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HANNAH COTTON

The Concept of *indulgentia* Under Trajan¹

Even a casual reader of Pliny's letters to Trajan cannot fail to notice the frequency with which Pliny employs the term *indulgentia* – as well as various forms of the verb *indulgere* – to characterize the relationship between the Emperor and himself or between the Emperor and other people. This terminology appears without exception in all the letters recommending people to the notice of the Emperor – whether for promotion, for the grant of the Roman citizenship or for some other favour or privilege – as well as in those letters containing requests for privileges and favours for Pliny himself, or expressing gratitude on obtaining them. It also occurs in some of the letters mentioning concessions made to provincial communities.²

It may be admitted from the outset that the use of the <indulgence> terminology in the contexts described above is by no means exclusive; comparable terms, such as *bonitas* and *beneficium*, are used as well.³ Nevertheless the <indulgence> terminology predominates in these contexts. Moreover it is absent from Pliny's letters in other contexts. And avoidance is often no less significant than use: it proves that for Pliny the terminology is still resonant with meaning, which makes its use fitting on specific occasions and not on others.

Indulgentia appears for the first time in our sources in the first century B.C.⁴ It is not, however, the purpose of the present inquiry to trace its long, intricate and fascinating career – not least because the work has already been undertaken by others⁵ – but rather to concentrate first on the first stages of its association with the person of the emperor and secondly on the reasons for this association.

¹ An earlier version of this paper was delivered at the annual meeting of the Society for the Promotion of Classical Studies in Israel held at the Hebrew University of Jerusalem in March 1983. The present version owes much to the constructive criticism and advice of Professor F. MILLAR, Dr. J. GEIGER, Professor G. CLEMENTE, Dr. D. WASSERSTEIN and Mr. A. JAKOBSON.

² Below, pp. 252 f.

³ Below, pp. 259 f.

⁴ Cic. II Ver. 1,112; 5,109.

⁵ Notably by J. GAUDEMET in: *Indulgentia Principis*, *Conferenze Romanistiche VI* (1962) and by W. WALDSTEIN in: *Untersuchungen zum römischen Begnadigungsrecht, abolitio-indulgentia-venia* (1964).

The first point calls for a survey of its occurrences up till its apparent establishment in the <ideology of the principate>,⁶ i.e. until Nerva's and Trajan's time.⁷ It is then for the first time that the term is fully elaborated. The text of Pliny, the starting point for the present discussion, combined with the more scanty evidence of legal writings and inscriptions, gives us more than an insight into the cultural temper – or, into the political cant – of the period. Not only the persistence of certain themes, but also the recurrence of certain turns of phrase in connection with the term *indulgentia*, imply the rootedness of the term in the consciousness of the age.

The first step towards an understanding of the reasons for the emergence of the term *indulgentia* is to investigate its primary connotations and the specific aspect of the principate which its usage conveys. Secondly, *indulgentia* should be demarcated from other virtues or blessings⁸ associated with the emperor whose frame of reference often overlaps with its own, and especially from *clementia* and *liberalitas*.⁹ Only then may we be in a position to offer an answer – even if a tentative one – to the much larger question of why the aspect of the principate conveyed by *indulgentia* was emphasized when it was. However, the well-known hazards of transmission do not allow us to determine that the shift in emphasis occurred for the first time in the reign of Trajan. Thus, however much we may be tempted to do so, we are unable to connect its emergence then with contemporary events and intellectual currents with any degree of certainty.

Indulgentia was attributed to the master of Rome even before the establishment of the principate. In a letter to the oscillating Cicero, from March 49 B.C.,¹⁰ Balbus and Oppius promise him that after having ascertained Caesar's intentions, they will give Cicero advice which will be commensurate both with his dignity and with his obligations towards Pompey. They conclude with an assurance: *et hoc Caesarem pro sua indulgentia in suos probaturum putamus* (§ 2).¹¹

The usage seems to disappear for a while, unless the restoration made by the editor of the much mutilated Augustan inscription is accepted.¹² It seems to be a

⁶ It is not claimed here that the ancients ever thought of it as such.

⁷ GAUDEMET's survey (op. cit. above, n.5) seems to suffer from the following shortcomings: 1) since he was interested in the later development of the term, the first stages are sketched briefly and no high-lights are pointed out; 2) the persistence of *indulgentia* in other contexts than that of remission of penalties and debts is neglected; 3) since the publication of GAUDEMET's pioneer study other important evidence has come to light; 4) it has a number of inaccuracies worth correcting, e.g. in Cic. Ad Att. IX,7a,2 it is not Cicero who applies the term *indulgentia* to Caesar; see also below, nn. 80 and 112 for other examples.

⁸ The terms are used loosely throughout and their meaning must not be pressed any further than common sense dictates.

⁹ Below, p.262.

¹⁰ Ad Att. IX,7a.

¹¹ cf. Caesar, BG VII,63,8.

¹² AÉ 1948, 91; published by G. MARCHETTI-LONGHI, Gli scavi del Largo Argentina, Bull.

dedication to Augustus by a colony.¹³ The restored formula runs: *Ind [ulgentia] Ma[ximi principis]*.

Under Claudius *indulgentia* is once more associated with the ruler. In the *consolatio* to Polybius, Seneca expresses his confidence in the soothing properties of the Emperor's *mansuetudo* and *indulgentia*.¹⁴ He reminds Polybius of the debt the latter owes to the Emperor's *indulgentia*.¹⁵

We would have had to wait until the reign of Domitian for *indulgentia* to be once more connected with the person of the emperor, were it not for the publication in 1960 of the only letter by Titus which has been preserved.¹⁶ It was given to the *quattuor viri* and *decuriones* of the *municipium* of Munigua in Baetica on September 7, 79. The addressees had appealed to the Emperor against the verdict of the previous governor instructing the city to pay its debt to a man called Servilius Pollio. Having lost the appeal, the city should have paid the penalty of *iniusta appellatio*.¹⁷ But as Titus is now telling them, *ego malui cum indulgentia mea quam cum temeritati (sic) vestra loqui et sestertia quinquaginta millia nummorum tenuitati publicae, quam praetextitis, remisi* (ll. 6–9).

This is the first time that *indulgentia* is associated with the remission of money owed to the imperial treasury.¹⁸ However, by implication the imperial *indulgentia* is also responsible for the other two concessions to the city: 1) absolving it from paying the interest accruing from the day of the original judgement; 2) deducting from its debt the sum of money owed to it and held back by the creditor.¹⁹

Even if it is not necessary to go so far as to say that the declaration *ego malui cum indulgentia mea . . . loqui* amounts to 'un programme de gouvernement',²⁰ nevertheless its presence calls for a modification of the view that *indulgentia* became an official attribute for the first time under Trajan.²¹

Comm. Arch. Com. 71 (1943–45), 66–7. The restoration is based on AÉ 1941, 73 (= AÉ 1973, 137, see below, p. 249 at n. 27).

¹³ For *indulgentia* in connection with colonies see below, p. 257.

¹⁴ *Nec dubito, cum tanta illi adversus omnes suos sit mansuetudo tantaque indulgentia, quin iam multis solaciis tuum istud vulnus obduxerit, iam multa, quae dolori obstarent tuo, congesse-rit*, 12,4.

¹⁵ *Cum voles omnium rerum oblivisci, Caesarem cogita. Vide, quantam huius in te indulgentiae fidem, quantam industriam debeas*, 7,1.

¹⁶ H. NESSELHAUF, *Zwei Bronzekunden aus Munigua. II: Brief des Kaisers Titus*, *Ma-drider Mitteilungen* 1 (1960), 148 = AÉ 1962, 288.

¹⁷ See Tacitus, *Ann.* XIV, 28,1.

¹⁸ For the later development see GAUDEMET, *op. cit.* (above, n. 5), 16f.

¹⁹ That the compensation is in itself a concession since *ex dispari causa* is argued by A. D'ORS, *Los Bronces de Mulva. II: Epistula Titi ad Muniguenses*, *Emerita* 29 (1961), 213.

²⁰ AÉ 1962, 288 on p. 69.

²¹ This view is held by P. VEYNE in: *La table des Ligures Baebiani et l'institution alimentaire de Trajan II*, *MEFR* 70 (1958), 223; 225, repeated in: *Une hypothèse sur l'arc de Bénèvent*, *MEFR* 72 (1960), 199 and in: *Les «alimenta» de Trajan (Les empereurs romains d'Es-pagne [1965], 166).*

Under Domitian *indulgentia* re-emerges in both literary and non-literary sources. Statius, speaking through Venus, prophesies an early consulate for L. Aruntius Stella,²² relying on the continuing *indulgentia* of the Emperor:

*hunc et bis senos (sic indulgentia pergat
praesidis Ausonii) cernes attollere fascis
ante diem;*

(Sil. I,2,174–6)

That the consulate emanates from the imperial *indulgentia* is made clear in what follows; the verb *indulgere* describes the gift of the curule chair and the purple dress:

*iamque Parens Latius cuius praenoscere mentem
fas mihi, purpureos habitus iuvenique curule
indulgebit ebur,*

(ibid. 178–180)

This is not the last time that both the connection between *indulgentia* and senatorial office as well as the use of the title *parens* in this context will occur.²³

In Silvae V,2,125f. Statius advises Bolanus to enter on a military career: *ergo iam magno . . . surge animo, et fortis castrorum concipe curas*. As incentives he mentions the Emperor's *indulgentia* and the successful career of the young man's brother: *ducis indulgentia pulsat, certaue dat votis hilaris vestigia frater* (ll. 125–6). The imperial *indulgentia* may stand for a general benevolent disposition of Domitian, relying on which the young man should be encouraged to apply for a commission; or it may refer to a particular favour shown to Bolanus himself.

