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THE PROCESS OF IMPERIAL DECISION-MAKING FROM AUGUSTUS TO TRAJAN

by

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## ABSTRACT OF THE DISSERTATION

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by BENJAMIN WESLEY HICKS

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Previous studies of Roman imperial decision-making have largely viewed the structure of imperial government either through the lens of the later Principate or of the *consilium principis*. This dissertation instead focuses on the early Principate, the era when the first emperors established patterns that shaped the growing imperial governmental and bureaucratic apparatus.

It examines decision-making as a process, tracing the handling of problems of state and law from the provincial governor to the implementation of the emperor's decisions. The evidence of Pliny the Younger's letters from Bithynia-Pontus make him the subject of the first component of this study, which uses social network theory to examine the flow of information both within an imperial province and between emperor and governor, wherein the governor acted as a filter through which information flowed to the emperor. Turning to the actual deliberation on decisions, this same consideration of social networks reveals that the *consilium principis*, whose position between court and petitioner allowed it to function as the node between two "cliques," played a central role in mediating the tensions between ruler and subject while fulfilling a particularly Roman need to legitimate the *acta* of magistrates through consultative decision-making.

The final major portion of the decision-making process involves the implementation of those self-same decisions. Precedent and informational insecurity proved a significant challenge to Roman imperial governance. The relatively broad swath of imperial power, which combined legislative, judicial, and executive authority, resulted in a system where both decisions and their implementation in any instant case could produce a precedent. As becomes evident in the examination of legal and epigraphic sources, the bureaucratic means to cope with the potential snares of this system developed slowly with the growth of imperial record-keeping mechanisms stemming from the precedent of a magistrate's semi-private collection of his *commentarii* rather than the public records of the *aerarium* and *tabularium*.

This study concludes that the imperial decision-making apparatus as a whole grew out of Roman, distinctly republican precedents adapted to fit the reality of empire and supports its findings with an appendix of representative imperial decisions.

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PARENTIBVS OPTIMIS

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## INTRODUCTION

Even during the infancy of the Principate, the emperor became the central figure for Roman governance, both in the city proper and Rome's provincial holdings. Yet, most studies of his role as administrator and decision-maker have focused on the emperor from the mid-second century CE and later.<sup>1</sup> Further, scholars have construed the emperor as administrator primarily by focusing on imperial rescripts and letters to communities. There is much to recommend this approach, as legal business undoubtedly constituted much of an emperor's activity at any given point.<sup>2</sup> However, this approach also makes distinctions about governmental activity that the Romans themselves did not, and it focuses on the rescript to the detriment of the entire process of decision-making. More importantly, it mostly excludes "closed" decisions (i.e., those made by a smaller *consilium* or the internal workings of the imperial governing apparatus) as compared to "open" decisions (i.e., those made in public, in an open *cognitio* or through a decree).

The emperor did, of course, become a crucial point of appeal—indeed, practically the only relevant one—specifically because the combination of powers vested in him made his *acta* legitimate in and of themselves. We see this power confirmed in the *lex de imperio Vespasiani* through an explicit legal construction that cites Augustus, Tiberius, and Claudius as precedent, granting to Vespasian:

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<sup>1</sup> For bibliography on the emperor and the rescript, see n. 26.

<sup>2</sup> On the emperor's legal business and its volume, see M. Peachin, *Iudex vice Caesaris: Deputy Emperors and the Administration of Justice During the Principate*, Heidelberger althistorische Beiträge und epigraphische Studien; Bd. 21 (Stuttgart: F. Steiner, 1996), 79-88. Peachin's estimate of the average emperor answering around five *libelli* is a good ballpark number to indicate that legal concerns were rapidly assimilated to the imperial role. And indeed, legal matters also included within their rubric the reception of embassies, which became the sole province of emperors unless they deigned to delegate that authority to the Senate. On internal diplomacy in the Roman Empire and its assimilation to the administrative process, see most recently W. Eck, "Diplomacy as Part of the Administrative Process in the Roman World," in *Diplomats and Diplomacy in the Roman World*, ed. Claude Eilers (Leiden: Brill, 2009), 194-207.

That whatsoever he will regard as deriving from the advantage of the state or the majesty of affairs divine or human, public or private, he shall have the legal right and the authority to undertake and execute it, as did the Deified Augustus, Tiberius Julius Caesar Augustus, and Tiberius Claudius Caesar Augustus Germanicus.<sup>3</sup>

utique quaecunque ex usu rei publicae maiestateque diuinarum humanarum publicarum priuatarumque rerum esse censebit, ei agere facere ius potestasque sit, ita uti diuo Aug(usto), Tiberioque Iulio Caesari Aug(usto), Tiberioque Claudio Caesari Aug(usto) Germanico fuit.<sup>4</sup>

This sweeping power dates early in development of the Principate if we assume as does Brunt that the formulation above dates no later than Gaius' investiture in 37 C.E.<sup>5</sup> It effectively allowed the emperor and his agents to undertake whatever action they saw fit for the good of the state, irrespective of normal usages.

Thus an appeal to the emperor had the potential to bear fruit in a disputed situation of virtually any sort and as well as the potential to overturn any magisterial decision. Perhaps unsurprisingly we find both private individuals and the agents of the imperial bureaucracy looking towards the figure of the *princeps* for advice, no matter how mundane. Given the range of matters brought before him, the emperor required access to expert advice from a *consilium*. Indeed, this "consultative" habit was seemingly normative for Roman magistrates.<sup>6</sup> Livy, in recounting the tyrannical habits of Tarquin the Elder notes that one of his flaws was to not employ a *consilium*.<sup>7</sup> Indeed, the

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<sup>3</sup> Translations used in this dissertation are my own unless otherwise noted.

<sup>4</sup> *CIL* 06.31207 = *ILS* 244.

<sup>5</sup> P. A. Brunt, "*Lex de imperio Vespasiani*," *JRS* 67 (1977): 98.

<sup>6</sup> On the deep importance of the *consilium* as an institution for Roman society, see É. Cuq, "Mémoire sur le *consilium principis* d'Auguste à Dioclétien," in *Mémoires presents par divers savants à l'Académie des inscriptions et belles-lettres* (Paris: Imprimerie nationale, 1884), 9:315. In addition to a comprehensive list of *consilia* and their participants, he also puts the case quite succinctly: "C'était un usage chez les Romains de ne prendre aucune décision importante sans l'avis d'un *consilium*"

<sup>7</sup> Livy 1.49.4. For discussion of these and the Sullan examples below, see Chapter 2 of this dissertation ("*Sine consilio abhibito*: counsel and legitimacy").

*consilium* under the republic—as an outgrowth of *consilia* held by a *paterfamilias*—served to legitimate a magistrate’s decisions.

We see the use of *consilia* to legitimate decisions most clearly by the actions of commanders in the field during the late Republic. While exercising their authority as magistrates and outside the range of effective consultation with the Senate, they took recourse to a *consilium* before making settlements that would have been within their *imperium* regardless. A *senatus consultum* from 73 B.C.E. confirming Sulla’s land grant to a Temple of Amphiaraus at the city of Oropus, a town on the border of Attica and Boeotia, explicitly mentions the *consilium* that the commander convened prior to making his decision.<sup>8</sup> Another similar example is that of Sulla’s decree confirming the rights of the guilds of Dionysiac artists, where the *consilium* again receives explicit mention.<sup>9</sup> The emperors, as the literal successors to the military dynasts and also their successors in an ideological sense, shaped their constitutional authority on this model, which itself drew on the idea of the *consilium* as a legitimating force.

To focus narrowly, however, on the choice of an emperor to employ a *consilium* or not is to exclude other parts of the decision-making apparatus. First, an issue had to be brought to an emperor’s attention, either through his own observation or through a communication from a petitioner or a member of the imperial governing bureaucracy. Then, as a further part of this process after a decision was made, that decision had to be promulgated and implemented.

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<sup>8</sup> *IG* 7.413 = *SIG*<sup>3</sup> 2.747; For the argument that the *consilium* mentioned in the inscription is that of Sulla, see R. Sherk, ed. *Roman Documents from the Greek East: Senatus Consulta and Epistulae to the Age of Augustus* (Baltimore: John Hopkins, 1969), 137, n. 3.

<sup>9</sup> See *RDGE*, no. 49.

As an example of the difficulties in establishing the norms for this process during the era from Augustus to Trajan, let us take a closer look at a particularly intriguing passage in Tacitus' *Annales* (***Tib30***).<sup>10</sup> He recounts how a praetor of the year 24 C.E., Marcus Plautius Silvanus, hurled his wife Apronia headlong from their home, killing her. Her father, Lucius Apronius, then brought Silvanus before the emperor Tiberius, who “without delay . . . proceeded to the house and saw the bedroom in which the remains of struggle and violence were evident.” (non cunctanter . . . pergit in domum, visit cubiculum, in quo reluctantis et impulsae vestigia cernebantur). Tiberius, after ascertaining these facts, referred the matter to the Senate, but before *iudices* could be empanelled, Silvanus killed himself at the prompting of his grandmother, Urgulania, a close associate of Livia. The dagger she sent, so Tacitus argues, was taken as if it were a signal given “by the advisement of the emperor” (*quasi principis monitu*).

The whole episode is striking. Certainly, Tacitus felt it worthy of note in his history of the year, and such an accusation against a praetor was exceptional, if not without precedent.<sup>11</sup> However, Tiberius made a certain degree of sense as the person to handle the praetor, as his *imperium maius* would allow him to adjudicate any proceedings before the Senate. Likewise, Tiberius' referral of the matter to the Senate and then the same (or possibly another charge) to the criminal courts, as Tacitus' phrase regarding the empanelling of jurors (*datibusque iudicibus*) would suggest, was not without precedent.<sup>12</sup>

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<sup>10</sup> *Ann.* 4.22.

<sup>11</sup> E. J. Weinrib, "The Prosecution of Roman Magistrates," *Phoenix* 22 (1968): 46-7.

<sup>12</sup> The exact sequence of events regarding the prosecution of Silvanus is not entirely clear. Certainly, the matter was moved before the Senate, as one would expect, but then Tacitus reports that there were also jurors empanelled. See R. J. A. Talbert, *The Senate of Imperial Rome* (Princeton: Princeton University Press, 1984), 465, n. 4; Weinrib, "Prosecution," 48, n. 65. Both argue that some sort of panel was convened within the Senate, though this is without precedent in our extant sources for such a proceeding. More compelling is to employ the thesis of G. Maggilli, "'Saevis Plautus o 'Plautius Silvanus'?",'" *GIF* 30 (1978): 68-93. He argues that the name of Saevis Plautus mentioned in Jerome's *Chronicon* (254F) and

Perhaps even the personal involvement of the emperor, given that he had practical access to the scene of the crime, was not even so out of expectation with regard to imperial business, if we consider the anecdote where a woman berated Hadrian for not having enough time to attend to her case:

And so, when once on a certain journey a woman begged something of him, at first he told her that, “I have no time to spare.” But then she cried out, “So don’t be a king!” and he turned around and gave her a hearing.

ἀμέλει γυναικὸς παριόντος αὐτοῦ ὁδῶ τινι δεομένης, τὸ μὲν πρῶτον εἶπεν αὐτῇ ὅτι “οὐ σχολάζω”, ἔπειτα ὡς ἐκείνη ἀνακραγοῦσα ἔφη “καὶ μὴ βασίλευε” ἐπεστράφη τε καὶ λόγον αὐτῇ ἔδωκεν.<sup>13</sup>

Certainly, an observer from the modern era cannot take for granted that our assumptions regarding the appropriate role of the emperor as decider are entirely correct.

Another complication in any attempt to create a “theory” for imperial decision-making during the period 31 B.C.E. – 117 C.E. is the changeable nature of the Principate during this time period, which involved three ruling houses and during which the position of the emperor in the state, though always undergirded by recourse to violence, varied wildly upon the personal whims of the current *princeps*. Indeed, the basic method by which the emperor should interact with the state was subject to considerable confusion. Augustus and Tiberius both experimented with the appropriate method for the *princeps* to take counsel using some sort of probouletic council mentioned in Dio.<sup>14</sup> Though this body almost certainly became moribund and secondary to *consilia* convened from among the *amici* of the *princeps* as Crook and others have argued, it serves as an example of the

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charged with a pederastic act with his own son during this same year is likely a corruption of Silvanus’ name. In this case, a secondary charge arising of *stuprum* before the *quaestio de adulteriis* seems likely, as we have evidence indicating the functioning of this court for the reign of Tiberius (Tac. *Ann.* 3.38; Dio 54.30.4). On the *quaestio*’s continuing cognizance, see too R.A. Bauman, “Some Remarks on the Structure and Survival of the *Quaestio de Adulteriis*,” *Antichthon* 2 (1968): 68-93.

<sup>13</sup> Dio Cass. 69.6.3.

<sup>14</sup> *Ibid.*, 53.21.4-5.

institutional uncertainty the Principate itself underwent during its earliest years from an agglomeration of exceptional powers granted to Augustus to a codified position granted *en bloc* to Gaius.<sup>15</sup>

Despite these difficulties, however, a comprehensive study of the materials available to us still bears fruit. As such, my current work is divided between three major chapters, each of which addresses a particular aspect of the “decision-making” apparatus, from the time a matter of state or court that required the emperor’s decision arose until such time as the imperial apparatus implemented the decision he had rendered. A brief sketch of the chapters and their arguments follows.

### **Chapter 1: Governors, Emperors, and the Flow of Information**

This chapter addresses the question of how the emperor assessed a problem and the means by which he was notified of a matter that needed his attention. For this study, Pliny the Younger’s correspondence with Trajan, though at the very end of the time period in question, is still by far the most valuable of resources, as it represents an actual correspondence between an emperor and one of his governors. Of course, the traditional assessment of Pliny and his letters has been that they represented an inexperienced governor who was overcautious in making appeals to imperial authority. Sherwin-White’s argument against this all-too-easy assumption, however, is persuasive and forms the basis of my own discussion.<sup>16</sup> Indeed, in the absence of any other major source for the inner workings of the imperial bureaucracy of comparable worth, we cannot afford to

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<sup>15</sup> On the probouletic function of the council, see J. Crook, *Consilium Principis: Imperial Councils and Counsellors from Augustus to Diocletian* (Cambridge: Cambridge University Press, 1955), 11. His argument is confirmed largely by the *SC Calvisianum* (*SEG* 9.8, ll. 84-9), which stated that it was taken, ἐκ συμβουλίου γνώμης ὃ ἐκ τῆς συνκλήτου κλήρωτόν ἔσχεν.

<sup>16</sup> For the contemporary scholarly consensus as to the normalcy of Pliny’s correspondence to Trajan, see A. Sherwin-White, “Trajan’s Replies to Pliny: Authorship and Necessity,” *JRS* 52 (1962); C. Noreña, “The Social Economy of Pliny’s Correspondence with Trajan,” *AJP* 128 (2007): 244.

take these letters lightly in our understanding of the connection between the emperor and his provincial governors. Indeed, Pliny's correspondence with Trajan ought not to seem out of the ordinary at all but rather the result of the usual epistolary communication between emperor and governor.<sup>17</sup> The governor of a province served as an important source of news to an emperor who, if not in Rome, might be elsewhere in the empire and concerned with entirely other matters. Receiving regular letters from a presumably competent, appointed official would be invaluable, especially given the uncertainty of even the imperial post across the Mediterranean. Moreover, since they were the ones who initially encountered a problem, the governors of provinces had an important role in shaping the future decision-making of an emperor.

For domestic matters, the imperial court served a similar function of helping to “shape” the way matters were brought before the emperor. As J. Patterson has cogently argued, access to court society and the monarch was absolutely crucial to success in a courtly society.<sup>18</sup> A reason for this, I would argue, was the opportunity to form the basis of decision-making, not just as an *amicus* involved in a particular *consilium*, but also as the individual who reported a particular event to the emperor. The *delator* who reported on the actions of an opponent in such a way as to incriminate them was the epitome of this sort of success at its most dysfunctional. Of course, for matters in Rome and within the court, the emperor was not at the mercy of his court for information, and he could also act on his own initiative (as with Tiberius in the case of Plautius Silvanus).

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<sup>17</sup> On the imperial post, see W. Riepl, *Das Nachrichtenwesen des Altertums: mit besondere Rücksicht auf die Römer* (Leipzig: Teubner, 1913), 123-240. The *cursus publicus* functioned neither as a regular nor comprehensive service, but rather served to send messengers when the need actually arose between emperor and governor. For a discussion of the vagaries of mailings in the ancient world, see L. Casson, *Travel in the Ancient World* (Toronto: Hakkert, 1974), 219-25 and my discussion in chapter 1.

<sup>18</sup> J. Patterson, “Friends in High Places: The Creation of the Court of the Roman Emperor,” in *The Court and Court Society in Ancient Monarchies*, ed. A. Spawforth (New York: Cambridge, 2007), 121-56.



Nevertheless, the court played an important role in mediating the emperor's filtering of issues.

## **Chapter 2: Emperors and Consultative Decision-making**

This portion of my study focuses on the institution of the *consilium*, broadly construed, and the circumstances in which an emperor would seek advice before making a decision. First, a word about terminology and scope: I do not use *consilium principis* as if it were a fixed part of government prior to Hadrian's reforms that made the *consilium* more properly a body of jurisconsults. Instead, when I employ *consilium principis* it ought to be read as "a council of the emperor" rather than "the council of the emperor." As discussed before, this "deliberative habit" shaped Roman conceptions concerning tyranny and the legitimacy of decisions. *Imperium* exercised outside the confines of deliberation with a *consilium*, whether of *amici* or of the Senate itself serving as a council of state, could be construed as tyrannical. Of course, an emperor might make decisions behind both closed and open doors. For the former, we have ample evidence in the literary sources. Even though they likely are extrapolations, they are extrapolations written by those who were members of the senatorial elite and therefore familiar with the norms of court society. As such, Tacitus' depictions of imperial *consilia* in his *Historiae* are of the utmost importance to my study because they are some of the fullest accounts of internal debates among emperors and their *amici*. Further, they are *consilia* held in a time of duress, which makes them all the more useful in assessing what Tacitus points out as odd or exceptional in how they were conducted.

For decisions made in public during this same time period, we have the example of Philo's failed embassy to Gaius. While it is in some ways emblematic, at least in

Philo's depiction, of everything that could possibly go wrong in an imperial reception, it also reveals much to us about the nature of what an imperial reception *should* be. Philo even gives a revealing contrast in his commentary when he discusses an idealized *consilium*.<sup>19</sup> Under the emperors, the *consilium* retained the same legitimating force it had possessed under the Republic, which was not inconsiderable. Indeed, the *consilium* as a means to receive embassies had its roots in the military *consilium*, particularly as it developed under the military dynasts of the late Republic.<sup>20</sup>

At the same time, under the Principate, decision-making councils that pertained to matters not involving the public, such as those for councils of war, decisions regarding the imperial court, and the internal workings of the state increasingly fell outside the public eye. Tacitus and Dio both consider it a matter of considerable note when emperors first felt it legitimate to move *cognitiones* into the private sphere.<sup>21</sup> Likewise, Juvenal's depiction of a dinner *consilium* of Domitian acknowledged this appropriation of the *consilium* from the public sphere to the private.<sup>22</sup> While we can observe a general trend to greater privacy of counsel and less pretense at openness in a public forum, a more cogent observation is how the axis of openness-privacy in decision-making often dictated the response to imperial behavior. The more private an emperor's decision-making, the more tyrannical the historical tradition perceived him. Thus the *consilium principis* served not just as a practical aid to decision-making but also as a mediator between court, public, and emperor.

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<sup>19</sup> *Leg.* 350.

<sup>20</sup> For several other examples of the use of the commander's *consilium* in receiving foreign delegations outside of the military dynasts, see P. Johnston, *The Military Consilium in Republican Rome* (Piscataway, NJ: Gorgias Press, 2008), 49-57.

<sup>21</sup> Dio Cass. 67.1.1; Tac. *Agr.* 45.1.

<sup>22</sup> *Sat.* 4 (*Dom I*).

### Chapter 3: The Implementation of Imperial Decisions and the Problem of Precedent

The final portion of my study looks at the question of implementation, and it focuses primarily on the inscriptional and papyrological evidence of imperial decisions from the early Principate. My research attempts to situate these as part not just of a system of petition and response as construed by Millar, but also as examples of the difficulty in managing precedents in the implementation of decisions. The emperor's peculiar combination of powers and legal privileges made his opinion on a case not merely binding in a single instance, but often in future situations. Given the near constant anxiety over the *imperitia* of imperial governors in matters of law, decisions had not only to be implemented. They also had to be recorded and parsed as precedents.<sup>23</sup> Indeed, in Trajan's correspondence to Pliny, he made it quite clear that decisions of previous emperors, even such bad specimens as Domitian, ought to be respected when no good reason presented itself otherwise.<sup>24</sup> This confusion over precedents probably explained both his reluctance to grant rescripts, and the moves by Hadrian to create a permanent body of juriconsults to advise the emperor on legal matters.

As a way to demonstrate the application of these principles to a typical decision, I examine Domitian's letter to the Falerienses from 82 C.E. over a property dispute as a case study.<sup>25</sup>

### The Appendix of Decisions

At the end of this dissertation, I include an appendix of imperial decisions cited. It is meant to be used both for cross referencing decisions and to provide readers with a quick

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<sup>23</sup> On the matter of *imperitia*, *iniquitas*, and legal insecurity see Peachin, *Iudex*, 33-79. On the use of imperial pronouncements as sources of legal precedent see *ibid.*, 14-32.

<sup>24</sup> On the respect accorded to previous imperial precedents, see among other letters of Pliny *Ep.* 10.58-9 (*Tr20*), 10.61-2 (*Tr21*), 10.79-80 (*Tr26*).

<sup>25</sup> *CIL* 9.5420.

glance at the vast majority of decisions I reference. It also provides a representative picture of imperial decisions in the era this study addresses. The appendix, however, focuses on those decisions I cite within this dissertation and which are most useful in revealing the outcome of the decision-making process. The header for each gives basic information: a brief title, the date and locations relevant to the decision, who initiated the decision-making process, who made the final decision, and who if anyone provided counsel. After this, I give a short narrative synopsis of how the decision-making process occurred in that case, and then provide ancient citations. References to the listings in the appendix appear throughout this work marked by an abbreviation for each emperor and the decision number in bold italics.

The choice of decisions that focus on the decision-making process has caused some more notable decisions of various emperors not to appear. Often ancient sources, particularly Dio Cassius and Suetonius, ellipse the decision-making process to the point that it is quite difficult to determine the exact procedure used. Therefore, the absence of a source more interested in the minutiae of decision-making, such as Tacitus, will result in fewer entries. Likewise, the most notorious emperors such as Gaius and Nero, cease to engage the decision-making process—or at least, our ancient sources take pains to portray them as doing so. Therefore their careers have less coverage than might be expected after their traditional “good years.” Nevertheless, the appendix represents a large plurality of the decisions taken by emperors from Augustus to Trajan and provides a representative sampling of the imperial decision-making process from the first century B.C.E to the mid-second century C.E.

## CHAPTER 1: GOVERNORS, EMPERORS, AND THE FLOW OF INFORMATION

The phenomenon of the rescript and “internal” diplomacy via embassy as a part of imperial governance has received a great deal of scholarly attention, at least in part because of the nature of our major extant sources—records of embassies and letters along with their outcomes as preserved in inscriptional or papyrological sources.<sup>26</sup> My study will deal with these primarily in terms, however, of their effect in the implementation of policy. In examining how an emperor learned about problems in need of redress, embassies and rescripts, though a recurrent and perfectly typical phenomenon, ought not to be thought of as the sole means by which an emperor learned of and parsed events throughout the empire. To do so is to exclude the most senior agents of provincial government themselves: the senatorial governors and the *legati Augusti pro praetore*. The latter will be the focus of this chapter through the evidence of Pliny the Younger, but many of the concepts discussed apply equally well to either class of provincial governor.

### **The role of the governor in decision-making**

In assessing an issue, the part of the imperial decision-making apparatus who served as a “court of first instance” was the governor. He had essentially three choices in considering any matter—to ignore it, to deal with it directly with his own *imperium*, or to refer the matter to the *princeps*. Of these options, the latter is by far the most interesting to explore in looking at the ways emperors made decisions. Although we have almost no surviving

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<sup>26</sup> The classic study of rescripts and imperial governance is that of F. Millar, “Emperors at Work,” *JRS* 57 (1967): 9-19. Note too the work of T. Honoré, “Imperial’ Rescripts A.D. 193-305: Authorship and Authenticity” *JRS* 69 (1979): 51-64. Both of these articles also saw publication as chapters in monographs: F. Millar, *The Emperor in the Roman World (31 BC – AD 337)* (Cornell: Ithaca, 1977), 203-274; T. Honoré, *Emperors and Lawyers* (London: Duckworth, 1981), 24-139. On the matter of the reception of embassies as a form of internal diplomacy, see W. Eck, “Diplomacy as Part of the Administrative Process in the Roman World,” in *Diplomats and Diplomacy in the Roman World*, ed. Claude Eilers (Leiden: Brill, 2009), 197-204.

correspondence between emperor and governor from the earliest period of the empire, Book 10 of Pliny's *Epistulae*, particularly letters 15-120 during the younger Pliny's tenure as governor of Bithynia-Pontus, is a treasure trove of information. They form the core of my analysis in this chapter. After a brief introduction summarizing Pliny's career and particularly the background to his appointment as governor of Bithynia-Pontus, I will then analyze his letters, first to look at what issues he chooses to raise with Trajan and second to examine in what ways Pliny "frames" an issue for Trajan's consumption (and also how often Trajan accepts, explicitly or tacitly, that assessment). After this, I will consider the role of the governor as part of a social network that conveys information to the emperor and then discuss some of the larger implications regarding the ways in which information flowed to the emperor.

### **Pliny the Younger and *provincia Bithyniae et Ponti***

Pliny the Younger was born into the equestrian family of a landowner in Comum, but he was brought up by his uncle, Pliny the Elder, who subsequently adopted him.<sup>1</sup> He studied rhetoric under Quintilian and took the usual position on a legionary staff in Syria c. 81 C.E. Pliny entered the Senate in 93 as a praetor, became consul in 100 during which tenure he delivered his *Panegyricus* to Trajan, and then served in a variety of imperial administrative posts. He gained experience in financial affairs as the *praefectus aerari militaris* in 94-96 and *praefectus aerari Saturni* from 98-100. Finally, his appointment to the governorship of Bithynia-Pontus came in 106 and continued until his death in 112.

Trajan seems to have selected Pliny for this post, in which he served as a *legatus Augusti pro praetore* (though with proconsular powers entitling him to six lictors),

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<sup>1</sup> For further biography, see (among others) R. Syme, *Tacitus*, 2 vols., vol. 1 (Oxford: Oxford University Press, 1958; reprint, 1979), 75-85; A. N. Sherwin-White, *The Letters of Pliny: A Historical and Social Commentary* (Oxford: Clarendon Press, 1966), 69-82.

primarily on the basis of Pliny's experience in fiscal matters.<sup>2</sup> The *provincia Bithyniae et Ponti*, organized by Pompey in 68 B.C.E., had its land divided between eleven or so cities, and at the time appears to have been suffering from fiduciary misconduct at the municipal level. Up until Pliny's appointment, the province had been governed by a senatorial proconsul. Sherwin-White has argued on the basis of the letters themselves that the primary concern was to check wasteful civic projects, a paternalistic concern of the Romans that had prompted the creation of the *curatores civitatum* in Italy.<sup>3</sup> As a consequence, the correspondence between Pliny and Trajan is dominated by discussions of finances and construction projects—to say nothing of the competition between urban elites such projects spurred (i.e., the dispute between Dio Chrysostom and Flavius Archippus in *Ep.* 10.81). The other major imperial figures within the province were the *praefectus orae Ponticae*, who controlled his own cohort of troops aside from Pliny's two cohorts as a *legatus*, and the equestrian *procurator Augusti* who conducted the tax farming operations in the region.<sup>4</sup> These officials were not, as such, subordinate to Pliny but reported directly to Trajan. However, Pliny as the *legatus Augusti* for the province was the most senior official on hand, and his correspondence reflects an effort to balance the needs of the provincials with Trajan's desire to correct corruption through the province.

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<sup>2</sup> On the matter of Pliny's authority and the exceptionality (or lack thereof) of his appointment, see C. Noreña, "The Social Economy of Pliny's Correspondence with Trajan," *AJPh* 128 (2007): 243, particularly n. 13 for discussion and bibliography. Normally a *legatus Augustus pro praetore* would have only five lictors, but Pliny's proconsular *imperium* in the same role entitled him to a full six. See *ibid.*, 243, n. 14.

<sup>3</sup> Sherwin-White, *Letters*, 526-7.

<sup>4</sup> See *ibid.*, n. 40.

### Logistics of the imperial post and the authenticity of rescripts

The exchanges between Pliny and Trajan are shaped not only by the reasons for Pliny's appointment as a *legatus Augusti* but also by the logistics of an epistolary exchange.

Therefore, one of the questions in play as we read the correspondence between Pliny and Trajan is the speed with which information traveled in antiquity.

In his *Historiae*, Tacitus singles out for comment the arrival of couriers bearing news about the accession of Galba to the eastern provinces during the tumultuous civil war of 68-69 C.E. They arrived "with great speed, as is usually the case" (*praecipitibus, ut adsolet, nuntiis*).<sup>5</sup> This usual case, however, seems to have been anything but consistent. An embassy from a community might expect considerable difficulty in seeking out an imperial audience. Even a delegation of some urgency, as the one recounted by Philo in his *De legatione ad Gaium*, could encounter a delay of several months before receiving an audience before the emperor.<sup>6</sup> Likewise, an ambassador from one Greek community had to travel to Rome, Britain, Germany, Sirmium, Nicomedia, and Antioch to seek out the Severan imperial court.<sup>7</sup> Petitions from private individuals sent by courier might arrive in the emperor's hands within a widely variable time frame. Indeed, since a private courier depended on an available ship to take him, an unfortunate

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<sup>5</sup> Tac. *Hist.* 2.6.

<sup>6</sup> The chronology of this particular embassy is difficult, but the two Alexandrian delegations almost certainly had to wait at least a few months into 40 C.E. after arriving in the winter of either 38/39 or 39/40 while Gaius was preparing for his German triumph. For discussion of the chronology and relevant bibliography, see A. Barret, *Caligula: the Corruption of Power* (London: B.T. Batsford, 1989), 188-9, 300, n. 23.

<sup>7</sup> SEG 7.505 = *IEph* 802.



petitioner in Asia Minor might have to wait weeks or even months for an opportunity to make the trek to Italy.<sup>8</sup>

The imperial post, however, functioned with different aims than the private post. Suetonius provides us with one of the best ancient explanations of its functioning and objectives:

And in order that what was going on in each of the provinces could be announced and known more speedily and readily, first he [Augustus] placed young men at standard intervals along the military roads, then later he placed postal transports. This seemed more convenient, since the same men who brought letters from a place could also be questioned should the situation demand it.

Et quo celerius ac sub manum adnuntiari cognoscique posset, quid in prouincia quaque gereretur, iuuenes primo modicis interuallis per militaris uias, dehinc uehacula disposuit. Commodius id uisum est, ut qui a loco idem perferunt litteras, interrogari quoque, si quid res exigant, possint.<sup>9</sup>

This gives a straightforward account of the origins and intent of the imperial post (called either the *vehiculatio* or the *cursus publicus*).<sup>10</sup> Augustus at first implemented a relay system, like those of the Persian royal mail system, but the final settlement appears not to have aimed at absolute speed. Rather, he emphasized reliable lines of communication and the possibility of using the messenger to convey further information or context about the written communication.<sup>11</sup> Augustus and his successors apparently intended, with the creation of *stationes* along the route, to create an orderly system of outposts throughout

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<sup>8</sup> Most private post depended on the courier (usually a slave for letters sent by members of the upper class) to find and locate a ship travelling on the appropriate route. For a more thoroughgoing discussion, see L. Casson, *Travel in the Ancient World* (Toronto: Hakkert, 1974), 219-25.

<sup>9</sup> Suet. *Aug.* 49.3.

<sup>10</sup> Sherwin-White, *Letters*, 627.

<sup>11</sup> For a recent review of the evidence relating to the *cursus publicus*, see A. Kolb, "Transport and communication in the Roman state: the *cursus publicus*," in *Travel and Geography in the Roman Empire*, ed. C. Adams and R. Laurence (London: Routledge, 2001), 95-105. The inscription published by S. Mitchell, "Requisitioned transport in the Roman empire: a new inscription from Pisidia," *JRS* 66 (1976): 106-31 = *SEG* 26.1392 = *AE* 1976, 653 makes it clear that the final system as described by Suetonius came into effect within the reign of Augustus and that already it was a concern for emperors to check abuses of the *cursus*—particularly with respect to the burden it placed on communities it passed through.

Roman territory.<sup>12</sup> Access to the *cursus* depended on a *diploma*, which was issued either directly by the emperor or in more limited numbers by the governors of provinces.<sup>13</sup> These had an expiration date though we do not know the precise period of their validity.<sup>14</sup> Casson estimates that government business moved along the routes at about fifty miles per day under normal circumstances through overland routes with *mansiones* stationed approximately a day's ride apart, thus taking around twenty-five days to reach Byzantium or forty to Antioch from Rome.<sup>15</sup>

This gives some rough sense of the expected time for a non-urgent post between Pliny and Trajan—somewhere on the order of a two month turnaround time for letter and rescript. The distance between the two also affected some tendencies that we will see arise in the correspondence, not least of which is the relative willingness of Trajan to accept Pliny's assessments and to leave matters in his governor's judgment. This may have stemmed in large part from the simple factor of time and distance. Trajan, however well apprised by post and courier, was not "on the ground" in Bithynia-Pontus and relied on his governor as his eyes and ears.

These time estimates also assume that Trajan was available to answer correspondence immediately, though we need not assume that his hand was always

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<sup>12</sup> As Nelis-Clément notes, even the choice of vocabulary used to describe the placement of the *stationes* implies a desire to create an orderly network of outposts. Suetonius (*Tib.* 37.1) for example describes Tiberius' plans using the verb *dispono*, which implies a sense of setting up an ordered or arranged set: "Stationes militum per Italiam solito frequentiores disposuit." See *OLD*, s.v. "dispono". For her expansion on this point and a broader examination of the officials who made up the governing apparatus in the provinces, see J. Nelis-Clément, "Les stations comme espace et transmission du pouvoir" in *Herrschaftsstrukturen und Herrschaftspraxis: Konzepte, Prinzipien und Strategien der Administration im römischen Kaiserreich*, ed. Anne Kolb (Berlin: Akademie Verlag, 2006), 269-98.

<sup>13</sup> Casson, *Travel*, 182-4.

<sup>14</sup> See W. Williams, trans., *Pliny, Correspondence with Trajan from Bithynia* (Epistles X) (Warminster: Ares and Phillips, 1990), 105-6 for a discussion of our evidence regarding *diplomata* from Pliny. She argues that the permits presumably were valid for one year, since the letter in which Pliny inquires about the validity of expired permits (10.45) comes at the very beginning of the new year.

<sup>15</sup> Casson, *Travel*, 187-8. These figures are similar to that of Riepl, *Nachrichtenwesen*, 218-22. He gives a figure of around sixty miles per day based on the speed between Rome and Pettau in Pannonia.

required to compose routine responses. The logistics of the correspondence between Pliny and Trajan also hinge on the question of the “authenticity” of Trajan’s rescripts. Sherwin-White has summarized the essential issues well, largely following the work of Henneman.<sup>16</sup> In general, the use of certain administrative jargon, such as variations of phrases using *secundum* and a direct object (*Ep.* 10.30.1, 34.1, 76), seems to indicate that a scribal hand was at work, particularly on responses involving more complex legal issues such as constitutions. However, as Sherwin-White notes, this does not imply a lack of Trajan’s influence. Indeed, the “internal style” (to follow Henneman’s coining), follows a very definite set of concerns—equity towards provincials in material matters, reinforcement of military discipline, a preference for rules aimed at particular areas rather than general pronouncements, the avoidance of unwise precedents, and so on.<sup>17</sup>

We have no particular reason to doubt the emperor did in fact read many of the dispatches and petitions placed before him and respond to them—despite Honoré’s excellent analysis of the secretarial hands at work in imperial rescripts during the later Principate.<sup>18</sup> Indeed, Pliny seems at least to believe Trajan will read and respond to his queries based on the internal evidence of the letters themselves.<sup>19</sup> Although the choice to address Trajan directly may be a formalism which assumes minor issues might well be handled only by a secretary, our ancient evidence indicates that a great deal of an emperor’s day could be consumed by correspondence. Writing of Vespasian, Suetonius recounts:

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<sup>16</sup> Sherwin-White, *Letters*, 543-6.

<sup>17</sup> For a more complete listing keyed to the letters in question, see *ibid.*, 540-1.

<sup>18</sup> For Honoré’s arguments, see Honoré, “Imperial’ Rescripts A.D. 193-305: Authorship and Authenticity”: 51-64. See contra Sherwin-White, *Letters*, 536-43; Millar, “Emperors at Work,” 11-4.

<sup>19</sup> For example, *Ep.* 10.31.1, 56.1, 81.8, 96.1. See also Sherwin-White, *Letters*, 541-2.

He kept this manner of life in general. While he was emperor, he always rose early while it was still dark; then when he had read through the letters and reports of all his officials, he received his friends, and while they were paying their respects, he put on his shoes and dressed himself.

Ordinem uitae hunc fere tenuit. in principatu maturius semper ac de nocte uigilabat; dein perlectis epistulis officiorumque omnium breuiariis, amicos admittebat, ac dum salutabatur, et calciabat ipse se et amiciebat.<sup>20</sup>

Peachin, in his study of the *iudex vice Caesaris*, discusses further evidence for the legal responsibilities of emperors.<sup>21</sup> To point out a few examples from the early Principate, we have Suetonius' testimony that Claudius issued twenty edicts in a single day.<sup>22</sup> Similarly, in the context of Trajan's principate, we have Pliny's account of an imperial working holiday held at Centum Cellae where Trajan and his *consilium* heard approximately one case a day.<sup>23</sup> While definite numbers are quite probably beyond any precise enumeration, it seems clear that the rescripts to Pliny as governor of Bithynia-Pontus at the very least reflect Trajan's supervision, if not his outright authorship by dictation in many cases.<sup>24</sup>

In the following sections, I will first examine the correspondence between Pliny and Trajan during the former's governorship and give a close reading to the interactions between the two. Then, I will use social network theory to map the system of communication implied by the letters.

### **Structure of the letters in the Pliny-Trajan correspondence**

Of the letters, 10.15-120 constitute the exchanges between Trajan and Pliny during the tenure of his governorship of Bithynia-Pontus. A useful means of parsing this correspondence is that of Gamberini. He divides the correspondence from Bithynia-

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<sup>20</sup> Suet. *Vesp.* 21.

<sup>21</sup> Peachin, *Iudex*, 79-88.

<sup>22</sup> Suet. *Claud.* 16.4.

<sup>23</sup> *Ep.* 6.31 (**Tr3-5**).

<sup>24</sup> On the question of dictation, see Millar, "Emperors at Work," 12-3. As a rule, emperors seem to have written by hand *codicilli* (letters of appointment) and *subscriptiones* (additions to a document confirming their authenticity).

