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1. QUARTAL



FRANZ STEINER VERLAG GMBH · WIESBADEN

## A RECONSIDERATION OF »GRATIAN'S SCHOOL-LAW«

CTh. 13.3.11 (23 May 376)<sup>1</sup>:

IMPPP. VALENS, GR(ATI)ANVS ET VAL(ENTINI)ANVS AAA.  
ANTONIO P(RAE)FECTO P(RAE)TORIO GALLIARVM. Per omnem  
dioecesim commissam magnificentiae tuae frequentissimis in civitatibus, quae  
pollent et eminent claritudine, praeceptorum optimi quique erudiendae  
5 praesideant iuventuti: rhetores loquimur et grammaticos Atticae Romanae-  
que doctrinae. Quorum oratoribus viginti quattuor annongarum e fisco  
emolumenta donentur, grammaticis Latino vel Graeco duodecim annonarum  
deductor paulo numerus ex more praestetur, ut singulis urbibus, quae  
10 metropoles nuncupantur, nobilium professorum electio celebretur. nec vero  
iudicamus, liberum ut sit cuique civitati suos doctores et magistris placito sibi  
iuvare compendio; Trevirorum vero clarissimae civitati uberius aliquid  
putavimus deferendum, rhetori ut triginta, item viginti grammatico Latino,  
Graeco etiam, si qui dignus repperiri potuerit, duodecim praebeantur  
annonae. DAT. X KAL. IVN. VALENTE V ET VAL(ENTINI)ANO AA.  
CONSS.

7f ... *duodecim annonarum. deductor paulo numerus*... punx. BONNER  
10 *celebretur. nec vero*... ita punxi, post BONNER: sine punct. MOMMSEN  
*iudicamus BONNER: iudicemus* V, cod. Montipess. n. 306 (»malim *nec vero*  
*liberum sit*« [sc. pro *nec vero iudicemus liberum ut sit*] MOMMSEN)  
12 *compendio; Trevirorum*... ita punxi: *compendio. Trevirorum*...  
MOMMSEN vero GOTHOFREDUS (MOMMSEN in app. crit.): *vel* V, cod.  
Montipess.

## I

In a superb study published in 1965, S. F. BONNER provided the famous  
Edict of 376, concerning the public salaries of rhetors and grammarians, with  
its first modern commentary since GOTHOFREDUS<sup>1</sup>, and the fullest of any  
date<sup>2</sup>. Attempting to reconstruct the meaning and intent of the measure by  
subjecting each of its provisions to minute and learned scrutiny, BONNER  
arrived at the following conclusions: a) the Edict concerns, not the whole of  
the Gallic prefecture (i. e., Britain and Spain, in addition to Gaul itself), nor

<sup>1</sup> Theodosiani libri XVI cum Constitutionibus Sirmoianis, ed. Th. MOMMSEN, adsumpto  
apparatu P. KRUEGERI, Berlin 1905, with the departures discussed below.

<sup>2</sup> S. F. BONNER, The Edict of Gratian on the Remuneration of Teachers, *AJPh* 86 (1965),  
pp. 113–137 (hereafter »BONNER«; page numbers in the text refer to the same article). I should  
not want my regard for BONNER's paper and its very considerable merits to be obscured by the  
stiff criticism to which some of its arguments are subjected in the first section of this discussion.

the two dioceses of Gaul<sup>3</sup>, but only the northern (Gallic) diocese<sup>4</sup>; b) within  
that diocese, it is not only the provincial capitals (*metropoles*) that are favored,  
but other major cities (*frequentissimis in civitatibus, quae pollent et eminent*  
*claritudine*) (pp. 117–124); but c) the provincial capitals are specially marked  
out as sites for the celebration of the appointment of distinguished teachers,  
such celebration to be financed by »a sort of reserve fund«<sup>5</sup>; further, d) the  
payments specified in the Edict are to be made from imperial, as opposed to  
municipal, funds<sup>6</sup>; e) the imperial payments would have either supplemented  
or replaced municipal salaries, depending on local circumstances  
(pp. 130–133); and f) the novelty of the Edict may lie in the establishment of  
a new salary-scale and in the special treatment accorded Trier, rather than in  
the establishment of the salaries themselves (pp. 133–134).

Of these conclusions, points »a« and »d« seem to have been established  
convincingly; and while there is no need to rehearse here BONNER'S  
arguments concerning »a«, it may be possible to add a few small touches to  
his discussion of »d« (1.) The language of the final provision – *Trevirorum*  
*vero clarissimae civitati uberius aliquid putavimus deferendum*... – makes it  
clear that the payments mentioned there are thought of, not as sums having  
the city as their source, but as something brought in (granted) from without  
(*aliquid*... *deferendum*), i. e. imperial funds; and if that is true for Trier, it  
must also be true for the other cities concerned, from which Trier is  
distinguished only by the higher salary-scale its teachers would enjoy. 2) As  
BONNER rightly saw, the paradoxical *iudicemus* cannot be correct (*nec vero*  
*iudicemus*...), but must be a scribal error (either perseveration in the  
subjunctive after *celebretur*, or anticipation of *sit*, or the convergence of both  
influences): *iudicamus* should be read, with strong punctuation after  
*celebretur*<sup>7</sup>. I would punctuate with a full stop after *celebretur* and a  
semicolon after *compendio*, read *vero (Trevirorum vero)*, with GOTHOFREDUS  
and MOMMSEN), as a strong adversative, and treat the whole of the last  
section (*nec vero iudicamus*... *praebeantur annonae*) as a single complete  
though composed of two antithetical halves: »And indeed [on the one hand]

<sup>3</sup> Cf. esp. L. A. A. JOUAI, De Magistraat Ausonius, Nijmegen 1938, p. 178 (to be added to the  
discussions cited by BONNER).

