

# Veteranus and *Munus Publicum*

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Five years ago, Richard Alston provided an entirely new analysis of the legal and social situation of Roman soldiers and veterans within his comprehensive work *Soldier and Society in Roman Egypt*.<sup>1</sup> His conclusions coincide to that extent with the *communis opinio*<sup>2</sup> as he stresses the influence of privileges on the relations between veterans and the rustic and civic population—privileges that were granted to the ex-service soldiers of the early and high empire. Concerning the question about the development of these privileges, however, he deviates decidedly from traditional interpretations. He neither sees a permanent increase of the granted privileges nor does he confirm a continuous decline of those allowances.<sup>3</sup> According to Alston almost nothing changed within the legislation on the subject: ‘In law,’ he writes, ‘the position of the ... veteran was not notably improved ...’ (Alston 1995, 66). Nevertheless he agrees that changes did take place, however, not on a legal but on a de facto level: ‘Status was maintained in law but not in fact’ (67). ‘The actual status of veterans was in decline in the second century.’ And he also believes to have found the cause for this downfall: Since the veterans, most of the time, appeared as isolated individuals in their villages and cities, they were not able to build a strong ‘pressure group’. It was impossible for them to put enough pressure on local officials to enforce their privileges in everyday life, and so they got more and more involved in society’s canon of duties. Together with other members of society they were drawn into the mutual obligations: ‘Veterans ... were integrated into civilian life. They were not outsiders. They were not an elite’ (68).

No matter how original, surprising and intelligible this interpretation might appear, according to my opinion it is little convincing at second sight. A more accu-

rate analysis of the sources—particularly concerning the question of a liberation of the former soldiers from public liturgies—leads to a completely different idea of the legal-historic development of the privileges and of the social-historic way they were embedded in the society. Discussing Alston’s outline, the following study attempts to provide a more accurate analysis.

For good reasons Alston begins his research with the juridical background: The question what kind of privileges could be claimed by the veterans for the time being can only be answered if one is aware which prerogatives they were entitled to. The most important sources available to answer this legal question are two edicts of Octavian<sup>4</sup> and two further edicts of the emperor Domitian.<sup>5</sup> To begin with, let us examine Octavian’s decrees in more detail, in the first place the Greek decoration for Seleukos of Rhosos from 40 BC and secondly the Latin transcript of an edict that was dedicated to veterans who were released in Egypt in the thirties.<sup>6</sup> The repeatedly copied text of this general veteran edict is not preserved very well, the edict for Seleukos is preserved slightly better. The crucial paragraph, however, is similar concerning the content<sup>7</sup> and it can be restored quite well in both cases: Seleukos of Rhosos received for himself as well as his parents, his children, successors, and his wife *poleiteian kai aneiphorian ton hyparkhon[ton]*, i.e. citizenship and freedom from taxes, *houto[s hos hoitines to]i aristoi nomoi aristoi de dikaioi poleitai [aneispho]roi [eisin]*, so that they would be (Roman) citizens according to the best law and order. The same was granted by Octavian to the veterans in Egypt. He decided:

ipsis parentibu[s lib]erisque eorum e[*t* ux]oribus  
qui sec[um] <sunt qui>que erunt im[mu]nitatem  
omnium rerum d[re], utique optimo iure

optimaque legis (!) cives Romani sint {sunto};<sup>8</sup>  
 immunes sunt, liberi su[n]to mi[lit]iaie,  
 muneribusque publicis fu[n]gend[i] vocat[i]o  
 <esto>.

(...) to grant to themselves, their parents and children and their wives—those who are and those who will be with them—freedom from all taxes, so that they would be Roman citizens according to the best law and order. They shall be free from taxes, free from military service, and there will be freedom from performing public munera.

In this case the reference follows that the veterans should enrol into a tribus of their own choice. In other words: As well as Seleucos of Rhosos, at least the majority of the veterans that were endowed by Octavian with the exemption of taxes and liturgies were not Roman citizens at the time of their decoration. Only at this opportunity they were granted the citizenship (and the related possibility to choose a tribus). And a second point is important: In both cases this citizenship granted by Octavian was meant to be a ‘best citizenship’. Apart from the liberation from the liturgies,<sup>9</sup> the liberation from all taxes on the property was also included, and only through this exemption from taxes—so the texts say—could the newly acclaimed citizenship become a citizenship ‘best according to law and order’, a *civitas optimo iure optimaque lege*.<sup>10</sup>

Precisely the same wording was chosen by Domitian almost 120 years later as he dismissed and distinguished soldiers stationed in Egypt. He, too, stressed that the prerogatives were granted to let them, as his veterans, be *omni optimo iure c. R.*<sup>11</sup> It is without a doubt this parallelism of the wording that induced modern scientists to equalise Octavian’s and Domitian’s measures or to go even further and interpret Octavian’s catalogue of privileges as a ‘Grundgesetz’, a statute of imperial privileges for veterans (Wolff 1986, 97). Therefore they think Domitian’s decoration to be only a renewed confirmation (or even extension<sup>12</sup>) of what Octavian had established already four generations earlier and what his successors had continued uninterruptedly. ‘Veterans were exempted ... by Octavian’s and Domitian’s edicts,’ wrote

Alston. ‘Nero also ... seems to have continued the exemption.’ And: ‘The *immunitas* was extended to the parents, wife, and children of the veteran’ (Alston 1995, 62).

