

Socrates or Plato, or which, if they did, they were not able to agree on the answer, gives way in C.'s book to a study of the accounts, whether poetic or not, on which the Greeks based their perception of their past. Whether or not we agree with all the points which C. puts forward, the lucidity of his arguments and the answers he provides to many of the problems posed by Greek literary tradition cannot be denied. And this, moreover, in such an area as the foundation of the Greek colonies, for which, in many cases—including Cyrene—there are other kinds of evidence available that are more in accordance with our way of viewing the past, which illustrate another kind of history.

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Corcoran, Simon J. J., *The Empire of the Tetrarchs: Imperial Pronouncements and Government, AD 284–324*. Oxford: Clarendon Press, 1996. Pp. 406. \$85. ISBN 0-19-814984-0.

Those who fail to pay attention to the subtitle of Simon C[orcoran]'s book might be initially perplexed by its content. For this is no straightforwardly analytical narrative of the empire of Diocletian, his colleagues and immediate successors. What it is, in fact, is an unashamedly technical monograph on the nature of the rule—*imperium* (empire) in the sense of governing authority—as developed under that system of collegiate government, instituted by Diocletian, which modern scholars term the Tetrarchy. In fact C. extends his coverage beyond the narrow confines of the period of the classic Tetrarchy, in which there were exactly four emperors, to encompass the whole of Diocletian's reign from his accession in A.D. 284 right down until Constantine's defeat and deposition of his imperial colleague, Licinius, in 324. This only incidentally makes a neat period of forty years; for the periodisation, far from being arbitrary, accurately underscores C.'s vision of the essence of the tetrarchic government: the collegiate rule, within a defined hierarchy, of two or more emperors unconnected by immediate consanguinity. This latter criterion needs to be stressed because it should be remembered that imperial colleges were no Diocletianic innovation. Diocletian himself succeeded immediately upon the unravelling of the previous college of Carus, Carinus and Numerian. Moreover collegiate rule was not extinguished in 324 but rather reverted to the earlier dynastic pattern. Of course, even within the bounds of C.'s treatment, Constantine is a partial exception, being the son of one of the original Tetrarchs, but while he still shared power with Licinius the principle of Diocletian's Tetrarchy was not dead.

C.'s subject is not so much why was there a Tetrarchy but how did it operate; crucially how did the various members of the imperial college interact, given the novelty of this relationship? As indicated by his subtitle

C.'s raw material is the legal output of the imperial regime, which across this period is diverse in terms of both source and genre. For the period 284–295 private rescripts (replies to petitions) originally collected in the Gregorian and Hermogenianic Codices, and surviving through incorporation in the *Codex Iustinianus* provide the bulk of the material, while for the period from roughly 313 onwards it is the public edicts and letters to officials collected in the *Codex Theodosianus* that predominate. The gap left is largely filled, somewhat fortuitously, by the most notorious edicts of the tetrarchic period relating to the currency, maximum prices and the persecution and toleration of Christianity, known to us from literary and epigraphic sources. It is one of the major strengths of C.'s book that these often well-known but disparate materials are considered together in a single study.

Accordingly, after the first two chapters which serve as an introduction to the nature of the materials and how they came to be in the form(s) in which they now appear, the bulk of C.'s book comprises what might be termed catalogue chapters (chaps. 3–8), the first three of which deal with the Diocletianic rescripts, their composers and their recipients. In these, without giving full texts or translations (which would have made his text unnecessarily long and are in any case usually available elsewhere), C. comments on the content and context of each imperial pronouncement, helpfully citing and translating relevant passages. In only one instance—a point relying on comparison of the wording of rescripts of Antoninus Pius and Diocletian (66)—did the reviewer regret the absence of quotation of the originals.

Chapter 3 provides a clear and succinct description of the nature of private rescripts and the working of the rescript system in general. As C. points out, as imperial pronouncements rescripts potentially had the force of law but only for certain in the specific case to which they applied, and only then if the assertions of the petitioner turned out to be true; hence their conditional phrasing. For, without the assertions of all parties involved, the emperor could not presume the petitioner to be telling the truth and so the rescripts do not represent the emperor delivering sentence (61). Moreover, the emperors were aware that rescripts might be cited as an indication of the imperial view on a particular legal point; and, as C. points out, they did give negative replies to rescripts. They were clearly not locked into the beneficial ideology to the extent that they were tempted to give replies contrary to *ius*. Indeed, if exercising their power as founts of law to override established practice, this was done by means of appended *adnotationes*, which were specific exemptions in a single instance which could not subsequently be cited as precedents (55–57). Of course, rescripts did occasionally contain interpretations which represented a deviation from *vetus ius* but, as C. points out in a later chapter (276–77), Constantine conceded the illegality of his own rescripts should they prove to be *contra ius*, though what exactly constituted *vetus ius* was always a subjective judgement.

