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GRAHAM P. BURTON

The Roman Imperial State (A.D. 14–235): Evidence and Reality

Introduction

The political structure and institutions created and developed by the first emperor and his advisors were to endure, with modifications and refinements, successfully for a period of over two hundred years.¹ Despite the two great secessionary Jewish revolts of 66–70 and 132–35 and the northern invasions during the reign of Marcus Aurelius, the imperial state managed to maintain relatively uncontested rule over its vast territory and even to expand that territory. Fission, secession and foreign invasion, the common fate comparatively of most historical attempts to create and maintain extensive territorial empires in pre-industrial conditions, were conspicuous more by their absence than their presence. This primordial characteristic of imperial history makes understanding of the imperial state and its activities a key analytical problem. Historical states commonly attempt, with varying degrees of success, to regulate and control civil society through political institutions and practices which monopolise, e.g., the issuing of rules binding on civil society, the adjudication of inter-personal and inter-group disputes and the protection of society from external threats. These political institutions and practices in turn are dependent on the prior ability of the state to extract and mobilise human, material and financial resources on a routine basis.²

The long-term stability of the Roman empire in the period up to the eve of the general crisis of the third century a priori indicates the success of the imperial state in exercising its adjudicatory, regulatory and extractive functions. In

¹ I need to thank the Arts and Humanities Research Board for funding the special leave during which this article was researched and written. Some of the ideas developed in this article were first briefly adumbrated in an unpublished paper delivered to the American Association of Ancient Historians and in: G. P. BURTON, *Imperial Constitutions from the Greek East*, *JRA* 5, 1992, 431–33; for their possible utility now also see R. P. SALLER, *Domitian and his Successors: Methodological Traps in Assessing Emperors*, *AJAH* 15, 2000, 4–18.

² The comparative and theoretical literature on the character of states is of course vast. In my no doubt erratic reading I have found P. CRONE, *Pre-Industrial Societies*, 1989; T. ERTMANN, *Birth of Leviathan*, 1997; M. MANN, *The Sources of Social Power*, Vol. 1, 1986; J. S. MIGDAL, *Strong Societies and Weak States*, 1988; and G. POGGI, *The Development of the Modern State*, 1978, especially rewarding.

this article I pose the question of the extent to which we can convincingly reconstruct these activities of the imperial state and its representatives through direct inference from the extant, especially the epigraphic and legal, sources.³ At first sight, and in comparison to many periods and aspects of Roman history, our extant sources for the study of the imperial state are relatively rich. Despite the exiguity of narrative literary sources (for the second century especially), the concatenation of occasional literary descriptions with the epigraphic, legal and, sometimes, papyrological data have informed influential and highly persuasive accounts of the working of the imperial state and especially the role of the emperor. For example the emperor's tribunal acted at both first and second instance as the supreme court of the empire; analogously the emperor and his advisers continuously confirmed and interpreted legal rules through their receipt of and responses to private petitioners.⁴ Or again in relation to the constituent civic communities of the empire emperors and, to a lesser extent, provincial governors played a key political and diplomatic role as they, in response to embassies and letters, allocated ideal and material privileges and resources and adjudicated inter-community disputes.⁵ Both of these examples allow us to understand important political processes through which the imperial state routinely regulated and shaped the existence of the individual subjects and communities which constituted the civil society of the Roman empire. Analogously we can also convincingly illustrate the potentially arbitrary and despotic characteristics of the imperial role. So Caracalla, in the immediate aftermath of his murder of his brother in late December 211, issued his famous decree on the restoration of exiles. This decree is not only briefly recorded in literary accounts, but also something of its consequences and detailed provisions can be illustrated by legal and papyrological evidence.⁶

However, despite these strengths of the extant evidence and of the accounts which can be derived from it, I will try to demonstrate that it gives us a partial representation of the routine functioning of the imperial state, a representation

³ My approach is in part inspired by the recent important considerations about the character of our sources of C. NICOLET, *A la recherche des archives oubliées: une contribution à l'histoire de la bureaucratie romaine*, in: *La mémoire perdue*, 1994, at V–XVII, and W. ECK, *Administrative Dokumente. Publikation und Mittel der Selbstdarstellung*, in: *Die Verwaltung des römischen Reiches in der hohen Kaiserzeit*, Band 2, 1997, 359–81.

⁴ See especially T. HONORÉ, *Emperors and Lawyers*, 1994; F. MILLAR, *The Emperor in the Roman World*, 1992, esp. ch. 8, and M. PEACHIN, *Iudex vice Caesaris: Deputy Emperors and the Administration of Justice during the Principate*, 1996.

⁵ Emperors: MILLAR, op. cit. (n. 4), ch. 7; governors: G. P. BURTON, *The Regulation of Inter-Community Disputes in the Provinces and the Political Integration of the Roman Empire*, in: V. GORMAN – E. ROBINSON (edd.), *Oikistes: Festschrift for A. J. Graham* (forthcoming).

⁶ Dio 77.3.3 with P. Giss. 40 II (cf. P. Oxy XXXVI 2755), Digest 50.2.3.1 and C. J. 10.61.

which privileges the reactive and adjudicatory roles of emperors and governors and underplays the normatively regulatory and extractive actions of the imperial state.⁷ This article is organised as a series of interlocking parts which concentrate on three of the most important political roles (emperors, provincial governors and, to a lesser extent, fiscal procurators) within the structural hierarchy of the imperial state. After a brief methodological discussion (part one) the second part examines the substantive character of imperial decision-making via a close analysis and contrast of two sets of data. The third part examines relations between emperors and governors (rescripts). In the fourth part the emphasis moves wholly to the provinces. Here we will see some of the serious defects in our knowledge of the duties constitutive of the roles of provincial governors and fiscal procurators. This part will emphasise not only the partiality of the extant evidence, but also the importance of normative regulations and documents (e.g. *mandata*, *leges provinciarum*, provincial edicts of governors, fiscal documentation of all kinds) which once existed, but no longer survive.⁸

Methodological and Technical Considerations

The first substantive part of this article is based on analysis of data collated by J. H. OLIVER and G. GUALANDI⁹ (see below Table 1). OLIVER collected and re-published all known examples of imperial constitutions, in Greek, attested in epigraphic and papyrological sources from the reign of Augustus down to Gallienus. My table reworks his data in three ways. First, I have omitted all examples outside the period 14–235 and all papyrological examples. Secondly I have updated his collection through inclusion of some omissions and of more recently published examples.¹⁰ Thirdly, I have counted as *ignoti* some acephalous constitutions attributed, with caution, by OLIVER to named emperors.¹¹ GUALANDI

⁷ For a magisterial overview of the imperial state (its personnel and functions) now see W. ECK, *Die Verwaltung des römischen Reiches in der hohen Kaiserzeit*, Band 2, 1998, 3–145.

⁸ I should emphasise that the critical stance taken in this article should in no way be interpreted as providing tacit support for the currently modish relativism which denies the possibility both of any objective reconstruction of the past and of our ability to discriminate between competing explanations and hypotheses.

⁹ J. H. OLIVER, *Greek Constitutions of the Early Roman Emperors from Inscriptions and Papyri*, 1989, hereafter OLIVER; G. GUALANDI, *Legislazione imperiale e giurisprudenza*, vol. 1, 1963, hereafter GUALANDI.

¹⁰ These addenda are collected in appendix 1 to this article. Although published in 1989 OLIVER's manuscript appears to have been completed by 1980.

¹¹ I have counted as *ignoti* the following: OLIVER no's 32, 56, 84, 91, 94, 95, 107, 125, 129, 130, 160, 161, 169, 175, 176, 178, 186, 187, 256, 264 and appendix 1 no's 46–77. I have also accepted as an imperial constitution an acephalous edict (OLIVER no. 56) which may well have been issued by a proconsul; on this document now see IG X 2.2, 52 (with the judicious editorial comments) and below n. 83.

collated by reign all imperial constitutions preserved in the works of the classical jurists. My table reworks his data by counting the actual number of constitutions cited by the jurists rather than the number of extracts collated by GUALANDI. I assume that my method of calculation explains why my figures for each reign often differ, sometimes substantially, from those set out in an analogous table compiled by DUNCAN-JONES.¹²

Three final technical considerations need to be made clear. First, I use the term imperial constitutions to embrace all forms of authoritative imperial decisions and pronouncements. Recent scholarship has, of course, made serious advances in and refinements to our understanding of the typology of imperial constitutions whether they took the form of edicts (both of a general and restricted character), judicial decisions (*decreta*), letters (rescripts to officials and cities), instructions to senatorial and equestrian representatives of the imperial state on taking up office (*mandata*) or replies to private petitioners (subscripts). Whatever significance one may attribute to these formal distinctions, from the perspective of this article each form of pronouncement can usefully be conceived as subtypes of a general species, namely authoritative rule-making and decision-making by the imperial state.¹³ Secondly, I have taken no position on the much debated question of the extent to which all imperial pronouncements were substantively made by the emperor (with or without his advisers) rather than often by lower ranking palatine officials whose decisions were then merely authenticated by the emperor.¹⁴ Again from my perspective this debate does not affect the fact that all imperial constitutions, whatever the means of their production, represent authoritative emanations of the imperial state.

Thirdly, a prime objective of this article is to demonstrate the unrepresentative and partial character of the two sets of data. Ideally for such an enterprise we would wish to estimate the total volume of imperial constitutions ever promulgated during the period in order to gain some notion of the size of the universe from which our data is drawn. A simple analogy will help here. Synoptic proso-

¹² R. P. DUNCAN-JONES, *Structure and Scale in the Roman Economy*, 1990, 169. For example GUALANDI lists six passages for the reign of Tiberius; however two of these passages (Inst. 2.15.4 and Digest 28.5.42) concern the same decision. My total for his reign is therefore five rather than six (as DUNCAN-JONES). Conversely some passages collated by GUALANDI in fact contain more than one constitution. For example Digest 50.8.12.pr.-6 contains seven rescripts of Marcus and Verus; this passage therefore counts in my table as seven separate constitutions.

¹³ Contingently my approach both has the tactical advantage of replicating the method of categorisation used by GUALANDI and OLIVER and, also, follows the famous definition of Ulpian (Digest 1.4.1.pr.-1).

