



Monuments of Bronze: Roman Legal Documents on Bronze Tablets

THROUGHOUT THE REPUBLIC and Empire (roughly from the fifth century B.C. to the sixth century A.D.) the Romans regularly had statutes, decrees, treaties, and edicts engraved on bronze tablets. Some statutes and interstate treaties were engraved exclusively on bronze, never on stone. Bronze tablets survive only from the second century B.C. onward, but ancient writers testify that bronze tablets had been engraved with statutes and treaties in Rome before the beginning of the Republic. And the practice persisted until A.D. 500.

The surviving bronze tablets are central to the study of Roman law. Among them, for example, are the texts of about twenty-three statutes made by the Roman people (*leges* and *plebiscita*) in the last two centuries B.C. Al-

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In addition to standard abbreviations for epigraphic collections (*CIE*, *CIL*, *IG*, *ILLRP*, *ILS*, *OGIS*, *SEG*, *SIG*³) I have used the following abbreviations in this paper: K. G. Bruns, T. Mommsen, O. Gradenwitz, *Fontes Iuris Romani Antiqui*, 7th ed. (Tubingen 1909) = Bruns⁷; J. Reynolds, *Aphrodisias and Rome*, *Journal of Roman Studies Monographs* No. 1 (London 1982) = AR; S. Riccobono, *Fontes Iuris Romani Anteiustiniani* (Florence 1941) vol. 1, *Leges* = *FIRA* 1; R. K. Sherk, *Roman Documents from the Greek East* (Baltimore 1969) = *RDGE*; H. Temporini and W. Haase, eds., *Aufstieg und Niedergang der römischen Welt* (Berlin and New York 1972-) = *ANRW*.

though most of the texts consist of very small fragments, they nonetheless constitute the single most important source modern scholars have for the rules, procedures, and application of Roman law before the codifications of the late Empire.¹

In this paper, I shall investigate why the Romans had legal documents engraved on bronze tablets and how they used these tablets. I hope to show that they had many functions, in particular symbolic functions which are distinguishable from the efficient functions usually given priority by scholars. Obviously, bronze was engraved with many kinds of documents, over the thousand years spanning the Republic and the Empire, because the governing institutions and sources of law in Rome changed considerably in that time. While my focus in some sections of this paper will be on tablets of Republican law, especially statutes and treaties, I shall consider later ones, too, because the functions eventually became conventional for all bronze tablets engraved with legal documents. By concentrating on the symbolic functions of bronze tablets I intend to raise questions about Roman legal documents on bronze as a class of ancient evidence used by modern scholars.²

In this investigation, several terms are problematic. By *legal document* I mean decisions (a) of the Roman people meeting in their tribal and plebeian assemblies, (b) of the Roman magistrates, and (c) of the Roman Senate, which were recorded in writing and which were subsequently useful to the processes of efficient government, administration, and adjudication. The general category that this definition implies is a modern one; I suspect that the term *legal document* rather awkwardly straddles the set of statutes, decrees, treaties, and edicts that Romans engraved on bronze tablets. I also want to use the modern

1. Republican legal statutes on bronze, including municipal statutes: *CIL* I² 595 (ca. 133 B.C.), I² 596 (ca. 133 B.C.), I² 583 (*tabula Bembina*, ca. 123 B.C.), 585 (*tabula Bembina*, ca. 111 B.C.), I² 582 (*tabula Bantina*, ca. 100 B.C.), R. Bartoccini, *Epigraphica* 9 (1947) 3ff. (*fragmentum Tarentinum*, ca. 100 B.C.), *CIL* IX 416 (*tabula Bantina*, after 100 B.C.), *CIL* I² 590 (86–92 B.C.), I² 587 (81 B.C.), I² 588 (78 B.C.), I² 589 (ca. 70 B.C.), I² 592 (49–42 B.C.), I² 600 (49–42 B.C.), I² 594 (44 B.C.), I² 593 (*tabula Heracleensis*, ca. 45 B.C.), I² 597 (last century B.C.), I² 598 (last century B.C.), I² 599 (last century B.C.), I² 603 (last century B.C.), I² 604 (last century B.C.), I² 605 (last century B.C.), I² 606 (last century B.C.), F. Costabile, *Par. d. Pass.* 21 (1976) 181 (last century B.C.). These were found in Italy. A few Roman statutes have been discovered in the Greek East, inscribed on stone: G. Colin, *Fouilles de Delphes*, vol. III.4.1, 34ff., and M. Hassall, M. Crawford, and J. Reynolds, *JRS* 64 (1974) 194ff. (two copies of a *lex de provinciis praetoriis*, from Delphi and Cnidus, ca. 100 B.C.), *CIL* I² 2500 (58 B.C.; see C. Nicolet, ed., *Insula Sacra, la loi Gabinia Calpurnia de Délos*, 58 av. J.C. [Paris 1980]), J. Keil, *F. in Ephesos* (Vienna 1951) vol. 4.3, 281f., no. 24 (43 B.C.; see S. Weinstock, *Divus Julius* [Oxford 1971] 402f.). The standard collections of these statutes (and other legal documents) are Bruns⁷ and *FIRA* 1.

