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A MILITARY DIPLOMA OF AD 85 FOR THE ROME COHORTS

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Tabella I of a military diploma was offered for sale in a catalogue from Sotheby's in New York (28.11.1990). The piece came from the collection of William Herbert Hunt; it was purchased a long time ago but hitherto has remained unknown.¹

The tablet is completely preserved. Only a small portion of the lettering appears to be damaged on the right side of the outer and inner faces, probably through the effects of lying in the ground, at least from the impression given by the published photos. However, there is no doubt about the text.²

The outer face was bordered by two deeply engraved lines. Apart from the openings for the binding wires, there are two holes for linking the two tablets together; as seen from the outer face of the tablet, these are found in the right top and bottom corners of the plate. The size, according to the catalogue, is 18,7 x 14,8 cm. There is no information about the findspot and when it was found. As far as the photographs allow, the following reading of the texts from the outer and inner faces is offered:

Tabella I extrinsecus:

○

IMP CAESAR DIVI·VESPASIANI·F
DOMITIANVS AVGVSTVS·GERMANICVS
PONTIFEX·MAXIMVS TRIBVNIC
POTESTAT IIII·IMP VIII P P COS XI
5 NOMINA MILITVM QVI MILITAVERVNT
IN COHORTIBVS PRAETORIIIS QVAT
TVOR·VI·VII·VIII·VIII·ITEM VRBA
NIS·QVATTVOR·X·XI·XII·XIII SVBIE
CI QVIBVS·FORTITER ET PIE·MILITIA

¹ Sotheby's. Antiquities and Islamic Art. Auction 28.11.1990. The diploma was listed as No. 91. Two photographs were published. Better photographs have been obtained through the courtesy of Richard Keresey, Senior Vice President of the Antiquities Department of Sotheby's, New York. We are grateful to Mr. Keresey for his help in this matter and permission to publish these photographs. Taf. IX/X. The diploma is now on loan to the Department of Greek and Roman Art, Metropolitan Museum of Art, New York.

² Probably a personal autopsy would solve most of the problems connected with the reading.

- 10 FVNCTIS IVS TRIBVO CO[NVB]II DVM
 TAXAT CVM·SINGVLIS ET [P]RIMIS VXO
 RIBVS·VT·ETIAM·SI PEREGRINI IVRIS
 FEMINAS MATRIMONIO SVO IVNXERINT
 ○ ○
- 15 PROINDE LIBEROS TOLLANT·AC
 SI·EX·DVOBVS CIVIBVS ROMA
 NIS NATOS A D·VIII/ K·MART
 IMP·CAESARE·DOMITIANO AVG·GER[MA]NICO XI
 T· AVRELIO · FVLVO [II] · COS
 COHORT·XII·VRB
- 20 C·LATINIO C·F·COL·PRIMO SEBASTOPOL
 DESCRIPTVM·ET·RECOGNITVM EX·TABVLA
 AENEA·QVAE·FIXA·EST ROMAÆ IN CAPI
 TOLIO·IN·LATERE·DEXTRQ TABVLARI
 PVBLICI ○

Tabella I intus:

- IMP CAESAR·DIVI·VESPASIANI·F·DOMITIA
 NVS·AVGVSTVS·GERMANICVS·PONTIFEX
 MAXIMVS·TRIBVNIC ○·POTESTAT·III
 IMP · VIII · P · P · COS·XI
- 5 NOMINA MILITVM·QVI·MILITAVERVNT
 IN·COHORTIBVS·PRAETORIIS·QVATTVOR·
 VI·VII·VIII·VIII·ITEM·VRBANIIS·QVAT
 TVOR·X·XI·XII·XIII·SVBIECI·QVIBVS
 FORTITER·ET·PIE MILITIA·FVNCTIS IVS
- 10 TRIBVO·CONVBII·DVM·TAXAT·CVM·SINGVLIS
 ET·PRIMIS·VXORIBV○S·VT·ETIAM·SI·PERE
 GRINI IVRIS·FEMINAS·MATRIMONIO
 ○ ○

A conflation of the two sides is as follows:

*Imp(erator) Caesar, divi Vespasiani f(i)lius), Domitianus Augustus
 Germanicus, pontifex maximus, tribunic(ia) potestat(e) IIII,
 imp(erator) VIII, p(ater) p(at)riae), co(n)s(ul) XI¹)*

nomina militum qui militaverunt in cohortibus praetoriis quattuor VI, VII, VIII, VIII, item urbanis quattuor X, XI, XII, XIII, subieci, quibus fortiter et pie militia functis ius tribuo conubii dumtaxat cum singulis et primis uxoribus, ut etiam si peregrini iuris feminas matrimonio suo iunxerint, proinde liberos tollant ac si ex duobus civibus Romanis natos. a.d. VIII[I?] k. Mart(ias) Imp(eratore) Caesare Domitiano Aug(usto) Germanico XI, T. Aurelio Fulvo [II] co(n)s(ulibus). cohort(is) XII urb(anae) G(aio) Latinio G(ai) f(ilio) Col(lina) Primo, Sebastopol(i). Descriptum et recognitum ex tabula aenea quae fixa est Romae in Capitolio in latere dextro tabularii publici.

1) This is the fourth and last extant diploma of Domitian to place the title *p(ater) p(atriciae)* before the number of consulships held. From 5 September 85 (CIL XVI 31) diplomas of this reign put *p(ater) p(atriciae)* at the end of the emperor's titles.

The diploma belongs to the relatively small group of documents which were issued for the city troops of Rome;³ in the 1st C. in particular the number is extraordinarily limited. Only 4 other such diplomas are dated to this period, namely CIL XVI 25, probably of AD 71 or 72⁴, XVI 18 probably of 73, and similarly the fragment RMD 1; CIL XVI 21, belongs to AD 76. However, all these diplomas (with the possible exception of CIL XVI 18, see note 14) were issued to individual veterans of the praetorian cohorts rather than to members of *cohortes urbanae*, although the city cohorts were mentioned in the text of the constitution (there were also *cohortes urbanae* stationed outside Rome in Ostia, Puteoli, Carthage and Lugdunum).⁵ Individual diplomas issued exclusively for veterans of the Rome *cohortes urbanae* are found in the late 2nd and 3rd CC, namely CIL XVI 124 of the years 161-168, CIL XVI 134 of AD

³ For the present state of research see H. Lieb, Die constitutiones für die stadtrömischen Truppen, in W. Eck - H. Wolff (edd.), Heer und Integrationspolitik. Die römischen Militärdiplome als historische Quelle, Pass. Hist. Forschungen 2, Köln 1986, 322 ff. B. Campbell has reviewed this book in JRS 79, 1989, 227 f. He expressed the opinion that he would rather read another book, that is his right. But a review should be written about an existing book. That manifestly eludes him. As far as he examined the book, his personal prejudice over the contribution of G. Alföldy was so extreme, that it is completely inexplicable.

⁴ H. Lieb, Zum Limesfeldzug, in: Studien zu den Militärgrenzen Roms, BJ Beih. 19, Köln 1967, 95 note 19; W. Eck, Chiron 12, 1982, 185 note 16.

⁵ See H. Freis, Die Cohortes urbanae, Epigr. Stud. 2, Köln 1967. One diploma for the XIIIth Urban Cohort at Lugdunum exists, this is dated to AD 192 (CIL XVI 133).

194 and 137 of AD 216. The new diploma is thus by far the earliest issued for a *cohors urbana*. These three extant diplomas were each issued for a veteran of *cohors X urbana*; here for the first time a recipient from *cohors XII urbana* is given the privileges.

The veteran, who bears the name C. Latinius C. f. Primus⁶, comes from an Eastern city, *Sebastopol(is)* whose name is clearly visible on the photo. There are several cities of that name in the east. Sebastopolis in Pontus, is perhaps the likeliest. The fact that Primus gives the urban voting tribe *Collina* does not rule out this identification of an Eastern city for his *origo*, since a number of inscriptions of legionaries with *origines* in cities of Asia Minor record *Collina tribu*.⁷ Another Eastern city, Berytus, supplied a man to the XIIth Urban cohort in the 1st C. (CIL VI 2910).⁸ Freis suggests that although a reorganisation of the Urban Cohorts is not attested, it doubtless occurred under Vespasian, and that Mucianus may have been given the task of rebuilding the city troops which had been decimated during the Civil Wars. He cites the tombstone from Nola (CIL X 1263) of a soldier of *cohors XI Urbana* who had previously served in *legio XV Apollinaris* (pp. 13-14, 123) and whom Ritterling had considered to have been transferred in 70-71. Similar transfers, from one or other of the legions which supported Vespasian, may account for the presence both of the man from Berytus and of Primus in urban cohorts.

