Caracalla's court minutes in Dmeir (Syria) [1]

Bilingual minutes of a hearing in a tribunal presided by Caracalla in Antioch, with a case involving the piety of the emperor.

Typology (Honorific / Funerary / etc.):

Court minutes

Original Location/Place: Roman temple in Dmeir (Syria) Actual Location (Collection/Museum): Probably in-situ Date: 216 CE Physical Characteristics:

The texts were inscribed on the *ante* and podium of the temple. The letter forms are irregular and the text is damaged at many points.

Material: Local stone

Measurements: The text on the *ante* is approximately 2 metres high and 1.5 metres wide. Letters are on average 5 centimetres tall. The inscription on the podium is also 1.5 high and 3 metres wide. Letters here are 3 centimetres tall on average.

Language: Latin, Greek

Category: Roman, Greek

Publications: SEG 17.759

Commentary:

This bilingual inscription is not common. Carved on the walls of a temple in the town of Dmeir (<u>Ad Dumayr</u> [2]), 40 km away from Damascus on the route to Palmyra, the text reproduces the minutes of a judicial hearing attended by the emperor Caracalla in Antioch. Epigraphic instead of papyrological testimonies of such records are exceptional and can, therefore, shed some light on the process and procedures attached to local petitions outside Egypt during the Roman imperial period. The inscription also shows some of the effects caused by the visit of the emperors in the Near East and the topics that may have attracted their attention.

By the 27th May (i.e. the 6th day before the Kalends of June) of the year in which P. Catius Sabinus and P. Cornelius Anullinus were holding the consulship (i.e. 216 CE), Caracalla had returned to Antioch. The emperor was coming from Alexandria to the Syrian capital before launching his final and fatal campaign against Parthia (see Halfmann, *Itinera*, p. 225), and the inscription records the triumphal titles incorporated after the death of his father Septimius Severus (see Kienast, Kaisertabelle, p. 163). The judicial session opened with the salutation from the praetorian prefects, the chiefs of the imperial offices and a group labelled as "friends" (amici). This ceremonial procedure was customary as confirmed by a notice in the Codex of Justinian (IX.51.1) referring to another collegiate decision taken by Caracalla. As for the presence of people accompanying the emperor, it shows the relevance of his entourage (or *COMITATUS*) in the decision-making even when the imperial court was on the move (cf. Pliny, Letters VI.31.13; see Eck, "Der Kaiser" and Scho?pe, Der ro?mische Kaiserhof). Once Caracalla had seated in an auditorium - no details about its exact location in Antioch are given - he ordered (*iussit*) a man called Aurelius Carzeus to enter. The man, most likely a very recent Roman citizen after the Constitutio Antoniniana, was acting as defendant (defensor) in a hearing (cognitio) against the contractor (*mancipes*) Avidius Hadrianus (perhaps a descendant of Avidius Cassius; cf. Bru, Le Pouvoir, p. 58) which Caracalla has deemed worthy of his attention. The parties, however, were not alone but actually assisted by lawyers (advocati), and this is one of the most interesting elements of the very formal proceedings. Equatius Iulianus and Lollianus Aristaenetus were not local advocates (see Crook, Legal Advocacy). Even though the names were mixed up in the inscription, the latter man can be identified with a famous sophist from Byzantium mentioned by Philostratus in his *Lives* (II.11), who was honoured in Italy (*CIL* VI.1511-12) and may have reached the governorship of Bithynia and Pontus. The career of Victor Egnatius Lollianus was even more remarkable as this rhetor became consul and acted three consecutive times as proconsul of Asia in the mid-3rd

century (*PIR*² E 36; see Haensch, "L. Egnatius," vs. Christol, "Lucius Egnatius"). Caracalla had therefore appointed two of the most cultured men of his entourage to act in favour of parties that were to either benefit or suffer from their rhetorical displays and exercises. The evidence from Dmeir accordingly shows the gradual incorporation of leading Greek scholars, such as Aelius Zeuxidemus Ariston Zenon, into the Roman imperial administration, which reached its climax in the Severan period (see de Blois, "Administrative Strategies"). Indeed, Caracalla himself was said to have appointed Heliodorus 'the Arab' as *advocatus fisci* just after hearing one of his epidictic declamations (Philostratus, *Lives of Sophists*, II.32).