2. The basic general studies of the publication of legal documents are T. Mommsen, "Sui modi usati da' Romani nel conservare e pubblicare le leggi e senatus consulti," *Annali dell' Inst. di Corrispondenza Archeologica* 30 (1858) 181–212 (= *Gesammelte Schriften* [Berlin 1907] vol. 3, 290–313) and F. Schwind, *Zur Frage der Publikation im römischen Recht*, 2nd revised ed. (Munich 1973). The important discussion by M. W. Frederiksen, *JRS* 55 (1965) 183–98, considers motivation for and techniques of engraving in relation to the texts of law (specifically, municipal laws) on bronze.

term *publication* to describe the display of bronze tablets in a public place, usually in a temple in Rome. But again, the term *publication* is encumbered by modern notions of practical, efficient communication. Using modern terms to describe ancient practices has inherent dangers, but for most modern readers, considerable advantages over the use of Latin.

The English term *law* is even more problematic. The difficulty of defining *law* is well-known. By *law* we usually mean legal procedures, statutes, rules, precedents, and juristic interpretation. In the last century B.C., legally trained Romans thought similarly about *ius civile*.³ But strictly speaking, not all the statutes, decrees, treaties, and edicts on bronze belong to the category *law* or *ius civile*, according to the usual definition. Legal statutes again provide an example. By *statutes* we mean *leges* and *plebiscita*, the decisions made by the Roman people. However, some *leges* or *plebiscita*, such as the decisions about war and peace, were not law. While acknowledging the problem, I intend to use the term *law* in a very broad sense, to mean the legal documents on bronze tablets which are the subject of this paper.

ARCHIVE AND MONUMENT

The conventional wisdom is that bronze tablets cumulatively constituted an official archive, which the Roman elite used in planning subsequent legislation and policy, and to which Romans of all classes had access. In this view statutes, decrees, treaties, and edicts were engraved to provide Romans and others with permanent, official versions of those documents, always available for consulting, copying, reading. In sum, bronze tablets were useful and efficient.⁴

This interpretation is mistaken in at least two respects. First, Roman legal documents are and always have been difficult to read. The style of statutes in particular was often complex and convoluted.⁵ The lettering was cramped, too, and it was difficult to position the statutes so that a casual Roman reader could consult them with ease. Let me illustrate these points. The extortion law on the *tabula Bembina* (CIL I² 583), found near Urbino in northern Italy, has 440 letters packed into each line two meters wide.⁶ There are no breaks between letters. There are no paragraphs, no indentations; at most a few letter-spaces

3. Cic. *Top.* 5. 28.

4. For example Schwind (supra n.2) 34 and Frederiksen (supra n.2) 186.

5. Very brief discussions of style are found in F. Schulz, *History of Roman Legal Science* (Oxford 1946) 96, and M. Kaser, "Zum Ediktstil," in *Festschrift F. Schulz* (Weimar 1951) 23.