Primus would have been recruited in any case at least 20 years before the issue of the diploma⁹ ie. ca. AD 65. This would fit well with service in an Eastern legion which marched

⁶ He does not appear under the known soldiers of the *cohortes urbanae*, in the lists published by Freis p. 151 ff.

⁷ J.W. Kubitschek, *Imperium Romanum Tributim Discriptum*, 1889, 247-256. A least two legionaries of the Julio-Claudian period give Sebastopolis as their *origo* CIL III 6627 = ILS 2483 (*legio III Cyrenaica*) and CIL III 8493 (*legio VII Claudia*) although their voting tribes are *PolLIA* and *Fabia*, respectively. Cf. G. Forni, *Reclutamento delle legioni da Augusto a Diocleziano*, Rome 1953, 167.

⁸ Freis (note 5) 56 and 66.

⁹ Freis (note 5) 47-48. Service for a member of an Urban Cohort was 20 years. If Primus had served in an Eastern legion prior to ca. AD 70 his previous legionary *stipendia* must have been taken into account in fixing the date of his discharge. Otherwise he could have been recruited straight into an urban cohort, for unknown reasons, in or ca. AD 65.

In view of the scarcity of 1st and 2nd C diplomas of this type it is difficult to draw firm conclusions from the evidence of their findspot. It is also true that these bronze documents would be easily transportable by descendants, but the weight of evidence, particularly from the 3rd C., suggests that at least half of the veterans of city cohorts, known through diplomas, did return to their former homes.

In the 1st and 2nd CC., of 13 other known examples, 7 were found outside Italy and 6 in Italy. Two of those found outside Italy (CIL XVI 21 and 81) were issued to Italians, in 4 cases the *origo* of the recipient agrees closely with the find-spot of the diploma, the *origo* of one recipient is unknown. Of those found in Italy, in 2 cases the *origines* are unknown, 3 recipients were Italian (one - CIL XVI 124 - being found close to the owner's home) and one from Clunia in Spain (CIL XVI 25). We may

to Rome in AD 69.

The diploma was issued by Domitian in February of the year 85; the year is given through the element of his title giving *cos XI* and *tribunicia potestate IV* (which continued from 14 Sept. 84 until 13 Sept. 85) and also through the consular information:

Domitian carried the fasces as consul XI with T. Aurelius Fulvus, who occupied the republican high office for the second time. For many years there was dispute over the identity of Domitian's colleague as *ordinarius*¹⁰, cf. the discussions of R. Syme and H. Nesselhauf;¹¹ however, an inscription from Rome showed clearly that T. Aurelius Fulvus was *consul ordinarius II* at the beginning of the year 85: *X k(alendas) Februarias Imp. Domitiano XI, T. Aurelio Fulvo it. cos.*¹² According to this text both *ordinarii* were in office on 23 January, this diploma now demonstrates that they still held office on 22nd February. The reading of the date as *VIII k. Mart.* is not completely certain. There is a vestigial mark before the *k* of *k(alendas)* which appears to be a punctum (puncta are clearly visible between *A D* and the *V* of the numeral and between *k* and *MART*). If, however, this mark is really the numeral I, the date of issue would be 21st February. Whatever the solution to this slight problem may be, the date secured here makes it clear that the information given by Suetonius, *Domit. 13,3*, that Domitian had mostly given up his consulships by 13 January, was untrue for the year 85, as well as for preceding years, and that on the contrary he held the republican high office for two full months, as also did T. Aurelius Fulvus. Presumably Rutilius Gallicus and Valerius Messalinus held the *fasces*, both as *suffecti iterum*, on 1st March 85.¹³

The *constitutiones*, known so far up to AD 122 which refer to praetorian/urban cohorts, were issued in November and December. They are attested for the first time in February in AD 148 (CIL XVI 95)¹⁴ but in this case February 85 is already the date of issue. It remains unclear whether there is a special reason for this.

therefore very tentatively suggest that the Hunt diploma was found either in Italy or an Eastern province - somewhere in central Turkey perhaps being the likeliest venue.

