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BARRY BALDWIN

The *acta diurna*

A fascinating thought, in these days of the mass media, that the Romans also had a news bulletin of sorts. And frustrating to have to admit that, save for a dubious item in the <Historia Augusta>, not a single fragment survives.¹ No strong warrant, then, for those scholars who have confidently likened the Roman gazette either to the <Times> of London² or to the modern tabloids.³

It is not that we are devoid of knowledge. The fifty or so allusions to the *acta* in our sources permit some reconstruction of the history and content of what we may call (perhaps a trifle romantically) Rome's daily newspaper. Earlier discussions, restricted by and large to the older German and French manuals and to theses and journals not readily accessible,⁴ do not always provide accurate or complete assemblages of the primary information. Also, some topics remain very much matters for debate. Not only such points of detail as the distinction (if any) between *acta diurna* and *acta publica* or the longevity of their publication, but also the larger issue of how emperors and others exploited this medium for the purposes of propaganda. Hence the present paper.

In 59, on the evidence of Suetonius (JC 20, 1), Julius Caesar *inito honore primus omnium instituit ut tam senatus quam populi diurna acta confierent et publicarentur*. This presumably means that Caesar was the first Roman so to enact.⁵ Nevertheless,

¹ A frustration that no doubt helped to inspire the eleven spurious fragments first published in 1615 by PIGHIUS (in his *Annales*, 2, 378). Defended only by DODWELL, *Praelect.* Camden., Oxford 1692, 665, and LIEBERKÜHN, *Vindiciae librorum iniuria suspectorum*, Leipzig 1844, 1, they have been frequently unmasked as a 15th century forgery. See in particular, H. HEINZE, *De spuris actorum diurnorum fragmentis*, Greifswald 1860; C. ZELL, *Über die Zeitung der alten Römer*, *Ferienschriften*, Heidelberg 1857, Neue Folge 1, 109.

² W. G. WILLIAMS, in his Loeb of Cicero, ad fam. (on 2, 15, 5).

³ E. POSNER, *Archives of the Ancient World*, Harvard 1972, 191.

⁴ The fullest study is that of E. HÜBNER, *De senatus populique Romani actis*, Leipzig 1859 (= *Fleckeisens Jahrb. Suppl.* III, 559–632). Cf. G. HUMBERT, *Daremberg-Saglio I*, 46–52; RUGGIERO, *Diz. Epigr.* I, 44–62; KUBITSCHKER, *RE* 1, 285–301; MOMMSEN, *Staatsrecht* 3, 1017; TEUFFEL-SCHWABE 216. 2; G. BOISSIER, *Tacite* (English version by W. G. HUTCHINSON, London 1906), 215–29; V. LE CLERC, *Des journaux chez les Romains*, Paris 1838; H. RENUSSEN, *De diurnis aliisque Romanorum actis*, Groningen 1857. See also the items registered above in note 1.

⁵ Though J. C. ROLFE's Loeb version renders it «Caesar's very first enactment after

it is a moot point as to whether or not *acta populi* had existed in any form before 59.⁶

At first blush, the answer would seem to be, no. For the very good reason that not one of our sources adduces the *acta* in so many words for any event prior to 59. This is particularly striking in the case of the dozen or so Ciceronian references: his earliest allusions occur in letters written to Atticus in 58.

A lone passage may provoke some disquiet. The elder Pliny, as will be seen, included the *acta* in his bibliographies, and several times cites them for the curious information contained in his *«Natural History»*. A very typical sample is the item concerning a rain of bricks in the year of Milo's death (2, 147). This wondrous event *in acta eius anni relatum est*. The year, of course, is 48, and so causes no problems. However, at the beginning of the very same section, a similar prodigy (a rain of milk admixed with blood) in the consulship of M'. Acilius and C. Porcius *relatum in monumenta est*. The year in question is 114. Hence, if this means *«in the records»*, as the Loeb translator has it,⁷ the conclusion would have to be that *acta* of some sort were published before the consulship of Julius Caesar.

Relatum est in both passages catches the eye. And any dictionary will disclose that *monumentum* is frequently used of written documents. However, the only other passage containing this noun ever taken by scholars⁸ to refer to the *acta* is in, of all places, the *«Historia Augusta»* (Comm. 11, 5): *ludum semper ingressus est et, quotiens ingrederetur, publicis monumentis indi iussit*. It is well worth observing that, shortly afterwards (Comm. 15, 4), the biographer follows up with a reference to *actis urbis*, with the same attendant phraseology (*indi iuberet*) as before.

This phenomenon may be instructive for the methods of that egregious biographer. In neither author, however, must *monumenta* ineluctably refer to *acta*. A prodigy from the heavens and the posturings of a megalomaniac *princeps* could equally have been deemed worthy of commemoration in special inscriptions. The Plinian item might have appeared to Julius Caesar to be precisely the sort of thing his *acta diurna* could and should subsume. After all, he was also the *pontifex maximus*. And, as a politician, he will have found it useful to publish favourable prodigies to counter the doleful prognostications of Bibulus⁹ in 59.

Caesar may have regularised and expanded what had hitherto appeared occasionally and in more restricted physical form. The real issue, indeed, may not be the publication of the *acta diurna* but that of the *acta senatus*. Analysis of the Sue-

becoming . . .» and ROBERT GRAVES' Penguin translation follows suit (*«Caesar's first act as consul»*). Cf. H. AILLOUD's Budé version (*«établit le premier . . .»*).

