp. Under Septimius Severus or Caracalla this *vicus* will receive the rank of a *municipium*.

Keywords: Brigetio, Kelamantia, forum, leuga, vicus.

Eine Kalksteintafel mit den Maßen 53 x 63 x 20 cm wurde im Jahre 1907 in einem Kanal des Kastells von Kelamantia (Iža/Leányvár in der Slowakei) gefunden, wo sie eingebaut war¹. Die Tafel sieht wie ein Bauquader aus und stammt aus dem naheliegenden Brigetio². Sie wurde in den 70er Jahren des 4. Jahrhunderts, zusammen mit anderen Spolien aus Brigetio, in das Kastell von Kelamantia gebracht³. Einige älteren Werke darüber, die ich nach Friederike Harl und Barnabás Lőrincz zitiert habe, waren mir nicht zugänglich. Das spielt

¹ J. Tóth Kurucz, A leányvári ásatások folytatása [Die Fortsetzung der Ausgrabungen in Leányvár]. KVMÉ 21 (1907) 49 C; A római nyomok a pannoniai Duna-limes balpartján [Die römischen Spuren am Linksufer des Donau-Limes]. Komárom 1914, 49; W. Kubitschek, Römerfunde von Eisenstadt. Sonderschriften des Österreichischen Archäologischen Institutes in Wien 11 (1926) 56; A. Stein, Karpathenland 4 (1931) 102; L. Nagy, Pannonia Sacra. In: J. Serédi (Hrsg.), Emlékkönyv Szent István király halálának kilencszázadik évfordulóján [Gedächtnisbuch anlässlich des neuhundersten Jahrestages des Königs Heiligen Stephans]. Budapest 1938, 87, Nr. 1; V. Ondrouch, Limes Romanus na Slovensku. Bratislava 1938, 41, Nr. 13; L. Barkóczy, Brigetio (Diss. Pann. II, 22). Budapest 1944-1951, 54, Taf. XVIII/3; J. Češka – R. Hošek, Inscriptiones Pannoniae Superioris in Slovacia Transdanubiana asservatae. Brno 1967, 98-100, Nr. 43; RIU 632; A. Mócsy, Forenses in Brigetio. AArchSlov 28 (1977) 399-402; Idem, AE 1977, 624; P. Ratimorska, A múzeum római kori gyűjteményének kömlékei (kőfaragás – szobrászat) [Steindenkmäler aus der Sammlung des Museums aus römischer Zeit, Steinschnitzerei – Skulptur]. Komárno 1984, 17-18, Nr. 35, Taf. XIII/2; F. Harl – B. Lőrincz, Das römische Lapidarium in der Festung Komárno. Komárno-Wien 2002, 42-43, Nr. 48.

² F. Harl – B. Lőrincz (Anm. 1), 7-8.

³ A. a. O., 8.

auch keine grosse Rolle, denn der Text der Inschrift, die uns in diesem Rahmen interessiert, erst von A. Mócsy richtig gelesen wurde⁴:

*Foren-
sium
l[o]c(us) oder l[o]c(a) p(edes) XV.*

Ich würde *loc(a)* vorziehen, zumal die Plätze 15 Fuß maßen. Später, vielleicht in der ersten Hälfte des 4. Jahrhunderts, wurde diese Inschrift eradiert und darauf eine neue Inschrift, diesmal eine Grabinschrift geschrieben, die in der Lesung von A. Mócsy folgenderweise lautet⁵:

Dionisya vidua.

Der Fehler des Schreibers besteht darin, daß er das Y in die falsche Stelle gesetzt hat. Was uns aber wirklich interessiert, sind es die *forensium loc(a)*.

A. Mócsy hat als Parallele ein Bauquader aus Carnuntum angewendet, der in einer Stufe der *cavea* des Amphitheaters eingebaut war: *loca pagi Aeleni*⁶. Ein anderes Beispiel stammt aus dem Amphitheater von Sarmizegetusa, wo ein Bauquader mit der Inschrift *loc(a) menso(rum)*⁷ als Schwelle diente. Es ist klar, daß auch im Amphitheater von Brigetio eine Zahl von Plätzen für die *forenses* reserviert waren⁸. Es dürfte kein Zufall sein, daß ebenfalls in Brigetio ein *forensis* erwähnt wird⁹:

*D(is) M(anibus) / M(arco) Aur(elio) Vero / foren[s]i, qui / vixit ann/is
XXXIII, / Aurelia / Verina / fratri carissimo / f(aciendum) c(uravit).*

⁴ A. Mócsy (Anm. 1), 399-400.

⁵ Vgl. W. Kubitschek (Anm. 1), ebenda.

⁶ F. Miltner, Das 2. Amphitheater von Carnuntum. RLGE 17 (1933) 38, Abb. 13 = AE 1934, 264 = E. Vorbeck, Zivilinschriften aus Carnuntum. Wien 1980, Nr. 355 = AEA 2001/2002, 3.

⁷ So I. Piso, bei C. Opreanu, The socio-demographical and political meaning of the amphitheatre at Ulpia Traiana Sarmizegetusa. Acta Musei Napocensis 24-25, 1987-1988, p. 232-233; vgl. D. Alicu – A. Paki, An unpublished inscription from the Roman amphitheatre of Ulpia Traiana Sarmizegetusa. Acta Musei Napocensis 22-23, 1986-1987, p. 474-476 = AE 1987, 837: *loc(us) menso(ris)*.

⁸ A. Mócsy, (Anm. 1), ebenda.

⁹ L. Barkóczy, New data on the history of Late Roman Brigetio. AAntHung 13 (1965) 219 = AE 1965, 3 = RIU 536.

Wer waren aber diese *forenses*? Die Lösung schien von einer Grabinschrift eines Sarkophags zu kommen, der unweit von Brigetio gefunden wurde¹⁰:

*Victoriae Verinae coniugi pientissimae / domu Foro Hadrianensi
provincia / Germania Inferiori vix(it) ann(is) XXX /⁵ Aemilius
Decimus medicus ordi/narius leg(ionis) I Adi(utricis) maritus bene
meritae / fac(iendum) cur(avit).*

Es geht hier um einen Markt, um das Forum Hadriani, das unter Hadrian an einer günstigen Stelle im Gebiet der Canninefaten gegründet wurde und spätestens unter Mark Aurel den Munizipalrang erhalten hat¹¹. Aus diesem Forum Hadriani sollen laut A. Mócsy sowohl M. Aurelius Verus als auch die übrigen *forenses* gekommen sein, die im Amphitheater von Brigetio reservierte Plätze besaßen¹².

Am ersten Anblick scheint diese Beweisführung überzeugend zu sein. Einige Fragen sind aber nicht zu vermeiden. War das nicht eine allzu grosse Ehre für Leute, die aus einem obskuren Munizipium aus Untergermanien gekommen sind? Wenn man gegenüber den Bürgern von Forum Hadriani so freigiebig war, wie viele Plätze wurden den Bürgern von Augusta Treverorum, von Carnuntum oder sogar von Rom im Amphitheater erteilt? Davon wissen wir nichts. Hatten solche *forenses* in Brigetio den Status von *incolae*? Falls die Inschrift vorseverisch ist, warum heißen sie nicht *cives Romani consistentes*? Andererseits, gibt es mehrere Städte im Römischen Reich, die anfangs ein *forum* bildeten und diese Bezeichnung in ihrem Namen behielten, wie, zum Beispiel, Forum Claudii, Forum Iulii, Forum Livii¹³. Woher soll man wissen, daß Victoria Verina und die *forenses* aus dem Amphitheater von Brigetio genau aus dem Forum Hadriani gekommen sind? Endlich, warum wurde in den zwei Inschriften das *forum* nicht näher bezeichnet? Dafür gibt es meines Erachtens eine einzige Antwort: M. Aurelius Verus und die *forenses* aus dem Amphitheater von Brigetio stammten weder aus dem Forum Hadriani noch aus einer anderen Provinz oder Ortschaft, sondern aus einer der Ortschaften von Brigetio. Eine gute Parallele ist eine noch unpublizierte Inschrift aus Potaissa, die ich vor ungefähr 25 Jahren gesehen habe und aus der ich nur die Formel *pro salute forensium*

¹⁰ CIL III 4279 = RIU 682.

¹¹ Siehe *Ihm*, „Forum Hadriani“, RE VII/1 (1910), 68-69; *Ch. B. Rüger*, *Germania Inferior*. Köln-Graz 1968, 87-88, 92.

¹² *A. Mócsy* (Anm. 1), 400-401; so auch *F. Harl – B. Lőrincz* (Anm. 1), 43.

¹³ Die Liste der Fora bei *A. Schulten*, „Forum 3.“, RE VII/1 (1900), 62-63.

anführe¹⁴. In diesen *forenses* sehe ich keineswegs Leute, die aus irgendeinem Forum (- - -) aus dem Römischen Reich nach Potaissa gekommen sind, sondern die Bewohner eines *forum*, das sich außerhalb des Bereiches der *canabae* der Legio V Macedonica befand¹⁵.

Wenden wir uns jetzt zum Begriff *forum*. Er ist in zwei wichtigen Quellen enthalten – in der *Lex Rubria* (XXI, 2-3): - - - *o(ppido) m(unicipio) c(olonia) p(raefectura) f(oro) v(eico) c(onciliabulo) c(astello) t(erritorio)ve* - - -¹⁶, und in der *lex Iulia municipalis* (108): *Quae municipia coloniae praefecturae fora conciliabula c. R. sunt erunt* - - -¹⁷. Das *forum* gehört stadtrechtlich mit dem *vicus* und dem *conciliabulum* zur niedrigsten Kategorie der Gemeinden. Es war mit Marktrecht ausgestattet, hatte eine eigene Verwaltung und manchmal selbst einen *ordo decurionum*, aber keine Selbstgerichtsbarkeit¹⁸. Aus dem Gesichtspunkt der Feldarchäologie bezeichnet man gewöhnlich als *vicus* jede kleinere Gemeinde, von der wir nichts Näheres wissen. Das kann aber aus stadtrechtlicher Sicht verfehlt sein. Es ist jederzeit möglich, daß wir es in der Tat mit einem *conciliabulum*, *castellum* oder *forum* zu tun haben¹⁹.

In einem früheren Aufsatz habe ich versucht, zu beweisen, daß der Begriff *intra leugam* den strategischen Bereich um ein Legionslager bezeichnet, wo die Benützung des Geländes unter strenger Aufsicht der Lagerbehörden stattfand. Gerade in diesem Bereich befanden sich die *canabae*, deren Bewohner vor Septimius Severus nicht einmal ein begrenztes Eigentumsrecht über das Gelände hatten²⁰. Wer einen anderen Rechtsstatus vorzog, ließ sich knapp außerhalb der Leugagrenze nieder. So entstand in den bekannten Fällen eine in einer Entfernung von ungefähr 2 Km von den Mauern des Legionslagers zweite Siedlung, die man als *vicus* bezeichnet und deren genauen Status und Bezeichnung in den meisten Fällen unbekannt bleiben²¹.

¹⁴ Ich bedanke mich bei meiner Kollegin aus Turda, dr. Ana Căţinaş, für die Erlaubnis, diesen Text zu benutzen.

¹⁵ I. Piso, Il processo di urbanizzazione della Dacia Romana. In: A. Castaldini (Hrsg.): L'eredità di Traiano. La tradizione istituzionale romano-imperiale nella storia dello spazio romeno (Atti del Convegno Internazionale di Studi, Bucarest 6-7 giugno 2007). Bucarest 2008, 38.

¹⁶ C. G. Bruns, Fontes iuris Romani antiqui⁷. Tübingen 1909, 16 = S. Riccobono et alii, Fontes Iuris Romani Anteiusianiani (= FIRA) I. Firenze 1941, 19.

¹⁷ CIL I 206 = Dessau 6085 = Bruns, Fontes 18 (Anm. 16) = FIRA I 13.

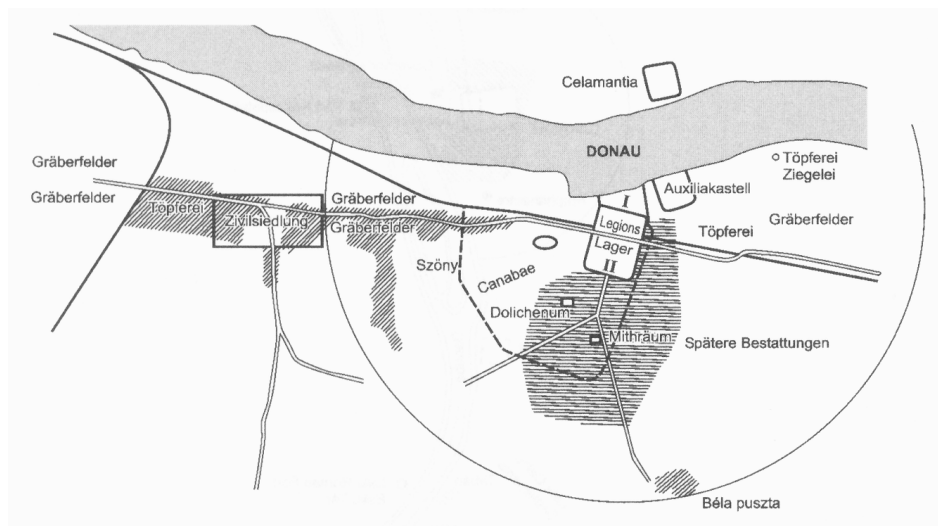
¹⁸ Siehe A. Schulten (Anm. 13), 62-63, Nr. 3; W. Langhammer, Die rechtliche und soziale Stellung der Magistratus Municipales und der Decuriones. Wiesbaden 1973, 4; Thes. I. I. VI/1, 1207-1208.

¹⁹ Für solche Gemeinden siehe vor allem W. Langhammer (Anm. 18), 4-5.

²⁰ I. Piso, Die Inschriften vom Pfaffenberg und der Bereich der Canabae legionis. Tyche 6 (1991) 139 ff.; Idem, An der Nordgrenze des Römischen Reiches. Stuttgart 2005, 160 ff.; Idem, Das Heiligtum des Jupiter Optimus Maximus auf dem Pfaffenberg/Carnuntum. Wien 2003, 12-13.

²¹ I. Piso, Tyche 6 (1991) 142 (Anm. 20); Idem, Nordgrenze (Anm. 20), 164.

Einem Beispiel des beschriebenen Tatbestandes begegnen wir eben im pannonischen Brigetio (Szöny). Die östliche Mauer des Munizipiums, beziehungsweise die östliche Grenze des vorangehenden *vicus*, ist 2 Km von beiden aufeinanderfolgenden Legionslagern entfernt (Abb. 1)²². Laut L. Barkóczy und



Die römischen Siedlungen von Brigetio (nach A. Mócsy und L. Barkóczy).

A. Mócsy ist das Munizipium wahrscheinlich unter Septimius Severus entstanden²³. Wer wurde als *forenses* bezeichnet, die Bewohner der *canabae* oder jene des *vicus* außerhalb der Leuga-Grenze, bevor dieser zum Munizipalrang erhoben wurde? Die Bewohner der *canabae* konnten nur als *canabenses* oder als *cives Romani consistentes in canabis* oder *ad legionem* - - -²⁴, keinesfalls als

²² Siehe den Plan mit der Leugagrenze bei I. Piso, Tyche 6 (1991) 143, Abb. 7 (Anm. 20); *Idem*, Nordgrenze (Anm. 20), 166, Abb. 7, nach L. Barkóczy – A. Mócsy, RIU II, S. 90. Siehe die wichtigste Literatur über Brigetio bei L. Barkóczy (Anm. 1), passim; A. Mócsy, Das territorium legionis und die canabae in Pannonien. AArchHung 3 (1953) 184; B. Lőrincz, Zur Erbauung des Legionslagers von Brigetio. AArchHung 27 (1975) 34 ff.; Zs. Vissy, Der pannonische Limes in Ungarn. Budapest 1985, 56. Zu den zwischen 1992-1998 im Munizipium (bzw. *vicus*) durchgeführten Grabungen siehe L. Borhy, Brigetio. Ergebnisse der 1992-1998 durchgeführten Ausgrabungen (Munizipium, Legionslager, Canabae, Gräberfelder). In: M. Šašel Kos – P. Scherrer (Hrsg.), Die autonomen Städte in Noricum und Pannonien. Pannonia II. Ljubljana 2004, 231-234.

²³ L. Barkóczy, (Anm. 1), 28; L. Barkóczy – A. Mócsy, RIU II, S. 89. Die zwei Inschriften, in welchen der Munizipalrang belegt ist, sind AE 1944, 110 = RIU II 377: - - - *Aug(ustalis) m(unicipii) Brig(etionis)* - - - (a. 217) und CIL III 11007 = RIU II 450: - - - *Augustalis mun(icipii) Brig(etionis) Antoniniani* - - -.

²⁴ Siehe Fr. Vittinghoff, Die rechtliche Stellung der *canabae legionis* und die Herkunftsangabe *castris*. Chiron 1 (1971) 301-302; *Idem*, Atti dei Convegni Lincei 1976, 90; *Idem*, Civitas Roma-

forenses bezeichnet werden. Dann bleibt nur der *vicus* übrig. Vor der Munizipalisierung dürfte er den Status eines Forums besitzen, was im perfekten Einklang mit der Rolle einer Siedlung steht, die sich an der Limes-Straße, in der Nähe des Legionslagers und einer wichtigen Straße, die ins Barbaricum führt, befindet. Gerade die Bewohner dieses Forums sind es, denen im Amphitheater, das sich innerhalb der Leuga-Grenze befand²⁵, eigene Plätze reserviert wurden. Es steht zu erwarten, daß die meisten Plätze für die Legionssoldaten, andere für die *veterani et cives Romani consistentes ad legionem* und die allerwenigsten für die *forenses* bestimmt waren²⁶.

Laut L. Barkóczy und A. Mócsy besaßen die *canabae* in Brigetio eine Organisation mit *magistri* und *quaestores*²⁷. Sie bezogen sich auf zwei Inschriften. Die erste, CIL III, 4298 = RIU II 442, wurde von einem M. Val(erius) Marinus, *vet(eranus) leg(ionis) I Ad(iutricis) p(iae) f(idelis), ex sign(ifero), dec(urio) Brig(etionensium* oder *-etionis), qui magistrat*, gesetzt. Die zweite, die Grabinschrift RIU II 596, wurde für einen L(ucius) Val(erius) L(ucii) fil(ius) Palat(ina) Rufus, *vet(eranus) leg(ionis) I, dec(urio) Br(igetionensium), quaes(tor) et mag(ister)*, gesetzt. Beide Autoren bemerkten aber ganz richtig dabei, daß die Benennung *canabae* in Brigetio noch nicht belegt ist. Sie wunderten sich offensichtlich darüber, daß die beiden Veteranen das Amt eines *magister* über die *Brigetionenses* und nicht über die *canabenses* ausübten²⁸. Das scheint anzudeuten, daß die *Brigetionenses* eher mit den *forenses* als mit den *canabenses* gleichzusetzen sind²⁹ und daß wir über die Organisation der *canabae* von Brigetio vorläufig nichts wissen. Es ist ganz richtig, daß in der Regel ein Forum den Namen seines Gründers trägt. Die nähere Bestimmung dürfte aber in unserem Fall *Brigetionensium* gewesen sein, während für die *canabae* der Name der Legion als nähere Bestimmung galt. Man könnte dagegen einwenden, daß die zwei *magistri* sich als Legionsveteranen eher in der unmittelbaren Nähe des Lagers niederlassen hätten sollen. Das ist aber keines-

na. Stadt und politisch-soziale Integration im Imperium Romanum der Kaiserzeit. Stuttgart 1994, 142-143; I. Piso, Tyche 6 (1991) 137 (Anm. 20); *Idem*, Nordgrenze (Anm. 20), 158.

²⁵ Für die Lage des Amphitheaters siehe L. Barkóczy, (Anm. 1), 7, 20; L. Barkóczy – A. Mócsy, RIU II, S. 90.

²⁶ Die Hypothese eines zweiten Amphitheaters im Bereich des Munizipiums, wie in Carnuntum, ist keineswegs abwegig. Leider war mir das neue Buch von L. Borhy über Brigetio nicht zugänglich.

²⁷ L. Barkóczy – A. Mócsy, RIU II, 90.

²⁸ Vgl. CIL III 1008 = Dessau 2476 = DR III/5, 74 (Apulum): - - - *magistra(n)s primus in can(abis)*.

²⁹ In diesem Fall wären jene *Brigetionenses*, die dem Jupiter ein Denkmal errichteten (RIU II 394), ebenfalls mit den Bewohnern des Forums gleichzusetzen.

wegs zwingend. Im Gegenteil, scheint die Quästur eher zu einem Markt als zu den *canabae* zu passen, was aber ebensowenig zwingend ist.

Wie aus der Abbildung (Abb. 1) hervorgeht, fällt die Leugagrenze mit der östlichen Befestigung des Munizipiums zusammen, was darauf hindeuten könnte, daß das Munizipium nur aus dem *vicus* bzw. *forum* entstanden sei. Es spielt dabei keine Rolle, daß die Bewohner des *vicus* bzw. des Munizipiums sich wahrscheinlich *intra leugam* begraben liessen³⁰. Warum sollten sie vom „Staatseigentum“ nicht profitieren? L. Barkóczy und A. Mócsy glauben aber, daß sowohl die *canabae* als auch die Zivilsiedlung westlich der *canabae* den Munizipalrang erhalten hätten³¹, was unter Septimius Severus schon durchaus möglich war³². Wichtig war, wo das *pomerium* durchgezogen wurde.

³⁰ Die Nekropole beginnt gleich neben der östlichen Mauer des Munizipiums, siehe L. Barkóczy (Anm. 1), 6-8.

³¹ L. Barkóczy, A. Mócsy, RIU II, 89.

³² Siehe für diese Entwicklung I. Piso, Tyche 6, 1991, 156-161= Nordgrenze (Anm. 20), 178-184.

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EIN ZIEGELSTEMPEL DER COHORS V CALLAECORUM LUCENSIUM AUS CRUMERUM

VON BARNABÁS LŐRINCZ

Abstract: This article presents a tile stamp from Crumerum/Nyergesújfalu, which can be dated to 2nd - 3rd century AD on the basis of military historical evidence. With reference to the new find, it also examines another tile stamp of cohorts V Callaecorum Lucensium, which was found in Gerulata/Rusovce.

Keywords: Pannonia, Crumerum/Nyergesújfalu, tile stamps, military history, auxiliary troops.

Da keine wesentliche Forschungen in Crumerum-Nyergesújfalu durchgeführt wurden¹, sind die epigraphischen Denkmäler der Besatzungstruppe, der *cohors V Callaecorum Lucensium* nur in geringer Anzahl aus diesem Standort bekannt². 2003 ist ein Ziegelstempel der Kohorte am SO-Fuße des Schanzberges (im Bereich der SO-Ecke des Auxiliarkastells) zum Vorschein gekommen, der im Balassa Bálint-Museum, Esztergom aufbewahrt ist (Inv.-Nr. 2004.21.1)³. Die *imbrex* hat eine Dicke von 1,8-2 cm und den folgenden Text: [COH]VLVC (Abb. 1), d.h. [*coh(ortis)*] *V Luc(ensium)*. Da keine stratigraphische Angabe zur Datierung zur Verfügung steht, kann der Stempel ins 2-3. Jahrhundert n.Chr. datiert werden, als die Truppe in diesem Standort stationiert war⁴.

¹ Siehe dazu *M. H. Kelemen*, Nyergesújfalu–Sánchegy I. In: Magyarország régészeti topográfiája 5 (Budapest 1979) 264-276; zum Auxiliarkastell siehe noch *Zs. Visy*, Der pannonische Limes in Ungarn, Budapest–Stuttgart 1988, 63; *Ders.*, The Ripa Pannonica in Hungary. Budapest 2003, 42-43, Fig. 65-67; *M. Kelemen*, Crumerum castellum. In: *Zs. Visy* (ed.), The Roman Army in Pannonia. An Archaeological Guide of the Ripa Pannonica. Budapest 2003, 82-84.

² RIU 749-751 = *B. Lőrincz*, Die römischen Hilfstruppen in Pannonien während der Prinzipatszeit. Teil I: Die Inschriften. Wiener Archäologische Studien 3 (Wien 2001), 242-243 Kat. Nr. 282-284.

³ Wir danken Frau Dr. Márta H. Kelemen (Balassa Bálint-Museum, Esztergom) für die Publikationserlaubnis.

⁴ Zuletzt *B. Lőrincz*, a. a. O. 33 Nr. 16 mit weiterer Literatur; siehe noch *J. Spaul*, Cohors². The evidence for and a short history of the auxiliae infantry units of the Imperial Roman army. British Archaeological Reports Int. Ser. 841 (Oxford 2000), 87, 90.

Früher war ein weiterer Ziegelstempel dieser Kohorte bekannt, der 1965 in Gerulata/Bratislava-Rusovce = Oroszvár gefunden wurde⁵. Dieser Stempel gehört zu einem anderen Typ (*Abb. 2*) und er wurde von *V. Varsik* in domitianisch-frühtrajanische Zeit datiert und als die früheste Besatzungstruppe von Gerulata betrachtet⁶. Nach *V. Varsik* wurde die *ala I Cannanefatium* c. R.⁷ erst nach 106 n.Chr. aus der *Germania superior* in die *Pannonia superior* (Gerulata) versetzt⁸. Da die Phase I des Auxiliarkastells Gerulata unter Domitian errichtet wurde⁹ und die Reitertruppe seit 92 n.Chr. dort zu beweisen ist¹⁰, müssen wir entweder zwischen 85 und 92 mit einer unbekannt Besatzungstruppe in diesem Standort rechnen, oder wurde das Lager erst 92 von der *ala I Cannanefatium* errichtet. Zum Ziegelstempel der *cohors V Callaecorum Lucensium* aus Gerulata muß jedoch bemerkt werden, daß er mit der provinzialrömischen Hauskeramik zum Vorschein gekommen ist¹¹. Dieser Umstand ermöglicht kei-

⁵ *L. Kraskovská*, Nález tehly s kolkom *cohors V Lucensium* v Bratislave-Rusovciach – Ein Ziegel mit dem Stempel der *Cohors V Lucensium* aus Bratislava-Rusovce. *Archeologické Rozhľedy* 41 (1989) 576-579, 594 Taf. I,1, 6 = *V. Varsik*, Das römische Lager von Gerulata-Rusovce – Ein Beitrag zu Lokalisierung und Anfängen. *Jahrbuch des Römisch-Germanischen Zentralmuseums Mainz* 43 (1996 [1998]) 583-584 Abb. 26 = *B. Lőrincz*, a. a. O. 243 Kat. Nr. 286. – Nach *J. E. H. Spaul*, a. a. O., 87 wurde ein weiterer Ziegelstempel mit dem Text C V CALL (richtig: C V C [B. L.]) in *Acumincum/Slankamen* (richtig: in *Sirmium* [B. L.]) gefunden, er gehört jedoch zur *cohors V Gallorum*, siehe schon *A. Radnóti*, Die römische Reichsgrenze zwischen Beograd und dem Eisernen Tor nach der Eroberung Dakiens. *Arheološki Vestnik* 26 (1975) 212; zuletzt *B. Lőrincz*, a. a. O. 246 Kat. Nr. 297. *B. Lőrincz*, Neue Angaben zu den Hilfstruppen in der Provinz *Pannonia superior* In: *F. Beutler – W. Hameter* (Hrsg.), „Eine ganz normale Inschrift“ ... und ähnliches zum Geburtstag von Ekkehard Weber. *Festschrift zum 30. April 2005. Althistorisch-Epigraphische Studien* 5 (Wien 2005) 306, Anm. 38.

⁶ *V. Varsik*, a. a. O. 583-584, 586.

⁷ Sie war keine *ala milliaria*, wie *J. Schmidtová – J. Jezná*, *Gerulata castellum*, In: *Zs. Visy* (ed.), *The Roman Army in Pannonia. An Archaeological Guide of the Ripa Pannonica*. Budapest 2003, 62 meinen.

⁸ *V. Varsik*, a. a. O. 584-586.

⁹ Siehe dazu noch *D. Gabler – M. Pichlerová*, *Terra sigillata* von Gerulata. In: *K. Kuzmová – J. Rajtár* (Hrsg.), *Gerulata I* (Nitra 1996) 92-93, wo die *ala I Commagenorum* als erste Besatzungstruppe zwischen 85 und 92 n. Chr. vorgeschlagen wurde (aufgrund der Inschrift AE 1972, 448). Der Truppenname in der Zeile 4 wurde jedoch von *R. Hošek* irrtümlicherweise gelesen, so haben wir für die Anwesenheit dieser Reitertruppe in Gerulata keinen Beweis. Vgl. schon *B. Lőrincz*, *Segédcsapatok* [Hilfstruppen]. In: *A. Mócsy – J. Fitz – B. Lőrincz* (Hrsg.), *Pannonia régészeti kézikönyve* [Archäologisches Handbuch von Pannonien]. Budapest 1990, 72 Nr. 2; siehe jetzt *B. Lőrincz*, a. a. O. (Anm. 2) 46 Nr. 1 und 182 Kat. Nr. 80 (die Inschrift gehört zur *ala I Cannanefatium* c. R.).

¹⁰ Ebd. 17 Nr. 7 und *B. Lőrincz*, a. a. O. (Anm. 5) 304. Anders *V. Varsik*, a. a. O. 584-586.

¹¹ *L. Kraskovská*, a. a. O. 576, 579 = 594 Taf. I, 2-5.

ne genauere Datierung des Ziegelstempels¹². Es ist so wahrscheinlicher, daß er im 2-3. Jahrhundert n. Chr. hergestellt wurde, als die Kohorte in Crumerum lag.

Die Zahl der Denkmäler der Kohorte wird durch den neuen Typ aus Crumerum allerdings erhöht.

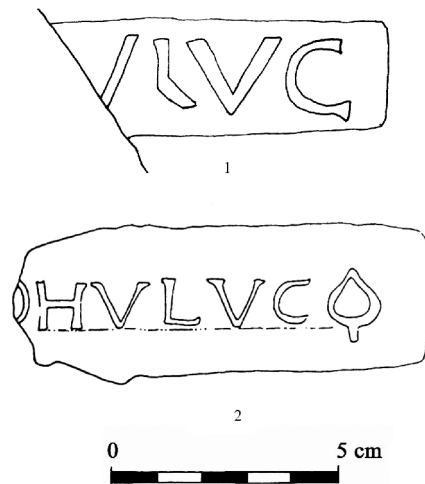


Abb. 1. Der Ziegelstempel der *cohors V Callaecorum Lucensium* aus Crumerum/Nyergesújfalu.

Abb. 2. Der Ziegelstempel der Truppe aus Gerulata/Bratislava-Rusovce = Oroszvár (nach L. Kraskovská).

¹² Siehe B. Lőrincz, a. a. O. (Anm. 2) 243 Kat. Nr. 286.

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THE INSCRIPTION OF THE STATUE OF DIVUS COMMODUS IN SOPRON

BY ÁDÁM SZABÓ

Abstract: The collection of the Liszt Ferenc Museum Sopron, contains, among other pieces, a fragment of a marble slab. The elegantly cut letters follow the writing style of the Antonine age, with their forms close to those of *scriptura monumentalis*. The formal features of the fragment, its thickness and frame breadth as well as its elaboration suggest, excluding the possibility of funerary or building contexts, that the slab was the front side of a statue base. The letters *COM* at the beginning of the first line can be restored to give the name *Com[modus]*, while the fragmentary word *FRAT* in line 2 gives *frat[er]* or some of its inflected forms, if one considers the internal coherence of the two words and excludes similar but improbable variants.

Keywords: Roman Empire, Divus Commodus, Septimius Severus, inscription, statue basis, Pannonia, Scarbantia.

Given the peculiar line starts, the fragmentary text and thereby the slab can be most probably interpreted in one context. It has to belong to the small group of objects and texts that can be dated to the beginning of the reign of Septimius Severus. In order to consolidate his rule, the emperor joined the family of the Antonini. This way he became brother of Commodus, the son of Marcus Aurelius. Later, as his position became more consolidate, in 195 he abolished the *damnatio memoriae* of Commodus and made him consecrated. The former emperor was added to the state gods under the name Divus Commodus and as the brother of Septimius Severus (*frater Imp. Caes. L. Septimi Severi*). The number and contents of the surviving inscriptions as well as the time limits of their dedication suggest that the statues of Divus Commodus are less a token of honour to the new *Divus* than symbols of the general loyalty to the currently ruling emperor, who happened to be the ‘brother’ of the new *Divus*. On the other hand, they represented the legitimacy of the new emperor’s rule.

In the Forum Lapidary of the Liszt Ferenc Museum, Sopron, the Roman stone monuments found in the area of the forum of Scarbantia in the 19-20th centuries are displayed in an authentic environment. In addition to these, there are a few inscribed stones in the lapidary which belong to the ‘early collection’

of the museum and, on the basis of their topics, forms and material, may be part of the heritage of the ancient municipal forum. Before the first systematic excavations in 1893/1894, in the 1850s and 1860s, sewers and gas pipes were built in the centre of Sopron, including the area of the forum, the dimensions of which came to be determined only afterwards. Stones of the ‘early collection’ may stem from this period, possibly from the area of the forum.¹

This part of the collection contains, among other pieces, a fragment of a marble slab, measuring (30)x(35)x11 cm. Its back side is plain. In the left edge of the front of the fragment a part of the original tripartite concave frame can be seen, its outer edge is plain. The carefully smoothed inscribed field measures (30)x(31) cm, with an empty space on its top, which is higher than a line of the text. Under the empty space the beginning of two lines of the inscription can be seen, containing six letters and one fragment of a stroke. The elegantly cut letters follow the writing style of the Antonine age, with their forms close to those of *scriptura monumentalis* and a height of 6 cm. The last letter fragment of line 2 is the bottom of a vertical *hasta*, joining the slanted trait of another *hasta*, which can be partially seen on the line of fracture, if one restores the latter. The fragments make a letter *M*, or less probably – considering the possible contexts – an *N*. The exact place and circumstances of finding the fragment are unknown, the inventory only states that it was part of the early collection of the museum. The fragment was described by L. Barkóczy in vol. I of *Die römische Inschriften Ungarns I* and marked as unedited, without any suggestion for restoration, with the correct remark that there is an empty line above the first surviving line, i.e. a field of one line’s height.² The surviving part of the inscription can be transcribed as follows (cf. fig. 1):

[- - -]
 COM[- - -]
 FRAT[- - -]
 - - - - - .

¹ Overviews on Scarbantia and the forum (a selection of literature with further references) include K. Póczy, *Die Anfänge der Urbanisation in Scarbantia*. Acta Arch. Hung. 23 (1971) 73-110; *Eadem*, *Scarbantia. A római kori Sopron [Sopron in the Roman age]*. Budapest 1977; J. Gömöri, *Scarbantia foruma – Das Forum von Scarbantia*, (A Soproni Szemle kiadványai, n. s. 14, Sopron 1985), research history at pp. 1-3; P. Kovács, *Oppidum Scarbantia Iulia, Antik Tanulmányok [Studia Antiqua]* 46 (2002) 147-191; Á. Szabó, *Pannoniciani sacerdotes. A szervezett vallási élet feliratokról ismert papi vezetői [From the inscriptions known leaders of the organized religious life]* (Specimina Nova Univ. Quinqueecclesiensis, Suppl. VI). Pécs 2006, 218-220.

² *RIU* I, 176/177 n. 210 and fig. 210, table XCV. fig. 210.



fig. 1

The formal features of the fragment, its thickness and frame breadth as well as its elaboration suggest, excluding the possibility of funerary or building contexts, that the slab was the front side of a statue base. The top of the inscribed field being empty but higher than the lines below, it seems that there was a shorter line in this area. This suggests that the inscription on the slab was centred within the field of inscription and that there was a shorter line above the surviving fragmentary lines. It is less probable that the text started in the part considerably below the top of the inscribed field. The letters *COM* at the beginning of the first line can be restored to give the name *Com[modus]*, while the fragmentary word *FRAT* in line 2 gives *frat[er]* or some of its inflected forms, if one considers the internal coherence of the two words and excludes similar but improbable variants.

Given the peculiar line starts, the fragmentary text and thereby the slab can be most probably interpreted in one context. It has to belong to the small group of objects and texts that can be dated to the beginning of the reign of Septimius Severus. In order to consolidate his rule, the emperor joined the family of the Antonini. According to the fictitious chain of adoptions, he was adopted by Marcus Aurelius. This way he became brother of Commodus, the son of Marcus Aurelius. Later, as his position became more consolidate, in 195 he abolished the *damnatio memoriae* of Commodus and made him consecrated.³ The former emperor was added to the state gods under the name *Divus Commodus* and as the brother of Septimius Severus (*frater Imp. Caes. L. Septimi Severi*).⁴ His cult was officially upheld until the reign of Macrinus, who renewed the

³ Cf. *Historia Augusta* / 'Aelius Lampridius': vita Commodi Antonini, capp. 17-20.

⁴ Cf. A. Birley, *Septimius Severus. The African Emperor*. London 1971, 198.

damnatio memoriae in 217/218.⁵ After the first *damnatio memoriae* between 193 and 195, the name of Commodus was erased from inscriptions all over the Empire: the *abolitio nominis* was probably carried out by the army.⁶ Following the consecration in 195, the name was restored in the inscriptions, possibly again by the army, and, according to some African examples where Caracalla is called Augustus, even after 197.⁷ In addition, statues and other inscribed monuments were dedicated to him. Magistrates⁸, military troops⁹, civil communities¹⁰ and private persons¹¹ likewise erected such monuments¹², representing

⁵ Cf. D. Kienast, *Römische Kaisertabelle. Grundzüge einer römischen Kaisergeschichte*. Darmstadt 1996, 148

⁶ Cf. P. Kovács – Á. Szabó (Eds.), *Tituli Aquincenses vol. I. Tituli operorum publicorum et honorarii et sacri*. Budapest 2009, 193-194 n. 213

Catalogue – Inscriptions dedicated to Divus Commodus:

⁷ - *IL Afr 26 = IL Tun 56 = AE 1928, 22 - Tripolitana / Bezeros: Imp(erator) Caes(ares) L(ucius) [Septimius Sever]us Pius | Pertinax Aug(ustus) et M(arcus) A[urelius] A[ntoninus] [Brit(annicus) Parth(icus) Germanicus]] titulum | quod divo Commod[o] fratr[is] suo aelrasum fuerat restit[ue]runt per vexil(latio) | [[leg(ionis) III Aug(ustae)]] P(iae) V(indicis) Q(uinto) A[nicio] Fausto leg(ato) Aulgustorum pr(o) pr(aetori) [c(larissimo) v(iro) co(n)s(uli)] sub cura C(ai) Iulli Saturnini |(centurionis) [[leg(ionis)]] [eiusde]m M(arco) Arrio | Muciano e[st] Fabian[o] co(n)s(ulibus).*

- *IL Tun 58 - Tripolitana / Bezeros: [Imp(erator) Caes(ar) L(ucius) Septimius Severus] Pius Pert(inax) Aug(ustus) | [et Imp(erator) Caes(ar) M(arcus) Aurelius Ant]oninus Aug(ustus) | [Brit(annicus) Parth(icus) max(imus) Germanicus] titulum quod di[vo] Commod[o] fratre suo erasum fu[er]at restituerunt per vexi[llationem] leg(ionis) III Aug(ustae) | [P(iae) V(indicis) Q(uinto) An]jici[o] Fausto l[eg(ato) Aulgustorum] pro] | [pr]aetore c(larissimo) v(iro) c[o(n)s(ulari)] sub] cura C(ai) I[ul]i Saturnini | |(centurionis) leg(ionis) eiusde[m] Muciano [et] Fabiano co(n)s(ulibus)].*

- *AE 1922, 53 - Tripolitana / Bezeros: Imp(erator) Caes(ares) L(ucius) Sep[ti]m[us] Severus Pius | Pertinax Aug(ustus) et M(arcus) A[urelius] A[ntoninus] [[Brit(annicus) Parth(icus) max(imus) Germanicus]] titulum | quod divo Commod[o] fratr[is] suo {a}elrasum fuerat restit[ue]runt per vexil(lationem) | [[leg(ionis) III Aug(ustae)]] P(iae) V(indicis) Q(uinto) A[nicio] Fausto leg(ato) Aug[ustorum] pr(o) pr(aetore) [co(n)s(ule) c(larissimo) v(iro)] sub cura C(ai) Iulli Saturnini |(centurionis) [[leg(ionis)]] eiusde[m] M(arco) Arrio | Muciano e[st] Fabian[o] co(n)s(ulibus).*

⁸ *CIL VIII, 4212 (p. 1769) – Numidia / Verecunda: Divo Comm[odo] | M(arcus) Valerius Maximianus leg(atus) [Aug(usti) pr(o) pr(aetore)] | d(ono) d(edit) [- - - - -].*

⁹ *CIL VIII, 18248 = AE 1987, 1060 = AE 1992, 1865 – Numidia | Lambaesis: [Divo Comm]odo | [Imp(eratoris) Caes(aris) L(uci) Septimi] Severi | [Pertinacis] Aug(usti) Pii | [Arab(ici) Adiab(enici) Parth(ici) | [max(imi) p(ontificis) max(imi) tribunicia] p]ot(estate) VI | [imp(eratoris) XI co(n)s(ulis) I]I p(atris) p(atriciae) | [proco(n)s(ulis) fratri] coh(ors) VI [Co]m(magenorum) eq(uitata) | [fecit et dedicavit].*

¹⁰ *CIL VIII, 22712 - Tripolitana / Gighis: - - - - -?] | Divo | Comm[odo] Aug(usto) | Gighisenses publice.*

- *CIL VIII, 23707 - Africa Proconsularis / Cuttilula: Divo Com[modo] Aug(usto) | fratri | Imp(eratoris) Caesaris Septimi | Severi Pertinacis Aug(usti) | Arabici Adiab(enici) | Parthici p(atris) p(atriciae) | d(ecreto) d(ecurionum) p(ecunia) p(ublica).*

- CIL VIII, 4826 (p. 1801) = ILAlg II.2, 6097 – Numidia / Nattabutes: *Divo Com[modo] divi] | M(arci) Antonini Pii G[erman(ici)] | Sarmat(ici) filio fr[at]ri | Imp(eratoris) Caes(aris) L(uci) Septi[mi] Seve[ri] Pii Pertinacis [Aug(usti) Ara]bici Adiab(enici) Parth(ici) m[ax(imi) pont(ificis)] | max(imi) trib(uniciae) pot(estate) XV[II] imp(eratoris) XI] | co(n)s(ulis) III proco(n)s(ulis) pro[paga]l[tor(is)] imp(erii) fortissimi [feli]ciss[im]ique prin[cipis] [patruo] | Imp(eratoris) Caes(aris) [M(arci) Au]reli [An]tonini Pi[i] Fe[l]icis Aug(usti)] pon[t(ificis)] | max(imi) tri(buniciae) pot(estate) XII co(n)s(ulis) [III] | proco(n)s(ulis) fortissimi [fe]licissim[is] PR <<prin[cip(is)]>> | <<et super omnes p[rin]c[ip]es>> | <<cipes nobi(li)ssimi>> c[iv]itas] | Nattabutum.*

- CIL VIII, 27569 - Africa proconsularis / Sicca Veneria: *D[iv]o [M(arco) Aurelio Com]m[odo] Antonino di]vi | [M(arci) Aureli Ant]oni[us] filio fratri Im]p(eratoris) Caes(aris) | L(uci) Septimi [Sev]er[us] Pii Pe[r]tinacis Aug(usti) Arabi]l[is] Adiab(enici) Parthi]ci maximi patris Imp(eratoris) | Caes(aris) M(arci) Aureli Ant[oni]ni Aug(usti) [- - -] | [- - - -] | d(ecreto) d(ecurionum) p(ecunia) p(ublica).*

- CIL VIII, 23707 - Africa proconsularis / Cuttillula: *Divo Com[modo] Aug(usto) | fratri | Imp(eratoris) Caes(aris) Severi Pertinacis Aug(usti) | Arabici Adiab(enici) | Parthici p(atris) p(atriciae) | d(ecreto) d(ecurionum) p(ecunia) p(ublica).*

- CIL VIII, 14695 - Africa proconsularis / Thuburnica: *Divo M(arco) Aurelio | Commodo Ant[oni]no divi M(arci) Aureli | Antonini filio frat(ri) | Imp(eratoris) Caesaris L(uci) Septimi Severi Pii Pertinacis Aug(usti) Arabi]l[is] Adiab(enici) | Parthici maximi | patris Imp(eratoris) Caes(aris) | M(arci) Aureli Antonini Aug(usti) [[et P(ubli) Septimi]] | [[Getae] Caesaris]] | d(ecreto) d(ecurionum) p(ecunia) p(ublica).*

- CIL X, 1116 – Italia Reg. I, Latium et Campania / Abellinum: *Divo Commodo | Aug(usto) | pont(ifici) max(imo) trib(unicia) | pot(estate) co(n)s(uli) p(ublice) d(ecreto) d(ecurionum).*

- CIL X, 7342 – Sicilia / Thermae Himeraeae: *Divo | Commodo | Aug(usto) | d(ecreto) d(ecurionum) | p(ecunia) p(ublica).*

- CIL III, 4000 - Pannonia Superior / Aquae Balisae: *Divo | Commodo res publica latorum(m).*

¹¹ CIL VI, 1025 – Roma: *Divo Commodo | fratri | Imp(eratoris) Caes(aris) L(uci) Septimi | Severi Pii | Pertinacis Aug(usti) | praepositus Crescens | scribae Fortunatianus | Felicianus Quintio | Eutyches Philumenus.*

- CIL VIII, 4482 = CIL VIII, 18634 – Numidia / Tubunae: *Divo Commodo | Imp(eratoris) Caes(aris) L(uci) [Sep]t[im]i Severi P[er]t[ini]ci | Pertinacis | Aug(usti) Arabici | Adiab(enici) [fra]tri Q[ui]ntus Calpurnius Q[ui]nti fil(ius) Papir(ia) . . .]cus [. . .] staltua[m] ob hon(orem) | Ilvir(atus) quam ex | sua liberalitate promissit posuit idemq(ue) ded[ic]avit.*

- CIL VIII, 4596 = CIL VIII, 18650 - Numidia / Diana: *Divo | Commodo fratri | Imp(eratoris) Caes(aris) L(uci) Septimi | Severi Pii Pertinacis Aug(usti) Arabi]l[is] Adiab(enici) Part(hici) | maximi trib(unicia) pot(estate) VIII | imp(eratoris) XI co(n)s(ulis) II p(atris) p(atriciae) proco(n)s(ulis) | M(arcus) Iulius C(ai) fil(ius) Papir(ia) | Rufus Montanius aedil(is) Ilvir Ilvir | quinq(uennalis) fl(amen) p(er)p(etuus) ex HS III | mil(ia) n(ummum) inlati rei pub(licae) | summi honorari | et fl(amen) p(er)p(etuus) ex HS X mil(ia) n(ummum) | ampliata pecunia | dedit idemque ded[ic]avit.*

- CIL VIII, 4597 - Numidia / Diana: *Divo | Commodo fratri | Imp(eratoris) Caes(aris) L(uci) Septimi Seve[ri] Pii Pertinacis Aug(usti) | Part(hici) Germ(anici) max(imi) Arab(ici) | VIII imp(eratoris) XI co(n)s(ulis) III p(atris) p(atriciae) L(ucius) Mucius | L(uci) fil(ius) Pap(iria) Mucianus q(uaestor) aed(ilis) | Ilvir praefectus i(ure) d(icundo) pro Ilviris | q(uin)q(uennalibus)*

fl(amen) p(er)p(etuus) statuam quam \ [ob] honorem flamonii p(er)p(etui) \ [praet]er legitimam polli[citus] est restituit idem[que] dedicavit.

- CIL VIII, 6994 (p. 1847) = ILAG II.1, 559 - Numidia / Cirta: *Divo Comm[odo] \ [d]ivi M(arci) Anton[ini] Pii \ Germanici S[armatici] \ filio fr[at]ri \ Imperatori[s] Caesaris L(uci) Sep[ti]mi Severi [Pii] Pertinacis \ Aug(usti) Arabici [Adiabeni] Parthici \ propagato[ris] imperii \ pontif[icis] max(im) [trib(unicia) pot(estate) V] imp(eratoris) X co(n)s(ulis) II p(atris) p(atriae) [proco(n)s(ulis) patruo] \ M(arci) Aureli Ant[onini] Caesaris \ Imp(eratoris) destinati [- - -] Marcius \ Verus statuam quam in \ aedilitate sua pollicitus \ est cum editione ludor(um) \ L(ucius) Iulius Martialis \ nepos et \ M(arcus) Sempronius Risticinus \ heredes posuerunt \ l(ocus) d(atus) d(ecreto) d(ecurionum).*

- ILAG II.3, 7813 = AE 1989, 900 - Numidia / Cuicul: *Divo Co[m]m[odo] \ divi M(arci) Antonini Pii Germ(anici) \ Sarm(at)ici filio fratri \ Imp(eratoris) Caes(aris) L(uci) Septimi Severi Pii \ Pertinacis Aug(usti) Arab(ici) Adiab(en)ici Parth(ici) max(im) \ propagatoris imperi(i) pont(ificis) max(im) trib(unicia) \ pot(estate) XI imp(eratoris) XI co(n)s(ulis) III p(atris) p(atriae) proco(n)s(ulis) patris \ Imp(eratoris) Caes(aris) M(arci) Aureli Antonini Aug(usti) Pii Felicis \ trib(unicia) pot(estate) VI co(n)s(ulis) I e(t) proco(n)s(ulis) [[et]] \ [[P(ubli) [Se]pti[mi] Geta[e] n[o]biliss[im]i Ca]esaris]] \ M(arcus) Tullius M(arci) f(ilius) Quir(ina) qui et Papir(ia) Puldens statuam quam sup(er) leg(it)imam holnoris aed(ilitatis) suae promiserat delidit curante Scribonio Scribolniano sororis fil(io).*

- ILAG II.3, 7811 - Numidia / Cuicul: *Divo Commodo \ divi M(arci) Antonini Pii Germ(anici) Sarm(at)ici \ filio fratri \ Imp(eratoris) Caes(aris) L(uci) Septimi \ Severi Pii Pertinacis Aug(usti) Arab(ici) Adiab(en)ici \ Parth(ici) max(im) propagatoris imperii pont(ificis) \ max(im) trib(unicia) pot(estate) X imp(eratoris) \ XI co(n)s(ulis) III p(atris) p(atriae) \ Imp(eratoris) Caes(aris) M(arci) Aureli Ant[onini] Aug(usti) Pii Felicis trib(unicia) potest(ate) V co(n)s(ulis) proco(n)s(ulis) et \ [[P(ubli) Septimii Getae nobilissimi Caesaris principis iuventutis]] \ Q(uintus) Caecilius [- - -]P[- - -]SICI[- - -] statuam quam promiserat super legitimam posuit \ [et] ampliata [pecunia] numini d(edicavit).*

- CIL VIII, 27374 = ILPBardo 228 = AE 1951, 75 = AE 1997, s.n. 1649: Africa proconsularis / Thugga: *[Divo C]ommodo fratr[is] Imp(eratoris) \ [Caesaris] L(uci) S[ep]t[im]i Severi Pii Per[tinacis] \ [Augusti] A[r]abici Adiab(en)ici Par[th]ici numi \ [ni] eius con[s]acrat[i] decurione[s] utriusque \ [ordinis] et c[ur]atores pagi Thugg[ensis] \ [curatoribus] T(ito) Magistro Q(uinto) Mora[sio] ? - - -]OSI[- - -]F Cassiano \ ex pollicitatione sua fecerunt d(ecreto) d(ecurionum).*

- CIL VIII, 6994 (p. 1847) = ILAG II.1, 559 - Numidia / Cirta: *Divo Comm[odo] \ [d]ivi M(arci) Anton[ini] Pii \ Germanici S[armatici] \ filio fr[at]ri \ Imperatori[s] Caesaris L(uci) Sep[ti]mi Severi [Pii] Pertinacis \ Aug(usti) Arabici [Adiabeni] Parthici \ propagato[ris] imperii \ pontif[icis] max(im) [trib(unicia) pot(estate) V] imp(eratoris) X co(n)s(ulis) II p(atris) p(atriae) [proco(n)s(ulis) patruo] \ M(arci) Aureli Ant[onini] Caesaris \ Imp(eratoris) destinati [- - -] Marcius \ Verus statuam quam in \ aedilitate sua pollicitus \ est cum editione ludor(um) \ L(ucius) Iulius Martialis \ nepos et \ M(arcus) Sempronius Risticinus \ heredes posuerunt \ l(ocus) d(atus) d(ecreto) d(ecurionum).*

¹² CIL II, 1725a = IRPCadiz 121a - Baetica / Gades: *Divo Commodo [Imp(eratoris) Caes(aris) L(uci)] Sep[ti]mi Severi Pertinacis \ Aug(usti) [fratri - - -] \ [- - - - -] \ [- - -]INDIAN[- - -].*

- ILAG II.3, 7807 - Numidia / Cuicul: *Divo Co[m]m[odo] divi M(arci) [Antonini] Pii Germanici Sarmatici] filio frat[ri] Imp(eratoris) Caes(aris) L(uci) Septimii Severi Pii Pertinacis Aug(usti) Arab(ici) Adiab(en)ici Parth(ici) max(im) pont(ificis) max(im) trib(unicia) pot(estate) - - - imp(eratoris) - - - co(n)s(ulis) - - - p(atris) p(atriae) proco(n)s(ulis) patris [Imp(eratoris) Caes(aris) M(arci) Aureli] Se[veri] An[tonini] Aug(usti) Pii - - - - -.*

The lost parts of the text could contain further elements of the emperor's title and some of his offices in abbreviated form, with the name of the *statutor* at the bottom. This could be a magistrate as well as the community of the town Scarbantia.

Given its topic, the statue may well have stood in the forum of Scarbantia. In the forum, also Hercules Augustus had a temple,¹³ and the statue of Divus Commodus may have been placed in its vicinity. Throughout his life, Commodus showed particular reverence to Hercules, he even identified himself with the god; according to the *Historia Augusta*, the priestly office devoted to him after his consecration was named *flamen Herculaneus Commodianus*.¹⁴

Inscribed monuments of his cult are all dated to the reign of Septimius Severus. As yet, there are no relevant inscriptions from the period of the monarchy of Caracalla. Macrinus officially abolished the cult in 217/218 renewing the *damnatio memoriae*. From the period after his reign, no authors or inscriptions attest to a re-establishment of the cult under the two Severan emperors or their heirs.

Abbreviations

Acta Arch. Hung. = Acta Archaeologica Academiae Scientiarum Hungaricae, Budapest;

AE = L'Année Epigraphique, Paris 1888-;

CIL = Corpus Inscriptionum Latinarum, Berlin 1853-;

IL Afr = Inscriptions latines d'Afrique (Tripolitaine, Tunisie, Maroc), Paris 1923;

IL Alg = Inscriptions latines d'Algérie, Paris 1922-;

IL PBardo = Z. Benzina ben Abdallah, Catalogue des Inscriptions Latines Paiennes du musée du Bardo, Rom 1986;

ILTun = Inscriptions Latines de la Tunisie, Paris 1944;

IRPCadiz = J. Gonzalez, Inscripciones Romanas de la Provincia de Cadiz, Cadiz 1982;

RIU = Die Römischen Inschriften Ungarns, Budapest 1972-.

¹³ Cf. Szabó Á., Hercules-szobor posztamensének felirata Scarbantia forumáról, [The inscription of an Hercules statue-postament from the forum of Scarbantia]. *Specimina Nova Univ. Quinqueecclesiensis* 18 (2004) 121-138.

¹⁴ *Historia Augusta* / 'Aelius Lampridius': vita Commodi Antonini, cap. 17: „Hunc tamen Severus, imperator gravis et vir nominis sui, odio, quam videtur, senatus inter deos rettulit flamine addito, quem ipse vivus sibi paraverat, Herculaneo Commodiano.”

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FIRME DI ARTISTI / PRODUTTORI DI SPECCHIETTI IN PIOMBO CON SUPERFICIE RIFLETTENTE IN VETRO

DI GIULIA BARATTA¹

Abstract. In this short contribution we present lead mirrors with reflective glass surface that are characterized by the presence of the signature of the plumbarius and / or the creator of the form. These few but interesting epigraphic attestations allow some thoughts on how to produce this type of material and also on the people who were involved.