<sup>4</sup> *Omne dioecesis commissam magnificentiae tuae* (»the entire diocese entrusted to your  
magnificence«) = the *dioecesis Galliarum*, at this time probably under the direct supervision of  
the prefect at Trier: BONNER, pp. 114–117, cf. pp. 133–134; similarly (ut vid.), J. MATTHEWS,  
Western Aristocracies and Imperial Court, A. D. 364–425, Oxford 1975, p. 65 n. 2 (the Edict  
affects »the cities of the Gallic diocese«).

<sup>5</sup> *Deductor paulo numerus*... *celebretur*, with BONNER, pp. 119–120; see further below.

<sup>6</sup> *E fisco*: BONNER, pp. 124–130 (to BONNER'S catalogue of those holding the contrary view  
[p. 124 n. 44], add M. PAVAN, La crisi della scuola nel IV secolo D. C., Bari 1952, p. 29).

<sup>7</sup> »At least a semi-colon«, BONNER, p. 128.

we do not judge that each city is free to assist [i. e. pay] its teachers with an amount it decides upon for itself (*placito sibi* ... *compendio*); but [on the other hand] to the most brilliant city of the Treviri we have reckoned that something more abundant should be conveyed ...» The sentence as a whole thus draws a distinction between what the cities are free to decide and what the emperors are free to decide – a matter, where imperial funds are concerned, of *quod licet Iovi, non licet bovi*: the cities cannot juggle with the *emolumenta* earlier described, but must see to it that they are received by the teachers according to the scale set<sup>8</sup>; but the emperors themselves can of course adjust that scale, to suit their own desire and judgment, in the case of Trier. The directives in the two clauses, when read as parts of a complete thought, are fully intelligible only when it is understood that imperial funds are involved<sup>9</sup>.

On the other hand, the rest of BONNER's conclusions depend more or less directly on his punctuation and interpretation of the Edict's central sentence (point »c«); and his approach here is almost certainly incorrect. The crucial suggestion was inspired by three problems in the received text (*quorum oratoribus* ... *electio celebretur*)<sup>10</sup>: the seemingly »loose attachment« of the *ut*-clause to what precedes; the uncertain relation between the *frequentissimae civitates* initially mentioned in the Edict and the *metropoles* now specified; and (most seriously) the strangeness – or »manifest absurdity« – of calling the grammarians' 12 *annonae* »a little reduced« (*deductor paulo*) relative to the rhetors' *emolumenta*, a portion twice as large at 24 *annonae*. BONNER's solution lay in repunctuating the text, with a full stop after *duodecim annonarum*; translating the newly created sentence (*deductor paulo* ...

<sup>8</sup> Cf. BONNER, pp. 128 – 130, on the problems that could arise in this regard. On the further implications of this clause, see below, p. 111.

<sup>9</sup> Cf. BONNER, p. 124f. Although the emperors had, in the past, promulgated measures to ensure that teachers received their (municipal) *salaria* (CTh. 13,3,1 [an. 321 or 324], CJ 10,53,6 [an. 333]), to which an interesting prelude is provided by the petition of Lollianus signo Homoeus, δημόσιος γραμματικὸς Ὀξυρύνχου, P. COLL. YOUTIE II, no. 66 [esp. the remarks of P. J. PARSONS, pp. 441ff.] = P. OXY. XLVII.3366 [A. D. 253/260]), there is no evidence that they ever attempted to specify rates for salaries paid from municipal funds. CTh. 12,2,1 (an. 349) (*nulli salarium tribuatur ex viribus rei publicae nisi ei, qui iuventibus nobis specialiter fuerit consecutus*) is particularly significant in this respect: even if this restriction is taken to include teachers (cf. esp. J. H. W. G. LIEBESCHUETZ, Antioch: City and Imperial Administration in the Later Roman Empire, Oxford 1972, p. 153), and to mean that the grant of a municipal salary to a given teacher would require the specific approval of imperial authorities (i. e., even if the law is regarded as a departure from earlier, blanket rulings that teachers' salaries were a legitimate municipal expense, cf. esp. Dig. 50,9,4 [*Ulpianus libro singulari de officio curatoris rei publicae*], 2, with CTh. 13,3,1 and CJ. 10,53,6 above), it is noteworthy that so stringent a directive concerns only the conferral of a salary, and in no way suggests that the amount would fall under imperial regulation.

<sup>10</sup> BONNER, p. 118f.

*celebretur*) as, »A slightly reduced number should be awarded, as is customary, so that the election of distinguished professors may be celebrated in the individual cities which are termed metropoles«<sup>11</sup>; and arguing that, while the Edict was intended to include all the most populous and prosperous cities of the provinces, not just the *metropoles* (point »b« above), the latter were marked out to serve a special function (point »c«), thus<sup>12</sup>:

Now this [statement, = the sentence *deductor paulo* ... *celebretur*] cannot mean that a lower rate is to be paid to teachers appointed in each 'metropolis', for the provincial capitals designated by this status-term could hardly fail to be *eminentes claritudine*, and consequently the rates given must have applied to them. When the Edict says that teachers appointed are to receive »a slightly reduced number« of *annonae* than the figures just given, it means that the rates prescribed are the nominal salaries, but that a small *deduction* (say, of one or two *annonae*) is to be made from each teacher's salary for a particular purpose. The purpose would be to establish a sort of reserve fund, and the application of the fund is clarified by the use of the word *celebretur*. It was evidently the custom (*ex more*) that teachers should contribute these small amounts in order that a celebration – an official banquet presumably – might be held at the provincial capitals, to signalise the appointment of distinguished teachers. What could be more characteristic of ancient academic life than this<sup>13</sup>? ... Who can doubt that, in the convivial society of Gaul, the appointment of specially selected teachers at so high a level would have been made the occasion for a local celebration?

To this last question, however, the only possible answer is, »We must doubt«: for this reconstruction of the passage, in general, leaves several serious but unacknowledged problems, and is vulnerable to specific objections involving matters of substance, grammar, and diction.