6. The figures are approximate. Eighteen to twenty-one letters fill every ten centimeters of line; the number of letters per line varies from 440 at the top of the tablet to 450 lower down. These figures are based on estimates of how large the tablet was before it was broken, and how many letters are needed to complete the lacunae between fragments. We have less than one-third of the whole tablet, in pieces (and that proportion is an estimate). Mommsen estimated the width of the tablet to be about 2 meters: see the discussion by H. Mattingly, *JRS* 59 (1969) 132ff., who suggested that Mommsen's estimate should be reduced by about thirty-five letter spaces.

separate one chapter from another, and that irregularly.⁷ And the legalistic style of the extortion law is tortuous and long-winded. If we had the entire law it would run to some forty modern printed pages.⁸

The *tabula Heracleensis* from Heraclea in southern Italy, which was engraved with municipal statutes (*CIL* XII 593), is similarly complex and difficult to read. Indeed it is 1.85 meters high, so the reader, Roman or modern, ideally stands on a ladder to read the top lines and must be on his knees to read the bottom.⁹ The engraver of the *tabula Heracleensis* did use paragraphing and indentation, so the text is more inviting to the reader than the *tabula Bembina*. But still, it is obvious that convenience of consultation was not the engraver's primary objective.

The inconvenience of these tablets is all the more striking when we consider the phrase *unde de plano recte legi possitur*. The Romans routinely specified that notices painted in black on whitewashed wooden tablets, *alba*, should be posted where they could be read at ground level. Publication in this fashion was immediate, temporary, and generally restricted to lists (of jurors, prices, proscribed Romans).¹⁰ The praetor's annual edict and draft statutes were also posted.¹¹ Yet despite the Romans' concern about the accessibility of *alba*, their

7. Photographs in A. Degraffi, *Inscriptiones Latinae Liberae Rei Publicae. Imagines* (Berlin 1965) plates 385a and b.

8. The remaining sections of the extortion law, estimated to be about one-third of the whole text (see *supra* n.6), occupies fifteen pages in Bruns⁷, no. 10, 59–73.

9. These remarks can be confirmed by looking at the *tabula Heracleensis* in Naples' Museo Nazionale, where many bronze tablets are kept, most of them bolted to the walls of a dark and dusty storeroom. The *tabula Heracleensis* is fastened to the wall by one edge only so that it can be swung to show either side of the tablet; the Roman statutes were engraved on the reverse of the tablet whose front had previously been engraved with a fifth-century B.C. text concerning the resources of the Temples of Dionysius and Athena Polias (see M. Guarducci, *Epigrafi Greca* [Rome 1969] vol. 2, 277ff.). The bottom edge of the tablet hangs only about 40 cm. above the floor; the top edge stretches slightly more than 2 meters above it. How this tablet was displayed in ancient Heraclea is a moot question, because the tablet has no nail-holes. Unless it was placed in a frame it could not have been fastened to a wall. The Roman statute on the *tabula Heracleensis* is discussed by Frederiksen (*supra* n.2) 189ff.

10. On the kinds of information posted on *alba* see W. Riepl, *Das Nachrichtenwesen des Altertums, mit besonderer Rücksicht auf die Römer* (Leipzig and Berlin 1913) 337ff., who also collects the ancient testimony. On the formula see Schwind (*supra* n.2) 58ff. It appears, frequently abbreviated, in several Roman statutes of the last two centuries B.C. and the first century A.D., referring to the public display of lists, usually lists of names or sums of money: extortion law on the *tabula Bembina* (*CIL* I² 583, ca. 123 B.C., Italy) line 65; extortion law on the *fragmentum Tarentinum* (*supra* n.1, Italy) line 14; Julian municipal law on *tabula Heracleensis* (*CIL* I² 593, ca. 45 B.C., Italy) line 16; a municipal law fragment (*FIRA* 1, no. 25, first century A.D., Spain) line 3; *lex Malacitana* (*CIL* II 1964, between 81 and 84 A.D., Spain) col. 1, chap. 51, lines 8 and 21; col. 4, chap. 63, line 16. Cf. *Digesta* 14.3.11.3 and Valerius Probus *De Iuris Notarum* 3.