⁶ HÜBNER, followed by HUMBERT and others, denied that there had been any before 59, against BECKER-MARQUARDT, *Handbuch der römisch. Alterthümer*, Leipzig 1851, 1, 39.

⁷ Cf. the version *«consignés dans les documents»* of J. BEAUJEU's Budé.

⁸ HUMBERT and KUBITSCHKEK, for instance, adduce it for the *acta publica*; by contrast, it is omitted from the register of passages in the TLL.

⁹ Suetonius, JC 20, 1: *domo abditus nihil aliud quam per edicta obnuntiaret*.

tonian word order is instructive. The biographer wrote *tam senatus quam populi diurna acta*. In all other plain *tam/quam* sequences in the «De Vita Caesarum», the more important item of the two invariably goes with *tam*.¹⁰

On this reckoning, it was Caesar's prime concern to have senatorial business made public. Which makes very good political sense. His consulship was that of a populist;¹¹ he will certainly have wanted the voters to know which nobles were opposed to popular measures. Moreover, transcription and publication of the senate's business could be represented as a reasonable and logical extension of the established practice of the recording and occasional publication of senatorial decrees.

We are compelled to such conjectures because of Suetonius' failure to offer any explanation for Caesar's policy. However, the notion that it was the senatorial *acta* that were more to the political point is nourished by the fact that it was these, and not the gazette, that Augustus thought it prudent to suppress. The consequences of this policy, on which Suetonius is again silent as to motive (Aug. 36), for imperial propaganda and the *acta diurna* will be examined in due course.

What exactly does *populi diurna acta* imply? There are those¹² who restrict the scope to transactions of the Assemblies or courts. That might possibly have been the original intent. But if so, then it is surely odd that Cicero never adduces them in a speech: all the extant references are contained in his letters.

Possibly he considered their content alien to the dignity of his oratory, an attitude later paralleled by the scorn evinced (when it suited him) by Tacitus (ann. 13, 31, 3). Yet one doubts that Cicero maintained a consistent policy. If the *acta* of his day were as varied as they could be in the imperial period, then their contents would have been ideal for his more knockabout attacks on individuals.

When talking of *acta diurna*, it must be borne in mind that we are not absolutely certain that this was always the case. Apart from the Suetonian passage on Caesar's publication, the only references to a daily gazette are imperial in date: one in the biographer (Claud. 41, 3), two in Tacitus (ann. 13, 31, 3; 16, 22, 6). Elsewhere, they are referred to in a variety of ways; whether or not the inconsistency betokens anything, we shall consider later. The same holds good of Dio Cassius, apparently the only Greek source to mention the gazette. Dio never alludes to a daily publication. It is possible, then, that the frequency with which the *acta* appeared was variable; the descriptive *diurna* in Suetonius' account of Julius Caesar's publication could be anachronistic.

¹⁰ JC 24, 3; 74, 2; Aug. 66, 4; Tib. 13, 2; 59, 1; Claud. 1, 5; Galba 3, 2; Dom. 2, 2; 20. These statistics are based on the «Index Verborum» to Suetonius compiled by A. A. HOWARD and C. N. JACKSON (Harvard 1922).

¹¹ Suetonius, JC 20, 3: *cetera item, quae cuique libuissent, dilargitus est contra dicente nullo aut, si conaretur quis, absterrito . . .*

¹² MICHAEL GRANT, for example, takes Suetonius as referring to decrees of the Assembly in his *Julius Caesar*, London 1969, 83; ROBERT GRAVES' Penguin version is «proceedings of the People's Court».

This is an appropriate cue to turn to the evidence of Cicero as to the nature of the *acta* of his day. As earlier remarked, the allusions are confined to his correspondence. Their range is as follows:

Ad Att. 3, 8, 3 (May 29, 58); 3, 10, 1 (June 17, 58); 3, 15, 6 (August 17, 58); 6, 2, 6 (April ?, 50). Ad fam. 2, 15, 5 (August, 50); 9, 16, 4 (July, 46); 10, 1, 2 (September, 44); 12, 23, 2 (October, 44); 10, 28, 3 (February, 43); 12, 28, 3 (March, 43); 11, 25, 1 (June 18, 43); 12, 8, 1 (June, 43).

It must be admitted that only twice does Cicero's language undeniably indicate the gazette: ad Att. 6, 2, 6: *acta urbana*; ad fam. 12, 23, 2: *rerum urbanarum acta*. A third passage is comparable: ad fam. 10, 28, 3: *res urbanas actaque omnia*. Otherwise, the references are all simply to plain *acta*. In some cases, ambiguity results. For instance, the phrase *acta quae essent usque ad VIII Kal. Jun.* (ad Att. 3, 10, 1) might simply mean 'events up to May 25' (cf. ad fam. 12, 28, 3 for a similar example). For the most part, however, all the foregoing passages from Cicero have been taken to refer to the gazette and, given the improbability of plain *acta* referring to the *acta senatus*, it is legitimate to analyse them in this light.¹³

The letters written to Atticus in 58 indicate that Caesar's policy for the publication of the gazette had been duly implemented. It is, of course, natural that Cicero's earliest references to the *acta* should turn up in letters written in the course of his exile. From the chronologies, it is clear that Atticus' letters and packages of news were reaching the orator in Thessalonica with fair speed.