To begin with the general problems. First, BONNER argues that both provincial capitals and other major provincial cities fall within the scope of

<sup>11</sup> BONNER, p. 119.

<sup>12</sup> BONNER, p. 119f. (emphasis in the original).

<sup>13</sup> Followed by references to E. ZIEBARTH. Aus dem griechischen Schulwesen, Leipzig and Berlin 1909, pp. 131ff. (= Leipzig and Berlin 1914<sup>2</sup>, pp. 155ff.), and Plut. *Quaest. conviv.* 9.736 D, via J. W. H. WALDEN, The Universities of Ancient Greece, New York and London 1912, p. 133.

the Edict, and that a »small deduction . . . is to be made from each teacher's salary«. Applied to his proposed reading, these arguments must necessarily imply one of three conclusions: either 1) the deduction would be made from each teacher's salary (sc. in a given province) and the selection of *all* professors within that province would be celebrated at the provincial capital (so that in Belgica II, for example<sup>14</sup>, the selection of a professor for Amiens would be celebrated at Reims) – a procedure which would be strange in itself and notably at odds with the notion of a »local celebration«; or 2) only the selection of the metropolitan professors of a given province would be thus celebrated, but the deduction would be made from each teacher's salary (sc. in the province) – in which case the professors outside the *metropoles* would in effect be taxed, the »deduction« taken from their salaries willy-nilly, to the honor and benefit of their metropolitan counterparts; or 3) only the selection of the metropolitan professors would be thus celebrated in a given province, and the deduction would be made from each teacher's salary (sc. in the metropolis) – in which case there would effectively be not two, but three salary-scales, one specified for Trier, one specified for the non-metropolitan cities, and one for the provincial capitals, where the salaries of the teachers would be diminished by an unspecified amount. It is difficult to say which alternative is least unsettling<sup>15</sup>. They all, however, touch on a further problem.

In remarking that »it was evidently the custom (*ex more*) that teachers should contribute these small amounts«, BONNER departs from his text: for according to the reading proposed, »contributions« would not be the issue, but an unspecified diminution of pay. But quite apart from the Edict's failure explicitly to provide for the disposition and administration of the sums that would rapidly accrue from such deductions (the »reserve fund«), the very vagueness of the statement is surprising in its context, and perhaps contradicts (the intent of) what follows. Whatever the Edict's other faults of phrasing<sup>16</sup>, the emperors (or the ministers who drafted the law) are punctilious where sums and their treatment are involved: thus the preceding clauses specify the number of *annonae*, while the following sentence both takes the pains to insist

<sup>14</sup> Cf. BONNER, p. 123.

<sup>15</sup> From his comments (pp. 119f., 121) it appears that BONNER himself envisioned the third alternative (evidently denying that a lower scale would thus in fact be imposed on the metropolitan teachers by gliding, in his interpretation, from the idea of »deductions« to the rather different concept of »contributions«: see further immediately below). It is worth pointing out that the choice of either the second or the third alternative necessarily commits one to the belief that the *nobiles professores* of the *ur*-clause are distinct from the *praeceptores optimi* mentioned in the Edict's first sentence, a belief which can hardly be justified (cf. below, p. 108).

<sup>16</sup> See below, p. 109.

that the cities are not to adjust the stated scale of pay to suit themselves, and gives a precise breakdown of the higher scale to be put into effect at Trier. Indeed, the phrasing and structure of the last provision are particularly revealing by comparison. Not content to say simply *uberius aliquid . . . deferendum*, the emperors went on to specify what they meant by *uberius aliquid*; yet on the proposed reconstruction they must be assumed to have left without a similar and easily supplied specification (e.g. *deductor una annona / duobus annonis numerus*) the similarly vague *deductor paulo numerus* – and so, potentially, to have left the door open to the kind of tampering which they seek in the next breath to forbid: for how and by whom was the »deduction« then to be determined?

These problems are in a sense abstract, concerning the logical implications of BONNER's reconstruction, or what might or should have been said in the passage, if that reconstruction were to make wholly satisfactory sense. But since they involve a demand for a degree of explicitness not seldom lacking in the Codes, it can perhaps be said that they do not by themselves constitute definitive objections. There are, however, more concrete problems.

First, an observation concerning the text itself. The main clause produced by BONNER's punctuation noticeably lacks the kind of connective expression found in all other clauses which follow strong punctuation in the body of the Edict (save the parenthetical appositive, *rhetoires loquimur . . . doctrinae*): thus, *quorum oratoribus . . .* (with *quorum* a connective relative [= *et eorum*] as the text is punctuated); *nec vero iudicamus . . .*; *Trevirorum vero . . .* And since the *deductor paulo*-clause is supposed to be adversative, introducing an important qualification of the preceding provision, the lack is especially felt. At very least, we would expect a *sed* or *autem*.

Second, there is the substantive question of the »celebration« on which the interpretation is founded. The difficulty of gaining a clear picture of what, or even whom, such celebration would involve was noted above. More fundamentally, it must be observed that there is simply no sign in our sources of any function – collegial or public, customary or extraordinary, in late antiquity or earlier – of the type posited by BONNER; and although this is itself an argument from silence, it is not without weight, since from Ausonius, Augustine, Eunapius, Libanius, Choricus, and others we probably know more about the experience of teachers in late antiquity than of those in any other period. Conviviality there certainly was, but of a personal, informal, and private kind<sup>17</sup>. And while there is evidence, from the East at any rate, that a city's choice of an eminent teacher would commonly be signalled by a

<sup>17</sup> E.g. Auson. *prof.* 15,14 – 15; Aug. *conf.* 4,8,13; Porph. *philolog.* ἀκροασ. I ap. Euseb. *praep. evang.* 10,3; Lib. *ep.* 255,3; *Anth. Gr.* 9,176 (Palladas).

public, honorific decree, and *perhaps* that his arrival would be marked by some kind of ceremonial observance, there is not a hint that the other teachers of the town were moved to make an *eranos* of their own to celebrate the occasion<sup>18</sup>. Indeed, the references BONNER does make in support of his interpretation, to the Greek gymnasias and to Plutarch<sup>19</sup>, can be read as tacit admission of the absence of any real evidence. The information that can be gleaned from the gymnasias concerns festivities which were neither customary nor the product of teachers' contributions, but represented the occasional benefactions of local citizens, and had nothing to do with the selection of teachers; similarly, the anecdote from Plutarch would provide no support for BONNER's specific point, even if the occasion in question were a »public banquet« (as he states, incorrectly).

