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A FRAGMENT OF A TETRARCHIC CONSTITUTION FROM CRETE

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The tetrarchic period is remarkable, epigraphically speaking, for the large number of imperial pronouncements in Latin surviving from the eastern provinces.¹ Crete already has a number of such tetrarchic constitutions to its credit.² Cnossos, which is rich in Latin texts, has provided sections of the Prices Edict preamble and tariff list, a fragment of a possibly contemporary text regulating *munera*, and part of a probable letter to the provincial governor;³ Chersonesos and Hierapytna have both turned up fragments of the Prices Edict tariff;⁴ and most importantly, Lyttus furnishes an almost intact text of the edict *de Accusationibus* and a substantial portion of a second edict, *de Caesarianis*.⁵ That a Cretan fragment of another tetrarchic text should be identified is therefore unsurprising.

This fragment, discovered within a house in the village of Argyroupolis (ancient Lappa),⁶ was transcribed by Gaspar Oliverio and published therefrom by Guarducci in *Inscriptiones Creticae* II (Rome, 1939) XVI no. 34 with the prescient comment ‘De edicti fragmento fortasse agitur’. Lappa provides only one other Latin fragment (part of an imperial dedication, *I.Cret.* 2.16.33), and few other imperial texts.⁷

The surviving text (doubtful letters are under-dotted) is as follows:



Drawing taken from *I.Cret.*

Dimensions: breadth 13 cm, height 8 cm, thickness 2.5 cm, letter height 1.2 cm.

¹ As noted among others by F. Millar, *The Emperor in the Roman World* (London, 1977; rev. ed. 1992) pp. 257–8, S. Corcoran, *The Empire of the Tetrarchs: Imperial Pronouncements and Government AD284–324* (Oxford 1996, revised ed. 2000) pp. 22–3, 295–6, 350–2, and J.-M. Carrié and A. Rousselle, *L'Empire romain en mutation des Sévères à Constantin 192–337* (Paris, 1999) pp. 676–7. For a detailed catalogue of tetrarchic texts, see D. Feissel, Les constitutions des Tétrarques connues par l'épigraphie: inventaire et notes critiques, *Antiquité Tardive* 3 (1995) pp. 33–53, and add D. Feissel, Deux constitutions tétrarchiques inscrites à Éphèse, *Antiquité Tardive* 4 (1996) pp. 273–89 (Ephesian copies of the 1st Caesariani decree and the edict *de Accusationibus*). I should like to thank Denis Feissel for his suggestions in writing this paper.

² For a list of all Latin inscriptions from Crete (taken from *Inscriptiones Creticae = I.Cret.*), see A. Chaniotis, Eine neue lateinische Ehreninschrift aus Knosos, *ZPE* 58 (1985) p. 188, supplemented by A. Chaniotis and G. Preuss, Neue Fragmente des Preisedikts von Diokletian und weitere lateinische Inschriften aus Kreta, *ZPE* 80 (1990) pp. 189–202, and Neue lateinische Inschriften aus Knosos, *ZPE* 89 (1991) pp. 191–5.

³ *CIL* 3 Suppl. 2 p. 2210 XX = *I.Cret.* 1.8.59 and now Chaniotis and Preuss, *ZPE* 80 (1990) pp. 192–3 nos. 4–5 (Prices Edict), with pp. 196–7 no. 11 (regulation of *munera*); Chaniotis and Preuss, *ZPE* 89 (1991) pp. 193–4 no. 4 = *AE* 1991.1602 (letter to governor).

⁴ Chaniotis and Preuss, *ZPE* 80 (1990) pp. 190–2 nos. 1–3 (Chersonesos); *CIL* 3 Suppl. 2 p. 2209 RR = *I.Cret.* 3.3.64 (Hierapytna).

⁵ *CIL* 3.12043 = *I.Cret.* 1.18.188, with revised opening at Feissel, *Antiquité Tardive* 3 (1995) p. 50 = *AE* 1995.1629; *CIL* 3.12044, improved at *CIL* 3.13569 = *I.Cret.* 1.18.189.

