



[Imperial rescript from Antoninus Pius \(CIL III, 411\) \[1\]](#)

Typology (Honorific / Funerary / etc.): Imperial rescript

Original Location/Place: Unknown location, Smyrna.

Actual Location (Collection/Museum): Now lost.

Date: 139 CE Apr 8th

Physical Characteristics: An inscription that duplicated the text of an imperial rescript issued by the emperor Antoninus Pius. According to the description recorded in the *CIL* entry for the inscription, the stone on which it was inscribed was 'solid marble', and situated on a lane that led to a gate in the city. The upper part of the inscription, which was already missing when the text was copied down, contained the text of a petition from a private individual to the emperor, whose response was recorded below in Latin. Three lines of Greek were inscribed beneath the Latin subscript, that were not related to the Latin text, followed by the name of the consuls and the names of seven individuals. The inscription is now lost and the text known only from a manuscript copy.

Material: Marble.

Measurements: Unknown.

Language: Latin

Category: Roman

Publications: *CIL* III, 411

CIG 3175 = IGRR IV 1397.

[PHI Smyrna 31](#) [2]

Petzl, Georg, *Inschriften griechischer Städte aus Kleinasien, Bd. 24, 1: Die Inschriften von Smyrna. Teil II, 1. Hrsg. von Georg Petzl* (Bonn: Habelt 1987), no. 597

Commentary: It was possible for the inhabitants of the Roman Empire to appeal directly to the emperor through the form of a *libellus*, or letter, to which the emperor might issue his personal reply, or *subscriptio*. The majority of these imperial rescripts have survived in the form of papyri, but there are a number of lapidary versions of the texts that those who had originally petitioned the emperor were permitted to have copied out in permanent and monumental form. This inscription is one such attested copy; it reveals the difficulties faced by the inhabitants of the empire in accessing imperial decisions, as well as the legal status that such decisions bore. It is also a good example of how the emperors of Rome used such petitions to communicate with their subjects on a personal and individual level, as well as through the local governments of municipal centres.

The inscription is now lost and the text is known only from a manuscript copy made in 1676. It seems that the original petition, in Greek, was also inscribed on the stone above the Latin reply, but only the very last sentence of the petition can be made out in entirety. It appears that a private citizen in Smyrna, named in the Latin reply as Sextilius Acutianus, had asked to make a copy of a judgement of Hadrian, concerning the institution of games in Smyrna, based on the proposed reconstruction of line 1 as: [????????] ??? [????] (*Olympison ton Athenesin*), or "the Olympus of Athens" (see Petzel, *Inschriften griechischer Städte aus Kleinasien* 24.II, n. 597, p. 81). Antoninus Pius's response is short, as is characteristic of the *subscriptiones*, and gives permission for his predecessor's decision to be copied down (*si quid pro sententia dixit describere tibi permitto*). The subscript is dated as having been given on the 8th April 139 CE, with the description 'nineteenth' (*undevicensimus*) believed to refer to the number of the sheet within the 'roll' in which the petition was to be stored in the archives in Rome (Wilcken, "Zu den Kaiserreskripten," p. 40-1; Williams, "Epigraphic texts of imperial subscripts," p. 183-184). Following this are three lines of Greek, which give the date on which the copy of the subscript given to Sextilius Acutianus was witnessed and sealed, in order to attest its authenticity (Williams, "Epigraphic texts of imperial subscripts," p. 185). The final line of Latin appears to instruct two men, possibly imperial slaves or freedmen, Stasimus and Daphnis, to provide a copy of the earlier judgement of Hadrian and to give it to Acutianus, who presumably required it in order to settle a civic matter in Smyrna (Williams, "Epigraphic texts of imperial subscripts", p. 186). It is noteworthy that the inscription was recorded in two languages; the Latin text is indicative of the 'official' nature of Antoninus Pius's response, but the original petition had been made in Greek, the 'official' language of Smyrna. Although it is impossible to determine the extent to which the local community engaged with the content of the Latin text, the fact that their petition had received such an official reply was a matter of civic pride, with the documentation of the names of the witnesses given in Greek a further indication of



the text's authority to potential readers.