The phrase *ducis indulgentia* recurs later in Juvenal VII, 21 in the context of imperial patronage of the arts: *circumspicit et stimulat vos materiamque sibi ducis indulgentia quaerit*,²⁴ and in Suetonius's description of the relationship between Iulius Caesar and his soldiers: it was not so much the *auctoritas* as the *indulgentia ducis* which made them return to their duties after having mutinied.²⁵ *Ducis indulgentia*,

²² PIR² A 1151. He was praetor in 93. It is not known whether by the time the poem was written (after 89) he had already held any curule office; cf. VOLLMER ad Statius, Silvae I,2,179.

²³ Below, pp. 252 and 263 f.

²⁴ W. C. HELMBOLD and E. N. O'NEIL, The Form and Purpose of Juvenal's Seventh Satire, CPh 54 (1959), 106 take the phrase to refer to Domitian, to have a derogatory intention and to be a sarcastic reference to Statius and his relationship to this Emperor. E. J. KENNEY, The First Satire of Juvenal, PCPhS n.s. 8 (1962), 31 and W. S. ANDERSON, The Programs of Juvenal's Later Books, CPh 57 (1962), 158–9, n. 17 argue successfully against each of these points. The latter protests against assigning a negative sense to *indulgentia* and to the phrase *indulgentia ducis* which he takes to be entirely conventional and not to have been invented by Juvenal.

²⁵ Div. Iul. 69; it should not be pressed too hard, however, since the context and the run of the sentence may have demanded it.

unless a literary reminiscence, has perhaps become a common collocation by the second century A.D., if not before.²⁶

A dedication to Domitian by the Colonia Flavia Augusta Puteolana, erected sometime between 13 September 95 and 12 September 96,²⁷ mentions the *indulgentia maximi divinique principis* which brought the colony nearer to Rome – *urbis eius admota*.²⁸ This last phrase probably refers to the construction of the Via Domitiana which connected Puteoli to the Via Appia.²⁹

Indulgentissimus as an unofficial title³⁰ appears for the first time in another inscription from Domitian's reign.³¹ In his letter of A.D. 82 to the people of Falerio in Picenum Domitian confirms their legal right (*ius possessorum*) over certain lands (*subpsiciva*), the ownership over which had for a long time been contested by the colony of Firmum. To justify his verdict Domitian recalls a letter of Augustus instructing Firmum to sell their lots; he had done so notwithstanding the fact of his being *diligentissimus et indulgentissimus erga quartanos suos princeps* (l. 21). The choice of *indulgentissimus* to describe the attitude of his predecessor towards the soldiers of the Fourth Legion whom Augustus had settled at Firmum may not be accidental; the same title appears in the Preface to the first book of the *Silvae*. Statius calls Domitian *indulgentissimus imperator* in connection with the verses he wrote about the equestrian statue of the Emperor dedicated in the Forum.³²

It is with Nerva's reign that *indulgentia* for the first time appears in an imperial proclamation addressed to the whole citizen body. In the edict cited by Pliny (Ep. X, 58, 7–9), Nerva published his intention to maintain all his predecessors' *beneficia*. The act of confirmation is presented as a manifestation of the imperial *indulgentia*. Its location in the document lends it a particular emphasis; it makes *indulgentia* into a programmatic term: *Ne tamen aliquam gaudiis publicis adferat haesitationem vel eorum qui impetraverunt diffidentia vel eius memoria qui praestitit, necessarium pariter credidi ac laetum obviam dubitantibus indulgentiam meam mittere*.

The other evidence for the use of *indulgentia* by Nerva is less certain. Ulpian traces the concession of *libera testamenti factio* to soldiers to Iulius Caesar. Being temporary, the concession was renewed by Titus, Domitian and Nerva; with Trajan it was inserted into the imperial *mandata*.³³ Whereas Titus and Domitian re-

²⁶ cf. ANDERSON, loc. cit. (above, n. 24).

²⁷ AÉ 1941, 73 (dated to A.D. 86); for the date in the text see K. D. MATTHEWS Jr., Domitian and the Lost Divinity, Expedition 8,2 (1966), 30–36 = AÉ 1973, 137.

²⁸ For this new reading of the last line see MATTHEWS, loc. cit. (previous note).

²⁹ See MATTHEWS, *ibid*.

³⁰ For the concept see L. BERLINGER, Beiträge zur inoffiziellen Titulatur der römischen Kaiser (Diss. Breslau, 1935); R. FREI-STOLBA, Inoffizielle Kaisertitulaturen im 1. und 2. Jahrhundert nach Chr., MH 26 (1969), 18.

³¹ CIL IX 5420 = FIRA I², 75.

³² Sil. I pr. 17 f. For the date – probably 91 – see VOLLMER, pp. 4–5.

³³ Dig. XXIX, 1, 1.

ceive but a brief mention, Nerva's action is treated expansively: *postea divus Nerva plenissimam indulgentiam in milites contulit*. Despite the elaboration, the context makes it quite clear that Nerva added nothing of substance to what his predecessors had done. It may not be inconceivable, especially in view of the edict cited above, that Ulpian is using Nerva's own terminology.

Two references may be all that we can expect from Nerva's short reign. With Trajan's reign references to the imperial *indulgentia* abound in both official and non-official sources, in documentary and literary sources. That this may be merely an accident of transmission is not very likely. Yet one hesitates to postulate the guiding hand of imperial policy.

Indulgentia appears in the two big *alimenta* dedications in what looks like a formulaic context; hence PAUL VEYNE surmised that they come from the text of the *Lex Alimentorum*.³⁴ The introduction to the Table of Veleia has the fullest formulation: *Obligatio praediorum ob HS deciens quadraginta quattuor milia, ut ex indulgentia optimi maximique principis imp. Caes. Nervae Traiani Aug. Germanici Dacici pueri puellaeque alimenta accipiant*.³⁵ A reference to an earlier *alimenta* scheme at some point between 98 and 102³⁶ uses identical words: *Item obligatio praediorum facta per Cornelium Gallicanum ob HS LXXII, ut ex indulgentia optimi maximique principis imp. Caes. Nervae Traiani Augusti Germanici pueri puellaeq. alimenta accipiant* (vii, 31 f.). Despite the fragmentary state of the Table of the Ligures Baebiani, the same formula can be read here: [*imp. Caes.*] *Nerva Traiano Aug. G[ermani]c[o] IIII [Q.] Articleio Paeto [cos.] . . . [ex praecepto optimi]i maximiq. principis obligarunt prae[dia] . . . pto Ligures Baebiani . . . [u]t³⁷ ex indulgentia eius pueri puellaeq. a[limenta] accipiant*.³⁸

In an inscription from Ferentinum³⁹ the *municipium* records the motion to make T. Pomponius Bassus a patron of their community for having established the *alimenta* scheme in their town, a task given him by 'the most indulgent emperor': *demandatam sibi curam ab indulgentissimo imp. Caesare Nerva Traiano Augusto Germanico, qua aeternitati Italiae suae prospexit, secundum liberalitatem eius ita ordinare, ut omnis aetas curae eius merito gratias agere debeat*.⁴⁰

Admittedly, *indulgentia* in the alimentary inscriptions is interchangeable with *liberalitas*, as one learns from the *secundum liberalitatem eius*⁴¹ of the Ferentine in-

³⁴ La table de Ligures Baebiani . . . , MEFR 70 (1958), 225, n. 8; 226.

³⁵ CIL XI 1147 = ILS 6675.

³⁶ The *Dacicus* is missing.

³⁷ This is DESSAU's reading; the CIL reads *et*.

³⁸ CIL IX 1455 = ILS 6509.

³⁹ CIL VI 1492 = ILS 6106, 19 October 101.

⁴⁰ VEYNE (Une hypothèse . . . , MEFR 72 [1960], 199) suggests that one of the two personified attributes assisting the Emperor Trajan in the alimentary scheme, portrayed on one of the panels of the Arch of Beneventum, represents the *indulgentia* of the Emperor.