In one case (ad Att. 3, 15, 6), Cicero is expecting the gazette of August 1. Otherwise, he is seen waiting for the *acta mensis Mai* (ad Att. 3, 8, 3) or those up to May 25 (ad Att. 3, 10, 1). Frequency of publication is unclear. Was Cicero waiting for the entire collection of issues for the month of May to come in one big parcel? Or a single issue covering the whole month? Or a digest of the month made for him by Atticus?

Although it does not necessarily imply daily publication, the reference to the issue of August 1 shows that the *acta* carried a specific day's date. From the orator's own comments, it is clear that he regarded their content as reliable enough to condition his own actions. On the basis of what will prove to be in the awaited issue of August 1, *statuam in tuosne agros confugiam*. A little earlier, he had accepted Atticus' judgement of their worth: *suades ne longius discedamus dum acta mensis Mai ad nos perferantur*.

Some years later, when Cicero was away from Rome as a governor rather than an exile, he was less inclined to rely on the *acta* for vital news. A famous letter of M. Caelius Rufus (ad fam. 8, 1) discloses that he had promised *me omnes res urbanas diligentissime tibi perscripturum*; Caelius has his *operarii* (scribes or reporters?) to prepare accounts so detailed *ut verear ne tibi nimium arguta haec sedulitas*

¹³ Cf. SHACKLETON BAILEY on ad Att. 3, 8, 3.

videatur; all this is to be further supplemented by Caelius' own letters, and by packages of *senatusconsulta*, *edicta*, *fabulae*, *rumores*.

A provincial governor, of course, was in a more privileged position for receiving news from home than a political exile. Hence the point is of limited cogency. Nevertheless, it might indicate that Cicero in 50 felt the gazette less vital to him than he had in 58.

But there is no warrant for being narrowly schematic. The quality of a newspaper can ebb and flow. In several of the relevant letters written after the Ides of March, Cicero regards the reports of the *acta* to be sufficiently detailed to absolve him from the need to attach long letters. Ad fam. 12, 23, 2 (to Cornificius) is typical: *rerum urbanarum acta tibi mitti certo scio. Quod ni ita putarem, ipse perscriberem, in primisque Caesaris Octaviani conatum* (cf. ad fam. 10, 1, 2; 11, 25, 1; 12, 28, 3 for similar expressions).

This allusion to the attempt on Antony's life implies that the *acta* contained <front page headlines>, with sensational news (*fictum* in this case, Cicero alleges) and the naming of prominent names. Furthermore, if Cicero's scathing words to Cassius, *scelus affinis tui Lepidi summamque levitatem et inconstantiam ex actis, quae ad te mitti certo scio* . . . (ad fam. 12, 8, 1), owe anything to the news, it is clear that the gazette did not always mince its words.

The *acta*, then, contained serious news, reported in considerable detail. And prominent Romans might well expect to find their names there, in favourable or unfavourable stories. To the foregoing examples can be added an account of the political *constantia* of Curio (ad Att. 6, 2, 6), and Cicero's complaint to Caelius (ad fam. 2, 15, 5) to the effect that *De Ocella parum ad me plane scripseras, et in actis non erat*. This relates to that versatile adulterer, Servius Ocella, who, according to a subsequent letter from Caelius (ad fam. 8, 7, 2), *nemini persuasisset se moechum esse nisi triduo bis deprehensus esset*. Clearly, Cicero expected to read about this sort of adventure in the gazette of his day.¹⁴

Six references in the commentaries of Asconius Pedianus¹⁵ supplement our knowledge of the gazette in Cicero's day. It may or may not be significant that these allusions (which invariably adduce plain *acta*) are restricted to two commentaries: one in the <In Scaurianam>, five in the <In Milonianam>. Asconius consulted the gazette mainly for precise dates of such events as the impeachment of Scaurus (19, 4) or the issuing of a *senatus consultum* (44, 9). He also went to the *acta* for names: they identify a freedman who led the siege of Pompey's house (46, 26), and a

¹⁴ An indication of the lighter side of the *acta* in Cicero's time. The episode of Ocella is nicely reminiscent of, say, the <This England> column in the <New Statesman>. Caelius well appreciated the pleasure occasioned by this sort of thing, especially for expatriate readers: *scio quam omnibus peregrinantibus gratum sit, minimarum quoque rerum quae domi gerantur, fieri certiores* (ad fam. 8, 1, 1).

¹⁵ References to Asconius are by page and line of the OCT of A. C. CLARK.

couple of speakers at an Assembly debate (49, 7). On one occasion (44, 9), the *acta* disappoint him; they furnish a date, but further investigation elicited the comment

It is to be remarked that Asconius evinces none of the disdain for the gazette *ultra relatum in actis illo die nihil*.

manifested on occasion by Tacitus and others. On the contrary, he emphasises his reliance on it: *sed ego, ut curiosius aetati vestrae satisfaciam, acta etiam totius illius temporis persecutus sum* (44, 9).¹⁶ And when the *acta* and a speech of Cicero corroborate each other, that is reason enough to reject the rival view of the scholar Fenestella: *acta etenim magis sequenda et ipsam orationem quae actis congruit puto quam Fenestellam qui . . .* (31, 13). All in all, Asconius is the primary source most consistently confident in the quality of information provided by the gazette.