Finally, there is the meaning of *electio celebratur* itself: for even if the kind of »celebration« posited by BONNER could be shown to have existed, the rendering of that phrase, »so that the election . . . may be celebrated«, would not be the natural choice, given the usage found in the Code. To be sure, *celebrare* is used elsewhere in *CTh.* in the precise sense required by BONNER's interpretation, »to celebrate« = »to mark . . . with special [i. e. solemn or festive] observance«: thus, for example, of Easter and other holy days (*CTh.* 9.38.3; 16.6.6; 15.5.5), or the emperor's birthday (2.8.23), or *victoriae* (15.7.6). That sense, however, is relatively rare, while other uses predominate: for example, »to frequent« (i. e., »to participate in«, »hold«)<sup>20</sup>; or »to engage in« / »perform«<sup>21</sup>. But in the large majority of its occurrences in the Code, *celebrare* has the meaning, »to make, do, execute«, especially with the connotation, »to make, etc. formal(y), in due or proper fashion«. And what is particularly to the point, of these instances the great majority in turn finds

<sup>18</sup> ψηφίσματα: e. g. Lib. or. 1.48; 54.48; ep. 539.1; 907; 1366, with 1391. Celebration: see – very dubiously – Lib. or. 1.85 (on the thought of his taking a chair at Athens), ἦν οὐν δεινῆς ἡλιθιότητος τοὺς ἐπ' ἀλλήλους ὄπλα αἰρουμένους [viz. the sophists of Athens], οἷς ἰσχὺς παραπλησία δι' ἴσου πάσι παραγενομένη τοῦ χρόνου, τὸν ἄρτι ἦκοντα τὰ σφῶν ἐλέγξοντα [viz. Libanius himself] τοὺς οὐλοῦντα μετὰ θυσίων τε καὶ αὐτῶν καὶ χορῶν ἐπιστήσειν ταῖς ἀγέλαις ταῖς αὐτῶν: in view of the heavy sarcasm, it would evidently be hazardous to draw any conclusions about normal practice.

<sup>19</sup> See above, n. 13. The relevant passage from Plutarch reads as follows (*Quaest. conviv.* 9.736D): Ἀμιώνιος Ἀθηναῖος στρατηγῶν ἀπόδειξιν ἔλαβεν ἐν τῷ Διογενεῶ τῶν γράμματα καὶ γεωμετρίας καὶ τὰ βῆτορικὰ καὶ μουσικῆν μανθανόντων ἐφηβῶν καὶ τοὺς εὐδοκίμησαντας τῶν διδασκάλων ἐπὶ δέπνων ἐκάλεισεν.

<sup>20</sup> Of political or religious gatherings (*conventicula* / *conventus* / *coetus*): 12.13; 16.2.37; 4.5; 5.57; 5.66; 6.7.

<sup>21</sup> Of magical or religious rites (*sacrificia* / *sollemnia* / *mysteria*, *vel sim.*): 9.16.2; 16.7; 16.2.51; 5.34; 5.36; 5.57; 10.2; 10.13; of games or other festivities (*ludi* / *certamina* / *spectacula* / *festivitas* / *officia* [= *ludii*]): 2.8.23; 6.4.33; 15.5.3; 9.1.

*celebrare* joined with an abstract verbal noun like *electio*<sup>22</sup>: here, one might draw special attention to a recurrent phrase which offers a close parallel to *electio celebratur*, *nominatio celebratur* (*celebrata* / *celebranda*: 6.4.21; 11.30.10; 12.1.84; 5.1), concerning the formal nomination of a person to perform a function or duty. The weight of usage – especially in the absence of any evidence for the kind of »celebration« imagined by BONNER – would therefore urge that *electio celebratur* has a sense comparable to *nominatio celebratur*: »so that the choice might (duly) be made«<sup>23</sup>.

BONNER's adjustment, then, results in an interpretation that leaves problems more numerous and weighty than those it sets out to solve; produces a text that is formally less than satisfying; and both demands a rendering of *celebratur* that goes against the common usage of *CTh.* and depends upon the existence of an institution for which there is no evidence whatever. It should surely be rejected. What then? After offering this extended and destructive criticism, one would like to produce in turn a wholly satisfying solution to the crux. I cannot claim to be able to do so with certainty; but there is one suggestion that can be offered – appropriately enough, as a kind of recompense to BONNER, since it is a suggestion which his discussion already anticipated. To that end, we must return to the standard text and look again at its problems.

## II

Quorum oratoribus viginti quattuor annonarum e fisco emolumenta donentur, grammaticis Latino vel Graeco duodecim annonarum deductior paulo numerus ex more praestetur, ut singulis urbibus, quae metropoles nuncupantur, nobilium professorum electio celebratur.

