

## What is the Meaning of “dat.” in Subscriptions of Late Antique Constitutions?

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### 1 The Question

Let us start<sup>1</sup> by having a look at a (more or less) randomly chosen CTh. fragment (CTh. 16.7.1):

*Imppp. Gratianus, Valentinianus et Theodosius AAA. ad Eutropium praefectum praetorio:*

*His, qui ex Christianis pagani facti sunt, eripiaturs facultas iusque testandi et omne defuncti, si quod est, testamentum submota conditione rescindatur.*

*Dat. VI Non. Mai. Constantinopoli Syagrio et Eucherio cons.*

One may readily discern the three parts characteristic for any CTh. fragment. Among scholars of Late Antiquity, they are commonly called inscription, body text, and subscription. The designations for part 1 and 3 (which cannot claim any ancient ancestry) are infelicitous, as they diverge from the terminology medievalists use,<sup>2</sup> and, worse, create unnecessary confusion, as the Latin word *subscriptio* has various meanings in antiquity (we will return to this issue later, →p. 7). Yet there is nothing to be done about this, as nobody has suggested more helpful replacements,<sup>3</sup> and I will not add to the already existing confusion by doing so myself.

The inscription enumerates the whole college of emperors considered legitimate by the actual creator of the constitution. The actual creator can be determined by appraising the place mentioned in the subscription (Constantinople, capital of the Eastern parts) and the recipient (Eutropius, the historian, at that time prefect of the prefecture of Illyricum which belonged to the Eastern parts). The real author among the three enumerated emperors must hence be an eastern emperor by the name of Theodosius; namely Theodosius I (379-395), as he (and not his grandson Theodosius II) was part of an imperial college together with Gratianus and Valentinianus. The identification with Theodosius I is confirmed by further evidence, as both the year of the subscription and the lifespan of the recipient (i.e., Eutropius) match *his* reign. The

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<sup>2</sup> What scholars of Late Antiquity call “inscription” would, for a medievalist, be *intitulatio* (name of originator) plus *inscriptio* (name of recipient) combined. This section (which includes further elements) is called “protocol” in medievalist terminology. A classicist's “subscription” would be a “dating clause” to scholars of the Middle Ages, which is to them a part of the “eschatocol” section. Furthermore, medievalists have “subscriptions,” too, as part of their “eschatocol.” Yet their “subscription” is actually the issuer's signature.

<sup>3</sup> Some authors use “subscript” instead of “subscription” for this indication, but this minor departure from standard usage helps little in clearing things up.

enumeration of emperors is always according to seniority, so Theodosius I, the most recent addition to the college, comes last. The inscription continues with the recipient of the constitution. A vast majority of texts (nearly 95 percent)<sup>4</sup> collected in the Theodosian Code derive from a category of enactment known as “letter”: the original constitution had, for all intents and purposes, the form of a letter written by (nominally) the imperial college to a specific dignitary. This dignitary, usually referred to by both personal name and title, follows either in the dative, or with *ad* and accusative, after the enumeration of the imperial college. But even those few CTh. fragments which are not derived from “letters”—but rather from edicts to the people (or to a subgroup of *the* people) and from orations to the Senate—go back to *written* communication: edicts and orations are oral only in name, in any other respect they are fully epistolary. One can go as far as claiming that “letters” are the only category of late antique law: mostly addressed to dignitaries, rather seldom to the people (then called “edicts”), even more rarely to the Senate (in that case called “orations”).<sup>5</sup>

The body text need not concern us in this article. It should be kept in mind, however, that during the CTh. compilation, anything which did not include a legal instruction was to be removed. Out of texts typically the length equivalent of more than one modern print page, not much survived (a single phrase in our example). In particular, the epistolary character which is so evident in the hundreds of extant unabridged constitutions (such as the post-Theodosian Novels, the Sirmondians, the numerous letters included in the *collectio Avellana* and in ACO ...) was completely effaced during the compilation process. Yet letters they were, and the neat appearance as if they were sections in modern law codes is artificial and secondary.

A subscription typically includes four pieces of information. Let us go through them in reverse order: at the very end, we have a year, indicated by the consuls. Before that, a place (if not abbreviated, in the locative), and again before that, a day of the month. Finally (or rather, firstly) the leading indication in the vast majority of constitutions is *dat.* (which can be expanded in various ways, notably as *data* or *datum*),<sup>6</sup> although other abbreviations appear as well (more on that below, →p. 10). The purpose of the present article is to clarify the meaning of this *dat.*

## 2 “*dat.*” is not a feature of the CTh. compilation

Casual users of the Theodosian or Justinian Codes might be tempted to believe that this striking tripartite structure of inscription, body text, and subscription could have been introduced only during the CTh. compilation, which in turn could mean that possibly the *dat.* indication itself is an artificial addition, alien to the original text. This is not the

<sup>4</sup> SIRKS, p. 85.

<sup>5</sup> RIEDLBERGER, p. 64.

<sup>6</sup> As it remains obscure how *dat.* in any given context should be expanded, I stay with *dat.*, instead of opting for *data* or *datum* or something else. At any rate, it should be clear that any such expansion or abbreviation found in manuscripts could have been introduced or modified at any moment during the scribal transmission. Accordingly, when collecting attested unabbreviated forms one has to focus on papyrological and epigraphical material except in cases where *dat...* does not appear in isolation, but is completed by a corresponding noun which vouches for the ending of the *dare* participle. Mustering thus the evidence, we find a strong bias toward *data* (P5, E3, E6, E16, E19, E21, plus four times *dat. epistula*, i.e., *data epistula*, as subscription of CTh. fragments: 8.1.8, 8.4.6, 16.2.12, 16.2.15); the incontrovertible evidence for *datum* is surprisingly flimsy (actually just P6); in comparison, there is more material even for *datae* (*litterae datae* in E2 and three times in E11). Despite concerns regarding attestations which underwent scribal transmission, it is suggestive that a majority of such examples also seem to point toward *data*. I believe that a unique instance of *datus* (Aug. ep. 88.2, a proconsul’s letter to the emperor) should be corrected editorially to *data*, *datum* or (perhaps preferably) *dat.*

case. Although we know that the compilers modified inscriptions and subscriptions frequently,<sup>7</sup> they kept to a basic structure which is attested in the numerous constitutions that are extant in an unabridged version.<sup>8</sup> One example out of literally hundreds suffices:<sup>9</sup>

*Idem Augg. Palladio praefecto praetorio:*

*Venerabilem catholicae orthodoxorum fidei sanctitatem manifestam et indubitatam universis constituere ...*

*Dat. III Id. Mart. Constantinopoli Sporacio v.c. cons. et “qui fuerit nuntiatus”*

The body text of this constitution covers the equivalent of more than one large print page; as irrelevant for our purposes here, I have left it out. The crucial observation is that we encounter both inscription and subscription in more or less exactly the same format as we find them, thousands of times, in the Theodosian Code.<sup>10</sup> My random example is fully representative for unabridged constitutions from this epoch, no matter whether they are extant in legal collections, are transmitted in non-legal contexts through manuscripts, or even survive epigraphically. Our first result therefore is: whatever *dat.* might be, it is a feature of the original constitution—it is not a novelty introduced during the compilation of the Theodosian Code.

### 3 The Current Understanding

Today, *dat.* is almost unanimously understood as indicating the date of the signing or enactment of a law. An impressive array of scholars have subscribed to this notion, without however giving a plausible reasoning for their assumption. Rather, this is taken for granted, as incidental remarks show: MOMMSEN (p. CLV) considered *data* a synonym of *subscripta* and was convinced that *dat.* “usu legitimo non refertur nisi ad imperatorem.” SEECK (p. 4) claimed without any supporting argument: “Doch unterliegt es keinem Zweifel, daß die Datierungen [...] Tag und Ort ihrer [i.e., the constitutions’] Vollziehung bezeichnen.”<sup>11</sup> CLASSEN (p. 65) prudently explained *dat.* as indicating “offenbar [!] den Tag der Unterschrift des Kaisers,” without however offering more evidence than pointing to Seeck. Like Mommsen, CORCORAN (p. 28) equates *data* and *subscripta*, taking it as “the date of signing” (see also his p. 45, where he incidentally remarks that a *dat.* date refers to “the date of signing or issue by the emperor”). BIANCHI FOSSATI VANZETTI (p. 42) explains *dat.* as “l’indicazione del luogo

<sup>7</sup> RIEDLBERGER, p. 145.

<sup>8</sup> The last printed collection of these unabridged constitutions is HAENEL. My ongoing ERC project AntCoCo aims at replacing Hänel’s collection.

<sup>9</sup> ACO 2.2.2, p. 23.2–24.5, following Q for the imperial college.

<sup>10</sup> The indication *qui fuerit nuntiatus* (indicating that the consul of the other part of the empire is as yet unknown) was usually replaced by the correct name (or a name mistakenly believed to be correct) at the time of the CTh.’s compilation, although there are rare exceptions: in about a dozen known cases, *qui fuerit nuntiatus* survived the CTh. editing process.

<sup>11</sup> He adds a footnote that, sometimes, *subscripta* replaces *data*, “was offenbar dasselbe bedeutet.” If this is indeed meant to prove the meaning he accepts for *data*, one must note that by this very method one could prove that *datum*, *acceptum*, *propositum*, *regestum*, and even *lectum* all mean the same thing! Seeck knew the evidence better than anyone, and this made him notice contradictions. Thus, he claims elsewhere (SEECK, p. 11) that *data* can also carry a different notion, referring to the action of a subordinate dignitary. He first speaks of the execution by the dignitary, but later says *data* means “daß der Präfekt es ... weitergeschickt [!] hat.”

e del giorno in cui la costituzione uscì dalle mani imperiali.” KREUZSALER (p. 226) believes that “*constitutio data*” is “das Datum des Erlasses der Konstitution.” In 1994, when writing about rescripts HONORÉ (p. 53) surmised: “*D.* for *data* and *s.* for *scripta* probably both refer to the date when the emperor wrote *rescripsi*, *scripsi*, or *subscripsi* on the fair copy of the rescript: in other words, the date of its execution.”<sup>12</sup> This list could be continued *ad libitum*; actually, all scholars who in any context whatsoever refer to a law “enacted” (*vel sim.*) on the date indicated as *dat.* could be listed here, as they ostensibly equate the *dat.* date, and the imperial enactment. Also note that apparently nobody draws a distinction between signature and enactment; the two acts are implicitly matched.

The only scholar I know of who provides a rationale for why *dat.* should indicate the date of signature, rather than merely asserting it, is BRESSLAU. He wrote (p. 449): “[es] kann ... nur an die Unterschrift des Kaisers gedacht werden. ... [denn es war] juristisch von höchstem Wert, festzustellen, wann der Kaiser einen Erlaß unterschrieben und ihm dadurch Rechtskraft verliehen hatte.” Yet Bresslau’s alleged “juristic significance” remains without any supporting argument, and the claim is unwarranted: hardly any specialist (if any at all) would subscribe to the idea that a Roman law goes into effect in the moment of signature, and this was true for Bresslau’s contemporaries no less as for present-day legal historians. A majority of scholars likely associate the validity of Roman constitutions with the moment of their publication, while I personally don’t believe that such precise dogmatics would have occurred to late Roman jurists.<sup>13</sup>

It would be not grossly unfair to summarize the thinking underlying the current understanding in the following way: we’ve got a law, and at its end, next to a place indication, there’s a date. Clearly, this must indicate the day when the emperor signed it. After all, don’t we ourselves sign documents all the time by adding our confirmation note (today: signature by name) next to a place and a “date”?

But there is a profound problem. The expression “*dat.* date” looks odd, and truly it is: etymologically speaking, this is twice the same word. If we expand *dat.* to *datum* and switch to German—which is more conservative than English regarding Latin loans—we get “das *datum*-Datum.” Indeed, both English “date” and German “Datum” are exactly our *data* and *datum* from the constitutions, conveyed through medieval diplomatic usage to these and most other European languages, where today they are fully established, and have thus been for a very long while.<sup>14</sup> This is precisely why we should be wary about its meaning in the first place, as there is a clear risk of projecting

<sup>12</sup> Curiously, in the first edition of 1981, HONORÉ (p. 27) wrote: “The abbreviation *D* stands for *data*. This, too, in its most natural interpretation, refers to the date of execution, and so should be indistinguishable from the date of subscription. But it may be that in the *CH* at least a contrast is intended, and that *data* means ‘given for dispatch’, just as *dare epistulam* is to give a letter for dispatch.” In his review of this first edition, LIEBS (pp. 492-3) called this idea “wenig glaubhaft,” claiming that “Für das Absenden von Konstitutionen war indessen in der Spätantike *emittere* technisch; Absendedaten wurden dementsprechend mit *emissa* eingeleitet.” We shall see that Liebs’s apodictic claim fails when checked against the evidence (→p. 15).

<sup>13</sup> RIEDLBERGER, pp. 82-89: we frequently find improvised rules in constitutions determining how to deal with pending trials (clearly, such *ad hoc* guidelines would have been unnecessary if there had been an established precept). Furthermore, Nov. Iust. 66 (→p. 25) makes it crystal-clear that Justinian himself did not know of any such earlier rule.

<sup>14</sup> The words *data* or *datum* as the introduction of a date indication have been in uninterrupted use from antiquity through late antiquity to the High Middle Ages (BRESSLAU, p. 446); the derivation of our modern terms can therefore not be questioned. German “Datum,” a neuter, is no doubt a direct adoption of *datum*, whereas e.g. French “date” is feminine, hence a descendant of *data* (as English “date” derives from the French word, it is a descendant of *data*, too). Both *datum* and *data* appear in medieval charters.

later notions onto it.<sup>15</sup> A striking example is provided by Theodor Mommsen himself. In the introduction to his CTh. edition (MOMMSEN, p. CXVIII), he refers to an earlier such enterprise by Baudi di Vesme. Just one fascicle had been published, bearing the imprint of the year 1839, although (in Mommsen's words) "praefatio data est V Id. Iul. a. 1841," "his preface indicates a date of July 11, 1841." To Mommsen whose proficiency in Latin reached a near-native level, as it were, it would hardly have occurred to question the meaning of *dat.* in ancient evidence, given the way he actively and casually used the word himself.

In summary, I believe the notion of *dat.* as indicating the "date" of signature is based on a circular argument. Let us therefore ignore all later uses of *dat.* in medieval charters and rather try to proceed by strictly keeping to earlier and contemporary material.

#### 4 Lawgivers, and giving a law, and further modernisms

"Lawgiver" is so familiar an expression that a phrase such as "Theodosius I gave a law on apostasy" sounds correctly enough. But of course, "lawgiver" is calque of *legislator*, the underlying expression is *legem ferre*, not *legem dare*. This does not mean that *legem dare*, "to give a law," is unidiomatic in Latin. On the contrary, there is an explicit entry for it (e.g.) in the *Oxford Latin Dictionary* (OLD s.v. *do*, 13c), with seemingly compelling instances stemming, *inter alia*, from Cicero's writings: thus, we find *legem, inquit, de libertinorum suffragiis ... dedit*. But this is not as simple as it seems, as Cicero himself continues *Quid est hoc 'dedit'? An 'tulit'? An 'rogavit'? An 'hortatus est'?—At 'tulisse' ridiculum est*. His rhetorical questions presuppose that *legem dare* was not a fixed, unambiguous expression to him and his audience.<sup>16</sup> Another Ciceronian example is Cic. Verr. II 2.121, *leges ... ab senatu ... populoque Romano datas*. This refers to Sicily; arguably, *dare* might signify "to enact" here, but given Sicily's status as a province, a meaning of "to impose" seems far more likely. These are only random examples; there is unfortunately no systematic discussion of each and every attestation of *legem dare* and the respective possible meanings.<sup>17</sup> While I did browse through all of them, we would lose focus in the present article if I discuss them one by one. Anyway: as long as nobody can point to the proverbial smoking gun, i.e., an instance of *legem dare* which cannot be understood in any other way but in the sense of "to enact a law," this material fails to settle the question: yes indeed, there is this expression, but sorry no, there is no conclusive evidence that "to enact a law" could be translated as *legem dare* into Latin while resulting in a phrase which an ancient observer would immediately understand and deem correct.

<sup>15</sup> It is intriguing to observe that several technical terms from diplomatics have profoundly changed their meaning. Striking cases are "protocol" and "edition" (and "diplomatic" itself). One would fail miserably if one tried to establish the ancient meaning of any of these terms by pointing to their modern descendants. The same holds for *datum*, I believe.

<sup>16</sup> This passage is part of a lost oration of Cicero; the fragment is preserved in Asconius's extant commentary on it (Ascon. Corn. I, p. 52.3-5). Two remarks are in order. First, the semantic attempt at explanation is indeed made by Cicero himself (i.e., this is part of the original oration—it is *not* part of Asconius's commentary on it). Second, my quoted text is already based on an emendation. The clearly wrong *an tulisse* is transmitted, which might be corrected in different ways (another option would be *attulit* – *attulisse*, as proposed by Madvig). However this may be, my argument stands: *legem dare* is not a fixed phrase.

<sup>17</sup> The relevant ThLL section is V.1 1677.83–1678.7. Apart from the examples I have cited, it includes several more attestations from poets, none of which helps decide the case.

A moment ago, we saw that Cicero wonders whether *legem dedit* should be understood in the sense of *legem rogavit*. This should alarm modern observers, as Cicero appears to be completely ignorant of the famous distinction between *leges rogatae* and *leges datae*, “laws passed by vote” versus “laws issued by magistrates without vote.” While hardly any textbook on Roman law fails to explain these antonyms, and scholars casually mention these two types as if they were fundamental, Cicero did not mind blurring the line. He had good reason for his apparent negligence, as the fixed terms *lex rogata* and *lex data*, as well as the notion of a rigid contrast between the two, are not of ancient origin. Both terms and underlying concepts were made up in modern times<sup>18</sup> and later gained traction through Mommsen’s *Staatsrecht*.<sup>19</sup> While providing evidence for the non-existence of something is notoriously challenging, anyone contesting this claim is welcome to discover and cite ancient material supporting an established juxtaposition of this kind.<sup>20</sup>

Another post-ancient fabrication is the substantive *datio* in the sense of “date of a law” and/or “enactment of a law.” In order to avoid any confusion: *datio* is, of course, a real Latin word, safely attested in many contexts, including juristic texts. *Datio* fundamentally means “giving,” although several specific meanings occur in legal contexts, such as “delivery [of goods *vel sim.*],” “appointment [of a tutor *vel sim.*],” “donation,” and “payment.”<sup>21</sup> Yet modern discussions of *dat.* in subscriptions which refer to the “moment of the *datio*” or to the “legal significance of the *datio*” employ the term in a meaning utterly absent from ancient texts. Of course, this does not disprove the existence of the concept. Yet using *datio* casually implies one could simply pluck the word from the sources, whereas in reality it is a fabricated pseudo-term. Again, demonstrating non-existence is difficult, but the onus to provide substantiation lies on those employing *datio* in that sense. A further step is the equation of this in any case non-existent usage of *datio* with the Greek term θέσις (KAISER 2010a, p. 176; KAISER 2010b, p. 182). Yet the Justinianic Novels, including the Greek ones, invariably feature *Latin* subscriptions with *dat.* In other places, such as in a constitution among the letters of Julian (ep. 114 Bidez), in several papyri and inscriptions (→p. 27), we do find Greek subscriptions, even if these are unquestionably translations from Latin originals. However, all of these examples consistently use ἐδόθη as rendering of *dat.*, not a form of τιθέναι. As the documentary evidence spans several centuries and various regional contexts, we can conclude that this ἐδόθη is not an improvised translation, but the established Greek equivalent of *dat.*

<sup>18</sup> These terms predate Mommsen’s *Staatsrecht*, as a Google Books search with an upper limit of 1870 immediately reveals (the volumes of the *Staatsrecht*’s first edition were published from 1871 onward). See for example LANGE’s book of 1862, whose explanation (p. 613) is very near to what we might wrongly assume to be typically Mommsenian.