Chapter 4 is essentially an extended critique of Tony Honoré's stylistic analysis (*Emperors and Lawyers*, 2nd ed., Oxford 1994) aimed at establishing the reality of Maximian's legal authority to issue rescripts (*contra*

Mommsen, who argued that only the senior Augustus had that right) and at clarifying the details of the career of Aurelius Hermogenianus (creator of the eponymous *Codex*) and his influence as *magister libellorum*, and later *epistularum*, on the form of imperial pronouncements. The only thing that one might add to C.'s reconstruction of Hermogenian's career is the possibility that his praetorian prefecture to Diocletian was followed by adlection to the senate and a term as proconsul of Asia.<sup>1</sup> While accepting some of Mommsen's emendations to eastern places of issue (and thus Diocletianic authorship), C. builds up a sizeable corpus of rescripts which must have emanated independently from Maximian as Augustus, and one even possibly as Caesar (C.'s No. 1, p. 78); though whether Maximian's initial position was exactly akin to that of the later tetrarchic Caesars in terms of legal *imperium* must remain doubtful.

In Chapter 5 C. examines the types of person who were the recipients of rescripts and, therefore, had been able to attract the attention of the emperor for their petition. C. notes that petitioners seem overwhelmingly to be private citizens (119) and that most rescripts are related to litigation concerned with money and property but that since the rescripts give no figures for amounts involved it is hard to estimate how far down the socio-economic scale any petitioner might be (111–14). There seems unsurprisingly to be some correlation between ability to deliver a petition and proximity to the peripatetic court but there are, more interestingly, examples of petitioners travelling considerable distances (e.g., Rome to Sirmium) in inhospitable seasons. Although C. does not venture an explanation, this phenomenon might result from the greater likelihood of finding the court in one location for an extended period during the less active winter months. The incidental glimpses of social history afforded by C.'s survey of the private rescripts is one of the delights of his book.<sup>2</sup>

Chapter 6 presents a catalogue of imperial letters (*epistulae*) up to A.D. 314 (continued to 324 by Appendix D), where C.'s main purpose is to sift out from the bulk of private rescript material those which were addressed to public bodies or government officials in their public capacity, which, given the abbreviation of the *Codex Iustinianus* texts, are not always readily distinguishable (163–64). In Chapter 7, C. catalogues those imperial

pronouncements which he classifies as edicts rather than letters.<sup>1</sup> These are generally to be distinguished by their open addresses (e.g., *ad populum*, *ad Afros*, *ad universos provinciales*, etc.) or introduction as a bald statement of the law by the emperors with the appropriate part of *dicere*. Since edicts were perforce transmitted as letters to all but those addressed in their place of issue, contemporary terminology can seem technically inexact (alternating between *edictum* and *epistula/litterae*) to the legally-minded modern scholar, and the most significant part of this chapter is C.'s discussion of the interrelation of *edicta* and *epistulae* as symptoms of *leges* (198–203). C. detects (202) 'a shift in the direction of government. No longer is it just a matter of "petition and response", even though that itself may generate more than a single imperial document. Whatever may prompt a particular act of legislation, it is now issued and promulgated in an active fashion.' In conclusion he argues that the main criterion of distinction between the contents of his Chapters 6 and 7 should be that the latter are pronouncements (whether formally letters or edicts) that form part of a general enactment, while the former are letters which were issued as rescripts to officials.