A return to this text, most importantly, limits the Edict's scope. There is no longer any justification for distinguishing between the *frequentissimae civitates*, *quae polent et eminent claritudine*, of the Edict's first sentence and the *urbes*, *quae metropoles nuncupantur*, and so for believing that the larger

<sup>22</sup> E. g. *adsertio* / *interpellatio* (6.4.16; 11.9.2); *cognitio* / *indago* (9.2.3; 42.7); *denuntiatio* (2.4.4; 11.31.6); *depectio* (9.37.1); *distributio* / *descriptio* (11.6.4; 12.1.173); *donatio* / *traditio* (8.12.8; 13.6; 15.14.9); *editio* (6.4.1; 4.13); *emptio* / *venditio* (3.1.3; 8.15.3; 12.3.2; 6.8; 14.7.7); *erogatio* (7.4.24); *exactio* (8.8.5; 11.7.15; 7.18; 14.14.3); *iussio* (10.1.16); *publicatio* (4.2.3); *solutio* / *conlatio* (11.1.3; 4.1; 16.2.15); *subvectio* (13.7.2); *transmissio* (9.40.6).

<sup>23</sup> So similarly C. PHARR, *The Theodosian Code and Novels and the Sirmundian Constitutions*, Princeton 1952, p. 389 (»the selection . . . shall be duly made«), whose version is rejected by BONNER, p. 120 n. 27.

provincial cities outside the *metropoles* would also benefit (BONNER'S point »b«, above). Within the structure of the Edict's first two sentences, the *civitates* initially alluded to must = the *urbes* subsequently defined (just as, for example, *praeceptorum optimi quique* must = *nobiles professores*): the Edict therefore concerns only the provincial capitals<sup>24</sup>; and the amount of the imperial largesse to provincial schools is significantly reduced. Sticking points remain, however: 1) the *ut* . . . *celebretur*-clause, which has been regarded as either »loosely attached« to the preceding, or »otiose«, or both; 2) the puzzle of *frequentissimis in civitatibus* . . . : if the emperors meant *metropoles*, why did they not say so to begin with? and 3) the sense (or nonsense) of *deductor paulo numerus*.

Discrimination is needed, since the first two problems are less substantial than the third; and to the extent that they are real problems at all, the first tends to cancel the second. To begin with, if the *ut* . . . *celebretur*-clause were in fact simply otiose – that is, if in the first two sentences the emperors were saying no more than, »Our desire is A. Let B be done, so that A may be fulfilled« – the fault would be fairly minor, particularly in view of the general verbosity and redundancy of »Roman bureaucratise«<sup>25</sup>. But that is not quite what the emperors are saying, and the clause is not quite as redundant as it seems. Rather, »Our desire is A (= best teachers *be in charge*). Let B (= *payments be made* from the fisc), so that C (= the *selection* be carried out)«. *donare / praestare* → *electio* → *praesidere*: although redundant to the extent that it points back to the initial statement of the emperors' desire, C itself focuses on the act of selection, and so like B presents a step leading to the achievement of A; while B – the two clauses concerned with payment – is stated as the enabling condition of C (B so that C). This last feature in turn is relevant to the question whether the imperial salaries were meant to supplement or replace municipal salaries (point »e« above, which BONNER discussed independently of the *ut*-clause, because of his punctuation of the passage). The purpose clause might be taken to mean that, at least for some of the *metropoles*, the imperial funds would have been the *sine qua non*: thus A. H. M. JONES may have been correct, in principle, when he suggested that the law »would seem to imply that in some provinces even the capital cities had hitherto lacked endowed chairs«<sup>26</sup>. Alternatively, if one places the emphasis on *nobilitium* (i. e., not simply the selection of professors, but the selection of

<sup>24</sup> So, for example, A. H. M. JONES, *The Later Roman Empire*, Norman, Okla. 1964, p. 998 (»the most populous cities, by which are apparently meant the provincial metropolises«).

<sup>25</sup> Cf. R. MACMULLEN, *Roman Bureaucratise*, *Traditio* 18 (1962), pp. 370 – 372.

<sup>26</sup> *Later Roman Empire*, p. 998 (as will be suggested below, however, there is reason to believe that the imperial salaries antedated the Edict itself).

*distinguished* professors), the clause may be interpreted to mean only that the imperial stipends were intended as an added incentive, over and above whatever municipal salaries were paid, to attract a pedagogical elite to the provincial capitals<sup>27</sup>. Although I am inclined toward the former alternative, it seems that certainty on this point is not likely to be derived from the language of the Edict; and any generalization is unlikely to reflect the variations in local circumstances and practices.

Second, why did not the emperors simply say *metropoles* in the first place, if that is what they meant, instead of waiting to present the technical term in a relative clause in the following sentence? To the extent that this is a pertinent question, one can as well ask why they did not use the specific, technical terms for the teachers (*rhetores / oratores, grammatici*) in the first place, instead of using the more general *praeceptores* and tucking the technical terms into a parenthetical clause; or why, for that matter, they use four different terms for »teachers«, in addition to the technical titles (*praeceptores / professores / doctores et magistri*)<sup>28</sup>, four different expressions to refer to the salaries involved (*emolumenta / numerus / compendium / uberius aliquid*), and as many different verbs to express the idea of »pay« (*donare / praestare / iuvare / praebere*). We are faced, in other words, with another feature of »Roman bureaucratise«: the tendency to indulge in rhetorical *variatio* through the use of synonyms, especially with the aim of avoiding the repetition of technical terms<sup>29</sup>. But here, at least, no great harm is done to the clause of clarity: for to the extent that the *ut*-clause is slightly redundant, harkening back to the opening statement of the emperors' desire, it is a case of salutary redundancy, allowing the high-flown and periphrastic description initially applied to the cities to receive the welcome technical gloss, *urbes, quae metropoles nuncupantur*.

It is far less easy, however, to deal with the third problem, the phrase *deductor paulo numerus*, which appears to mean that the grammarians' 12 *annonae* are regarded as a »somewhat reduced number«, relative to the rhetors' 24. The phrase was the real stimulus for BONNER'S repunctuation and reinterpretation of the text, as it had stimulated GOTHOFREDUS and MOMMSEN before him to attempt a way around the problem by altering one or another of the numbers involved<sup>30</sup>. But BONNER correctly rejected those latter

<sup>27</sup> Cf. BONNER, p. 134 f.