Taking a closer look it quickly becomes obvious that this equalisation is misleading. Already the enumeration of the beneficiaries—‘parents, wife, and children of the veteran’—is correct only for Octavian’s measures, not for Domitian’s. Indeed, the recipients are described as *ipsi coniuges liberique eorum parentesque*<sup>13</sup> by Domitian as well (l. 15), but *coniuges* does not mean ‘wives’ in this case. The reason: Why should Domitian have ordered that the veterans *themselves (ipsi) as well as* their wives (*coniuges*) should receive the *conubium*, the right of intermarriage between a Roman and a non-Roman partner? *Conubium* for merely one of the partners would elevate their de facto marriage to the higher level of a *ius-tum matrimonium*, and it was the Roman partner who was to be given this privilege, i.e. in this case: the veteran Quadratus and his companions, not their wives. Therefore, the women should not appear in line 15 of the enumeration, and, as a matter of fact, they do not appear in the second one in line 18 (while they of course do reappear in the second enumeration of Octavian’s edict). Accordingly, I would like to propose to punctuate in line 15 as follows: *ipsi coniuges, liberique eorum, parentesque conubi[a eo]rum sument*—‘they themselves being married,<sup>14</sup> their children and their fathers will claim the *conubium*.’<sup>15</sup> Those privileged were therefore only the veterans, their children and their fathers; women are not mentioned here at all.<sup>16</sup>

But the confusing misinterpretations go further. Alston surely exaggerates when he claims: ‘Exemption from *munera* ... was granted to all *veterans* by Octavian and Domitian’ (62). Although this actually corresponds exactly to the pretentious wording of the present edicts—both Octavian and Domitian spoke explicitly of ‘all veterans’<sup>17</sup>—at least in the case of Domitian it is a matter of rhetoric lacking in content. That his measures did not really apply, as he claims, to all veterans, emerges from his military diplomas with definite clarity: neither the released soldiers from the *alae* nor those from the cohorts were, according to the testimony of this evidence, granted the *conubium* for their fathers; they got it merely for themselves and their children (CIL 16.36, 37; RMD 4, 5). Therefore, Domitian’s edict did address neither

the cohorts nor the *alae*, but solely the soldiers and veterans of the legions—though the emperor slightly arrogantly called them ‘all’.<sup>18</sup> This fact alone should be a warning to equalise the privileges of Domitian with those of Octavian: the latter decorated peregrine veterans while Domitian granted privileges to Roman citizens.

Let us now turn to the beneficiaries of Domitian’s edict, in the present case M. Valerius Quadratus and his father. Comparing these two generations, an apparent contradiction becomes evident: M. Valerius Quadratus, former legionary and at the time of his discharge obviously a Roman citizen, did not have Roman parents, or, to be more exact: M. Valerius Quadratus’ parents did not enjoy a *iustum matrimonium*, but only a de facto marriage, a marriage, however, that could be transformed into a *iustum matrimonium* by the allocation of a *conubium*. In other words: his father obviously was a Roman citizen—we even know that his name was Marcus, too (Col. 3, app. l. 1)—but his mother can hardly have been so. Had she been a *civis Romana*, his father would not have needed the *conubium*. Furthermore, the fact that he still needed it indicates that his son, our M. Valerius Quadratus, cannot have been a Roman citizen either at the time of his birth. Besides, we learn that he was registered in the tribus *Politia* after he had become a *civis Romanus*. Altogether this leads with the highest degree of probability to the conclusion that Quadratus was the child of a soldier, one of those children whose fathers were Roman soldiers but whose mothers were natives and therefore not Roman citizens, in a word: Quadratus was one of those children who were commonly allocated the indication of origin *ex castris*, and who were often registered for the not very esteemed tribus *Politia*, when they were granted their own citizenship at the time of their joining the legion. And that his father served in a *legion* (and not just in one of the auxiliaries) follows from the fact that he had not yet got the *conubium* but received it only *just now*.<sup>19</sup> Had he served in a cohort, e.g., this privilege would have been granted to him at the time of his own dismissal, and he would not have been forced to lead an illegitimate marriage until the dismissal of his son.