Keywords: archaeology, epigraphy, lead mirrors, form, officinae, plumbarii

Nell'ambito degli studi di epigrafia le ricerche sulle firme degli autori e degli artisti che materialmente hanno realizzato o concepito sia le opere d'arte propriamente dette che oggetti più modesti destinati ai diversi ambiti della vita di tutti i giorni consente non solo di avvicinarsi a chi li ha ideati e/o prodotti, ma soprattutto permette di ricostruire, o almeno di tentare di ripercorrere, le tappe della produzione e della diffusione dei prodotti artistici e di quelli in serie, di comprendere chi effettivamente vi era coinvolto e vi prendeva parte e di indagare i motivi per cui alcune produzioni erano strappate, per così dire, all'anonimato². In quest'ottica anche alcuni specchietti plumbei con superficie riflettente in vetro, oggetti di uso votivo e culturale diffusi in quasi tutte le province dell'impero tra il I e il IV secolo d.C.³, malgrado la loro umile natura consentono alcune interessanti riflessioni.

Dei quasi 2000 specchietti attualmente noti da pubblicazioni e da diverse collezioni solo una percentuale molto bassa, ma non per questo povera di informazioni, reca alcuni nomi chiaramente riconducibili a chi ha concepito ovvero ideato gli specchi ed altri, invece, a chi li ha materialmente realizzati.

Un gruppo di 14 specchietti quadrangolari rinvenuti in un'area che si estende dalla Gallia Narbonense sino a Xanten, databili al II-III secolo d.C., sono stati realizzati da un certo Κύντος Λικίνιος Τουπεινος come è evidente dal

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² Sul tema vedi Manacorda – Panciera – Panella 1991; Thomas 2002.

³ Per una panoramica generale sugli specchietti vedi Baratta 2010a, nota nr. 3.

fatto che il suo nome ricorre, unitamente alla dedica a Selene e/o Afrodite, nel testo epigrafico greco⁴ che corre lungo il perimetro dello spazio circolare riservato all'inserimento della superficie riflettente in vetro (fig. 1-2)⁵. Due di questi esemplari contengono una preziosa informazione aggiuntiva: infatti nel testo è specificato anche ἐν Ἀρελάτῳ ποεῖ. La sede dell'atelier che ha prodotto questi specchietti va dunque localizzata ad *Arelate*, l'odierna Arles (fig. 3)⁶. Κυίντος Λικίνιος Τουτεινος, come suggerisce l'uso del verbo ποιέω, può pertanto essere identificato con il *plumbarius* che, proprietario o meno probabilmente semplice lavoratore dell'atelier, ha materialmente realizzato per fusione in diverse forme le varie serie di specchietti votivi della bottega arelatina.

Nel 1866, in una tomba di Moyland, è stato rinvenuto uno specchietto quadrangolare (5,5, cm; diam, 3,2) con bottoni negli angoli ed una iscrizione che, come nel caso degli esemplari di Arles, corre lungo il perimetro dell'alloggiamento circolare destinato ad accogliere il vetro e che, variamente trascritta, può essere letta più correttamente come *excipe pignus amoris Albanus fecit*⁷ (fig. 4). Il piccolo specchio con la sua iscrizione volutamente ambigua, apparentemente galante, ma piuttosto pertinente alla sfera votiva, sembra legarsi al

⁴ Sull'uso del greco e sulla sua diffusione in Gallia meridionale ed in particolare nel territorio di Marseille nel I secolo a.C. e in epoca imperiale vedi Barruol 1985, p. 372 secondo il quale il greco tende, nel tempo, a divenire una lingua colta non più compresa dalla maggioranza della popolazione e legata solo ad un cerchia intellettuale. Più convincente appare il pensiero di M. Sève (Sève 1988, p. 335, nr. 256) secondo cui il greco era ancora piuttosto diffuso e ben compreso in questa zona almeno nei primi secoli dell'impero come mostra, ad esempio, il caso di Favorino d'Arles che, vissuto a cavallo tra il I e il II secolo d.C., era perfettamente bilingue. Sulla difficoltà di attribuire il giusto valore alle testimonianze epigrafiche greche di area gallica, in particolare quando si tratta di identificare i luoghi di origine di persone citate nei testi iscritti, vedi Wierschowski 1995, pp. 28-29 e nota 48 sul caso di Κυίντος Λικίνιος Τουτεινος per il quale vedi anche SEG XXXVII 1988, p. 257, nrr. 825-834.

⁵ Λικίνιος Τουτεινος ἱερᾶ Σελήνη, Barruol 1985, p. 343-345, nr. 1; p. 346, nr. 2; p. 346-347, nr. 3; SEG XXXVII 1988, p. 257, nrr. 825-827. Λικίνιος Τουτεινος ἱερᾶ Ἀφροδείτη χάριν, Barruol 1985, pp. 350-353, nr. 6; p. 354, nr. 7; pp. 354-356, nr. 8; Barruol 1987, pp. 415-516; SEG XXXVII 1988, p. 258, nrr. 830-831. Λικίνιος Τουτεινος ἱερᾶ Σελήνη Ἀφροδείτη, Liou, Sciallano 2003, pp. 438-439, nr. 14 ove gli editori leggono Λικίνιος Τουτεινος ἱεραῖς Ἠλένη Ἀφροδείτη per la presenza di un E invece di un H nella sequenza ΣΕΛΕΝΗ che può essere, comunque, riconducibile ad un errore non solo alla luce degli altri specchietti provenienti dallo stesso atelier dedicati a Selene ed Afrodite, ma anche per la scarsissima diffusione del culto di Elena in occidente rispetto al quale gli stessi editori scrivono «nous ne savons rien» (p. 439).

⁶ Κυ(ίντος) Λικ(ίνιος) Τουτεινος ἐν Ἀρελάτῳ ποεῖ, CIL XIII, 10029, 319; Barruol 1985, p. 356-360, nr. 10; Liou, Sciallano 2003, pp. 437, nr. 12; p. 438, nr. 13; SEG XXXVII 1988, p. 258 nr. 834.

⁷ CIL XIII, 10029, 318. Cfr. Michon 1909, p. 200, nr. 11 che trascrive *e(x)cip[e pign]us amoris. Albanus fecit*; Fulda 1977, p. 76 ove si legge CAPE PIGNVS AMORIS ALBANVS FECITES.

culto di divinità femminili come Venere, Selene, Artemide, Iside e Giunone tutte legate al mondo femminile, alla bellezza, alla gioventù, alla salute ed anche alla morte immatura, cui molte volte questo genere di specchi sono dedicati con analoghe formule greche⁸. In questa sede però interessa soprattutto sottolineare la presenza della “firma” di chi, in questo caso *Albanus*, in un’*officina* che non possiamo purtroppo ubicare, ha materialmente realizzato lo specchietto.

Altri due esemplari quadrati, privi però del summenzionato testo epigrafico, sono solo corredati dalla “firma”: *Albanus fecit*. Uno di essi è conservato al Rijksmuseum G.M. Kam di Nijmegen ma se ne sconosce il luogo di provenienza (fig. 5)⁹, mentre l’altro è parte di una collezione privata ed anch’esso privo di indicazione circa il contesto di rinvenimento (fig. 6). Ciononostante è possibile inquadrare cronologicamente i due specchietti, su base paleografica, al II-III secolo d.C. I due esemplari presentano la medesima decorazione: in entrambi i casi, infatti, la cornice è lavorata a giorno con l’inserimento di un’apertura circolare in ciascun angolo destinata ad accogliere una piccola lastrina di vetro come è evidente nello specchietto olandese ove ancora si conservano. L’iscrizione *Albanus fecit*¹⁰, distribuita su due righe, corre rispettivamente nella parte alta ed in quella bassa della cornice, mentre sulla parte destra e su quella sinistra sono raffigurate due colonne. I due specchietti sono evidentemente attribuibili alla stessa *officina* ma sono prodotti con matrici differenti come mostrano alcuni dettagli quali l’andamento dell’iscrizione, la scanalatura delle colonne, più obliqua nell’esemplare olandese e più orizzontale nell’altro, e la presenza, in quest’ultimo, di un motivo decorativo realizzato con tre S sopra e sotto l’iscrizione che, invece, nello specchietto di Nijmegen ricorre solo nella parte superiore del testo epigrafico. L’uso di più matrici per la realizzazione di un medesimo tipo di specchietto è senza dubbio un’indicazione interessante per quanto riguarda le modalità di produzione di questo genere di manufatti, evidentemente realizzati in serie numerose.

Alcune analogie formali che accomunano gli specchietti a firma *Albanus* potrebbero indurre a ritenere che si tratti in tutti i casi dello stesso produttore la cui *officina* non possiamo però, per il momento, ubicare sul territorio.

Alla categoria dei *plumbari* va probabilmente ascritto anche *Felicissimus* (fig. 7) che firma uno specchietto rinvenuto a Cuccureddus (Villasimius, Cagliari)¹¹ databile al II-III secolo d.C. L’esemplare di tipo circolare senza ma-

⁸ Cfr. Baratta 2009.

⁹ van Buchem 1976, p. 8 e Lloyd Morgan 1981, p. 104-105, nr. 2.

¹⁰ Per quanto riguarda l’esemplare di Nijmegen van Buchem non aveva a suo tempo letto il nome mentre Lloyd Morgan suppone *Virianus*, cfr. nota precedente.

¹¹ Marras 1992, p. 160, nr. 9 che non riconosce il pezzo come cornice di specchio. Per la lettura si può proporre *Felicissim[us.....]* con S retrograda o, in laternativa *Felicissim[i.....]*.

nico e con la decorazione geometrica apposta solo sul lato anteriore, ove corre anche il testo epigrafico, è purtroppo mancante di quasi due terzi. La perdita di buona parte dell'iscrizione non consente pertanto di stabilire con certezza se il nome fosse o meno accompagnato da un sostantivo o un verbo destinati a qualificare l'attività specifica del personaggio citato. E' impossibile, sulla base dei dati a disposizione, avanzare ipotesi attendibili sull'eventuale ubicazione dell'*officina* di produzione che non si può scartare fosse sarda¹².

Probabilmente un produttore di specchietti è attestato anche a Roma. Infatti dal Tevere proviene una "borchia di piombo (diam. m. 0,05) ornata con foglie e fave e con una rotella nel centro intorno alla quale si legge in rilievo¹³ "P. Staenius o Saenius fecit. La descrizione del pezzo, che non è stato possibile vedere, e le sue dimensioni possono effettivamente far pensare ad uno specchio plumbeo. Purtroppo, però, senza una autopsia diretta del reperto, non è possibile andare oltre la mera citazione del pezzo.

Diverso appare il caso di *Brutus* e *Lollianus* (fig. 8-11), i cui nomi sono attestati su alcuni specchietti rinvenuti in una stipe votiva a Sucidava. I due personaggi ingenui, come sembra desumersi dalla loro onomastica, sono chiaramente legati alla realizzazione della matrice degli specchietti, la *forma* appunto¹⁴. Infatti, nel caso del primo, del quale, allo stato attuale, è noto un solo specchietto con testa circolare e manico decorati anteriormente con un'alternanza di soggetti geometrici e che sul retro, privo di decorazione, reca in rilievo in caratteri attuari il testo: *F[or]mam Brutus [f]ec(it)*¹⁵. *Lollianus* è invece attestato su una dozzina di esemplari di un tipo di specchietto analogo nella forma ma differente quanto a decorazione che sul retro liscio e senza elementi decorativi reca il testo *Forma(m) Lollianus fecit*¹⁶. Risulta difficile stabilire con le poche informazioni a disposizione se le matrici si realizzassero o meno nella stessa *officina plumbaria* in cui venivano fusi gli specchi e se gli stessi artefici

¹² Alla categoria dei *plumbarii* appartengono forse anche due personaggi Διογένης ed 'Εὐτύχης i cui nomi, sempre che la lettura sia corretta, ricorrono su alcuni specchietti plumbei conservati al Museo Nazionale di Budapest ed attualmente in fase di studio da parte del collega Adam Szabo che ringrazio per avermi mostrato i pezzi.

¹³ *CIL* XV 8012. Cfr. anche Tomassetti 1890.

¹⁴ Plinio, nat. hist., 36, 168 attesta l'uso del termine *forma* per la realizzazione di matrici destinate alla fusione del bronzo: "...ex iis formae fiunt, in quibus aera funduntur". Ad *Aquincum* è stata rinvenuta una matrice per lucerne sull'esterno della quale è incisa l'indicazione *Fabi fecit for(mam)*, AA.VV. 2009, p. 155, nr. 876. Si tratta di un dato interessante perché indica chiaramente che pur non comparando il nome dell'autore della matrice sulla lucerna all'interno della *figlina*, la firma delle matrici aveva però una certa importanza forse per questioni legate alla catena di produzione. Più in generale sulla *forma* vedi Thédénat 1896.

¹⁵ Tudor 1959, p. 429, nr. 40.

¹⁶ Nove esemplari sono pubblicati in Tudor 1959, p. 427, nr. 10-18 mentre gli altri sono presenti in diverse collezioni private.

delle matrici siano stati o meno al contempo anche dei *plumbarii*, cioè coloro che materialmente hanno prodotto gli oggetti in piombo¹⁷. Certo è che la creazione delle matrici richiedeva mano d'opera specializzata nel disegno, per la concezione, e, per la realizzazione materiale delle singole *formae*, nell'arte dell'intaglio del materiale di cui si compongono, in genere pietra, come è evidente dai pochi esemplari di matrice per specchietti plumbei sinora noti¹⁸. Quanto a *Brutus* e *Lollianus* si deve supporre che fossero attivi nella stessa bottega, data l'estrema somiglianza non solo del tipo formale degli specchi in questione ma anche dei caratteri paleografici di tipo attuario utilizzati per i testi epigrafici, in tutti i casi retrogradi, e che, in considerazione del fatto che gli specchietti realizzati con la loro matrice non sembrano, almeno per ora, attestati fuori Sucidava va verosimilmente cercata in questa città. Il tipo di scrittura utilizzato consente di inquadrare cronologicamente questi specchietti alla fine del II secolo d.C. o al III secolo d.C., un dato confermato anche dal contesto archeologico.

Questa manciata di firme consente alcune riflessioni sui personaggi coinvolti nella realizzazione degli specchietti in piombo e sulla loro produzione. Innanzitutto si evidenzia l'appartenenza sociale dei pochi personaggi noti che appaiono di condizione non servile: per Κυίντος Λικίνιος Τουτεινος si può ipotizzare lo status di *peregrinus* di origine gallica, mentre *Brutus* e *Lollianus* sembrano piuttosto degli ingenui quali probabilmente erano anche *Albanus* e *Felicissimus*. Risultano inoltre evidenti almeno due importanti fasi nella catena produttiva di questa classe di materiale: la concezione e la realizzazione delle matrici e la fabbricazione degli specchietti. Si tratta evidentemente di due momenti distinti della produzione degli specchi plumbei forse legati anche a differenti *officinae* in cui operava manodopera specializzata in un caso nella produzione delle matrici e nell'altra nella elaborazione di oggetti in piombo. Questa seconda fase sembra quella più importante ai fini dell'identità della produzione poiché i nomi dei *plumbarii* appaiono sempre sulla faccia principale degli specchietti mentre agli artefici della *forma* è destinata la parte posteriore. Purtroppo le informazioni in nostro possesso non consentono, almeno allo stato attuale, di affermare che nelle *officinae plumbariae* si producessero diversi oggetti in piombo o piuttosto il contrario che, cioè, si trattasse di atelier specializzati in determinate produzioni.

¹⁷ Tali li riteneva D. Tudor, Tudor 1959, p. 425.

¹⁸ Vedi Baratta 2010b; Benea 2007, pp. 540-541; Ciugudean 1994; Băluță 1997; Benga 2003.

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Illustrazioni

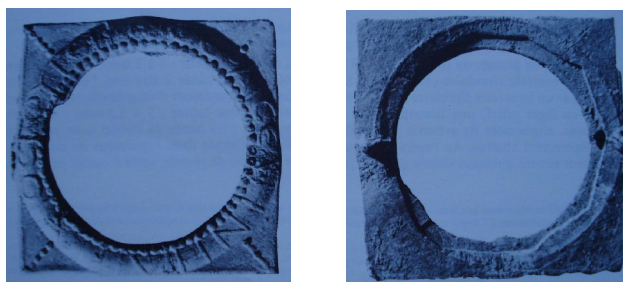


fig. 1a-b Specchietto in piombo da Saint-Côme-et-Maruéjols con dedica a Selene, da Barruol 1985, p. 344, fig. 2.

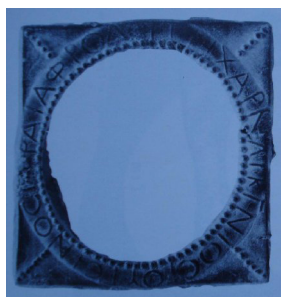


fig. 2a-b Specchietto in piombo da Tarascon con dedica ad Afrodite, da Barruol 1985, p. 351, fig. 12.

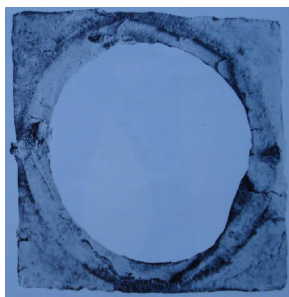


fig. 3 Specchietto in piombo da Xanten con indicazione del luogo di produzione, da Barruol 1985, p. 358, fig. 20.

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fig. 4 Trascrizione del testo epigrafico dello specchio di Moyland, da Fulda 1877, p. 76.



fig. 5 Specchietto conservato a Nijmegen, da van Buchen 1976, p. 8. Fig. 7.



fig. 6 Specchietto da collezione privata



fig. 7 Restituzione grafica dello specchietto frammentario di Cuccureddus, da Marras 1992, tav. I, nr. 9.

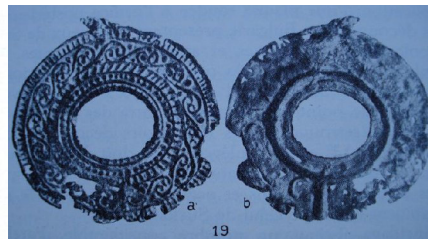


fig. 8 Specchio con la firma di *Brutus* da Sucidava, da Tudor 1959, p. 422, fig. 3, 19.

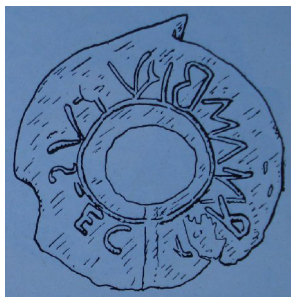


fig. 9 Restituzione grafica dello specchio con la firma *Brutus*, da Tudor 1959, 1, 7.

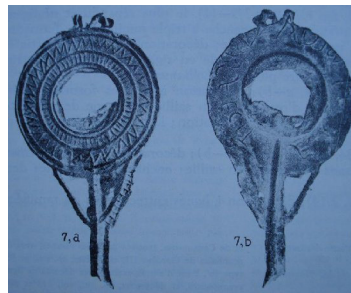


fig. 10 Specchietto con la firma di *Lollianus* da Sucidava, da Tudor 1959, p. 418, fig.

p. 429, fig. 6, 4.

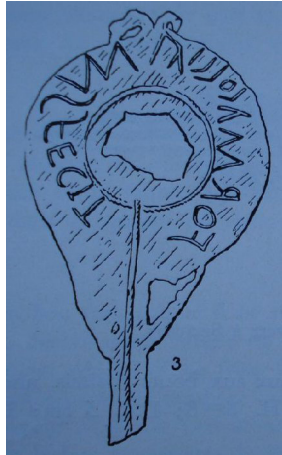


fig. 11 Restituzione grafica dello specchio con la firma *Lollianus*, da Tudor 1959, p. 429, fig. 6, 3.

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**TO A BEAUTIFUL SOUL
INSCRIPTIONS ON LEAD MIRRORS**

**(COLLECTION OF ROMAN ANTIQUITIES,
HUNGARIAN NATIONAL MUSEUM)¹**

BY GYÖRGY NÉMETH – ÁDÁM SZABÓ

Abstract: There is a collection of several hundred small Roman lead mirrors (former private collection) in the Hungarian National Museum. Greek or Latin inscriptions can be read on 17 mirrors. The present study publishes these items along with the drawings of the inscriptions. Such mirrors were found mainly in graves of women, functioning as escorts to the souls of the dead and as apotropaic amulets.

Keywords: Lead mirror, funeral cult, prophylactic eye, apotropaic function.

Small lead-frame mirrors are not unknown for archaeologist of Roman Pannonia, yet these objects have been scarcely processed so far. Such mirror frames have been excavated in graves of young women, cf. e.g. Western Cemetery of Aquincum, Bécsi Road Grave 112. (“The insufficiently preserved, but complete skeleton of a juv f was found in the shallow pit.”)² As we often find further furniture belonging to female cosmetics in these graves (in the case of Grave 112: bone hair-pin, necklace, silver ring, etc.), it is tempting to interpret these mirrors as some utensils for primping. However, this interpretation would be obviously wrong, since the glass surface embedded in the small mirrors is normally not bigger than 2cm in diameter, thus these objects cannot be used as

¹ The present study was accomplished with the support of the K 81332 programme (Parallel researches in Ancient Magic) of the OTKA Fund. The authors also express their gratitude to István Vida and Judit Kardos for their help.

² *J. Topál*, Roman cemeteries of Aquincum, Pannonia. The Western Cemetery, Bécsi Road I. In: *Aquincum Nostrum I.* Budapest 1993, 49. Further finds, cf. *J. Topál*, Roman cemeteries of Aquincum, Pannonia. The Western Cemetery, Bécsi Road I. In: *Aquincum Nostrum.* Budapest 2003, 128; *P. Zsidi*, Gods, soldiers, citizens in Aquincum. Budapest 1995, No. 468, p. 71; *P. Zsidi* (ed.), *Visual store at Aquincum.* Budapest 2009, Nr. 829, p. 151. Aquincum, Military Town, cemetery Nord (Budapest, Kaszás-dűlő – Raktárrét), Grave 209: woman (30-60 years old), further furniture: bronze earring, jet pearl.

mirrors. Being far too soft and vulnerable, lead is not suitable, either, to make utensils for everyday use. Giulia Baratta summarized the provenances of lead mirrors (outside Pannonia, mainly 2nd-3rd centuries AD): these objects are found either in shrines (with dedications to Selene, Aphrodite, Venus, Isis, Hera or to the Nymphs), i.e. as votive gifts in cults of women, or in cemeteries.³ In the graves we can interpret the small mirrors as grave furniture for the deceased and not as objects for personal use. The mirror frames were made of lead not only because it was cheap and easy to shape (mirror frames were moulded in matrix), but also because the colour and the weight of lead traditionally associated it with the underworld and with magic.⁴ We can be sure that lead mirrors, being parts of the funeral cult, belonged to the grey zone between religion and magic, thus they form an object group of religious-historical significance, especially if we consider the inscriptions of the mirror frames.

The Hungarian National Museum purchased a private collection containing a great number of small lead mirrors. Provenance of the mirrors is unknown; the object types are common in the provinces of the central Danube region, i.e. in Dacia, Pannonia, and Moesia. While processing the collection, we noticed that Greek or Latin inscriptions run on the frame or sometimes even on the shaft of certain mirrors.⁵ By publishing 19 lead mirror inscriptions, Giulia Baratta started the systematic processing of the epigraphs on this object group.⁶ We wish to contribute to this processing by publishing the inscriptions in Budapest.

Catalogue

1.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.364

Measures: 41.15 x 50.38 x 1.87 mm; weight: 13.80 g; mirror hole diameter: 23 mm

³ *G. Baratta*, Uno specchietto in piombo da Urbs Salvia. *Picus* 29 (2009) 67-74.

⁴ Cf. PGM IV 2130; VII 397; 432; 925; X 37. A good example: *R. Wunsch*, *Defixionum tabellae*, IG III, 3. Appendix. Berlin 1897, Nr. 105: "As this lead (tablet) is cold and soulless, so be (the body) of the inscribed ones cold and soulless". Nr. 95: "his tongue be turned into lead". Nr. 96: "his soul be turned into lead", etc.

⁵ In March 2010 we examined the inscriptions in the company of Marc Mayer Olivé (Barcelona) and Giulia Baratta (Macerata) in the Hungarian National Museum. We wish to express our gratefulness to them for their help in refining the readings.

⁶ *G. Baratta*, La bella e lo specchio: alcune iscrizioni Greche su specchietti in piombo. In: *A. Martínez Fernandez* (ed.), *Estudios de Epigrafía Griega La Laguna* 2009, 427-454.

Inscription:

ΨΥΧΗ | ΚΑΛΗ | Η

ψύχη καλή

To a beautiful soul



ΨΥΧΗ
ΚΑΛΗ
Η

Epigraphic commentary: Dative not denoted. Inscription 1 and 2 is also known in the same form from the collection of G. Baratta, thus it is considered the most common mirror inscription.⁷

2.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.572

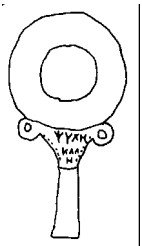
Measures: 39.81 x 76.55 x 1.90 mm; weight: 15.43 g; mirror hole diameter: 20 mm

Inscription:

ΨΥΧΗ | ΚΑΛΗ | Η

ψύχη καλή

To a beautiful soul



3.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.576

Diameter: 42.33 mm; weight: 17.75 g; mirror hole diameter: 20 mm

Inscription:

ΔΩΡΟΝ ΤΗ ΚΑΛΗ

δῶρον τῆ καλή

Present to the beautiful woman



⁷ G. Baratta, op. cit. (note 6) 427-454.

Epigraphic commentary: Cursive omega and lambda; rho, nu and kappa mirrored; dative not denoted. The inscription is also known in the form: τὸ καλῆ τῆ δῶρον (to the beautiful woman the present).⁸

4.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.476

Measures: 45.83 x 1.45 mm; weight: 15.43 g; mirror hole diameter: 18 mm

Inscription:

EY | TY | X | ω

Εὐτυχῶ[ς]

Successfully (?)



Epigraphic commentary: Lunar epsilon, cursive omega, next to T a V shaped upside down. The EY is on the right side of the mirror frame with retrograde writing, TY on the left side, X on the upper edge, and an ω turned 90° on the bottom. Eutycho is a female name, cf. e.g. IG IX, 2, 1315 (Thessalia, II/III^c AD), IG II² 7086 (Athens, II/III^c AD), IG II². (Athens, imperial era), LGPN III. A 180 (Argos, V/VI^c AD). If Eutycho is the name of the deceased woman, then (in accordance with τῆ καλῆ) we can expect a dative form but Εὐτυχῶς is masculine dative, which can be excluded. However, in the case of prefabricated mirrors it is difficult to imagine that such a mirror was manufactured separately for a deceased (young) woman. We might consider Eutycho as a certain female death demon (the name meaning: “good luck”), whose mission was to accompany the spirit of the dead woman to the underworld. The spirit of a man was normally carried by a male death deity (Thanatos), while that of a woman by a female deity or demon. If a man is taken away by a female death demon, then his fate will be oblivion.⁹

It is more probable to assume that the inscription refers to a defective form of the adverb *eutychōs* (successfully). This corresponds with the meaning of the Latin *felix*. The absence of sigma may be explained by the effect of Christianity.

⁸ G. Baratta, op. cit. (note 6) 428.

⁹ J.-P. Vernant, Figures féminines de la mort en Grèce. In: J.-P. Vernant L'individu, la mort, l'amour. Paris 1989, 131-152.

The four groups of letters are placed in the form of a cross, with the letter chi at the top, omega at the bottom. Perhaps these letters occupy their position as a result of the Christian alpha–omega, while a seemingly redundant sigma is omitted. This assumption is justified by Inscription 5, which gives the full word in a (more or less) cross shape, supplemented by the (probably Christian) symbol of a dove.

5.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.595

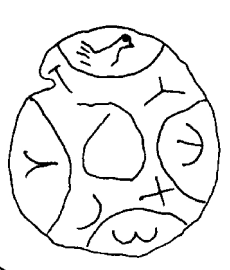
Measures: 44.19 x 1.58 mm; weight: 13.43 g; mirror hole diameter: 19 mm

Inscription:

E | Υ | Τ | Υ | Χ | ω | C

Εὐτυχῶς

Successfully



Epigraphic commentary: Lunar sigma and lunar epsilon, cursive omega. Epsilon on the right side of the mirror frame, upsilon on the left, ΤΥ on the top edge on either side of a dove, and ΧωC in retrograde writing at the bottom. The reading of the inscription follows the shape of the cross. It has an uncertain relationship with Inscription 4, the only difference being the word final sigma (see above).

6.

Provenance: unknown

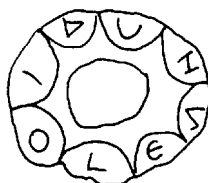
Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.473

Measures: 55.38 x 1.58; weight: 22.50 g; mirror hole diameter: 23 mm

Inscription:

ΔΙΟΓΕΝΗΣ

Διογένης



Epigraphic commentary: Retrograde inscription, lunar epsilon and sigma, reversed nu. The inscription obviously refers to the name of the craftsman who had manufactured the mirror, though it is normally not indicated in the case of this object type.

7.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.574

Measures: 37.8 x 73.59 x 1.97; weight: 20.72 g; mirror hole diameter: 15 mm

Inscription:

SERVASEROTIVOC

Servas Eroti voc(as)

You call the maid servants of Eros



Epigraphic commentary: The inscription running on the shaft, SERVA, continues on the right side of the round frame of the mirror (SEROTI VOC), then AS is supposed to be read again from the end of servas. This Latin inscription fits well the sexuality/fertility aspect of female cults, though the definition “maid servants of Eros” is more characteristic of prostitutes.

8.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.560

Measures: 41.21 x 1.74; weight: 10.87 g; mirror hole diameter: 16 mm

Inscription:

[SER]VASEROTIV[O]C

[Ser]vas Eroti v[o]c(as)

You call the maid servants of Eros



Epigraphic commentary: Regarding the texts and letter shapes, cf. Inscription 7, which was probably moulded in the same matrix.

9.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.617

Measure: 38.76 x 1.40; weight: 15.43 g; mirror hole diameter: 15 mm

A piece of glass remained in the hole of the mirror frame.

Inscription:

LAVINIA

Lavinia



Epigraphic commentary: Word initial L is uncertain, the right side of A is visible, the two notches of V do not meet, I is confused (resembling K), the reading of NIA is certain. The interpretation is uncertain. Lavinia appears on a sarcophagus (manufactured around 170–180 AD) during her wedding ceremony with Aeneas, and probably the same scene was depicted on another fragmentary sarcophagus. A series of painted images from the columbarium (dated to the early imperial period) next to Porta Maggiore in Rome can also be attached to the sepulchral theme.¹⁰ The wedding scene of Lavinia often appears in cemeteries, thus the name engraved on a lead mirror found as grave furniture is not accidental. The wedding itself can be attached to the “servas Eroti vocas” love motif found on other lead mirrors. The renaissance of the Roman mythic origins and certain related religious phenomena can be observed in a different relation as well from the first half of the 2nd century AD. Emperor Hadrian renewed the Lavinian cult, which was an ancient ritual of the Latin League, and ordered equestrian priests to serve the cult as flamen or sacerdos Laurens Lavinias or Laurentium Lavinatum. Members of this priesthood appeared also in the Danube region.¹¹

10.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.622

Measures: 39.47 x 1.13; weight: 13.41 g; mirror hole diameter: 15 mm

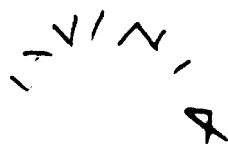
¹⁰ F. Gury, Lavinia, LIMC VI. 1. Zürich – München 1992, 229–230.

¹¹ Cf. G. Wissowa, Religion und Kultus der Römer, München 1912, 520-521; Chr. Saulnier, Laurens Lavinias. Latomus 43 (1984) 517-533; Szabó Á., Daciai papság [Priests of Dacia]. Budapest 2007, D 8, 70, 76, p. 179.

Inscription:

LAVINIA

Lavinia



Epigraphic commentary: Word initial L is uncertain, the right side of A is visible, the reading of NIA is certain. This item seemingly shared a common mould with that of Inscription 9 and 11.

11.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.501

Measures: 39.80 x 1.52 mm; weight: 10.81 g; mirror hole diameter: 15 mm

Inscription:

L.VINIA

L[a]vinia

L VINIA



Commentary: This item seemingly shared a common mould with that of Inscription 9 and 10.

12.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.640

Measures: 51.84 x 49.72 x 1.93 mm; weight: 41.74 g; mirror hole diameter: 23 mm

Inscription:

On the frame of the mirror:

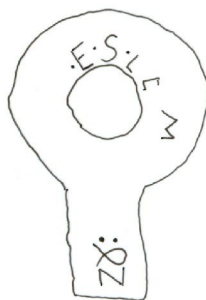
•E•S•L E..M

On the shaft of the mirror:

ZOY:

esle m

ζου:



Epigraphic commentary: Letters of a considerably worn and incomplete Latin inscription can be read on the frame of the mirror. The reading of E and S is certain, the top part of L and of the second E is worn off. On the shaft of the mirror we can read Z and an O-Y ligature before a colon. As the bulk of the shaft is broken off, this can stand for a part of a longer word, though we have very few words ending in -zou. Z can also be read as N.

13.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.440

Measures: 58.91 x 58.76 x 1.80 mm; weight: 28.91 g; mirror hole diameter: 30 mm

Inscription:

V I E K E F E L I X

VTEREFELIX

BENE

Utere felix

bene



Use it with good luck!

B E N E

Epigraphic commentary: N in *bene* is mirrored.

14.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.446

Measures: 57.88 x 58.42 x 1.25; weight: 26.58 g; mirror hole diameter: 31 mm

Inscription:

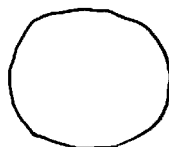
V T E R E F E L I

VTEREFELI.

BENE

Utere feli[x]

bene



B E N E

Use it with good luck!

Epigraphic commentary: I is written over the horizontal hasta of L.

15.

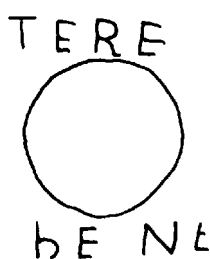
Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.448

Measures: 56.18 x 58.5 x 1.34 mm; weight: 27.96 g; mirror hole diameter: 30 mm

Inscription:

.TERE
BENE
[U]tere [felix]
bene



Use it with good luck!

Epigraphic commentary: I is written over the horizontal hasta of L. On the basis of size, letter shapes and the stylized clusters of grapes surrounding the letters, this item shared a common mould with that of Inscription 16 and 17.

16.

Provenance: unknown

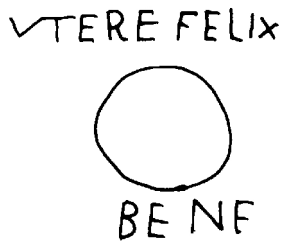
Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.452

Measures: 56.16 x 56.97 x 1.48 mm; weight: 27.38 g; mirror hole diameter: 30 mm

Inscription:

VTERE FELIX
BENE

Utere felix
bene



Use it with good luck!

Epigraphic commentary: On the basis of size, letter shapes and the stylized clusters of grapes surrounding the letters, this item shared a common mould with that of Inscription 15 and 17.

17.

Provenance: unknown

Collection: Hungarian National Museum (Budapest), inv. no.: MNM RR 2010.3.456

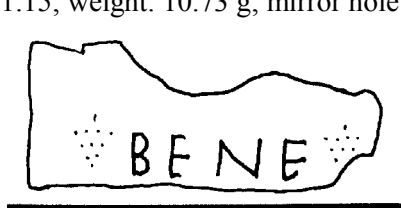
Measures: 56.41 x 23.34 x 1.15; weight: 10.73 g; mirror hole diameter: 25 mm

Inscription:

BENE

[Utere felix]

bene



Use it with good luck!

Epigraphic commentary: The lower part of the rectangular fame remained. On the basis of size, letter shapes and the stylized clusters of grapes surrounding the letters, this item shared a common mould with that of Inscription 15 and 16.

Supplementum¹²

18.

Provenance: Intercisa, cemetery

Collection: Hungarian National Museum (Budapest), inv. no.: MNM 90.1908.145

Measures: 60 mm high; 60 mm wide; mirror hole diameter: 30.3 mm

Date: 4th c. AD.

Inscription:

VTEREFELIX

BENE

¹² The following inscriptions do not belong to the items of the recently acquired collection, but these are also kept in the Hungarian National Museum.

Utere felix
bene

Use it with good luck!

Epigraphic commentary: N in *bene* is mirrored. Similarly to the next item, this one was found in the cemetery of Intercisa.¹³ The basic meaning of felix is “fertile”, which suits well to the common female milieu of lead mirrors.

19.

Provenance: Intercisa, cemetery
Collection: Hungarian National Museum (Budapest), inv. no.: MNM
28.1908.331
Measures: 60 mm high; 60 mm wide; mirror hole diameter: 30.3 mm
Date: 4th c. AD.

Inscription:

VTEREFELIX
BENE

Utere felix
bene

Use it with good luck!

Epigraphic commentary: N in *bene* is mirrored. Similarly to the previous item, this one was found in the cemetery of Intercisa.¹⁴

All inscriptions show female characteristics, aiming at beauty, fertility, and the beautiful female soul as an addressee. Since lead mirror frames have been found in graves of women (at least in Pannonia), it is probable that the mirrors were expected serve as ritual/magical tools to facilitate souls of dead women in

¹³ E. Tóth, Römische Metallgegenstände mit Inschriften im Ungarischen Nationalmuseum: instrumenta domestica. *Folia Archaeologica* 32 (1981) 146-147. Nr. 37-38. AE 1981, 717 a-b. Cf. G. Baratta, Nota su un frammento di specchio in piombo. *Sylloge Epigraphica Barcinoonensis* 6 (2008) 55-58.

¹⁴ E. Tóth, op. cit. (note 13) 147.

the afterlife. The glass built into the mirror frame often had triangular shape, which resembles the so-called prophylactic eye, thus the mirrors (as pieces of grave furniture) may have had an apotropaic function as well. The same conclusion can be accepted – at least *mutatis mutandis* – in the case of grave furniture without inscriptions, too.

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NUEVAS OBSERVACIONES DE LECTURA DE UNA MATRIZ DE MOLDE PARA *CRVSTVLA* DE *AQVINCVM*

MARC MAYER I OLIVÉ

Abstract: The paper examines again a form of the well-known crustula from Aquincum, and suggests some new possibilities for various readings of the lectio vulgata.

Keywords: epigraphy, Roman ceramics, archaeology, Aquincum, crustulum, Marcus Aurelius, Lucius Verus, Roman Empire.

La matriz de la que nos ocupamos ha sido ya publicada en diversas ocasiones y constituye, sin duda, uno de los elementos más destacados del *instrumentum inscriptum* de *Aquincum*, tanto por su calidad como por la rareza del soporte. Son conocidos en *Aquincum* un número relativamente importante de moldes de lo que razonablemente se ha supuesto que fueran *crustula*¹, es decir las tortas o galletas que se reparten con motivo de celebraciones entre los asistentes a las mismas. Se trata por lo que parece de una especie de pan, galleta o pastel, que podía ser dulce, hecho fundamentalmente de harina².

¹ Véase en primer lugar *B. Kuzsinszky*, A gázgyári római fazekastelep Aquincumban (Das grosse römische Töpferviertel in Aquincum bei Budapest), *BudRég* 11 (1932) pp. 1-423, esp. pp. 218-245 y pp. 234-236, fig. 241, para el que nos ocupa, cf. además *P. Zsidi – P. Hárshgyi – P. Vámos*, Aquincumi látványraktár [Visual store at Aquincum]. A BTM Aquincumi Múzeuma állandó kiállításának katalógusa [Catalogue of the permanent exhibition of the Aquincum Museum] Budapest 2009, núms. 566, p. 130, con escena erótica, interpretada como figuración de *Danae*, 9,5 cm. de diámetro; núm. 567, p. 130, que representa al dios Mercurio sobre una cabra, 11,5 cm. de diámetro; núm. 568, el emperador Marco Aurelio en un carro triunfal, 23,2 cm. de diámetro; núm. 570, p. 131, Pan con las manos atadas a la espalda con una cabra enfrente en una viña, 9 cm. de diámetro, que podría ser también una matriz para *crustulum*; y núm. 572, p. 131 del que nos ocuparemos en este trabajo. Cf. además, *A. Alföldi*, Tonmodell und Reliefmedaillons aus den Donauländern. In: *Laureae Aquincenses memoriae Valentini Kuzsinszky dicatae* (Dissertationes Pannonicae, II, 10), vol. I. Budapest 1938, pp. 312-341, láms. XLVIII-LXXV, esp. pp. 323 y 329, y lám. XLIX, 2, para la matriz que nos ocupa y que pone en relación con la escena de *adventus* de otro medallón de *Cibalae* en Croacia, p. 333, lám. LVI, 3.

² Cf. ThL, s.v. “*crustulum*”, col. 1254, y s.v. “*crustum*”, cols. 1254-1255, (*E. Lommatzsch*). En Schol. Iuv. 9,5 se define como *crustula*, *species operis pistorii, placenta*. Son formas alternativas seguramente propias de la lengua vulgar o usual: *crustum* y *clustrum*.

El reparto de *crustum* o *crustulum* et *mulsum* es una costumbre romana que tenemos bien documentada en la epigrafía, la cual nos presenta un notable elenco de ocasiones en las cuales se procedía a estos repartos³. Un caso realmente singular es el reparto de *crustulum* y *mulsum* reservado sólo a las mujeres, *solis mulieribus*, con motivo de la celebración del cumpleaños de la emperatriz, *natale Augustae*, datado precisamente en el 18 d.C. y correspondiente a las cercanías de *Forum Clodii*, cerca del lago de Bracciano⁴. Un hallazgo en Westheim cerca de Augsburg con representación de Isis y Serapis, de inicios del siglo III d.C, nos da una buena muestra de matriz de molde de este tipo, que es considerada, sin embargo, como un medallón, que en razón de su inscripción es atribuido a un regalo de año nuevo, quizás una nueva fecha a proponer para regalos de *crustula* de este tipo⁵. De la misma procedencia, y considerada en este caso como una tapa de recipiente de culto, es otra matriz para hacer moldes de *crustula* con representación central de Isis, Serapis, Anubis y Harpócrates⁶. Podemos quizás atribuir al mismo tipo de productos el molde hallado en *Vertillum*, Vertault, Francia, considerado, quizás con razón, como matriz para hacer medallones⁷. En el mismo caso podemos situar los discos de “terracotta” con representación de Isis y Serapis de Arles y de Como, de dimensiones reducidas semejantes al anterior, y publicados como apliques decorativos, quizás para los vasos que contenían vino y miel destinados a los regalos de fin de año, un ámbito en que parecen haberse especializado estos elementos isíacos⁸. Podemos decir, en cambio, que la matriz y el molde hallados en *Emona*, Ljubljana, Eslovenia, han sido propuestos, en nuestra opinión correctamente, como destinados

³ ILS index, p. 911, para la lista de estas inscripciones. Un ejemplo de la ciudad de Roma en CIL VI 36.604

⁴ CIL XI 3303 = ILS 154

⁵ Conservado en el Römisches Museum de Augsburg, núm. inv. VF 66/2, cf. E. A. Arslan et alii (dirs.), *Iside, il mito, il mistero, la magia*, Milano 1997, p. 557, ficha VI. 11 (G. Clerc). Cf. A. Alföldi, *Tonmodell...*, pp. 314-316 y 326-327.

⁶ Conservado también en el Römisches Museum de Augsburg, núm. inv. VF 66/10, cf. E.A. Arslan et alii, dirs., *Iside...*, ficha VI. 12 (G. Clerc).

⁷ Cf. E. A. Arslan et alii (dirs.), *Iside...*, p. 556, ficha VI. 9 (G. Clerc), conservado en el museo de Châtillon sur Seine, con la indicación de que fue adquirido en 1894. Se trata en este caso de un molde y no de una matriz para hacer moldes. Se considera que sirvió para hacer medallones de terracota, por nuestra parte creemos que podemos ponerlo en paralelo con los demás ejemplos que tratamos, aunque es de menores dimensiones, ya que tiene sólo 10 cm. de diámetro, lo que daría lugar a un *crustulum* de aproximadamente la mitad de tamaño que los de las otras matrices o moldes que citamos.

⁸ Cf. E. A. Arslan et alii (dirs.), *Iside...*, p. 281, fichas IV. 321 y IV. 322, respectivamente, (C. Compostella), están conservados en el Musée lapidaire d'Art de Arles, núm. inv. 663, el primero de 7 cm. de diámetro, y en el Civico Museo Archeologico de Como, núm. inv. E 1394, E 2445, el segundo de 11,5 cm. de diámetro. En el caso de este último se halló con él otro medallón o matriz semejante con una escena erótica.

a la confección de dulces para año nuevo, en ambos casos presentan motivos isíacos con representación probable en uno de ellos, ya que está fragmentado, de Isis, Serapis y Harpócrates en un caso, y de Anubis Harpócrates e Isis en el otro⁹. Por último podemos mencionar el denominado “Brotmodel” de *Teurnia*, hallado en 1971 en Lendorf, en Carintia; se trata evidentemente de una matriz para hacer moldes de pan o dulces, que presenta como decoración una escena circense, una carrera de cuadrigas, que parece desarrollarse en el marco del circo Máximo de Roma con una perspectiva simplificada, en el zócalo de la *spina* presenta una inscripción alusiva que dice: *hic munus hic circus*¹⁰.

Conocemos vasos reservados o destinados a contener, posiblemente, el *mulsum* para este tipo de celebraciones, como sería el caso de los de paredes finas del alfar de La Maja, Pradejón, en La Rioja, junto a *Calagorri*, la actual Calahorra¹¹.

Volviendo ya a nuestro objeto, la matriz para hacer moldes, *formae*¹², para *crustula* de la que nos vamos a ocupar tiene un diámetro de 20,5 centímetros y es de cerámica cocida, “terracotta”, de color marrón amarillento. No se trata, evidentemente, de una pieza inédita sino que ha sido publicada ya en diversas ocasiones, como ya hemos indicado al inicio de estas páginas¹³. Nuestra aportación en este caso va a ser una nueva propuesta de lectura de las inscripciones presentes en la misma que difieren en gran medida de la lectura hasta ahora propuesta y añade la identificación de un nueva parte inscrita. Hay que notar que las letras al tratarse de una matriz están en relieve. En cuanto a la significa-

⁹ Cf. E. A. Arslan et alii (dirs.), *Iside...*, p. 560, ficha VI. 16 y VI. 17, respectivamente. (G. Clerc), en la sección de antigüedad del Kunsthistorisches Museum de Viena, núms. de inventario V 2738 y 2739.

¹⁰ Cf. G. Piccotini, *Die Römer in Kärnten. Ein Carinthia-Führer zu den wichtigsten römerzeitlichen Ausgrabungen und Denkmälern des Landes*. Klagenfurt 1989, núm. 5, p. 276. La matriz tiene un diámetro 12,2 cm. Y se halla conservado en el Ausgrabungsmuseum Teurnia. Cf. además F. Glaser, “HIC · MVNVS · HIC · CIRCVS. Ein Tonmedaillon aus Teurnia”, *ÖJh*, 52 (1978-1980), pp. 115-120, menciona otros ejemplares del mismo tipo de objeto en p. 117; e Id., *Die römische Stadt Teurnia*, Klagenfurt 1983, pp. 67-68, lám. 8.

¹¹ Cf. M. Mayer, *Los Xenia* de Marcial clave de interpretación de un vaso figurado del Alfar de La Maja (Calahorra, La Rioja), en J. Iso Echegoyen (ed.), *Hominem pagina nostra sapit*. Marcial, 1900 años después. Estudios XIX centenario de la muerte de Marco Valerio Marcial. Zaragoza 2004, pp. 115-127, con una bibliografía suficientemente indicativa.

¹² Recordemos en este punto la existencia en *Aquincum* de un molde o *forma* para *lucernae*, donde consta explícitamente: *Fabi fecit for(mam)*, cf. P. Zsidi – P. Hárshgyi – P. Vámos, *Aquincumi látványraktár...*, núm. 876, p. 155

¹³ B. Kuzsinszky, *A gázgyári római...*, pp. 235-241; A. R. Facsády, *Az aquincumi terrakotta császárábrázolások* [La représentation des empereurs en terre cuite au Musée d’Aquincum], *BudRég* 30 (1993) pp. 263-272, propone leer *Conc[ordia] Augg. [M.Au]reli e[st Lu]cii* y lo data en 161-168 d.C. Ahora en P. Zsidi – P. Hárshgyi – P. Vámos, *Aquincumi látványraktár...*, núm. 571, p. 131.

ción general de la pieza el cambio de lectura comporta una ligera variación solamente, por cuanto, como veremos, el contenido puede interpretarse del mismo modo que se había hecho anteriormente, aunque el texto no resulte tan explícito como en la lectura supuesta anteriormente.

La matriz representa a dos emperadores que están ligeramente vueltos hacia el centro y flanquean un altar con un águila del cual surge una palma, conformando una iconografía imperial bien conocida y alusiva a la victoria. Dos figuras laterales aladas de las que conocemos otros ejemplares representan sendas victoria que coronan ambos emperadores.¹⁴ La iconografía de ambos emperadores, como ya ha sido bien identificado, corresponde a Marco Aurelio, a la izquierda, y Lucio Vero a la derecha. Los emperadores se presentan togados en una actitud de amistad, que llega casi a una *manuum iunctio*, lo cual resulta muy coherente, especialmente con uno de los letreros que acompaña a dichas imágenes.

La lectura propuesta con anterioridad rezaba en la forma siguiente:

Conc[ordia] / Aug(ustorum duorum)[M(arci) Au]/reli e[t Lu]cii

Una nueva autopsia del objeto¹⁵, realizada con mayor minucia, en marzo del 2010, nos ha permitido confirmar nuestra sospecha de que el *textus receptus* desde su primera edición, y comúnmente aceptado, podía tener una lectura distinta¹⁶.

La búsqueda bibliográfica nos ha llevado a comprobar que anteriormente, en 1938, A. Alföldi se había dado cuenta también de que la lectura era otra y había propuesto seguramente con mayor acierto¹⁷:

Conco[rdiae] / Augu[storum] / feliciter

¹⁴ B. Kuzsinszky, *A gázgyári római...*, pp. 236-237, figs. 242-243; A. Alföldi, *Tonmodell...*, p. 328, lám. L, 2 y 4.

¹⁵ Lo habíamos examinado por vez primera en 1997 y de nuevo en 1999, en el antiguo Museo de *Aquincum*, al estudiar la tegula que contiene versus reciproci un cuadrado mágico cf. M. Mayer – J. Velaza, *Versus reciproci* y cuadrado mágico: la teja de *Aquincum*, en G. Paci (ed.), *ΕΠΙΓΡΑΦΑΙ*. Miscellanea epigrafica in onore di Lidio Gasperini, vol. II, Tivoli 2000 (*Ichnia*, 5), pp. 613-620.

¹⁶ Quiero agradecer aquí la disponibilidad y atención de la directora del Museo de *Aquincum*, la colega Paula Zsisi, que nos ha permitido consultar de nuevo la pieza, nos ha proporcionado unas excelentes fotografías de la misma y nos ha autorizado la publicación de los resultados. Agradezco también al amigo y colega prof. Gy. Németh, que nos acompañó en la autopsia en el Museo de *Aquincum*, y que preparó nuestro acceso a la pieza y también nos ha ofrecido esta prestigiosa sede para exponer nuestro trabajo.

¹⁷ A. Alföldi, *Tonmodell...*, p. 329.

Se dió cuenta también, A. Alföldi, de la existencia de un segundo texto en la parte inferior, que propuso leer:

M. Verus

La nueva lectura que proponemos, a partir del examen directo de la pieza en su estado actual, corresponde a los dos registros inscritos: el primero de ellos situado en la parte central superior de la matriz y el segundo en la parte central inferior de la misma junto a la orla inferior. Los textos, según nuestra propuesta de lectura, serían los siguientes:

a) *Con[cordiae o -cord(iae)] / Aug[ust(orum)] / feli[ci]ter*, o quizás mejor, *Con[cord(ibus)] / Aug[ustis] / feli[ci]ter*

b) *Q(uintus)· M(- - -) Verus [d(edit), d(edicavit), f(ecit)]*, o una forma o abreviación equivalente.]

La mención del nombre de los dos emperadores no sería en consecuencia consignada, y cabría así mejor el contenido de la primera línea, la lectura y la reconstrucción de la segunda línea nos parece la más segura a partir de los restos conservados.

El hecho de que no se mencionen los nombres de los dos emperadores puede hacer que se ponga en duda la identificación de los dos emperadores como Marco Aurelio y Lucio Vero¹⁸, aunque nos parece, sin embargo, mucho más plausible esta hipótesis, que identificar en la representación que estudiamos alguna de las parejas posteriores, incluso la integrada por Marco Aurelio y Cómodo.

El tema de la *concordia*, una virtud especialmente fraternal en el mundo romano, entre ambos emperadores, si se trata, como creemos, de Marco Aurelio y Lucio Vero, se tiene que datar forzosamente entre la muerte de Antonino Pio, el 7 de marzo del 161, que marca el inicio del reinado conjunto y la muerte de Lucio Vero, es decir entre el 161 y el 169 d.C.

La concordia de los Augustos es un tema no desconocido en la propaganda imperial del que tenemos buenos ejemplos epigráficos, como es el caso de una inscripción de Cuicul en Numidia que indica: *Concordiae Augustor(um) imp(eratoris) Caes(aris) M(arci) Aureli Ant(oni)ni Armeniac(i) Medic(i) Par(thic)i maximi p(atr)is p(atr)iae et / imp(eratoris) Caes(aris) L(uci) Aureli*

¹⁸ A. Facsády, *Az aquincumi terrakotta...*, pp. 263-272, para esta identificación. También A. Alföldi, *Tonmodell...*, pp. 323 y 329.

*Veri Armeniaci / Medici Parthici maximi p(atri) p(atriciae)/...*¹⁹, dedicatoria ésta que fue realizada por un edil, *Lucius Gargilius Augustalis*, en función de haber obtenido su cargo, que aumentó la cifra, objeto de su *pollicitatio*, con una subsiguiente *ampliatio* para poder erigir la estatua. Un altar de Vajda-Hunyad localidad situada entre *Sarmizagetusa* y *Apulum* está consagrado en la forma que sigue: *[dis] faventibus et co[n/c]ordia imp(eratorum) evenit qu/od primo adventu suo P. F. S....*, datable en el reinado de Marco Aurelio y Lucio Vero, ya que cita al *legatus Augusti P(ublius) F(urius) S(aturtinus)*, conocido por otras inscripciones²⁰. No estamos, pues, ante un caso excepcional y se corresponde perfectamente con los honores que se rinden a ambos emperadores conjuntamente en muchos otros puntos del imperio romano²¹.

En el caso que nos ocupa nos sentiríamos, sobre todo a la vista del ejemplo de *Apulum*, muy tentados a vincular la celebración, a la que responde la matriz para *crustula*, con la distribución de *crustulum et mulsum* que pudo tener lugar en el curso de una ceremonia o de unos *ludi* que celebrasen el advenimiento de ambos emperadores con posterioridad al 7 de marzo del 161. No obstante puede también referirse a cualquier otra celebración en el decurso de los años siguientes hasta principios del 169, momento de la muerte de Lucio Vero en *Altinum*, es decir, entre ellas, los siete aniversarios del advenimiento de ambos emperadores. Una posibilidad también real sería una celebración de la concordia entre ambos príncipes con motivo de la expedición conjunta en la zona danubiana, especialmente sensible para *Aquincum*, en el año 168 d.C. Menos probablemente, en nuestra opinión, sería ver reflejada una celebración en *Aquincum* del triunfo pártico de Lucio Vero, celebrado en Roma el 12 de octubre del 166. Resultaría, sin embargo, precipitado querer sacar excesivas conclusiones a partir de la iconografía y de los datos epigráficos.