<sup>28</sup> The last involving a redundancy as well, as in *CTh.* 13.3.5 *magistros studiorum doctoresque* . . .

<sup>29</sup> Cf. MACMULLEN, *Roman Bureaucratise*, p. 369 n. 20.

<sup>30</sup> See BONNER, p. 119, on GOTHOFREDUS' conjecture of *duodeviginti* for *duodecim* and the suggestion by MOMMSEN that *viginti* be read for *viginti quatuor*.

alterations, and I hope to have shown above why BONNER's own solution must in turn be rejected. We are left, then, with a »manifest absurdity«, the statement that 12 is only somewhat less than 24 (a statement, it might be added, not only absurd but gratuitously so, since a reader of the Edict scarcely needs to be told that the grammarians are receiving less than the rhetors); and it is an absurdity which, as far as I can see, no appeal even to the habits of »bureaucratese« can usefully mitigate. Or rather, we are left with that absurdity – if we assume that the phrase relates to the scale of pay set down in the Edict itself. There is, however, another possibility. It involves no alteration of the text and has not yet been suggested, although BONNER pointed the way at the end of his discussion<sup>31</sup>: »the words *ex more* which occur in [the Edict] seem to have passed quite unobserved; but the fact that some 'deduction' had been customary shows that a previous salary-scale must have been already in operation. On the other hand, the tone of the words in which a special privilege is granted to Trèves ... suggests that here we have something new. In fact, *the Edict as a whole ... may represent a new salary scale*«.

This, I believe, is an idea worth pursuing: for although BONNER was prevented by his idea of »deductions« from seeing its implications, the validity of his observation can survive those deductions' demise. First, BONNER is almost certainly correct, in principle, about the significance of *ex more*: construing the phrase with *praestetur*, as its position evidently suggests, we are to understand that the act of payment is to proceed »in the customary manner«, which in context can only refer to an already established custom of payments from the imperial funds (cf. *e fisco ... donentur / ex more praestetur*). The only conceivable alternative is contained in a rendering such as PHARR's, »twelve subsistence allowances, an amount slightly smaller, according to custom«: here we must construe *ex more* with the noun-phrase (specifically, with *deductor*) and assume that the emperors are merely and vaguely acknowledging that grammarians were generally less well paid than rhetors<sup>32</sup>. There is little question which alternative is favored by Latin usage in general, and by the usage found in *CTh*. in particular. To confine comment to the fifty-odd places in the Code where *mos* is part of an adverbial expression, either in a prepositional phrase (e. g., *ex more, iuxta morem, extra morem*) or as a modal ablative (e. g., *sollemni more*), and modifies either a verb (finite or infinitive) or an adjective (preponderantly present, future passive, or perfect passive participles): the adverbial expression with *mos* modifies a verb four

<sup>31</sup> Pp. 133–134 (point »f« above), at p. 133 (emphasis mine).

<sup>32</sup> For comparison of fees, cf. Iuv. 7.217, Dioctlet. *Ed. Pret.* 7.70–71, A. CAMERON, Roman School Fees, *CIRev.* 15 (1965), p. 258, S. F. BONNER, Education in Ancient Rome, Berkeley and Los Angeles 1977, pp. 150 ff.

times more frequently than it modifies an adjectival form<sup>33</sup>; in all but six instances, the adverbial phrase precedes the word it modifies, either directly or at some remove, and of the 6 cases of postposition, 4 involve bracketing word-order of the type adjective (participle) – adverb – noun<sup>34</sup>; and in the 10 places where the adverbial expression modifies an adjective, it is framed by noun and adjective (adjective [participle] – adverb – noun, or noun – adverb – adjective [participle]) in every case but two, where it directly precedes the participle<sup>35</sup>. For PHARR's translation, in other words, the expected Latin would be *paulo deductor ex more numerus*<sup>36</sup>, or *numerus ex more paulo deductor*, or *deductor paulo ex more numerus*, or even *ex more deductor paulo numerus*. But there is certainly nothing to suggest that *ex more* in the present case can be construed with anything but *praestetur*.

That is not all. A further hint of an already-established system of payments can reasonably be found in the clause, *nec vero iudicamus ... compendio*. Imperial rulings are notoriously reactive rather than anticipatory: they typically deal with problems already manifest rather than with problems that might be foreseen as potentially arising sometime in the future. The odds, therefore, are heavily in favor of the supposition that the judgment stated in that clause – that the cities concerned are not to tamper with the rates set by imperial mandate from imperial funds – is an attempt to clarify or control a situation already existing; if so, then obviously the imperial salaries must already have existed.

If, therefore, we follow up the obvious meaning of *ex more praestetur*, and the suggested implications of the *nec vero iudicamus*-clause, *deductor paulo numerus* falls neatly into place. The Edict would not establish the teachers' salaries *ab ovo*; rather, as BONNER suggested, a new salary scale would be established – but not only for the teachers at Trier: the grammarians of the *metropoles* would also be affected, and would in fact be losing further ground to the rhetors. The adjectival phrase (*deductor paulo*) and the adverbial phrase (*ex more*) would thus play important but antithetical roles in clarifying the basic message of the clause, *duodecim annonarum ... numerus ... praestetur*: on the one hand, *deductor paulo* would alert the

<sup>33</sup> The strong expectation that such a phrase will modify the verb is revealed particularly clearly by 11.24.6 *quicumque in ipsis vicis terrulas contra morem fertiles possederunt, where contra morem* of course qualifies *possederunt*, not the adjective with which it is juxtaposed.

<sup>34</sup> E. g. 8.7.17 *peracto secundum morem exceptionis officio*. In the other two instances of postposition, the adverbial phrase with *mos* follows the verb (2.1.10 *adeant sollemni more iudicia ...*) or a predicate adjective + form of *sum* (12.1.148 *publicus esset ex more tractatus*).

<sup>35</sup> 8.4.6 *qui ex more susceptis omnibus alimoniis militaribus easdem pervehere contendant*, 13.5.32 *usitato more habita quaestione*.