⁴¹ Which refers to Trajan; cf. H. KLOFF, *Liberalitas Principis* (1970), 97, n. 62.

scription quoted above. Later inscriptions prove the point even further: *Antonino Aug. Pio . . . pueri et puellae qui ex liberalitate eius alimenta accipiunt*;⁴² *pueri et puellae qui ex liberalitate sacratissimi principis aliment(a) accipiunt*.⁴³ The increase of the *alimenta* by Hadrian is described in the *Historia Augusta* as an act of *liberalitas*.⁴⁴ Alternatively *munificentia* or *benificentia* – whichever the restoration may be – might be the source of the *alimenta*.⁴⁵ Or it may even be due to a virtue of an altogether different complexion, such as *providentia*.⁴⁶

Nevertheless the use of *indulgentia* in the alimentary inscriptions is eminently appropriate in view of the primary meaning of *indulgentia* (to be explained below), and the fact that the *alimenta* scheme was directed towards providing means of subsistence for the children of the needy.⁴⁷

There are three more inscriptions with the *indulgentia* terminology from the time of Trajan. The city of Aquileia records in A. D. 105 the successful career of its son C. Minicius Italus, who used his position to increase the honour and glory of his city of origin. Two acts of his – perhaps different aspects of the same action – are singled out for special mention: *sacratissimum principem Traianum A[ugustum decrevisse rogatu e]i[us], ut incolae, quibus fere censemur, muneri [bus nobiscum fungantur, e]t ut plenior[em] indulgentiam maximi imper[atoris] habeamus per eum cont[ingisse]*.⁴⁸

Two more inscriptions use the title *indulgentissimus*. The fragmentary state of CIL IX 215 prevents us from ascertaining the context in which the title is used. CIL XI 3309 is a dedication to Trajan from Forum Claudii for financing from his own treasury a local aqueduct.⁴⁹

In the period under discussion the term appears in legal writings for the first time. The jurist L. Iavolenus Priscus⁵⁰ propounds a rule: *Beneficium imperatoris, quod a divina scilicet eius indulgentia proficiscitur, quam plenissime interpretari debemus* (Dig. I,4,3).⁵¹ As the quotation clearly shows, we are still dealing with an abstract, general and non-technical term. More than a century will elapse before *indulgentia*, detached from the person of the emperor, designates in legal writings

⁴² CIL XI 5956, A. D. 139.

⁴³ CIL XI 5395 = ILS 6620, probably from the time of M. Aurelius.

⁴⁴ Hadr. 7,8.

⁴⁵ CIL IX 5825: [*Quod per mu- or be*]nificentiam suam [*robur or statum*] subolemque Italiae [*confirmavit*]; cf. O. HIRSCHFELD, *Die kaiserlichen Verwaltungsbeamten*², 215, n. 1.

⁴⁶ CIL X 6310 = ILS 282, Trajanic. On *providentia* see M. P. CHARLESWORTH, *Providentia* and *Aeternitas*, HThR 29 (1936), 122.

⁴⁷ On the purpose of the *alimenta* see VEYNE, *Les «alimenta» de Trajan*, loc. cit. (above, n. 21); R. DUNCAN-JONES, *The Economy of the Roman Empire*² (1982), 294 f.

⁴⁸ CIL V 875 = ILS 1374.

⁴⁹ Below, p. 255.

⁵⁰ cf. W. KUNKEL, *Herkunft und soziale Stellung der römischen Juristen*² (1967), 138; R. SYME, *The Jurist Neratius Priscus*, *Hermes* 85 (1957), 480 = *Roman Papers* I, 339.

⁵¹ See A. D'ORS, *Epigrafía Jurídica de la España Romana* (1953), 19–20.

concrete and technical acts.⁵² For Iavolenus *indulgentia* is still a personal quality, perhaps a general disposition; the *beneficia* are its manifest corollary.

The rich evidence of Pliny's correspondence with the Emperor Trajan faithfully records the predilection felt for the term and its ubiquity. Pliny invokes the Emperor's *indulgentia* in contexts familiar from before, but also in new contexts, in some of which the term will re-appear later on. In the following discussion the Plinian contexts will be surveyed, precedents will be pointed out and future developments delineated.

The first time Pliny invokes the imperial *indulgentia* is in connection with the grant of the *ius trium liberorum* to himself.⁵³ The Emperor answered the entreaties of Pliny's patron, L. Iulius Ursus Servianus:⁵⁴ *Iuli Serviani . . . precibus indulseris* (Ep. X, 2, 1). A short time before 100 or 101 Pliny obtained the same privilege for his own friend and protégé, Voconius Romanus: *et nuper ab optimo principe trium liberorum ius impetravi* (Ep. II, 13, 8).⁵⁵ Here too the 'indulgence' terminology is found: *quod quamquam parce et cum delectu daret, mihi tamen tamquam eligeret indulserit* (ibid.). About a decade later we find Pliny, this time in Bithynia, making the request on behalf of yet another protégé, Suetonius Tranquillus: *Scio, domine, quantum beneficium petam, sed peto a te cuius in omnibus desideriis meis indulgentiam expior* (X, 94, 3).

Nerva's permission to Pliny to transfer his private collection of statues of emperors to Tifernum Tiberinum with a statue of the living emperor included was also a demonstration of *indulgentia*: *Quod quidem ille mihi cum plenissimo testimonio indulserat* (X, 8, 2). In order to carry out the transfer as well as to put order in his private affairs in the district Pliny had to ask Trajan for leave from his duties as Prefect of the Aerarium Saturni: *indulgeas commeatum* (ibid., § 4). A leave of 30 days would put Pliny in the debt of the Emperor's *indulgentia*: *Debebo ergo, domine, indulgentiae tuae et pietatis meae celeritatem et status ordinationem* (ibid., § 6).

The contexts of promotions, honours and nominations yield a rich crop of *indulgentia* terminology. Statius had already associated it with an early grant of the consulate to L. Arruntius Stella and the entry of Crispinus Vettius Bolanus into a military career.⁵⁶ The Emperors' *indulgentia* (*indulgentia vestra*) put Pliny in charge of the Aerarium Saturni.⁵⁷ It is, therefore, hardly surprising that the imperial *indulgentia* is invoked when Pliny wishes the Emperor to enhance his dignity by nominating him for one of the more important priesthoods: *rogo dignitati, ad quam*

⁵² cf. WALDSTEIN, op. cit. (above, n. 5), 131 f.

⁵³ Ep. X, 2, A.D. 98.

⁵⁴ See SYME, Tacitus II, App. 7, p. 636. He was *cos.* I in 90 and II in 101.

⁵⁵ For the date of this letter see SYME, Tacitus II, App. 3, p. 632.

⁵⁶ Above, pp. 248 f.

⁵⁷ In A.D. 98: *Ut primum me, domine, indulgentia vestra promovit ad praefecturam aerarii Saturni*, Ep. X, 3A, 1.

me provexit indulgentia tua, vel auguratum vel septemviratum ... adicere digneris (X,13).

Appeal is made to the Emperor's *indulgentia* to achieve promotions and honours for others as well. Voconius Romanus' sterling qualities combined with Pliny's entreaties on his behalf may win over Trajan's *indulgentia* and get the *latus clavus* and the opening of a senatorial career for the man.⁵⁸ Having succeeded before in this type of request (*quia tamen in hoc quoque indulsisti*), Pliny asks the Emperor to bestow a praetorship on the impoverished senator, Accius⁵⁹ Sura: like other citizens this shy man was encouraged and summoned, by the *felicitas temporum, ad usum indulgentiae tuae* (X, 12). From Bithynia-Pontus Pliny requests Trajan to bestow his *indulgentia* on Pliny's former quaestor, Rosianus Geminus⁶⁰ (*Cui, si quid mihi credis, indulgentiam tuam dabis*), and enhance his dignity: *pro dignitate eius precibus meis faveas* (X,26,2). The transfer of his mother-in-law's relative, Caelius Clemens, to Pliny's province – perhaps as a member of the governor's *cohors*⁶¹ – is yet another demonstration of Trajan's *indulgentia* towards Pliny's entire household.⁶² Recommending the homonymous son of the *primipilaris* Nymphidius Lupus⁶³ for further promotion in the equestrian career, Pliny assures the Emperor that the man *suffecturum indulgentiae tuae* (X, 87,3). Finally the acephalous testimonial on behalf of an official who served with Pliny in the province expresses a similar assurance: *indulgentia tua dignus est* (X, 86B). The last quoted expression seems to have been a set phrase, as the description of the Prefect of the Pontic Coast, Gavius Bassus,⁶⁴ suggests: *vir egregius et indulgentia tua dignus* (X, 21,1).

Not only in the letters but in the Panegyricus as well *indulgentia* appears in the context of the allocation of honours and promotions. The bestowal of the consulate on Pliny and Cornutus Tertullus⁶⁵ at the same time shows the 'indulgent' emperor *indulgentissimus imperator in concordia nostra ea praestiterit ambobus, quae si tantum in alterum contulisset, ambos tamen aequaliter obligasset* (90, 4). Trajan's elevation of the nobility is also an act of *indulgentia*: *Sunt in honore hominum et in ore famae magna nomina (excitata) ex tenebris oblivionis indulgentia Caesaris, cuius haec intentio est ut nobiles et conservet et faciat* (69,6). The grant of the highest honour of

⁵⁸ Ep. X, 4, 5.