11. Posting statutes for a period of three *nundinae* in the forum was a necessary procedure in the decision-making process which began formally when the magistrate had his draft statute posted (see, for example, Cicero *Leg. Agr.* 2.5.13); without the notices there was no process (cf. Cassius Dio 42.32.3). On this and other procedures in the process see T. Mommsen, *Römisches Staatsrecht*, 3rd ed. (Leipzig 1887–88) vol. 3: 1, 369–97. On the praetor's edict see Schwind (*supra* n.2) 49–52.

concern apparently did not embrace all writing. For the prescription *unde de plano recte legi possitur* was never applied to bronze tablets.¹²

The conventional interpretation is mistaken in a second respect. The Roman plebs was really of little account when we think about groups of Romans who might have consulted bronze tablets. The rate and level of literacy among the Roman plebs were presumably low; in particular it is unlikely that many of them could read bronze tablets.¹³ In fact, the Romans usually relied on proclamation. Heralds read statutes and decrees aloud in public meetings—although a draft statute was temporarily posted in the Forum, too.¹⁴ But we can imagine that when the tribune posted a draft of the extortion law from the *tabula Bembina* in Rome, a marginally interested, marginally literate Roman voter would have had to struggle to make sense of it.

The Roman elite were also unlikely to read bronze tablets regularly. Some members of the elite made, used, and interpreted law, and they presumably did sometimes read bronze tablets. A legal expert could pick his way through a complicated law text to find what he was looking for—although it is hard to envisage why he would. Instead, legal experts surely consulted records of law in the state and family archives, written on papyrus rolls, parchment, or wax tablets.¹⁵ They consulted the collections of Senate decrees and statute laws that circulated in privately purchased copies during the last three centuries B.C.¹⁶

12. See, further, *infra* n.49 for a discussion of the formula in relation to another formula, *in aes incidere*.

13. For a recent attempt to determine the rate and level of literacy see W. V. Harris, *ZPE* 52 (1983) 87–111.

14. Reliance on proclamation: e.g., Cicero *Rab. Post.* 6.14, an anecdote that presupposes that Roman voters listened to the heralds' reading of texts of law rather than read the posted copies for themselves. Like posting statutes, proclamation was a formal procedure in the decision-making process; see *supra* n.11. The best discussion of the relative uses of proclamation and notices boards is Riepl (*supra* n.10, 322–49), who also collects the ancient testimony.

15. There are passing references to Romans making and consulting records of law and other documents in the main state archives, the Aerarium. An inscribed copy of a SC from Aphrodisias contains a reference to the tablets on which SCC were recorded (AR doc. 8, lines 1–4; the individual tablets were probably bound together, making a *codex*: see AR 65 ff. and also *RDGE* 9ff.); Cicero referred to records of *leges* (*Leg.* 3.46) which were presumably collected in the same way. Cicero also spoke about Verres' accounts as governor of Sicily, written on wax tablets (*Verr. passim*). But on the whole there is very little testimony about record-keeping in Rome. We may imagine that archives in Rome were something like the state archives in Egypt in the Roman period, whose contents and organization we know considerably more about; see the detailed article by W. H. Cockle, *JEA* 70 (1984) 106–22. Plutarch gives us the best ancient description of the legal documents entered into and retrieved from the Aerarium's records, in connection with Cato's supervision of the Aerarium as quaestor in 64 B.C., *Vit. Cat. Min.* 16–18. For a modern discussion of Rome's archives see E. Posner, *Archives in the Ancient World* (Cambridge, Mass. 1972); see also *infra* nn.27 and 30 for a brief consideration of the problem with archives and archival records.

16. Legal commentaries and collections: A. Watson, *Law-making in the Later Roman Republic* (Oxford 1974) 132–68. There is no hard evidence for collections of statutes but see the comments in E. Rawson, "The Interpretation of Cicero's *De Legibus*," in *ANRW* vol. 1.4, 352–54 (on Cicero *Leg.* 3.46) and H. Galsterer, *Herrschaft und Verwaltung im Republikanischen Italien* (Munich 1976) 17.

In summary, the customary interpretation is implausible: bronze tablets were inconvenient for experts to consult regularly, and even more difficult for the inexpert. To be sure, my argument here is based on reason and archaeological evidence. No ancient source says explicitly that no one read bronze tablets. But, then, no Roman source shows Romans routinely poring over densely engraved tablets in search of statute, procedure, or precedent.