<sup>19</sup> MOMMSEN (1887), pp. 310–312.

<sup>20</sup> To prevent misunderstandings: I argue that the dichotomy between *leges rogatae* and *leges datae* is a modern construct, both as labels as well as a concept, i.e., no ancient author explicitly contrasted enactments passed by vote with those passed without. However, I do *not* dispute that there were enactments passed by vote, and others not passed by vote; nor do I doubt that such might appear, within an ancient author, within the same sentence, paragraph, or context. Yet I fail to find the clear juxtaposition of which modern authors are so fond. The discussion by TIBILETTI (pp. 602–614) is crucial. He convincingly shows that there is no such thing as an ancient expression *lex data* (except in cases when it means “imposed law,” i.e., “imposed” on another community). He however admits (p. 604 with n. 2) the use of the designation *lex rogata* for the concept one should better simply call *lex*, on the authority of several sources, including Ateius Capito (Gell. 10.20.2), *Lex ... est generale iussum populi aut plebis rogante magistratu*. Yet a passage like this can just serve to prove the existence of the *concept* of the thing we call *lex rogata* today; it still does not provide an attestation of our neat term *lex rogata*.

<sup>21</sup> ThLL V.1 39.55–40.60.

Just as *datum* and “date” have turned out to be false friends, *subscribere* and “to subscribe” likewise constitute a treacherous twosome. When studying documents such as those appearing in the present article, one stumbles frequently upon “subscriptions,” and people who “subscribe.” Let us investigate what kind of things might be meant by that. We have seen that late antique constitutions (and their excerpts contained in the law codes) possess a fixed structure consisting of inscription, body text and “subscription.” However, this usage of “subscription” (which is my sense no. 1: “date/place indication”) cannot boast any ancient ancestry; and it is, moreover, problematic, given that, while the word *scriptio* did exist in antiquity, none of its various meanings aligned with the one just defined. Basically, *scriptio* in Latin retained its etymological sense: anything which is “written below.” One thing that was therefore called *scriptio* was the decision (i.e., grant or rejection) of a petition *if this was scribbled directly beneath the petition itself, on the same sheet of papyrus*. The answer to a petition (“rescript” in a broader sense) could take the shape of a separate letter (called “rescript” in a narrower sense) or of just such a short notice, “written beneath” the original text (which is my sense no. 2: “answer to a petition”). However, calling this type of response *scriptio* seems to be chronologically restricted to the Early Empire; in Late Antiquity, *annotatio* had largely replaced *scriptio* as technical term for this kind of reply.

Yet another usage of *scriptio* relates to confirmation formulas we might, with some liberty, call a “signature.” It is widely acknowledged that whenever the emperor himself wielded the pen, he never “signed,” i.e., “confirmed,” a letter by affixing his name onto the document, but rather by adding a greeting (or other remark) addressed to the recipient; dignitaries, bishops and later kings did likewise.<sup>22</sup> Ancient sources employ the term *scriptio* for this type of addition: P. Ital. 1, l. 35, *Et manu domini suscribitio: Opto multos annos bene valeas*; ACO 1.2, p. 88.14-16, *Et subscriptio: Salvum te esse et ut memor nostri sis, deum deprecor, dilectissime et desiderantissime*; Avell. 91.22: *Exemplar subscriptionis: Divinitas te servet per multos annos, sancte ac religiosissime pater*. Note however Quesn. 19, *Vale, parens carissime atque amantissime. Et adiecta subscriptio: Impleatur quod iussimus, quia hoc famae tuae expedit*.<sup>23</sup> It is a straightforward assumption that such additions are directly derived from the greetings (often just the word *vale*) used conventionally to conclude letters, as in form most constitutions are letters themselves.<sup>24</sup>

In the conciliar acts, we encounter numerous *subscriptiones* of a different, yet fundamentally similar type. Again, they are employed for confirming a document, and likewise this is done by adding a handwritten line. The difference is that the line itself contains some form of *subscribere*, e.g., ACO 2.2.1, p. 34.34, *Et subscriptio: Eutyches abba subscripsi his libellis manu mea*, or ACO 2.3.1, p. 217.2-3, *Et relecta mihi expositione et placita subscripsi manu mea*. Add to this the countless subscriptions of the type <name in nominative> <title such as *episcopus*> <placename in genitive> *subscripsi* added to conciliar minutes or resolutions. In truth, this kind of subscription is just a subset of the subscriptions we encounter in legal documents. A subscription

<sup>22</sup> HEUBERGER, p. 100.

<sup>23</sup> This case is curious, as according to the presentation in the transmitted text the greeting belongs to the body text, while the subscription, i.e., the addition by the emperor’s own hand, is limited to this friendly reminder, urging careful implementation of imperial orders. I bet, but of course cannot prove, that something is amiss here. Perhaps we have two “subscriptions,” first the conventionally exuberant greeting (which is not marked as such in our transmitted text), and, “adjacent” to it, the still polite yet unequivocal affirmation of the orders. But this is mere speculation.

<sup>24</sup> BRUNS, p. 68, p. 82.

mentioned in such a context is never a simple signature by name; rather, it is a declaration of some kind under another text, and this added declaration can be indeed limited to "... has written this below."<sup>25</sup> In summary, we might define *subscriptio* in my sense no. 3 somewhat clumsily as "confirmation of a document in the shape of a line of text added to it, typically—but not always—in the shape of a greeting or a phrase including *subscripsi*."

While all (→p. 11) fragments in the Theodosian Code and practically all constitutions transmitted in various other ways comprise a date/place line (subscription in my sense no. 1)—which accordingly mattered to compilers and scribes—not one single Theodosian Code fragment includes a confirmation note (subscription in my sense no. 3), and there are surprisingly few full constitutions that do so. The conclusion is almost<sup>26</sup> unavoidable that ancient editors considered such confirmation notes dispensable.<sup>27</sup> This suggests that the authenticity of a document did not depend on whether there was originally a greeting formula present, or not. But then, what about the rare subscriptions (in my sense no. 1) which refer to an act of "subscribing"? They can notably be encountered among the *fragmenta Vaticana* which include texts such as the following (Frg. Vat. 34):

*Augg. et Caess. Flaviae Aprillae:*

*Cum profitearis te certa quantitate mancipium ex sanguine comparasse, cuius pretium te exsolvisse dicis et instrumentis esse firmatum, hoc a nobis iam olim praescriptum est, quod, si voluerit liberum suum recipere, tunc in eius locum mancipium domino daret, aut pretium, quo valuisset, numeraret; etiam nunc, si a suis parentibus certo pretio comparasti, ius domini possidere te existimamus. Nullum autem ex gentilibus liberum adprobari licet.*

*Subscripta XII Kal. Aug. Constantino Aug. III cons.*

I refrain from translating the text, but it is clear that it answers to a private petition submitted by a woman by the name of Flavia Aprilla. The text's succinctness suggests that the imperial answer took not the shape of a separate rescript, but rather that some lines were written below, i.e., "under," the original petition, i.e., we are faced with a *subscriptio* in my sense no. 2. Hence, I would translate *subscripta* here as "this *subscriptio* [i.e., the reply] was added on ... ." We may observe the same properties (private recipient, settlement of a petition, very short text) in the vast majority of other texts that feature *subscripta*, namely Frg. Vat. 42, 43, 270, furthermore in CI. 8.14.5, and in Coll. Mos. 10.3-6.

There is very little evidence which has an emperor actually "subscribing" in the meaning of my sense no. 3. On the one hand, there is CTh. 10.15.3, a wholly inconspicuous CTh. fragment excerpted from a letter of Constantius II to the vicar of Africa. As it is singular among thousands of CTh. fragments, I would be reluctant to build sophisticated theories on it.<sup>28</sup> On the other hand, there is one very early enactment

<sup>25</sup> BRUNS, p. 116; STEINACKER, p. 112.

<sup>26</sup> Actually, another possible conclusion would be that emperors did not add a greeting formula consistently. But this appears unlikely, is impossible to prove and, most importantly, would not change the argument I am presently making.

<sup>27</sup> "völlig bedeutungslos," thus BRUNS, p. 81.

<sup>28</sup> For example, the original of CTh. 10.15.3 might have included an attached or quoted *subscriptio* (in my sense no. 2) the date of which was erroneously used in the compilation. I understand this explanation



by Vespasian. There is a law surviving only in Greek which has at its end (OLIVER, no. 38, ll. 17-19, AD 74, law on doctors) Αὐτοκρά[τωρ Καῖσαρ Οὐέσπα]σιανὸς ὑπέγραψα καὶ ἐκέλευσα [προτεθῆναι ἐν λε]υκώματι, “I, Emperor Caesar Vespasianus, have signed and ordered [publication on a w]hite board”). This is followed by a posting note specifying date and place. This instance follows obviously the fashion of my sense 3, but it is a maverick example, and comes from a point in time far earlier than the bulk of the evidence.

Let us sum up. It is crucial to mentally throw off misleading concepts and word meanings. *Dat.* should not be explained by having recourse to anachronisms such as “date” or “lawgivers” or *leges datae*. And “subscriptions” (my sense 1) have nothing to do with “subscribing.” And while “subscribing” in the sense of confirming that the sender (theoretically, that is) read and approved a letter in person did, as we all believe, regularly happen in Late Antiquity, few people bothered to transcribe such confirmation lines when subsequently copies or extracts of such letters which happened to double as “laws” were created. This raises major doubts about the importance of such subscriptions (sense no. 3) for the validity of a law.

### 5 *dat.* cannot mean “enacted”

*dat.* indications regularly appear in late antique letters that were not dispatched by emperors, i.e., by senders who were in no position to “enact a law” (although they might “give an order” or “issue an administrative command”). For example, among the *fragmenta Vaticana* (no. 35)<sup>29</sup> there is a text which carries the following subscription: *Dat. IIII Kal. Sept. a praefecto praetorio ad correctorem Piceni Aquileia. Accepta XIII Kal. Oct. Albae Constantino Aug. III cons.* It was known to MOMMSEN, who—in order to uphold his conviction of *dat.* being the date of enactment—brushed it aside by arguing that *dat.* could be employed “aliquoties tamen per abusum” (p. CLV.). But it is not as easy as that. *dat.* being used by non-emperors is absolutely common. We find it in the letter by the proconsul Anulinus to emperor Constantine (Aug. ep. 88.2). Further examples are provided by the *collectio Avellana*, for instance by Avell. 14, a *relatio* by the urban prefect Symmachus to the emperor Honorius, the subscription of which is *Data IIII Kal. Ianuarias* (Avell. 16, 19 and 29 are more such instances). Yet another case in point is provided by ACO 1.1.7, p. 119.30–120.10, a letter by a Magister Militum to the governor of Cyprus, featuring the subscription *Data duodecimo Calendas Iunias Antiochiae*.<sup>30</sup> Some subscriptions in the Theodosian Code, without being unambiguous evidence, strongly suggest that they, too, record a *dat.* by a non-emperor.<sup>31</sup> It was not only high officials such as praetorian or urban prefects or *magistri*

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is far-fetched but if dates were regularly recorded for the signing act itself I am wondering why we do not have any other example among thousand of fragments and hundred of extant full constitutions, excepting for obvious *subscriptiones* (sense no. 2).

<sup>29</sup> From this text, CTh. 3.1.2 is excerpted. While CTh. 3.1.2 is dated to 337, Frg. Vat. 35 features the consulate of 313. The year of CTh. 3.1.2 is consistent with the recipient’s tenure of office, so it must not be touched. Hence, the consulate of Frg. Vat. 35 is likely wrong. SEECK, p. 23, suggests a change from *Constantino* to *Constantio*, which solves the problem.

<sup>30</sup> This very letter is transmitted also in a later retroversion (ACO 1.5.2, p. 358.18–35). There, the subscription is *Datae XII Kalendas Iunii Antiochiae*. This is an excellent case in point why one must be quite wary of non-original subscriptions: this attestation of the rare form *datae*, as opposed to *data* (→p. 2 n. 6), is secondary and therefore irrelevant for determining the correct expansion of *dat.*

<sup>31</sup> CTh. 7.13.11, *Dat. Id. Mai. Tyro metropoli*, pp. Beryto Antonio et Syagrio cons.; CTh. 5.14.34, *Dat. VIII Id. Nov. Tyro metropoli Arcadio III et Honorio II AA. cons.* There was no emperor at Tyrus at these moments (SEECK, p. 11); furthermore, the addition of *metropolis* suggests that these letters were dispatched by the governor.

*militum* who used *dat.* We also find this formula in episcopal letters, sent by bishops of Rome. The Acts of the Ecumenical Councils actually contain well over a hundred of such letters, some of which are addressed to the emperor, the empress or the Ecumenical Council itself.<sup>32</sup> Assuming any meaning of “to enact” or a presumption of imperial style in any of these contexts is clearly ludicrous.

Finally, there are some CTh. fragments (CTh. 8.1.8, 8.4.6, 16.2. 12, 16.2.15) offering more circumstantial subscriptions in which the formula is expanded to *dat. epistula*; yet only laws can be “enacted,” but “letters” certainly cannot. In actual fact, “giving a letter” in the sense of “sending a letter” is a well-represented expression, casually and frequently employed by the emperors themselves within the body text of constitutions (we will come back to this later, →p. 14).

To sum up: *dat.* cannot refer to an operation performed on a “law” (such as “to enact”) but must refer to something you do to a “letter” (such as “to mail,” perhaps). This of course prompts immediately a further question. If *dat.* has nothing to do with the legal aspect of a letter comprising a constitution, why did compilers and scribes of full constitutions consistently take pains to reproduce this information, unlike the imperial subscriptions they considered expendable?

## 6 The legal significance of *dat.*, or, rather, of a date

The following observations are crucial. They are familiar to anybody working in the field, yet their far-reaching implications have been ignored. In the introductory section of this article, I said that the first item in the vast majority of CTh. subscriptions is *dat.* This is of course correct. Yet among the thousands of preserved fragments (and also in the extant full constitutions), we find other indications as well, often combined with a *dat.* indication, but sometimes not. Around 200 CTh. fragments do not offer any *dat.* indication, but *only* one of these alternatives. By far the two most common of these are *acc.* (*acceptum*,<sup>33</sup> “received”) and *pp.* (*propositum*, “publicly posted”).<sup>34</sup> They are understood by scholars in their literal meaning as the day when the letter was “received” by its recipient<sup>35</sup> and when it was “publicly posted,” respectively. This is

<sup>32</sup> There are far too many attestations of *dat.* in the Acts to list them in a footnote. But for the sake of the argument, I shall present a few examples: ACO 1.2, p. 6.31 (Celestine to Cyrill); ACO 1.2, p. 26.10 (Celestine to Theodosius II); ACO 1.2, p. 108.30 (Sixtus to Cyrill); ACO 2.4, p. 69.3 (Leo to Empress Pulcheria); ACO 2.4, p. 71.22 (Leo to the Council of Chalcedon); ACO 4.1, p. 18.13-14 (Vigilius to Eutychius); ACO 4.1, p. 198.28-29 (Vigilius to Aurelianus of Arelate). Furthermore, *dat.* used by Roman bishops appears also regularly beyond the Acts (e.g., Leo M. ep. 7, to the bishops of Italy; ep. 16, to the bishops of Sicily; ep. 18, to a bishop).

<sup>33</sup> The *-um* of *acceptum* and similar participles is of course entirely conventional. For the sake of convenience, I retain *acceptum* etc., but keep in mind that the ending serves merely as a placeholder.

<sup>34</sup> Among the participles that may replace *dat.* in CTh., *propositum* is with around 150 cases the most common; *acceptum* without *dat.* is attested in several dozens of cases. The rarer other types include *lectum*, *subscriptum* and *regestum* ... (cf. MOMMSEN, pp. CLV-CLVII). Such non-*dat.* subscriptions look quite regular in all other respects, for example: CTh. 12.1.24, *Acc. Karthagine prid. Id. Dec. Urso et Polemio cons.*; CTh. 9.38.1, *Acc. III Kal. Nov. Romae Probiano et Iuliano cons.*, or CTh. 1.9.2, *Pp. Hadrumeti VII Id. Mart. post consulatum Arcadi A. I et Bautonis v.c.*; CTh. 7.22.7, *Pp. Beryti Idib. April. Valentiniano et Valente AA. cons.* There are also several non-*dat.* subscriptions extant in inscriptions. For example, Constantine’s letter to the council of Orcistus (of AD 331) is dated [*s*]cr prid Kal Iulias Constantinopoli (FEISSEL, p. 188, first line of “Document 4”), while FIRA I<sup>2</sup> no. 82, l. 9 (of AD 139, Antoninus Pius) has *act.*

<sup>35</sup> There are some revealing instances, namely CTh. 15.7.13, addressed to *Diogeniano v.c. tribuno voluptatum*, which has *acc. a tribuno voluptatum* plus a date in the subscription; and CTh. 6.30.11, addressed to *Proculo comiti sacrarum largitionum*, which has *acc. a Valerio comite sacrarum*

straightforward enough, and cannot be doubted in case of *pp.*, as this indication is sometimes combined with precise indications where the text was put on display (e.g. Sirm. 12, *proposita Carthagine in foro*, “posted in Carthage in the forum”; Nov. Val. 2.2, *proposita ... Romae in foro Traiani*, “posted in Rome in Trajan’s forum”).