These reflections lead to the result that, on the one hand what Domitian granted here in the year of 88/89

and in the year 93 respectively, had *not yet* been granted one generation earlier when Quadratus’ father was released from the legion—otherwise he would have already had the *conubium*—and on the other hand that what Octavian had granted to his veterans 120 years earlier had *no longer* been granted before Domitian’s decree—otherwise Quadratus’ father would not have needed the right to marry a peregrine woman, since his wife would have become a Roman citizen, too. The idea that ‘in law the position of the ... veteran was not notably improved’ is therefore—at least if judged by this example—obviously misleading. On the contrary: under Domitian the situation of the veterans of the legions improved considerably, and in fact our M. Valerius Quadratus assumed this to be so. At any rate he insisted that he wanted his three children to be admitted as Roman citizens because of a ‘benefaction of *this best emperor*’, *beneficio eiusdem optumi principis* (col. 3, app.).

So the veterans of the legions did not receive the privileges in question at the beginning of the Flavian dynasty (or at the end of Nero’s rule), the time when Quadratus’ father retired from service. Therefore Domitian’s privileges cannot have been the steady continuation of Octavian’s measures. This leads to the question what the legal position of the former soldiers was like during the 120 years in between.

The best starting-point for an answer to this question provides the so-called *charis Neronos*. We know about it from a decision that was given in 63 AD by the *praefectus Aegypti* C. Caecina Tuscus to a group of veterans, who persistently and repeatedly pestered him with always the same request until he finally had to refuse. ‘I told you before’, he wrote, ‘that the situation of each of you is neither similar nor the same. For some of you are discharged from legions, others from *alae*, others from cohorts, others from the fleet. Therefore there cannot apply the same right to all of you. But I will deal with this matter and I have written to the *strategoï* of the nomes so that the benefaction of the emperor will be granted unabridged to every single one according to his claim.’<sup>20</sup>

Tuscus could not have said it more clearly: that the veterans of the Roman army were not granted equal (as Alston claims<sup>21</sup>) but different privileges, according to the kind of unit they had served in. Actually, this is not surprising: as far as the soldiers of the fleet were concerned

we supposed that they did not receive military diplomas at Nero's time (Link 1989, 25-28), and concerning the veterans of the legions we know this for sure, while auxiliary-veterans were entirely entitled to such diplomas. However, it is irritating that Tuscus chose the title *perites poleitias* for his remarks and thus made a statement to the effect that veterans of the different units enjoyed different privileges depending on their citizenship. At first sight this only applies to the soldiers of the fleet who did not receive the citizenship at the time of their discharge. Former auxiliary-soldiers did get it, and therefore they should not differ from the former legionaries who had been Roman citizens all the time. Nevertheless, Tuscus wanted to differentiate clearly between legionary and auxiliary veterans, as proven by the private record which the veterans took for themselves: 'The procedure of the legionaries is one thing, that of the *cohortales* another, and the one of the soldiers of the fleet a third.'<sup>22</sup> So, where was the difference between the former legionaries and the former auxiliary-soldiers *perites poleitias*? And how were the *strategoï* of the *nomes* involved?

In the treatment of this question Alston demonstrates good judgement. 'It was in the interests of the *nome* and village authorities', so he describes the contradiction of interests, 'to have as many people as possible available to perform liturgical duties. It was in the interest of the veterans to preserve their privileges'(64). Actually this was the only point where the veterans could get into a conflict with the *strategoï* of the *nomes*: liturgies. The remaining question to solve is why the *praefectus Aegypti* was of the opinion that his reference to the citizenship, his answer *perites poleitias*, was at the same time an information about the duty to perform or the freedom from liturgies.

In attempting to solve this question the third of the five known edicts of Augustus to Cyrene provides the crucial support. Obviously in reaction to a request from the Cyrenaica he decided 7/6 BC:

If people from the province Cyrene have been honoured with the Roman citizenship I order that those, nevertheless ... have to perform liturgies, apart from those who were granted, either by means of law or decision of the senate, be it by a decree of my father or by myself,

together with the citizenship also freedom from contributions.<sup>23</sup> And I wish that those, who were granted freedom from contributions, are exempted from taxes on the property that they had owned at that time, but that they have to pay taxes for everything they have acquired since.<sup>24</sup>