So why did Romans engrave legal documents on bronze tablets? My answer to this question concentrates on their symbolic, one could almost say religious, aspects. I shall argue that bronze tablets were monuments: long-enduring, ceremonial displays of law. Consider for a moment the visual impact of bronze tablets on display in Rome's public spaces. The largest concentration by far was on the Capitoline hill, Rome's ritual center, site of the huge temple of Jupiter built by Catulus, dedicated in 69 B.C. and rebuilt several times on an even grander scale. In the first century A.D., at least three thousand bronze tablets of statutes, treaties, honorific decrees, and grants of citizenship and other privileges hung there.¹⁷ The number is given by Suetonius in his record of the destruction wrought by the great fire at the end of Nero's reign:

[Vespasian] undertook to replace three thousand bronze tablets which had also burned, searching everywhere for copies. This was the most beautiful and most ancient record of empire, comprising senate decrees, decisions made by the Roman people concerning alliance, treaty, and privilege granted to individuals.¹⁸

(*Vesp.* 8.5)

We can visualize three thousand bronze tablets, shining polished in the Roman sun. If anything, that number was an understatement. I deduce this from the details of location given in certificates of release from military service again recorded on bronze tablets (*diplomata*) copied from the originals in

17. There is plenty of independent corroboration that the Romans regularly displayed these legal documents on the Capitoline hill. Grants of privilege: Cicero *Phil.* 2.37.93, 3.12.30, 5.4.12. Dedications: Livy 40.52.5–7. SCC and treaties from the imperial period: Josephus *AJ* 14.188, 191, 266, 16.165. On these see A. Stein, *Römische Inschriften in der Antiken Literatur* (Prague 1931) 13ff. and 19ff. Cf. references to engraved honorary decrees on the Capitoline hill in *RDGE* no. 58, line 5, and no. 26, lines 22f. Fragments of some of these bronze tablets have been found: *SC de Asclepiade* (C. Pietrangeli, *BullComm.* 69 [1941] 109ff.), the *lex Cornelia* and *lex Antonia* (*CIL* I² 587 and 589; A. M. Colini, *Capitolium* 40, 4 [1965] 176). The edict of Pompeius Strabo was possibly found in the vicinity of the Capitoline hill (*CIL* I² 709; N. Criniti, *L'Epigrafe di Asculum di Cn. Pompeius Strabone* [Milan 1971] 3ff.). Two other small fragments of laws, *CIL* I² 604 and 605, may also come from tablets that were displayed here. How the Romans knew that three thousand were there (or had been destroyed) in 69 A.D. is a moot question; cf. comments *infra* n.31.

18. *Aerearumque tabularum tria milia, quae simul conflagraverant, restituenda suscepit undique investigatis exemplaribus: instrumentum imperii pulcherrimum ac vetustissimum, quo continentur paene ab exordio urbis senatus consulta, plebi[s] scita de societate et foedere ac privilegio cuicumque concessis.*

Rome during the first century A.D.¹⁹ An example, dated A.D. 71, reads: "Copied and verified from the bronze tablet posted on the Capitolium in Rome, by the altar of the Julian gens, on the outside left of the base: tablet I, column II, line 44" (Bruns⁷ no. 98, lines 16–19).²⁰ These military certificates named a variety of locations for the original bronze tablets on the Capitoline hill; often they were out of the way, high up or low down on a temple wall, an altar, a statue base.²¹

Since several thousand soldiers received certificates of release every year, it seems likely that the walls of the Temple and Temple precinct in the first century A.D. were simply covered with bronze tablets.²² And we can imagine how they looked: polished, with their letters probably painted carefully, to stand out. Some were perhaps even gilded, complementing the gilt bronze roof-tiles of the Temple.²³ They must have presented a staggering sight on the summit among the other decorations of the Temple precinct.²⁴

SYMBOLIC DISPLAYS

The conventional interpretation of the tablets reflects the value that we give in modern society to writing and to publication for the effective dissemination

19. Certificates of release: H. Nesselhauf, ed., *CIL XVI* (Berlin 1936); M. Roxan, *Roman Military Diplomas, 1954–1977*, Institute of Archeology Occ. Pub. no. 2 (London 1978), and *Roman Military Diplomas, 1978–1984*, I. of A. Occ. Pub. no. 9 (London 1985).

20. *Descriptum et recognitum ex tabula aenea, quae fixa est Romae in Capitolio ad aram gentis Iuliae, de foras podio sinistiore, tab. I pag. II. loc. XXXXVIII*. The precision of these directions seems incredible; see *infra* p. 00 on their significance.