But if we have a three-figure number of fragments in the Theodosian Code without *dat.* indication, we cannot escape a startling conclusion: *laws without indication of dat. were nevertheless regarded as valid and as worthy of being added to the collection.* Conversely, this must imply that to the compilers, *whatever the dat. date may have indicated, it was not a day of key importance.*<sup>36</sup> Put differently, if (e.g.) *dat.* indicated the moment of the emperor’s signature, and if on being able to date this moment depended the validity of a given law (as Bresslau claimed, →p. 4), none of these constitutions devoid of *dat.* should ever have been collected in the first place. Further, note that among 2,777 extant CTh. fragments, Mommsen indicates only three without *any* date, which in all of these three cases is on any view due to later textual loss.<sup>37</sup> Again, this cannot be a mere coincidence. Our result therefore is: it did not matter to the compilers whether they had a *dat.* date; what was indispensable to them was *to have any kind of date.* The most striking evidence for this conclusion is presented by the rare *praelata litteris* (or similar) subscriptions. Here the CTh. compilers explicitly quote the date of a non-imperial letter to which the imperial letter (apparently itself devoid of a date) was attached.<sup>38</sup> This is incontrovertible evidence that in the compilers’ eyes, *any* date would do—even a date which does not refer to the original law. How is it possible to make sense of this startling conclusion? As a matter of fact, from the time of Constantine onward having a date was a necessary condition for a law to be valid (CTh. 1.1.1):

*Imp. Constantinus A. ad Lusitanos:*

*Si qua posthac edicta sive constitutiones sine die et consule fuerint deprehensae, auctoritate careant.*

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*largitionum* in the subscription. Apparently, Valerius had taken over from Proculus (the later urban prefect) between dispatch and arrival of the letter.

<sup>36</sup> Already SEECK (p. 11) had pointed out that Lactantius does not give *dat.* indications for the Tetrarchic tolerance laws, and that those CTh. fragments which are today believed to have been derived from a collection made by the Beirut law school are, all of them, devoid of *dat.* indications; apparently, these legal scholars did not attach much importance to *dat.* (However, Seeck’s further argument—taking this as evidence that the validity of a law depended on its *propositum* date—is a *non sequitur*.)

<sup>37</sup> MOMMSEN, p. CCCV; these three are CTh. 4.6.7, 5.16.35, 5.17.3. The text of CTh. 4.6.7 comes from manuscript **T**, a meanwhile destroyed palimpsest which included only random pages; in the present case, a **T** page sadly ends before the subscription (the rest of the Mommsen edition is actually not genuine CTh. text, but a completion sourced from the *lex Romana Burgundionum*, which lacks dates anyway). CTh. 5.16.35 was likewise transmitted by **T**, with the text breaking off before the subscription, while CTh. 5.17.3 is supplemented from the dateless *lex Romana Burgundionum*.

<sup>38</sup> The *prae-* is due to the fact that quoted imperial letters invariably take the place of honor, i.e., they are physically placed before the letter of a subordinate (see FEISSEL, p. 80-83), even if one needs to read this accompanying letter in order to understand what the whole thing is about. *praelata litteris* accordingly means “quoted before the letter [of].” See e.g. CTh. 9.3.4, *Praelata litteris v. c. vicarii VI Id. Sep. Veronae Valentiniano et Valente AA. cons.* This law is indeed directed to the mentioned vicar; but the date quoted in the subscription is the date of a letter by this vicar to somebody else which included, as an attachment, the imperial letter (*Veronae* should be corrected to *Gerona*, as SEECK, p. 108, suggests). We get an explicit explanation in CTh. 8.4.6, *Dat. epistula praefecto, cui haec sacra fuerat antelata, XI Kal. Iun. Mediolano Datiano et Cereale cons.* Emperors also could, of course, quote themselves: CTh. 7.8.11, *Praelata litteris ad Eutychianum praef. urbi die IIII Id. Ian. Constantio et Constante vv. cc. cons.* (the subscription of a letter to the *comes sacrarum largitionum*; the transmitted *vv. cc.* is a corruption). For a list and discussion of such cases, see MOMMSEN, pp. CLVI-CLVII.

*Dat. VII Kal. Aug. Savariae Probiano et Iuliano cons.*

Emperor Constantine to the Lusitanians:

If henceforth any edicts or constitutions without day and year ['consul'] are to be encountered, they shall be devoid of validity.

*Dat.* on the 7<sup>th</sup> day before the Kalends of August in Savaria, in the year of the consuls Probianus and Julian. [322]

Note that *there is no requirement regarding the nature of the indicated date*. Constantine does not insist, for example, that the date of signing must be indicated, or perhaps rather that of posting or of, say, *dat.* No: what he requires is *any* date. The only explanation I can see, given the chaotic state of late antique archives, is that the indication of *any* date meant there was at least *some* chance of ascertaining the authenticity of a constitution which was submitted by an interested party during a trial. Let us not forget that there was no Roman "Statutes at Large"; trial parties themselves had to produce legislation applicable in their case (i.e., legislation was not necessarily something any judge in a concrete case had himself "on file"). With a date, the otherwise hopeless task of verifying the authenticity of a possibly dubious law presented by one trial party could at least be reduced to searching the records pertaining to one year (or at most two, if our date was, perhaps, that of acceptance or posting).

We know for certain that this requirement was not ignored: during the *collatio* of 411, an (asserted) lack of consuls was brought forward as a possible reason for objection to documents submitted by the respective other side. At one point, the Catholics actually issued a challenge to the Donatists: if you *really* believe our document to be forged, formally accuse us of *falsum* (a serious crime encompassing document forgery as well as monetary counterfeiting that carried severe punishments) and then let us have the archives checked and find out who's right, and who isn't (Aug. brevic. 3.37-38)!

*Et recitatum est iudicium Constantini, quemadmodum ad Eumalium vicarium Africae scripsisset, quo ... Caecilianum innocentem ... cognovisse testatus est ... nihil invenientes quod dicerent coeperunt de consule memoratis imperialibus litteris calumniari, quod sine consule fuerant recitatae. Hinc exorto conflictu, cum Donatistae invidiose dicerent ... imperatoris litteras consulem non habere et catholici responderent non ibi causam consistere, cognitor etiam interlocutus est evidentissimis legibus definitum imperialia constituta, etiamsi consules non legerentur, in dubium non posse vocari. Deinde catholici urgebant ut aperte dicerent falsum esse quod lectum est; possent enim archiva conquiri. ... Prius ergo volebat cognitor ut exprimerent utrum litteras imperatorias arguere falsitatis auderent. Quod quidem illi minime audebant; tamen nihilominus consulem deesse invidiosissime causabantur, ... Haec cum diutius agerentur, in alia charta illarum imperialium litterarum inventus est consul. Quod cum esset suggestum, Donatistae dixerunt: "Certe consulem habere non debuit," quasi hoc aliquando dictum esset quod habere non debuerit, ac non, etiamsi consul defuisset, non impediri imperialis constituti veritatem.*

The verdict by Constantine was read out, i.e., what he had written to Eumalius, vicar of Africa, in which he [Constantine] confirms he had absolved Caecilianus. ... As they [the Donatists] did not find anything to object to, they started to slander regarding the

year [‘consul’] of this imperial letter, since it [the letter] had been read out lacking a year [‘consul’] indication. This sparked an argument, as the Donatists malevolently claimed that the imperial letter was devoid of a year [‘consul’], whereas the Catholics retorted that this did not constitute an issue. The judge, too, intervened and pointed out that it was ordered by crystal-clear imperial laws that imperial constitutions, even if the year [‘consuls’] had not been read out, may not be called into question. After that, the Catholics urged them to affirm openly that the read-out document was a fabrication; after all, they could check the archives ... First the judge wanted them to state whether they [the Donatists] were so bold as to make an accusation of forgery against the imperial letter. Yet this they absolutely did not dare to do. Still, they kept arguing in bad faith that the year [‘consul’] was missing ... While this was going on for some time, in another papyrus copy of this imperial letter the year [‘consul’] was found. When this was pointed out, the Donatists said: ‘Of course, it should not have had a year [‘consul’],’<sup>39</sup> as if it had been claimed earlier that it should not have had a year [‘consul’], and not that, even if the year [‘consul’] were missing, this would not preclude the genuineness of the imperial constitution.

Slightly later, the story takes an unexpected twist, as now the Donatists themselves presented a year-less constitution (Aug. brevic. 3.41):

*Recitaverunt enim alias litteras eiusdem Constantini imperatoris ad Probianum proconsulem datas. Quae quidem consules non habebant, sed nihil quasi de obiectione mutua catholici agere voluerunt, quamvis et hinc se ipsos Donatistae convincerent quam calumniose catholicis id obiecerint cum prior chartula, ex qua recitatum est iudicium Constantini quo absolutus est Caecilianus consules non haberet, qui tamen mox in alia chartula inventi sunt.*

They read out another letter which the same emperor Constantine had mailed [‘given’] to the proconsul Probianus. Although it did not indicate a year [‘have consuls’], the Catholics did not wish to act as if they were doing tit-for-tat—even if in this manner the Donatists could have understood how slanderous it was when they had reproached this very thing to the Catholics when the first papyrus copy from which Constantine’s sentence (the one by which he had absolved Caecilian) was read out had not included a year [‘consuls’], which was, however, shortly afterward found in another papyrus copy.

We do not know otherwise anything about these “crystal-clear laws” according to which constitutions were valid even if read without consul indication (*etiamsi consules non legerentur*). My guess is that this actually referred to the reading act itself: it did not matter whether this part was read or not, but rather whether the indication was present. This would mean that the judge Marcellinus here cites the rule in an inappropriate way. However that may be, the requirement of the date indication should not be cast into doubt, given the fact that it was strictly adhered to during the later Theodosian Code compilation, that it was itself included in its very first title, and that the Catholics challenged the Donatists to charge them with *falsum*.

The Constantinian law of 322 explains both why we have so few *dat.* indications from early imperial times (more on that later when we discuss the papyrological and epigraphical evidence, →p. 27) and why they feature so consistently in late antique

<sup>39</sup> I.e., “Here we are! Didn’t you guys say just five minutes ago that constitutions should *not* include a consular year?”. Similar unhelpful (if not childish) arguments abound in the acts of 411.

constitutions. While early imperial letters may have regularly included date indications (usually not preceded by *dat.* or other abbreviated participles), there was no compelling reason to reproduce them—copying them made the whole thing look more authentic, it is true, but that was that, more or less. From 322 onward, however, a full date was a *condicio sine qua non* for the validity of a law produced in court. A century later, by the time of the CTh.’s compilation, it would have been unthinkable to include texts into the collection which did not comply with this requirement. There is a further reason why we consistently encounter time indications in the Theodosian Code. The compilers were instructed to arrange the fragments chronologically within individual chapters, a task which required a date for every fragment.<sup>40</sup> Much depended on the order they created, as this order (based upon the dates the compilers had established) determined the validity of individual rules in the case that norms collided.<sup>41</sup> By hook or by crook the compilers needed to assign a date to any text they were reluctant to discard. Accordingly, they took whatever they found (and sometimes perhaps even invented these dates themselves).<sup>42</sup> There is no evidence that any contemporary ever objected to this procedure.

## 7 *dat.* as indicating the day of dispatch

I have mentioned above that *dare litteras* can mean “to send a letter [to]” and that this expression is routinely used in late antique constitutions. Examples include: CTh. 7.1.1, *dedimus litteras ad viros clarissimos praefectos praetorio*, “we have ‘given’ letters to the v.c. praetorian prefects”; CTh. 10.10.19, *dedimus litteras ad virum clarissimum et illustrem Cynegium praefectum praetorio*, “we have ‘given’ letters to the praetorian prefect Cynegius v.c. et i.”; Optat. app. 10 p. 215.11–20, *Accepta igitur epistola ... conperi ... . quam petitionem more instituti mei libenter amplexus sum et statim ad rationalem competentes litteras dedi, ut ...*, “Thus, by the letter I had received (*accipere*) from you I have learned that [the Catholics had suffered grievances and requested redress]. As it is my wont, I gladly embraced your petition and at once ‘gave’ (*dare*) an appropriate letter to the *rationalis* instructing him to ... .”. Compare also Aug. brevic. 3.41, *Recitaverunt enim alias litteras eiusdem Constantini imperatoris ad Probianum proconsulem datas*, “For a letter by the same emperor Constantine which had been ‘given’ [i.e., dispatched] to the proconsul Probianus was read out.” Further examples have emperors instruct their subordinates to “give” letters to third parties: Sirm. 9, *Quod illustris Magnificentia Tua in omnium notitiam datis ad singularum iudices provinciarum litteris faciet pervenire*; CTh. 14.8.1, *ad omnes iudices litteras dare Tuam convenit Gravitatem*.<sup>43</sup> It is evident that in all of these cases, *litteras dare* must mean “to send/mail/dispatch a letter to.”

<sup>40</sup> RIEDLBERGER, pp. 144–145.

<sup>41</sup> Namely according to the principle we call today *lex posterior derogat legi priori*, see RIEDLBERGER, p. 144 and n. 213.

<sup>42</sup> RIEDLBERGER, p. 145.

<sup>43</sup> More such evidence: CTh. 7.8.8, *de qua re et ad illustrem virum comitem et magistrum militum per Orientem sacras litteras dedimus*; CTh. 8.1.5, *litteris ad magistros peditum et equitum datis iussioni effectum praecipimus commodari*; CTh. 10.20.11, *super hoc dedimus litteras ad illustres magistros utriusque militiae*; CTh. 12.1.120, *Universos, qui ad indebitam militiam similiter adspirarunt, datis litteris ad illustrem virum magistrum officiorum, comitem sacrarum ac privatarum, solutos militia ordinibus propriis atque officiis iussimus subrogari*. In Quesn. 17, bishop Aurelius of Carthage refers to an imperial letter from Honorius in Ravenna as *ad me ab eis datae litterae*, “the letter ‘given’ by them [i.e., the emperors] to me,” hence, “mailed.”

Let us now compare one typical example of the material just introduced with additional evidence. As starting point, let us take CTh. 10.19.9, *Datis ad illustres viros praefectos Galliarum et Italiae litteris ... praecipimus*, “By ‘giving’ letters to the v.i., the prefects of Gaul and Italy, we ordered ...” Now, compare the following passages which, apart from the fact that either *litterae* or *dare* is replaced by a synonym, seem identical: CTh. 6.4.7, *Litteris ad Hilarianum praefectum praetorio destinatis praecepimus*, “We ordered in a letter ‘directed’ to the praetorian prefect Hilarian” (we actually know this letter in part: CTh. 6.4.4); Aug. ep. 10\*, *imperator Honorius ad praefectum Hadrianum legem dedit*, “the emperor Honorius ‘gave’ a law to the prefect Hadrian.” In the immediately preceding passage, *lex* is clearly a metonymy for the letter containing the law, because the prepositional complement “to ... Hadrian” in our phrase excludes any understanding of “to enact” or “to sign” or of anything else I could think of. Further support for the idea that “dispatching laws [i.e., letters that contain constitutions]” is a common notion can be found in passages where synonyms of “law” are coupled with forms of *emittere*, which obviously<sup>44</sup> means “to dispatch”: CTh. 5.1.2, *constitutio divi Constantini ad Bassum praefectum urbis emissa*, “a constitution by the divine Constantine which had been dispatched to the urban prefect Bassus”; CTh. 16.2.3, *cum constitutio emissa praecipiat*, “because a constitution which was dispatched [earlier] prescribes ...”; CTh. 11.1.19, *custodita sanctione emissae primitus legis*, “while upholding the rule contained in the law dispatched earlier”; CTh. 16.5.7, *nec in posterum tantum huius emissae per Nostram Mansuetudinem legis forma praevaleat*, “The content of the present law dispatched by Our Clemency shall not only be valid in future cases”; Nov. Theod. 22.2 § 1, *nuper emissa lege divali*, “by an imperial law recently dispatched”; Nov. Val. 32 pr., *lex Divi Honorii ad Palladium praefectum praetorio missa, in Theodosianum redacta corpus*, “a law which the Divus Honorius had dispatched to the praetorian prefect Palladius and which has been excerpted into the Theodosian Code.” In some cases, *emissa* appears in subscriptions (CTh. 6.27.9, 8.1.3, 8.6.1, 11.30.30, 11.30.50, 12.1.112, Nov. Val. 13), just as *dat.*, *acc.*, or *pp.* do, but unlike *acc.* and *pp.*, it never appears combined with *dat.* in a way that *dat.* would have a date different from the *emissa* date. What we do have, however, is the subscription of CTh. 8.7.11, *Dat. X Kal. Ian. Gratiano A. II et Probo cons.*, *emissa ad magistros militum et comites et duces omnes*, “‘Given’ on ..., ‘dispatched’ to ...,” where precisely the fact that there is no separate date for *emissa* suggests it is the same act.<sup>45</sup> It is suggestive, moreover, that all Valentinian Novels carry *dat.* save Nov. Val. 13, which has *emiss.*, which seems to stand in by exception.

Accordingly, there is no reason to doubt that *legem dare* can carry the meaning of “to mail a law.” Now, what about passages such as the following? CTh. 9.16.9, *leges a me in exordio imperii mei datae*, “laws ‘given’ by me at the outset of my reign”; CTh.

<sup>44</sup> BRESSLAU (p. 447, n. 1) claimed apodictically: “*Emissa* ... bedeutet einfach ‘erlassen’.” While there is overwhelming evidence that *emittere* has the basic meaning of “to send,” there is only very limited reason to think that *emittere* could, perhaps, mean “to enact” (cf. ThLL V.2 507.19–27, with examples from Tertullian, Philastrius, and the Passio Theclae, but no evidence whatsoever from legal texts; the examples in HEUMANN/SECKEL s.v. 2 are not compelling, i.e., all of them could simply be understood as “to send”).

<sup>45</sup> SEECK, p. 10, thought to have identified one counterexample, namely CTh. 6.27.8 (*dat.* on January 26) and CTh. 6.27.9 (*emiss.* on January 31), claiming that both fragments are excerpted from the same original constitution on *agentes in rebus* addressed to Hosius. If so, one wonders why the compilers should have excerpted one time the *dat.*, the other time the *emiss.* In actual fact, on January 18 there was yet another letter addressed to Hosius on a similar topic (CTh. 6.26.6), so we can observe the emperor regularly giving instructions to him. There is hence no convincing reason for Seeck’s combining of CTh. 6.27.8 and 6.27.9 to one original constitution.

8.12.5, *data iam pridem lege statuimus*, “we enjoined in a law which we had ‘given’ quite a while ago”; CTh. 11.36.3, *lege de appellationibus data*, “in a law we ‘gave’ on appeals”; CTh. 14.3.18, *lege super mancipibus data*, “in a law we ‘gave’ on postmasters”; Conc. Afr. p. 220.1307f., *lex data est, ut libera voluntate quis cultum Christianitatis exciperet*, “a law was ‘given’ that anybody embrace the Christian cult according to his own liking.” Indeed, *dare* could mean “to enact” in all of these cases. Yet in light of all the evidence we reviewed in the preceding paragraphs, translating *dare* also in instances such as these as “to dispatch, to mail” seems to me far more likely.