⁵⁹ See SYME, *People in Pliny*, JRS 58 (1968), 139 = Roman Papers II, 701.

⁶⁰ See SYME, *Pliny's Less Successful Friends*, *Historia* 9 (1960), 370 = Roman Papers II, 486.

⁶¹ Only a limited number of *comites* was allowed, cf. Dig. XXVII, 1, 41, 2; cf. IV, 6, 32.

⁶² Ep. X, 51.

⁶³ See B. DOBSON, *Die Primipilares* (Beih. Bonner Jahrb. 37, 1978), p. 215, no. 215.

⁶⁴ This man is mentioned in a newly discovered inscription from Ephesus, D. KNIBBE, *Neue Inschriften aus Ephesos II*, JÖAI 49 (1968–71), Beiblatt 4, p. 15, no. 2 = AÉ 1972, 573.

⁶⁵ See SYME, *op. cit.* (above, n. 60), 362 = Roman Papers II, 478; S. JAMESON, *Cornutus Tertullus and the Plancii of Perge*, JRS 55 (1965), 54; S. MITCHELL, *The Plancii in Asia Minor*, JRS 64 (1974), 27.

a third consulate to Iulius Frontinus and probably to Vestricius Spurinna elicits from Pliny the following praise: *Tanta tibi bene faciendi vis, ut indulgentia tua necessitates aemuletur* (61, 8).

Suetonius' usage concurs. Vitellius' meteoric rise is attributed to *trium principum indulgentia* (Vit. 5). Tacitus uses the verb in the context of the grant of the *insignia triumphalia* to Corbulo (Ann. XI,20), and in the context of promotions in the army (Hist. II,94; III,9).⁶⁶

The *indulgentia* of Trajan is invoked in requests and acknowledgements of the grant of the Roman citizenship to foreigners and the *ius Quiritium* to *Latini Iuniani*. Only by means of *tuae indulgentiae beneficium* could Pliny hope to repay his therapist Arpocras for his solicitude and devotion: *Quare rogo des ei civitatem Romanam* (X,5,1–2). The Emperor granted the request without delay (*sine mora indulsisti*, X,6,1), but Pliny had discovered in the meantime that the possession of Alexandrian citizenship is a prerequisite for obtaining the Roman one; he hastened to submit all the necessary information to the Emperor *ne quid rursus indulgentiam tuam moraretur* (X,6,2). In connection with the same request he addresses Trajan as *indulgentissimus imperator* (X,10,2). Pliny's obligation to yet another doctor could also be repaid *si precibus meis ex consuetudine bonitatis tuae indulseris* (X,11,1). Since the man is already in possession of Roman citizenship, Pliny requests it on behalf of the man's relatives, in such a manner that they may retain their *patria potestas* in their sons and the *ius patronorum* in their freedmen.⁶⁷ In his covering letter to the *libellus* of the auxiliary centurion P. Accius Aquila Pliny describes the man's request for citizenship for his daughter as an appeal to the Emperor's *indulgentia*: *libellum per quem indulgentiam pro statu filiae suae implorat* (X,106).

Mention should perhaps be made here of Panegyricus 39,2, where Trajan's 'indulgence' is expressed in the grant of the *cognitionum iura* to people who obtained Roman citizenship *per Latium*, thereby freeing them of the obligation to pay inheritance tax when inheriting from peregrine relations. The remission of the inheritance tax recalls Titus' remission of a fine to the people of Munigua, with the difference that in the latter case the remission is indirectly granted by the creation of a legal situation (*cognitionum iura*) which absolves the newly made citizens from the need to pay the tax.

The grant of the *ius Quiritium* to the freedmen of Pliny's friend is once again an act of *indulgentia*;⁶⁸ yet Pliny was careful not to abuse the Emperor's 'indulgence' in requesting the *ius Quiritium* for all and sundry: *Vereor . . . ne sit immodicum pro omnibus pariter invocare indulgentiam tuam* (X, 104).

⁶⁶ cf. Hist. I, 52.

⁶⁷ For the wider context see F. MILLAR, *The Emperor in the Roman World* (1977), 483–6.

⁶⁸ *Ago gratias . . . quod et ius Quiritium libertis necessariae mihi feminae . . . sine mora indulsisti*, Ep. X, 6, 1.

Pliny's usage is faithfully echoed in the recently discovered Tabula Banasitana. This document records the grant of Roman citizenship to a local dignitary in 177 as emanating directly from the *indulgentia principalis*: *quamquam civitas Romana non nisi maximis meritis provocata in[dul]gentia principali gentibus istis solita sit*...⁶⁹

The use (or rather misuse) of an imperial *diploma* by an unqualified person and for a purpose other than that for which it was issued was yet another occasion for an appeal by Pliny to the imperial *indulgentia*; the fact that Pliny's request for permission is retrospective – his wife having already left for Rome to visit her lately bereaved aunt – only increases his debt to the Emperor's 'indulgence' (X,120,2): *Haec tibi scripsi, quia mihi parum gratus fore videbar, si dissimulassem inter alia beneficia hoc unum quoque me debere indulgentiae tuae, quod fiducia eius quasi consulto te non dubitavi facere, quem si consulissem, sero fecissem*.

The 'indulgence' terminology appears also in the context of the relationship between the emperor and the communities in Pliny's province. The cities need the imperial licence for public building; its bestowal is yet another manifestation of the imperial *indulgentia*, although there is no question of imperial funding of their projects.

Pliny transmits Prusa's desire for a new bath-house with the observation that it could be accommodated: *videris mihi desiderio eorum indulgere posse* (X,23,1). The Emperor's reply is also cast in the 'indulgence' terminology: *possumus desiderio eorum indulgere* (X,24). Later Pliny reminds him of his consent in identical terms: *Quaerenti mihi . . . Prusae ubi posset balineum quod indulsisti fieri . . .* (X, 70,1). Similarly the Emperor is asked to give his consent to the building of an aqueduct in Sinope with the assurance that the funds for it will not be lacking: *Pecunia curantibus nobis contracta non deerit, si tu, domine, hoc genus operis et salubritati et amoenitati valde sitientis coloniae indulseris* (X,90,2).

Pliny's usage may be illuminated by the epigraphical evidence, since the invocation of the imperial *indulgentia* is nowhere more widespread than in inscriptions connected with public building. Mention has already been made of the dedication to Trajan from Forum Claudii (above, p. 251). It is addressed to *optimo [et indulgentissim]o principi* for having constructed an aqueduct and defrayed the expenses out of his own pocket. However, more akin in spirit to Pliny's usage are those inscriptions in which the imperial *indulgentia* is not expressed in material generosity but rather in the permission to carry out a project. Thus the inscription from Gortyn in Crete specifies that the reconstruction and redecoration of a *competus* is sub-

⁶⁹ For the text see W. SESTON-M. EUZENAT, Une dossier de la chancellerie romaine: la *tabula banasitana*, CRAI 1971, 470. The corrected reading *in[dul]gentia principali* is supported by A. N. SHERWIN-WHITE, The Tabula of Banasa and the Constitutio Antoniniana, JRS 63 (1973), 88, n. 6 against J. H. OLIVER's *in gente a principali* (AJP 93[1972], 336; 338–9). The present discussion, it is hoped, may strengthen the case for the reading offered by the original editors.

sided from funds sacred to the local goddess, but the project owes its existence to the *indulgentia* of Marcus Aurelius and Verus.⁷⁰ Similarly, although funds for road-building by the Milevitani of Numidia come from a tax imposed on vehicles, nevertheless the building of the road is attributed to the imperial <indulgence>: *ex auctoritate Imp. Caes. T. Aeli Hadriani Antonini Aug. Pii p. p., via a Milevitanis munita ex indulgentia eius de vectigali rotari*.⁷¹ Successus Amoenianus, a public slave of Asisium, financed the building of a chapel with porches, an altar and a table to Iuppiter Paganicus *ex indulgentia dominorum*. This may refer to the reigning emperors rather than, as DESSAU maintains, to his municipal masters.⁷² In other inscriptions we cannot determine what the *indulgentia* stands for. A dedication from Verecunda (Lambesis) to Antoninus Pius speaks of an aqueduct built *ex indulgentia (eius)*.⁷³ A third century inscription from Thysdrus (Africa) uses the same formula, *ex indulgentia principis*, to describe the supervision by Annius Rufinus of the building of an aqueduct in the colony.⁷⁴ The *infatigabilis indulgentia* of Severus Alexander is responsible for the fortification and extension of the walls of *castella* in Africa.⁷⁵

On other occasions it seems that the emperor financed the project himself. Elagabalus is described as *felicissimus adque*⁷⁶ *invictissimus ac super omnes retro principes indulgentissimus* in two inscriptions celebrating his restoration of a road.⁷⁷ A market place (*macellum*) was restored *ex indulgentia sacra* of Severus Alexander.⁷⁸ The restoration of the Via Annia by the *providentissimus princeps* Maximinius is to be counted *inter plurima indulgentiar(um) suar(um) in Aquileiens(es)*.⁷⁹ The Emperors Valerian and Gallienus, and the Caesar P. Cornelius Saloninus Valerianus *indulgentia sua* restored the bridge of Secula which had burnt down.⁸⁰ The city of Caesena rebuilt a bath-house *ex liberalitate imp. Caes. M. Aureli*; ⁸¹ but the funds came from the <indulgence> of Aurelianus: *servata indulgentia pecuniae eius, quam deus Aurelianus concesserat, facta usurarum exactione*.⁸² An inscription of the time of

⁷⁰ CIL III 14120 = I. Cret. IV 333, A. D. 169.

