

# THE GREEK EAST AND ROMAN LAW: THE DOSSIER OF M. CN. LICINIUS RUFINUS\*

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For Tony Honoré, *iuris peritissimus*

## I. INTRODUCTION

In A.D. 530 the Emperor Justinian gave orders that a commission of lawyers should take the 1,500 *libri* containing the works of the Classical Roman jurists, and condense them into a single work, the *Digesta* or *Pandectae*. His purpose was that the result should be a coherent whole, stripped of repetition and contradiction. Fortunately for us, what they actually produced was something which is quite different, and belongs to a type which is familiar to all modern students of the Ancient World: a sourcebook. For what the commission in fact did was to arrange the work by topics, and under each topic to assemble a series of examples of legal reasoning extracted from the surviving works of Classical jurists. Nearly all of these jurists had worked in the Antonine and Severan age, with a few belonging to the period of the Tetrarchy.

It has often been supposed in the modern world that the texts which were thus excerpted and re-arranged really were also mutilated, corrected, or interpolated, in pursuit of Justinian's self-contradictory ideal of using the academic products of a major intellectual movement — already three or four centuries in the past — devoted to debating the principles and details of Roman law, but of then reducing them to neat conformity with each other. But in fact no such conformity was achieved. In no real sense is the *Digest* a code of law; on the contrary, it is a collection of varying opinions on points of law. Moreover, modernization of the texts to fit the institutions and the public vocabulary of the Justinianic period simply was not carried out. So the texts assembled in the *Digest* reflect with great vividness and accuracy the world of the High Empire of the second and third centuries, with *proconsules* and *procuratores*, *provinciae*, Latin-speaking cities called *civitates* or *res publicae*, and Greek-speaking *poleis*.

The extracts assembled in the *Digest* also kept the names of their original authors, the titles of their works, and very often the book-numbering within those works. Moreover, since the jurists had very frequently referred to rulings by past and present emperors, as well as to each other's works, it is possible to arrive at a quite precise chronology of most of the individuals and their works. Thus, to give only the most obvious example, the study of Ulpian by Tony Honoré, whose work is fundamental to everything in this paper, showed that his truly gigantic output of writing, of which some 300,000 words survive in the *Digest*, was all composed under Caracalla (A.D. 211–17).<sup>1</sup>

Domitius Ulpianus happens also to be one of the very few jurists who alludes explicitly to his own local origins: he came from the ancient Phoenician, and then Greek, city of Tyre, which had become a Roman *colonia* only in his own lifetime.<sup>2</sup> In other words, the most fully preserved corpus of Roman juristic writing by a single author, all of it in Latin, was in fact the work of a man who came from a Greek city. We are presented with one of the most profound aspects of that process of integration which Woolf has called 'becoming Roman, staying Greek'.<sup>3</sup>

Faced with the Justinianic rearrangement of a vast corpus of earlier academic writing into a massive sourcebook of legal reasoning in Latin, it was an obvious, if

\* For very helpful comments, and suggestions I am most indebted to Peter Herrmann, Tony Honoré, Werner Eck, and Greg Woolf, as well as to the Editorial Committee.

<sup>1</sup> T. Honoré, *Ulpian* (1982).

<sup>2</sup> *Dig.* 50.15.1 *pr.* (Ulpianus, *libro primo de censibus*). See F. Millar, 'The Roman *coloniae* of the Near East: a study in cultural relations', in H. Solin and

M. Kajava (eds), *Roman Eastern Policy and Other Studies in Roman History* (1990), ch. 7, on pp. 31–9; idem, *The Roman Near East, 31 BC–AD 337* (1993), 285–95.

<sup>3</sup> G. Woolf, 'Becoming Roman, staying Greek: culture, identity and the civilizing process in the Roman East', *Proc. Camb. Philol. Soc.* 40 (1994), 116.

extremely laborious, task for a modern scholar to reassemble the excerpts under the names of their authors and their works (and book-numbers), thereby producing by far the largest coherent body of surviving Classical Latin prose (along with one work by Herennius Modestinus which had been written in Greek, of which more below). This was the feat performed in Lenel's *Palingenesia*, published in 1889.<sup>4</sup> In it, a mere two pages suffice for the seventeen surviving excerpts of the *Regulae* (or *Regularum Libri*) of Licinius Rufinus, in twelve or thirteen books. One of the passages quoted, however, serves to date the work, for it too was written under 'Imperator Antoninus', most likely 'Caracalla' (A.D. 211–217) but possibly 'Elagabal' (A.D. 218–222), whose actual name was also 'M. Aurelius Antoninus'.<sup>5</sup> We also see Licinius Rufinus elsewhere in the *Digest* as one of a number of jurists who consulted the great Iulius Paulus; Paulus' replies to them (or in this case Rufinus' query) were quoted verbatim in his twenty-six books of *Quaestiones*.<sup>6</sup> The alleged facts of Paulus' career largely depend on the *Historia Augusta*, but there is no doubt that he was a contemporary of Papinian, and was one of the major jurists of the Severan period, and also gave legal advice at cases heard by the emperor. Although in his case there is no documentary evidence for his origins, and he does not speak of them himself, the form of his name has suggested that he might have come from a provincial family which had acquired the Roman citizenship in the first century, and was perhaps from the Greek East.<sup>7</sup>

Nothing in the name of Licinius Rufinus, as preserved in the *Digest*, gives any hint of a particular local origin, still less of roots in the Greek world. So, for instance, in the first edition of the *Prosopographia*, published in 1897, no connection is made between the entry on him, derived from the *Digest*, and that on the 'M. Cn. Licinius Rufinus', described as 'the *clarissimus consularis* and *amicus* of the Emperor', who is honoured on two Greek inscriptions from Thyatira in Lydia (Nos 1–2 below).<sup>8</sup>

The subsequent unfolding of a much fuller picture of the professional expertise, the public role, and the career in Imperial service of M. Cn. Licinius Rufinus is one small aspect of the way in which, in the nineteenth and twentieth centuries, we have gained an incomparably more detailed and vivid 'image', or 'representation', of the Roman Empire, as refracted through the epigraphy of the Greek cities. Whether we are talking of the institutions of the Imperial cult, of the spread of the Roman citizenship, of the workings of provincial government and local self-government, of embassies to emperors and governors, or of equestrian or senatorial office-holding, the Roman — or perhaps better Romano-Greek — Empire presents itself before us now in a way which was hardly imaginable even one hundred years ago. All that we almost always lack still is those actual visual representations, in the form of statues, which were put up to honour the dignitaries who were the subject of the language of commemoration, in what Lendon has recently called the 'empire of honour'.<sup>9</sup>

Literally thousands of individuals can now be (in a metaphorical sense) 'seen' through the repetitive and often stereotyped language of honorific inscriptions. But there can be few whose record as now revealed offers us a more powerful conception of the Severan empire than does the dossier of Licinius Rufinus. Thus the relevant volume of the second edition of the *Prosopographia*, published in 1970, already presented a much enriched documentation of his public role, based on inscriptions both from Thyatira (Nos 1–3 below) and from two cities in Macedonia, namely Beroea and

<sup>4</sup> O. Lenel, *Palingenesia Iuris Civilis: Iuris Consultorum Reliquiae quae Iustiniani Digestis continentur, ceteraque iuris prudentiae civilis fragmenta minora secundum auctores et libros I–II* (1889).

<sup>5</sup> Lenel, op. cit. (n. 4), I, columns 559–62, Fr. 12. *Dig.* 24.1.41 (Licinius Rufinus, *libro sexto regularum*): 'Nam et Imperator Antoninus constituit, ut ad processus viri uxor ei donare possit'. Note that G. Gualandi, *Legislazione imperiale e giurisprudenza I* (1963), 229–30, goes straight from Caracalla to Severus Alexander, attributing no rulings to either Macrinus or 'Elagabal'.

<sup>6</sup> For Paulus' *Quaestiones* see Lenel, op. cit. (n. 4), I, columns 1181–1221. For the query from Rufinus see

Fr. 1382, *Dig.* 40.13.4 (Paulus, *libro duodecimo quaestionum*): 'Licinnius Rufinus Iulio Paulo . . .'. Variation in the spelling of 'Licinius' is found also in the contemporary inscriptions, see below.

<sup>7</sup> See the important study by W. Kunkel, *Herkunft und soziale Stellung der römischen Juristen*<sup>2</sup> (1967), 244–5. Kunkel (p. 245, n. 507) hints at a Greek origin, and the suggestion is put more positively by H.-G. Pflaum, *Les procureurs équestres* (1950), 267 and n. 7. <sup>8</sup> *PIR*<sup>1</sup> L 163 (the jurist); 164 (the man from Thyatira).

<sup>9</sup> J. Lendon, *Empire of Honour: the Art of Government in the Roman World* (1997).

Thessalonica (Nos 4–5 below).<sup>10</sup> In particular, it was No. 4 which showed that the Licinius Rufinus of the inscriptions was a jurist, and hence could be identified with the author known from the *Digest*. But now a new and far more detailed inscription from Thyatira (No. 6), published in 1997, in exemplary style, by Herrmann, serves to provide us with a quite new window on the period.<sup>11</sup> The dossier provided below will begin with the longer-known inscriptions from Thyatira, all recently re-edited by Herrmann in *Tituli Asiae Minoris*, in the volume on north-west Lydia,<sup>12</sup> then move to the two texts from Macedonia, and come back finally to the truly remarkable new career-inscription from Thyatira. The purpose of the dossier is only to collect and translate the texts as published, and to offer some historical comments, not of course to re-edit the inscriptions themselves.