Moreover, we have numerous laws carrying both a *dat.* and *acc.* date, such as (e.g.) CTh. 11.28.1, *Dat. VII Kal. Nov. Antiochiae, acc. XV Kal. April. Karthagine Iuliano A. IIII et Sallustio cons.* Clearly, *dare* and *accipere* are complementary verbs. From a philological perspective, it appears unreasonable to insist that *accipere* should be understood in its most natural sense of “to accept, i.e., to receive” while attributing a highly unusual and technical meaning to *dare* such as “to sign” or “to impose” or the like, particularly when such interpretations lack support elsewhere. This issue is mostly ignored;<sup>46</sup> a majority of scholars seem to take for granted that *dare* must mean “to enact” or “to sign,” and simply ignore the relation to *accipere*. Yet in truth, this is further evidence pointing toward an understanding of *dat.* in the sense of “sent.”

This concept receives further corroboration by the place indications. It will be remembered that *dat.* indications always include a placename, and scholars (most notably so SEECK) have successfully matched the location indications contained in subscriptions with historical events known from other sources, such as (to pick one example among many) Theodosius I’s campaign against Maximus from 388: we can follow his tracks from Thessaloniki via Stobi to Scupi through the constitutions; slightly farther and later, he fought the battles of Siscia and Poetovio, of which we know through literary sources; chronicles tell us that the captured Maximus was subsequently handed over to him in the vicinity of Aquileia; in this city he resurfaces shortly afterward again in a constitution.<sup>47</sup>

In the case of imperial constitutions, therefore, we can construct a consistent picture, and we can get quite far by understanding the *dat.* indication as “dispatched on ... in ...” But this is not the end, for there are two points left to discuss. On the one hand, *dat.* indications do not only appear in late antique imperial constitutions, and this non-late antique or non-imperial evidence does not always match our conclusions. This merits an in-depth discussion. On the other hand, we should think about what “dispatch” means, in other words, what moment exactly is indicated by *dat.*

## 8 *dat.* in other evidence, and what follows from it

*dat.* indications are a feature of late antique constitutions, and thanks to their CTh. excerpts, we are familiar with literally thousands of them. But *dat.* indications are not restricted to late antique constitutions. There are several dozen attestations in inscriptions and papyri, mostly from early imperial times; I have tried to compile these instances below in Appendix 3. Moreover, we find *dat.* indications in manuscript-transmitted texts. Unlike the papyrological and epigraphical material, these mostly belong to Late Antiquity. There are too many of them for any attempt to fully collect the evidence, but let us discuss a few selected examples. During a Roman synod of AD

<sup>46</sup> However, cf. Iovine (→p. 23).

<sup>47</sup> SEECK, p. 275.



495, two petitions by the incriminated bishop Misenus of Cumae (PCBE 2.2, pp. 1515-1519), a former papal legate, were read out to the assembled bishops. These two petitions start (not end!) with (Avell. 103.4) *Datum a famulo vestro Misenno die octavo Iduum Martiarum Viatore v. c. cons.* and (Avell. 103.10) *Datum a famulo vestro Misenno sub tertio Iduum Martiarum Flavio Viatore v. c. cons.*, respectively. Now have a look at the subscriptions of the second petition as we find it embedded in the minutes of the synod (Avell. 103.12):

*Cui petitioni meae manu mea subscripsi sub III Id. Mart. Viatore v. c. cons. ac Vestrae Beatitudini in conventu venerandorum credidi meis manibus offerendam. Et alia manu: Ego Misenus huic petitioni meae et a me oblatae subscripsi die et consule supra scripto.*

To my present petition, I have added a subscription by my own hand on the 3<sup>rd</sup> day before the Ides of March in the consulate of v.c. Viator, and I deemed it called-for to hand it over by my own hands to Your Beatitude [i.e., the Bishop of Rome] in the Synod of the venerable [bishops]. In a different hand: I, Misenus, have subscribed this petition, which is mine and was handed over by my own hands on the aforementioned date.

Here is not the place to discuss all the problems raised by this curious double subscription.<sup>48</sup> What interests us is that it proves that its *dat.* indication has a meaning remarkably different from the one we encounter in imperial constitutions. In the case of Misenus, *dare* no doubt is used in the sense of “to physically hand over,” and, crucially, the letter is “given” to the recipients, not a courier. While this arguably constitutes a special case, as the sender Misenus personally acts as the carrier of his own document, it proves that *dat.* cannot be taken generically as “dispatched” in all cases. Here, it rather indicates the moment of receipt, i.e., the day when the message made it to the final destination.

We have a few cases in which a carrier (who is different from the sender) is named, such as the pair Avell. 18 and 19. The first text, Avell. 18, is an imperial letter by Honorius, addressed to the urban prefect. Its subscription is *Data XVIII Kal. Feb. per Aphthonium*. The first phrase of Avell. 19, Symmachus’s reply, runs like this: *Cum vir clarissimus Aphthonius decurio sacri palatii vestri cum caelesti praeceptione ad urbem venerabilem convenisset*. Aphthonius was the messenger who had carried Honorius’s letter from Ravenna to Rome. Yet given the beginning of Avell. 19, there is some concern that *per Aphthonium* in the subscription of Avell. 18 could be a scribal addition, a suspicion supported by the fact that this case is unique among imperial letters.

Another example is the subscription of a letter which the Roman bishop Vigilius sent to Bishop Valentinian of Tomi in the year AD 550 (ACO 4.1, p. 196.34-36): *Data XV Kal. April. Imperii Domini Iustiniani p. p. Aug. anno XXIII p. c. Basilii v. c. anno*

<sup>48</sup> Because of *et alia manu*, it is clear that Misenus personally wrote only the second phrase. Apparently, after the text of the second petition had been copied into the minutes of the synod, Misenus had to subscribe there a second time for reasons of authentication. This is confirmed by the different tenses for the act of offering (which is something supposed to happen in future in the first, but something that has already happened in the past in the second subscription). Also note that the second subscription states that the indicated date in it is the date of its submission—not the date of the second signature. — Some colleagues who have read a draft of my article suggested that this double signature should rather be likened to papyrological material, i.e., to documents drafted by a professional scribe and then signed by the more or less literate client. But this notion does not fit the situation. Misenus is not a peasant, and he’s not petitioning for a tutor, but rather asks the bishop of Rome for reconciliation by anathematizing Eutyches, Dioscorus and others.

*VIII per Iohannem presbyterum et apocrisarium. Et ipse direxit eam per Maxentium hominem suum.* We have here a distinction between the man responsible for consignment (John, who was Vigilus's apocrisarius) and the person who actually conveyed the letter (John's subordinate Maxentius). A similar case is provided by another text from the same context (ACO 4.1, p. 198.28-29): *Data III Kal. Mai. Imperii Domini Iustiniani p. p. Aug. anno XXIII p. c. Basilii v. c. anno nono per hominem, quem Anastasius direxit.* The letter in question was likewise sent by Vigilus, this time to his colleague Aurelian of Arelate. The Anastasius mentioned in the subscription is somebody from Arles who had delivered Aurelianus's preceding letter to Vigilus. Despite the use of the same verb in the identical inflected form (*direxit*), the semantics are different: the man in charge of the consignment is Anastasius who however does not return himself to Arelate. He rather sends (*direxit*) an unnamed subordinate together with the letter. Thus, *direxit* refers in the first case to the mailing of a letter, in the second case to the dispatch of a person. On the face of it, it might seem more likely to relate the *dat.* in the second case to the courier's "giving act," i.e., the delivery, as the phrasing literally taken only seems to allow this interpretation ("handed over on ... by"). But I still would exclude this. Why? Both letters appear one after the other in the Acts of Constantinople II, and the probability is that these letters therefore stem from Vigilus's outgoing register. If so, they cannot include the date of reception (obviously unknown to the sender Vigilus in Constantinople).

In the papyrological and epigraphical evidence, we also encounter instances in which *dat.* must indicate the moment when the document in question reached its destination, i.e., when it was "given" to the final recipient. This is beyond doubt in the case of the Lex Irnitana (my E2) because it is read out on the immediately subsequent day (which means that it had already got to its destination). We can assume furthermore that the *dat.* indications in Egyptian requests for *bonorum possessio* or tutor attribution (P7-P10) should refer to the handing-over of the petition to the governor, although this cannot be proven as strictly.

It is suggestive that in Opramoas's dossier the imperial letters, while dated, are devoid of *dat.* or any other verbal addition, while some gubernatorial letters have it. This matches much other evidence, including the first two inscriptions I reproduced in my Appendix 4, according to which in the second century imperial letters just indicated a date, without adding *dat.* before it. By the early third century, however, things had changed. The *Letter of 204* under Septimius Severus already provides us with a *dat.* in the late antique sense, i.e., clearly referring to dispatch, not to reception, since Rome, Septimius's location, is indicated. The same is true of the two letters of Valerian which include a *dat.* from Antioch, where he was based. It may strike us as odd to redeploy an existing term and use it practically in its opposite sense, i.e., with *dat.* noting the moment when the letter was "given" by the sender, not to the recipient. It is all the more curious if we consider that later non-imperial attestations (like those mentioned above) continue to use it in the old sense, while in constitutions we might now encounter the use of *acc.* to indicate the day of reception. Surprising as it must seem, the fact itself cannot be called into doubt, as the locations in constitutions certainly refer to the sender.

All of this entails that we must be very wary indeed in drawing conclusions from non-imperial, pre-late antique material and applying it to the evidence from Late Antiquity. Only few overarching observations can be made. First of all, while a *dat.* indication is *de rigueur* in late antique constitutions, otherwise adding *dat.* seems to be an exception. We cannot be totally sure that this impression is not falsely created by a bias in our material, because there is no way one could exclude that *dat.* was left out during copying (after all, few papyri in the material are original letters, and obviously

none of the inscriptions is a letter itself); before Constantine's ruling, it was simply not mandatory to keep the date. But then again, we have dossiers such as Sarapion's or Opramoas's (→p. 29) which were created, apparently, directly from the originals, without intermediate steps. In both dossiers, we sometimes have *dat.*, although mostly not. As there is no reason to ascribe this fluctuation to the copyist, it must in all likelihood go back to the originals themselves, confirming our general picture of rare *dat.* indications. Second, seemingly all known *dat.* indications, without any exception, belong to formal contexts. Whatever *dat.* indicates, its use was restricted to such purposes. Third, the documentary evidence provides crucial evidence regarding the placement of the *dat.* formula on the original documents. We are accustomed to seeing *dat.* (often following some white space) at the beginning of a new line at the end of a constitution, just as I myself presented CTh. 16.7.1 right at the start of this article. This quite resembles the layout of a modern document, signed in the lower part of the page after some white space, with a signature right next to a place and a date. However, this traditional print layout is misleading. Scholars have pointed to the indications in three Valentinian Novels (1.3, 9, 16), in which, after the constitution's body text, first appears *et manu divina*, followed by either imperial greetings (if a letter) or the posting order (if an edict), then *et ad latus*, followed by the *dat.* indication.<sup>49</sup> This is confirmed by numerous inscriptions and papyri which present the *dat.* indication in the margin, or, if indeed at the end, in a markedly distinct handwriting. The careless handwriting and the irregular placement suggest that the *dat.* indication was not added by the letter's main scribe but rather by a clerk who jotted this note down later, at a specific moment of the conveyance. In Appendix 4, I have reproduced some of the papyri and inscriptions to illustrate this. These documents either have their original indication; or they are copies, but their creators took the pain to faithfully reproducing the *dat.*'s location or the handwriting, or both.

## 9 The exact event recorded by *dat.* in late antique constitutions

Unfortunately, we know little about the relevant internal administrative practices of the late antique imperial court. We have no clue about the number of hands through which a letter passed after the emperor had added his greeting, and any of these acts of handing-over could be the one so faithfully recorded by late antique *dat.* notes. Yet even if we can't attain certainty, there are some educated guesses to make. Three possible theories come to my mind. First, *dat./acc.* could have been added in the moment when the letter left the hands of the sender (e.g., the emperor in person) or reached those of the final recipient (e.g., the proconsul of Africa himself). It is impossible to disprove this first scenario, but to me, it seems unlikely that a clerk would be on stand-by to add *dat.* or *acc.* in his own writing once the emperor was done penning his greeting, or the recipient deigned to read the incoming mail. Second, it could have to do with the courier/the imperial post (i.e., *dat.* indicates when a letter was handed over by some clerk to the first courier, *acc.* when the last courier gave it to the clerk in charge of mail at the recipient's location). Third, *dat.* and *acc.* might rather relate to archival procedures: we might imagine that in the moment an outgoing letter was copied into the outward register ("Ausgangsbuch") at the sender's location, the letter itself received

<sup>49</sup> E.g. Tjäder, pp. 110-112, who goes on to discuss evidence which is fascinating, although beyond the chronological scope of the present article. What he has to say on imperial *dat.* indications on these three pages is not always convincing.

this date in this clerk's handwriting, while *acc.* records the day when a letter was copied (or rather glued<sup>50</sup>) into in the inward register.

There is one clue. In the Theodosian Code we encounter a multitude of extracts that were issued from Constantinople. As the code was compiled in this city, it is a reasonable assumption that these excerpts were made from the local archive. What is more, these Constantinopolitan texts just feature a *dat.* formula, but no *acc.* or *pp.* indications, suggesting that they derived from the outward register—and not from the dispatched letters themselves where we would also expect to find (at least sometimes) the day of arrival and/or posting. But if the *dat.* date could be copied into the outward register, then it cannot plausibly point to an event indicating a moment subsequent to archiving: it does not appear conceivable that, once the letter was handed over to the courier (which might happen much<sup>51</sup> later than the archiving act), somebody took the pains to update the archive entry.

There are two further pieces of evidence that likewise suggest that hypothesis no. 3 is correct; but I must insist neither of these two constitutes an airtight proof. On the one hand, P20 (→p. 29) suggests the *dat.* indication could be *inside* a tied-up letter which excludes that it was added in the moment when it was handed over to the carrier. But P20—despite being a tied-up diploma—is likely a copy, which unfortunately means that the *dat.* could be the *dat.* of its original. On the other hand, there is Quesn. 16. Items 16-17 of the Quesnelliana collection belong together. Quesn. 17 is the covering letter with which the recipient of the earlier letter Quesn. 16 (namely Bishop Aurelian of Carthage) forwards this very text to his fellow bishops. Therefore, the extant version of Quesn. 16 must be the version of this letter which Aurelian himself had earlier received. The end of Quesn. 16 reads: *Data V Idium Iuniarum Ravennae. Eodem tenore etiam ad sanctum Augustinum episcopum data.* This is what I called in the case of imperial constitutions *Verteilerliste*.<sup>52</sup> The specific interest of Quesn. 16 lies in the fact that apparently, it proves that this remark could be found on the dispatched copy (as opposed to outward registers which are probably the ultimate source of all *Verteilerlisten* we know otherwise). Yet there is a problem: the word *sanctum* (of *sanctum Augustinum*) might<sup>53</sup> be spurious. However, if the indication is genuine, then it was copied from the outward register to the dispatched letter, which makes it likely that the same happened with the *dat.* indication. Moreover, the clearly archival *Verteilerliste* remark might point to an archival nature also of the *dat.* indication, found in its immediate context.

From a practical viewpoint, it is of course tempting to regard *dat.* as the day when the respective letter was copied into the outward register. This would offer a straightforward explanation why *dat.* was so much privileged among the indications found on constitutions: if anybody later presented a possibly forged constitution during a court trial and it became necessary to authenticate it, having the precise archival

<sup>50</sup> HAENSCH (1992), pp. 245-254, especially p. 248, and CLARYSSE.

<sup>51</sup> See the strange case of Nov. Iust. 66, even if the details of the delay remain unclear (→p. 26).

<sup>52</sup> RIEDLBERGER, pp. 70-72. Such *Verteilerlisten* can be found elsewhere, too: CTh. 1.8.1; CTh. 6.28.8; CTh. 11.28.9; CTh. 12.1.187/8.4.30 (two fragments excerpted from the same original constitution); Nov. Theod. 7.4; Nov. Theod. 26; ACO 2.2.2, p. 24.6-8; ACO 2.3.2, p. 93.6-7. Nov. Marc. 2 has a *Verteilerliste*, but is devoid of a *dat.* (its consuls, however, appear after the *Verteilerliste*, suggesting a lacuna).

<sup>53</sup> However, *sanctus* as epithet for living clerics does occur in this period, even in imperial letters. Compare, for example, Avell. 36, *sanctum igitur ac venerabilem virum Bonifatium urbis Romae episcopum*, or Avell. 37, *Victor Honorius inclytus triumphator semper Augustus sancto ac venerabili Bonifatio papae urbis aeternae*.

reference in shape of the *dat.* indication would significantly simplify this task, making it far easier than with any other indicator.

However, much though the evidence may point toward *dat.* being the day when the letter was copied into the outward register, I cannot stress enough that this is a speculative hypothesis, no more. First, there is simply no positive evidence whatsoever proving this notion; we arrived at it by discarding unconvincing ideas and gathering circumstantial, rather than definitive, evidence. Second, if *dat.* records indeed the moment of archival record, why then *dat.* and not simply (say) *regist.*?<sup>54</sup> There is no need pointing out that clerical practices might easily lead to such a shift in meaning, but we are faced with a total lack of evidence supporting this idea.