This last decision clearly brings out the tenor of the whole letter: Augustus was obviously interested in cutting back the privileges of new Roman citizens: not *all* their property, but only *a part of it* would be exempt from taxes. This decision does appear a little narrow-minded; but its specific artfulness is due to the fact that it was enacted retrospectively, that it explicitly relates also to Caesar's and Augustus' own edicts from the time of the civil war, i.e. to those edicts in which he had granted his veterans and their descendants civil rights and exemption from military service and taxes, and freedom from all liturgies in their home towns.<sup>25</sup> But in times of civil war, when he was particularly dependant on his soldiers, nothing had indicated that veterans and their descendants should only be exempted from taxes on *that* part of their property which they had already owned at that time, and that they would have to pay taxes on all possessions acquired later.<sup>26</sup> Therefore, the decision of the edict from Cyrene forms a complete and subsequently performed limitation of rights that had been granted by Octavian himself on a considerably larger scale.<sup>27</sup> Or, in a word: after the *lex Munatia Aemilia* had authorised the *triumviri* to grant, among other privileges and under the title 'best Roman citizenship', an unrestricted freedom from taxes, Augustus limited the scope of this freedom drastically by his ruling 7/6 BC, retrospectively as well as for the future.<sup>28</sup>

The same applies to his second decision, his opinion on the question concerning a duty to perform or the freedom from liturgies. He decided: the fact that a non-Roman citizen of a provincial town was honoured with the Roman citizenship was not intended to lead to his freedom from civic liturgies, on the contrary: only those who were bestowed with both citizenship *and* exemption from taxes, only those who were bestowed with a *civitas optimo iure optimaque lege* should also be awarded freedom from liturgies.<sup>29</sup>

On this basis, Tuscus' reply to the veterans is easy to

explain: ‘Some of you are discharged from legions’, he said, ‘others from *alae*, others from cohorts, others from the fleet. Therefore the same right cannot apply to all of you’. One has indeed to admit that he, in order to give his answer a more impressive form, exaggerated a little when he distinguished between the veterans from the *alae* and those from the cohorts—the veterans themselves, as we saw, did not mention this distinction in their own private records—but at least it becomes clear what the difference between former legionaries and former auxiliary soldiers was: Legionaries had—at least in theory—always been Roman citizens and as such they were exempted from liturgies. But auxiliary soldiers received their citizenship not earlier than at the time of their dismissal from service. So they belonged to the group of new citizens, those who were, according to the edict from Cyrene, only freed from liturgies in case they were granted freedom from taxes as well. And since, as proven by their military diplomas, they received the citizenship and the *conubium* but not exemption from taxes, they still had to perform liturgies. The same applied to the third group, the oarsmen: as at this time they did not receive the Roman citizenship at all they could naturally be forced to serve as liturgists. And as the question concerning this duty or the freedom from it was finally answered in all three cases with reference to the particular citizenship of the veterans, Tuscus did indeed do right to put his reply under the title: [*epi t]on missikion, per[i]tes poleitias*.

So the last piece falls into place and we will return to the privileges for the veterans. Now it becomes obvious: As they had to perform liturgies according to the quality of their *citizenship* they cannot have been exempted as *veterans*. Accordingly, the possibility can be ruled out that almost all veterans as such received exemption from liturgies already in the first century BC. On the contrary: Neither the veterans who did not receive Roman citizenship, nor the members of the auxiliaries who were honoured with the (new-)Roman citizenship at the time of their discharge, were as a result freed from liturgies. Only the former members of the legions who had never received citizenship as a reward but had always been Roman citizens—at least according to fiction—enjoyed an exemption, of course only in non-Roman municipalities, too. And there they were exempted as old-Roman

citizens, not as veterans—a fact which Domitian took into consideration in his veteran edict, applying only to discharged legionaries, as he did not grant them freedom from liturgies and therefore ignored the according lines of Octavian’s edict. But also the remaining privileges he allowed the veterans from the legions were neither granted by his predecessors nor were they adopted by his successors.<sup>30</sup>

Until the second half of the second century nothing changed concerning this legal situation. The reply that was given, probably by Antoninus Pius, to a physician of the legion, Numisius, is typical: as long as he, being a legionary physician, would be an active soldier he should be exempted from liturgies as a *soldier*, after the completion of his service he *being a physician* should belong to that group of physicians that could be freed from liturgies by the cities.<sup>31</sup> The idea to exempt Numisius as a *veteran* did not occur to Antoninus Pius (which is even more striking as it is not at all sure whether Numisius would succeed in joining the numerically limited circle of privileged physicians<sup>32</sup>).

Another example: The veteran Sempronius complained he had to provide camels although *de iure* he was exempted from this liturgy. In order to support his claim he cited from constitutions of emperors from Hadrian to Antoninus Pius and Lucius Verus.<sup>33</sup> Above all, what catches the eye is that he took only decrees into consideration that dealt with the liberation of the citizens of Antinoopolis—Sempronius was allegedly an Antinoopolite himself—but he could not provide a single evidence for the exemption of veterans. This indicates neither, as Alston claims, that the privileges of the veterans were more and more belittled while those of the Antinoopolites remained the same,<sup>34</sup> nor that ‘veteran Antinoopolites began to rely *more* upon their Antinoopolite status to defend their position *than* their veteran or Roman status’ (1995, 65)<sup>35</sup>—all this simply has to be explained by the fact that Antinoopolites were entitled by law whereas veterans were not.