## II. THE INSCRIPTIONS OF LICINIUS RUFINUS

### I. Thyatira. *TAM* V.2, no. 984 (*IGR* IV, no. 1215).

Ἀγαθῇ τύχηι.  
 Μ. Γν. <Λ>ικίν. Ρουφ[ε]ίνο[ν],  
 [τ]ὸν λαμπρότατον ὑπα<τι>κόν,  
 κτίστην καὶ εὐεργέτην τῆς  
 5 πατρίδος, φίλον τοῦ Σε[β]., <Γ.> Πε<ρ.>  
 [Α]ῦ<ρ.> Ἀλέξανδρος, ἀρχιερε[ὺ]ς  
 τοῦ σύνπαντος <ξυ>στοῦ διὰ  
 <β>ίου, ξυστάρχης καὶ ἐπ[ι] βαλα-  
 νεί<ω>ν τοῦ Σεβ. καὶ <ι>ερεὺς το<ῦ>  
 10 προπάτορος θεοῦ Ἡλίου Πυθί-  
 [ο]υ Ἀπόλλωνος <Τ>υριμναίου,  
 τὸν ἑαυτοῦ καὶ πάσης τῆς πό-  
 λεως εὐεργέτην.

#### To Good Fortune

(To) M. Gn. Licin(ius) Rufinus, the *clarissimus consularis*, founder and benefactor of his native city, friend of the Emperor, G. Per(elius) Aur(elius) Alexander, High Priest of the whole athletic association for life, official of the athletic association and in charge of the Emperor's baths, and priest of the ancestral god Helios Pythios Apollon Tyrimnaios, (gave honour as) his personal benefactor and that of the whole city.

This inscription reveals a prominent local figure who also enjoys a very high status within the Imperial system, as someone who is both of consular rank and an *amicus Caesaris*. But it neither reflects any specific offices held by the Licinius Rufinus concerned, nor would, as such, serve to identify him with the jurist known from the *Digest*. Nor is there any explicit mention of the date. There is, however, an (approximate) implicit dating, since G. Perelius Aurelius Alexander is recorded in *IGR* IV, no. 1251 = *TAM* V.2, no. 1018, as having been on an embassy on behalf of Thyatira to the Emperor M. Aurelius [[Antoninus]] (erased) Pius Felix Augustus, i.e. 'Elagabal' (A.D. 218–22). Jones has recently suggested that this man should be identified with the pancratiast named as 'Alexander' who is represented on a mosaic from Ostia.<sup>13</sup>

<sup>10</sup> *PIR*<sup>2</sup> L 236.

<sup>11</sup> P. Herrmann, 'Die Karriere eines prominenten Juristen aus Thyateira', *Tyche* 12 (1997), 111.

<sup>12</sup> *Tituli Asiae Minoris* V. *Tituli Lydiae* 2. *Regio*

*septentrionalis ad occidentem vergens*, ed. P. Herrmann (1989).

<sup>13</sup> C. P. Jones, 'The pancratiasts Helix and Alexander on an Ostian mosaic', *JRA* 11 (1998), 293.

2. Thyatira. *TAM* V.2, no. 985 (*IGR* IV, no. 1214).

Μ. Γν. Λικίνι[ον Ῥο]υφεί-  
 νον, τὸν λαμπρότα-  
 τον ὑπατικόν, Μ. Αὐρ.  
 Βάσσος, ἵππικὸς ἀπὸ  
 5 χειλιαρχιῶν, τὸν ἑαυ-  
 τοῦ εὐεργέτην.

(To) M. Gn. Licinius Rufinus, the *clarissimus consularis*, M. Aurelius Bassus, of equestrian status, *ex-tribunus*, (gave) honour as his personal benefactor.

The inscription adds nothing further to our image of Rufinus (and indeed omits any allusion to his status as *amicus Caesaris*), except insofar as it places him in a relation of marked superiority to another man, also evidently from Thyatira, who had also entered the imperial service, but had remained at a lower level. There is no explicit indication of date, but the expression ἀπὸ χειλιαρχιῶν, implying a formal status attaching to ex-holders of the rank of *tribunus militum*, would strongly tend to suggest the third century.<sup>14</sup>

3. Thyatira. *TAM* V.2, no. 986 (*IGR* IV, no. 1216).

Μ. Γναῖον Λικίνιον  
 Ῥουφείνον, τὸν λαμπρότατον  
 ὑπατικόν, φίλον τοῦ  
 Σεβαστοῦ, κτίστην  
 5 κ(αὶ) εὐεργέτην τῆς  
 πατρίδος,  
 οἱ βυρσεῖς.

(To) M. Gnaeus Licinius Rufinus, the *clarissimus consularis*, friend of the Emperor, founder and benefactor of his native city, the tanners (gave honour).

The corporation of tanners in Thyatira again stressed Rufinus' role as a local benefactor. The distinctive form of the name, with its two *praenomina*, makes it certain that this is the same person as in 1 and 2. There is no explicit or implicit indication of date.

Two further inscriptions from Thyatira, *TAM* V.2, nos 987–8 (*IGR* IV, nos 1217–18), honour the son of our Licinius Rufinus, without saying enough to deserve reproduction here.

4. Thessalonica. *IG* X.2(1), no. 142.

	Ἀγαθῆι τύχηι.		τον καὶ ἐν-
	[. . .]		πειρότατον
	Λικίνιον	10	νόμων ὑ-
	Ῥουφείνον,		πατικόν,
5	τὸν κράτι-		Κλαύδιος
	στον καὶ		Μένων τὸν
	λαμπρότα-		εὐεργέτην.

To Good Fortune

(To) Licinius Rufinus, the *egregius* and *clarissimus* and most versed in the laws *consularis*, Claudius Menon (gave honour as) his benefactor.

<sup>14</sup> See F. Millar, 'Empire and city, Augustus to Julian: obligations, excuses and status', *JRS* 73 (1983), 76ff., esp. 90, 94.

It is this inscription which, while reproducing Rufinus' name in yet a different style and spelling, repeats the representation of his status as a consular, but also adds the crucial description of him as 'most versed in the laws' which allows the identification of this man with the jurist known from the *Digest*. Again, while there is no explicit dating, the stemma provided in *IG X.2(1)*, under no. 185, shows that Claudius Menon was an *archiereus* in the city, and also a *Makedoniarches* and *hierophantes* of the *koinon* of Macedonia, in the middle of the first half of the third century. The broad chronological setting is thus secure, but what services Licinius Rufinus might have rendered to any individual or institution in Macedonia is left unclear.

Since it is certain that the approximate date is the first half of the third century, the use of the two separate (and formally speaking incompatible) status-designations for Licinius Rufinus is of some interest. Here, as in the previous inscriptions, he appears as a ὑπατικός, namely *consularis*, that is someone who has either held the office of consul or has been granted the status of ex-consul by the emperor (but here too, as in No. 2, his status as *amicus Caesaris* does not appear). As a man of consular status, he will necessarily have enjoyed senatorial rank, and hence will have been designated in Latin *vir clarissimus*, of which the established equivalent in Greek was, as here, λαμπρότατος. These two terms go together in all four of the inscriptions so far listed. But in this instance there is an oddity, for Rufinus is described also as κράτιστος. Literally this means simply 'most powerful', but more relevantly it was the established equivalent of *egregius*, which by now was the standard status-term used in the mid-second century and after for middle-ranking equestrian officials.<sup>15</sup> So, either this expression is used loosely (which is perfectly possible, as complete consistency is not to be expected in local honorific texts mirroring the constantly-evolving imperial hierarchy), or it is an indication that Licinius' prominence as an expert in the laws had extended over a period in which he had risen from equestrian to consular rank. As we will see, the remarkable new inscription listed below as No. 6 attests exactly that. It is the next inscription, however, which suggests why he will have been honoured in Macedonia as well as in his native city.

5. Beroea. *Ann. Epig.* 1949, no. 341, from L. Robert, 'Un juriste romain dans une inscription de Beroia', *Hellenica* 5 (1948), 29.

	Ἀγαθῇ τύχῃ. [Κατὰ τὸ δόξαν τῶ] [λαμπροτάτῳ συνε-] δρίῳ, Λικίνιον	10	ρεύσαντα τῇ ἐπαρ- χείᾳ περὶ τῆς συντε- λείας τῶν Θεσσαλῶν, Δομίτιος Εὐρύδικος, ὁ μακεδονίαρχης, ἐκ τῶν ἑαυτοῦ.
5	Ῥουφείον τὸν ὑ- πατικόν, συναγο-		

#### To Good Fortune

In accordance with the decision of the most distinguished *synedrion*, to Licinius Rufinus the *consularis*, who has appeared as advocate for the province in the matter of the *synteleia* (contribution?) of the Thessalians, Domitios Eurydikos the *Makedoniarches* (gave honour) out of his own resources.

The general context is therefore the public activity of the *koinon*, or *synedrion*, of Macedonia, and the specific issue which had arisen will have related to the fact that at some time in the later first or second century Thessaly had been detached from the province of Achaia, and attached to Macedonia.<sup>16</sup> *Synteleia* has a variety of meanings,<sup>17</sup> but the most likely point at issue here was surely the question of the financial

<sup>15</sup> Millar, *op. cit.* (n. 14), 90.

<sup>16</sup> See J. Deininger, *Die Provinziallandtage der römischen Kaiserzeit* (1965), 91–6; G. W. Bowersock, 'Zur Geschichte des römischen Thessaliens', *RhM* 108 (1965), 277; W. J. Chef, 'The Roman borders between Achaia and Macedonia', *Chiron* 17 (1987), 135.

<sup>17</sup> See M. Corbier, 'Cité, territoire et fiscalité', in *Epigrafia: Actes du Colloque international d'épigraphie latine en mémoire d'Attilio Degrassi* (1991), 629, on pp. 640f., cited by Herrmann, *op. cit.* (n. 11), 112.

contribution which the cities of Thessaly would be required to make to the *koinon* of the province in which they now found themselves. The word *synteleia* is used in exactly this context in a letter of Valerian to the city of Philadelphia in Lydia, written from Antioch in Syria in 255, and responding to the city's request to be freed from the *synteleia* made by minor cities to the *metropoleis* towards the expenses of priesthoods and festivals.<sup>18</sup> It is very likely, though it cannot be certain, that the dispute between the Thessalians and the *koinon* of Macedonia had also been heard by an emperor. But it is one of the features of the epigraphic dossier of Licinius Rufinus that no emperor is explicitly named in it. Documents 1 and 3 record that he was an *amicus* of a single emperor, but do not indicate which. The same is true of the remarkable new text representing the public role of Rufinus; but this does, though implicitly rather than explicitly, allow an attempt to date the successive phases of his career.