Suetonius, as earlier observed, offers no reason for Julius Caesar's concern with the publication of *acta*. The motives are, of course, obvious enough. Dio Cassius confirms what has already been said about them in this paper. In his earliest surviving reference to the *acta* (44, 11, 3),¹⁷ the historian notes that Caesar caused his refusal of the title of King to be inserted into the gazette. This sets a predictable precedent many emperors were only too pleased to follow.

Suetonius tells us quite neutrally (Aug. 36) that Augustus forbade the publication of the *acta senatus*. Exactly when he made this enactment is unclear. The biographer shoves the item in at the head of a list of regulations governing various magistrates and commissions. His policy appears to have been maintained by successive rulers; at any rate, no emperor is said by Suetonius to have reversed the Augustan ban. A letter of Fronto implies that the policy obtained in the Antonine period: *hunc, nisi ita laudo ut laudatio mea non in actis senatus abstrusa lateat, sed in manibus oculisque versetur . . .* (ad M. Caes. II = VAN DEN HOUT, p. 24). It may be subjoined that the «Historia Augusta» credits no later *princeps* with any change of policy.

Augustus, however, did not suppress the gazette. And this policy also seems to have been followed by the emperors in general. Either they thought it essentially too trivial and apolitical to be worth banning or – what is much more likely – they were confident of being able to control its content. The various imperial interventions recorded by the sources will presently justify this view.

Some emperors allowed items from the *acta senatus* to appear in the gazette. The paucity of sources may distort, but this seems particularly true of Trajan. It is not, of course, very surprising that Pliny should claim in the «Panegyricus» (75, 1) that he could not hope to cover all the senatorial acclamations and the like which that

¹⁶ Cf. 44, 9; 47, 1, for the emphatic *cognovi* of his researches into the *acta*. The phrase *acta enim totius illius temporis* at 44, 9 may confirm MANUTIUS' supplement *temporis* after *acta* at 47, 1 rather than BAITER's *anni*. As we saw in the case of Cicero, Asconius tends to refer to *acta* for a particular period rather than dated issues of a particular day.

¹⁷ Not 47, 11, 3, as HUMBERT and the RE notice.

body wished in *publica acta mittenda*. More to the point is the concomitant remark that before Trajan, *acclamationes quidem nostrae parietibus curiae clauderantur*.

An odd disclosure, that. One would have expected the 'bad' emperors at least to have wished the public at large to read of the eulogies bestowed on them in the senate. This Plinian revelation ought also to be kept in mind by students of the <Historia Augusta> when assessing the worth of such texts offered by that notorious compilation.¹⁸

To what extent Augustus sanctioned publication of the *acta senatus* in the gazette is uncertain. Probably not much, to judge by the sources. As Octavian, in 38 B. C., he had attended to the public acknowledgement of the birth of Drusus, the brother of Tiberius.¹⁹ However, the only item adduced from the gazette for the entire reign of Augustus by any source is an innocuous one concerning a freedman's exceptionally large family. We owe this to the elder Pliny, who unearthed it in *actis temporum divi Augusti* (NH 7, 60).

Tiberius, typically, took great pains to ensure that the senatorial record reflected what he wished it to. A duly sinister note is provided by Tacitus, writing of the year 29: *fuit in senatu Junius Rusticus, componendis patrum actis delectus a Caesare, eoque meditationes eius introspicere creditus* (ann. 5, 4). This may very well be the origin of the *curator actorum senatus* or *ab actis senatus*.²⁰ The emperor evidently made sure that the record was drawn up by a reliable man. In a later age, it is instructive to note, Trajan enjoyed the services of just such an individual: the *acta senatus* in his reign were, for a season, superintended by no less a person than the future emperor Hadrian (HA, Hadr. 3, 2).

After making due allowance for the limited and therefore almost certainly distorting nature of the sources, collation of the surviving items will afford at least a glimpse of what was not allowed to appear in the gazette under individual emperors. Suetonius adduces it only four times. Twice (Tib. 5; Cal. 8, 2), it is in pursuit of his most carefully paraded research interest, the establishing of the precise birth-place of an emperor. As in the case of Asconius, Suetonius will use the evidence of the gazette against a rival literary source. A third passage (Cal. 36, 2) notes that Caligula had statements of divorce filed and *in acta referri*. Along with this should be noted the contemptuous remark of Seneca in Nero's time to the effect that *nulla sine divortio acta sunt* (de ben. 3, 16, 2). Finally, Suetonius records examples of Claudius' new-fangled alphabet *in plerisque libris ac diurnis titulisque operum* (Claud. 41, 3).

The overall infrequency of references in Suetonius should be noted; they are

¹⁸ See later for these.

¹⁹ Dio 48, 44, 3; assuming, that is, that τὰ ὑπομνήματα are equivalent to *acta* here. If so (and it is the only noun Dio uses elsewhere of the gazette), then the Loeb translation is palpably wrong in rendering it as «his memoranda».

²⁰ See FURNEAUX, ad loc.

adduced only for three reigns, and there is nothing after Claudius. Does this betoken (among other possibilities) the relative absence of scandal from the gazette? If so, then comparisons with modern tabloids need to be restrained.