¹⁹ CIL VIII 8300 = ILS 368

²⁰ CIL III 1412 = 7902, = ILS 7155; las inscripciones que citan por entero a este legado son CIL III 943 (= IDR III 4 64), CIL III 1171 (= IDR III 5, 422), CIL III 1177, CIL III 1460 (= IDR III 2, 92). Cf. ahora principalmente sobre CIL III 1171, *I. Piso*, *Inscriptions d'Apulum* (*Inscriptions de la Dacie romaine - III*, 5) (*Mémoires de l'Académie des Inscriptions et Belles-Lettres*, XXIV), vol. 2, Paris 2001, núm. 442, p. 322, que data del advenimiento de ambos emperadores que se produjo el 7 de marzo del 161, *Furius Saturninus* gobernó la Dacia entre el 159 y el 161/162 d.C.; véase además *I. Piso*, *Fasti provinciae Daciae I. Die senatorischen Amtsträger* (*Antiquitas*, Reihe 1, *Abhandlungen zur alten Geschichte*, 43), Bonn 1993, pp. 73-75, con todos los documentos, entre ellos además de los contenidos en CIL III, los demás ejemplos dáricos contenidos en AE 1944, 59 (= IDR III 3, 232), AE 1971, 131 (= IDR III 3, 236) y AE 1972, 463 (= IDR III 2, 74).

²¹ Nos hemos ocupado recientemente de estos temas, cf. *M. Mayer*, Los honores recibidos por la familia de Marco Aurelio en la parte oriental del imperio romano: ¿cambio o continuidad en el culto dinástico?, en *A. Martínez Fernández* (ed.), *Estudios de Epigrafía Griega*. La Laguna 2009, pp. 277-294, con una bibliografía al día sobre el tema.

El segundo texto en la parte inferior presenta notable interés. A primera vista representa el nombre de un presunto dedicante, o quizás tan sólo ejecutor de un *munus*, aunque no resulta descartable pensar, como hemos propuesto en nuestra reconstrucción que se trate de un artesano o del *officinator*. Viene en nuestra ayuda en este caso un paralelo hasta ahora no considerado como tal, la existencia, en la parte inferior de otra matriz fragmentada de *Aquincum* que representa a Marco Aurelio a caballo, de un texto leído por B. Kuzsinszky como *M. Ulpius* o más probablemente como *M. Verus*²² y aceptado por A. Alföldi como *M. Verus* e interpretado por uno y otro como el nombre del alfarero²³. El examen de la fotografía publicada por ambos estudiosos nos ha permitido leer de nuevo y completar la lectura en la forma *Q. M. Verus* y por consiguiente identificar el personaje con el mismo que aparece en la matriz que estudiamos. Podría tratarse por consiguiente o bien del *officinator* o bien del ejecutor de un *munus* e incluso las dos matrices responder a una misma celebración, de aquí la mención del mismo *Q. M. Verus*, o bien responder a dos productos de la misma *officina*. A favor de la consideración como artesano de este personaje jugaría una letra poco visible que se halla en la matriz que representa a Marco Aurelio a caballo, donde detrás de una rotura parece leerse un signo que podría corresponder a una F, aunque no resulte en modo alguno claro y tampoco comprobable por el texto de la matriz que aquí comentamos.

La mejora de la lectura que hemos realizado tampoco parece proporcionarnos por su mayor precisión onomástica una guía segura. El *nomen* en forma abreviada, si atendemos sólo a la antroponimia presente en la epigrafía de *Aquincum* podría interpretarse como uno de los *nomina* más frecuentes que, según los datos que poseemos en la actualidad, son: *Marcus*, *Magius*, *Memmius* y *Minicius*²⁴. El *cognomen Verus* en cambio es frecuente²⁵, sin que por ello podamos relacionarlo con ninguno de los personajes atestiguados.

En cuanto a la originalidad o no de honores como los documentados por esta matriz en soportes de este tipo, podemos decir que no coincide con lo que parecen significar las inscripciones e iconografía de los moldes inscritos para *crustula* conservados²⁶. Otros documentos de los cuales sólo hemos podido, por el

²² B. Kuzsinszky, *A gázgyári római fazekastelep...*, pp. 237-238 y fig. 244.

²³ A. Alföldi, *Tonmodell...*, pp. 328-329, lám. XLIX,1 y detalle de la inscripción en lám. LXIV, 3.

²⁴ Cf. P. Kovács – Á. Szabó (eds.), *Tituli Aquincenses*, vol. II, Budapest 2010, índice p. 380.

²⁵ P. Kovács – Á. Szabó (eds.), *Tituli Aquincenses*, vol. II, p. 390.

²⁶ Recordemos aquí como posible aproximación la matriz no inscrita de *Aquincum* recogida en A. Alföldi, *Tonmodell...*, p. 328, láms. XLIX,1 y L, 4, a la que ya nos hemos referido y que representa, en opinión del autor, al emperador Marco Aurelio a caballo y la de *Brigetio* hoy en el Kunsthistorisches Museum de Viena, A. Alföldi, *Tonmodell...*, p. 331, lám. L, 1, con el mismo tipo de representación. Cf. de forma general para las distribuciones de este tipo, P. Veyne, *Le pain et le cirque: sociologie historique d'un pluralisme politique*. Paris 1976.

momento, ver la descripción parecerían más cercanos a nuestro caso. Se trata de los ejemplares recogidos en el *Corpus Inscriptionum Latinarum* como *paterae magnae* con inscripciones incisas en forma inversa, quizás moldes, que llevan aclamaciones como *salvo Au(gusto) / aurea secu/la videmus*, o bien *Conservatio Aug.*, en ambos casos dentro de una *tabula ansata*, o *Victoria Augusti* en otro ejemplar²⁷.

A pesar de todo lo dicho, y volviendo de nuevo a la cuestión de la cronología, un argumento importante nos parece conducir decisivamente al inicio del reinado conjunto esta pieza. La causa no es otra que la constatación del hecho que en la amonedación de ambos emperadores la forma *Concord. Aug.*, *Concordia August(orum)*, *Concordiae August(orum)*, aparece sólo al inicio del reinado entre el 161 y el 164, como límite máximo, siendo especialmente abundante en el 161/162 d.C.²⁸, para irse enrareciendo progresivamente en los años posteriores, que privilegian otros elementos en los reversos. La datación de nuestra matriz a inicios del reinado sería pues coincidente con la propaganda imperial del momento y convendría bien a las ceremonias que acompañaban estas circunstancias, con juegos, representaciones, estatuas y procesiones. La aclamación *feliciter* no sería tampoco ajena a este contexto²⁹.

Una vez más, la nueva observación atenta del texto, un documento que parecía seguro, nos proporciona elementos para proponer nuevas precisiones de lectura y, con ellas, determinar en mayor medida la función de su soporte y de su contexto para avanzar en el conocimiento de su posible significación, que, en suma, es el motivo de estas breves páginas.



Crustulum de Aquincum (fotografía de P. Komjáthy)

²⁷ *CIL* III 6009⁷⁻¹², esp. 9, 10 y 11, respectivamente. Cf. A. Alföldi, *Tonmodell...*, pp. 319-320, láms LVII, 1 y LVI, 2, podían también ser moldes para medallones cerámicos.

²⁸ Cf. H. Mattingly – E. A. Sydenham, *The Roman Imperial Coinage*, vol. III, Antoninus Pius to Commodus. London 1930, esp. p. 196.

²⁹ Cf. *ILS*, índices, pp. 876-877, para este tipo de aclamaciones. Recordemos además, por dar sólo un ejemplo, las aclamaciones dirigidas por el senado después de la muerte de Cómodo, que muy probablemente inventa la *Historia Augusta*, aunque atribuye la noticia al historiador Mario Máximo, en la *vita Commodi*, 18-19.

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ERNEUT ÜBER EINE FAMILIE VON FABIERN AUS APULUM

VON RADU ARDEVAN

Abstract: This is a broad treatment of the family of T. Fabius Ibliomarus, a Treverian merchant who became *decurio kanabarum* at Apulum under Commodus (CIL III 1214). His sons, Aquileiensis and Pulcher, rose to the equestrian order. The first one fulfilled the *militiae equestres* (AE 1971, 385 and 1992, 1487), the second one seems to have exercised a procuratorian charge (CIL III 1157). There are moreover other Fabii at Apulum, who could belong to the same family. In particular Fabia Lucilla, a daughter and wife of equestrian rank, honored as *mater collegiorum fabrum et centonariorum* in *Colonia Aurelia Apulensis* (CIL III 1297), is surely a descendant of Ibliomarus. This case-study demonstrates the social advancement of immigrants in the local gentry, and some kinships between the elite from the *canabae* of the Legio XIII Gemina and the aristocrats of the neighboring town Apulum.

Keywords: *canabae*, *decurio*, *eques Romanus*, *mater collegiorum*, *tribunus numeri*, Apulum, Treveri, social advancement.

Schon seit dem 18. Jahrhundert ist eine Grabinschrift aus Apulum bekannt, in der ein Treverer namens T. Fabius Ibliomarus erwähnt wurde (Abb. 1). Der Stein ging kurz nach 1723 verloren, der Text wurde aber aufbewahrt¹.

Wir erfahren dadurch von diesem Treverer, der in Apulum als Dekurio der *canabae* der XIII. Legion Gemina im Alter von 60 Jahren starb. In diesem Moment hatte er drei noch unreife Kinder, Pulcher, Romana und Aquileiensis, die das Denkmal durch ihre Tutoren errichten lassen².

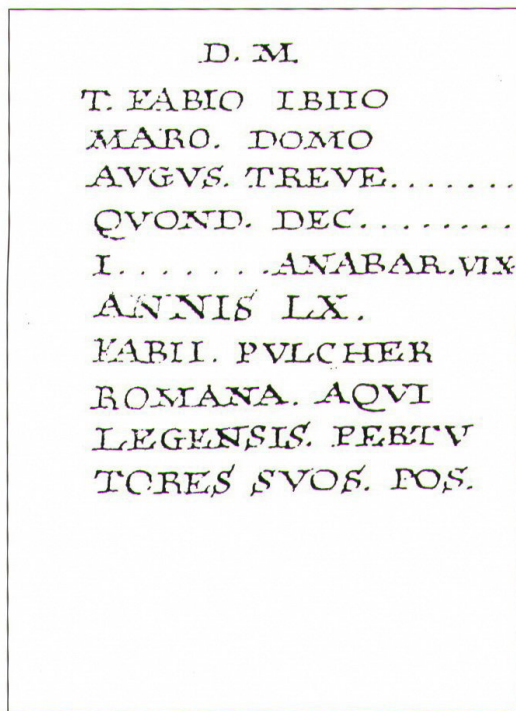
Es wurde überzeugend bewiesen, daß dieser Ibliomarus ein keltisches *cognomen* trägt³. Er war bereits römischer Staatsbürger und besaß einen alten römischen Familiennamen. In den europäischen Provinzen des Reiches ist das *nomen* Fabius ziemlich verbreitet⁴. Er fehlt aber gänzlich in Augusta Trevero-

¹ CIL III 1214 = ILS 7154 = IDR III/5, 527.

² Ardevan 1998, 209-210.

³ Husar 1999, 45-46, 64 (Nr. 52), 74 (Taf. 5, Nr. 23). Siehe auch *Onomasticon* II 191.

⁴ *Onomasticon* II, 132-133. Die epigraphische Beweise dieses Gentiliziums sind sehr zahlreich in Hispanien (245), Italien (66) und Narbonensis (42); ausserdem gibt es bisher 18 Fälle in Dalmatien, bzw. 12 in Belgica, 7 in Pannonien, je 5 in Aquitanien, Noricum und Obermoesien, aber nur 3 in der Lugdunensis und 2 in Britannien.



D(is)·M(anibus)
T(ito)·Fabio·Ib'·Tio-
maro·domo
Augus(ta)·Treue[r(orum)]
 5 *quond(am)·dec[ur(ioni)]*
[k]anabar(um)·uix(it)
annis·LX
Fabii·Pulcher
Romana·Aqui-
 10 *leinsis·per·tu-*
tores·suos·pos(uerunt).

Abb. 1.

rum selbst⁵. Somit kann man vermuten, dass der Gallier Ibliomarus eben kein echter Treverer wäre, seine Familie hatte bloß ihren Wohnsitz dort. Jedenfalls wurde er nach Dakien umgesiedelt, wo er auch Mitglied der lokalen Sozialelite wurde: *decurio* der Kanaben von Apulum, und vielleicht in noch einer benachbarten Stadt⁶.

In Dakien ist der Familienname Fabius nicht sehr oft anzutreffen. Einmal erscheint er als *cognomen*⁷, aber als Gentiliz gibt es nur sieben bekannten Fälle⁸. Ausser dem Zeugen eines Militärdiploms aus Apulum (der selbstverständlich nicht in Dakien lebte)⁹, gibt es noch einen Marcus Fabius ... aus Cristești¹⁰. Alle anderen Fälle stammen aus Apulum. Aber ein Publius Fabius Herclianus, aus

⁵ *Ibidem*.

⁶ IDR III/5, 402. Zwischen den Wörtern *decurio* und *kanabarum* gibt es noch Raum für eine weitere Abkürzung irgend eines Stadtnamens.

⁷ CIL III 847.

⁸ Siehe *Onomasticon* II 132-133.

⁹ *Moga* 1997, 102-106; *Piso* 1999, 246 ff.

¹⁰ AE 1967, 406.

einer Weihinschrift von Partoş bekannt¹¹, kann kaum derselben Familie angehören – wegen seines Vornamens.

Die übrigen Fabii von Apulum verdienen etwas mehr Aufmerksamkeit.

Neben dem schon erwähnten Ibliomarus kommen seine drei Kinder in Frage. Es ist zu unterstreichen, daß das dritte Kind das *cognomen* Aquileienseis trägt. Dieses ist auch ziemlich selten anzutreffen¹²: zehnmal in Italien als Gentiliz, als Beiname aber nur dreimal, und außerdem je zweimal in Pannonien bzw. in Dakien¹³. Diese Seltenheit des Namens ermöglicht die Identifizierung desselben T. Fabius Aquileienseis in weiteren zwei Inschriften.

Beide datieren aus dem Jahr 209 n. Chr. und stammen aus Germisara¹⁴. Sie erwähnen ihn als *tribunus numeri singulariorum Britannicianorum*. Dieser Mann ist zweifellos der Sohn des ehemaligen *decurio kanabarum* Ibliomarus¹⁵. Der von ihm befehligte *numerus* galt als die ständige Besatzungstruppe in Germisara¹⁶, d. h. ganz nahe zu Apulum. Für Aquileienseis dürfte dieses ritterliche Amt die *militia secunda* darstellen¹⁷.

Also ist es einem Sohn des Ibliomarus gelungen, in den Ritterstand aufzusteigen und die *militiae equestres* zu bekleiden¹⁸. Für die Familie eines Dekurions der Lagerstadt von Apulum bedeutet dies eine beträchtliche soziale Promotion¹⁹. Es ist jetzt bekannt, daß Aquileienseis um 209 die zweite ritterliche Militz erfüllte, und auch, dass er, als sein Vater starb, noch unmündig war. Dadurch kann man den Tod des Ibliomarus ungefähr unter Commodus datieren, weil sein Sohn um 209 zwischen 30 und 40 Jahre alt sein dürfte²⁰.

Auch der andere Sohn des Treveren, Fabius Pulcher, wird in einer Inschrift von Apulum (Abb. 2) erwähnt²¹. Er scheint ebenfalls römischer Ritter gewesen zu sein, und man darf vermuten, dass er ein Prokuratoramt bekleidet hätte²².

Dieser soziale Aufstieg der zwei Gebrüder entspricht einem ungewöhnlich

¹¹ CIL III 7746 = IDR III/5, 45.

¹² *Onomasticon* I 157-158.

¹³ Ibidem. Die dakischen Fälle sind folgende: AE 1971, 385 und AE 1992, 1487 (dieselbe Person); AE 1983, 804 bis = IDR III/5, 452.

¹⁴ AE 1971, 385 = IDR III/3, 213; AE 1992, 1487.

¹⁵ Mit einem Sigil(l)us Aquilei(ensis?), der in einer Liste der Mitglieder eines religiösen Verbandes von Apulum (AE 1983, 804 bis = IDR III/5, 452) erscheint, hat er überhaupt nichts zu tun.

¹⁶ *Gudea* 1997, 103, Nr. 99; *Petolescu* 2002, 129-130, Nr. 64.

¹⁷ AE 1992, 1487; IDR III/5, S. 402.

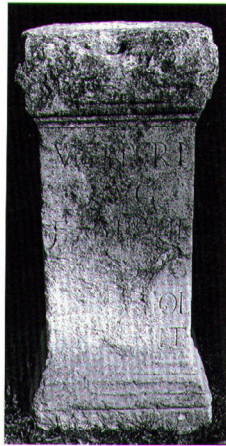
¹⁸ Leider blieb seine ritterliche Militz von *Devijver* 1976, 349-355 und *Mrozewicz* 1999, 69-78 unbemerkt.

¹⁹ *Alföldy* 1984, 107, 108, 110.

²⁰ Siehe IDR III/5, S. 402 (I. Piso).

²¹ CIL III 1157 = IDR III/5, 363.

²² Für römisch-dakische Ritter im kaiserlichen Dienst siehe *Piso* 2001, 369-370.



VENERI
AVG
FAB·P·V·C·H·
AVG
COL
VOT·SOLVIT

Veneri
Aug(ustae)
Fab(ius)·P[ro]u[er]cher
[..... A]ug(...)
5 [.....] col(oniae)
[?uot(um) sol]uit.

Abb. 2.

großen Reichtum²³, wenigstens für die römisch-dakische Gesellschaft²⁴. Gewiß hatte schon der Vater dazu beigetragen. Ibliomarus dürfte für Geschäfte und Handel (besonders mit der XIII. Legion Gemina) nach Dakien gekommen sein²⁵. Das *cognomen* seines dritten Sohn (Aquileiensis) kann u. E. nichts über eine vermeintliche Abstammung von Aquileia mitteilen; viel wahrscheinlicher widerspiegelt diese Wahl bloß die Wichtigkeit der Geschäftsbeziehungen des Ibliomarus mit dieser berühmten Stadt Norditaliens²⁶.

Wir sind der Meinung, dass die aristokratische Familie Fabia von Apulum, die eben in den Ritterstand eingetreten ist, auch von anderen Inschriften erwähnt wird.

Eine Statuenbasis für Cybele stammt aus dem Areal der römisch-katholischen Kathedrale aus Weissenburg (Abb. 3). Dieses liegt in dem ehemaligen *Municipium Septimium Apulense*, der Stein wurde aber wiederbenutzt, deshalb

²³ Jacques 1984, 612.

²⁴ Ardevan 1998, 219-220, 347.

²⁵ Krier 1981, 148-150; Husar 1999, 46.

²⁶ Wilkes 1998, 250, 273-274. Siehe auch Balla 2000, 20, 23.



M D M
T FABIUS
BARBA
TVSPRO

M(agnae) d(eum) M(atri)
*T(itus)*Fabius*
Barba-
[?r]us pro
5 *[?salute ...]*
[--]

Abb. 3.

können wir nicht mehr bestimmen, welcher der zwei homonymen antiken Städte aus Apulum²⁷ es angehörte. Das Denkmal wurde von einem Titus Fabius Barbarus (oder Barbatus) errichtet²⁸. Der Sozialstatus des Widmers wurde nicht ausgedrückt, jedenfalls dürfte er ziemlich reich gewesen sein. Die Seltenheit des Namens in Apulum unterstützt die Meinung, dass dieser Widmer Mitglied derselben Familie von Fabiern sein könnte.

Hinzu kommt aber noch ein verlorengegangenes Denkmal in Frage (Abb. 4): die Honorarinschrift für P. Aelius Silvanus, *duumviralis* der *Colonia Aurelia*

*P(ublio)*Ael(io)*P(ublii)*f(ilio)*Pap(iria)*
Silvano ♡
*Iluir(ali)*et*sa-*
cerd(otali)[coll(oniae)*A[p(ulensis)]*
5 *eq(uiti)*R(omano)*e(gregiae)*m(emoriae)*u(iro)*
*Fabia*Lucil-*
*la*e(gregiae)*m(emoriae)*u(iri)*fili a*
*mater*coll(egiorum)*
*fabr(um)*et*cent(onariorum)*
10 *coloniae*s(upra) s(criptae)*
*socero*sui*
amantissi-
mo.

Abb. 4.

²⁷ Diaconescu, *Piso* 1993, 67-69, 71-72, 78; IDR III/5, S. XVIII-XXI (I. Piso).

²⁸ AE 1980, 737 = IDR III/5, 252.

Apulensis und römischer Ritter²⁹. Das Denkmal wurde von seine Schwiegertochter errichtet; sie hieß Fabia Lucilla, war die Tochter eines Ritters und bekleidete ein Ehrenamt als *mater collegiorum fabrum et centonariorum* in derselben Stadt. Wegen der Formel *e(gregiae) m(emoriae) v(ir)* wird die Inschrift in das 3. Jh. datiert. Also hat man es mit einer Dame aus dem Ritterstand namens Fabia zu tun, die irgendwann im 3. Jh. die Ehefrau eines Aelius von Apulum wurde. Es ist unmöglich zu bestimmen, welchem Zweig der *Publii Aelii* von Apulum Silvanus angehört haben konnte³⁰, Fabia Lucilla dürfte aber höchstwahrscheinlich eine Nachfolgerin des Fabius Ibliomarus sein.

Auf Grund aller dieser Behauptungen können wir ein wenig Licht über eine weitere Familie von Aristokraten aus Apulum werfen.

Ein Resident aus Augusta Treverorum, der romanisierte Kelte T. Fabius Ibliomarus, kam nach Apulum, vielleicht wegen Geschäften mit der Legion, irgendwann in der zweiten Hälfte des 2. Jhs., und gründete hier eine Familie. Er war in der Lage, in die Lokalaristokratie der Lagerstadt von Apulum aufzusteigen, da er sicherlich Stadtrat dieser Siedlung wurde. Sein Vermögen war aber schon beträchtlich, da er gleichzeitig Mitglied der Sozialelite einer anderen Stadt war, die angesichts aller verfügbaren Angaben eben die *Colonia Aurelia Apulensis* sein könnte³¹. Als er, unter Commodus, verstarb, waren seine drei Kinder noch unreif.

Die Nachfolger des Ibliomarus bauten den Wohlstand der Familie weiter auf und stiegen während der Regierung des Septimius Severus in den Ritterstand auf. Fabia Lucilla, Mitglied der obersten Sozialschicht der *Colonia Aurelia Apulensis*, dürfte am ehesten der nächsten Generation angehören. Durch Heirat trat sie in eine der Aelia-Familien dieser Stadt ein, die dem Ritterstand schon angehörte, und in großen Zügen eine ähnliche Sozilaufbahn gehabt haben dürfte.

Dieser Fall illustriert gleichfalls ein weiteres Phänomen der lokalen Gesellschaft. Bisher gab es keine Beweise für Verwandtschaften zwischen Lokalaristokraten der zwei gleichnamigen Städte von Apulum und die Prominenten der Kanaben-Gemeinde. Deshalb hatten wir ehemals vermutet, daß die letzteren von den ersteren verachtet und gemieden wurden³². Diese Idee könnte aber gänzlich falsch sein. Die Mitglieder der von Ibliomarus gegründeten Familie traten ziemlich schnell in die oberste soziale Schicht der *Colonia Aurelia Apulensis* ein, die höchstgeachtete städtische Gemeinde in der Umgebung. Der Eintritt könnte vielleicht schon Ibliomarus gelungen sein, vielleicht bloß als

²⁹ CIL III 1297 = IDR III/5, 483.

³⁰ *Daicoviciu, Piso 1977, 77-78; Ardevan 1998, 213-214.*

³¹ Sowohl Fabius Pulcher als auch Fabia Lucilla waren sicherlich in dieser Stadt tätig.

³² *Ardevan 1998, 210.*

Dekurione. Diese Beobachtung untermauert die Meinung, dass ähnliche Aufstiege für die Lokalaristokraten aus den *canabae*, wenn auch nicht häufig, immerhin möglich waren. Die Geschichte dieser Familie von Fabiern aus Apulum bietet den ersten sicheren Beweis in dieser Hinsicht.

Abkürzungen

<i>AE</i>	L'Année Epigraphique, Paris.
<i>Alföldy 1984</i>	<i>G. Alföldy</i> , Römische Sozialgeschichte. Wiesbaden 1984, 3. Auflage.
<i>Ardevan 1998</i>	<i>R. Ardevan</i> , Viața municipală în Dacia romană. Timișoara 1998.
<i>Balla 2000</i>	<i>L. Balla</i> , Studia Dacica. Collected Papers (ed. by E. Szabó). Debrecen, HPS 5, 2000.
<i>CIL</i>	Corpus Inscriptionum Latinarum, Berlin.
<i>Daicoviciu, Piso 1977</i>	<i>H. Daicoviciu – I. Piso</i> , Publius Aelius Antipater. In: <i>D. M. Pippidi – Em. Popescu</i> (Hrsg.), Epigraphica. Travaux dédiés au VIIe Congrès international d'épigraphie grecque et latine (Constantza 9-15 septembre 1977). București 1977, 75-78.
<i>Devijver 1976</i>	<i>H. Devijver</i> , Prosopographia militiarum equestrium quae fuerunt ab Augusto ad Gallienum, I. Leuven 1976.
<i>Diaconescu, Piso 1993</i>	<i>Al. Diaconescu – I. Piso</i> , Apulum. In: <i>D. Alicu – H. Boegli</i> (Hrsg.), La politique édilitaire dans les provinces de l'Empire romain. I. Actes du 1er Colloque roumano-suisse, Deva 1991. Cluj-Napoca 1993, 67-82.
<i>Gudea 1997</i>	<i>N. Gudea</i> , Der dakische Limes. Materialien zu seiner Geschichte. Mainz 1997 (Sonderdruck aus JRGZM 44, 1997).
<i>Husar 1999</i>	<i>A. Husar</i> , Celți și germani în Dacia romană. Cluj-Napoca 1999.
<i>IDR</i>	Inscriptiones Daciae Romanae, București (Bd. III/5 – Paris).
<i>ILS</i>	<i>H. Dessau</i> , Inscriptiones Latinae selectae, I-III. Berlin 1892-1916.
<i>Jacques 1984</i>	<i>Fr. Jacques</i> , Le privilège de liberté. Politique impériale et autonomie municipale dans les cités de l'Occident romain. Rome 1984.
<i>JRGZM</i>	Jahrbuch des Römisch-Germanischen Zentralmuseums Mainz, Mainz.
<i>Krier 1981</i>	<i>J. Krier</i> , Die Treverer ausserhalb ihrer Civitas. Mobilität und Aufstieg. Trier 1981.
<i>Moga 1997</i>	<i>V. Moga</i> , Un nou fragment de diplomă militară. In: <i>M. Bărbulescu</i> (Hrsg.), Civilizația romană în Dacia. Cluj-Napoca 1997, 102-106.
<i>Mrozewicz 1999</i>	<i>L. Mrozewicz</i> , Munizipalgesellschaft und römische Ritter. Das Beispiel der Nordprovinzen des römischen Reiches. In: <i>S. Demougin – H. Devijver – M.-Th. Raepsaet Charlier</i> (Hrsg.), L'ordre équestre. Histoire d'une aristocratie (IIe siècle av. J.-C. – IIIe siècle ap. J.-C.). Actes du colloque international (Bruxelles – Leuven, 5-7 octobre 1995). Rome 1999, 31-78.
<i>Onomasticon</i>	Onomasticon provinciarum Europae Latinarum, I. Budapest 1994 (B. Lőrincz – Fr. Redő); II. Wien 1999 (B. Lőrincz); III. Wien 2000 (B. Lőrincz); IV. Wien 2002 (B. Lőrincz).

<i>Petolescu 2002</i>	<i>C. C. Petolescu</i> , <i>Auxilia Daciae. Contribuție la istoria militară a Daciei romane</i> . București 2002.
<i>Piso 1999</i>	<i>I. Piso</i> , Ein Bruchstück eines Militärdiploms aus Apulum. <i>ZPE</i> 126 (1999) 243-248.
<i>Piso 2001</i>	<i>I. Piso</i> , De nouveau sur les Lucii Antonii de Sarmizegetusa. In: <i>Studii de istorie antică. Omagiu profesorului Ion Glodariu</i> . Cluj-Napoca 2001, 363-370.
<i>Wilkes 1998</i>	<i>J. Wilkes</i> , Les provinces danubiennes. In: <i>Ch. Lepelley</i> (Hrsg.), <i>Rome et l'intégration de l'Empire, 44 av. J.-C. – 260 ap. J.-C. II, Approches régionales du Haut-Empire romain</i> . Paris 1998, 231-297.
<i>ZPE</i>	<i>Zeitschrift für Papyrologie und Epigraphik</i> , Bonn.

Verzeichnis der Abbildungen

Abb. 1	CIL III 1214 (nach IDR III/5, 527).
Abb. 2	CIL III 1157 (nach IDR III/5, 363).
Abb. 3	AE 1980, 737 (nach IDR III/5, 252).
Abb. 4	CIL III 1297 (nach IDR III/5, 483).

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THE REASONS BEHIND *CONSTITUTIO ANTONINIANA* AND ITS EFFECTS ON THE ROMAN MILITARY

BY MARCO ROCCO

Abstract: reconsidering the contemporary sources concerning the *constitutio Antoniniana*, it can be argued that the edict of 212 AD disguised aims primarily connected to the needs of empire's defence system. Caracalla intended at first place to increase state revenue earmarked for the army, and secondly to solve the recurring crises in the recruitment of Roman citizens joining the legions, by extending the pool for legionary enlistment to the empire's entire territory. The new citizens surely felt the hardships of being legionnaires less than did the citizens of long date, who, on the other hand, could continue to prefer service in the *auxilia*. At the same time, the clause excluding *dediticii* from Roman citizenship was meant to safeguard the long ingrained practice of enlisting corps of specialists from subjected populations, which in the course of time would become elite units.

Keywords: citizenship, Roman army, *legiones/auxilia*, *dediticii*, *nationes/symmach(i)arii*, barbarisation.

It has at times been postulated that the so-called *constitutio Antoniniana*¹ elicited little attention from its contemporaries who have, in effect, left behind scanty documentation concerning the edict². It seems, nonetheless, that especially among experts of Roman law, 212 AD³ is now considered the definite date that, by means of a single legislative act having important, immediate ef-

¹ It goes beyond the intent of this work to consider all of the literature produced concerning the *constitutio Antoniniana*. For an overview of the principle writings dedicated to it, see F. De Martino, *Storia della costituzione romana*, IV, 2. Napoli 1975² (1st ed. Napoli 1965), pp. 777-781, with numerous references in the footnotes, and T. Spagnuolo Vigorita, *Cittadini e sudditi tra II e III secolo*. In: *Storia di Roma*, III, 1: l'età tardoantica, crisi e trasformazioni. Torino 1993, pp. 5-50 (here p. 5 footnote 1). The studies useful to the present investigation will be pointed out in the following footnotes.

² This fact in particular has been underlined even recently to equilibrate the great importance given to the edict: see R. MacMullen, *Notes on Romanization*. In: *Changes in the Roman Empire. Essays in the Ordinary*. Princeton 1990, pp. 56-66 (here pp. 60-61); Spagnuolo Vigorita, *art. cit.*, pp. 5-12; 43-50; *Id.*, *Città e Impero. Un seminario sul pluralismo cittadino nell'impero romano*. Napoli 1996, pp. 98-103; 105-109; 136-146.

³ With regard to the differences in dates attributed to the edict, oscillating between 212 and 214 AD and of no concern to the present investigation, see the synthesis of De Martino, *op. cit.*, p. 777 footnote 17.

fects on community statutes and private law, Roman citizenship was extended to almost all the inhabitants of the Roman empire⁴.

The scarcity of sources making explicit reference to Caracalla's edict conferring the status of Roman citizenship on *peregrini* is, in any case, unquestionable⁵, as there are only three sources that can be considered contemporary to the edict:

1) a fragment of the XXII book *Ad edictum* contained in *Dig.* I 5, 17 by Ulpian, the great Roman jurist living in the Severan Age;

2) the quite damaged Papyrus Giessen 40 I, edited in 1910, containing what is considered the Greek text of the edict⁶;

3) mention to the presumed economic considerations behind the edict in Dio LXXV 9, 4-5⁷.

⁴ See, among other things, *J. Gaudemet*, *Institutions de l'antiquité*. Paris 1967, pp. 528-534; *M. Talamanca*, Su alcuni passi di Menandro di Laodicea relativi agli effetti della "constitutio Antoniniana". In: *Studi in onore di Edoardo Volterra*, V. Milano 1971, pp. 433-560; *De Martino*, op. cit., pp. 792-794 (in which the idea for the edict is ascribed to Septimius Severus); *F. Jacques – J. Scheid*, *Roma e il suo impero. Istituzioni, economia, religione*. Paris 1990, It. tr. Bari 1992, pp. 359-372; *L. Amirante*, *Una storia giuridica di Roma*. Napoli 1994, pp. 563-573; *W. Liebeschuetz*, *Citizen Status and Law*. In: *Strategies of Distinction. The Construction of Ethnic Communities, 300-800*. Leiden–Boston–Köln 1998, pp. 131-152 (here pp. 131-135); *L. De Giovanni*, *Introduzione allo studio del diritto romano tardoantico*. Napoli 2000⁴, pp. 20-36 (in which Amirante's position is expressed); *A. Barbero*, *Barbari. Immigrati, profughi, deportati nell'impero romano*. Bari 2006, pp. 43-44.

⁵ The passages of the Greek rhetor Menander of Laodicea in *De divisione generis demonstrativi* (Περὶ ἐπιδεικτικῶν), 3, 1-2 (for the text see *L. Spengel*, *Rhetores Graeci*, III. Lipsiae 1856, pp. 359-367; *Menander Rhetor*, ed. *D. A. Russell – N. G. Wilson*. Oxford 1981, pp. 58-75; discussion in: *Talamanca*, art. cit.; *contra J. Méléze Modrzejewski*, *Ménandre de Laodicée et l'édit de Caracalla*. In: *Symposium 1977. Vorträge zur griechischen und hellenistischen Rechtsgeschichte*. Chantilly, 1.-4. Juni 1977. Köln–Wien 1982, pp. 335-363, now also in: *Droit impérial et traditions locales dans l'Égypte romaine*. Aldershot 1990, XII, *addenda* p. 6), as well as the general references, popular among authors of the IV-V centuries, concerning *peregrini's* integration promoted by the Roman ruling class (see *SHA, Sev.*, 1, 2; *Aug.*, *De civ. Dei*, V 17; *Sid. Apoll.*, *Ep.*, I 6, 2; *H. Wolff*, *Die Constitutio Antoniniana und Papyrus Gissensis 40 I*. Köln 1976, pp. 28-32; *Spagnuolo Vigorita*, art. cit., pp. 7-8), as well as the rare references erroneously attributing the edict at times to Hadrian (*Iohann. Chrisost.*, *Acta apost. hom.*, 48, 1), at times to Antoninus Pius (*Nov. Iust.* LXXVIII 5), and at times to Marcus Aurelius (*Aur. Vict.*, *Caes.*, 16, 12) must be excluded from such a restricted list.

⁶ For the text of the papyrus and its controversial restoration see *FIRA*² I n. 88, pp. 445-449; *J. Méléze Modrzejewski*, *Édit de Caracalla conférant aux habitants de l'empire le droit de cite romaine (constitutio Antoniniana, 212 ap. J.-C.)*. In: *Les lois de Romains. 7^e édition des «Textes de droit romain»*, II. Napoli–Camerino 1977, pp. 478-490, now also in: *Droit impérial*, op. cit., X; *J. H. Oliver*, *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri*. Philadelphia 1989, pp. 497-498; for the discussion see *Ch. Sasse*, *Die Constitutio Antoniniana. Eine Untersuchung über den Umfang der Bürgerrechtsverleihung auf Grund des Papyrus Giss. 40 I*. Wiesbaden 1958; *De Martino*, op. cit., pp. 781-784; *Wolff*, op. cit., pp. 118-209.

Of the three, the least controversial while most concise and eloquent document is the first one, that by Ulpian: *in orbe Romano qui sunt ex constitutione imperatoris Antonini cives Romani effecti sunt*.

It has been observed that such fleeting notice can only mean that Caracalla's edict had only modest short-term effects having repercussions only on those who lived *in orbe Romano* at the time it was emanated: subsequently, in fact, *peregrini* were still found within the confines of the empire, as in the case of those soldiers belonging to some military bodies who continued to attain citizenship well after 212 by means of their discharge diplomas⁸. Some, however, have objected that on the basis of the sources originating from the cities of the empire and dating to the third century awareness was emerging, prevalent among provincials coming from even the empire's eastern sectors, of the duty to live according to Roman law. This was vigorously reinforced by imperial rescripts following the edict's emanation, dismissing any attempts to make principles contrasting Roman law acceptable⁹. The formula of conceding citizenship and *conubium* present in military diplomas, on the other hand, could be explained as a residual formula that continued to be utilized for at least another century for «a combination of utility and legal archaism». In other words, the diplomas were still necessary both because they served, above all, as documents attesting the *honesta missio*, with all the privileges connected to it, but also because in military zones it was still possible for soldiers to marry *peregrinae* to whom *conubium* needed to be guaranteed. "Concession of citizenship", therefore, remained a traditional clause but by then a no longer necessary one, a part of a document the rest of which continued to be indispensable¹⁰.

⁷ Books LXI-LXXX of Cassius Dio's *Historia Romana* have been almost exclusively passed down from *excerpta* of the Byzantine age and the abridgements by Xiphilinus and Zonaras. The passage in question is contained in A. G. Roos, *Excerpta historica iussu imperatoris Constantini Porphyrogeniti confecta*, II, 2: *excerpta de virtutibus et vitiis*. Berolini 1910, p. 391.

⁸ See *Gaudemet*, op. cit., p. 530; *Spagnuolo Vigorita*, art. cit., pp. 8-10; *P. Holder*, *Roman Military Diplomas V*. London 2006, pp. 681-698. The most recent military diploma that we possess was released in 306 AD to an Italian praetorian guard, *Valerius Clemens*. The most recent diploma that we know of concerning an auxiliary, instead, dates to 203 AD: see *W. Eck – H. Wolff*, *Ein Auxiliardiplom aus dem Jahre 203 n. Chr.* In: *idem*, *Heer und Integrationspolitik. Die römischen Militärdiplome als historische Quelle*. Köln–Wien 1986, pp. 556-575; *M. M. Roxan*, *Roman Military Diplomas 1985-1993*. London 1994, pp. 314-315.

⁹ See *De Martino*, op. cit., pp. 780-781; *Amirante*, op. cit., pp. 563-566. With regard to the mentioned rescripts, see for example that of 215 AD contained in *Cod. Iust.* IV 19, 2, analyzed by *L. Solidoro Maruotti*, *La tutela del possesso in età costantiniana*. Napoli 1998, pp. 157-161.

¹⁰ See *A. N. Sherwin-White*, *The Roman Citizenship*. Oxford 1973² (1st ed. Oxford 1939), p. 388; *contra Eck – Wolff*, art. cit., p. 575. According to *B. Pferdehirt*, *Die Rolle des Militärs für den sozialen Aufstieg in der römischen Kaiserzeit*. Mainz 2002, p. 229, military diplomas continued to be necessary even after 212 AD exclusively because of the concession of *conubium* to married

The Papyrus Giessen 40 I, instead, is the most controversial document contemporary to the edict¹¹. It has been thoroughly studied by many scholars especially with regard to the clause that excludes the *dediticii* from citizenship, χωρ[ις] τῶν [δε]δειτικίων. It is unfortunate that the part regarding this topic is quite damaged. There is, moreover, no final agreement concerning how the papyrus should be restored¹² and, even more importantly, what the *dediticii*'s exact legal status was, while it seems almost certain that the safeguard clause [μ]ένοντος τοῦ δικαίου τῶν πολιτευμάτων¹³ was the equivalent to that *salvo iure gentium* gathered from the *tabula Banasitana*¹⁴. The majority of modern scholars, in any case, agree that this measure (contained in the papyrus together with two other edicts by Caracalla¹⁵) granted Roman citizenship to all of the inhabitants of the empire with the exception of the *dediticii*, a category that included the populations subjugated by Rome by a formal act of *deditio*¹⁶.

soldiers belonging to the legally inferior category of the *Latini Iuniani* (see *Cod. Iust.* VII 6, 1, 6; cfr. note 16), so that the children did not inherit their mothers' status. Without delving any further into this problem, we will limit ourselves to saying that with regard to the overall picture of military diplomas in the third and fourth centuries, about which *Holder*, op. cit., pp. 695-698 can be consulted, it emerges that those successive to 203 AD were no longer released to the auxiliaries but only to the praetorian guards, soldiers of the urban cohorts, *equites singulares Augusti*, and sailors. Of these categories, as in the past, only the last two received both the *civitas* and the *ius conubii* when they were discharged while the first two received only the *ius conubii*: for the relative formula see *Pferdehirt*, op. cit., pp. 97-107; 229-240.

¹¹ With regard to the difficulty of an identification between the Giessen papyrus and the *constitutio Antoniniana*, see *Sherwin-White*, op. cit., pp. 279-287; *The Roman Citizenship. A Survey of its Development into a World Franchise.* ANRW 1, 2 (1972), pp. 23-58 (here pp. 55-58); *Spagnuolo Vigorita*, art. cit., pp. 8-9.

¹² On these topics see the detailed syntheses by *Spagnuolo Vigorita*, op. cit., pp. 784-793.

¹³ See *Spagnuolo Vigorita*, art. cit., p. 9 and footnote 18. The two clauses can be found on lines 8-9 of the constitution.

¹⁴ The formula contained in the inscription from Banasa, in Morocco, is *salvo iure gentis*: see *AE* 1971 n. 534; *A. N. Sherwin-White*, *The Tabula of Banasa and the Constitutio Antoniniana.* *JRS* 63 (1973), pp. 86-98. More bibliography in *Spagnuolo Vigorita*, art. cit., p. 17 footnote 61.

¹⁵ See *Mélèze Modrzejewski*, *Edit de Caracalla*, art. cit., p. 478.

¹⁶ This particular meaning of *dediticii* is clearly expressed by Gaius, Roman jurist of the Antonine period: *Peregrini dediticii vocantur qui quondam adversus populum Romanum armis susceptis pugnaverunt, deinde victi se dediderunt* (Gaius, *Inst.*, I 14). The term was utilized with the same meaning once again at the end of the fourth century: see *Amm.* XX 8, 13; XXI 4, 8. A category made equal but not equivalent to *dediticii*, was that made up of *Latini Iuniani*, freedmen who had committed terrible crimes: see Gaius, *Inst.*, I 13; 15 (for easy consultation, also see *F. del Giudice – S. Beltrani*, *Dizionario giuridico romano.* Napoli 1993, pp. 139; 256). On the meaning of the terms and the essential information relative to them, see *G. Gayet – G. Humbert*, *Dediticii.* In: *Dictionnaire des antiquités grecques et romaines*, II, 1 (1892), pp. 45-46; *A. Schulten*, *Dediticii.* In: *RE*, IV, 2 (1901), coll. 2359-2363; *E. De Ruggiero*, *Deditio (Dediticii), Dediticiorum numero.* In: *Dizionario epigrafico di Antichità Romane*, II, 2 (1910), pp. 1553-1554. A connection between the *dediticii* of Caracalla's edict, understood as subjected barbari-

The present work, in agreement with the *communis opinio* just outlined, will focus on the reasons that persuaded Caracalla to extend Roman citizenship. Until now, in fact, scholars have rarely questioned the intentions implicit in the *constitutio Antoniniana*¹⁷. By analyzing the sources together with historical studies carried out regarding the structure of the army during the Principate, this pages will attempt to demonstrate that the edict of 212 probably disguised aims primarily connected to the needs of empire's defence system.

The starting point of our work is the third document cited above, the one by Cassius Dio. The historian affirmed that Caracalla «issued, moreover, new taxes and increased by 5 to 10% the taxes on the emancipation of slaves, on successions and on legacies, and abolished the right to succession and to exemption from taxes which was guaranteed in these cases to direct relatives: this was the reason why he extended Roman citizenship to all of his subjects, to pay lip service to them but in reality with the intent of using this means to increase his revenue, since foreigners were not required to pay the greater part of these taxes»¹⁸.

ans, and the presence of *peregrini* up until the fourth century AD was already underlined by A. Calderini, I Severi. La crisi dell'impero nel III secolo. Bologna 1949, p. 290; confirmation that by *dediticii* Caracalla meant the barbarian *peregrini* to whom he reserved to himself the right to confer citizenship, comes from G. Wirth, Rome and its Germanic Partners in the Fourth Century. In: W. Pohl (ed.), Kingdoms of the Empire. The Integration of Barbarians in Late Antiquity. Leiden–New York–Köln 1997, pp. 13-55 (here pp. 32-34), followed by Pferdehirt, op. cit., pp. 144-145.

¹⁷ There are three reasons that are usually attributed to the emperor by scholars: 1) the need to render Roman law the only valid one throughout the empire: see for example Talamanca, art. cit., pp. 551-560; J. Scheid, op. cit., pp. 371-372; 2) the intent of gaining the subjects' favor by philanthropic and propagandistic means: see for example L. Pareti, Storia di Roma e del mondo romano, V. Torino 1960, pp. 420-422; S. Mazzarino, L'impero romano, II, Bari 1990⁴ (1st ed. Bari 1973), p. 439; C. Letta, La dinastia dei Severi. In: Storia di Roma, II, 2: i principi e il mondo. Torino 1991, pp. 639-700 (here pp. 674-675); D. S. Potter, The Roman Empire at Bay. AD 180-395. London 2004, pp. 138-139; 3) on the contrary, the rapacious avidity that seemed to have led the sovereign to extend citizenship to increase the pool of tax payers: see, for example, G. Clemente, Guida alla storia romana. Milano 1977, p. 270 (with some reservations). The classic interpretation given by M. Rostovtzeff, Storia economica e sociale dell'impero romano. Milano 2003² (1st It. ed. Firenze 1933, 1st Eng. ed. Oxford 1926), pp. 639-640, is that Caracalla intended not only to increase taxes, but also to widen the number of persons who could be called upon to assume municipal liturgies and, above all, to depress the higher classes, even though the measure achieved few practical short term effects.

¹⁸ Dio LXXVII 9, 4-5: τῶν τε τελῶν τῶν τε ἄλλων ἃ καινὰ προσκατέδειξεν, καὶ τοῦ τῆς δεκάτης ἦν ἀντὶ τῆς εἰκοστῆς ὑπὲρ τε τῶν ἀπελευθερουμένων καὶ ὑπὲρ τῶν καταλειπομένων τισὶ κλήρων καὶ δωρεὰς ἐποίησε πάσης, τὰς τε διαδοχὰς καὶ τὰς ἀτελείας τὰς ἐπὶ τούτοις τὰς δεδομένας τοῖς πάνυ προσήκουσι τῶν τελευτώντων καταλύσας (οὗ ἕνεκα καὶ Ῥωμαίους πάντας τοὺς ἐν τῇ ἀρχῇ αὐτοῦ, λόγῳ μὲν τιμῶν, ἔργῳ δὲ

Now it is well known that the historian nourished no love for the emperor¹⁹ and, as a consequence, his judgement concerning Caracalla's actions may not have been very objective. That is why it is probably reductive to assume that avidity was the only reason for the measure of 212 AD. It seems more useful to point out that one of the taxes, doubled in quantity, that immediately fell on the newly named citizens was the *vicesima* (now *decima hereditatum*), or the tax that Augustus designated in 6 AD, together with the income tax, to fuel the *aerarium militare*, the coffers kept to pay the veterans' discharge bonuses²⁰ and, probably, later utilized to cover even the *stipendia* of the soldiers in service²¹.

Since we know, from epigraphic attestations, that the *aerarium militare* still existed under Alexander Severus²² and that the *vicesima hereditatum* only later became a section of the *fiscus*²³, nothing can prevent us from drawing a first conclusion: by means of the 212 AD edict Caracalla intended to increase state revenue earmarked for the army.

This hypothesis is confirmed by two other passages: the first is Dio LXXVI 15, 2²⁴, containing the presumed emblematic "political testament" proclaimed by Septimius Severus on his death bed to his two sons: «Get along with one another, *make the soldiers rich* and don't worry about all other men»²⁵. Beyond the symbolic more than historical value of these words, it seems clear that they synthesized the recent activity of a great reformer of the military, who made every effort to improve the economic and social condition of soldiers in Rome's service²⁶. It seems only reasonable to assume then that Caracalla, sole

ὅπως πλείω αὐτῶ καὶ ἐκτοῦ τοιοῦτου προσίη διὰ τὸ τοὺς ξένους τὰ πολλὰ αὐτῶν μὴ συντελεῖν, ἀπέδειξεν). The translation is ours.

¹⁹ See, among others, *F. Millar*, *A Study of Cassius Dio*. Oxford 1964, pp. 150-160.

²⁰ See *Aug., Res gest.*, 17, 2; *Tac., Ann.*, I 78, 2; *Suet., Aug.*, 49, 4; *Dio LV 25, 2*. The only one to underline that it concerned taxes intended for the *aerarium militare* was, as far as we have been able to verify, *M. Hassall*, *Romani e non Romani*. In: *Il mondo di Roma imperiale. III: economia, società e religione. Parte nona: la società*, edited by *J. Wachter*, London–New York 1987, It. tr. Bari 1989, pp. 165-184 (here p. 181). With regard to the military treasury see *De Martino*, op. cit., pp. 895-897; *M. Corbier*, *L'aerarium militare*. In: *Armées et fiscalité dans le monde antique*. Paris 14-16 octobre 1976, Paris 1977, pp. 197-234.

²¹ See *Suet., Aug.*, 49, 3-4; *Dio LV 24, 9. Contra Corbier*, art. cit., pp. 198-199.

²² See *CIL VIII nn. 2392; 7049*.

²³ On these points see *De Martino*, op. cit., p. 897.

²⁴ The passage was handed down by *Xiph., Epit.*, p. 324 ed. Steph.

²⁵ Ὁμοιοῦτε, τοὺς στρατιώτας πλουτίζετε, τῶν ἄλλων πάντων καταφρονεῖτε. The translation and the italics are ours.

²⁶ Only some of the most important studies regarding military reforms introduced by Septimius Severus are indicated here: *E. Birley*, *Septimius Severus and the Roman Army*. *Epigraphische Studien* 8 (1969), pp. 63-82; *R. E. Smith*, *The Army Reforms of Septimius Severus*. *Historia* 21 (1972), pp. 481-500; *Y. Le Bohec*, *L'esercito romano. Le armi imperiali da Augusto alla fine del*

sovereign from the time of the death of his brother Geta²⁷ a few months earlier, in 212 AD intended to complete one of his father's latest projects that was aborted by his death only a year earlier²⁸.

The second passage, taken from the work by Herodian, another contemporary historian, concerns a further increase in *stipendia* of the praetorian guards and of the Roman soldiers ordered by Caracalla following his brother's assassination, in order to assure their loyalty: «Since he was saved and became the sole ruler, he promised them that he would give each soldier 2500 dracmes and *increased their pay by half*»²⁹. Caracalla seems to have exhorted the soldiers to take the money directly from the temples and from public treasures³⁰, but it is probable that if this really took place the practice served to cover only the *donativum* of 2500 dracmes and not all of the successive wages increased by half.

The objection could be made that this measure was adopted only with regard to the legionaries of *Legio II Parthica* camped in Albanum³¹, that is in favor of the soldiers present in and around the capital at the time of Geta's assassination. But beyond the fact that several other passages allude to other bonuses conceded to the soldiers in general³², it has been calculated that the total of 280 million sesterces earmarked annually for the pay increase³³, ordered by the em-

III secolo. Paris 1989, It. tr. Roma 1992, pp. 255-258; P. Southern – K. Dixon, *The Late Roman Army*. London 1996, pp. 5-9. In synthesis, the military reforms introduced by Septimius Severus were: 1) a pay increase to compensate for inflation; 2) institution of the *annona militaris* (not yet set up as a tax); 3) soldiers were allowed to be married while in service; 4) permission to create military colleges (*scholae*), conceded to graduates still in service; 5) concession to some exterior symbols of prestige; 6) increase of fighting strength; 7) concession to commands for *equites* with the rank of *praefecti, duces, praepositi*.

²⁷ In February 212 AD: see Dio LXXVII 2, 2-6; Herodian. IV 4, 3; SHA, *Sev.*, 21, 6-7; *Carac.*, 2, 4; *Get.*, 6, 1-3; *Aur. Vict.*, *Caes.*, 20, 32; *Eutr.* VIII 19; *Oros.* VII 17, 8; *Zosim.* I 9; *Zonar.* XII 12, pp. 560-561 ed. Pinder.

²⁸ Also *De Martino*, op. cit., p. 794 is inclined towards the latter point of view.

²⁹ Herodian. IV 4, 7: 'Υπισχνείται δὲ αὐτοῖς ὑπὲρ τῆς ἑαυτοῦ σωτηρίας καὶ μοναρχίας ἑκάστῳ μὲν στρατιώτῃ δισχιλίας καὶ πεντακοσίας δραχμὰς Ἀττικὰς, προστίθησι δὲ τῷ σιτηρεσίῳ ἄλλο τοῦ τελουμένου ἥμισυ. The translation and the italics are ours. Cfr. Dio LXXVII 3, 1-2; SHA, *Carac.*, 2, 6. For the equivalence of σιτηρέσιον with *stipendium* in Herodian cfr. Herodian. II 11, 5; VI 8, 8.

³⁰ See Herodian. IV 4, 7.

³¹ See SHA, *Carac.*, 2, 7-8; *Get.*, 6, 1-2.

³² See Dio LXXVII 9, 1; 10, 1; 24, 1.

³³ See Dio LXXVIII 36, 3 ("Tarautas" was the nickname given to Caracalla by some referring to an insignificant bloodthirsty gladiator: see Dio LXXVIII 9, 3). The number provided by Cassius Dio was accepted by A. Passerini, *Gli aumenti del soldo militare da Commodo a Massimino*. Athenaeum 24 (1946), pp. 145-159 (here p. 156).

peror, implied a raise of at least 50% in *stipendia* not only for the praetorian guards, but also for the legionaries³⁴.

Could the *constitutio Antoniniana* resolve other problems of a military nature besides those connected to wages? In our opinion the answer should be sought in the legal levelling implied in the edict between legionaries and auxiliaries. Few scholars have concentrated on this aspect and only fleetingly, considering it merely an automatic, collateral consequence of the measure and without taking into consideration its practical aspects with regard to enlistment³⁵. It seems like a good idea then to investigate in further depth legionary enlistment on the eve of Caracalla's edit.

Nearly 60 years ago Giovanni Forni confirmed, in his still unsurpassed work on the legions of the Principate³⁶, that free birth and citizenship constituted the legal requirements to enlist as a legionary³⁷, and demonstrated that beginning

³⁴ See Herodian in two Volumes. I: Books I-IV, ed. C. R. Whitaker. London–Harvard 1969, pp. 394-395 footnote 3.

³⁵ See, for example, G. L. Cheesman, *The Auxilia* of the Roman Imperial Army. Hildesheim–New York 1971, 1^a ed. Oxford 1914, p. 133; A. Bouché-Leclercq, *Manuel des institutions romaines*, Paris 1931, p. 311; Wolff, *op. cit.*, pp. 110-111; Clemente, *op. cit.*, p. 270; Le Bohec, *op. cit.*, pp. 106; 129; Jacques – Scheid, *op. cit.*, p. 185; Barbero, *op. cit.*, pp. 47-50. Others, instead, while examining in detail the possible effects of the edict, did not in any way contemplate its military ones: see J. M. Carrié – A. Rousselle, *L'Empire Romain en mutation des Sévères à Constantin*. Paris 1999, especially pp. 57-65.

³⁶ The author's thesis, illustrated in the following lines, can be found in G. Forni, *Il reclutamento delle legioni da Augusto a Diocleziano*. Milano–Roma 1953, especially on pp. 25-27; 30-64; 103-129. These were substantially confirmed twenty years later in: *Id.*, *Estrazione etnica e sociale dei soldati delle legioni nei primi tre secoli dell'impero*. ANRW 2, 1. Berlin–New York 1974, pp. 339-391, in the light of other data and with an updated bibliography. Other bibliographic updates in: *Id.*, *Supplemento II*. In: *Esercito e marina di Roma antica*. Raccolta di contributi. Stuttgart 1992, pp. 64-115.