¹⁴ See only ECK, *op. cit.* (note 7) 14-15 with citation of modern literature; on authentication see also the typically acute comments of K. HOPKINS, *Rules of Evidence*, JRS 68, 1978, 180-81. Throughout the rest of this article I use the term emperor as convenient shorthand for emperor and his advisors.

pographical studies of the senatorial order during the principate benefit greatly from our ability to estimate with much precision the total number of both senators ever-appointed and individual office holders (e.g. imperial legates, proconsuls, consuls) ever-appointed.¹⁵ Such estimates allow us both to provide a firm context for the relevant data and to assess with some statistical precision its typicality. However I can envisage no way of plausibly estimating the total volume of imperial constitutions-ever-issued.¹⁶ Nevertheless some sense of how much documentation, which once existed, is now lost can be inferred from our knowledge of one type of imperial pronouncement, namely *mandata*.¹⁷ No complete set of *mandata* to any imperial official survives; the longest surviving extract is provided by a chapter of the *mandata* of Domitian to the procurator of Syria preserved on an inscription.¹⁸ We can with reasonable accuracy estimate the total number of sets of *mandata* ever issued during the second century to senatorial governors (proconsuls and imperial legates) at about 1,800.¹⁹ This figure, of course, takes no account of the *mandata* issued either to equestrian officials, among whom praesidial and provincial procurators were certainly regular recipients, or to the special imperial legates irregularly appointed for various purposes

¹⁵ The study of W. ECK, Sozialstruktur des römischen Senatorenstandes der hohen Kaiserzeit und statistische Methode, Chiron 3, 1973, 375–94 remains fundamental. For the example of consuls see G. P. BURTON – K. HOPKINS, Ambition and Withdrawal: the Senatorial Aristocracy under the Emperors, in: K. HOPKINS, Death and Renewal, 1983, 120–200 with the criticisms and refinements of J. HAHN and P. M. M. LEUNISSEN, Statistical Method and Inheritance of the Consulate under the Early Roman Empire, Phoenix 44, 1990, 60–81 and G. P. BURTON, The Inheritance of the Consulate in the Antonine Period: a Problem Revisited, Phoenix 49, 1995, 218–31.

¹⁶ In my review of OLIVER, op. cit. (note 1), I noted, for what it is worth, that the second Ch'ing emperor of China (1661–1722) claimed to have been able, during a severe crisis, to handle 500 items of business in one day. Analogously the first Ming emperor (1368–98) is reported to have received for decision during one ten day period 1,660 documents which concerned 3,391 separate matters; so C. O. HUCKER, The Ming Dynasty: its Origins and Evolving Institutions, 1978, 43; also now compare the important observations of R. HAENSCH, Le rôle des officiales de l'administration provinciale dans le processus de décision, CGG 11, 2000, 259–76, esp. 262–63.

¹⁷ On *mandata* and their content see best MILLAR, op. cit. (note 4) 313–17.

¹⁸ OLIVER, no. 40, lines 5–34; for another rare quite detailed reference see Digest 48.3.6.1 on Hadrian's *mandata* to Antoninus Pius as proconsul of Asia in 134/35. This extract shows that proconsuls of Asia at this time received instructions about the duties of eirenarchs, something which otherwise we would not know and would, I assume, never have guessed.

¹⁹ The calculation assumes the appointment over the hundred years of 1,000 annual proconsuls (10 × 100) and c. 800 imperial legates. The latter calculation is slightly imprecise, since the number of incumbents varied across time (e.g. 22 under Hadrian, 26 under Commodus). I assume an average of c. 24 per year whose tenure averaged c. 3 years (probably slightly too high). Consequently on average eight were appointed per year.

to the provinces in addition to the regular governors.²⁰ A similar, if much more speculative, calculation suggests that over the same period as many as 81,600 imperial rescripts to senatorial governors could have been issued.²¹ In short there should be no doubt that our surviving documentation represents a tiny, if uncalculable, proportion of all imperial constitutions-ever-issued. That conclusion should of itself make us extremely cautious in accepting this documentation as typical of the universe from which it has survived.

Imperial Constitutions: Oliver and Gualandi Compared

This section attempts to demonstrate that the patterns, by various criteria, of imperial constitutions preserved in OLIVER and GUALANDI are quite different. Furthermore this mutual partiality of each set of data can not fully be remedied merely by the simple expedient of conflating them. Rather the reasons which underlie the specific characteristics of each set of data also serve to explain the dearth of imperial constitutions relevant both to the general regulatory activity of the imperial state and to its procedures for extracting and allocating resources. Three criteria of comparison are used, namely chronological distribution, the status of the addressees and subject matter.

Table 1: the chronological distribution of imperial constitutions (14–235): GUALANDI and OLIVER compared.

	GUALANDI	OLIVER
Tiberius (including Germanicus)	5	5
Caligula	0	1
Claudius	13	11
Nero	2	3
Vespasian	7	1
Titus	4	0
Domitian	4	5
Nerva	5	0
Trajan	36	18
Hadrian	172	63
Antoninus Pius	255	41
Divi Fratres	144	15
Marcus Aurelius	101	8
Marcus & Commodus	19	9

²⁰ On such legates see B. E. THOMASSON, *Legatus*, 1991, 73–96.

²¹ See below note 49. Another suggestive indication of how much documentation is now lost is provided by the frequent appearance in the jurists of generic citation of imperial constitutions (of the form «it has often/very often been rescripted/constituted» vel sim.); see GUALANDI, 243–315 where I count 45 such citations.

	GUALANDI	OLIVER
Commodus	7	14
Pertinax	4	1
Septimius Severus	120	7
Severus & Caracalla	233	10
Caracalla	70	9
Macrinus	0	1
Heliogabalus	0	1
Severus Alexander	4	1
Sub-total (datable constitutions)	1205	224
<i>Ignoti</i>	62	52
N =	1267	276

In terms of chronological distribution the two sets of data exhibit marked differences (see above table 1). In the epigraphic record imperial constitutions from 14–98 represent nearly 12% (26 out of 224) of the datable universe, whereas in the works of the jurists they represent only just over 3% (40 out of 1205). In contrast imperial constitutions for the period 193–217 represent about 12% (27 out of 224) epigraphically, but about 35% (427 out of 1205) in the jurists. Or again for the joint reign of Marcus Aurelius and Lucius Verus combined with the sole reign of Marcus epigraphic examples represent just over 10% (23 out of 224) of the datable universe, but juristic examples just over 20% (245 out of 1205).²² Comparison of the addressees of the two sets of data is less easy because of the very large percentage of imperial constitutions, including even rescripts, cited in GUALANDI which, as transmitted to us, have no explicit addressee.²³ Nevertheless certain contrasts stand out. Among the epigraphic examples c. 80% of the total universe (221 out of 276) were addressed to either civic communities or provincial councils or leagues. Only four were addressed to Roman officials (one to a provincial governor, one to a provincial procurator and two to *curatores rei publicae*). In GUALANDI constitutions certainly or very probably addressed to provincial cities or leagues or councils are comparatively rare ($n = 33$), whereas 61 examples of rescripts to provincial governors survive. Substantively the overwhelming mass of imperial constitutions in GUALANDI concern, unsurprisingly, the procedures and substance of Roman civil, criminal and fiscal law. In contrast the epigraphic examples hardly ever touch on these

²² In part this is to be explained by the survival of extracts of the work of Papirius Iustus, on imperial constitutions, which collated the rescripts of the *divi fratres* and Marcus. It is another good index of how much relevant material does not survive that this work originally comprised 20 books; yet only extracts from books 1, 2 and 8 survive and fill only three columns of Lenel.

²³ For example all the references to rescripts collated by GUALANDI, 243–315, under the rubric «citazioni generiche» lack any specific addressee. For what follows see the more detailed elucidation in appendices 2–4.

issues.²⁴ Rather the most insistent themes of the epigraphic constitutions addressed to cities or to cultural and religious associations ($n = 224$) were, when they can be divined, the allocation, confirmation and refinement of their corporate privileges.²⁵

How are we to explain these characteristics of and contrasts between our two sets of data? A preliminary consideration of the internal physiognomy of an analogous set of data, namely the *Codex Justinianus*, will point the way. The *Codex Justinianus* preserves about 2,500 examples of imperial subscripts to petitions. Of these c. 1,300 are of Diocletianic date. Two of the main sources of the *Codex Justinianus* were Diocletianic compilations, namely the *Codex Gregorianus* and the *Codex Hermogenianus*. The former collated replies from the reign of Hadrian up to 291; the latter only subscripts of 293/94. Consequently the concentration in the *Codex Justinianus* of subscripts of 293/94 should be understood as a function of our sources rather than an empirical reflection of a putative increase in governmental activity at this time.²⁶

Very similar reasoning helps to explain the specific pattern of imperial constitutions preserved in the surviving works of the classical jurists, especially as transmitted via the *Digest*. The compilers of the *Digest* in the sixth century attempted to codify and condense the whole of Roman law on the basis of the works of the classical jurists. Above all they relied on the works of authors of the Severan period.²⁷ These writers, in turn, were more likely to cite current or recent imperial constitutions than older ones. So Herennius Modestinus enunciated the principle that «later enactments are more forceful than earlier ones».²⁸ Two obvious consequences ensued from this particular combination of the interests and objectives of the compilers and/or the jurists. First, substantively, of course, almost all of the *Digest*, books 2 to 49, is devoted to the rules and procedures of Roman civil, criminal and fiscal law. In these books matters relevant to

²⁴ Only OLIVER no. 91 is wholly concerned with the procedures of Roman jurisdiction.

²⁵ For this aspect of the imperial role see MILLAR, *op. cit.* (note 4) ch. 7. I should also emphasise that the corpus of epigraphic data is less imposing than its total size a priori suggests, since many of the inscriptions are too fragmentary or incomplete to allow any serious reconstruction of their subject-matter. So c. 40% ($n = 112$) of our examples certainly fall into this category: namely OLIVER no's 21, 22, 25, 26, 30, 32, 36, 41, 43, 49, 51, 52, 54, 55, 57, 58, 59, 60, 61, 63, 66, 67, 76, 89, 93, 95, 97, 119, 126, 127, 129, 130, 131, 132, 133, 134, 141, 158, 168, 169, 172, 173, 175, 176, 178, 179, 180, 181, 182, 183, 189, 191, 202, 203, 204, 207, 208, 210, 214, 271, 272 and appendix 1 no's 6, 8–12, 18–20, 22–24, 27–34, 37, 39, 41–44, 47–48, 50–65, 69–71, 73–74 and 76–77.

²⁶ I follow the lucid exposition of W. TURPIN, *The Law Codes and Late Roman Law*, RIDA 32, 1985, 339–53.