The situation is similar in the extant narratives of Dio Cassius. As earlier mentioned, he is apparently the only Greek source to adduce the *acta diurna*. Given the usual Greek unfamiliarity with Latin, this is a point of uncertain significance, although the failure of Plutarch to make use of them is striking.²¹ In addition to the two passages already cited, there are a further five allusions in Dio to the gazette; three concern the reign of Tiberius. Two (one perhaps a doublet?) mention the recording of public greetings of dignitaries on the part of Livia (57, 12, 2) and Agrippina (60, 33, 1). To influence public opinion in his direction with regard to certain *maiestas* trials, the shrewd Tiberius had remarks defamatory to himself made by the defendants published in the *acta* (57, 23, 2). In another area of life, the emperor forbade publication of the name of the architect who corrected a lean to Rome's largest portico (57, 21, 5). This item should be set alongside the complaint of Tacitus that imperial buildings are a subject for the gazette rather than for historians. The alleged motive for Tiberius' action is jealousy.

Finally, Dio records (67, 11, 3) that Domitian tried to conceal the number of his victims by not allowing their names to be published in the gazette. Which smacks of the techniques of suppression employed in Orwell's <1984>. It is clear that the effort, if made, was far from successful; Suetonius (Dom. 10, 2, 2-4) has no trouble compiling a select register.²² And it might be thought improbable that Domitian would depart so far from the example of his model Tiberius' technique (earlier discussed) of trying to win public support for his condemnations by disseminating select details.

Dio does not adduce the *acta* for any reign after that of Domitian. This is something else pertinent to analysis of the <Historia Augusta>, since all but one of the latter's allusions to the gazette bear on reigns covered by Dio. Not that any firm conclusion can be drawn, given the condition of Dio's text; but it remains a suggestive statistic.

As with Suetonius and Dio Cassius, so with Tacitus. The Roman historian's

²¹ Given that a Greek might apply to Roman friends or patrons for a translation. On Plutarch in this regard, see C. P. JONES, *Plutarch and Rome*, Oxford 1971, 81-7. Plutarch may, of course, have adduced the gazette in his lost imperial *vitae*, albeit there is no sign of them in the <Galba> and <Otho>.

²² The matter has a bearing on Tacitus, Agric. 2, 1: *legimus* ... (the impeachments of Arulenus Rusticus and Herennius Senecio). OGLVIE-RICHMOND take this to allude to the *acta senatus* or *acta diurna* (either way, this could have implications for provincial distribution, since Tacitus may have been away from Rome at the time), adding that Domitian, according to Dio, «sometimes» suppressed the names. It should be emphasised that there is no equivalent to «sometimes» in Dio's Greek.

formal use of the gazette is infrequent, and strikingly limited in scope. Four items only, all from the <Annals>: why none in the <Histories>?²³

Too much should not be made of the scornful comment in ann. 13, 31, 1: *pauca memoria digna evenere, nisi cui libeat laudandis fundamentis et trabibus . . . volumina implere, cum ex dignitate populi Romani repertum sit res inlustris annalibus, talia diurnis urbis actis mandare*. Cornelius Tacitus knew that there was more to the gazette than this. When researching an item concerning the mother of Germanicus, he notes (ann. 3, 3, 4) without distinction or prejudice that *non apud auctores rerum, non diurna actorum scriptura reperio*. The desire to insert a disquisition on the evolution of the city limits prompts him to note, by way of concluding the subject, that the Claudian limits were recorded *publicis actis* (ann. 12, 24, 11).

Above all, there is the speech of Cossutianus Capito attacking Thrasea, in the course of which he is made to denounce that Stoic for <headline hunting>: *diurna populi Romani per provincias per exercitus curatius leguntur, ut noscatur quid Thrasea non fecerit* (ann. 16, 22, 6).²⁴ It should be noted that this does not imply that the gazette was being devoured for its *acta senatus* extracts; according to Capito (16, 22, 1), Thrasea had not been in the House for three years.

The younger Pliny was alive to the pleasures and utility of the gazette.²⁵ He had perhaps been steered in this directly by the example of his uncle. The desire to publicise himself will have been another factor. The aforementioned passage from the <Panegyricus> can here be recalled. Pliny is evidence for the verbatim transcription of an imperial decree in the gazette: *liber principis severus et tamen moderatus: leges ipsum; est in publicis actis* (ep. 5, 13, 8). This same avenue offered for functionaries. Hence, another letter (7, 33, 3), giving the <inside story> of Pliny's involvement in the prosecution of Baebius Massa, although it was something that had appeared *in publicis actis*.

SYME²⁶ (amongst others) took this allusion to indicate the existence of *acta publica* different both from those of the senate and the gazette. There is no warrant for this complicating notion. The sources refer indifferently to plain *acta*, *acta diurna*, *acta urbana*, *acta populi* (with or without the addition of *Romani*), and *acta publi-*

²³ See later for the possible relevance of Pliny, ep. 7, 33, 3, to this question.

²⁴ Because of the unusual omission of the noun *acta*, this passage can be overlooked; it does not appear under this rubric in, e.g., the TLL or in GERBER-GREEF-JOHN, *Lexicon Taciteum*.

²⁵ In ep. 9, 15, 3 (written to Pompeius Falco from his Tuscan estate), Pliny signs off with this request: *tu consuetudinem serva, nobisque sic rusticis urbana acta perscribe*. This is commonly taken to allude to the gazette (SHERWIN-WHITE takes it thus), but it might refer only to Falco's epistolary habits. We noticed this ambiguity in some of Cicero's letters. A significant point, since Pliny is waxing Ciceronian here (the orator uses *perscribere* at least three times in identical contexts) and may be imagining himself back in the Republic awaiting vital news from Rome.