<sup>36</sup> Cf. 10.1.13 *non multo ante lata secundum veteres mores constitutione*.

reader that the amount of the payment represents a change; on the other hand, *ex more* would emphasize that the custom of its provision is being maintained<sup>37</sup>. The clause, *grammaticis Latino vel Graeco duodecim annorum deductor paulo numerus ex more praestetur*, would mean, literally: »to the grammarians, Greek or Latin, [on the other hand] let there be provided, in the customary manner, the number, somewhat reduced / attenuated, of 12 *annonae*«.

If so much can be granted, at least as a working hypothesis, it might be possible to go one step further and suggest what the previous salary-scale had been, in a way that would both make specific sense out of *deductor paulo numerus* and resolve one more anomalous feature of the Edict. The anomaly consists of the evident lack of direct correlation between the scale set down in the Edict for rhetors and grammarians at the other *metropoles* and that specified for the teachers at Trier: in the case of the other metropolitan teachers the ratio of *annonae* is 2:1 in the rhetors' favor, while at Trier the pay of the rhetor and Latin grammarian stands in the relation of 3:2, with the Greek grammarian (»if any worthy one will be able to be found«) to receive the same salary (12 *annonae*) as the Greek or Latin grammarians elsewhere. But these divergent numbers can be made to yield consistent sense if we simply suppose that the scale of pay existing before the Edict, for teachers at both Trier and the *metropoles*, was 24 *annonae* for rhetors and 16 *annonae* for grammarians (Greek or Latin): the rhetors' pay would thus have stood in relation to the grammarians' allowance as 3:2; the new, more generous scale (*uberius aliquid*) established in the Edict for the rhetor and Latin grammarian at Trier would maintain the same ratio, with each category receiving a 25% raise (24 → 30 *annonae*, 16 → 20 *annonae*); while the new, more attenuated rate (*deductor paulo numerus*) established for the metropolitan *grammatici* would likewise represent a deviation of 25% from the old scale, but in the opposite direction (16 → 12 *annonae*). The patent (and gratuitous) absurdity that previously marred the passage would thus be removed, since it is easier to accept that 12 would be regarded as a number *deductor paulo* relative to 16 (at least, it is easier to accept that the emperors, or the palatine functionary who drafted the document, would so regard the numbers involved: whether a grammarian at, say, Reims who saw 25% of his salary taken away would share that point of view is of course another question); and the different ratios established in the Edict at the *metropoles* and Trier could be seen to be co-

<sup>37</sup> These signals would perhaps have been especially appropriate since the Edict's addressee, Cl. Antonius, had only very recently been installed in the prefecture at the time of the Edict (23 May 376: his predecessor Maximinus, who had held the post for nearly five years, was still in office as late as 16 April [CTh. 9.19.4]).

ordinated after all, since each would be the product of a proportionally identical deviation from the pre-existing *numeri*:

Possible rates before CTh. 13.3.11		CTh. 13.3.11	
		<i>metropoles</i>	
		Trier	
rhetors	24 <i>annonae</i>	24 <i>annonae</i>	30 <i>annonae</i> <sup>b</sup>
grammarians			
Latin	16 <i>annonae</i>	12 <i>annonae</i> <sup>a</sup>	20 <i>annonae</i> <sup>b</sup>
Greek	16 <i>annonae</i>	12 <i>annonae</i> <sup>a</sup>	→ 12 <i>annonae</i> ( <i>si qui dignus repperiri potuerit</i> )
(a - <i>deductor paulo numerus</i> :	deviation 25%)		
(b - <i>uberius aliquid</i> :	deviation 25%)		

The numbers in the left-hand column of course represent nothing more than a reasoned hypothesis, and the interpretation of *deductor paulo numerus* previously proposed does not depend on their validity.

The suggestion developed above would thus make clear and consistent sense of all the elements of the Edict, giving each its simplest meaning while requiring no alteration of the text. In this respect it is superior to solutions proposed in the past. I can, however, see two problems which prevent me from urging this solution unreservedly. First, if the Edict represents only a revision of a previously existing arrangement, why is the emperors' desire stated so elaborately in the first sentence — which readily conveys the impression that a new undertaking is being launched — while the change in the grammarians' pay is registered with comparative lack of fanfare in the second? More importantly, why are the grammarians, save those teaching Latin at Trier, suffering this diminution of pay and, by implication, of prestige? For if the suggested reconstruction is correct, it can no longer be said that the Edict »does not so much represent a lessening of appreciation of the work of the 'grammarian' as an increase in the valuation of rhetoric«<sup>38</sup>. I can at present offer no wholly satisfying answer to either of these questions. Concerning the first, however, I would suggest that the »impressions« we receive from the Edict's style must take second place to the unmistakable implications of *ex more praestetur*. As for the second question, it might be observed that fluctuations in an individual teacher's imperial salary are known to have occurred elsewhere, for reasons no less obscure to us<sup>39</sup>; and

<sup>38</sup> BONNER, p. 136.

<sup>39</sup> See Lib. ep. 28; 258; 740; 800 (with ep. 207; 208; 289), and e.g. P. PETIT, Libanius et la vie municipale à Antioche au IV<sup>e</sup> siècle après J.-C., Paris 1955, p. 409 f. I discuss these fluctuations in another paper, The Salaries of Libanius, CHIRON 13 (1983), 37 ff.

that we are also unable to give a real explanation for the still more marked disadvantage at which the Greek grammarian is placed, relative to his Latin colleague, at Trier, an anomaly that exists whatever solution one applies to the other problems of the Edict<sup>40</sup>. It may be best, therefore, to recognize in this problem the point beyond which our evidence cannot reliably take us. Or to put it another way: it seems we have two alternatives, neither of which is wholly attractive; but given the choice between admitting that we do not know why the grammarians' pay was reduced, or believing that 12 is only »a little less« than 24, I would join GOTHOFREDUS, MOMMSEN, and BONNER in an aversion to the latter, and so be strongly inclined toward the former.