²⁷ So extracts taken solely from Ulpian and Paul account for over 55% of the *Digest*. It should also be noted that the extracts contained in the *Digest* represent about 5% of all the material read by the compilers.

²⁸ *Digest* 1.4.4; cf. for a distinction between old and new constitutions *Digest* 50.12.1.1.

other activities of the Roman state merely occur contingently. Only in book 50, especially chapters 1–12, is anything like systematic consideration given to civic affairs (the principal interest of our epigraphic data). Secondly, the chronological distribution of imperial constitutions is heavily weighted to the second century and, especially, the Severan period. Conversely constitutions of the first century are probably seriously underrepresented. The particular emphasis of the surviving juristic works (as transmitted to us) can be highlighted by one further example which concerns the functions of provincial governors. In the later second and early third centuries a series of jurists composed handbooks on the duties of provincial governors.²⁹ One of the best attested functions of provincial governors is their responsibility for the delimitation of the territorial boundaries between neighbouring communities. Yet none of the surviving extracts of the relevant handbooks ever explicitly refers to this activity which was of great significance for the political ordering of the provinces.³⁰

The reasons for the production and survival of imperial constitutions in epigraphic form are rather different, but again serve to underscore the partial nature of our evidence. Our understanding of the reasons for the inscribing on stone in the provinces of official pronouncements of emperors and other agents of the imperial state has been radically enhanced in a brilliant article by WERNER ECK.³¹ In the cities of the provinces official documents were normally published through temporary display, often for a period of 30 days, on white board; sometimes they were formally read out in public. Official copies were stored permanently in the civic archives. Normally there was no legal or administrative need for such documents to be inscribed on stone. Rather civic authorities made the decision (expensive and time-consuming) to inscribe such documents because they allocated or confirmed or refined their city's corporate privileges and, thereby, enhanced its prestige. This type of motivation serves to explain the well known phenomenon that negative imperial responses to embassies and petitions of cities hardly surface in the epigraphic record.³² Often, also, official documents were inscribed at the behest of local notables, because these documents added to their prestige and status. Their inscription constituted part, along with statues, honorary inscriptions and grand funerary monuments, of the process of memorialisation of their life and works. So, for example, the three letters of Antoninus

²⁹ Namely Venuleius Saturninus, Paul, Ulpian and Macer. Of these the work of Ulpian is both the longest (10 books) and the most frequently cited in the Digest.

³⁰ For this function and its significance see G. P. BURTON, *The Resolution of Territorial Disputes in the Provinces of the Roman Empire*, *Chiron* 30, 2000, 195–215.

³¹ ECK, *op. cit.* (note 3) *passim*. The whole of this paragraph is dependent on his analysis which should be required reading for students of imperial history.

³² For this phenomenon see already MILLAR, *op. cit.* (note 4) 426; for examples of negative replies, none of which were inscribed by the cities whose claims were denied, see OLIVER no's 48, 120, 123 and 124.

Pius (two to the city of Ephesos and one to the provincial council of Asia) about Vedius Antoninus and his benefactions were probably inscribed at the behest of Vedius and certainly not of the city whose attitude to Vedius is criticised in the first letter.³³ Such considerations show decisively that imperial constitutions which were inscribed on stone can not have represented a statistically typical sample of all constitutions-ever-issued. Furthermore the survival of what was once inscribed has in turn been determined by contingent factors such as the later history of each ancient site and the vicissitudes of archaeological exploration and discovery.

This matrix of factors affecting the production and survival of the epigraphic data also clarifies some of the characteristics of its geographical and chronological distribution. A classic example is provided by the sepulchral temple of Opramoas. This monument at Rhodiapolis was inscribed on three sides with honorific decrees and letters (of Antoninus Pius and various governors).³⁴ The twelve letters of Pius represent, chronologically, about 30% of all his epigraphically preserved constitutions. Six of them were addressed to cities and represent 60% of all epigraphically known imperial letters to cities in Lycia-Pamphylia.³⁵ In general the geographic distribution of imperial constitutions addressed to individual cities is strikingly skewed. Not a single example survives from the province of Syria; in Asia only 21 cities are represented, although this province probably comprised about 300 civic communities.³⁶ In short it is impossible to conceive the surviving epigraphic examples of imperial constitutions as statistically representative whether by the criteria of subject matter or of chronological and geographic distribution.

These considerations also suggest that the well known lack of evidence for the issuing of general rulings by the imperial state, especially outside the sphere of jurisdiction, may to some extent be a function of our sources rather than of an underlying reality.³⁷ This presupposition can best be illustrated in the sphere of

³³ OLIVER no's 138–40 with the elucidation of ECK, *op. cit.* (note 3) 369–71; the three letters were inscribed side by side on the Bouleuterion, a monument which had been constructed by Vedius' family.

³⁴ TAM II 905 with OLIVER no's 142–153; these extensive inscriptions, although they illustrate for the social historian the triangular diplomatic relations between the imperial state and its agents, provincial cities, and a leading provincial notable, cast meagre light on the working of the imperial state; for a new edition of these documents now see CHR. KOKKINIA, *Die Opramoas-Inschrift von Rhodiapolis*, 2000.

³⁵ Compare how the eleven letters of Hadrian and Antoninus Pius concerning the privileges of Coronea and its relations to Thisbe and Orchomenos (OLIVER no's 108–118) emanate from a single monument.

³⁶ For details see the exposition in appendix 3. It is also possible that divergent epigraphic habits affected the propensity of cities to inscribe imperial constitutions; note the substantial number of examples (23) surviving from Athens.

³⁷ For this possibility, in the context of imperial edicts, see already MILLAR, *op. cit.* (note 4) 252–59, esp. 256. In the epigraphic sources only six examples (OLIVER no's 38, 40,

taxation. The very stability and endurance of the imperial state during our period presumes the existence of a relatively effective system of surplus extraction via taxation. Yet our evidence for the routine administrative procedures which underpinned, e.g., the processes of census-taking and collecting the tribute is notoriously defective. Nor, of course, can we accurately estimate either the percentage of G. D. P. which imperial taxes represented or the size of the discrepancy between what was assessed and what was collected.³⁸ Not a single epigraphic constitution in OLIVER concerns either census-taking or the collection of the tribute. Similarly these matters were of little concern to the jurists. Or, put more precisely, little of what the jurists originally wrote on fiscal matters was preserved by the Justinianic compilers. So the extant extracts from Ulpian's work of six books, *de censibus*, amount to two columns in Lenel, while a mere single paragraph survives from Paul's similar treatise of two books.³⁹ It is, thus, characteristic of our sources that we only learn that slaves could be tortured to give evidence against their masters, if the latter were accused of providing false census returns, through a rescript of Severus of 196 which takes this possibility for granted.⁴⁰ Yet such a derogation from a basic tenet of Roman legal procedure can only have been introduced via a general ruling which has otherwise left no mark in our sources. Alterations to the rates at which taxes were levied are also poorly documented. So we happen to know from brief literary allusions that Vespasian ordered an increase in the rate of exaction of the tribute and Caracalla a doubling of the inheritance and manumission taxes.⁴¹ Such decisions not only profoundly affected the lives of Rome's subjects, but their implementation must, also, have involved an extensive flow of instructions and communication between the central power and its agents in the provinces. Yet this flow has left no direct mark on our extant epigraphic and juristic sources.

56, 186, 256 and appendix 1 no. 5) concern or refer back to rulings of a general import whose relevance was either empire or province wide.

³⁸ The best modern account of imperial taxation is provided by P. A. BRUNT, *Roman Imperial Themes*, 1990, chs 7, 15, 16 and 17; for provincial censuses now see E. LO CASCIÒ, *Census provinciale, imposizione fiscale e amministrazioni cittadine nel principato*, in: W. ECK (ed.), *Lokale Autonomie und römische Ordnungsmacht in den kaiserzeitlichen Provinzen vom 1. bis 3. Jahrhundert*, 1999, 197–211. For a brilliant attempt to analyse the socio-political ramifications of imperial taxation see K. HOPKINS, *Rome, Taxes, Rent and Trade*, *Kodai* 6/7, 1995/96, 41–75; *mutatis mutandis* much can be learnt from the massive overview of early-modern taxation in R. BONNEY (ed.), *Economic Systems and State Finance*, 1995.

³⁹ Of the three extracts of any length two merely list cities which had obtained the *ius Italicum* (Digest 50.15.1 and 8) and one concerns the *forma censualis* (50.15.4.pr.–10).

⁴⁰ C. J. 9.41.1 (also partially recorded at Digest 48.18.1.16); the only other analogous crimes were treason and adultery.

⁴¹ Vespasian: Suetonius, *Vesp.* 16.1; Caracalla: Cassius Dio 77.9.4.

Outside the fiscal sphere it is also easy to identify significant political decisions which have left similarly exiguous traces. For example neither Caracalla's grant of universal citizenship, nor his decree on the return of exiles, nor his decision to condemn the memory of Geta are directly attested, in the form of imperial constitutions, in the epigraphic sources, even though the implementation of these decisions again must have involved the issuing of instructions to provincial governors and provincial communities and, sometimes, the consequent consultation of the emperor by provincial governors.⁴² Indeed there is no doubt that the *damnatio memoriae* of Geta was carried through with thoroughness given the large number of extant inscriptions and papyri in which Geta's name has been erased.⁴³ From the Julio-Claudian period it is striking that the imperial constitutions of general validity which allocated and confirmed specific privileges to Jewish communities in the empire are only known from literary sources (Philo and Josephus).⁴⁴ Similarly throughout our period it is axiomatic that systematic logistical preparations were necessary whenever the emperor and his court travelled through the provinces. Yet none of the relevant imperial instructions to provincial officials or of the latter's instructions to provincial communities has survived in epigraphic form.⁴⁵ In short for all the reasons adumbrated in the preceding paragraphs we should conclude that the pattern of extant imperial constitutions, as preserved epigraphically and in the works of the jurists, is not representative of all imperial constitutions-ever-issued.⁴⁶

⁴² Exiles: see above note 6. The edict of Caracalla which is partially preserved in two papyri copies (OLIVER no's 261A & B) was issued in July 212 in order to clarify certain problems inherent in the original decree of amnesty. We should assume that these problems had been raised by provincial governors and other officials.

⁴³ See especially H. HEINEN, *Herrscherkult im römischen Ägypten und damnatio memoriae Getas*, MDAI(R) 98, 1991, 263–98, esp. 279–81 with literature.