⁷¹ CIL VIII 10327 = ILS 5874; 10328; 22391 – all from Antoninus Pius' time, not from Hadrian's as GAUDEMET maintains, *op. cit.* (above, n. 5), 10.

⁷² CIL XI 5375 = ILS 3039.

⁷³ CIL VIII 4205 = 18495 = ILS 5752, A. D. 160/4.

⁷⁴ CIL VIII 51 = ILS 5777.

⁷⁵ CIL VIII 20486; AE 1917/8, 68; AE 1966, 593, 594.

⁷⁶ *adque* in the second of these two otherwise identical inscriptions, see following note.

⁷⁷ CIL VIII 10304 = ILS 471; 10308.

⁷⁸ CIL V 1837 = ILS 5589.

⁷⁹ CIL V 7992 = ILS 5860.

⁸⁰ CIL XI 826 = ILS 539. GAUDEMET's <pontem seculae VI ignis consumpt> makes no sense; surely it should read *vi ignis*.

⁸¹ CIL XI 556 = ILS 5687.

⁸² For another instance of imperial permission to use *usurae*, see CIL XIV 2101 = ILS 5686.

Constantine from Thignica in Africa speaks of *fori holitori indulta pecunia*.⁸³ Finally, *ex indulgentia* of Valentinus and Valens a *forum transitorium* in Lambesis which had collapsed was – probably, since the fragment breaks here – restored.⁸⁴

Related to the subject of public building is that of favours shown to local senates. The imperial *indulgentia* is shown here in the permission granted to them to enrol supernumerary councillors in their *boulé*. Unlike ordinary councillors, these had to pay the *honorarium decurionatus*,⁸⁵ thereby increasing the local income: *ii quos indulgentia tua quibusdam civitatibus super legitimum numerum adicere permisit, et singula milia denariorum et bina intulerunt* (Pliny Ep. X, 112, 1). In the next century the people and senate of Lanuvium built and dedicated spacious hot baths to replace their old bath-house. The funds came *ex quantitativibus, quae ex indulgentia dominorum nn. principum* (i.e. Septimius Severus and Caracalla) *honorariorum summarum sacerdotiorum adquisitae sunt*.⁸⁶ The resemblance is striking.

The emperor's *indulgentia* is also invoked in the context of the status of cities. Amisus in Pontus is a city both *libera* and *foederata*, and owing to the *beneficium indulgentiae tuae*, as Pliny tells Trajan, it enjoys the use of its own laws (X, 92). In his reply (X, 93) Trajan puts it slightly differently: it is owing to the *beneficium foederis* that Amisus enjoys the use of its own laws. It is likely that Pliny is speaking loosely, referring all privileges to the *indulgentia* of the living emperor.⁸⁷ Trajan's rephrasing of Pliny's words shows that even if he is aware of Pliny's implied flattery, nevertheless he prefers to emphasize the objective legal situation.⁸⁸

The connection between the confirmation of a *foedus* and the imperial *indulgentia* re-appears in a dedication from A.D. 210 from Camerinum in Umbria to Septimius Severus: *caelesti eius indulgentia in aeternam securitatem adque gloriam iure aequo foederis sibi confirmato*.⁸⁹ Four colonies documented their gratitude to the reigning emperor by whose *indulgentia* their status was confirmed and their prestige enhanced. We have already mentioned the dedication of an unknown colony to Augustus (above, p. 246 f.). Ostia owed a debt to Hadrian: *colonia Ostia conservata et aucta omni indulgentia et liberalitate eius*.⁹⁰ The *indulgentia* of the same emperor is mentioned in an inscription from Colonia Canopitana in Africa Proconsularis: *[E]x indulgentia Imp(eratoris) Caes(aris) Hadriani Aug(usti) p(atris) p(atriciae)*,

⁸³ CIL VIII 1408 = ILS 5359 = IL Tun. 1307.

⁸⁴ CIL VIII 2772 = ILS 5358.

⁸⁵ See P. GARNSEY, *Honorarium Decurionatus*, *Historia* 20 (1971), 309 ff.

⁸⁶ CIL 2101 = ILS 5686.

⁸⁷ Contra SHERWIN-WHITE, *The Letters of Pliny* (1966), 687–8.

⁸⁸ See A. ALFÖLDI's illuminating remarks (*Die Kontorniaten* [1943], 40) on the significance of the replacement of an objective, legal terminology by that of 'indulgence' and 'free gifts' in the later Roman Empire.

⁸⁹ CIL XI 5631 = ILS 432.

⁹⁰ CIL VI 972 = XIV 95, A.D. 133.

term(inus) leugae col(oniae) Canopitanae (tria) mil(ia) pas(suum).⁹¹ The editor suggests that the borders were demarcated at the time that the colony was founded.⁹² Thus the *indulgentia* applies both to the foundation of the colony and to the delimitation of its territory. And finally Colonia Alexandriana Augusta Uchi Maius in Africa was *promota honorataque* by *indulgentia Augusti nostri*, i.e. Severus Alexander.^{92a}

In 324-6 the people of Orcistus (on the borders of Phrygia and Galatia) were granted the *ius civitatis* by Constantine. The grant was conceived as *indulgentiae nostrae munus* as we learn from its re-confirmation in 331 against the claims of the city of Nacolea. These claims are *ultra indulgentiae nostrae beneficia*, and therefore the Emperor proceeds to instruct the *rationalis* of the Asian diocese to follow the *forma indulgentiae concessae* and forbid the exaction of money by Nacolea.⁹³

However, neither in this inscription nor elsewhere is *indulgentia* used exclusively. Rather the contrary is true. We have already mentioned the case of the alimentary inscriptions. In the example just discussed the request for city status is said to have supplied the imperial *munificentia* with an object on which it could be exercised: *Incolae Orcisti ... iucundam munificentiae nostrae materiam prae-buerunt*.⁹⁴ And although in their own petition the people of Orcistus appealed to the *auxilium pietatis vestrae*,⁹⁵ the Emperor speaks of an appeal to his *clementia*: *Qui cum praecarentur, ut sibi ius antiquum nomenque civitatis concederet nostra clementia ...*⁹⁶ Finally, it is the *lenitas nostra* (of the Emperor) which instructs the *rationalis* in the letter of 331 to defend Orcistus' rights.⁹⁷

It can easily be demonstrated that for every context in which *indulgentia* occurs, cases may be found where it is altogether missing⁹⁸ or where comparable terms like *liberalitas*⁹⁹ and *munificentia*¹⁰⁰ appear instead. Sometimes the act being praised is seen from a totally different point of view and *providentia* is used.¹⁰¹ But it is especially in the case of *indulgentissimus* that our information fails us. The context is almost always unspecified. However, the concatenation of several superlatives with *indulgentissimus* may tell against the existence of specific contexts in which it is es-

⁹¹ CRAI 1979, 403-7 = AÉ 1979, 658.

⁹² A. BESCHAOUGH, CRAI 1979, p. 405; n. 33.

^{92a} CIL VIII 15447, A. D. 230.

⁹³ MAMA VII 305, Panel iii = A. CHASTAGNOL, MEFR 93 (1981) 381-416.

⁹⁴ *ibid.*, Panel i, 9-12.

⁹⁵ *ibid.*, Panel ii, 18.

⁹⁶ *ibid.*, Panel i, 42-4.

⁹⁷ *ibid.*, Panel iii, 25.

⁹⁸ E.g., ILS 5685; 5818-25; Epigraphica 43 (1981), pp. 109-10, frag. 2; p. 112, frag. 3 (Trajanic).

⁹⁹ E.g., ILS 286; 703.

¹⁰⁰ E.g., ILS 5885; 313.