The formal preamble to the minutes finishes with the Latin formula *dixit* ("he said") that introduces all the different speeches in Greek. This document sheds thus light on the usages of the different languages in the eastern Mediterranean during the high imperial period, when Latin dominated legal procedures and enunciations, but Greek could still be spoken in dealings with the Roman administration (see Rochette Le latin dans le monde grec, p. 108-116 and Adams, Bilingualism and Latin, p. 383-390). Actually, not only Aristaenetus and Lollianus made their interventions in the latter language, but also the emperor Caracalla, who could cite Euripides by heart according to Cassius Dio (Cassius Dio, Roman History LXXVIII.11.3-4; LXXIX.8.4), and was certainly instructed in Greek culture (Philostratus, Lives of Sophists, II.24-26). However, these court minutes should not be taken as indicative of the degree of proficiency in Greek by the common population of the Near East, since the speeches were performed by orators of international fame. Likewise, the inscription of Dmeir should not be regarded as proof of the level of legal knowledge existing in provinces under Roman administration. Instead, one should read this text as a possible and impressive outcome that an individual may encounter in the Severan period when presenting a petition to an emperor on the move. There, he could witness exceptional legal representatives displaying a wide and complex array of rhetorical strategies and legal terminology. For example, Aristaenetus opens his statement with a term ???????/paragraphomai that is attested already in Classical Athenian judicial inscriptions and served to oppose the admission of a case in a tribunal. His argumentation tries to exploit procedural flaws that should prevent the emperor from acting as judge in this case. Lollianus, instead, affirmed that it was the emperor himself who ordered to conduct the hearing (???????/diagnôsis). Probably, the most interesting aspect of Aristaenetus' speech in relation to the application of Roman law in the provinces is that lawful appeals (???????/ekklêtoi) needed to be first admitted in the tribunal (????????/dikastêrion) of the governor (??????/hêgemôn). He also criticised Aurelius Carzeus for not acting as an ambassador (???????/presbeutês) or legal representative (??????/syndikos) – like the emperors are known to have recommended (see SEG 15.108) – but rather as a private (????????/idiôtikos) individual. Lollianus, by contrast, adopts a less legalistic approach, probably aware of the flaws of his case. Instead, he presents this issue as a humble plea (?????/deêsis) of peasants supplicating (?????/ikesia) to the emperor, once Cassius, probably the governor of Syria in 213, had not granted the right to appeal. From this speech, it is also interesting to note that the emperor had personally selected this petition (??????/axiôsis) among many others submitted to his court in order to be read (?????????/anaqnôsthênai).

In principle, Caracalla appears to be leaning more towards Lollianus' arguments. Legal flaws may exist (cf. Digest XLIX.5), but he still wants to hear (???????/akousomai) the case and give his own opinion (????/qnômê). In other words, the authority of the emperor is superior to any judicial procedure because he is above the law (see Stolte, "Jurisdiction and Representation"). Aristaenetus' objections are therefore dismissed and the room is open for Lollianus to describe the case. The rhetor very impressively continues his strategy to present the case as a "contest about piety" (???? ??????????/agôn hyper eusebeias). He says that nothing is superior (???????/presbyteron) than piety to Caracalla, so the emperor's virtues would also be judged with this verdict. As we are subsequently informed, this piety is related to a temple of Zeus that the Goharieni had in their territory. Consequently, a Roman emperor praised for being "the most pious king and judge" (I. 38) was expected to show his respect to local cults even in rural communities of Syria. The temple structure still survives almost intact - at least before the Syrian war; see Brümmer, "Der römische Tempel" - and additional texts carved on the walls show that it was dedicated to Zeus Hypsistos and administered by a network of local institutions (see Millar, The Roman Near East, p. 317-319). It was also regionally renowned (??????/epiphanes) and, as a result, it received visits and parades (?????/pompai). Probably, one of those attracted by the importance of the temple was the contractor Avidius Hadrianus who, according to Oliver, "Minutes of a Trial", was the one proclaiming himself as priest (?????/hiereus) of Zeus. Lollianus censures this attitude as an unlawful wrongdoing (??????/adikêma), because the position enjoyed tax-exemption

(???????/alitourgia), a golden crown (??????/stephanos) and a sceptre (??????/skêptron). Before the text is lost, the advocate challenges the defendant to show whether he was worthy of this privilege (?????/dôrea).