⁴⁴ On this documentation see T. RAJAK, *Was there a Roman Charter for the Jews?*, JRS 74, 1984, 107–23.

⁴⁵ I follow the shrewd observations of W. ECK, *Römische Provinzialadministration und die Erkenntnismöglichkeiten der epigraphischen Überlieferung*, in: ECK (ed.), *op. cit.* (note 38) 12–13 who notes that the prime epigraphic reflection of such visits are honorary decrees in favour of local notables who, as acts of munificence, have provided material resources to their cities. For clear papyrological examples of the kind of instructions which might be issued see the famous edict of Germanicus of 19 during his visit to Egypt (OLIVER, no. 16) or the letter of an *epistrategos* concerning preparations for the impending visit of Severus and Caracalla in 199 (PSI VI 683).

⁴⁶ Note also the strong probability that throughout our period provincial communities were legally obliged to gain permission from the imperial state if they wished to levy new additional local taxes; yet nothing of the original general ruling on which this procedure was predicated is known. For this issue see G. P. BURTON, *Was there a long-term Trend to Centralisation of Authority in the Roman Empire?*, RPh 72, 1998, 10–13.

Emperors and Governors: Rescripts

The exchange of correspondence, logistically underpinned by the system of couriers and official diplomata created by Augustus, between emperors and provincial governors (and other agents of the state) constituted a key institutional mechanism whereby politico-administrative problems in the provinces were raised and resolved by the imperial state.⁴⁷ As in the previous section I will try to highlight some of the grave deficiencies of our extant data, in terms of its rate of survival, its chronological distribution and its substantive content.

It is a commonplace that, with the exception of the tenth book of Pliny's letters (to which we shall return), no complete set of correspondence between any emperor and any provincial governor survives. Indeed in the Greek epigraphic record only one example of an imperial rescript to a provincial governor is preserved (appendix 1 no. 35); while in the juristic record 61 certain or very probable examples can be identified.⁴⁸ Can we with any plausibility estimate the annual volume of imperial rescripts to provincial governors? During a c. two year period Pliny, as governor of Pontus-Bithynia, wrote 61 letters to Trajan and received 48 replies. Direct extrapolation from these figures suggests that on average during the second century provincial governors of senatorial rank (proconsuls and imperial legates) received each year 816 rescripts; over a century a total of 81,600.⁴⁹ This calculation, of course, takes no account of rescripts to governors of equestrian rank or to provincial procurators. Even if there is some force to the objection that Pliny's special status makes him an untypical governor who was more than usually disposed to consult the emperor, there should be no doubt that our surviving evidence represents an infinitesimal fraction of the official correspondence which once existed.⁵⁰

This residual fraction is in turn chronologically skewed to the second century. None of the juristic examples of imperial rescripts to provincial governors predate the reign of Trajan. Yet Pliny's correspondence exhibits five imperial letters

⁴⁷ The account of MILLAR, *op. cit.* (note 4) 313–41 is fundamental; also compare my comments in G. P. BURTON, *The Issuing of Mandata to Proconsuls and a New Inscription from Cos*, ZPE 21, 1976, 66–68.

⁴⁸ For detailed exposition see below appendices 2 and 3. The earliest Latin epigraphic examples of rescripts to provincial governors date from the reign of Hadrian; for this quirk of our evidence see already F. MILLAR, *The Emperor, the Senate and the Provinces*, JRS 56, 1966, 158 and 164.

⁴⁹ The calculation is $24 \text{ per year} \times 34 \text{ (10 proconsuls + 24 imperial legates)} \times 100$. Compare the comments of ECK, *op. cit.* (note 7) 109 who evocatively writes of «ein Strom von Schreiben».

⁵⁰ Certainly a substantial proportion of the correspondence between Pliny and Trajan was of a conventional and wholly unexceptional character and, therefore, presumably not untypical (e.g. 10.26; 35/6; 45/6; 51; 52/3; 85–7; 88/9; 94/5; 100/1; 102/3; 104/5; 106/7; 120/1).

to proconsuls and one to a provincial procurator from the reigns of Domitian and Nerva.⁵¹ Indeed we are totally dependent on literary sources for our direct knowledge, however exiguous, of imperial rescripts to provincial governors in the first century.⁵²

Given the rarity of Greek epigraphic examples of rescripts to provincial governors the best comparator, in terms of substantive content, to the juristic evidence is provided by Pliny. The overwhelming majority (54) of the juristic rescripts concern interpretation of the rules and procedures of Roman civil and criminal law; 2 concern fiscal jurisdiction and only 4 problems of civic administration. Given the analysis of the previous section of this article this particular emphasis does not occasion surprise. However in this context we can with certainty identify an issue of criminal law which generated rescripts which were cited by the jurists, but not preserved by the compilers of the Digest. Lactantius noted that Ulpian had collected in the seventh book of his *De officio proconsulis* a series of rescripts about the punishment of Christians. For obvious reasons these rescripts were omitted from the Digest. As a consequence we have no way of assessing how frequently, during the 100 year period from Pliny's governorship of Pontus-Bithynia down to Ulpian's composition of his *De officio proconsulis*, governors consulted emperors on this issue.⁵³

Pliny's correspondence with Trajan exhibits a very different pattern, in terms of its substance, of consultation and response. Besides the routine letters already mentioned (above note 50), Pliny consulted Trajan on 24 occasions about problems of civic administration (civic finances, public buildings, the allocation of local offices etc.), but on only 9 occasions about his jurisdictional duties.⁵⁴ To be sure the special circumstances of Pliny's mission and the particular *mandata* which he received from Trajan may be deemed to have made him more likely to consult the emperor than most governors; but none of the problems of civic administration which he investigated and, consequently, raised with Trajan were in principle outside the competence of any normal governor.⁵⁵

⁵¹ Pliny, Ep. 10.58; 65 and 72. Not all these letters were necessarily rescripts, but the two of Domitian preserved in letter 65 certainly were.

⁵² As already noted for imperial legates by MILLAR, op. cit. (note 48) 158.

⁵³ Lactantius, *Div. Inst.* 5.11. In other sources only one certain example of such a rescript, from Marcus Aurelius to the governor of Gallia Lugdunensis, survives (Eusebius H. E. 5.1.47); the often cited rescript of Hadrian to a proconsul of Asia (Justin Apol. 1.68) is of dubious authenticity. For context still see the classic discussion of T. D. BARNES, *Legislation against the Christians*, JRS 58, 1968, 32–50.

⁵⁴ Civic affairs: 17/18; 23/4; 33/4; 37/8; 39/40; 41/2; 43/4; 47/8; 49/50; 54/5; 61/2; 70/1; 75/6; 79/80; 83/4; 90/1; 92/3; 98/9; 108/9; 110/11; 112/13; 114/15; 116/17; 118/19. Jurisdiction: 19/20; 31/2; 56/7; 58–60; 65/6; 68/9; 72/3; 81/2; 96/7.

⁵⁵ Note that the earliest Latin epigraphic examples of rescripts to provincial governors from the reign of Hadrian (above note 48) both concern the public affairs of cities.

In short the consultation of emperors by provincial governors constituted a key method of political communication between the central power and its agents during our period. However the residual vestiges of this pattern of communication as preserved in the epigraphic and juristic sources represent a tiny proportion of what once was written. In turn these vestiges are skewed chronologically to the second century and substantively to problems of jurisdiction. Although Pliny's correspondence with Trajan can act as an antidote to the substantive biases of the juristic evidence, the lack of any homologous sets of correspondence between any emperor and any governor makes it impossible empirically to infer directly any normal or standard pattern of consultation and response, let alone any possible changes of emphasis across time.

In the Provinces: Governors and Procurators

The focus of this section shifts from the political centre, the emperor and his advisors, to the provinces and especially the roles of provincial governor and provincial procurator who acted as the key agents of Roman power. I will again try to demonstrate something of the inadequacies of our evidence, especially the epigraphic. In turn these inadequacies tend to disguise the normative impact, both in general and especially in the sphere of taxation, of the imperial state and its agents on the provinces and their inhabitants.

Our direct evidence for the authoritative pronouncements of provincial governors is far inferior to that for emperors. The juristic sources, although they tell us much in principle about the jurisdictional (both civil and criminal) powers of governors, do not preserve for us a repertorium of official decisions of governors analogous to their citation of imperial constitutions. Furthermore the epigraphical data is beset with difficulties which can best be illustrated via consideration of gubernatorial edicts. In 209 a proconsul of Asia issued an edict which conferred the right to hold a periodic market on the village of the Mandragoreis which was located in the territory of the city of Magnesia on the Maeander. This edict was inscribed on the basis of an authenticated copy taken from «the papyrus roll of edicts in the archive in Magnesia».⁵⁶ However no other proconsular edict relevant to the public affairs of Magnesia has survived. Indeed only 11 complete (or almost complete) epigraphic examples of proconsular edicts survive for the province of Asia during our period; yet the province of Asia comprised about 300 civic communities, each of which had its public archives and, therefore, its papyrus rolls of proconsular edicts.⁵⁷ This empirical deficit is not a

⁵⁶ SEG 32, 1149 esp. lines 20–46.

⁵⁷ The following examples are known to me: I. Ephesus I 17–19; 23; 24; I. Ephesus VII 1, 3271a and b; I. von Magnesia 114 (all concerning Ephesus); MAMA VII 411 (Aphrodisias); IGR IV 444 (Pergamum); SEG 32, 1149 (Magnesia); AE 1953, 90 (Euhippe) and

peculiarity of the province of Asia. The great provinces of Africa Proconsularis and Syria exhibit a similar dearth of evidence.⁵⁸ In short we have no plausible means of estimating the total number of gubernatorial edicts-ever-issued, although we should assume that a huge volume of authoritative decisions (in the form of letters and administrative/judicial decisions as well as edicts) has been lost to us.⁵⁹

In these circumstances there are obvious empirical constraints on our ability to construct a convincing account of the typical duties constitutive of the role of provincial governor. On the one hand they certainly used their powers of civil and criminal jurisdiction to resolve disputes between private individuals and to maintain social order. These judicial duties were exercised within the context of their assize tour which also provided the framework for a wide variety of politico-administrative functions. For example they adjudicated disputes over the allocation of local civic office or intervened in the financial administration of individual cities. In response to requests, brought to them by letter or embassy, they allocated new privileges to provincial communities or confirmed existing ones; in turn they formally adjudicated disputes between rival civic communities over the access to and control over ideal and material resources.⁶⁰ On the other hand it is impossible to assess empirically the frequency with which such functions were carried out and, thereby, the depth of relations between governors and the constituent communities of their provinces. For example there is no doubt that provincial governors possessed the right to audit the financial accounts of provincial cities; but the incidence and regularity of such audits are simply unknown to us. However, whatever the limitations of our surviving data, this itemisation of the possible range of the duties constitutive of the role of provincial governor allows us to understand one set of processes which served to integrate

SEG 44, 977 (territory of Sardis). The decision, whether by civic authorities or notables, to inscribe publicly such edicts was subject to the same matrix of motivational factors which influenced the inscribing of imperial constitutions; for a clear example see I. Ephesos I 24 (an edict which incidentally refers back to earlier homologous edicts of previous proconsuls which have not been preserved) with the analysis of ECK, *op. cit.* (note 3) 373.