⁶ According to the ‘Archive of Inscriptions of the Rethymno Prefecture’ project, which is nearing completion, the current whereabouts of this inscription are not known. Indeed, only four of the thirty-four Lappa texts in *I.Cret.* have been located. I am grateful for this information to Dr. Yannis Tzifopoulos of the University of Crete.

⁷ The most notable is a Greek dedication to Hadrian (*I.Cret.* 2.16.13).

This text can be matched to the opening of an imperial letter directed against the abuses of the Caesariani (who were officials, usually freedmen, in the service of the *rationales*). The fullest text of this opening passage survives as the last paragraph of the Padua copy of the edict *de Accusationibus* (*CIL* 5.2781 lines 31–34), although the text is also known from a more fragmentary version at Ephesus (*Inscriptionen von Ephesos* 4.1328; now revised as *AE* 1995.1478b). Using this paradigm, our fragment may be reconstructed as follows (the surviving Ephesus text is underlined, the Padua text is in bold with italic emendations):

[Fidem rebus gestis conscientia uestra, quae testis est, praebet eam **summam clementiae** nos]tr<a>e
 pros[pectibus et fuisse] /
 [**semper et esse curarum ut beatitudo orbis Romani** qui nutibus **nostris obtemperat adue]**rsus
 omnes omni[no calumnias, quas] /
 [**in uniuersum** hominum genus **Caesarianorum desperatio porrigebat, firmissimis munita]**
 securitatibus rep[aretur. c.5...] /
 [esse etsi ex aliis . . . c.35 . . . quae recenti . . . c.15 . . .] tu sunt in tri [. . . c.15 . . .] /
 [eritissi . . . c.70 . . .] erser [. . .

‘Your Conscience, which is witness, displays a faith in our deeds that it always has been and is the chiefest care in the foresight of Our Clemency that the blessedness of the Roman world, which obeys our commands, should be kept protected by the most firm safeguards against all and every manner of false charges, which the recklessness of the Caesariani was threatening against the entire race of human-kind.’

The line length of c.100 characters is long, certainly longer than for the other two copies at Padua (c.70) and Ephesus (c.50), but not exceptionally so.⁸ The line breaks are estimated by presuming that the text (*Fidem rebus gestis*) began at the extreme left of the stone.

1. 1. The first line of the surviving inscription, which would seem to represent the first line of the main text of the pronouncement, is poorly attested, only traces of the lower parts of letters surviving except for the final O and S. Originally I matched it to the only possible ‘os’ in the text as conventionally reconstructed, thus giving ‘clement]iae nos[trae respectibus’. However, although this is not impossible either in terms of letter traces or line length, Denis Feissel suggested to me that a more even line length could be achieved by proposing a variant reading for ‘respectibus’, namely ‘prospectibus’, which also matches the letter traces with greater accuracy. Indeed, this can hardly be called a variant reading, as the Padua copy only preserves ‘. . .]pectibus’, with ‘respectibus’ simply being the usual restoration. Since words relating to *prospicere* and similarly *providentia* are typical of imperial pronouncements, *prospectibus* seems a highly plausible reading. Thus, we find in the Prices Edict preamble ‘conuenit prospicientibus nobis’ and ‘paene sera prospectio est’,⁹ and in the edict *de Accusationibus*: ‘unde consulentes securitatibus provinciarum nostrarum eiusmodi remedia prospeximus ut . . .’¹⁰

Note that the spelling ‘nostre’ is an entirely typical phoneticization of orthography in the Latin texts of this period, where ‘ae’ and ‘e’ often seem interchangeable.

1. 3. The existing known text at Padua ends with ‘securitatibus’, ‘tuta sit’ usually being supplied after it to provide the sense. That is clearly impossible from the remaining letters here (either RER or REP or possibly REB), so I have tried to supply a reasonable alternative (*reparetur*), although I have no doubt that other, perhaps more convincing, supplements may be proposed. Any such alternative,

⁸ The longest length for a tetrarchic text is over 300 letters in the Egyptian copy of the Prices Edict (*CIL* 3² pp. 802–3).