¹⁰¹ E.g., ILS 5876; 613; 298 (*providentissimus*).

pecially likely to appear.¹⁰² Indeed, there are cases where *indulgentissimus* seems interchangeable with any superlative.¹⁰³

Since for Pliny the use of *indulgentia* was restricted to specific contexts, his variations are even more significant than those of a later age, when the term lost some of its original connotations and tended to merge with others. Thus we find Pliny using *bonitas tua* in the very same contexts in which he has used *indulgentia*: in the request of a *latus clavus* for Voconius Romanus (X,4,2), in requesting a *commeatus* for himself (X,8,5) and in his request for the *ius trium liberorum* for Suetonius (X,94,2). In one of the requests for citizenship *consuetudine bonitatis tuae* appears (X,11,1). *Si permiseris* occurs twice in requests for a building licence, in the very same context in which *indulseris* has been used: once in reference to a bath-house built by the *indulgentia* of Trajan (X,70,3); and again in a request for permission to build a cover over a filthy stream (X,98,2). *Permitteret* crops up in the context of the request to transfer the collection of statues from Pliny's possession to that of the city of Tifernum Tiberinum (X,8,1).

Beneficium, the outcome of the emperor's *indulgentia*, may replace it in requests for citizenship: *Rogo itaque, ut beneficio tuo legitime frui possim, tribuas ei et Alexandrinam civitatem [et Romanam]* (X,6,2; cf. X,11,1). The transfer of Caelius Clemens to Bithynia gives Pliny a *mensura beneficii tui* (X,51,2). The supernumerary senators enrolled in the city council are described as *bulentae additi beneficio tuo* (X,39,5). The term is also used to refer to the Emperor's permission to build a bath-house (X,70,3).

Having been nominated to the augurate in compliance with his request (X,13), Pliny no longer speaks of the imperial *indulgentia* but rather of the *iudicium* of the Emperor revealed in the act of nominating him (IV,8,1).

The above survey has yielded mainly negative results. So much is clear: *indulgentia* did not have the attributes of a technical term; its use was neither obligatory nor restricted to particular contexts. Nevertheless it did tend to appear in certain contexts, as we have shown, as well as in certain collocations in what seem to be common turns of phrase, forms of speech, or idioms. We have mentioned the <*indulgentia ducis*> (above, p. 248). Another collocation appears in Iavolenus' *dictum* (above, p. 251), namely that of *indulgentia* and various forms of the adjective *plenus* and forms of the derived adverb.¹⁰⁴ It recurs also in connection with Nerva's concession regarding the making of soldiers' wills (above, p. 249). This collocation is not restricted to the Digest text alone. A contemporary inscription from

¹⁰² For examples see Diz. Epig. IV s.v. *indulgentissimus*; cf. also the inscription in honour of Maxentius (G. M. BERSANETTI, *Inscrizione leptitana in onore di Massenzio*, *Epigraphica* 5/6 [1943/4], 27–39): [*In*]dulgentissimo ac libertatis restitutori victorissimoque Imperatori domino nostro Maxentio pio felici invicto Augusto.

¹⁰³ E.g., CIL VIII 12061–64, in which *nobilissimus* and *fortissimus* (12062 and 12064 respectively) come in exactly the same place in which *indulgentissimus* comes in the other two.

¹⁰⁴ Admittedly, the *plenissime* in Iavolenus' *dictum* goes with *beneficium interpretari*.

Aquileia exemplifies it as well: *ut plenior indulgentiam... habeamus per eum contigisse*.¹⁰⁵ Pliny's usage concurs, as four places in his correspondence demonstrate, in three of which one also notices the collocation *indulgentiam experiri*. One of his letters to Trajan opens with: *Indulgentia tua... quam plenissimam experior... hortatur me...* (X,4,1); *cum plenissimo testimonio indulserat*, he says about Nerva's permission for the transfer of the emperors' statues (X, 8,2); and again to Trajan: *Ex illo... et mensuram beneficii tui penitus intellego, cum tam plenam indulgentiam cum tota domo mea experiar* (X,51,2); lastly in expressing his reservations about the request for *ius Quiritium*: *Vereor... ne sit immodicum pro omnibus pariter invocare indulgentiam tuam, qua debeo tanto modestius uti, quanto plenior experior* (X,104). *Indulgentia* and *beneficium* are not only causally but also idiomatically connected, as *beneficium indulgentiae tuae* in Pliny's Ep. X,5,1 and 92 shows (above, pp.254 and 257 respectively). Finally there is the *indulgentia tua dignus* of X,21 and 86B (above, p.253).

We have now surveyed the history of *indulgentia* from Caesar to Trajan. Concentrating on the age of Trajan we have tried to indicate the lines of future development. We have not so far mentioned contexts in which *indulgentia* would appear in later periods, unless it had already been used in such contexts under Trajan.¹⁰⁶

However, not only do the contexts in which *indulgentia* appears become more numerous, but further developments take place. Under Hadrian, *indulgentia*, like so many other virtues and blessings, also become a coin type.¹⁰⁷ It is represented as a Juno-type goddess with sceptre and the right hand extended in a gesture of generosity.¹⁰⁸ The personification and deification of the imperial *indulgentia* is also noticeable in such expressions as *indulgentia divina*,¹⁰⁹ *indulgentia sacra*¹¹⁰ and in-

¹⁰⁵ Above, p.251 at n.48.

¹⁰⁶ For other contexts see GAUDEMET, op. cit. (above, n.5), 8–13. The survey is not complete. PSI 1026 is conspicuously absent: *ex indulgentia divi Hadriani* soldiers had been transferred from the fleet to the legions; also Fronto, Ad M. Caes. V,50, where M. Aurelius in reply to Fronto's appeal on behalf of the tax-farmer Saenius Pompeianus, whose accounts are to be scrutinized by Antoninus Pius, expresses his hope that *omnia ei ex indulgentia domini mei patris obsecundare*; see E. CHAMPLIN, Fronto and Antonine Rome (1980), 61.

¹⁰⁷ On the multiplication of personified abstracts under this Emperor see J. BEAUJEU, La religion romaine à l'apogée de l'empire (1955), 424 f.

¹⁰⁸ See H. COHEN, Description des monnaies frappées sous l'Empire romaine II², p.126, no.325; p.176, nos.845,846; P.L. STRACK, Untersuchungen zur römischen Reichsprägung des zweiten Jahrhunderts II: Die Reichsprägung zur Zeit des Hadrian (1933), p.123 and nos.198,325; H. MATTINGLY, BMC III, p.305, nos.518–21; p.310, nos.548,549; p.311, nos.550,551; p.361, no.594A; p.455, no.1420; p.462, no.1464A; A.S. ROBERTSON, Roman Imperial Coins in the Hunter Coin Cabinet II: Trajan to Commodus (1971), nos.188,189,484,485. The list is restricted to Hadrianic coins. The type appears later as well.

¹⁰⁹ Dig., I, 4, 3, cited above, p.251 at n.51.

¹¹⁰ CIL V 1837 = ILS 5589: *ex indulgentia sacra dom. n. invicii imp. M. Aur. Alexand. Aug. ...*; CIL VIII 23072: *ex indulgentia sacra dd. nn. Constantii et Constantis*; CIL VI 31776

dulgentia caelestis.¹¹¹ It is seen in a concrete form in the dedication from Cirta from the year 210. Caecilius Natalis as *triumvir* donated an *aedicula tetrastyla* with a *statua aerea Indulgentiae domini nostri*.¹¹²

Like other terms of its kind *indulgentia* too became a form of address and a common title. However, it seems to have retained its specific connotations even in later texts, and not to have been used indifferently.¹¹³

Indulgentia, however, developed some technical specialized meanings: from *indulgentia* as an abstract moral disposition of the emperor from which all *beneficia* could emanate; through an intermediate stage in which specific *beneficia* tended to be traced back to it; to the final stage in which *indulgentia*, detached from the person of the emperor, became the technical term for two concrete juristic institutions: remission of debts or taxes, and abolition of sentences, for which two titles stand in the Theodosian Code: *de indulgentiis debitorum* (XI,28)¹¹⁴ and *de indulgentiis criminum* (IX,38).¹¹⁵ *Indulgentia* in these two narrow technical senses co-existed with the more general meaning.¹¹⁶

We may return now to the end of the first century A.D. and address ourselves to the more complicated issue of the reason for the increasing association of *indulgentia* with the person of the emperor at that time. Pliny's letters document the term contemporaneously with its first appearance in legal writings and imperial proclamations, as well as with a significant increase in its use in dedicatory inscriptions. This cannot be a pure coincidence, especially in view of what we know about Pliny's conformity and his tendency to reflect faithfully the general currents of his time.

The first step towards the formulation of an answer can be sought in the precise connotations of *indulgentia*: the primary and original meaning of the term which is still very much present in its later occurrences. *Indulgentia* is first and foremost the natural affection and emotion which the parent feels towards a child, as one of its earliest uses makes clear: *si ferae partus suos diligunt, qua nos in liberos nostros indulgentia esse debemus?* (Cic. De Or. II,168). The parental *indulgentia* is the coun-

(a + b): *ob insignem eius erga se benevolentiam qua sibi paravit indulgentiam sacram alloqui* (Elagabalus); P. Ryl. 614 (late second century) is too mutilated for us to know the context of *sacra indulgentia*.