⁵⁸ For Africa I know of only one possible example (ILT 625); in Syria no epigraphic examples of edicts of its governors have survived except for extracts incorporated in the complex provisions of the tariff of Palmyra of 137 (CIS II 3913). In contrast over 60 edicts of the prefect of Egypt have survived, nearly all through the medium of papyri; see only ECK, *op. cit.* (note 45) 13 with literature.

⁵⁹ For example at the accession of a new emperor governors would have issued general edicts which instructed the provincial population to celebrate through festivals and sacrifices; but outside of Egypt (e.g. A. S. HUNT – C. C. EDGAR, *Select Papyri*, no. 222) no copy of such edicts has survived.

⁶⁰ For this kind of approach to understanding the role of provincial governor see G. P. BURTON, *Proconsuls, Assizes and the Administration of Justice under the Empire*, JRS 65, 1975, 99–106.

individual provincial subjects and communities into the broader framework of Roman rule.⁶¹

We can complement this understanding of the impact of provincial governors on provincial society by attempting to assess the extent to which specific particular authoritative decisions were taken within a normative regulatory framework generated by the imperial state and its agents. In this context three regulatory devices are especially important, namely provincial charters (*leges provinciarum*), *mandata* and the governor's provincial edict. To be sure not a single complete example of any of these documents survives; but sufficient allusions to their content exist to allow us to capture some sense of their overarching significance. Let us consider each of these types of ordinance briefly in turn.

The annexation and formal foundation of a new province was accompanied by the promulgation of a provincial charter. Such charters, whatever else may have been regulated by them, certainly shaped the organisation of political life.⁶² So the *lex Pompeia* had imposed political constitutions of the Roman type on the new province of Pontus-Bithynia and included rules on the duties of local censors and on the right of cities to grant honorary citizenship.⁶³ A priori the introduction of political constitutions of the Roman type to the cities of Galatia must also have been based on its *lex provinciae*, although we know nothing of its provisions.⁶⁴ Analogously the *lex provinciae* for Lycia-Pamphylia included rules which regulated the procedures for electing civic magistrates and for granting subsequent periods of exemption from official duties to them. So when the city of Oenoanda in 124 instituted a new quadrennial festival and wished to grant a five-year period of exemption to future presidents of the festival, it needed to gain permission from the provincial governor «since other governors have given us permission by edicts to grant exemption from duties to new magistracies which have been created after the codifications of our laws [*νομοθεσίαι* = *leges provinciarum*] just as obtains for the previously existing magistracies». ⁶⁵ Indeed modifications to a *lex provinciae* could only be made by the imperial state and its agents. So the original rules, enshrined in the *lex Pompeia*, on the minimum age for local office-holding had been altered by an edict of Augustus; while a Trajanic proconsul of Pontus-Bithynia had permitted some cities to impose entry fees on all their civic councillors, although no provision for this practice had been formulated in the original *lex Pompeia*.⁶⁶

⁶¹ For the significance of the resolution of inter-community disputes by provincial governors see BURTON, *op. cit.* (notes 5 and 30).

⁶² On *leges provinciarum* see especially M. WÖRRLÉ, *Stadt und Fest im kaiserzeitlichen Kleinasien*, 1988, 77–100.

⁶³ See especially Pliny, Ep. 10.79; 112 and 114.

⁶⁴ For this point see A. H. M. JONES, *Rome and the Provincial Cities*, RHD 39, 1971, 524.

⁶⁵ SEG 38, 1462 esp. lines 89–92 and 110–112.

⁶⁶ Pliny, Ep. 10.79 and 112. An excellent parallel from Egypt is provided by the Gnomon of the Idios Logos. This code was introduced by Augustus, but by the second cen-

Although all provincial governors at the start of their tenure of office received a set of *mandata* from the emperor, no single complete example has survived. This empirical lacuna is in part to be explained by the fact that in essence *mandata* were private communications which were not intended to be published. However it was always possible for any provincial governor on the basis of their *mandata* to issue by edict normative regulations which were binding on the subject communities of their province. So Pliny had published the instructions contained in his *mandata* which had prohibited both the formation of *collegia* and the gift of civic moneys to private individuals; while Antoninus Pius, as proconsul of Asia, had published the chapter of his *mandata* which concerned the proper conduct of eirenarchs.⁶⁷

Every governor at the beginning of his tenure of office, also, issued a provincial edict (*edictum provinciale*).⁶⁸ Although copies of this edict were sent to each provincial community, again no complete or near complete example survives. However it is certain that the prime purpose of the provincial edict was jurisdictional. Through its publication the governor announced and assured the legal rules and procedures which they would enforce during their tenure of office.⁶⁹ If much of the jurisdictional content of the provincial edict was predictable and tralatian in character, it also provided a mechanism for the introduction of novel regulations specific to their province. So it was presumably via their provincial edicts that governors of Arabia prohibited the practice of σκοπελισμός and prefects of Egypt the damaging of the embankments of the Nile.⁷⁰ Similarly we should assume that the practice of punishing specific crimes more severely in certain provinces was codified via the provincial edict.⁷¹ Provincial governors could also introduce, whether by the provincial edict or functionally analogous

tury (BGU V 1210) had been amended by imperial edicts, *senatus consulta* and decisions of other officials; for the significance of this code as a mechanism for social control by the imperial state see the trenchant comments of A. K. BOWMAN – D. RATHBONE, *Cities and Administration in Roman Egypt*, JRS 82, 1992, 113–14.

⁶⁷ Pliny, Ep. 10.96 and 110; Antoninus Pius: Digest 48.3.6.1.

⁶⁸ In general see R. MARTINI, *Ricerche in tema di editto provinciale*, 1969, and W. BUCKLAND, *L'Edictum Provinciale*, RHDfE 13, 1934, 81 ff.

⁶⁹ Our substantive understanding of the legal content of the provincial edict has been greatly improved by the *lex Irnitana*, especially ch. 85; also cf. ch. 70. Presumably this edict was also the mechanism by which governors announced details of their assize-tour.

⁷⁰ Digest 47.11.9–10. Conviction for both offences might carry capital punishment.

⁷¹ Digest 48.19.9–10; for the specific offence of rustling also see 47.14.1.pr. Note also a letter of Cn. Comitius Corbulo, proconsul of Asia, to the city of Cos (AE 1974, 629) which refers to an earlier edict (perhaps his provincial edict) which had laid down regulations about the obligation of appellants to deposit sureties with the Roman authorities; analogously an authoritative decision (ἀπόφασις) of the proconsul of Macedonia of 212/13 concerning the proper procedures for the manumission of slaves clearly had normative force both during his proconsulship and in subsequent years (for the relevant documentation see H. MÜLLER, *Makedonische Marginalien*, Chiron 31, 2001, 433–41).

general edicts, new normative administrative regulations. Indeed it was in this way that both Pliny and Antoninus Pius introduced their new regulations based on their *mandata*.⁷² Or again the first governor of Lycia, Q. Veranius, issued a general edict which ordered the public slaves, who administered local civic archives, not to accept for registration documents which contained interpolations and erasures.⁷³

In short, whatever the defects of our evidence, it is certain that constitutional devices such as *leges provinciarum*, *mandata* and the provincial edict provided a normative framework which served significantly to shape the pattern of the exercise of power by provincial governors over both the individual subjects and corporate communities who constituted their object of rule.

Finally we can turn to the imperial state's system of surplus extraction and the role of provincial procurators. A priori the long-term stability of the imperial state was predicated on effective mechanisms for extracting and mobilising financial, material and human resources; yet, as we have already noted (above note 38), the lacunose character of our evidence makes it difficult even to construct a convincing account of the processes involved in census-taking and the levying of the tribute in the provinces (with the partial exception of Egypt). These deficiencies in our sources are well illustrated by the example of provincial procurators. Although, thanks to the juristic sources, we can trace the character and development of the jurisdictional powers of provincial procurators, epigraphically not a single example of an official pronouncement of a provincial procurator concerning the levying of either the tribute or indirect taxes has survived.⁷⁴ Yet by definition the process of routinely extracting surplus resources via taxation must have been organised on the basis of a network of normative regulations generated by the imperial state and its agents.⁷⁵ Such an assumption is amply con-

⁷² See above note 67. Whether governors at the beginning of their tenure introduced such new administrative regulations via the provincial edict or via separate specific edicts was once hotly debated (see above note 68); however from the standpoint of this article the question is of purely formal interest.

⁷³ AE 1976, 673. For similar rulings by the imperial state and its agents concerning the proper upkeep of archives see FIRA I 60 (Egypt) and OLIVER no. 186 (Lycia and other unnamed provinces).

⁷⁴ Jurisdiction: see especially P. A. BRUNT, *Procuratorial Jurisdiction*, Roman Imperial Themes, 1990, 163–87; for the non-fiscal activities of provincial procurators see G. P. BURTON, *Provincial Procurators and the Public Provinces*, Chiron 23, 1993, 13–28 (to whose dossier of examples H. MALAY, *Researches in Lydia, Mysia and Aiolis*, 1999, no. 131 can be added). It is another quirk of our evidence that in Asia, for example, epigraphic examples of official pronouncements of domanial procurators of freedman status (e.g. SEG 16, 754 and 37, 1186) outnumber those of the equestrian provincial procurator.