C. devotes Chapter 8 to a detailed examination of the famous Prices Edict of A.D. 301, not only to discuss the reasons for its promulgation and the practicalities of its compilation but also to analyse it as a test case of the limits of the effectiveness of tetrarchic government. The preamble is, of course, the classic demonstration of the Tetrarchs' self-image as *parentes generis nostri* anxious to emphasise the *providentia* which has led them to the promulgation of this legislation, a theme which C. picks out (246, cf. 325) as running through many tetrarchic acts. C. discusses the relationship between the Prices Edict and the Currency Decree, known only from a fragmentary copy from Aphrodisias, and argues for a considerable period of gestation, which would date its genesis to the period of the court's residence in Antioch. C. goes on (215–225), to my mind quite persuasively, to relate the price lists of the Edict to an Antiochene setting—illuminated by the parallel with Julian's later sojourn and actions in the same city—contra Richard Duncan-Jones and Keith Hopkins (221 n. 81) who prefer Nicomedia. On the question of the application of the Edict and its practical effectiveness, the mediating role of the provincial governors (which C. proceeds to examine in Chapter 9) and local civic officials is revealed as a key one in several respects. For, although the Edict is known from epigraphic examples from almost forty different locations, these can be attributed to as few as four provinces (taking the Samos and Odessos fragments to be of Carian, and the Pettorano fragment of Achaean, origin), all from within Diocletian's own sphere of authority, and none from either Syria or Bithynia, so that their

<sup>1</sup> *CIL* III.7069 Ilium, lines 5–6: [A]ur. Hermoge[nianus? | pro]consul [Asiae]. The career of one of his recent predecessors as praetorian prefect, T. Cl. Aur. Aristobulus, cos. 285, procos. Africae 290–94, provides a strong parallel. If this is correct, then one ought to demote *CJ* 8.46.6 of A.D. 288, addressed 'Hermogeni', from C.'s catalogue of imperial letters (Chap. 6, No. 5) to the status of a private rescript, since there is nothing in its content to keep it there (cf. *CJ* 10.54.1 of 293/94, addressed to an athlete Hermogenes).

<sup>2</sup> For example, C.'s treatment of female petitioners, which reveals that they account for something like a quarter of recipients of Diocletianic rescripts, indicating a level of legal activity belying juristic notions of their infirmity of mind (105–7).

<sup>1</sup> In relation to the corpus formed by C.'s Chapters 6 and 7 should now be noted D. Feissel's corpus of tetrarchic constitutions known from epigraphy published in *Antiquité Tardive* 3 (1995), with significant supplement in *AnTard* 4 (1996) of the Ephesian fragments of Galerius' edict *de Caesarianis* of 305 and the edict *de accusationibus* (C.'s Chap. 7, Nos 18 and 35 respectively), showing them to have been inscribed together.

distribution cannot be a factor in the argument over the location of its composition (230). This pattern may reflect the initiative of individual governors, in deciding that the Edict should be published in a durable rather than a perishable medium (245–47), rather than any centrally-intended lack of universality in its application. In the absence of inscribed copies with western provenances we cannot make any firm conclusions as to whether Diocletian was able to secure its effective promulgation there by his fellow emperors, but what we do know about Maximinus' less than whole-hearted cooperation in the case of Galerius' edict of toleration (231, 250–51), might lead us to suspect that the Edict's empire-wide application might depend on colleagues lending their active rather than simply passive support to the measure. This might be interpreted as a sign of either an inherent weakness of or desirable flexibility in tetrarchic government. The enthusiasm of the provincial governor or civic officials, or lack thereof, were not then always the only filters between legislator and subject, though, perhaps, still the crucial ones for the public reception of tetrarchic legislation. The new legislative aggressiveness of the tetrarchic regime meant the confrontation of the provincials of even the Greek East with the imperial will in its original Latin formulation, with the obvious problem of practicality that presents. On three occasions translations of imperial edicts were inscribed in Achaëa,<sup>1</sup> and C. rightly emphasises the significance of Fulvius Asticus, governor of Phrygia-Caria, prefacing the Prices Edict with his own explanatory edict in Greek, from which the majority would no doubt have derived their knowledge of the legislation. The fact that Asticus' edict fundamentally misunderstands Diocletian's purpose (interpreting the list as of fixed and fair rather than maximum prices) brings home the limits of effectiveness in application of the imperial will. If this case were typical of the general reception of the Edict, then its rapid and utter failure is readily understandable. C. concludes that both the Prices Edict and the various anti-Christian measures exemplify the extent to which the legislative ambitions of the central authority had come to outstrip the capacity of the machinery of the state to enforce the imperial will (233, 252). Nevertheless the official rhetoric of imperial letters to their subordinates is indicative of the level of obedience they expected. C.'s analysis in Appendix F reveals that, after *tua gravitas, tua dicatio* is the second most common form of abstract address (with its quasi-synonym *devotio* a close third). That Constantine used *devotio* of himself in relationship to God is very telling of how the emperors envisaged their own relationship vis-à-vis their officials.