¹¹¹ CIL VI 31320: *ob maximam erga se domu[s] divinae] caelestem indulgent[iam]*, A.D. 198–201; CIL XI 5631 quoted on p. 257 at n. 89.

¹¹² CIL VIII 7095 = ILS 2933, cf. CIL VIII 6996 (probably the *titulus* to *indulgentia* that stood in the *aedicula tetrastyla*). CIL VIII 2194 reads *indulgentia* and not *indulgentiae* (cf. GAUDEMET, op. cit. [above, n. 5], 8, n. 28) and thus it is not a dedication to Caracalla's *indulgentia*, but only to the three deities mentioned at the beginning of the inscription.

¹¹³ See the examples from the Theodosian Code collected by R. M. HONIG in: *Humanitas und Rhetorik in spätrömischen Kaiser Gesetzen* (1960), 110 f.

¹¹⁴ On which see GAUDEMET, op. cit. (above, n. 5), *passim*.

¹¹⁵ On which see WALDSTEIN, op. cit. (above, n. 5), 162 f.; 172 f.; 180 f.

¹¹⁶ cf. WALDSTEIN, op. cit., 132.

terpart of the filial *pietas* as is manifest of the juxtaposition of the two terms in the final appeal to the jury in Cicero's *Pro Caelio* (79): *Quod cum huius (Caelius') vobis adulescentiam proposueritis, constituitote ante oculos etiam huius (Caelius' father's) miseri senectutem. . . quem vos supplicem vestrae misericordiae . . . vel recordatione parentum vestrorum vel liberorum iucunditate sustentate, ut in alterius dolore vel pietati vel indulgentiae vestrae serviatis.*

The chiasmic order stresses the point: those of you who are sons should feel *pietas* towards the elder Caelius and those of you who are fathers should feel *indulgentia* towards Caelius.¹¹⁷

Unlike the other virtues *indulgentia* is not a single exemplary quality but rather a disposition appropriate to anyone in a position of a parent. In fact it is a totality, for it represents a whole range of paternal emotions and attitudes. Therefore its meaning is likely to overlap with that of other attributes, but first and foremost with that of *liberalitas* (*munificentia*) on the one hand and *clementia* (*mansuetudo*) on the other. *Indulgentia* and *liberalitas* can appear in inscriptions as synonyms of each other, as in the formula applied twice to military *alae*¹¹⁸ and once to a *co-hors*;¹¹⁹ *indulgentiis eius aucta liberalitatibusque ditata*, or in that used by the colony of Ostia: *colonia Ostia conservata et aucta omni indulgentia et liberalitate eius* (Hadrian).¹²⁰ Tacitus seems not to make a distinction between them in describing Vespasian's gift of money to the poet Saleius Bassus: *Laudavimus nuper ut miram et eximiam Vespasiani liberalitatem, quod quingenta sestertia Basso donasset. Pulchrum id quidem, indulgentiam principis ingenio mereri* (Dial. 9,5).¹²¹

The distinction between *liberalitas* and *indulgentia* is not easy to draw when they are both operating in the same sphere. On the whole, however, *liberalitas* seems to have taken on more concrete forms: *congiarium*, *donativum*, *remissio* of taxes and debts to the treasury, gifts to private people, building activity, aid after catastrophes, games and *alimentatio*.¹²² True, some of these activities, as seen above, were attributed to the emperor's *indulgentia*. Yet *indulgentia* seems to transcend the sphere of material generosity,¹²³ especially when its meaning overlaps with that of *clementia*, in the sense of remission or mitigation of penalties.¹²⁴ The Emperor

¹¹⁷ cf. I. VAN WAGENINGEN's paraphrase in M. Tulli Ciceronis Oratio Pro Caelio (1908), 110.

¹¹⁸ CIL III 797, 1378.

¹¹⁹ AÉ 1979, 492; cf. E. TÓTH, Porolissum. Das Castellum in Moigrad. Ausgrabungen von A. Radnóti, 1943 (1978), 22–4.

¹²⁰ CIL VI 972 = XIV 95.

¹²¹ cf. also Suet. Tib. 46.

¹²² cf. KLOFT, op. cit. (above, n. 41), passim.

¹²³ *Liberalitas* once did too, cf. KLOFT, op. cit., 61.

¹²⁴ See W. KÖHLER, Personifikationen abstrakter Begriffe auf römischen Münzen (Diss. Königsberg, 1910), 69; T. ADAM, *Clementia Principis* (1970), 24–7. For the combination <clementiae indulgentia> see Hist. Apolloni Regis Tyri 20 (on which see E. KLEBS, Die Erzäh-

Domitian uses the verb *indulgere* in this sense for the first time in our sources (for Suetonius claims to be quoting him): *«Permittite, patres conscripti, a pietate vestra impetrari, quod scio difficulter impetraturum, ut damnatis liberum mortis arbitrium indulgeatis»* (Dom. 11,3); and Suetonius in the same Life uses the verb again to describe the reduction of the death penalty to exile: *praetorio viro . . . exilium indulsit* (8,4). From the second half of the second century *indulgentia* also appears in connection with remission of penalties imposed by criminal law.¹²⁵ In this sense it was to become one of the many links between the history of the Empire and that of the Church. But along the way it had lost much of the richness which made its application to the master of Rome so useful. We must turn now to the reasons for this application.

The association of *indulgentia* with the person of the emperor may have been bound up with an attempt to emphasize a particular aspect of the imperial regime, namely the imperial paternalism.¹²⁶ There is nothing novel of course in the attempt to liken the ruler to a father.¹²⁷ At an early stage the term *pater patriae* was inserted into the official nomenclature, although, true to its republican origins, it signified that the Princeps was the *servator* or *conservator* of his fellow citizens, and was associated with the *corona civica*.¹²⁸ Rhetorical and philosophical disquisitions on the title followed, as for example in Seneca: *Hoc, quod parenti, etiam principi faciendum est, quem appellavimus Patrem Patriae non adulatione vana adducti. Cetera enim cognomina honori data sunt; Magnos et Felices et Augustos diximus et ambitionis maiestati quidquid potuimus titulorum congegimus illis hoc tribuentes; Patrem quidem Patriae appellavimus, ut sciret datam sibi potestatem patriam, quae est temperantissima liberis consulens suaeque post illos reponens* (De Clem. I,14,2).

Nor was Pliny one to miss an opportunity of elaborating on a title. Thus chapter 21 of the Panegyricus is devoted to the title *pater patriae*. Trajan was *pater patriae* even before assuming the title (§ 3). And from the moment he had taken it up: *quod . . . nomen qua benignitate qua indulgentia exerces! ut cum civibus tuis quasi cum liberis parens vivis!* (§ 4). This is in fact one of the few places in which *indulgentia* is mentioned in this speech.¹²⁹ Its absence from the list of virtues recorded at

lung von Apollonius aus Tyrus: eine geschichtliche Untersuchung über ihre lateinische Urform und ihre späteren Bearbeitungen [1899], 235) and Cod. Theod. II, 6, 1, A. D. 316: *per indulgentiam nostrae clementiae*.

¹²⁵ cf. WALDSTEIN, op. cit. (above, n. 5), 131 f.

¹²⁶ cf. CH. WIRSZUBSKI, *Libertas as a Political Idea at Rome during the Late Republic and Early Principate* (1950), 167–71; J. BÉRANGER, *Recherches sur l'aspect idéologique du principat* (1953), 252–78.

¹²⁷ cf. A. ALFÖLDI, *Der Vater des Vaterlandes im römischen Denken* (1978), 112 = MH 11 (1954), 133.

¹²⁸ cf. ALFÖLDI, op. cit., 40 = MH 9 (1952), 204.