6. Thyatira. P. Herrmann, 'Die Karriere eines prominenten Juristen aus Thyateira', *Tyche* 12 (1997), 111.

Ἀγαθῆι τύχηι.  
 Μ. Γναίον Λικίν. Ῥουφείνον,  
 ἵππικόν, σύνβουλον Σεβ., πράξ[α]-  
 5 τα τὰς Ἑλληνικὰς ἐπι[σ]τολάς, ἐπι  
 παιδείας Σεβ., ἐπὶ τῶν καθόλου λό-  
 γων, ἐπὶ τῶν ἀποκριμάτων, στρατη-  
 γὸν Ῥωμαίων, ἡγεμόνα ἐπαρχείας Νο-  
 ρικοῦ, ἱερέα σακερδωτίου Τίτου Τατίου,  
 10 ἐν τῷ συνβουλίῳ τῶν εἴκοσιν [ἀν]-  
 δρῶν, ἐπιλεχθέντα φίλον τοῦ Σεβ.,  
 πρεσβεύσαντα πολλάκις πρὸς τοὺς  
 αὐτοκράτορας καὶ πάντα τὰ δίκαια  
 15 τῆι πατρίδι κατορθώσαντα, τὸν  
 λαμπρότατον ὑπατικόν, διὰ τε  
 ἀφθονίαν τροφῶν καὶ ἔργων πολ-  
 λῶν καὶ μεγάλων κατασκευᾶς κοι-  
 νῆι τε καὶ κατὰ ἓνα εὐεργέτην,  
 οἱ κηπουροί.

#### To Good Fortune

(To) M. Gnaeus Licin(ius) Rufinus, of equestrian rank, *consiliarius* of the Emperor, having handled the Greek letters, *a studiis Augusti*, in charge of the general accounts (*a rationibus?*), in charge of the *apokrimata* (*a libellis?*), praetor of the Romans, governor of the province of Noricum, priest of the *sacerdotium* of Titus Tattius, in the *consilium* of the Twenty Men, chosen as *amicus Caesaris*, having acted often as ambassador to the Emperors, and having secured all the rights for his native city, the *clarissimus consularis*, and, on account of the generosity of his provision and his construction of many major works, both a communal and an individual benefactor, the gardeners (gave honour).

It should be made clear at once that the remarks which follow, designed to spell out the significance of this remarkable text, and to suggest some further interpretations, are entirely dependent on the exemplary publication by Herrmann. What follows makes no attempt to reproduce the details of his epigraphical commentary, but tries to look at some broad issues which the text raises. Some detailed issues of vocabulary and technical terminology will, however, be unavoidable, since one of the prime features of the text is the style in which it deploys Greek to mirror or represent functions in the entourage of the emperor. Precisely one of the difficulties is to know, firstly, whether these functions were themselves stable over successive reigns, and, secondly, whether they were described in a fixed terminology in Latin. In almost all respects I will merely attempt to

<sup>18</sup> *SEG* XVII, no. 528. See F. Millar, *The Emperor in the Roman World*<sup>2</sup> (1992), 390.

bring out for the English-language reader the comments made by Herrmann. At one crucial point, however, namely the translation of ἐπι τῶν ἀποκριμάτων, ‘in charge of the *apokrimata*’, I will suggest tentatively a different interpretation: not a *responsis*, but a *libellis*. If that were to prove correct, it would take us directly into the territory brilliantly explored by Honoré, of ‘Emperors and lawyers’, and to the question of whose are the ‘voices’ which are heard in the Imperial replies to *libelli* from private persons.<sup>19</sup> At the end, therefore, I will return to that question, and then (briefly) to the broad issue of ‘the Greek East and Roman Law’.

This inscription comes from a statue-base, discovered in the village of Selendi, or Akselendi, 17 km south of the site of Thyatira. It is likely that it originally stood in the urban centre; even more keenly than normal, we must regret the disappearance of the statue itself, and with it the chance to see how a prominent local figure, who rose high in the Imperial service and the Senate, will have been visually represented to his fellow citizens. None the less, even the text, without the statue which it accompanied, gives us a wholly new conception of Rufinus’ career.

### III. THE CAREER OF LICINIUS RUFINUS

The inscription seems to provide one unambiguous fixed point in time, namely the reference in ll. 9–10 to Licinius Rufinus having been a member of the ‘council of the Twenty Men’. For the most natural way to take this, as Herrmann does, is as a reference to the commission of *Vigintiviri* appointed by the Senate in A.D. 238 in the face of the invasion of Italy by the forces of the Emperor Maximinus.<sup>20</sup> There do not seem to be any other documentary attestations in Greek for the title used of this *ad hoc* group; the most formal title on a contemporary Latin inscription is ‘Xxvir <os> ex senatus consulto r(ei) p(ublicae) curandae’, while another inscription, unfortunately fragmentary, refers to the ‘XX co(n)s(ulares)’.<sup>21</sup> But since Licinius Rufinus was clearly of high senatorial rank at this point, and since there is no indication that the ‘council’ (συμβούλιον) concerned had functioned alongside any emperor (contrast the earlier post of σύμβουλος Σεβ., recorded in l. 3), there seems no alternative to seeing Licinius Rufinus as one of the twenty consulars of 238.

That being so, we should take it as at least a working hypothesis that this detail provides a chronological point of reference for the whole, rather anomalous, career, and explore its implications. Firstly, since the Imperial, or non-local, elements in Rufinus’ career are clearly set out in chronological order, we have to take it that his selection as the *amicus* of a single emperor, recorded in l. 10, belongs in the reign of Gordian III (A.D. 238–44). It will be recalled (p. 91 above) that Rufinus wrote his *Regulae* under Caracalla (A.D. 211–17), or possibly Elagabal (A.D. 218–22). So, in reading the inscription, we are looking back at a public career which seems to have covered something like the three decades A.D. 210–40. If we take the form of the allusions to the emperor, or to successive emperors, seriously, then all of Rufinus’ posts fell in the reigns of emperors ruling singly (for the text always uses Σεβ., the abbreviation for Σεβαστός, a single emperor, as opposed to Σεββ. for two, or even Σεβββ., equivalent to ‘Auggg.’, for three). There had been two joint Augusti (Severus and Caracalla) from 198 to 209, and three (with the younger brother, Geta, also) from 209 to 211. We ought therefore to start from the assumption that Rufinus’ secretarial posts with (apparently) a single emperor began not earlier than the reign of Caracalla (officially ‘M. Aurelius Antoninus’, and thus probably the ‘imperator Antoninus’ mentioned in Rufinus’ *Regulae*). His official

<sup>19</sup> See T. Honoré, *Emperors and Lawyers*<sup>2</sup> (1994), with my review article on the first edition (1981), ‘A new approach to the Roman jurists’, *JRS* 76 (1986), 272ff.

<sup>20</sup> See K. Dietz, *Senatus contra principem. Untersuchungen zur senatorischen Opposition gegen Kaiser*

*Maximinus* (1980), cited by Herrmann, op. cit. (n. 11), 121.

<sup>21</sup> *ILS*, no. 1186 (L. Caesonius Lucillus Macer Rufinianus); *AE* 1903, no. 337 = *ILS*, no. 8979: ‘[comiti? Augg.]nn. inter XX cos.’ Zosimus 1.14.2 speaks only of twenty senators.

career could however have begun later. None of the emperors of the following two decades, Macrinus (217–18), Elagabal, officially also ‘M. Aurelius Antoninus’ (218–22), Severus Alexander (222–35), or Maximinus (235–8), had a co-emperor with the rank of Augustus. These names alone will be enough to suggest the drastically contrasted successive contexts into which Rufinus’ ‘secretarial’ and then senatorial functions might have brought him.

The non-Imperial, or local, roles attributed to Rufinus in the last part of the inscription (ll. 11–17) firstly take us back to the parallel, but less specific, representations in the other inscriptions from Thyatira (1–3), in which he is already both a *consularis* and a local ‘founder’ and benefactor, and in 1 and 3 is also an *amicus Caesaris*. These latter two inscriptions at any rate should therefore also not be earlier than the reign of Gordian III. The particular local benefactions recorded in 6, the supply of provisions and the construction of public works, could of course have belonged to any phase in Rufinus’ career. So also, probably, could the repeated embassies to the *Autokratores*, for this is a less specific term, which might cover appearances before two or three joint *Augusti*, or (for instance) before Macrinus and his son Diadumenianus in 217/18, or before a succession of emperors ruling singly. We may recall the inscription from Ephesus which honours a man who had been on a successful embassy on behalf of his city to Macrinus and Diadumenianus, and also earlier, before Severus and Caracalla, and then Caracalla alone, to Rome, Britain, Germany, Sirmium, Nicomedia, Antioch, and Mesopotamia.<sup>22</sup> Though it might seem surprising, such an embassy could even have been undertaken after a man reached senatorial rank, as is clear in the case of the embassy from Philadelphia to Valerian in 255 (p. 95 above). Equally, however, some such embassies (which are said to have taken place ‘often’) might have taken place before Rufinus’ official career began, or in the period when Inscription 6, looking back, can describe him as *ἰππικός*, ‘of equestrian rank’. The same chronological uncertainties apply to his appearance as advocate for the *koinon* of Macedonia. When the inscription (5) recording this was put up in Beroea he was already a *consularis*; it is possible, but (as Eck suggests to me) unlikely, that his services as advocate will have been at a much earlier stage.