## 10 Consequences

For reasons discussed in detail, *dat.* in late antique imperial constitutions can't possibly indicate the date of signature; it must relate to some clerical event, perhaps the day when the letter was copied into the outward register. SEECK (p. 10) believed that we had to distinguish between the date of execution (*dat.*) and the date of dispatch (*emiss.*); and he also believed that, although some delay might be expected, we can for practical purposes equate these steps, as one may surmise that letters were dispatched immediately after signature. But there is no compelling evidence that *dat.* and *emiss.* refer to different dates; and apparent curiosities can easily be resolved if we suppose that bureaucratic procedures took some time. Among the Valentinian Novels, there are several which feature both *dat.* and *acc.* indications. Yet while both sender and recipient resided in Ravenna, the interval is surprisingly long. The most drastic case is provided by Nov. Val. 10, with a time gap of more than three weeks between *dat.* (10<sup>th</sup> day before the kalends of March, i.e., February 20) and the *acc.* (the day before the Ides of March, i.e., March 14). Other Novels show short gaps (two weeks in the case of Nov. Val. 23, around one week in the case of Nov. Val. 31, a single day in the case of Nov. Val. 21.2). Add to this evidence the case of Nov. Iust. 66, according to which a delay of more than two months might happen within Constantinople itself (→p. 26). Already BIANCHI FOSSATI VANZETTI (pp. 45-46) suspected that these erratic and occasionally surprisingly long delays had to do with administrative procedures. According to her, the copy signed by the emperor was perhaps archived, and before anything could be sent out, a duplicate for dispatch had to be created. This cannot be correct; the *alia manu* or *divina manu* indications in recipients' copies in other contexts prove beyond doubt that originals, not copies, were mailed.<sup>55</sup> According to her second idea *acc.* was added only when the document was copied into the inward register, which might take a while owing to administrative inefficiency. If this second idea of hers is correct, this would imply that many calculations scholars have proposed for transmission times<sup>56</sup> would need to be called in question, as the purely bureaucratic act of registration after reception might, perhaps, offset one's calculations by three weeks or more. What Bianchi Fossati Vanzetti conjectured for *acc.* is of course the mirror image of my own

<sup>54</sup> Actually, *regist.* as an indication is attested too, if only once or twice in antiquity: CTh. 11.28.14, *Regesta VI Id. Feb. Ravennae Asclepiodoto et Mariniano cons.*; Sirm. 19, *Regestum Ravennae die XV Kal. Febr. Honorio A. XI et Constantio II AA. cons.* This latter constitution is either forged (RIEDLBERGER, pp. 202-203) or substantially rewritten. CTh. 11.28.14, meanwhile, is entirely inconspicuous. This fragment does not stand out in any way, so I can't see any explanation why it includes a unique indication. Also note that it is unclear to which filing act *regist.* might refer: at the sender's location? Or at the recipient's? Or to any other, possibly much later, archiving activity?

<sup>55</sup> Examples include Quesn. 16; Avell. 3; Avell. 11; Coll. Carth. 411, 1.4.50 = 3.29.48.

<sup>56</sup> For example, between Rome and Africa; see RIEDLBERGER, p. 569, n. 108.

claim about the connection between *dat.* and the outward register, and if I am right about this, then a first delay might happen at this point.

A stunning observation was made by MITTHOF (2013, p. 371) when he collected all extant examples of Easter amnesty laws. These laws, apparently issued regularly, pardoned a seeming majority of exiles and prisoners save the culprits of crimes considered especially heinous. One would expect these amnesties to be enacted *before* Easter; but of those laws we know, only two carry a *dat.* indicating a day before Easter, and of those, the date of CTh. 9.38.7 is merely two days earlier than the solemnity (i.e., it was impossible that it could be put into effect on time). In other cases, the *dat.* date is a few weeks after Easter (CTh. 9.38.3, Sirm. 8); we also have two amnesties with rare *lecta* and *recitata* indications which indicate dates in summer, i.e., months after Easter (CTh. 9.38.4, CTh. 9.38.6). The latter have been explained as later readings in possibly different contexts, the former were considered corrupted and have been corrected by varying means (changes of *Mai.* to *Mar.*, or the assumption that because of scribal mistakes, *dat.* erroneous replaced other indications such as *pp.*). Yet instead of tinkering with almost all transmitted dates, we should rather assume that these Easter amnesties were indeed dispatched late. In actual fact, one of the Easter amnesties starts with (CTh. 9.38.8): *Nemo deinceps tardiores fortassis affatus Nostrae Perennitatis expectet*, “Henceforth, nobody shall wait for a letter of Our Perennity, which might possibly be late,” defining a regular Easter amnesty. Yet there is a further conundrum: none of these Easter amnesties refers to the solemnity as a past event. This was hence either devoid of importance to their authors (which seems unlikely to me) or, rather, these texts were actually created in time, but received their dispatch including archiving only after some administrative red-tape and ensuing delay.

If my reasoning is correct, this would entail that between any given *dat.* indication and the preceding enactment “some” time (perhaps weeks or more) could have passed. Consequently, the place named in the *dat.* indication would indeed be the place where the letter was registered (from where it was dispatched), but the emperor had possibly signed the letter on an earlier day (and, if traveling, at a different location, namely where he happened to be at that moment of enactment). This remains speculative, but it might be worth keeping it in mind, especially when using *dat.* indications for reconstructing imperial itineraries or similar undertakings.

## Appendix 1: Prior Opinions

That *dat.* should be understood in the sense of “sent” (i.e., “passed on,” perhaps by the registrar; but certainly not as “signed” or “enacted”) seems so evident that it is surprising that the case was not made earlier. Truth be told, several scholars hinted at this meaning, without fleshing out the argument. Let us briefly review earlier opinions voiced in research.<sup>57</sup>

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<sup>57</sup> Despite their promising titles, the articles by MOREAU and TJÄDER cannot help. Moreau is concerned with different questions; Tjäder is discussing mostly medieval practices, although he sometimes branches out to antiquity. Yet when he does so, there is little of relevance for our interests. As for ancient *dat.* indications in the margin, he only knows the three Valentinian Novels (→p. 19), his claims (p. 111-112, “Evidentemente [...] la datazione e l’indicazione del luogo furono annotate nel margine proprio al momento della sottoscrizione dell’imperatore. [...] Più precisamente, nella cancelleria imperiale *ad latus* doveva significare nella parte bassa del margine sinistro, all’incirca all’altezza della sottoscrizione dell’imperatore”) remain unsubstantiated and are (if we may deduce so from non-imperial and early imperial material) certainly wrong. He then goes on that the archbishop of Ravenna’s chancellery took this over from the imperial chancellery, not acknowledging that his own reconstruction of the imperial

In 1981, NÖRR published a pivotal article on the handling of rescripts. There (pp. 18-19) he stressed that “daß sich das *dare* auf die Übermittlung einer *epistula* beziehen kann.” In one concrete case, he argued that a “Reskript wurde wohl auf offiziellem Wege (*cursus publicus*) nach Rom übermittelt (*dat.*) und dort ausgehängt (*alleg.*)” and also suggested for another specific rescript that its *dat.* indication indicates the day of the “Absenden des Reskripts nach Rom.” Although this article is rightly a classic and oft-cited, this detail of Nörr’s argument seems to have been largely ignored. IOVINE saw the pair of opposites *data* and *accepta*, but according to him, while the antonym to *data* is *accepta* (p. 206), *data* in imperial letters stands in opposition to *rogata*, as in *lex data* and *lex rogata* (p. 193). This appears quite far-fetched anyway, and the whole idea of *lex data* – *lex rogata* is a modern construct employing *modern* terminology (→p. 6). Besides, Iovine’s idea fails to account for evidence such as the subscription of CTh. 16.2.12, with *Data epistola* (not *lex*) in an imperial constitution. CUNEO, basing herself on such evidence (pp. LXXIV-LXXV; she cites CTh. 8.4.6, 16.2.15), pointed out that *dat.* should refer to the moment a document was issued or dispatched to the recipient, without entering further into the discussion.<sup>58</sup> Some authors were quite undecided on the topic. A good example is FREIS, who in his collection of translated inscriptions includes three texts with *dat.* indications. Yet his three renderings are “gegeben,” “abgesandt,” und “ausgefertigt” (i.e., “given,” “dispatched,” and “executed”). He was apparently unaware of his own inconsistency.<sup>59</sup>

Curiously, the most extensive debate about a possible meaning of *dat.* as “sent” (as opposed to “enacted” or “signed”) is much older. In his two-volume handbook on medieval charters, FICKER (pp. 206-221) argued that *datum* etc. must indicate the moment when a charter or letter was “given” to the recipient or courier (p. 213). He did so mostly on philological grounds and employing almost exclusively material from the Middle Ages. It appears (cf. BRESSLAU, p. 447) that Ficker’s opinion initially gained some support. Bresslau’s widely acclaimed *Handbuch*, however, put an end to this. This is BRESSLAU’S reasoning (pp. 446-450): given the positioning of *dat.* on documentary evidence, it must have been added separately later and certainly after the imperial greeting formula (p. 447). Consequently, the *dat.* date must indicate one of two things: either the moment a constitution went into force, or the moment it was given to a recipient or a courier. The second version is Ficker’s, which Bresslau recapitulates and then attempts to refute. Bresslau accepts Ficker’s point that *dare litteras* is idiomatic and means “to send a letter,” but then claims that even in Cicero, *dare* may mean “to write,” “to author,” “to enact”; but for this claim, Bresslau cites no more than one passage, and this, to boot, fails to bear out his claim.<sup>60</sup> Bresslau then goes on to assert

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chancellery is almost completely (i.e., apart from the three Valentinian indications) based on the medieval practices of Ravenna, which is hence a circular argument.

<sup>58</sup> The counter-arguments by LEMCKE, p. 196, n. 5, are quite beside the point. He muses whether in CTh. 8.4.6 should be read *data epistula <a> praefecto* instead of *data epistula praefecto* (not understanding that the argument hinges on *epistula*, not on *<a> praefecto*) and points out that in one manuscript, CTh. 16.2.15 lacks *epistula* (namely in E; given that the much better ms. V has it, and that *epistula* is the lectio difficilior, Lemcke’s argument is scarcely convincing). Finally, Lemcke points to various constitutions with *Verteilerlisten* and claims that this is evidence supporting the idea that *dat.* indicates the moment of promulgation (*sic*). As hard as I try, I fail to understand this last argument.

<sup>59</sup> These three examples are his no. 57 (my E1), no. 95 (my E3), and no. 122 (my E11).

<sup>60</sup> Cic. Att. 7.14.1, A. d. VI Kal. Febr. *Capuam Calibus proficiscens, cum leviter lippire, has litteras dedi*. Bresslau’s argument seemingly is: this is the start of a letter, hence *dare* cannot mean “sent” as the letter must first be “written.” Further, the mentioned eye issues might interfere with an act of writing, but not with an act of sending. While this is logically all correct, it is still within normal language usage to understand this as a proleptic “to dispatch,” an interpretation supported by the perfect *dedi*. At any rate,

that *acc.* does not correspond to *dat.*, the first being some irrelevant later annotation, the latter the real and crucial date of the letter (Bresslau does not mention that hundreds of CTh. fragments are devoid of *dat.* indications). He goes on to underscore that two to three weeks could elapse between *dat.* and *acc.* in the case of letters the emperor sent to his own prefect residing in the same city: “so wird man doch nicht im Ernst daran glauben können, daß in diesen Fällen die Beförderung vom Büro des kaiserlichen Kanzlei bis zu dem des Empfängers zwei bis drei Wochen in Anspruch genommen habe: unmöglich kann *data* demnach hier den Zeitpunkt bezeichnen, an welchem die Erlasse dem Boten übergeben sind.” Bresslau was ignorant of Nov. Iust. 66, in which we learn that two months could pass between a constitution’s *dat.* at the court of Justinian and its transmission to his own local prefect (→p. 26). Bresslau (p. 449 n. 2) also complains that *dat.* can be found in *orationes* to the Senate: “Wie kann *data* in solchen Fällen, wo die Erlasse überhaupt nicht ausgehändigt sind, eine Aushändigung bedeuten?” Once again, Bresslau’s claims betray insufficient familiarity with the real situation in antiquity (Symm. ep. 1.13.2-3 = MGH Auct. Ant. 6.1, p. 9.9-15):

*Primores Kalendas Ianus aperibat. Frequens senatus matutine in curiam veneramus, priusquam manifestus dies creperum noctis absolveret. Forte rumor adlatus est, sermonem desiderati principis multa nocte venisse. Et erat verum, nam tabellarius vigiliarum fessus adstabat. Nondum caelo albente concurritur; luminibus accensis novi saeculi fata recitantur. Quid multa? Lucem, quam adhuc opperiebamur, accepimus. Dic mihi, inquires—nam id praestat audire—quid nostri patres super ea oratione senserunt?*

Janus ushered in the [New Year’s] first kalends. We, a packed Senate, had convened at the Curia in the morning, before broad daylight had relieved the night’s twilight. Just then, a rumor sprang up, claiming that an *oratio* [*sermo*] of our beloved emperor had arrived in the thick of the night. And this turned out to be true, as a courier [*tabellarius*], much tired for lack of sleep, was standing by. While the sky had still not yet grown refulgent, everybody rushed together. By torchlight, the letter [*fata*] of the new ruler [*saeculum*] was read out. What else should I tell you? The light which we still had been waiting for, we were gifted with in that moment. “Pray tell me,” you will say, [and rightly so,] because it is worth knowing, “what did our senators think of this *oratio*?”

His father having died on November 17, 375, Gratian’s inaugural *oratio* to the Senate made it just in time for January 1, 376. Gratian was at Trier, so there was good reason to send the text with a courier (*tabellarius*) to Rome.

Bresslau concludes that based on his observations, *dat.* cannot denote the moment a letter was handed to a courier. With this option ruled out, his only remaining alternative—*dat.* being the moment of signature—had to be true. He bolstered his point by claiming that the “Tag der Vollziehung durch den Kaiser” was supposedly “das rechtlich allein wichtige,” thus, it must have been indicated by all means. However, we have seen earlier that Bresslau’s ideas about legal validity are anything but sound (→p. 4). As Bresslau’s counterarguments against Ficker are strained and unconvincing, if not outright mistaken, while the arguments meant to support his preferred variant suffer from major flaws, there is not much to recommend his reasoning for the ancient situation. I must clearly point out that all the arguments and evidence I have presented

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one would need a much better reference to argue that exceptionally, *litteras dare* does not mean “to send a letter” in Cicero, as it otherwise does (cf. OLD s.v. *do* 10).



pertain to antiquity, and to antiquity only. I am not concerned with the medieval situation, which was of course the main focus of both Ficker and Bresslau and which, one may presume, is very different indeed. The main problem of Bresslau's argument is precisely that he assumes without acknowledging it explicitly that the meaning of *dat.* has remained identical, from Roman imperial times to the High Middle Ages and beyond.

## Appendix 2: The Justinianic Novel 66

Unless I have missed something, the only extant ancient metatext on *dat.* is Nov. Iust. 66. This constitution is so important that we cannot ignore it, although it is impossible to discuss it here fully, as this would easily double the length of the present article. One must contemplate the possibility, furthermore, that administrative practices and, with them, the meaning of *dat.* had already changed by Justinianic times. It is suggestive, for example, that among the numerous extant Justinianic constitutions there is not one instance to include an *acc.* in the subscription, while there are numerous occurrences of *dat.* – *pp.*

The case handled by Nov. Iust. 66 is complex. Earlier there was no clear rule from which point in time onward a constitution was considered to be in force. When Justinian had introduced modifications to the law of inheritance, this led to numerous petitions by distraught heirs: the wills of their testators, created *after* Justinian's new laws had been enacted, but *before* they had become known, were all of a sudden of questionable validity. In Nov. Iust. 66 Justinian tackles two problems simultaneously, namely these specific cases, and the underlying issue in a broader, although not general, sense. Justinian's new rule on validity is that any future constitutions regulating the law of inheritance should basically enter into force from the moment they were published in provincial capitals. As these individual points in time might be difficult to establish, Justinian adds a simpler rule: the moment of validity is the *dat.* date plus two months, as this should allow for enough time for any law to be published in any province (Nov. Iust. 66 Caput 1 pr.):

Ὅπως δ' ἂν σαφέστερον ἔτι τὸ πρᾶγμα δηλωθείη, θεσπίζομεν, εἰ γραφεῖη τοιοῦτος νόμος, τοῦτον μετὰ μῆνας δύο τοῦ δοθέντος αὐτῷ χρόνου κρατεῖν καὶ πολιτεῦεσθαι εἴτε ἐπὶ ταύτης τῆς εὐδαίμονος πόλεως εἴτε ἐν ταῖς ἐπαρχίαις, μετὰ τὴν ἐμφάνισιν ἀρκοῦντος τούτου τοῦ χρόνου πᾶσι φανερόν αὐτὸν καταστῆσαι, τῶν τε συμβολαιογράφων τὴν αὐτοῦ μαθηθόντων δύναμιν τῶν τε ὑπηκόων γινωσκόντων καὶ τὸν νόμον τηρούντων.

In order to define the matter even clearer, we rule that when such a law is authored, it will be valid and take effect (both in Constantinople and in the provinces) two months after the *datum* moment, as this is enough time after the dispatch to the recipient [ἐμφάνισις]<sup>61</sup> for it to become known to everybody, so that notaries can learn about its validity and subjects come to know about the law and comply with it.

<sup>61</sup> KAISER 2010a, p. 180, claims that τοῦ δοθέντος αὐτῷ χρόνου must refer to the moment of publication given the context, as ἐμφάνισις means publication. In KAISER 2010b, p. 80, he translates this as “dem Datum, das es trägt” and adds that this is the “Datum des Aushangs.” In other words, he mistranslates δοθέντος into German “Datum” instead of into Latin *datum*, and this confusion allows him to ascribe an erroneous meaning to it. In actual fact, neither τοῦ δοθέντος αὐτῷ χρόνου nor ἐμφάνισις refer to posting; for ἐμφάνισις, refer to my main text (curiously, KAISER 2010a, p. 176, himself correctly states that ἐμφανίζω means the reception of a constitution by the recipient). I checked manually all occurrences in

ἐμφάνισις is attested several times in two quite different meanings, namely the *communication to* the recipient (i.e., when he passively receives a law or other document)<sup>62</sup> and the *insinuation by* the recipient (i.e., when he actively adds a text to his acts and thereby publishes it; this is what we technically call *insinuatio*, cf. CI. 1.23.3 and especially Aug. ep. 88.2).<sup>63</sup> At least we can safely state that ἐμφάνισις never denotes the moment of posting. In Nov. Iust. 66, the meaning of ἐμφάνισις must be the first one, i.e., the dispatch to the recipient. This matches the usage of all passages in the Novels with respect to the ἐμφάνισις of a constitution; furthermore, if ἐμφανίζω is constructed with the dative of people (or their offices), it does not appear possible to recur to an understanding of insinuation anyway. Moreover, attestations of ἐμφάνισις etc. in the Novels bearing a provable meaning of *insinuatio* in the technical sense are restricted to the registration of testaments and the like.

ἐμφάνισις must mean the dispatch by the sender, not the reception by the addressee, as Justinian assumes that *dat.* and ἐμφάνισις should typically coincide (this is clear when he later twice repeats the rule as “two months after ἐμφάνισις” instead of “... after *dat*”). However, in the specific case of the latest constitution on wills, things were more complicated, as two concurrent versions had been created, a Greek and a Latin one, with two different dates to boot, namely March 1 and April 1. In Justinian’s own words (Nov. Iust. 66 Caput 1 § 2):

ἡ μὲν καλάνδας Μαρτίας ἔχει, γραφεῖσα μὲν τότε, οὐκ ἐμφανισθεῖσα δὲ τηνικαῦτα εὐθύς, ἡ δὲ τῇ Ῥωμαίων φωνῇ γεγραμμένη [...] καλάνδας Ἀπριλλίας προσγεγραμμένης ἔχει.