⁹ Prices Edict *preamble* lines 43–4 and 50 in M. Giacchero, *Edictum Diocletiani et Collegarum de Pretiis Rerum Venalium* (Genova, 1974) I pp. 134–5.

¹⁰ *I.Cret.* 1.18.188 lines 6–7 (see also S. Riccobono et al., *Fontes Iuris Romani Anteiustiniani* (2nd ed., Florence, 1941) vol. 2 no. 94).

however, must take account of the fact that the gap between the REP of our Lappa fragment and the next surviving text on the Ephesus copy 'esse etsi ex aliis' is only some dozen letters.

II. 4–5. With the nearly continuous Padua text giving out after 'securitatibus', the last two lines have no original against which they can be matched. There are three similar partial lines at the end of the Ephesus fragment (as shown above), although these are much closer together, since the Ephesus lines are half the length of the Cretan ones. However, even using these fractions from both fragments, the traces cannot be easily combined to give any continuous sense.

Feissel has proposed that the Ephesus fragment belongs with three other Ephesian pieces sharing identical style of lettering and type of marble, all thus deriving from a single pronouncement. The fourth of these fragments (*AE* 1995.1478d) he identifies as the conclusion of a constitution of Constantius and Galerius dating to 305 directed against the Caesariani and their abuse of imperial *adnotationes*, known from a Greek translation at Athens (*IG* II-III² 1121), the Latin text being previously unattested at this point, since its exemplum from Tlos (*CIL* 3.12134), which otherwise largely matches the extent of the Athenian copy, breaks off shortly before the end. The first Ephesus fragment (*AE* 1995.1478a) gives traces of imperial titulature, including an apparent reference to Galerius, thus harmonizing with the date cited in the body of the texts from Athens and Tlos (19 Sept. 305). This dating is also supported by the word 'Caesares' above 'Fidem rebus gestis' in the opening passage of *AE* 1995.1478b, since it suggests the concluding titulature of an imperial college that contained at least two Caesars. The third fragment (*AE* 1995.1478c) cannot be clearly assigned but appears to contain the word 'molestia', a key-word in the Tlos text (διόκλησις at Athens). Finally, the opening passage of the letter at Padua presumes plural addressees (*conscientia vestra*), which matches the use of a second person plural in the Tlos and Athens texts (*CIL* 3.12134 line 13 = *IG* II-III² 1121 line 27), and supports identification of this as a letter rather than an edict, although it is true that imperial pronouncements are sometimes guilty of inconsistencies in matters of format.¹¹ These considerations strongly suggest that the four Ephesus fragments come from a single constitution and thus provide a link between the Athens and Tlos texts from 305, and the Padua Caesariani letter. With the identification of the Cretan fragment, the number of attested copies of this constitution (which I call the 1st Caesariani decree) rises to five and can be set out as follows:

1) Athens (Greek): *IG* II-III² 1121; re-edited by Feissel, *Antiquité Tardive* 4 (1996) p. 278 = *AE* 1996.1403 = *SEG* 46.146

2) Ephesus (Latin): Feissel, *Antiquité Tardive* 3 (1995) pp. 51–3 and *Antiquité Tardive* 4 (1996) pp. 274–77; *AE* 1995.1478a–d [b previously *Inscr. von Ephesos* 4.1328; c *CIL* 3.14195/18 and *Inscr. von Ephesos* 5.1808/3; d *JÖAI* 53 (1981/2) *Hauptblatt* p. 134 no. 141]

3) Lappa (Latin) : *I.Cret.* 2.16.34

4) Padua, but true provenance doubtful (Latin): *CIL* 5.2781 lines 31–4 = K. Bruns (rev. O. Gradenwitz), *Fontes Iuris Romani Antiqui: Leges et Negotia* (7th ed. Berlin, 1909) no. 95; identified as part of this text by Feissel, *Antiquité Tardive* 3 (1995) pp. 51–3

5) Tlos (Latin): *CIL* 3.12134; re-edited by Feissel, *Antiquité Tardive* 4 (1996) p. 282 = *AE* 1996.1498

With the exception of Padua, where the ultimate provenance is in doubt (the original stone has long been lost and the text is only known from 16/17th C. copies), all these sites are within the territory directly subject to Galerius. It should also be pointed out that these sites furnishing copies of the 1st Caesariani decree have provided copies of other tetrarchic pronouncements. Apart from Athens, where only the Prices Edict is additionally attested (*IG* II-III² 1120),¹² Tlos, Padua and Ephesus all preserve

¹¹ On confusions of format and on the interrelationship of edicts and letters, see Corcoran, *The Empire of the Tetrarchs* pp. 198–203.