Although there is a clear chronological structure to the representation of Rufinus’ Imperial career in Inscription 6, Herrmann rightly notes that some elements are (at best) implicit, and are not specifically recorded. His first five posts were equestrian, ‘secretarial’, ones at the side of the emperor. He must then have been adlected to the Senate, presumably *inter aedilicios*, since he then held the praetorship in Rome (ll. 6–7). Although this was of course an honour, it should be noted that in the context of the Severan period it is a surprisingly modest one. In this period, as Eck and Roxan have recently stressed, *equites* holding prominent posts, including specifically ‘secretarial’ posts with the emperor, seem commonly to have entered the Senate with praetorian or even consular status. Examples from among ‘secretaries’ are Aelius Antipater, *ab epistulis Graecis* under Severus, and then attested as a consular governor; P. Aelius Coeranus, *a libellis* under Severus, and suffect consul under Caracalla; and now M. Ulpius Ofellius Theodorus, attested as *a libellis* early in Caracalla’s reign, and as a consular governor between 219 and 222. Aelius Coeranus was evidently adlected *inter praetorios* and then made consul; but Philostratus records specifically that Aelius Antipater was ‘enrolled among the consuls’.<sup>23</sup>

Why Licinius Rufinus was adlected at a considerably lower level cannot be known, unless the purpose was precisely that he should use his legal expertise in giving jurisdiction as praetor. After that, at any rate, he went on to a praetorian governorship, of Noricum. The text uses the non-technical term ἡγεμών, the equivalent of *praeses* in Latin. But the formal title will still have been *legatus Augusti pro praetore* (see e.g. *ILS*,

<sup>22</sup> *I.K. Ephesos* III, no. 802 (*Ann. Epig.* 1971, no. 455; *SEG* XVII, no. 505).

<sup>23</sup> Philostratus, *Vit. Soph.* 2.24.2: ὑπάτοις δὲ ἐγγραφεῖς. See esp. W. Eck and M. M. Roxan, ‘Zwei Entlassungsurkunden — *tabulae honestae missionis* — für Soldaten der römischen Auxilien’, *Archaeolog-*

*isches Korrespondenzblatt* 28 (1998), 95, 98–9. For M. Ulpius Ofellius Theodorus see J.-L. Mourges, ‘Les formules «rescripsi» «recognovi» et les étapes de la rédaction des souscriptions impériales sous le Haut-Empire romain’, *MEFRA* 107 (1995), 295–8.

no. 1194). Herrmann is surely right to find it noteworthy that a person of Rufinus' background had governed an Imperial province, and with that had taken command of a legion (the II Italica). After that, either a suffect consulship or a further adlection *inter consulares* must have followed, though it is not mentioned explicitly either here or in the other inscriptions; for the *Vigintiviri* of 238 were certainly all *consulares*;<sup>24</sup> and, in any case, in Inscription 6, as in 1–5, Rufinus is described as ὑπατικός, *consularis*.

The greatest interest must however attach to the five successive 'secretarial' posts which Rufinus held in the first half of his career in Imperial service. So it may be worthwhile, before looking at these posts in a little more detail, to tabulate the two main phases of Rufinus' remarkable career, and the posts held in each.

EQUESTRIAN POSTS

*Consiliarius Augusti*  
*Ab epistulis Graecis*  
*A studiis Augusti*  
*A rationibus* (?)  
*A libellis* (?)

SENATORIAL POSTS

(Adlected *inter aedilicios*?)  
 Praetor  
*Legatus* of Noricum  
 (Suffect consul?)  
*Vigintivir*  
*Amicus Caesaris*

As regards chronology, nothing is certain except that all his posts seem to have been held under an emperor ruling alone (so after 211), and that the *Vigintivirate* belongs (almost certainly) to 238. Working back from 238, we should probably allow two to three years for the legateship of Noricum, followed probably by a suffect consulship. Before that, he had been praetor in Rome. What interval should be assumed between the praetorship and the consulship in an entirely non-standard career such as this seems quite uncertain. The normal gap, from praetor at age thirty to consul at about forty-two, would put Rufinus' adlection back into the first half of the 220s, and would mean that all of his five equestrian 'secretarial' posts had been held in approximately the second decade of the century, or at the latest in the early 220s. But we have no idea as to whether there was any norm for how long such a secretarial post would last, nor indeed as to whether they would be likely to succeed each other without a break. All that seems certain is that they will all have fallen within the second two decades of the century.

It is necessary to recall here that Inscription 4, from Thessalonica, describes Rufinus, in unusual style, as τὸν κράτιστον καὶ λαμπρότατον καὶ ἐνπειρότατον νόμων ὑπατικόν, 'the *egregius* and *clarissimus* and most versed in the laws *consularis*'. Since, as we have seen (p. 94 above), κράτιστος/*egregius* is an equestrian status-designation, this inscription mirrors 6, which begins by describing him as ἵππικός, 'of equestrian rank', in looking back to a status from which he had since ascended, while mentioning his subsequent consular status also. The way in which the text of Inscription 4 is expressed might even be thought positively to imply that Rufinus' reputation as a *iusperitus* did indeed go back to the time when he had been an *eques*. In fact *iusperitus* is too weak an equivalent for the superlative of ἐνπειρότατος νόμων — *ius peritissimus* would be the literal equivalent in Latin, and precisely this superlative form had indeed been used by Cicero in speaking of the great orator Crassus (*Brut.* 39/145). But in any case (see p. 91 above) it is likely that Rufinus' *Regulae* had been written under Caracalla.

Not much need be said here of the first four of the 'secretarial' posts which Rufinus held. The parallel attestations for other holders in this period were conveniently

<sup>24</sup> Herrmann, *op. cit.* (n. 11), 120–2, with Dietz, *op. cit.* (n. 20), 326f. Note esp. that Herodian 8.5.5, speaks of ἀνδρας ὑπατευκότας, 'men who had held the

consulate' (though he does not mention the figure 20), while HA, *Gord.* 14.4, speaks of 'viginti viri consulares'.

collected by Pflaum in his great work on equestrian careers.<sup>25</sup> We cannot expect to be able to define such posts too precisely, not only because their functions may have been subject to change and re-combination, but because the terminology deployed in both literary and epigraphic contexts will have been subject to *variatio*.

1. *Consiliarius Aug(usti)* (σύνβουλον Σεβ., l. 3) is well enough attested, for instance in *ILS*, no. 1423 (Pflaum, no. 239), from the Severan period. A few decades earlier, M. Aurelius Papirius Dionysius is recorded in Latin (*ILS*, no. 1455) both as ‘adsumptus in consilium’ at 60,000 *HS* and as a *centenarius consiliarius*, and in Greek (*IGR* I, no. 135) as a σύμβουλος (Pflaum, no. 181). In the middle of the third century a prominent local benefactor from Ancyra, Caecilius Hermianus, with no other attested Imperial functions, is described (*OGIS*, no. 549) as δουκ[η]ν[ό]ρ[ιο]ν ἐπὶ συμβουλίου τοῦ Σεβ(αστοῦ) — ‘*ducenarius* in the *consilium Augusti*’. Like Licinius Rufinus, he illustrates the close connection between local eminence and Imperial roles.

2. *Ab epistulis Graecis*. Described in 6 in terms which are not precisely paralleled elsewhere (πράξα[ν]τα τὰς Ἑλληνικὰς ἐπιστολάς, ll. 3–4), this post is well known, not least from Philostratus’ allusions to various sophists of just this period who held it.<sup>26</sup> A bilingual inscription from Ephesus conveniently provides a Latin and a Greek version of the terminology for both this and the fourth of Rufinus’ posts (see under 4 below).

3. Ἐπὶ παιδείας Σεβ. (ll. 4–5). Though there seem to be no bilingual documents formally attesting the equivalence, there is no reason not to accept that this is the Greek for a *studii Aug.*, a title which is quite well attested in the second and third centuries.<sup>27</sup>

4. Ἐπὶ τῶν καθόλου λόγων (ll. 5–6). Both the functions of, and the relevant vocabulary (Latin or Greek) for, the major financial post, or posts, at the emperor’s side are highly unclear. It may suffice to note that there are several different testimonies, literary and epigraphic, using slightly different terminology, for the notion of someone ‘entrusted with’, or ‘over’, οἱ καθόλου λόγοι, ‘the general accounts’.<sup>28</sup> From the later Antonine period an inscription from Ephesus, mentioned above, supplies the parallel terminology, in Latin and Greek, for two of the posts later held by Rufinus: *ab epistulis Graecis et a rationibus Augg./τὸν ἐπὶ τῶν Ἑλληνικῶν ἐπιστολῶν καὶ τῶν καθόλου λόγων τῶν μεγίστων αὐτοκρατόρων* — ‘in charge of the Greek letters and the general accounts of the greatest Emperors’.<sup>29</sup> Whether this term had by now been replaced in Latin by *rationalis* is not important in this context.

5. Ἐπὶ τῶν ἀποκριμάτων (l. 6). As indicated above (p. 96), it is here alone that I would wish to offer a suggestion which is significantly different from that of Herrmann. He proposes as the Latin equivalent *a responsis*, while of course noting (p. 118) that the only (partial) attestation for it belongs to the reign of Claudius — *ad legationes et res[ponsa Graeca]*.<sup>30</sup> The term *apokrimata* is also very rarely attested in the titulature of Imperial ‘secretaries’, and never along with a Latin equivalent. Herrmann duly notes the only two known cases: C. Stertinius Xenophon, also under Claudius, as ἐπὶ τῶν Ἑλληνικῶν ἀποκριμάτων, ‘in charge of the Greek *apokrimata*’;<sup>31</sup> and the report in the *Suda* relating to Dionysius of Alexandria, καὶ ἐπὶ τῶν ἐπιστολῶν καὶ πρεσβειῶν ἐγένετο καὶ ἀποκριμάτων, ‘and he was in charge of the letters and embassies and *apokrimata*’ — some time in the later first or early second century.<sup>32</sup>

Neither of these texts seems to make clear what type of Imperial ‘answer’ or ‘judgement’ was implied by the term *apokrima*, and neither relates to the period with which we are concerned. None the less, I would wish to offer the suggestion that what we are concerned with in Inscription 6 is the post known in Latin as *a libellis*, and later as *magister libellorum*. It must be admitted clearly that no consistent vocabulary

<sup>25</sup> H.-G. Pflaum, *Les carrières procuratoriennes équestres I–III* (1960–1). For a tabulation of the known holders of ‘secretarial’ posts see III, 1019–25.