Pontus into eight categories: (1) “letters of celebration,” (2) “letters of thanks for imperial favors,” (3) “requests to be sent officials or technicians,” (4) “requests for advice,” (5) “requests for permission,” (6) “letters of recommendation,” (7) “letters transmitting persons or documents,” and (8) “letters reporting news.”<sup>25</sup> Of these categories, requests for officials or technicians, advice, permission, and the transmitting of documents and news are most important for the present study. They provide the clearest picture available to us of how a governor forwarded information to the emperor, either as a means of relaying news or in order to solicit a decision. The formal notices and letters of recommendation on behalf of Pliny’s *amici* and *clientes*, though interesting in their own right in terms of questions of formal language, are not so germane to his role in bringing matters to the emperor’s attention.

The following sections will briefly outline the dynamics between Pliny and Trajan in Gamberini’s four categories most relevant to the current study, followed by a discussion of their implications.<sup>26</sup>

### **Requests to be sent officials or technicians (10.17b, 37, 39, 41, 61, 77)<sup>27</sup>**

In these letters, Pliny seeks to receive imperial approval for a project in Bithynia-Pontus.

The essential pattern may be illustrated by *Ep.* 10.17b (*Tr*7):

I entered my province, sir, on 17 September, where I found the spirit of obedience and loyalty which is your just tribute from the human race. Consider, sir, whether you think it necessary to send a land surveyor here. It seems that not insubstantial

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<sup>25</sup> F. Gamberini, *Stylistic Theory and Practice in the Younger Pliny* (New York: Olms-Weidmann, 1983), 335-6.

<sup>26</sup> I do however amend “Letters transmitting persons or documents” to “Letters forwarding persons or documents” as “transmit” does not seem an entirely appropriate word to indicate that Pliny is sending individuals to Trajan using the *cursus publicus*.

<sup>27</sup> *Tr*7, *Tr*13, *Tr*14, *Tr*21, *Tr*26. As a rule I include virtually all of the exchanges between Pliny and Trajan in the appendix of decisions. However, some responses from Trajan are either not included in the extant letters or his responses are so vague as to constitute neither a decision nor a conscious decision to refrain from one. These will constitute the only exchanges not typically linked back to their appendix summary.

amounts of money could be recovered from the contractors of public works, if surveys are carried out reliably. I consider this a certainty from my audit of Prusenium, which I am carrying out with the greatest care.

Quinto decimo kal. Octob., domine, prouinciam intraui, quam in eo obsequio, in ea erga te fide, quam de genere humano mereris, inueni. Dispice, domine, an necessarium putes mittere huc mensorem. Videntur enim non mediocres pecuniae posse reuocari a curatoribus operum, si mensurae fideliter agantur. Ita certe prospicio ex ratione Prusensium, quam cum maxime tracto.<sup>28</sup>

In this sort of letter, Pliny briefly explains his need for some sort of official and asks Trajan to consider sending the requested support. Trajan's replies are also equally businesses-like, though Pliny has some notable lack of success in most of these queries. Of the governor's requests for architects in 10.17b, 10.37 (*Tr13*), and 10.39, Trajan either flatly denies the request, directing Pliny to seek out a local or Greek architect (as in 10.18 and 10.39), or outright ignores the request in his response (as in 10.38). It is interesting to note, however, the manner in which Trajan's responses are framed. Specifically, he tends to accept Pliny's basic assessment of the circumstances and usually confirms Pliny's handling thus far, even though sending out specialists from Rome seems to have been a sore point.

For example, in the body of 10.39 (*Tr13*), Pliny lays out three basic problem: (1) cost overruns and delays in the construction of a theater at Nicaea, (2) the overambitious and potentially unsound design for a gymnasium in the same city, and (3) a construction project for public baths at Claudopolis which are on a grand scale to suit their location in the hollow at the foot of a mountain. Trajan's response essentially repeats the framing of the situation by Pliny and leaves most of the matters in the governor's hands, with some additional advice:

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<sup>28</sup> The translations of Pliny's letters used in this chapter are adapted from B. Radice, trans. *The Letters of Pliny the Younger* (Baltimore: Penguin, 1969).

What ought to be done about the unfinished theater at Nicaea, you will best consider and implement on the spot. It will suffice for you to let me know what plan you have chosen. Then, however, see to it that the additions promised by private individuals along with the theater are carried out. Those Greeks do love their gymnasia; so the Nicaeans may have undertaken their construction with a bit too much enthusiasm, but they will have to be content with one that suits their needs. Concerning the baths which, as you write, the residents of Claudiopoliis have begun in an unsuitable site, you should decide what advice ought to be given. You cannot lack for architects. No province fails to have experienced and clever men. You should not think it quicker for them to be sent from Rome, since they tend to come to us from Greece.

Quid oporteat fieri circa theatrum, quod inchoatum apud Nicaeenses est, in re praesenti optime deliberabis et constitues. Mihi sufficiet indicari, cui sententiae accesseris. Tunc autem a priuatis exige opera, cum theatrum, propter quod illa promissa sunt, factum erit. Gymnasiis indulgent Graeculi; ideo forsitan Nicaeenses maiore animo constructionem eius adgressi sunt: sed oportet illos eo contentos esse, quod possit illis sufficere. Quid Claudiopoliitanis circa balineum quod parum, ut scribis, idoneo loco incohauerunt suadendum sit, tu constitues. Architecti tibi deesse non possunt. Nulla prouincia non et peritos et ingeniosos homines habet; modo ne existimes breuius esse ab urbe mitti, cum ex Graecia etiam ad nos uenire soliti sint.<sup>29</sup>

Trajan deigns to give advice, but his instructions in each case are relatively flexible and tend to accept Pliny's basic assessment of the situation. Though in the case of the exchange at 10.39-40, it is worth noting that Trajan does seem to be more concerned with the location of the baths at Claudiopoliis than is Pliny, who is more concerned with the potential abuse of Trajan's generosity. This series of exchanges also includes two letters wherein Pliny has considerably greater success in soliciting support from Trajan for his schemes. *Ep.* 10.41-2 and 10.61-2 involve cutting a canal to connect a lake near Nicomedia to the sea. Here Trajan's interest seems to have been genuinely piqued, though we are not privy to the final outcome of the project in Pliny's correspondence.<sup>30</sup>

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<sup>29</sup> Plin. *Ep.* 10.40.

<sup>30</sup> On the project relating to this lake, see Sherwin-White, *Letters*, 621-5, 646-8 and Williams, *Correspondence*, 102-3, 115-6. Both commentators see an implicit withdrawal of the promised expert from Rome in Trajan's reply (10.62). The lake is most likely Lake Sophon, eighteen miles to the east of

**Requests for advice (10.19, 27, 29, 31, 43, 45, 47, 49, 56, 58, 65, 68, 72, 75, 79, 81, 92, 96, 108, 110, 112, 114, 116, 118)<sup>31</sup>**

These letters make up by far the largest category in the letters between Trajan and Pliny. Given the nature of the correspondence between a *legatus Augusti pro praetore* and an emperor, this should not be surprising—particularly since Bithynia seems to have been a trouble spot as far as administration was concerned. Here too Trajan often essentially echoes Pliny’s assessment of a situation.

Of these letters, Trajan’s replies only dismiss Pliny’s assessments in whole or in part in response to 10.29 (*Tr10*), 45 (*Tr16*), and 81 (*Tr28*). Letter 10.29 refers to a situation where two legionary recruits had been brought to Pliny after their commanding office had discovered they were of servile status. Pliny’s concern in writing to Trajan focuses on the fact that the two individuals had given the oath, but that they had not been enrolled formally. Trajan, in his response dismisses that particular issue as being of no consequence: “Nor does it matter that they had not yet been enrolled.” (“Neque enim multum interest, quod nondum per numeros distributi sunt”).<sup>32</sup> Letter 10.45 involves a simple question of the imperial post, and indeed, the routine nature of the query and the impersonal nature of the response have prompted some scholars to see—quite justifiably—a secretarial hand in the drafting of the reply.<sup>33</sup> In 10.81, Pliny conveys his concerns about a dispute between Flavius Archippus (with Claudius Eumolpus acting as his agent) and the orator Dio Chrysostom. Trajan does not object to Pliny’s handling of the situation itself, but he rather objects strongly to Pliny even entertaining a charge of

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Nicomedia. The archaeological evidence suggests no construction ever began. See F. Moore, “Three Canal Projects, Roman and Byzantine,” *AJA* 54 (1950): 97-111.

<sup>31</sup> *Tr8, Tr10, Tr11, Tr15-9, Tr20, Tr23-5, Tr27, Tr28, Tr33, Tr38-41.*

<sup>32</sup> *Ep.* 10.30.2.

<sup>33</sup> Sherwin-White, *Letters*, 628-9.



treason, based on his *propositum* not “to acquire reverence for my name from the terror or fear of men—nor yet from charges of treason” (“non ex metu nec terrore hominum aut criminibus maiestatis reuerentiam nomini meo adquiri”).<sup>34</sup> Even these corrections are mild and partial, excepting 10.46, which we might well regard as being more a result of Pliny’s newness in the position of governor than any significant error of judgment on his part—or for that matter, a result of Pliny’s overweening desire to show personal respect for Trajan.<sup>35</sup>

Far more common in these responses is either a tacit or explicit confirmation of Pliny’s correct assessment of the situation. While a complete discussion of the narrative of each letter is beyond the scope of this chapter, a close reading of one exchange will serve to outline the basic pattern. Letters 10.96-97 (*Tr33*) have been an object of particular scholarly focus because of their connections to imperial policy on Christians.<sup>36</sup> My objective here is not to recapitulate the bibliography on the subject or to reconsider the matter of imperial policy itself but rather to discuss the way that Pliny poses his query and in which Trajan replies.<sup>37</sup>

The outline of 10.96 runs roughly as follows: (1) a formalized *inscriptio* indicating that it is a request for advice, framed as a rhetorical question asking who would

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<sup>34</sup> *Ep.* 10.82.1. Concerning the figures of Flavius Archippus, already mentioned above and Claudius Eumolpus, see Sherwin-White, *Letters*, 640-1, 75-8. The difficulties in tracing names in Pliny should be here noted. The best work on the subject is R. Syme, “People in Pliny,” *JRS* 58 (1968): 135-51.

<sup>35</sup> Sherwin-White, *Letters*, 549.

<sup>36</sup> The bibliography and issues of fact for this letter are far beyond the scope of this chapter. For commentary and bibliography, see Sherin-White, *Letters*, 691-712 and Appendix V. For more recent studies, see D. Fishwick, “Pliny and the Christians,” *AJAH* 9 (1984): 123-30; G. J. Johnson, “De conspiratione delatorum. Pliny and the Christians revisited,” *Latomus* 47 (1988): 417-22.

<sup>37</sup> This section employs throughout the terminology of T. Hauken, *Petition and Response: An Epigraphic Study of Petitions to Emperors 181-249* (Bergen: John Grieg, AS), 258-89 and his more recent chapter, “Structure and themes in petitions to Roman emperors” in *La pétition à Byzance. Centre de Recherche d'Histoire et Civilisation de Byzance, Monographies 14*, ed. D. Feissel and J. Gascou (Paris: Association des Amis du Centre d'Histoire et Civilisation de Byzance, 2004), 11-22.

be better able to “to inform my ignorance” (“ignorantiam instruere”), (2) an *exordium* laying out Pliny’s uncertainties as to the treatment of alleged Christians, (3) a *narratio* of his procedure in questioning and punishing suspected Christians and the problems caused by a rash of accusations and informers throughout the province, and (4) a closing *preces* reaffirming the need for advice and the perceived improvement of worship at temples now that the Christians have been checked. These follow the format, in large measure, that Hauken has outlined clearly in later imperial petitions, which were themselves an adaptation of judicial and rhetorical practices. Trajan’s response is considerably shorter, but it does not dispute the basic framework of Pliny’s request. It is quoted here at length:

My dear Secundus, you followed the procedure as you ought in carrying out the cases of those who had been brought before you as Christians, for it is impossible to lay down a universal rule which has a fixed formula. These people must not be hunted out; if they are brought before you and the charge is proven, they must be punished, but in the case of anyone who denies that he is a Christian, and makes it clear that he is not by offering prayers to our gods, he is to be pardoned as a result of his repentance however suspect his past conduct may be. However, pamphlets circulated anonymously must play no part in any accusation. They create the worst sort of precedent and are quite out of keeping with the spirit of our age.<sup>38</sup>

Actum quem debuisti, mi Secunde, in excutiendis causis eorum, qui Christiani ad te delati fuerant, secutus es. Neque enim in uniuersum aliquid, quod quasi certam formam habeat, constitui potest. Conquirendi non sunt; si deferantur et arguantur, puniendi sunt, ita tamen ut, qui negauerit se Christianum esse idque re ipsa manifestum fecerit, id est supplicando dis nostris, quamuis suspectus in praeteritum, ueniam ex paenitentia impetret. Sine auctore uero propositi libelli <in> nullo crimine locum habere debent. Nam et pessimi exempli nec nostri saeculi est.

This affirmation of correctness in Pliny’s thinking is not limited to 10.97, but similar phrasings also appear in Trajan’s responses to 27 (*Tr8*), 44 (*Tr15*), and 81 (*Tr28*).

Additionally, he also indicates various degrees of approval, or at least acknowledgment

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<sup>38</sup> *Ep.* 10.97.

that Pliny correctly “read” the situation, in his responses to 19 (*Tr8*), 49 (*Tr18*), 81, and 114 (*Tr40*).

In sum, of the twenty-four letters in this category, we can see some level of disapproval in around 12.5% of cases, compared to some level of explicit approval in around 33.3% of cases. I exclude 10.96-7 from this tally because of the relative complexity of the situation with the Christians and the difficulty in categorizing it as either approving or disapproving. The remainder can be variously classified as routine responses that implicitly accept Pliny’s assessment but simply require some consultation of records (as in the exchange of 10.72-3 involving the interpretation of a *senatus consultum*) and exchanges where Trajan merely offers advice or a solution to the problem at hand, without commenting directly on Pliny’s own handling, proposed or actual. These replies often direct the matter back to Pliny (as in 10.68-9 with their discussion of permissions to move the monuments of deceased relatives).

We likely see here, as mentioned above, the issue of logistics coming back to the fore. Pliny has the greatest failures in terms of securing the support of architects from Rome rather than their Greek counterparts, and this might well have to do with the difficulty of transporting a person from Italy to Bithynia-Pontus. Further, Trajan’s tendency to trust Pliny’s assessment—aside from any reflection on the governor’s character—also hinges on the simple fact that Trajan is not present and cannot be as well apprised about any given situation as Pliny.

### **Requests for permission (10.23, 33, 54, 70, 90, 98)<sup>39</sup>**

Following Gamberini, these are requests for permission “to proceed with specific schemes,” since ultimately many of the letters for advice could just as readily be

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<sup>39</sup> *Tr9, Tr12, Tr19, Tr25, Tr30, Tr34.*

construed as asking permission for a particular course of action.<sup>40</sup> To these, we might also add the exchanges mentioned previously at 10.41-2 (*Tr14*) and 10.61-2 (*Tr21*), involving Pliny's plans to connect a lake near Nicomedia to the sea. With these, on the whole, Pliny has notable success in receiving approval. Only in the case of 10.33-4 (*Tr12*) does he fail to procure permission for Nicomedia to have a fire brigade. In all others he meets with approval, and this fact in concert with Pliny's linguistic choices—he includes expressions of deference according to Gamberini in only 10.54 and 70—suggests that these messages are for the most part informational updates and perhaps anticipate a routine acceptance.<sup>41</sup>

### **Letters forwarding persons or documents (10.59, 63, 64, 67, 74, 83, 106)<sup>42</sup>**

These letters, which do not per Gamberini's classification include any request for advice, but simply forward a document or indicate that Pliny has sent a person to see the emperor, are relatively straightforward. The basic sub-categories to be seen are the forwarding of legal documents relating to petitions (10.59), forwarding news and couriers from foreign emissaries (10.63, 64, 67), appeals from private individuals for indulgences or redress of grievances (10.74, 106) and at least one appeal from Nicomedia that Pliny forwards without comment (10.83). These only rarely elicit a specific reply, though in the case of Nicomedia the petition from the city prompts Trajan to send specific instructions to Pliny. He asks the governor to investigate whether Augustus had granted the right for the public purse of the city to seize the property of any individual who had died intestate.

### **Letters reporting news (10.15, 17a, 21, 25, 120)**

These letters are simple reports of news. The first three 10.15, 17a, and 21 all relate loosely to Pliny's journey to Bithynia-Pontus to take up his duties as governor. Letters

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<sup>40</sup> Gamberini, *Stylistic Theory*, 336.

<sup>41</sup> Ibid., 342-3.

<sup>42</sup> *Tr21, Tr29, Tr36.*

10.15 and 17a seem to be *pro forma* notices informing Trajan of his progress and the date of his actual entrance into gubernatorial duties at Prusa. 10.21 involves the question of the retinue allowed to Gavius Bassus, *praefectus orae Ponticae*, but it too stems from Bassus making a social call on Pliny as the new governor of the province. All of these letters warrant some level of reply, though in the case of 10.17a, Trajan's reply is included as part of his response to a request for land surveyor in 17b and his reply to 21 is also to clarify the situation pertaining to Gavius Bassus' request for more soldiers in his retinue. 10.25 is a short notice of the arrival of a staff member and warrants no particular response from Trajan. 10.120 is a personal favor requested after the fact. Pliny writes Trajan to inform him that he had allowed his wife to use the imperial *cursus* in order more speedily reach her grandmother after her aunt's death. Trajan takes the time to respond to this with his retroactive permission and indeed, strong confirmation ("nec dubitandum fuisset") that Pliny had undertaken the correct course of action in the absence of his prior approval.<sup>43</sup>

### Summary of analysis

These letters paint what would seem a fairly accurate picture of the professional relationship between an emperor and one of his governors, as well as of provincial administration under the reign of Trajan. The long-standing argument that Pliny was in some way incompetent or inexperienced does not hold any particular merit, though we must also concede that the image we have of Pliny's tenure as governor is somewhat subject to his own editorial goals.<sup>44</sup> Even on issues ambiguous enough to prompt Pliny to

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<sup>43</sup> *Ep.* 10.121.

<sup>44</sup> For Sherwin-White's arguments against Pliny's supposed ineptitude, see Sherwin-White, *Letters*, 546-55 and Sherwin-White, "Trajan's Replies," 114-25. On the topic of Pliny's paradigmatic structure in the letters, see recently I. Marchesi, *The Art of Pliny's Letters: A Poetics of Allusion in the Private*

write Trajan for his advice, we see him being commended for his judgment at least three times as often as being in any way censured. This assessment is subject to issues of preservation and Pliny's own desire in choosing what letters to publish, but nonetheless indicates no ineptitude on the part of Pliny perhaps outside of requiring clarification on the appropriate use of the imperial *cursus*.

Pliny's correspondence also reveals a number of communicative functions which he undertakes in his role as governor. Aside from his particular charge to audit the accounts of cities within the province, he forwarded disputed legal claims, interacted with other provincial officials such as prefects and procurators, and forwarded internal diplomatic claims to the emperor. In the context of the decision-making process, it is therefore most useful to assess the role of a provincial governor *qua* Pliny in terms of his role in the network of relationships between the various figures we see in his letters.

### **Systems of information and communication**

W. Riepl, in his well-known and oft-cited *Das Nachrichtenwesen des Altertums*, coined a law regarding new forms of communication, arguing:

daß die einfachsten Mittel, Formen und Methoden, wenn sie nur einmal eingebürgert und brauchbar befunden worden sind, auch von den vollkommensten und höchst entwickelten niemals wieder gänzlich und dauernd verdrängt und außer Gebrauch gesetzt werden können, sondern sich neben diesen erhalten, nur

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*Correspondence* (Cambridge: Cambridge University Press, 2008), 12-25. Although Marchesi primarily treats the private correspondence and not the epistles between Pliny and Trajan, her observations on the character of Pliny's editing are highly useful, particular the observation that Pliny tends to select letters that provide a sense of a narrative situation. We see these even in the collection of official correspondence, such as the set of letters detailing the project at Lake Sophon, for example. Another useful voice is that of S. Hoffer, *The Anxieties of Pliny the Younger* (Atlanta: Scholars Press, 1998), 5-10, 55-91. As he notes, the letters also served as a means for Pliny to advance his own idealized portrait of emperor and senator, as seen in the negative example of Marcus Aquilius Regulus. Having said this, there is the problem of who precisely edited the letters to Trajan after Pliny's death and further, how stylized are their internal representations of Pliny. The disjuncture between Book 10 and the rest of the letters in terms of self-representation probably bespeaks their authenticity as a dialogue between ruler and ruled, with less of Pliny's own stylistic impositions. See M. Ludolph, *Epistolographie und Selbstdarstellung: Untersuchungen zu den "Paradebrieffen" Plinius des Jüngeren* (Tübingen: Gunter Narr Verlag, 1997), 49-56.

daß sie genötigt werden, andere Aufgaben und Verwertungsgebiete aufzusuchen.<sup>45</sup>

This insight has gained considerable recent popularity in the study of communications with the advent of the Internet and other forms of “new media,” but it has received less comment from classicists than the specifics of Riepl’s rigorous study of ancient transport and communication.<sup>46</sup> This “law” of communication, however, has considerable import for the study of communication between emperor and governor. The imperial *cursus* was itself an innovative form of state-sponsored communication within the Roman system. We should therefore expect that the traditional methods by which both cities and individuals communicated with Rome would be adapted to complement the new possibility of using the governor and imperial *cursus* as a proxy.

This is best seen from a social network perspective, which views the relationships between individuals (or in this case, individuals acting as a proxy for the whole—i.e. an embassy) as a series of connections between nodes in a network. Although used primarily as a means of describing social interactions in modern sociological studies, social network theory is also a useful way to map the most efficient—and therefore most desirable—ways of communicating matters to the emperor. Such an examination using Pliny’s governorship as a test case bears out the correctness of Riepl’s law with respect to the imperial *cursus*. The governor, in forwarding business on behalf of his provincial subjects, granted access to this new method of communication, but the old method of direct appeal through an embassy or petition still remained. Its use was instead adapted to

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<sup>45</sup> Riepl, *Nachrichtenwesen*, 5.

<sup>46</sup> As examples of recent uses of Riepl’s work outside the field of classics, see S. Auerbeck, *Kommunikation als Prozess: soziologische Perspektiven in der Zeitungswissenschaft, 1927-1934* (Münster: LIT Verlag, 1999), 379; K. Meendermann, *Neue Medien in der politischen Bildung - Grenzen und Möglichkeiten* (Münster: Waxmann Verlag, 2000), 19.

situations where a governor's goodwill could not be counted on or the matter was of such grave importance as to warrant a direct appeal to the emperor.

### **Social Network Analysis and the Flow of Information in the Principate**

The fundamental axioms of social network analysis are (per Wasserman and Faust's 2004 handbook on the subject) that "actors and their actions are viewed as interdependent rather than independent, autonomous units" and that "relational ties (linkages) between actors are channels for transfer or 'flow' of resources."<sup>47</sup> From this, network models can be used to conceptualize the linkages between actors.

One contribution from Sandwell is particularly instructive for the present study. She employs network theory to examine the connections between Libanius and his contemporaries in the later Roman Empire and concludes that his writings mirror the divisions between urban elite and imperial bureaucracy typical of rhetoric during the time period. However, looking at the network of social interactions and favors shows a series of connections and friendships that cross-cut the traditional stereotypes.<sup>48</sup> Through connections such as Spectatus (the son of Libanius' uncle Panolbuis), who had taken up a position as *tribunus et notarius* in the court of Constantius, Libanius had connections to the upper echelons of the later imperial regime, including the Praetorian Prefects Anatolius and Strategius Musonianus.<sup>49</sup> In this case, the "flow" of resources is the movement of favors and friendships between Libanius and his associates. Although favors are at least part of Pliny's correspondence (both official and unofficial) with Trajan, the more pertinent issue for decision-making is the flow of information about

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<sup>47</sup> Ibid., 4-5.

<sup>48</sup> I. Sandwell, "Libanius' Social Networks: Understanding the Social Structure of the Later Roman Empire," in *Greek and Roman Networks in the Mediterranean*, ed. Irad Malkin, Christy Constantakopoulou, and Katerina Panagopoulou (London: Routledge, 2009), 135-9.

<sup>49</sup> Ibid., 131-4.



problems that the emperor might need to address. In this respect, a social network analysis avoids some of the more vexing problems of authorship and authenticity that have obtained in more traditional studies of rescripts. Instead, it looks at the way the system as a whole moves information, rather than focusing on the particular instant exchanges between an emperor and one of his subjects.

The diagram included as Figure 1 on p. 41 represents a very simplified depiction of the centralization within the imperial bureaucracy as shown in the correspondence between Pliny and Trajan. It assumes, for the moment, a model where no imperial secretariat or other agents influence the information received by the emperor. Of particular note are the other imperial officials operating within the sphere of the province: the *praefectus orae Ponticae*, the *procurator Augusti*, the various imperial freedmen, and the *dilectatores*.<sup>50</sup> Additionally, private citizens (or communities, regarding embassies as a singular unit for purposes of abstraction) and foreign embassies have a place in the diagram.

I have weighted each connection based on the ease and efficiency of communication, and the line thickness reflects this. The division is primarily between private correspondence, which was most subject to the vagaries of transit and distance, and the imperial post. The lines themselves indicate flows of information pertinent to imperial decisions regarding the conduct of business within the province. The line between *legatus Augusti* and *princeps* has received extra weighting, since the *legatus* was the senior most official in a province and therefore (presumably) most able to capture the

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<sup>50</sup> On the *dilectatores* in Bithynia, see Sherwin-White, *Letters*, 598-9. For discussion of the *praefectus* and *procurator*, see *ibid.*, 588-9.

emperor's attention.<sup>51</sup> While this method is somewhat arbitrary, it produces interesting results. First, it becomes immediately obvious that for private individuals, communities, and foreign embassies *legatus Augusti* provided the most efficient link to the emperor and therefore was to their advantage to court his favor. A way of expressing this is the “betweenness” of a relationship. In any network where nodes cannot form new lines of communication, central actors can refuse to pass on information. The centrality of a node in passing on information is referred to as betweenness.<sup>52</sup> The diagram in Figure 1 is weighted based on this factor. Although direct communication with the emperor could and did always exist as a possibility (a proposition to be discussed later), the governor of a province possessed the “best” route—that is, efficiency of communication combined with the seniority of rank and influence to prompt notice.<sup>53</sup>

If this model is valid, we would expect to see Pliny sending along requests, documents or individuals for other actors as a commonplace, as occurs in 10.21 (*Tr8*), 63, 64, 67, 74, 83 (*Tr29*), and 106 (*Tr36*). Further, the other nodes on the network represented by other officials with access to the *cursus* and no direct subordination to Pliny would have considerably less need to route information to Trajan using the governor as agent. We see this occur only in one instance, that of Gavius Bassus and his appeal to Pliny for a larger retinue, though his reason for asking Pliny about this is somewhat unclear. As the *praefectus orae Ponticae*, he would have had access to troops

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<sup>51</sup> Some good examples of this ability to gain the emperor's attention are *Tr1*, *Tr32*, and *Tr35*. In each of these instances, Pliny uses his seniority to gain favors for his clients or provincials who have gained his sympathy. Pliny also takes advantage of his connection to the emperor, though he is not yet a *legatus Augusti*, to secure a leave of absence and permission to set up a statute to the emperor a Tifernum (*Tr6*).

<sup>52</sup> J. Scott, *Social Network Analysis: a handbook*, 2nd ed. (Los Angeles: Sage, 2000), 86-7.

<sup>53</sup> This reading also compares favorably with the work of D. Slootjes on the governor in the later Roman Empire. Although under a radically different organizational system, the essential capacity of a subject to bypass a governor was still intact. The emperor could, of course, ignore such a request or simply refer it to the provincial governor. See D. Slootjes, *The Governor and His Subjects in the Later Roman Empire* (Leiden: Brill, 2006), 49-50.

of his own and was not, as such, subordinate to Pliny but rather to the *legatus* of Cappadocia-Galatia-Pontus Ptolemaicus.<sup>54</sup> Indeed, that Bassus wrote Trajan separately would tend to confirm this fact, contrary to the assertions of Vidman that Pliny held special status during his governorship.<sup>55</sup> It does, however, point out the manner in which a *legatus* still often acted as a “gatekeeper” for the flow of information to a *princeps*. The relative betweenness of the emperor and his legate in the simplified model presented above is, in fact, the same. Both had potential contacts with the same parties within a province, but Pliny—as a practical matter—was a first point of contact within the geographic region of Bithynia-Pontus. Further, his position made him a valuable supporter in a request forwarded to the emperor, and the social respect owed to a senior colleague might well demand he be contacted first, even if direct access to the emperor was not a logistical problem.<sup>56</sup> Thus, Pliny—or any imperial governor—would be in a position to shape the way that an issue was presented to an emperor, despite a social network that allowed, at least in theory, direct access to the emperor.

### **Governor and *delator***

Of course, the model adopted in the previous paragraphs is too facile on any number of levels. As acknowledged, it does not address the influence of any imperial secretariat and it further does not address another central mediator of information to the emperor—the court.<sup>57</sup> Recent scholarship on the imperial court, particularly that of J. Patterson, has focused on access to the court as being crucial to survival and success under imperial

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<sup>54</sup> Sherwin-White, *Letters*, 588-9.

<sup>55</sup> L. Vidman, *Étude sur la correspondance de Pline le Jeune avec Trajan* (Rome: “L’Erma” di Bretschneider, 1972), 42-3, 53-4, 61-2.

<sup>56</sup> On Bassus, his prosopography, and his junior status relative to Pliny, see Williams, *Correspondence*, 91-2.

<sup>57</sup> On the importance of advisers and the secretariat, see Millar, *Emperor*, 259-72.

rule.<sup>58</sup> Moreover, this access was not just a measure of access to imperial favor, but it was also a measure of an individual's ability to shape the flow of information as it came to the emperor. To return to a social network model, the lines of communication from a petitioner (individual or corporate, official or private) to the emperor are not uninterrupted. Individuals within the court and within the imperial secretariat had the capacity to act as potential gatekeepers in the parsing and analysis of problems.

During the tenure of an emperor who was duly attending to the legal business of the empire, there were effectively two classes of links between subject and emperor. First and best studied by previous scholarship, were the external lines of communication—that is, the receipt of private petitions, interventions in legal cases, and the reception of embassies from both foreign and internal states.<sup>59</sup> Second were the internal lines of communication between members of the imperial governing apparatus and the emperor himself. When these two different lines are mapped in terms of social networks, one thing is apparent: at least in theory, access to an emperor who did due diligence to the office of governing was relatively open to any imperial subject.<sup>60</sup> Since Millar scholarly opinion has generally reflected this assessment that emperors must have surely spent a great deal of their time answering legal queries. Certainly the pressures felt during the early Principate regarding the difficulties of sorting legal precedent and the petition to hand must have at least partially prompted the reforms attributed to Hadrian's era which

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<sup>58</sup> J. Patterson, "Friends," 121-56.

<sup>59</sup> For the most thorough assessment of these functions to date, see Millar, "Emperors at Work," 203-58. More recent work on diplomatic receptions can be found in Eck, "Diplomacy," 194-207.

<sup>60</sup> The individual petition was, however, probably restricted to the form of a *libellus* as early as 120 C.E. See Hauken, *Petition*, 301.

created a *consilium* of jurisconsults and the development of the position of the *iudex vice Caesaris*.<sup>61</sup>

Our evidence from the later Principate, particularly from juristic sources has, to a large extent, fueled the examination of the external interactions between emperor and subject. The internal lines are considerably more difficult. They mostly rest in our literary sources, making them doubly problematic because we are often dealing with the impressions of authors who lived under a Principate much different from the one which they are describing. There also seems to have been some effort to keep the internal functioning of imperial governance secretive, as Cassius Dio reports:

But from this time onward, most affairs began to be carried out behind closed doors and secretly, and if something should be made public, it is disbelieved for lack of proof. For it is suspected that everything is said and done according to the will of those in power and their associates.

ἐκ δὲ δὴ τοῦ χρόνου ἐκείνου τὰ μὲν πλείω κρύφα καὶ δι' ἀπορρήτων γίνεσθαι ἤρξατο, εἰ δὲ πού τινα καὶ δημοσιευθεῖη, ἀλλὰ ἀνεξέλεγκτά γε ὄντα ἀπιστεῖται· καὶ γὰρ λέγεσθαι καὶ πράττεσθαι πάντα πρὸς τὰ τῶν αἰὲ κρατούντων τῶν τε παραδυναστευόντων σφίσι βουλήματα ὑποπτεύεται.<sup>62</sup>

A common trend, however, emerges in the ancient reading of tyranny. The appropriation of the lines of communication to an emperor by any one figure —particularly the “internal” lines dominated traditionally by the *amici principis* and the senatorial elite— signaled a movement to tyranny in the perception of ancient commentators. Take for example Tacitus’ reading of the praetorian prefect Sejanus’ motivations in encouraging Tiberius to leave Rome for the imperial villa at Baiae:

And so that he might not lessen his influence by turning aside the throngs of visitors constantly coming to his home nor aid the position of his accusers by receiving them, he then turned himself to convincing Tiberius to live in some pleasant place outside of Rome, since it would provide many benefits: entrance

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<sup>61</sup> Crook, *Consilium*, 72-3.

<sup>62</sup> Dio Cass. 53.19.3.

would be in his own control and letters would be subject to his discretion for the most part, since they would arrive through soldiers. . . .

ac ne adsiduos in domum coetus arcendo infringeret potentiam aut receptando facultatem crinantibus praeberet, huc flexit ut Tiberium ad vitam procul Roma amoenis locis degendam impelleret. multa quippe providebat: sua in manu aditus litterarumque magna ex parte se arbitrum fore, cum per milites commearent . . . .<sup>63</sup>

Tacitus highlights the flow of information—in the form of visitors and letters—and underscores how Sejanus could manipulate that flow. Although this reading of tyranny as withdrawal from a broader circle of consultation will be the focus of the next chapter, it is also relevant to the discussion of the flow of information to the emperor. Figures such as Sejanus, or overly influential freedmen such as Helius, Narcissus, and Icelus, provoked hatred not just out of political necessity or through the stigma of their social class, but also because they monopolized the means of communication with the emperor.<sup>64</sup> Likewise, an overt narrowing of an emperor's social circle—and therefore, of his lines of communication with the broader network of information among the elite—signaled potential danger, hence the contrasting descriptions of the three Flavian emperors. Vespasian and Titus both receive particular acknowledgement for their openness of process, whereas Domitian—the “tyrant”—restricted access to himself.<sup>65</sup>

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<sup>63</sup> *Ann.* 4.41.

<sup>64</sup> For examples of social parvenus, imperial freedmen, and women influencing the imperial court, see *Aug18*, *Clau4*, *Clau7*, *Clau12-3*, *Clau17*, *Clau19*, *Ner3-4*, and *Ner7-8*, *Ner10-3*, *Gal4*, *Vit4*. See too the important work of S. Rutledge, *Imperial Inquisitions: Prosecutors and informants from Tiberius to Domitian* (New York: Routledge, 2001), 20-53. He clearly outlines the social phenomenon of the *delator* and the senatorial construction of their less well-born opponents. Rutledge's prosopography (ibid., 184-290) is also of immense use in establishing the biographies of *delatores* in the early imperial period.

<sup>65</sup> On the openness of Vespasian and Titus, see Dio Cass. 65.8.4, 66.19.1 and Suet. *Vesp.* 21, *Tit.* 8. On Domitian's tendency towards secrecy and paranoia, see Dio Cass. 67.9, 67.14.4, Suet. *Dom.* 3., and Tac. *Agr.* 45.1. For the social behavior of Domitian, the evidence of Juv. *Sat.* 4 is also invaluable but will be discussed next chapter in the context of the *consilium*. (For appendix entries on Domitian, see particularly *Dom1-2*. As examples of his inappropriate behavior see *Vesp3* and *Dom5*.)

The phenomenon of the *delator* is an example of a particular dysfunctional behavior within the social network of Roman society. Tiberius, by allowing the precedent of informers in matters of treason, created a means to disrupt the usual social networks that dictated how information was passed to the emperor. Instead of working through the regular channels of access to the emperor, *delatores* had an opportunity to gain access to the emperor easily and to frame the information regarding a case in a way that was particularly damaging to an opponent.

Tacitus' portrait of Caepio Crispinus, encapsulates this essential tendency:

Not long after, Caepio Crispinus—his own quaestor—accused Granius Marcellus, the praetor of Bithynia, with Romanus Hispo joining the suit. He began a lifestyle, which afterwards the miseries of the era and the insolences of men made notorious. For he was poor, unknown, and a schemer, but using private reports he stole softly towards a savage *princeps*, made himself a danger to the most noble of men, influential with one man, and having become hated by all, gave an example whose followers found themselves wealthy when once they were poor, feared when once they were despised and brought destruction to others—and then to themselves.

Nec multo post Granium Marcellum praetorem Bithyniae quaestor ipsius Caepio Crispinus maiestatis postulavit, subscribente Romano Hispone: qui formam vitae iniit, quam postea celebrem miseriae temporum et audaciae hominum fecerunt. nam egens, ignotus, iniquus, dum occultis libellis saevitiae principis adrepat, mox clarissimo cuique periculum facessit, potentiam apud unum, odium apud omnis adeptus dedit exemplum, quod secuti ex pauperibus divites, ex contemptis metuendi perniciem aliis ac postremum sibi invenerunt.<sup>66</sup>

This portrait, “archetypal and prophetic” in the words of Syme, is a center-piece of the Tacitean portrait of the *delator*.<sup>67</sup> Again, we see the capacity to circumvent the usual social networks that dominated the imperial hierarchy—a capacity *delatores* exploited repeatedly. To reiterate an important point: the essential function of a *delator* and a *legatus* in strictly theoretical terms is equivalent. Both employ lines of communication to

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<sup>66</sup> *Ann.* 1.74.

<sup>67</sup> Syme, *Tacitus*, 326;

the emperor, but the former disrupts the normal social networks, creating opportunities for those outside the usual imperial circles of power to gain the emperor's ear.

## Conclusions

The question of how emperors learned of problems and points of concern throughout the empire is certainly complex. However, a thorough review of Pliny and Trajan's correspondence has revealed a few salient points. First, the role of an imperial governor in framing issues is a key way in which problems are passed up through the imperial bureaucracy. While the capacity to appeal directly to the emperor did exist in a more than theoretical sense, for those who did not have direct access to the internal lines of imperial communication an appeal to a governor was by far the most efficient way to move their query along those routes, thus making him a logical first point of contact for reasons beyond mere geography. Second, the correspondence of Pliny, which includes very few issues directed from other imperial agents in the region, supports Sherwin-White's arguments regarding the structure of authority within the province of Bithynia-Pontus—and presumably other territories. Other officials with direct access to the imperial post and to Trajan, such as *praefecti orae* or *procuratores Augusti* did not have to consult Pliny as the *legatus Augusti*, though they might do so if propriety and personal interest compelled them, as did Gavius Bassus. Further, this structure bespeaks the growth of the Principate as a governing institution. The role of imperial legates grew directly out of the legalistic fiction of provinces controlled by Augustus *in absentia* as a duly granted holder of *imperium*. This created a governing structure where all officials who received their powers as *legati* of the emperor notionally reported to him without any particular



hierarchy amongst themselves beyond the traditional distinctions of differing ranks of *imperium*.