³⁷ See Forni, *Il reclutamento*, *op. cit.*, pp. 103-113: even though it was possible to enlist *peregrini*, after prior concession of Roman citizenship, nonetheless the great majority of legionary recruits were required to be citizens by birth, with the exception of the Eastern legions (see also, with some updates, Forni, *Estrazione etnica*, *art. cit.*, pp. 350-352; J. C. Mann, *Legionary Recruitment and Veteran Settlement during the Principate*. London 1983, pp. 49; 51-52). J. Vendrand-Voyer, *Normes civiques et métier militaire à Rome sous le Principat*. Clermont-Ferrand 1983, pp. 69-77, and Le Bohec, *op. cit.*, pp. 96; 113, pointed out how even the enlistment of free men and slaves was possible at times, but only in emergency situations after prior concession of liberty and citizenship: Tac., *Ann.*, I 31, 4; Suet., *Aug.*, 25, 2; 26, 2, and for the late empire *Cod. Theod.* VII 13, 16 (Honorian edict of 406 AD) attest to this. See also N. Rouland, *Les esclaves Romains en temps de guerre*. Bruxelles 1977, and the review by G. Famiglietti, *Gli schiavi nell'esercito romano: principi e realtà*. *Labeo* 25 (1979), pp. 298-309.

with the times of Augustus and Tiberius there were fewer Roman citizens willing to enlist in the Roman legions³⁸. There were two reasons for this:

- there was a precise, detailed list of physical requirements that legion soldiers needed to meet that were modified whenever there was a fall in enlistments and, in particular, in the later empire³⁹. Many Roman citizens probably did not fulfil all the requirements, especially with regard to those concerning height (between 1.72 and 1.77 m for the *alares* and the legionaries of the first cohorts at the time of Tiberius⁴⁰);

- military service in the legions was harsh and not particularly attractive as the soldiers had to serve long years before they could retire, discharge bonuses were unsatisfactory, the pay barely sufficient, and there was little possibility for career advancement⁴¹.

The solution to these difficulties consisted, already at the beginning of the Julio-Claudian period, in a constantly greater use of provincial elements in the legions: first of all, of citizens originating from the oldest and most solidly Romanized provinces and then gradually from ever more outlying regions, such as

³⁸ The literary sources often make reference to similar difficulties: see Vell. II 110, 7; Plin., *Nat. hist.*, VII 149; Tac., *Ann.*, I 31, 4-5; IV 4, 2; Suet., *Aug.*, 25, 2; Dio LV 31, 1; LVI 23, 2; LVII 5, 4; Macrob., *Sat.*, I 11, 3. Among modern writers see *Forni*, Il reclutamento, op. cit., pp. 25; 30-31; 52-53; 121; as well as *Le Bohec*, op. cit., p. 95, who points out that at times, even though the number of recruits needed annually was not very high, they were forced to recall the veterans (see Tac., *Hist.*, II 82, 1); the French scholar seems to sustain that the difficulty in recruiting legionaries depended on the adoption of selective and elitist criteria: see *Le Bohec*, op. cit., pp. 95; 113; for the two terms see *Vendrand-Voyer*, op. cit., pp. 77-93.

³⁹ See Veg. I 5-6; the date of the *Epitoma* may come from *Cornelius Celsus* during the Tiberian age, or even much earlier, from Cato's *De re militari*, widely used by Vegetius, see Veg. I 8, 10-11; on this subject see *D. Schenk*, Flavius Vegetius Renatus. Die Quellen der *Epitoma rei militaris*. Aalen 1963 (reprint 1st ed. Leipzig 1930), pp. 26-39, whose outline was modified and amplified by *N. P. Milner*, Vegetius: Epitome of Military Science. Liverpool 1996², 1st ed. Liverpool 1993, pp. XVII-XXI. For the modifications in the IV century AD see *Cod. Theod.* VII 13, 3; 22, 8.

⁴⁰ *Forni*, Il reclutamento, op. cit., pp. 25-26; confirming the attention dedicated to the requirement concerning height, some archaeologists have shown that Roman soldiers of the Principate were rather tall, though not so tall as the German warriors: see *M. Junkelmann*, Die Legionen des Augustus. Der römische Soldat im archäologischen Experiment. Mainz am Rhein 1986, pp. 106-107.

⁴¹ See the arguments, also supported by data provided by the papyri, contained in *Forni*, Il reclutamento, op. cit., pp. 31-48; 120; *Id.*, Estrazione etnica, art. cit., pp. 354-359; on the low level of prestige associated with service in the Roman legion see also *Gaudemet*, op. cit., p. 532. On the economic straits of the Roman soldiers see Plin., *Nat. hist.*, VII 149; Tac., *Ann.*, I 17; 78, 2; Suet., *Nero*, 32, 1; regarding the period of service (on the average 25-26 years from the beginning of the first century: see *Forni*, Il reclutamento, op. cit., pp. 142-144; *P. Le Roux*, L'armée romaine et l'organisation des provinces ibériques d'Auguste à l'invasion de 409. Paris 1982, p. 263) see Aug., *Res gest.*, 16; Tac., *Ann.*, I 17, 2; 78, 2; Dio LIV 2, 6; LV 23, 1; LVII 6, 5.

Thracia and *Pannonia* in the third century⁴². On the other hand, even enlistment of legion soldiers “born in the camp” (the so-called *castris*⁴³) became ever more diffuse, especially between the second and third centuries⁴⁴. Finally, the practice of conceding citizenship as an extraordinary measure in exceptional situations and even to some *peregrini* at the time of their enlistment or after their discharge became increasingly frequent beginning with Marcus Aurelius⁴⁵.

Nonetheless, despite these expedients, the crises in the enlistment of legionnaires became progressively more frequent. This was likely due to the fact that, decade after decade, Roman citizens preferred to enlist in the *auxilia*, or in those units of the army in which citizenship was not required. As explained above, already beginning at the end of the first century AD, while the legions were widening the confines of their enlistment pools to the provincials of lower social classes, the auxiliary corps began to draw increasingly from Roman citizens. As a consequence, the two types of units became progressively closer to one another, also with regard to the use of arms and tactical deployment⁴⁶.

This picture was drawn clearly by K. Kraft who focused on the enlistment of *alae* and *cohortes* near the Rhine and Danube rivers. By analyzing the names, the *tribus* and the *origo* indicated in the epigraphs and in the military diplomas of the soldiers of the auxiliary units, the scholar formulated tables illustrating their legal status in 4 successive periods: the pre-Flavian period; the Flavian-Trajanic period; from Hadrian to approximately 170 AD, and from the end of

⁴² See *Forni*, Il reclutamento, op. cit., pp. 30; 52-64; 121; *Id.*, Estrazione etnica, art. cit., pp. 362-385; *Junkelmann*, op. cit., pp. 105-106; *Le Bohec*, op. cit., pp. 105-106. There are numerous literary attestations: *Tac., Agr.*, 32; *Hist.*, II 21; 57; 93; III 24, 3; IV 19; *Ann.*, III 40; XIII 7, 1; 35, 1; XVI 13, 3; *Suet., Galba*, 10, 2; *Pseudo-Hygin., De mun. castr.*, 2 (l'edizione di riferimento è *M. Lenoir*, *Pseudo-Hygin. Des fortifications du camp*. Paris 1979); *Herodian*. II 11, 4-5; VI 8, 2; *Aur. Vict., Caes.*, 3, 14.

⁴³ See, for example, *CIL* III n. 6627.

⁴⁴ See the data gathered by *Mann*, op. cit., pp. 56; 65-66; 95-96 (tab. 11); 105-106 (tab. 13); 120-122 (tab. 17); 134-136 (tab. 21); 146 (tab. 25); 154-155 (tab. 29). See also *M. M. Roxan*, Observations on the Reasons for Changes in Formula in Diplomas circa AD 140. In: *Heer und Integrationspolitik*, op. cit., pp. 265-292 (here pp. 277-281); *Le Bohec*, op. cit., pp. 106-107; 113; *Jacques, Scheid*, op. cit., pp. 180-186.

⁴⁵ With respect to this, see *Mann*, op. cit., pp. 52-53; 64-66, which underlines how even the enlistment of *peregrini* was more intense in those areas where the colonies of veterans were less numerous; *Bouché-Leclercq*, op. cit., p. 293, maintained that admission into the legions normally guaranteed the right to citizenship to the point of making the army a kind of “factory for new citizens” (see also *Le Bohec*, op. cit., p. 126); but if this was true for the auxiliary corps (after discharge), it seemed to be less true for the legions, in which cases of enlistment of *peregrini* were, as has been said, exceptional. On this topic see also footnote 37.

⁴⁶ See *Le Bohec*, op. cit., pp. 120; 125; *G. Cascarino*, L'esercito romano. Armamento e organizzazione. Vol. II: da Augusto ai Severi. Rimini 2008, pp. 87; 99.

the second to the beginning of the third century AD⁴⁷. The result was synthesized in a table by Le Bohec⁴⁸:

	Ali		Coorti	
	Peregrini	Cittadini romani	Peregrini	Cittadini romani
Giulio-Claudii	48	7	44	0
Flavii-Traiano	32	19	27	17
Adriano-170 ca.	13	10	13	17
Fine II-inizio III sec.	0	38	3	43

The conclusion, also confirmed by other studies⁴⁹, is evident: at the beginning of the empire the auxiliary units were made up almost exclusively of *peregrini*, usually barbarians⁵⁰. Between Vespasian and Marcus Aurelius the flow of fully entitled citizens increased progressively without ever becoming exclusive. Finally, between 170 and 210 AD approximately, the *peregrini* practically disappeared from the *auxilia*. It can also be noted that, on the average⁵¹, the cavalry *alae* received the greater number of Roman citizens out of those enlisting in the auxiliary troops.

These data can be considered a simple consequence of the diffusion of Roman citizenship in the course of the decades⁵² and of the increase in the *origo*

⁴⁷ K. Kraft, *Zur Rekrutierung der Alen und Kohorten an Rhein und Donau*. Bernae 1951, pp. 79-81; in order to read the tables use the lists of soldiers on pp. 140-199 of the same volume; for the methodology utilized and the discussion on the diffusion of Roman citizenship among the auxiliaries, see *ibid.*, pp. 69-78; on the *cohortes civium Romanorum* see *ibid.*, pp. 82-99.

⁴⁸ See Le Bohec, *op. cit.*, p. 125 (presented here in the Italian translation).

⁴⁹ See G. Alföldy, *Die Hilfstruppen der römischen Provinz Germania inferior*. Düsseldorf 1968, pp. 105-110; M.-P. Arnaud-Lindet, *Remarques sur l'octroi de la civitas et du conubium dans les diplômes militaires*. REL 55 (1977), pp. 282-312 (here pp. 291-292).

⁵⁰ See Tac., *Hist.*, II 22, 2; *Ann.*, III 33, 5; 42, 1.

⁵¹ On the basis of the table, in fact, the percentage of *cives Romani* in the four periods result: 1) 12,7% in the *alae*; 0% in the cohorts; 2) 37,3% in the *alae*; 38,6% in the cohorts; 3) 43,5% in the *alae*; 56,7% in the cohorts; 4) 100% in the *alae*; 93,5% in the cohorts.

⁵² See Forni, *Il reclutamento*, *op. cit.*, pp. 109-110; 115. It is to be noted, incidentally, that the new recruits enlisted in units already rewarded, as a whole, with citizenship (the divisions called *civium Romanorum*), did not automatically receive citizenship at enlistment: see V. A. Maxfield, *The Military Decorations of the Roman Army*. London 1981, p. 227.

*castris*⁵³, but they could also be explained by a precise choice on the part of Romans who were enlisting.

It can be hypothesized, in fact, that over the course of the first two centuries of the empire, Roman citizens opted ever more frequently to enlist in the *auxilia*⁵⁴ and not in the legions, thus setting off the already mentioned crisis in legionary enlistment. In particular, the *cives* tended to serve in the cavalry *alae* rather than in the cohorts probably for two reasons: the greater prestige associated to service in the mounted troops and the fact that the pay of the *alares* was equivalent to that of the *equites legionis*⁵⁵.

This point was solidly confirmed by M. A. Speidel's studies based on data furnished by literary sources as well as by some papyri and tablets. It emerges from the study, in fact, that during the first three centuries of the empire the basic pay of an auxiliary infantryman was 5/6 that of a legionary infantryman or cohortal horseman, while a horseman belonging to an *ala* or to a legion earned 7/6. Only the imperial guards earned a higher salary⁵⁶.

But why was service in the *auxilia* preferred to that in the legions?⁵⁷ A possible answer to this question has been furnished by Vegetius in a chapter in which the fourth century author explained the legions' decadence: «There is also another reason why the legions have become weakened: the fatigue of military service is greater in them, just as the arms are heavier, the assignments more numerous, the discipline more rigorous. To avoid all this, *most hurry to*

⁵³ See H. T. Rowell, *The Honesta Missio* from the *Numeri* of the Roman Imperial Army. YCIS 6 (1939), pp. 73-108 (here p. 86 footnote 37).

⁵⁴ On this preference of the *cives* see A. H. M. Jones, *The *dediticii* and the *Constitutio Antoniniana**. In: *Studies in Roman Government and Law*. Oxford 1960, pp. 129-140 (here p. 140), who, however, did not look into the reasons behind it; instead, M. P. Speidel, *The Pay of the *Auxilia**. JRS 63 (1973), pp. 141-147 (here pp. 146-147), attributes it to the good wages of the auxiliaries. Letters of recommendation written to get assigned to better places were quite common: see Junkelmann, *op. cit.*, p. 107.

⁵⁵ The legionary cavalry, however, unlike the auxiliary one, was quite limited in number: 120 horsemen per legion up until Gallienus' time (see *Le Bohec*, *op. cit.*, pp. 33-34), versus the 500-1000 effective horsemen in the numerous *alae*. It thus offered a greatly inferior possibility of enlistment.

⁵⁶ See M. A. Speidel, *Roman Army Pay Scales*. JRS 82 (1992), pp. 87-106 (in particular the tables on pp. 93; 101). According to R. Alston, *Roman Military Pay from Caesar to Diocletian*. JRS 84 (1994), pp. 113-123, there was no difference whatsoever between the wages of the legionaries and the auxiliaries.

⁵⁷ This fact, the reasons behind which we will try to clarify, was only stated by S. Kerneis-Poly, *Les *numeri* ethniques de l'armée romaine au II^e et III^e siècles*. RSA 26 (1996), pp. 69-94 (here p. 71). According to Arnaud-Lindet, *art. cit.*, pp. 303-304, this situation would have meant fewer privileges for the auxiliary *peregrini* (visible in the military diplomas beginning in 140 A.D.), with the aim of reducing the disparity within the auxiliaries.

take an oath in the auxiliary troops where they sweat less and earn wages more rapidly»⁵⁸.

Modern commentators to this passage have rightfully pointed out that the *auxilia* to which reference is made are the *auxilia palatina* of the later empire⁵⁹, new units with their own history and not comparable to the old *alae* and *cohortes*⁶⁰. And what if the affirmations of Vegetius, an epitomist of works dating from the beginning of the second century BC to the second century AD⁶¹, reflected a similar situation in the Principate?

Vegetius' allusion to the rapidity in promotions and to minor fatigue appears to be confirmed if we consider that, during the first centuries of the empire, soldiers drawn from the *alae* and *cohortes* made up the *singulares* of the provincial governors or, more precisely, their elite personal guards⁶². Some recruits may have been assigned to the *singulares* already during their first year of service, while there were no upper age limit⁶³. After serving at least three years in the *singulares* it was possible for soldiers to be transferred to another unit, immediately acquiring a higher rank, at times even that of a centurion or a decurion⁶⁴.

It would seem, therefore, that in many cases promotions for the *singulares* were, in effect, more rapid than in other units. Normally, in fact, a legionary infantryman not possessing an equestrian rank could hope to achieve the rank of centurion after 14-15 years of service, not to mention the time for further career advancements⁶⁵. Service in the *singulares*, instead, implied rapid advance-

⁵⁸ Veg. II 3, 4-5: *Est et alia causa, cur attenuatae sint legiones: magnus in illis labor est militandi, graviora arma, plura munera, severior disciplina. Quod vitantes plerique in auxiliis festinant militiae sacramenta percipere, ubi et minor sudor et maturiora sunt praemia*. The translation and italics are ours. The *plura munera* are confirmed by Amm. XVIII 2, 6.

⁵⁹ See Milner, op. cit., p. 33 footnote 3; M. Formisano – C. Petrocelli, P. Flavio Vegezio Renato. L'arte della guerra romana. Milano 2003, p. 134 footnote 21. Both, however, affirmed that the source utilized by Vegetius considered the auxiliaries as the classic *alae* and *cohortes*: see Milner, op. cit., p. 31 footnote 4; M. Formisano – C. Petrocelli, op. cit., p. 131 footnote 14.

⁶⁰ These were principally foreign soldiers, for the most part German, raised outside of the empire. With regard to the *auxilia palatina*, see especially the recent works by C. Zuckerman, Les «Barbares» romains: au sujet de l'origine des *auxilia* tétrarchiques. In: L'armée romaine et les barbares du III^e au VII^e s. Colloque de Saint-Germain-en-Laye. Textes réunis par Françoise Vallet et Michel Kazanski. Condé-sur-Noireau 1993, pp. 17-20; M. P. Speidel, Raising New Units for the Late Roman Army: *Auxilia Palatina*. *Dumbarton Oaks Papers* 50 (1996), pp. 163-170; *Id.*, The Four Earliest *Auxilia Palatina*. *REMA* 1 (2004), pp. 133-146.

⁶¹ See Milner, op. cit., pp. XVII-XXVIII. The considerations regarding the secondary role of the auxiliary forces also in the past, expressed by Veg. II 2, 9, corroborate our hypothesis.

⁶² M. P. Speidel, *Guards of the Roman Armies*. Bonn 1978, pp. 6-11; Le Roux, op. cit., p. 275.

⁶³ See Speidel, op. cit., pp. 104-114, footnotes 63-65.

⁶⁴ See Speidel, op. cit., pp. 7; 51-52.

⁶⁵ See Forni, *Il reclutamento*, op. cit., pp. 47-48; Maxfield, op. cit., pp. 243-244.

ments, to the point that it has been compared to a kind of officers' school⁶⁶. It would also seem that the mere fact of being a *singularis* carried a certain amount of prestige with it⁶⁷.

It is true that also the legionaries could become members of the staff of the provincial governors as, for example, *stratores* and *beneficarii*⁶⁸, but it is probable that the high number of *singulares* at the disposition of the governors made it easier for auxiliaries to attain more promotions with respect to their colleagues in the legions. In fact, with reference to the probable number of *pedites* and *equites singulares* at the governor's disposition, it would seem that at least in the garrisoned provinces it was equal to or exceeded that of the normal *alae* and *cohortes* (500-1000 men). This can be deduced by the fact that entire *alae* and *cohortes singularium* were constituted and deployed as needed to other war zones⁶⁹. On the contrary, there were always a limited number of men in the detached legionary *principales* of the governors' staff⁷⁰.

Summing up the considerations outlined in the preceding pages, recurring crises in the recruitment of native born Roman citizens joining the legions seem more than plausible. Considering this, consequent to the important paternal reforms, as well as in expectation of imminent campaigns⁷¹ such as the Parthian one⁷², Caracalla evidently intended to solve the problem once and for all by extending the pool for legionary enlistment to the empire's entire territory. The new citizens, provincials only partially Romanized and part of the empire for only a relatively short period of time, surely felt the hardships of being a soldier in the legion army less than did the citizens of long date, accustomed to the privileges of being *cives*. These latter, on the other hand, could continue to pre-

⁶⁶ See *Speidel*, op. cit., pp. 51-52.

⁶⁷ This can be deduced by the fact that in inscriptions commissioned by these soldiers, only the rank of *singularis* and not the name of the *ala* or *cohort* were specified: see *Speidel*, op. cit., p. 36.

⁶⁸ See *Speidel*, op. cit., pp. 11; 49 and footnote 269 (the *stratores* are to be identified with the 200 σωματοφύλακες, "body guards", of Arrian., *Acies contra Al.*, 22). Regarding these and other *principales* or graded troops, deployed under the governors, see *A. Passerini, Legio*. In: *DizEp*, IV (1949), pp. 549-628 (here pp. 603-605).

⁶⁹ See *Speidel*, op. cit., pp. 11-15; 54-66.

⁷⁰ Considering, for example, the already cited 200 *stratores*, at footnote 68 (given that the identification is correct), or the *speculatores*, of which there could be no more than 10 in each legion present in the province (See *Passerini, Legio*, art. cit., p. 604).

⁷¹ The necessity of enlisting legionnaires, and the relative difficulty in doing so, increased considerably precisely on the eve of important military campaigns: See *Mann*, op. cit., pp. 52-56; 66.

⁷² For Caracalla's Parthian campaign (216-217 AD) see Dio LXXVIII 1-6; Herodian. IV 9, 10-13; SHA, *Carac.*, 6.

fer service in the *auxilia*⁷³, where the *peregrini* had almost entirely disappeared, until the proportions levelled out.

This perhaps explains why large numbers of Thracians and Pannonians began to appear in the Roman army beginning in the early third century AD. Notoriously corpulent physically and endowed with a fierce, bellicose nature⁷⁴, these men quickly became the ideal candidates to serve in the Danubian legions⁷⁵, the backbone of the western army. The *constitutio Antoniniana* eliminated, *de facto*, with one single sweep whatever legal obstacles (except with regard the requirement of *ingenuitas*) that could jeopardize legionary service and practically abolished the need to recur to expedients such as the *ad hoc* concession of citizenship to *peregrini* every time there was a scarcity of recruits⁷⁶.

At the same time, it is also possible that the clause excluding *dediticii* from Roman citizenship was meant to safeguard the long ingrained practice of enlisting units of specialists from less Romanized populations, if not from subjected tribes living outside of the provincial borders.

We know that perhaps already at the beginning of Domitian's rule, but especially under the Antonines, probably in response to the progressive Romanization and standardization of the *auxilia*⁷⁷, the Roman army was supplied by a

⁷³ At that point, on the other hand, the auxiliaries had found their collective identity and a strategic autonomy within the provincial armies: see *P. Le Roux*, *Les diplômes militaires et l'évolution de l'armée romaine de Claude à Septime Sévère: auxilia, numeri et nationes*. In: *Heer und Integrationspolitik*, op. cit., pp. 347-374 (here pp. 347-357).

⁷⁴ See for example *Mela* II 16; *Flor.* II 27; *Pan. Lat.*, II 2, 2 (in: *Panegirici latini*, edited by *D. Lassandro – G. Micunco*. Torino 2000, pp. 74-75); *Amm.* XXVII 4, 9; *Solin.* 21, 3; *Anon.*, *Expos. mundi*, 50. But it is enough to point out the portrayal of the "semibarbarian" emperor Maximinus: see *Herodian.* VI 8, 1; *SHA, Maxim. duo*, 2, 2-4, 3; nonetheless, the category of the "Illyrian emperors", often associated with the sovereigns succeeding the Severan emperors, should be reconsidered: see *G. Brizzi*, "Soldatenkaiser", *Illyriciani* ed altri problemi. *RSA* 8 (1978), pp. 89-115; *Id.*, *More on Illyriciani e Soldatenkaiser: some other proposal to bring the problem into focus in: Dall'Adriatico al Danubio. L'Illyrico nell'età greca e romana. Atti del Convegno internazionale, Cividale del Friuli, 25-27 settembre 2003. Pisa 2004*, pp. 319-342.

⁷⁵ And not just in these: during the second and third centuries the Thracians are recorded even in the legions in Spain, Numidia and Arabia: see *Forni*, *Supplemento II*, art. cit., p. 112.

⁷⁶ As has been underlined repeatedly, just as the creation of whole legions of non-citizens (the *I* and *II Adiutrix* were made up of sailors of the navy who gained citizenship through special military diplomas), these concessions were entirely anomalous in the West: see *Maxfield*, op. cit., pp. 230-231; *Junkelmann*, op. cit., pp. 104-105.

⁷⁷ See *Maxfield*, op. cit., pp. 35-36; *Le Bohec*, op. cit., pp. 36-37; *I. Haynes*, *Military Service and Cultural Identity in the Auxilia*. In: *A Goldsworthy – I. Haynes* (eds.), *The Roman Army as a Community. Including Papers of a Conference held at Birkbeck College, University of London on 11-12 January, 1997. Portsmouth 1999*, pp. 165-174; *O. Schmitt*, *Stärke, Struktur und Genese des comitatensischen Infanterienumerus*. *BJ* 201 (2001), pp. 93-111 (here pp. 106; 107-108); *Barbero*, op. cit., pp. 21-22. In this regard it should be pointed out that, symptomatic of the transformations taking place in the second and third centuries, the ethonyms of the wings and cohorts

growing number of units of barbaric origin, not part of the regular army and encouraged to perpetuate their own martial traditions⁷⁸, but commanded by Roman officers. In sources from the early empire, these were usually designated by the generic name of *numeri* or *nationes*⁷⁹, lightly armed mobile units made up of specialized warriors unfamiliar with Roman military tradition but with special functions (especially archers and horsemen) making them indispensable in certain war zones⁸⁰.

It has been solidly demonstrated that, due to the effect of local enlistment and the occasional concession of citizenship *ob virtutem*⁸¹, towards the end of

were no longer being utilized in inscriptions: see *H. Callies*, Die fremden Truppen im römischen Heer des Principats und die sogenannten nationalen *Numeri*. Beiträge zur Geschichte des römischen Heeres. BRGK 45 (1964), pp. 130-227 (here p. 186).

⁷⁸ See Arrian., *Tact.*, 44: Hadrian was praised by the author for this initiative. See also *E. Gabba*, Sulle influenze reciproche degli ordinamenti militari dei Parti e dei Romani. In: Atti del convegno sul tema: la Persia e il mondo greco-romano (Roma 11-14 aprile 1965). Roma 1966, pp. 51-73, now in: *Per la storia dell'esercito romano in età imperiale*, Bologna 1974, pp. 7-42 (here p. 39).

⁷⁹ The term *numeri* is usually utilized but *nationes* was proposed as an alternative (see *Ps.-Hygin.*, *De mun. castr.*, 19; 29; 43); in any case, even though each *numerus* was a division on its own, the use of the general category *numeri* facilitates the discussion with regard to irregulars. See *Cheesman*, *op. cit.*, pp. 85-90; *H. T. Rowell*, *Numerus*. In: *RE*, XVII, 2 (1937), coll. 1327-1341; 2537-2554; *J. C. Mann*, A Note on the *Numeri*. *Hermes* 82 (1954), pp. 501-506; *Callies*, *art. cit.*, pp. 173-225; *M. P. Speidel*, The Rise of Ethnic Units in the Roman Imperial Army. *ANRW* 2, 3 (1975), pp. 202-231; *Le Roux*, *art. cit.*, pp. 357-374; *P. Southern*, The *Numeri* of the Roman Imperial Army. *Britannia* 20 (1989), pp. 81-140; *Kerneis-Poly*, *art. cit.* (the *numeri* are considered a sub-group of the *nationes*).

⁸⁰ With reference to the employment of *numeri* during times of war, which depended on their various specializations, see *Callies*, *art. cit.*, pp. 199-210. On the *numeri exploratorum* or *explorationes* see *E. Stein*, Die kaiserlichen Beamten und Truppenkörper im römischen Deutschland unter dem Prinzipat. Wien 1932, pp. 260-268; *Callies*, *art. cit.*, pp. 215-225; *R. Wiegels*, *Numerus exploratorum Tribocorum et Boiorum*. *Epigraphische Studien* 12 (1981), pp. 309-331.

⁸¹ With regard to the exceptionality of diplomas released to the *numeri*, which remained less privileged troops with respect to the *auxilia*, see *Callies*, *art. cit.*, pp. 195-198; 215; 224. On the contrary, according to *Rowell*, *The Honesta Missio*, *art. cit.*, pp. 73-87; *F. Vittinghoff*, Zur angeblichen Barbarisierung des römischen Heeres durch die Verbände der *Numeri*. *Historia* 1 (1950), pp. 389-407 (here pp. 402-403); *G. Forni*, Contributo alla storia della Dacia romana. *Athenaeum* 36 (1958), pp. 3-29; 193-218 (here pp. 22-25), the *numeri* soldiers, just as the regular auxiliaries, regularly gained citizenship for themselves and for their children at the end of their turn of duty, and not only in particular circumstances. For *Arnaud-Lindet*, *art. cit.*, pp. 297-298; 304, instead, citizenship was conferred on *numeri* soldiers and not to their children, while *Le Roux*, *art. cit.*, pp. 367-370, distinguished between *gentiles* and *foederati*. Finally, *Stein*, *op. cit.*, pp. 234; 241; *Kraft*, *op. cit.*, pp. 120-121; *Mann*, *art. cit.*; *Maxfield*, *op. cit.*, pp. 229-230, firmly believed in the non-Romanization of the *numeri*, where the concept itself of "Romanization", however, is different from "the diffusion of Roman citizenship".

the second century AD even the *numeri* had begun to lose their original ethnic characteristics and to be confounded with the regular auxiliary units⁸², which in turn, as we have said, were made up almost entirely of *cives*.

The first sure examples of ancient *numeri* transformed into regular units dates, moreover, precisely to the beginning of the third century. Rowell made reference, above all, to the *numerus Palmyrenorum Porolissensium* stationed in Dacia⁸³, out of which a *cohors* and an *ala* were born⁸⁴. Moreover, the *numerus Palmyrenorum*, a cavalry regiment stationed in Coptos, Egypt, in 216 AD⁸⁵, might have been the *ala octava Palmyrenorum* included in *Not. Or.* XXXI, 49, among the troops at the disposition of the Egyptian *dux Thebaidos*. Finally, the *numerus equitum Sarmatarum*⁸⁶ seems to have been transformed first into an *ala*⁸⁷ and later into a *cuneus equitum*⁸⁸.

Just as over the course of time the ancient *numeri* were in part transformed into different units, some of which disappeared, the same was true for the specific meaning that the term *numerus* had acquired. In the nomenclature of the late Roman army, in fact, many troops possessed the title of *numerus*, an equivalent for *milites* with the generic meaning of “military unit”, which no longer had anything in common with the ancient ethnic *numeri* of the Principate⁸⁹.

The bestowal of Roman citizenship, which resolved, on the one hand, the problem of legionary enlistment, would have, on the other, completed over time

⁸² See *Stein's* arguments, op. cit., pp. 236-241; *Rowell, Numerus*, art. cit., coll. 1340-1341; *Id.*, *The Honesta Missio*, art. cit., pp. 79-84; *Vittinghoff*, art. cit., pp. 394-399; *Callies*, art. cit., pp. 194; 199; 210-215; 226-227; *Speidel*, *The Rise*, art. cit., pp. 203; 223; 228; *Schmitt*, art. cit., p. 108; *Barbero*, op. cit., pp. 27-28. The units from the East, and especially the *Palmyreni*, maintained their ethnic identity until the third century AD: see *Callies*, art. cit., pp. 190-194. Even the *auxilia* from the same birthplace tended to escape the rule of local enlistment and to maintain their Eastern character: see *Cheesman*, op. cit., pp. 82-84, with *Kraft's* clarification, op. cit., pp. 60-61.

⁸³ See *CIL* III n. 803. The study is found in *Rowell, Numerus*, art. cit., coll. 1340-1341; 2549-2550; 2552-2553; *Vittinghoff*, art. cit., p. 402.

⁸⁴ See *CIL* III n. 908; *ILS* III, 2 n. 9472. See also *Stein*, op. cit., p. 238.

⁸⁵ See *IGRR* I n. 1169.

⁸⁶ See *CIL* VII n. 218.

⁸⁷ See *CIL* VII nn. 229-230.

⁸⁸ See *Not. Occ.* XL, 54; *M. G. Jarrett*, *Non-Legionary Troops in Roman Britain*. *Britannia* 25 (1994), pp. 35-77 (here p. 43 n. 14). *Contra Stein*, op. cit., pp. 238-239.

⁸⁹ See *R. Grosse*, *Römische Militärgeschichte von Gallienus bis zum Beginn der byzantinischen Themenverfassung*. Berlin 1920, pp. 29; 54; *Rowell, Numerus*, art. cit., col. 1341. The term, however, could have had a general meaning even during the first centuries of the empire: see for example *CIL* VI nn. 3216; 3259; 3311; 31139; *Tac., Agr.*, 18, 2; *Hist.* I 6, 2; *Plin., Ep.*, X 29, 2; 30, 2; *Suet., Vesp.*, 6; *Pseudo-Hygin., De mun. castr.*, 23; 25; 30; 39; 45; 47; *Tert., Apol.*, 37, 4; *Dig.* III 2, 2, 1; XXIX 1, 38, 1; XXXVII 13, 2. On this subject see *Callies* art. cit., pp. 175-181.

the process of “reconversion” of the existing *numeri* in regular troops, who were similar to the *auxilia* and Romanized from the point of view of combat techniques. It thus became necessary to find a way to conserve an area from which to draw a minimal enlistment of non-Roman soldiers⁹⁰ specialized in the use of special arms and tactics. Caracalla found the solution by resorting exclusively to real barbarian warriors, enlisted from beyond the confines of the empire, or to entire communities that had been transferred to imperial territories⁹¹: precisely the *dediticii*.

We know once more from his contemporaries, Cassius Dio and Herodian⁹², that Caracalla, in effect, enlisted warriors coming from territories beyond the Rhine and the Danube⁹³, constituting special body guards, the so-called Λέοντες, as well as some divisions of σύμμαχοι. These barbarians were preferred by the sovereign to regular soldiers to the point that he enjoyed dressing in Germanic robes, including a cloak, called *caracallus*, from which the emperor received his nickname⁹⁴.

We can presume, then, that these warriors distinguished themselves visibly, both with regards to their clothing and their battle techniques, from Roman soldiers, with whom there was bad blood⁹⁵, and that they were excluded from citizenship as well as from placement in units armed in a traditional Roman manner. If that was true, it is possible that Caracalla’s σύμμαχοι were *peregrini* and thus necessarily *dediticii*, directly tied to the severan dynasty, or belonging to groups that had been already subjected⁹⁶, although still scarcely integrated.

In effect, the particular use of the Greek term σύμμαχοι and that of the Latin *symmach(i)arii* is striking in the works of two historians from the second century, Ps.-Hyginus and Arrian. Reference was made twice by Ps.-Hyginus⁹⁷ to the *symmacharii*⁹⁸, together with but distinctly from the *nationes*⁹⁹. Accord-

⁹⁰ The lower percent incidence of these units with respect to the entire army, in the period before the fourth century, has been reported by R. MacMullen, *How big was the Roman Imperial Army?* *Klio* 62 (1980), pp. 451-460 (here p. 454).

⁹¹ We have several allusions to the deportation and the consequent enlistment of barbarians in the third century, after the *Severi*: see SHA, *Prob.*, 18; *Pan. Lat.*, IV 9, 1-4 (in: *Panegirici latini*, op. cit., pp. 142-143); *Amm.* XXVIII 1; *Zosim.* I 71. On the difficulty of connecting these episodes to the formation of specific military units see *Barbero*, op. cit., pp. 69-70.

⁹² See Dio LXXVIII 5, 5-6,1; Herodian. IV 7, 3.

⁹³ See *Speidel*, *The Rise*, art. cit., p. 226.

⁹⁴ On the *caracallus* see Dio LXXVIII 3, 3.

⁹⁵ See Dio LXXVIII 6, 4.

⁹⁶ For example, during the wars of Marcus Aurelius: see Dio LXXI 11, 1; 12, 1.

⁹⁷ On the controversial identity of the author of the *De munitionibus castrorum* and the work’s date, see *Lenoir*, op. cit., pp. VII-XVI; 111-133, §§ 122-143; *Speidel*, *The Rise*, art. cit., p. 206; *Kermeis-Poly*, art. cit., pp. 77-78.

⁹⁸ See Pseudo-Hygin., *De mun. castr.*, 19; 43: *symmacharii et reliquae nationes*.

ing to Stein, Callies and Speidel, they did not refer to *numeri-nationes*, which already began to be included as regulars in the army, but to heterogeneous groups including provincial militias, temporary allies, war prisoners who defected to the Romans, mercenaries and, precisely, even contingents imposed on defeated enemies¹⁰⁰. Confirming this heterogeneity, the *symmacharii*, in another of Ps.-Hyginus' passages¹⁰¹, seem to be a wide category including even the *nationes*, and there was seemingly not as yet any clear distinction between the two¹⁰².

The diversified and as yet not well defined nature of the *symmacharii* is particularly evident in Arrian's writings, as he used both the noun οἱ σύμμαχοι¹⁰³ and the collective τὸ συμμαχικόν¹⁰⁴, but in both cases reference was being made to irregular troops aggregated to that army which the author, the governor of *Cappadocia* under Adrian, conducted against a band of *Alani* invaders around the year 135 AD¹⁰⁵. At least two different typologies of σύμμαχοι are referred to by Arrian:

1) provincial militias made up of soldiers coming from *Armenia minor*¹⁰⁶ and from the cities of Trabzon¹⁰⁷ and Rizion¹⁰⁸, that is, from territories included in the *Cappadocia* province;

⁹⁹ The list of the *nationes* is found in Pseudo-Hygin., *De mun. castr.*, 29; 30: *Palmyreni, Getuli, Daci, Brittones, Cantabri*. Probably here, with *Getuli*, reference is to people coming generally from Northern Africa, for example *Mauri*, often attested among *numeri*. See also *Lenoir*, op. cit., p. 80, § 79.

¹⁰⁰ See *Stein*, op. cit., p. 235; *Callies*, art. cit., pp. 167-172; *Speidel*, *The Rise*, art. cit., p. 207 and footnote 25. At the time of Alexander Severus and Maximinus these were principally Moors, Osroenians, Armenians, and at times even Parthians (deserters or prisoners): see Herodian. VI 7, 8; VII 1, 9; 2, 1; SHA, *Alex. Sev.*, 61, 8; *Max.*, 11, 7.

¹⁰¹ See Pseudo-Hygin., *De mun. castr.*, 29.

¹⁰² See *Lenoir*, op. cit., pp. 78-79, §§ 76-77: «Les "alliés" sont peut-être d'un statut légèrement différent de celui des "peuplades", mais en sont assez proches pour qu'Hygin puisse les confondre». On this question see also *Le Roux*, art. cit., pp. 370-371.

¹⁰³ See Arrian., *Acies contra Al.*, 14.

¹⁰⁴ See Arrian., *Acies contra Al.*, 7; 25.

¹⁰⁵ See Dio LXIX 15, 1. For the date see *A.B. Bosworth*, *Arrian and the Alani*. HSCP 81 (1977), pp. 217-255 (here pp. 218-219).

¹⁰⁶ These troops are probably to be identified, a century later, with the Armenian soldiers mentioned in *ILS* III, 2 n. 8851. Horsemen and archers from *Armenia Minor* were mentioned even in the fourth century in Anon., *Expos. mundi*, 43.

¹⁰⁷ Trapezus, the future Trabzon, was *liberum oppidum*: see Plin., *Nat. hist.*, VI 11; *W. Ruge*, *Trapezus* 2). In: RE, II Reihe, 6, 2 (1937), coll. 2214-2221.

¹⁰⁸ A port on the Southern coast of the Black Sea, to the east of Trapezus. For this and other geographical indications see *M. A. Speidel*, *The Development of the Roman Forces in Northeastern Anatolia*. New Evidences for the History of the *Exercitus Cappadocicus*. In: *A. S. Levin – P. Pellegrini* (eds.), *The Late Roman Army in the Near East from Diocletian to the Arab Conquest*.

2) soldiers from Colchis, a region outside of the empire, located at the north-eastern border of the *Cappadocia* province. With regard to this reign and its neighbours (Iberia and Bosphore), it is known that, at the eve of his Parthian campaign, Trajan *Hiberos, Bosphorianos, Colchos in fidem Romanae dicionis recepit*¹⁰⁹, recognizing their sovereigns as vassal kings: this lexicon would seem to indicate an act of formal submission very similar to a *deditio*¹¹⁰. On the other hand, still in the fourth century there are many examples of capitulation, not defined expressly as *deditio*, that were not followed by acquisition of the territory by Rome, but only by the obligation to furnish recruits or provisions and the right, for the Roman emperor, to interfere in assigning or confirming the local sovereign¹¹¹.

Proceedings of a Colloquium held at Potenza, Acerenza and Matera, Italy (May 2005). Oxford 2007, pp. 73-90 (in particular the map on p. 87).

¹⁰⁹ See Fest., *Brev.*, 20, 2; the almost identical formula is found in Eutrop. VIII 3, 1 and in Hier., *Chron.*, p. 194 ed. Helm. On the different investitures of the title of king by Trajan and Hadrian see Arrian., *Periplus Pont. Eux.*, 11.

¹¹⁰ The strict relationship between *fides*, *clientela* and *deditio* was pointed out by Cic., *Off.*, I 35; the subject was discussed in great depth by J. Hellegouarc'h, *Le vocabulaire latin des relations et des partis politiques sous la république*. Paris 1963, pp. 41-56; W. Dahlheim, *Struktur und Entwicklung des römischen Völkerrechts im dritten und zweiten Jahrhundert v. Chr.* München 1968, pp. 25-52; W. Flurl, *Deditio in fidem*. Untersuchungen zu Livius und Polybios. München 1969, pp. 146-155; 177-184; G. Freyburger, *Fides*. Étude sémantique et religieuse depuis les origines jusqu'à l'époque augustéenne. Paris 1986, pp. 142-154; M. Torelli, *Dalle aristocrazie gentilizie alla nascita della plebe*. In: *Storia di Roma, I: Roma in Italia*. Torino 1988, pp. 241-261 (here p. 243). Bosworth accented the formal subjection of the Colchis, art. cit., pp. 227-228; however, he later considered its soldiers as "native recruits", and did not distinguish them from Armenians or from the men from Trabzon and Rizion belonging to Arrian's army: see *ibid.*, p. 234. More illuminating, Wirth, art. cit., pp. 17-18; 22 underlined aspects relative to the *deditio* of eastern monarchs and the fact that this concept could be expressed also by means of the terms *fides e dicio*.

¹¹¹ See *Pan. Lat.*, II 10, 3-5 (Franks); *Amm.* XIV 10, 9-16 (Alamans); XVII 10, 3-4 (Alamans); XVII 12, 19-20 (Sarmatians); 13, 3 (Sarmatians); XXVIII 5, 4 (Saxons); XXIX 4, 7 (Alamans); XXX 6, 1-2 (Quadians); XXXI 10, 17 (Alamans). A vivacious debate has developed with regard to the evolution of *deditio* from Republican times to the period of the late empire. It would seem that, especially in imperial times, it is possible to trace a certain continuity in the legal interpretation of *deditio in fidem*: this unconditional surrender of a people external to the empire, following defeat on the battleground or a simple request by the interested parties, made Rome the lord of persons and things belonging to that same people (see Liv. I 38, 1-2; V 27, 12-14), with the consequent annulment of the legally defined existence of its individual members. Later at the act of *deditio*, however, the empire almost never opted for the reduction to slavery of the subjected people or the acquisition of its territory, but to the "restitution to itself", in a subordinate position with respect to Rome so as to be able to stipulate a non equal *foedus* with it ("Kapitulation als Vertrag": see K. Ziegler, *Kriegsverträge im antiken römischen Recht*. ZRG 102 (1985), pp. 40-90, qui pp. 89-90), which usually implied a military contribution, in men and/or supplies in exchange for imperial benefits. This hypothesis was already formulated by M. Lemosse, *Le régime des relations internationales dans le Haut-Empire romain*. Paris 1967, pp. 17-45; later the conclu-

In effect, the subjection of the Colchis' region and of the other two reigns was rendered, in a poignant iconographic display, on a series of coins engraved with the eloquent *regna adsignata* legend¹¹². As can be seen in the example shown below, the act of submission is rendered quite evident by the fact that the emperor is seated on the *tribunal* in a raised position with respect to the three kings, who stand as they render homage and seemingly receive the symbols of regal power from the hands of Trajan himself¹¹³:



The dependence of Colchis on Rome during the Antonine age could find further confirmation in the fact that, according to Procopius, Trajan deployed detachments of Roman soldiers in its territory¹¹⁴. This event is confirmed by

sion was drawn that *foederati* were always, in the first place, *dediticii*, at least until the time of Halaric: see especially *M. Cesa*, Impero tardoantico e barbari: la crisi militare da Adrianopoli al 418. Como 1994, pp. 17-21; *Wirth*, art. cit.; *P. J. Heather*, *Foedera and foederati of the Fourth Century*. In: *W. Pohl* (ed.), *Kingdoms of the Empire*, op. cit., pp. 57-74; *T. S. Burns*, *Rome and the Barbarians, 100 B.C.-AD 400*. Baltimore 2003, pp. 245-247; *M. Palazzi*, *Alarico e i foedera tra IV e V secolo. Aspetti delle relazioni internazionali fra Impero romano e barbari in epoca tardoantica*. In: *Romani e barbari. Incontro e scontro di culture. Atti del convegno – Bra, 11-13 April 2003*. Torino 2004, pp. 187-208.

¹¹² See *H. Mattingly – E. A. Sydenham*, *The Roman Imperial Coinage, II. Vespasian to Hadrian*. London 1926, p. 291, n. 666; *D. Magie*, *Roman Rule in Asia Minor to the End of the Third Century after Christ, II*. Princeton 1950, p. 1465 footnote 32; *J. W. Eadie*, *The Breviarium of Festus. A Critical Edition with Historical Commentary*. London 1967, p. 139; *D. Braund*, *Georgia in Antiquity. A History of Colchis and Transcaucasian Iberia, 550 BC-AD 562*. Oxford 1994, pp. 179-180.

¹¹³ The image is that of a sesterce dating to 114-117 AD, taken from the following site: www.coinarchives.com/a/results.php?search=regna+adsignata&s=0&results=100.

¹¹⁴ See Procop., *Bell. Goth.*, IV 2, 16.

two allusions by Arrian relative to small garrisons located at the mouth of the Phasis River and at Sebastopolis under Hadrian¹¹⁵.

Once the heterogeneous nature of Arrian's σύμμαχοι has been confirmed, it becomes clear that they distinguished themselves not only from the legions and the *auxilia* but also from the *nationes*, although in a less evident way¹¹⁶. We have noted, in fact, that the ethnic groups and the *civitates* mentioned by Arrian are included neither in Ps.-Hyginus' list of *nationes* nor in the *numeri* specified in the diplomas and other epigraphic sources, and thus it would seem that they constituted an at least partially diversified typology. This point seems confirmed also by the fact that the only inscription of the Roman world attesting the term *symmacharii* refers to the *Astures* of the Trajanic period, never mentioned anywhere else as belonging to a *numerus*¹¹⁷. The allies mentioned by Arrian, moreover, also included ὀπλίται, that is, the heavy infantry, a function that does not seem to coincide with the light weaponry that distinguished, as we explained above, the *numeri*.

The difference between *symmacharii* and *nationes* has already been studied by Kerneis-Poly¹¹⁸. On the basis of an analysis of the passages cited by Ps.-Hyginus, he considered the former, *foederati*, the traditional allied contingents already existing in the Julio-Claudian period, wherever the latter constituted a newly created subgroup as the result of the policy, begun in a marginal way between the first and second century AD and becoming systematic between the second and the third centuries, of deporting barbarian *dediticii*¹¹⁹. The *dediticii* thus, according to Kerneis-Poly, could be identified with a part of the *numeri*, the *nationes*.

In our opinion, on the contrary, the development outlined above, tracing the σύμμαχοι of Arrian and Ps.-Hyginus' time to those of Caracalla's, probably reflects a slow evolution of the term, which from a generic word indicating "allied units" of any kind, including the *dediticii*, gradually distinguished itself

¹¹⁵ Arrian., *Periplus Pont. Eux.*, 9, 3; 10, 3. The two garrisons constituted the extreme borders of Roman control (see *ibid.*, 17, 2), and they existed perhaps from the first century AD: see Braund, *op. cit.*, p. 178.

¹¹⁶ Even the list of the military forces present in *Cappadocia* at the end of Hadrian's epoch, drafted by Cheesman, *op. cit.*, pp. 159-160, did not contemplate *numeri*.

¹¹⁷ See AE 1926 n. 88=1935 n. 12: *C. Sulpicio Ursulo praefecto symmachiariorum Asturum belli Dacici*.

¹¹⁸ See Kerneis-Poly, *art. cit.*, pp. 81-92.

¹¹⁹ A list of these groups is found in Kerneis-Poly, *art. cit.*, pp. 82-84. The idea that the *dediticii* of the II century AD constituted *numeri* was already expressed by Rowell, *The Honesta Missio*, *art. cit.*, pp. 98-101. It should be remembered that the *deditio* and transplantation of populations seem to have been utilized since the time of Augustus, when they still conserved their barbaric nature, to gain precious *auxilia* for the empire: see L. Bessone, *Stirpi barbariche e Impero sul Reno e sul Danubio*. Firenze 1977, pp. 18-20.

from the so-called *numeri*, until it became identified exclusively with the former¹²⁰ at the time of Herodian and of Cassius Dio and thus after Caracalla's edict. It seems then impossible to affirm, as did Kerneis-Poly, that *numeri* = *dediticii*. Moreover, it should be remembered that, in order to sustain his theory, the author translated Hyginus' *nationes reliquae* as "supplementary *nationes*," which does not seem semantically correct.

If anything, *numeri* appeared to have been, as they were defined by Callies, a particular category of the *Hilfskontingente* whose particular history led to their incorporation in the regular army, precisely during a period when deportation, on the other hand, was becoming systematic. This, as far as we are concerned, permits us to conserve the substantial *numeri* = *nationes* equivalence¹²¹ and to postulate, instead, that Caracalla's σύμμαχοι constituted the new typology of barbarian troops, introduced by the emperor particularly with reference to the imperial guards.

The final separation between *numeri-nationes*, on the one hand, and σύμμαχοι-*dediticii*, on the other, therefore, was clarified only at the time of the *constitutio Antoniniana*, bringing to term a process begun in the previous century¹²². From that moment on, in fact, the *Hilfskontingente* would be identified as *dediticii* of a non-Roman legal status, excluded from *civitas*¹²³.

In effect, the only unit clearly distinguished as made up of *dediticii* in the nomenclature dates precisely to the Severan period. Reference is being made to the *Brittones dediticii*, identified in due course by Rowell in an inscription com-

¹²⁰ Identification perhaps was facilitated by the fact that the *dediticii* themselves, already in the IV century, did not possess a unitary physiognomy, probably because the condition of each group was different depending on the circumstances: see *C. R. Whittaker*, *Rome and its Frontiers. The Dynamics of Empire*. London–New York 2004, pp. 206-207.

¹²¹ See also, on other bases, *Le Roux*, art. cit., pp. 370-374. The equivalence, moreover, is sustained by the substantial homogeneity with regard to the various ethnonyms of the *numeri*, which is something that we know from the inscriptions and the list of *nationes* furnished by Ps.-Hyginus: see *Speidel*, *The Rise*, art. cit., pp. 206-207 and footnote 23. If anything, it would seem possible that Ps.-Hyginus used the term *nationes* in place of *numeri* because the latter was intended in its generic meaning, clearly certified even before the end of the empire, of a "military unit" (see footnote 89).

¹²² On the process concerning the origin and transformation of ethnic units as an enduring phenomenon, see *Speidel*, *The Rise*, art. cit., p. 207 and footnote 26. The importance of the *constitutio Antoniniana* was underlined by *Kerneis-Poly*, art. cit., pp. 92-94, although with the already mentioned interpretive differences concerning the status of the *numeri*.

¹²³ *Speidel*, *The Rise*, art. cit., pp. 213-223; 228, although positioning the development of these units precisely between the second and third centuries, did not connect it with Caracalla's *dediticii* but preferred to distinguish the «regular *nationes*», assimilated with the *auxilia*, from the «*nationes* of a more unmixed barbarian type».

ing from Walldürn, along the *limes* of *Germania superior*¹²⁴: they bore the attribute of *Alexandriani* and, in fact, the inscription dates to 232 AD¹²⁵. It is reasonable to hypothesize then that the *deditio* of the group, from which these soldiers originated, took place during the Britannic campaign of Septimius Severus between 209 and 211 AD¹²⁶, or precisely at the eve of Caracalla's edict.

But the creation and successive relocation of units made up of barbarians precedently defeated was attested to by Cassius Dio already in the second century¹²⁷, demonstrating that recourse to them, together with gradually "regularized" *numeri*¹²⁸, had already begun to take place many decades earlier or precisely during the age of Arrian and Ps.-Hyginus, in a long term process.

What Caracalla intended by the clause introduced in his edict was to secure and to regularize a long held practice and to safeguard, for the future, the ethnic composition of similar units. He made sure, in fact, that the legal mechanism of the *deditio* would continue to furnish units of specially trained *peregrini*, whose impossibility of obtaining citizenship without an *ad hoc* imperial concession

¹²⁴ See *CIL* XIII n. 6592=*ILS* III, 2 n. 9184. The analysis of the inscription is contained in *Rowell*, *The Honesta Missio*, art. cit., pp. 87-104; *Sasse*, op. cit., p. 112-116; *M. Lemosse*, *L'inscription de Walldürn et le problème des déditices*. *Ktéma* 6 (1981), pp. 349-358 (according to which the unit would have been constituted by Roman citizens who, because of some kind of offence, were punished with the attribution of the *dediticii* status); *Kerneis-Poly*, art. cit., pp. 73-76.

¹²⁵ Beginning with the third century AD military units added an adjective to their title, derived from the name of the reigning *princeps*, and changed it at his death to substitute it with that of the new sovereign: see *C. Cichorius*, *Ala*. In: *RE*, I, 1 (1893), coll. 1224-1270 (here coll. 1225-1226); *Cohors*, in *RE*, IV, 1 (1900), coll. 231-356 (qui coll. 233-234); *E. Ritterling*, *Legio*. In: *RE*, XII, 1 (1924), coll. 1211-1328 (qui coll. 1324-1325); *Callies*, art. cit., p. 185.

¹²⁶ See Dio LXXVI 14, 3.

¹²⁷ See, for example, the Iazyges subjected by Marcus Aurelius in Dio LXXI 16, 2: Cassius Dio uses the very term *συνμαχία*, by chance to define the cessation of 8000 horsemen by the Iazyges subdued by the Romans.

¹²⁸ Soldiers of the *numeri* received different military diplomas depending on the unit's ethnic group. This may be due to the fact that the rights recognised to them varied depending if the unit was constituted by *gentiles*, or, more precisely, by members of a *gens* governed by their own particular law, or by *foederati*, tied to Rome by specific clauses in a treaty. This is demonstrated by the differences in the diplomas released to the *Mauri gentiles*, on the one hand, and those intended, instead, for *Mauri equites* and *Palmyreni sagittarii*, on the other: see *Le Roux*, art. cit., pp. 367-370.

would impede excessive Romanization¹²⁹. That is how the σύμμαχοι-*symmacharii*, just as the Λέοντες of Caracalla's guards, became elite troops¹³⁰.

All of this did not, naturally, imply that the *numeri*, distinguished by their ethnonym, would disappear, as we have epigraphic attestations about them from the third¹³¹ and at times even the fourth and fifth centuries¹³², but marked the birth of a new way of meaning barbarian detachments and of keeping alive their distinctive characteristics with respect to the precedent formula, whose failure was due to the constant diffusion of Roman citizenship.

¹²⁹ Barbero, op. cit., pp. 45-53, even while admitting that it is impossible to interpret the Papyrus Giessen in an unambiguous manner, believes that the effect of the clause on the *dediticii* was that of keeping a fringe of the population in the condition of *peregrinitas*, but that on a military level, at least during the Severan Age, the repercussions were quite modest.

¹³⁰ See, for example, the *equites et pedites iuniores Mauri* commanded by the ex tribune of urban cohorts T. Licinius Hierocles, in *CIL VIII* n. 20996=*ILS I* n. 1356. Discussion in *Speidel*, *The Rise*, art. cit., pp. 215-216.

¹³¹ Moreover, as already mentioned, the eastern *numeri*, especially the Palmyrenian ones, still maintained their ethnic character even at the beginning of the third century AD: see *Callies*, art. cit., pp. 190-194.

¹³² See the *numerus Herulorum* in *AE* 1949 n. 86; *ILS I* nn. 2796; 2801.

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MACROBE SUR LES VERTUS DES ESCLAVES

ANALYSE DU CHAPITRE 11 DES SATURNALES I.

PAR ORSOLYA TÓTH

Abstract: The late antique writer, Macrobius, is of the opinion that virtues can be found in slaves as much as in free men. The author explains his view in his main work, the Saturnalia (I. 11). The aim of this paper is – through the analysis of the passage mentioned above – the examination of precisely what kind of virtues Macrobius attributes to slaves, the context in which these virtues appear, and finally the factors which could have influenced the author while he was writing his text in praise of slaves.