¹⁰ See for example A. Degrassi, *I fasti consolari del Impero Romano*, Rome 1952, 25, who gave Valerius Messalinus as Domitian's colleague.

¹¹ R. Syme, *JRS* 43, 1953, 155 = *Roman Papers I*, Oxford 1979, 244; H. Nesselhauf, *Gnomon* 1954, 270.

¹² S. Modugno, *RSA* 3, 1973, 87 ff. = *AE* 1975, 53. See also L. Vidman, *Fasti Ostienses*², Prague 1982, 78. For this reason the iteration symbol II has been restored in the text although it is not visible in the photograph. T. Aurelius Fulvus was the grandfather of the future emperor Antoninus Pius, who originally bore the same tria nomina as part of his name.

¹³ Vidman *FO*² 44, 78 ff.; cf. W. Eck, *ZPE* 37, 1980, 53.

¹⁴ See H. Lieb, *Heer etc.* 329 fn. 65 & 66. CIL XVI 18 of 30 May 73/76 was suggested by A. Degrassi as probably issued to an Urban Cohort outside Rome, cf. the note in CIL XVI p. 17; also CIL XVI 133 for the significance of the lack of the name of the unit of the recipient in such cases.

In all previous diplomas, issued to praetorian recipients, all the *cohortes praetoriae* are listed together with the four city cohorts with the numerals X, XI, XII, and XIII.¹⁵ Here however there are only four praetorian cohorts, namely the cohorts VI-IX, together with the four urban cohorts. What circumstance led to the reduction of the list to only four units is not clear. It is conceivable that the reason was that at the beginning of 85 only soldiers in these four cohorts were eligible for the privileges. Against this is the fact that cohorts I-V were in a numerically closed series, while on the other hand VI-IX is also a closed series, unlike all the city cohorts. This could suggest that the unrecorded units I-V were in a situation where it was not possible to give discharges so that veterans could be awarded their grants. Thus, for example, it is unknown whether Domitian was absent from Rome during the winter months of 84/85, when perhaps only the *cohortes praetoriae I-V* accompanied him. The war on the Danube against the Dacians in which the praetorian cohorts were engaged essentially began later in the year 85.¹⁶ However, it may be of significance that there is an anomaly in the formula of this diploma. The words *in praetorio meo* are omitted (ll. 5 ext. and int.). These words normally appear between *QVI* and *MILITAVERVNT* in all diplomas in which this section is preserved up to CIL XVI 124, when two emperors were involved in the issue (see RMD II 124 n. 3).¹⁷ The retention of *subieci* and *tribuo* in the formula shows that the grant was still personally bestowed by the emperor, but the lack of the all-embracing term "my praetorians" may mean that the physical separation of part of the guard was being acknowledged.

Nevertheless, without further evidence we must be satisfied with noting the conspicuous type of selection for the privileges.

The enumeration of the *cohortes urbanae* as X, XI, XII and XIII has some significance for the history of the *cohortes XIII* and *XIV urbanae*. It has been supposed by many scholars in recent years that *cohors XIII urbana* had been stationed at Carthage from the time of Vespasian.¹⁸ Against this, F. Bérard¹⁹ has suggested that *cohors XIII urbana* was stationed in Rome from the beginning of the Dabubian wars of Domitian. Then, when it was transferred to Africa, perhaps at the end of the 80's or beginning of the 90's, it could have been replaced by the newly raised *cohors XIV urbana*. Among other things, he relies for his interpretation on CIL XVI 21, where, of course, 9 praetorian and 4 city cohorts are mentioned, without, however, giving any numerals (X ff.) for the *urbanae*. It is generally supposed that these

¹⁵ Lieb, Heer etc. p. 326: "constitutiones für einzelne cohortes oder unvollständige Reihen fehlen".

¹⁶ K. Strobel, *Die Donaukriege Domitians*, Bonn 1989, 35 ff.

¹⁷ See Lieb, Heer etc. pp. 324-5 note 24, citing also the contrary opinion of Freis concerning the reason for the later omission of the words.

¹⁸ Freis (note 5) 14.