¹² Both these Athenian tetrarchic inscriptions are now republished in E. Sironen, *The Late Roman and Early Byzantine Inscriptions of Athens and Attica* (Helsinki, 1997) pp. 37–47 nos. 1–2.

parts of the edict *de Accusationibus* (CIL 3.12133,¹³ CIL 5.2781, AE 1996.1469), with Ephesus also providing a fragment of the 2nd Caesariani decree (so far unpublished).¹⁴ Similarly, in Crete, although Lappa itself provides no other imperial pronouncements, Lyttus has both the complete edict *de Accusationibus* and the fullest surviving portion of the contemporaneous 2nd Caesariani decree, which provides for the restoration of wrongly seized goods and chattels. This repeated coincidence of location makes it appear as if the two Caesariani constitutions and the edict *de Accusationibus* were promulgated as part of a single dossier.¹⁵ At Padua indeed, the opening of the 1st Caesariani decree follows on from the edict *de Accusationibus* with no more than a hedera and a paragraph break (although the missing left hand margin might have provided clearer indications of differentiation).

The main problem with relating these three texts in a single dossier is that the date of the 1st Caesariani decree is 305, while that of the edict *de Accusationibus* according to its surviving law-code extracts is January 314 (*CTh* 9.5.1 and *CJ* 9.8.3). Thus, either the 1st decree was only inscribed in permanent form a decade after its original issue, or the code details are seriously in error and the whole dossier dates to 305, or else the association of the four Ephesus fragments is mistaken, and they represent two different Caesariani texts, one the 1st decree of 305 (with Athens and Tlos), and another as part of the 314 dossier (with Padua and our Lappa fragment), either as the opening of the currently acephalous 2nd Caesariani decree (although that seems to be clearly an edict, *I.Cret.* 1.18.189 line 8) or as a separate letter (both the edict *de Accusationibus* and the 2nd Caesariani decree refer to copies of letters attached to the latter and addressed to the praetorian prefects and other officials (*I.Cret.* 1.18.188 lines 46–50 and 1.18.189 lines 42–6), which would explain the form of address ‘conscientia vestra’). Even if the 1st decree is separate from the later dossier, the dossier still presents problems of dating, with the uncertainty over the law-code details,¹⁶ and with the Ephesus fragment (AE 1995.1478b) suggesting a document issued by an imperial college containing Caesars, and therefore not dating between May 310 and March 317.¹⁷ The answer to these conundra is not clear and it is not my purpose to resolve it here.

What is clear is that the Caesariani were of sufficient concern for Constantius and Galerius and/or Constantine and Licinius to legislate against them, and for sets of their texts to be widely inscribed with the co-operation of governors or cities.¹⁸ This appears to represent an extraordinary effort, comparable only to the Prices Edict, for dealing with a problem endemic in the imperial administration, which, in

¹³ The extreme right of this stone also contains traces of an apparently unrelated imperial text dating to the second half of 310 (T. D. Barnes, *Three imperial edicts*, *ZPE* 21 (1976) pp. 277–9, and *The New Empire of Diocletian and Constantine* (Cambridge, Mass. and London, 1982) pp. 21–2, Corcoran, *The Empire of the Tetrarchs* p. 186 no. 25, Feissel, *Antiquité Tardive* 3 (1995) p. 36 no. 8).

¹⁴ Discovery announced by D. Feissel, *Epigraphik*, *Jahreshefte des Österreichischen Archäologischen Institutes in Wien* 68 (1999) *Jahresbericht* 1998 p. 34.