Key words: Macrobius, Saturnalia, slavery, virtues, bravery

On pourrait donner au 11^e chapitre des *Saturnales* I. le titre *L'éloge de l'esclavage*. En effet, Macrobe, dans cette partie de son œuvre, fait l'éloge peut-être le plus beau et sans aucun doute le plus global de cette couche sociale dans la littérature antique. Chez les Romains, la fête des Saturnales, le sujet de l'œuvre de l'auteur de l'époque du Bas-Empire, était le symbole de l'estime des hommes libres envers les serviteurs. Dans son travail, Macrobe s'occupe dans les détails de l'origine de la fête et des traditions qui y sont liées, et à ce propos il essaie d'expliquer pourquoi et comment les esclaves sont devenus les personnages principaux de la fête des Saturnales. Contrairement à l'opinion généralement admise par les Romains, l'auteur¹ est de l'avis de ceux qui pensent que la vertu se retrouve dans les esclaves de même que dans les hommes libres, et le

¹ La monographie de W. L. Westermann (The slave systems of Greek and Roman antiquity. Memoirs of the American Philosophical Society. Vol. 40. Philadelphia 1984²) et les travaux de G. Alföldy (Antike Sklaverei: Widersprüche, Sonderformen, Grundstrukturen. Bamberg 1988 ; et Római társadalomtörténet (Histoire sociale de Rome). Budapest 1996) offrent un excellent aperçu sur l'histoire de l'esclavage grec et romain. T. Wiedemann (Greek and Roman Slavery. Baltimore and London 1981) recueille des sources considérables sur ce sujet et Z. Yavetz (Slaves and slavery in ancient Rome. New Jersey 1991²) sur les plus importantes guerres serviles. J. Vogt-N. Brockmeyer (Bibliographie zur antiken Sklaverei. Bochum 1971) et H. Bellen–H. Heinen (Bibliographie zur antiken Sklaverei. Forschungen zur antiken Sklaverei. Beiheft 4. vol. II. Stuttgart 2003) entre autres, l'orientation dans l'immense bibliographie spéciale concernant l'esclavage à l'Antiquité.

discours volumineux sur ce sujet dans le chapitre en question a pour but d'appuyer cette opinion. La présente étude a l'intention de donner une analyse détaillée de ce morceau de texte, et de dire de cette manière quelles sont plus précisément les vertus que Macrobe attribue aux esclaves, dans quels contextes les vertus détectées apparaissent dans son œuvre, et quelles influences ont pu avoir de l'effet sur l'auteur dans la formation de son opinion concernant les esclaves. Cependant, avant de nous lancer dans l'analyse détaillée, il nous semble utile, pour une meilleure intelligence du sujet, d'offrir un bref aperçu de la situation des esclaves romains et de l'opinion sociale sur les esclaves au cours de l'Antiquité.

Aperçu de l'histoire de l'esclavage romain

Dans la société patriarcale de la première période de l'Empire romain, les esclaves appartenaient à la famille, à la *familia*. Le mot *familia* désignait à cette époque-là plutôt des rapports de propriété que des liens de sang. Étant donné que le *pater familias* exerce un pouvoir absolu aussi bien sur sa femme et ses enfants que sur ses esclaves, la position de ces derniers différait très peu de celle des autres membres de la famille. Il est vrai qu'un esclave ne représentait pas une valeur semblable à celle d'un homme libre, mais ses tâches agricoles et ménagères ne différaient presque pas de celles des autres. À cette époque-là, ce n'était pas encore leur travail sur lequel reposaient les bases de la croissance économique, et pour qu'ils ne ressentent pas leur situation humiliante, ils étaient appelés *familiares*.² Après avoir été affranchis, déjà comme *liberti*, ils gardaient une relation étroite avec leur maître devenu *patronus*. Le changement se fait à l'époque des guerres puniques quand il est devenu habituel de rendre les masses de prisonniers de guerre esclaves, et par conséquent, on pouvait avoir la main d'œuvre facilement et à bas pris.³ Au nom des lois, les esclaves ne pouvaient être enrôlés dans l'armée, la continuité du travail producteur était donc assurée même pendant les guerres incessantes. L'apparition massive des esclaves en Italie a évidemment changé les relations au sein de la *familia* : l'attachement des esclaves au *pater familias* a disparu, ils représentaient déjà une couche sociale autonome, au bas de l'échelle hiérarchique, privée de tout droit et dans un état de dépendance totale. Leur situation est bien caractérisée par la définition de Varron *instrumenti genus vocale*⁴ qui met en évidence que

² Cf. Sen., *Ep.* 47, 14.

³ En réalité, cette tendance a commencé plus tôt, pendant les guerres samnites, mais elle culminait pendant les guerres puniques.

⁴ *De re rustica* 1, 17, 1.

l'esclave passe non plus pour un homme, mais pour un instrument de travail, il est donc considéré absolument comme un objet. Évidemment, leur état était différent selon qu'ils servaient dans une ville ou à la campagne. Ceux qui faisaient partie de la *familia rustica*, se trouvaient dans une situation beaucoup plus désespérée et avaient des conditions de vie plus rudes. Le travail physique qu'ils faisaient les éprouvait durement, les épitaphes conservées témoignent du fait que la plupart d'entre eux sont morts avant leur 40^e année, et ils ne pouvaient espérer l'affranchissement non plus puisque les maîtres n'accordaient cette grâce que très rarement à des esclaves qu'ils ne rencontraient personnellement presque jamais. Cette période allant jusqu'à la fin de la République romaine était sans aucun doute la période la plus noire du point de vue des conditions des esclaves. C'est la raison pour laquelle les guerres serviles les plus importantes sont survenues justement à cette époque, mais qui n'avaient pas un impact considérable sur la société romaine : à la suite de ces guerres, les maîtres se sont rendus compte du fait que la maltraitance des esclaves cause plus de dégâts à l'économie qu'elle ne fait de profit, ils ont donc allégé un peu les charges des esclaves. Pendant le Principat, il n'y avait plus les mêmes possibilités pour l'acquisition des esclaves qu'auparavant. Il arrive de moins en moins que des prisonniers de guerre soient rendus esclaves, le recrutement des serviteurs est garanti plutôt par les hommes libres appauvris qui s'offraient volontairement ou offraient leurs enfants pour être esclaves. C'est pendant cette période qu'apparaissent les affranchis riches qui ont accumulé de plusieurs manières différentes une énorme fortune, et grâce à cela, ils ont acquis une grande influence économique et souvent politique aussi.⁵ Cependant même ces derniers n'avaient pas la possibilité d'entrer dans l'ordre des sénateurs. Calliste⁶, mentionné par Sénèque, ou Pallas, le secrétaire au trésor de Claude en sont les exemples, celui-ci comme *libertus* est parvenu à la direction de l'appareil de l'Empire, malgré cela, il a été élu préteur sans le rang sénateur. Pline le Jeune trouve cependant que déjà cet honneur est excessif, et il évoque d'un ton indigné la décision du Sénat louant Pallas, en disant qu'il est heureux de ne pas être né à une époque où on tolère une telle honte.⁷ Pendant les deux premiers siècles de l'Empire, les conditions de vie des esclaves montraient une tendance d'amélioration, et le *manumissio* aussi leur est devenu plus facilement accessible. Plusieurs décrets sont nés qui avaient l'objectif d'améliorer leur situation, et les traitements cruels envers les esclaves ont été de plus en plus condamnés.

⁵ Pendant la République, il était encore absolument inimaginable que des hommes d'origine d'esclave puissent participer sous n'importe quelle forme aux affaires publiques. cf. Cic. *Ad Quint. frat.* I 1, 17.

⁶ Libertus de Caligula, ensuite chancelier de Claude. Sen., *Ep.* 47, 9.

⁷ *Ep.* 8, 6.

Sous l'impact de la crise du III^e siècle, on peut observer un processus d'égalisation dans les couches sociales inférieures de la société : les *servi*, *liberti* et *ingenui* restaient juridiquement des catégories différentes, mais sur le plan économique ou existentiel, il n'y avait guère de différence entre eux. À l'époque du Bas-Empire, chargée de tensions sociales, ce processus se manifestait encore plus vigoureusement en raison du nivellement des couches sociales inférieures, et tandis que de plusieurs aspects, les conditions des esclaves continuaient à s'améliorer, les libres pauvres descendaient pratiquement au niveau de serviteur et faisaient l'objet du mépris aux yeux des couches supérieures, tout comme les esclaves. C'est Alföldy qui attire l'attention sur le fait que cela a des traces même dans le *Codex Theodosianus* où le mot *faex* est indifféremment utilisé pour désigner les libres des couches sociales inférieures et les esclaves.⁸

L'appréciation des esclaves à l'Antiquité

Au cours de toute l'Antiquité, l'institution de l'esclavage était si naturelle que sa raison d'être n'était contestée par personne, même pas par les auteurs qui étaient d'origine d'esclave. Selon l'opinion communément admise, les esclaves étaient des êtres inférieurs ayant besoin d'être dirigés et ne pouvant pas avoir les vertus. Platon également était de cet avis, selon lui, le courage est une vertu qui ne peut pas exister dans les esclaves, tout au plus quelque chose qui semble pareil, mais qui est plus proche des instincts des animaux.⁹

⁸ G. Alföldy, op. cit. (1996) 124. *CodTheod.* 9, 42, 5; 6, 27, 18; 16, 5, 21.

⁹ Chez Platon, il n'y a pas de discours sur les questions de l'esclavage, son opinion sur ce sujet ne peut être reconstruite que d'après des allusions sporadiques se trouvant dans ses œuvres. Son idée mentionnée ci-dessus peut être dérivée de sa conception sur le *logos*, selon laquelle même si les esclaves peuvent avoir la *doxa*, ce qui désigne dans ce cas une sorte de pseudosavoir qui ne se repose pas sur la vraie connaissance, mais sur des expériences pratiques, il n'y a pas de *logos* en eux qui puisse les rendre capables de comprendre les relations causales entre certaines choses (*Leges* 720). Par conséquent, ils ne peuvent pas connaître la réelle nature de la vérité, et ils ne sont pas aptes au rôle de dirigeant non plus, ils sont donc nécessairement subordonnés aux individus intellectuellement d'ordre supérieur, possédant le *logos*. Cependant, dans ce sens, ce ne sont pas que les serviteurs qui se rangent dans la catégorie de *douloi*, mais les hommes d'ailleurs libres également qui sont soumis aux ordres des supérieurs. Dans l'une de ses études, *Gregory Vlastos* (*Slavery in Plato's Republic*. In : M. I. Finley (ed.), *Slavery in Classical Antiquity. Views and Controversies*. Cambridge 1960, 133-149, 133-138) prouve que Platon non seulement ne considère pas l'esclavage anormal, mais qu'il presque l'idéalise en négligeant absolument les associations négatives du traitement parfois cruel des esclaves, et il appuie avec des exemples son opinion selon laquelle c'est une situation honnête et heureuse. Selon lui, le système de relations entre le maître et le serviteur, ou bien entre le dynaste et son subordonné fonctionne suivant les mêmes schémas. L'idée que « la famille est un modèle réduit de la société » existait déjà dans la première conception romaine, du moins c'est ce à quoi réfère Sénèque dans la lettre que nous al-

Aristote, comme son maître, pense que l'esclavage n'est pas contre la nature,¹⁰ selon lui, on sait déjà à la naissance si l'homme donné sera dirigeant ou subordonné dans la vie. Les différences intellectuelles et sociales sont donc basées sur les différences des facultés naturelles.¹¹ Évidemment, il y en avait parmi les penseurs grecs aussi – comme le sophiste Alcidamas,¹² Philémon ou Euripide – qui, à l'opposé de Platon et d'Aristote, était de l'opinion que l'esclavage est contre la nature, son acceptation conventionnelle réalise la plus grande injustice sociale, mais ils avaient une influence bien moindre que ceux de l'avis opposé.¹³

Chez les auteurs grecs, c'est surtout du point de vue théorique que le sujet se trouve au centre de la réflexion, alors qu'à Rome, ce sont les aspects pratiques qui sont mis en avant : ce sont principalement des auteurs spécialisés dans l'économie – comme Varron, Caton ou Columelle qui écrivent de la situation des esclaves, de leur traitement. Les informations qu'ils donnent manquent de tout aspect idéologique et moral. Étant donné qu'il s'agit de l'instrument de travail le plus précieux de l'économie, ils ne regardent que le facteur d'efficacité : comment il faut employer, primer, punir, etc. les serviteurs dans l'intérêt du fonctionnement optimal de l'économie. À l'époque du Principat, il apparaît dans la littérature et dans la philosophie une nouvelle voix selon laquelle les esclaves sont égaux aux libres et qu'il est nécessaire de les traiter

lons analyser plus loin (*Ep.* 47, 14.) quand il dit : *maiores nostri ... domum pusillam rem publicam esse iudicaverunt.*

¹⁰ Cf. *Pol.* livre I., passim. Toutefois, il polémique avec Platon dans la question de savoir si les maîtres gouvernent leurs serviteurs de la même manière que les dirigeants de l'État leurs subordonnés.

¹¹ Le maître règne sur son serviteur comme l'âme sur le corps ou la raison sur les désirs, et cette dominance n'est pas seulement utile, mais juste aussi pour l'esclave lui-même. L'esclave est un instrument ayant une âme, il fait partie de son maître, et comme tel, il doit posséder les vertus nécessaires à la pratique du bien, mais ce ne sont que des vertus partielles qui, selon la terminologie d'Aristote, représentent les formes de *hexis*, c'est-à-dire qu'elles peuvent être mises en relation avec l'état corporel. Dans cette question, il va un peu plus loin que Platon, tout en maintenant qu'un esclave ne peut pas avoir part aux vertus morales entièrement, seulement à la mesure de ses obligations, et comme la performance la plus grande des serviteurs réside dans leur travail physique, leurs vertus aussi qui ne peuvent être ainsi de pleines valeurs se rapportent seulement à cela. Sur l'opinion d'Aristote concernant l'esclavage cf. R. Schlaifer, *Greek Theories of Slavery from Homer to Aristotle*. In: M. I. Finley (ed.), *Slavery in Classical Antiquity. Views and Controversies*. Cambridge 1960, 93-132, 120-127 ; G. E. R. Lloyd, *Aristotle: The Growth and Structure of his Thought*. Cambridge 1968, 251-253.

¹² D'après les données disponibles, c'est Alcidamas, disciple de Gorgias qui était le premier à refuser l'esclavage. Cf. G. B. Kerferd, *Le mouvement sophistique* (Bibliothèque d'Histoire de la Philosophie). Paris 1999, 193.

¹³ Cf. K. Bradley, *Slavery and Society at Rome*. Cambridge 1994, 133-140 ; Schlaifer, op. cit. 127-129.

avec humanité.¹⁴ Parmi les thèses fondamentales de Sénèque, on trouve l'idée qu'il n'y a pas d'hommes qui, par nature, soient condamnés à être esclaves. Sa conception est en accord avec les enseignements stoïques,¹⁵ cependant, comme le note Griffin aussi, son interprétation de l'égalité dépasse largement celle des stoïques antérieures, et ses thèses ne sont pas surpassées par les générations suivantes non plus.¹⁶ Sénèque attribue clairement aux serviteurs des traits de caractère supposant l'existence des vertus : *potest servus iustus esse, potest fortis, potest magnanimus*,¹⁷ ailleurs il écrit : *nulli praeclusa virtus est*.¹⁸ Il est vrai en tout cas que les représentants de ce traitement humain étaient en minorité infime dans la société romaine. Chez certains auteurs, on peut observer une certaine ambivalence dans leur relation avec les esclaves, comme le montre l'exemple de Pline le Jeune : dans une de ses lettres (8, 16), il écrit avec empathie sur ses propres esclaves, il est fier de son *humanitas* témoigné envers eux, et en même temps – comme il en était déjà question – il évoque avec indignation l'élection de Pallas pour le rang de préteur (8, 6), ailleurs (3, 14) il est

¹⁴ Cf. Petr., *Sat.* 71.; Sen., *Ep.* 47; *Benef.* III 18 sqq. ; Plin., *Ep.* VIII 16.

¹⁵ Les stoïques, définissant la vertu comme *summum bonum*, pensaient que l'homme par nature aspire au bien et veut être en harmonie avec la nature. Le *summum bonum* signifie la même chose pour l'individu, pour les différentes catégories sociales et pour l'univers, puisque c'est le même logos qui les pénètre et les dirige. Le *σπερματικός λόγος* ou *recta ratio* qui est une partie du logos divin, autrement de l'âme de l'univers, existant dans chaque homme est le logos de tous les hommes, et ainsi, à cause de la possession commune du logos, tous les hommes sont égaux par nature. Cf. Cic., *Fin.* III 19, 64: *mundum autem censent regi numine deorum, eumque esse quasi communem urbem et civitatem hominum et deorum, et unum quemque nostrum eius mundi esse partem; ex quo illud natura consequi, ut communem utilitatem nostrae anteponamus*. En outre Cic., *Leg.* I 7, 22-23.: *animal hoc providum, sagax, multiplex, acutum, memor, plenum rationis et consilii, quem vocamus hominem, praeclara quadam condicione generatum esse a supremo deo. Solum est enim ex tot animantium generibus atque naturis particeps rationis et cogitationis, cum cetera sint omnia expertia. Quid est autem, non dicam in homine, sed in omni caelo atque terra, ratione divinius? Quae cum adolevit atque perfecta est, nominatur rite sapientia. Est igitur, quoniam nihil est ratione melius, eaque <est> et in homine et in deo, prima homini cum deo rationis societas. Inter quos autem ratio, inter eosdem etiam recta ratio [et] communis est: quae cum sit lex, lege quoque consociati homines cum dis putandi sumus*. Les stoïques partant de leur idée sur l'égalité affirment que l'esclavage et l'inégalité entre les sexes sont contraires à la nature. Ils incitent à reconnaître la dignité morale des esclaves et à les traiter avec humanité. Sur la conception éthique des stoïques en général, avec une littérature abondante, voir : *H. Reiner*, Die ethische Weisheit der Stoiker heute. *Gymnasium* 76 (1969) 330-357 et *G. Rodis-Lewis*, La morale stoïcienne. Paris 1970 ; sur la relation de l'éthique stoïcienne avec l'esclavage et avec l'égalité des sexes : *M. L. Colish*, The Stoic Tradition from Antiquity to the Early Middle Ages. I. Stoicism in Classical Latin Literature. Leiden 1985, 36-38.

¹⁶ Sur la question plus en détail voir : *M. Griffin*, Seneca: A Philosopher in Politics. Oxford 1976, 256-285.

¹⁷ *Benef.* III 18, 4.

¹⁸ *ibid.*

d'accord avec le décret du Sénat qui affirme que tous les serviteurs de la maison doivent expier par la mort si un esclave tue son maître.¹⁹ Toutefois, ce comportement, comme le montre Finley aussi, n'est contradictoire qu'en apparence : en réalité, les aristocrates qui prêtaient attention à leurs esclaves, ou les décrets impériaux pris dans leur intérêt voulaient, par l'amélioration de leur condition de vie, conserver l'esclavage.²⁰ L'opinion communément admise continue à considérer les serviteurs comme des êtres inférieurs, instinctifs, en disant que tout au plus il y a quelques esclaves qui peuvent agir vertueusement. Macrobe par contre veut attirer l'attention sur le fait que ce n'est pas seulement l'intérêt personnel ou la contrainte momentanée qui peuvent amener un serviteur à des gestes vertueux. Même dans leur cas, le bien moral peut être un facteur motivationnel, et pour appuyer cette idée, il cite des exemples qui prouvent la conduite héroïque, la générosité et la loyauté des esclaves dans des situations de danger.

Les vertus des esclaves chez Macrobe

L'auteur s'occupe des esclaves dans un long chapitre des *Saturnales* (I 11) qui est divisé en trois parties. Dans la première partie (1-6) introduisant le vrai sujet, Evangelus qui joue toujours un rôle négatif dans l'œuvre, fait des remarques déshonorantes à propos des esclaves, tandis que le maître de la maison du festin, Prétextat plaide en leur faveur en ouvrant une longue discussion sur leur appréciation. À l'aide du duel d'Evangelus et Prétextat, Macrobe a la possibilité de confronter les idées de l'approche humaine et celles de la mentalité traditionnelle. Dans la deuxième partie (7-15) vient le fondement théorique qui met en évidence que les esclaves sont des hommes tout comme les autres, et qu'ils sont égaux aux hommes libres devant les dieux, la nature et la fortune. Finalement, dans la troisième partie (16-46), il montre, à l'aide de plusieurs exemples concrets, quel excellent caractère avaient les esclaves auparavant et quels grands exploits ils ont accomplis. Il n'est guère possible de donner une explication convaincante à la question de savoir pourquoi Macrobe portait un vif intérêt aux esclaves. Il est connu que le *Codex Theodosianus* contient une disposition à propos des esclaves, adressée à Maximiliane Macrobe²¹ qui pouvait être en rapport de parenté avec notre auteur. L'essentiel de cette disposition est la suivante : on ne peut pas accuser d'homicide le maître dont le serviteur meurt des suites d'un châtement. Cette disposition ne peut être aucunement la

¹⁹ Cf. *dig* 5, 1, 17-20; Paulus, *Sent.* III 5, 3. 6-9. 12; Tac., *Ann.* XIV 42-45.

²⁰ Cf. *M. I. Finley*, *Ancient Slavery and Modern Ideology*. London 1980, 121.

²¹ *CodTheod.* 9, 12, 2.

preuve du comportement humain des maîtres envers leurs esclaves, et il est peu possible que cela ait eu de l'effet sur Macrobe. Il est beaucoup plus probable que cette question a reçu de l'importance parce qu'elle occupe une place particulière dans l'œuvre, puisque les Saturnales sont une fête au cours de laquelle les esclaves ont un rôle principal.²²

La source de la deuxième partie du chapitre est la 47^e lettre de Sénèque à Lucilius dans laquelle la question de l'esclavage est traitée dans une approche de philosophie morale. Cette lettre avait sans aucun doute un grand effet sur Macrobe : il n'a pas seulement repris son texte, mais il l'a presque refait. Selon Flamant²³, là où Macrobe reprend une partie d'une source sans aucune modification, ne se souciant pas de la texture du nouveau texte, de sa cohérence ou de son unité logique, le contenu du texte donné est moins important pour lui, il l'insère dans son œuvre parce qu'elle convient au sujet actuel, au style de la conversation de table. Par contre, si quelque chose a de l'importance ou de l'essentiel pour lui du point de vue de son contenu, il le remanie considérablement, il le restructure selon sa propre logique, il en enlève ou si c'est nécessaire, il complète sa source, comme dans le cas des textes s'occupant de la théologie du Soleil²⁴ ou de la descente de l'âme²⁵. Il fait la même chose avec la lettre de Sénèque aussi, ce qui indique clairement que le sujet de l'esclavage le préoccupe sérieusement, et en refusant la manière de voir l'esclave comme un instrument, il souligne que les esclaves peuvent posséder les mêmes vertus que les libres et dans la même mesure. Leurs vertus sont de pleine valeur et non pas des vertus incomplètes comme beaucoup le pensaient auparavant.²⁶ Les deux auteurs ont des approches différentes du thème : Sénèque expose ses idées sous l'influence d'une nouvelle selon laquelle Lucilius traite ses esclaves avec humanité, donc le *dominus* prend soin de sa *familia*, tandis que dans l'autre cas, comme base, il y a une histoire dans laquelle Iuppiter punit un maître à cause de son comportement cruel envers son serviteur, c'est-à-dire que même les dieux font attention au sort des esclaves : *quanta de servo ad deorum summum cura pervenerit*.²⁷ Le discours de Sénèque part de la sphère humaine, celui de Macrobe d'un plan métaphysique. Dans la suite, Sénèque, en choisissant la méthode inductive, et en partant du comportement des aristocrates romains obser-

²² Cf. à ce propos *Sat.* I 7, 26; I 10, 22; I 12, 7.

²³ J. Flamant, *Macrobe et le néo-platonisme latin, à la fin du IV^e siècle*. Leiden 1977, 290-291.

²⁴ *Sat.* I 17-24.

²⁵ *Comm.* I 11-12.

²⁶ Cf. note 11.

²⁷ *Sat.* I 11, 6. Non seulement Iuppiter prêtait attention aux esclaves ; plus haut (*Sat.* I 10, 22), en relation avec les antécédents grecs de la fête, Macrobe publie son opinion selon laquelle Saturne aussi avait un grand soin aux esclaves : *Delectari enim deum (sc. Saturnum) honore servorum, contemplatu laboris*.

vé à table, il avance vers le général, vers l'analyse de la situation des esclaves sur le plan philosophique, Macrobe au contraire : il part des conclusions générales pour arriver au concret ; dans son cas, c'est nécessaire à cause de la structure du chapitre, à cause des exemples cités dans la troisième partie. Les deux passages mettent au centre l'idée que les esclaves aussi sont pareils aux autres hommes, et qu'il faut juger l'individu d'après son caractère et non pas d'après sa situation sociale : *sibi quisque dat mores, condicionem casus adsignat*.²⁸ Par conséquent, un serviteur aussi peut posséder les mêmes vertus qu'un homme libre.

Macrobe omet le passage du texte de Sénèque qui mentionne la fête des Saturnales et le repas commun des maîtres et des serviteurs. Ce n'est pourtant pas étonnant puisque cette fête est justement le point de départ de sa propre œuvre, et elle faisait déjà l'objet d'une analyse détaillée, ainsi il aurait été superflu de l'évoquer de nouveau. Au fait, la seule question essentielle qui n'était pas traitée précédemment peut être liée aux esclaves : qu'est-ce qui les rend dignes de se mettre à table avec leurs maîtres. C'est cette lacune que comble ici l'auteur. Son comportement vis-à-vis des esclaves rappelle beaucoup la mentalité chrétienne. Et cela pose un problème soulevé par plusieurs chercheurs, à savoir quel est le rapport de Macrobe à la nouvelle religion.²⁹ Il est envisageable que les idées chrétiennes aient eu une influence sur lui, mais il est également possible qu'il ait voulu faire sentir que non seulement les chrétiens peuvent être solidaires avec les couches sociales déclassées, assujetties ; les membres du cercle dit Symmachus, quoique considérés comme païens, ne sont en humanité aucunement inférieurs à ceux qui ont la nouvelle foi.

À propos de l'utilisation de la lettre de Sénèque et de l'opinion de Macrobe sur les esclaves, il faut prêter attention également à la question de savoir dans quelle mesure il était influencé dans la formation de ses vues par les enseignements stoïques, puisque l'idée de l'égalité entre les hommes est une des caractéristiques de la philosophie stoïque. Si nous examinons l'œuvre de Macrobe pour savoir dans quelle mesure le stoïcisme y est présent, nous constatons qu'apparemment très peu. Et dans les *Saturnales*, et dans les *Commentaires* il n'y a que quelques passages où il fait concrètement référence à des enseignements stoïques³⁰ dont seulement un peut être mis en rapport avec les vertus

²⁸ *Sat.* I 11, 10.

²⁹ Cf. à ce propos *P. De Paolis*, *Macrobio* 1934-1984. *Lustrum* 28-29 (1986-87) 107-249, 125-132.

³⁰ *Sat.* I 17, 36: À propos de l'étymologie du nom d'Apollon, il cite l'opinion de Cléanthe et d'Antipater de Tarse ; *Comm.* I 14, 19 : pendant qu'il passe en revue comment certains philosophes définissent la nature de l'âme, il présente également les définitions de Zénon, de Poseidonios et de Boéthos. Dans les *Comm.* I 15, 7 il décrit la conception de Poseidonios concernant la Voie lactée (cf. à ce propos : *M. Armisen-Marchetti*, *Macrobe. Commentaire au Songe de Scipion*

(*Comm.* I 8, 11). Dans le passage donné, Macrobe affirme qu'entre les quatre niveaux des quatre vertus cardinales³¹, entre autres, c'est en matière des passions qu'il se manifeste une très grande différence, ensuite il s'appuie sur un vers d'Enéide de Virgile pour définir les passions : « *passiones autem ut scimus vocantur quod homines „metuunt cupiuntque, dolent gaudentque”* ». ³² Les chercheurs s'occupant de l'interprétation de cette phrase pensent que probablement, derrière cette formulation, il faut chercher l'influence de Servius³³ qui se référant à Varron et, en général, à tous les philosophes, dit que la passion a quatre types,³⁴ mais ils constatent également qu'ici, nous trouvons essentiellement une idée stoïque, puisque la diffusion de la thèse concernant les quatre catégories (douleur, peur, désir, volupté) de la passion πᾶθος est liée surtout aux stoïques.³⁵ Dans la suite cependant, – c'est-à-dire dans la manière dont il déduit l'objectif des vertus, se trouvant sur les quatre niveaux successifs, en relation avec les passions –, il n'a rien à voir avec les enseignements stoïques, il est plutôt question d'adapter une idée empruntée à quelqu'un d'autre à sa propre conception néoplatonicienne. Dans le cas de notre auteur, nous ne pouvons donc pas parler de la connaissance approfondie du stoïcisme, ou du moins de l'apparition de ces connaissances, il est pourtant évident que ces enseignements, surtout par les textes de Sénèque et de Cicéron, ont eu un effet sur lui, et on peut retrouver les manifestations un peu superficielles de cette influence dans ses œuvres.

I-II. Paris 2001-2003, I, pp. 176-177, note 333); selon *Colish*, op. cit. 319, les *Comm.* II 14, 1-2 peuvent être en rapport avec les enseignements stoïques, et il pense aussi que la base du passage décrivant l'origine du monde (*Sat.* I 8, 6-8) peut également être d'origine stoïque.

³¹ L'auteur, dans ses commentaires d'esprit néoplatonicien, faits pour *Somnium Scipionis* de Cicéron, consacre un chapitre (*Comm.* I 8) à la théorie de vertu de la tendance philosophique qu'il représente. Là, sous l'effet de Plotin, mais surtout de Porphyre, il présente les quatre vertus principales (*prudentia, temperantia, fortitudo, iustitia*) comme qui apparaissent sur quatre niveaux différents, mais successifs, et qui dirigent l'âme au cours de sa purification de la sphère de l'existence humaine à la déité, à l'Unité. Cf. *Flamant*, op. cit. 596-608 ; *M. Regali*, La quadripartizione delle virtù nei *Commentarii* di Macrobio. *A&R* 25 (1980) 166-172; sur le caractère romain de la conception de vertu de Macrobe : *C. Zintzen*, Römische und Neuplatonische bei Macrobius. In: *P. Steinmetz* (Hrsg.), *Politeia und Res Publica dem Andenken R. Starks gewidmet*. Wiesbaden 1969, 357-376; sur la théorie de vertu néoplatonicienne en général : *D. J. O'Meara*, *Platonopolis. Platonic Political Philosophy in Late Antiquity*. Oxford 2005, 40-68.

³² *Aen.* VI 733.

³³ *Armisen-Marchetti*, op. cit., note I 158, 202; *Colish*, op. cit. 319-320.

³⁴ Serv., *Ad Aen.* VI 733: *Varro et omnes philosophi dicunt quattuor esse passiones, duas a bonis opinatis et duas a malis opinatis rebus: nam dolere et timere duae opinioniones malae sunt, una praesentis, alia futuri: item gaudere et cupere opinioniones bonae sunt, una praesentis, altera futuri*. Tout cela correspond absolument aux idées présentes chez Cicéron (voir : note suivante).

³⁵ Cic., *Fin.* III 35; *Tusc.* III 11, 24-25; IV 7, 15; SVF III 377 sqq.

Après les bases théoriques viennent les exemples qui prouvent la présence d'*in servili pectore virtutes*.³⁶ Ici, ce qui attire notre attention, c'est le nombre très élevé des exemples : il cite au moins vingt exemples dont chacun montre la fidélité, la générosité, le courage ou la sagesse des esclaves. Il attire l'attention, encore dans l'introduction des *Saturnales*, quand il parle de sa méthode d'écrivain, à l'importance de la systématisation³⁷ qui se manifeste clairement dans la partie ci-dessous. Chaque histoire peut être classée selon sa thématique principalement dans trois groupes :

- 1) Esclave ou *libertus* qui accomplit un geste héroïque dans l'intérêt de son maître (11, 16-27)
- 2) Esclave ou *libertus* qui agit dans l'intérêt de la patrie (11, 28-40)
- 3) Esclave qui s'occupe de philosophie (11, 41-45)

Les exemples se succèdent suivant ce classement, mais on peut faire dans ces groupes d'autres sous-catégories aussi dont il faut également tenir compte. Au sein du premier groupe, on peut distinguer une catégorie à part à laquelle appartiennent les histoires où les esclaves prouvent leur fidélité envers leur maître en ne tombant pas dans le péché de *proditio*. C'est le cas du *libertus* de Démosthène³⁸ (11, 17) qui, quoiqu'il soit au courant de l'adultère de son maître avec Iulia, ne l'a pas trahi malgré les tortures non plus, ou celui des esclaves de Patavium (11, 17) qui n'ont pas dénoncé leur maître chez Asinius Pollion malgré la promesse d'une grande récompense et celle de la liberté non plus. Le thème de « l'esclave fidèle » est très fréquent chez les auteurs antiques, mais cet esclave apparaît généralement comme un cas exceptionnel à qui le maître doit une grande reconnaissance pour son geste généreux. De toute façon, ce *fides* signifie plus que la simple obéissance, puisque celle-ci est un comportement qui, dans toute relation hiérarchique, est souhaitable de la part des inférieurs. Cependant, il est un fait que, selon les lois romaines, d'un esclave, on ne pouvait accepter qu'un témoignage fait à la suite d'une torture, donc ce n'est que le procédé habituel qui a été appliqué dans le cas du serviteur de Démosthène. Finley³⁹ nous met en garde de déduire des tortures d'esclaves que les maîtres d'esclaves avaient un caractère cruel. D'une part, parce qu'il n'est pas vrai que seuls les esclaves sont concrètement responsables physiquement de

³⁶ *Sat.* I 11. 16.

³⁷ *Sat. praef.* 3; 5-8.

³⁸ Il devrait être contemporain d'Auguste, puisque la Iulia mentionnée peut être identifiée avec la fille d'Auguste ; du reste, il est inconnu. L'histoire montre une similitude considérable avec celle de l'adultère de M. Antoine l'Orateur (cos. 102) notée par Valère Maxime (VI 8, 1) qui écrit à propos du geste de l'esclave qui sauve son maître : *Argui fortuna merito potest, quod tam pium et tam fortem spiritum servili nomine inclusit.*

³⁹ Finley, op. cit. 93-122.

leurs gestes, d'autre part, parce que la perception moderne de l'esclavage est absolument différente de celle de l'Antiquité. En effet, si nous acceptons que dans la Rome antique, les esclaves ne sont pas des hommes devant les lois et pour la plupart de la société, mais des biens, on doit compter, dans leur cas, sur des procédures institutionnelles qui les abaissent en les isolant d'autres hommes.

Le sous-groupe suivant contient des exemples où les esclaves font preuve d'autres vertus que de *fides* : de leur courage, de leur générosité, puisque non seulement ils ne trahissent pas leur maître, mais ils les aident à s'échapper et à se cacher à leurs poursuivants. Macrobe affirme plusieurs fois que les différents gestes vertueux des esclaves montrent clairement leur *fortitudo*.⁴⁰ C'est dans cette catégorie qu'on peut classer le cas des *liberti* de Labienus (11, 18), celui de l'esclave de Cépion (11, 21) et d'Antius Restio (11, 19-20), ainsi que l'histoire des esclaves sauvant leur maîtresse au siège de Grumetum (11, 23)⁴¹, et quoiqu'un peu différent par son caractère, on peut tout de même ranger dans la même catégorie l'exemple de l'esclave de Scipio (11, 26), qui a sauvé son maître blessé dans la bataille du lac Ticinus, car c'est le motif du sauvetage, de la libération qui s'y manifeste également.⁴²

Dans la troisième catégorie, il y a les serviteurs qui ont affronté la mort pour ou avec leur maître. Ce dévouement a trois types dans le texte : l'esclave d'Urbinus a sacrifié sa vie pour sauver celle de son maître (11, 16). L'esclave de Vettius Pelignus a donné la mort d'abord à son maître pour que celui-ci ne tombe pas en captivité, ensuite il s'est donné la mort à lui-même *ne domino superstes fieret* (11, 24). Comme il ne pouvait plus défendre son maître et que celui-ci a été tué, l'esclave de C. Gracchus s'est suicidé auprès du corps de son maître aimé (11, 25). En vertu des lois, les esclaves étaient tenus responsables de non-assistance s'il a été prouvé qu'ils auraient pu défendre leur maître en cas de danger, mais ils ne l'ont pas fait,⁴³ cependant, l'acceptation volontaire de la

⁴⁰ I 11, 10; 11, 32; 11, 46. La *fortitudo* est l'une des quatre vertus cardinales. Dans les *Commentarii* (I. 8), Macrobe estime que ce ne sont pas que les philosophes qui peuvent posséder les vertus. Selon lui, la vie vertueuse n'est pas seulement une contemplation : au premier niveau des vertus, au degré des *virtutes politicae*, ce sont les actes individuels qui dominent. Pour le courage au sens civique, il donne la définition suivante : *fortitudinis animum supra periculi metum agere nihilque nisi turpia timere, tolerare fortiter vel adversa vel prospera: fortitudo praestat magnanimitatem, fiduciam, securitatem, magnificentiam, constantiam, tolerantiam, firmitatem.* (*Comm.* I 8, 7).

⁴¹ C'est l'exemple également de *fecundum bonae inventionis ingenium*.

⁴² La plupart des auteurs mentionnant l'histoire attribuent le sauvetage de Scipio à son fils, cf. Polyb. X 3. Val. Max. V 4, 2. Sen., *Benef.* III 33. Seul Tite-Live mentionne le rôle de l'esclave ligurien (XXI 46, 10.) en se référant à Coelius Antipater, mais lui non plus, il ne donne pas crédit à cette version.

⁴³ Cf. *dig.* 29, 5. 1, 18.

mort dépasse déjà les limites des obligations serviles, et c'est l'exemple excellent de *magnanimitas*⁴⁴ que Macrobe considère comme une vertu qui va de pair avec la *fortitudo*. Il est à remarquer ici que la *magnanimitas* qui se rencontre dans la littérature romaine comme une qualité caractérisant le plus souvent les guerriers courageux, apparaît en tout deux fois dans les *Saturnales*, et chaque fois se référant à des esclaves.

Le thème du dernier exemple de cette catégorie est la vengeance : l'esclave de Seleucus tue l'homme qui a tué son maître (11, 27). Ici, la mort de l'esclave n'est pas évoquée concrètement, mais un tel acte, évidemment, ne pouvait avoir d'autres conséquences. Si on regarde cette histoire dans l'optique romaine, c'est surtout la bonne action sans intérêt qui est digne d'admiration, le fait qu'un esclave aussi est capable de vengeance, qu'il possède l'*animositas* nécessaire, bien qu'il n'ait plus aucune obligation envers son maître après que celui-ci est déjà mort. La vengeance est toutefois le privilège des hommes libres, donc c'est un geste inhabituel de la part d'un esclave.⁴⁵ Si on prend en considération les sous-catégories, on constate que l'auteur, se servant de la gradation, nous présente des vertus de plus en plus grandes : il part des petits bienfaits, pour arriver jusqu'au plus grand cadeau pour l'homme, jusqu'à l'offre de la vie, et jusqu'à sa forme la plus noble, jusqu'à la vengeance.

Dans le deuxième groupe, le motif commun est l'acte pour la patrie. À l'intérieur de ce groupe, on peut distinguer trois parties suivant les manières d'agir. Premièrement, Macrobe cite Micythus (11, 28-29) qui est la preuve du fait qu'un esclave aussi peut être capable de diriger l'État. Il a été mentionné plus haut qu'à l'époque de Claude, l'administration de l'Empire a été faite par des *liberti*, l'histoire de Micythus n'est donc pas un cas exceptionnel, mais plutôt un premier exemple, un antécédent de ce phénomène. Selon Prétextat, l'interprète, cet esclave possédait deux vertus qui *inter nobiles quoque unice clarae sunt, notemnt l'imperium regendi peritia et l'imperium contemnendi magnanimitas*. La présence de la première vertu est prouvée par le fait que le tyran de Rhégium, Anaxilas, puisque ses enfants étaient encore mineurs, a osé lui confier la direction de l'État avant sa mort ; et la deuxième par le fait que Micythus

⁴⁴ *Comm.* I 8, 7. Cf. note 40.

⁴⁵ Ce bel exemple est probablement le fruit de l'imagination, mais cela ne diminue aucunement sa valeur. Le roi Seleucus en question peut être identifié avec Seleucus Nicator I^{er}, le fondateur de l'empire séleucide, et son assassin avec Ptolemaios Ceraunos qui est tombé dans la bataille contre les Galates trois ans plus tard. On ne peut pas savoir si Macrobe a travaillé d'après une source inconnue pour nous, ou bien c'est lui qui a inventé l'histoire, ou encore il a combiné plusieurs traditions. Quoi qu'il en soit, il est sûr que ce n'est pas par hasard que cet exemple se trouve à la fin du premier groupe.

a su renoncer au pouvoir quand les enfants ont atteint l'âge majeur. Et comme il régnait charitablement, les habitants de Rhégium lui ont obéi avec plaisir, bien qu'il soit esclave.⁴⁶

Il est connu que les esclaves ne pouvaient pas servir dans l'armée, ils ne pouvaient même pas prendre les armes,⁴⁷ malgré ce fait, il y avait, de temps en temps, un bon nombre d'esclaves qui faisaient un service militaire, les exemples de la deuxième sous-catégorie le montrent clairement (11, 30-34). Macrobe cite trois occasions où l'État a eu recours à l'aide des esclaves pendant la Deuxième Guerre punique : dans le premier cas, il s'agit de volontaires, dans le deuxième d'esclaves achetés et enrôlés, et dans le troisième d'affranchis. Pendant la guerre sociale de 91-88, il y avait 12 cohortes composées de *liberti*, et César et Auguste aussi profitaient de l'aide d'esclaves et de *liberti* courageux.⁴⁸ Dans la suite, on trouve quelques exemples étrangers : le roi de Sparte Cléomène, les Athéniens et les Borysthéniens aussi ont enrôlé, en cas de nécessité, des esclaves après qu'ils les avaient affranchis. Même s'il est évident que ce n'est pas avec conviction politique que les esclaves se sont joints à l'un ou à l'autre côté, il est pourtant incontestable que la *fortis opera* qu'ils ont accomplie servait l'intérêt public.

Le dernier thème dans ce groupe est l'acte héroïque des femmes esclaves sauvant Rome, le mythe de genèse de la fête de Nonae Caprotinae (11, 35-40). Il est important que cette fois-ci des femmes et non pas des hommes possèdent les vertus, et leur geste est libre, digne d'un homme libre : *accipe ancillarum factum non minus memorabile nec quo utilius rei publicae in ulla nobilitate reperias*.⁴⁹ Après l'invasion des Gaulois de 390 av. J.-C., ses voisins voulaient annexer l'État romain affaibli, et comme premier pas, ils demandaient qu'on leur donne des femmes et des filles, mais c'étaient les femmes esclaves rusées qui sont allées chez les ennemis, vêtues des robes de leurs maîtresses, et faisant semblant de faire la fête, elles ont saoulé les hommes. Ensuite, d'un caprifi-

⁴⁶ L'histoire se retrouve chez plusieurs auteurs en différentes versions. C'est le texte de Diodore Sicule (XI 66) qui est le plus proche de celui de Macrobe. Selon Iustinus (4, 2), il était appelé Micalus et le peuple lui a obéi surtout à cause du souvenir d'Anaxilas ; selon Hérodote (VII 170), les Rhégiens l'ont finalement chassé, et c'est en se référant à cet auteur-ci que Pausanias (V 26, 4) le mentionne également.

⁴⁷ Cf. Plin., *Ep.* XXIX 30. et Cic., *Verr.* II 5, 7.

⁴⁸ Selon les notes explicatives des éditions de texte, les informations concernant César et Auguste n'apparaissent pas chez d'autres auteurs, alors que Cassius Dio (LVI 23, 3) fait mention du fait qu'Auguste a enrôlé des *liberti* contre les Germains après l'échec de Teutoburg.

⁴⁹ *Sat.* I 11, 35. Plutarque, dont l'œuvre intitulée *Quaestiones convivales* peut être considérée comme une des sources des Saturnales, mentionne également le courage des femmes (*Moralia* III 242e-263c *De mulierum virtutibus*), et souligne que selon lui, il n'y a aucune différence entre hommes et femmes en ce qui concerne les vertus (cf. *ibidem* 242e-243d).

guier, elles ont donné signe aux Romains, cachés à proximité, d'attaquer, ainsi ceux-ci ont pu facilement vaincre l'ennemi ivre. La ville de Rome a été donc libérée grâce à la *benigna virtus* qui caractérisait les femmes esclaves, et, en récompense, celles-ci ont obtenu leur liberté, et à la mémoire de cet événement, elles ont fondé la fête en question qui a reçu son nom d'après le caprifigier (*caprificus*).⁵⁰ Cette histoire est un exemple pour « le courage des faibles », tout comme le cas du fils mineur de Tarquinius Priscus (*Sat.* I 6, 8.) qui a prouvé son courage dans la guerre contre les Sabins en tuant un ennemi et il en a été récompensé.⁵¹ Tout cela attire l'attention sur le fait que le comportement héroïque de ceux dont on ne l'attendrait pas en général, présente une valeur encore plus grande et mérite donc une reconnaissance particulière.

Dans le troisième et dernier groupe, il y a des esclaves qui s'occupent de philosophie. Certains étaient esclaves chez des philosophes célèbres dont ils étaient ainsi les disciples aussi (Phédon, Pompilius, Perseus, Mys) ; Menippos et Epictète y figurent également, ainsi que Diogène qui diffère des autres, car il n'était esclave que pour une courte durée. Dans une partie antérieure du chapitre, empruntée à Sénèque (11, 7), on peut lire que Platon aussi, pendant sa vieillesse, a pu faire l'expérience du sort de l'esclave, et quoiqu'il ne se trouve pas d'allusions à ce fait parmi les exemples du troisième groupe, son cas aussi peut être rangé ici. Que les philosophes nés libres puissent devenir esclaves illustre l'inconstance du destin, de la Fortune, ce qui a déjà apparu dans le premier groupe aussi où c'est dans la vie des maîtres qu'il est arrivé des changements destructifs qui les ont mis dans un état pire que celui d'un esclave. Mais il y en a un phénomène encore plus intéressant : des esclaves qui ne s'occupaient pas auparavant de philosophie sont devenus philosophes sous l'influence de leur maître, ce qui prouve bien selon Macrobe que l'*ingenium* nécessaire à l'acquisition de l'intelligence supérieure peut se retrouver non seulement dans les hommes libres, mais dans les esclaves aussi.⁵² Et c'est ce qui démontre peut-être le mieux le changement essentiel qui s'est réalisé vers le IV^e siècle dans l'appréciation des esclaves. En effet, l'*ingenium* de Macrobe se met en parallèle avec le *logos* de Platon mentionné plus haut,⁵³ cependant, il est évident

⁵⁰ Chez les Romains, la fête de Nonae Caprotinae se tenait le 7 juillet ; en dehors de l'aitiologie qui se trouve chez Macrobe, il y a naturellement d'autres versions connues : Plut., *Romulus* 29; *Camillus* 33; Var., *LL.* VI 3, 18. V. *Basanoff*, Nonae Caprotinae. *Latomus* 8 (1949) 209-216 étudie les problèmes concernant l'origine et la vraie signification de la fête.

⁵¹ *Sat.* I 6, 8: *Quo bello filium suum annos quattuordecim natum, quod hostem manu percusserat, et pro contione laudavit et bulla aurea praetextaque donavit, insigniens puerum ultra annos fortem praemiis virilitatis et honoris.*

⁵² *Sat.* I 11, 41: *Sed nec ad philosophandum ineptum vel impar servile ingenium fuit.*

⁵³ Cf. note 9.

que les deux auteurs ont une perception différente de cette question : selon Macrobie même un esclave peut posséder l'*ingenium* (ou, autrement : le *logos*) puisqu'il est avant tout un homme, et son existence d'esclave peut causer des infirmités dans ses conditions de vie, mais non dans son intelligence ; chez Platon par contre, le *logos* n'est le propre que des hommes libres.

Il emprunte la partie s'occupant des philosophes dans son intégralité, à l'exception de la phrase préliminaire, à Aulu-Gelle.⁵⁴ On peut constater qu'en général, il ne modifie pas le texte original emprunté à Aulu-Gelle, il l'insère presque sans aucun changement, avec quelques mots de différence tout au plus. Il apparaît clairement de la comparaison des deux textes qu'il applique ici aussi le même procédé. Dans ce cas-là, sa méthode est complètement différente que c'était dans la 47^e lettre de Sénèque. Flamant compare les textes respectifs de Sénèque et de Macrobie,⁵⁵ et il remarque à ce propos que la méthode de travail de Macrobie, dans ce cas, ressemble plutôt aux mosaïques.⁵⁶ Il travaille comme un *musivarius* : il décompose le texte original en phrases, ensuite il les assemble de nouveau comme un mosaïste, mais le tableau ainsi obtenu n'est pas entièrement le même que l'original. La situation est néanmoins tout à fait différente avec le texte d'Aulu-Gelle : ici, Macrobie n'éprouve pas le besoin de changer quoi que ce soit, malgré le fait qu'il reste dans le texte une demi-phrase (11, 44: *De Epicteto ... recentior est memoria...*) qui prouve sans ambiguïté que ce n'est pas son propre travail : tandis qu'Aulu-Gelle a vécu une génération après Epictète, Macrobie déjà plusieurs siècles plus tard. Cependant, il est possible aussi qu'il laisse des traces révélatrices dans les textes qu'il emprunte à des auteurs non nommés non pas par imprudence, mais plutôt volontairement, pour faire allusion,, de cette manière à l'identité de ces auteurs.

Du texte source, il omet simplement le passage qui raconte que l'enfant Phédon, avant d'être acheté par le socratique Cébès, a été forcé par son maître souteneur à gagner de l'argent de manière perverse.⁵⁷ Antérieurement non plus, il n'a pas repris du texte de Sénèque les parties qui racontent les habitudes dégoûtantes et scandaleuses des maîtres, leurs perversions avec les jeunes esclaves. On peut se poser la question de savoir pourquoi justement ces passages avec de tels contenus ont été omis : est-ce déjà l'influence de la pensée chrétienne, ou bien il garde le silence sur ce point par pudeur ? Éventuellement, il pouvait penser qu'il montrerait ainsi les aristocrates romains sous un jour défavorable, ce qu'il a évidemment voulu éviter. Ou encore, il n'aurait pas jugé convenable d'évoquer les crimes sexuels dans le milieu intellectuel élevé repré-

⁵⁴ Pour l'analyse contrastive des deux parties de texte, voir dans l'annexe.

⁵⁵ *Flamant*, op. cit. annexe 3.

⁵⁶ *Ibidem* 287.

⁵⁷ Gell., *NA*. II 18, 4.

senté par Prétextat et d'autres ? Plus tard, dans le III^e livre des *Saturnales*, il s'occupe en détail du mode de vie luxueux et désordonné des Romains d'autrefois, on pourrait donc supposer que c'est la raison pour laquelle il ne veut pas ici entrer dans les détails, mais en réalité, là non plus, il n'y a pas d'exemple concernant ce thème : comme la plus excessive manifestation du comportement immoral, il nomme la danse⁵⁸ qui, même si elle évoque également la sensualité, appartient à une autre catégorie. Il n'y a pas assez d'informations dans nos textes pour pouvoir prendre nettement position dans cette question, mais il est clair que Macrobe censure généralement les parties de ses sources qui racontent les débauches sexuelles. La réponse à la question « pourquoi ? » peut venir de Wallis qui remarque que parmi les moralistes antiques, il était communément admis que la sexualité était désirable seulement dans la mesure où elle servait la procréation. Plotin lui-même pensait aussi que l'amour physique hétérosexuel était bien loin de l'idéal, et il a explicitement condamné l'homosexualité ; il n'y a pas de place chez lui même pour la théorie de Platon sur la relation sublime, non physique entre les philosophes.⁵⁹ Plotin ne s'est jamais marié, mais dans le cas des autres représentants de l'école, le mariage est devenu plus fréquent – Macrobe aussi était probablement marié –, mais l'homosexualité et en général les débauches sexuelles restaient toujours refusées, ce que montre chez notre auteur qu'il néglige tout simplement ce thème.

Finalement, pour terminer la partie s'occupant des esclaves, il ajoute encore aux lignes empruntées à Aulu-Gelle quelques informations concernant Epictète et un distique qui lui est attribué et à l'interprétation duquel Macrobe souligne de nouveau : *omni modo a dis exosos esse qui in hac vita cum aerumnarum varietate luctantur*,⁶⁰ et par cela, il nous ramène sur le plan métaphysique d'où tout le raisonnement est parti. Le point de vue le plus essentiel dans l'évaluation du caractère de l'individu est la présence ou l'absence de la vertu ; si quelqu'un doit affronter des difficultés, il ne devient pas pour autant haïssable pour les dieux. Et étant donné que c'est ainsi, il n'est pas convenable de mépriser les esclaves à cause de leur situation sociale.

⁵⁸ Selon l'opinion publique des Romains, il était inconvenant de danser ou de chanter sur les lieux publics. Cf. à ce propos : Cic., *Off.* III 93: *si qui sapiens rogatus sit ab eo, qui eum heredem faciat, cum ei testamento sestertium milies relinquatur, ut antequam hereditatem adeat luce palam in foro saltet, idque se facturum promiserit, quod aliter heredem eum scripturus ille non esset, faciat quod promiserit necne? Promisisse nollem et id arbitror fuisse gravitatis; quoniam promisit, si saltare in foro turpe ducet, honestius mentietur, si ex hereditate nihil ceperit, quam si ceperit, nisi forte eam pecuniam in rei publicae magnum aliquod tempus contulerit, ut vel saltare, cum patriae consulturus sit, turpe non sit.*

⁵⁹ R. T. Wallis, *Neoplatonism*. Indianapolis 1995², 26, 122.

⁶⁰ *Sat.* I 11, 45.

Les histoires évoquant les gestes des esclaves dignes des hommes libres, séparément ou quelques exemples ensemble, se retrouvent chez d'autres auteurs aussi, mais non pas dans cette forme, et l'on n'a pas connaissance d'une telle œuvre non plus que Macrobe aurait pu utiliser. On peut en déduire que dans ce cas, il a vraiment fait un travail de recherche, et il a arrangé la matière choisie dans les œuvres de différents auteurs selon ses propres points de vue, et sur certains points, il l'a même modifiée. Le classement ci-dessus montre que ce n'est pas dans un ordre aléatoire que les histoires se succèdent, mais elles sont arrangées selon une conception dont l'essentiel est de former un tout des exemples de la même thématique. Néanmoins, il cherche à présenter, à l'intérieur du même thème, un large éventail des exemples : les histoires ne sont jamais uniformes, elles ont un caractère similaire, mais elles éclairent la pensée de départ toujours de différents aspects. Il n'est pas négligeable non plus que l'ordre des groupes thématiques représente en même temps un ordre de valeur aussi, une conception de valeur que l'on peut retrouver dans ses autres œuvres également. Le motif central du premier thème : le bienfait dans l'intérêt de l'individu ; par rapport à cela, le fait d'aider la patrie représente un niveau plus élevé. Tout cela n'entre pourtant que dans le cercle des valeurs matérielles, existentielles, par conséquent, cela ne peut pas égaler l'occupation la plus digne de l'esprit humain, la philosophie. Cette hiérarchie de valeurs peut se mettre en parallèle avec l'ordre successif des catégories de vertus néo-platoniciennes : en partant de l'individu, on arrive à la communauté plus grande des hommes, à l'État, et à partir de cela, jusqu'à la philosophie méditant sur la totalité de l'univers. Et la distinction nette de ces unités est garantie par les phrases de Prétextat qui introduisent toujours un nouveau thème. À la fin de sa plaidoirie prononcée dans l'intérêt des esclaves, il souligne de nouveau que ses arguments se reposent sur deux piliers : l'un est relatif à la transcendance : *et Iovem tetigerit cura de servo*, l'autre concerne les vertus que les esclaves possèdent : *et multos ex his fideles providos fortes, philosophos etiam exstitisse constiterit*.⁶¹ L'élargissement de l'horizon de la pensée pourrait être compris comme une sorte de figure de rhétorique, néanmoins, il semble beaucoup plus probable d'après les faits antérieurs, que derrière tout cela, il se cache une pensée plus profonde selon laquelle dans toutes les sphères de l'existence où l'homme libre, comme individu, revendique sa place, un esclave, libre dans son âme, peut également avoir sa place.