More broadly, the contrast between the inside and outside lines of communication—and the capacity for those lines to reach the emperor unobstructed—seem to delineate the boundary between a good ruler and a tyrant for ancient authors. Aside from concerns of social class, the insertion of equestrians and imperial freedmen as gatekeepers in the social networks along which information flowed represented a threat to the senatorial class and traditional aristocracy. Likewise, as seen with the example of delation, the capacity to “jump” the regular lines of communication between *princeps* and subject helped make this threat a very real one for any member of the elite. This is not, however, a comprehensive study of the interaction between *princeps* and court, for not only did the court serve as a means by which information might be parsed and passed on to the emperor, it also represented the group from which *consilia* might be drawn and which therefore served to advise the emperor in what course of action he ought to take. This double role as both source of information and actor in decision-making will be the topic of the next chapter.

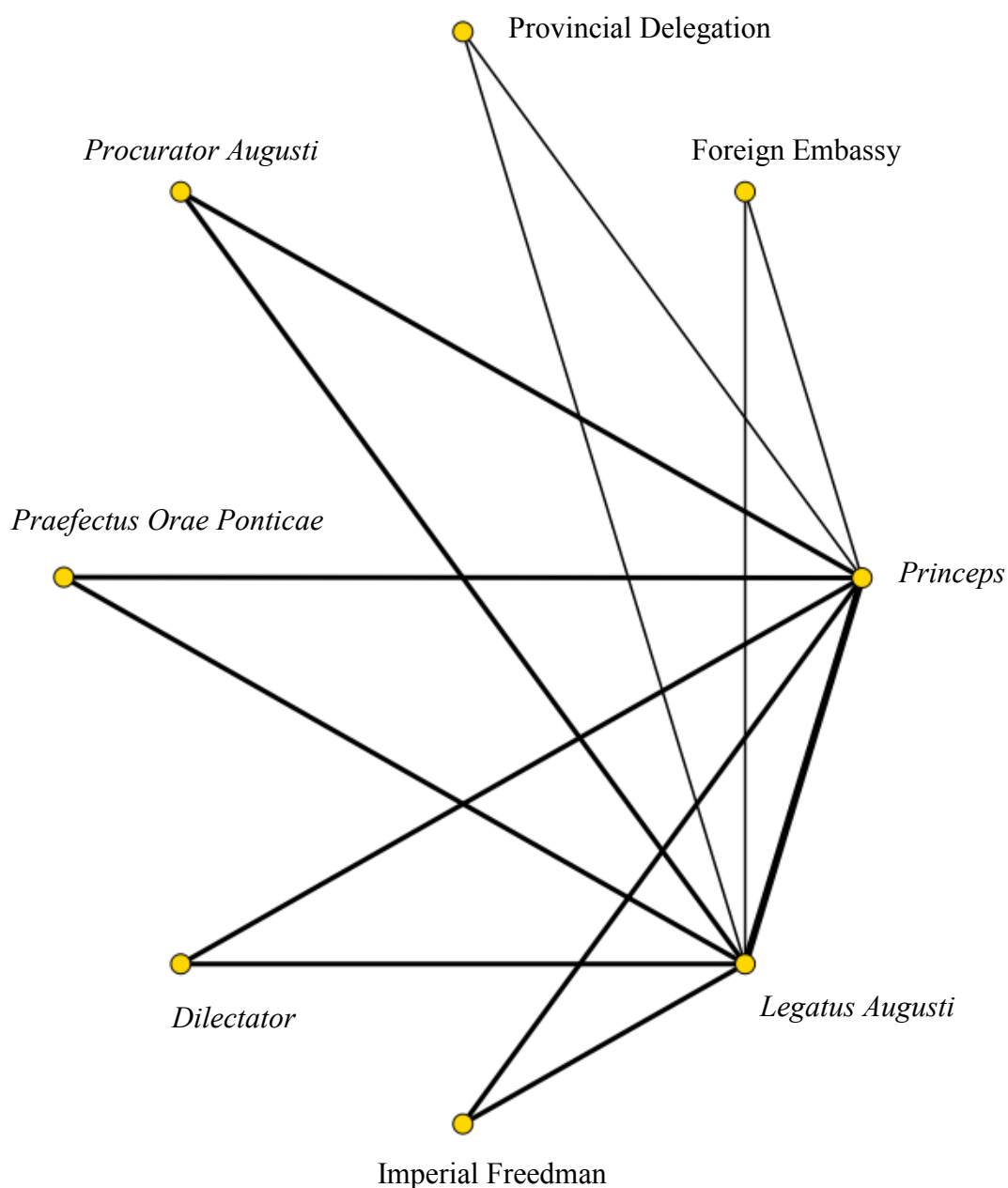


Figure 1. Simplified Social Networking Model of Bithynia-Pontus' Imperial Agents and Subjects<sup>68</sup>

<sup>68</sup> Model made by SocNetV Ver. 0.81. As an example of how to read the chart, consider the following scenario. A foreign embassy might approach the emperor directly, but only by using their private means to reach him, therefore that connection is un-weighted, to represent the lack of access to the imperial *cursus*. In contrast, the embassy might speak directly to the *legatus Augusti*, who could provide access to public transport and a direct line to the emperor's ear as the senior-most official in a province. This more efficient connection is denoted by the heavier line and weighting within the social network.

## CHAPTER 2: EMPERORS AND CONSULTATIVE DECISION-MAKING

Cassius Dio chooses to cast Octavian's deliberations on what course to take after his victory at Actium as a *consilium* between the soon-to-be Augustus, Maecenas, and Agrippa (**Aug3**).<sup>69</sup> Although the meeting itself is obviously a literary construct, it still raises one of the central issues in the process of decision-making: how, once an emperor knew about a problem, he addressed it. One could reasonably expect the process to move along different routes depending on the issue, and our different sources, the papyrological, epigraphic, and literary, all emphasize different aspects of imperial consultative decision-making. The first two emphasize the public reception by the emperor and his *consilium*, whereas the latter emphasizes the private function of imperial councils.

There are, of course, exceptions. Philo's account of the Alexandrian Jews' reception by Gaius includes what may well be one of our best descriptions of an idealized *cognitio* in contrast to the treatment he and his fellows receive. For the most part, however, the historical and literary accounts of *consilia* concern themselves with the intrigues of the court and the decisions taken behind closed doors with a select group of *amici*. These meetings are where the business of government not for public consumption occurred. My focus with respect to these is what this group of sources can reveal of the imperial decision-making process and how the Roman elite drew the lines between tyranny and legitimate authority. I will be looking particularly at Tacitus' portrayal of

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<sup>69</sup> Dio Cass. 52. Although this set of speeches clearly apes Herodotus' discourse on constitutions between Otanes, Megabyzus, and Dairus (3.80.1), it nonetheless has some programmatic value in terms of Dio's understanding of Roman government. His choice to use a fictitious consultation therefore has validity in terms of how members of the Roman elite saw their own state. A similar discussion between Augustus and Livia occurs at Dio Cass. 55.14-22 (**Aug18**).

Galba and his *consilium* on the subject of a successor and will then turn to the mock *consilium* presented by Juvenal in Book Four of his *Satires*.

First, however, I will contrast this with the public face of the *consilium*, better known to us from reports of embassies to the imperial court, for which I will use Philo's account as a "test case" supported by evidence for other hearings before the *consilium principis* during early Principate. The image that emerges is one of an emperor who is almost never free to take decisions of significant import in a vacuum. Instead, using the institution of the *consilium*, emperors mediated the need for some central control in the imperial system with the need to conciliate the interests of both the elite and the rest of the empire's population. The development of a court along Hellenistic lines provided a pool of individuals to form the membership of these *ad hoc* councils.

### ***Sine consilio abhibito: counsel and legitimacy***

At the most basic level of Roman society, the *domus*, the convocation of a council of relatives and friends (*consilium propinquorum et amicorum*) was a necessary part of the exercise of power on the part of the *paterfamilias*. The practice has been noted, of course, in almost every major study of *consilia* in Roman society, though Liebenam's article remains one of the best sources for a review of the practice.<sup>70</sup> The weight the *consilium propinquorum et amicorum* exerted on Roman social custom may be seen in two different cases recounted by Valerius Maximus. The first is that of a Lucius Annius in 307 B.C.E.:

The censors Marcus Valerius Maximus and Gaius Iunius Brutus Bubulcus followed the severity of these previous instances in a similar type of censure. Indeed, they expelled Lucius Annius from the Senate, because he had repudiated a maiden he had married without bringing the matter to a *consilium amicorum*. I do not know whether this crime or the previous one was the greater. For it only

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<sup>70</sup> *RE*, s.v. "consilium." See too Crook, *Consilium*, 4-7.

involved disrespect to marital sanctity, whereas in this case that sanctity was treated most injuriously. Therefore the censors quite rightly judged that he was unworthy to serve in the Senate.

Horum seueritatem M. Valerius Maximus et C. Iunius Brutus Bubulcus censores consimili genere animaduersionis imitati sunt: L. enim Annium senatu mouerunt, quod quam uirginem in matrimonium duxerat repudiasset nullo amicorum [in] consilio adhibito. At hoc crimen nescio an superiore maius: illo nam<que> coniugalia sacra spreta tantum, hoc etiam iniuriose tractata sunt. optimo ergo iudicio censores indignum eum aditu curiae existimauerunt . . . .<sup>71</sup>

The import of this particular *factum* is clear: to repudiate a wife without first holding a family council was an act of flagrant injury.

Maximus also records a case that is almost entirely the opposite. In this case,

Lucius Gellius, cos. 72 B.C.E., took a familial matter to a very different sort of *consilium*:

Lucius Gellius, who conducted himself with all honor in his duties up to the censorship, regarded it almost certain that the most grave of crimes had been committed by his son—incestuous relations committed with his stepmother and the contemplation of parricide. He did not, however, rush to vengeance straightaway, but with almost the whole Senate called into council and his suspicions set forth, he gave his son the right to defend himself. When the case had been examined with all diligence, both Gellius and the council's opinion absolved him. If he had hastened to vent his rage at the first impulse of anger, he would have allowed—rather than avenged—a crime.

L. Gellius omnibus honoribus ad censuram defunctus, cum grauissima crimina de filio, in nouercam commissum stuprum et parricidium cogitatum, propemodum explorata haberet, non tamen ad uindictam continuo procucurrit, sed paene uniuerso senatu adhibito in consilium expositis suspicionibus defendendi se adulescenti potestatem fecit <in>spectaque diligentissime causa absoluit eum cum consilii tum etiam sua sententia. quod si impetu irae abstractus saeuire festinasset, admisisset magis scelus quam uindicasset.<sup>72</sup>

These examples demonstrate two poles of respect for the deliberative process in decision-making: one the failure to seek out counsel and the other the desire to seek out counsel

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<sup>71</sup> Val. Max. 2.9.2.

<sup>72</sup> Ibid., 5.9.1.

taken to the extreme.<sup>73</sup> Our sources recount many other examples. There are numerous attestations of *consilia* in cases of adultery, since *stuprum* by and large did not fall within the ambit of public crimes until the moral legislation of Augustus.<sup>74</sup> Indeed, the practice of a family council continued well into the imperial period as attested in a case recorded by Seneca wherein Augustus followed the advice of *consilium propinquorum*.<sup>75</sup>

The authority conveyed to a *paterfamilias* and his decisions by a *consilium* had an analogue in the public sphere. The Senate was itself construed as the *consilium publicum* and indeed functioned as a nominally advisory body for the magistrates of any given year.<sup>76</sup> Our literary sources also reflect the illegitimacy of magisterial decisions reached without consultation. Livy, in his account of Tarquinius Superbus, makes the connection between the arbitrary actions of a tyrant and lack of consultation explicit:

In order that he might instill fear [Tarquin] would administer capital cases by himself without holding a council, and for this reason he was able to execute, drive into exile, and compel not only those whom he suspected or hated to hand over their goods as forfeiture, but also those from whom he could hope for nothing other than bounty.

Quem ut pluribus incuteret cognitiones capitalium rerum sine consiliis per se solus exercebat, perque eam causam occidere, in exilium agere, bonis multare poterat non suspectos modo aut inuisos sed unde nihil aliud quam praedam sperare posset.<sup>77</sup>

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<sup>73</sup> This meeting is probably to be associated with the use of the Senate as a *consilium publicum*, which was open to any senator who wished to attend. The fact that Gellius could summon so large a *consilium* gave additional validity both to the ruling and to his own status and *dignitas*. We ought also to consider the possibility that the purges of the senatorial rolls undertaken by Gellius and his colleague Gnaeus Cornelius Lentulus Clodianus may have prompted a false charge against his son. See P. Lackey, "The Commander's Consilium in Republican Rome," (PhD diss., Bryn Mawr College, 1997), 17-22, 43-5.

<sup>74</sup> See O. Robinson, *The Criminal Law of Ancient Rome* (Baltimore: John Hopkins, 1995), 58, n. 63 for a listing of examples from ancient authorities.

<sup>75</sup> Sen. *de Clem.* 1.15.3-4.

<sup>76</sup> See for example, Cic. *Dom.* 73.

<sup>77</sup> Livy 1.49.4.

Likewise, Tarquin was first acclaimed king not by the *curia* or *patres* but by his wife, a similarly striking rejection of collaborative decision-making.<sup>78</sup> The villainy of the last Tarquin is at least partially encapsulated in his unwillingness to involve other members of the elite in the decision-making process. Indeed, he represents an aberration from the mythical tradition of Romulus and his *patres* acting as a “proto-Senate.”<sup>79</sup>

The force of the *consilium* as part of the proper exercise of *imperium* by a magistrate found its furthest republican expression in the commander’s *consilium*. While the diplomatic and military affairs of Rome extended not much beyond Italy, magistrates and commanders were never too far from the guidance of the Senate, nor from the wishes of the voting assemblies. As Rome’s territories expanded during the later Hellenistic period, the field commander acted as the first line of diplomacy while on campaign. The *consilium* provided a useful tool to help arrive at and validate his decisions. Although major decisions would undoubtedly be referred to the Senate, the commander’s decisions were still crucial not just on the battlefield but also in terms of Roman relationships with peoples under their hegemony.<sup>80</sup> Indeed, the nature of the Senate as a group of three hundred men made it a cumbersome instrument of foreign policy and therefore dictated a naturally reactive course where the Senate tended to ratify the decisions made by

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<sup>78</sup> Livy 1.48.5.

<sup>79</sup> On Superbus as an archetype of tyranny, see F. Glinster, “Kingship and Tyranny in Archaic Rome,” in *Ancient Tyranny*, ed. Sian Lewis (Edinburgh: Edinburgh University Press, 2006), 17-32. Both he and Servius Tullius are equally illegitimate in their elections, but the latter does consult the people broadly-speaking, even if he defies the *patres* and gains his title through deception. This division between “good” tyranny and “bad” tyranny that Glinster proposes is suggestive of a similar Roman tolerance for an emperor who, whatever his means of gaining power, engages in consultative practices during his reign.

<sup>80</sup> On the broad range of roles that a commander’s *consilium* might undertake, which could range from deciding routes of march, doling out military justice, or meeting with foreign dignitaries, see Johnston, *Military Consilium*, 25-62.

commanders.<sup>81</sup> The expedient of a senatorial commission sent to make determinations when consultation with the Senate on each individual matter served in some cases, but by the late Republic, the commander's *consilium* became another means to legitimate decisions.<sup>82</sup> This too was virtually necessitated by the nature of Rome's legal regime for the exercise of power. Although a commission of ten senators, such as the Senate sent to assist Flaminius in 196 B.C.E., could make dispositions, the commander in the field still retained *imperium* and the practical authority to act.<sup>83</sup> Sulla was an important exemplar of this tendency during his activities in the East. Indeed, lacking access to the Senate as a rogue proconsul, he had recourse only to his military *consilium* for legitimation, and it features prominently in his dispositions. For example, in a *senatus consultum* (RDGE 23 = IG 7.413 = SIG<sup>3</sup> 2.747) dating from 73 B.C.E. that confirmed Sulla's grant of land to a Temple of Amphiaraus at Oropus, Sherck posits that the *consilium* mentioned in ll. 57-59 (ἐν τῶν συμβουλίῳ παρήεσαν οἱ αὐτοί . . . ) was almost certainly Sulla's.<sup>84</sup> We also find a stele bearing two letters of Sulla confirming the rights accorded to the guilds of Dionysiac Artists in Cos that explicitly mention his *consilium* and its role in confirming his decision.<sup>85</sup> These sorts of *consilia* conformed, by and large, to the conventions that obtained for *consilium propinquorum et amicorum*.<sup>86</sup> During a meeting, the general consulted the members of the council, who each gave their opinion. The majority opinion

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<sup>81</sup> A. Eckstein, *Senate and General: Individual Decision Making and Roman Foreign Relations, 264-194 B.C.* (Berkeley: University of California Press, 1987), xx-xxi.

<sup>82</sup> For an overview of the practice of sending a commission to make dispositions in the Greek east, see Eckstein, *Senate and General*, 294-301.

<sup>83</sup> Eckstein, *Senate and General*, 294, n. 107. He cites here the fact that the dispositions of the settlement in 196 B.C.E. had to wait until Flaminius returned to Rome in 193 B.C.E. (Livy 34.57.1). It is worth noting here that although they acted alongside the traditional commander's *consilium*, the commission of ten also functioned in a similarly legitimating role. See Johnston, *Military Consilium*, 63-112.

<sup>84</sup> RDGE, p. 137, n. 3.

<sup>85</sup> RDGE 49.

<sup>86</sup> Indeed, a general or governor's *comites* were effectively a selection of his wider *amici*. See A. Lintott, *Imperium Romanum: Politics and Administration* (New York: Routledge, 1993), 51-2.



of the council did not, however, in any way bind the commander. Its force was merely advisory.<sup>87</sup> The informal weight of tradition nevertheless compelled a commander to hold such *consilia*, particularly when attending to delegations from non-Roman powers or Roman subject states. Examples of such receptions can be seen in the case of Q. Pompeius Bestia and the Numantines in 140 B.C.E. and also in L. Calpurnius Bestia's reception of Jugurtha in 111 B.C.E.<sup>88</sup>

These examples give a sense of the importance with which the tradition of "consultative decision-making," as I have termed it, was held within Roman society.<sup>89</sup> Its importance as a delineator between the legitimate exercise of authority and the misdeeds of a tyrant must be born in mind while discussing the question of imperial *consilia*.

### ***Princeps and court***

Nevertheless, the Republican model could only adapt so much. The legal authority of the *princeps* was a novelty within Rome's system of governance. Exactly what relationship he would take with the Senate and the existing governing apparatus was not entirely clear at the outset. Certainly Augustus took care in his official propaganda to portray himself as a defender of the *res publica* and to gloss over his dubious misdeeds during the civil

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<sup>87</sup> Johnston, *Military Consilium*, 28-9. This same basic operation seems to hold true with imperial *consilia*. See for instance *Aug4*, *Aug12*, *Dom1*, and *Dom4*.

<sup>88</sup> App. *Hisp.* 79; *BJ* 29.5; for more complete discussion, see Johnston, *Military Consilium*, 49-59.

<sup>89</sup> This position on the importance of consultative decision-making as a form of Weberian legitimation does not, however, imply that we should hold Weber's model as being decisive or controlling in antiquity. Lendon persuasively argues that this sort of analysis has distinct limitations. His assertion dismissing tradition as a means of legitimating the Principate is, however, not wholly tenable. As he states: "Empirically, the problem of origins bites especially hard in the Roman case, for the Roman Principate began as a revolutionary regime. Even if we accept that by the second century AD tradition played a role in the regime's strength, on what basis did the regime muddle through to the second century?" J. Lendon, "Against Weberian Legitimacy and Imperial 'Strategies of Legitimation'" in *Herrschaftsstrukturen und Herrschaftspraxis: Konzepte, Prinzipien und Strategien der Administration im römischen Kaiserreich*, ed. Anne Kolb (Berlin: Akademie Verlag, 2006), 56. While he is right that the Principate did not itself have traditions on which to draw support, this did not preclude emperors from drawing on Republican precedents of "good" leadership to reinforce their own legitimacy, particularly with the aristocracy.

wars.<sup>90</sup> Even in antiquity, however, the fiction of this position was manifest. How to accommodate the *de facto* power that he possessed to the norms of the Roman elite without causing the sort of offense that undid Julius Caesar was an open question.<sup>91</sup>

The Hellenistic model of a divine monarch was not compatible with the antipathy in the Roman tradition for kings, even though the military dynasts of the late Republic had received many of the same divine honors reserved for the successors of Alexander. Hellenistic monarchy developed organically from the synthesis of Eastern customs and pre-existing Hellenic and Macedonian models. It, however, had fertile intellectual ground within which to take root. The period prior to the rise of the Macedonian empire had seen a surge in Greek works devoted to the virtues of kingship as a form of governance: Xenophon's encomium of Agesilaus, his *Cyropaedia*, Isocrates' *Nicocles* and a passage in his *Laws* (4.711E-712A) where he asserted that turning the city over to a man with a royal character predisposed to self-control and justice was the best course of action, among others.<sup>92</sup> Rome had no such parallel lionization of monarchy.

There was, however, a parallel between the Principate and the Hellenistic monarchies in that they both emerged as a practical response to a changed world, and they therefore had to adapt existing practices to new circumstances. This phenomenon can be seen in the use of local non-Greek customs and titulature by the new monarchies, but we can also see the adaptation of friendship to the unequal relationship of ruler and ruled. The creation of the *philoi* in the Hellenistic courts drew on a need to foster loyalty among a ruling bureaucracy that had no roots in the native population and held its

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<sup>90</sup> For example, note his self-serving account of his consular command alongside Pansa and Hirtius at *RG* 1.

<sup>91</sup> On Julius Caesar as a model for imperial autocracy, see J. Patterson, "Friends," 131-4.

<sup>92</sup> F. Walbank, "Monarchies and Monarchic Ideas," in *CAH*<sup>2</sup> 7.1, 75-6.

territory primarily through force of arms.<sup>93</sup> This relationship grew from the existing structure of the Macedonian *hetairoi*, though it gradually became increasingly formalized and bureaucratic throughout the third and second centuries, with different grades of *philoi*.<sup>94</sup> The circle of *philoi* in Hellenistic courts remained thoroughly Greek and excluded the native populations of the various kingdoms ruled by Alexander's successors.<sup>95</sup> Nevertheless, they provided a convenient fiction of mutual loyalty between ruler and ruled among the elite. As Walbank puts it, "King, army and Friends [*philoi*] must stand together."<sup>96</sup>

Roman friendship was traditionally much more open. The bond of *hospitium* framed the relationship between a Roman and outsider as a form of *amicitia* and involved a formal initiation. Either the Senate issued a decree if the *hospitium* was offered *publice*, or an individual offered food and lodging to establish *hospitium privatum*.<sup>97</sup> Likewise in terms of formal consultation outsiders were also welcome. Appian recounts one instance where a foreigner was allowed to sit as a member of a *consilium*. According to the historian, Scipio Africanus asked for Syphax, the Numidian chieftain, to sit on his *consilium*.<sup>98</sup> Likewise, Jugurtha also sat on the *consilium* of Scipio Aemilianus in

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<sup>93</sup> Ibid., 68-70.

<sup>94</sup> On the close association of *hetairoi* and *philoi* as near synonyms in ancient sources, see D. Konstan, *Friendship in the Ancient World* (Cambridge: Cambridge University Press, 1997), 96. Plutarch and Diodorus use both terms somewhat interchangeably. Here too Alexander also served as an important precedent, as it seems during his life that even the *hetairoi* became subject to court protocol in terms of their access to the monarch. See A. Spawforth, "The court of Alexander the Great between Europe and Asia," in Spawforth, *Court*, 108-9.

<sup>95</sup> Walbank, "Monarchies," 69.

<sup>96</sup> Ibid., 70.

<sup>97</sup> For a recent examination of *hospitium*, see J. Nicols, "Hospitium and political friendship in the late Republic," in *Aspects of Friendship in the Graeco-Roman World. Proceedings of a conference held at the Seminar für Alte Geschichte, Heidelberg, on 10-11 June, 2000*, ed. Michael Peachin (Porstmouth, RI: Journal of Roman Archaeology, 2001), 99-108. More generally on the use of *hospitium publicum* under the Republic, see Lintott, *Imperium*, 169-70.

<sup>98</sup> App. *Pun.* 28; Johnston, *Military Consilium*, 17-9

Numantia.<sup>99</sup> We also see locals admitted to *consilia* frequently in Cicero's *Verrines*.<sup>100</sup>

This openness to outsiders sitting in *consilia* does not seem to have changed under the empire. For example, although in a situation involving a *unus iudex* rather than a court or council per se, the orator Quintilian recounts arguing a case before Berenice.<sup>101</sup> This all served to render the *consilium* a more open institution than a meeting of *philoï*. The *amici* of a magistrate might make up an initial pool from which to draw a council, but the membership could be extended beyond that group. This did nothing, however, to remedy the problem of allowing an autocrat to exist in a notional republic.

Unsurprisingly, a historian of the early Principate can readily observe some of the early attempts to bridge the gap between elite and *princeps*. The probouletic council of Augustus (*Aug9*) recorded by Dio was one such experiment:

And most of all, he took as advisors for six-month terms the consuls (or the consul, whenever he himself was serving as the other) and one from each of the other magistrates, and fifteen from the number of the Senate chosen by lot, with the result that through these all the proposed laws are mooted to all the rest. For he put some measures before the whole Senate, but since he thought it better that the majority and the most important of matters be examined by a few at leisure, he did this and so it is that he sat as a judge with them.

τὸ δὲ δὴ πλεῖστον τοὺς τε ὑπάτους ἢ τὸν ὑπάτον, ὁπότε καὶ αὐτὸς ὑπατεύοι, καὶ τῶν ἄλλων ἀρχόντων ἓνα παρ' ἐκάστων, ἕκ τε τοῦ λοιποῦ τῶν βουλευτῶν πλήθους πεντεκαίδεκα τοὺς κλήρω λαχόντας, συμβούλους ἐς ἑξάμηνον παρελάμβανεν, ὥστε δι' αὐτῶν καὶ τοῖς ἄλλοις πᾶσι κοινοῦσθαι

<sup>99</sup> Sal. *Iug.* 7.3-7.

<sup>100</sup> See for example, Cic. *Verr.* 1.1.25 (an attempt at bringing Sicilians into a *consilium amicorum*), 2.1.16 (an oblique reference by Cicero to his groups of *amici* within the province), 2.1.73-4 (the trial of a Greek named Philodamus in Asia), 2.2.41-5 (Verres and his refusal to choose local judges for his *consilium* by lot per the law of Publius Rupilius), and 2.2.69-82 (the trial of a native Sicilian, Sopater).

<sup>101</sup> The question of Berenice's status as both litigant and judge in the case is a problem, given that she was both a woman and a foreigner. L. Bablitz, *Actors and Audience in the Roman Courtroom* (New York: Routledge, 2007), 231, n. 88 argues persuasively that we ought to accept Quintilian's assessment of the matter. He clearly includes the incident as part of his disquisition on arguing cases where the judge was also a concerned party (*Inst.* 4.1.19) and more generally, as Bablitz notes, a *unus iudex* could be any person the parties in question agreed upon. This situation is neatly parallel to the composition of any given *consilium*, which was almost entirely subject to the wishes of the individual who called it together. For the argument against Berenice's involvement as a *iudex*, see J. Crook, "Titus and Berenice," *AJPh* 72 (1951): 169-70.

τρόπον τινὰ τὰ νομοθετούμενα νομίζεσθαι. ἐσέφερε μὲν γάρ τινα καὶ ἐς  
 πᾶσαν τὴν γερουσίαν, βέλτιον μέντοι νομίζων εἶναι τὸ μετ' ὀλίγων καθ'  
 ἡσυχίαν τὰ τε πλείω καὶ τὰ μείζω προσκοπεῖσθαι, τοῦτό τε ἐποίει καὶ ἔστιν  
 ὅτε καὶ ἐδίκασε μετ' αὐτῶν.<sup>102</sup>

Crook has argued, quite rightly, that this probouletic council ought not to be identified with the *consilium principis*—an expression that is itself a modern coining.<sup>103</sup> Instead, the probouletic council was a fairly short-lived institution, not appearing in the sources much beyond the beginning of Tiberius' reign.<sup>104</sup> The S.C. Calvisianum (*SEG* 9.8) from 4 B.C.E. appears to reference this body in its text, which records a decision made by the council (ἐκ συμβουλίου γνώμης). Likewise, a papyrus find that recounts part of an Alexandrian embassy to Augustus features the probouletic council prior to changes made to accommodate the aging emperor's ill health.<sup>105</sup> Late in the reign of Augustus, the council was reformed to include Tiberius, Drusus, and Germanicus also as permanent members.<sup>106</sup> Beyond this point, as noted above, the probouletic council appears to have lapsed into disuse. Instead, Tiberius took a different approach towards soliciting advice, as Suetonius recounts: "Beyond his old friends and close associates, he had sought twenty from the foremost citizens as members of his council in dealing with public business" ("Super ueteres amicos ac familiares uiginti sibi e numero principum ciuitatis depoposcerat uelut consiliarios in negotiis publicis").<sup>107</sup> This appears to be the prototype for the form of *consilium* with which we are most familiar from later sources, comprised from the *amici principis* on a case-by-case basis.

<sup>102</sup> Cass. Dio 53.21.4-5.

<sup>103</sup> Crook, *Consilium*, 16-20. On the problems of the conceptualization of the *consilium principis* as a standing body, rather than a council that the emperor called together to deal with issues *ad hoc*, see *ibid.*, 1-3 and F. Amarelli, *Consilia principum* (Naples: Jovene, 1983), 15-40.

<sup>104</sup> On other appearances of this *consilium* attested in our sources, see *Aug10*, *Aug21*.

<sup>105</sup> *POxy.* 2345. See n. 36 below regarding the date.

<sup>106</sup> Cass. Dio 56.28.2-3.

<sup>107</sup> Suet. *Tib.* 55.

Before turning to the *amici* and their role in providing the membership for imperial *consilia*, however, the question of why the original senatorial committee failed (or at least, became moribund) must be addressed. Given the paucity of information on the body, it is not easy to address the problem, but at least one possible answer has important implications for the development of imperial governance. Although the probouletic council was a smaller section of the Senate, it was still a reasonably large group of people whose membership rotated on six-month terms, excepting the members who received positions based on their annual magistracies. In practical terms, this meant that those who were serving in the rotational slots might or might not be individuals of particular note. Further, given the increase in business directed towards the emperor from the very beginning of the Principate, there was doubtless a growing need for specialists, particularly with respect to legal issues.<sup>108</sup> These problems, however, could surely have been surmounted within the current system.

Instead a systemic cause must have been at work. The arc of the council's development suggests just such a systemic change—the development of the imperial court as a force in its own right. Although there has traditionally been some level of skepticism as to whether the term “court” should even be applied in Rome before the Severans, the model of the Hellenistic courts undoubtedly had an influence on how the relationship between ruler and ruled developed in the early Principate. By the mid-first century, *aula* (derived from the Greek term) became the standard term to denote both the space of the court and the imperial court itself.<sup>109</sup> This shift in language tells us two things. First, the term for the court derived from a Hellenistic context rather than the

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<sup>108</sup> On the extent of business that the emperor dealt with, see Millar, “Emperors at Work,” 9-19; Peachin, *Iudex*, 79-88.

<sup>109</sup> Patterson, “Friends,” 127-8.

native Latin term, and second, there was a perceived need by as early as the first century to label the social grouping that grew up around the emperor. This is not to say that immediately with the rise of Augustus the pattern of imperial court life sprang up overnight and in fully articulated form. Rather, even in the earliest year of the Principate, there was a disconnect between the notional authority of the traditional state—that of the Senate and voting assemblies—and the practical authority of the ruler.

As a consequence of this, the result was a hybrid of Roman tradition and the practices of Hellenistic monarchy. J. Patterson has argued the case for this sort of composite practice as a reaction to the monopolization of power in the hands of the *princeps*. He cites seven criteria for the Principate which “contemporaries considered novel.”<sup>110</sup> I reproduce them here at length:

1. Power and patronage were perceived as residing ultimately in the person of one man.
2. As a consequence, those immediately around the emperor—his family, household, and close companions—were perceived as deriving power and influence in their own right from the emperor.
3. One result of this was that in some cases individuals from outside the social and political hierarchy were perceived as having abnormal power and influence, e.g. women, imperial freedmen, some of the slaves attendant on the emperor, and eunuchs in the later empire; while court societies frequently reinforce already existing social hierarchies, they also can have this subversive effect.
4. Access to and recognition by the emperor became the key to a successful and secure public life for the elite.
5. The obverse was, if anything, even more important: exclusion from the court frequently spelt political, social and often actual death (either by suicide out of despair at the end of one’s career or as a result of being attacked in the courts by opponents who were encouraged to do so as a result of the emperor’s indication of the withdrawal of his favour).
6. A set of conventions or norms emerged which governed the social interaction between emperor and those around him.
7. Flattery as a form of behavior became important and prevalent, even though emperors may have protested against it and subjects found it demeaning.

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<sup>110</sup> Ibid., 129.

There are several observations to be made. First and foremost, the notion of access that Patterson articulates squares nicely with the social network interpretation of information within the imperial system. Given the stakes at play for members of the elite, access to the emperor's ear was of tremendous importance, and the court served as a mediator between outsiders and the emperor. This is to say nothing of the influence that the court played on actually formulating imperial decisions.

For the instant question, however, the most important point from the above list is the changed nature of imperial society—the perception of power and authority residing in one man and his circle of family and intimates. The probouletic council described in Dio might well have fallen to the wayside because it did not adequately map to the developing power structure of imperial society. The center of power did not reside in the Senate but in the emperor himself. Therefore the efficacy of a body that was primarily senatorial in composition in legitimating and reinforcing the power of the imperial household was limited. Instead, following the theories of Norbert Elias on court society as applied by Patterson, the court functioned as a sort of redistributive mechanism.<sup>111</sup> In exchange for their loyalty, the courtiers gained a measure of wealth and privilege—to say nothing of security of personal safety. Maintaining this dynamic, therefore, required that access to the imperial court represent an actual gain in prestige and social standing, even within the fiction of a personal friendship. This relationship, however, could not be construed in terms of absolute loyalty to a monarch and still acknowledge the previously republican elements of Roman society. Aside from the conflation of the *salutatio* with the Ptolemaic practice of greeting friends of various “ranks” at different times and other

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<sup>111</sup> Patterson, “Friends,” 134-5; See N. Elias, *The Court Society*, trans. E. Jephcott, revised ed. (Dublin: University College Dublin Press, 2006), 39-44.



adaptations of Hellenistic practice, Augustus and his immediate successors had to find a way to integrate the realities of imperial rule with the pre-existing power structures in their society.<sup>112</sup> The *consilium* provided just such a way.

### ***Consilia* and court**

Forming the membership of imperial *consilia* from the *amici principis* served several purposes within the court society. The *amici* in this role served as an effective “pivot” for the governing apparatus, allowing decisions to be made either facing inwardly (internal decisions) or outwardly (external decisions). In the former case, holding *consilia* with his intimates and friends allowed the emperor to maintain the illusion of equality and civility within the elite. By mooted decisions, he also gained the advantage of ensuring their acceptability within his own circle before more broadly disseminating them. In the latter case, the hearing of public business before a *consilium* of leading citizens and members of the imperial family granted legitimacy to rulings. In terms of network theory, we might conceive of the role played by the council as follows, using the concept of the “clique.” A clique is represented as a cyclic component—that is, a component whose points form a path that returns to its starting point.<sup>113</sup> In Figure 2 on p. 69, the points denote various members of the imperial court (courtiers A-C) and various petitioners (petitioners A-C). The point labeled as *consilium* is intended as an abstraction that represents any instance of a council where members of the court (presumably in this example those closest to the emperor) give advice on a matter. The court itself functions as a set of interconnected cyclic components, each with two points in common—the *princeps* and the *consilium*. The petitioners, on the other hand, are “hangers.” That is, they connect to a point on one

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<sup>112</sup> Patterson, “Friends,” 130-1.

<sup>113</sup> J. Scott, *Social Network Analysis: a handbook*. 2nd ed. (Los Angeles: Sage, 2000), 100-7.

of the cyclic components (one of the two common points, the *consilium*), but are not themselves part of the cycle.

This abstraction highlights several features. The two points of maximum “betweenness” (i.e. the greatest number of connections) within the court are the *consilium* and the *princeps*, but the *consilium* has the greatest betweenness of the overall system, acting as a gateway between all points. The two halves of the diagram separate starkly different social worlds, as well. The court itself is a set of cycles, all interconnected, whereas the petitioners have no particular relationship to one another. The make-up of a *consilium* meant to address the issues of each would have to be markedly different. One would concern itself with the internal politics of the court—and therefore matters of status and loyalty. The other would concern itself with the external politics of the decision-making apparatus—so matters of law, diplomacy, and other affairs of state.

This conception is, of course, somewhat wanting. One could easily conceive of a scenario where one of the courtiers was a patron of a petitioner or where a courtier found himself out of favor and therefore cut off from most of his contacts within the court. It suffices its purpose, however, in illustrating the position which consultative decision-making held within the court as both an internal and external function. An analysis of *consilia*, both those dealing with internal matters and those dealing with external matters will serve to test this conceptualization.

### **External decision-making**

The precise format of a public hearing (*cognitio*) is not a topic about which we have a great deal of information, though we have some notion of the way in which one would play out. The previously-mentioned papyrus find relating to a *cognitio* before the

*consilium* of Augustus takes particular care to note the location (the Temple of Mars Ultor) and the members of the council in its header—suggesting that this is part of a standard template for recording such a hearing. Turner dates it to around 13 C.E. based on the absence of Germanicus from the *consilium* organized during Augustus' later years and regards the fragment as part of the *Acta Alexandrorum*.<sup>114</sup> We ought therefore to be sensitive to such factors as location and composition of the *consilium* in any analysis.

Perhaps the best description of an idealized *cognitio* in the early Principate comes to us from an account of a bizarre diplomatic encounter: Gaius' reception of Philo and the Alexandrian Jews after the riots of 38/39 C.E. during which the Greek population of the Alexandria had reacted with violence towards their Jewish neighbors after a visit by Agrippa I (*Gai*4).<sup>115</sup> Gaius received the embassy in the imperial residence on the Esquiline, near the Gardens of Maecenas and Lamia. Here he led the Jewish delegation and their Greek Alexandrian counterparts in a bizarre council, moving around the various rooms as he attended to matters of decoration.<sup>116</sup> He then berated the Jewish delegation about their religious views, quizzed them briefly on the Jewish claims to Alexandrian citizenship, and condemned them as wretched but not criminal in failing to regard him as a god (πονηροὶ μᾶλλον ἢ δυστυχεῖς).<sup>117</sup>

After this, he dismissed the delegations, leaving the matter unresolved. Aside from the exploitation of religious tensions on the part of the Alexandrian delegation to smear the Jews for not making sacrifice to Gaius as a god, the chief point of Philo's

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<sup>114</sup> See E. Lobel and E. Turner, eds. *The Oxyrhynchus Papyri*, vol. 25 (London: Egyptian Exploration Fund, 1959) 108-9 for Turner's publication of the text and 104 for his assessment of the date.