The idea that veterans *as such* should be exempted from liturgies did not appear until late in the second half of the second century. The first example is the petition of a man called Apollinarios who complained AD 172 that he had been forced to provide liturgies incessantly year after year although this was forbidden even in the

case of the locals, and furthermore he claimed to be an old man. Additionally the five-year exemption for veterans, he said, had been ignored and he had been obliged already two years after his dismissal.<sup>36</sup> Although we do not exactly learn from this complaint from what kind of liturgies the veterans were exempted (possibly from all of them)—what becomes obvious is that this entirely new form, the exemption of veterans as such, was from the very beginning only granted on a limited scale: it only applied for five years. This ambivalence of concession and restriction was linked to the concept of granting privileges to veterans, developing only at the end of the second century, which can be followed in excerpts from a few sources: ‘A muneribus, quae non patrimonii indicuntur, veterani post optimi Severi Augusti litteras perpetuo excusantur’ (Dig 50.5.7)—in other words: Later they were indeed exempted for all time but only from certain *munera*, not from all of them. And, furthermore: ‘Vacationum privilegia non spectant liberos veteranorum’ (Dig. 50.5.8.2)—they were only exempted themselves, not their children (as certainly neither their parents nor their wives).<sup>37</sup>

In summary, the following picture emerges: To exempt a commendable comrade-in-arms was a common form of honouring in late-republican Rome—popular not least because the burden connected with it fell only upon the particular community; Rome did not have to bear any costs. The Roman commanders could therefore be quite generous and free their veterans from all litur-

gies. To a responsible administration of the empire, however, such burdens on the cities were unacceptable; and so Augustus, released from the constraint of civil war, to a large extent revoked the privileges given earlier: exemption from liturgies was now granted only to those who had been granted exemption from taxes as well. This means, furthermore, that the innumerable soldiers who, at least since Claudius’ reign, became Roman citizens at the time of their discharge, were no longer granted exemption from liturgies. One can even claim that the restriction of the privileges accompanying the Roman citizenship established the basis for its extension: Only if he did not undermine the economic life of the cities could the emperor afford to engage his veterans as vehicles of a lasting Romanization on a large scale.<sup>38</sup> No earlier than at the end of the second century of the empire the idea emerged that veterans as such should be able to claim exemption from liturgies. In Severan times, this idea led to a cleverly devised concept in which both, the reasonable claim of the veterans for a reward as well as the cities’ interests were taken into account. So there is no reason at all to believe that the development of veteran privileges was characterised by a continuous improvement, a continuous worsening or even by a legal immobility on the one hand and an actual decline on the other.