<sup>1</sup> There are two separate translations of the tariff list from the Prices Edict of 301 and one of Galerius' *de Caesarianis* of 305. C. favours the opinion that the clustering of these translations may reflect the attitude of the same governor (246), but the existence of separate translations of the Prices Edict suggests municipal initiative, as seen at Ephesus in the case of the imperial letter to the proconsul Festus in 372/5 (Bruns, *Fontes* [7th ed.], No 97a–b), rather than gubernatorial directive. The need for translation may have been more acute in Achaëa than elsewhere given the low level of exposure to Latin there.

In Chapter 10, C. examines the personal role of the emperor in the judgement of cases and composition of laws with the advice of the *consilium*. This reveals the tetrarchic court still to have been open and willing to give audience to the public and not as aloof and removed as might be supposed. C. devotes an entire section (263–65) to discussion of one particular text of Constantine, the *Oratio ad sanctos*, as a test-case of personal composition by an emperor rather than something composed for him; though I feel he misses an opportunity to tie it into a more general examination of the "authentic voice" in tetrarchic legislation. In this respect C. had commented earlier (159, cf. 321) on the significant paradox involved in the fact that in the one definitely joint composition of the tetrarchic period, the so-called Edict of Milan, the two authors explicitly identify themselves individually: *ego Constantinus Augustus ... ego Licinius Augustus*.

The subject of Chapter 11 is broader than its title ('The Power of Lesser Tetrarchs') would lead one to expect. It is here that C. becomes explicit as to his vision of the relationships of authority between members of the tetrarchic colleges. C. argues against the position of Mommsen and Seeck that the senior Augustus possessed a monopoly of legislative authority on two grounds: firstly that a small number of rescripts can be confidently assigned to an authority other than the senior Augustus and, secondly, on the principle that the 'point of having multiple rulers ceases, if only the senior retains any real power' (270). C.'s line of thought here is very close to that expressed in the recent work of Michael Peachin on delegation of judicial authority in the earlier third century (*Iudex vice Caesaris*, Stuttgart 1996). C. argues against the concept of a fixed division of territory between each Augustus and his dependent Caesar, and the location of some petitioners to Diocletian (116) suggests that it would also be anachronistic to think in terms of a hard East-West division between the Augusti. Consequently C. is surely right to argue (273 n. 42) against Frank Kolb's assertion that the silence of the Beatty Panopolis papyri on the supposed *dies imperii* of Maximian on 13 December can be explained away as the result of presuming a "western" event to have been ignored in an Egyptian context, since this is an utterly anachronistic concept. However, unity of the *imperium* does not entail concentration of legal *imperium* in the person of the senior Augustus, since C. demonstrates beyond any real doubt that Maximian as Augustus and even as Caesar possessed the right to issue rescripts in reply to petitions (*ius respondendi*). C. finds it less easy to refute Mommsen's thesis in relation to the Caesars of the fully developed Tetrarchy but can point to some suggestive examples (272–73).<sup>1</sup> On the other hand C. does not argue that any of the surviving general edicts originates from a tetrarchic Caesar. Nor, with the exception of a sole rescript to a government official (a letter of

<sup>1</sup> And one might plausibly add *CJ* 6.20.14 of 23 Feb. 295 (cf. No. 10 of C.'s western rescript catalogue, p. 80) to Constantius' total, since the unidentified 'Trimontium' of the subscription is equally as likely to be in Gaul as in Thrace (Mommsen) or Bithynia (Barnes, *New Empire*, 54 n. 33).

Maximinus as Caesar in 305, cf. p. 143), is it possible to identify anything but private rescripts emanating from any emperor other than the senior Augustus before the breakdown of the classic tetrarchic arrangement in 306. It ought to be noted, however, that, in the absence of a recorded place of issue or other external evidence, the collegiality of official protocols effectively masked the specific identity of the author. Even within the body of the text collegiate plurals were sometimes employed to the detriment of clarity, though when a specific emperor is meant a specific singular is generally used, as C.'s Appendix E demonstrates. Nevertheless, the reader needs to bear this official collegiality in mind throughout C.'s extended discussion of possible legislation of Licinius surviving behind attribution to his senior colleague Constantine, which largely reprises the author's earlier chapter in J. D. Harries and I. N. Wood (edd.), *The Theodosian Code* (London 1993). Most persuasive of these identifications is C.'s attribution (288–91, cf. 190–91) to Licinius of the edict *de accusationibus* (already proposed by Tim Barnes in *The New Empire of Diocletian and Constantine*, Cambridge Mass. 1982). At times the evidence does seem to be contradictory; it might then be worth considering that, when the collegiate arrangement was working properly, one would expect each of the two Augusti to promulgate (or imitate as necessary) general edicts issued in the other's realm.