<sup>115</sup> For an account of the violence, see Philo *Leg.* 122-33. On the provocation of Agrippa I's visit, see D. Sly, *Philo's Alexandria* (New York: Routledge, 1996), 171 and E. Smallwood, *The Jews Under Roman Rule From Pompey to Diocletian* (Leiden: Brill, 1976), 235-45.

<sup>116</sup> Regarding the location, see J.P.V.D. Balsdon, *The Emperor Gaius (Caligula)* (Oxford: Clarendon, 1964), 140.

<sup>117</sup> *Leg.* 353-374.

irritation is Gaius' failure to provide a proper hearing before a *consilium*. He contrasts his treatment with an idealized version of a *cognitio*:

For this would be the task of a judge: to sit with councilors chosen for merit, since the matter before them was of the greatest importance and nothing of it had been heard for four centuries. Moreover, now for the first time charges were being brought against the multitude of Alexandrian Jews. He ought to stand the disputing parties with the advocates who speak for them, to listen to them in turn, and in turn to listen to their defense according to the water clock, and to rise to confer with his councilors regarding what it was necessary to declare in public according to just sentiment.<sup>118</sup>

δικαστοῦ μὲν γὰρ ἔργα ταῦτα ἦν· καθίσαι μετὰ συνέδρων ἀριστίνδην ἐπιλεγμένων, ἐξεταζομένης ὑποθέσεως μεγίστης ἐν τετρακοσίοις ἔτεσιν ἡσυχασθείσης καὶ νῦν πρῶτον εἰσαγομένης ἐπὶ μυριάσι πολλαῖς τῶν Ἀλεξανδρέων Ἰουδαίων, ἐκατέρωθεν στῆναι τοὺς ἀντιδίκους μετὰ τῶν συναγορευσόντων, ἐν μέρει μὲν ἀκοῦσαι τῆς κατηγορίας, ἐν μέρει δὲ τῆς ἀπολογίας πρὸς μεμετρημένον ὕδωρ, ἀναστάντα βουλευσασθαι μετὰ τῶν συνέδρων, τί χρή φανερώς ἀποφίνασθαι γνώμη τῇ δικαιοτάτῃ

Crook has speculated that this may well be based on the reception that Claudius offered the disputants a few years after Gaius' hearing of the embassies.<sup>119</sup> It certainly gives us a relatively clear portrait of the procedure for a hearing before a *consilium principis*. The basic format is (1) a hearing of the two disputing parties with a water clock as a provision for equity in speaking time, (2) a conference with the councilors, and then (3) the public promulgation of a decision. This essentially describes any hearing before a magistrate during the imperial period, where we have firm attestation of the use of water-clocks to give (usually) a 2:3 ratio of time to the prosecution and defense in criminal matters—usually six and nine hours, respectively.<sup>120</sup> Although this time allotment may have suffered some attenuation under the demands of legal business that was put before the

<sup>118</sup> *Leg.* 350. This translation is my own, composed with consultation of Colson's 1962 Loeb edition.

<sup>119</sup> Crook, *Consilium*, 39-40; *P. London* 1912 (*Clau*3).

<sup>120</sup> L. Bablitz, *Actors and Audience in the Roman Courtroom* (New York: Routledge, 2007), 172-3.

emperor, this gives some idea of the time required. L. Bablitz, using the rate at which text can be read and the relative speed of water clock, has assessed the length of speeches in our surviving sources as ranging from seven-and-a-half to three-hundred pages in length, representing a real burden in preparation time.<sup>121</sup> This certainly gives some clue as to why Philo found Gaius' lack of respect for protocol so deeply offensive.

We ought also to be sensitive to the location of the reception. Generally, receptions during the early Principate were held in the Forum, and we also find emperors employing the Forum of Augustus.<sup>122</sup> *Consilia principis* very quickly became occurrences at imperial residences—though Augustus' choice to hold hearings in his bedroom probably stemmed more from the necessities of his ill-health than a programmatic statement.<sup>123</sup> Certainly too the other imperial residences and estates around the city, including Nero's Domus Aurea, became venues for the imperial court by the reigns of Claudius and Vespasian.<sup>124</sup> Likewise, Claudius appropriated at least one trial into his bedroom, that of the traitor Valerius Asiaticus (*Clau*7).<sup>125</sup>

This last example is interesting, however, because of the social dynamic that it implies. The choice to hold the trial *intra cubiculum* certainly strikes Tacitus as inappropriate. Although the pretext for the charge was that of a supposed treasonous comment regarding the death of Gaius Caesar, Tacitus places the true motivation squarely within the realm of court intrigue: Messalina's desire for the gardens that Lucullus and Asiaticus were constructing. The accusers are likewise tied to the slaves and freedmen of the court. Sosibus, Britannicus' tutor, acts on Messalina's orders when he

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<sup>121</sup> Ibid., 173.

<sup>122</sup> On the locations of hearings, see *ibid.*, 34-6

<sup>123</sup> Suet. *Aug.* 33.1; Cass. Dio 55.33.5.

<sup>124</sup> Bablitz, *Courtroom*, 26.

<sup>125</sup> Tac. *Ann.* 11.2-3.

prompts Claudius to suspect Asiaticus. Although Tacitus is our only source for this particular incident, this sort of trial *intra cubiculum* seem to have been a wedge that alienated Claudius from the aristocracy.<sup>126</sup>

In bearing in mind the significance of location, the appropriation of a trial into the private chambers of the emperor seemed at this point to have offended the elite. Many imperial judgments took place, after all, either in the praetorian courts or in the Senate sitting as a court.<sup>127</sup> Indeed even during the reign of Domitian, his appropriation of *cognitiones* to the palace and his Alban villa was enough to provoke comment. Vespasian kept to the tradition of holding *cognitiones* in the Forum, and Domitian seems for the most part to have followed this practice with one important exception.<sup>128</sup> Suetonius' choice of wording in describing the latter is important. Domitian held his tribunals in the forum, according to the biographer, "for the most part" (*plerumque*). When not held in public, business seems to have also moved from the city proper to the Alban villa (as in the *consilium* described in *CIL* 9.5420 [*Dom4*]) and we also find evidence of *consilia* being held there from other sources.<sup>129</sup> Crook speculates that the creation of spaces appropriate for hearings and the reception of embassies may have first prompted this move during the Flavian period.<sup>130</sup> Domitian also constructed an apsidal hall in the palace on the Germalus (the so-called "Domus Tiberiana") that eventually bore the name of

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<sup>126</sup> B. Levick, *Claudius* (New Haven: Yale University Press, 1990), 118-9; For another example of imperial examinations held privately, see *Ner4*. In this case, Nero has his mother Agrippina brought before him and questions her himself.

<sup>127</sup> See *Aug1-3*, *Aug14*, *Aug15*, *Tib8-9*, *Tib12-5*, *Tib21*, *Tib23*, *Tib30*, *Tib32-4*. This movement of decision-making to public arenas could also include a *suasoria* in a public venue, as in *Aug20* or even public responses to magistrates as is the case in *Tib24*.

<sup>128</sup> See Crook, *Consilium*, 48-9. On Vespasian, see Cass. Dio 56.10.5; for Domitian's practices, Suet. *Dom.* 8.1. Note that merely being open in practice did not preclude executions, such as that of Helvidius Priscus (*Vesp4*)

<sup>129</sup> For example, Tac. *Agr.* 45.1 places the *delator* Catullus Messalinus at the Alban palace. On Messallinus, see Crook, *Consilium*, 187.

<sup>130</sup> Crook, *Consilium*, 107.

*auditorium*, which was used by contemporaries to denote a place where meetings (*consilia*) were held.<sup>131</sup> Indeed, the trial of Apollonius of Tyre took place in the Flavian palace according to Philostratus.<sup>132</sup> This is not to say, of course, that no precedent existed for using the home of a magistrate for hearings. Vitruvius comments on the importance of architecture in the home of a magistrate:

Likewise for bankers and tax-farmers, their houses must be roomier and grander—but also safe from robbers. The houses of lawyers and men of literature, however, ought to be still more elegant and spacious so as to receive guests, and indeed the nobility, who in holding offices and magistracies have to conduct their business before the citizenry, must have made regal and elevated atria, exceedingly generous peristyles, roomy groves and walking paths finished so as to highlight their rank. Also they must have provided magnificent libraries, art galleries, and basilicas not dissimilar in form to those for public use because both public and private consultations are held in their homes.

Item feneratoribus et publicanis commodiora et speciosiora et ab insidiis tuta, forensibus autem et disertis elegantiora et spatiosiora ad conventus excipiundos, nobilibus vero, qui honores magistratusque gerundo praestare debent officia civibus, faciunda sunt vestibula regalia alta, atria et peristylia amplissima, silvae ambulationesque laxiores ad decorem maiestatis perfectae; praeterea bybliotheas, pinacothecas, basilicas non dissimili modo quam publicorum operum magnificentia <habeant> comparatas, quod in domibus eorum saepius et publica consilia et privata.<sup>133</sup>

Merely holding a consultation, then, in a private setting does not constitute a breach of etiquette for an author writing in the Augustan period. For that matter, even the imperial appropriation of the motifs of temples to the *domus*, such as Augustus' *vestibulum* with *postes* wreathed in laurel and *spolia* hung over the entrance—to say nothing of the more grandiose schemes of Gaius and Nero.<sup>134</sup> However, my argument is that the monopoly of

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<sup>131</sup> B. Tamm, *Auditorium and Palatium: A Study on Assembly-rooms in Roman Palaces during the 1st Century B.C. to the 1st Century A.D.* (Stockholm: Almqvist and Wiksell, 1963), 7-23 on the implications of *auditorium* in silver Latin. See also pp.181-8 on the apsidal hall as part of the appropriation of meeting places to imperial residences.

<sup>132</sup> Philost. *Vit. Apoll.* 8.4-5.

<sup>133</sup> Vitr. *De arch.* 6.5.2.

<sup>134</sup> For a general description of the assimilation of the sacred to the domestic space, see T. Wiseman, "The Public Image of Aristocratic and Imperial Houses," in *L'Urbs: espace urbain et histoire (Ier siècle av.*

force held by the emperor made his arrogation of power to the private sphere particularly threatening. Indeed, the imperial habit of holding consultations in public venues, such as meetings of the Senate, usually typified emperors who were actively conciliating the upper class.<sup>135</sup>

From this evidence, the conclusion that location played a role in Philo's discomfort before Gaius is inescapable. The actions of Gaius would have been more appropriate for a *convivium* or a deliberative council concerning a matter of court or imperial policy. Effectively, Gaius failed to present the appropriate public face for a *consilium principis* or *cognitio* and substituted behavior more appropriate for the internal consumption of the court.

### Internal decision-making

The difficulty with analyzing what behavior precisely was appropriate in a *consilium* devoted to internal deliberations and court politics is that we have few real insights into the nature of such *consilia*. As Dio notes, the internal deliberations of the court tended very purposefully to remain secret.<sup>136</sup> This hampers the ability of our literary sources to speak meaningfully about the nature of a *consilium* convened to deal with internal matters. They are not bereft of examples of these meetings, however. Even though the production is largely from Tacitus' own pen, particularly the set speech of Galba, the

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*J.-C. – IIIe siècle ap. J.-C.): actes du colloque international organisé par le Centre national de la recherche scientifique et l'Ecole française de Rome (Rome, 8-12 mai 1985)*, ed. C. Pietri (Rome: École française de Rome, 1987), 393-6. On the topic of the imperial appropriations of this style, see *ibid.*, 399-413.

<sup>135</sup> For some examples of emperors explicitly conducting business before the Senate: *Aug6-9, Aug21, Tib2, Tib10-1, Tib16, Tib17-20, Tib22, Tib25-29, Tib31, Gai1, Gai3, Clau4-5, Clau8, Clau9, Clau11, Clau14, Clau16, Clau21, Clau23-5, Ner1, Ner5-6, Ner9, Ner14-19, Ner21-2, Oth4-5, Oth9-10, Vit8-9*. It is perhaps worth noting for those decisions where we have Tacitus as a source (and therefore a more complete accounting of senatorial business than with Dio or Suetonius) that emperors consistently bring matters before the elite “public,” except during periods of traditional government breakdown (i.e. the end of Nero's reign or the year 69 C.E.).

<sup>136</sup> Cass. Dio. 53.19.3.



historian's account of a *consilium* meant to decide on a successor for the newly made emperor is invaluable for looking at the conduct of a deliberative council. Tacitus was himself an insider among the imperial elite and so his account would have at least been crafted to seem plausible to those who knew the usages of the court.

The basic narrative runs as follows (*Gal2*).<sup>137</sup> After hearing about the revolt of the troops of Upper Germany, Galba convokes a *comitia imperii* to try to deal with matters of succession.<sup>138</sup> The participants include two members of Galba's court whom Tacitus identifies as the primary movers behind the scenes (the freedman Icelus and Cornelius Laco, the praetorian prefect), Marius Celsus, the consul-elect, and Ducenius Geminus, the urban prefect. The only major court figure absent from this *consilium*, for this is what it is despite Tacitus' terminology, is the consul Titus Vinius, who supports Otho as Galba's successor—a choice that both Galba's own sentiments and the machinations of Icelus and Laco militate against. After brief opening remarks, Galba has Licinianus Piso called in and interviews him, with Laco arguing in support of Piso, since the latter is one of his *amici*. Galba gives a speech announcing his decision to adopt Piso, and then the council discusses whether to announce Piso's adoption before the Senate or the praetorian camp. After the latter sentiment wins out, the *consilium* presumably breaks up while a large crowd has gathered outside the palace, seeking to find out what news is afoot.

The conduct of the *consilium* is not out of line with what we have seen in public hearings or might have expected to see as part of a commander's *consilium*—i.e.

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<sup>137</sup> Tac. *Hist.* 1.13-8. Emperors certainly acted more freely without the Senate in military matters. See *Clau7* and *Vesp1* as two of many examples—though in the latter case Vespasian refers the final decision to the Senate.

<sup>138</sup> The phrase *comitia imperii* appears to be a Tacitean innovation. A search of the Packard Humanities Latin corpus for this or similar phrases, including the use of the two words in conjunction with one another, revealed no other parallels.

discussion on the topic at hand, then the rendering of a decision by whoever called the council. The primary difference is the absence of the formality found in a *cognitio*. The flow of events is more fluid and there is no mention of prepared speeches or water clocks. Instead, the matters at stake pertain to the power dynamics of the court and the use of flattery and deception to win the day. Tacitus notes that Laco, who had perhaps arranged for Piso to be interviewed, praised the young noble “as if he were a stranger” (ut ignotum), which cleverly made his good comments seem all the more genuine.<sup>139</sup> These are the concerns and tactics we should expect of a *consilium* dealing with court affairs. As Patterson has noted, the “dictator’s dilemma” makes the true motivations of ruler and ruled opaque. An autocrat cannot be sure that expressions of loyalty and good advice are genuine through any amount of force or rewards, nor can a subject be certain that their praise and respect are regarded as authentic.<sup>140</sup> This “signaling” problem meant that social adroitness and the consistency of the emperor in his responses were valuable commodities in a deliberative *consilium*.

We see these same concerns at play in the dinner *consilium* held in Juvenal’s *Satires*, Book Four. This poem is farcical look at a *consilium* of Domitian’s, held to consider the fate of a giant turbot (*rhombus*) too great for any pot to hold (*DomI*). Although this sort of *consilium* might also be regarded as a *convivium*, that assessment does not bar it from being a location where decisions might be made. Indeed, the appearance of a large dining-hall in Domitian’s palace to which he and his successors had access bears out the importance that dining had for the relationships between ruler and

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<sup>139</sup> *Hist.* 1.14.

<sup>140</sup> Patterson, “Friends,” 134-6.

ruled.<sup>141</sup> The emperor's councilors are called to assist in the decision over a meal. Juvenal does not hesitate to imply that Domitian both needs their assistance while he simultaneously holds a hatred for them: "The nobles whom he hated are called to enter into council" (*uocantur / ergo in concilium procures, quos oderat ille*).<sup>142</sup> This is a very clear poetic invocation of the tensions that the "dictator's dilemma" created. The use of *procures* is likewise significant, since it indicates not so much the *patres* or nobility as a whole, but the court favorites.<sup>143</sup> After rousting the members of the meeting, the herald urges them to hasten as Domitian has already taken his seat.<sup>144</sup> Once there, the emperor points them to the *rhombus* and asks them whether the fish ought to be cut.<sup>145</sup> A Montanus, whose identity is uncertain, gives a formal opinion that finds acceptance with the council. He argues that a special vessel ought to be prepared to hold the fish without cutting it up and that, moreover, potters should be part of the emperor's retinue henceforth to prevent such a situation from arising again.<sup>146</sup>

Despite the manifest absurdity, this passage is invaluable to us when looking at the make-up of an imperial *consilium*. As Crook notes, the figures Juvenal names are all of senatorial rank and the only *equites* present are the praetorian prefects. Many of the figures named appear among the Flavian *amici* and continue to have careers even after

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<sup>141</sup> See Tamm, *Auditorium*, 189-92. This may also be the location of the macabre banquet to which Domitian invited a group of Senators (*Dom2*).

<sup>142</sup> *Sat.* 4.72-3.

<sup>143</sup> See J. Mayor, ed., *Thirteen Satires of Juvenal: With a Commentary by J.E.B. Mayor* (New York: Macmillan, 1893), 230.

<sup>144</sup> *Sat.* 4.75-6. The sudden call and rush to bring in dinner-guests at any odd hour may well be part of the sort of almost ritual abuse that served to delineate social hierarchy at *convivia*. On the notion of abuse as *convivia* as a means of social marking, see M. Peachin, "Friendship and Abuse at the Dinner Table," in Peachin, *Aspects of Friendship*, 135-44.

<sup>145</sup> *Sat.* 4.119-20.

<sup>146</sup> *Sat.* 4.131-5.

the end of the dynasty.<sup>147</sup> These were statesmen and major figures by any measure. The tension felt by those men whom Domitian “had drawn stupefied into . . . the Alban citadel, compelled to hasten” (quos Albanam . . . in arcem traxerat attonitos, festinare coactos) indicates the sort of terror that an unpredictable, capricious ruler could inspire.<sup>148</sup> In such an environment, the only sort of sentiment that could win out was the flattery of a Montanus, “worthy,” according to Juvenal, of a man who was part of Nero’s debaucheries.

Indeed, contemporaries of the early Principate were keenly aware of the tension inherent to dealing with a ruler. As Dio Chrysostom construes the dilemma when speaking to tyrants:

He [the tyrant] feels that he is being insulted by those who approach him freely and being deceived by those who approach him humbly. He is hurt more when rebuked than others, because he—though a ruler—is ill spoken-of. Nor does he take pleasure when being praised, for he thinks that those who speak thus actually think the opposite.

καὶ ὑπὸ μὲν τῶν ἐλευθερίως προσερχομένων οἶεται ὑβρίζεσθαι, ὑπὸ δὲ τῶν ταπεινοτέρων ἐξαπατᾶσθαι. καὶ λοιδορούμενος <μὲν> πολλὰ πλασίως ἀνιᾶται ἢ ἄλλος, ὅτι δὴ τύραννος ὢν ἀκούει κακῶς· ἐπαινούμενος δὲ οὐχ ᾗδεται· οὐ γὰρ φρονοῦντας οὕτως οἶεται λέγειν.<sup>149</sup>

The *consilium* was therefore the social location in which this tension between the ruler and ruled played out in the Roman world.

## Conclusions

The reconciliation of the authority of an autocrat on one hand and the republican traditions of Rome on the other was not a task that was accomplished satisfactorily overnight—or at all. The tensions between ruler and ruled continued throughout the

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<sup>147</sup> Crook, *Consilium*, 51-2.

<sup>148</sup> *Sat.* 4.146-7.

<sup>149</sup> Dio Chrys. *Or.* 6.58.

imperial period, finding different balances under different monarchs. The *consilium principis*, however, served as a place where these tensions found expression, both in its role in a *cognitio* or diplomatic reception and in its role as a deliberative council for matters internal to imperial policy and the court. As we have seen, the expectations of legitimate governance and the tradition of consultative decision-making in Roman thought made it necessary that the emperor make decisions with the advice of such a body to lend authority to his own rule. Indeed, the mark of a tyrannical ruler was the withdrawal from the larger court context and the narrowing of his body of associates.<sup>150</sup>

This need to legitimate, however, did not end with the making of a decision. Indeed, the anxieties of living under imperial rule did not extend just to the tensions between autocrat and subject. They extended also to the permanence of decisions, which resulted in the literal reification of imperial decrees and rescripts as inscriptions. The importance of this tendency in the implementation of decisions will be the subject of the next chapter of this study.

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<sup>150</sup> This can be noted in the appendix of decisions for Tiberius, to take one example. During his withdrawal to Baiae, the decision-making process as reflected in our ancient sources becomes increasingly opaque and there are far fewer decisions that give any useful insight into the decision-making process. The “decline” of reigns also can be marked by a *consilium* that functions poorly or not at all (i.e. Nero’s decision to pursue a wild rumor of a gold find near Carthage, *Ner20*).

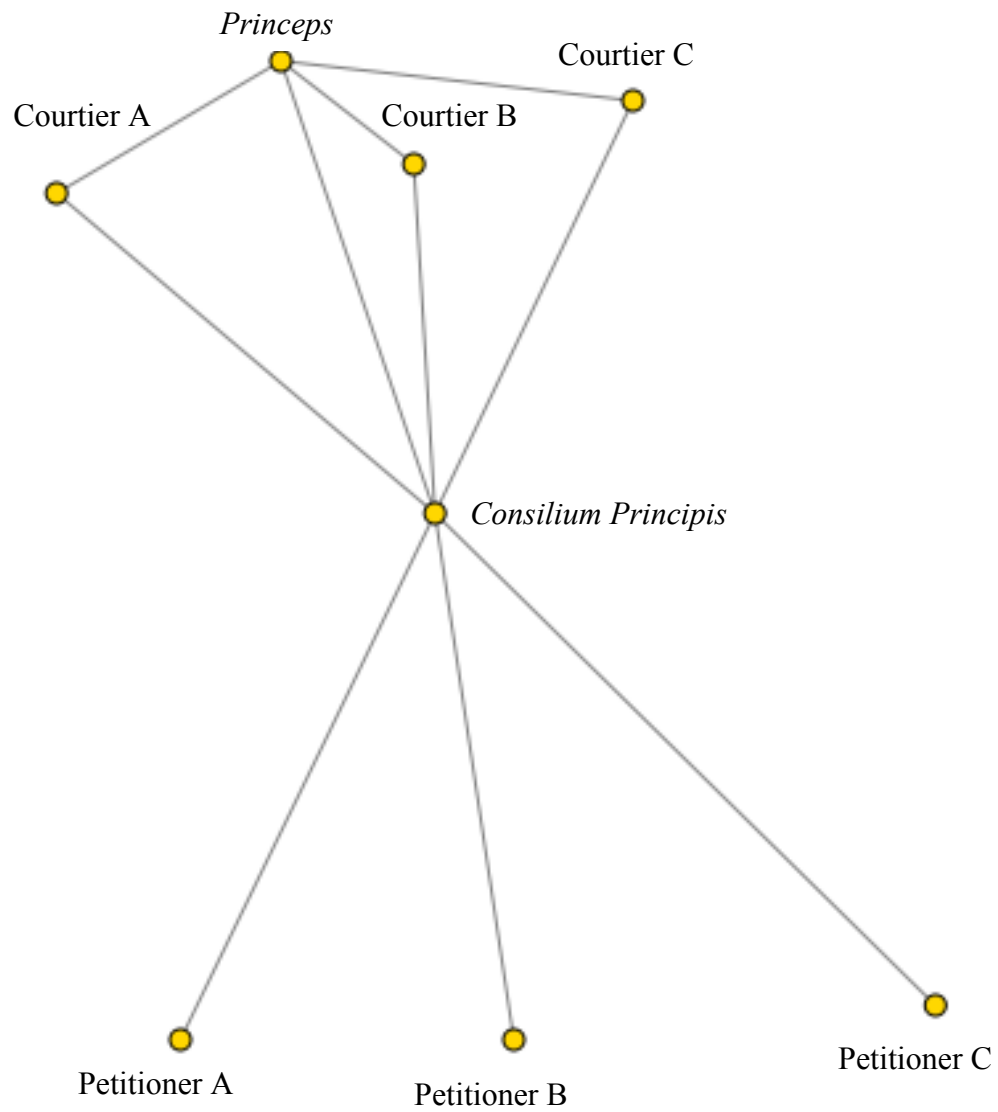


Figure 2. Social Networking Model of the *Consilium* and Its Relationship to the Court and Petitioners<sup>151</sup>

<sup>151</sup> Created in SocNetV 0.81.

### CHAPTER 3: THE IMPLEMENTATION OF IMPERIAL DECISIONS AND THE PROBLEM OF PRECEDENT

The final stage of the imperial decision-making process seems the most deceptively simple: issuing a decision and seeing to its implementation. Roman governance, however, made few clear distinctions between executive, legislative, and judicial authority. Further, the development of the Principate as an institution eventually endowed the mere words of the emperor with potential legal force. This created a situation where the implementation of a decision could become a precedent, either through force of custom or through grounds of jurisprudence. The inherent possibility of decisions to create precedents provoked anxiety from both ruler and ruled. The emperor had always to consider what new entitlement might be produced by a decision on behalf of a community or individual. When Trajan warns Pliny that accepting *delatores* in the case of Christians would set the “worst of precedents” (*Tr33*), his concern is not just for the current situation.<sup>152</sup> Similarly individuals and communities reckoned with the thorny problem of whether a decision made towards them would be respected under a new emperor—or even under a new governor. Inscriptions commemorating imperial responses to petitions and embassies served to honor the emperor and the members of the community who undertook the arduous trek to consult the emperor and his *consilium* in person. They also, however, served as permanent physical reminders of the precise wording of a decree and the rights granted to a community or an individual.

At the heart of this matter was the enduring nature of decisions. Although not subject to the same sort of transitions of power as a modern democracy, the rotating nature of governorships meant that the magistrate with whom subjects would most

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<sup>152</sup> *Ep.* 10.97.

frequently deal was often changing and therefore would not necessarily be apprised of the situation in the province in the same manner as a previous administrator. Further, the nature of Roman recordkeeping left very real potential for gaps in public records. Despite the assertions of many scholars as to the extent of Roman recordkeeping and several reorganizations under the Principate, the state of recordkeeping during the late Republic could not have transitioned to a well-ordered secretariat overnight.<sup>153</sup> Even by the era of Trajan, there was a very real chance that a document might not be available or that a fake could be proffered to a governor with some possibility of success.<sup>154</sup>

Therefore decisions functioned on two levels: their instant effects and their precedential value. The system that developed during the early Principate, beginning with the development of the secretariat and the attempts to reform the *aerarium*'s record-keeping, grew up around these two functions and the concerns each caused. The effective political control of the *princeps* developed first as a matter of practical necessity, but management of precedent lagged behind. Only at the end of the period covered by this study did the need for a professionalized support staff guided by jurisconsults prompt reforms.

### **The authority of imperial pronouncements**

By the second century C.E., a period covered by recent studies of petitions and their responses, imperial rescripts had obtained the force of law.<sup>155</sup> The development of such a system, however, took place within a fiction of continuity between republican government and the reality of imperial power. As such, Augustus and his successors

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<sup>153</sup> See discussion in Chapter 2.

<sup>154</sup> See for example *Ep.* 10. 65-6 (*Tr22*) where Pliny asks Trajan to examine the authenticity of various letters and edicts on the matter of foundlings.

<sup>155</sup> For example, Hauken, *Petition*; J. Coriat, "La technique du rescrit à la fin du principat," *SDHI* 51 (1985): 319-48.



cloaked their authority in the machinery of the *res publica restituta*. That the authority of a magistrate, even one with *imperium maius* and the right of a tribune to put legislation before the people's assembly, was not entirely adequate to making the new regime function can be seen by the elevation of *senatus consulta* to the status of *leges* during the imperial period.<sup>156</sup> While this has at first glance a veneer of republicanism and respect towards the authority of the Senate, it also provided a *princeps* with yet another legislative body through which to ratify decisions—to say nothing of acknowledging the moribund nature of the voting assemblies for decisions of major import. Indeed, Tacitus uses senatorial speeches to depict this sort of contradiction between position and actual authority.

As the historian portrays it, Tiberius' initial speech to the Senate after dealing with funeral arrangement for Augustus is so unclear as to prompt Asinius Gallus to ask him directly what responsibilities he would like the Senate to bestow on him:

Then Asinius Gallus said, "I ask you, Caesar, what part of the state you wish to be mandated to you?" Struck by this unexpected question, he [Tiberius] fell silent for a while: then, after collecting his wits, he responded that it in no way befit his own modesty to say anything or to turn aside anything from that which he would prefer to be excused entirely. Then Gallus (who had indeed surmised offense from Tiberius' facial expression) said that he had not asked in order to divide that which could not be separated but so that he could argue from his own acknowledgment that that the state was of one body and must therefore be governed by one mind.

Tum Asinius Gallus 'interrogo' inquit, 'Caesar, quam partem rei publicae mandari tibi velis.' percussus improvisa interrogatione paulum reticuit: dein collecto animo respondit nequaquam decorum pudori suo legere aliquid aut evitare ex eo cui in universum excusari mallet. Rursum Gallus (etenim vultu offensionem coniectaverat) non idcirco interrogatum ait, ut divideret quae separari nequirent sed ut sua confessione argueretur unum esse rei publicae corpus atque unius animo regendum.<sup>157</sup>

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<sup>156</sup> For a recent and thorough discussion of the implications behind this change, see B. Levick, *Tiberius the Politician*, rev. ed. (New York: Routledge, 1999), 78.

<sup>157</sup> Tac. *Ann.* 1.12.

Tacitus presents this farcical exchange as part of his diminishment of the Senatorial role.<sup>158</sup> There are, of course, good reasons to question the Tacitean narrative here, including the disconnect between Asinius Gallus' relatively successful career up until his affair with Agrippina and the success his family saw under the imperial regime.<sup>159</sup> Still, he does touch upon a real difficulty posed by the powers of the *princeps* when the outlines of the position were still in flux. Although Tacitus attributes Tiberius' indecisiveness to his understanding of the emperor's character, a better explanation is simple confusion.<sup>160</sup> The precise status of the newly-minted emperor's authority had not yet solidified. Fortunately for the purposes of examining the legal status of imperial speech, we have a *terminus post quem* for when it became roughly analogous to law.

### ***Lex Irnitana* and the status of imperial decrees**

An inscriptional find of the Flavian municipal law grants us some extremely useful perspective of how the "soft" authority of the Principate had changed by the late first century C.E. into legally enforced power. The *lex Irnitana*, found near El Saucejo in Spain, was a previously unknown copy of the *lex* which governed *municipia* founded under the Flavians.<sup>161</sup> It gives a listing of various legal documents and their relative authority, enjoining the town's *aediles* to do nothing against the "laws, plebiscites, *senatus consulta*, edicts, decrees, and constitutions" (*leges plebiscita senatus-ue consulta*

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<sup>158</sup> See particularly J. Ginsburg, *Tradition and Theme in the Annals of Tacitus* (Salem: Arno Press 1981), 87-8. Her reading of the Senate's reception of the Asian embassies at *Ann.* 3.60-3 is particularly instructive.

<sup>159</sup> See A. Bosworth, "Tacitus and Asinius Gallus" *AJAH* 2 (1977): 173-92.

<sup>160</sup> Tacitus is operating within the constraints of the ancient biographical tradition and tends to attribute possible changes of Tiberius' stance on matters to deliberate deception rather than a simple change of opinion. On this, see R. Martin, *Tacitus* (Berkeley: University of California Press, 1981), 105-11.

<sup>161</sup> The definitive English copy and translation is that of J. Gonzalez and M. Crawford, "The Lex Irnitana: A New Copy of the Flavian Municipal Law" *JRS* 76 (1986): 147-243, reprinted as *AE* 1986.333. See most recently M. Peachin, *Iudex vice Caesaris: Deputy Emperors and the Administration of Justice During the Principate*, Heidelberger althistorische Beiträge und epigraphische Studien; Bd. 21. (Stuttgart: F. Steiner, 1996), 18-9.

edicta decreta constitutiones) of the various *principes*, ending with Vespasian.<sup>162</sup> The equivocation of imperial speech (particularly imperial *public* speech) with law meant that imperial rescripts, constitutions, and decrees had force of law. This naturally reflects the consolidation of political authority into the person of the *princeps*. It, however, also implicitly paralleled those forms of imperial communication with *leges* in terms of precedential value. The lack of clarity in precisely how precedent worked in the Roman legal system produced a great deal of uncertainty for both ruler and ruled—though certainly the anxiety was far greater for an individual subject or community in the face of the state and its authority.

### **Construction of the law and legal advice**

This uncertainty prevailed for two major reasons. The first was the authority of a judge—including a provincial governor—to choose precedents in cases selectively if there was neither unanimity among jurists nor a relevant imperial constitution (taken here in the broadest sense as so to encompass most public imperial speech).<sup>163</sup> M. Peachin has noted that later jurists felt free to draw from imperial *constitutiones*, *subscriptiones*, and even in some cases private rescripts to adduce principles of law, although charges of *falsum* for ignoring imperial guidance came only in the late second or early third centuries C.E.<sup>164</sup> This was not, as he notes, a procedure that seems to have been closely regulated or normalized in any sense aside from a gradual accretion of authority to imperial pronouncements. The second source of insecurity to grow out of this system was informational in nature. A judge was not liable for charges of *falsum* provided that he did

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<sup>162</sup> *Tab. Irn.* IIIA (Cap. 19) 17-22.

<sup>163</sup> On the matter of jurists and their opinions, see discussion of the *ius respondendi* and Gaius on the matter of unanimity among jurists having legal force on pp. 82-5.

<sup>164</sup> Peachin, *Iudex*, 21-9; for a more traditional schematization see Hauken, *Petition*, 299.

not receive notification of an imperial constitution pertaining to the matter.<sup>165</sup> So, if the litigants did not produce a valid constitution (or at any rate, prove their constitution was valid), the rights obtained under it effectively did not exist, which goes a long way towards explaining the epigraphic habit of inscribing imperial benefactions. This is all to say nothing of the legal inexperience of judges and the befuddling variety of laws that frequently dogged the governors of imperial provinces.<sup>166</sup>

All this produced a very genuinely felt need on the part of both litigants and judges to appeal to Caesar on a frequent basis—a duty that the republican machinery of government was ill-prepared to meet. Thus during the early Principate we see a developing concern for the problem that tangled precedents could cause, the development of the imperial secretariat, and the foundations of jurisprudential advice for the emperor. Despite the great improvement in having a single authority of last resort compared to the constantly changing yearly magistrates of the Republic, the accumulating precedents from previous decisions could render a matter so complicated as to require expert advice and to make emperors extremely chary about how a decision could establish a pattern that would then force them or their successors into a legal conundrum.

### **The concern over precedent in the implementation of decisions**

A brief examination of the use of precedent in the correspondence between Pliny and Trajan will serve to demonstrate how this concern over precedent played out in the activities of a governor and his correspondence with the emperor. The word *exemplum* appears in nine of the letter exchanges with the usage distributed almost evenly between

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<sup>165</sup> Ibid., 25-6, nn. 69-70. Note particularly the testimony of Marcian in the *Digest* (48.10.1.3) which requires a judge to engage in negligence to be liable for *falsum*.

<sup>166</sup> Ibid., 33-70 on the problems of *imperitia* and *iniquitas* in legal matters.

emperor and governor.<sup>167</sup> In only one instance (10.8) does a form of *exemplum* not refer to the notion of precedent in decision-making. Here Pliny instead refers to the example of Nerva as *princeps*. Otherwise, the term refers unambiguously to the question of what legal example ought to be followed in carrying out his gubernatorial duties or what precedent could be created by his own actions. Two samples of phrasing are particularly instructive. First, Pliny writes to Trajan about the case of two slaves who have been inducted into the legions on false pretenses (*Tr10*). His doubt lies in how to handle the matter since they had given the oath but had not yet been enrolled in the ranks:

I hesitate especially on account of this—that they had taken their oath, but had not yet been enrolled in a unit. I ask you therefore, milord, to write to me as to what course I should follow since this decision will likely furnish a precedent.

Ipsae enim dubito ob hoc maxime quod, ut iam dixerant sacramento, ita nondum distributi in numeros erant. Quid ergo debeam sequi rogo, domine, scribas, praesertim cum pertineat ad exemplum.<sup>168</sup>

Although Pliny solicits Trajan's decision-making authority, he does so in a very particular formula by couching his request as an inquiry about precedent (*exemplum*). Indeed, this is typical of Pliny's concern—both as to the possible *exempla* created by his actions and the concern that there might be a precedent of which he is unaware (as is the case in his questions regarding Christians in 10.96, *Tr33*).

Trajan has similar concerns when it comes to *exempla* that might be established by Pliny's actions as well as his own. After Pliny writes him about the provision of a centurion and his cohort to help keep the peace in Juliopolis (*Tr26*), Trajan responds:

Should we think to aid the residents of Juliopolis in the same manner, we will burden ourselves by example. Many will seek the same by how much they are the weaker.

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<sup>167</sup> Some form of the word *exemplum* appears in following exchanges: 10.8-9 (*Tr6*), 29-30 (*Tr10*), 33-4 (*Tr12*), 65-6, 68-9 (*Tr23*), 72-3, 77-8 (*Tr26*), 81-2 (*Tr28*), 96-7 (*Tr33*).

<sup>168</sup> 10.29.2.

<Si> Iuliopolitanis succurrendum eodem modo putauerimus, onerabimus nos exemplo; plures enim eo quanto infirmiores erunt idem petent.<sup>169</sup>

Trajan here offers up his concern about the *exemplum* that a particular action will set and the burden it might cause for the imperial government.<sup>170</sup> Indeed, this is typical of his thinking throughout his letters to Pliny. He makes similar comments with respect to the use of anonymous accusations against potential Christians (10.97; *Nam et pessimi exempli nec nostri saeculi est.*), for example. This is not at all unreasonable, since Trajan could indeed be called upon to clarify the details of Pompey's arrangement of Bithynia as modified by Augustus, as in *Ep.* 10.79-80 (*Tr27*) and 10.114-5 (*Tr40*).<sup>171</sup> The impression of Trajan's approach offered here seems in character, since the Augustan History notes that he did not approve of the publication of rescripts for fear they would produce unexpected precedents.<sup>172</sup> Given the reforms to the emperor's legal counsel and the foundation of an office *a libellis* traditionally attributed to Hadrian, I would argue that by the time of Trajan the problem of petitions and the need to respond to them had become pressing enough to warrant an actual solution.<sup>173</sup> The nature of the solutions promulgated sometime near the reign of Hadrian will be discussed later in this chapter.

### **Informational insecurity**

A further problem complicated the already murky waters of precedent and legal insecurity, and scholarship has recognized only slowly its potential impact. Although the

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<sup>169</sup> *Ep.* 10.78.2.