<sup>26</sup> Philostratus, *Vit. Soph.* 2.5 (Alexander of Seleucia, Cilicia); 2.24 (Antipater of Hierapolis); 2.33 (Aspasius of Ravenna).

<sup>27</sup> Pflaum, op. cit. (n. 25), III, 1022–3.

<sup>28</sup> Pflaum, op. cit. (n. 25), III, 1019.

<sup>29</sup> *ILS*, no. 1344; *I.K. Ephesos* III, no. 651 (Ti. Claudius Vibianus Tertullus, *PIR*<sup>2</sup> C 1049).

<sup>30</sup> *I.K. Ephesos* VII.1, no. 3042, l. 11 (Ti. Claudius Balbillus, Pflaum, op. cit. (n. 25), no. 15).

<sup>31</sup> *Syll.*<sup>3</sup>, no. 804 (Pflaum, op. cit. (n. 25), no. 16).

<sup>32</sup> *Suda*, s.v. Διονύσιος, ed. Adler, vol. II, pp. 109–10 (Pflaum, op. cit. (n. 25), no. 46).

describing this function in Greek can be derived from our sources.<sup>33</sup> What seems to be the post in question is recorded in Greek in the inscription of M. Aurelius Papirius Dionysius, found in Rome, as ἐπι βιβλειδίω[ν] και διαγνώσεων τοῦ Σεβαστοῦ, ‘in charge of (the) *libelli* and judicial hearings of the Emperor’ (apparently from early in Commodus’ reign),<sup>34</sup> while Aelius Coeranus (p. 97 above) is described in an inscription from Ephesus as τὴν ἐξή[γησιν] τῶν ἀξιωματῶν πεπισ[τευμένος] — ‘entrusted with the examination of the petitions’.<sup>35</sup> The date is the early years of the third century, and the function was being performed for Caracalla as joint Augustus. Both titles, moreover, relate to the petitions themselves, not to the Imperial answers to them. So also (very inconveniently for the present argument) does what Cassius Dio says in the ‘speech of Maecenas’, when outlining the ‘secretarial’ functions at the emperor’s side which should be performed by *equites*:

Moreover, for your judicial work and your letters, to help you attend to the decrees of the cities and the petitions of private individuals. . . you must have men chosen from the *equites* to be your helpers and assistants.<sup>36</sup>

Similarly, Tryphoninus records a rescript as having been given by Septimius Severus ‘while Papinian was dealing with the *libelli*’.<sup>37</sup>

Unpromising as the ground may look, we will see that contemporary documentation does provide reasons for believing that *apokrimata* was the accepted term, or at least an accepted term, in Greek for replies to personal petitions addressed to the emperor. It is these answers — whether informal statements of the law, or instructions as to appropriate action, or replies to requests — which fill the *Codex* of Justinian, and appear also in other legal texts, and are recorded from time to time on inscriptions and papyri. It is also these which, as assembled in vast numbers in the *Codex*, Honoré has brought to life both as examples of composition in Latin and as specimens of legal reasoning issued in the name of the Emperor. He has also gone further, however, and by comparing the style of sequences of these private rescripts, when rearranged in chronological order, with the style of juristic works as preserved in the *Digest*, has sought to put names to the holders of the office of a *libellis* in particular periods. In the years with which we are concerned, on Honoré’s proposal, the *a libellis* of 194–202 will be Papinian (as in Tryphoninus’ reference, above); that of 203–9 Ulpian; that of 211–13 perhaps Arrius Menander; and that of 223–5 perhaps Herennius Modestinus (see pp. 102–3 below).

#### IV. LICINIUS RUFINUS AS A *LIBELLIS*?

If the last of the ‘secretarial’ offices which Licinius Rufinus held was indeed that of a *libellis*, then we might hypothetically be able to explore another possible instance of a connection between the style of Imperial rescripts and that of a work preserved, if very scappily, in the *Digest*. Even if not, we know already, from the inscriptions listed above, that a man from the Greek city of Thyatira in Lydia was both seen as *iuris peritissimus* and held major ‘secretarial’ posts with the emperor; and we also know that he wrote a juristic work in Latin, the *Regulae*.

In fact, the arguments for identifying *apokrimata* as having been in this period at least an accepted term for Imperial replies to private petitions (*libelli*, ἀξιώματα in Greek) are quite powerful. They consist above all of the heading of the papyrus text of a series of such answers, delivered by Severus and Caracalla over a three-day period in

<sup>33</sup> For a thorough examination of the ambiguity of the vocabulary used in this area, and references to recent bibliography, see J.-P. Coriat, *Le prince législateur: la technique législative des Sévères et les méthodes de création du droit impérial à la fin du Principat* (1997), 81f.

<sup>34</sup> *IGR* I, no. 135 = Moretti, *IGUR* I, no. 59 (Pflaum, op. cit. (n. 25), no. 181).

<sup>35</sup> *I.K. Ephesos* VI, no. 2026 (*PIR*<sup>2</sup> A 161).

<sup>36</sup> Dio 52.33.5: και μέντοι πρὸς τὰς δίκας τὰς τε ἐπιστολάς και τὰ ψηφίσματα τῶν πόλεων τὰς τε τῶν ἰδιωτῶν ἀξιώσεις. . . συνεργούς τέ τινας και ὑπηρέτας ἐκ τῶν ἰππέων ἔχε, Loeb trans., with adjustments.

<sup>37</sup> *Dig.* 20.5.12 *pr.* (Tryphoninus, *libro octavo disputationum*): ‘Rescriptum est ab imperatore libellos agente Papiniano’ (Pflaum, op. cit. (n. 25), no. 220).

Alexandria in March A.D. 200. It is headed: 'In Alexandria, copies of the *apokrimata* posted in the stoa of the gymnasium, year 8, Phamenoth 18 (and then on the two following days)'. Both the form of their promulgation and the nature of the thirteen brief and pointed replies make it certain that these are not letters, but are replies to private petitions (*libelli*).<sup>38</sup> The same usage reappears in court proceedings of the 230s referring to an *apokrima* of the same emperors which had also been posted up in Alexandria in their year 8.<sup>39</sup>

This coherent group of Imperial replies to petitions represents extremely important evidence for the meaning of the term at the beginning of the third century. It should be stressed that *apokrima* is in itself a neutral term, which does not of itself serve to denote a specific form of Imperial reply or decision. Similarly, *rescriptum* (and *rescribere*, *rescripsit*) can be used of replies either in the form of Imperial letters (to office-holders, high-status individuals, the Senate, provincial leagues, or cities) or of the informal replies to petitions (*libelli*, or sometime *preces*) which were posted-up wherever the emperor was, to be copied down by interested parties. Equally, it is clear that the term *apokrima* had been used in the first centuries B.C. and A.D. of replies to embassies from Greek cities.<sup>40</sup> By the early third century, however, the responsibility for such Imperial letters, issued in Greek, rested with the *ab epistulis Graecis*; but this, as Inscription 6 shows, was a post which Rufinus had already held. We know that the post of a *libellis* was prominent among the offices in the emperor's entourage, and that it was held by at least one major jurisconsult, Papinian (and, under the new title of *magister libellorum*, was to be held later by at least one other, Aurelius Arcadius Charisius).<sup>41</sup> We have also seen that the term *apokrima* is applied to the set of Imperial rulings which were unquestionably answers to *libelli*, and which were posted-up in Alexandria in A.D. 200. It is therefore a reasonable hypothesis, though it cannot be more, that the last 'secretarial' post at the emperor's side which Licinius Rufinus held before being adlected to the Senate was that of a *libellis*.

As we have seen (p. 97 above), that adlection probably did not take place until some point in the reign of Severus Alexander (A.D. 222–35). It will be worth a moment's further speculation, to ask if there might be any basis for identifying Rufinus with any of the *a libellis* whose distinctive style Honoré has discerned in this period. It should be stressed that at all stages the argument is speculative: *apokrimata* may not mean *libelli*; the role of the *a libellis* may not have involved the verbal formulation of the brief texts concerned; the procedure of looking for distinctive marks of style may be unsound, particularly when the object is to compare texts of totally different kinds (extensive academic works on the one hand, and concise rulings in the name of the emperor on the other). Furthermore, in many instances, even after the beginning and end of a hypothetical tenure of the post has been determined on the basis of the style of the replies, there may be no reason to suggest any known jurist as the holder.

In the case of Licinius Rufinus the material for comparison is indeed extremely slight. We know of only one juristic work of his, the *Regulae*, probably written under Caracalla (211–17); and we have fairly strong reasons for identifying the last of his 'secretarial' posts as that of a *libellis*, and rather weaker reasons for suggesting that this may have been in the 220s.

<sup>38</sup> This important document, *P. Columbia* no. 123, was originally published by W. L. Westermann and A. A. Schiller, *Apokrimata: Decisions of Septimius Severus on Legal Matters* (1954), and revised by H. C. Youtie and A. A. Schiller, 'Second thoughts on the *Columbia Apokrimata* (*P. Col. 123*)', *Chron. d'Ég.* 30 (1955), 327, whence the standard text, *SB VI*, no. 9526.

<sup>39</sup> *P. Mich.* IX, no. 529, published by E. M. Husseleman, *Papyri from Karanis* (3rd series) (*Michigan Papyri*, Vol. IX) (1971), no. 529 (*SB XIV*, no. 11875). Verso l. 1: [ἐξ ἀποκριμάτων Θεῶν Σεούρου κ[αὶ Ἀντωνίνου]. The text of an *apokrima* follows in ll. 40–52, followed by [πρ]οετέθη ἐν Ἀλεξανδρίᾳ (ἔτους) ἡ Μεχ[εῖρ. . .].