²⁶ Tacitus, Oxford 1958, 120 n. 2.

ca.²⁷ The adjective *publica* is surely a natural equivalent to *populi*.²⁸ Nor is it the case that these latter phraseologies are restricted to loftier items; the elder Pliny (NH 8, 145) has an affecting story of a loyal dog that he says was *actis populi Romani testatum*.

There is something else of consequence about the present letter of Pliny. The recipient is none other than Cornelius Tacitus himself! He is assured in the opening sentence that *historias tuas immortales futuras*. Thus, when Pliny goes on to say, *demonstro ergo quamquam diligentiam tuam fugere non possit, cum sit in publicis actis*, could it be a combination of gentle hint and sarcasm through which the historian is urged not to neglect the gazette as a valid and important source? That is perhaps a nice thought.

Whether the elder Pliny was wont to adduce the *acta diurna* in his lost historical narratives, we naturally cannot tell. The bibliographies to Books 7, 8, and 10 of his *Natural History* include bald references to *acta*, shoved in amidst literary authorities without distinction or amplification.²⁹ In the text itself, *acta* are cited on five occasions. Three of these items were earlier discussed: the rain of bricks, a loyal dog, and the polyphiloprogenitive *libertus*. Of the remaining two, one concerns a sporting fan's suicide at the cremation of Felix, the Red charioteer (7, 186); the other records the epiphany of a phoenix in A. D. 37 (10, 5).

The sporting notice reminds one of the suggestion of FRIEDLÄNDER³⁰ that the *acta* may have contained news of chariot races. A plausible notion, and one that could easily be extended to arena affairs. Nevertheless, no source can be produced to support it. Two passages might possibly militate against the idea. Juvenal gets news of a Green victory in Rome, not from the gazette, but from the noise of the crowd (11, 198). An enterprising owner of chariots, one Caecina, sent news of his victories to friends by carrier swallows, each one *inlito victoriae colore* (Pliny, NH 10, 71).

All three Plinian volumes for which the *acta* are cited as a source are devoted to curious lore and prodigies. This may seem to imply that such must have been the basic content of many issues of the gazette. Indeed, this could have been the case. Yet that does not mean that the *acta* were unremittingly tabloid in content. After all, one does find odd items in the best modern newspapers, and they are quite properly there. Nor is it to be forgotten that what may seem silly or trivial to ourselves did not always seem so to the ancients.

²⁷ Similarly, Dio Cassius usually employs the plain noun ὑπομνήματα, but he once adorns it with the epithet δημόσια (57, 12, 2), and once with κοινά (57, 23, 2), with no obvious distinction as to the nature of the subject matter.

²⁸ A point made by SHERWIN-WHITE in his Commentary on ep. 5, 13, 8.

²⁹ A number of the compilations of references adduced throughout this paper register only the bibliography to Book 8.

³⁰ Sittengeschichte I², 290.

Pliny's mention of the phoenix is an example. Tacitus (ann. 6, 28) does not disdain a lengthy disquisition on the topic, and reports without sarcasm that the bird's advent *praebuit materiem doctissimis indigenarum et Graecorum multa super eo miraculo disserendi*.³¹ He does not adduce the gazette for the item, nor does it look as though he needed to. For all that, the item may alert us to the possibility that writers exploited the *acta* more than they care to admit.

This can hardly be demonstrated, but at the very least it can be said that very similar things are to be seen in the gazette and in literature. To give a single example, Pliny's collection of canine anecdotes, for one of which the *acta* are adduced, recalls the Suetonian tale of a prophetic visit by a dog to the breakfast table of Vespasian (Vesp. 5, 4).

In the <Satyricon> of Petronius (53, 1–10), a clerk inflicts on the gathering a recital of events on Trimalchio's estates *tanquam urbis acta*. The passage is generally taken to be an indication of the nature of the real thing.³² Perhaps so; but one must be careful. Is it direct parody, or parody by inversion? That is to say, does Petronius amass items very similar to the ones commonly featured in the gazette, or are his examples very dissimilar for the purpose of reverse humour? From what we know of the *acta diurna*, one or two of the Petronian episodes are redolent of the real thing, namely the announcements of births and divorce.

Another satirist who found the *acta* a convenient point of reference was Juvenal. There are three almost certain references, and a more debatable fourth. Thanks largely (one supposes) to the fact (in itself perhaps suggestive) that three of the four occur in the so-called obscene Satires 2, 6, and 9, they tend to get omitted from the compilations of references.³³

Of homosexual nuptials, Juvenal observes: *fient ista palam, cupient et in acta referri* (2, 136). When Virro wishes to publicise his virility by advertising the names of his offspring, he is told: *tollis enim et libris actorum spargere gaudes* (9, 84). Births, at least prominent ones, were a regular feature of the gazette. So were divorces, in which case we can imagine that marriages also appeared there. At 7, 104, the satirist asks acidly *quis dabit historico quantum daret acta legenti?* Perhaps a tribute to the popularity of the gazette, the line recalls the aforementioned distinction drawn (when it was to his purpose) by Tacitus between historiography and journalism. It may be that the comparison was by now something of a rhetorical *topos*.

A sequence depicting what cruel mistresses do whilst their maid is being whipped contains the line *et caedit, longi relegit transversa diurni* (6, 483). FRIEDLÄNDER followed the scholiast in explaining the *diurni* as referring to the *ratiocinium*

³¹ Pliny and Dio (58, 27, 1) date the appearance to 37, whereas the Tacitean notice is under the year 34.