<sup>170</sup> On the nuance of "onerabimus nos," see Sherwin-White, *Letters*, 667: "A classical precaution of all civil servants—*nos* is 'the government', 'myself and my advisers'. Here the preceding 'habuerimus' shows that he does not mean 'you and me' . . . ."

<sup>171</sup> The *lex Pompeia* here was part of Pompey's *acta* under the authority granted to him by the *lex Manilia* and ratified by Caesar in 59 B.C.E. (Cass. Dio 37.20). Augustus had also intervened in Bithynia-Pontus twice, once in its re-establishment as a province in 29 B.C.E. and then during his journey to the east where he engaged in a fiscal re-arrangement (Cass. Dio 51.20.6). See Sherwin-White, *Letters*, 669-71.

<sup>172</sup> S.H.A. *Macr.* 19.1.

<sup>173</sup> On the reforms attributed to Hadrian, see Hauken, *Petition*, 304 and n. 31 for relevant bibliography.

emperor, Senate, or voting assemblies might well make a decision, its wording and a knowledge of what the decision entailed were not necessarily available in the provinces. Indeed, most scholarship has viewed Roman record-keeping in terms familiar to a modern bureaucratic state and extrapolated a great deal from a few scattered references to some sort of filing system in the Republican era, which most certainly still remained the basis for early imperial record-keeping.<sup>174</sup>

The work of Culham has been particularly salutary in correcting the perception of how record-keeping functioned during the late Republic and trimuviral period. Her key insight is that the two buildings charged with keeping the state's records, the *aerarium* and later the *tabularium*, were simply inadequate to store the amount of laws in tablet form that they are typically supposed to have contained. Further, the storage of records in her view was not innately archival in purpose, but rather ceremonial and religious.<sup>175</sup> Indeed, the testimony of the late Republic seems to indicate that the storage of *leges* made them less, not more, accessible—particularly compared to the seemingly genuine archival functions of the Temple of Ceres as a repository for *plebscita*.<sup>176</sup> The fire of 69 C.E. also compromised the archives of the *aerarium* and *tabularium*.<sup>177</sup> Private archives remained a much more traditionally viable source, and indeed, even if we accept the work of scholars such as Tucci who argue that the building traditionally labeled as the

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<sup>174</sup> See P. Culham, "Fraud, Fakery, and Forgery: The Limits of Roman Information Technology," *AncW* 27.2 (1996): 173, n. 4 for a comprehensive listing of this bibliography.

<sup>175</sup> P. Culham, "Archives and Alternatives in Republican Rome," *CPh* 84 (1989): 109-112. Her argument is that depositing documents in a religiously sanctified location was an attempt to bind the gods and community to respect the integrity of the documents, not to provide public access for them.

<sup>176</sup> Culham, "Archives," 113-4. Cicero notes that trying to find documents in the *aerarium* was virtually impossible in his own time (*Leg.* 3.20.36) and indeed forgery had some odds of success during the late Republic (*Cic. Att.* 4.17).

<sup>177</sup> Culham, "Archives," 107.

*tabularium* was only one of many *tabularia*, the profusion of archival houses throughout the city seems not to have made them any more functional.<sup>178</sup>

Indeed, the difficulties of Cato the Younger in his informational struggles as a quaestor are a good example of the problems a Roman magistrate might face. As Plutarch recounts, upon assuming the quaestorship in 65 B.C.E., Cato set out to clean out the public accounts at the *aerarium*.<sup>179</sup> He drew immediate resistance from the clerks, convicting one at trial and ending the career of another who avoided conviction from the efforts of the censor Catulus Lutatius. The corruption within the *aerarium* revealed a variety of unpaid debts to the public purse, credits that the treasury had not dispensed, and false decrees accepted into the records. Indeed, as Yakobson and Horstkotte have noted, this incident reflected a developed bureaucracy keenly aware of its own interests.<sup>180</sup> This sort of balky, corrupt system would have equally contributed to the difficulty in records management under the Republic

Likewise the system of record keeping under the Principate grew at least in part out of this rather fragmentary and confusing system of documentation. As the most important magistrate of the *res publica*, if not always nominally a consul, the emperor kept the same sort of records that any magistrate might have been expected to keep—including his correspondence with magistrates and his *commentarii* (here best rendered as “daybooks”). The imperial secretariat developed out of this Republican pattern, as did

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<sup>178</sup> Culham, “Archives,” 104; P. Tucci, “‘Where high Moneta leads her steps sublime.’ The ‘Tabularium’ and the Temple of Juno Moneta,” *JRA* 18 (2005): 7-33.

<sup>179</sup> Plut. *Cat. Min.* 16-7.

<sup>180</sup> A. Yakobson and H. Horstkotte, “‘Yes Quaestor.’ A Republican Politician versus the Power of the Clerks,” *ZPE* 116 (1997): 247-9.



seemingly the pattern of provincial archives available to governors throughout the empire.<sup>181</sup>

The apparent need for greater control of both the state's records and finances certainly must have lain at the heart of reforms to the *aerarium*.<sup>182</sup> Augustus as much as any figure had good reason to appreciate the difficulties of record-keeping during the triumviral period, and the triumvirs indeed had attempted to correct some of the problems the civil wars had caused in terms of recordkeeping.<sup>183</sup> This was not, however, an adequate response to the changed circumstances of imperial rule. Instead, we see a relatively clear progression of imperial record-keeping being centralized around the household archives of the *princeps* himself.<sup>184</sup> This was an extension of the norm for most of the Roman state's history. The *commentarii* of a magistrate and records of his *acta* did not rest in the archives, but rather they remained with his family—as did often *tabulae publicae*.<sup>185</sup> This did not, however, mean that they were implicitly within the private sphere. A city could plausibly send a request to search the familial records for a favor or exemption granted to them by a member of a *gens*.<sup>186</sup> Here a point by Vitruvius

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<sup>181</sup> R. Haensch, "Das Statthalterarchiv," *ZRG* 109 (1992): 209-317 has established the existence of imperial archives in the provinces which gave governors some access to records pertaining to their province and the wider empire. However as Plin. *Ep.* 10.65-6 (*Tr*22) suggests, this archive was far from comprehensive. See also *Tr*28. For further consideration of the location of the administrative capitals of provinces (if such a term is appropriate), see also R. Haensch, *Capita provinciarum: Statthaltersitze und Provinzialverwaltung in der römischen Kaiserzeit* (Mainz am Rhein: P. von Zabern, 1997), 361-89 for his conclusions.

<sup>182</sup> On these reforms, which put an imperial appointee in charge of the *aerarium*, see F. Millar, "The Aerarium and Its Officials under the Empire," *JRS* 54 (1964): 33-40.

<sup>183</sup> Culham, "Fraud," 182-3. Her assertion here is directed particularly *contra* F. Millar, "Triumviate and Principate," *JRS* 63 (1973): 50-67.

<sup>184</sup> On the development of the imperial archives in the early Principate, see Ernst Posner, *Archives in the Ancient World* (Cambridge: Harvard University, 1972), 189-93.

<sup>185</sup> Dion. Hal. *Ant. Rom.* 13.22.4; Varro *Ling.* 6.86. See too Cic. *Sull.* 42 as to records of Senatorial questioning of witnesses being kept in private hands.

<sup>186</sup> As did Aphrodisas from Octavian. See Culham, "Fraud," 179-80.

discussed in the previous chapter of this dissertation is relevant.<sup>187</sup> He delineates a very different understanding of public and private space than our own. Similarly, the Romans delineated what documents were public from those that were private in ways that seem surprising to a modern, Western understanding.

This is not to say, of course, that the ruling families of Rome were compelled to allow access to their familial records. The mere fact that they held them reinforced the importance of the aristocratic household within the Roman system of governance. The expectation that such records would be kept as a matter of course and that one might reasonably consult them meant that no less a presumption existed for the emperor's household. The fundamentally different relationship between *princeps* and *res publica*, however, meant that the character of records held by his household was similarly exceptional—if only in terms of amount of business forwarded to and from him.<sup>188</sup> What started as an extension of aristocratic promotion of family memory created Rome's first true bureaucracy under the emperors, beginning with the addition of a secretary *a studiis* under Claudius and the creation of an office *ab epistulis* and *a libellis* by the time of Hadrian.<sup>189</sup> The imperial secretariat as described, however, was not wholly adequate to the task before it. Although it provided for the management of documents and records, it did nothing to help parse the ever-increasing body of decisions. In implementing decisions, therefore, the emperors needed guidance if they were to keep a more or less coherent body of precedent—an obvious concern even if they did wish to break with their predecessors' policies.

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<sup>187</sup> Vit. *De arch.* 6.5.2.

<sup>188</sup> See Peachin, *Iudex*, 79-88.

<sup>189</sup> Posner, *Archives*, 194-5.

### Legal advice for the *princeps*

At the heart of the matter was a simple question: who should determine the nature of the “law” (construed in the broadest possible terms) for a particular matter—and, for that matter, who should determine how far a particular imperial decision reached beyond an instant case? Certainly with the developments of the Flavian municipal law and the privileges codified in the *lex de imperio Vespasiani* the emperor could do so both *de facto* and *de jure*. However, as we have discussed, the relative complexity of the imperial governing apparatus left him with an ever increasing tangle of precedents and the added burden of trying to implement decisions without cross-cutting previous arrangements. In this situation, effective governance required some method of receiving professional legal advice. This growing problem is what prompted the inclusion of a standing body of juriconsults to the emperor’s advisors at least no later than Hadrian.<sup>190</sup> The development of this sort of “office of legal counsel,” however, began much earlier.

Of particular significance in the imperial use of the law is whether Augustus or Tiberius established some form of *ius respondendi* to enable chosen advocates to respond to legal queries with an imprimatur of imperial authority. Pomponius’ testimony in the matter is the most often cited:

Massurius Sabinus was of equestrian rank, and was the first person to give state-certificated opinions. For after this privilege came to be granted, it was conceded to him by Tiberius Caesar. To clarify the point in passing: before the time of Augustus the right of stating opinions at large was not granted by emperors, but the practice was that opinions were given by people who had confidence in their own studies. Nor did they always issue opinions under seal, but most commonly wrote themselves to the judges, or gave the testimony of a direct answer to those who consulted them. It was the deified Augustus who, in order to enhance the authority of the law, first established that opinions might be given under his authority. And from that time this began to be sought as a favor. As a consequence of this, our most excellent emperor Hadrian issued a rescript on an

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<sup>190</sup> See Crook, *Consilium*, 56-9.

occasion when some men of praetorian rank were petitioning him for permission to grant opinions; he said that this was by custom not merely begged for but earned and that he [the emperor] would accordingly be delighted if whoever had faith in himself would prepare himself for giving opinions to the people at large. Anyway, to Sabinus the concession was granted by Tiberius Caesar that he might give opinions to the people at large. He was admitted to the equestrian rank when already of mature years and almost fifty.<sup>191</sup>

Massurius Sabinus in equestri ordine fuit et publice primus respondit: posteaque hoc coepit beneficium dari, a Tiberio Caesare hoc tamen illi concessum erat. Et, ut obiter sciamus, ante tempora Augusti publice respondendi ius non a principibus dabatur, sed qui fiduciam studiorum suorum habebant, consulentibus respondebant: neque responsa utique signata dabant, sed plerumque iudicibus ipsi scribebant, aut testabantur qui illos consulebant. Primus divus Augustus, ut maior iuris auctoritas haberetur, constituit, ut ex auctoritate eius responderent: et ex illo tempore peti hoc pro beneficio coepit. Et ideo optimus princeps Hadrianus, cum ab eo viri praetorii peterent, ut sibi liceret respondere, rescripsit eis hoc non peti, sed praestari solere et ideo, si quis fiduciam sui haberet, delectari se populo ad respondendum se praepararet. Ergo Sabino concessum est a tiberio caesare, ut populo responderet: qui in equestri ordine iam grandis natu et fere annorum quinquaginta receptus est. Huic nec amplae facultates fuerunt, sed plurimum a suis auditoribus sustentatus est.<sup>192</sup>

In addition, a passage from the jurist Gaius has been taken to refer to the same topic:

Juristic answers are the opinions and advice of those entrusted with the task of building up the law. If the opinions of all of them agree on a point, what they thus hold has the status of a law; if, however, they disagree, a judge may follow which opinion he wishes. This is made known in a written reply of the divine Hadrian.<sup>193</sup>

Responsa prudentium sunt sententiae et opiniones eorum quibus permissum est iura condere. Quorum omnium si in unum sententiae concurrunt, id quod ita sentiunt legis uicem optinet; si uero dissentiunt, iudici licet quam uelit sententiam sequi; idque rescripto diui Hadriani significatur.<sup>194</sup>

Finally, a third line of evidence comes from the Institutes of Justinian:

The answers of those learned in the law are the opinions and views of persons authorized to determine and expound the law; for it was of old provided that certain persons should publicly interpret the laws, who were called jurisconsults,

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<sup>191</sup> Translation from D. MacCormick in *The Digest of Justinian*, ed. T. Mommsen, P. Krueger, and A. Watson (Philadelphia: University of Pennsylvania, 1985), *loc. cit.*

<sup>192</sup> *Dig.* 1.2.2.48-50.

<sup>193</sup> Translation from W. Gordon and O. Robinson, *The Institutes of Gaius* (Ithaca: Cornell University, 1988), *loc. cit.* with some modifications.

<sup>194</sup> *Gaius Inst.* 1.7.

and whom Caesar privileged to give formal answers. If they were unanimous the judge was forbidden by imperial constitution to depart from the opinion, so great was its authority.<sup>195</sup>

Responsa prudentium sunt sententiae et opiniones eorum quibus permissum erat iura condere. Nam antiquitus institutum erat ut essent qui iura publice interpretarentur, quibus a Caesare ius respondendi datum est, qui iurisconsulti appellabantur. Quorum omnium sententiae et opiniones eam auctoritatem tenebant ut iudici recedere a responso eorum non liceret, ut est constitutum.<sup>196</sup>

The problems with these sources as our only juristic testimony as to the *ius respondendi* are numerous and Kaius Tuori has well outlined them.<sup>197</sup> Pomponius has come under considerable criticism both in terms of the textual tradition for the cited passage and as a reliable source. Similarly, Gaius' discussion of *responsa* might be taken either to refer to a formal *ius* or the weight that the consensus of jurists had on the shape of the law. And the Justinian formulation, probably compiled by Theophilus, might well be a simple interpolation of Pomponius' testimony, which would have seemed entirely sensible in a period where the emperor served as the foremost source of law.<sup>198</sup>

A *ius respondendi*, if it existed, would be a powerful example of the importance with which the emperors held control of the law. Such an animus might also have been at play in the Emperor Gaius' dispute with the jurists of his day, which has sometimes been read as the effective end of the *ius respondendi*.<sup>199</sup> The issue of the *ius* and its existence is by and large insoluble—our evidence simply does not sustain a decisive analysis and, as

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<sup>195</sup> Translation from J. Moyle, *The Institutes of Justinian*, 5th ed. (Oxford: Clarendon, 1955), *loc. cit.* I have changed "Emperor" to "Caesar" to agree more closely with the Latin text.

<sup>196</sup> *Inst. Just.* 1.2.8.

<sup>197</sup> K. Tuori, *Ancient Roman Lawyers and Modern Legal Ideals: Studies on the impact of contemporary concerns on the interpretation of ancient Roman legal history* (Frankfurt am Main: Vittorio Klostermann, 2007), 74-9.

<sup>198</sup> Tuori, *Lawyers*, 79 citing F. Cancelli, *Scritti in memoria di Pietro Gismondi* (Milano: Giuffrè, 1987), 560-2.

<sup>199</sup> Suet. *Calig.* 34.5; See K. Tuori, "The *ius respondendi* and the Freedom of Roman Jurisprudence," *Revue internationale des droits de l'Antiquité* 51 (2004), 332 for a discussion of the scholarly dispute on what Gaius' acts meant for the *ius*.

Tuori has noted, the result has been a predictable diversity of opinion on the subject more motivated by the prejudices of the examiner than the evidence available.<sup>200</sup> Still, the testimony of the jurists cited in defense of the *ius respondendi* and the epigraphic evidence for the title of *iuris consultus* imply that some imperial method of taking legal counsel and denoting those jurisprudents who had particular authority developed.

This development should not be looked at as part of an attempt either to bolster or co-opt the status of the jurisprudent in Roman law. Rather, it can be explained in purely practical terms as part of the imperial decision-making process. No emperor could have a handle on all the particulars of Roman decisions relating to individuals and communities. This dilemma required an increasingly complex apparatus to manage the implementation and specifics of decisions. Just as the imperial secretariat grew out of a Republican precedent, so too did the practice of imperial consultation of legal experts. The first clue as to how this played out lies in a set of reforms nascent in the time period which the present study considers, but which came to fruition at least by the time of Hadrian. The creation of a body of jurisconsults—sometimes mistakenly identified with the *consilium principis*—marked a formalization of the already common practice of lawyers serving on imperial council. Specifically, it formalized the role a legal expert might have had in the first place on an imperial council and recognized a need to have a dedicated apparatus with which to make that consultation. A council of lawyers aped the Republican system of jurisprudents making law by articulating opinions in particular cases, and it adhered to the norm of decision-by-*consilium* as discussed earlier in this work.<sup>201</sup>

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<sup>200</sup> Tuori, “*ius respondendi*,” 335-7.

<sup>201</sup> Whether this jurisprudential system proved more satisfactory than its Republican predecessor is an entirely valid question but beyond the scope of this current work. Although the Hadrianic era saw the end of the annual praetor’s edict and a system of *iuridici*, the emperor could also overrule the body of law

### A case study: the *Epistula Domitiani ad Falerienses*

A letter from the emperor Domitian to the residents of Falerii (**Dom4**) provides us with an excellent case study into the considerations that might underlie an imperial decision. Further, the letter gives us some sense of the entire decision-making process under the reign of an emperor usually reviled by our literary sources.<sup>202</sup> The actual text was found on a bronze tablet exhumed in 1595 at a farm on Fallerone, but it has since been lost.<sup>203</sup> The document actually comprises two separate sections of text, one a letter of Domitian to the Falerienses and the other the text of an edict apparently appended to the letter:

Emperor Caesar Augustus [Domitianus], son of the deified Vespasian, pontifex maximus, holding the tribunician power, saluted imperator for the second time, consul for the eighth time, consul designate for the ninth time, father of the fatherland, expresses greetings to the quattuorvirs and the decurions of the Falerienses from Picenum.

What I have decided about the unsurveyed lands, after the case between you and the Firmani had been heard, I ordered to be subjoined to this letter, that you might have knowledge of it.

In the consulship of Publius Valerius Patrinus and [ . . . ], fourteen days before the Kalends of August.

I, Emperor Caesar Augustus [Domitianus], son of the deified Vespasian, employing distinguished men of each order as my advisers, after the case had been heard, have pronounced what is written below.

I am moved greatly both by the antiquity of the controversy, which after so many years is renewed by the Firmani against the Falerienses, since even fewer years could suffice for the security of those persons in possession, and by the letter of the deified Augustus, a most diligent and most indulgent *princeps* toward his soldiers of the Fourth Legions, in which he admonished them that they should assemble and sell all their unsurveyed land. And I do not doubt that they have

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whenever it so pleased him. See M. Peachin, "Jurists and the Law in the Early Roman Empire," in *Administration, Prosopography, and Appointment Policies in the Roman Empire: Proceedings of the First Workshop on the International Network Impact of Empire (Roman Empire, 27B.C. – A.D. 406)*, ed. Lukas de Blois (Amsterdam: J.C. Gieben, 2001), 109-20.

<sup>202</sup> The image of the Domitianic *consilium* in the literary sources conjures up the more farcical and macabre portrait as seen in Juvenal and Dio (**Dom1-2**) or the domain of a capricious punisher of vice (**Dom3-4**).

<sup>203</sup> A. Johnson, P. Coleman-Norton, F. Bourne, and C. Pharr, trans. and eds. *Ancient Roman Statutes: A Translation with Introduction, Commentary, Glossary, and Index* (Austin: University of Austin Press, 1961), no. 190. Hereafter *ARS*.

obeyed so advantageous an admonition. Wherefore, I confirm the rights of those persons in possession.

Farewell.

Give eleven days before the Kalends of August, at the Alban Villa, under the supervisions of Titus Bovius Verus, the envoys being Publius Bovius Sabinus and Publius Petronius Achilles.

By decree of the decurions publicly.<sup>204</sup>

Imp(erator) Caesar divi Vespasiani f(ilius) / [[Domitianus]] Augustus / pontifex max(imus) trib(unicia) potest(ate) imp(erator) II / co(n)s(ul) VIII desig(natus) VIII / p(ater) p(atriciae) salutem dicit / IIIIviris et decurionibus Faleriensium ex Piceno / quid constituerim de subsicivis cognita causa / inter vos et Firmanos ut notum haberetis / huic epistulae subici iussi / P(ublio) Valerio Patruino [[—]] co(n)s(ulibus) / XIII K(alendas) Augustas /

Imp(erator) Caesar divi Vespasiani f(ilius) [[Domitianus]] / Aug(ustus) adhibitis utriusque ordinis splen/didis viris cognita causa inter Fale/rienses et Firmanos pronuntiavi quod / su(b)scriptum est / et vetustas litis quae post tot annos / retractatur a Firmanis adversus / Falerienses vehementer me movet / cum possessorum securitati vel mi/nus multi anni sufficere possint / et divi Augusti diligentissimi et in/dulgentissimi erga quartanos suos / principis epistula qua admonuit / eos ut omnia sub{p}siciva sua collige/rent et venderent quos tam salubri / admonitioni paruisse non dubito / propter quae possessorum ius confirmo / valete d(iem) XI K(alendas) Aug(ustas) in Albano / agente curam T(ito) Bovio Vero / legatis / P(ublio) Bovio Sabino / P(ublio) Petronio Achille d(ecreto) d(ecurionum) p(ublice).<sup>205</sup>

The basic outline of the dispute follows the pattern we have seen previously for external decision-making. Envoys from Falerii, an old Faliscan town where Augustus probably established a colony of veterans, come to Domitian and ask him to mediate a dispute between them and some residents of Firmii over the possession of the unsurveyed lands (*subsiciva*). Presumably, these were the left over lands from the survey conducted when

<sup>204</sup> Translation as in *ARS* 190 but with some small modifications.

<sup>205</sup> *CIL* 9.5420 = *ARS* 190 = F. Abbot and A. Johnson, eds., *Municipal Administration in the Roman Empire* (Princeton: Princeton University Press, 1926), no. 63 (hereafter “*MAR*”) = C. Bruns and O. Gradenwitz, eds. *Fontes Iuris Romani Antiqui*, 7th ed. (Tübingen: I.C.B. Mohrri, 1909), 255 (hereafter “*B*”) = P. Girard, *Textes de droit roman*, 4th ed. (Paris: Rousseau, 1937), 191 (hereafter “*G*”) = S. Riccobono et al., eds. *Fontes Iuris Romani Antejustiniani*, 3 vols. (Firenze: S. a. G. Barbèra, 1940-1943), 423 (hereafter “*R*”). References to B, G, and R are to first page of appearance.



planting the colony for the veterans of Augustus' Fourth.<sup>206</sup> A boundary dispute arose over the possession of some of these public lands whose sale Augustus had authorized. The Firmani most likely had originally held some or all of the *subiciva* and under Domitian had reasserted their rights to ownership against the title of those who now held the land after the veterans had sold it.

Domitian, perhaps true to his reputation, held the hearing in his Alban villa. The letter of response, set up as an inscription by the decurions of Falerii, gives us all the information we might expect for a *consilium principis*. The case was heard, in good form, by men of appropriate high standing from both the senatorial and equestrian orders. After hearing the arguments and apparently consulting the relevant letter of Augustus, Domitian gave his decision and then drafted a letter to the quattuorvirs and decurions of Falerii with the decision attached as a *subscriptio* (and therefore potentially bearing his own hand). The formal document also includes a list of the envoys and mentions a Titus Bovius Verus, who may have been a praetorian given his position *agente curam*.<sup>207</sup> This is all entirely normal even under an emperor with a reputation for the bizarre and abnormal.

Most interestingly, however, we have here clear inscriptional evidence of how an emperor dealt with the *acta* of his predecessors, much as Trajan did in his correspondence with Pliny. We regrettably have no way of knowing which party proffered the letter of Augustus to the veterans of the Fourth Legion, but Domitian

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<sup>206</sup> The practice of the *agrimensores* was to plot land in regular, rectangular plots, which left sections over after they were laid out. These left-over *subiciva* were notionally public land. See *MAR* 190, n. 2. On the question of the Augustan colony, see *MAR* 63, p. 368.

<sup>207</sup> On the role of the praetorians in the *consilium principis*, see P. Eich, *Zur Metamorphose des politischen Systems in der römischen Kaiserzeit: die Entstehung einer "personalen Bürokratie" im langen dritten Jahrhundert* (Berlin: Akademie Verlag GmbH, 2005), 218.

accepts it as authentic and seems to have the means to check, implying some sort of archival examination. This in turn corroborates the evidence of Pliny's letters to request that Trajan verify certain documents (*Tr22*). Thus we see the implied consultation of archives in an inscriptional source. Further, we see that the respect accorded to previous emperors' *acta* was not confined to Trajan. Indeed, the overriding concern of the new *princeps* was to clarify where they stood with respect to the *acta* of their predecessors. Often they revoked the unpopular or vindictive acts of a predecessor, and the quasi-symbolic burning of a predecessors' correspondence served as a break with the past.<sup>208</sup> However, positive actions and legal securities seem to have provoked an opposite response. In the case of Nerva, we actually have the decree as forwarded by Pliny

(*Nerv1*):

#### Edict of the Deified Nerva

There are some matters, Quirites, which need no edict in happy times like ours, nor should a good ruler have to give evidence of his intentions where they can be clearly understood. Every one of my subjects can rest assured without a reminder that, in sacrificing my retirement to the security of the state, it was my intention to confer new benefits and to confirm those already granted. However, to prevent any public rejoicing being marred by misgivings, through the doubts of any who have received favors, or the memory of the emperor who bestowed them, I have thought it necessary and desirable to meet your anxieties by a proof of my generosity. It is my wish that no one should think that I shall withdraw any public or private benefactions conferred by any of my predecessors, so as to claim credit for restoring them myself. Everything shall be assured and ratified: no one on whom the fortune of the empire has smiled, shall need to renew his petitions in order to confirm his happiness. Let my subjects then permit me to devote myself to new benefactions, and be assured that they need ask only for what they have not hitherto been granted.<sup>209</sup>

#### EDICTVM DIVI NERVAE

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<sup>208</sup> See for example *Gai1-3*, *Clau1*, *Clau3*, *Ner1-2*, *Gai1*, *Gal3*. The early reigns of emperors also tend to be when we see them make structural changes to respond to their predecessors. See for example *Aug5*, *Aug7-10*, *Tib1-7*, *Vesp2-3*, *Tit1-2* (cf. Titus' concern to include consulars in the relief efforts for Pompeii with Domitian's high-handed treatment of senators), *Nerv3-4*.

<sup>209</sup> B. Radice, trans. *The Letters of Pliny the Younger* (Baltimore: Penguin, 1969), *loc. cit.*

Quaedam sine dubio, Quirites, ipsa felicitas temporum edicit, nec expectandus est in iis bonus princeps, quibus illum intellegi satis est, cum hoc sibi ciuium meorum spondere possit uel non admonita persuasio, me securitatem omnium quieti meae praetulisse, ut et noua beneficia conferrem et ante me concessa seruarem. Ne tamen aliquam gaudiis publicis adferat haesitationem uel eorum qui impetrauerunt diffidentia uel eius memoria qui praestitit, necessarium pariter credidi ac laetum obuiam dubitantibus indulgentiam meam mittere. Nolo existimet quisquam, quod alio principe uel priuatim uel publice consecutus <sit> ideo saltem a me rescindi, ut potius mihi debeat. Sint rata et certa, nec gratulatio ullius instauratis egeat precibus, quem fortuna imperii uultu meliore respexit. Me nouis beneficiis uacare patiantur, et ea demum sciant roganda esse quae non habent.<sup>210</sup>

Nerva articulates here a policy regarding benefactions that emperors seem to have adhered to, even with legal grants going back to the Republic.<sup>211</sup>

The implied question of legal insecurity is the most interesting part of letter to the Falerienses. The claim by the Falerienses actually rested at least in part on Domitian's willingness to regard Augustus' dispositions as authoritative, whereas the Firmani required Domitian either to find those dispositions lacking in appropriate authority or to simply be unaware of their existence. This makes the question of the letter's provenance all the more pressing—but as to this, the inscription gives no hint as to whether the letter came from the petitioners or from the imperial archives. If the cases of Pliny are any indication, complainants often had copies of documents on hand and freely forwarded them with their petitions, so we might do well to consider that the same procedure applied here: the Falerienses forwarded the letter with their petition and Domitian (or his secretariat) confirmed it in the imperial archives.

Indeed, the absolutely typical nature of this petition—property disputes appear frequently in any listing of imperial decisions—is perhaps its most salient feature. The

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<sup>210</sup> Plin. 10.58.7-9.

<sup>211</sup> See for example *Nerv2* and *Tr27*.

need for informational and legal security encroached on daily life for individuals and communities within the Roman Empire, as the many inscriptions that preserve Roman legal matters attest.<sup>212</sup>

## Conclusions

The necessity of an administrative structure—both informational and legal—to support the implementation of imperial decision-making highlights several salient features of the imperial system not always readily acknowledged. First, we see most prominently the issue of precedent and the potentially enduring nature of decisions. In a system that was, by and large, reactive rather than proactive, a settled decision had both formal value in terms of precedent and also a great deal of informal influence. In short, matters stayed settled until they required modification. Second, this infrastructure highlights a key point about the nature of imperial authority: despite in practical terms being paramount and untrammelled, both the constitutional fictions surrounding it and the necessities of governance checked imperial *auctoritas*. Emperors who tried to avoid making use of this system found themselves inviting significant resistance from the aristocracy and denied themselves a tool of government. Ultimately, just as the other two major portions of decision-making discussed previously, the implementation of decisions were made within a social context. The agenda of the *princeps* in his decisions, the insecurity of subjects, the decisions of previous Roman authorities, and the need to maintain a coherent system

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<sup>212</sup> The need to arbitrate boundary disputes was indeed a common place in Roman dealings with their neighbors and subject allies. See *MAR* 8, 10, 46, 57-9, and 104 for examples. One might also point here to the necessity for military diplomas as an intersection between imperial policy and the anxiety that caused people to document matters. See S. Phang, *The Marriage of Roman Soldiers (13 B.C. to A.D. 235): Law and Family in the Imperial Army* (Leiden: Brill, 2001), 53-85 for her discussion of the importance of diplomas.

of law, among other factors, defined the boundaries within which the emperor could reasonably act.

## CONCLUSION

This study of imperial decision-making concludes where it began and returns to the story of Hadrian being accosted by a woman for failing to hear her case:

And so, when once on a certain journey a woman begged something of him, at first he told her that, “I have no time to spare.” But then she cried out, “So don’t be a king!” and he turned around and gave her a hearing.

ἀμέλει γυναικὸς παριόντος αὐτοῦ ὁδῶ τινι δεομένης, τὸ μὲν πρῶτον εἶπεν αὐτῇ ὅτι “οὐ σχολάζω”, ἔπειτα ὡς ἐκείνη ἀνακραγοῦσα ἔφη “καὶ μὴ βασίλευε” ἐπεστράφη τε καὶ λόγον αὐτῇ ἔδωκεν.<sup>239</sup>

In looking at this case initially, it seemed at the very least to have interesting implications for how Romans understood the role of the emperor and the importance of his decision-making. After examining the process of imperial decision-making from the initial notification of a problem to the decision’s implementation, however, it serves as an effective representation of the overall process.

The anecdote of the woman seems far less implausible when we consider the number of times emperors changed their mind or made a decision after pressure from the crowd. Indeed, it seems to have happened with at least some frequency, even to a *princeps* whose authority was as firm as Augustus’.<sup>240</sup> Rather than being an isolated individual locked at the top of a hierarchy, emperors in the early imperial state governed at the center of a complex web of social connections that served to guide their actions. Indeed, the *consilium principis* was only the central most manifestation of this collaborative decision-making. The governors of provinces, imperial aristocracy, and

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<sup>239</sup> Dio Cass. 69.6.3.

<sup>240</sup> For some examples of Augustus being challenged by the people of Rome, see *Aug11* and *Aug16-7*. For other examples of the people intervening in the decision-making process, see *Clau20*, *Ner9*, *Ner16*, *Vit11*. During the violence of the civil wars of 68-69 C.E., the intervention of the military on the decision-making process also becomes a commonplace: *Oth2*, *Oth6-7*, *Oth11*, *Vit1-3*, *Vit5-7*, *Vit10*. This intervention also appears in Nerva’s considerations of a successor (*Nerv5*).

even subjects of more humble origins could access the emperor and influence his decisions. Certainly the aristocracy and functionaries of imperial rule had a much more advantageous position from which to access the emperor, but nonetheless even emperors most known in the ancient sources for their tyranny did not make decisions in a vacuum. Instead, the interpretation of tyranny and the emblematic *delator* had more to do with the narrowing of the social network of the emperor or its appropriation by individuals not appropriately the *participes laborum* for the emperor, at least from the perspective of the senatorial class.

The process of decision-making was also seldom as neat as we might prefer to think. This lack of uniformity is nonetheless a necessary corollary to imperial decision-making being the product of multiple individuals. This meant that procedures often arose from a particular situation, even if in the broad outline they fit a generalized model. Thus Trajan might lay down a general principle about the treatment, for example, of municipal finances in Bithynia-Pontus, but his decision was shaped by the decisions of Roman rulers who came before him and the circumstances of each individual city. This did not mean that he could not achieve the apparent end for which he sent Pliny to the province—the reform of the local finances.<sup>241</sup> It did, however, mean that he did so in a way that drew on the circumstances of particular cities and peoples, as modified by the eccentricities of previous Roman governance.

This organic, adaptive quality has, in fact, been the central factor that reoccurs in the analysis of imperial decision-making. Rather than seeing new institutions set up as

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<sup>241</sup> See for example Trajan's decision in the case of the privileges granted to Apamea (*Tr17*). On Pliny's mission, see pp. 13-4. This is by no means to suggest that emperors would not meddle in the affairs of provincial holdings or client kingdoms, but merely that privileges previously accorded might influence a decision. See *Aug13*, *Aug19*, *Clau5*, *Clau10*, *Clau15*, *Clau18*, *Clau22*, *Ner10*, *Tr1* and *Tr41* for examples of this sort of intervention.

innovations, we instead see Republican institutions adapted to the changed circumstances of empire. Practical means might be innovated—the imperial *cursus publicus*, for example—but the decision-making process they supported still rested on Roman presumptions about the way a decision should be made. The *consilium principis* did not grow out of some clean break with the past, but it instead developed out of the long standing traditions of collaborative decision-making in Roman society. Even though the usefulness of the Senate as a *consilium publicum* gave way to the model of a commander’s *consilium*, this represented not a rejection of previous practice but a choice between two competing understandings of how the state best functioned. Likewise, the recordkeeping of the imperial house grew up not in a vacuum but again through the prioritizing of one strand of Republican practice—the *commentarii* of magistrates over the concept of the public repositories of the *aerarium* and *tabularium*.

All this renders the rhetoric of a “break” in Roman society and practice between free republic and empire not wholly tenable. To be sure the hegemony of force in imperial hands was an innovation and greatly reshaped the Roman state, but we cannot wholly adopt the expression of Ronald Syme in his description of the transition to Empire upon the accession of Tiberius:

The greatest of the Roman historians began his *Annals* with the accession to the Principate of Tiberius, stepson and son of Augustus, consort in his powers. Not until that day was the funeral of the Free State consummated in solemn and legal ceremony. The corpse had been long dead.<sup>242</sup>

Rather than constituting a “corpse,” the practices and institutions of the free state provided the framework for a vital government—one in which the free participation of the aristocracy was perhaps more limited but where they still played a significant role in

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<sup>242</sup> Ronald Syme, *The Roman Revolution* (Oxford: Clarendon Press, 1939; New York: Oxford University Press, 2002), 1. Page numbers refer to the reissued paperback 2002 edition.



administration. The fundamental premises of what constituted good decision-making practices did not change, but the circumstances in which the process played out did.

This is not to say that the present study has rendered the decision-making process entirely clear and transparent. Indeed, the seeming deliberate attempt to guard the machinery of imperial governance from outside eyes mentioned by Dio proved effective in shaping literary accounts.<sup>243</sup> The “internal track” of decision-making—which rested not in the mechanism of petition and response so much as the workings of the court—has kept historians, both ancient and modern, from the internal workings of the Principate. We can put together the accounts from the senatorial elite, such as Tacitus and Pliny, to reconstruct how the process worked in this particularly obscure phase, but ultimately the *secreta* of the imperial decision-making apparatus remain largely out of our reach.

Through the rare glimpses into the internal workings of the Principate represented in this appendix, we can reconstruct at least parts of the process by which emperors made decision and further assert that the process of imperial governance grew out of the practices of the Roman Republic. The resulting conclusions compel us not merely to question easy dichotomies of free state and empire, but they also allow us to see the process of Roman imperial decision-making under any given emperor as part of a broader series of transitions.

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<sup>243</sup> Dio Cass. 53.19.3.

## APPENDIX A: STATISTICAL ANALYSIS OF DECISIONS APPENDIX

The appendix to this dissertation, as discussed briefly in the introduction, is the culmination of a study of literary and epigraphic sources for imperial decision-making from Augustus to Trajan. It is by no means comprehensive. Indeed, the very nature of the subject makes any list purporting to be “comprehensive” dubious. The fluid constitutional position of the emperor—to be distinguished from his practical authority rooted in the loyalty of the army and elite—makes it difficult to determine what sources of authority legitimated his decision. Often even in cases where the *imperium maius* granted to emperors might have well granted them authority to act without reference to the Senate, they consulted the *patres* in any case (see for example *Tib29*, *Tib30*, *Ner18*). Further, as the *familia Caesaris* became increasingly attached to the structure of Roman governance, the lines between what constituted a governmental decision and what constituted an emperor acting as would any *paterfamilias* rapidly blurred. The appendix to this dissertation therefore tries to take a relatively broad view of what constituted a decision, while focusing on examples that allow a particularly good view of the machinery of imperial decision-making or which are representative of a particular emperor’s reign.

This set of criteria somewhat limits the usefulness even of well-known decisions, often because of some tendencies in extant ancient sources that further shape the study of imperial decision-making. Of the ancient authors whose work comprises the majority basis for the appendix (Dio, Suetonius, and Tacitus), most have a marked tendency to ellipse the decision-making process and simply state that an emperor carried out an action. This might, at first glance, lead an observer to believe that even talk of a “decision-making” process for the imperial governing apparatus is premature. However, epigraphic

and papyrological evidence make it clear that portions of the decision-making process were alive, well, and functioning even under emperors traditionally decried by ancient accounts.<sup>1</sup> One might concede that the choice of Suetonius and Dio to mostly ellipse the role of the Senate in proceedings reflected the understanding of insiders that the emperor's decisions alone were the primary means of legislation. Nevertheless, Tacitus' tendency to retain the Senate in its deliberative role makes him a unique literary source and implies that the decision-making process was alive and well in his own time. He, too, no less than Dio and Suetonius, was an insider of the imperial system at the beginning of the first century C.E. While his sympathies to the senatorial elite might have shaped his account, Tacitus nevertheless squares remarkably well with the epigraphic record in the general, if not always the particular.<sup>2</sup> Distinctions of genre and preservation help to explain some of the difference between sources. Dio is known to us largely through epitomizers for a significant swath of his overall work, and Suetonius was a biographer whose primary interests were in the character of the Caesars, not so much in explaining the niceties of governmental procedure to an audience that already had a more than passing understanding of them.