In his chapter of conclusion C. draws attention to the erosion of the distinction between *epistulae* and edicts as a symptom of the increasing tendency under the Tetrarchs for unsolicited missives to be sent to officials and the general population, which necessitated the production of *apologia* to justify their actions and demonstrate their essential righteousness and *providentia*. Hence the development of the official rhetorical style so associated with the later Roman period which sometimes risked obfuscating the legislator's intent. But C. stresses that the mere fact of Gregorius' and Hermogenian's collecting of predominantly private rescripts, compared with the Theodosian compilers' emphasis on general pronouncements, produces a partly artificial contrast between the nature of imperial legislative activity before A.D. 295 and after 312. In juxtaposing in a single treatment *CJ* and *CTh* material, as well as bridging the gap in between, C. has been enabled more easily to break free from the editorial confines of both. For example, C. illustrates from Constantine's entanglement with the Donatist controversy in the African Church how much more fourth-century legislative material than we can tell from the edited versions we now possess was probably reactive (168–69, cf. 293). Nevertheless, the Tetrarchs did see a high level of interventionism as lying within their *imperium*, and C. points out that, despite the failure of the Prices Edict and Christian persecution, tetrarchic emperors (including Constantine) failed to recognise the limits of their effectiveness but rather blamed these failures on a lack of piety or divine favour. '[T]he effective reach of government was crucially limited by lack of the necessary machinery to control either officials or the population at large.' One might add that the price of devolution of political power entailed by the Tetrarchy was the dilution of the single political centre, which might have more successfully effected these measures.

Aside from these main conclusions it is easy to lose sight of the many important insights C. offers into contingent questions in the wealth of detail both pertinent and incidental which characterizes this monograph. One such example is his discussion of rescripts in the *Codex Theodosianus* (163–67); another his discussion of *CJ* 3.11.1 as revealing the perspective of the imperial court as unequivocally no longer Italo-centric (172); and again his important conclusions on the nature of legislative competence and *imperium* within the tetrarchic system à propos the edict *ad Bithynos* of 317 (283–84). Throughout C. exhibits a (commendable) distaste for emendation of his source material and is notably cautious when he does venture to do so (e.g., on *CJ* 1.13.1, p. 307). On the aesthetic side, the book has clearly been proof-read to a very high standard, typographic errors being very few and far between.<sup>1</sup> The overall impression is only marred by the embarrassing 'Literare [sic] Humaniores' appearing on the half-title, for which the author can bear no blame. In sum, although serving as a work of reference as much as of synthesis (being equipped with a very helpful *index locorum*), readers who are not put off by its openly technical nature (exemplified by the presence of eight appendices) will be repaid by a book which offers more than the subtitle initially promises.

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Dunn, Francis M., *Tragedy's End: Closure and Innovation in Euripidean Drama*. Oxford: Oxford University Press, 1996. Pp. viii, 252. \$47.50. ISBN 0-19-508344-X.

Francis Dunn's book (developed from his Yale doctoral dissertation) addresses the currently lively critical topic of poetic closure, arguing that we can see an increasingly radical open-endedness in Euripides' dramas, and that this reflects an increasing reluctance on the poet's part to adhere to a simple and consistent tragic patterning of human experience. In his introductory chapter D. stresses that tragic closure as such is artificial, for in bringing events and emotions to a point of equilibrium and apparent understanding the playwright or story-teller must eliminate loose ends and consequences so as to create an air of completeness. Chapters 2–5 then provide a basis for analysis through a survey of the ways in which Euripidean drama purports to signal closure: the chorus's mannered closing anapaests with their generalising morals and (sometimes) prayer for victory; *dei ex machina*, whose claims to authority and efficacy are stressed by formal means but may be undercut by their very formality and by the gods' remoteness from the

<sup>1</sup> I have noticed only a misplaced hyphen on p. 65, line 22 ('for-mer' within line 22), an errant cross-reference on p. 189 (which should be to letter catalogue No. 66 rather than 65) and the omission of 'to' before 'write' on p. 242, line 13.