¹²⁹ For the other occasions in which *indulgentia* is mentioned see above, pp. 253 f. In 74,5 it refers to the gods: *Civitas religionibus dedita semperque deorum indulgentiam pie merita nihil felicitati suae putat adstrui posse, nisi ut di Caesarem imitentur*.

the opening of the speech¹³⁰ is conspicuous in view of its frequency in the letters to the Emperor. The contrast with the letters is intriguing. It is to be explained perhaps by the fact that the Panegyricus is the speech of the consul and the senator delivered before the senate; its *Leitmotif*, as observed by others,¹³¹ is the *moderatio* and *modestia* of Trajan. Another explanation is that when the Panegyricus was delivered *indulgentia* had not yet established itself in the phraseology of the age as it was to do later on.¹³²

Yet even if *indulgentia* is to a large extent absent from the Panegyricus, the insistence on the paternal aspect of the emperor is there. One of the most common ways of addressing Trajan (and referring to Nerva) is by the title *parens*. The note is struck right at the beginning when Pliny announces: *non enim de tyranno sed de cive, non de domino sed de parente loquimur* (2,3). *Parens noster* in 4,2 is used in reference to the prohibition of private expressions of thanks. Nerva is *imperator et parens generis humani* in 6,1. In 7,4 it is asserted that *eodemque animo divus Nerva pater tuus factus est, quo erat omnium*; whereas in 10,6: *ille nullo magis nomine publicus parens, quam quia tuus*. Chapter 21 is devoted to the assumption of the title *pater patriae* by Trajan (see above). In connection with the remission of the inheritance tax Trajan is *communis omnium parens* (39,5). Contrasting Trajan's attitude towards his slaves and freedmen with that of previous emperors, Pliny maintains that: *Non enim iam servi nostri principis amici sed nos sumus, nec pater patriae alienis se mancipiis cariores quam civibus suis credit* (42,3). Trajan is called *parens publicus* since he reorganized the corn distributions to children (26,3).¹³³ In 53,1 Pliny expresses his belief in the moral superiority of Trajan: *longa consuetudine corruptos depravatosque mores principatus parens noster reformet et corrigat*. His confidence in the good faith of Trajan is grounded on the manner and the content of the latter's words: *Equidem hunc parentis publici sensum cum ex oratione eius tum pronuntiatione . . . perspexisse videor* (67,1). Trajan is called again *parens publicus*, when he is praised for not using force and for respecting liberty (87,1), or when he is said to be on familiar terms with some of the senators (87,3). In electing Trajan Jupiter was giving a son to Nerva, a parent (*parens*) to Rome and a priest to himself (94,4).

A contemporary official record echoes Pliny's usage: the Acts of the Arval Brethren of March 25, 101 insert the unofficial title *princeps parensque noster* after the cognomen Germanicus and before *pontifex maximus*, notwithstanding the *pater patriae* which appears later on.¹³⁴

¹³⁰ Paneg. 3, 4, where we find: *humanitas, frugalitas, clementia, liberalitas, benignitas, continentia, labor* and *fortitudo*.

¹³¹ E.g. H. NORTH, *Sophrosyne, Self-Knowledge and Self-Restraint in Greek Literature* (1966), 306.

¹³² By the time Pliny reached Bithynia, cf. SYME, *Tacitus* II, 659 f.

¹³³ *ut iam inde ab infantia parentem publicum munere educatoris experirentur . . . tantumque omnes uni tibi quantum parentibus suis quisque deberent*.

¹³⁴ HENZEN, cxl-cxlii; though Claudius too is called *divinus princeps parensque publicus* in

In being a *parens* the emperor was not forfeiting any power or authority. The *patria potestas* was absolute enough to satisfy the most autocratic of rulers.¹³⁵ The *potestas* of the father over his children was as unlimited as that of the master over his slaves.¹³⁶ Despite Panegyricus 2,3 (above, p. 264), the real contrast is not between a *dominus* and a *parens*, but rather between the two and a *civis*. The *indulgentia-pietas* bond is a bond between unequals.¹³⁷ In Panegyricus 42,2 a list of the proper emotions in the following relationship is offered: *Reddita est amicis fides, liberis pietas, obsequium servis*. *Pietas* is the proper emotion for a son to feel towards his parents, the paternal emperor and the gods;¹³⁸ nevertheless there is no real contrast between *pietas* and *obsequium* – the proper servile emotion – as Panegyricus 10,3 shows: *neque aliud tibi ex illa adoptione quam filii pietatem filii obsequium adsereres*.

Indeed the paternal aspect of the emperor may wear more than a single expression. *Indulgentia* is only one facet of the paternal emperor; it is the one chosen to soften the harsh aspects of the *patriae potestas*. It denotes the love, affection, care and even indulgence that the parent entertains towards his children. It contrasts sharply with, and transcends, the legal bond between them. In this sense alone can one speak of it at an early date as an extra-legal term, not so much expressing the mitigation of law as going beyond it, to the sphere of gratuitous acts.¹³⁹ No *ius* or right could be invoked as a title to the emperor's favours, no claim can be made on him. The emperor's gifts are not deserved but freely given, not due but magnanimously bestowed. His *indulgentia* invites one to put a request to him, to which otherwise one has no innate, legitimate right: *Indulgentia tua . . . hortatur me ut audeam tibi etiam pro amicis obligari* (X,4,1); or with more elaboration: *felicitas temporum . . . ad usum indulgentiae tuae provocat et attollit* (X,12,2). The most a man could do was to rely on the emperor's former favours as precedents for subsequent

the Acts of the Arval Brethren, cf. HENZEN, lvii. Cf. BERLINGER, op. cit. (above, n. 30), 79 f. and F. SAUTER, *Der römische Kaiserkult bei Martial und Statius* (1934), 28–31 for the application of the title *parens* to other emperors in non-official sources.

¹³⁵ cf. ALFÖLDI, op. cit. (above, n. 127), 45 = MH 9 (1952), 209; A. v. PREMERSTEIN, *Vom Werden und Wesen des Prinzipats*, Abh. Bayer. Akad. Wiss. philol.-hist.-Abt. N.F. 15 (1937), 166–75.

¹³⁶ The combination *dominus indulgentissimus* occurs very often in the inscriptions, perhaps in order for the two words to qualify each other. *Indulgentia* is as desirable in a *dominus* as in a father, cf. CIL II 4909; III 4020, 5745, 5998, 6900; VI 1052, 1065, 1174. And recently AË 1977, 810: [*D*]ominis indulgentissimis Pompon[*(ius)* . . .]ianus proc(urator), cf. S. MITCHELL, *Inscriptions of Ancyra, Anatolian Studies* 27 (1977), 65.

¹³⁷ cf. Paneg. 24,5: . . . *te civium pietas . . . super ipsos principes vehunt*; 55,4: *si quando pietas nostra silentium rupit et verecundiam tuam vicit*; 79, 4: *Pietati certe senatus cum modestia principis . . . certamen*; Ep. X,9 (Trajan to Pliny): *ne impedisse cursum erga me pietatis tuae videar*; 13: *ut iure sacerdotii precari deos pro te publice possim, quos nunc precor pietate privata*.

¹³⁸ cf. Paneg. 74,5 quoted above, n. 129.

¹³⁹ cf. VEYNE, op. cit. (above, n. 34), 226 f.

requests: *peto a te cuius in omnibus desideriis meis indulgentiam exoptor* (X, 94, 3). One notices that the request of a man who appeals to the emperor's *indulgentia* easily takes (or deteriorates into) the forms familiar from addresses to the gods¹⁴⁰ whom the emperors came more and more to resemble.¹⁴¹ Indeed in being a *parens*, the emperor stood nearer to the gods than to his fellow men.

The process has its obverse and more sinister aspect. The likening of the emperor to a father and the insistence on his *indulgentia* conflicts with the image of the *princeps civilis*,¹⁴² the *princeps* as a fellow-citizen, a fellow-senator, an equal, a friend-*amicus*. The *indulgentia-pietas* bond between the paternal *princeps* and his subjects excludes a relationship of reciprocity: it is the extinction of *amicitia* – in the old sense – between him and his subjects. The omnipotent *princeps* who monopolises all *beneficia* doles them out to his subjects, not for a return in kind, which the latter cannot dream of ever being able to make, but in return for *pietas*,¹⁴³ and this perforce makes the beneficiary an inferior.¹⁴⁴

When reciprocity is stamped out so is equality, its natural concomitant. Futile empty rhetorical conceits might be used to argue *a minore ad maius* that the emperor is the best of all friends, since, as Pliny tells Trajan: *tibi amicos tuos obligandi tanta facultas inest, ut nemo te possit nisi ingratus non magis amare* (Pan. 85, 8). But the over-embellished argument is its own undoing; it destroys the very relationship it set out to establish. For friendship is the happy mean and delicate balance which an infinite and unilateral *facultas obligandi* is all too apt to upset.

We started this discussion with Pliny; we may end it with him. If anywhere at all, it is in the correspondence between this ex-consul, specially appointed by the Emperor to govern a problematic province, that we would have expected to find the terminology of friendship, lip-service paid to the image of the *princeps civilis* and compliance with the demands supposedly laid down by «egalitarian» social etiquette. In their stead we find the suppliant voice of the humble official appealing even in matters within his domain to the *indulgentia* of his master.

¹⁴⁰ Often in prayers a god is asked to help because he has done so in the past; for examples see R. G. M. NISBET-M. HUBBARD, *A Commentary on Horace Odes*, Book 1 (1970), 360 on Ode I, 32, 1. For the relative clause following the name of a god, or a pronoun referring to the god (*peto a te, cuius* . . . etc.) see E. NORDEN, *Agnostos Theos: Untersuchungen zur Formengeschichte religiöser Rede* (1913), 168 f.

¹⁴¹ cf. Pliny, Paneg. 4, 3: *cum interea fingenti formantique mihi principem, quem aequata dis immortalibus potestas deceret* . . .

¹⁴² For the concept see A. WALLACE-HADRILL, *Civilis Princeps: Between Citizen and King*, JRS 72 (1982), 32.

¹⁴³ See above, n. 137.

¹⁴⁴ cf. KLOFT, op. cit. (above, n. 41), 178–82.