This confluence of factors leads to the shape of the decisions appendix. Emperors whose reigns have Tacitean source are simply much richer in terms of examining the imperial decision-making process. This is not to say that other reigns offer particularly poor samplings of the decision-making process but simply to explain what might otherwise seem an odd disparity in the number of entries for various emperors. What

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<sup>1</sup> In this appendix, *Dom4* is the major example. We can also see correspondence such as Gaius' to the League of the Achaeans, Boetians, Locrians and Euboeans (*IG* 7.2711),

<sup>2</sup> The prime example of this is Tacitus' adaptation of the Lyons Tablet (*CIL* 5.5050 = *ILS* 206). The treatment is largely authentic, if painting Claudius in a better light than the inscription itself. See M. Griffith, "Claudius in Tacitus," *CQ* 40 (1990): 482-501, particularly p. 484, n. 8.

follows is an attempt at analyzing three of the most prominent trends in the data collected in the appendix and their meanings.

### **I. Formal and Informal Decisions**

One of the first trends worth examining relates to the use of an emperor's powers—both constitutionally construed and the immense influence afforded to the *princeps* beyond any explicitly granted authority. Here I have used the designation “formal” to denote a decision that actively engaged the imperial state's authority to carry out an end and “informal” to denote a decision that used soft influence (or indirect influence) to carry out an end. The overall trend, as the table produced on the following page attests, is not conclusive in terms of the formal or informal use of imperial prerogatives. Indeed, this part of the decision-making process appears to have been distinct for each emperor. Some trends are, however, as one would expect. The emperors involved in the civil strife of 68-9 C.E. all have a higher ratio of informal to formal decisions. We may also readily observe that the styles of both Tiberius and Claudius lend themselves towards the formal use of their constitutional authority rather than other methods of implementing decisions.

<u>Emperor</u>	<u>Formal</u>	<u>Informal</u>
Augustus	13	6
Tiberius	26	8
Gaius	4	4
Claudius	23	2
Nero	17	6
Galba	3	1
Otho	6	6
Vitellius	6	5
Vespasian	3	1
Titus	2	0
Domitian	2	2
Nerva	5	1
Trajan	30	11

Table 1. Use of Formal and Informal Authority in Imperial Decision-Making<sup>3</sup>

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<sup>3</sup> These figures exclude fictional *consilia* (*Aug5*, *Dom1*).

## II. Emperors and the Senate

Another metric worth examining is the willingness of an emperor to consult and even make decisions alongside the Senate as the *consilium publicum*. The table on the following page presents the percentages of overall decisions in the appendix that emperors made with reference to the Senate and the percentages of their overall decisions where we do not know what counsel they did or did not seek out. The latter provides a benchmark of how reliable our impression of imperial decision-making may be for the sample within the appendix. Unlike the mode in which a decision was carried out as examined in the previous section, this metric shows a very definite trend, even allowing for the percentage of decisions where the emperor's *consilium* (or lack thereof) is unattested. The earliest emperors seem to have sought out the Senate's advice regularly (Tiberius and Claudius especially so), but by the era of the Flavians, the Senate as a public council seems to have fallen out of favor in lieu of *consilia principis*. As again might be expected in a period of civil strife, the Senate lost its role as a practical source of counsel in decision-making during the years 68-9 C.E., though not so sharply as it seems to have during under Gaius' reign. This evidence cannot be pressed too far, however, as the transition from Tacitean sources for imperial decision-making and the highly selective nature of Pliny's correspondence with Trajan make reading the reigns of the later emperors in this study (as well as portions of Nero and Gaius' reigns) difficult.

<u>Emperor</u>	<u>Decisions Made with Senate</u>	<u>Unattested Counsel</u>
Augustus	20%	50%
Tiberius	70.6%	23.5%
Gaius	25%	12.5%
Claudius	44%	24%
Nero	47.8%	17.4%
Galba	25%	0%
Otho	25%	33.3%
Vitellius	9%	27.3%
Vespasian	0%	25%
Titus	0%	50%
Domitian	0%	25%
Nerva	16.7%	83.3%
Trajan	0%	90.2%

Table 2. Consultation with the Senate as Part of the Decision-Making Process<sup>4</sup>

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<sup>4</sup> These figures exclude fictional *consilia* (*Aug5*, *Dom1*).

### III. Lack of Counsel?

Determining when an emperor did not employ counsel is a considerably more difficult metric to quantify. Even if a source does not specifically state that an emperor took counsel before rendering a decision, that silence does not imply a lack of consultation. With the statistics above in mind for the relative percentages of decisions where those consulted are unattested (and even in some of these we have evidence of emperors at least sending requests for information, i.e. *Tr19* and *Tr20*), the present study found no cases where an emperor explicitly made a decision without any council whatsoever and the decision-making process was discussed at any length in the extant sources. This is, of course, somewhat a function of reporting—a decision made abruptly or without consultation likely has very little record behind it. Nevertheless, the tendency is a powerful argument for how fundamental deliberative consultation was to the Roman concept of decision-making.



## APPENDIX OF IMPERIAL DECISIONS CITED IN THIS WORK

Augustus	105
Tiberius	120
Gaius	144
Claudius	147
Nero	165
Galba	181
Otho	184
Vitellius	192
Vespasian	200
Titus	203
Domitian	205
Nerva	209
Trajan	213

**Augustus**

**Aug1.** Augustus adjudicates a disputed will

Date and Location: Unattested, Rome

Subject: Civil law

Initiator: Unattested

Decider: Augustus

Council: Unattested

Verdict: No formal decision

Process: Augustus, in adjudicating a trial concerning a forged will, gives the jury tablets with instructions offering a third option, allowing them to pardon anyone who signed the will through a mistake or through being deceived.

Citations: Suet. *Aug.* 33.2

**Aug2.** Augustus adjudicates on the Eleusinian Mysteries

Date and Location: Unattested, Rome

Subject: Religious law

Initiator: Eleusinian embassy

Decider: Augustus

Council: None

Verdict: Unattested

Process: Augustus makes a ruling regarding the Eleusinian mysteries and the privileges concerning the priests of Demeter in Attica at a tribunal. He dismisses his *consilium* because they are not initiates to the cult.

Citations: Suet. *Aug.* 93

**Aug3.** Augustus refrains from passing death sentences at the behest of Maecenas

Date and Location: Unattested, Rome

Subject: Criminal law

Initiator: Litigants

Decider: Augustus

Council: Maecenas

Verdict: Informal decision

Process: While presiding over a criminal court, Augustus is on the verge of ordering multiple executions when Maecenas intervenes. Unable to reach the emperor, he writes “Why don’t you stand up already, executioner?” (ἀνάστηθι ἤδη ποτέ, δήμιε) on a tablet and tosses it into the emperor’s lap. The frankness of the response causes Augustus to leave and order no executions.

Citations: Dio Cass. 55.2

**Aug4.** Augustus, Agrippa, and Maecenas debate Augustus’ plan of rule

Date and Location: 29 B.C.E., Rome

Subject: Imperial authority

Initiator: Augustus

Decider: Augustus

Council: Includes Agrippa, Maecenas

Verdict: Informal decision

Process: Although a fictional account, this is still an important depiction of a *consilium principis*. Augustus confers with Agrippa and Maecenas after returning from Actium.

Agrippa argues that Augustus ought to give up his extraordinary powers and turn all the provinces over to the people. Maecenas argues to the contrary that he should retain his powers and that doing otherwise will be to perish. Maecenas' sentiments win out.

Suetonius also mentions that Augustus contemplated restoring the Republic just after his defeat of Antony.

Citations: Dio Cass. 52.1-41; Suet. *Aug.* 28.1

**Aug5.** Augustus reduces the Senate's size with censorial powers

Date and Location: 28 B.C.E., Rome

Subject: Imperial authority

Initiator: Augustus

Decider: Augustus

Council: Includes Agrippa

Verdict: Formal decision

Process: Augustus removes some one-hundred ninety senators from the rolls who were there illegitimately. He manages to convince fifty to do so voluntarily to avoid public censure, though in the case of the tribune Quintus Statilius, the matter becomes public.

Citations: Dio Cass. 52.42.1-5; Suet. *Aug.* 27.5; Vel. Pat. 2.89

***Aug6.*** Augustus summons Antiochus of Commagene and oversees his execution

Date and Location: 28 B.C.E., Rome

Subject: Criminal law

Initiator: Augustus

Decider: Senate

Council: Senate

Verdict: Formal decision

Process: Augustus summons Antiochus of Commagene before the Senate for killing a Roman *legatus*. After he is convicted, Augustus sees to his execution.

Citations: Dio Cass. 52.43.1

**Aug7.** Augustus “restores” the Republic

Date and Location: 27 B.C.E., Rome

Subject: Imperial authority

Initiator: Augustus

Decider: Augustus

Council: Senate

Verdict: Formal decision

Process: Augustus “restores” the Republic, laying down his provinces, but the Senate returns Spain, Gaul, Syria, Cilicia, Cyprus, and Egypt to Augustus, with a ten year command notionally meant to allow him to bring order to those provinces. The remainder of the provinces Augustus allows to continue under Senatorial control, but he particularly guards Egypt placing an *eques* in charge.

Citations: Dio Cass. 53.2.6-53.12; *RG* 34; Vel. Pat. 2.89

**Aug8.** Augustus organizes the provinces and governorships

Date and Location: 27 B.C.E., Rome

Subject: Provincial administration

Initiator: Augustus

Decider: Augustus

Council: Senate

Verdict: Formal decision

Process: Augustus re-arranges the process of sending governors to provinces. As a rule, he puts senatorial provinces in the hands of proconsuls or propraetors with a five year lapse between their term of office and their governorship. He also allows them to take up their *imperium* as soon as they cross Rome's *pomerium*. According to Dio, Augustus retains control of who receives governorships in any given year. Imperial provinces he allots to promagistrates from the rank of quaestor to that of praetor. The *equites* serve as military tribunes and as procurators.

Citations: Dio Cass. 53.13-16; Suet. *Aug.* 47.

**Aug9.** Augustus organizes a *consilium*

Date and Location: 27 B.C.E., Rome

Subject: Court affairs

Initiator: Augustus

Decider: Augustus

Council: Unattested

Verdict: Formal decision

Process: Augustus organizes a pro-bouletic council formed of fifteen senators chosen by lot, one each of all the other magistracies, and the two consuls. He employs this new *consilium* to organize legislation before presenting it to the Senate as a whole.

Citations: Dio Cass. 53.21

**Aug10.** Augustus calls a meeting of his *consilium*, renders his accounts, and prepares for his death from illness

Date and Location: 23 B.C.E., Rome

Subject: Court affairs

Initiator: Augustus

Decider: Augustus

Council: *consilium*

Verdict: Formal decision

Process: During his eleventh consulship, Augustus falls sufficiently ill that he suspects he will die. He calls together a group of senators, *equites*, and the yearly magistrates to render an account of the state. He refrains from immediately naming a successor, but after discussion with the *consilium*, he gives his ledgers to Gnaeus Piso (his colleague in the consulship) and his signet ring to Agrippa. This seems to be a broader consultation than his standing probouletic *consilium*.

Citations: Dio Cass. 53.30; Suet. *Aug.* 28.1

**Aug11.** Augustus refuses the dictatorship, accepts care of the grain supply

Date and Location: 22 B.C.E., Rome

Subject: Imperial authority



Initiator: Roman populace

Decider: Augustus

Council: Unattested

Verdict: Formal decision

Process: The people of Rome, desperate from famine and disease, force the Senate to name Augustus dictator. They then take the twenty-four *fascēs* to Augustus, who refuses the dictatorship but reluctantly accepts control of the grain supply.

Citations: Dio Cass. 54.1

***Aug12.*** Augustus settles the electoral dispute between Quintus Lepidus and Lucius Silvanus

Date and Location: 22 B.C.E., Rome, Sicily

Subject: Imperial authority

Initiator: Quintus Lepidus, Lucius Silvanus, Roman populace

Decider: Augustus

Council: Includes Maecenas

Verdict: Formal decision

Process: During the elections held in 22 B.C.E., riots break out when Augustus refuses to take up a consulship. The two candidates, Quintus Lepidus and Lucius Silvanus come to Augustus, and ask him to settle the dispute. Augustus refuses to do so, but after further

rioting, he chooses Marcus Agrippa to supervise Rome in his absence. Dio reports that he does so on the advice of Maecenas, who argues that Agrippa's reputation is so great that he must either be brought into the imperial family or removed as a threat.

Citations: Dio Cass. 54.6

***Aug13.*** Augustus places Tigranes II on the throne of Armenia.

Date and Location: 20 B.C.E., Rome, Armenia

Subject: Client kings

Initiator: Armenian embassy

Decider: Augustus

Council: Unattested

Verdict: Formal decision

Process: Augustus decides to place Tigranes II on the throne of Armenia.

Citations: Tac. *Ann.* 2.4

***Aug14.*** Augustus spares Licinius, the imperial procurator of Gaul

Date and Location: 15 B.C.E., Gaul

Subject: Provincial administration

Initiator: Gallic embassy

Decider: Augustus

Council: Unattested

Verdict: Formal decision

Process: A Gallic embassy draws Augustus' attention to the misdeeds of Licinius, a former slave of Julius Caesar and a freedman of Augustus. He has overtaxed the province and used his position to remove rivals. Augustus agrees in part with the Gauls and attempts to excuse or cover up some of Licinius' behavior, partially out of embarrassment according to Dio. Licinus escapes punishment, however, by claiming that he undertook his actions purposefully in order to keep the Gauls from having sufficient funds to revolt.

Citations: Dio Cass. 54.21

***Aug15.*** Augustus intervenes in an adultery trial

Date and Location: 13 B.C.E., Rome

Subject: Criminal law

Initiator: Unknown litigant

Decider: Augustus, *iudices*

Council: Unattested

Verdict: Informal decision

Process: During an adultery trial, the prosecutor begins to insult Apuleius and Maecenas for supporting the man on trial for adultery. Augustus takes up the praetor's chair and

forbids any insult to his relatives or friends. He afterwards refrains from adjudicating the remainder of the trial.

Citations: Dio Cass. 54.30.4

***Aug16.*** Augustus exiles Julia the Elder and her paramours

Date and Location: 2 B.C.E., Rome

Subject: Court affairs

Initiator: Augustus

Decider: Augustus

Council: Unattested

Verdict: Formal decision

Process: Augustus exiles Julia and her paramours, including Quintus Crispinus, Appius Claudius, Sempronius Gracchus, and one of the Scipiones. The list, according to Velleius Paterculus, includes men of both equestrian and senatorial status. Iulus Antonius, the son of Marc Antony and Fulvia, commits suicide as a consequence of his involvement with Julia. Augustus also exiles Julia to Pandataria.

Citations: Dio Cass. 55.10.9; Suet. *Aug.* 65; Vel. Pat. 2.100

***Aug17.*** Augustus refuses to restore Julia the Elder, then relents and allows her to return to the mainland

Date and Location: 2 C.E., Rome

Subject: Court affairs

Initiator: Roman populace

Decider: Augustus

Council: Unattested

Verdict: Informal decision

Process: The people of Rome petition Augustus to restore Julia from exile, but Augustus initially refuses their request—prompting a group of citizens to throw firebrands in the Tiber after the emperor says that fire will mix with water before Julia’s exile would be lifted. This pressure later causes him to relent and allow her back on the mainland.

Citations: Dio Cass. 55.13.1

**Aug18.** Augustus shows clemency to conspirators against him, particularly Gnaeus Cornelius

Date and Location: 2 C.E., Rome

Subject: Court affairs

Initiator: Augustus

Decider: Augustus

Council: Includes Livia

Verdict: Informal decision

Process: Augustus, pressed by several conspiracies against him, ponders what decision to take. Although probably a fictional account, Dio puts the advice in the mouth of Livia, perhaps indicating her role in offering advice to Augustus. She argues that Augustus ought only to act against the ringleaders of conspiracies and ought to show clemency to the rest as a matter of good policy. Augustus agrees with this assessment and succeeds in quelling conspiracies against himself.

Citations: Dio Cass. 55.14-22

***Aug19.*** Augustus deposes Herod Archelaus

Date and Location: 6 (?) C.E., Rome

Subject: Diplomatic embassy

Initiator: Jewish embassy

Decider: Augustus

Council: Unattested

Verdict: Formal decision

Process: A Jewish embassy asks to be attached to the province of Syria and complains about their treatment under Archelaus. Presumably as a result of their petition, Augustus removes Archelaus from the ethnarchy and makes Judaea a Roman province.

Citations: Joseph. *Ant. Jud.* 17.299-320; *BJ* 2.80-84; Luke 19: 12, 14, 27

**Aug20.** Augustus reaffirms the *ius liberorum* and his marriage legislation

Date and Location: 9 C.E., Rome

Subject: Civil law

Initiator: *Equites*

Decider: Augustus

Council: Unattested

Verdict: Informal decision

Process: Augustus returns to Rome and a large number of *equites* petition him to ease the laws on marriage. At two assemblies of the *ordo*, one for the married and one for the unmarried, Augustus alternately praises and harangues them for their obedience (or lack thereof) to the new legislation.

Citations: Dio Cass. 56.1-10

**Aug21.** Augustus reorganizes his *consilium*

Date and Location: 13 C.E., Rome

Subject: Court affairs

Initiator: Augustus

Decider: Senate

Council: Senate

Verdict: Formal decision

Process: Augustus, with the consent of the Senate, reorganizes his *consilium* given his advanced age. He changes the monthly rotation of his advisors from a body of fifteen to a body of twenty. Further, he adds Tiberius and his adoptive grandchildren to the body with the stipulation that any measure they pass is valid as if a *senatus consultum*. As an example of a meeting held before this new body, see *POxy.* 2345.

Citations: Dio Cass. 56.28.1-3; *POxy.* 2345.



## **Tiberius**

***Tib1.*** Tiberius ensures his hold on power

Date and Location: 14 C.E., Rome

Subject: Military decisions

Initiator: Tiberius

Decider: Tiberius

Council: Unattested

Verdict: Formal decision

Process: Tiberius, as *imperator*, issues orders to the praetorian cohorts and sends dispatches to the armies upon the death of Augustus and his accession to power.

Citations: Tac. *Ann.* 1.7

***Tib2.*** Tiberius initially refuses to make a decision on his powers

Date and Location: 14 C.E., Rome

Subject: Imperial authority

Initiator: Senate

Decider: Tiberius

Council: Senate

Verdict: No formal decision

Process: Tiberius, before a meeting of the Senate, declares that he ought only to take up whatever governance of the *res publica* that the Senate sees fit to bestow upon him, stating that the task is too great for anyone but Augustus to undertake. The ensuing debate, wherein Asinius Gallus simply asks outright what portion Tiberius thinks appropriate for himself, marks the beginning of poor relations between *princeps* and Senate.

Citations: Dio Cass. 56.2.4-7; Suet. *Tib.* 24; Tac. *Ann.* 1.12-13

***Tib3.*** Tiberius decides against intervening personally in mutinies

Date and Location: 14 C.E., Rome

Subject: Military decisions

Initiator: Tiberius

Decider: Tiberius

Council: Unattested

Verdict: No formal decision

Process: Tiberius uses Germanicus and Drusus to handle mutinies. Tacitus interprets this as the emperor avoiding inflaming one mutiny by quelling both at the same time. Further, by using junior members of his family, Tiberius allows them to consult him freely but without placing himself in a compromising position.

Citations: Tac. *Ann.* 1.47

***Tib4.*** Tiberius extends and confirms Germanicus' concessions to the army

Date and Location: 14 C.E., Rome

Subject: Military decisions

Initiator: Tiberius

Decider: Tiberius, Senate

Council: Senate

Verdict: Formal decision

Process: Tiberius moves before the Senate (*rettulit tamen ad senatum*) to confirm the concessions of donatives and early discharges promised by Germanicus to the German legions and also to extend them to the Pannonian legions.

Citations: Tac. *Ann.* 1.52

***Tib5.*** Tiberius refuses title of *pater patriae* and oath of obedience to his *acta*

Date and Location: 15 C.E., Rome

Subject: Imperial authority

Initiator: Senate

Decider: Tiberius

Council: Tiberius

Verdict: Formal decision

Process: Tiberius refuses to take the title of *pater patriae* and in spite of a Senatorial judgment (*quamquam censente senatu*) does not permit an oath to be taken over his *acta*.

Citations: Cass Dio. 5.8; Tac. *Ann.* 1.72

***Tib6.*** Tiberius writes to consuls regarding the execution of the *lex maiestatis*

Date and Location: 15 C.E., Rome

Subject: Criminal law

Initiator: Tiberius

Decider: Tiberius

Council: Unattested

Verdict: Formal decision

Process: Tiberius, in the first two cases brought during his principate under the *lex maiestatis* gives written guidance to the consuls. In the first case, involving the admission of a man who is a mime and sexually perverse (*corpore infamem*) among the *cultores Augusti*, the emperor argues that images of the deified Augustus are sacred in the same way as a god's. The second involves a perjured oath sworn under the name of Augustus.

Citations: Tac. *Ann.* 1.73

***Tib7.*** Tiberius renews use of *lex maiestatis*

Date and Location: 15 C.E., Rome

Subject: Criminal law

Initiator: Pompeius Macer (praetor)

Decider: Tiberius

Council: Unattested

Verdict: Formal decision

Process: Tiberius begins to make renewed use of the *lex maiestatis* in response to verses satirizing him. Prior to renewed prosecutions under the law, the praetor, Pompeius Macer consults him as to whether he ought to pursue these cases. Tiberius responds that the “laws should be carried out” (*exercendas leges esse*).

Citations: Suet. *Tib.* 58; Tac. *Ann.* 1.72

***Tib8.*** Tiberius votes to acquit Granius Marcellus

Date and Location: 15 C.E., Rome

Subject: Criminal law

Initiator: Caepio Crispinus (quaestor)

Decider: Tiberius

Council: Senate

Verdict: Formal decision

Process: Granius Marcellus, praetor of Bithynia, is charged under the *lex maiestatis* by his own quaestor, Caepio Crispinus with having repeated “sinister harangues” (*sermones*

*sinistros*) against Tiberius, in addition to having placed his own statute higher than that of Tiberius (as well as having removed the head of a statue of Augustus to put Tiberius' head on it). Tiberius becomes so incensed that he plans to vote on the case "openly" (*palatam*) and "under oath" (*iurata*). After Gnaeus Piso questions whether this would unduly influence the verdict, Tiberius votes to acquit on the charge of *maiestas*.

Citations: Tac. *Ann.* 1.74

***Tib9.*** Tiberius oversees praetorian courts

Date and Location: 15 C.E., Rome

Subject: Civil law - courts

Initiator: Tiberius

Decider: Court

Council: Praetorian court

Verdict: Formal decision

Process: Tiberius begins to attend hearings before the praetors, though choosing to sit in the corner (*in cornu*) rather than take the curule chair. He oversees the cases of Aurelius Pius (who complains that public construction had undermined his home) and of Propertius Celer, who asks to be excused from the Senatorial role.

Citations: Tac. *Ann.* 1.75

***Tib10.*** Tiberius objects to consultation of Sibylline Books

Date and Location: 15 C.E., Rome

Subject: Religious law

Initiator: Asinius Gallus

Decider: Tiberius

Council: Senate

Verdict: Formal decision

Process: During a year of flooding on the Tiber, the waters cause the loss of lives and structures. Asinius Gallus moves to consult the Sibylline Books. Tiberius objects, referring the controlling of the stream to Ateius Capito and Lucius Arruntius.

Citations: Tac. *Ann.* 1.76

***Tib11.*** Tiberius refers stage riots to the Senate

Date and Location: 15 C.E., Rome

Subject: Criminal law

Initiator: Tiberius

Decider: Tiberius

Council: Senate

Verdict: No formal decision

Process: Tiberius leaves the matter of dealing with riots resulting from theatrical productions to the Senate, who act to curb the violence with repressive measures on theater attendance, though stopping short of allowing the praetors to whip actors.

Citations: Tac. *Ann.* 1.77

***Tib12.*** Tiberius orders sale of slaves in trial of Libo Drusus

Date and Location: 16 C.E., Rome

Subject: Criminal law

Initiator: Tiberius

Decider: Tiberius

Council: Unattested

Verdict: Formal decision

Process: Tiberius forces the sale Libo's slaves to the *actor publicus* in order to avoid overriding a *senatus consultum* barring slaves from giving testimony in situations that pertained to the life and death of their master.

Citations: Tac. *Ann.* 2.30

***Tib13.*** Tiberius refuses Libo's petition

Date and Location: 16 C.E., Rome

Subject: Criminal law



Initiator: Publius Quirinus

Decider: Tiberius

Council: Unattested

Verdict: Formal decision

Process: Tiberius refuses Libo's petition for clemency, brought by Publius Quirinius, a relative of the accused.

Citations: Tac. *Ann.* 2.30

***Tib14.*** Tiberius urges against sumptuary laws

Date and Location: 16 C.E., Rome

Subject: Civil law

Initiator: Quintus Haterius, Octavius Fronto

Decider: Tiberius, Senate

Council: Senate

Verdict: No formal decision

Process: A consular, Quintus Haterius, and praetorian, Octavius Fronto, propose sumptuary legislation to limit conspicuous consumption in Roman households, going so far as to limit silver, furnishings, and slaves in the case of Fronto. Asinius Gallus moves against them, and Tiberius concurs, promising to appoint someone to correct matters if there should be a future lapse of morals.

Citations: Tac. *Ann.* 2.33

***Tib15.*** Tiberius delays appearing before the praetorian court in support of Urgulania

Date and Location: 16 C.E., Rome

Subject: Court affairs

Initiator: Livia

Decider: Tiberius

Council: Unattested

Verdict: No formal decision

Process: Lucius Piso brings a civil complaint against Urgulania, which Livia takes as a personal insult. The former proves unwilling to drop his suit, and Tiberius manages to delay appearing in court in support of Urgulania long enough for Livia to order that the disputed sum be paid.

Citations: Tac. *Ann.* 2.34

***Tib16.*** Tiberius rebuffs Gallus' proposal to fix offices five years prior to their effective date

Date and Location: 16 C.E., Rome

Subject: Civil law

Initiator: Asinius Gallus

Decider: Tiberius, Senate

Council: Senate

Verdict: No formal decision

Process: Asinius Gallus moves that offices be fixed through elections held five years prior to their effective date. The result would have been to hamper Tiberius' ability to control the allotment of offices, particularly those of praetorian rank. Tiberius spoke against it in the Senate, and presumably his opposition was sufficient to quash the proposal.

Citations: Tac. *Ann.* 2.36

***Tib17.*** Tiberius supports Germanicus' command in the East

Date and Location: 17 C.E., Rome

Subject: Military decisions

Initiator: Tiberius

Decider: Tiberius, Senate

Council: Senate

Verdict: Formal decision

Process: Tiberius, after the death of Antiochus of Commagene and Philopator of Cilicia, argues to the Senate that they should send Germanicus to deal with matters in the East.

The Senate assents, granting Germanicus *maius imperium* in all provinces he visits and direct control of all transmarine provinces (*provinciae quae mari dividuntur*).

Citations: Tac. *Ann.* 2.43

***Tib18.*** Tiberius gives disaster relief to Asia

Date and Location: 17 C.E., Rome

Subject: Diplomatic embassy

Initiator: Embassies from the affected cities

Decider: Tiberius

Council: Senate

Verdict: Formal decision

Process: An earthquake causes major damage in twelve major cities in the province of Asia. Tiberius provides remittances from the *aerarium* and the *fiscus*, as well as direct help of ten million *sesterces* to Sardis. The remittances are extended to the remainder on similar terms, and an imperial assessor is sent to determine what aid to grant.

Citations: Dio Cass. 57.17.7-9; Tac. *Ann.* 2.47

***Tib19.*** Tiberius refrains from making insults directed at him or his mother treasonable offenses

Date and Location: 17 C.E., Rome

Subject: Criminal law

Initiator: *Delator*

Decider: Tiberius

Council: Senate (?)

Verdict: Formal decision

Process: Tiberius separates the charges pending against Appuleia Varilla and limits the charge of treason to any statements she may have made against Augustus. Statements made against himself or his mother Tiberius excludes.

Citations: Tac. *Ann.* 2.50

***Tib20.*** Tiberius adjudicates the trial of Gnaeus Piso

Date and Location: 20 C.E., Rome

Subject: Criminal law

Initiator: Fulcinius Trio

Decider: Tiberius Senate

Council: Senate

Verdict: Formal decision

Process: Gnaeus Piso finds himself charged with the death of Germanicus and re-entering a province by force. After a Fulcinius Trio attempts to bring a private prosecution and meets with objections from the partisans of Germanicus, Tiberius transfers the trial to the

Senate and presides over the case. During the conduct of the trial, Piso kills himself and the Senate posthumously condemns him. Tiberius shows considerable leniency to Piso's son in terms of material possessions but the Senate's decree takes considerable steps to blacken Piso's reputation.

Citations: Tac. *Ann.* 3.10-18; *SCPP* [text as published in *AJPh* 120 (1999): 13-42]

***Tib21.*** Tiberius intervenes in the trial of Lepida

Date and Location: 20 C.E., Rome

Subject: Criminal law

Initiator: Unknown

Decider: Tiberius, Senate

Council: Senate

Verdict: Informal decision

Process: Tiberius intervenes in the trial of Lepida who has been accused of feigning children by Publicus Sulpicius Quirinius. Other charges leveled against her include adultery, poisoning, and astrological consultation regarding the *domus Caesaris*. In the trial before the Senate, Tiberius requests they dismiss any considerations of *maiestas* but causes the consul Marcus Servilius and other witnesses to give damaging testimony. He also exempts Drusus from speaking first on a motion to prevent Lepida's slave from being questioned.

Citations: Tac. *Ann.* 3.22

***Tib22.*** Tiberius interposes a nine day waiting period before executions are carried out

Date and Location: 21 C.E., Rome

Subject: Criminal law

Initiator: *Delator*

Decider: Senate, Tiberius

Council: Senate

Verdict: Formal decision

Process: A *delator* accuses Clutorius Priscus, an *eques*, of having composed a poem about the death of Drusus pre-emptively. (Clutorius composed a funeral poem for the dead Germanicus to wide praise.) He has boasted about his composition in the house of Publius Petronius before several elite women (*feminae inlustres*), and they are all compelled to give testimony before the Senate. The senators condemn and execute Clutorius rapidly, prompting Tiberius to intervene after the fact to criticize their haste as undue and to impose a waiting period on decrees being recorded, thus delaying executions.

Citations: Dio Cass. 57.20.3-4; Tac. *Ann.* 3.49-50

***Tib23.*** Tiberius refrains from intervening in the debate about the sumptuary laws

Date and Location: 22 C.E., Rome

Subject: Criminal law

Initiator: Gaius Bibulus, Senate

Decider: Tiberius

Council: Senate

Verdict: Informal decision

Process: An aedile, Gaius Bibulus, has questioned whether there might be moderate measures to check a perceived increase in overly lavish living among the nobility. The Senate, having been consulted, refers the matter to Tiberius who answers by letter, refraining from taking a position or in reinforcing the already standing sumptuary law (one of the *leges Iuliae*).

Citations: Tac. *Ann.* 3.52-5

***Tib24.*** Tiberius rules on whether a *flamen Dialis* might take up a provincial command

Date and Location: 22 C.E., Rome

Subject: Religious law

Initiator: Servius Maluginensis

Decider: Tiberius

Council: Unattested

Verdict: Formal decision



Process: The *flamen Dialis*, Servius Maluginensis, argues that despite the tradition of his priesthood not being allowed to leave Rome, there was no law or regulation to actually prevent him from doing so. He demands the allotment of Asia to himself, but the augur Lentulus disputes this claim. The Senate defers the matter to Tiberius, who after some delay gives a reply, citing a decree of Augustus that allowed the *flamen* only a two-night absence in cases of illness.

Citations: Tac. *Ann.* 3.59, 3.71

**Tib25.** Tiberius submits the provincial embassies of the year to the Senate

Date and Location: 22 C.E., Rome

Subject: Provincial affairs

Initiator: Embassies from the affected cities (Ephesus, Magnesia, Aphrodisas, Stratonicea, Hierocaesarea, Cyprus)

Decider: Tiberius, Senate

Council: Senate

Verdict: Formal decision

Process: Tiberius refers to the Senate the problem of criminals and debtors using claims to sanctuary. They in turn ask Greek cities to present claims for their religious charters. Some give up their sanctuaries without dispute but several send embassies to the Senate to present their claims. The difficulty of the various claims compels the Senate to refer

the matter to the consuls, who return with a report and suggestions for how to resolve the various claims to legitimate religious cults.

Citations: Tac. *Ann.* 3.60-3

***Tib26.*** Tiberius intervenes in the trial of Gaius Silanus

Date and Location: 22 C.E., Rome

Subject: Criminal law

Initiator: Mamercus Scaurus, Junius Otho, Brutteditus Niger

Decider: Senate, Tiberius

Council: Senate

Verdict: Formal decision

Process: The people of the province of Asia bring charges of extortion against Gaius Silanus and have their cause strengthened by the accusations of Mamercus Scaurus, a consular, Junius Otho (a praetor during the year 22 C.E.), and Brutteditus Niger (an aedile). Tiberius allows the trial to continue and offers no particular help to Silanus and also allows the sale of Silanus' slaves to the *actor publicus* so that they may be legally questioned. Tiberius also has a decree of Augustus against Volesus Messala, a former proconsul of Asia, read out to support his own action. The Senate votes to convict without a full discussion before divisions and exiles Silanus to the island of Gyarus. Cornelius Dolabella nearly goes so far as to give the emperor the power to veto

candidates of corrupt character from taking office, but Tiberius speaks against this motion.

Citations: Tac. *Ann.* 3.66-70

***Tib27.*** Tiberius responds to petitions to relieve Cibyra and Aegium from taxes

Date and Location: 23 C.E., Rome

Subject: Provincial affairs

Initiator: Petitioners from Cibyra and Aegium

Decider: Senate, Tiberius

Council: Senate

Verdict: Formal decision

Process: In response to petitions from Cibyra and Aegium, both damaged by earthquakes, Tiberius puts a motion before the Senate that the cities be relieved of tribute for three years.

Citations: Tac. *Ann.* 4.13

***Tib28.*** Tiberius expels actors from Italy

Date and Location: 23 C.E., Rome

Subject: Civil law

Initiator: Tiberius

Decider: Senate, Tiberius

Council: Senate

Verdict: Formal decision

Process: Tiberius brings up the complaints against stage-actors which the praetors have laid. The Senate, at his behest, expels all actors in the farces (*histriones*) from Italy.

Citations: Tac. *Ann.* 4.14

***Tib29.*** Tiberius grants permission for the cities of Asia to erect a temple to himself

Date and Location: 23 C.E., Rome

Subject: Religious law

Initiator: Embassies from Asia

Decider: Senate, Tiberius

Council: Senate

Verdict: Formal decision

Process: The cities of Asia request leave to construct a temple to Tiberius in thanks for his actions against Gaius Silanus. The Senate agrees, and Tiberius extends his thanks to the Senate.

Citations: Tac. *Ann.* 4.15

***Tib30.*** Tiberius investigates the murder of Apronia by Plautius Silvanus

Date and Location: 24 C.E., Rome

Subject: Criminal law

Initiator: Lucius Apronius

Decider: Tiberius

Council: Senate

Verdict: Formal decision

Process: The praetor Plautius Silvanus hurls his wife from a window, killing her. He, in a disturbed state of mind, claims that Apronia killed herself by jumping from the window. His wife's father, Lucius Apronius, brings the case before Tiberius who rushes to the scene personally, inspecting the evident signs of struggle. He then refers the matter to the Senate, though Silvanus kills himself at the behest of the imperial house before his trial begins.

Citations: Tac. *Ann.* 4.22

***Tib31.*** Tiberius allows the rewards for *delatio* to stand even when the accused commits suicide

Date and Location: 24 C.E., Rome

Subject: Criminal law

Initiator: Senate

Decider: Tiberius

Council: Tiberius, Senate

Verdict: Informal decision

Process: During the trial of Vibius Serenus, a motion comes forward to deprive *delatores* of legal rewards for their actions if the accused commits suicide during trial. Tiberius intervenes to ensure that the rewards for *delatio* remain in place.

Citations: Tac. *Ann.* 4.30

***Tib32.*** Tiberius intervenes in the case of Titius Sabinus

Date and Location: 28 C.E., Rome, Capri

Subject: Criminal law

Initiator: *delatores* (Latinius Latiaris, Porcius Cato, Petilius Rufus, and Marcus Opsius)

Decider: Tiberius, Senate

Council: Senate

Verdict: Formal decision

Process: Informers under the sway of Sejanus set up Titus Sabinus, lure him into their confidence, and then report criticisms he makes of Sejanus, Tiberius, and the imperial household while they hide in the croft of a house in order to hear Sabinus. Tiberius, after being informed by letter of the charges, demands punishment for Sabinus.

Citations: Tac. *Ann.* 4.58-70

***Tib33.*** Tiberius overthrows Sejanus

Date and Location: 31 C.E., Rome, Capri

Subject: Court affairs

Initiator: Tiberius

Decider: Tiberius, Senate

Council: Senate

Verdict: Formal decision

Process: Tiberius uses a strategy of deception to lure Sejanus into the Senate. After having Macro spreads rumors that Tiberius is prepared to give *tribunicia potestas* to Sejanus, Macro secures the support of the praetorians and *vigiles* and surrounds the Senate where Sejanus is present. He then offers a letter of Tiberius which condemns Sejanus and leads to the feared courtier's death.

Citations: Dio Cass. 58.7-10

***Tib34.*** Tiberius engages in a purge of Sejanus' supporters or those accused thereof

Date and Location: 31 C.E., Rome, Capri

Subject: Criminal law

Initiator: Various accusers

Decider: Tiberius, Senate

Council: Senate

Verdict: Formal decision

Process: After the death of Sejanus and disposition of his property, accusers turn on the former *amici* of Sejanus and generally succeed in prosecuting them, though Marcus Terentius (an *eques*) succeeds in defending himself with a brilliant speech (*Ann.* 6.8). Tiberius generally accedes to these punishments by letter.

Citations: Suet. *Tib.* 61; Tac. *Ann.* 6.2-10



**Gaius (Caligula)**

***Gai1***. Gaius has the will of Tiberius nullified

Date and Location: 37 C.E., Rome

Subject: Court affairs

Initiator: Gaius

Decider: Senate

Council: Senate

Verdict: Formal decision

Process: Gaius has the will of Tiberius that adopted Tiberius Gemellus annulled with the cooperation of the praetorian prefect, Macro, and the consuls.