<sup>40</sup> I note only a few examples, based on the computer search kindly carried out for me by Charles Crowther at the Centre for the Study of Ancient Documents in Oxford: *Sardis VII.1*, no. 8, iii, 35; iv, 44; v, 58; x, 105; xi, 25; *I.K. Prusa ad Olympum*, no. 2; J. M. Reynolds, *Aphrodisias and Rome* (1982), no. 8, l. 82; 9, l. 15; *IG VII*, no. 2711, ll. 68, 107; 2712, l. 48.

<sup>41</sup> *Dig.* 1.11.1 *pr.* (Aurelius Arcadius Charisius, *magister libellorum, libro singulari de officio praefecti praetorio*). *PLRE I*, Charisius 2; Honoré, *op. cit.* (n. 19), 156–62, 'Secretary no. 19'. See R. Herzog and P. L. Schmidt, *Restauration und Erneuerung: Die lateinische Literatur von 284 bis 374 n. Chr.* (1989), 69–71.

If Honoré is right, one *a libellis* was in office from October 223 to October 225, and the very numerous replies to *libelli* issued in this period allow an identification of him as Herennius Modestinus.<sup>42</sup> Whether or not this identification can be proved, Modestinus at any rate was a distinctive and important figure.<sup>43</sup> Firstly, Ulpian records that he himself had replied by letter to an enquiry on a legal point made by Herennius Modestinus, *studiosus meus*, writing from Dalmatia (whether this might imply that he was currently occupying a post there need not be decided).<sup>44</sup> Secondly, Modestinus rose at some stage to be Praefectus Vigilum in Rome, in which role he is found as one of a series of Praefecti who issued extempore judgements (*interlocutiones*) in a property case. The issue dragged on, as is explicitly stated, from the year of the consuls of 226 to that of those of 244. Precisely when Modestinus gave his ruling is not clear. But the Roman inscription which records all this thus provides unique testimony at this point, in the form of the actual words spoken by a known Roman juristic writer:<sup>45</sup>

Si quid est iudicatum, habet suam auctoritatem (si est, ut dixi, iudicatum). Interim apud me nullae probationes exhibentur, quibus doceantur fullones inpen[sione]m iu[r]e conveniri.

If any judgement has been given, its authority stands (if, as I say, a judgement has been given). For the moment no proofs are put forward before me by which the *fullones* are shown to be subject to a legitimate demand for payment.

Thirdly, Modestinus was also one of a quite restricted group of jurists who are cited by name in Imperial replies to *libelli*. In 239 Gordian III reminded a petitioner sharply that he had already received a ruling on the same point 'from Modestinus, a jurisconsult of no insignificant *auctoritas*'.<sup>46</sup>

Fourthly, and finally, Modestinus was the author of a considerable body of juristic writing: among other titles, nine books of *Differentiae*, evidently written after 217, single books *De inofficioso testamento*, *De legatis et fideicommissis*, and *De manumissionibus*, and twelve books of *Pandectae*, also written after Caracalla's death. But his most distinctive contribution to Roman legal literature was to write a book in Greek, whose title itself perfectly exemplifies the penetration of Greek by Latin (or pseudo-Latin) loan-words: Παράιτησις ἐπιτροπῆς καὶ κουρατορίας (*On Exemption from tutela and cura*, often labelled simply *De excusationibus*).<sup>47</sup> As with all the other juristic works of the period, it survives only in extracts; but even so these cover some six large pages in Lenel's *Palinnesia*, and show one of the characteristic traits of Severan jurisprudence: repeated reference both to Imperial rulings and to the opinions of other jurists (Paulus, Ulpian, Cervidius Scaevola). It is also very characteristic in treating in parallel, almost without distinction, exemption from *tutela* and *cura* within what we would classify as Roman private law, and exemption from liturgies in provincial cities. It should be recalled that Modestinus, like Licinius Rufinus, was writing in the decades following the moment when the Constitutio Antoniniana had conferred the Roman citizenship, and with it the rules of Roman private law, on (among others) the educated upper classes of the Greek cities. It also incorporates a remarkable series of transliterated Latin, or semi-Latin, words: συνβετεράνος, λεγεωνάριος, ἔξκουσατίονες, καλκουλάτορες.

Whether Herennius Modestinus himself came originally from a Latin- or a Greek-speaking context, it seems impossible to tell. But his example may encourage us to ask what we know of the juristic contribution of Licinius Rufinus. In his case there is no room for doubt that his native city was Thyatira in Lydia, and all of our documentary evidence on his public services and Imperial offices is in Greek. His name, with its anomalous double *praenomen*,<sup>48</sup> may suggest that he descended from an Italian family

<sup>42</sup> Honoré, *op. cit.* (n. 19), 101–7, 'Secretary no. 8'.

<sup>43</sup> For the evidence see *PIR*<sup>2</sup> H 112.

<sup>44</sup> *Dig.* 47.2.52.20.

<sup>45</sup> *CIL* VI, no. 266 (remarkably, not in *ILS*); Riccobono, *FIRA*<sup>2</sup> III, no. 165. The section quoted is ll. 19–23.

<sup>46</sup> *CJ* 3.42.5: 'a non contemnendae auctoritatis iuris consulto'.

<sup>47</sup> Lenel, *op. cit.* (n. 4), I, columns 701–56. The fragments of Modestinus' *De excusationibus*, written in Greek, occupy columns 707–18.

<sup>48</sup> On double *praenomina* in this period see O. Salomies, *Die römischen Vornamen: Studien zur römischen Namengebung* (1987), 414–18.

which had settled there earlier. But his own social origins have to be seen as unambiguously Greek.

The few surviving fragments of his one known work, the *Regulae*, show someone who, like Modestinus, is firmly embedded in the scholastic tradition of Roman jurisprudence. In the seventeen fairly brief fragments he exhibits the same characteristics of Severan jurisprudence as are mentioned above, citing (as we have seen, p. 91) a decision of the current emperor, Caracalla, mentioning an opinion of Iulianus ('Iulianus putat'), referring to the *auctoritas* of Aquilius Gallus, and expressing the view that 'most have considered' ('plerique existimaverunt') that there could be a valid sale of a free man, provided that the parties were ignorant of the fact that he was free. In keeping with the nature of the work as indicated by its title, he shows a strong tendency to lay down basic principles: 'Any institution (of an heir) which was invalid *ab initio* cannot gain validity subsequently (*ex postfacto*)'.<sup>49</sup>

This tendency to state basic principles concisely might be thought to make Rufinus a relatively promising candidate in the context of Honoré's procedure of comparing the verbal, intellectual, and expository styles of juristic works on the one hand and of Imperial replies to petitions on the other, in the hope of identifying the real 'authors' of the latter. That being so, and given the (very hypothetical) chronology suggested above, and *if* the post which Rufinus held was indeed that of a *libellis*, then the first possibility to examine would be 'Secretary no. 9', who on Honoré's view was the successor of Modestinus, and who, it is suggested, held office between March 226 and August 229. If the theory, and the identification of the private rescripts of this period as those of a single person, is correct, then we have 52 or 57 rescripts which (it is proposed) were written by the same man, amounting to some 200 lines of text, compared to the 70 or so lines quoted in the *Digest* as coming from Rufinus' *Regulae*.<sup>50</sup> Both totals are small, especially the second (and above all as compared with the vast bulk of Ulpian's writing). But even these relatively modest figures at least serve to underline the scale of the legal reasoning from this period which survives in the form of private rescripts. Having said that, however, it does not seem possible to detect in these rescripts traces of the (very little known) juristic 'voice' of Licinius Rufinus.

Alternatively, if we accept the hypothesis that Modestinus was a *libellis* in 223–5, we could look at his (hypothetical) predecessor, Honoré's 'Secretary no. 7', who, it is suggested, held office from October 222 to October 223. In his case Honoré (of course writing before there was any reason to identify Licinius Rufinus as one of the *a libellis*) attributed to him 92 or 96 rescripts, and noted that 'a confident note is now sounded, the rescript often beginning with an emphatic statement of the law. . . . Other rescripts open with a pithy statement of principle'.<sup>51</sup>

The body of text thus recovered and reassembled in chronological order is thus quite considerable, amounting to some 300 lines when printed out (see n. 50). Even if it were thought not worth pursuing the question of who was the real 'author' of these replies, they would still represent important evidence for the juristic function performed by, or in the name of, the Emperor in the first part of Severus Alexander's reign, and while Domitius Ulpianus was Praetorian Prefect. Thus a rescript of December 222 lays down that if certain defendants required more strict examination, the provincial governor (*praeses*) 'will take care to send the defendants to Domitius Ulpianus, the *praefectus praetorio* and *parens meus*'.<sup>52</sup> This same rescript exhibits a characteristic feature of the replies of 222–3, namely specific references to rulings by earlier emperors or the Senate, in this case Antoninus Pius.<sup>53</sup>

<sup>49</sup> *Dig.* 50.17.210 (Licinius Rufinus, *libro singulo regularum*): 'Quae ab initio inutilis fuit institutio, ex postfacto convalescere non potest'.

<sup>50</sup> Honoré, *op. cit.* (n. 19), 107–9. Honoré's *Palingnesia* of the rescripts in chronological order can be printed out from the disk supplied with the second edition.

<sup>51</sup> *op. cit.* (n. 19), 98–101. I am very grateful to Tony Honoré for suggesting the identification of Licinius

Rufinus with 'Secretary no. 7', and for discussing the issues with me.

<sup>52</sup> *CJ* 4.65.42.

<sup>53</sup> *cf. e.g.* *CJ* 8.10.2 ('edicto divi Vespasiani et senatus consulto'); 6.50.4 ('divo Hadriano placuit'); 9.23.3 ('Senatus consulto et edicto divi Claudii'); 4.1.2 ('secundum constituta divorum parentum meorum'); 9.22.2 ('divorum parentum meorum rescriptis').

