



The Empire of the Tetrarchs: Imperial Pronouncements and Government, A.D. 284-324 by S. J. J. Corcoran

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S. J. J. CORCORAN, *THE EMPIRE OF THE TETRARCHS: IMPERIAL PRONOUNCEMENTS AND GOVERNMENT, AD 284-324* (Revised edition). Oxford: Clarendon Press, 2000. Pp. xvii + 421. ISBN 0-19-815304-x. £18.99.

Described as 'a serious book on a serious subject' by one reviewer of the original edition (W. Turpin in *JRA* 11 (1998), 656), it is heartening that within four years of its appearance Corcoran's unapologetically technical book has met the publisher's commercial criteria for transfer from cloth to paperback. Besides the correction of typographical errors, this re-edition is brought up to date by the inclusion of an appendix comprising twenty-seven additional notes, as well as a supplementary bibliography (343-56). These addenda incorporate not only revised opinions and further thoughts on issues that remain controversial but also introduce new material. Since these additions do on occasion have the potential to add substantially to the author's original conclusions on specific points, it is helpful that, although gathered in an appendix, they are clearly signalled in the main text by asterisks. Having already delivered my verdict on the first edition in *BMCR* 97.8.4, I shall briefly summarize the content and argument of the main text before focusing on the addenda.

As the book's subtitle indicates, C.'s subject is the nature and style of imperial government under the system of collegiate rule developed by Diocletian, approached through an analysis of the regime's public pronouncements. The chronological termini of C.'s study might at first seem slightly odd but are justified by the fact that, although as a tidy system of four rulers Diocletian's system collapsed in A.D. 306, the essence of the system was not entirely dead until Licinius' deposition in 324. For, while collegiate rule was not a novelty in A.D. 284, by not being based primarily on natural or adoptive familial relationships, Diocletian's tetrarchy (the short-lived and ill-fated experiment of A.D. 238 aside) was a new departure. Hence, one of the issues C. investigates is exactly how the powers of Augusti and Caesares were related, as evidenced by the legal material. However, since imperial pronouncements that survive in their original form claim the collective authorship of all members of the imperial college, determining their relative levels of legislative competence is not a straightforward matter. A major strength of the book is C.'s treatment of the period A.D. 284 to 324 as a unity, thus straddling a period of significant discontinuity in the type of legal pronouncement that forms the material of his analysis. In terms of the textbook collections of Roman law the period up to c. A.D. 295 is dominated by private rescripts (replies to petitions) but that from c. A.D. 313 onwards by edicts and letters to public officials. The gap in between almost exactly coincides with the most significant concentration of imperial edicts and letters known from epigraphic and ecclesiastical sources, including the most notorious concerning maximum prices and the persecution of Christianity.

C. opens with a consideration of the Gregorian and Hermogenianic Codes that preserved the rescript material. Although credited to private individuals, these C. sees as reflecting imperial initiative to clarify the state of the law. The bulk of the book is then given over to cataloguing the imperial pronouncements according to their genre (chs 3-8). After analysing the working of the system of petition and response that produced the rescripts, C. discusses their authors (building on the work of Tony Honoré) and their recipients. C. argues (against the view of Mommsen) that the legal authority to issue rescripts was not restricted solely to the senior Augustus. He supports this

with a sizeable corpus of rescripts that must have emanated independently from Maximian. C.'s analysis of recipients demonstrates that the vast majority are private citizens who have concerns relating to money and property, a pattern consistent for this material in previous eras. The treatment of public pronouncements opens with a catalogue of imperial letters up to A.D. 314 (continued to 324 by Appendix D). This is followed by edicts (distinguishable, for instance, by their open addresses, such as *ad populum*), though the tendency of contemporary usage to employ *edictum* and *epistula/litterae* apparently indiscriminately is a complicating factor. In fact C. stresses the interrelation of the two genres as often reflecting different aspects of a single legal initiative (198–203). C. detects a shift from reactive legislation to a more comprehensive programme of legal action involving more than one pronouncement. There follows a chapter devoted to a detailed examination of one such instance: the legislation on the valuation of currency and on maximum prices of A.D. 301. This forms a test-case for the limits of effectiveness of tetrarchic government, with somewhat negative results. The ability of the government to exert its will by remote control may have been limited but, as demonstrated in ch. 10, the tetrarchic courts were still very much venues for the hearing of cases in person and not as aloof as might be supposed. C.'s treatment is rounded off with an extensive argument of his view on the powers of the lesser tetrarchs and, consequently, an exercise in reclamation of those laws of Licinius that have become subsumed amongst Constantine's total.