¹⁹ F. Bérard, *Le rôle militaire des cohortes urbaines*, MEFRA 100, 1988, 159 ff. especially 173ff.

cohorts are X, XI, XII and XIV²⁰, which were also named in the diploma of 148 (CIL XVI 95), but Bérard assumes these 4 cohorts to be X, XI, XII und XIII.

The new diploma does not solve this problem absolutely, but makes Bérard's interpretation of CIL XVI 21 rather improbable. It may now be ruled out that *cohors XIII urbana* set out from Rome, with Domitian, to the war on the Danube in the course of AD 85. The diploma came from February of that year but, as far as we know, warlike activities had not yet started on the Danube.²¹ It is certain that *cohors XIII urbana* was not referred to in this diploma, but *cohors XIV urbana* is shown there already forming part of the garrison of the capital in February 85. If it is not acceptable that in this period *cohors XIII urbana* could have been employed somewhere in the provinces²², then the conclusion lies close to hand that, as has been suggested previously, it was already stationed at Carthage. Exactly when this happened this diploma does not reveal; nevertheless, it is most likely to have been at the beginning of the reign of Vespasian.

The publication of the complete constitution took place in Rome, and was *in latere dextro tabularii publici*. Under Domitian, before the final posting on the *murus post templum divi Augusti ad Minervam* became the permanent place for fixing the *tabulae aeneae*, the following publications sites are known²³:

Year	Place	Reference
82 (20 Sept.)	<i>in Capitolio in tribunali Caesarum Vespasiani, T(iti), Domitiani</i>	CIL XVI 28
83 (9 Jun.)	<i>in Capitolio intra ianuam Opis ad latus dextrum</i>	CIL XVI 29
84 (3 Sept.)	<i>in Capitolio post thesarium veterem</i>	CIL XVI 30
85 (21/22 Feb.)	<i>in Capitolio in latere dextro tabularii publici</i>	
85 (5 Sept.)	<i>in Capitolio in Basi columnae parte posteriore, quae est secundum Iovem Africum</i>	CIL XVI 31
86 (17 Feb.)	<i>in Capitolio post tropaea Germanici, q(uae) [sun]t ad aedem Fidei p(opuli) R(omani)</i>	CIL XVI 32
86 (13 Mai.)	<i>in Capitolio post tropaea Germanici, in tribunali, quae sunt ad aedem Fidei p(opuli) R(omani)</i>	CIL XVI 33

²⁰ Cf. Freis (note 5) 14.

²¹ See Strobel (note 16) 35 ff.

²² The peculiarities of the text give no further guidance here.

²³ See CIL XVI p. 196; S. Dušanić, *Loci constitutionum fixarum*, *Epigraphica* 46, 1984, 91 ff. and M. Corbier, in: *Armée romain et provinces III*, Paris 1984, 150 f.

88 (9 Ian.)	<i>in Capitolio in tabulario publico parte sinisteriore</i>	CIL XVI 159
88 (7 Nov.)	<i>in Capitolio in latere sinistro tabulari publici</i>	CIL XVI 35 RMD 3