⁶¹ *Sat.* I 11, 46.

ANNEXE

Macr., *Sat.* I 11, 41-44.

(41) Sed nec ad philosophandum ineptum vel impar servile ingenium fuit. *Phaedon ex cohorte Socratica Socratice et Platoni perfamiliaris*, adeo ut *Plato eius nomini librum illum divinum de immortalitate animae dicaret, servus fuit forma atque ingenio liberali*.

Hunc *Cebes Socraticus hortante Socrate emisse dicitur habuisseque in philosophiae disciplinis, atque is postea philosophus inlustris emersit, sermonesque eius de Socrate admodum elegantes leguntur*. (42) *Alii quoque non pauci servi fuerunt qui post philosophi clari extiterunt. Ex quibus ille Menippus fuit, cuius libros M. Varro in saturis aemulatus est, quas alii Cynicas, ipse appellat Menippeas. Sed et Philostrati Peripatetici servus Pompilus et Zenonis Stoici servus qui Perseus vocatus est et Epicuri cui Mys nomen fuit, philosophi non incelebres illa aetate vixerunt. Diogenes etiam Cynicus, licet ex libertate in servitute venum ierat*. (43) *Quem cum emere vellet Xenias Corinthius, et quid artificii novisset percontatus est, „novi” – inquit Diogenes – „hominibus liberis imperare.” Tunc Xenias responsum eius demiratus emit et emisit manu, filiosque suos ei tradens, „accipe” – inquit –,liberos meos quibus imperes”*. (44) *De Epicteto autem philosopho nobili, quod is quoque servus fuit, recentior est memoria quam ut possit inter oblitterata nesciri*.

Gell., *Noct. Att.* II 18, 1-10.

Phaedon Elidensis ex cohorte illa Socratica fuit Socratice et Platoni per familiaris. (2) *Eius nomini Plato librum illum divinum de immortalitate animae dedit*. (3) *Is Phaedon servus fuit forma atque ingenio liberali et, ut quidam scripserunt, a lenone domino puer ad merendum coactus*. (4)

Eum Cebes Socraticus hortante Socrate emisse dicitur habuisseque in philosophiae disciplinis. (5) *Atque is postea philosophus inlustris fuit, sermonesque eius de Socrate admodum elegantes leguntur*. (6) *Alii quoque non pauci servi fuerunt, qui post philosophi clari extiterunt*. (7) *Ex quibus ille Menippus fuit, cuius libros M. Varro in saturis aemulatus est, quas alii “cynicas”, ipse appellat “Menippeas”*. (8) *Sed et Theophrasti Peripatetici servus Pompilus et Zenonis Stoici servus, qui Persaeus vocatus est, et Epicuri, cui Mys nomen fuit, philosophi non incelebres vixerunt*. (9) *Diogenes etiam Cynicus servitute servavit. Sed is ex libertate in servitute venum ierat. Quem cum emere vellet Xenias Corinthios, eequid artificii novisset, percontatus „novi” – inquit Diogenes – „hominibus liberis imperare”*. (10) *Tum Xenias responsum eius demiratus emit et manu emisit filiosque suos ei tradens „accipe” – inquit –,liberos meos, quibus imperes”*. *De Epicteto autem philosopho nobili, quod is quoque servus fuit, recentior est memoria, quam ut scribi quasi oblitteratum debuerit*.

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CONTINUITIES IN LATE ANTIQUE LITERACY: THE EVIDENCE FROM NORTH AFRICA AND GAUL

BY ZSUZSANNA VÁRHELYI

Abstract: In this article I reconsider the evidence for ancient literacy from late antique North Africa and Gaul in order to reassess how the end of the “epigraphic habit” in the third century may have changed the popular contexts and notional associations of writing. Analyzing evidence for the Christian “epitaphic habit,” as well as for the production of legal and economic documents between the third and sixth centuries CE, I propose that late antique uses of writing attest to numerous continuities with their early imperial counterparts, including an interest not only in the pragmatic but also the performative character of ancient literacy.

Keywords: literacy, epigraphic habit, late antiquity, Gaul, North Africa, epitaphs.

Since Ramsay MacMullen’s seminal 1982 article on the rise and fall of the so-called “epigraphic habit” – the custom of setting up Latin inscriptions to document life and death in the Roman Empire – historians of ancient literacy have studied the details of why these highly publicized practices of writing became so popular in the Augustan era and how they lost their steam in the third century CE.¹ MacMullen’s observation was partially based on a study by András Mócsy, in which he connected the growth in epigraphic output with the general trend toward Romanization in the provinces in this era; he saw in these literate practices an acquired taste, one heavily shaped by Roman power, across much of Western Europe, Latin North Africa and the Danube provinces.² The thesis about the appearance and disappearance of the epigraphic habit has since gained wide popularity, and recent studies now focus on the reasons why inscriptions spread in various parts of the empire in both West and East.

The popularity of the habit was first associated with high levels of Romanization; in a study of epitaphs Elizabeth Meyer pointed out that both Gaul and North Africa, the two highly Romanized locations I focus on here, offered par-

¹ R. MacMullen, The epigraphic habit in the Roman Empire. *AJPh* 103 (1982) 233-246. See already S. Mrozek, A propos de la répartition chronologique des inscriptions latines dans le haut empire. *Epigraphica* 35 (1973) 355-368. For a history of the reception of the idea see the concise summary in J. Bodel, *Epigraphic evidence: ancient history from inscriptions*. Routledge 2001, 6-7.

² A. Mócsy, Die Unkenntnis des Lebensalters im römischen Reich. *Acta Antiqua* 14 (1966) 387-421, esp. 419-421.

ticularly marked examples for the custom of setting up public inscriptions.³ On Meyer's reading the epigraphic habit in these provinces was motivated by a desire to claim and express the status gained within the imperial system, which at this point did not distinguish between public and private forms; rather, these Romanized modes of expression pervaded the landscape of these provinces just as the custom pervaded the minds of the people who inhabited the empire. In a key response to Meyer's arguments, Greg Woolf emphasized the prominence of names, significantly including non-Romanized names, in Latin inscriptions from Gaul and connected their popularity to the anxieties of ancient imperial subjects to preserve their status in a changing world.⁴ Woolf has especially emphasized the spread of public uses of literacy as a process of "monumentalizing" status and practices, which he related to social and legal obligations characteristic of Roman life, for example in terms of rights of inheritance in this period. Whether focusing on Romanization, monumentalization, Roman social and legal obligations, or a combination thereof, these scholarly interpretations suggest that imperial uses of writing imply something other than the basic ability to write and make use of written texts. In fact, it appears that in these studies a new, wider understanding of early imperial literacy is emerging which sees the epigraphic habit as part of a larger social and historical context and focuses on the associations of literate practices *beyond* the fact of writing itself.

Following up on these studies which have expanded our view of Roman imperial literacy, I intend to investigate here whether we can get any sense of these wider contexts and associations of literacy *after* the epigraphic habit itself declined in the Roman Empire. Did some contexts and associations of writing, popular until the third century, survive after the decline in the public uses of inscriptions? Could these earlier contexts and associations of writing contribute to an ongoing reliance of writing in certain areas of life? My interest here is especially in trying to identify some social contexts in which writing had and continued to have significant influence after the third century. My discussion consists of two parts: first, I will examine the relatively quite visible custom of setting up funerary inscriptions in later Roman times, the so-called "epitaphic habit." Then, in the second part of my paper I turn to the generally less visible reliance on literacy for legal and economic documents. Examining these uses of writing and the emergence of model books with writing samples for both epitaphs and legal documents in the sixth century CE, exactly at the time when many uses of writing began to undergo major changes, and some even disappeared, I ask whether the sixth century may have marked a more significant

³ E. Meyer, Explaining the epigraphic habit in the Roman Empire: the evidence of epitaphs. *JRS* 80 (1990) 74-96.

⁴ G. Woolf, *Becoming Roman: the origins of provincial civilization in Gaul*. Cambridge 2000.

transformation in literacy than did the disappearance of the epigraphic habit in the third century.

Part I: The “epitaphic habit:” Continuities in funerary epigraphy

It is well established that the number of Greek and Latin inscriptions fell sharply across the Roman empire in the first half of the third century. Whether this meant that the wider associations of writing had also undergone a transformation is less clear, however, even if it has been sometimes suggested in scholarship. Thus Elizabeth Meyer connected the fading popularity of the inscriptional practice to the grant of citizenship by Caracalla in 212, and proposed that the newly widespread reach of citizenship may have weakened the desire to commemorate status and the related interest in setting up inscriptions.⁵ Others sought to explain the decline of the epigraphic habit as part of a wider transformation, in which the deterioration of civic institutions may have challenged the very social values with which Roman literate practices were traditionally associated.

However, whether the third century would have seen the final disappearance of interest in inscriptional practice should remain an open question. In a new study of epigraphic evidence from late antique Gaul and Spain, Mark Handley suggested that in fact there was *another epigraphic boom* to follow shortly, with a rise beginning in the early fourth century, peaking in the sixth century and falling off, somewhat dramatically, in the early seventh century.⁶ Handley’s work builds upon that of Carlos Galvao-Sobrinho, whose study of Christian funerary epigraphy led him to suggest that even if the epigraphic habit did not continue unbroken into late antiquity, Christians had their own “epitaphic habit,” a particular interest in commemorating their new-found Christianity.⁷ Handley’s explanation for the development of this apparently Christian epigraphic habit, and especially funerary epigraphy, is different and is not based on matters of religion, but rather on the chronology of this rise in inscriptional display, which corresponded to the decline of the supra-regional order of the empire – a situation that both offered an opportunity and created a need among local elites to compete for social power and prestige through public display, especially in funerary epigraphy.

⁵ So Meyer, *op. cit.*

⁶ M. A. Handley, *Death, society and culture: inscriptions and epitaphs in Gaul and Spain, AD 300-750*. BAR International Series 1135. Oxford 2003, 11-14.

⁷ C. Galvao-Sobrinho, *Funerary epigraphy and the spread of Christianity in the West*. Athenaeum 83 (1995) 431-466.

In Gaul, where there are some distinctions between north and south, there is a uniformly robust trend to commemorate the dead in inscriptions from the early fourth century on, and in particular in local centers, such as the imperial capital Trier, as well as the military towns of Cologne and Mainz where status markers were frequently used early on even on Christian epitaphs.⁸ Handley may well be correct in connecting this second epigraphic boom with local elites, possibly Peter Brown's late antique sub-elites, whose more secure stand, including inter-generational continuity significantly improved by around 600 – exactly the time when the new epigraphic habit (but not Christianity) appears to decline.⁹ However, in identifying the main use of literacy in securing status through monumental display, Handley's thesis also connects at least some practices of late antique writing to the interests of earlier Romans in pursuing their own epigraphic habit.

No comparably comprehensive chronological study exists for late antique North Africa, but a summary by Noël Duval suggested a similar trend in Christian epitaphs here, with a definite rise by the early fourth century and a boom in the sixth century.¹⁰ Another recent study pointed out that even though Christian funerary inscriptions rather uniformly arrived starting in the late third century and continued into the sixth century, there was quite a bit of regional variety,¹¹ besides, we have a relatively large group of Christian epitaphs in mosaic form that survive from late antique North Africa.¹² The interest in funerary display is even more significant because of what we cannot find: not all areas of epigraphy continued to thrive invariably. As civic building inscriptions in general declined,¹³ commemorative building inscriptions of Byzantine fortifications offered a more limited sphere for euergetic epigraphic expression.¹⁴ But for the context of funerary epigraphy it seems relevant that the cult of martyrs grew with its dedications of relics preserved in inscriptions in North Africa – a trend that only strengthened through the Vandal and Byzantine periods in the fifth and sixth centuries.¹⁵

⁸ Handley, *op. cit.*, pp. 53-56.

⁹ P. Brown, The study of elites in Late Antiquity. *Arethusa* 33 (2000) 321-346, 341.

¹⁰ N. Duval, L'épigraphie funéraire chrétienne d'Afrique: traditions et ruptures, constants et diversités. In: A. Donati (ed.), *La terza età dell'epigrafia: Colloquio AIEGL-Borghesi* 86, Bologna, ottobre 1986. Roma 1988. *Epigrafia e antichità* 9, 265-314, p. 267.

¹¹ P.-A. Février, Paroles et silences (à propos de l'épigraphie africaine). *Africa Romana* 4 (1987) 167-192, esp. 185-189.

¹² For which now see the publications in the *Corpus de mosaïque de Tunisie*.

¹³ W. H. W. G. Liebeschuetz, *Decline and fall of the Roman city*. Oxford 2001, 15. Cf. also G. Sears, *Late Roman African urbanism. Continuity and transformation in the city*. BAR International Series 1963. Oxford 2007, 118, but also his individual case studies, such as Cuicul, pp. 55-58.

¹⁴ J. Durliat, *Les dédicaces d'ouvrages de défense dans l'Afrique Byzantine*. Rome 1981.

¹⁵ For a full study see Y. Duval, *Loca sanctorum. Africae: le culte des martyrs en Afrique du IVe au VIIe siècle*. Roma 1982, esp. pp. 464-474.

The differences between Gaul and North Africa in terms of their political histories seem significant enough to place in doubt the possibility of a singular explanation for the rise and fall of this second epigraphic boom, even if we must recognize how the similar periods of uncertainty may have contributed to the changes in inscriptional practices in both locales. Yet it seems significant that in this particular area of social life, epigraphy continued to serve as an important and publicized marker for the care of the dead. One particular aspect of this interest in creating inscriptions that would perform well in the larger social context is the apparent reliance on models when carving epitaphs. Models were likely already used in the earlier Roman empire, but now we find certain uses of them suggestive of an interest in using epitaphs without necessarily fully comprehending the original formulation. Thus an inscription from Hippo Regius, Africa, reads:

*Hic corpus iacet /
 pueri nominandi /
 o Benedicte puer /
 paucis te terra /
 diebus infantem /
 tenuit c(a)eliqu{a}e /
 in regna remisit /
 propterea et /
 nat(at)us ut ca /
 peres tanta /
 renatus.¹⁶*

In this inscription the formula *pueri nominandi* in line 2 should have been replaced by a name just like *Benedicte* in line 3, an unusual mistake suggesting that someone rather blindly copied the first lines just as they copied the poetic language in the later lines.

Beyond the general interest in poetic epitaphs, such as those composed by Venantius Fortunatus, the Merovingian poet of the 6th century, there were also likely poetic collections of inscriptions that could preserve the best of this epitaphic habit and serve as models in late antiquity. While we can identify only rarely an actual instance of someone using such a model like in the above example, the use of model books is well attested for sixth-century Gaul, and a poetic collection of epitaphs survives as part of a ninth-century manuscript in Paris, which also includes some other, later epitaphs.¹⁷ Interestingly, in Gaul,

¹⁶ AE 1931, 112 = J. W. Zarker, *Studies in the Carmina Latina Epigraphica*, Princeton 1958, nr. 48, cited by M. Handley, *Epitaphs, models, and texts: a Carolingian collection of late antique inscriptions*. In: A. E. Cooley (ed.), *The afterlife of inscriptions. Reusing, rediscovering, reinventing and revitalizing ancient inscriptions*. London 2000, 47-56, p. 54.

¹⁷ Handley, *op. cit.*

we also have other model collections related to different areas of literate life, such as epistolography, in the sixth-century *Epistulae Austrasiacae*.¹⁸ I do not have the space here to fully explore how epistolography and the custom of setting up epitaphs may have compared with one another, other than to note that the “epitaphic habit” may arguably be seen as participation in a wider cultural custom in contrast to the potential individualistic literary ambitions involved in composing letters. But I do want to emphasize that unlike the interest in epistolography, which we can see as a revival of classical models after a period of lapse, the model handbooks of epitaphs emerged *at the end* of a long period of widespread use of inscriptions to commemorate the dead. The appearance of these handbooks thus coincided with the end, rather than the beginning, of the custom of setting up epitaphs, and thus offers indirect evidence for the end of the “epitaphic habit” in the sixth century.

II. Writing practices in economic and legal life

The custom of committing economic and legal transactions to writing is both chronologically and culturally less circumscribed than the habit of setting up inscriptions for funerary commemoration. Yet, to my mind, it offers a wider context of literate practices in both the period of the Roman empire and that of late antiquity – a context which is less monumental, but is all the more suggestive in terms of what it can tell us about the associations of writing. It seems significant that we will also encounter the emergence of model books for producing economic and legal documents in the sixth century, but the discussion of the path from the earlier to the late empire in this case must first include a consideration of the bureaucratic functions of the state, which underwent a major transformation between the early and later empire.

In discussing how the bureaucratic functions of the late antique government were transferred to the army, William V. Harris quotes the late fourth-century Latin military writer, Vegetius: “Since there are many offices in the legions which require educated soldiers, it is appropriate that those who test the recruits should examine the stature, physical strength and mental alertness of all of them; but in some cases skill in note-taking (*notarum peritia*) and practice in arithmetic is selected” (*De re militari* 2,19).¹⁹ This increased role of the military in bureaucratic functions did not necessarily mark an increase in the amount of writing produced, as Harris observed, yet we may wonder if interactions with

¹⁸ I. Wood, Administration, law and culture in Merovingian Gaul. In: R. McKitterick (ed.), The uses of literacy in early medieval Europe. Cambridge 1990, 63-81, pp. 68-69.

¹⁹ W.V. Harris, Ancient literacy. Cambridge, MA 1991, pp. 313-315.

such a bureaucratically run army may have shaped the associations of literacy among those who had to work with this bureaucracy, especially concerning legal and economic matters.

A key piece of evidence comes from some thirty-two ostraka from Carthage, which can be dated to around 373 CE. These were found on the Ilôt de l'Amirauté and apparently concern the distribution of olive oil, an area centrally controlled by the late antique Roman state. Jacqueline Godfrey has suggested that the paleography of these ostraka corresponds to a subtype of New/Later Roman Cursive that has been primarily associated with late antique military contexts, which would suggest a possible military connection in the production of these clearly standardized, regularly shaped, and uniformly red Latin ostraka. It was Robert Marichal who first suggested that late antique papyri may distinguish, in fact rather carefully, between a number of distinct script stylizations or varieties. The distinctions are not paleographic, but rather concern size and elaboration, thus, for example, the governor's office would use not only more carefully written letters, but also larger and more decorated letter-forms. The Codex Theodosianus preserves a rescript of the emperor Valentinian I (364-375) to the proconsul of Africa (IX.19.3), which distinguishes between the *litterae caelestes* (reserved for the imperial court) and the *litterae communes* (allowed to be used by the provincial chancery). The suggested social hierarchy behind letter-forms confirms not only the ideal of the social and institutional boundaries to be maintained in writing but also the difficulties in maintaining that boundary – likely due to the shared contexts in which writing was learnt and experienced in this period. Recent ostrakon finds from late antique Meninx, possibly related to the purple dye manufacture there, seem to strengthen the argument that imperial control of economic production could encourage the use of literacy among those involved in the larger production and trade processes.²⁰

It is most remarkable that here we encounter a custom of relying on literacy not primarily for its pragmatic relevance for all of those involved in the transaction: we know that the association of writing with certain economic transactions did not equal literacy among businessmen in late antique North Africa. In the early fifth century, Augustine could preach to his community in Hippo Regius: “For we know that certain traders, who since they do not know letters, need literate men hired to help them; and though they themselves do not know letters, they make enormous profits with others writing their accounts.” (*Sermo* 303.2)²¹ Similarly, in a newly Visigothic Gaul, Paulinus of Pella described the

²⁰ R. Bagnall, Zs. Várhelyi, Sites, stratigraphy and materials: ostraka. In: A. Drine, E. Fentress, R. Holod (eds.), *Studies on Jerba*. Portsmouth 2009, 330-340.

²¹ *Novimus enim aliquos negotiatores quin cum litteras non noverint, requirunt sibi mercenarios litteratos; et cum ipsi litteras nesciant, aliis scribentibus rationes suas ingentia lucra conquirunt.*

ownership of his property lost yet he himself was still bound “*sub conscripta condicione*” under a written contract, yet it is unclear what role this written quality fulfilled in his legal claim.²² The Albertini Tablets, a collection of thirty-four documents from the region of Djebel Mrata, North Africa, dated to the 490s CE, offer some intriguing details.²³ Most of these texts concern purchases of land and tend to be legal in nature; characteristically, they include precise dates according to the regnal years of the Vandal king, Gunthamund (484-496) – likely a custom that originated in the Roman era. The documents were produced by scribes rather than the parties involved, and the scribes in fact are often identified by name on the tablets, suggesting a sort of professional writing duty and possibly even training. Finally, there is a rather unusual characteristic of these documents, as Jonathan Conant observed, namely that the wooden tablets show evidence of earlier, scraped-away documents written under the current text.²⁴ It is not clear why such reuse occurred, especially only after a few years’ time; some legal requirement necessitating registration of the transaction in writing seems quite likely. Yet the reuse of the wooden tablets is suggestive of what writing was supposed to achieve for the documented transaction, and it seems more likely to be connected to the process of the transaction (such as modern receipts important for tax returns) rather than a desire to make the ownership somehow everlasting by relying on the written word.

In a recent study Shoichi Sato argued that twenty-eight accounting documents from Tours and dating to the second half of the seventh century were likely only the tip of an iceberg from the complex administration of the monastery, even though only a small number of actual documents survived.²⁵ While it seems of limited use to speculate about percentages in this context, it is interesting to note that these documents were working sheets for collection agents for the annual dues of the abbey of Saint-Martin, implying a highly pragmatic

Cited by *J. F. Conant*, Literacy and private documentation in Vandal North Africa: the case of the Albertini Tablets. In: *A. H. Merrills* (ed.), *Vandals, Romans and Berbers: new perspectives on late antique North Africa*. Aldershot 2004, 199-233, p. 199.

²² Eucharisticus 572-577: *cunctaque ipsa etiam, quae iam tenuatus habere / Massiliae potui, amissa iam proprietate / conscripta adstrictus sub condicione tenerem, / emptorem mihi ignotum de gente Gothorum / excires, nostri quondam qui iuris agellum / mercari cupiens pretium transmitteret ultro...* “...and all the very things even, which I could hold on to, impoverished, in Massilia, I held bound under written contract with the ownership having already been lost / you summoned a buyer unknown to me, who, desiring to buy the small farm that once belonged to me, gave me the price voluntarily.”

²³ *C. Courtois – L. Leschi – C. Perrat – C. Saumagne* (eds.), *Tablettes Albertini*. Actes privés de l’époque vandale. Paris 1952.

²⁴ *J. P. Conant*, op. cit., pp. 212-213.

²⁵ *S. Sato*, The Merovingian accounting documents of Tours: form and function. *Early Medieval Europe* 9 (2000) 143-161.

use of writing, including the shorthand Tironian notes, for accounting purposes at this time. Significantly, these documents postdate the collections of model documents from Merovingian Gaul, namely the Formularies of Angers and Marculf from the sixth and seventh centuries respectively, which included exactly the kind of formulaic legal language – pertaining to sales, gifts, dependence and manumission – one would use to produce such a text.²⁶ The earliest examples in these collections can be shown to date to the 520s, and we can be certain of the continuity of late Roman practices of documenting economic and legal transactions to these *formulae*. The Tours documents appear to belong to a new pragmatic trend in literacy that *followed* the appearance of these model books, marking, again, a change in association with the codification of examples in the formularies.

III. Tentative conclusions

In both areas that I examined above, the sixth century saw the emergence of model collections in which the language of widespread uses of writing, such as epitaphs or legal and economic documents, was codified. Whether we might choose to see the model books as marking either the end of ancient literacy or the transformation of literacy from the ancient to medieval world, they seem to suggest a boundary in the uses of writing between later Roman and medieval times and thereby emphasize potential continuities in between the earlier and later Roman periods. My examination of the popularity and uses of literacy in North Africa and Gaul between the third and sixth centuries bears out this connection. In fact, it appears that even as the historical contexts in which epitaphs or legal and economic documents were used underwent significant changes in the third century CE, writing, at least in certain areas, maintained a role that was possibly not simply pragmatic but also had a performative character. Based on this particular characteristic of writing I want to propose tentatively that some uses and notional associations of writing that may have contributed to the popularity of the epigraphic habit in the earlier empire could have survived to the later Roman empire and that making comparisons between these two periods may help us understand better the uses and contexts of ancient literacy, possibly not only in North Africa and Gaul, but also elsewhere in the ancient Mediterranean.

²⁶ A. Rio, *Legal practice and the written word in the early Middle Ages*. Cambridge 2009.

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**BIBLICAL SPEECH AND PHRASES IN THE *VITA*
SANCTI HEINRICI REGIS ET CONFESSORIS
BY ADALBERT OF BAMBERG**

BY GÁBOR BRADÁCS

Abstract: The *vita* of the emperor Henry II. of the Holy Roman Empire (ruled between A. D. 1002-1024) compiled by a dean of Bamberg, Adalbert about 1146 or 1170, had become one of the most influential work in the medieval German hagiography. The following paper deals with the problems of the authorship and the narrative and biblical sources of the *vita*. The study has two parts: in the first will be treated about the authorship, the sources and the reception of the *vita* as well the author's method in the use of the biblical phrases. We are examining those chapters of the *Vita Heinrici regis*, in which the author used the biblical phrasing. In the second division of our study we are setting the details of the *vita* with their parallels from the Bible, investigating the author's deep knowledge of the Holy Scripture and his virtuosity in the creative use of the biblical phrases.

Keywords: Bible; Vulgate; Henry II (Holy Roman emperor); Adalbert of Bamberg; *Vita Heinrici II regis et confessoris*; hagiography; Middle Ages.

In 1604 the *Vita sancti Heinrici II regis*, the biography of emperor Henry II. of the Holy Roman Empire was issued by the Dutch canonist and historian Henricus Canisius; the work has been editing since this year several times.¹ The new critical edition of the *vita* of Adalbert of Bamberg appeared in 2004 by the German scholar Marcus Stumpf, in the *Scriptores rerum Germanicarum* series of the *Monumenta Germaniae historica*, the collection of the sources of the medieval German history.² With the modern critical edition of this hagiographical work about the life of Henry II. has met the German scholarship his own debts.

¹ *Henricus Canisius*, *Antiquae lectionis veterum monumenta pleraque nunquam visa, quorum catalogum versa pagina indicat*. VI. Ingolstadt 1604, 383-397; *Gretser*, *Divi Bambergenses*, Ingolstadii 1611, 6; *Laurentius Surius*, *De probatis sanctorum vitis*. VII. Coloniae Agrippinae 1618³, 190; *Johann Peter von Ludewig*, *Novum volumen scriptorum rerum Germanicarum*. I. Francofurti – Lipsiae 1718, 269; *Jacob Basnage*, *Thesaurus monumentorum ecclesiasticorum et historicorum, sive Henrici Canisii Lectiones antiquae*. III. Antverpiae 1725, 23-24; *Georg Waitz*, in: *MGH SS 4* (Hannover 1841). 792-814; *AA.SS*, Jul, 3 (1867) 723-734, 738-742; *Jacques-Paul Migne*, in: *PL CXL*. col. 109-134, 142-144.

² *M. Stumpf* (Ed.), *Die Vita sancti Heinrici regis et confessoris und ihre Bearbeitung durch den Bamberger Diakon Adelbert*. Hannover 1999 (*MGH SS rer. Germ. LXIX*), 223-324.

Since the appearance of the new *Vita sancti Henrici II regis* is its historical and philological assay possible. As we are surveying the history of the research of the *Vita sancti Henrici regis* we can state, that except the subsistence of the manuscripts³, neither its sources, nor its style and later reception have been circumstantially examined. The historians were interested only in the cult of the canonised emperor Henry II. and his wife Cunigunde of Luxembourg (c. 975-1040), and the reflection of this cult in the *Vita Henrici regis*.⁴ The *vita* is one of the most important records of the ecclesiastical history of the medieval Holy Roman Empire, however, the scholars are often forewarning of its inaccuracy.⁵

On the 1^v folio of the Bambergian manuscript of the *vita* is a picture to find, which depicts the emperor Henry II. with Empress Cunigunde and a monk, called *Adalbertus diaconus*, who had been reckoned as the author of the biography.⁶ This manuscript kept in the State Library of Bamberg (Bavaria, Germany) was the base all of the classical editions of the *vita*. The authorship of the *Vita Henrici* was uncontroversial, until a new manuscript has emerged in the Diocese of Gurk (Carinthia, Austria)⁷. The manuscript of Gurk is a more pristine version of the *Vita Henrici regis*, than the other one from Bamberg. The first version was written by an unknown author about 1145/46, in the same time, when Henry II. was canonized. The author of this first version deals with the relation of Henry II. with the Saxon churches at large: the 3th and 5th chapters for example concern with the restoration of the Diocese of Merseburg.⁸ The extant manuscript of Gurk had been written before 1170 in the monastery of Michelsberg (Bavaria, near of Bamberg), which got into Gurk around 1172.⁹ The chapters of the *vita* dealing with the ecclesiastical history of Bamberg and Saxony use different narrative sources, this involves the difference of the au-

³ W. Schmidt, Über die älteste Handschrift von Adelberti Vita Henrici II imperatoris, in: Forschungen zur deutschen Geschichte 9 (1869) 361-377.

⁴ R. Klauser, Der Heinrichs- und Kunigundenkult im mittelalterlichem Bistum Bamberg. Bamberg 1957, 71-91.

⁵ For example K. J. Benz, Heinrich II. in Cluny. Frühmittelalterliche Studien 8 (1974) 155-178; Benz's article had been written as an answer to the study of J. Wollasch, Kaiser Heinrich II. in Cluny. Frühmittelalterliche Studien 3 (1969) 327-342, in which Wollasch argued, following Adalbert's *vita*, that emperor Henry II. visited the abbey of Cluny.

⁶ Bamberg, Staatsbibliothek R. B. Msc. 120, 1^v; A. Chroust, Monumenta Paleographica. Denkmäler der Schreibkunst des Mittelalters. Abt. 1: Schrifttafeln in lateinischer und deutscher Sprache. Vol. 1/21. München 1906, picture no. 8); Stumpf, op. cit. (note 2) 14; R. Schieffer, Adalbert von Bamberg. In: W. Stammler – K. Langosch – K. Ruh (Eds.), Die deutsche Literatur des Mittelalters. Verfasserlexikon, vol. 1. Berlin (West) – New York 1978², 30.

⁷ Klagenfurt, Kärntner Landesarchiv, GV 1/29 (previous serial number: Domkapitel Gurk, Lad. 1^{ma}, Fasc. 1^{num}, No. 1 / F No. 2), fol. 1^v-9^f, 10^f-15^v; Schmidt, op. cit. (note 3), 373-374.

⁸ Stumpf, op. cit. (note 2) 229-234, 240.

⁹ Stumpf, op. cit. (note 2) 5-6, 10.

thorship of the *vita*. The other important distinction between the two version is that the chapters [7.] – [16.] only belong to the second version, as an interlineation in the Gurkian manuscript.¹⁰ This appendix contains mostly charters concerning the early history of the diocese of Bamberg, and the less biblical quotations, so this division is unimportant to our study. The chapters [23.] and [24.] are this kind of appendices too, which are the parts of the second variant.¹¹ Both chapters include letters of pope Benedict VIII. issued to Bamberg.¹²

According to Georg Waitz, this *Adalbertus diaconus* may be equal to a prebend of Bamberg with the same name, Adalbert, who appeared in several charters between 1170 and 1184.¹³ Lately has joined the renowned German historian Johannes Fried to this affirmation as he states, that Adalbert possessed one of the estates of the convention of Michelsberg.¹⁴ This Adalbert, regarded by Fried as the author of the *vita* called by the sources as *magister*¹⁵, or *diaconus*¹⁶ as well. It is illustrative of the commonness of the name Adalbert, that it appears only in the Bambergian chapters between 1130 and 1200 (when the second version might be composed) more than eighteen times as *Albertus*, *Adelbreth*, *Adelbertus* etc., the church personnel of the Bambergian diocese (a lot of *canonicus*, *capellanus*, *presbyter* etc.) wore that name. Between 1146 and 1165 two canons with the name Adalbert had prebendal office.¹⁷ The charters, which had been issued after 1165 may concern on *magister Adalbertus* about 1170, but Marcus Stumpf avoids to answer the question, whether this Adalbert had been the adapter of the first *Vita Heinrichi regis* or not, seeing that the huge number of the monks called Adalbert in the convents of Bamberg and Michelsberg.¹⁸ Furthermore Franz-Josef Schmale claims, that *Adalbertus diaconus*

¹⁰ Stumpf, op. cit. (note 2) 242-273.

¹¹ Stumpf, op. cit. (note 2) 288-294.

¹² H. Zimmermann, Papsturkunden 896-1043. Vol. 1-2. Wien 1984-85. (Denkschriften der Österreichischen Akademie der Wissenschaften, Phil.-Hist. Klasse 174, 177) nr. 478 (21 January 1013), nr. 528 (1 May 1020).

¹³ Waitz, op. cit. (note 1) 787-788. note 5

¹⁴ J. Fried, Die Bamberger Domschule und die Rezeption von Frühscholastik und Rechtswissenschaft in ihrem Umkreis bis zum Ende der Stauferzeit. In: J. Fried (Ed.), Schule und Studium im sozialen Wandel des hohen und späten Mittelalters (Vorträge und Forschungen 30). Stuttgart 1986, 175-176 (note 78, 80); H. Flachenecker, Kirche und Bildung im Früh- und Hochmittelalter. In: W. Brandmüller (Ed.), Handbuch der bayerischen Kirchengeschichte I/2: Von den Anfängen bis zur Schwelle der Neuzeit. Das kirchliche Leben. St. Ottilien, 1998. 914.

¹⁵ Bayerisches Staatsarchiv (Bavarian State Archives, Munich), Rep. 27, nr. 64, fol. 112^r.

¹⁶ Bayerische Staatsbibliothek (Bavarian State Library, Munich), Msc. Lit. 161, fol. 22^r.

¹⁷ Stumpf, op. cit. (note 2) 157.

¹⁸ Stumpf, op. cit. (note 2) 158, especially note 475.

could be even the author of the first variant.¹⁹ It is only sure that the second version must have been written after the canonization of emperor Henry II., 12/14. March 1146. Marcus Stumpf makes the compilation of the second version between 1159 and 1167 probable, due to the several interpolated charters of the second variant, which try to elucidate the relation of the diocese of Bamberg with the church and the state, and straighten out the matter about the exact borders of the diocese.²⁰

The *Vita Heinrici II regis* was one of the most popular and current record of the medieval German hagiography. It has subsisted in 48 manuscripts, other 58 manuscripts of the extracts, résumés and compilations were made following the first and second recensions of the *vita*.²¹ The cult of Henry and Cunigunda (canonized in 1200) spread from Bamberg throughout in the whole Empire, in Suebia, Austria, Saxony, the Baltic territories and in Italy as well: the *Legenda Aurea* of Jacobus de Voragine already used the latter version of the *Adalbertiana*.²² The chapters about Emperor Henry II. in the pope-emperor chronicle by Martin of Opava, in the *Chronicon pontificum et imperatorum* (about 1270/72) is based partially on the *Vita Heinrici regis*, and the solid hagiographical image of the holy emperor in this *Chronica Martiniana* became the most prevailing in the European historiography of the Middle Ages.²³

The author of the *Vita Heinrici regis* leant on a large amount of sources. He used contemporary, or almost contemporary narrative sources (the *Vita Heinrici II.* of Adalbold of Utrecht²⁴, the *Chronicon* of Siegebert of Gembloux²⁵, the

¹⁹ Wilhelm Wattenbach–Franz-Josef Schmale, *Deutschlands Geschichtsquellen im Mittelalter II/1: Vom Tode Kaiser Heinrichs V. bis zum Ende des Interregnum*. Darmstadt 1976. 154, note 28.

²⁰ Stumpf, op. cit. (note 2) 123-124; D. Schlochtermeyer, Heiligenviten als Exponenten eines „zeitlosen“ Geschichtsbewußtseins. In: H.-W. Goetz (Ed.), *Hochmittelalterliches Geschichtsbewußtsein im Spiegel nicht historiographischer Quellen*. Berlin 1998, 173-174; G. Zimmermann, *Karlskanonisation und Heinrichsmirakulum. Ein Reliquienzug der Barbarossazeit von Aachen über Doberlug / Lausitz nach Plozk*. Bericht des Historischen Vereins Bamberg 102 (1966). 143-144.

²¹ See the complete list of the extracts and compilations: Stumpf, op. cit. (note 2) 159, 165-172.

²² Stumpf, op. cit. (note 2) 159-161.

²³ A.-D. van den Brincken, Martin von Troppau. In: *Stammler – Langosch – Ruh*, op. cit. (note 6), vol. 6. 158-166; Eadem, Martin von Troppau. In: H. Patze (Ed.), *Geschichtsschreibung und Geschichtsbewußtsein im späten Mittelalter (Vorträge und Forschungen, vol. 31)*. Sigmaringen 1987, 155-193; W.-V. Ikaš, *Martinus Polonus' Chronicle of the Popes and Emperors. A Medieval Best-seller and its Neglected Influence on English Medieval Chroniclers*. *English Historical Review* 116 (2001) 327-341.

²⁴ Adalboldi *Vita Heinrici II.* ad a. 1002, see: Stumpf, op. cit. (note 2) 226.

²⁵ Siegeberti *Gemblacensis Chronica* ad aa. 1010, 1013, 1020, see: Stumpf, op. cit. (note 2) 298, 277, 300.

*Chronica monasterii Casinensis*²⁶, the *Chronicon* of Bernold of Reichenau²⁷, the Chronicle of Frutolf of Michelsberg²⁸, and the *Chronicon* of Thietmar of Merseburg²⁹), the works of church fathers, like Augustine³⁰, Pope St. Gregory the Great³¹, the *Pseudo-Hieronymus*³², Isidor of Seville³³, and hagiographical writings, like the *Vita sancti Martini* of Sulpice Severe³⁴, the *Martyrologium* of Usuard of St. Germain³⁵, the *Vita Wolfkangi* by Otloh of St. Emmeram³⁶, or Ado of Vienne's *Martyrologium*³⁷. The author applied a great number of papal (Gelasius I.³⁸, John XV.³⁹, Benedict VII.⁴⁰, John XVIII.⁴¹, Benedict VIII.⁴² etc.) and imperial charters, largely by Henry II. The hagiographer used most of the charters literally; these charters are concerned with the imperial donations and their pontifical corroborations in favour of the diocese of Bamberg.

Beside of this sources is the text of the *Vita Heinrichi regis* is based on the text of the Bible for the main. The first version contains the greater number of the biblical quotations and phrases. Its unknown author used oftentimes proverbs, biblical versicles partially or as a whole. The biblical phrases in the *Vita Heinrichi regis* base in a large measure on the books of the Old Testament. The

²⁶ *Chronica monasterii Casinensis* II, 37-41, see: *Stumpf*, op. cit. (note 2) 277; II, 43, see: *Stumpf*, op. cit. (note 2) 279-280, 282; II, 46, see: *Stumpf*, op. cit. (note 2) 287, 302; II, 47, see: *Stumpf*, op. cit. (note 2) 301, 304; IV, 29, see: *Stumpf*, op. cit. (note 2) 280.

²⁷ Bernoldi *Chronicon* ad aa. 955, 1004, 1022, see: *Stumpf*, op. cit. (note 2) 231, 297, 277.

²⁸ Frutolfi *Chronica* ad aa. 1001, 1024-1025, 1040, 1046, 1052, see: *Stumpf*, op. cit. (note 2) 225, 241, 273-274, 297-299, 302, 307; 287, 308, 332; 271; 262; 265.

²⁹ Thietmari Merseburgensis episcopi *Chronicon* II, 10, see: *Stumpf*, op. cit. (note 2) 236; III, 13-14, see: *Stumpf*, op. cit. (note 2) 233-234; III, 16, see: *Stumpf*, op. cit. (note 2) 234; IV, 9-10, see: *Stumpf*, op. cit. (note 2) 232; IV, 50, see: *Stumpf*, op. cit. (note 2) 300; V, Prologue, see: *Stumpf*, op. cit. (note 2) 227; V, 38, see: *Stumpf*, op. cit. (note 2) 234; VII, Prologue, see: *Stumpf*, op. cit. (note 2) 228.

³⁰ De civitate Dei XIX, 10, see: *Stumpf*, op. cit. (note 2) 226; De Genesi ad litteram XII, 12, see: *Stumpf*, op. cit. (note 2) 305; Epistulae CXL, 2-3, see: *Stumpf*, op. cit. (note 2) 314.

³¹ Homiliae in Hiezechihelam prophetam II, Homilie X, 5, see: *Stumpf*, op. cit. (note 2) 318; Moralia in Iob XX, 16, see: *Stumpf*, op. cit. (note 2) 274; Registrum epistolarum IX, 214 (213), see: *Stumpf*, op. cit. (note 2) 226.

³² Breviarium in Psalmos, Ps. 3 & 49, see: *Stumpf*, op. cit. (note 2) 321, 282.

³³ De ecclesiasticis officiis II, 18, see: *Stumpf*, op. cit. (note 2) 276.

³⁴ *Vita Sancti Martini* c. 4, see: *Stumpf*, op. cit. (note 2) 301.

³⁵ See: *Stumpf*, op. cit. (note 2) 229.

³⁶ *Vita Wolfkangi* c. 42 & 44, see: *Stumpf*, op. cit. (note 2) 227, 311.

³⁷ See: *Stumpf*, op. cit. (note 2) 229.

³⁸ JK 632, see: *Stumpf*, op. cit. (note 2) 244.

³⁹ *Zimmermann*, op. cit. (note 12) nr. 315, see: *Stumpf*, op. cit. (note 2) 319.

⁴⁰ *Zimmermann*, op. cit. (note 12) nr. 269, nr. †280, see: *Stumpf*, op. cit. (note 2) 234.

⁴¹ *Zimmermann*, op. cit. (note 12) nr. 435, see: *Stumpf*, op. cit. (note 2) 248.

⁴² *Zimmermann*, op. cit. (note 12) nr. 478, nr. 528, see: *Stumpf*, op. cit. (note 2) 289; 284, 292, 294.

authors cite from the *historical books*, like the Exodus, the books of Samuel, the Kings and the Chronicles as well the Macchabees. However, the most pregnant source of the biblical phrases and quotations is the group of the *wisdom books*: the authors quote from the Psalms twenty-five times.⁴³ The books Job⁴⁴ and Sirach (Ecclesiasticus)⁴⁵ belong to the more frequent sources of the *vita* among the books of the Old Testament. The hagiographers cited the books of the *major prophets* like Isaiah⁴⁶, Jeremiah⁴⁷ and Daniel⁴⁸, and that of the *minor prophets* like Baruch⁴⁹, Amos⁵⁰, Jonah⁵¹ and Micah⁵². Almost every books of the New Testament, except the Apocalypse of John were used by the authors of the *vita* for the creation of the biblical idiom of the *Vita Heinrici regis*. The gospel of Luke is particularly preferred by the hagiographers of Henry II: his gospel was thirteen times quoted by them.⁵³ The gospels of Matthew, Mark and John were as many times cited, than the gospel of Luke, the most literary and

⁴³ Ps. 16:8, see: *Stumpf*, op. cit. (note 2) 259; 26:14, see: *Stumpf*, op. cit. (note 2) 238; 33:5, see: *Stumpf*, op. cit. (note 2) 279; 34:1-2, *Stumpf*, op. cit. (note 2) 236; 49:14, see: *Stumpf*, op. cit. (note 2) 284; 49:23, *Stumpf*, op. cit. (note 2) *ibid*; 50:19, *Stumpf*, op. cit. (note 2) 319; 52:5, see: *Stumpf*, op. cit. (note 2) 315; 58:2, see: *Stumpf*, op. cit. (note 2) 276; 58:12, see: *Stumpf*, op. cit. (note 2) 238; 60:4, see: *Stumpf*, op. cit. (note 2) 242; 60:9, see: *Stumpf*, op. cit. (note 2) 257; 67:36, *Stumpf*, op. cit. (note 2) 281, 324; 74:8-9, see: *Stumpf*, op. cit. (note 2) 282; 77:23, see: *Stumpf*, op. cit. (note 2) 259; 82:14, see: *Stumpf*, op. cit. (note 2) 238; 85:9, see: *Stumpf*, op. cit. (note 2) 239; 88:32-33, see: *Stumpf*, op. cit. (note 2) 314; 95:2, see: *Stumpf*, op. cit. (note 2) 257; 98:1, see: *Stumpf*, op. cit. (note 2) 261; 106:22, see: *Stumpf*, op. cit. (note 2) 284; 115:18, see: *Stumpf*, op. cit. (note 2) 312; 118:25, see: *Stumpf*, op. cit. (note 2) 316; 118:154, see: *Stumpf*, op. cit. (note 2) 276; 144:3, see: *Stumpf*, op. cit. (note 2) 282; 144:20, see: *Stumpf*, op. cit. (note 2) 239.

⁴⁴ Job 5:18, see: *Stumpf*, op. cit. (note 2) 282; 16:8, see: *Stumpf*, op. cit. (note 2) 236; 17:7, see: *Stumpf*, op. cit. (note 2) 236; 24:8, see: *Stumpf*, op. cit. (note 2) 257; 30:15, see: *Stumpf*, op. cit. (note 2) 236.

⁴⁵ Sir. 12:3, see: *Stumpf*, op. cit. (note 2) 282; 36:3, see: *Stumpf*, op. cit. (note 2) 238; 38:19, see: *Stumpf*, op. cit. (note 2) 259.

⁴⁶ Is. 53:7, see: *Stumpf*, op. cit. (note 2) 276; 66:11, see: *Stumpf*, op. cit. (note 2) 257.

⁴⁷ Jer. 1:14, see: *Stumpf*, op. cit. (note 2) 242; 11:20, see: *Stumpf*, op. cit. (note 2) 276; 29:23, see: *Stumpf*, op. cit. (note 2) *ibid*.

⁴⁸ Dan. 2:19, see: *Stumpf*, op. cit. (note 2) 239; 3:44, see: *Stumpf*, op. cit. (note 2) 238; 13:56, see: *Stumpf*, op. cit. (note 2) 314; 13:60, see: *Stumpf*, op. cit. (note 2) 239.

⁴⁹ Bar. 2:25, see: *Stumpf*, op. cit. (note 2) 263; 6:48, see: *Stumpf*, op. cit. (note 2) 238.

⁵⁰ Am. 4:13, see: *Stumpf*, op. cit. (note 2) 316.

⁵¹ Jon. 3:4, 7, see: *Stumpf*, op. cit. (note 2) 236.

⁵² Mich. 3:6, see: *Stumpf*, op. cit. (note 2) 259.

⁵³ Lk. 1:34, see: *Stumpf*, op. cit. (note 2) 276; 2:20, see: *Stumpf*, op. cit. (note 2) 239, 315, 320; 2:40, see: *Stumpf*, op. cit. (note 2) 277; 4:23, see: *Stumpf*, op. cit. (note 2) 323; 5:10, see: *Stumpf*, op. cit. (note 2) 243; 6:8, see: *Stumpf*, op. cit. (note 2) 316; 7:38, 44, see: *Stumpf*, op. cit. (note 2) 312; 12:47, see: *Stumpf*, op. cit. (note 2) 315; 16:9, see: *Stumpf*, op. cit. (note 2) 307; 16:22, see: *Stumpf*, op. cit. (note 2) 305; 22:38, see: *Stumpf*, op. cit. (note 2) 245; 24:31, see: *Stumpf*, op. cit. (note 2) 238.

rhetorical gospel alone.⁵⁴ They also used the *Pauline epistles* (to the Romans, the First and the Second to the Corinthians, to the Galatians, Philippians and the Second to the Thessalonians)⁵⁵ the *pastoral epistles* (the First to Timothy, to Titus and to the Hebrews)⁵⁶ and the *general epistles* (the Epistle of James, and the First Epistle of Peter)⁵⁷.

Biblical quotations are often the case in the fourth chapter of the *vita*. In this part is presented the battle of Henry II. against the Slavs by the authors, ornated with several hagiographical patterns. Without the mention of the accurate date we can not decide which battle have been described in the *Vita Heinrici regis*, however, according to the other circumstances alluded in the *vita*, this chapter may report about the campaign of the emperor against the Polish ruler Boleslaw Chrobry in the winter of 1004.⁵⁸ The eloquent fictive speech of Henry II. addressed to his soldiers in this chapter is a perfect model to the authors' use of the biblical phraseology, as well the other fictive prayer of the emperor, in which the proficiency of the author in the speechcraft and his knowledge of the biblical versicles becomes clear.⁵⁹ As already mentioned, the second version uses much less biblical citations, than the matter of charters. The difference between the two versions is also perceptible in the frequency of the quotation of versicles, regardless of the paleographical and historiographical distinctions. The 8th chapter treats about the virtuous spousehood of Henry and Cunigunde, and describes the story, when the modest empress consort had been laid to adultery's charge, and doomed to ordeal. The hagiographers compiled a facund prayer by several biblical versicles and citations and made it offer by Cu-

⁵⁴ Mt. 4:21, see: *Stumpf*, op. cit. (note 2) 243; Mt. 6:20, see: *Stumpf*, op. cit. (note 2) 255; Mt. 12:10, see: *Stumpf*, op. cit. (note 2) 316; Mt. 16:18, see: *Stumpf*, op. cit. (note 2) 259; Mk. 1:19, see: *Stumpf*, op. cit. (note 2) 236, 243; Mk. 3:1-2, see: 316; Mk. 7:34, see: *Stumpf*, op. cit. (note 2) 236; Mk. 10:35, see: *Stumpf*, op. cit. (note 2) 243; Jn. 9:3, see: *Stumpf*, op. cit. (note 2) 316; Jn. 12:13, see: *Stumpf*, op. cit. (note 2) 237; Jn. 12:44, see: *Stumpf*, op. cit. (note 2) 236.

⁵⁵ Rom. 8:28, see: *Stumpf*, op. cit. (note 2) 275; Rom. 12:21, see: *Stumpf*, op. cit. (note 2) 274; 1Cor. 3:6, see: *Stumpf*, op. cit. (note 2) 262; 1Cor. 7:14, see: *Stumpf*, op. cit. (note 2) 299; 1Cor. 14:22, see: *Stumpf*, op. cit. (note 2) 323; 2Cor. 1:23, see: *Stumpf*, op. cit. (note 2) 276; 2Cor. 6:7, see: *Stumpf*, op. cit. (note 2) 242; 2Cor. 9:13, see: *Stumpf*, op. cit. (note 2) 315, 320; Gal. 2:9, see: *Stumpf*, op. cit. (note 2) 300; Philipp. 2:10, see: *Stumpf*, op. cit. (note 2) 259; 2Thess. 1:10, see: *Stumpf*, op. cit. (note 2) 281.

⁵⁶ 1Tim. 3:2, see: *Stumpf*, op. cit. (note 2) 264; 1Tim. 6:17, see: *Stumpf*, op. cit. (note 2) 307; Tit. 3:5, see: *Stumpf*, op. cit. (note 2) 254; Hebr. 4:12, see: *Stumpf*, op. cit. (note 2) 245; Hebr. 7:19, see: *Stumpf*, op. cit. (note 2) 302; Hebr. 13:4, see: *Stumpf*, op. cit. (note 2) 275.

⁵⁷ Jam. 4:6, see: *Stumpf*, op. cit. (note 2) 239; Jam. 5:16, see: *Stumpf*, op. cit. (note 2) 312; 1Pet. 5:4-5, see: *Stumpf*, op. cit. (note 2) 302, 239.

⁵⁸ S. *Hirsch*, *Jahrbücher des Deutschen Reiches unter Heinrich II (Jahrbücher der deutschen Geschichte 11/1)*. Vol. 1, Berlin 1862, 501; *St. Weinfurter*, *Heinrich II. (1002-1024), Herrscher am Ende der Zeiten*. Regensburg 1999, 206-220.

⁵⁹ *Stumpf*, op. cit. (note 2) 238-239.

nigunde.⁶⁰ The prayer of Cunigunde and record of the Annales Palidenses, the Annals of the Benedictine (later Premonstratensian) abbey of Pöhlde (Lower Saxony, Germany) composed in the 12th century show several similarity to each other; the record of the unknown annalist of Pöhlde is rich of biblical references as the *Vita Heinrici regis*.⁶¹ In the next part of our study we compare those excerpts of the *Vita Heinrici regis*, which have been composed by biblical versicles with the text of the Vulgate. We ignored those details of the *vita* which are the pure compilations and citations of the text from charters and other authors' narrative texts. The numbers in square brackets [] refer to the excerpts from the second version.

Adalberti Vita sancti Heinrici regis et confessoris (MGH SS rer Germ. tom. LXIX. Hannover 1999)

Op. cit. p. 226, cap. 1: *Hic inicitium sapientię, timorem domini...*

Op. cit. p. 233, cap. 3: *Accidit autem, ut eodem tempore Magdeburgensis ecclesię archiepiscopus⁶³ viam uniuersę carnis ingrederetur...*

Op. cit. p. 235, cap. 4: *Congregato itaque exercitu contra p̄dictas nationes*

Biblia Sacra, Vulgatę Editionis, Sixti V et Clementis VIII, aa. 1590, 1592, 1593, 1598, Leander van Ess editore (Tubingae 1822-1824)

Ps. 111:10: *Res principium sapientię timor Domini*⁶²...
Sir. 1:16: *Initium sapientię timor Domini.*

Josh. 23:14 and 1 Kings 2:2: *Ego ingredior viam uniuersę terrę.*

2 Macc. 10:24: *...congregato exercitu asiano aduenit quasi armis Iudaeam capturus.*

⁶⁰ Jer. 11:20, 29:23; Ps. 118:154, 58:2; 2Cor. 1:23; Luc. 1:34.

⁶¹ Annales Palidenses auctore Theodoro monacho, ed. Georg Heinrich Pertz. In: MGH SS XVI. (Hannover 1859) 66.

Vita sancti Heinrici regis et confessoris. In: Stumpf, op. cit. (note 2) 276.

Deus eterne, qui absconditorum es cognitor, cui hoc idem est posse quod velle, et nichil velle quod non posse, qui Susannam de falso crimine, Daniele de lacu leonum ineffabili tua potentia liberasti, causam meam recto decerne iudicio, et hoc ipsum dimitte illis, qui iniuste iniquitatem fecerunt in me. Sic enim nec virum hunc, de quo mihi inponitur, nec alium aliquem usque hanc horam cognoverim, ita mihi gratia tua in hac presenti et extrema necessitate succurrat.

Domine deus, creator cęli et terrę, qui probas renes et corda, iudica iudicium meum et eripe me; te enim testem et iudicem hodie invoco, quia nec hunc p̄sentem Heinricum nec alterum quemquam virum carnali commercio unquam cognovi.

⁶² See also: יהוה יראת, הַתְּמִינָה רִאשִׁית ('The fear is the Lord is the beginning of the wisdom', Biblia Hebraica Stuttgartensia. Stuttgart 1977); ἀρχή σοφίας φόβος Κυρίου (Rahlfs, 1935).

⁶³ Adalbert, a monk from the monastery St. Maximine of Trier, who became later the first archbishop of Magdeburg (968-981).

aciem direxit...

Josh. 8:14: ...*egressus est cum omni exercitu civitatis direxitque aciem contra desertum...*

2 Sam. 10:10: *Reliquam autem partem populi tradidit Abisai fratri suo⁶⁴ qui direxit aciem adversum filios Ammon.*

Op. cit. p. 236, cap. 4: *Quo accinctus ex toto corde suo clamavit et dixit:*

Jdt. 4:17: *Et ex toto corde suo omnes orabant Deum...*

Jon. 3:4-3, 7: *Et coepit Iona introire in civitatem itinere diei unius et clamavit et dixit⁶⁵ adhuc quadraginta dies... Et clamavit et dixit⁶⁶ in Nineve ex ore regis et principum eius dicens...*

Jn. 12:44: *Iesus autem clamavit et dixit⁶⁷ qui credit in me non credit in me sed in eum qui misit me...*

'Iudica, domine, nocentes me, expugna impugnantes me, apprehende arma et scutum et exurge in adiutorium michi.'
Inde progressus

Ps. 34:1-2: *Iudica Domine adversarios meos pugna contra pugnantes me. Adprehende scutum et hastam et consurge in auxilium meum...*

Mk. 1:19: *Et progressus inde pusillum vidit Iacobum Zebedaei et Iohannem fratrem eius et ipsos in navi componentes retia...*

1 Kings 20:27: *Cumque inluxisset dies secunda post kalendas rursus vacuus apparuit locus David dixitque Saul ad Ionathan filium suum cur non venit filius Isai nec heri nec hodie ad vescendum.*

castra metatus est in campo, ubi Merseburgensis ecclesia sita est, et videns locum desolatatum

Josh. 12:7: *Hii sunt reges terrae quos percussit Iosue et filii Israhel trans Iordanem ad occidentalem plagam a Baalgad in campo Libani usque ad montem cuius pars ascendit in Seir tradiditque eam Iosue in possessionem tribubus Israhel singulis partes suas.*

Job 16:8, 17:7 and 30:15: *Nunc autem oppressit me dolor meus et in nihili redacti sunt omnes artus mei...⁶⁸ Caligavit ab indignatione oculus meus et membra mea quasi in nihili redacta sunt...⁶⁹ Redactus sum in nihili⁷⁰ abstu-*

et in nichilum redactum

⁶⁴ Joab, the warlord of king David.