Citations: Dio Cass. 59.1.1-4

***Gai2***. Gaius burns the papers and records of Tiberius

Date and Location: 37 C.E., Rome

Subject: Court affairs

Initiator: Gaius

Decider: Gaius

Council: Unattested

Verdict: Informal decision

Process: Gaius destroys the papers of Tiberius indicting his enemies. Dio regards him as only destroying copies and falsely claiming to have destroyed the originals.

Citations: Dio Cass. 59.4.3, 59.6; Suet. *Calig.* 15.4

**Gai3.** Gaius begins publishing the imperial accounts once more

Date and Location: 37 C.E., Rome

Subject: Civil law

Initiator: Gaius

Decider: Gaius

Council: Senate

Verdict: Formal decision

Process: Gaius begins, as part of his early policy of restoring some open government, to publish the accounts of the empire (*rationes imperii*) once more, a practice Tiberius suspended.

Citations: Dio Cass. 59.9.4; Suet. *Calig.* 16

**Gai4.** Gaius receives the Alexandrian Jews

Date and Location: 39/40 C.E., Rome (Esquiline)

Subject: Diplomatic embassy

Initiator: Jewish and Greek Alexandrian Embassies

Decider: Gaius

Council: None

Verdict: Informal decision

Process: After riots erupt in Alexandria, separate delegations from the Greek and Jewish populations of the city set out to petition Gaius. He receives them but offers no formal hearing before a *consilium*, which greatly irritates Philo, the leader of the Jewish delegation. Though he stops short of considering the Jewish failure to worship him as a god treasonous, Gaius dismisses them as “unfortunate rather than wicked.”

Citations: Philo *Leg.*

**Claudius**

***Clau1.*** Claudius burns the papers of Gaius

Date and Location: 41 C.E., Rome

Subject: Court affairs

Initiator: Claudius

Decider: Claudius

Council: Unattested

Verdict: Informal decision

Process: Claudius, upon his accession, shows the records held by Gaius to Senators and those men to whom they pertain. He then burns the papers as part of a general policy of good judicial governance.

Citations: Dio Cass. 60.4.4

***Clau2.*** Claudius orders the execution of Gaius Appius Silanus (Appius Junius Silanus)

Date and Location: 41 C.E., Rome

Subject: Court affairs

Initiator: Narcissus, Messalina

Decider: Claudius

Council: Includes Narcissus, Messalina

Verdict: Formal decision

Process: Silanus has offended Messalina by refusing to lie on her behalf, according to Dio. The freedman Narcissus and Messalina conspire to frighten Claudius into killing Silanus. Narcissus claims to have had a dream in which he saw Silanus kill Claudius. Claudius orders Silanus, a governor in Spain, to return to Rome, whereupon he has him executed.

Citations: Dio Cass. 60.14; Suet. *Claud.* 37.2

***Claud3.*** Claudius settles the dispute between the Gentile and Jewish residents of Alexandria

Date and Location: 41 C.E., Rome, Alexandria

Subject: Provincial affairs

Initiator: Alexandrian embassies

Decider: Claudius

Council: *consilium principis* (?)

Verdict: Formal decision

Process: Embassies from the Gentile and Jewish residents of Alexandria seek Claudius' settlement of the dispute that began during the reign of Gaius. Aside from ruling on matters concerning *epheboi*, Claudius scolds the Gentile Alexandrians for stirring up trouble but also targets the Jewish Alexandrians for sending a separate embassy and orders them not to agitate for more rights than they already have.

Citations: *P. London* 1912

**Clau4.** Claudius holds trials for those accused of conspiracy with Annius Vinicianus

Date and Location: 42 C.E., Rome, Dalmatia

Subject: Military decisions

Initiator: Claudius

Decider: Claudius

Council: Senate

Verdict: Formal decision

Process: Annius Vinicianus attempts to foment rebellion with the assistance of the governor of Dalmatia, Furius Camillus Scribonianus. The soldiers under Camillus, however, refuse to follow along with the plan, at which point he flees and takes his own life. Claudius rewards the military and then engages in trials before the Senate of those accused in the conspiracy. Narcissus and Messalina use this as an opportunity to remove their enemies and opponents. Suetonius and Dio recount that Claudius considered giving up his own position and even called together a *consilium* to consider the possibility.

Citations: Dio Cass. 60.15.1-3; Suet. *Claud.* 13, 35.2

**Clau5.** Claudius incorporates Lycia into the prefecture of Pamphylia

Date and Location: 43 C.E., Rome, Lycia

Subject: Provincial affairs

Initiator: Claudius

Decider: Claudius

Council: Senate

Verdict: Formal decision

Process: After a revolt, Claudius reduces the Lycians to part of the prefecture of Pamphylia. During the questioning before the Senate, when a Lycian emissary cannot respond to a question asked in Latin, Claudius revokes his Roman citizenship.

Citations: Dio Cass. 60.17.3-4; Suet. *Claud.* 25.3

***Claud. 6.*** Claudius assumes direct command in Britain

Date and Location: 43 C.E., Rome, Britain

Subject: Military decisions

Initiator: Aulus Plautius

Decider: Claudius

Council: Unattested

Verdict: Informal decision

Process: The commander of Rome's forces in Britain, Aulus Plautius, meets stiff resistance and according to his instructions writes to Claudius. The emperor, once he receives the letter, hurries to the front and leads Roman forces to several victories over the Britons, for which his troops salute him as *imperator* multiple times.

Citations: Dio Cass. 60.21.2-5

**Clau**7. Claudius hears the case of Valerius Asiaticus *intra cubiculum*

Date and Location: 47 C.E., Rome (imperial palace)

Subject: Criminal law

Initiator: Suillius Rufus

Decider: Claudius

Council: *consilium principis*

Verdict: Formal decision

Process: Valeria Messalina and P. Suillius Rufus conduct a trial against Valerius

Asiaticus with the assistance of the imperial freedman, Sosibius. Asiaticus was famous

for the charge, mentioned by Joseph. *AJ* 19.1 and Dio Cass. 59.30, that he claimed to

have killed Gaius Caesar. The accusers claim that Asiaticus plans on using a command

in Germany to stir up trouble for Claudius. The accusations against him are heard *intra*

*cubiculum* and include a litany of offenses including corruption of the military through

bribes, adultery, and being sexually effete. The defense causes Messalina to leave the

room after instructing Vitellius to ensure a conviction. Claudius consults his *consilium*

and asks them for their advice with respect to an acquittal. Vitellius does not argue this

strongly but convinces Claudius to offer Asiaticus a choice in his method of suicide. The

emperor makes a pronouncement to this effect.



Citations: Tac. *Ann.* 11.1-3

***Clau8.*** Claudius sets a maximum fee for pleading a case

Date and Location: 47 C.E., Rome

Subject: Criminal law

Initiator: Suillius Rufus, Cossutianus Capito

Decider: Claudius

Council: Unattested

Verdict: Formal decision

Process: The consul designate, Gaius Silius, urges the reinstatement of the *lex Cincia*, which prohibited accepting gifts for pleading cases. The *delatores* Suillius Rufus and Cossutianus Capito appeal to the emperor's judgment and plead the need for an incentive for defendants to acquire counsel. Claudius, considering the arguments, places a maximum limit of ten thousand *sesterces* for a representation fee. Anyone who accepted more would be liable for extortion.

Citations: Tac. *Ann.* 11.6-7

***Clau9.*** Claudius established a college of *haruspices*

Date and Location: 47 C.E., Rome

Subject: Religious law

Initiator: Claudius

Decider: Claudius, Senate

Council: Senate

Verdict: Formal decision

Process: Claudius consults the Senate on the possibility and need for a new college of *haruspices*. His concern is that the maintenance of the Etruscan art of divination, as a useful religious tool, has lapsed into disuse. The Senate duly passes a decree directing the pontiffs to exercise their discretion into what needs to be done regarding the strengthening of haruspicy.

Citations: Tac. *Ann.* 11.15

***Clau10***. Claudius nominates Italicus for the throne of the Cherusci

Date and Location: 47 C.E., Rome

Subject: Client kings

Initiator: Cheruscan embassy

Decider: Claudius

Council: Unattested

Verdict: Formal decision

Process: The Cherusci seek a king appointed by the Romans. Claudius duly appoints Italicus, the son of Arminius' brother Flavus, and sends him with an escort and words of encouragement as the first Roman citizen to leave for a foreign throne.

Citations: Tac. *Ann.* 11.16

**Clau11.** Claudius urges the Senate to extend magistracies and full citizenship to Gallia Comata

Date and Location: 48 C.E., Rome

Subject: Civil law

Initiator: *Primores* of Gallia Comata

Decider: Claudius, Senate

Council: Senate

Verdict: Formal decision

Process: The foremost citizens of Gallia Comata claim the right to hold senatorial magistracies at Rome. Claudius intervenes in the debate and addresses the Senate. The result is a decree that allows full citizenship rights, including access to the ordinary *cursus honorum* for the residents of Gallia Comata, beginning with the Aedui.

Citations: *ILS* 7021; Tac. *Ann.* 11.23-5

**Clau12.** Claudius executes Messalina, her lover Silius, and the members of their conspiracy

Date and Location: 48 C.E., Rome

Subject: Court affairs

Initiator: Calpurnia and Cleopatra, *paelices*

Decider: Claudius

Council: *consilium principis*

Verdict: Formal decision

Process: Messalina has “wed” her new husband, Gaius Silius as part of an apparent conspiracy against Claudius. The imperial freemen, Narcissus, Pallas, and Callistus use the *paelices* Calpurnia and Cleopatra to gain Claudius’ attention and convince him of the truth behind Messalina’s adultery. After he is alerted, Claudius calls together a *consilium* both to confirm his suspicions and to plot a course of action. The summoned members include the prefect of the grain supply, Turranius, and the praetorian prefect Lusius Geta. The conspirators, particularly Messalina and Silius, scatter on news that Claudius is coming and aiming at vengeance. On the return trip to Rome, Narcissus retains control of the praetorians and prevents Claudius from immediately hearing the petitions offered on Messalina’s behalf by a Vestal Virgin named Vibidia. After arranging matters so that Claudius sees Silius’ residence (which holds heirlooms from the Neros and Drusi and a bust of Silius), the freedmen take him to the praetorian camp where Claudius addresses the gathered soldiers. Claudius then holds a tribunal where he condemns to death Silius, Titus Proculus (given as a guardian to Messalina by Silius), Vettius Valens, Pompeius Urbicus, and Saufeius Trogus, Decrius Calpurnianus (the *praefectus vigilum*), Sulpicius Rufus (head of the gladiatorial school), the senator Juncus Vergilianus, and the *eques* Traulus Montanus. Mnester, the pantomimist, pleads as a defense that Claudius ordered him to obey Messalina, but at the advice of his freedmen, Claudius condemns him to

death, as well. Suillius Caesoninus and Plautius Lateranus escape the death penalty. Narcissus arranges the murder of Messalina before she can petition the emperor for clemency.

Citations: Dio Cass. 61.31; Tac. *Ann.* 11.30-8

***Clau13.*** Claudius decides to marry Agrippina

Date and Location: 49 C.E., Rome

Subject: Court affairs

Initiator: Claudius

Decider: Claudius

Council: *consilium principis*, Senate

Verdict: Formal decision

Process: After the execution of Messalina, the various members of the imperial court engage in intrigues to put forward a suitable replacement. Each of the imperial freedmen questioned (Narcissus, Callistus, and Pallas) favor a different option, but Pallas wins out in his arguments on behalf of Agrippina. Agrippina also intervenes by securing the marriage of her daughter Octavia to Nero with the help of Vitellius, who removes Octavia's fiancé, Lucius Silanus, from the senatorial order as censor. To avoid the problem of the relations between Claudius and Agrippina constituting incest and secure Claudius' consent, Vitellius secures the vote of the assembly and a decree of the Senate legitimating relationships between uncles and their brothers' daughters.

Citations: Tac. *Ann.* 12.1-7

**Clau14.** Claudius receives a Parthian embassy seeking the return of Meherdates

Date and Location: 49 C.E., Rome, Parthia

Subject: Client kings

Initiator: Parthian embassy

Decider: Claudius

Council: Senate

Verdict: Formal decision

Process: Parthian envoys request the return of Meherdates, who was given to the Romans as a hostage previously. They argue that they require his presence to check the depredations of Gotarzes, an illegitimate claimant to the throne. Claudius, after a speech before the Senate declaiming on the strength of Rome and its preeminence over Parthia, orders the governor of Syria, Gaius Cassius, to transport Meherdates to the bank of the Euphrates.

Citations: Tac. *Ann.* 12.10-1

**Clau15.** Claudius receives the surrender of Mithridates

Date and Location: 49 C.E., Rome, Iberia

Subject: Client kings

Initiator: Embassy and letter from Mithridates of Bosphorus

Decider: Claudius

Council: *consilium principis* (?)

Verdict: Formal decision

Process: Mithridates sues for peace after his defeat, trusting Claudius more so than his own brother Cotys, who had once betrayed him. The emperor, after some consideration, grants Mithridates' request, which was proffered by a legation bearing a letter, and then has the defeated king brought before his tribunal. Tacitus reports that only Mithridates' overly arrogant spirit and taunting response to Claudius during the interrogation comes to public knowledge.

Citations: Dio Cass. 61.32.4a; Tac. *Ann.* 12.18-21

***Clau16.*** Claudius intervenes in Lollia's prosecution

Date and Location: 49 C.E., Rome

Subject: Criminal law

Initiator: Agrippina

Decider: Claudius, Senate

Council: Senate

Verdict: Formal decision

Process: Agrippina arranges for the prosecution of Lollia on charges of witchcraft and divination with respect to the marriage of the emperor. Claudius, without hearing the defendant's case, launches into a long preface to the Senate, in which he praises fame of her ancestors but argues that Lollia must be stripped of her property for the protection of the state. The senate accordingly grants her five million *sesterces* to maintain her in her exile, but Agrippina later sends a military tribune to ensure Lollia commits suicide.

Citations: Tac. *Ann.* 12.22

***Clau17.*** Claudius arranges the adoption of Nero into his family

Date and Location: 50 C.E., Rome

Subject: Court affairs

Initiator: Pallas

Decider: Claudius

Council: Includes Pallas

Verdict: Formal decision

Process: Pallas, at the behest of Agrippina, convinces Claudius to adopt Nero. Claudius agrees and gives a speech before the Senate to this effect, which results in a law enabling the adoption.

Citations: Dio Cass. 60.32.1-2; Suet. *Ner.* 7; Tac. *Ann.* 12.25-6



**Clau18.** Claudius spares the British chieftain Caratacus

Date and Location: 50 C.E., Rome (praetorian camp)

Subject: Client kings

Initiator: Claudius

Decider: Claudius

Council: *consilium principis* (?)

Verdict: Formal decision

Process: Claudius, to celebrate the capture of Caratacus, brings him for a public display before his tribunal in Rome. Caratacus sues for his life, and Claudius as a consequence spares the Briton and his family.

Citations: Tac. *Ann.* 12.36-7

**Clau19.** Claudius permits the Senate to bestow honors and *imperium* on Nero

Date and Location: 51 C.E., Rome

Subject: Client kings

Initiator: Senate

Decider: Claudius

Council: Senate

Verdict: Formal decision

Process: The Senate desires to vote the *toga virilis* to Nero several years early and secure a future consulship to him, in addition to an immediate grant of proconsular *imperium* outside of Rome and the title of *princeps iuventutis*. Claudius consents to this.

Citations: Dio Cass. 61.33.2c; Tac. *Ann.* 12.41

**Clau21.** Claudius proposes a motion against free women who marry slaves

Date and Location: 52 C.E., Rome

Subject: Criminal law

Initiator: Claudius

Decider: Claudius, Senate

Council: Senate

Verdict: Formal decision

Process: Claudius puts a motion before the Senate to propose a law against free women who marry slaves. The law reduces any woman who does so to servile status if the slave's owner is not aware. If the owner is aware, she only faces reduction to the status of a freedwoman. The Senate approves the measure and passes a decree.

Citations: Tac. *Ann.* 12.53

**Clau22.** Claudius appoints Quadratus, the governor of Syria, to intervene in Judaea

Date and Location: 52 C.E., Rome, Judaea

Subject: Provincial affairs

Initiator: Claudius

Decider: Claudius

Council: Unattested

Verdict: Formal decision

Process: In the Tacitean account, the procurator of Judaea, Antonius Felix, and the procurator of Galilee, Ventidius Cumanus have engaged in gross mismanagement—primarily through engaging in indirect conflict with one another through hired troops of bandits. Quadratus, the governor of Syria intervenes to stop an outbreak of war and Claudius, upon learning what caused the uprising, assigns Quadratus to deal with the procurators. Quadratus admits Felix as a judge and punishes Ventidius for the crimes of both. Josephus gives an alternate account, which implies that Felix succeeded Ventidius as procurator, c. 51 C.E.

Citations: Tac. *Ann.* 12.54; Joseph. *AJ* 20.5-7

**Clau23.** Claudius ensures that procurators' judgments have binding authority

Date and Location: 53 C.E., Rome, Cos

Subject: Civil law

Initiator: Claudius

Decider: Claudius, Senate

Council: Senate

Verdict: Formal decision

Process: Claudius arranges a decree of the Senate granting imperial procurators' judgments the same legal standing as an imperial or gubernatorial decision.

Citations: Tac. *Ann.* 12.60

***Clau24.*** Claudius grants freedom from taxation to the island of Cos

Date and Location: 53 C.E., Rome

Subject: Provincial affairs

Initiator: Claudius

Decider: Claudius, Senate

Council: Senate

Verdict: Formal decision

Process: Claudius proposes a grant of immunity from taxation to the island of Cos, briefly citing their important history. The Senate presumably acquiesces though Tacitus does not make it clear.

Citations: Tac. *Ann.* 12.61

***Clau25.*** Claudius relieves the tribute of Byzantium for five years

Date and Location: 53 C.E., Rome, Byzantium

Subject: Provincial affairs

Initiator: Byzantine embassy

Decider: Claudius, Senate

Council: Senate

Verdict: Formal decision

Process: The city of Byzantium sends a delegation to the Senate and Claudius. They ask for relief from the tribute on account of the Thracian and Bosporan conflicts, and the emperor and Senate act to relieve them from the tribute for five years.

**Nero**

Citations: Tac. *Ann.* 12.62-3

**Ner1.** Nero reverses Claudius' policy on gladiatorial shows by quaestors-elect

Date and Location: 54 C.E., Rome

Subject: Civil law

Initiator: Nero

Decider: Nero, Senate

Council: Senate

Verdict: Formal decision

Process: By decree of the Senate and at Nero's behest, several provisions pass upon his accession. In particular, over the protests of Agrippina, quaestors-elect no longer have to give gladiatorial games.

Citations: Tac. *Ann.* 13.5

**Ner2.** Nero restores the rank of Plautius Lateranus

Date and Location: 55 C.E., Rome

Subject: Court affairs

Initiator: Nero

Decider: Nero

Council: Includes Seneca

Verdict: Formal decision

Process: Nero restores Plautius Lateranus to senatorial rank, overruling a decision of Claudius. He does this with the presumptive advice and supplied speeches of Seneca.

Citations: Tac. *Ann.* 13.11

**Ner3.** Nero acts against Pallas as an indirect insult to Agrippina

Date and Location: 55 C.E., Rome

Subject: Court affairs

Initiator: Nero

Decider: Nero

Council: Includes Seneca

Verdict: Informal decision

Process: Nero falls in love with a young freedwoman named Acte. His tutor Seneca encourages him in this, and when Agrippina attempts to dissuade him, Nero removes the freedman Pallas from his position as an insult to her.

Citations: Tac. *Ann.* 13.13-4

**Ner4.** Nero accepts Agrippina's defense on a charge of sedition

Date and Location: 55 C.E., Rome

Subject: Court affairs

Initiator: Paris (on behalf of Junia Silana)

Decider: Nero

Council: Includes Agrippina, Burrus, Seneca

Verdict: Formal decision

Process: Junia Silana, who holds a grudge against Agrippina, sees in the latter's disgrace in the imperial court an opportunity to gain vengeance. She has a Pallas go to Nero late at night and warn the emperor of a conspiracy orchestrated by Agrippina to marry Rubellius Plautus, a close maternal descendant of Augustus, and claim the throne. Nero in a panic orders Burrus to seize his mother but allows her a defense while Seneca works to calm the young emperor. Upon interviewing her, she convinces them to allow her an audience with her son and convinces him instead to act against her accuser and reward several of her friends.

Citations: Tac. *Ann.* 13.19-22

**Ner5.** Nero rejects restrictions on the status of freedmen

Date and Location: 56 C.E., Rome

Subject: Civil law

Initiator: Senate

Decider: Nero, Senate

Council: Senate

Verdict: Formal decision



Process: A proposal comes before the Senate to allow patrons to revoke the freed status of former slaves. Nero and the motion's critics, however, prevent it from taking effect and instead the emperor instructs the Senate to deal with cases on an individual basis rather than changing the rights of freedmen.

Citations: Tac. *Ann.* 13.26-7

**Ner6.** Nero oversees the restriction of the tribunate and the aedileship

Date and Location: 56 C.E., Rome

Subject: Civil law

Initiator: Senate

Decider: Nero, Senate

Council: Senate

Verdict: Formal decision

Process: The Senate restricts the right of tribunes to summon or overrule higher ranking officials after a tribune named Antistius releases some men the praetor Vibullius imprisoned for disorderly conduct. The Senate also curtails the authority of the aediles, at which point Nero transfers care of the public accounts (*publicae tabulae*) to his prefects.

Citations: Tac. *Ann.* 13.28

**Ner7.** Nero sends Otho to govern Lusitania in order to seduce Poppaea Sabina

Date and Location: 58 C.E., Rome, Lusitania

Subject: Court affairs

Initiator: Nero

Decider: Nero

Council: Unattested

Verdict: Informal decision

Process: Nero falls for Poppaea Sabina, who uses her marriage to Otho as an opportunity to seduce the emperor. He sends Otho to govern Lusitania in order to remove a rival for Poppaea's affections.

Citations: Dio Cass. 62.11.2; Tac. *Ann.* 13.46

**Ner8.** Nero exiles Cornelius Sulla

Date and Location: 58 C.E., Rome, Massilia

Subject: Court affairs

Initiator: Graptus

Decider: Nero

Council: Graptus

Verdict: Informal decision

Process: Nero exiles Cornelius Sulla to Massilia after Graptus, one of the imperial freedmen, spreads a rumor that Sulla plans to attack Nero on the *via Flaminia*.

Citations: Tac. *Ann.* 13.47

**Ner9.** Nero decrees tax relief

Date and Location: 58 C.E., Rome

Subject: Provincial administration

Initiator: Roman populace

Decider: Nero

Council: Senate

Verdict: Formal decision

Process: The people petition Nero for relief of taxation and he considers removing all indirect taxes (*vectigalia*). The Senate persuades him not to pursue this course, arguing that the abolishment of indirect taxes will also eventually lead to calls for the abolishment of direct taxes and that the monetary needs of the empire required some indirect taxation. Nero compromises and remits two minor indirect taxes while limiting dropped tax cases to a one-year validity, reaffirming the immunity of soldiers from such taxes, and ordering the praetors and provincial governors to prioritize cases against tax collectors.

Citations: Tac. *Ann.* 13.50-1

***Ner10.*** Nero receives ambassadors from the Frisii

Date and Location: 58 C.E., Rome, Germany

Subject: Provincial administration

Initiator: Verritus and Malorix

Decider: Nero

Council: Unattested

Verdict: Formal decision

Process: The Frisii, emboldened by Roman inactivity, have taken possession of lands marked for the use of veterans. Dubius Avitus threatens them with an attack if they do not withdraw. The leaders of their tribe, Verritus and Malorix, come to Rome to plead their case to Nero. He entertains them in the amphitheater and the Roman nobility enjoy the rustic mannerisms of the two German kings. Nero, however, orders them to withdraw and a brief cavalry skirmish forces the Frisii to withdraw after they initially refuse to leave.

Citations: Tac. *Ann.* 13.54

***Ner11.*** Nero chooses to seduce Acte rather than Agrippina

Date and Location: 59 C.E., Rome

Subject: Court affairs

Initiator: Agrippina

Decider: Nero

Council: Includes Seneca

Verdict: Informal decision

Process: Agrippina, in order to retain her influence over Nero, attempts to seduce him, according to Tacitus. Seneca thwarts her in this attempt by distracting Nero with Acte, who warns Nero that the soldiery would never accept an incestuous liaison.

Citations: Tac. *Ann.* 14.2

***Ner12.*** Nero determines to murder Agrippina by drowning

Date and Location: 59 C.E., Rome, Baiae

Subject: Court affairs

Initiator: Includes Anicetus

Decider: Nero

Council: Anicetus

Verdict: Informal decision

Process: Nero wishes to murder his mother, Agrippina. The freedman Anicetus, commander of the fleet at Misenum, suggests arranging a naval accident for Agrippina. Nero therefore lures her to a banquet at Bauli, ensuring she leaves on a boat specifically designed to sink. The mechanism succeeds, but Agrippina lives while seeing the freedwoman Acerronia clubbed to death with an oar when she claims to be Agrippina.

The emperor's mother instead manages to swim to a group of small boats who convey her to Lake Lucrinus

Citations: Suet. *Ner.* 34; Tac. *Ann.* 14.3-6

***Ner13.*** Nero turns over the handling of Agrippina to Burrus and Seneca

Date and Location: 59 C.E., Rome, Lake Lucrinus

Subject: Court affairs

Initiator: Nero

Decider: Burrus, Seneca, Nero

Council: Includes Burrus, Seneca, Anicetus

Verdict: Informal decision

Process: Nero, in a panic after learning his attempt on Agrippina's life has failed, turns to Burrus and Seneca. They demand that Anicetus carry out the deed since he conceived of the plan originally. Anicetus concocts a false conspiracy against Nero in which Agrippina is involved, and he then sends his soldiers to find and (successfully) kill Agrippina.

Citations: Tac. *Ann.* 14.7-11

***Ner14.*** Nero refers the handling of riots in Pompeii against the residents of Nuceria

Date and Location: 59 C.E., Rome, Pompeii

Subject: Criminal law

Initiator: Nucerian delegation

Decider: Nero, Senate

Council: Senate

Verdict: Formal decision

Process: A delegation comes from Nuceria after some of their citizens are killed in riots at gladiatorial games in Pompeii. Nero refers the matter to the Senate, which in turn delegates the investigation to the consuls. After they have examined the matter, the Senate condemns the residents of Pompeii, banning them from having any public display for ten years and punishes the ringleaders, particularly the former senator Livineius Regulus, with exile.

Citations: Tac. *Ann.* 14.17

***Ner15.*** Nero defends Acilius Strabo against the charges of Cyrene

Date and Location: 59 C.E., Rome, Cyrene

Subject: Provincial administration

Initiator: Cyrenean embassy

Decider: Nero

Council: Senate

Verdict: Formal decision

Process: A delegation from Cyrene lays charges against Acilius Strabo, whom Claudius appointed to mediate a property dispute. King Apion, who had previously held the lands, gave them in his will to the Roman people, but local residents laid claim to them. Strabo has found against them, and as a result, they try to prefer charges. The Senate, not knowing Claudius' instructions, refers the matter to Nero who supports Strabo's decision but waives any claim to the lands in order to conciliate the allies.

Citations: Tac. *Ann.* 14.18

**Ner16.** Nero allows the traditional punishment against the slaves of Pedanius Secundus

Date and Location: 60 C.E., Rome

Subject: Criminal law

Initiator: Roman populace

Decider: Nero

Council: Senate

Verdict: Formal decision

Process: One of the slaves of Pedanius Secundus, the urban prefect, murders his own master. The traditional penalty for this deed calls for all the slaves that are part of his *familia* to be executed. A mob forms to try to prevent the sentence from being carried out and the Senate debates the merits, with Gaius Cassius speaking in favor of imposing the sentence. His arguments prevail but the people prevent the act from being carried out.



Nero issues an edict scolding the people and provides soldiers to protect the route along which the condemned are to be taken to their execution.

Citations: Tac. *Ann.* 14.41

**Ner17.** Nero declines to overturn a senatorial decree sparing Antistius

Date and Location: 61 C.E., Rome

Subject: Criminal law

Initiator: Senate

Decider: Senate, Nero

Council: Senate

Verdict: Formal decision

Process: A praetor of the year 61, Antistius, composes poetic verses against the emperor and faces charges of *maiestas*. The Senate, swayed by the arguments of Thrasea Paetus, votes to show clemency to Antistius and merely exile him. The consuls refuse to ratify the vote but only convey it to Nero, who sends an angry letter to the Senate that nonetheless declines to overrule their decision. The senators, feeling safety in numbers according to Tacitus, do not overturn their original decision.

Citations: Tac. *Ann.* 14.48-9

**Ner18.** Nero suggests a *senatus consultum* barring votes of thanks to *propraetors* and *proconsuls* in the Senate urged by Roman allies

Date and Location: 62 C.E., Rome

Subject: Criminal law

Initiator: Senate

Decider: Nero, Senate

Council: Senate

Verdict: Formal decision

Process: During the prosecution of Claudius Timarchus of Crete for insinuating he could decide who receives votes of thanks from the province, Paetus Thrasea gives a speech urging the Senate to bar such votes of thanks. The consuls rule that there was no motion on the floor, despite the appeal of Paetus' speech. Nero suggests a decree barring provincial votes of thanks to *propraetors* and *proconsuls* before the Senate and the measure passes handily.

Citations: Tac. *Ann.* 15.20-2

**Ner19.** Nero opts for renewed war with the Parthians and forces them to negotiations

Date and Location: 63 C.E., Rome

Subject: Military decisions

Initiator: Parthian embassy

Decider: Nero

Council: “Chief men of the state” (*primores civitatis*)

Verdict: Formal decision

Process: Nero has previously agreed to give Armenia to Tiridates, provided he comes to Rome and accepts it as a gift from the Roman people. A second envoy in 63 affirms this commitment but reports from Romans present in Asia Minor make it clear that the Parthians have already seized Armenia. Nero calls a council of state and decides on war, dispatching Corbulo to conduct operations. Tiridates opts for diplomacy instead and pledges to receive his crown from Nero.

Citations: Dio Cass. 63.4.3-6.2; Suet. *Ner.* 13; Tac. *Ann.* 15.24-31

**Ner20.** Nero trusts in the claims of Cæsellius Bassus to have found a fortune in gold near Carthage

Date and Location: 66 C.E., Rome

Subject: Court affairs

Initiator: Caesillius Bessus

Decider: Nero

Council: Unattested

Verdict: Formal decision

Process: An *eques*, Cæsellius Bassus, claims to have seen a vast golden fortune left behind by Dido in a dream, buried on his land near Carthage. Nero, taken in by the claim,

organizes an expedition that comes to no avail when Bassus cannot locate the supposed treasure. Bassus later commits suicide after his claims turn up false.

Citations: Tac. *Ann.* 16.1-3

**Ner21.** Nero ensures the Senate votes the death of Thrasea Paetus

Date and Location: 66 C.E., Rome (Temple of Venus Genetrix)

Subject: Criminal law

Initiator: Nero

Decider: Nero

Council: Senate

Verdict: Formal decision

Process: Nero, having turned against the Stoic philosopher and senator, Thrasea Paetus, ensures his conviction before the Senate. Rather than allowing any semblance of open debate, he surrounds the Senate in their meeting place of the Temple of Venus Genetrix with two praetorian cohorts. After his letter is read out, the Senate proceeds to debate the conviction of Thrasea but reaches a preordained conviction. Nero's soldiers then see to it that Thrasea and his *amici* die.

Citations: Tac. *Ann.* 16.24-35

**Ner22.** Nero urges the Senate to act against Vindex by letter and speech

Date and Location: 68 C.E., Naples, Rome

Subject: Military decisions

Initiator: Nero

Decider: Nero

Council: Senate

Verdict: Formal decision

Process: Nero, upon learning of Vindex's uprising in Gaul, fails to act for eight days. He finally dispatches a letter to the Senate, urging them to take action on his behalf against the revolt. Shortly thereafter, he also gives a speech urging the Senate against Vindex.

Citations: Suet. *Ner.* 40.4-41.1, 46.3

**Galba**

***Gal1***. Galba decimates the emergency legion raised by Nero

Date and Location: 68 C.E., Rome (Milvian Bridge)

Subject: Military decisions

Initiator: Emergency legion (I Adiutrix)

Decider: Galba

Council: None

Verdict: Informal decision

Process: The marines formed into an *ad hoc* legion by Nero confront Galba on his entrance to the city of Rome and attempt to force him to recognize their status as regular soldiers. Galba refuses, breaks their protest with a cavalry charge, and has the unit formally decimated.

Citations: Dio Cass. 64.3.1-2; Suet. *Galb.* 12.2

***Gal2***. Galba chooses Licinianus Piso as his successor

Date and Location: 69 C.E., Rome (imperial residence?)

Subject: Court affairs

Initiator: Galba

Decider: Galba

Council: *comitia imperii*

Verdict: Formal decision

Process: Galba chooses his successor to the throne after receiving word in early 69 CE from the procurator of Belgica, that the legions of Upper Germany had broken their oaths of allegiance. Tacitus gives an account of the *consilium* held to determine the successor. Titius Vinius, the sitting consul, prefers Otho, but Cornelius Laco, praetorian prefect, and Icelus, an imperial freedman, opt for another choice. The actual attendees at the meeting include these three, as well as Marius Celsus (consul-elect) and Ducenius Geminus (urban prefect). Licinianus Piso, the eventual choice, is also called into the meeting. Galba gives the final decision as part of a set speech in the *Histories*. Galba announces this news to the praetorians with no donative and presents his adoption to the Senate as a *fait accompli*.

Citations: Tac. *Hist.* 1.12-9; Dio Cass. 64.5

**Gal3.** Galba recalls Nero's donative and removes tribunes

Date and Location: 69 C.E., Rome

Subject: Military decisions

Initiator: Galba

Decider: Galba

Council: Senate (?)

Verdict: Formal decision

Process: Galba recalls Nero's donatives which totaled some twenty-two hundred million *sesterces* from private hands, leaving a tenth to each individual. It is unclear what advisement he takes in the matter, but Tacitus' language (*cuncta scrutantibus iustissimum visum est*) seems to indicate this was a matter brought before the whole Senate. He however attributes the order to Galba (*iussit*). As part of the lawsuits and general confusion this causes, four military tribunes are removed from their positions.

Citations: Dio Cass. 64.3.3; Tac. *Hist.* 1.20

**Gal4.** Galba chooses to take direct action against Otho's conspiracy

Date and Location: 69 C.E., Rome

Subject: Military decisions

Initiator: Tius Vinius, *consilium*

Decider: Galba

Council: *consilium principis*

Verdict: Formal decision

Process: As Otho's attempt to gain power grows and the people of the city cry for his execution, Titius Vinius urges Galba to move cautiously, while the rest of the emperor's *amici* advise a more direct approach. After opting to take action, Galba sends Piso ahead to ensure the loyalty of the Praetorians.

Citations: Dio Cass. 64.5.1; Suet. *Galb.* 19; Tac. *Hist.* 1.32-35



**Otho**

***Oth1.*** Otho orders punishment for Marius Celsus

Date and Location: 69 C.E., *Rome*

Subject: Criminal law

Initiator: Senate and People

Decider: Otho

Council: None

Verdict: Informal decision

Process: Otho orders Marius Celsus to be punished to keep him away from worse violence, according to Tacitus. Otherwise Celsus faces immediate death at the hands of mob justice because of the latter's allegiance to Galba.

Citations: Tac. *Hist.* 1.45

***Oth2.*** Otho subsidizes pay for annual furloughs

Date and Location: 69 C.E., Rome

Subject: Military decisions

Initiator: *milites*

Decider: Otho

Council: None

Verdict: Formal decision

Process: At the demands of the rank and file soldiers, Otho makes it policy for the imperial treasury (*fiscus*) to pay the annual fees to centurions for furloughs, a practice which becomes standard.

Citations: Tac. *Hist.* 1.46

***Oth3.*** Otho protects Calvia Crispinilla

Date and Location: 69 C.E., Rome

Subject: Criminal law

Initiator: Unattested

Decider: Otho

Council: Unattested

Verdict: Informal decision

Process: Otho prevents punishment for Calvia Crispinilla for her Neronian associations, though Tacitus leaves the exact means unspecified.

Citations: Tac. *Hist.* 1.73

***Oth4.*** Otho sends proposals to Vitellius and the legions

Date and Location: 69 C.E., Rome

Subject: Court affairs

Initiator: Otho

Decider: Otho

Council: Senate

Verdict: Formal decision

Process: Otho sends letters to Vitellius and tries to convince him to surrender his claim to the throne and retire. He also sends *legati* on behalf of the Senate to try to sway several of the legions, but they remain with Vitellius.

Citations: Cass. Dio 64.10; Suet. Otho 8 Tac. *Hist.* 1.74

***Oth5.*** Otho has statues of Poppaea Sabina restored and celebrates Nero's memory

Date and Location: 69 C.E., Rome

Subject: Court affairs

Initiator: Otho

Decider: Otho, Senate

Council: Senate

Verdict: Formal decision

Process: Otho uses a formal vote of the Senate to restore the previously removed statues of Poppaea Sabina and attempts to revive the image of Nero and the Neronian party at Rome.

Citations: Tac. *Hist.* 1.78

***Oth6.*** Otho decides to appeal personally to mutinous cohorts

Date and Location: 69 C.E., Rome (Palatine)

Subject: Military decisions

Initiator: Seventeenth cohort

Decider: Otho

Council: None

Verdict: Informal decision

Process: While relocating the seventeenth cohort from Ostia to Rome, the praetorian tribune Varius Crispinus orders the wagons to be loaded at nightfall. Suspicion over his motives results in a more general mutiny that spills out to Rome and a banquet that Otho is holding. Otho, in an effort to stabilize the situation, finally stands on his couch and makes a tearful appeal asking the mutinous soldiers to desist (*insistens precibus et lacrimis aegre cohibuit*).

Citations: Tac. *Hist.* 1.80-2

***Oth7.*** Otho addresses the troops of the city

Date and Location: 69 C.E., Rome

Subject: Military decisions

Initiator: Otho

Decider: Otho

Council: Unattested

Verdict: Informal decision

Process: After the near mutiny, Otho takes an opportunity to address the troops near the city of Rome in an attempt to restore order.

Citations: Tac. *Hist.* 1.83-4

***Oth8.*** Otho takes consulars and the yearly magistrates along to Gaul as *comites*

Date and Location: 69 C.E., Rome

Subject: Court affairs

Initiator: Otho

Decider: Otho

Council: Unattested

Verdict: Informal decision

Process: Otho orders consulars and the yearly magistrates to accompany him on his expedition to Gaul, though according to Tacitus, not in any useful capacity but merely “under the appearance of *comites*.”

Citations: Tac. *Hist.* 1.88

***Oth9.*** Otho addresses the Senate and prepares for his expedition

Date and Location: 69 C.E., Rome

Subject: Civil affairs; military decisions

Initiator: Otho

Decider: Otho

Council: Senate

Verdict: Formal decision

Process: Otho addresses the Senate and grants to recalled exiles anything left from the sales of property confiscated by Nero, and in an assembly before the Senate and people, he leaves the city in charge of his brother, Salvius Titanus.