³² Cf. K. F. C. ROSE, *Trimalchio's Accountant*, CP 62, 1967, 258–9.

³³ For instance, from the TLL and the RE notice.

diurnum or household accounts.³⁴ But this does not fit the character of the lady in the least. The concomitant examples of her behaviour involve her facial toilet, the consideration of what to wear, and gossip with friends. She is not the sort of mistress who gives up her time to domestic accounts. Indeed, she will presently be vilipended for not watching the budget: *nulla viri cura interea nec mentio fiet / dammorum . . . gravis est rationibus* (6, 508–11).

If Juvenal is here alluding to the gazette, then we have a precious notice of its physical format. It was of some size³⁵ (*longi*), and was written right across the page or board (a format suggesting a series of headlines and captions?) rather than in columns (*transversa*).³⁶

Otherwise, we know from Suetonius that the gazette employed the alphabetic innovations of Claudius for a time. As to the literary style of the thing, Quintilian (9, 3, 18) mentions that the idiom *saucius pectus* was *iam vulgatum actis*. Since the comment crops up in a discussion of Graecisms in Roman literature, it must reflect the style of the *acta*, not a piece of bad grammar (*saucius* for *saucium*). This may well be the most fascinating glimpse we have of the reportage of the *acta diurna*.³⁷

Two other references can be fitted in here. A passage in Valerius Maximus (2, 9, 3) indicates that cases of personal luxury and sumptuary legislation were fodder for the gazette. Seneca, apart from his comment on the number of divorces in them, once boasts that *beneficium in acta non mitto* (de ben. 2, 10, 4). This might hint at some well-publicised private charities on the part of certain individuals. Yet that is not a necessary inference; it could be taken as a natural and colloquial expression along the lines of our own ‘shout it from the rooftops’.

The ‘Historia Augusta’ (alas!) cannot be left out of the picture. Especially as it offers what, if taken as genuine, would be the unique verbatim extract from the *acta*. Only one of the alleged sextet of biographers affects to have consulted the gazette regularly. That is ‘Vopiscus’, when ushering in his ‘Life of Probus’. Both *acta senatus* and *acta diurna* are laid claim to, along with such bibliographical gems as the volumes of the Ulpian Library, the *regesta* of the scribes of the Porphyry Portico, and the *ephemeris* of that universal favourite, Turdulus Gallicanus (Probus 2, 1). As a genuine source, the gazette is here condemned by the company it

³⁴ See later for the possible significance of the regular failure of Juvenal’s scholiasts to see *acta* as alluding to the gazette.

³⁵ This would be congruent with the passages earlier adduced from Cicero which implied considerable detail on the part of the *acta*.

³⁶ On this, see DUFF’s note (adducing Suetonius, JC 56, 6). Presumably, we are to imagine the lady as going out to see the gazette posted up in the city; a copy intended for private use would surely have been made in neater and more economical columnar form.

³⁷ And perhaps a further reason for believing that the preceding passage of Juvenal *does* allude to the gazette; the sort of story conjured up by the phrase *saucius pectus* will surely have appealed to the lady in question.

keeps. And it is almost superfluous to observe that the *acta* are never actually invoked for a specific item.

There are four passages in the HA in which the gazette is featured. These references are, it should be noted, very much a speciality of <Lampridius>, who claims three of them. At Diadumenianus 6, 7, it is asserted that Commodus was enrolled as Antoninus on the day of his birth by Marcus Aurelius who *in publicas edidit*.³⁸ We have seen in better sources that this was the sort of thing regularly inserted into the gazette. The present notice, however, attracts suspicion from the mere fact that it occurs in a sequence on the *nomen Antoninorum*, one of the HA's more notorious obsessions.³⁹ Further disquiet accrues from a cognate notice in Gord. 4, 8, where <Capitolinus> serves up the palpable fiction that Gordian thus named his progeny *publicis actis*.

<Lampridius> ascribes to Marius Maximus the claim that Commodus *omnia quae turpiter, quae impure, quae crudeliter, quae gladiatorie, quae lenonie faceret, actis indi iuberet* (Comm. 15, 4). One detail of this could be credited: Commodus may well have publicised his feats in the arena. Otherwise, it looks very much like a parody masquerading as fact, somewhat reminiscent of the Petronian burlesque of the *acta urbis*. Without claiming that the biographer is directly influenced by Petronius, it can be remarked that *acta urbis* is the formula used in both cases.

In the highly fictional <Life of Alexander Severus> (6, 2–5), Lampridius produces a detailed and verbatim account of a meeting of the senate *ex actis urbis*. It is replete with (indeed, there is nothing else!) the alleged acclamations of the senators in praise of Alexander and in damnation of Elagabalus. To the extent that the gazette did feature extracts from the *acta senatus*, the item comports some initial plausibility.

But the extract does not survive scrutiny. The HA is forever parading such detailed accounts of senatorial acclamations.⁴⁰ None are likely to be genuine, in the form given. Their ritual, iterative style belongs to a later age. It is perfectly exemplified in the sole (genuine, that is) surviving text of the minutes of a meeting of the senate, namely that prefixed to the <Codex Theodosianus> in the year 438.⁴¹

The suspicion that our biographer claims the support of the gazette merely as a variant on his method of rehashing a favourite fiction is enhanced by a subsequent passage (56, 2–10) in the same *vita*. Here more acclamations turn up, in what

³⁸ Given the uniqueness (in context) of the phrase *in publicas*, this passage cannot be taken as a clear-cut reference. HÜBNER was determined that it is, and so altered the *in publicas* of the manuscripts to *in publica acta*.