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## Notes

- 1 London, 1995.
- 2 Cf., e.g., B. Campbell (1994, 193): 'All veterans could look forward to a relatively privileged status in comparison with the rest of the lower classes, since they were exempt from certain taxes and personal services ...'
- 3 A certain insecurity remains, respecting which of the two he considers as *communis opinio*, compare p. 54 ('The picture is of a more and more powerful soldiery, enjoying greater and greater privileges ... This generally accepted view ...'; accordingly also p. 65) with p. 64: 'The traditional view of the evidence is that it shows a gradual erosion of the privileges of the veterans.'
- 4 FIRA I<sup>2</sup> 55 (Seleucus of Rhosos); FIRA I<sup>2</sup> 56 = Campbell, Roman Army No 340 (general veterans' edict); both edicts are arranged next to one another by H. Wolff (1986, supplement, a and b).
- 5 W. Chr. 463 = ILS 9059 *extrinsecus* = FIRA I<sup>2</sup> 76 = Campbell, Roman Army No 341.
- 6 FIRA I<sup>2</sup> 55: ... [Autoi kai g]oneusi, teknois ekgonois te autou gynaiki te toutou hetis me[ta toutou] est[i estai monei mentoi (?)] poleiteian kai aneisphorian ton hyparkhon[ton did]men houto[s hos boitines to]i aristoi nomoi aristoi de dikaioi poleitai [aneispho]roi [eisin, kai strateias lei]tou[rgia]s te demosias hapases pare[sis esto] ...  
FIRA I 56: ...Visum <sup>4</sup>[est] edicendum mi[hi vete]ranis dar[i] om[nibus], ut tributis <sup>5</sup>[et vec]ti[galibus omnibus portorii]que [publicis] ... <sup>8</sup>... ipsis parentibu[s lib]erisque eorum e[t ux]o[r]ibus qui sec[um] <sunt qui><sup>9</sup>que erunt im[mu]nitatem omnium rerum d[a]re, utique <sup>10</sup>optimo iure optimaq[ue] legis (!) cives Romani sint {sunto}; immunes <sup>11</sup>sunto, liberi su[nto mi]lilitiae muneribusque publicis fu[n]gen<sup>12</sup>d[i] vocat[i]o <esto>. Item in [quavi]s tribu s(upra) s(riptis) suffragium <sup>13</sup>[fe]rendi c[en]sendi[que] potestas esto; et si a[b]sentes voluerint <sup>14</sup>[c]enser[i], detur. Quod [cum]que iis, qui s.s. sun[t, ip]sis, parent(ibus) <sup>15</sup>[co]n[iu]g(ibus) liberisq[ue] eorum ...
- 7 That is not surprising if one takes into account that both privileges are based on the same model, namely the *lex Munatia Aemilia*, proclaimed 42 BC; on the same subject: K.M. Atkinson 1966, 30ff.
- 8 The meaning of this last obviously confused part of the text is clarified by the wording of the edict for Seleucus of Rhosos: *houto[s hos boitines to]i aristoi nomoi aristoi de dikaioi poleitai [aneispho]roi [eisin]*, 'so that they would be (Roman) citizens according to the best law and order.'
- 9 That they, being Romans and thus citizens of another community, could not be drawn into the liturgies of their cities would have been self-evident according to ancient republican standard; cf. for example the different rewards provided for the successful accuser by the *lex Acilia repetundarum* (FIRA I 7, ll. 77–79): If he wanted to become a Roman citizen he could; if he did not want to become a Roman citizen he should at least enjoy the provocative right and the 'liberation from all public munera in his own city'. In other words: As the bestowal of the citizenship as such included the provocative right it contained evidently also the exemption from the civic liturgies in the native community of the honoured. Yet, this notion seems to have been eroded; the veteran edicts, however, expressly mention the liberation from the liturgies.
- 10 In more detail: Link 1995, 370ff. In fact this exemption only reproduced the freedom from taxes that was granted to the Roman citizen in Italy: Even if he was not liberated *de iure, de facto* he was indeed free from tax-payments since the Roman state did not raise any taxes of all Roman citizens living in Italy after 167 BC.
- 11 FIRA I 76: ... <sup>12</sup>Visum est mihi edicto significare: universoru[m] <sup>13</sup>vestroru[m] {vi} veterani milites omnibus vectigalib[us] <sup>14</sup>portitoribus publicis liberati immunes esse debent, ut] <sup>15</sup>ipsi coniuges liberique eorum parentesque conubi[a eo]<sup>16</sup>rum sument, omni optumo iure c.R. esse possint, et om[ni] <sup>17</sup>immunitate liberati apsolutique sint et omnem i[m]munitatem <habeant; item ut ii,> q.s.s.s, parentes liberique eorum <eiu>[s]dem iuri[s] <sup>19</sup><eiu>[s]dem condicionis sint, utique praedia, domus tabern[ae?] ...  
M. Valerius M. f. Pol(lia) Quadratus ... dixit ... in militia sibi L. Valerium Valentem et Valeriam Heraclun et Valeriam Artemin omnes tres s(upra) s(criptos) natos esse, eosque in aere incisos civitatem Romanam consecutos esse beneficio eiusdem optumi principis.
- 12 As stated by Schneider (1977, 226–27): 'Da eine Verordnung Domitians aus der Zeit 87–89 n.Chr. ausdrücklich die Befreiung von Veteranen von *vectigalia* usw. erwähnt, ist anzunehmen, dass diese Vergünstigungen von Oktavian noch nicht zugestanden