⁶⁵ וַיִּקְרָא, וַיֹּאמֶר, וַיִּקְרָא ('He cried and said', Biblia Hebraica Stuttgartensia); καὶ ἐκήρυξε καὶ εἶπεν (Rahlfs, 1935).

⁶⁶ וַיִּזְעַק, וַיִּזְעַק, וַיִּזְעַק ('He caused [it] to be proclaimed and published', Biblia Hebraica Stuttgartensia); καὶ ἐχηρύνθη καὶ ἐρρέθη (Rahlfs, 1935).

⁶⁷ Ἰησοῦς δὲ ἔκραξεν καὶ εἶπεν (Nestle-Aland).

⁶⁸ וְעַתָּה כָּל הַשְּׁמוֹת, הַלֵּאנִי עַתָּה-אֵךְ ('But now my sorrow hath oppressed me, and all my limbs are brought to nothing')

⁶⁹ עֵינַי מִכַּעַשׂ וְתַכְהָ, כָּלֵם כִּצֵּל וַיִּצְרִי ('My eye is dim through indignation, and my limbs are brought as it were to nothing', Biblia Hebraica Stuttgartensia); πεπολιόρημαι μεγάλως ὑπὸ πάντων (Rahlfs, 1935).

ingemuit et ait...

Op. cit. p. 237-238, cap. 4: *Ut vero principes Polonię et Boemię cęterarumque Sclavicarum gentium primates Romanum imperatorem cum exercitu ad debellandos eos advenire cognoverunt, innumerabili multitudine barbarorum collecta in bellum ei **obviam processerunt...** Invocatoque super se **nomine domini** beato Laurentio et beato Georgio et beato Adriano... Et cum omnes perceptione corporis et sanguinis domini confortati fuissent, **ad locum certaminis venerunt.***

Op. cit. p. 238, cap. 4: *Ubi cum rex beatus verbis exhortatoriis ad **viriliter agendum** singulorum animos erexisset vidensque **adversariorum innumerabilem multitudinem** clamavit ad dominus et ait: 'Deus, qui conteris bella ab inicio,*

eleva brachium tuum super gentes,

quę cogitant servis tuis mala.

Disperge illos in virtute tua et destrue eos,

listi quasi ventus desiderium meum et velut nubes pertransiit salus mea.

Mk. 7:34: *Et suspiciens in caelum **ingemuit et ait** illi epheta quod est adaperire.*

Jn. 12:13: *Acceperunt ramos palmarum et **processerunt obviam** ei et clamabant osanna benedictus qui venit in nomine Domini rex Israel...*

Gen. 26:25: *Itaque aedificavit ibi altare et **invocato nomine Domini** extendit tabernaculum praecepitque servis suis ut foderent puteum...*

1 Kings 14:20: *Conclamavit ergo Saul et omnis populus qui erat cum eo et **venerunt ad locum certaminis** et ecce versus fuerat gladius uniuscuiusque ad proximum suum et caedes magna nimis.*

2 Paral. 32:7: ***Viriliter agite**, et confortamini: nolite timere, nec paveatis regem Assyriorum, et **universam multitudinem**, quę est cum eo...*

Ps. 26:14: *Expecta Dominum, **viriliter age**: et confortetur cor tuum, et sustine Dominum.*

Jdt. 9:10: *...et nesciunt quia tu ipse es **Deus noster, qui conteris bella ab initio**, et Dominus nomen est tibi.*

Exod. 14:16: *Tu autem **eleva virgam tuam**, et extende manum tuam **super mare**, et divide illud: ut gradientur filii Israel in medio mari per siccum.*

Jdt. 9:11: ***Erige brachium tuum** sicut ab initio, et allide virtutem illorum in virtute tua: cadat virtus eorum in iracundia tua, qui promittunt se violare sancta tua, et polluere tabernaculum nominis tui, et deicere gladio suo cornu altaris tui.*

Sir. 36:3: ***Alleva manum tuam super Gentes** alienas, ut videant potentiam tuam.*

Dan. 3:44: *...et confundantur omnes, qui **ostendunt servis tuis mala**, confundantur in omni potentia tua, et robur eorum conteratur...*

Ps. 58:12: *Deus ostendet mihi super inimicos meos, ne occidas eos: nequando obliviscantur populi mei. **Disperge illos in virtute tua**: et de-*

⁷⁰ *ישעתי עברה, וכעב; נדבתי, כרוח תרד' ה: בלהות, עלי ההפך. ('I am brought to nothing: as a wind thou hast taken away my desire: and my prosperity hath passed away like a cloud', Biblia Hebraica Stuttgartensia); ἐπιστρέφοντάί μου αὶ ὀδύνα (Rahlfs, 1935).*

protector meus.

Pone illos ut rotam et sicut stipulam ante faciem venti.’

Hęc dicens aperti sunt oculi eius, et vidit gloriosos martyres, Georgium videlicet, Laurentium, Adrianum,

cum **angelo percutiente** exercitum suum precedentes et hostium cuneos ad fugam propellentes.

Et sicut exercitus Sennacheribab angelo percutiente

contritus est et periit...

Op. cit. p. 239, cap. 4: ...ita omnis ista **barbarorum multitudo** per virtutem dei contrita proiec-tis armis sine effusione sanguinis christianorum

fuge presidium quesivit.

Quo viso rex sanctus elevatis oculis ac manibus

in cælum benedixit deo cæli et ait:

‘Benedico te,

rex cæli et terre,

**qui superbis resistis
et humilibus das gratiam,**

pone eos protector meus Domine...

Ps. 82:14: **Deus meus pone illos ut rotam:** et sicut stipulam ante faciem venti.

Lk. 24:31: **Et aperti sunt oculi eorum,** et cognoverunt eum: et ipse evanuit ex oculis eorum.

2 Sam. 24:16: *Cumque extendisset manum suam Angelus Domini super Ierusalem ut disperderet eam, misertus est Dominus super afflictione, et ait **Angelo percutienti** populum...*

2 Paral. 32:21: *Et misit Dominus **angelum,** qui **percussit** omnem virum robustum, et bellatorem, et principem exercitus regis Assyriorum: Reversusque est cum ignominia in terram suam.*

Est. 7:4: *Traditi enim sumus ego et populus meus, ut **conteramur,** iugulemur, et **pereamus.***

2 Macc. 2:22: *...et de illuminationibus, quæ de cælo factæ sunt ad eos, qui pro Iudæis fortiter fecerunt, ita ut universam regionem, cum pauci essent, vindicarent, et **barbaram multitudinem** fugarent...*

Jdt. 15:1: *Cumque omnis exercitus decollatum Holofernem audisset, fugit mens et consilium ab eis, et solo tremore et metu agitati, fugæ **presidium** sumunt...*

Deut. 4:19: *...ne forte **elevatis oculis** ad cælum, videas Solem et Lunam, et omnia astra cæli...*

Dan. 2:19: *Tunc Danieli mysterium per visionem nocte revelatum est: et **benedixit Daniel Deum cæli...***

Tob. 11:17: *Dicebatque Tobias: **Benedico te Domine Deus Israel,** quia tu castigasti me, et tu salvasti me...*

1 Esdr. 5:11: *...Nos sumus servi Dei **cæli et terræ,** et ædificamus templum, quod erat constructum ante hos annos multos, quodque rex Israel magnus ædificaverat, et extruxerat.*

1 Pet. 5:5: *Similiter adolescentes subditi estote senioribus. Omnes autem invicem humilitatem insinuate, **quia Deus superbis resistit, humilibus autem dat gratiam**⁷¹*

⁷¹ ‘Ομοίως, νεώτεροι, ὑποτάγητε πρεσβυτέροις. πάντες δὲ ἀλλήλοις ὑποτασσόμενοι τὴν ταπεινοφροσύνην ἐγκομβώσασθε, ὅτι ὁ Θεὸς ὑπερηφάνους ἀντιτάσσειται, ταπεινοῖς δὲ δίδωσι χάριν (Nestle-Aland, 1963).

qui custodis diligentes te

et **glorificatus es** in gentibus propter datam nobis

de cælo victoriam.'

Victis ergo barbaris et, quæ ad futuram pacem prodesse poterant, firmissima pactione stabilitis vir beatus

cum suis in sua **redierunt cum pace**

glorificantes

et **laudantes deum, qui salvat sperantes in se.**

Op. cit. p. 240, cap. 6: Denique episcopatum Babenbergensem ex integro **in suo domate** fundavit...

Op. cit. p. 245, cap. [8]: Dicente enim domino salvatore duos ecclesie gladios sufficere,⁷⁴ quorum unus, id est verbum dei, **usque ad divisionem anime ac spiritus penetrat...**

Op. cit. p. 255, cap. [12]: Quapropter dominicis non surdum auditum prebentes preceptis et deificis obtemperando intendentes suasionibus, **thesauros** divine largitatis munificentia nobis collatos in cælo desideramus reponere, **ubi neque fures effodiant nec furentur neque erugo vel tineæ demoliatur...**

Jam. 4:6: Maiorem autem **dat gratiam**. Propter quod dicit: Deus superbis resistit, **humilibus autem dat gratiam**⁷²

Ps. 144:20: Custodit Dominus omnes **diligentes se**: et omnes peccatores disperdet.

Ps. 85:9: Omnes gentes quascumque fecisti, venient, et adorabunt coram te Domine: et **glorificabunt nomen tuum**.

2 Macc. 15:8: ...et hortabatur suos ne formidarent ad adventum nationum, sed in mente haberent adiutoria sibi facta **de cælo**, et nunc sperarent ab Omnipotente sibi affuturam victoriam.

Exod. 18:23: ...et omnis hic populus **revertetur ad loca sua cum pace**.

Lk. 2:20: Et reversi sunt pastores **glorificantes, et laudantes Deum** in omnibus, quæ audierant, et viderant sicut dictum est ad illos.

Dan. 13:60: Exclamavit itaque omnis cætus voce magna, et benedixerunt Deum, **qui salvat sperantes in se**.

2 Esdr. 8:16: Feceruntque sibi tabernacula unusquisque **in domate suo**,⁷³ et in atriis suis, et in atriis domus Dei, et in platea portæ aquarum, et in platea portæ Ephraim.

Hebr. 4:12: Vivus est enim sermo Dei, et **efficax, et penetrabilior omni gladio ancipiti: et pertingens usque ad divisionem anime ac spiritus, compagum quoque ac medullarum, et discretor cogitationum et intentionum cordis**.

Mt. 6:20: **Thesaurizate autem vobis thesauros in cælo: ubi neque ærugo, neque tineæ demolitur, et ubi fures non effodiunt, nec furantur**.

⁷² μείζονα δὲ δίδωσι χάριν διὸ λέγει κύριος, ὅτι ὁ Θεὸς ὑπερηφάνοις ἀντιτάσσεται, ταπεινοῖς δὲ δίδωσι χάριν (Nestle-Aland, 1963).

⁷³ .לַיְתוֹ-יְהוָה ('...on the top of his house', Biblia Hebraica Stuttgartensia).

⁷⁴ This excerpt is based on the words of Lk. 22, 38: *At illi dixerunt: Domine, ecce duo gladii hic. At ille dixit eis: Satis est.* (οἱ δὲ εἶπον, κύριε, ἰδοὺ μάχαιραι ὥδε δύο. ὁ δὲ εἶπεν αὐτοῖς, ἰκανὸν ἔστιν).

...et iugis pro omnibus orthodoxis **mactetur hostia salutaris.**

Op. cit. p. 257, cap. [13]: *Babenbergensis videlicet ecclesia, divinę gratię ymbribus irrigata, de die in diem semper accipit incrementum, sepe numero a sancta specialique matre sua Romana ecclesia*

uberibus pię consolationis potata ac saciata...

Op. cit. p. 275, cap. 8: *...ut et castimonię erudiamur exemplis et divinorum secretorum admiratione moveamur intelligentes, quemadmodum diligentibus deum omnia cooperantur in bonum.*

Individus enim omnium bonorum diabolus, ubi thorum immaculatum sauciare non valuit,

zelotypię livore fędare cogitavit...

Op. cit. p. 276, cap. 8: *Cumque dilecta deo ad illud iudicium velut ovis ad occisionem duceretur, ingemuit et ait:*

'Domine deus, creator cęli et terre, qui probas renes et corda,

iudica iudicium meum et

eripe me; te enim

Lev. 9:7: *Cumque mactaveris hostiam populi, ora pro eo, sicut pręcepit Dominus.*

1 Kings 8:63: *Mactavitque Salomon hostias pacificas, quas immolavit Domino, boum viginti duo millia, et ovium centum viginti millia: et dedicaverunt templum Domini rex, et filii Israel.*

2 Macc. 3:32: *Considerans autem summus sacerdos ne forte rex suspicaretur malitiam aliquam ex Iudęis circa Heliodorum consummatum, obtulit pro salute viri hostiam salutarem.*

Job 24:8: *Quos imbres montium rigant: et non habentes velamen, amplexantur lapides.*

Ps. 60:9: *Sic psalmum dicam nomini tuo in sæculum sæculi: ut reddam vota mea de die in diem.*

Ps. 95:2: *Cantate Domino, et benedicite nomini eius: annunciate de die in diem salutare eius.*

Is. 66:11: *...ut sugatis, et repleamini ab ubere consolationis eius: ut mulgeatis, et deliciis affluatis ab omnimoda gloria eius.*

Rom. 8:28: *Scimus autem quoniam diligentibus Deum omnia cooperantur in bonum, iis, qui secundum propositum vocati sunt sancti.*

Hebr. 13:4: *Honorabile connubium in omnibus, et thorus immaculatus. Fornicadores enim, et adulteros iudicabit Deus.*

Num. 5:14-15: *...si spiritus zelotypię concitaverit virum contra uxorem suam, quę vel polluta est, vel falsa suspitione appetitur...*

Is. 53:7: *Oblatus est quia ipse voluit, et non aperuit os suum: sicut ovis ad occisionem ducetur, et quasi agnus coram tondente se obmutescet, et non aperiet os suum.*

Jer. 11:20: *Tu autem Domine Sabaoth,⁷⁵ qui iudicas iuste, et probas renes et corda, videam ultionem tuam ex eis: tibi enim revelavi causam meam.*

Ps. 118:154: *Iudica iudicium meum, et redime me: propter eloquium tuum vivifica me.*

Ps. 58:2: *Eripe me de inimicis meis Deus meus: et ab insurgentibus in me libera me.*

⁷⁵ צְבָאוֹת יְהוָה Innen 74.!

testem et iudicem hodie invoco,

*quia nec hunc presentem Heinricum nec alterum quemquam **virum carnali commercio unquam cognovi**.*

Op. cit. p. 279, cap. 10: **Impletumque est, quod per prophetam dicitur: Exquisivi dominum et exaudivit me et ex omnibus tribulationibus meis eripuit me.**

Op. cit. p. 280, cap. 10: *Nam petiit et exauditus est; **pulsavit perseveranter ad ostium misericordie et intrmissus est.***

Op. cit. p. 281, cap. 11 [21]: *Qui dixit ei: 'Quia sperasti in deo et in sanctis suis, ecce missus sum a deo, ut per meam medicinam ab infirmitate tua libereris.'*

Op. cit. p. 282, cap. 11: *'Fratres et commilitones mei, magnificate dominum mecum, et exaltemus nomen eius in id ipsum, quia ipse est magnus dominus et laudabilis nimis et **magnitudinis eius non est finis.** Ipse percutit et medetur, flagellat peccatores et*

pœnitentibus miseretur.

Hunc humiliat et hunc exaltat; quia calix in manu domini vini meri plenus mixto...

Op. cit. p. 283-284, cap. 12: *Benedictus vero papa gratias egit deo pro omnibus beneficiis suis et pro salute regis et totius populi catholici obtulit **sacrificium laudis.***

Jer. 29:23: ... *et locuti sunt verbum in nomine meo mendaciter, quod non mandavi eis: **ego sum iudex et testis, dicit Dominus.***

2 Cor. 1:23: *Ego autem testem Deum invoco in animam meam, quod parcens vobis, non veni ultra Corinthum...*

Luc. 1:34: *Dixit autem Maria ad Angelum: **Quomodo fiet istud, quoniam virum non cognosco?***

Ps. 33:5: **Exquisivi Dominum, et exaudivit me; et ex omnibus tribulationibus meis eripuit me.**

Acts 12:16: *Petrus autem **perseverabat pulsans.** Cum autem aperuissent, viderunt eum, et obstupuerunt.*

Ps. 67:36: *Mirabilis Deus in sanctis suis, Deus Israel ipse dabit virtutem, et fortitudinem plebi suae, benedictus Deus.*

2 Thess. 1:10: *...cum venerit glorificari in sanctis suis, et admirabilis fieri in omnibus, qui crediderunt, quia creditum est testimonium nostrum super vos in die illo.*

Ps. 144:3: *Magnus Dominus et laudabilis nimis: et **magnitudinis eius non est finis.***

Job 5:18: *Quia ipse vulnerat, et medetur: percutit, et manus eius sanabunt.*

Sir. 12:3: *Non est enim ei bene qui assiduus est in malis, et eleemosynas non danti: quoniam et Altissimus odio habet peccatores, et **misertus est pœnitentibus.***

Ps. 74:8-9: *...quoniam Deus iudex est. **Hunc humiliat, et hunc exaltat: quia calix in manu Domini vini meri plenus misto.** Et inclinavit ex hoc in hoc: verumtamen fœx eius non est exinanita: bibent omnes peccatores terræ.*

Tob. 8:19: *...et **sacrificium tibi laudis tuæ** et suæ sanitatis offerre, ut cognoscat universitas gentium, quia tu es Deus solus in universa terra.*

Ps. 49:14, 23: *Immola Deo **sacrificium laudis:** et redde Altissimo vota tua... **Sacrificium laudis** honorificabit me: et illic iter, quo ostendam illi salutare Dei.*

Ps. 106:22: *Et sacrificent sacrificium laudis: et annuncient opera eius in exultatione.*

Op. cit. p. 298-299, cap. 15: *Quod ut facilius fieret, sororem suam Gisela Stephano regi matrimonio copulavit secundum apostolum dicentem: **Sanctificatur vir infidelis per mulierem fidelem, et sanctificatur mulier infidelis per virum fidelem.***⁷⁶

1 Cor. 7:14: ***sanctificatus est enim vir infidelis per mulierem fidelem, et sanctificata est mulier infidelis per virum fidelem:** alioquin filii vestri immundi essent, nunc autem sancti sunt.*

Op. cit. p. 300, cap. 16: *...non hominis metu, sed dei nutu, rogantes ea, quae pacis sunt, **dextras dederunt et ad insignia regalia lanceam clavo dominicae passionis insignitam addiderunt.***

Gal. 2:9: *...et cum cognovissent gratiam, quae data est mihi, Iacobus, et Cephas, et Ioannes, qui videbantur columnae esse, **dextras dederunt** mihi, et Barnabae societatis: ut nos in Gentes, ipsi autem in circumcisionem...*

Op. cit. p. 302, cap. 16: *Denique gloriosissime consummatis huius vitae laboribus, postquam bonae opinionis odorem longe lateque redolere fecerat locumque sibi dilectum cum ceteris monasteriis ditando et ornando et excolendo ad perfectum adduxerat, ad percipiendam **inmarsecabilem coronam** ab ergastulo carnis a domino evocatus est.*

1 Pet. 5:4: *Et cum apparuerit princeps pastorum, percipietis **inmarsecabilem** gloriae coronam.*

Op. cit. p. 307, cap. 19: *Discite ergo **divites huius seculi***

1 Tim. 6:17: ***Divitibus huius saeculi** praecipite non sublime sapere neque sperare in incerto divitiarum sed in Deo qui praestat nobis omnia abunde ad fruendum.*

facere vobis amicos de mammona iniquitatis, ut, cum defeceritis, ipsi vos in aeterna tabernacula recipiant.

Lk. 16:9: *Et ego vobis dico **facite vobis amicos de mammona iniquitatis ut cum defeceritis recipiant vos in aeterna tabernacula.***

Op. cit. p. 311, cap. 21: *...omnino abdicavit seque in deum et in sanctos eius et in fratrem suum peccasse libera tandem voce proclamavit.*

Exod. 10:16: *Quam ob rem festinus Pharaeo vocavit Moysen et Aaron et dixit eis peccavi in Dominum Deum vestrum et in vos.*

Op. cit. p. 312, cap. 22: *'Vota mea domino reddam in conspectu omnis populi eius'. Ibi-*

Ps. 115:18: ***Vota mea Domino reddam in conspectu omnis populi eius...***

⁷⁶ This chapter deals with the marriage of St. Stephen and Giselle, in which stated, that Giselle was the instrument in Henry's hand for the christianization of Hungary. The origin of this story see in the Chronicle of Frutolf of Michelsberg, in: *F.-J. Schmale – I. Schmale-Ott* (Edd.), *Frutolfs und Ekkehard's Chroniken und die anonyme Kaiserchronik* (Ausgewählte Quellen zur deutschen Geschichte des Mittelalters 15). Darmstadt 1972, 50. (A. D. 1001) and Hermann of Reichenau's Chronicle, see: *G. H. Pertz* (Ed.), *Herimanni Augiensis Chronicon*, In: *MGH SS V.* (Hannover 1844) 117-118. (A. D. 995).

dem ergo pernoctans in oratione universum, quod habebat, id est **cor contritum et humiliatum**, domino optulit et in fide Christi **lacrimis rigavit pedes eius et capillis capitis sui tergebat et unguento ungebat**. Et quoniam **multum valet deprecatio iusti assidua...**

Op. cit. p. 314, cap. 23: *Si iusticias meas profanaverint et mandata mea non custodierint, visitabo in virga iniquitates eorum et in verberibus peccata eorum.*

Op. cit. p. 314-315, cap. 23: **'Species decepit te, et concupiscentia subvertit cor tuum. Quare hoc et hoc fecisti?'**

Scito, quia rem iniquiam operatus es.'

Op. cit. 316, cap. 24: **Ut ergo opera dei manifestarentur in illo...**

Op. cit. 316, cap. 25: **'Adhesit pavimento anima mea, vivifica me secundum verbum tuum!'** Quid ergo?

Christus filius dei, qui super terram gradiens manum aridam habentem sanavit...

Ps. 50:19: *Sacrificium Dei spiritus contritulus cor contritum et humiliatum Deus non dispicies.*

Lk. 7:38, 44: *Et stans retro secus pedes eius lacrimis coepit rigare pedes eius et capillis capitis sui tergebat et osculabatur pedes eius et unguento unguebat... Et conversus ad mulierem dixit Simoni vides hanc mulierem intravi in domum tuam aquam pedibus meis non dedisti haec autem lacrimis rigavit pedes meos et capillis suis tersit.*

Jam. 5:16: *Confitemini ergo alterutrum peccata vestra et orate pro invicem ut salvemini multum enim valet deprecatio iusti assidua.*

Ps. 88:32-33: *Si caerimonias meas profanaverint et praecepta mea non custodierint, visitabo in virga scelera eorum et in plagis iniquitatem eorum.*

Dan. 13:56: *Et, amoto eo, iussit venire alium, et dixit ei: Semen Chanaan, et non Iuda, species decepit te, et concupiscentia subvertit cor tuum...*

1 Kings 1:6: *Nec corripuit eum pater suus aliquando, dicens: Quare hoc fecisti? Erat autem et ipse pulcher valde, secundus natu post Absalom.*

Ps. 52:5: *Nonne scient omnes qui operantur iniquitatem, qui devorant plebem meam ut cibum panis?*

Jn. 9:3: *Respondit Iesus: Neque hic peccavit, neque parentes eius: sed ut manifestentur opera Dei in illo.*

Ps. 118:25: [DALETH.] **Adhæsit pavimento anima mea: vivifica me secundum verbum tuum.**

Am. 4:13: *Quia ecce formans montes, et creans ventum, et annuncians homini eloquium suum, faciens matutinam nebulam, et gradiens super excelsa terræ: Dominus Deus exercituum nomen eius.*

Mt. 12:10: *Et ecce homo manum habens aridam, et interrogabant eum, dicentes: Si licet sabbatis curare? ut accusarent eum.*

- Mk. 3:1: *Et introivit iterum in synagoga: et erat ibi homo habens manum aridam.*
 Lk. 6:8: *Ipse vero sciebat cogitationes eorum: et ait homini, qui habebat manum aridam: Surge, et sta in medium. Et surgens stetit.*⁷⁷
- Op. cit. p. 315, cap. 23: *...et in eius correctione multi correcti sunt glorificantes deum...*
 Op. cit. p. 319-320, cap. 29: *At illi gaudentes et pro tante fame dulcedine deum glorificantes de canonizatione sancti regis Heinrici ceperunt sollicite ac diligenter ad invicem conferre...*
- Op. cit. p. 323, cap. 30: *Sed sicut scriptum est: Nemo propheta acceptus est in patria sua.*
- Op. cit. p. 323, cap. 31: *Quamvis ergo nunc tempora miraculorum non sint – signa enim debentur non fidelibus, sed infidelibus...*
- Op. cit. p. 324, cap. 31: *...quatenus et ipse, qui mirabilis est in sanctis suis...*
- Lk. 2:20: *Et reversi sunt pastores glorificantes, et laudantes Deum in omnibus, quae audierant, et viderant sicut dictum est ad illos.*⁷⁸
 2 Cor. 9:13: *... per probationem ministerii huius, glorificantes Deum*⁷⁹ *in obedientia confessionis vestrae, in Evangelium Christi, et simplicitate communicationis in illos, et in omnes...*
- Lk. 4:24: *Ait autem: Amen dico vobis, quia nemo propheta acceptus est in patria sua.*⁸⁰
- 1 Cor. 14:22: *Itaque linguae in signum sunt non fidelibus, sed infidelibus: prophetiae autem non infidelibus, sed fidelibus.*⁸¹
- Ps. 67:36: *Mirabilis Deus in sanctis suis, Deus Israel ipse dabit virtutem, et fortitudinem plebi suae, benedictus Deus.*⁸²

⁷⁷ Mt. 12, 10: καὶ ἰδοὺ ἄνθρωπος χεῖρα ἔχων ξηράν. καὶ ἐπηρώτησαν αὐτὸν λέγοντες· εἰ ἔξεστιν τοῖς σάββασιν θεραπεύειν; ἵνα κατηγορήσωσιν αὐτοῦ. (Nestle-Aland, 1963); Mk. 3, 1-2: Καὶ εἰσῆλθεν πάλιν εἰς συναγωγὴν. καὶ ἦν ἐκεῖ ἄνθρωπος ἐξηραμμένον ἔχων τὴν χεῖρα. καὶ παρετήρουν αὐτὸν εἰ τοῖς σάββασιν θεραπεύσει αὐτόν, ἵνα κατηγορήσωσιν αὐτοῦ. (Nestle-Aland, 1963); Lk. 6, 8: καὶ εἶπε τῷ ἀνθρώπῳ τῷ ξηρὰν ἔχοντι τὴν χεῖρα (Nestle-Aland, 1963). ἤδει τοὺς διαλογισμοὺς αὐτῶν, εἶπεν δὲ τῷ ἀνδρὶ τῷ ξηρὰν ἔχοντι τὴν χεῖρα, ἔγειρε καὶ στήθι εἰς τὸ μέσον· καὶ ἀναστὰς ἔστη. (Nestle-Aland, 1963).

⁷⁸ καὶ ὑπέστρεψαν οἱ ποιμένες δοξάζοντες καὶ αἰνοῦντες τὸν Θεόν ἐπὶ πᾶσιν οἷς ἤκουσαν καὶ εἶδον καθὼς ἐλαλήθη πρὸς αὐτούς. (Nestle-Aland, 1963).

⁷⁹ διὰ τῆς δοκιμῆς τῆς διακονίας ταύτης δοξάζοντες τὸν Θεόν ἐπὶ τῇ ὑποταγῇ τῆς ὁμολογίας ὑμῶν εἰς τὸ εὐαγγέλιον τοῦ Χριστοῦ καὶ ἀπλότητι τῆς κοινωνίας εἰς αὐτοὺς καὶ εἰς πάντας. (Nestle-Aland, 1963).

⁸⁰ εἶπεν δὲ, Ἄμην λέγω ὑμῖν ὅτι οὐδεὶς προφήτης δεκτὸς ἐστὶν ἐν τῇ πατρίδι αὐτοῦ.

⁸¹ ὥστε αἱ γλῶσσαι εἰς σημεῖον εἰσὶν οὐ τοῖς πιστεύουσιν ἀλλὰ τοῖς ἀπίστοις, ἡ δὲ προφητεία οὐ τοῖς ἀπίστοις ἀλλὰ τοῖς πιστεύουσιν.

⁸² Θαυμαστὸς ὁ θεὸς ἐν τοῖς ἁγίοις αὐτοῦ· ὁ θεὸς Ἰσραὴλ αὐτὸς δώσει δύναμιν καὶ κραταίωσιν τῷ λαῷ αὐτοῦ. εὐλογητὸς ὁ θεός.

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THE KULMIAN LETTERS PATENT OF THE TEUTONIC ORDER OF 1233

BY LÁSZLÓ PÓSÁN

Abstract: This study subjects to scrutiny the articles of the Kulmian letters patent of 1233 which determined the conditions of private and public law in the would-be state of the Teutonic Order in Prussia. *The Kulmer Handfeste* had laid down, at the same time, the privileges facilitating planned settlement prior to the conquest of Prussian lands. This diploma ruled on the conditions pertaining to the order of succession, the size of plots, the system of field utilization, fishing and hunting rights as well as those of criminal law and court procedures. It determined the privileges as well as the obligations linked to land-grants while it also determined the conditions of providing for the sustenance of parishes, as well as the currency of the future Teutonic state.

Keywords: Magdeburgian law, Thorn and Kulm, jurisdiction, judge, fishing and hunting, priest, patronage right, Scheffel, coinage, colonization, Article

Subsequent to the great victory of the Teutonic Order and the army of the crusaders by river Sirgune over the Prussian tribe¹ resident in the territory of Pomesania,² Grandmaster Hermann von Salza and landmaster Hermann Balk issued the letters patent in 1233 that came to be known as *Kulmer Handfeste* and later became the mainstay of the so-called Kulmian Law, which played a decisive role in the later life of the state of the Order of Knights.³ Although the letters patent makes mention of the cities Thorn (Toruń) and Kulm (Chelmno), yet it does not address borough privileges only but it is the earliest formulation of provincial rights⁴, which in the initial stage of the appearance of the Teutonic

¹ The westernmost tribal area of Prussia was bordered by river Ossa in the south and river Vistula in the west, in the north, however it extended the river Nogat as along far as the Vistula estuary. In the east it bordered on the Pomesanian tribal area. *H. Boockman*, *Ostpreußen und Westpreußen. (Deutsche Geschichte im Osten Europas)*. Berlin 1992, 79; *G. Hermanowski*, *Ostpreußen. Wegweiser durch ein unvergessenes Land*. Augsburg 1996, 235.

² *Petri de Dusburg*, *Cronica terre Prussie. Scriptores rerum Prussicarum I-V*. In: *Th. Hirsch, M. Toeppen, E. Strehlke* (Hgg.), Leipzig 1861-1874, (henceforth: SRP) I. 58.

³ *R. Philippi, C. P. Woelky, Au. Seraphim, M. Hein, E. Maschke, H. Koeppen, K. Conrad* (Hgg.), *Preußisches Urkundenbuch*. Bde. I.1-VI.1. Königsberg–Marburg 1882-1986, (henceforth: PUB) I. 1. (no. 105).

⁴ *H. Planitz*, *Deutsche Rechtsgeschichte*. Köln–Graz 1971, 142.

Order in Prussia, laid down the legal framework of administration in the territorial state that would be created later and by using a variety of legal sources determined the conditions of private and public law.⁵ The time of issue of this document is remarkable, for it was in this period that imperial princely privileges were committed to writing (1220, 1231) and the grandmaster, vindicating individual provincial overlordship – albeit the question was not at that time settled⁶ –, ruled about the legal conditions in the future Teutonic territory,⁷ invoking the spirit of the above documents and the contents of Emperor Frederick II's 1226 Bull of Rimini. The statutes in the letters patent issued for the two towns had become a kind of fundamental law in the territory of the Teutonic Order. Kulmian law meant *ius teutonicum* in Prussia, that is, the most favourable and highest legal status in contrast to the law of Prussians or Poles. *Kulmer Handfeste* is thus a declaration of intent on a scheme of settling the Knightly Order and on attracting settlers to Prussian lands by creating the incentive conditions to serve this purpose at a time when the conquest of territories inhabited by Prussian tribes had just started and its final outcome was not yet in sight.⁸ The letters patent came into being subsequent to the foundation of Thorn and Kulm (1231 and 1232), which allows us to reason that the Teutonic Order may have made some pledges concerning its main elements and settlement in the two towns may well have taken place rapidly⁹.

The original diploma is only known from a transcript of 1251, for the letters patent of 1233 was destroyed in the fire devastating the town of Kulm.¹⁰ The original letters patent was renewed on October 1, 1251 by Deutchmeister Eberhard von Seyne, the Prussian and Livonian deputy and representative of the Grandmaster (*praeceptor domus sancte marie Theutonicum per Alemanniam et vices generis magistri generalis per Lyvoniam et Prusciam*) in the town of

⁵ H. Kleinau, Untersuchungen über die Kulmer Handfeste, besonders ihre Stellung im Recht der deutschen Kolonisation. *Altpreußische Forschungen* 10 (1933) 233, 261; W. Ebel, Deutsches Recht im Osten. (Schriftenreihe des Göttinger Arbeitskreises Bd. 21.) Kitzingen–Mainz 1952, 19; G. Kisch, Die Kulmer Handfeste (Forschungen und Quellen zur Rechts- und Sozialgeschichte des Deutschordenslandes II.). Sigmaringen 1978; H. Grundmann, Wahlkönigtum. Territorialpolitik und Ostbewegung im 13. und 14. Jahrhundert. München 1970, 278.; J. Maltek, Das Kulmer Recht im Ordensland Preußen (1466-1525) und im Herzogtum Preußen (1525-1620). *Zeitschrift für Ostforschung* 32 (1983) 321.

⁶ In greater detail on this see: Pószán L., A Német Lovagrend története a 13. században. [*L. Pószán, The History of the Teutonic Order in the 13th century*], Debrecen 1996, 118-146.

⁷ H. Kleinau, Untersuchungen über die Kulmer Handfeste, op. cit. 232.

⁸ P. Erlen, Europäischer Landesausbau und mittelalterliche deutsche Ostsiedlung. Ein struktureller Vergleich zwischen Südwestfrankreich, den Niederlanden und dem Ordensland Preußen. (Historische und landeskundliche Ostmitteleuropa-Studien 9). Marburg 1992, 161.

⁹ H. Kleinau, Untersuchungen über die Kulmer Handfeste, op. cit. 232-234.

¹⁰ 1233/1251: *per incendium civitatis Culmensis amisso* — PUB I. 1. no. 252.

Kulm.¹¹ The old document was included in the new one, thus it has double *protocollum*, and *eschatocollum*. It is written at the end of the text that some articles had been left out and a few new ones had been inserted (*civiumque sepe predictorum consensu quedam in eo sunt mutata, articulis scilicet quibusdam exceptis et quibusdam interpositis, qui in privilegio non continebantur antiquo*).¹² Only sporadic mention is made in the 1251 issue of which articles had specifically been altered and been included in the text of the document dated back to 1233. According to Wilhelm von Brünneck: Articles 1 and 4 remained certainly unaltered, but his position is not backed up.¹³ Article 1 secured liberty to the towns of Thorn and Kulm, under which they were granted the right to actually elect a judge (magistrate) whose person was agreeable to both the citizens of the two towns and to the Teutonic Order (*Hinc est, quod eisdem civitatibus hanc indulsumus perpetualiter libertatem, ut earum cives eligant sibi in eisdem civitatibus singulos iudices annuatim, qui domui nostre et communitati civitatum competant earundem*).¹⁴ In this way the free election of the judge (magistrate) was in fact not completely free, because the Order of Knights reserved the right of consent, that is, no one could fill the post of magistrate without its consent.¹⁵ At the same time, it was common practice in medieval Europe, that the magistrate elect needed no further confirmation by any higher authority.¹⁶ The constraints concerning the election of a judge (magistrate) in the letters patent containing the most important conditions of settlement in the Prussian territories resulted in there being no mention made of electing a judge (magistrate) in several later foundation statutes of towns, but this office was donated with hereditary rights by the Teutonic Order.¹⁷ For example the citizens of the town of Deutsch-Eylan founded under Kulmian law (1333) requested, in the mid-14th century the competent comptroller of the Knightly Order to permit them to purchase the right of holding court and, in turn, electing their own magistrates.¹⁸ The *Kulmer Handfeste* laid down constraints not only

¹¹ *ibid.*

¹² *ibid.*

¹³ *W. von Brünneck, Zur Geschichte des Kulmer Oberhofes. Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanische Abteilung. Weimar 1913, 2.*

¹⁴ PUB I. 1. no. 252.

¹⁵ *H. Boockmann, Der Deutsche Orden. Zwölf Kapitel aus seiner Geschichte. München 1981, 127.*

¹⁶ *Hajnik I., A magyar bírósági szervezet és perjog az Árpád- és vegyes-házi királyok alatt. [I. Hajnik, The Organization of Jurisdiction under the Árpáds and Mixed Dynasties.] Budapest 1899, 85.*

¹⁷ *P. Erlen, Europäischer Landesausbau, op. cit. 163.*

¹⁸ *K. Abe, Die Komturei Osterode des Deutschen Ordens in Preussen 1341-1525. Köln-Berlin 1972, 74.*

to electing the magistrate but also to its jurisdiction. The judge did not have full-fledged independent jurisdiction, for in the case of serious crimes, such as manslaughter, bloodshed and the like, he could adjudicate only with the Order's approval (...*verumtamen de maioribus cupis, ut sunt homicidia, sanguinis effusio et hiis similia, iudex absque fratrum nostrorum assensu nil remittat*).¹⁹ He could pass sentences up to the value of 4 schillings, however, in cases exceeding this limit, his legally binding sentence could only be passed with the Order's approval (*ita ut quicquid de talibus iudex infra tribunal indulserit de III^{or} solidis videlicet et infra, id etiam ex parte domus nostre sit indultum*).²⁰ However, in several parts of medieval Europe, if a community was once endowed with municipal privileges the procedure mostly meant the transference of total civil and criminal jurisdiction except for the cases of ecclesiastical nature.²¹ But contrary cases were not uncommon either for it often occurred that it was specified in the borough's charter of privileges in what cases the judge had the right to pass sentences.²² According to the Kulmian letters patent, the revenue coming from minor fines for minor crimes and offences was in full the judge's due, while fines in excess of this were split 1/3-2/3 between the municipal magistrate and the Teutonic Order. (*Eisdemque iudicibus cessimus perpetualiter de parte tertia mulctarum iudicialium pro culpis maioribus pensatarum, penam minorum excessuum, que cotidiana dicitur, videlicet XII nummos et infra, eis totaliter concedendo*).²³ The same 2:1 proportion was applied between the towns of Basel, Zürich and Luzern on the one hand and their provincial overlords on the other, or in the province of Brandenburg.²⁴ In accordance with the stipulations of Article 4, jurisdiction had to be performed in pursuance of Magdeburgian law in a manner that a delinquent sentenced to pay a fine of 60 schillings in Magdeburg, had to pay only 30 schillings in Kulmian currency for the same offence or crime. All sentences had to be meted out in view of this proportion. (*Statuimus autem in eisdem civitatibus iura Megdeburgensia in omnibus sententiis in perpetuum observari, hoc indulto, ut cum reus aliquis Megdeburgh in LX^a solidis puniri debeat, hic in XXX^a solidis Culmensis moneta mulctetur, eodem modo in culpis aliis proportionaliter observato*).²⁵ In the state

¹⁹ PUB I. 1. no. 252.

²⁰ *ibid.*

²¹ I. Hajnik, *The Organization of Jurisdiction*, op. cit. 88.

²² Fügedi E., *Középkori magyar városprivilegiumok* [*E. Fügedi, Municipal Privileges in Medieval Hungary*]. In: *Idem, Kolduló barátok, polgárok, nemesek. Tanulmányok a magyar középkorról*. [Mendicant Friars, Commoners and Nobles, Studies on the Hungarian Middle Ages]. Budapest 1981m 284; W. Rösener, *Bauern im Mittelalter*. München 1987, 35.

²³ PUB I. 1. no. 252.

²⁴ H. Kleinau, *Untersuchungen über die Kulmer Handfeste*, op. cit. 242-244.

²⁵ PUB I. 1. no. 252.

of the Order of Knights to be established in the future half the amount of the penalties contained in the Magdeburgian law were to be meted out in sentencing practice.²⁶ The very same proportion was applied in Silesia, too, where sentences were also meted out on the basis of Magdeburgian law.²⁷ According to the Saxonian code of law, the *Sachsenspiegel* („Saxonian mirror”) committed to writing in Latin between 1220 and 1223 and then in German between 1224 and 1226, the fine was due to be paid within 6 weeks.²⁸ Magdeburgian law, especially in the field of criminal law, must have been closely linked to the *Sachsenspiegel*, and Saxonian law exercised great influence in the eastern territories of colonization.²⁹ It can, accordingly, be assumed that similar deadlines were used in the territories of the Teutonic Order. Under the Magdeburgian law, the municipal magistrate did not adjudicate all by himself, but jointly with elected assessors.³⁰ The very same format of adjudication can be found in the *Sachsenspiegel* as well.³¹ The 1233 Kulmian letters patent, however, makes no mention of adjudicating assessors. In a diploma issued in 1258 in relation to the town of Thorn, mention is, however, made of assessors working alongside the judge 7 years subsequent to the renewal of *Kulmer Handfeste*.³² As attested to the documents the assessorial system became widespread adjudication Prussia, too, in the course of the 13th century. The charter of privileges of the town of Rheden renewed in 1285 did for example clearly rule on investing the Schöffen into office that consuls should be elected to delegate assessors (*consules eligere ut scabinos statuere*).³³ The renewed charter of 1284 of privileges for the town of Braunsberg similarly permitted the election of assessors (*scabinus*).³⁴ The earliest entry into the *Liber memoriarum Colmensis civitatis*³⁵ told

²⁶ *W. von Brünneck*, Zur Geschichte des Kulmer Oberhofes, op. cit. 1.

²⁷ *J. Pfitzner*, Besiedlungs-, Verfassungs- und Verwaltungsgeschichte des Breslauer Bistumlandes I. Teil: Bis zum Beginne der böhmischen Herrschaft. (Prager Studien aus dem Gebiete der Geschichtswissenschaft 18.) Reichenberg i. B. 1926. 258.

²⁸ *E. von Reppow*, A Szász Tükör [*Sachsenspiegel*]. Ed. by *L. Blazovich*, *J. Schmidt*. Szeged 2005, (henceforth: *Sachsenspiegel*) II. 5. 2. (163.)

²⁹ *J. Pfitzner*, Besiedlungs-, Verfassungs- und Verwaltungsgeschichte, op. cit. 252; *J. Leuschner*, Deutschland im späten Mittelalter. (Deutsche Geschichte 3). Göttingen 1983, 90.

³⁰ *W. von Brünneck*, Zur Geschichte des Kulmer Oberhofes, op. cit. 3; *H. F. Schmid*, Das deutsche Recht in Polen. *A. Brackmann* (Hg.), Deutschland und Polen. Beiträgen zu ihren geschichtlichen Beziehungen. München–Berlin 1933. 74-76.

³¹ *Sachsenspiegel* III. 81. 1. (247), III. 25. 1. (214), III. 26. 3. (214), III. 26. 2. (214).

³² PUB I. 2. no. 41.

³³ PUB I. 2. no. 457.

³⁴ *J. Voigt* (Hg.), Codex diplomaticus Prussicus. Urkunden-Sammlung zur ältern Geschichte Preussens. Bde I-VI. Königsberg 1836-1861, (henceforth: CDP) II. no. 6.

about an 11-12-member assessorial college, which permits us to infer that assessorial adjudication had become widespread and common at that time. Therefore, in spite of the fact that the *Kulmer Handfeste* did not yet make mention of it, the legal institution of assessors and the institution of Schöffens had already been introduced by the last third of the 13th century, by way of the reception of Saxonian and Magdeburgian (and in part Silesian as well as Swabian) law into Prussian municipal jurisdiction. The appointment of Schöffens became a privilege of municipal councils.³⁶ There is some reference to the regulation of the legal proceedings and evidencing before court in Article 8 of the Kulmian letters patent which rules that the parties are required to muster witnesses in case of disputed property.³⁷

It was standard practice in medieval German colonization in the East that the parent town of the applied law, especially criminal law became a forum of appeals, too. A newly founded town in Slavic territories east of the Elbe that adopted the law of a German town, the parent town located beyond the borders became its forum of appeals. In this manner the Polish towns founded on the basis of Magdeburgian law had Magdeburg for a court of appeals.³⁸ Naturally, there have been exceptions to this practice: in Hungary, for example, all the municipalities – apart from the one Zsolna (Žilina) whose charter of privileges permitted legal cases to be moved up to Teschen – could only appeal to the sovereign (or a competent official of the crown, namely the chamberlain).³⁹ The practice prevailed in Prussia, too. As early as the beginning of the reign of the Order, the second part of Article 4 of the Kulmian letters patent of 1233 laid down that the town of Kulm would be the forum of appeals and not Magdeburg or any other German town: „But in case there is any doubt concerning the law or adjudication, enquiries are to be lodged to the municipal council of Kulm, for it is our desire that amongst all the towns to be founded between the Vistula, Ossa, and Drewenz rivers Kulm should be supreme.” (*Si vero aliquis du-*

³⁵ Liber memoriarum Colmensis civitatis. (Das Kulmer Gerichtsbuch 1330-1430). Bearb. C. Au. Lückcrath, Fr. Benninghoven, (Veröffentlichungen aus den Archiven Preussischer Kulturbesitz 44). Köln–Weimar–Wien 1999, (henceforth: Liber memoriarum Colmensis civitatis) no. 4.

³⁶ E. Steffenhagen, Deutsche Rechtsquellen in Preussen vom 13-16. Jahrhundert. Leipzig 1875, 96; H. Wermbter, Die Verfassung der Städte im Ordensland Preußen. Zeitschrift des Westpreußischen Geschichtsvereins (henceforth: ZWG) 13 (1884) 7-24.; P. Erlen, Europäischer Landesausbau, op. cit. 180-181.

³⁷ PUB I. 1. no. 252.

³⁸ Fügedi E., Középkori magyar városprivilégiumok, op. cit. 288; *Idem*, A befogadó magyar királyság [The Receptive Medieval Kingdom of Hungary]. In: *Idem*, Mendicant Friars, Commoners and Nobles, op. cit. 406; also his Városok kialakulása Magyarországon [The Emergence of Towns in Hungary]. In: *Idem*, Mendicant Friars, Commoners and Nobles, op. cit. 333; H. F. Schmid, Das deutsche Recht, op. cit. 74-76.

³⁹ E. Fügedi, A városok kialakulása, op. cit. 334.

*bietatis scrupulus de iure iudiciario vel de iuris iudicarii sententiis civitatibus emergerit in eisdem, idem articulus a Culmensis civitatis consulibus requiratur, quia eandem civitatem capitalem esse volumus ac digniorem inter alias iam constructas et, si que adhuc infra Wizlam, Ozzam et Driwantzam construuntur.)*⁴⁰ The Teutonic Order, bent on capturing provincial overlordship, had hardly set its foot on the banks of the Vistula river when it declared that it ultimately reserved the right to the highest legal power by designating Kulm as the highest forum of jurisdiction (and by retaining a say in the election of the magistrate and in adjudication). Among the records of the *Liber memoriarum Colmensis civitatis* one can read that the Grandmaster himself interfered in Kulmian adjudication.⁴¹ The supreme judicial authority of Kulm extended up to the last third of the 15th century, when its role was, now openly, taken over by the Grandmaster's court of law (Hofgericht).⁴² It is this Article 4 in the Kulmian letters patent addressing the issue of the court of appeals that first stated unequivocally that this diploma did not simply contain the privileges of two towns, but was rather intended to be a regulation of territorial force.

The *Kulmer Handfeste* ruled over lands granted to the towns of Kulm and Thorn and the proceeds from these lands. Kulm received land, the size of 300 Flemish Hufe⁴³ extending from the village fields of Ust, all the way down the course of the Vistula river as far as Lake Rense and from there on to the villages at Rude ad Lunawe. The town limits extended directly all the way to the road that led to the island of Virgin Mary, then on to the village of Grobone and from there on to the valley named Browina. The lands of Thorn extended from the borders of the Cujavian Bishopric containing lands along the banks of the Vistula river 1 mile in length and half a mile in width.⁴⁴ The demarcation of the limits of the two towns also meant the demarcation of the area under their respective jurisdictions.⁴⁵ The citizens of both towns were entitled to the proceeds from the woods, meadows, and lands in tillage, except for the islands in the river (Vistula) and to the beaver-catch.⁴⁶ Owing to the fact that the Vistula river was the most important navigable river, it had played a key role from the beginnings in acquiring the Order's territories and in its later communication, therefore the Teutonic Order kept it, not unlike overland roads, under its own

⁴⁰ PUB I. 1. no. 252.

⁴¹ *Liber memoriarum Colmensis civitatis*, no. 370.

⁴² *J. Mallek*, *Das Kulmer Recht im Ordensland*, op. cit. 325.

⁴³ On its magnitude see discussion below.

⁴⁴ PUB I.1. no. 252.

⁴⁵ *W. von Brünneck*, *Zur Geschichte des altpreußischen Jagd- und Fischereirechts*. Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanistische Abteilung. Weimar 1918, 90.

⁴⁶ PUB I. 1. no. 252.

control in all its sections, and the islands lent themselves to be natural strategic positions for control. Similarly the Order reserved the rights to the beaver-catch for itself, presumably because in 1233, at the beginning of the conquest when the original letters patent was issued, this way the only marketable cash-product of the Teutonic territories.⁴⁷ In medieval times, beaver-fur was one of the most precious furs. In 1222, Kazimir, the Duke of Opeln, donated the land of Ujester to the Bishop of Breslau in a manner that the free utilization of waters did not include beavers as fair game.⁴⁸ The main reason for reserving the rights for beaver catching was not the high market value of beaver-fur and the expected proceeds from its sale, but rather the manifestation of the overlord's territorial sovereignty and the declaration of the overlord's claim to territorial power.⁴⁹ It is interesting at the same time, that in relation to waters the Kulmian letters patent banned beaver-catching but did not ban catching otters, although the latter's skin was also regarded valuable. (From the point of view of fishermen the otter feeding on fish was a noxious animal and the Order may not have banned catching them for this reason.)

Apart from beaver catching an even more straightforward expression of the Order's claim to sovereign overlordship was related to fishing regulations. For, in medieval times, fishing was a privilege linked to the provincial overlord's sovereignty and power, therefore it was permitted only in possession of a letters patent granting permit under conditions specified in it. The Teutonic Order considered its provincial overlordship derived from the 1226 Bull of Rimini of Emperor Frederick II, in which the emperor ruled that the use of, that is, fishing in rivers and seas incurred taxes levied by the Order as it pleased and found fit, for the Prussian lands were the free-hold of the Knights free from all obligations and dues.⁵⁰ The Order of Knights laid down explicitly in the Kulmian letters patent that it possessed ownership rights of fishing waters. It granted in Article 12 permission to the citizens of Kulm and Thorn as well as the crusaders settling down by the Vistula river to fish, albeit only to a limited extent. Those who had a lake or a river suitable for fishing next to their estates were allowed to fish by using any kind of equipment to meet daily household needs, except for equipment used for large scale catches for commercial purposes, such as the *newod*, the large net. „However, exclusively for their own meals, they can freely fish except by means of large net, called *newod* *Si vero maior fuerit*,

⁴⁷ Pósan L., Halászati jog a középkori Poroszországban [L. Pósan, Fishing Rights in Medieval Prussia] (Collectio Iuridica Universitatis Debreceniensis II. Edited by L. Pósan). Debrecen 2002, 25.

⁴⁸ J. Pfiztner, Besiedlungs-, Verfassungs- und Verwaltungsgeschichte, op. cit. 290.

⁴⁹ W. von Brünneck, Zur Geschichte des altpreußischen Jagd- und Fischereirechts, op. cit. 90.

⁵⁰ PUB I. 1. no. 56.

quocumque instrumento in eo piscari voluerit ad commodum dumtaxat mense sue, preter rete, quod newod dicitur, habeat liberam facultatem).⁵¹ As attested by the donation diploma issued by the Duke of Glogan in 1253, fishing with nets was not permitted in Silsia either.⁵² The *Kulmer Handfeste* did, therefore, grant certain landholders or citizens only limited rights to fish. The limitations on the use of instruments or tools were not only meant to limit the size of the catches but limited the timespan of fishing because the large net, called *newod* was suitable for winter fishing under the iced-over water-bodies. Short of this piece of equipment fishing to meet household needs became impossible from the onset of winter.⁵³ Articles 2 and 3 of the letters patent granted unlimited fishing rights to the municipalities of Kulm and Thorn (but not their individual citizens) in the Vistula river and Lake Rense within their borders.⁵⁴ In the case of these waters the decision-making bodies of these towns could decide on their utilization. The bulk of the sweet-water fish sold at the town markets must have come from these municipal fishing grounds where fishermen from these towns carrying the magistrates' licence were allowed to pursue their trades. Several records in the *Liber memoriarum Colmensis civitatis* relate, for example, about Kulmian fishermen (*piscator, vischer, fischer*).⁵⁵ That only in a certain sector of a river was fishing permitted was an element transferred from Magdeburgian Law into the Kulmian letters patent.⁵⁶

Apart from fishing, the *Kulmer Handfeste* ruled on the question of hunting, too. According to the terms laid down in Article 14, the citizens of Kulm and Thorn were permitted to hunt games on their lands with some limitations. With the exception of wild boars, bears and deer (and the above-mentioned beaver) any other wild game was fair game, their front chunks were required to be delivered up to the Teutonic Order.⁵⁷ This kind of limited hunting rights was taken from southern German and Württembergian practice to Prussia with the difference that in the southern German territories no wild game was excepted.⁵⁸ Hunting rights were also limited in the case of contemporary settlement townships in Hungary.⁵⁹ The influence of contemporary southern German legal practice can be identified in the Kulmian letters patent limiting hunting rights to

⁵¹ PUB I. 1. no. 252.

⁵² J. Pfitzner, *Besiedlungs-, Verfassungs- und Verwaltungsgeschichte*, op. cit. 291.

⁵³ Pószán L., *Halászati jog a középkori Poroszországban*, op. cit. 24-25.

⁵⁴ PUB I. 1. no. 252.

⁵⁵ *Liber memoriarum Colmensis civitatis* nos. 368, 334b, 332, 423, 316a, 310a, 302a, 297a, 378a, 384a, 302b.

⁵⁶ W. von Brünneck, *Zur Geschichte des altpreußischen Jagd- und Fischereirechts*, op. cit. 92.

⁵⁷ PUB I. 1. no. 252.

⁵⁸ W. von Brünneck, *Zur Geschichte des altpreußischen Jagd- und Fischereirechts*, op. cit. 92.