³⁹ Cf. SYME, *Emperors and Biography*, Oxford 1971, 78–88.

⁴⁰ Apart from those in the AS see AC 13, 1–5; Comm. 18–19; Maxim. 16, 3–7, 26; Gord. 11, 9–10; Max.-Balb. 2, 9–12.

⁴¹ On this, see T. S. DAVIDSON, *A problem of Senate procedure in the later Roman Empire*, AJP 67, 1946, 168–83.

purports to be a direct transcription *ex actis senatus*. The odds against the HA being the genuine respository of both the only extant specimen of the *acta diurna* and *acta senatus* do not bear thinking about!

Most of the work done on the *acta diurna* belongs to the age of innocence, that is prior to 1889 and the publication of DESSAU's classic argument for the single authorship of the HA. Hence the general tendency to conclude assemblages of references with the aforementioned passage in the Probus and the suggestion that the *acta* did not survive (at any rate, not for long) the transference of power to Constantinople.

In point of fact, the HA, if taken at face value, would only be evidence for two things: the *acta* were alive in the lifetime of Probus, and were available to biographers supposedly writing under Diocletian and Constantine. Nowadays, few people are inclined to accept the advertised date of the dubious sextet. But even on the older reckoning, there was more to be said.

It would not be hard to imagine the suppression of the gazette, at least in its traditional form, by Diocletian, say, or one of the early Christian emperors. And yet, one would have thought it a useful way of publicising vital policy, especially the persecution of the Christians under Diocletian and its converse under Constantine and company. In short, it may not be a logical assumption that the gazette would have fizzled out soon after 330.

In a passage ignored by virtually all studies of the *acta*,⁴² Ammianus Marcellinus describes the purging of the adherents of Constantius by Julian. One illustrious victim of the commission of Chalcedon was the ex-prefect and consul, Flavius Taurus. According to Ammianus (22, 3, 4), *acta super eo gesta non sine magno legebantur horrore, cum id voluminis publici contineret exemplum: consulatu Tauri et Florenti inducto sub praeconibus Tauro*. It is possible that *voluminis publici* is the historian's idiom for the gazette, partly occasioned by a desire to avoid repetition of *acta* in two senses in this same sentence.

This is not an unimpeachable reference. It might only connote a special edict or proclamation, issued to justify what was done to Taurus. Still, it could relate to the *acta*. If so, it offers a tiny example of the style of reporting.

Two other passages in Ammianus produce similar ambiguity. The historian detected lies on the part of Constantius *in tabulariis principis publicis condita* (16, 12, 70). Later (28, 1, 15), with regard to the series of trials at Rome in 370, Ammianus somewhat defensively claims that *non omnia narratu sunt digna quae per squalidas transiere personas, nec si fieri fuisset necesse, instructiones vel ex ipsis tabulariis suppetere publicis . . .*

Both items could allude to the gazette. In phraseology and attitude, there is some consonance with earlier times. Reference to *tabulariis principis publicis con-*

⁴² MAYOR's eagle eye spotted it though; cf. his note on Juvenal 7, 104.

dita is paralleled by, for easy instance, the collective mention of *actis temporum divi Augusti* by the elder Pliny. The suggestion of detail is borne out by comments in Cicero and elsewhere. And the lordly attitude betokened by Ammianus is redolent of that of Tacitus, an effect not likely to be mere coincidence.

These items from Ammianus may extend the history of the *acta diurna* beyond the terminus usually given. However, it cannot be determined just when the gazette disappeared. One ought to acknowledge the possibility that it underwent suppression and revival according to the needs and policies of particular emperors, before finally lapsing.

BOISSIER,⁴³ in his highly imaginative essay on the *acta*, asserted that Symmachus must have compiled his epistolary *breviaria* of news with the assistance of the gazette. That does not follow at all: Symmachus presumably had the faculty of memory, and he was well placed to command and receive written *aide-mémoires*.

Two negative items may imply that the gazette was gone by the late fourth or early fifth century at the latest. We earlier saw three allusions to the *acta diurna* in Juvenal, and a possible fourth. In all four cases, the scholiasts offer different interpretations of the meaning of *acta*.⁴⁴ This may suggest that the gazette was so remote from their experience that it never occurs to them as an explanation of the word.

Second, and finally, the *acta senatus* attached to the Theodosian Code include chanted demands for copies to be made and kept in the imperial bureaux and government offices. There is no corresponding demand for publication in a gazette. This is also the case with the imperial preface, which sees promulgation in terms of edicts and rescripts only. It may be inferred from all this that by 438 no gazette of the old style existed in either Rome or Constantinople.⁴⁵

⁴³ Op. cit., 222.

⁴⁴ Thus, in Juvenal 2, 136, *in acta referri* is explained as *in annalibus contineri*; 7, 104 is interpreted *quantum datur exceptori*; 9, 84 evokes the explanation *id est nominum notitiam divulgare contestatione publica*. These scholia seem ultimately to derive from the late fourth or early fifth century; cf. G. HIGHET, *Juvenal the Satirist*, Oxford 1954, 185–6.

⁴⁵ To what extent, if at all, Constantine equipped his new capital with a gazette in emulation of that of old Rome's is perhaps a good question, easier asked than answered.