This feature appears also in another reply of December 222, where part of the text is unfortunately corrupt:<sup>54</sup>

*Idem (Imp. Alexander) Eutychiano.* Si † ea lege Chreste † servum, sed naturalem filium venumdedit, ut emptor eum manumitteret, quamvis non est manumissus, ex constitutione divorum Marci et Commodi ad Aufidium Victorinum liber est.

*Imperator Alexander to Eutychianus.* If [. . .] has sold (not?) a slave, but a natural son, on condition that the purchaser will manumit him, even if he has not been manumitted, following the *constitutio* of the Deified Marcus and Commodus to Aufidius Victorinus, he is free.

Whoever wrote this has somewhat compressed the dutiful reference to previous emperors, since Commodus had not been deified. Aufidius Victorinus, however, was an appropriate addressee, Praefectus Urbi in the later 170s and consul II in 183; he is attested in the correspondence of Fronto, on inscriptions, and in three references in the *Digest* to other communications addressed to him by Marcus Aurelius.<sup>55</sup> Once again, we see how profoundly embedded in the Antonine and Severan world the texts of this period collected in Justinian's *Digest* and *Codex* are.

But is there anything beyond the concise and authoritative style revealed in the fragments of Licinius Rufinus' *Regulae* to suggest that he might be 'Secretary no. 7', in office in 222–3? Essentially, these fragments are too few to form a basis for comparisons of intellectual and verbal style. But it may be worth setting out one of them for comparison with the rescript to Eutychianus quoted above. This is an extract from *Regulae* I, included in the *Digest*:<sup>56</sup>

Si duobus heredibus institutis servus liber esse iussus sit, si decem heredibus dederit, ab altero ex heredibus venierit et traditus fuerit, pro parte altero ex heredibus, a quo non venierit, dando pecuniam liber erit.

If, when two heirs have been instituted, it has been laid down (by will) that a slave is to be free, on condition that he gives ten (*aurei*?) to the heirs, but he has been sold and handed over by one of the heirs, by giving money in proportion to the other of the heirs, by whom he has not been sold, he will be free.

The comparison of the two expressions of the law is perhaps suggestive. But it does not seem possible to go beyond that. The identification of this *a libellis* as Licinius Rufinus can be no more than a hypothesis. But if we allow ourselves to entertain this hypothesis, it would follow that Rufinus became *a libellis* some six months after the accession of Severus Alexander, and while Ulpian was Praetorian Prefect. But, while Ulpian was murdered in the summer of 223, Rufinus (on this reconstruction) was rewarded at some point, perhaps in the mid–220s, with adlection to the Senate, though at a surprisingly modest rank, held the praetorship and then a governorship and (it seems) the consulate, and was a member of the twenty-man consular commission which opposed Maximinus in 238.

The latter part of his career thus involved him in quite major convulsions and conflicts. But unless (as is possible) his last equestrian post and his senatorial ones were all compressed into a much shorter period than suggested here — say from the late 220s to the end of the 230s — then we may wonder whether the first four of his important equestrian posts at the emperor's side were held in a continuous sequence, or with intervals — and, in either case, whether the anonymous *Seb (astos)* whom he served was 'Caracalla' (211–17) or Macrinus (217/18) or 'Elagabal' (218–22), or two of these, or all three. This phase too had involved drastic changes and conflicts, not to speak of the fact that the imperial entourage had been continuously absent from Rome from 214, when Caracalla set out to the East, till 219, when the new Emperor Elagabal returned.<sup>57</sup> It is

<sup>54</sup> *CJ* 4.52.2.

<sup>55</sup> *PIR*<sup>2</sup> A 1393.

<sup>56</sup> *Dig.* 40.7.32.

<sup>57</sup> See H. Halfmann, *Itinera Principum* (1986), 223–31.

useless to speculate, and also superfluous, since the intellectual and personal career of Licinius Rufinus is in any case of exceptional interest.

#### V. LEARNING LATIN, STUDYING ROMAN LAW

This paper has been concerned with certain very distinctive external aspects of the complex, and in historical terms extremely important, process by which the upper classes of the Greek East 'became Roman' while 'staying Greek'. The end result of this long evolution was to be a Greek-speaking 'Roman' Empire ruled from Constantinople; and one of its most remarkable products was to be precisely the compilation of that sixth-century sourcebook of extracts of Classical Roman juristic works written (almost entirely) in Latin, the *Digest*.

Inscriptions mirroring the participation of local notables from the Greek cities in the wider Roman world, whether as ambassadors, tax-gatherers, soldiers, equestrian civil or military officials, or senators, have transformed our conceptions of the Empire; and, if viewed collectively, they form a 'literature' which is comparable in significance to the narrative representations of Rome and its history by Greek writers like Plutarch, Appian, or Cassius Dio. Greek inscriptions honouring men who became experts in Roman law form a very significant sub-category within this spectrum of public representations, for they imply the acquisition of a specifically Roman expertise, embodied in a scholastic tradition, and only available in Latin.<sup>58</sup> The study of Roman law by Greek-speakers must thus be seen as an exception — but perhaps an exception proving the general rule — to the wider pattern, emphasized recently by Swain, of a powerful linguistic 'Hellenism' in the age of the Second Sophistic.<sup>59</sup> A fair number of such inscriptions are known, but by their nature they show us no more than externals — for instance one recording the early death of the young man from Cilicia who had been to Berytus to study 'the Ausonian laws'.<sup>60</sup> But we lack almost all evidence of the actual processes involved in learning first Latin and then Roman law. What sort of thing a 'school' of Roman law, whether in Berytus or in Rome itself, really was, also remains obscure. For a start, we would almost certainly be wrong to think of a single 'law-school' at Berytus: the *Expositio totius mundi*, in describing the city as it was in the mid-fourth century, speaks of 'auditoria legum', in the plural.<sup>61</sup> At any rate it is clear that by the end of the third century it was an established pattern for students from the Greek provinces to go to Berytus to pursue Roman law; one well-known example is provided by the *scholastici* from the province of Arabia who were studying there with a view to becoming lawyers, and to whom Diocletian gave a rescript.<sup>62</sup>

At some point, obviously, Greek students of Roman law had to acquire an advanced knowledge of Latin; but our evidence on the teaching and learning of Latin in the Greek provinces is remarkably poor. The closest that we can come, in the context of the learning of Latin by Greek-speakers for use in a legal context, merely provides us with what we might call text-book material. I refer to the *Fragmentum Dositheanum*, which forms part of a compilation of texts made in A.D. 207, and which preserves the parallel bilingual text of a work on the Roman law of manumission. As Honoré's invaluable

<sup>58</sup> For an invaluable study by a Roman lawyer, exploiting this and other non-legal evidence for lawyers under the Empire see the work by Kunkel, op. cit. (n. 7).

<sup>59</sup> S. Swain, *Hellenism and Empire: Language, Classicism and Power in the Greek World, A.D. 50–250* (1996).

<sup>60</sup> *AE* 1972, no. 635. For the date (fourth century)

see J. F. Gilliam, 'A student at Berytus in an inscription from Pamphylia', *ZPE* 13 (1974), 147.

<sup>61</sup> *Expositio totius mundi et gentium*, ed. J. Rougé (Sources Chrétienne 124, 1966), ch. 25.

<sup>62</sup> *CJ* 10.50.1: 'Cum vos adfirmatis liberalibus studiis operam dare, maxime circa professionem iuris, consistendo in civitate Berytorum provinciae Phoenices ...'

study of this text shows, the compilation of which it forms a part was intended to provide material for Greek-speaking students of Latin.<sup>63</sup>

We can come rather closer to the experiences, attitudes, and aspirations which will have marked the career of a man like Licinius Rufinus, who rose through his learning in Roman law to the very heart of the Imperial system, by turning to the autobiographical account of his education by Gregorius from Neocaesarea in Pontus, who was later to be bishop of his native city, to be the subject of a powerful and evocative biography by Gregory of Nyssa, and to achieve lasting fame in the Greek and Russian Orthodox Churches as 'Gregory the Wonderworker'. It was his change of direction, from the pursuit of Roman law to Christianity, by becoming a student of Origen at Caesarea in Syria Palaestina, which was both to give rise to the very important autobiographical record which he left, and to mean that (for present purposes) the record breaks off just when it would have been most illuminating. The narrative comes from the *Address*, the *Prophnetikos (logos)*, in which Gregorius gives thanks to Origen at the end of his studies with him, which seem to have taken place in the 230s.<sup>64</sup> If we suppose that Licinius Rufinus will have been born in about the mid-180s, Gregorius will have been perhaps a quarter of a century younger, born (it is thought) around 212 or 213 (and thus just at the start of Rufinus' career at court, and as a juristic writer).

I have referred to the evidence of Gregorius' *Address* elsewhere,<sup>65</sup> but in this context it is worth spelling it out rather more fully. For there is perhaps no more vivid testimony to the process of acculturation. The account comes from the narration of Gregorius' early experiences, provided as an explanation of how divine providence had brought him from Neocaesarea in Pontus to Caesarea in Syria Palaestina, from where he had intended to go back to Berytus (*Address* 5.48–72).

Gregorius and his brother were born into a pagan family in Neocaesarea, and were educated by their mother after their father's death. Her first plan was that, as youths of good birth, they should study with a rhetor (56). But Gregorius also had a Latin teacher, to whom by divine inspiration there occurred the idea that his pupil should both pursue his Latin studies more ambitiously, and seek to learn law, perhaps with a view to acting as an advocate (57–61):

Ἀλλὰ γὰρ ἄγρυπνος ὢν ὁ θεῖος παιδαγωγὸς καὶ ἀληθῆς κηδεμὼν, οὔτε τῶν οἰκείων διανοουμένων οὔτε καὶ ἐμοῦ αὐτοῦ προθυμουμένου, ἐπήν συμβαλὼν τινὶ τῶν ἐμῶν διδασκάλων, ἄλλως τὴν Ῥωμαίων φωνὴν ἐκπαιδεύειν με πεπιστευμένῳ (οὐχ ὡς ἐπ' ἄκρον ἤξοντα, ὡς δὲ μὴ ἄπειρος εἶην πάντη καὶ τῆσδε τῆς φωνῆς· ἔτυχε δὲ νόμον οὐκ ἄπειρος ὢν)· τοῦτο ἐπὶ νοῦν βαλὼν, προὔτρεψάτό με δι' αὐτοῦ τοῦς Ῥωμαίων ἐκμανθάνειν νόμους . . . ἐπεφθέγγετο δέ τι, ὃ μοι ἀληθέστατα πάντων ἀποβέβηκε· μέγιστον ἔσεσθαί μοι ἐφόδιον (τοῦτο γὰρ τοῦνομα ἐκείνος ὠνόμασεν), εἴτε τις ῥήτωρ τῶν ἐν τοῖς δικαστηρίοις ἀγωνιουμένων, εἴτε καὶ ἄλλος τις εἶναι θελήσαιμι, τὴν μάθησιν τῶν νόμων.