- worden waren'; analogously Campbell (1984, 444). Slightly abrupt this idea of continuous grants is confronted by Schneider with the following and definitely right conclusion (228): 'Das umfangreiche Immunitaeten umfassende Edikt Oktavians stellt nur ein Privileg, aber noch keine staatlich geregelte Veteranenversorgung dar. Bei der Einschätzung dieses Edikts muss die aussergewöhnliche politische Situation und damit vor allem der starke Einfluss der Soldaten zu dieser Zeit berücksichtigt werden.'
- 13 Regarding the different interpolations used to eliminate the difficulties of the wording, cf. Link 1989, 80f.
- 14 So this is nothing but the positive version of the well known form from the military diplomas: *siqui caelibes essent*, cf. Link 1989, 82.
- 15 Campbell's English version is based a good deal on pure imagination (Campbell 1994, No 341). *Ipsi coniuges liberique eorum parentesque conubi[a eo]rum* in his translation turns out to be 'they themselves, the wives who married them, their children, and their parents.' Although he does not make any comment to the effect how he got to this version—almost as free but constructed vice versa was the one he offered earlier (Campbell 1984, 284)—he seems to have carried out two major infringements: an intervention in the wording and in the Latin usage of the words. In the first place he obviously rearranges the text and pulls up *conubi[a]* in order to place it together with *coniuges*; apart from that, instead of the unambiguously recorded *conubi[a]* he probably reads *conu[b]i[uae]* (with regards to the parents of the veterans Lesquier already proposed *conu[b]i[ui]*; 1918, 337 note 2). Then Campbell translates *conu[b]i[uae]* (or something like that) as 'wives who married them'. But by doing this he does not only create a severe pleonasm, but also the common usage of the words is against him: '*convivus* ist ungebräuchlich, *conviva* der Gast' (Wolff 1986, 103, note 151).
- 16 Alston draws the opposite conclusion (217): 'The decree shows that wives of legionary veterans would not be granted *conubium* but citizenship, making the grant of *conubium* unnecessary.' But for what reason did the edict then grant the *conubium*, too?
- 17 Unless Domitian (according to the most recent reconstruction of Wolff 1986, 44s.) claimed that 'the veterans (and) soldiers of all camps' should be freed from the burden and be decorated by the remaining privileges (l. 12s.). Probably, however, we should not read *universoru[m] castrorum* but *universoru[m] vestrorum*; cf. Link (1989, 79). Though, the content remains unchanged.
- 18 So far concerning Alston's argument 'the use of the term 'veteran' without any specification of the unit with which the soldier had served suggests that there was no great status differential between the veterans of different units' (61), cf. also his compilation p. 215-17, note 23.
- 19 Misinterpreted by H. Horstkotte (1991, 762f.): 'Tatsächlich kann Quadratus auch als ehelicher Sohn eines peregrinen Vaters Legionar geworden sein ...' Horstkotte overlooks that Domitian did not grant a citizenship in his edict—not even to Quadratus' father. Had he been a peregrine he consequently could not have used the *conubium* he had been given. In spite of Horstkotte's polemic the fact that it was granted to him is a hint that he was a Roman citizen. A slight insecurity remains only concerning the question whether he already had been a legionary. But in this case not the question for the person of Quadratus (who is not much more than an example) is important but the question for the type.
- 20 Daris, *Documenti* no. 101; Campbell, *Roman Army*, no. 337: ... [*Epi t]on missikion, per[i] tes poleitias. [Touskos]. Eipon hymein kai proteron hoti ouk estin homoia oude he aute [hekaston] hymon hypothesis. Hoi men gar hymon eisin ek legionon [missik]ioi, oi de ex eilo[n, ho]i de ek speiron, hoi de ek tou eretikou, [hoste m]e einai to auto panton deikaion. Melesi de moi peri tou[tou kai] egrapsa tois kata [n]omon strategois, hina he charis holokleros [tou kyri]ou hymein tereth[e] kata to hekastou di[kai]on...*
- 21 'Although modern writers and, to a certain extent ancient writers perceive a status differential between the soldiers of the legions and those of auxiliary units, the use of the term "veteran" without any specification of the unit with which the soldier had served suggests that there was no great status differential between the veterans of different units and a detailed survey of the evidence fails to produce any significant legal difference between the veterans of the various units' (60-61). Also his summary (216, note 23) misses the legal facts: 'The veterans,' he writes, 'were similar enough in legal position to make common cause'. In fact the veterans did summarise their legal cases, but this was prohibited by the prefect several times—obviously with an eye for the fact that they were not very close concerning their legal situation.
- 22 Daris, *Documenti* no. 103; Campbell, *Roman Army*, no. 337b: ... *Touskos eipen hemein: Kai en tei parembolei eipa hymein kai nun to auto lego: Alle he agoge[i]he ton legeonarion, allo he ton khor-tarion, al[l]o he ton kopelaton. Proeste hekastos eis ta eidia kai me geisthe argoi.* That both papyri definitely refer to the same event was substantiated in great detail by Westermann 1941, 21-29.
- 23 According to Wenger's addition (cf. the following note); cf. de Visscher 1940, 20 and 104f.
- 24 FIRA I 68: *Ei times ek tes Kyrenaikes eparkheas poleiteai teteimantai, toutous leitourgein ouden elasson em meirei toi ton Hellenon somati keleuo, ektos t[o]ut[i]on hois kata nomon e dogma synkletou, e toi tou patros mou epikrimati e toi emoi, aneiphoria homou sun tei poleiteai dedotai. Kai toutous autous, hois he aneiphoria dedotai, touton ton pragmaton einai ateis, hon tote eikhon areskei moi, hyper de ton epikteton panton telein ta geinomena.* Modern researchers mainly concentrated on explaining the mysterious insertion *em merei to ton Hellenon somati*; cf. for example Stroux and Wenger (1928, 46ff.); v. Premerstein (1929, 467ff.); de Visscher (1940, 89ff.); Wilhelm (1943, 2ff. and 1974, 106ff.); Oliver (1960, 324ff.); Atkinson (1966, 21ff.); Sherwin-White (1973, 334ff.); cf. also Renehan, *Greek lexicographical notes*, s.v. *soma*. If