The Greek version carries “Kalends of March.” While the constitution was indeed authored then, it was not immediately dispatched [made ἐμφανής]. The Latin version ... has “Kalends of April” written to it.<sup>64</sup>

This passage, too, confirms that under normal circumstances, *datum* and mailing should more or less coincide. However, as long as the Latin version was not ready for dispatch, the Greek version was not processed either. For reasons unknown, this took yet another month (Nov. Iust. 66 Caput 1 § 3):

διόπερ οὐδὲ ἡ τῇ Ἑλλάδι φωνῇ γραφεῖσα γέγονε παραχρῆμα καταφανής, ἕως καὶ ἡ τῇ Ῥωμαίων συντεθεῖσα γλώττῃ γέγονέ τε καὶ ἐξεπέμφθη, ἀμέλει δὲ καὶ ἡ πρὸς τοὺς ἐνταῦθα ἐνδοξοτάτους ἐπάρχους τῶν ἱερῶν ἡμῶν πραιτωρίων γεγραμμένη (φαμέν δὴ

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the Justinianic Novels and Justinianic texts in CI. and could not spot one single example where any word derived from ἐμφανίζω must mean “to post,” while numerous instances certainly cannot carry this meaning.

<sup>62</sup> Crystal-clear examples include Nov. Iust. 124.4: [*referendarii* are not permitted to intervene in cases personally in any way,] οὐδὲν γὰρ ἄλλο ποιεῖν αὐτοὺς συγχωροῦμεν, εἰ μὴ μόνον τὰς ἡμετέρας κελεύσεις ... ἐγγράφως ἢ ἀγράφως προφερομένας τοῖς ... δικασταῖς ἐμφανίζειν, “The only thing we allow them is to communicate [to make ἐμφανής] our orders ..., be they given in written or unwritten form, to the ... judges” or Nov. Iust. 113 pr., ἔγνωμεν γὰρ ὡς τινες τῶν δικαστῶν ... προφασίζονται πολλάκις λέγοντες, ὅτι θεῖοι τύποι ἢ θεῖαι κελεύσεις ἢ ... ἐμφανεῖς αὐτοῖς γίνονται, “We have learned that certain judges [neglect their task and] therefore not rarely claim that imperial rescripts or ... have been communicated [ἐμφανής] to them.” Also note Nov. Iust. 152.1, in which ἐμφανίζεσθαι is picked up by δέχεσθαι in the context of imperial orders to the Praetorian Prefect.

<sup>63</sup> In the Novels, there are several unambiguous instances, such as Nov. Iust. 15.3; Nov. Iust. 17.16; Nov. Iust. 46.1.

<sup>64</sup> Note προσγεγραμμένος, which in a way recalls *et ad latus*.

τὴν Ἑλληνίδα) κατὰ τὸν Μάιον μῆνα ἐνεφανίσθη τε τῷ αὐτῶν δικαστηρίῳ καὶ ἐξεπέμφθη.

This is why the Greek version was not immediately published, [actually it was not] before the Latin version was created and sent out. It happened only in the course of May that the version addressed to our local illustrious praetorian prefects (i.e., the Greek version) was actually communicated to their court,<sup>65</sup> and sent out [namely from there to the provinces].

Justinian rules that the Greek version is in force from Constantinople from May 1, which is in line with the “*dat.* plus two months” rule of thumb, even if it contradicts the general rule, as the law was communicated only during the month of May, hence, probably *after* May 1. The provincial validity depends on the respective local publication, however *κακεῖσε τῆς διμήνου μετὰ τὴν ἐμφάνισιν φυλαττομένης*, “observing there, too, the two-month period after dispatch,” i.e., under no circumstances earlier than the 1<sup>st</sup> of May. At the end, he summarizes the rule again and insists that the law is locally valid only from the moment when it was communicated to the governors. While the two-month rule of thumb is clear enough, it never becomes crystal-clear what the decisive moment for provincial validity is. Is it posting (*προτεθέντες ... γενόμενοι φανεροί, καταφανεῖς ἐν κοινῷ, πᾶσι φανερόν*) or posting just in the provincial capitals (*κατάδηλοι ταῖς μητροπόλεσι*) or reception by the governors (*παρὰ τοῖς ἄρχουσιν ἐμφανῆ καταστῆναι*)? This lack of precision in the otherwise verbose constitution is confusing, but in view to the rule of thumb probably not important.

While fascinating in its own right, it appears that Nov. 66 can contribute little for our purposes here, as it does not tell us much about *dat.* itself. But we should keep this concrete case in mind, in which an imperial constitution remained unsent even after a delay of more than two months.

### Appendix 3: *dat.* in papyri and inscriptions

When discussing the meaning of *dat.* in late antique constitutions, we must not ignore that *dat.* indications are not limited to either Late Antiquity, or to normative texts. They appear in the epigraphical and papyrological evidence from the early empire onward, and in different contexts (if invariably formal, and more precisely nearly always administrative). In this kind of evidence, later modifications are a lesser concern than in texts that have undergone scribal transmission through various stages. This is not meant to imply that inscriptions and papyri necessarily provide unaltered documents: inscriptions *reproduce* letters (they are not letters themselves), and also a majority of papyrological *dat.* indications are derivative, i.e., the papyri in question are not actual letters, but rather copies of letters. That being said, I must underscore that some of the papyri *are* letters in actual fact; and in several of the inscriptions, stonecutters tried very hard to preserve diplomatic details, suggesting that their accuracy might allow us to consider the stone as a remarkably faithful rendition of the original.

<sup>65</sup> Only the praetorian prefect of Oriens was based in Constantinople. KAISER, 2010b, p. 83, therefore suspects a blunder by the chancellery: the plural of prefects should rather refer to the praetorian prefect of Oriens and the urban prefect. But the “prefects” share one court (τῷ αὐτῶν δικαστηρίῳ), while the urban prefect has a separate one, and they are tasked to forward constitutions to the provinces (which certainly was not the urban prefect’s business). In actuality, using the plural for one given praetorian prefect is a well attested habit (see FEISSEL 2023).

In the tables, I have kept papyri and inscriptions apart because of the striking differences in their respective natures (i.e., inscriptions can never be letters themselves; they quite often reproduce letters by high-brow senders including emperors, while Egyptian papyri may transmit correspondence of a far humbler nature; etc.). In addition to the *dat.* documents, we have several similar texts with a date which is, however, not preceded by *dat.*<sup>66</sup> Before Late Antiquity, there was certainly no consistent habit of adding *dat.* (cf. what is said about Opramoas below, →p. 29), and even in Late Antiquity, *dat.* appears to have remained optional in non-imperial contexts (cf. Sarapion, →p. 29, if we may interpret the evidence in such a way).

When considering the papyrological evidence, several points merit attention. For papyri with an indication of *dat.*, I depend much on a recent article by Iovine, but I have omitted his papyri that contain just a (sometimes fragmentary) date without surviving *dat.*,<sup>67</sup> and papyri too badly preserved for any conclusion. In addition, note that most other papyri of my table are also damaged to some extent.<sup>68</sup> Therefore, the lack of a consular year below the text could easily be due to subsequent textual loss as opposed to the omission of the consuls, which can also occur, as we know from undamaged papyri and the non-papyrological evidence. It is crucial to understand that this list includes but a minuscule portion of all letters of similar type, which in their overwhelming majority do not feature a *dat.* note. Apparently, they could be present, but they didn't need to. This is true even when considering the obvious caveats (*dat.* indications might be lost due to material damage to the papyri, or because scribes skipped them when copying). Another issue to keep in mind is that in many cases it is not clear whether we are faced with an original letter or an ancient copy. Whenever *dat.* indication and body text are in the same hand, one must assume that the papyrus in question is a copy of another (non-extant) papyrus, while a *dat.* indication by a different

<sup>66</sup> Early imperial constitutions, if extant at all, overwhelmingly survive in Greek. I will cite my examples for dates without preceding *dat.* according to OLIVER number and line: no. 50, ll. 9-10 (Trajan, 10<sup>th</sup> day before the kalends from Antium); no. 56, l. 7 (Hadrian?, 13<sup>th</sup> day before the kalends of June from Dyrrachium); no. 58B, marginal note (Hadrian, 3<sup>rd</sup> day before the Ides of November, from Juliopolis; see Image 1 in my Appendix 4); no. 71, l. 15 (Hadrian, 5<sup>th</sup> before the kalends of October, no place); no. 74, ll. 6-7 (Hadrian, [lacuna] of May in Athens plus consul indication—theoretically, ἐδόθη or something similar could be lost in the lacuna, too); no. 79, ll. 19-20 (Hadrian, Kalends of March from Rome); no. 80, ll. 34-35 (Hadrian, 3<sup>rd</sup> day before Ides of February, from Rome); no. 81, l. 49 (Hadrian, 3<sup>rd</sup> day before Ides of February, from Rome); no. 86, side, l. 11 (Hadrian, 3<sup>rd</sup> before the Nones of May from Rome); no. 136 III D, ll. 16-17 (Antoninus Pius, lacuna of September from Rome—πρὸ before the lacuna is extant, so there is certainly no *dat.* indication missing); no. 155, ll. 11-12 (Antoninus Pius, 1<sup>st</sup> day before kalends of December from Rome); no. 157, ll. 14-15 (Marcus Aurelius, 5<sup>th</sup> before the kalends of April from Lorum); no. 160 B, l. 18 (Antoninus Pius?, [lacuna] day before the kalends of April [lacuna]—πρὸ before the lacuna is partly extant, so no indication is missing), no. 204 (second fragment), l. 8 (Marcus Aurelius, starting with πρὸ, from Viminacium). I cite the rare Latin examples according to their FIRA I<sup>2</sup> number: no. 75, ll. 29-31 (Domitian, AD 82; 11<sup>th</sup> day before the Kalends of August; the leading *d.* should be read as *diem*, not *datum*); no. 93, ll. 36-38 (Licinus, AD 311, 4<sup>th</sup> day before the Ides of June; this is the Brigetio tablet. — While the vast majority of these cases is devoid of any indication, there are a few exceptions. In the body text (→p. 9) we encountered a Vespasianic text that is (to use the Latin equivalent) *subscriptum*. There is also a Greek equivalent of *scriptum*: OLIVER, no. 128, is a rescript by Antoninus Pius from AD 143, which ends (l. 14) with Ἐγράφη, followed by “the 16<sup>th</sup> day before the kalends of June, from Rome,” and a consul indication. Very similar is the Claudian rescript transmitted by Josephus (ant. Iud. 20.14), which ends in Ἐγράφη, followed by “the 4<sup>th</sup> day before the kalends of July,” and a consular indication (no place though). Finally, there is a Latin letter of AD 289 by the *quindecimviri* with the following subscription (FIRA I<sup>2</sup> no. 62, ll. 25-31): *Optamus vos bene valere. Pontius Gavius Maximus pro magistro suscripsi XVI Kal Septembres M. Umbrio Primo T. Fl. Coeliano cos.*

<sup>67</sup> ChLA XLV 1319; ChLA XLV 1336; P.Gen. inv. 117v; P.Oxy. 55.3793.

<sup>68</sup> For details, refer to the short comments by Iovine on the individual papyri.

hand suggests that the papyrus indeed is an original. But this remains impossible to prove and the thinking could easily be circular. For instance, some stonecutters reproduced the original *dat.* indication's second hand with staggering effort in their epigraphical renderings. How should one then exclude that creators of papyri did not also try to artificially imitate a second hand they encountered in the original that had to copy? There are also cases where the simple dichotomy "original versus copy" fails. P20 is an imperial constitution. It is too bleak to be an original that the emperor himself sent to his praetorian prefect—and besides, how might such an original end up in the deserts of Egypt anyway? And yet, this papyrus letter was folded, lashed up with a string and probably sealed. It clearly is some kind of authoritative copy. Now, is its second-hand *dat.* indication (located inside when the papyrus was originally tied-up) an imitation of the *Urtext*'s layout, or is it "original," i.e., a feature of the newly created copy?

Turning to the epigraphical evidence for *dat.* indications, I must stress that full-text searches in databases can be treacherous. Incautious editors have blundered not rarely when expanding a *d.* abbreviation on a stone to a purported *d(ata)/d(atum)*, ignoring that in funerary contexts, *d.* plus a date regularly abbreviates *d(edicatum)*, while in other contexts, a *d.* before a date might simply expand to (*ante*) *d(iem)*. I have only listed assured cases in my table, as I did for the papyri. All of these inscriptions (excepting those too fragmentary to tell) reproduce letters. While in most cases the senders are emperors, there are some exceptions.<sup>69</sup> Save for a few outliers, these letters are demonstrably administrative in nature.

Let us draw a few conclusions from the papyrological and epigraphical material. First, considering the grammar of the placename we note than in Latin documents, it invariably figures without a preposition and must therefore assumed to be a locative (as in most cases the ending is left out and we have to complete it by guessing). Curiously, in Greek translations we mostly get ἀπό, although in the case of the Opramoas dossier, it is rather a placename preceded by ἐν, which is the expected rendering of a Latin locative. While the locative (and ἐν) would be compatible with any theory (you can do anything with a letter *in* a certain city), ἀπό perhaps supports an understanding of dispatch (if something is "given" *from* a certain place, this "given" should mean "sent").

It is obvious that before Late Antiquity, *dat.* was used quite inconsistently. This fluctuation is vividly illustrated by Opramoas's inscription. The vain benefactor Opramoas had no fewer than 70 documents chiseled, including 26 letters from Roman officials and 12 imperial letters (KOKKINIA, p. 190). Of these 38 letters, only three carry ἐδόθη indications (Opramoas had any original Latin engraved in Greek translation), and these three were all dispatched by governors. Yet a vast majority of official correspondence of matching kind is without any date indication. And the imperial letters (no. 39-43, no. 45, no. 47-52)—as far as the relevant portion of the inscription is physically extant and allows us to draw any conclusions—without exception feature a date, but invariably in the shape of (e.g. no. 49) Πρὸς α' εἰδὼν Φεβρ ἀπὸ Ῥώμης, i.e., without any verbal addition. This consistency cannot be interpreted in any other way but that the imperial chancellery did not employ *dat.* in this period. But why do some governors' letters use *dat.*, while most do not? Perhaps these letters were handed over personally to a delegation while others were not, but this is pure speculation, and it seems safer to assume that usage simply was inconsistent. A further intriguing case is presented by the Sarapion dossier. Sarapion was a retired horseman who had his letters

<sup>69</sup> The preponderance of imperial senders does not mean much, though, as we are faced with an obvious case of conditional probability: given that imperial letters had great importance in the world of their contemporaries, they were infinitely more likely to be engraved on stone.

of promotion (from initially simple trooper subsequently to armored cataphract and eventually to cavalry officer), followed by his discharge note, copied on a papyrus. All of these letters are quite alike: the Comes of Egypt writes to the camp prefect, informing him about Sarapion's next career step. But only the second of these three letters features a (copied) *dat.* indication. Was the *dat.* skipped in the other cases while copying? Or was it lacking in the originals? But the left margin (where the second letter has the *dat.* indication) is partly missing, and there is no way to determine whenever the margin fails if there once was a *dat.* indication, or rather not.

There are some intriguing pieces of evidence to show that a *dat.* indication could be thought of as expendable. For example, there is the case of E12. Some of its copies feature the *dat.* indication, others do not, while all of them were certainly supposed to effectively inculcate senatorial privileges regarding billeting (as someone had paid for having them carved in stone). The expendability of *dat.* indications is also validated by E17, i.e., Maximinus Daia's anti-Christian rescript: its Colbasa copy includes this indication, while the Arycanda copy does not.<sup>70</sup> Arguing with manuscript material is always problematic, as we do not know if an originally present *dat.* indication was possibly lost later, but it is suggestive that the epigraphic version of Gregory's letter includes the *dat.* indication, which is omitted in the independent manuscript version (Greg. M. epist. 14.14 = MGH Epp. 2, pp. 433-434).

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<sup>70</sup> The Tyre copy, extant only in Eusebius's translation, has come down to us by way of manuscripts. In our Eusebius text, it lacks a *dat.* indication but this does not mean much, as Eusebius never gives a dating clause in any of the numerous imperial documents he cites.

Table A: Papyrological evidence for dat. indications

Num-ber	Citation	Sender	Addressee	Purpose	Date	Language and position of <i>dat.</i> relative to the body text	<i>Dat.</i> indication
P1	P.Oxy. 20.2265 (IOVINE, p. 190)	Prefect of Egypt	Strategoi of Upper Egypt	Request to assist in tax collection	ca. 123	Letter and <i>dat.</i> indication both in Greek, <i>dat.</i> indication in the left margin	[ἐ]δόθη [π]ρὸ τρι[ῶ]ν νω[v]ῶν Ὁ[κ]τωβρί[ω]ν
P2	P.Iand. IV 68 (IOVINE, p. 168)	Emperor	?	Emperor grants petition in connection with property requirements for <i>chiristae</i> .	2 <sup>nd</sup> half of 2 <sup>nd</sup> c.	All in Latin, all in the same hand (including the <i>dat.</i> and the mutilated <i>acc.</i> indication at the end); the <i>dat.</i> indication follows after a line-break and is clearly indented (the same is true for the <i>acc.</i> indication, following in a new line, too)	<i>dat</i> <i>Idus</i> [Fe]br[ua]rias, Iovine's reading
P3	P.Dura 56, fr. b (IOVINE, pp. 168-169)	Governor of Syria	Tribune of a cohort	Assignment of fresh chargers to troopers	207	Letter and indication in Latin, indication in a possibly different hand ("very small letters") in the left margin	<i>Dat IIII Idus Mai Hieropo</i>
P4	P.Dura 56, fr. c	Governor of Syria	Tribune of a cohort	Assignment of a fresh charger to a trooper	?207	Letter and indication in Latin, indication in the left margin	<i>Dat XVI Kal</i> [S]ept Antiochia

	(IOVINE, p. 169) <sup>71</sup>						
P5	P.Dura 58 (IOVINE, p. 170)	Provincial governor	Tribune of a cohort	Assignment of fresh chargers to troopers	First half 3 <sup>rd</sup> c.	Letter and indication in Latin, indication below the text	<i>Data IIII Idus Ian</i>
P6	P.Oxy. 10.1271 (IOVINE, pp. 170-171)	Prefect of Egypt	Procurator	Tripartite document: a woman asks in Greek for a travel permit; this is granted by the prefect by writing to the procurator in Latin; apparently the prefect himself signs “ <i>Vale! Iussi!</i> ”, while apparently another hand adds the <i>dat.</i> Indication.	246	See “purpose” column	<i>Datum XVII K[al Oct] Presenti A[lbino cos]</i>
P7	SB 1.1010 Latin version, SB 6.9298 Greek version	Private person (a minor and claimant)	Prefect of Egypt	The petitioner requests the <i>bonorum possessio</i> of his mother's estate. The request is authored in Latin, as this is a claim according to Roman law. A Greek translation (clearly marked as ἑρμηνεία) follows.	249	The original Latin <i>dat.</i> indication is in the same hand as the Latin text and simply continues the text	<i>Dat XVIII Kal [Oct] Aemiliano II et Aquilino cos., translated as ἐδόθη πρὸ δέκα ὀκτῶ [καλ]ανδῶν Ὀκτωβρίων Αἰμιλλιανῶν τὸ δεύτερον κατὰ Ἀκνλίνῳ ὑπάτοις ἔτους ζ Μάρκων Ιουλίῳ Θῶθ ιη</i>

<sup>71</sup> P.Dura 56 fr. b and P.Dura 56 fr. c come from the same *tomos synkollesimos*, glued after P.Dura 56 fr. a. Apparently, all three letters are originals that were dispatched by the same governor of Syria to the same recipient on the same subject (assignment of chargers) within a rather short time span (208, 207, ?). The best preserved of the three is P.Dura 56 fr. a, with both margins fully extant—yet this letter is devoid of a *dat.* indication (all of this following IOVINE, p. 169).