But, unsleeping as he was, my divine pedagogue and true guardian, although my family had not conceived of this idea and nor did I myself have the impulse, inspired one of my teachers, who was in any case entrusted with teaching me the Latin language (not with the idea that I should reach a high level, but so that I should not be entirely ignorant of that language — and he happened to be not unversed in the laws). By putting this idea into his head, (my divine guardian) encouraged me through him to study the Roman laws thoroughly. . . . (My

<sup>63</sup> The parallel Latin and Greek text is to be found twice in G. Goetz, *Corpus Glossariorum Latinorum* III. *Hermeneumata Pseudositheana* (1897), 48–56 and 102–8 (deriving from two separate manuscripts). See A. M. Honoré, 'The «Fragmentum Dositheanum»', *RIDA* 12 (1965), 301.

<sup>64</sup> The best modern treatments of Gregorius' remarkable autobiographical record are to be found in H. Crouzel (ed.), *Grégoire le Thaumaturge, remerciement à Origène, suivi de la lettre d'Origène à Grégoire* (Sources Chrétiennes 148, 1969), whose text is used below, and above all in the review article on this work by J. Modrzejewski (now Méléze-Modrzejewski),

'Grégoire Thaumaturge et le droit romain', *Rev. Hist. Dr. Fr.* 49 (1971), 313. What is said here serves only to bring out in this context the points made by Modrzejewski. For the biographical representation of him by Gregory of Nyssa in the next century see Migne, *PG* 46.893–958, with the study by R. van Dam, 'Hagiography and history: the Life of Gregory Thaumaturgus', *Classical Antiquity* 1 (1982), 272. Note also the very illuminating treatment of Gregory by R. Lane Fox, *Pagans and Christians* (1986), 516f.

<sup>65</sup> For instance in 'Culture grecque et culture latine dans le Haute-Empire: la loi et la foi', in *Les martyrs de Lyon (177)* (1978), 187.

teacher) also added an observation, which turned out in my case the truest of all: the study of the laws would be for me the fullest of travelling-allowances (for this was the word which he used), whether I wished to be one of the rhetors who compete in the courts, or to follow some other way of life.

The way in which the teacher's prediction turned out to be even more accurate than he supposed was that the intention to study the law led Gregorius to set off for Berytus and Caesarea, to which Origen had moved from Alexandria. Berytus was 'a rather more Roman city, and considered as a school of these laws' (πόλις Ῥωμαϊκωτέρα πως, καὶ τῶν νόμων τούτων πιστευθεῖσα παιδευτήριον). Gregorius might have gone to Rome to study, but it was a further accident of circumstances which took him to Berytus instead. For the governor of Palestine (the *legatus* of Syria Palaestina) had taken Gregorius' brother-in-law, the brother of his sister, who was also a jurist (νομικός), as a member of his staff. He was able to send for his wife, and thus it happened that, just when they (apparently also Gregorius' brother) were about to set off (apparently for Rome), a soldier arrived with authority to exact transport services, and with *diplomata* sufficient to cover several people (φέρων ἐξουσίαν πλειόνων τῶν δημοσίων ὀχημάτων τῆς χρήσεως, καὶ σύμβολα πλείονος ἀριθμοῦ ἡμῶν, 69). Thus they travelled to Caesarea, intending then to go the short distance back to Berytus. But in Caesarea they met Origen, and the whole course of their lives changed (62–72).

Few passages in our evidence give a better impression of the educational presuppositions of the possessing classes in the Greek East, or of the wider prospects which the Roman Empire offered to them. One could stay at home as an educated local landowner, act as an advocate in the courts, join the staff of a provincial governor, learn Latin, whether to a modest or more profound level, or enter the Imperial service as an *eques* or a senator. But there were also now two further possibilities. One had been, in Gregorius' case, quite unexpected: to study with a famous Christian teacher, to become a Christian, and to return home to be a bishop. The other was visualized as a new and challenging direction for intellectual endeavour: the advanced study of Roman law, whether in Berytus or in Rome itself. It is in fact earlier in his *Address* that Gregorius provides a representation of Roman law as a field of study. He begins from the reflection that constant practice in verbal expression is necessary for fluency. But it was another matter when it came to the Roman laws, which were written in Latin:<sup>66</sup>

〈οὐ μὴν〉 δὲ ἀλλὰ καὶ γε τὸν νοῦν ἕτερόν τι μάθημα δεινῶς ἐπιλαμβάνει, καὶ τὸ στόμα συνδέει 〈καὶ τὴν γλ(ῶ)τ-ταν, εἴ τι καὶ μικρὸν εἰπεῖν τῇ Ἑλλήνων ἐβελήσαιμι φωνῇ, οἱ θαυμαστοὶ ἡμῶν 〈νόμοι, οἷς νῦν τὰ πάντων τῶν ὑπὸ τὴν Ῥωμαίων ἀρχὴν ἀνθρώπων κατευθύνεται πράγματα, 〈οὔτε〉 συγκείμενοι οὔτε καὶ ἐκμανθανόμενοι ἀταλαιπώρως· ὄντες μὲν αὐτοὶ σο(φ)οὶ τε 〈καὶ ἀκρ〉ιβεῖς καὶ ποικίλοι καὶ θαυμαστοὶ, καὶ συνελόντα εἰπεῖν Ἑλληνικώτατοι· ἐκφρασθέντες 〈δὲ καὶ〉 παραδοθέντες τῇ Ῥωμαίων φωνῇ, καταπληκτικῇ μὲν καὶ ἀλαζόνι καὶ συσχηματιζομένη 〈πάσῃ〉 τῇ ἐξουσίᾳ τῇ βασιλικῇ, φορτικῇ δὲ ὁμῶς ἐμοί.

On the contrary, a quite different form of study takes a terrible grip on my mind, and binds my mouth and my tongue, if ever I wish to say the least thing in the Greek language — our admirable laws, by which the affairs of all those who are under the rule of the Romans are regulated, which can neither be composed nor studied thoroughly without great labour, being as they are wise and accurate and varied and admirable, and in a word most Hellenic, but expressed and transmitted in the language of the Romans, which is impressive and pretentious and wholly suited to the Imperial power — but none the less burdensome for me.

Gregorius appears to mean, in the course of a quite complex train of thought, both that the study of juristic texts in Latin was hard work, though (or because) their intellectual

<sup>66</sup> *Address* 1.6–7. As will be seen, the text in this section is very defective. I have simply followed Crouzel's text, op. cit. (n. 64), adopted by Modrzejew-

ski, op. cit. (n. 64), 317, except that in the second line as printed I have followed the suggestion (Crouzel, 97, n. 4) to add καὶ after συνδέει.

content was at a high — even positively ‘Hellenic’ — level, and also that the attempt to convert this material into Greek caused acute problems of expression. It is of some interest that the latter thought is reflected also in the dedicatory letter which Herennius Modestinus placed at the beginning of his *De excusationibus* (p. 102 above), and which — quite against the theoretical intentions of Justinian’s grandiose project — was to be preserved verbatim in the *Digest*.<sup>67</sup>

Herennius Modestinus to Egnatius Dexter. Having composed a work of, it seems to me, the greatest usefulness, which I have entitled *Exemption from tutela and cura*, I have sent it to you. I will, so far as I am able, make the exposition of these matters clear, expressing the legal rules in the language of the Greeks, even though I know that they are regarded as hard to express when subjected to such transformations.

When Gregorius was composing his *Address*, it is likely that Licinius Rufinus will already have reached the summit of senatorial status and influence at Rome, as *consularis* and *amicus Caesaris*. Gregorius’ words may remind us of how arduous and challenging an intellectual journey it was for citizens of Greek cities to master both Latin and Roman law, and then to enter the Imperial service, and even, in Rufinus’ case, to contribute a work to the corpus of juristic writing in Latin. The inscriptions from Beroea and Thessalonica record between them the role as advocate, and the expertise in Roman law, which could be attributed to a Greek. But it is those from Thyatira which both provide the fullest representation, through the medium of Greek honorific vocabulary, of Rufinus’ remarkable Roman career, as *eques* and then senator, but which also assert most emphatically his services to his native city and his fellow-citizens.

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<sup>67</sup> *Dig.* 27.1.1 *pr.* (Modestinus *libro primo excusationum*): Ἐρέννιος Μοδεστίνος Ἐγνατίῳ Δέξτρῳ. Συγγράψας σύγγραμμα, ὡς ἔμοι δοκεῖ, χρησιμώτατον, ὅπερ παραίτησιν ἐπιτροπῆς καὶ κουρατορίας ἀνόμασα, τοῦτό σοι πέπομφα. Ποιήσομαι δὲ ὡς ἂν οἶός τε ὦ τὴν περὶ τούτων διδασκαλίαν σαφῆ, ἀφηγοῦμενος τὰ νόμι-

μα τῆ τῶν Ἑλλήνων φωνῆ, εἰ καὶ οἶδα δύσφραστα αὐτὰ νομιζόμενα πρὸς τὰς τοιαύτας μεταβολάς. My translation is tentative, and differs somewhat from that in Alan Watson (ed.), *The Digest of Justinian II* (1985), 781.