This copy of the imperial subscript is also notable for what it reveals about the difficulty faced by private individuals of access to official documents. Acutianus had had to appeal directly to the emperor in order to obtain the detail of the imperial pronouncement made by Hadrian, meaning that the original *libellus* and its answer was not returned to the original petitioner, but rather sent to the imperial archives in Rome where they were numbered (e.g. *undevicensimus*) and stored (Williams, "Epigraphic texts of imperial subscripts," p. 187). According to Ulrich Wilcken, this was an innovation from the time on Hadrian onwards; previously the *libellus* was returned along with the subscription, but from the early second century CE the answer to the petition was displayed in public before being sent to the archives (Wilcken, "Zu den Kaiserreskripten," p. 9). As accessing the archive once the *libellus* and its rescript had been stored appears to have been so difficult, Acutianus must have had a copy made before it was included there, before returning to Smyrna where it was inscribed in permanent form in the civic centre. The attestation of *recognovi* – "I have certified it" – at the end of the Latin text therefore acted as confirmation of the accuracy of the copy that had been made. As Adriaan Sirks rightly noted, this method of copying and archiving petitions and answers did not work to make the contents of them available to the general Roman public, with only those petitioners who submitted their questions at the same time knowing of outcomes outside of their own requests ("Making a request to the emperor," p. 127). This point is important if we consider the legality of the rescript, which has been the subject of much discussion. The emperor's answers to private requests of this type have in fact been "considered a source of law if they contained the formulation of a general rule," but this cannot be the case if access to them was so difficult to obtain (Sirks, "Making a request to the emperor," p. 121-127). Their function has been debated as authoritative replies to legal questions (see Honsell, Mayer-Mely and Selb, *Römisches Recht*, p. 19-20) and as instruments of the institutional centralisation of legal procedure (Coriat, *Le Prince législateur*, p. 338). Anthony Honoré suggested that the rescripts acted in three ways: as a social service that provided citizens with essentially free legal advice, as a definitive ruling of law, and to promote the unity of Roman law by adapting it to the needs of the empire's complex society (*Emperors and Lawyers*, p. 33-41). Finally, Adriaan Sirks has proposed that the rescripts evolved out of the custom of *salutatio* – morning greeting – that existed between patrons and clients, and during which it was possible for clients to approach their patrons for advice or help; the emperor was the supreme *patronus* of the Roman *clientela*, making the rescripts a continuation of the patron's advisory duty (Sirks, "Making a request to the emperor," p. 129). Given the limited publication of the rescripts, and the resulting impossibility of easily disseminating decisions affecting individual communities across the entire empire, it is perhaps unlikely that these imperial rescripts had the ability to change private law in anything but a minor and gradual way; it was only later, once those who had access to the imperial archives were able to gather and publish the rescripts in collected volumes, such as the *Liber Constitutionem* of Papirius Iustus in the second century CE, that the decisions could be sufficiently integrated to affect an actual change of law (Sirks, "Making a request to the emperor," p. 132).

What is clear, however, is that the continued practice of asking the emperor for his assistance in the form of a *libellus*, and the formal response issued in return, was an important social exchange that brought the emperor into contact with those he governed. It was "one of the primary forms of communication between emperor and subject," and a key facet of the imperial court's public image (Millar, *Emperor in the Roman World*, p. 252). The fact that so many of these *libelli* contained requests of relative insignificance, or of seemingly little interest to the emperor, was irrelevant; indeed, Fergus Millar has argued that it was precisely the inconsequential nature of so many of the petitions that confirms the importance of the process and the emperor's role in it in the eyes of the empire's inhabitants (*ibid*). Although the growing centralisation of Rome's administration in the second century led to problems of access to official decisions, as this text demonstrates, the act of responding to such individual requests was an important part of dealing with provincial communities. The *subscriptio* issued here by Antoninus Pius made no attempt to understand or examine the issue under discussion in Smyrna, but it did promote an image of the emperor that was personal, accessible and generous towards all his subjects.

Keywords in the original language:

- [Hadrianus](#) [3]
- [Antoninus Pius](#) [4]
- [sententia](#) [5]
- [divus](#) [6]
- [pater](#) [7]



- [permitto](#) [8]
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Thematic keywords:

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- [Hadrian](#) [20]
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- [province](#) [24]
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- [imperial rescript](#) [28]

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[The Hispellum rescript \(CIL XI, 5265\)](#) [38]

- [Read more about The Hispellum rescript \(CIL XI, 5265\)](#) [38]

Inscription

[Titus responds to a right of appeal from the city of Munigua \(Spain\) \(CIL II, *456\)](#) [39]

- [Read more about Titus responds to a right of appeal from the city of Munigua \(Spain\) \(CIL II, *456\)](#) [39]



Inscription

[Letter of Octavian to Ephesus concerning Aphrodisias \[40\]](#)

Octavian requests the Ephesians to return a statue of Eros dedicated by his father Julius to Aphrodite in the city of Aphrodisias

- [Read more about Letter of Octavian to Ephesus concerning Aphrodisias \[40\]](#)

Realized by:

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