The case inscribed in the temple of Dmeir is, consequently, not solely relevant to observe the procedure present in petitions addressed before the emperor and the choice of languages in judicial cases. It also shows the internal conflicts of local cults which Caracalla, if he wanted to remain "a pious ruler," was asked to solve. Elements of comparison can then be established with other sanctuaries in the Middle East beyond Syria, for example, in

Samaria, where a temple of Zeus Olympios is also known to be present on Mount Gezirim (see Belayche,

ludaea, p. 205-206). So, even if such bilingual legal documents were not commonly inscribed and have not survived to us, this exceptional testimony provides us with a context in which the notices of other provincials –including the Jews from Palestine– seeking imperial audiences should be better understood.

Keywords in the original language:

- Antoninus [3]
- <u>amicus</u> [4]
- princeps [5]
- auditorium [6]
- defensor [7]
- <u>iubeo</u> [8]
- mancipes [9]
- <u>cognitio</u> [10]
- advocatus [11]
- <u>dico</u> [12]
- <u>???????????</u> [13]
- <u>????????</u> [14]
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- <u>?????</u> [44]
- <u>?????</u> [45]

Thematic keywords:

- Caracalla [46]
- <u>Syria</u> [47]
- Roman court [48]
- <u>Roman law</u> [49]
- Roman justice [50]
- <u>local cults</u> [51]
- <u>Zeus</u> [52]
- <u>piety</u> [53]
- imperial piety [54]
- <u>rhetor</u> [55]
- praetorian prefect [56]
- friend of Caesar [57]
- imperial entourage [58]
- imperial court [59]
- imperial visit [60]
- <u>tribunal</u> [61]
- <u>advocates</u> [62]
- ambassador [63]
- petition [64]
- priesthood [65]
- peasants [66]
- <u>parade</u> [67]
- privilege [68]

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Phrygian villages, Roman roads and legal disputes in the mid-3rd century CE [86]

The villages of Anossa and Antimacheia have a conflict concerning transportation obligations and the procurator of Phrygia intervenes. Minutes of three different judicial hearings are recorded as well as the letter of a soldier under his jurisdiction.

• Read more about Phrygian villages, Roman roads and legal disputes in the mid-3rd century CE [86]

Papyrus

P.Giss. 40 and the Constitutio Antoniniana [87]

An edict issued by the emperor Caracalla records a universal grant of citizenship as an expression of magnificence and gratitude to the immortal gods.

Language English

• Read more about P.Giss. 40 and the Constitutio Antoniniana [87]

Inscription

Offering slaves to the Mother of Gods in Leukopetra after the Constitutio Antoniniana [88]

A dedication of slaves in the sanctuary of the Mother of Gods in Leukopetra (Macedonia) records a new Roman citizen following the regulation of the provincial governor in 213 CE, i.e. immediately after the issue of the

Constitutio Antoniniana.

<u>Read more about Offering slaves to the Mother of Gods in Leukopetra after the Constitutio Antoniniana</u>
[88]

Inscription

Mylasa, its local coins and the long life of the Severan emperors [89]

A typical city in Asia Minor drafts a resolution concerning illegal banking activities and local legal procedures. The fragmentary decree includes an acclamation and several messages extolling the Roman emperors and the eternity of their rule.

• Read more about Mylasa, its local coins and the long life of the Severan emperors [89]

Inscription

Hierapolis and a Greek Sophist in the Roman Administration [90]

Honours for a member of a prominent and cultured family from Hierapolis which was given Roman citizenship and participated actively in the Roman administration.

• Read more about Hierapolis and a Greek Sophist in the Roman Administration [90]

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