⁵⁹ E. Fügedi, *Középkori magyar városprivilegiumok*, op. cit. 266.

certain kinds of games. For in the majority of German provinces big-game (bear, deer, wild boar) hunting became increasingly the overlord's privilege.⁶⁰ It is interesting at the same time that the letters patent did not extend the ban to the bison, the largest game in the region, unlike deer. Same as in the case of fishing, the Teutonic Order behaved as the undisputed owner of hunting rights very similarly to the German provincial princes. For only the possessors of provincial power in the Empire were in a position to donate rights linked to forests including hunting rights.⁶¹ The increasingly consistent enforcement of rights concerning forests and their utilization contributed from the 14th century onwards to the gradual strengthening of the provincial overlord's power in several German principalities.⁶²

In Article 6 of the Kulmian letters patent, the Teutonic Order pledged not to own any such property either in the town of Kulm or in Thorn that was not under the authority of the municipal magistrate. If, as a clerical organization or as a religious order, it should receive such property as an act of piety, its original function would be kept.⁶³ It undertook to leave the legal status of its newly acquired property unchanged, that is, within the limits of the municipality the provincial overlord's authority did not dispose of the stock of property that did not fall under municipal jurisdiction. This meant that houses, workshops, stores vacant sites, etc donated or bequeathed to the Knightly Order did incur tax dues to be paid to the municipality as before.⁶⁴ Since municipal quota taxes were levied on urban property, the citizens' self-interest dictated to have this tax distributed among as many proprietors as possible. If municipal sites came into the possession of such proprietors that for some reason, did not share the communal burden of the citizens of the town, heavier tax burden fell on an individual site.⁶⁵ In the case of both Kulm and Thorn erecting the Knights' fortress preceded the birth of the settlement of civilian commoners, therefore the Order also pledged to extend similar conditions over its existing fortified convents

⁶⁰ R. Schröder, *Lehrbuch der deutschen Rechtsgeschichte*. Berlin–Leipzig 1922, 583.

⁶¹ H. Thimme, *Forestis. Königsgut und Königsrecht nach den Forsturkunden vom 6. bis 12. Jahrhundert*. *Archiv für Urkundenforschung* 2 (1909) 101-154; Th. Zotz, *Beobachtungen zu Königstum und Forst im frühen Mittelalter*. In: W. Rösener (Hg.), *Jagd und höfische Kultur im Mittelalter*. Göttingen 1997, 95-122.; W. Rösener, *Der Wald als Wirtschaftsfaktor und Konfliktfeld in der Gesellschaft des Hoch- und Spätmittelalters*. *Zeitschrift für Agrargeschichte und Agrarsoziologie* 55 (2007) 20.

⁶² R. Kieß, *Die Rolle der Forsten im Aufbau des württembergischen Territoriums bis ins 16. Jahrhundert*. Stuttgart 1958; K.-H. Spieß, *Herrschaftliche Jagd und bäuerliche Bevölkerung im Mittelalter*. In: *Jagd und höfische Kultur*, op. cit. 231-254.

⁶³ PUB I. 1. no. 252.

⁶⁴ H. Boockmann, *Der Deutsche Orden*, op. cit. 127-128.

⁶⁵ Fügedi E., *Középkori magyar városprivilégiumok*, op. cit. 272.

(castles), as well.⁶⁶ Although this article of the diploma was an important declaration of municipal autonomy, its genuine prevalence was cast in doubt by several factors from the outset. The mere presence of a fortified convent of the Knights reduced the observance of municipal autonomy dependent on the grace of the provincial overlord. On the other hand, the Teutonic Order – as an ecclesiastical body – did not come under the secular jurisdiction of the towns in question.⁶⁷

River crossing-places, ferries and bridges that generated treasury revenues were all within the provincial overlord's claim in medieval times.⁶⁸ The Teutonic Order actually ruled on the issue of crossings over the Vistula river in the Kulmian letters patent. According to Article 5 of the renewed letters patent, the Order extended its authority over the ferries across the Vistula river together with the ferriage. The original diploma granted the right of having ferries to the towns of Kulm and Thorn and they were entitled to the ferriage, too. This is essentially the only article in the document where it is specifically spelt out what modifications had occurred relative to the original one. The letters patent renewed in 1251 permitted the two towns only to lease the right of operating ferries from the Order of Knights for an annually paid set sum of money. Control over the ferries was reserved for the Order and its members, its officers and servants were allowed to use the ferries free of charge. If the ferryman refused to help the knights of the Order, or any of its members cross the river free of charge, he would have to pay a fine of 4 schillings. This article also ruled that the rent to be paid for the ferries should be determined jointly by the members of the Order and the councillors and magistrates of the municipalities through consensual agreement.⁶⁹ This made it possible to adjust the amount of the lease to the actual value of traffic taking place at the given crossing place, that is, to its profitability. For example, 14th century data unequivocally show that the ferry at Thorn was far more profitable than the one at Kulm.⁷⁰

The Kulmian letters patent exempted the citizens of Kulm and Thorn from under all unjustified tax burden, billeting obligations or other unfair dues (Article 9).⁷¹ When in 1211 the Teutonic Order accepted the Hungarian King, Andrew II's donation of Burzenland, it was granted exemption from the obligation

⁶⁶ PUB I. 1. no. 252.

⁶⁷ *H. Boockmann*, *Der Deutsche Orden*, op. cit. 128.

⁶⁸ *E. Maschke*, *Die Brücke im Mittelalter*. *Historische Zeitschrift* 224 (1977) 268.

⁶⁹ PUB I. 1. no. 252.

⁷⁰ *J. Sarnowsky*, *Die Wirtschaftsführung des Deutschen Ordens in Preußen (1382-1454)*. Köln 1993, 206.

⁷¹ PUB I. 1. no. 252.

to billet the voivod of Transylvania.⁷² Only those were eligible to be billeted inside the municipalities who the magistrates permitted and the „just price” for the rendered services was duly paid.⁷³

Article 10 ruled on inheritance rights. The citizens of Kulm and Thorn as well as the crusaders and the settlers came into their donations and possessions by way of Flandrian right of succession, which enabled heirs of either sex to inherit.⁷⁴ Flandrian law did, however, recognize the right of succession of the wife in the case of the death of the husband while Sachsenspiegel or Magdeburgian law did not. In accordance with the Flandrian right of succession, one-third of the assets went to the widow if the father died and two-thirds went to the descendants regardless of sex. Division into three parts of the inherited assets had been transferred from Frankish common law to Flandrian law.⁷⁵ If a girl got married without the approval of her parents or relations, she lost her right to inherit. The practice of female inheritance had been an important part of Flandrian law since the 12th century.⁷⁶ In all likelihood, the *Kulmer Handfeste* ruled about the Flandrian right of succession, for the 1236 diploma of donating the castle of Quidin and the estates belonging to it contains the following formulations: their heirs of either sex and estate inherited by universal succession (*suis heredibus utrisque sexus ... jure perpetuo hereditarie possidenda*)⁷⁷ the *ius flamingicum* or *ius Flamingorum* also meant inheritance by will in the absence of heirs, furthermore it determined the rules concerning land use and tillage. It contained the basic principle of the previously received practice of settlement namely that the basis of taxation was the plot of land and the amount was adjusted to the size of the land, and there was no service obligation linked to personal dependence.⁷⁸ Consequently the individual plots of land may have changed hands without any impact on the dues linked to the plot of land, that is, Flandrian law like other so-called German ”settler” rights contained that of the free alienation of the plots.⁷⁹ The *Kulmer Handfeste* regulated the sale of prop-

⁷² F. Zimmermann, C. Werner (Hgg.), *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*. I. Hermannstadt 1892, (henceforth: UB) no. 19.

⁷³ Fügedi E., *Középkori magyar városprivilegiumok*, op. cit. 273-274.

⁷⁴ PUB I. 1. no. 252.

⁷⁵ J. Pfitzner, *Besiedlungs-, Verfassungs- und Verwaltungsgeschichte*, op. cit. 367-373.

⁷⁶ H. Kleinau, *Untersuchungen über die Kulmer Handfeste*, op. cit. 256.

⁷⁷ CDP I. no. 46.

⁷⁸ A. Körmendy, *Melioratio terrae. Vergleichende Untersuchungen über die Siedlungsbewegung im östlichen Mitteleuropa*, op. cit. 13-14. Jahrhundert. Poznań 1995, 83; Szűcs J., *Az utolsó Árpádok [J. Szűcs, The Last of the Árpáds]*. Budapest 1993, 35, 201-204; Solymosi L., *A földesúri járadékok új rendszere a 13. századi Magyarországon [L. Solymosi, Feudal System of Dues in 13th century Hungary]*. Budapest 1998, 7; R. Schröder, *Lehrbuch der deutschen Rechtsgeschichte*, op. cit. 485; Fügedi E., *Középkori magyar városprivilegiumok*, op. cit. 259, 270.

⁷⁹ A. Körmendy, *Melioratio terrae*, op. cit. 84.

erty in such a manner that it secured the control of the Teutonic Order over property turnover. Estates or fixed assets could only be sold with the approval of the order to similarly approved buyer. The very same article incorporated various obligations attached to the plots (*Ipsis etiam hanc contulimus libertatem, ut bona sua, que a domo nostra possident, vendendi talibus sane, qui terre ac domui nostre bene competant, habeant facultatem, ita ut hii, qui ea emerint, de manu fratrum suscipiant et domui nostre ad idem ius, idemque servicium teneantur, quod illi nobis exinde facere debuerunt, et nos ea ipsis porrigere sine ulla difficultate debemus*).⁸⁰ It turns out in the section next to this one, that the Order of Knights found it important that its consent be sought in relation to the sale of estates bound to military service and not in the case of rate-paying municipal citizens or peasants. In the case of some emergency, a maximum of 10 Hufe-size piece of land could be alienated (or the whole estate) but the remaining estate incurred the same military service obligations as before. The buyer was required to do light cavalry service according to the size of the purchased piece of land if he did not buy the whole estate. (*Licentiamus etiam, si forte aliquis antedictorum civium necessitatis causa allodium suum vel X mansos ad maius ab aliis bonis suis separare voluerit et vendere separatim, is idem ius, idemque servicium domui nostre debet facere de reliquo, quod prius de toto noscitur debuisse. Is vero, qui idem allodium vel X mansos emerit, debet ratione eiusdem allodii cum armatura, que plata vulgariter dicitur, et aliis levibus armis et uno equo ad arma talia competente domui nostre ad tale obsequium esse astrictus, quale inferius plenius describetur*).⁸¹ In order to prevent incidental over-concentration of land-holdings the next section ruled that individuals who had received personal donations from the Teutonic Order were not allowed to purchase another such entire fief.⁸²

In Article 23 of the letters patent, the Teutonic Order stipulated that the Flandrian unit of land-measure of Hufe must be applied at measuring out plots of land: „Furthermore we order that at measuring the size of plots the Flandrian measure should be observed.” (*Item quantitatem mansorum iuxta morem flamingicalem statuimus observari*).⁸³ Consequently, the Flandrian Hufe meant plot size and the so-called Kulmian or Prussian Hufe was identical with the Flandrian plot size.⁸⁴ Its exact dimensions are familiar from the hook *Geo-*

⁸⁰ PUB I. 1. no. 252.

⁸¹ *ibid.*

⁸² *ibid.*

⁸³ *ibid.*

⁸⁴ Pószán L., A paraszti birtokok mérete és szolgáltatási kötelezettségei a középkori Poroszországban. [*L. Pószán, The Size of Peasant Plots and their Obligations in Medieval Prussia*]. *Agrár-történeti Szemle* 46 (2004-2005) 26.

metria Culmensis whose unknown author compiled all measures in use in Prussia around year 1400 acting on the request of Grandmaster Konrad von Jungingen. According to this, the following measures were generally used for measuring length: rope, rod, ell, foot, palm/span, finger/inch.⁸⁵ These measures were also contained in the records of *Liber memoriarum Colmensis civitatis*.⁸⁶ Four fingers/inches added up to a palm/span four palms/spans added up to a foot and two feet equaled a Kulmian elle/ulna (*ell/yard*). 7 and a half ells/yards equaled a rod (*Rute*) and 10 rods came up to a rope (*seil/seyl*). An area of 3 ropes by 1 rope was an „acre“ (*Morgen/ingerum*) and 30 „acres“ came to 1 Hufe (*mansus*). The Kulmian (that is not Flandrian) Hufe was thus 300-rute-long and 10-rute-wide an area.⁸⁷ One Rute equaled 4.32 metres therefore 1 Hufe meant a land area of 43.2 metres by 1296 metres, that is 16.8 hectares.⁸⁸ Plot sizes by Flandrian measures were widespread in Silesia and Little Poland in the middle ages.⁸⁹ By instituting the plot size according to Flemish common law in Teutonic territories as the basic unit of land-size and of the payable dues, the Teutonic Order determined the system of land-use and the related rotation of crops at the same time. In the Flemish open-field system the individual Hufe did not form a compact unit, a contiguous area but a mansus generally consisted of three 10-acre-size-parts in a way that one part of the Hufe remained jointly used, undivided common land (*Allmende*) of the village, all deriving from the system of land-use.⁹⁰ The Hufe consisted of several parcels (*Gewende*) from the point of view of cultivation. The Flemish (and thus Kulmian or Prussian) Hufe did not comprise the building site and the yard or garden belonging to it. The latter were regarded as separate allowances and did not qualify as taxable assets.⁹¹

⁸⁵ H. Mendthal (Hg.), *Geometria Culmensis*, ein agronomischer Traktat aus der Zeit des Hochmeisters Conrad von Jungingen (1393-1407). Leipzig 1866, (henceforth: *Geometria Culmensis*) 20.

⁸⁶ *Liber memoriarum Colmensis civitatis*, nos. 30, 35, 184, 271.

⁸⁷ *Geometria Culmensis*, op. cit. 21-22.

⁸⁸ W. Kuhn, Flämische und fränkische Hufe als Leitformen der mittelalterlichen Ostsiedlung. Vergleichende Untersuchungen zur mittelalterlichen Ostsiedlung. Köln-Wien 1973, 12; H.-H. Wächter, Ostpreussische Domänenvorwerke im 16. und 17. Jahrhundert. Beihefte zum Jahrbuch der Albertus-Universität Königsberg/Pr., XIX. Würzburg 1958, 30; H. Lowmianski, Początki Polski, Z dziejów a łowian w I tysiącleciu u. e. I-III. Warszawa 1963-1967, III. 297-299; E. Tarvel, Der Haken. Die Grundlegen der Landnutzung und der Besteuerung in Estland, op. cit. 13-19. Jahrhundert. Tallin 1983, 36; G. Franz, Geschichte des deutschen Bauernstandes vom frühen Mittelalter bis zum 19. Jahrhundert (Deutsche Agrargeschichte IV). Stuttgart 1976, 113.

⁸⁹ W. Kuhn, Flämische und fränkische Hufe, op. cit. 10.

⁹⁰ *ibid.* 12, 19.

⁹¹ A. Methner, Die kulmische Handfeste in ihren Beziehungen zu Schlesien. Zeitschrift des Vereins für Geschichte Schlesiens 67 (1933) 42.

In relation to inheritance, plot size, the system of land-use, the Teutonic Order ruled as the sovereign possessor of provincial overlordship extending not only to the towns of Kulm and Thorn, but the entire territory under its rule. Article 13 of the letters patent permitted the citizens of the two towns to build mills on their lands if a river happened to flow across. If more than one mill were to be built on the river flowing by each additional mill was permitted on condition that a sum of money equalling one third of the building costs of the previous one was paid to the Order while one third of the income generated by the new one was regularly paid to the treasury.⁹² The right to work a mill was the provincial overlord's privilege in Europe which was usually donated in return for rate-payment, but the right to build a mill was generally reserved.⁹³ The Kulmian letters patent, however, made building a mill possible with the Order's permission. As proved by the Order's later diplomas concerning building mills, the Order made use of its privilege and only very rarely approved of an individual's building a mill on his own land and working it. In 13th-14th century Prussia, the knights exercised strict control over mills. In spite of the fact that the *Kulmer Handfeste* declared the right to building and working a mill it was nowhere *de facto* practice in the Teutonic State. The Order as provincial overlord reserved the right to build and work both water- and wind-mills to itself. At the same time, the calculation of dues to be paid for mills was changed, too. While the Kulmian letters patent required payment of a sum equal to one-third of the income of the mill as dues, later practice created a basis for a calculation guaranteeing steadier flow of revenue from a fiscal point of view: rate-payment was determined in accordance with the number of mill-wheels with no regard to income.⁹⁴ As provincial overlord, the Teutonic Order reserved for itself the disposal over waters (lakes, rivers) and the rights to their utilization including the monopoly of beaver-catching, salt-mining and mining for metal ores but not including iron-ore that anyone could mine for (Article 11). At the time of formulating the monopoly right of mining for metal ores, that is, at the time of the issuance of the Kulmian letters patent the bulk of Prussian lands was regarded unknown territory, therefore the Teutonic Order had no knowledge of the fact that in its future country mining for metal ores would be of no significance, for the Prussian lands did not have any metal ore deposits and there was no copper, silver or gold at all to be found.⁹⁵ Thus, at the time of its issuance, the Kulmian

⁹² PUB I. 1. no. 252.

⁹³ P. Erlen, *Europäischer Landesausbau*, op. cit. 205.

⁹⁴ H. Steffen, *Das ländliche Mühlwesen im Deutschordenslande*. *Zeitschrift des Westpreußischen Geschichtsvereins* 58 (1918) 74-75, 82-84.

⁹⁵ E. Maschke, *Die Kulmer Handfeste 1233*. *700 Jahre deutsches Recht im Weichsellande*. *Ost-deutsche Monatshefte* 14 (1934) 671.

letters patent laid out the privileges of the Order with foresight and with respect to gold-mining it would apply Silesian mineral law while in the case of silver deposits the mining laws of Freiburg (Meißen) were to have been used.⁹⁶

The obligations of the parties involved (and to be endowed in the future) were laid down in the letters patent. According to Article 17, those who possessed 40 Hufe or larger estates, were obliged to do military service in heavy armour mounted on a warhorse and muster up two further light cavalymen. Those with smaller than 40 Hufe estates were obliged to go to war as cavalymen bearing light arms and breast-plate against Prussians or any enemy attacking Kulmerland whenever the knights ordered them so. When, however, the Prussians would, in the future, be subdued the land-holders in the Kulmian territory would be exempted from the duty to participate in the war campaigns and only the defence of the province required their armed service⁹⁷ Out of the medieval German colonization territories, the obligation to participate in war-campaigns (*expeditiones*) was most typical of the Elbe-Saale region, while in Silesia only the defence of the province was to be shouldered by the knights settled in that locality. The Kulmian letters patent appears to have tried to alloy the two forms.⁹⁸ The land-owners resident in the Bishopric of Breslau by German right were, for example, exempted from the duty of going to war beyond the borders and if the Duke of Silesia went to war they were obliged to turn out with three men at arms to defend one of the ducal castles at their own expense until the Duke returned to the country. Here, therefore, the defence obligation did not become effective in case of an aggression coming from outside only but in all war campaigns.⁹⁹ Article 18 of *Kulmer Handfeste* laid down that all those who had received freely heritable lands from the Teutonic Order were obliged beyond military service to pay so-called „recognition dues” in acknowledgement of the overlord’s rule and jurisdiction of the Order: 1 Cologne Denar or 5 Kulmian Denars. as well as 2 marks’ weight of bee-wax. the land-holder meeting their military service obligations were assured of the Order’s protection and goodwill.¹⁰⁰ The payment of recognition dues was regarded to reflect the existing legal conditions and relationships and the fact that in Kulmerland and later in the whole of Prussia, the Teutonic Order did not donate fiefs but rather estates linked to service. For a noble vassal in Europe paid no regular dues to his

⁹⁶ PUB I. 1. no.252. — On Silesian mining rights see I. K. *Wutke*, Studien über die Entwicklung des Bergregals in Schlesien. Berlin 1896; E. R. *Zivier*, Geschichte des Bergregals in Schlesien. Kattowitz 1898.

⁹⁷ PUB I. 1. no. 252.

⁹⁸ H. *Kleinau*, Untersuchungen über die Kulmer Handfeste, op. cit. 255.

⁹⁹ J. *Pfitzner*, Besiedlungs-, Verfassungs- und Verwaltungsgeschichte, op. cit. 312.

¹⁰⁰ PUB I. 1. no. 252.

senior according to most feudal laws in Europe.¹⁰¹ The Order declared the conditional sale of a piece property or an estate dependent on its permission, but the Kulmian letters patent allowed their free sale, which again shows the non-feudal character of the donations. The elements of Saxonian legal practice which had exerted strong influence on *Kulmer Handfeste* and relate to feudal fiefs, do not contain a clause on recognition dues or free right of sale.¹⁰² Although in the list of witnesses to the letters patent the expression „feudales vero” does occur, but based on the formulation practice of later diplomas – it is not used in the sense of a „vassal”, but simply as a synonym for the ”endowed one”.

Article 19 ruled in relation to an overdue payment of recognition dues or any other financial obligation that a delay of 5 days entailed the payment of a fine of 10 Schillings and another 10 Schillings after another 15 days. After the third consecutive 15-day periods a total of 30 Schilling was to be paid. Together with that the Teutonic Order froze the assets of the party in default as mortgage that was freed only after settlement.¹⁰³ It was infrequent in 13th-century Europe that the rules of distraint or seizure were uniformly applied for a whole territory. From this point of view *Kulmer Handfeste* was an early instance.¹⁰⁴ In the case of overdue payments the moratorium of three times 15 days (six weeks plus 3 days), however, on the influence of the principle of the ”peace of God” it got into several municipal statutes.¹⁰⁵ Payment of the rates and the recognition dues were due on Saint Martin’s day (November 11) or within the subsequent 15 days.¹⁰⁶ Compared with the Teutonic Order’s regulations, the delay in rate-payments was much more strictly sanctioned in the settlement villages in the Elbe region. On the land-holdings of the convent of Ilsenburg, the rate was doubled one day following the deadline and tripled on the third day.¹⁰⁷

¹⁰¹ H. Boockmann, *Der Deutsche Orden*, op. cit. 125. – On Feudal Relations M. Bloch, *Feudal Society*. Budapest 2002, 165-258; H. Mitteis, *Lehnrecht und Staatsgewalt. Untersuchungen zur mittelalterlichen Verfassungsgeschichte*. Darmstadt 1958; K. Bosl, *Das ius ministerialium. Dienstrecht und Lehnrecht im deutschen Mittelalter. Studien zum Mittelalterlichen Lehnwesen*. (Vorträge und Forschungen 5). Lindau-Konstanz, 1960, 51-94; L. Ganshof, *Was ist das Lehnwesen?* Darmstadt 1961; E. Magnou-Nortier, *La féodalité en crise. Propos sur „Fiefs and Vassals”* de Susanas Reynolds. *Revue Historique* N° 600 (1996) 253-348.

¹⁰² *Sachsenspiegel* 255-327.

¹⁰³ PUB I. 1. no. 252.

¹⁰⁴ H. Kleinau, *Untersuchungen über die Kulmer Handfeste*, op. cit. 258.

¹⁰⁵ L. von Winterfeld, *Gottesfrieden und deutsche Stadtverfassung*. *Hansische Geschichtsblätter* 52 (1928) 15-16.

¹⁰⁶ PUB I. 1. no. 252.

¹⁰⁷ G. Schlenker, *Formen des bäuerlichen Widerstandes im mittleren Elbe- und Saalgebiet vom 12. bis 15. Jahrhundert. Die Befriedungspolitik der Landesherren*. *Zeitschrift für Geschichtswissenschaft* 42 (1994) 903.

According to a provision in Article 20, if one owed military service to the Order of Knights, but was absent from the campaign or expedition the magistrate was to provide a man at arms at the absentee individual's expense. If anyone should depart from Prussia without fulfilling his outstanding obligations, that is, no arrangements had been made to cover the costs of somebody else standing in for him when summoned to go to war, this fact had to be made public 3 times over 18 weeks (more than a quarter). For in this case, the costs of enlisting a soldier had to be paid by others – the towns, other land-holders, or the knights themselves, because the Order could not do without a single man at arms at the outset of the conquest. If the given person did not compensate for the damages, he had to pay a fine of 30 Schillings to the Order on top of the costs. On every single day for six weeks he was publically called upon to settle the fine and the damages, and if he did not comply with it for a full year, all his assets were distrained until payment was made.¹⁰⁸

Prior to the consolidation of Ecclesiastical conditions in Prussia (Pope Innocent IV ruled about four bishoprics to be established there only 10 years subsequent to the issuance of the Kulmian letters patent)¹⁰⁹ the Teutonic Order had regulated ecclesiastical matters in the Kulmian letters patent. According to the formulation of Article 7, the Teutonic Order reserved the right of patronage over churches and therewith the right of appointing the parish priest: „in these same churches we reserve the right of patronage in order to provide for suitable priests” (... *in eisdem ecclesiis ius patronatus nostre domui retinemus, eis in plebanis ydoneis provisuri*).¹¹⁰ The right of patronage could be taken over by someone else, only if the Order donated it by means of a personal letters patent and subsequent to the establishment of bishoprics (1243) this privilege was transferred to the bishops and their chapters.¹¹¹ Based on the patronage right, the Teutonic Order had been trying hard since the beginnings to appoint a clerical member of the order as parish priest, for in this manner it obtained direct influence on the community of parishioners. This was attributed great signifi-

¹⁰⁸ PUB I. 1. no. 252..

¹⁰⁹ PUB I. 1. 143, 144, 152. sz.-ok. – On the Prussian Church Organisation see *A. Radziński*, Die Kirche im Deutschordensland Preußen in den Jahren 1243-1525: Innere Struktur und Beziehungen zu den Landesherrn. In: *A. Patschovsky, Th. Wünsche* (Hgg.), Das Reich und Polen (Vorträge und Forschungen LIX). Ostfildern 2003; *A. Radziński*, Der Deutsche Orden und die Bischöfe und Domkapitel in Preußen. In: *Z. H. Nowak* (Hg.), Ritterorden und Kirche im Mittelalter (Ordines militares. Colloquia Torunensia Historica IX). Toruń 1997, 44-46; *M. Löwener*, Die Einrichtung von Verwaltungsstrukturen in Preußen durch den Deutschen Orden bis zur Mitte des 13. Jahrhunderts. Wiesbaden 1998, 100-108; *M. Dygo*, Studia nad początkami władztwa Zakonu Niemieckiego w Prusach 1226-1259. Warszawa 1992, 215-216.

¹¹⁰ PUB I. 1. no. 252.

¹¹¹ *M. Dygo*, Studia nad początkami, op. cit. 233-258.

cance especially in the towns where it obliged itself not to reserve pieces of property not under municipal jurisdiction.¹¹² The patronage right of the Teutonic Order had been recognized early on by the Bishop and Chapter of Płock, in his diploma of March 17, 1230, that is, prior to the foundation of Thorn and Kulm (1231, 1232).¹¹³ Numerous instances can be found in the lands ranging from the Elbe to the southern Carpathians of the German settlers choosing their own priests,¹¹⁴ but the Teutonic Order did not follow this practice in ecclesiastical policy, the principle of free election of priests.¹¹⁵ In the days of Archbishop Wichmann of Magdeburg, the Order took the settlement system in the mid-course Elbe region for a basis, which meant that the right of choosing the person of the parish priest passed to the colonizer.¹¹⁶ Pope Gregory IX's privilege of 1237, which permitted the Teutonic Order to appoint parish priests from among its priest members into churches under its patronage unambiguously sanctified the content of the Kulmian letters patent.¹¹⁷ The *Kulmer Handfeste* clearly determined the financial support of the parish churches: the churches in Kulm and Thorn were granted 4 Hufe of land respectively within the municipal limits and further 40 Hufe each in other parts of the province.¹¹⁸ The Magdeburgian example also had an important role in the section pertaining to providing for the parish churches, for in the Magdeburgian ecclesiastical province 4 Hufe land was allotted customarily to a parish priest, the amount mentioned in the Kulmian letters patent.¹¹⁹ The latter pledged further land-grants to the parishes in Kulm and Thorn albeit in areas lying further away from those towns. One of the witnesses to the *Kulmer Handfeste* Bernhard, the Bishop of Kammin, had granted 4 Hufe land to the parish church in his own town in 1225 and another 20 Hufe of cleared woodland that could be made arable.¹²⁰ In this man-

¹¹² H. Boockmann, *Der Deutsche Orden*, op. cit. 127.

¹¹³ PUB I. 1. nos. 77, 82.

¹¹⁴ Cf. A. Körmendy, *Melioratio terrae*, op. cit. 172-188.; L. Solymosi, *The New System of Feudal Dues*, op. cit. 7; G. Franz, *Geschichte des deutschen Bauernstandes*, op. cit. 106; Fügedi E., *Középkori magyar városprivilegiumok*, op. cit. 300; H. Helbing, L. Weinrich (Hgg.), *Urkunden und Quellen zur deutschen Ostsiedlung im Mittelalter I-II*. Darmstadt 1968-1970, 54, 58, 60, 62.

¹¹⁵ H. Kleinau, *Untersuchungen über die Kulmer Handfeste*, op. cit. 260.

¹¹⁶ G. Franz, *Geschichte des deutschen Bauernstandes*, op. cit. 114; H. F. Schmid, *Das Recht der Gründung und Ausstattung von Kirchen im kolonialen Teile der Magdeburger Kirchenprovinz während des Mittelalters*. Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonische Abteilung 13 (1924) 1-214; W. Rösener, *Bauern im Mittelalter* op. cit. 236; W. Hoppe, *Erzbischof Wichmann von Magdeburg*. H. Ludat (Hg.), *Die Mark Brandenburg, Wettin und Magdeburg*. Ausgewählte Aufsätze. Köln-Graz 1965, 15-16.

¹¹⁷ E. Strehlke (Hg.), *Tabulae Ordinis Theutonici*. Berlin 1869, (henceforth: *Tabulae*) no. 354.

¹¹⁸ PUB I. 1. no. 252.

¹¹⁹ H. Kleinau, *Untersuchungen über die Kulmer Handfeste*, op. cit. 260-261.

¹²⁰ *ibid.*, 261.

ner, the parish-priest himself got a stake in acquiring new fields, and, in fact, the Teutonic Order took over this example in 1233 when pledging 40 Hufe land-grants to Kulm and Thorn parishes respectively. The presence of Bishop Bernhard at signing the Kulmian diploma substantiates his role in the Order's use of his method in providing material resources for the parishes. Apart from the lands to be allowed to the parishes, the *Kulmer Handfeste* ruled on the tithe, too, the other important question of church financing. According to Article 21, one bushful of wheat and rye (*unus modius tritici et unus siliginis*) is to be paid as tithe to the bishop after each German ploughshare (*aratro Theutonicali*) subsequent to the creation of dioceses. The diploma specified the content capacity of a Kulmian, (that is Prussian) bushel that was commonly called „Scheffel” in order that it should have the same capacity as the bushel in Leslau (*in mensura Wladizlaviensi, que vulgari nomine 'schephel' dicitur, cui mensura Culmensis est adequata*). After the Polish plough called Haken the tithe was fixed to be 1 Scheffel: „*de polonicali aratro, quod hake dicitur, unus tritici in eadem mensura*”.¹²¹ While the payment of the overlord's dues was linked to Hufe land-size (*mansus/mansio*), the tithe payable to the church was linked to the ploughshare, that is the peasant husbandry unit which tended to be around 2-3 Hufe in the case of settlers.¹²² Land unit named Haken (*uncus*) „ploughshare” first cropped up in a contract concluded between the Teutonic Order and Prussian missionary Bishop, Christian in 1230.¹²³ The *Haken* meant a primitive plough without coulter as well as a unit of farming cultivated with this ploughshare. When the Teutonic Order determined the domains of the Polish (Slavic) population of the Kulmerland area in the Kulmian letters patent on the basis of Haken it meant agricultural technical equipment as well as a land-use system and farming methods. They meant by Haken the land-size unit one could cultivate with this type of ploughshare (and the attached yoke of draught animals).¹²⁴ Helmold's *Cronicle of Slavs* recorded as early as the 12th century how powerful a yoke of draught animals was actually needed for a Haken: „a Slavic ploughshare is in fact an area tilled with two oxen or a horse” (*slavicum vero aratrum par bovum aut unus conficit equus*)¹²⁵ The *uncus terrae* also meant such an abstract land-use area in the Polish territories as attested to by a diploma dated to 1228: „a size of a ploughshare out of good land” (*ad viginti ara-*

¹²¹ PUB I. 1. no. 252.

¹²² Pószán L., A paraszti birtok mérete, op. cit. 34-37.

¹²³ PUB I. 1. no. 73.

¹²⁴ Pószán L., A paraszti birtok mérete, op. cit. 38-39.; W. Kuhn, Der Haken in Altpreußen. Vergleichende Untersuchungen zur mittelalterlichen Ostsiedlung. Köln-Wien 1973, 148.

¹²⁵ R. Buchner (Hg.), Helmoldi presbyteri Bozoviensis cronica Slavorum. Ausgewählte Quellen zur deutschen Geschichte des Mittelalters. Berlin 1963, 12, 14.

tra magna de bona terra).¹²⁶ After a German ploughshare the tithe of one Scheffel of grain, after a Polish ploughshare one Scheffel of wheat was to be paid respectively, which meant a moderate obligation, for one Scheffel was the equivalent of 3.6 akó (=36 Stof), that is about 55 liters.¹²⁷ The tithe was higher in other colonization territories. In Silesia, for example, payments were due not after „ploughshare” (*Pflug*) but after plot (*Hufe*), 3-12 bushels of grain for each Hufe.¹²⁸ It was common practice in the bulk of German colonization areas for settlers to pay a fixed tithe and not a proportioned tithe related to the actual yield or progeny of livestock, etc. as was recorded in the *Sachsenspiegel*.¹²⁹ According to Article 21 of *Kulmer Handfeste* the fixed nature of the tithe was guaranteed by the Teutonic Order even in opposition to the would-be bishop.¹³⁰

The deed of grant also ruled on the issues of currency in Teutonic territories (Article 22). The right of coinage of the Teutonic Order was based from a legal point of view on Emperor Frederick II's 1226 Bull of Rimini.¹³¹ The *Kulmer Handfeste* decreed that „the currency, specifically that of Kulm should be valid all over the country, and the Denars be struck from genuine silver. The Denars were to be of standard value in a manner that 60 solidus should equal 1 Mark and the currency was to be renewed only once a year, and once renewed 12 new ones were to be exchanged for 14 old ones”¹³². (... *statuimus, ut moneta, Culmensis videlicet, sit per totam terram, et ut de puro et mundo argento denarii fabricentur. Ipso quoque denarii intanto valore perpetualiter perseverent, ut eorum LX solidi ponderent unam marcam et dicta moneta non nisi semel in singulis decenniis renovetur, et quociens renovata fuerit, XII novi nummi pro XIV veteribus cambiantur ...*)¹³³ This diploma defined the value of the Kulmian Denars relative to the currency of Cologne in a ratio of 5:1 (Article 18: *unum nummum Coloniensem, vel pro eo quinque Culmenses*).¹³⁴ As attested to the

¹²⁶ J. Bartoszewicz (Ed.), *Kodeks dyplomatyczny Polski*. Tom. III. (henceforth: KDP). Warszawa 1858, no. 11.

¹²⁷ *Liber memoriarum Colmensis civitatis* 18, 171, 273. sz-ok; *Pósán L.*, A Német Lovagrend pénzügypolitikája a kezdetektől a 14. század végéig. [*L. Pósán*, The Financial Policy of the Teutonic Order from the beginnings to the mid-14th century]. Debrecen 2000, 240.

¹²⁸ J. Pfitzner, *Besiedlungs-, Verfassungs- und Verwaltungsgeschichte*, op. cit. 68, 274.

¹²⁹ *Sachsenspiegel* II. 48, 4. 5. 6. 7. 8. 9. 10. 11. 12, II. 58, 2.

¹³⁰ PUB I. 1. no. 252.

¹³¹ PUB I. 1. no. 56.

¹³² PUB I. 1. no. 252.

¹³³ *ibid.*

¹³⁴ Cf. eg. PUB nos. I. 2. 138, 145, 148, 155. (1261), 348. (1276); CDP nos. I. 137. (1261), 158. (1268), 173. (1285); C. P. Woelky, H. Mendthal (Hgg.), *Neues preussisches Urkundenbuch I-III*. Leipzig 1891-1905, (henceforth: NPUB) nos. I. 93. (1268), 195. (1300), II. 233. (1322), 246, 248. (1327), 296. (1336), 307. (1338), 324. (1342), 337. (1343), 344. (1344), 386. (1350), 389. (1350), 433. (1355), 454. (1357), 472. (1357).

relatively abundant documental material at our disposal this ratio of value prevailed over the coming centuries in the medieval age.¹³⁵ The Teutonic Order modelled its coinage on the Denars of Cologne and adjusted its value to it and its exchange rate moved together with that of the currency of Cologne. According to the Kulmian letters patent, the Teutonic Order did not insist on the rates or recognition dues being paid in Prussian (Kulmian) Denars, but made payment possible in the Denars of Cologne while taking into view the agreed exchange rate. The statement in the diploma that „the currency specifically that of Kulm, shall be valid all over the country”¹³⁶ meant that it was the exclusive right of the Order to strike coins in Prussia. The *Kulmer Handfeste* calculated 60 solidus (Schilling) as 1 Mark and the magistrate’s register *Liber memoria-rum Culmensis civitatis* to be started 100 years later still recorded this rate of exchange.¹³⁷ In Cologne, at the same time, 12 solidus was the equivalent of 1 Mark. But *Sachsenspiegel* calculated 12 solidus as 1 mark.¹³⁸ Therefore the Teutonic Order’s coinage regulations differed from what was standard for Germany. This meant that in the mid-13th century it applied a currency Mark different from the Mark of Cologne amounting to 233.28 grammes.¹³⁹ The Teutonic Order founding a state by the Vistula river took the measures used by the indigenous Polish (Slav) population for its basis, so its Mark for coinage was by-and-large equal with the Polish Mark and weighed 190 grammes.¹⁴⁰ The Kulmian (Prussian) Mark was worth 13:16 relative to that of Cologne: 1 Prussian Mark was worth 13 lots of Cologne (6:5 ounces) (=189.250 grammes, that is, 190 grammes).¹⁴¹ The equivalence of the Marks used in Prussia and Poland is proved by a diploma that was renewed a few years subsequent to the *Kulmer Handfeste*. Among other things one can read in this diploma dated as of June 29, 1256 that silver was calculated in Samland Province in Eastern Prussia in Polish units of weight „one hundred Sambian Marks of silver in Polish weight

¹³⁵ E. Waschinski, Ein polnischer Numismatiker über das Münzwesen des Deutschen Ordens. Zeitschrift für Ostforschung 3 (1954) 67.

¹³⁶ PUB I. 1. no. 252.

¹³⁷ Liber memoria-rum Culmensis civitatis nos. 8, 28b, 36, 37, 242, 246, 253, 296, 385a, 409, 384b, 145, 246.

¹³⁸ Sachsenspiegel III. 45, 1

¹³⁹ H. Witthöft, Die Kölner Mark zur Hansezeit. In: M. North (Hg.), Geldumlauf, Währungssysteme und Zahlungsverkehr in Nordwesteuropa 1300-1800. Beiträge zur Geldgeschichte der späten Hansezeit. Köln-Wien 1989, 58.

¹⁴⁰ E. Waschinski, Ein polnischer Numismatiker, op. cit. 67; Marian Gumowski, Handbuch der polnischen Numismatik. Graz 1960, 21; H. Fengler, G. Gierow, W. Unger, Lexikon der Numismatik. Berlin 1976, 167. and 444.

¹⁴¹ E. Waschinski, Die Münz- und Währungspolitik des Deutschen Ordens in Preußen, ihre historischen Probleme und seltenen Gepräge. Göttingen 1952, 65.

units” (*centum marchas Zambirnsis argenti et Polonieri ponderis*).¹⁴² The 1:5 ratio in value between Cologne and Kulmian Denars could only be achieved at a 190-gramm Teutonic coinage weight if the parity and precious metal content of the Kulmian coins was much lower than that of the Cologne Denars. In the German territories alongside the graduation breakdown of mark-weight into lat-units (1 Mark=16 lats) the lat (lot) value was used to denote metal parity. Practically this meant the expression of precious metal content in mark weight fractions, that is, it meant the hallmark. One of the best coins in the 13th century, those of Cologne, were struck out of the highest quality silver, the 15-lat mark, by contemporary standards. One mark (16 lat) in silver contained 15 lat pure silver and 1 lat copper, that is, its parity was 937 ‰. In determining the parity of silver its fractions, the grän values, had also to be taken into consideration (1 lat=18 grän). The definition of the parity of silver by the scale of lat and grän took place as follows:¹⁴³

lat (Lot)	‰	grän (Grän)	‰
1	62,5	1	3,47222
2	125,0	2	6,94445
3	187,5	3	10,41668
4	250,0	4	13,88880
5	312,5	5	17,36114
6	375,0	6	20,83337
7	437,5	7	24,30550
8	500,0	8	27,77783
9	562,5	9	31,25006
10	625,0	10	34,72229
11	687,5	11	38,19452
12	750,0	12	42,66675
13	812,5	13	45,13898
14	875,0	14	48,61121
15	937,5	15	52,08344
16	1000	16	55,55567
		17	59,02790

One solidus in Cologne meant 12 Denars of 937‰ (15 lat) parity. In Prussia, however, as turns out from a diploma dated of September 5, 1274, 1 solidus was only equivalent of 6 Denars.¹⁴⁴ One Kulmian (Prussian) Denar’s average

¹⁴² NPUB I. no. 51.

¹⁴³ H. Fengler, G. Gierow, W. Unger, Lexikon, op. cit. 119.

¹⁴⁴ PUB I. 2. no. 323.

weight was 0.52 gramme which was approximately one-third of the weight of a Cologne Denar (1.460 grammes).¹⁴⁵ There were other examples for 1 solidus being worth only 6 Denars instead of 12 Denars elsewhere in contemporary Europe, moreover, by the second half of the 14th century Cologne rates were characterized by this exchange value.¹⁴⁶ The parity of the teutonic Denars was only half of that of the Cologne coins, that is it was 7.5 lat (7 lat 9 grän = 468,75‰).¹⁴⁷ According to the standard of coinage determined in the *Kulmer Handfeste*, about half of the content of the alloy of Denars was copper, thus the Teutonic Denars would rather have face-value and did not have substantial absolute value or precious metal content. They contained much less silver than their exchange value.¹⁴⁸ The relatively low silver content and long life in circulation sprang from the fact that there were no precious metal ore-deposits, therefore the raw-material for coinage had to be imported. The 1:2 parity and 1:3 weight ratio together resulted in a 1:6 ratio in value in the case of Cologne and Prussian Denars. The 1:5 value laid down in the Kulmian letters patent meant that the exchange rate determined by the Teutonic Order revaluated the Kulmian Denars by 20 % compared to the Cologne ones, while the Cologne money was devalued by 20 % relative to its real value.¹⁴⁹ It was common practice in medieval times that only the money of the holder of coinage rights was calculated at full face-value within a given territory and all other coins circulated at a certain loss of value on the basis of an exchange rate determined by the regulations of a country or a province.¹⁵⁰ In spite of the fact that the Kulmian letters patent set the exchange rate of Cologne and Kulmian Denars at the rate of 1:5, one can read in the Elbing letters patent that a Cologne Denar was

¹⁴⁵ Pósan L., A paraszti birtokok mérete, op. cit. 53 — The currency of the Dukes of Silesia was of nearly the same weight in the 13th century (0,54 gramm). On this see M. Gumowski, Handbuch der polnischen Numismatik, op. cit. 19. The average weight of denars was also 0.5 gramme in Lübeck from the mid-13th century to the mid-14th century. (J. Wilhelm, Der Wendische Münzverein. Braunschweig 1967, 209.). The Teutonic Denar was also 0.55 gramme weight similar to the Heller in Swabia considered the core territory of the Staufts (H. Fengler, G. Gierow, W. Unger, Lexikon, op. cit. 183). The weight of Tübingen and Straßburg Denar was also similar (0,4 és 0,5 grammes), see. B. Sprenger, Das Geld der Deutschen. Geldgeschichte Deutschlands von den Anfängen bis zur Gegenwart. Paderborn 1995, 71.

¹⁴⁶ M. Bittman, Kreditwirtschaft und Finanzierungsmethoden. Studien zu den wirtschaftlichen Verhältnissen des Adels im westlichen Bodenseeraum 1300-1500. Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte 99. Stuttgart 1991, 11.

¹⁴⁷ Pósan L., A Német Lovagrend pénzügypolitikája, op. cit. 53.

¹⁴⁸ Ernst Heimpel, Untersuchungen über den preußischen Pfennig im 13. und 14. Jahrhundert. Zeitschrift für Ostforschung 7. (1958) 235.

¹⁴⁹ L. Pósan, The Financial Policy of the Teutonic Order, op. cit. 53.

¹⁵⁰ Hóman B., Magyar pénztörténet 1000-1325 [B. Hóman, Hungarian Numismatic History 1000-1325]. Budapest 1916, 413-419.

worth 6 Prussian Denars: „In the town 6 copper Denars are given out of their own money for a Cologne Denar or for its worth” (*Tota civitas dabit Coloniensem denarium vel valorem eius ... deque singulis aeris sex denarios proprie monete...*).¹⁵¹ So the Teutonic Order permitted an exchange rate of 1:6 to prevail in the then most important port of Prussia and refrained from revaluating its own Denars by 20 %. The reason for this was that the Order of Knights got into a serious crisis: the war with Swantopolk, the Duke of Danzig (1242-1248) and the first Prussian uprising (1242-49) shattered its power.¹⁵² The knights were in need of all help that is why it granted the law of Lübeck to Elbing in 1246, which had been founded by settlers from Lübeck and accepted the exchange of Prussian money at its real value.¹⁵³ The revalued position of the Prussian Denars relative to the Cologne Denars is shown by the fact that contemporary markets considered Scottish and English Denars as of nearly the same value as the Cologne Denars,¹⁵⁴ and the settlement of trade accounts show that a Scottish Pound was equal to 2 Prussian Marks (*216 lb. Schottis summa 432 m. pr.*), that is, the exchange rate of Scottish and Prussian coins was 1:6.¹⁵⁵ In spite of the fact that Prussian Denars had a low silver content (468.75‰) the stipulation in the *Kulmer Handfeste* that „money shall be renewed only once in every 10 years” secured its stability. By doing this, the Teutonic Order gave up the practice of annual (or even more frequent) renewal of coins resulting in rapid devaluation even in the case of high precious metal-content Denars. For, in the case of annual (or more frequent) renewal, it was no secret that the new coins were worth their nominal value only at the moment of issuance and then they were continuously losing value until they reached the low exchange rate at withdrawal. The frequent exchange of money resulted in the rapid inflation of the currency. In the diocese of Merseburg, 1 Mark was worth 300 Denars at the start of the fiscal year in 1255, but by the end of it it was worth 360 Denars¹⁵⁶ that meant a devaluation of 20 %. In other parts of Poland the currency was re-

¹⁵¹ PUB I. 1. no. 181.

¹⁵² *Pószán L.*, A Német Lovagrend pénzügypolitikája, op. cit. 147-159.

¹⁵³ PUB I. 1. no. 181, see also *E. Carstenn*, Geschichte der Hansestadt Elbing. Hansische Geschichtsblätter 62 (1937); also *Idem*, Elbings Kampf um das Lübisches Recht. Hansische Geschichtsblätter 62 (1937); *G. Fink*, Lübeck und Elbing. Elbinger Jahrbuch 14 (1937); *A. Metner*, Die älteste Handschrift des Lübisches Rechts für Elbing. Elbinger Jahrbuch 14 (1937); *W. Neugebauer*, Die Gründung Elbings durch den Deutschen Orden und Lübecker Bürger 1237. Lübeck 1226. *O. Ahlers, A. Graßmann* (Hgg.), Reichsfreiheit und frühe Stadt. Lübeck 1976, 227.

¹⁵⁴ *B. Sprenger*, Das Geld der Deutschen, op. cit. 77; *H. Witthöft*, Die Kölner Mark zur Hansezeit, op. cit. 57.

¹⁵⁵ *C. Sattler* (Hg.), Die Handelsrechnungen des Deutschen Ordens. Leipzig 1887, (henceforth: SHR) 75.

¹⁵⁶ *C. Fr. von Posern-Klett*, Sachsen Münzen im Mittelalter. Teil I. Leipzig 1846, no. 51.

newed three times a year, the rate of inflation in the first half of the 13th century was even higher.¹⁵⁷ More stable currency could be achieved only by suspending frequent exchanges. The *Sachsenspiegel* also stated that new Denars could be struck only if "new lords come" that is, if there was a change in the person of the provincial overlord.¹⁵⁸ (This, however did not come to pass). In the 13th century the currency was renewed in every 4 years in Augsburg and Freiburg, for example.¹⁵⁹ In the bishopric of Cologne they gave up on the practice of exchanging money as early as the last third of the 12th century, which contributed to its long-term stability and its becoming a popular and much sought-after currency.¹⁶⁰ In fact, the Teutonic Order followed these examples when it ruled in the Kulmian letters patent that instead of the annual exchange of coins renewal was made mandatory only once in every 10 years. This was regarded a remarkably long circulation period in the 13th century.¹⁶¹ Most powers looked upon the issuance of money as a treasury revenue source and was therefore not interested in making it less frequent. In certain parts of Germany in the 13th century 12 new Denars were exchanged for 16 old ones, and 9 new ones for 12 old ones, elsewhere. The revenue generated by the exchange in both cases was 25 %.¹⁶² In Austria a 20 % treasury revenue flowed in from coin renewal.¹⁶³ According to the stipulations in the Kulmian letters patent 12 new Denars were to be paid for 14 old ones in the Teutonic territories,¹⁶⁴ that is, in 10 years the revenue generated by coin exchanges amounted to 14 %. In other words: the value of Prussian Denars declined by 14 % due exclusively to coin renewals. The *Kulmer Handfeste* set inflation at 1.4 %, which was orders of scale smaller than the annual rate of inflation of 20-25 % in other provinces and countries owing to annual exchanges.¹⁶⁵

¹⁵⁷ F. *Friedensburg*, Münzkunde und Geldgeschichte der Einzelstaaten des Mittelalters und der neueren Zeit. München–Berlin 1926, 72.

¹⁵⁸ *Sachsenspiegel* II. 26. 1.

¹⁵⁹ J. *Kulischer*, Allgemeine Wirtschaftsgeschichte des Mittelalters und der Neuzeit. Bd. I.: Das Mittelalter (Handbuch der mittelalterlichen und neueren Geschichte). München–Berlin 1928, 325.

¹⁶⁰ A. *Suhle*, Deutsche Münz- und Geldgeschichte von Anfängen bis zum 15. Jahrhundert. Berlin 1955, 117.

¹⁶¹ Pószán L., A Német Lovagrend pénzügypolitikája, op. cit. 58.

¹⁶² J. *Kulischer*, Allgemeine Wirtschaftsgeschichte, op. cit. 323; A. *Shule*, Deutsche Münz- und Geldgeschichte, op. cit. 117; H. *Fengler*, G. *Gierow*, W. *Unger*, Lexikon, op. cit. 297; M. *North*, Lexicon of Money, Budapest 1998, 99.

¹⁶³ A. *Luschin von Ebengreuth*, Allgemeine Münzkunde und Geldgeschichte des Mittelalters und der neueren Zeit. München–Berlin 1904, 222.

¹⁶⁴ PUB I. 1. no. 252.

¹⁶⁵ PUB I. 1. no. 252.

¹⁶⁵ Pószán L., A Német Lovagrend pénzügypolitikája, op. cit. 82.

The letters patent proves that the order of Knights set up its first mint in the town of Kulm. The second oldest mint was set up in Thorn. In Peter G. Thielen's view, Kulm remained a place of minting only until the end of the 13th century whereas Thorn became the most important place of minting in Prussia by the end of the mid-14th century.¹⁶⁶ This is contradicted by the fact that the records of the municipal court-cases and law-suits the *Liber memoriarum Culmensis civitatis* recorded includes a reference to *monetarios*, that is, minter.¹⁶⁷ This also meant that the actual striking of money was the job of municipal craftsmen, who worked with their own employees and equipment, in their own workshops and were remunerated for their services.¹⁶⁸ The minters received a certain sum after each mark of alloy struck into coins. The order's decrees of 1404 and 1407 pertaining to minting specifically determined that the minters' remuneration was 6 Denards.¹⁶⁹ However, the Kulmian letters patent of 1233 and 1251 do not contain any mention of this topic. It would not have been profitable to operate a mint on its own, or rent one in Prussia where money was renewed only once in every 10 years. Even in such territories where money exchange took place annually, coin striking workshops operated seasonally only.¹⁷⁰

The Denars of the Teutonic Order were only single-sided brakteates of 15-20 mm in diameter. The pattern on the front side (avers) appeared on the backside (reverse), too, thus only one minting die had to be used.¹⁷¹ On the face of the coin one can usually see the cross of the Order, less often an arm bearing a standard or a knight holding the crest of the Order.¹⁷²

The final article of the *Kulmer Handfeste* exempted the citizens of Kulm and Thorn from customs duties, that is, it declared that there would be no internal customs frontiers within the territories under the Order's provincial overlord authority (*Absolvimus etiam totam terram predictam ab omni penitus theloniei exactione*).¹⁷³

The foundations of the provincial law of the Teutonic Order was embodied in the content of the 1233 Kulmian letters patent. Its letter and spirit was subsequently reflected in hundreds of village and town statutes and deeds of land-

¹⁶⁶ P. G. Thielen, Die Verwaltung des Ordensstaates Preußen vornehmlich im 15. Jahrhundert. Köln-Graz 1965, 111.

¹⁶⁷ Liber memoriarum Colmensis civitatis, no. 59.

¹⁶⁸ J. Sarnowsky, Die Wirtschaftsführung des Deutschen Ordens, op. cit. 230.

¹⁶⁹ O. Volckart, Die Münzpolitik im Ordensland und Herzogtum Preuen von 1370 bis 1550 (Deutsches Historisches Institut Warschau. Quellen und Studien 4). Wiesbaden 1996, 153.

¹⁷⁰ Hóman B., Magyar pénztörténet, op. cit. 471.

¹⁷¹ H. Danenberg, Grundzüge der Münzkunde. Leipzig 1912, 226.

¹⁷² E. Waschinski, Ein polnischer Numismatiker, op. cit. 70.

¹⁷³ PUB I. 1. no. 252.

grants. In the course of the middle ages 88 towns were granted privileges based on Kulmian law.¹⁷⁴ At the same time, the so-called Kulmian law universally accepted in Prussia differed in many respects from what can be found in *Kulmer Handfeste*.¹⁷⁵ Several of the general legal principles found in the letters patent underwent some modifications in the course of the daily practice of colonization. For example, the freedom of building and working mills did not anywhere become *de facto* practice in Prussia, the Teutonic Order reserving the right of working mills.¹⁷⁶ Similarly, the *Kulmer Handfeste* made no mention of the „free years” that the Order granted the settlers coming to Prussia, which, however, also became part and parcel of Kulmian law.¹⁷⁷ The Kulmian law, the determinant legal system in medieval Prussia, did not have universal validity, or was it enforced uniformly, that is, it did not have a written codified corpus. It prevailed through various norms embedded in legal texts (diplomas, municipal statutes, sentences, wills, etc.) that survived. In this manner it became common law confirmed by King Kazimir IV of Poland in 1485 in western Prussia over which Polish royal authority was extended subsequent to the second treaty of Thorn (1466).¹⁷⁸ Therefore Prussian Estates considered Kulmian law to be still in force as late as the 16th century long after the end of the Teutonic state.¹⁷⁹

¹⁷⁴ Z. Zdrójkowski, Prawo chełmińskie, powstanie, rozwój i rola dziejowa. In: M. Biskup (Ed.), Dzieje Chełmna i jego regionu. Toruń 1968, 507-508, 526.

¹⁷⁵ P. Erlen, Europäischer Landesausbau, op. cit. 164.

¹⁷⁶ H. Steffen, Das ländliche Mühlwesen, op. cit.

¹⁷⁷ Pósan L., A paraszti birtok mérete, op. cit. 28, cf. PUB I. 2. nos. 459, III. 36, 41, 298, 411.; NPUB II. no. 292.; Regesta historico-diplomatica Ordinis S. Mariae Theutonicorum 1198-1525. Pars II: Regesta Privilegiorum Ordinis S. Mariae Theutonicorum. Mit einem Anhang: Papst und Konzilsurkunden. II. bearb. E. Joachim, Hg. W. Hubatsch, Göttingen 1948, no. 944.

¹⁷⁸ K. Górski, M. Biskup (Eds.), Acta Stanów Prus Królewskich I. Toruń 1955, no. 200. (187, 188. §).

¹⁷⁹ J. Mallek, Das Kulmer Recht im Ordensland Preußen, op.cit. 323-328.

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**E KÖTET A DEBRECENI EGYETEM BÖLCSÉSZETTUDOMÁNYI KARA
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