In summary then, the Edict of 23 May 376 concerns the payment of teachers of rhetoric and Greek and Latin grammar, from imperial funds, in the northern diocese of Gaul (as argued by BONNER). It is, however, only the provincial capitals of the area that are intended to benefit; the wording of the Edict might suggest that some of the *metropoles* were entirely dependent upon imperial funds, although this is not certain. Finally, it is quite possible, if not likely, that salaries were not first established by the Edict (a point advanced by BONNER and pursued more fully above): several features of the Edict (especially the phrase *ex more praestetur*, and the clause *nec vero iudicamus* . . . *compendio*) suggest that the measure of 376 presumes the prior existence of some system of imperial payment, which it may be possible to reconstruct (24 *annonae* for rhetors, 16 for grammarians) and which it is the intent of the Edict to alter (in the matter of scale) and clarify (with respect to the limitation placed on the cities)<sup>41</sup>.

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<sup>40</sup> The clause concerning the *Græcus grammaticus* at Trier, *si qui dignus repperiri potuerit*, seems to indicate that a shortage of competent Greek grammarians was felt (*pace* BONNER, p. 135); if so, we should expect that an effort would be made to encourage with greater emoluments such teachers as there were of the desired quality – precisely the opposite of what the Edict appears to do.

<sup>41</sup> My thanks to the National Endowment for the Humanities, for the Independent Study and Research Fellowship during tenure of which I prepared this paper; and to A. D. MOMIGLIANO and P. WHITE, for their criticisms of an earlier version and their benevolent dissent.

## MISZELLEN

### NOCHMALZU DEN WECHSELFÄLLEN RHODISCHER POLITIK ZU BEGINN DES IV. JAHRHUNDERTS V. CHR.

In einem Aufsatz über die politischen Geschehnisse in Rhodos in der ersten Dekade des IV. Jhs. v. Chr.<sup>1</sup> habe ich den Versuch unternommen, exemplarisch ein Spektrum möglicher Faktoren, durch welche der Handlungsrahmen für politische Auseinandersetzungen innerhalb einer Polis in der klassischen Zeit abgesteckt sein konnte, aufzuzeigen. Dabei ging es mir vor allem auch darum, die von E. RUSCHENBUSCH – unter Verweis gerade auch auf die rhodischen Ereignisse während jener Jahre – verfochtene These, daß in allen griechischen Poleis »alle inneren Auseinandersetzungen und Verfassungswechsel der Jahre 454 – 346 ausschließlich außenpolitisch motiviert (waren)«<sup>2</sup>, zumindest in der von ihm konstatierten Allgemeingültigkeit in Frage zu stellen. Gegen Teile meiner Ausführungen – die Vorgänge der Jahre 396/5 betreffend – hat nun RUSCHENBUSCH in einem jüngst in dieser Zeitschrift erschienenen Beitrag<sup>3</sup> unterschiedenen Widerspruch erhoben, den ich nicht unbeantwortet lassen kann.

Meiner Einschätzung des außenpolitischen Kurswechsels im Sommer 396<sup>4</sup> hält RUSCHENBUSCH entgegen: »Die Entscheidung der Diagoreer war auf jeden Fall bestimmt von der Erwartung, daß Sparta der Verlierer sein würde, also letztlich von purem Opportunismus mit dem Ziel, auf der Seite des Siegers zu stehen und so die Herrschaft über Rhodos zu bewahren. Von einer echten Identifikation der Diagoreer mit den Interessen Persiens kann somit keine Rede sein«<sup>5</sup>. »Purer Opportunismus« und »echte Identifikation« sind allerdings mangels ihrer Verifizierbarkeit im knapp bemessenen Quellenmaterial keine geeigneten Kriterien, den Sachverhalt adäquat zu erfassen. Festzuhalten bleibt, daß Rhodos nach dem von den Diagoreern entscheidend bestimmten Entschluß, von der spartanischen auf die persische Seite zu wechseln, sogleich aktiv die antispertanische Politik Persiens – auch im griechischen Mutterland – unterstützte<sup>6</sup>. Es war dies nur die folgerichtige Konsequenz der einmal getroffenen Entscheidung und nicht – was im übrigen auch gar nicht von mir behauptet worden ist – das Ergebnis »echter Identifikation«.

<sup>1</sup> P. FUNKE, Stasis und politischer Umsturz in Rhodos zu Beginn des IV. Jhs. v. Chr., in: Studien zur antiken Sozialgeschichte. Festschrift F. VITTINGHOFF, hrsg. v. W. ECK, H. GALSTERER, H. WOLFF, Köln-Wien 1980, 59 ff. (im folgenden: Stasis).

<sup>2</sup> E. RUSCHENBUSCH, Untersuchungen zu Staat und Politik in Griechenland vom 7. – 4. Jh. v. Chr., Bamberg 1978, 24 ff., hier 32 (Sperrsatz von mir).

<sup>3</sup> E. RUSCHENBUSCH, Hermes 110, 1982, 495 ff.

<sup>4</sup> Vgl. P. FUNKE, Stasis, 61 f., da das von E. RUSCHENBUSCH, a. a. O., 495 angeführte Zitat meiner Darlegungen aufgrund der zahlreichen Auslassungen den Argumentationsgang leider nicht mehr erkennen läßt.

<sup>5</sup> E. RUSCHENBUSCH, a. a. O., 495.

<sup>6</sup> Vgl. die Ausführungen zu den politischen Aktivitäten des Rhodiers Timokrates und des Diagoreers Dorieus bei P. FUNKE, Homonoia und Arché. Athen und die griechische Staatenwelt vom Ende des Peloponnesischen Krieges bis zum Königsfrieden (404/3 – 387/6), Wiesbaden 1980, 55 ff.