P8	P. Oxy. 9.1201	Private person (a claimant)	Prefect of Egypt	The petitioner requests the <i>bonorum possessio</i> of his father's estate. The request proper was authored in Latin, but the final portion including the date in Greek. The original Greek date in the Egyptian style is not preceded by an equivalent of <i>dat.</i> However, this request was translated fully into Greek (including the already Greek portion) and there we find ἐδόθη in the recalculated Roman date.	258	The indications simply continue the text	Original: ζ Θωθ κζ; this is rendered in the translated version as ἐδόθη π[ρ]ὸ η καλ Ὀκτωβρίω[ν] Τούσκω καὶ Βάσσω ὑπάτοις. ζ Θωθ κζ
P9	P.Oxy. 34.2710	Private person (a woman)	Prefect of Egypt	The surviving papyrus calls itself translation. Aurelia Heras requests Aurelius Chaeremon to be appointed as a guardian for her.	261	The indication follows in a new line. The preceding line is not fully filled.	[ἐδό]θη κυρίοις ἡμῶν αὐτοκ[ρ]άτο[ρ]σι Μακριανῶ τὸ β καὶ Κυήτῳ [τὸ . ] ὑπάτοις
P10	PSI 10.1101	Private person (a councilor and claimant)	Prefect of Egypt	The petitioner requests the <i>bonorum possessio</i> of his mother's estate. The papyrus is completely in Greek.	271	The indication is in a new line, but appears to simply continue the text.	ἐδόθη μετὰ τὴν Ἀντιοχία[νοῦ κα]ὶ Ὀρφεΐτου ὑπατεΐαν
P11	SB 16.12667	?	?	A highly fragmentary text that mentions ships, possibly having to do with grain shipping.	3 <sup>rd</sup> c.?	The indication directly continues the text.	ἐδόθη πρὸ γ εἰδῶν Ἰανουα[ρίων] ...

P12	SB 18.13851 (IOVINE, pp. 171-172)	Higher dignitary	Lower officials	Some dignitary is to receive increased allowances during the period of his illness.	293	Letter and indication in Latin, with the <i>dat.</i> below the text; according to Iovine apparently “added later to the document, and not organic to the main text”	<i>Dat VIII Idus Dec d n Diocletiano Aug V et Maximiano Aug III cos</i>
P13	P. Gascou 76 (Klaas A. Worp, <i>Miscellaneous New Greek Papyri from Kellis</i> , in: Jean-Luc Fournet & Arietta Papaconstantinou, <i>Mélanges Jean Gascou. Textes et études papyrologiques</i> (P. Gascou), Paris 2016, pp. 459-461.	Constantius I or Constantine I?	?	A public accuser is mentioned, otherwise the context is unclear. <sup>72</sup>	Early 4 <sup>th</sup> c.?	Letter and indication in Greek	Ἐδόθη ἐν Βρεττανίᾳ, πρὸ ιβ Καλανδ(ῶν) Μαίων, no consul indication

<sup>72</sup> The fragment is far too short to warrant any elaborate theories. Yet if I had to put a wager, I would guess that this is the translation of a successful petition handed over by a petitioner somewhere in Britain. Unlike Worp, I would be wary to construct an Egyptian connection by identifying the otherwise unknown Ulpian Arrianus mentioned in the text with a known Theban *praeses* by the name of Satrius Arrianus. The Greek translation of the *dat.* indication makes it clear that we are faced with a translation.

P14	P.Oxy. 43.3129 (IOVINE, pp. 174-175)	Prefect Egypt	of Strategos of a nome	Prefect asks the strategos to verify the veracity of a petition and, if the facts check out, to act accordingly.	335	Letter in Greek, <i>dat.</i> in the left margin in Latin	<i>Dat [...] Kal Octobr [...] in the left margin, [Iulio Consta]ntio v c pat[r]icio fratre d n [...] below the text</i>
P15	P.Oxy. 55.3794 (IOVINE, p. 175)	Prefect Egypt	of Officials of a nome	Prefect orders them to check some business involving the supply of craftsmen.	340	Letter in Greek, <i>dat.</i> indication in the left margin in Latin	<i>[Da]t [Ka]l Aug [Al]ex</i>
P16	P.Oxy. 50.3577 (IOVINE, pp. 163-167)	Praeses August- amnicae	Civic authorities	The praeses snaps at the civic authorities for taxing exempted people and orders them to immediately reimburse these.	342	Letter in Greek, <i>dat.</i> indication in the left margin in Latin	<i>Dat V Kal Febr Heracl in the left margin, d n Const[ant]io Aug ter et Constante Aug iterum cos below the text</i>
P17	P.Oxy. 50.3579 (IOVINE, p. 176)	Praeses August- amnicae	Civic official	The praeses requests the verification of the veracity of a petition, and, if the facts check out, to act accordingly.	~342	Letter in Greek, <i>dat.</i> indication in the left margin in Latin	<i>[D]at X[...] Ka[l] M[...] P[...], Iovine's reading</i>
P18	Sarapion dossier, letter II (P.Vindob.in v. L 125 + P.Vindob.inv. L 8) (IOVINE, pp. 178-179; John R. Rea,	Comes Egypt	of Camp prefect	The comes informs the camp prefect about Sarapion's promotion to <i>cataphractarius</i> .	395	Letter and indication in Latin in the margin despite the fact that this is a copy	<i>Dat XV Kal Maias Alex</i>

	A <i>cavalryman's career, A.D. 384(?)</i> -401, Zeitschrift für Papyrologie und Epigraphik 56 (1984) 79-88)						
P19	P.Sorb. inv. 2743r (IOVINE, p. 180; Jean Gascoü, <i>Deux mandats d'amener byzantins</i> (P.Sorb. inv. 2743r <sup>o</sup> et v <sup>o</sup> ), Chronique d'Égypte 89 (2014) 131-141)	Official of the Governor of Thebais	Local law enforcement	Several people need to appear in court.	Early 5 <sup>th</sup> c.	Letter in Greek, with Latin <i>dat.</i> indication in the left margin	<i>Dat [...] Cal Maias Antinoo</i>
P20	P.Vindob. L 75 (IOVINE, p. 181;	Emperor Leo	Praetorian prefect of Oriens	Easter pardon	465-467	Letter in Latin, with Latin <i>dat.</i> indication in different hand below <sup>73</sup>	<i>Dat XV Kalendas Apr[i]les Const</i>

<sup>73</sup> MITTHOF (2005, p. 456) notes that neither script nor layout nor support quality suggest that this could be a Constantinopolitan original. The papyrus being a copy, it is not straightforward to explain why the *dat.* indication (including the placename *Const*) was written by a different hand (thus Mithof on the same page); perhaps this impression was artificially created (just as in the case of inscriptions reproducing *dat.* indications in a different script, although the stonecutter was in all likelihood the same person; cf. P. Ital. 1, l. 43, a copy created soon after the original, in which *Opto bene valeatis* apparently is meant to imitate a different hand). Serena Ammirati informs me that body text and *dat.* indication are written in the same script ("new Roman cursive"), with the body text notably distinct (smaller letters, less cursive). According to her, this could easily be a second hand.

	MITTHOF 2005)						
P21	P.Mich. XVIII 794 (IOVINE, p. 182)	Heracleon officials, forwarding a governor's letter	Civic officials	Request for wreaths	Ca. 500	Letter in Greek, <i>dat.</i> indication in Latin in the left margin	<i>Dat X Kala Ianuarias Heracle</i>
P22	P.Cairo Masp. I 67031 (IOVINE, p. 183)	Dux of the Thebaid	?	Limitation of <i>sportulae</i>	Ca. 545	Text in Greek, <i>dat.</i> indication in Latin under the body text	<i>Dat XIII Kal Decembri Antinu</i>

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MITTHOF (2005, p. 450) also points out that the papyrus shows remainders of a string with which it was likely lashed up, probably with seals on the outside. The *dat.* indication was inside the closed letter.

Table B: Epigraphical evidence for *dat.* indications

Num-ber	Citation	Sender	Addressee	Purpose	Date	Support and Language	Dat. indication
E1	<i>Corpus de inscripciones latinas de Andalucía</i> , II/4, Sevilla 1996, no. 1052	Titus	Council of Munigua	Titus rejects an appellation by the council.	79	Bronze tablet; all in Latin; <i>dat.</i> indication at the end, after a line-break	<i>Dat VII Idus Septembr</i>
E2	Lex Irnitana, § 98 (J.G. Wolf, <i>Die Lex Irnitana. Ein römisches Stadtrecht aus Spanien</i> , Darmstadt 2011)	Domitian	[Flavian municipal law, version of Irni]	A Domitian letter appended to the Lex Irnitana, inculcating to henceforth keep strictly to the matrimonial forms allowed for in the Lex Irnitana.	91	Bronze tablet; all in Latin; line break, but otherwise no distinction of the <i>dat.</i> indication	<i>litterae datae IIII Idus Apriles Circeis, recitata [sic] V Idus Domitianas</i> plus consul indication
E3	CIL XI 3614	Curator urbis	Council of Caere	Curator urbis confirms provision of a public plot for a privately-paid assembly hall.	114	All in Latin; the <i>dat.</i> indication follows after a blank, while the <i>act.</i> and the consul indication are very conspicuously offset, in a much larger font.	<i>data prid Idus Septembr Ameriae, act Idib Iunis</i> plus consul indication
E4	CIL II 2959	Iuridicus of Tarraconensis	Duumviri of Pamplona	Letter on contumacy and the responsibility of demanding bonds.	119	Bronze tablet; all in Latin; <i>dat.</i> indication part of the body text, without line break	<i>dat Non Octubris Callagori</i> plus consul indication
E5	Opramoas inscription, no. 19	Governor of Lycia-Pamphylia	Lyciarch	Governor confirms a donation by Opramoas.	Around 129	All in Greek (most probably, a translation). The <i>dat.</i> indication follows	ἐδόθη πρὸς [...] εἰδὼν Ὀκτωνβρίων

	(KOKKINIA, p. 29)					without any kind of distinction after the greeting.	
E6	CIL VI 10242 (Simona Frascati, <i>La collezione epigrafica di Giovanni Battista De Rossi presso il Pontificio istituto di archeologia Cristiana</i> , Vatican City 1997, no. 19, pp.72-76).	Private person	Some freedmen	The recipients of the letters obtain an exactly defined burial plot from the sender.	136	All in Latin; <i>dat.</i> indication at the bottom, after a line-break	<i>data XIII K Iulias in hortis Statiliae Maximae</i> , before a consul indication and a further indication ( <i>Samiaris Doryphorion</i> )
E7	Opramoas inscription, no. 29 (KOKKINIA, pp. 36-37)	Cornelius Proculus, governor of Lycia-Pamphylia	Koinon of Lycians	Governor confirms some distinctions for Opramoas.	Between 138 and 140	All in Greek (most probably, a translation). The <i>dat.</i> indication follows without any kind of distinction after the greeting.	<i>ἐδόθη πρὸς ἰα' καὶ Ὀ[κτω]νβρ[ίων] ἐν Πατάροις</i>
E8	Opramoas inscription, no. 30 (KOKKINIA, p. 37)	Cornelius Proculus, governor of Lycia-Pamphylia	Koinon of Lycians	Governor confirms some distinctions for Opramoas.	Between 138 and 140	All in Greek (most probably, a translation). The <i>dat.</i> indication follows directly after the greeting, separated by one blank.	<i>ἐδόθη ἐν Πατάρ[οις ...] Ὀκτων</i>
E9	Civitella Cesi bronze (Mauro	Unknown dignitary	Perhaps a city	Small bronze fragment, content unclear.	Second half of	Fragment of a bronze tablet; all in Latin. The <i>dat.</i> indication follows directly	<i>Dat VI K No[</i>

	Tagliani, <i>La Tolfa dalle origini all'anno 1201</i> , Rome 2007, p. 203)				the 2 <sup>nd</sup> c.? <sup>74</sup>	after the greeting, separated by one blank.	
E10	<i>Saltus Burunitanus</i> inscription (Tor Hauken, <i>Petition and Response, An epigraphic study of petitions to Roman Emperors 181-249</i> , Bergen 1998, pp. 7-10, at p. 10)	Equestrian procurator	Subordinate administrator	Following up on a decision by Commodus, the <i>saltus</i> administrator is apparently reminded to play by the rules (although this is guesswork, as the key passage was removed by way of an erasure).	180	All in Latin. The <i>dat.</i> indication follows directly after the greeting.	<i>Dat pr Idus Sept Karthagin</i> ; no consuls
E11	CIL VI 1585b	Rationales	Various recipients, including seemingly <i>curatores operum publicorum</i>	An imperial freedman wishes to construct a building near the Marcus column, as he works as its protector. Various recipients receive administrative letters in order to provide for	193	All in Latin; the three <i>dat.</i> indications conclude three different letters. The letters are offset by line breaks from one another, while the <i>dat.</i> indications are not marked out.	<i>litterae datae VIII Idus Aug Romae Falcone et Claro cos</i> ; <i>litterae datae XIII Kal Sept Romae Falcone et Claro cos</i> ; <i>litterae datae VII Idus</i>

<sup>74</sup> Rudolf Haensch informs me that *gratuita legatione*, one of the few things we can read on the bronze tablet, points to the time of Antoninus Pius at the earliest.



				building material and the lot.			<i>Sept Romae redditae IIII Idus Sept Romae isdem cos</i>
E12	Sacrae litterae of 204 <sup>75</sup> (C. P. Jones, <i>The Sacrae Litterae of 204: Two Colonial Copies</i> , in: Chiron 14 (1983) 93-99; Thomas Drew-Bear, Werner Eck, Peter Herrmann, <i>Sacrae</i>	Septimius Severus and Caracalla	Unknown (some dignitary, possibly non-senatorial, cf. Eck, Chiron 1977, p. 366)	The emperors point to a SC which exempts senators from billeting.	204	Several copies; Latin original, with different Greek translations extant	<i>Dat pri Kal Iun Romae</i> (with variants) plus consuls; in one Greek translation, <i>ἐδόθη πρ α Καλ Ἰουνί Πώμῃ</i> (Jones's reading) plus consuls

<sup>75</sup> This requires some additional comment. We have several epigraphical copies of this imperial letter exempting senators from billeting: there are two copies from Paros, one containing the Latin original (Pa1), the other containing a Greek translation (Pa2). *Note that these are two separate inscriptions, not two parts of the same.* There is a small Latin fragment from Satala in Lydia (Sa) and a quite complete Latin copy from Phrygia (Phr). From Ancyra (Anc) comes an inscription with both the Latin and a Greek translation (which is different from Pa2). Besides, there are two Latin fragments from Ephesus which belong to two different (!) copies of the text (Eph1, Eph2). Finally, Jones succeeded in identifying two fragmentary inscriptions as further copies of this text, a Greek one from the Troad (Tr) and a Latin one from Pisidian Antioch (Ant). Altogether we therefore have remains of 7 Latin copies and 3 Greek ones. More than half of the Latin ones are irrelevant for our purposes as they are fragmentary and do not include the portion which possibly could have contained the *dat.* indication (Sa, Eph1, Eph2, Ant). The same is true for one of the Greek versions (Tr). Anc—which comprises both the Latin original and a Greek translation—does not include any *dat.* indication, neither in the Latin nor in the Greek. In summary, this means that we have three attestations (two Latin and one Greek) for the *dat.* indication. In the Pa1 and Phr copies they run as follows, respectively: *Dat pri[d Kal] Iun [R]om [Fab]io Ci[lone I]I et [Ann]io [Libo]ne coss* and *Dat [pr]i K[al Iu]n Rom[a]e Fab Cilone [II] et Anni[o] L[ibo]ne coss.* Hence, apart from irrelevant abbreviatory choices, they are identical. The Greek version Pa2 (which, as must be pointed out once again, comes from a different inscription than Pa1) is *ἐδόθη πρ α Καλ Ἰουνί Πώμῃ, [Φα]βίω Κεῖλωνι τὸ β καὶ [Ἰ]ωνίω Λίβωνι ὑπάτοις* (Jones's reading), which is a faithful rendering of the Latin version.

	<i>Litterae</i> , in: Chiron 7 (1977) 355-383.)						
E13	CIL VI 33840	Quinquennales collegii magni arkarum divarum Faustinarum	A tenant of a plot owned by the collegium	The quinquennales grant a request, permitting the tenant to build a (funerary) monument on the plot.	227	All in Latin. The <i>dat.</i> indication follows directly after the main text, separated by a blank.	<i>Dat VIII Kal Aug Albino et Maximo cos</i>
E14	AE 1998, 282, Texte IIIa	C. Servilius Diodorus, a knight and Laurens Lavinias.	A senator and probably the curator rei publicae	Diodorus requests that the senator direct the local administration to accept a donation he made. <sup>76</sup>	227	Whereas the inscription uses justification otherwise, the line preceding the <i>dat.</i> indication is left-justified. After a carriage return and a tab, the <i>dat.</i> indication follows. The subsequent line (which is the first line of the next inscription) follows after another carriage return (but without tab).	<i>Dat VI Non Octobr Nummio Albino et Laelio Maximo cos</i>
E15	TAM V.3, 1421 (= OLIVER 285)	Emperors Valerian and Gallienus	City of Philadelphia in Lydia	Philadelphia is exempted from financial contributions toward festivals of the province of Asia.	255	Greek; the <i>dat.</i> indication is conspicuously offset by a line break, a blank line, and ἐδόθη centered in its own line (OLIVER, p. 555)	ἐδόθη πρὸ ιε' καλανδῶν Φεβρουαρίων τοῖς κυρίοις ἡμῶν Οὐαλεριανῷ τὸ γ' καὶ Γαλληνῷ τὸ β' Σεβαστοῖς

<sup>76</sup> This inscription comes from the base of a statue erected by Diodorus's wife in honor of her husband's achievements. This base features several inscriptions including three having to do with Diodorus's donation. In the other two documents, Pontius Fuscus first asks the local administration to accept the donation; and then, in the last one, the local administration confirms receipt of the money to Diodorus. Neither of these two further documents includes a *dat.* indication.