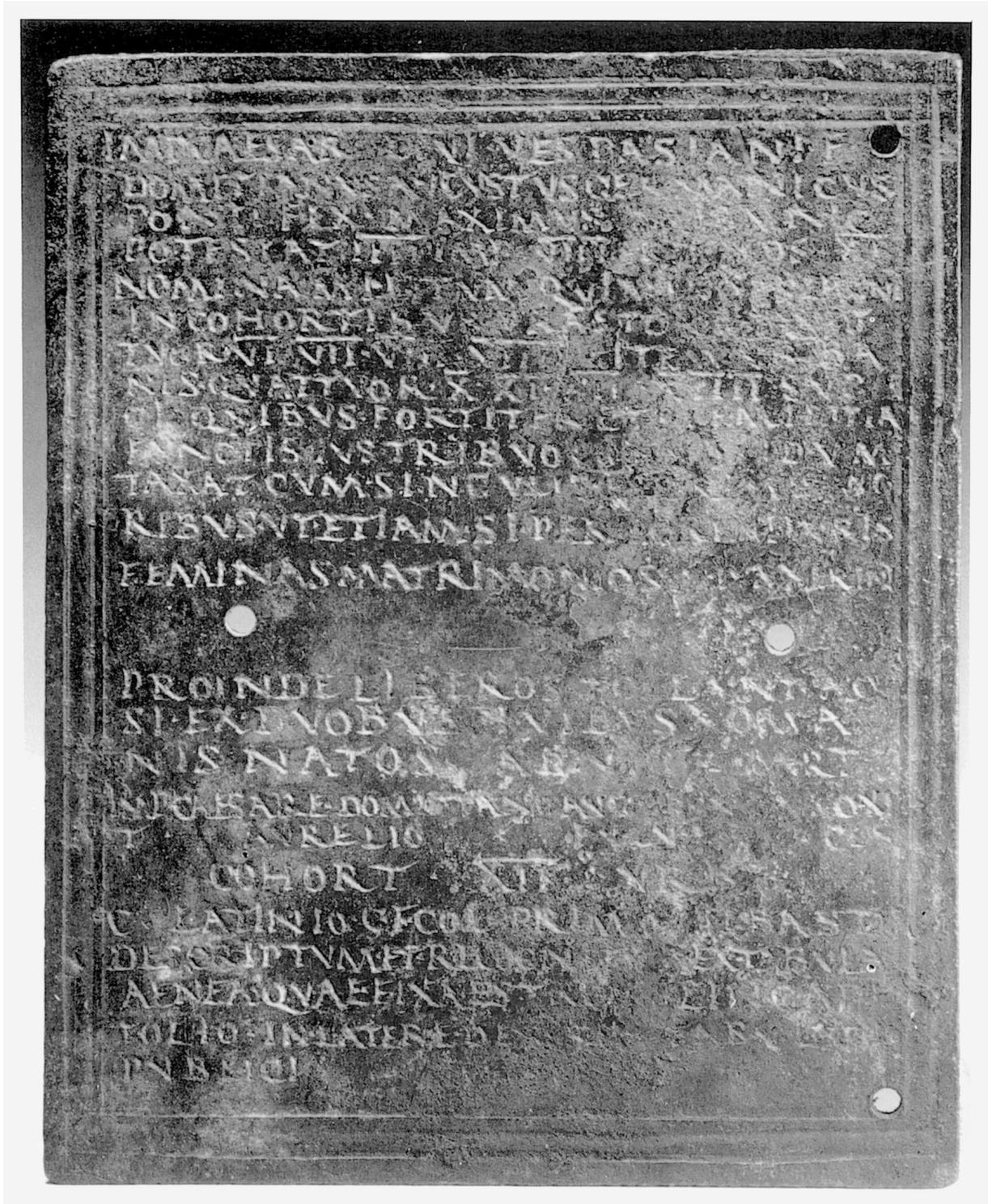
The site for the setting up of the bronze tablets changed during Domitian's reign, as it had earlier, in a relatively fast rhythm. Doubtless, the reason was that suitable walls on buildings, statue bases or foundations of tribunals, or war monuments that were at their disposal, were quickly filled up. As a consequence of this during Domitian's reign the locality is striking; in early 85 the right side of the *tabularium publicum* was used for fixing the *tabulae* and in 88 the left side of the same building. It may be supposed that the imperial office was advancing topographically with the setting up of the tablets, that in each case all available places in the same area of the Capitol were filled with the documents before moving on to another area. The right side of the tabularium was orientated to the temple of Jupiter, the left side however looked towards the Mamertine prison. Both sides were so far removed from each other that to have published the bronze tablets by using the *latus dextrum* and *latus sinistrum* immediately one after another would not have been logical. Thus the interval of time becomes explicable.²⁴ Whether anything may be deduced from this for the localisation of the other publication sites, or how they may have been put together in the list in relation to both sides of the tabularium, must be demonstrated by more exact topographic research.