⁷⁵ The only epigraphic example of such normative regulation is provided by the *lex portoria* of Asia (SEG 39, 1180) issued in 62 by the three *curatores publicorum vectigalium* appointed by Nero.

firmed by the rich papyrological documentation of Egypt from where a considerable body of official instructions and correspondence (issued by the prefect of Egypt and other lower ranking equestrian officials) concerning the allocation and levying of taxes has survived.⁷⁶

If the network of imperial regulations and procuratorial instructions and decisions which shaped the obligations of provincial subjects and communities to the imperial state in the sphere of direct taxation is now lost to us, we can, by analogy, grasp some sense of the impact of the imperial state on its subjects through brief consideration of our knowledge (however defective) of the procedures for extracting resources which underpinned the system of official transport (*vehiculatio*) and the maintenance of public roads.⁷⁷

Of all the various forms of taxation in money and kind imposed on the provincial population by the imperial state none is better attested epigraphically than the *vehiculatio* and its associated system of compulsory requisitioning of transport and supplies.⁷⁸ All these epigraphic documents explicitly or implicitly illustrate the classic diplomatic pattern of petition and response through which provincial communities addressed their grievances to the emperor and/or provincial governors or procurators. However these grievances did not occur within a regulatory vacuum; rather they arose in the context of pre-existing obligations and associated regulations autonomously generated by the imperial state. So the famous edict of the governor of Galatia at the beginning of the reign of Tiberius, which precisely regulated the obligations of the city of Sagalassus for providing requisitioned transport, was not only a response to provincial complaints, but also was issued within a context constituted by both pre-existing general regulations of Augustus and Tiberius and unspecified instructions contained in the governor's *mandata*.⁷⁹ Similarly when in the early third century a series of freed-

⁷⁶ For a lucid overview see M. SHARP, *Shearing Sheep: Rome and the Collection of Taxes in Egypt, 30 BC–AD 200*, in: ECK (ed.), *op. cit.* (note 38) 229–40; also now see A. JÖRDENS, *Zwei Erlasse des Sempronius Liberalis und ein Verfahren vor Petronius Mamerinus*, *Chiron* 31, 2001, 37–78.

⁷⁷ In passing we can note that our direct evidence for the work of provincial censors is as defective as that for provincial procurators. However some idea of the possible range of tasks which censors might undertake is provided by the vestigial traces of three authoritative decisions (Digest 47.21.2; SEG 30, 568; AE 1924, 57) of D. Terentius Gentianus, censor of Macedonia at the beginning of the reign of Hadrian, which concerned respectively the punishment of individuals who illegally moved boundary stones, the delimitation of public lands within the territory of a community, and the resolution of a boundary dispute between two neighbouring communities.

⁷⁸ See the classic discussion and collection of documents by S. MITCHELL, *Requisitioned Transport in the Roman Empire*, *JRS* 66, 1976, 106–131; now also compare S. MITCHELL, *The Administration of Roman Asia from 133 BC to AD 250*, in: ECK (ed.), *op. cit.* (note 38) 37–46 and A. KOLB, *Transport und Nachrichtentransfer im Römischen Reich*, 2000, 49–220.

⁷⁹ AE 1976, 653.

men procurators in Asia adjudicated a long running dispute between the villages of the Anoseni and the Antimacheni over their obligations to provide requisitioned transport, their decisions were partly determined by pre-existing rules which had authoritatively decided the geographical extent of the villages' obligations in proportion to their tax assessment.⁸⁰

The imperial state also probably designed and enforced a similar rational method for the allocation among provincial communities of the responsibility for the construction and maintenance of roads.⁸¹ So in Asia at some point in the second century the city of Amyzon, under the supervision of the procurator M. Caecilius Numa, had built «a section allotted to it» of the road between Ephesus and Magnesia on the Maeander, even though this road did not traverse the territory of Amyzon;⁸² while an acephalous letter, probably of a second century proconsul of Macedonia, which concerned the repair of roads and was addressed to the Lyncestae, both referred back to an earlier general edict on the paving of roads (perhaps a reference to his provincial edict) and ordered another community, that of the Antanoi, to contribute one third of the cost.⁸³

In short the extant evidence for the duties constitutive of the roles of provincial governor and, especially, provincial procurators is far inferior to that for the duties constitutive of the role of emperors. Nevertheless qualitatively at least it allows us, however impressionistically, to understand the impact of imperial officials, via their administrative and adjudicatory powers, on the individual subjects and communities who constituted civil society in the provinces. However this routine exercise of power by imperial officials did not occur in a normative vacuum. It is precisely the normative framework (in the form of provincial charters, provincial edicts and general regulations for the mobilisation of fiscal and human resources) which has left only exiguous traces in our extant sources.

Concluding Remarks

In this article I have tried to demonstrate that much of the extant evidence for the working of the imperial state, as personified by its key representatives (emperors, provincial governors and procurators), is structurally partial. This partial-

⁸⁰ SEG 16, 754.

⁸¹ On this topic the discussion of T. PEKARY, *Untersuchungen zu den römischen Reichsstraßen*, 1968, esp. 113ff. remains fundamental; for a brief, but illuminating, exposition of the potentially huge costs (in labour and money) involved in the construction and maintenance of the imperial road system see K. HOPKINS, *Roman Trade, Industry and Labor*, in: M. GRANT – R. KITZINGER, *Civilizations of the Ancient Mediterranean: Greece and Rome*, 1988, 759–61.

⁸² SEG 33, 967. Also compare SEG 45, 1597 for the contribution of the city of Colophon in 92 to work on a road in the territory of Ionian Metropolis.

⁸³ OLIVER, no. 56 = IG X 2.2, 52.

ity is to be explained by a matrix of factors which shaped its production and consequent survival. To claim that the extant evidence, especially the epigraphic and juristic, is partial is not of course to claim that it is totally misleading. Rather it privileges certain routine administrative and jurisdictional functions of the imperial state and its representatives. Indeed these routine functions and the patterns of personal communication between ruler and ruled which underpinned them were a highly significant characteristic of the imperial state. Their reactive character also serves to undermine anachronistic conceptions of the imperial state which tend to interpret specific imperial decisions as manifestations of purposive policies of individual emperors rather than as a structural feature of imperial rule.

However to privilege this particular structural feature is to court an opposite danger, namely to conceive the imperial state as «quasi-mérovingienne» in character.⁸⁴ Rather we need to locate this reactive feature within the context, not systematically reported in our extant evidence, of a state which also had the ambition and power both to create normative regulations which were binding on its subjects and to extract from its subjects a continuous flow of surplus resources. It is only by combining these different features of the exercise of power by the imperial state that we can hope to explain its long-term and relatively uncontested control over its vast territorial empire.⁸⁵

Appendix 1: Addenda to Oliver

The following list itemises by reign seventy-seven epigraphic examples of imperial constitutions additional to those collected by OLIVER. My original attempt to update OLIVER was overtaken by the publication of V. I. ANASTASIADIS – G. A. SOURIS, *An Index to Roman Imperial Constitutions from Greek Inscriptions and Papyri*, 2000. My list owes a great debt to their thorough itemisation (pp. 2–12) of additional material. I have again omitted both papyrological examples and epigraphic examples outside the chronological range of my analysis. I have also not included a substantial number (15) of documents listed by ANASTASIADIS – SOURIS of uncertain authorship which could with equal plausibility be attributed to Roman officials rather than emperors.⁸⁶ I should finally emphasise that many of the additional examples listed below (and originally omitted by OLIVER) are severely lacunose and fragmentary in character and, therefore, add very little to our knowledge of the substantive content of imperial constitutions.

⁸⁴ I borrow the striking phrase of NICOLET, *op. cit.* (note 3) X.

⁸⁵ Finally I need to thank Dr. H. MÜLLER for learned and valuable advice.

⁸⁶ Namely, I. Pergamon VIII 2, 282; I. Beroea 11–12; SEG 32, 471; F. de Xanthos VII 83; I. Didyma 495; IG X 2, 17–18; I. Labraunda III 2, 61; SEG 42, 309; SEG 19, 115; SEG 21, 510a & 511; J. REYNOLDS, *Aphrodisias and Rome*, no. 51; M. SAYAR, *Perinthos-Herakleia und Umgebung*, 1998, no. 35.

1–3. SEG 43, 759–61. Three letters (one of Tiberius and two probably of Germanicus) to the *gerousia* of Ephesus concerning its privileges.

4. TAM V 2, 1396. A letter of Claudius confirming the right of asylum of Hierokaisareia, as interpreted by K. RIGSBY, *Asylia: Territorial Inviolability in the Hellenistic World*, 1996, no. 216.

5. SEG 44, 1205. An edict of Claudius concerning the annexation of Lycia as a province and the measuring of roads connecting the cities of Lycia.

6. G. PETZL, *Gnomon* 64, 1992, 616 note 4. The opening of a letter of Domitian to the *gerousia* of Chios. Its content is unknown.

7–8. SEG 45, 1604. Two letters of Trajan to Miletus. One concerns the relations of Miletus to other cities, the other is of uncertain content.

9–10. SEG 45, 1605. Two further letters of Trajan (or perhaps Nerva) to Miletus. The content of both is uncertain.

11. IGR IV 337. A letter of Trajan to Pergamum; of uncertain content.

12. F. de Delphes III 4, 289. A letter of Trajan to Delphi; of uncertain content.

13. SEG 37, 593. A letter of Hadrian to the Macedonain *koinon* concerning the procedure for electing Macedoniarchs.

14. SEG 38, 1462 lines 1–6. A letter of Hadrian to Oenoanda praising and confirming the institution of a quadrennial festival.

15–17. J. REYNOLDS, *New Letters of Hadrian to Aphrodisias*, *JRA* 10, 2000, 5–20. A dossier of four letters of Hadrian to Aphrodisias. The first concerns the scope of the jurisdictional powers of the local courts. The third concerns the financing of a new aqueduct and the allocation of the revenues provided as *summa honoraria* by civic priests of the imperial cult. The fourth, which is fragmentary, reverts to the issue of the new aqueduct. The second letter provides a second example of a letter concerning the tax-exempt status of Aphrodisias (OLIVER no. 69); it is not therefore counted here as an additional constitution.

18. SEG 38, 1332. A letter of Hadrian to Aspendos in Pamphylia; of uncertain content.

19–20. F. de Delphes III 4, 305–6. Two letters of Hadrian to Delphi; both of uncertain content.

21. SEG 43, 24. A second letter of Hadrian (complementing OLIVER no. 74) concerning the Epicurean school at Athens; addressed to a Heliodorus.