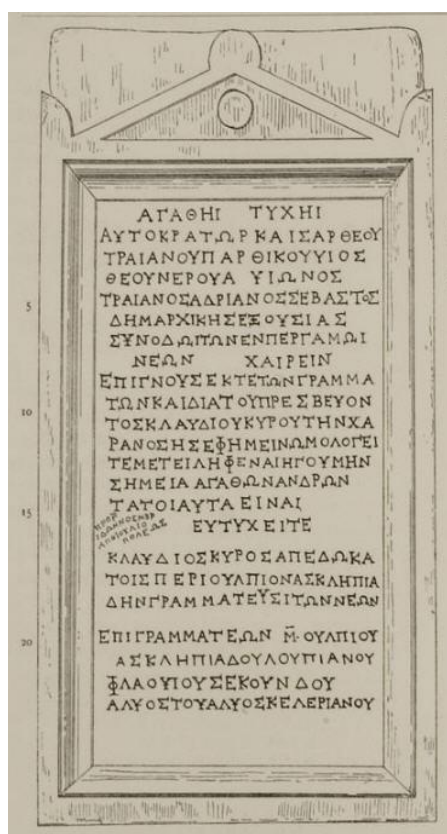
							ὑπάτοις ἀπὸ Ἀντιοχείας.
E16	SEG 55.1280 (FEISSEL, pp. 101–115)	Emperors Valerian and Gallienus	Apellas (a senator)	Once again, the exemption of senators from quartering is confirmed.	258	Latin, with Greek translation; only the Latin version has a <i>dat.</i> , although one cannot exclude that an indication for the Greek is lost (FEISSEL, p. 113). In the Latin text, the <i>dat.</i> indication follows after a line break, and it is centered.	<i>data V Kal Iun</i> <i>Antiochi</i> ; no consul indication
E17	Stephen Mitchell, <i>Maximinus and the Christians in A.D. 312. A new Latin inscription</i> , JRS 78 (1988) 105- 124; G. H. R. Horsley, <i>The Greek and Latin inscriptions in the Burdur archaeologic al museum</i> , Ankara 2007,	Maximinus Daia	Individual cities	Apparently, Maximinus had identical letters sent out to many cities, individually addressed in each case to the city in question. These letters take the form of rescripts, answering to petitions whose submission was no doubt suggested to the cities in the first place.	312	Latin (Colbasa, Arykanda); Greek (Eusebius's translation of the Tyre version). In the Colbasa version, the <i>dat.</i> indication is hardly marked out, apart from the presence of some (limited) whitespace before <i>dd</i> and <i>dat.</i> , respectively.	<i>dd nn</i> <i>Constanti[no et</i> <i>Licini]o Augg II</i> <i>cons dat ζII Idus</i> <i>Aprilis Sarsardis</i> <i>Colbassensibus</i> in Sardes for the people of Colbasa; the Arykanda and Eusebius's Tyre version are without <i>dat.</i> indication (in the Arykanda inscription, the relevant portion is extant; if it ever had been present, we would know)

	pp. 240-243, no. 338.						
E18	AE 1912, 256	?	?	Fondi (Latium). Apart from the <i>dat.</i> indication, only the fragmentary word <i>Irenium</i> is extant. Accordingly, the context is entirely unclear.	337	Latin	<i>Dat IIII Non Aug Feliciano et Titiano conss Asclepiadi actori</i>
E19	DF 97 (CIL VI 31982, ICUR II 4099)	Valentinian I or II	Flavius Eutherius (PVR?)	On tombs	Ca. 380	Text and <i>dat.</i> indication in Latin; <i>dat.</i> indication follows after a punctuation symbol.	<i>data die pridiae Kal Maias</i> followed by a consul indication
E20	DF 47 (FEISSEL, pp. 429-476, at p. 439)	Praetorian Prefect of Oriens	Provincial governor	For perceived taxes, receipts must be issued.	480	Body text in Greek; <i>dat.</i> indication in cursive Latin (only the Mylasa copy has the indication; other extant copies of this text are just tiny fragments, not including this part)	<i>Dat Kal Agustas Cost[an]tinup</i> ; no consul indication
E21	DF 48 (CIL III 13640)	Justin I and Justinian	?Praetorian prefect of Oriens	The emperors grant a petition, protecting the possessions of an oratory against exactions.	527	Latin, with Greek translation; only the Latin original has a <i>dat.</i> indication (as the end of the Greek version is extant, its lacking is not due to later loss).	<i>Data Kalendas Iunias Constantinopoli Mavortio vir[o] clarissimo consule</i>
E22	DF 50 (FEISSEL, pp. 251-324, at p. 264)	Justinian	Praetorian prefect of Oriens	Justinian grants a tax exemption to Didyma.	533	Greek; <i>dat.</i> indication in cursive Latin	<i>Dat Cal Apriles Const d n Iustiniano perp Aug III cons</i>
E23	DF 30 (I. Ephesos I 40)	Maurice	?Proconsul of Asia	Maurice instructs dignitary to take action	585	Greek, <i>dat.</i> indication in cursive Latin	<i>Dat III Idus Februar</i>

				against transgressors, possibly heretics. <sup>77</sup>			<i>Constantinupo Impa d nri [[Mauricii T]]iberi pepe Aug ann III et post cons eius ann I</i>
E24	ICUR II 4790	Pope Gregory	Sub- diaconus Felix	Pope Gregory orders Felix, administrator of the <i>patrimonium Appiae</i> , to transfer some land holdings to a certain church. The same letter is also transmitted via manuscripts (Greg. M. epist. 14.14).	604	Latin, the <i>dat.</i> indication is conspicuously offset	<i>Dat VIII Kal Februarias Imp dn n Fhoca pp Aug anno secundo et consolatus eius anno primo ind septima</i>

<sup>77</sup> KENNEL's reconstruction, based on the phrasing, is admittedly speculative, but he is right in claiming that this is typical jargon used against heretics.

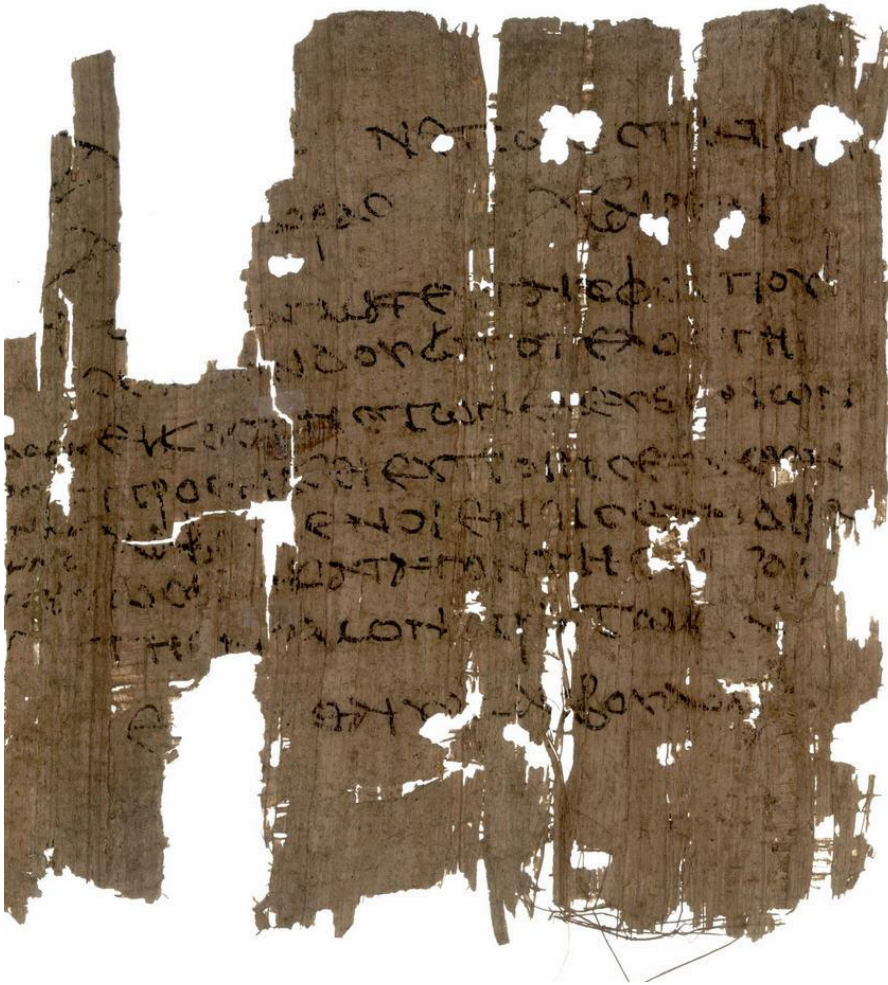
## Appendix 4: Images



**Image 1:** I. Pergamon II 274 (= OLIVER 58B; my image taken from I. Pergamon). A letter by Hadrian of AD 117. The scribbled note to the middle left, using a different font size and ignoring the layout, might be mistaken for a later graffito at first sight. But it actually reads: *πρὸ γ' Ἰδῶν Νοεμβρ. ἀπὸ Ἰουλιοπόλεως*, “on the third day before the Ides of November [i.e., 11], from Juliopolis.” Note that there is no dat. or other verbal indication. Image credit: public domain.

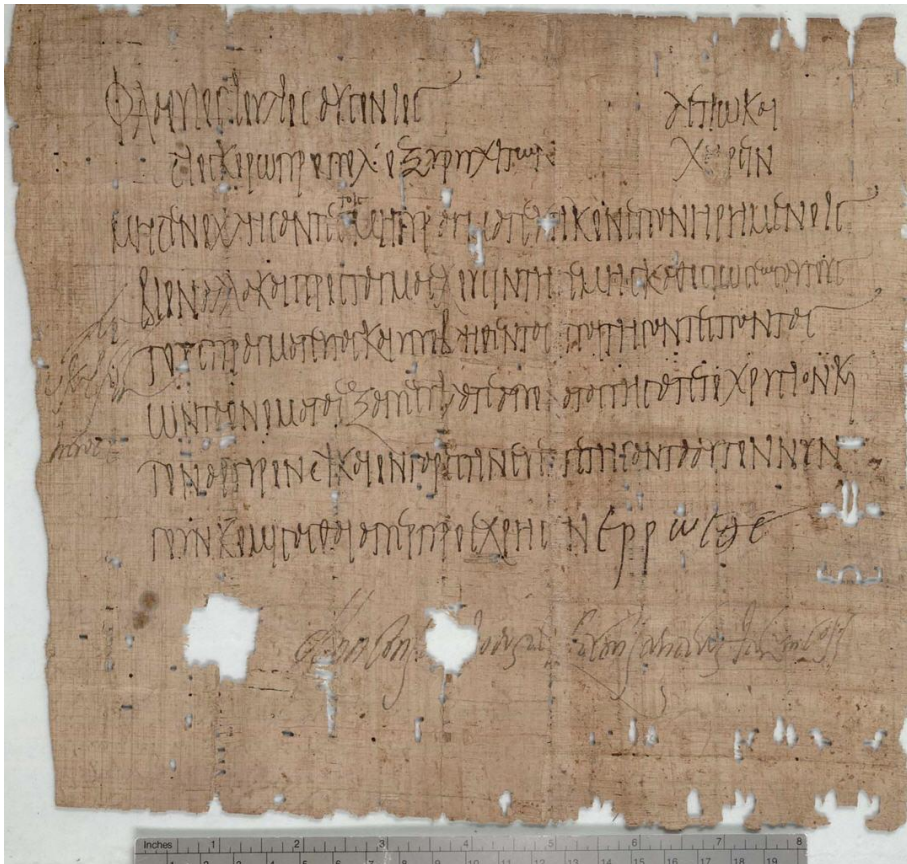


**Image 2:** I. Pergamon II 275 (= OLIVER 126; my image again taken from I. Pergamon). A letter by Antoninus Pius, from the early 140s, with a day and a place indication is written in a different size at the margin: Π(ρὸ) ε Κα(λανδῶν) Σ[ε]πτεμ[βρ]ίων ἀπὸ Καπύης, “on the fifth day before the Kalends of September from Capua.” Image credit: public domain.



**Image 3:** P.Oxy. 20.2265 (ca. AD 123, P1), note the *dat.* indication in the left margin. Image credit: Courtesy of The Egypt Exploration Society and the Faculty of Classics, University of Oxford





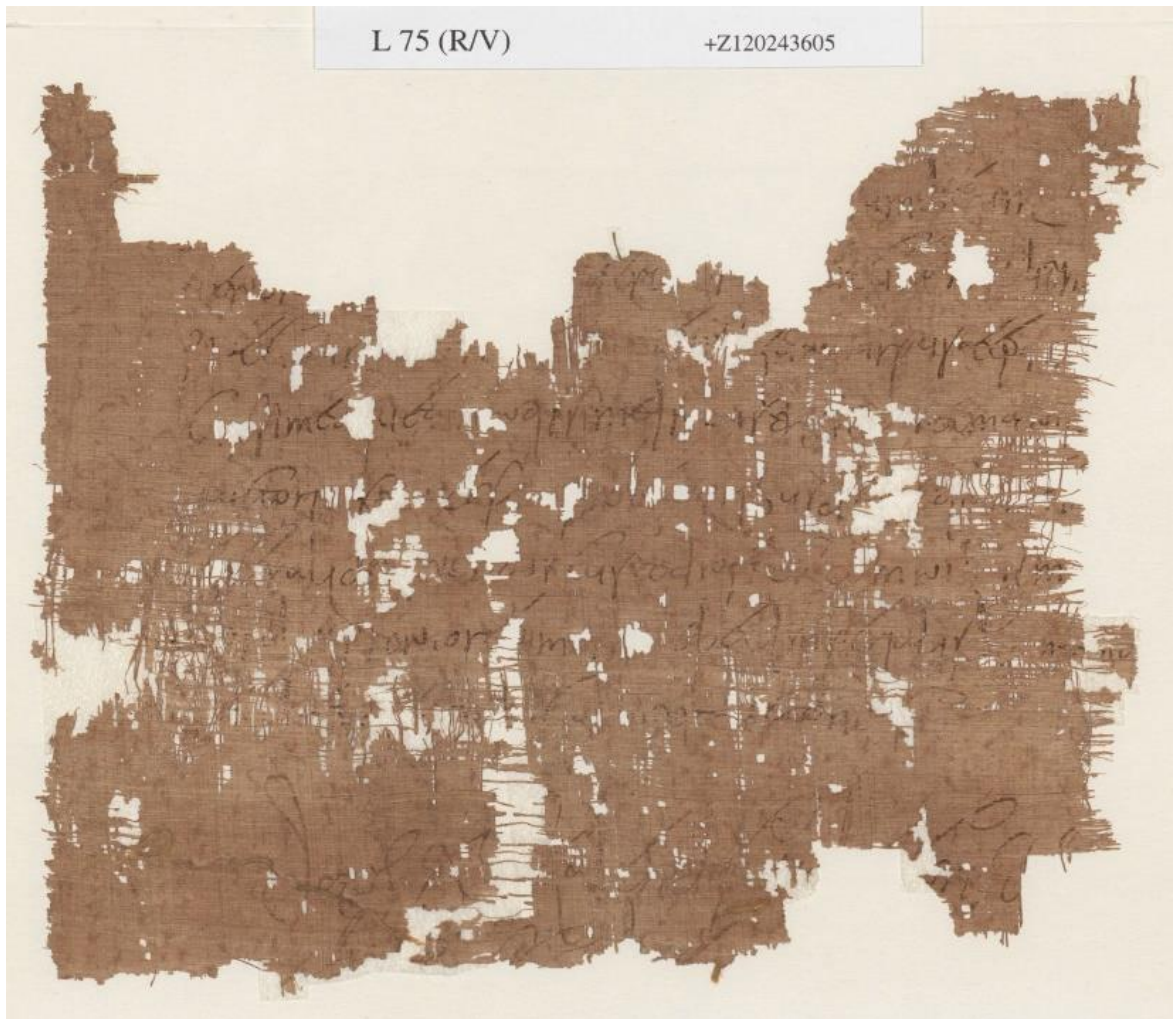
**Image 4:** P.Oxy. 50.3577 (AD 342, P16), the *dat.* indication proper (i.e., *dat.*, place, day) is in the left margin, the cursive addition below the text is the consuls indicating the year. Image credit: Courtesy of The Egypt Exploration Society and the Faculty of Classics, University of Oxford



**Image 5:** P.Oxy. 50.3579 (P17, AD ~342), once again the *dat.* indication is visible in the left margin. Image credit: Courtesy of The Egypt Exploration Society and the Faculty of Classics, University of Oxford



**Image 6:** P.Dura 56 b (P3), with *dat.* in the left margin. Image credit: public domain.



**Image 7:** P.Vindob. L 75 (AD ~466, P20). The *dat.* indication below the body text appears to be in a different handwriting (larger, more cursive), although one cannot exclude that this effect was created artificially. Image credit: © Österreichische Nationalbibliothek, Papyrussammlung.





**Image 8:** The prefectorial enactment of AD 480, found in Mylasa (E20). We have a text in Greek capitals, followed by a Latin *dat.* indication in cursive Latin: *Dat Kal Agustas Cost[an]tinup*. Image credit: A photo by Louis Robert, reproduced by courtesy of Denis Feissel.



**Image 9:** The Mauricius inscription from Ephesus (AD 585, E23). The upper part written in careful Greek letters is the end of a constitution by the emperor Maurice. The lower part (which is for the uninitiated hardly discernable as Latin cursive script) reads: *Dat. III Idus Februar Constantinupo imp DNI [[Maurici T]]iberi pepe Aug ann III et post cons eius ann I*. Image credit: Courtesy of Denis Feissel.

## Abbreviations

DF: Denis Feissel's list (FEISSEL, pp. 62-70)

OLD: Oxford Latin Dictionary

ThLL: Thesaurus Linguae Latinae

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