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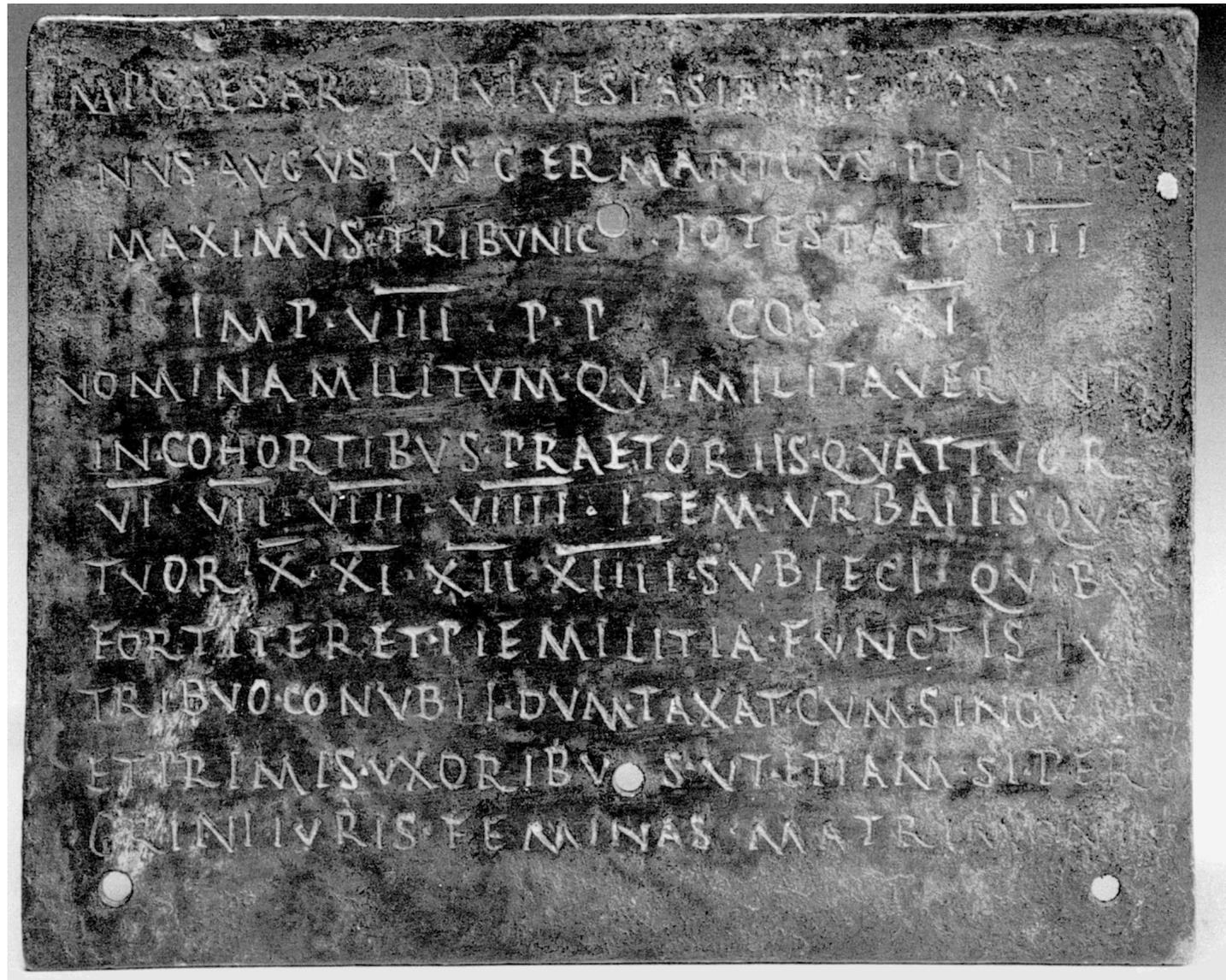
M. Roxan
W. Eck

P.S. Due to the kindness of the Metropolitan Museum of Art, New York, in supplying radiographs of the diploma, it has been possible to ascertain that the date of issue was 22 February 85, and that Line 18 on the outer face records T. Aurelius Fulvus as consul for the second time: Line 16: AD·VIII·K·MART, line 18: T·AVRELIO·FVL·VO·II·COS.

²⁴ Dušanić (note 23) seeks ideological reasons for the choice of locality for individual tablets. The findings illustrated here speak unequivocally against such an idea. On practical grounds see G. Forni in: Heer und Integrationspolitik etc. 304, note 35.



Militärdiplom, Tabella I extrinsecus: New York, Metropolitan Museum of Art,
Department of Greek and Roman Art



Militärdiplom, Tabella I intus: New York, Metropolitan Museum of Art, Department of Greek and Roman Art