- one leaves this yet unsolved and probably insoluble problem aside, the edict reveals even more clearly the profound turn in the Roman civil-rights-policy.
- 25 This alone excludes M. Stahl's (1978, 67) idea that the Cyrene edict would only relate to civic liturgies and left a general exemption from taxes untouched (especially since, as stated before, no principle freedom from taxes existed even for Roman citizens in the provinces). Sherwin-White, on whom Stahl bases his conclusion, does not claim this. Regarding the extensive scope of this decision on fundamental principles cf. also v. Premerstein 1929, 468.
- 26 This, however, Schneider believes (1977, 226) following Lesquier (1918, 334) (cf. note 27).
- 27 Supported by de Visscher (1940, 106 and 108). The fact alone that Octavian was now forced to restrict the formerly unlimitedly granted freedom from taxes makes Lesquier's supposition, adopted unreservedly by Schneider, according to which the formerly granted exemption from taxes referred only to the land on which the veterans were allowed to settle, unlikely.
- 28 That this decision was of a fundamental character is proven by the fact that Domitian fell back on it *expressis verbis* as he provided, as an exception, citizenship and *conubium* for his discharged pretorians: He, too, granted them immunity in this restricted form; on CIL 16.25, cf. Wolff 1986, 105f., and Link 1989, 72ff.
- 29 Not any *civitas* necessarily freed its owner from liturgies. Only this certain one, *that civitas optimo iure* named in the *lex Munatia Aemilia* and corrected by the ruling that is reflected in the Cyrene edict also exempted its owner from liturgies.
- 30 In more detail Link 1989, 88ff.
- 31 CJ 10.53.1; Campbell (1994, no. 169): '*Quum te medicum legionis secundae adiutricis esse dicas, munera civilia, quamdiu reipublicae causa abfueris, suscipere non cogaris. Quum autem abesse desideris post finitam eo iure vacationem, si in eorum numero es, qui ad beneficia medicis concessa pertinent, ea immunitate uteris.*' Why Alston excluded this document from his compilation (p. 63f.) remains unclear.
- 32 Dig. 27.1.6.2. Horstkotte interpreted this rescript as a 'special settlement-privilege ..., that intended to make the start into a civil life easier for former legionary physicians', by granting them an entry into the circle of privileged physicians without further examination (1991, 763). But this is a misinterpretation of the exact wording *si in eorum numero es*, meaning Numisius was only going to be granted the privileges *in case, si*, he belonged to this circle, and only under this condition. Also his second objection is weak: There is no hint whatsoever that Numisius intended to leave the legion earlier and therefore probably had to relinquish privileges that would have been granted to other veterans; *quum autem abesse desideris post finitam eo iure vacationem* surely has to be translated in a way meaning Numisius did not want to take part in the already mentioned *munera*, not that he did no longer want to be a member of the legion.
- 33 P. Wuerzb. 9; this important source appears in Alston but is missing in Campbell (1994).
- 34 '... the collection of petitions related to Antinoopolite status and liturgies strongly suggest that veteran status was no longer a powerful claim on the authorities' (65).
- 35 Emphasis added by SL.
- 36 BGU I 180 = Daris, Documenti No 105 = Campbell, Roman Army No 339: ... [D]iatetak[tai, k]yrie, tous ouetranous ekhein meta t[en apo]lysin pent[a]ete kbros[n]on ana[paus]e[os]. Para de tauten ten [di]ataxin e[go] epeasthan m[e]ta dietian tes [apo]lyseos... —Methodically Alston's interpretation appears to be too simple. The fact that towards the end of the second century more and more veterans referred to the privileges that they were entitled to certainly does not prove that these privileges up to then had been considered natural and therefore had not to be claimed. On the contrary: The fact that the veterans had not claimed any privileges before clearly indicates that they had had no right to do so.—Supporting this approach and contradicting the other are all parallel cases, as for example the granting of privileges to the Antinoopolites: They, as Alston stresses continually, liked to refer to their privileges and therefore left a considerable track in the papyrological tradition—interpreted also by him as an indication that their position was and remained strong, not that it was weakened.
- 37 Concerning further restrictions: Dig. 49.18.2,4,5.
- 38 As already stated by v. Premerstein (1929, 468): 'To grant the same exceptional situation (like the one old-Roman citizens enjoyed) also to the new citizens, who mostly emerged from the economically strong section of their native communities, could have easily become fatal for the often enough already ailing finances of the communities and would therefore have imposed limits on a generous granting of the Roman citizenship. Accordingly Augustus put up the principle for the Cyrenaica—and definitely not only for it—that new citizens of a peregrine native community should remain obliged to perform liturgies.' On the same lines: Rainer 1986, 89.