Following C.'s concluding remarks and eight appendices on technical aspects, are now to be found his additional notes. As well as references to more recent editions and studies, further material is provided concerning the debate on Maximian's powers, the identification of rescript writers, and Diocletian's moral outlook. For, while C. reports that others' recent work has reattributed one imperial letter to beyond the limits of his study (346), C. is able to add a further item to the catalogue (345–6): a 'lost' constitution forbidding the offspring of incestuous marriages from acting in court as judges or advocates and from taking up any public offices, except, if necessary, provincial administrative and municipal duties. Transgression is to be considered sacrilege. Although known from a handful of Justinian Code epitome manuscripts (but oddly placed and attributed to Justinian), this text had been considered suspect by Paul Krüger, editor of the standard edition of the Code. However on the basis of its separate attestation in a thirteenth-century canon law miscellany, C. has argued at length elsewhere (*The Journal of Legal History* 21.2 (2000), 1–34) for its authenticity as a Justinian Code text and for the reliability of that manuscript's attribution of the law to Diocletian and Maximian (probably c. A.D. 290). Its tenor certainly accords with the image of Diocletian as concerned with upholding Roman morals where they might conflict with a particular provincial practice.

Next C. extends his discussion of imperially-directed land surveys with a round-up of the epigraphic evidence not just from Syria but from Asia Minor and the Aegean islands too (346–7). However, following the recent work of Denis Feissel on edicts of the period that have been preserved epigraphically, C.'s most extensive addenda relate to the edicts *De Caesarianis* and *De Accusationibus* (347–52). These are imperial laws aimed respectively at curbing the abusive confiscation by subordinate financial officials (the *Caesariani*) of the property of debtors to the imperial fisc and at suppressing false accusations against individuals. The former is clearly attributable to A.D. 305 (C.'s Edict No. 18) but the latter's dating is very problematic (C.'s No. 35). However, it is found in association with a further law ordering restitution of property wrongfully seized by the *Caesariani* (C.'s No. 36). Painstaking work on fragments from Ephesus allowed Feissel to identify a further copy of the first *Caesariani* decree and also thereby to identify a previously enigmatic text (in C.'s Appendix D under A.D. 314) on an errant eastern stone known from Padua as yet another copy of this same text. The significance of these revelations is that, since the other text on the Padua stone is the Accusations Edict, the two are now found together, along with the second *Caesariani* decree, in an increasingly overlapping distribution within the geographical confines of Greece, Crete, and Asia Minor. We now have another dossier, comparable to that of the currency decrees/Prices Edict, comprising at least three texts. In fact C. suggests that the contrast in formal style of the fragments might indicate that Feissel's first *Caesariani* decree ought really to be considered as closely associated, but distinct texts: an edict and a letter.

Feissel's identifications also represent a significant contribution to the debate on the dating of the Accusations Edict itself and the transmission of laws of this period into the Theodosian codification, since this edict is one of the small number of epigraphically attested laws to survive excerpted in the Theodosian Code. Indeed it forms one of John Matthews' case studies in *Laying Down the Law: A Study of the Theodosian Code* (2000), 254–70. Included as *CTh* 9.5.1 (= *CJ* 9.8.3), the Code's editors considered it to date after A.D. 312 but their attribution of it to 1 January 314 is incompatible with its stated addressee (*Maximus praefectus urbi*). This contradiction necessitates emendation of some kind. C. himself has suggested that it is one of the hidden laws of Licinius (190–1, 288–91, 303, 349). However, the close link with the *Caesariani* decree suggests that it might date closer to A.D. 305. This potentially strengthens the case that other dubiously dated Theodosian

texts might originate from before A.D. 312 (e.g. *CTh* 7.20.2; cf. T.D. Barnes in *AJPh* 119 (1998), 148–9).

In conclusion, C. observes that, as research progresses, the pattern appearing is that of more copies of fewer distinct pronouncements. Indeed the two dossiers (currency decrees/Prices Edict and Caesariani decrees/Accusations Edict) now seem to account for the bulk of epigraphically attested tetrarchic laws. Moreover, on the narrowest interpretation, there is nothing in their certified dating and distribution to contradict attribution of both these programmes of inscription to a handful of provincial governors under Diocletian and Galerius. C. suggests that this picture may be a distortion, since remaining unidentified fragmentary texts can only be matched to those fuller texts that survive. However, his own further research has eliminated yet another ‘unknown’ — the fragment from Lappa in Crete (*ZPE* 133 (2000), 251–5) — by its identification as a further copy of the first Caesariani decree (or letter). It seems very likely that we are far from hearing the last on the dating and interrelationship of these texts.

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