¹⁵ As per Feissel, *Antiquité Tardive* 4 (1996) pp. 288–9. Only at Pergamum is the edict *de Accusationibus* attested on its own (*Museum Helveticum* 43 (1986) pp. 135–44), while Sinope furnishes fragments not only of it (AE 1957.158, re-edited by D. French, *The Inscriptions of Sinope* (Inschriften griechischer Städte aus Kleinasien; Bonn, forthcoming) no. 95, with a previously unpublished fragment no. 96), but also of an edict of 310 that does not seem to be the same as the 310 Tlos text (CIL 3.6979 = *ILS* 660 = IK Sinope no. 94, Barnes, *The New Empire of Diocletian and Constantine* p. 21, Corcoran, *The Empire of the Tetrarchs* p. 186 no. 24, Feissel, *Antiquité Tardive* 3 (1995) p. 36 no. 7, M. Christol and T. Drew-Bear, *L'intitulatio* de la constitution de Galère et de ses collègues affichée à Sinope (CIL III 6979), *Tyche* 14 (1999) pp. 43–55).

¹⁶ The addressee in the codes, Maximus urban prefect, can only be identified with Valerius Maximus Basilius, prefect 319–323. Thus Seeck dated the law to Jan. 320 (*Regesten der Kaiser und Päpste* (Stuttgart, 1919) p. 169). Barnes, however, preferred to retain the manuscript date and, following the eastern epigraphy, attributed the law to Licinius, addressed to an otherwise unattested praetorian prefect, Maximus (Barnes, *ZPE* 21 (1976) pp. 275–7 and *The New Empire of Diocletian and Constantine* pp. 127–8, accepted by S. Corcoran, *Hidden from history: the legislation of Licinius*, in J. Harries and I. Wood (edd.), *The Theodosian Code: The Imperial Law of Late Antiquity* (London, 1993) pp. 115–17 and *The Empire of the Tetrarchs* pp. 190–1 and 288–91).

¹⁷ For the members of the imperial college over these years, see Barnes, *The New Empire of Diocletian and Constantine* pp. 6–7. If published between 317 and 324 (and thus suiting Seeck’s proposed date of 320), the epigraphic copies would attest promulgation by both Constantine (in Crete) and Licinius (in Asia Minor).

¹⁸ Corcoran, *The Empire of the Tetrarchs* p. 352.

addition to these three (or four?) epigraphic texts, is attested in other contemporary laws from the codes.¹⁹

In relation to the tetrarchic fragments at Ephesus, I wrote recently that they ‘deepen the complexities surrounding these constitutions without settling any outstanding controversies over dating or issuers’.²⁰ Similarly, the identification of the Cretan Caesariani fragment confirms the tendency to permanent often multiple copies of Latin pronouncements in the eastern provinces during the tetrarchic period, but beyond supplying a few more letters for the reconstruction of the text, does not settle the other intriguing problems of these constitutions.

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¹⁹ Thus Diocletian (*CJ* 10.1.5, Caesariani not to seize goods without imperial authorization; note also re-enslavement of Christian Caesariani, Eusebius, *HE* 8.2.4 with Cyprian, *Ep.* 80.2); and Constantine (*CTh* 9.42.1, 10.1.5, 10.8.2). On the related problem of fiscal delation, note *CJ* 10.11.4 (Carius/Numerian) and *CTh* 10.10.3 (Constantine). See the work of T. Spagnuolo Vigorita: *Exsecranda Pernicies: delatori e fisco nell'età di Costantino* (Naples, 1984), *Prohibitae delationes: il divieto della delazione fiscale nel panegirico di 313*, *Hestiasis: Studi di Tarda Antichità offerti a Salvatore Calderone* (Messina, 1987) vol. 3, pp. 337–71, and *Imminentes legum terrores: l'abrogazione delle leggi caducarie augustee in età costantiniana*, *Atti dell'Accademia Romanistica Costantiniana VII 1985* (Padua, 1988), pp. 251–65. Note that Diocletian also suppressed another difficult-to-control corps, the *frumentarii*, although they were soon replaced by the notorious *agentes in rebus* (Aurelius Victor, *Caes.* 39.44–5).

²⁰ Corcoran, *The Empire of the Tetrarchs* p. 351.