Citations: Tac. *Hist.* 1.90

***Oth10.*** Otho organizes an advance by the armies of Dalmatia and Pannonia and an expedition against Narbonensis

Date and Location: 69 C.E., Gaul

Subject: Military decisions

Initiator: Otho

Decider: Otho

Council: Unattested

Verdict: Formal decision

Process: Otho dispatches troops from Dalmatia and Pannonia and orders his fleet, under Suedius Clemens, Antonius Novellus, and Aemilius Pacensis to attack Narbonesis. The latter attempt founders because of failures of authority and discipline on the part of the commanders.

Citations: Tac. *Hist.* 2.11-2

**Oth11.** Otho takes counsel from his military advisors after successes against Vitellius' forces

Date and Location: 69 C.E., Gaul

Subject: Military decisions

Initiator: Otho

Decider: Otho

Council: Includes Suetonius Paulus, Marius Celsus, Annius Gallus, Salvius Titianus, Licinius Proculus

Verdict: Formal decision

Process: Otho convenes a council of war to determine his course of action in the campaign against Vitellius. Suetonius Paulinus argues for a strategy of delay, and Marius Celsus and Annius Gallus support Paulinus' position (though Gallus does so through a delegation). Titianus and Proculus argue for an aggressive policy, and their opinion prevails. After the decision to fight is reached, the *consilium* took up the issue of whether or not Otho should remain on the front lines. They urge Otho to retreat to Brixellum—

according to Tacitus, against the inclinations of Paulinus and Celsus—and in so doing harm the morale of the troops. Otho leaves nominal command in the hands of Titianus but actual authority lies with Proculus. Paulinus and Celsus are shunted aside.

Citations: Tac. *Hist.* 2.32-33, 39

***Oth12.*** Otho decides to take his life after defeat at Bedriacum

Date and Location: 69 C.E., Brixellum

Subject: Court affairs

Initiator: “Fugitives from the battle”

Decider: Otho

Council: *milites*, Plotius Firmus (praetorian prefect)

Verdict: Informal decision

Process: Otho, having learned from troops fleeing the battle at Bedriacum that the battle had gone badly against his cause, contemplates suicide. His troops, including the praetorian prefect, Plotius Firmus, urge him not to do so. Otho decides otherwise and after addressing his retinue and comforting his nephew, Salvius Cocceianus, he makes provisions for his retinue’s safe flight and commits suicide.

Citations: Dio Cass. 64.11-5; Suet. *Otho* 10-11; Tac. *Hist.* 2.46-49



**Vitellius**

**Vit1.** Vitellius makes his freedman Asiaticus an *eques*

Date and Location: 69 C.E., Gaul

Subject: Court affairs

Initiator: Vitellius' army

Decider: Vitellius

Council: *comites* (?)

Verdict: Informal decision

Process: Vitellius, having learned of his victory at Bedriacum, makes his freedman Asiaticus an *eques* at the demand of his troops. He first refuses publicly, but at a private dinner he presents the golden ring to Asiaticus.

Citations: Suet. *Vit.* 12; Tac. *Hist.* 2.57

**Vit2.** Vitellius makes dispositions for both his and the Othonian faction

Date and Location: 69 C.E., Lugdunum

Subject: Military decisions; court affairs

Initiator: Leaders from Othonian and Vitellian factions

Decider: Vitellius

Council: Members of Vitellius' *comites* and his wife, Galeria

Verdict: Formal decision

Process: Vitellius advances to Lugdunum where he addresses the forces, both his own and those of Otho, in a public *contio*. He awards Caecina and Valens honors, and then proceeds to put to death the most ardent of Otho's supporters among the centurions. Paulinus and Proculus claim that they betrayed Otho before Bedriacum, and Vitellius subsequently spares them. The emperor excuses Salvius Titianus because of a debt owed to the latter's brother. Marius Celsus retains his consulship. Galeria, the wife of Vitellius, intervenes to protect Galerius Trachalus.

Citations: Tac. *Hist.* 2.59-60

***Vit3.*** Vitellius makes his march to Rome

Date and Location: 69 C.E., Cisalpine Gaul to Italy

Subject: Court affairs; imperial authority

Initiator: Vitellius

Decider: Vitellius

Council: Unattested

Verdict: Informal and Formal decisions

Process: Vitellius makes a peregrination to Rome, where he indulges his enormous appetite. He sends a proclamation ahead of himself declining the titles of Caesar and Augustus. Either in this proclamation or shortly after arriving in the city, he expels the astrologers from Italy and takes measures to prevent *equites* from participating in the gladiatorial *ludi* and combats.

Citations: Tac. *Hist.* 2.62

**Vit4.** Vitellius orders the execution of Cornelius Dolabella.

Date and Location: 69 C.E., Lugdunum (?)

Subject: Criminal law

Initiator: Plancius Varus

Decider: Vitellius, Flavius Sabinus (urban prefect)

Council: Includes Triaria (wife of Lucius Vitellius)

Verdict: Formal decision

Process: Plancius Varus accuses Cornelius Dolabella on the grounds that he entered Rome despite his exile to Aquinum. The urban prefect, Flavius Sabinus hesitates to recommend any course of action until Triaria convinces him to move against Dolabella. As a consequence, Vitellius sends a letter ordering Dolabella to Interamnium, where an execution is scheduled. The executioner, however, grows impatient and kills Dolabella at a tavern along the way.

Citations: Tac. *Hist.* 2.63

**Vit5.** Vitellius adds Cluvius Rufus to his entourage

Date and Location: 69 C.E., Gaul

Subject: Court affairs

Initiator: Cluvius Rufus

Decider: Vitellius

Council: Includes Hilarus (freedman)

Verdict: Formal decision

Process: Cluvius Rufus overtakes Vitellius after leaving Spain and attempts to counter charges by Hilarus, one of Vitellius' freedmen. Hilarus denounces Cluvius, arguing that the latter had attempted to take the Spanish provinces for himself. Cluvius is persuasive enough to counter Hilarus' arguments and receive a place among the *comites* of Vitellius and the right to retain his governorship of Spain *in absentia*.

Citations: Tac. *Hist.* 2.65

**Vit6.** Vitellius attempts to settle the Fourteenth Legion

Date and Location: 69 C.E., Gaul

Subject: Military decisions

Initiator: Vitellius

Decider: Vitellius

Council: Unattested

Verdict: Formal decision

Process: The Fourteenth Legion, one of Otho's forces, refuses to accept that they were beaten at Bedriacum. Vitellius attempts several maneuvers to keep them pacified, first

encamping them with the Batavian cohorts, but violence ensues. He then keeps the Batavians with his troops and dispatches the Fourteenth on a circuitous route to Britain, avoiding the disloyal town of Vienna.

Citations: Tac. *Hist.* 2.66

**Vit7.** Vitellius saves the life of Verginius

Date and Location: 69 C.E., Ticinum

Subject: Military decisions

Initiator: Soldiers of the Gallic auxiliaries and the Fifth Legion

Decider: Vitellius

Council: Dinner companions (?)

Verdict: Informal decision

Process: A riot and rumors of the Fourteen Legion's return spark a near mutiny. A passing slave of Verginius is suspected of being an assassin by the troops, and they barge into Vitellius' dinner, demanding that he put Verginius to death. He "with great difficulty" (*aegre*) manages to calm the disturbance.

Citations: Tac. *Hist.* 2.68

**Vit8.** Vitellius takes the name of Augustus and title of *pontifex maximus*

Date and Location: 69 C.E., Rome

Subject: Imperial authority

Initiator: Senate

Decider: Vitellius

Council: Senate

Verdict: Formal decision

Process: Vitellius reluctantly accepts the title of Augustus after making a speech to the Senate, and on becoming *pontifex maximus*, issues a decree concerning public religious ceremonies on July 18, a day traditionally regarded as ill-omened after the disasters at Cremera in 477 B.C.E. and Allia in 390 B.C.E.

Citations: Tac. *Hist.* 2.90-1

***Vit9.*** Vitellius chooses not to respond to Helvidius Priscus

Date and Location: 69 C.E., Rome

Subject: Court affairs

Initiator: Helvidius Priscus

Decider: Vitellius

Council: *amici*

Verdict: Informal decision

Process: Helvidius Priscus expresses an opinion contrary to that of Vitellius in the Senate.

Vitellius, though taken off guard, only uses his *auctoritas* to draw support from the tribunes. When his *amici* approach him to try to calm him, Vitellius is oddly calm.

Citations: Tac. *Hist.* 2.91

**Vit10.** Vitellius indulges his soldiers and draws a tribute from the imperial freedmen

Date and Location: 69 C.E., Rome

Subject: Military decisions

Initiator: Vitellius

Decider: Vitellius

Council: Unattested

Verdict: Informal decision

Process: Vitellius indulges his troops' requests and does not stop them from demanding the deaths of Asiaticus, Flavius, and Rufinus, Gallic chiefs who fought for Vindex. He also allows free choice in what service each soldier is to undertake, since the emperor is aware that he does not have the money to pay their promised donative in spite of drawing a tribute from the imperial freedmen, which he instead squanders on stables, gladiators, and wild beasts for games.

Citations: Tac. *Hist.* 2.94

***Vit11.*** Vitellius attempts to surrender his position and the people oppose him

Date and Location: 69 C.E., Rome

Subject: Imperial authority

Initiator: Vitellius

Decider: Vitellius

Council: *amici*

Verdict: Formal decision

Process: Vitellius attempts over the protests of his *amici* to surrender his authority in favor of Vespasian. The people of Rome, however, thwart his attempt to lay down his symbols of office or to take up residence anywhere other than the imperial palace.

Citations: Dio Cass. 64.16; Suet. *Vit.* 15; Tac. *Hist.* 2.66-8



## **Vespasian**

***Vesp1.*** Vespasian receives envoys from King Vologaesús

Date and Location: 70 C.E., Alexandria

Subject: Client kings

Initiator: Embassy from Vologaesús

Decider: Vespasian

Council: Unattested

Verdict: Informal decision

Process: King Vologaesús of Parthia sends envoys to Vespasian, offering him forty thousand Parthian cavalry. Vespasian refers the envoys to the Senate and assures the Parthians that the Roman state is at peace.

Citations: Tac. *Hist.* 4.51

***Vesp2.*** Vespasian hears Titus' defense of Domitian

Date and Location: 70 C.E., Alexandria

Subject: Court affairs

Initiator: Titus

Decider: Vespasian

Council: Includes Titus

Verdict: Informal decision

Process: Vespasian sends Titus against Judaea, but before leaving Titus takes an opportunity to defend his brother Domitian against charges that the young man had overstepped his bounds. Vespasian is not mollified but is pleased at Titus' display of brotherly affection.

Citations: Tac. *Hist.* 4.51-2

**Vesp3.** Vespasian settles court matters in Italy

Date and Location: 70 C.E., Brundisium, Beneventum

Subject: Court affairs

Initiator: Vespasian

Decider: Vespasian

Council: Includes Mucianus, Domitian, other dignitaries

Verdict: Informal decision

Process: Vespasian returns to Italy, settling with matters with Mucianus and other dignitaries. He also humbles Domitian, who had been acting with undue authority as the son of the emperor.

Citations: Dio Cass. 65.9-10.1

**Vesp4.** Vespasian acts against Helvidius Priscus

Date and Location: post-70 C.E., Unknown

Subject: Criminal law

Initiator: Vespasian

Decider: Vespasian

Council: Unattested

Verdict: Formal decision

Process: Helvidius Priscus has insulted Vespasian by ignoring his imperial titles and left the emperor unmentioned in his edicts as praetor. Vespasian eventually tires of this treatment and orders Helvidius Priscus' exile and later his execution. The emperor tries unsuccessfully to recall the latter order.

Citations: Dio Cass. 65.12; Suet. *Vesp.* 15

**Titus**

***Tit1.*** Titus suppresses any charges of *maiestas* and confirms his predecessors' favors

Date and Location: 79 C.E., Rome

Subject: Criminal law

Initiator: Titus

Decider: Titus

Council: Unattested

Verdict: Formal decision

Process: Titus undertakes a policy of clemency on acceding to the throne. He refuses to countenance charges of *maiestas*, confirms his predecessor's favors, and executes no senators. Suetonius recounts that he actually has *delatores* flogged in Forum.

Citations: Dio Cass. 66.18; Suet. *Tit.* 8.5

***Tit2.*** Titus supervises the relief efforts after the eruption of Vesuvius

Date and Location: 79 C.E., Rome, Pompeii

Subject: Provincial affairs

Initiator: Titus

Decider: Titus

Council: Consulars

Verdict: Formal decision

Process: Titus makes provisions to aid the cities disrupted by the eruption of Vesuvius.  
He uses two consulars as his delegates to oversee the reconstruction and relief efforts.

Citations: Dio Cass. 66.24.3-4; Suet. *Tit.* 8.3

## Domitian

**Dom1.** Domitian's decision over the turbot

Date and Location: Unattested, Rome (Palatine)

Subject: Court affairs

Initiator: Domitian

Decider: Domitian

Council: *consilium principis*

Verdict: Formal decision

Process: Juvenal creates a mock literary account of a *consilium*, discussing how best to serve a large turbot (*rhombus*). The opinion of Montanus, who argues that a large pot should be prepared in which to serve the fish, prevails.

Citations: Juv. *Sat.* 4

**Dom2.** Domitian entertains prominent senators in a macabre banquet but spares their lives

Date and Location: Unattested, Rome

Subject: Court affairs

Initiator: Domitian

Decider: Domitian

Council: Prominent senators

Verdict: Informal decision

Process: Domitian prepares a room with pitch black walls, ceiling, and floor. He also has couches, tables, and a banquet of the same color. He invites prominent senators to the banquet and discourses on the topic of death while young boys, who are painted black, come and sit at the feet of his guests after dancing. The senators fear for their lives as he discourses on the topic of death and then, after his guests have returned home, he sends the slave boys to each with gifts of silver.

Citations: Dio Cass. 67.9

***Dom3.*** Domitian kills the actor Paris

Date and Location: 81 C.E., Rome

Subject: Court affairs

Initiator: Domitian

Decider: Domitian

Council: Includes Julius Ursus

Verdict: Informal decision

Process: Domitian attempts to divorce his wife Domitia on the grounds of adultery, but Julius Ursus dissuades him. The emperor instead kills the presumed paramour, an actor named Paris.

Citations: Dio Cass. 67.3.1

**Dom4.** Domitian decides a land dispute in favor of the Falerienses

Date and Location: 82 C.E., Alban Villa, Falerii

Subject: Provincial administration

Initiator: Falerian embassy (Publius Bovius Sabinus and Publius Petronius Achilles)

Decider: Domitian

Council: *consilium principis*

Verdict: Formal decision

Process: In a land dispute between the Firmani and the Falerienses, Domitian, after hearing the case in his Alban villa, decides in favor of the Falerienses. He cites the age of the suit and a letter of Augustus which confirms the right of the Falerienses to have sold the unsurveyed land to which the Firmani are laying claim.

Citations: *CIL* 9.5420; A. Johnson, P. Coleman-Norton, F. Bourne, and C. Pharr, trans. and eds., *Ancient Roman Statutes: A Translation with Introduction, Commentary, Glossary, and Index* (Austin: University of Austin Press, 1961), no. 190.

**Dom5.** Domitian punishes Vestal Virgins who have violated their vow of chastity

Date and Location: 87 C.E., Rome (Palatine)

Subject: Religious law

Initiator: Domitian

Decider: Domitian



Council: *consilium principis* (?)

Verdict: Formal decision

Process: Several Vestal Virgins are accused of *incestum*. Domitian tries them and allows two who are convicted a choice of their death, but he forces Cornelia, a chief Vestal, to undergo the traditional penalty of being buried alive. The lovers he has beaten to death with rods in the Comitium.

Citations: Dio Cass. 67.32; Suet. *Dom.* 8.3-4

**Nerva**

***Nerv1.*** Nerva affirms his predecessors' benefactions

Date and Location: 96 (?) C.E., Rome

Subject: Civil law

Initiator: Petitioners

Decider: Nerva

Council: Unattested

Verdict: Formal decision

Process: In an edict to an unknown set of petitioners, Nerva affirms the benefactions of his predecessors.

Ancient Sources: Plin. *Ep.* 10.58.7-9

***Nerv2.*** Nerva affirms the validity of decisions from Domitian's reign

Date and Location: 96 C.E., Rome

Subject: Civil law

Initiator: Tullius Iustus

Decider: Nerva

Council: Unattested

Verdict: Formal decision

Process: In a rescript to a Tullius Iustus, Nerva affirms the validity of Domitian's legal dispositions under his own reign.

Ancient Sources: Plin. *Ep.* 10.58.10

**Nerv3.** Nerva abolishes *maiestas* trials

Date and Location: 96 C.E., Rome

Subject: Criminal law

Initiator: Nerva

Decider: Nerva

Council: Unattested

Verdict: Formal decision

Process: Nerva, upon succeeding Domitian, abolishes charges of *maiestas* and Judaizing

Ancient Sources: Dio Cass. 68.1.2

**Nerv4.** Nerva takes steps to reign in excess and repair actions of Domitian

Date and Location: 96 C.E., Rome

Subject: Civil law

Initiator: Nerva

Decider: Nerva

Council: Senatorial panel

Verdict: Formal decision

Process: Nerva forms a senatorial panel to dispurse financial aid to poor Roman citizens after returning illegally taken gains under Domitian to their owners.

Ancient Sources: Dio Cass. 68.1.2-3

*Nerv5*. Nerva accedes to the demands of the praetorians under Casperius Aelianus

Date and Location: 97 C.E., Rome (Palatine)

Subject: Military decisions; criminal law

Initiator: Praetorian guard

Decider: Nerva (?)

Council: Unattested

Verdict: Informal decision

Process: Nerva accedes to the demands of the praetorian prefect Casperius Aelianus that the conspirators against Domitian face punishment after the Guard holds him at sword point on the Capitoline.

Ancient Sources: Aur. Vict. 12.8; Dio Cass. 68.1.3.3

*Nerv6*. Nerva names Trajan as his successor

Date and Location: 97 C.E., Rome (Capitol)

Subject: Court affairs

Initiator: Praetorian guard

Decider: Nerva

Council: Unattested

Verdict: Formal decision

Process: Nerva names M. Ulpius Traianus as his successor under pressure from the praetorians.

## Trajan

**Tr1.** Trajan gives Alexandrian citizenship to Arpocras

Date and Location: 98 / 99 C.E., Rome

Subject: Civil law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny requests Roman citizenship for his therapist Arpocras, among other favors.

Trajan replies granting this citizenship, but Pliny responds (10.6) that he mistakenly asked for it, and that he should have instead asked for Alexandrian citizenship. Trajan responds that this will go against the precedent set by earlier emperors, but that he cannot reasonably refuse since he has already given Roman citizenship to Aprocras.

Citations: Plin. *Ep.* 10.5-7

**Tr2.** Trajan upholds the abolition of gymnastic games at Vienna

Date and Location: 101 (?) C.E., Vienna

Subject: Provincial administration

Initiator: Municipal delegation

Decider: Trajan

Council: *consilium principis*

Verdict: Formal decision

Process: Trajan is asked by the citizens of Vienna to look into the abolition of the gymnastic games that had been held there until the recent decision of a magistrate, Trebonius Rufus. Trajan and his *consilium* uphold the abolishment of the games.

Citations: Plin. *Ep.* 4.22

**Tr3.** Trajan dismisses charges against Claudius Ariston

Date and Location: 103 C.E., Centum Cellae

Subject: Criminal law

Initiator: Anonymous *delator*

Decider: Trajan

Council: *consilium principis*

Verdict: Formal decision

Process: Trajan dismisses charges brought against Claudius Ariston, a citizen of Ephesus by a *delator*. Pliny regards the charges as stemming from the envy of disreputable citizens of Ephesus.

Citations: Plin. *Ep.* 6.31.2-3

**Tr4.** Trajan finds a centurion and Gallitta guilty under the *lex Iulia de adulteriis*

Date and Location: 103 C.E., Centum Cellae

Subject: Criminal law

Initiator: Gallitta's husband

Decider: Trajan

Council: *consilium principis*

Verdict: Formal decision

Process: A certain Gallitta and a centurion face charges under the *lex Iulia* for their adulterous affair. Her husband, a military tribune, brings charges against the centurion, but testifies only reluctantly against his wife. Trajan banishes the centurion and Gallitta according to the *lex* and then censures her husband for not repudiating his wife.

Citations: Plin. *Ep.* 6.31.4-6

**Tr5.** Trajan requires the heirs to give cause for their charges with respect to the will of Julius Tiro

Date and Location: 103 C.E., Centum Cellae

Subject: Criminal law

Initiator: Heirs of Julius Tiro

Decider: Trajan

Council: *consilium principis*

Verdict: Formal decision



Process: The heirs of a Julius Tiro have complained that the clauses of his will have been modified and that other clauses have been added. They accuse, among others an *eques*, Sempronius Seneco, and Eurythmus, an imperial freedman and procurator. The emperor, after hearing the heirs' petition had set a court date but some of the heirs have become reluctant to face an imperial freedman in court. Trajan agrees only to an adjournment, but when he takes the case up again at Centum Cellae, only two heirs appear on behalf of the rest and ask either that Trajan allow them to drop the prosecution or that he compel all the heirs to make a joint appearance. Trajan refers the matter to his *consilium* and acting on their advice, compels the heirs to carry on the case as a whole or to give individual reasons why they should be permitted to drop the charges. If they fail to do so, Trajan will then declare them guilty of filing false charges.

Citations: Plin. *Ep.* 6.31.7-12

**Tr6.** Trajan gives permission for his image to be placed in a temple

Date and Location: 99 (?) C.E., Tifernum

Subject: Imperial authority

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny requests a leave of absence from his duty as prefect of the treasury of Saturn to supervise construction of a temple at Tifernum and permission to place a statue of Trajan there. Trajan freely grants the leave of absence and reluctantly allows Pliny to set up the statue.

Citations: Plin. *Ep.* 10.8-9

**Tr7.** Trajan denies Pliny's request for a land surveyor

Date and Location: Fall 111 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Informal decision

Process: Trajan denies Pliny's request for a land-surveyor sent from Rome and suggests the Pliny can find someone adequate to the task in Bithynia.

Citations: Plin. *Ep.* 10.17b-18

**Tr8.** Trajan sets policy regarding use of military personnel

Date and Location: 111 C.E., Rome, Bithynia

Subject: Military affairs; Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Informal decision

Process: In a series of letter exchanges, one regarding the use of soldier as guards in prisons and another regarding the matter of Gavius Bassus' retinue, Trajan informs Pliny that his policy should be to ensure that as few soldiers are called away from their regular duties as possible. Trajan does, however, allow some variation in the matter in the case of his freedman procurator, Maximus.

Citations: Plin. *Ep.* 10.19-22, 10.27-8

**Tr9.** Trajan gives permission for the construction of a new bath at Prusa

Date and Location: 111 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Informal decision

Process: Trajan gives permission to the city of Prusa to construct new baths, provided they neither have to levy new taxes nor divert funds from other essential areas.

Citations: Plin. *Ep.* 10.23-4

**Tr10.** Trajan gives Pliny instructions regarding slaves who were mistakenly givenly a legionary oath

Date and Location: 111 C.E., Rome, Bithynia

Subject: Military affairs; Criminal law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny writes to Trajan regarding the problem of two slaves who had taken an oath of military service but were not yet enrolled, seemingly uncertain as to how the oath would affect their legal status. Trajan responds that the oath is immaterial and that culpability for the mistake depends on the circumstances of their enrollment, whether they were conscripted, offered as substitutes, or enlisted voluntarily. In the latter case, Pliny is to execute them.

Citations: Plin. *Ep.* 10.29-30

**Tr11.** Trajan sets out rules for criminals improperly employed as public slaves

Date and Location: 111 C.E., Rome, Bithynia

Subject: Civil law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny reports to Trajan regarding criminals who had been sentenced to hard labor and are being employed as public slaves in Bithynia. Although he knows this to be improper, the governor finds the idea of returning old men to serve in demanding tasks distasteful. Trajan responds that the matter should be resolved according to the law, but he makes an exception for public slaves who were sentenced more than ten years ago, allowing them to be engaged in menial tasks (cleaning public baths, sewers, etc.).

Citations: Plin. *Ep.* 10.31-2

**Tr12.** Trajan denies a right for freedom of association in *collegia*

Date and Location: 111 C.E., Rome, Bithynia

Subject: Civil law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Trajan writes to Pliny, ordering him not to allow any guilds of firefighters to be established in Bithynia. This is in response to an earlier query of Pliny as to whether a *collegium* of firefighters might be an appropriate response to the problem of fires in Nicomedia which destroyed public buildings. Although Trajan alludes to the fact that similar organizations exist in other provinces, he seems to feel that many of Bithynia's problems are attributable to the influence of *factiones*.

Citations: Plin. *Ep.* 10.33-4

**Tr13.** Trajan gives advice on city management at Nicomedia, Nicaea and Claudopolis

Date and Location: 112 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Informal decision

Process: Pliny writes to Trajan on two separate occasions, asking for advice on how to proceed regarding several municipal projects in Bithynia. In particular, he asks Trajan how to proceed regarding the budget overruns for Nicomedia's aqueduct, the construction of a theater and gymnasium at Nicaea, and the construction of public baths at Claudopolis. At issue in each instance is the potential for misappropriation of public funds. Trajan directs Pliny to make his own judgment on the theater, to leave the

gymnasium unfinished, and to see to an architect for the bath at Claudiopolis. Trajan is also adamant that Nicomedia must have a water supply as a first priority, but he also instructs Pliny to examine the cause of the waste and delays to see if anyone was profiting illicitly.

Citations: Plin. *Ep.* 10.37-40

**Tr14.** Trajan commissions a feasibility study for connecting Lake Sophon to the sea

Date and Location: 112 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Informal decision

Process: Pliny proposes extending Lake Sophon to the sea by canal. Trajan is interested in the project, but asks Pliny to arrange a survey before committing.

Citations: Plin. *Ep.* 10.41-2

**Tr15.** Trajan approves of Pliny's cost saving measures on delegates for annual addresses

Date and Location: 112 C.E., Rome, Bithynia

Subject: Court affairs

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Informal decision

Process: Pliny writes to Trajan asking his approval of cost-saving measures for the city of Byzantium. Instead of sending a physical embassy annually to affirm their loyalty, Pliny has the residents of the city forward a written response through him. He also has them cut down on expenses for their delegation to the governor of Moesia. Trajan approves of the arrangement.

Citations: Plin. *Ep.* 10.43-4

**Tr16.** Trajan affirms that expired permits for the imperial post are not valid.

Date and Location: 112 C.E., Rome, Bithynia

Subject: Civil law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Informal decision

Process: Trajan informs Pliny that permits to use the post are not to be used after their expiration.



Citations: Plin. *Ep.* 10.45-6

**Tr17.** Trajan affirms privileges of Apamea, asks Pliny to examine their accounts  
nonetheless

Date and Location: 112 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Informal decision

Process: Pliny writes Trajan regarding Apamea's claim to a privilege to manage their own internal affairs, though the Apameans are willing to undergo a voluntary inspection. Trajan affirms their traditional right without prejudice from Pliny's actions.

Citations: Plin. *Ep.* 10.47-8

**Tr18.** Trajan approves moving the temple of the Mater Magna at Nicomedia

Date and Location: 112 C.E., Rome, Bithynia

Subject: Religious law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Informal decision

Process: In response to Pliny's query as to the religious implications of moving the temple of the Mater Magna at Nicomedia for the construction of a new forum, Trajan confirms that there is no impiety in moving a temple not properly consecrated to Roman standards.

Citations: Plin. *Ep.* 10.49-50

**Tr19.** Trajan affirms the sentence of a man exiled by Julius Bassus

Date and Location: 112 C.E., Rome, Bithynia

Subject: Criminal law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Trajan affirms a sentence handed down by Julius Bassus, since the convict did not appeal the decision and returned to the province in contempt of the legal ruling. As such, he orders Pliny to have him sent in chains to await trial. Trajan also speaks to Pliny's question regarding several men banished by P. Servilius Calvus, but he does not answer because he needs to confer with Calvus.

Citations: Plin. *Ep.* 10.56-7

**Tr20.** Trajan affirms the status of Flavius Archippus

Date and Location: 112 C.E., Rome, Bithynia

Subject: Criminal law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Informal decision

Process: Pliny forwards documents from a legal dispute involving accusations brought against Flavius Archippus. While Archippus claimed an exemption from jury service as a teacher, several of his political opponents brought up an unserved sentence levied against him by a former governor of Bithynia-Pontus, Velius Paulus. Archippus could produce no proof that he had completed his sentence, but he did produce several letters from Domitian and Trajan that spoke to his character and confirmed his status as an instructor and benefits. Trajan implies he believes Archippus' claim is legitimate and that he has read the forwarded petitions.

Citations: Plin. *Ep.* 10.58-60

**Tr21.** Trajan gives further support for the project at Lake Sophon

Date and Location: 112 CE, Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny continues his correspondence with Trajan on the subject of the canal construction at Lake Sophon. He answers some of Trajan's objections, particularly whether the lake might flow outward if connected to a nearby river and then to the sea.

Pliny proposes a sort of dike separating the two. He also informs Trajan that he has written Calpurnius Macer asking for an engineer pursuant to Trajan's permission. Trajan replies briefly and assures Pliny he has every confidence in him.

Citations: Plin. *Ep.* 10.61-2

**Tr22.** Trajan issues a policy for the treatment of foundlings in Bithynia-Pontus

Date and Location: 112 C.E., Rome, Bithynia

Subject: Civil law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: The issue of foundlings seeking emancipation in Bithynia-Pontus has come to Pliny's attention. He forwards several precedents from Augustus, Vespasians and Titus, as well as letters to governors from Domitian to Trajan for verification and consultation. Trajan responds by citing the imperial archives, noting that there are no precedents which apply to all provinces. As such, Trajan sets it down as a rule that such individuals ought to be able to make a claim to their emancipation.

Citations: Plin. *Ep.* 10.65-6

**Tr23.** Trajan confirms the right of imperial governors to make decisions on the relocation of remains

Date and Location: 112 C.E., Rome, Bithynia

Subject: Religious law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny writes to Trajan asking whether he should make provincials who need to relocate the remains of dead relatives apply to the *pontifices* or whether he can make this decision as governor as per practice before his tenure. Trajan, citing the unwieldiness of making provincials apply to the Roman priesthood for permissions, directs Pliny to follow the usual practice.

Citations: Plin. *Ep.* 10.68-9

**Tr24.** Trajan affirms the sanctity of ground consecrated to the deified Claudius

Date and Location: 112 C.E., Rome, Bithynia

Subject: Religious law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny writes to Trajan asking his permission to use a site that was once dedicated as a shrine to the emperor Claudius for a set of public baths in Prusa. Although Trajan freely grants his permission to use any free land, he sounds a cautionary note, reminding Pliny that if the shrine had merely fallen into disrepair, it was still consecrated to Claudius.

Citations: Plin. *Ep.* 10.70-1

**Tr25.** Trajan refers a decision regarding the state of Julius Largus back to Pliny

Date and Location: 112 C.E., Rome, Bithynia

Subject: Civil law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Informal decision

Process: After receiving word from Pliny regarding the estate of one Julius Largus, which had been left in the governor's hands, Trajan demurs on making any decisions about the best use of the property, instead leaving the matter entirely in Pliny's hands.

Citations: Plin. *Ep.* 10.75-6

**Tr26.** Trajan refuses a legionary centurion and garrison to Juliopolis

Date and Location: 112 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny has noted a need for Juliopolis to have a legionary centurion and garrison due to its small size as a heavily trafficked frontier town. He cites the case of Byzantium as a precedent, but Trajan insists that Byzantium is an exception and that offering such support will burden him with an unacceptable precedent. Trajan insists that Pliny take

care of any incidents, directing the governor to inform the commander of soldiers, or Trajan himself in the case of travelers on the way to Rome, if any problems arise.

Citations: Plin. *Ep.* 10.77-8

**Tr27.** Trajan sets guidelines for the minimum age for an individual to sit on the senate of a town in Bithynia-Pontus

Date and Location: 112 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: A conflict in provincial law, as dictated by the Roman authorities, has arisen. A law code of Pompey for Bithynia-Pontus made it a requirement that individuals who held local magistracies be thirty years or older. Further, upon leaving their term of office, they became members of the local senate. Augustus later amended the law to lower the minimum age to twenty-two. A dispute has arisen that Pliny forwards to Trajan. Should someone who holds office and who is younger than thirty be automatically enrolled in the local senate? Pliny seems to think that this is the best interpretation of the law, and Trajan concurs noting that this is the most logical interpretation of Augustus's decree.



Citations: Plin. *Ep.* 10.79-80

**Tr28.** Trajan reprimands Pliny for countenancing a charge of *maiestas* against Dio

Chrysostom

Date and Location: 112 C.E., Rome, Bithynia

Subject: Criminal law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: A group of provincials request that Pliny adjudicate a dispute between Dio Chrysostom (Cocceianus Dio) and Flavius Archippus over the former's petition to transfer some building he had undertaken to the city. As part of the accusations, Eumolpus, the advocate for Archippus accuses Dio of having set up the emperor's statue in the building, even though there were familial burials in the building. Pliny holds a *cognitio* but adjourns to ask Trajan for advice. Trajan replies to Pliny quite firmly, stating that he has no intention of charges based on *maiestas* being used for political reasons. He instructs Pliny to dismiss the charge of *maiestas* but to audit Dio's accounts thoroughly.

Citations: Plin. *Ep.* 10.81-2

**Tr29.** Trajan orders Pliny to examine the claims of Nicaea regarding those who die intestate

Date and Location: 112 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny forwards a petition from the people of Nicaea regarding the wills of those who die intestate. The Nicaeans claim that Augustus granted them the right to seize the property of anyone who died without heirs. Although Trajan is not entirely clear as to the nature of the dispute, he orders Pliny to look into the individual allegations along with two imperial freedmen, Viridius Gemellinus and Epimachus. The final decision remains in Pliny's hands.

Citations: Plin. *Ep.* 10.83-4

**Tr30.** Trajan approves an aqueduct for Sinope

Date and Location: 112 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny requests that Trajan approve a scheme for an aqueduct to serve the town of Sinope, given that the governor can guarantee the funding. Trajan readily approves.

Citations: Plin. *Ep.* 10.90-1

**Tr31.** Trajan allows a benefit society in Amisus

Date and Location: 112 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: The city of Amisus, which by Trajan's permission administers its own laws, petitions Pliny regarding charitable *collegia*. After forwarding the request to Trajan, the emperor approves since the city had been granted the right to self-administration.

Citations: Plin. *Ep.* 10.92-3

**Tr32.** Trajan grants Suetonius the *ius trium liberorum*

Date and Location: 112 C.E., Rome

Subject: Civil law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny petitions Trajan to grant the *ius trium liberorum* to Suetonius. Trajan grants the request with a reminder as to how sparingly he tends to give this dispensation.

Citations: Plin. *Ep.* 10.94-5

**Tr33.** Trajan sets a policy regarding the Christians in Bithynia-Pontus

Date and Location: 112 C.E., Rome, Bithynia

Subject: Criminal law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Prosecutions of Christians in Bithynia-Pontus have forced Pliny to deal with a variety of difficult quandaries: the proper way to examine them, whether their repentance (by sacrificing to the gods and to the emperor) is sufficient to spare them punishment, and

whether he should countenance anonymous accusations. He writes Trajan for advice, and the emperor lays down several precepts. First, he commends Pliny's general handling of the accused, but he then also very clearly reminds Pliny that he should neither seek out Christians without charges being brought before him and that he should refrain from entertaining anonymous accusations.

Citations: Plin. *Ep.* 10.96-7

**Tr34.** Trajan authorizes a project to cover a polluted stream running through Amastris

Date and Location: 112 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny writes to Trajan, asking him to give permission for a project to cover a noxious stream that runs through the city of Amastris. Trajan approves and leaves the particulars to Pliny.

Citations: Plin. *Ep.* 10.98-9

**Tr35.** Trajan grants Roman citizenship to three freedmen under Pliny's guardianship

Date and Location: 113 C.E., Rome, Bithynia

Subject: Civil law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny comes into guardianship of the freedmen of Valerius Paulinus and requests that three of them receive Roman citizenship. Trajan grants the request and states that he is prepared to grant similar requests.

Citations: Plin. *Ep.* 10.104-5

***Tr36.*** Trajan grants citizenship to the daughter of a centurion

Date and Location: 113 C.E., Rome, Bithynia

Subject: Civil law

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny forwards the petition of a centurion, Publius Accius Aquila regarding his daughter's citizenship. Trajan grants citizenship to the daughter and forwards a copy of his order.

Citations: Plin. *Ep.* 10.106-7

**Tr37.** Trajan refuses to intervene on behalf of civic creditors in Bithynia-Pontus

Date and Location: 113 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny asks Trajan to give a policy on debt collection in Bithynia-Pontus regarding the priority of civic creditors. Trajan refuses to make any special rule, instead referring each city to its own laws regarding the priority that the municipality has in collecting on debts compared to private creditors.

Citations: Plin. *Ep.* 10.108-9

**Tr38.** Trajan refrains from stripping Julius Piso of a grant given to him by the city of Amisus

Date and Location: 113 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: The city of Amisus has sought the return of a donative given to Julius Piso two decades prior in exchange for his services to the city. Their position is based on a ruling of Trajan's. Pliny forwards the matter to the emperor, who though acknowledging his own ruling, argues that matters dating back so long ought not to be considered since in this case it might ruin a good many prominent citizens.

Citations: Plin. *Ep.* 10.110-1

**Tr39.** Trajan refrains from setting a policy regarding entrance fees to local senates

Date and Location: 113 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision



Process: Pliny asks Trajan to set a rule for whether entrance fees should be paid by those who are entering a position on local senates. Trajan refrains from giving a rule to apply to all of Bithynia-Pontus and instead refers each instance to the laws of that individual city.

Citations: Plin. *Ep.* 10.112-3

**Tr40.** Trajan chooses not to apply Pompey's law on citizenship retroactively to the election of local senators

Date and Location: 113 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: The censors of several towns in Bithynia-Pontus have asked Pliny if they may remove senators from office who, contrary to the law of Pompey, have been elected to the local senate of a town where they are not citizens. Since the law made no provision for the removal of senators for this offense, Pliny asks Trajan to give him guidance on how to proceed. Trajan instructs Pliny to enforce the law of Pompey rigorously in the future but to avoid acting on cases retrospectively.

Citations: Plin. *Ep.* 10.114-5

**Tr41.** Trajan rules on the disbursement of awards for Triumphal Games

Date and Location: 113 C.E., Rome, Bithynia

Subject: Provincial administration

Initiator: Pliny

Decider: Trajan

Council: Unattested

Verdict: Formal decision

Process: Pliny forwards a query on the prizes and pensions awarded victors in triumphal games. The winners have made the argument that their awards should start from the date of their victory—not their triumphal entry into their native city. Further, they argue that they should accrue prizes for those games which they won and which have subsequently been designated as Triumphal Games. Trajan responds directly. First, he thinks that the prize should date from the triumphal entry and secondly that raising the status of a game should not apply retroactively to previous winners' prizes.

Citations: Plin. *Ep.* 10.118-9

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