22. I. Ephesos VII 1, 5114. A letter probably of Hadrian to Ephesus; of uncertain content.

23. IG XII 5.1, 657. A letter of Hadrian to Syros; of uncertain content.

24. I. Ilion 94a. The fragmentary opening of a letter of Hadrian to Ilion; of unknown content.

25. I. Smyrna II 598. A letter of Hadrian to the sacred synod of *technitai* at Smyrna concerning their privileges.

26. L. BOURGUET, *De rebus Delphicis imperatoriae aetatis*, 1905, 88–90. A letter of Antoninus Pius to the Amphictyonic league concerning the celebration of the Pythian games.

27. I. Ephesos II 221. A letter of Antoninus Pius (or perhaps Marcus Aurelius) to a religious association at Ephesus; of uncertain content.

28. IGR IV 356. The fragmentary opening of a letter of Antoninus Pius to Pergamum; of unknown content.

29. F. de Delphes III 4, 314. A letter of Marcus Aurelius and Lucius Verus to Delphi; of uncertain content.

30–31. F. de Delphes III 4, 320–21. Two probable letters of Marcus Aurelius and Lucius Verus to Delphi; of uncertain content.

32. F. de Delphes III 4, 322. A probable letter of Marcus Aurelius and Lucius Verus to an unknown addressee at Delphi; of uncertain content.

33. SEG 34, 1089. A letter of Lucius Verus to Ephesus; of uncertain content.

34. I. Ephesos II 220. The fragmentary opening of a letter of Marcus Aurelius to the city of Ephesus; of unknown content.

35. N. P. MILNER, *An Epigraphical Survey in the Kibyra–Olbasa Region*, 1998, no. 49 (I. Kibyra 19), lines 8–25. A letter of Marcus Aurelius (or possibly Commodus) to a Roman official, almost certainly the proconsul of Lycia-Pamphylia, concerning the civic administration of Kibyra.

36. AE 1979, 624. A letter of Commodus to the city of Bubon concerning an increase of its voting powers in the Lycian *koinon* (in consequence of the city's successful efforts to suppress brigandage in its territory).

37. E. SOLOMONIK, *Nouveaux monuments épigraphiques de Chersonèse*, 1964, no. 14. The inscription, as preserved, contains the remnants of two imperial letters, one of Commodus and one of an unknown emperor (below no. 77), addressed to Chersonesus; of uncertain content.

38. SEG 38, 1244. A letter of Pertinax to the city of Tabala in Asia which forms part of a dossier concerning complaints about the activities of the soldiery.

39. I. Ephesos II 222. A letter of Septimius Severus (or perhaps Caracalla) to Ephesus; of uncertain content.

40. I. Ephesos II 295. A letter of Septimius Severus concerning the privileges of craftsmen at Ephesus.

41. F. KAYSER, *Recueil des inscriptions grecques et latines (non funéraires) d'Alexandrie impériale*, 1994, no. 100. A letter of Septimius Severus to a travelling synod; of uncertain content.

42. CIG 3878. This inscription contains the remnants of a letter of Septimius Severus, of uncertain content, addressed to an unknown city in Phrygia as well as the letter published in OLIVER under no. 214.

43. I. Ephesos VI 2025. The fragmentary opening of a letter of Septimius Severus and Caracalla to Ephesus; of unknown content.

44. IGBulg III 1581. A letter of probably Caracalla to (probably) Augusta Traiana; of uncertain content.

45. SEG 37, 1186. A letter of Caracalla to an imperial estate in the neighbourhood of Takina which forms part of a dossier concerning complaints about the activities of the soldiery.

46. J. REYNOLDS, Aphrodisias and Rome, no. 50. An acephalous letter of an unknown emperor to a *curator rei publicae* (or perhaps a proconsul) about the civic finances of Aphrodisias.

47. IGR IV 358. A letter of an unknown emperor to Pergamum; of unknown content.

48. I. Pergamon VIII 3, 148. A letter of an unknown emperor probably to Pergamum; of uncertain content.

49. SEG 42, 1164. A letter of an unknown emperor to Pessinus in Galatia concerning religious matters (perhaps the imperial cult).

50. SEG 46, 735 = I. Beroea no. 10. An acephalous letter of an unknown emperor, probably of the second or early third century, to the city of Beroea; of uncertain content.

51–58. F. de Delphes III 4, 333–40. Fragments of a series of inscriptions interpreted by the editor as the remains of eight imperial letters addressed to Delphi. By context and analogy with other documents these letters presumably primarily concerned the corporate privileges of Delphi.

59. F. de Delphes III 4, 341. The fragmentary opening of a letter of an unknown emperor to an unknown addressee; of unknown content.

60. F. de Delphes III 4, 342. Fragments of another imperial letter to Delphi; of uncertain content.

61–65. I. Ephesos II 218–19, 225 and 227–28. The remains of five separate letters of unknown emperors to Ephesus; all are of uncertain content.

66. I. Ephesos IV 1089. A letter of an unknown emperor to a synod of athletes at Ephesus concerning their privileges.

67–68. IG X 2, 19. Two letters of an unknown emperor (or emperors) to Thessalonike probably concerning its corporate privileges.

69–70. I. Smyrna II 605–6. Fragments of two letters of unknown emperors to Smyrna; of uncertain content.

71. MAMA IV 57. A letter of an unknown emperor to (probably) Synnada; of uncertain content.

72. MILNER (above no. 35) 112. A letter of unknown joint emperors to an unknown civic community or corporate group concerning exactions from peasants.

73. SEG 35, 405b. A letter of an unknown emperor to an unknown city in Boeotia; of unknown content.

74. SEG 45, 405c. A letter of an unknown emperor to Coronea; of unknown content.

75–76. SEG 45, 282. Two acephalous subscripts of an unknown emperor to the city of Sparta. The first concerns internal dissension at Sparta; the second is fragmentary and its content uncertain.

77. A letter of an unknown emperor to Chersonesus (see above no. 37).

Appendix 2: Imperial rescripts to provincial governors in Gualandi

This appendix lists by reign imperial rescripts cited by the classical jurists which were addressed either certainly or very probably to provincial governors. The compilation of such a list is, of course, not unproblematic. Although some recipients of rescripts are specifically designated as provincial governors, there are many cases where the specific status and political role of the recipient are not preserved. From this latter category I have only included in my list recipients who by the criteria of context and of our other knowledge of their public careers were very probably, if not certainly, provincial governors. In general I have adopted a suitably conservative and minimalist approach. For example the names of many recipients of imperial rescripts are preserved in the surviving extracts of Ulpian's work *De officio praetoris tutelaris*. However in the majority of such cases the status of the recipient (private petitioner, praetor or provincial governor) is not preserved. Such recipients have been rigorously excluded from my list, even though they may have been provincial governors.⁸⁷

Trajan

1. Inst. 2.11.1 = Digest 29.1.24: to Statilius Severus.
2. Digest 2.12.9: to Minicius Natalis.
3. Digest 48.18.1.11: to Sernius Quartus.
4. Digest 48.18.1.12: to Mummius Lollianus.
5. Digest 48.19.5.pr.: to Julius Fronto.
6. Digest 48.19.5.pr.: to Adsidius Severus.
7. Digest 48.22.1: to Didius Secundus.

Hadrian

8. Vat. Frag. 223: to Claudius Saturninus.
9. Digest 22.5.3.1: to Vibius Varus.

⁸⁷ For example Vat. Frag. 223 preserves an extract from Ulpian's work which cites a rescript of Hadrian, about exemption from appointment as *tutor*, specifically addressed to the governor of Belgica (below no. 8). The same extract also briefly alludes to a rescript of Antoninus Pius on the same topic to the senator Platorius Nepos (*cos. c. 160*); since it is not clear whether Nepos received this rescript as praetor or as a provincial governor, this example is excluded from my list. For the reigns of Trajan and Hadrian the curious reader may wish to consult the list, also hedged with cautionary notes, of W. ECK, *Chiron* 13, 1983, 205–7.

10. Digest 27.1.15.17: to Vitrasius Pollio.
11. Digest 48.12.3.pr.: to Statilius Secundus.
12. Digest 49.14.2.1: to Flavius Arrianus.
13. Digest 22.5.3.4: to Gabinius Maximus.
14. Digest 37.9.8: to Calpurnius Flaccus.
15. Digest 22.5.3.2: to Valerius Verus.
16. Digest 28.3.6.7: to Pompeius Falco.
17. Digest 49.14.3.9: to Flavius Proculus.
18. Digest 48.5.28.6: to Cornelius Latinianus.
19. Digest 48.5.6.2: to Rosianus Geminus.⁸⁸
20. Inst. 2.10.7: to Catonius Verus.
21. Collatio 1.6.1–4: to Ignotus.
22. Collatio 1.11.1–4; cf. Digest 48.8.4.1: to Egnatius Taurinus.
23. Collatio 13.3.1–2; cf. Digest 47.21.2: to Terentius Gentianus.
24. Digest 1.16.10.1: to Calpurnius Rufus.
25. Digest 5.3.5.1: to Trebius Sergianus.
26. Digest 22.5.3.3: to Iunius Rufinus.
27. Digest 48.16.14: to Salvius Carus.
28. Digest 48.18.1.pr.–1 & 5: to Sennius Sabinus.
29. Digest 48.18.1.2: to Claudius Quartinus.
30. Digest 48.18.1.22: to Calpurnius Celerianus.
31. Digest 48.20.6: to Aquilius Bradua.
32. Digest 48.8.5: to Ninnius Hasta.
33. Digest 48.3.6.pr.: to Iulius Secundus.

Antoninus Pius

34. Collatio 3.3.1–3 = Digest 1.6.2: to Aelius Marcianus.
35. Digest 26.5.12.1: to Insteius Celer.
36. Digest 42.1.31: to Cassius.
37. Digest 48.2.7.2: to Salvius Valens.
38. Digest 48.2.7.3: to Iulius Candidus.
39. Digest 48.2.7.5: to Pontius Proculus.
40. Digest 48.6.6: to Geminus.
41. Digest 48.19.9.16: to Salvius Marcianus.
42. Digest 50.6.6.1: to Ennius Proculus.
43. Collatio 15.2.4: to Pacatus.
44. Digest 37.5.7: to Tuscus Fuscianus (sic).⁸⁹

Marcus Aurelius and Lucius Verus

45. Digest 26.5.24: to Cornelius Proculus.

⁸⁸ Full name T. Priferenius Pactus Rosianus Geminus (*cos. c. 125*).

⁸⁹ Clearly a garbled representation of L. Matuccius Fuscinus, legate of Numidia in 158.

46. Digest 48.18.1.4: to Cornelius Proculus.
 47. Digest 47.18.1.pr.: to Aemilius Tiro.
 48. Digest 48.18.1.27: to Voconius Saxa.
 49. Digest 50.4.6.pr.: to Rutilius Lupus.
 50. Digest 50.2.3.2: to Lollianus Avitus.
 51. Digest 49.14.2.2: to Cornelius Rufus.
 Marcus Aurelius
 52. Digest 2.14.60: to Avidius Cassius.
 53. Digest 28.1.20.9: to Didius Julianus.
 Marcus and Commodus
 54. Digest 1.18.14: to Scapula Tertullus.
 Septimius Severus
 55. Digest 50.6.3: to Venidius Rufus.
 Septimius Severus and Caracalla
 56. Vat. Frag. 119: to Iulius Iulianus.
 57. Digest 48.21.2.pr.: to Iulius Iulianus.
 58. Digest 1.21.4.pr. and 26.10.1.4: to Bradua Mauricus.
 59. Digest 48.22.7.10: to Maecius Probus.
 60. Digest 49.15.9: to Ovinius Tertullus.
 Caracalla
 61. Digest 28.6.2.4: to Virius Lupus.⁹⁰

Of these 61 examples 11 were definitely addressed to proconsuls and 11 to imperial legates. In the remaining 39 examples it is not possible to demonstrate with certainty whether the governors were proconsuls or imperial legates.⁹¹

*Appendix 3: The addressees of imperial constitutions preserved
in Greek inscriptions*

This appendix categorises the addressees of imperial constitutions in OLIVER and my appendix 1 into seven groups (namely imperial officials, private individuals, cultural and religious associations, provincial councils and leagues, general applicability, unclear/unknown, and cities).

1. Officials (n = 4); OLIVER no's 40, 170; appendix 1 no's 35, 46.
2. Private individuals (n = 9): OLIVER no's 35, 50–53, 73, 74, 263; appendix 1 no. 21.

⁹⁰ The reigns of Commodus, Pertinax, Macrinus, Heliogabalus and Severus Alexander exhibit no examples; similarly no imperial rescripts to provincial governors are preserved in legal sources before the reign of Trajan.

⁹¹ Proconsuls: numbers 22, 24, 26, 27, 34, 36, 42, 45, 46, 48, 58. Imperial legates: numbers 8, 9, 10, 23, 43, 44, 50, 55, 59, 60, 61.

3. Cultural and religious associations (n = 22): OLIVER no's 21, 29, 32, 47, 86, 97, 98–104, 128, 157, 158, 168, 206; appendix 1 no's 25, 27, 41, 66.
4. Provincial councils and leagues (n = 19): OLIVER no's 18, 78, 125, 136, 140, 141, 144, 146, 147, 151, 153, 155, 186, 188, 245, 266; appendix 1 no's 5, 13, 26.
5. General applicability (n = 2): OLIVER no's 38, 256.
6. Unclear/unknown⁹² (n = 18): OLIVER no's 25, 41, 119, 145, 169, 175, 176, 178–82, 189, 208, 264; appendix 1 no's 32, 59, 72.
7. Cities⁹³ (n = 202)
 - (a) Achaea (n = 75)

Athens (n = 23): OLIVER no's 77, 83, 85, 92, 134, 161, 173, 183, 184, 193–203, 207, 209, 210.

Coronea (n = 11): OLIVER no's 108–113, 115–118; appendix 1 no. 74.

Delphi⁹⁴ (n = 31): OLIVER no's 31, 42, 44, 45, 61–63, 74bis, 75, 76, 172, 177, 204, 205, 215, 274; appendix 1 no's 12, 19, 20, 29–31, 51–58, 60.

Epidauros (n = 1): OLIVER no. 26.

Gytheum (n = 2): OLIVER no's 15, 90.

Pherae (n = 2): OLIVER no's 190–91.

Sparta (n = 3): OLIVER no. 91; appendix 1 no's 75–76.

Thisbe (n = 1): OLIVER no. 114.

Uncertain (n = 1): appendix 1 no. 73.
 - (b) Asia (n = 85)

Aezani (n = 1): OLIVER no. 213.

Aphrodisias (n = 8): OLIVER no's 69, 211, 218, 219, 278; appendix 1 no's 9–11.

Apollonia Salbake (n = 1): OLIVER no. 268.

Astypalaea (n = 4): OLIVER no's 64, 65, 67, 68.

Chios (n = 2): OLIVER no. 43; appendix 1 no. 6.

Cos (n = 1): OLIVER no. 14.

Ephesos (n = 23): OLIVER no's 71, 82, 135, 138, 139, 160, 187, 244, 265; appendix 1 no's 1–3, 22, 33, 34, 39, 40, 43, 61–65.

Hierokaisareia (n = 1): appendix 1 no. 4.

⁹² Many of these examples are fragmentary and incomplete. However it is likely that in most cases the recipients were cities. For example OLIVER no's 175, 176, 178–82 and 208, all once engraved on the temple of Apollo at Delphi, probably formed part of a larger dossier of imperial letters addressed to the city of Delphi; however it remains possible that, although they concerned the civic and religious affairs of Delphi, they had been addressed to Roman officials or private individuals.

⁹³ Within this group I have included constitutions addressed to sub-civic corporations such as the *neoi* and *gerousiai*. Given its large size I have also subdivided the group by province and individual city.

⁹⁴ All of the following examples, with the possible exceptions of OLIVER no's 42, 63 and 74bis, have the temple of Apollo as their provenance; compare above note 92.

Ilion (n = 1): appendix 1 no. 24.

Miletus (n = 7): OLIVER no's 87, 192, 273; appendix 1 no's 7–10.

Mytilene (n = 1): OLIVER no. 30.

Pergamum (n = 15): OLIVER no's 49, 54, 55, 57–60, 84, 126, 127, 271; appendix 1 no's 11, 28, 47, 48.

Prymnessos (n = 1): OLIVER no. 214.

Rhodes (n = 2): OLIVER no's 34, 66.

Samos (n = 1): OLIVER no. 20.

Smyrna (n = 4): OLIVER no's 48, 255; appendix 1 no's 69, 70.

Stratonicea-Hadrianopolis (n = 3): OLIVER no's 79–81.

Synnada (n = 1): appendix 1 no. 71.

Syros (n = 3): OLIVER no's 257–58; appendix 1 no. 23.

Tabala (n = 1): appendix 1 no. 38.

Takina (n = 1): appendix 1 no. 45.

Uncertain (n = 3): OLIVER no's 107, 259; appendix 1 no. 42.

(c) Cilicia (n = 1)

Laertes (n = 1): OLIVER no. 22.

(d) Creta-Cyrenaica (n = 5)

Cyrene (n = 4): OLIVER no's 120–123.

Ptolemais (n = 1): OLIVER no. 124.

(e) Galatia (n = 1)

Pessinus (n = 1): appendix 1 no. 49.

(f) Lycia-Pamphylia (n = 10)

Aspendos (n = 1): appendix 1 no. 18.

Balboura (n = 1): OLIVER no. 159.

Bubon (n = 1): appendix 1 no. 36.

Corydallia (n = 1): OLIVER no. 149.

Gagata (n = 1): OLIVER no. 152.

Limyra (n = 1): OLIVER no. 148.

Myra (n = 1): OLIVER no. 142.

Nisa (n = 1): OLIVER no. 150.

Oenoanda (n = 1): appendix 1 no. 14.

Tlos (n = 1): OLIVER no. 143.

(g) Macedonia (n = 10)

Beroea (n = 4): OLIVER no's 89, 167, 172; appendix 1 no. 50.

Lyncestae (n = 1): OLIVER no. 56.

Parthicopolis (n = 1): OLIVER no. 156.

Thessalonika (n = 3): OLIVER no. 162; appendix 1 no's 67–68.

Uncertain (n = 1): OLIVER no. 272.

(h) Moesia Inferior (n = 6)

Nicopolis (n = 1): OLIVER no. 217.

Odessos (n = 5): OLIVER no's 129–133.

- (i) Pontus-Bithynia (n = 4)
Nicomedia (n = 3): OLIVER no's 93–95.
Prusa ad Olympon (n = 1): OLIVER no. 106.
- (j) Thrace (n = 3)
Augusta Traiana (n = 1): appendix 1 no. 44.
Thasos (n = 2): OLIVER no's 23, 36.
- (k) Extra-provincial (n = 2)
Chersonesus (n = 2): appendix 1 no's 37, 77.

Appendix 4

This appendix enumerates, by reign, those imperial constitutions preserved in the juristic sources which, either explicitly or by context, were certainly addressed to specific provincial communities or provincial councils.

1. Digest 50.15.8.7 (Vespasian).
2. Digest 50.15.8.7 (Titus).
3. Digest 50.15.1.8 (Trajan).
4. Collatio 11.7.1–3 = Digest 47.14.1.pr. (Hadrian).
5. Digest 5.1.37 (Hadrian).
6. Digest 50.7.5.5 (Hadrian).
7. Digest 50.9.5 (Hadrian).
8. Digest 50.15.1.1 (Hadrian).
9. Collatio 11.6.1 (Antoninus Pius).
10. Digest 1.8.4.pr. (Antoninus Pius).
11. Digest 27.1.6.2 (Antoninus Pius).
12. Digest 27.1.17.1 (Antoninus Pius).
13. Digest 48.3.3 (Antoninus Pius).
14. Digest 48.6.5.1 (Antoninus Pius).
15. Digest 49.1.1.1–2 (Antoninus Pius).
16. Digest 2.14.37 (Marcus and Verus).
17. Digest 48.19.26 (Marcus and Verus).
18. Digest 50.15.1.2 (Septimius Severus).
19. Digest 50.15.1.3 (Septimius Severus).
20. Digest 50.15.1.7 (Septimius Severus).
21. Digest 50.15.1.9 (Septimius Severus).
22. Digest 22.6.9.5 (Severus and Caracalla).
23. Digest 50.2.11 (Severus and Caracalla).
24. Digest 50.15.1.pr. (Severus and Caracalla).
25. Digest 50.15.8.4 (Severus and Caracalla).
- 26–28. Digest 50.15.8.11 (Severus and Caracalla).
29. Digest 1.16.4.5 (Caracalla).
30. Digest 50.15.1.4 (Caracalla).

31. Digest 50.15.8.6 (Caracalla).
32. Digest 49.1.25 (Severus Alexander).
33. Digest 50.15.8.5 (Uncertain).

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