21. E.g., Bruns⁷ no. 99, lines 20–21 (*in Capitolio in basi Iovi Africi*).

22. I owe this observation about certificates of release to M. Roxan.

23. Today ancient bronze tablets usually have a dark and mottled patina, sometimes dulled, sometimes showing a rich sheen, and sometimes distinctly copper-green. They usually owe their appearance more to centuries underground and the combined effects of aging and oxidation than to the ancient metallurgist's recipe. In antiquity bronze looked quite different. On polishing bronze: Pliny *NH* 34.20.99. Paint-filled letters: L. Viola, "Di un frammento di legge romana scoperto in Taranto," *Mon. Ant.* 6 (Milan 1895) cols. 407–8; D. Adamesteanu, M. Torelli, *Arch. Cl.* 1 (1969) 1–17 (on a recently discovered fragment of the *tabula Bantina*). Gilding is plausible. Bronze statues and other bronze objects (e.g., roof tiles) were regularly painted and also gilded, a finish which had some religious significance attached to it. When gilded, bronze presented a stunning appearance, as we can see from the larger-than-life gilded Hercules in the Vatican museum. None of the surviving tablets was obviously gilded, but some writing was: R. Lanciani, *Ruins and Excavations of Ancient Rome* (Boston and New York 1897) 207, described a shrine on the Sacred Way (excavated in 1878), erected by the people of Tharsus to the emperor Gordianus, whose dedication was spelled out in gilt metal letters. Gilded bronze roof-tiles on the Temple of Jupiter: Lanciani, 299. For a general discussion of what was done to bronze see G. Richter, *Greek, Etruscan and Roman Bronzes* (New York 1915) xviii–xxxi, and A. Steinberg, "Techniques of Bronze Working," in *Master Bronzes from the Classical World* (ed. D. G. Mitten and S. F. Doeringer, Catalogue of Exhibitions in the Fogg Art Museum, City Art Museum of St. Louis, Los Angeles County Museum of Art, 1967–1968 (Mainz 1967) 14–19.

24. I have consciously made a sharp distinction between archive and monument in this section, in order to focus on engraved tablets independently of the texts engraved on them. I am not suggesting that the texts were unimportant.

tion and operation of law.²⁵ The connection between law and writing is assumed. In accordance with our own experience, we transpose a modern notion of record-keeping onto the Roman practice of having legal documents incised in bronze. But instead of assuming a simple equivalence between writing laws on bronze and archival records, we should distinguish among the various writing media (namely, bronze tablets, wooden tablets, lead sheets, wax tablets, papyrus) and seek to establish whether they also had different and distinguishable functions.²⁶

An incident that occurred in Rome early in the second century A.D. will illustrate how inappropriate our usual assumption is. In 108 A.D., the Roman senator Pliny made the indignant discovery that the Roman Senate, in a fit of fawning, had once prescribed a bronze tablet (to be displayed on a statue of Caesar) for the honors they had decreed to Pallas, the ex-slave advisor of the emperor Claudius. Pliny complained bitterly that the Senate had treated honors for an ex-slave as though they were "a sacred law or treaty" (*Ep.* 8.6). The incident suggests that a fundamentally different interpretation of the relationship between law and writing—writing on bronze tablets in particular—is plausible. For Pliny, bronze tablets symbolized the decisions of powerful Roman institutions. The notion that bronze tablets were symbolic displays of law is far removed from the conventional view that they were primarily archival records.²⁷

Hard evidence that tablets were symbolic displays is elusive. Yet Roman attitudes to bronze tablets, revealed incidentally in passing comments, provide testimony that tablets did have a range of significant associations, independently of the texts engraved on them. For example, Cicero described in a letter how Caesar took down a tablet that was hanging on the Capitoline hill, and so cancelled several grants of Roman citizenship (*Fam.* 13.36). This implies that the force of legal documents was linked to the existence and display of the bronze tablets that held them. Cicero provides other instances of this connec-

25. A classic expression of this is made by H. Maine, *Ancient Law* (repr. Gloucester, Mass. 1970) 17.

26. The different materials on which law was written are discussed by L. Wenger, *Die Quellen des römischen Rechts* (Vienna 1953) 55ff.

27. Writing and law is the particular issue. The broader issue is the use of writing in predominantly oral, preindustrial societies. In formulating my ideas about bronze tablets I owe a great deal to M. T. Clanchy, *From Memory to Written Record* (London 1979), a study of the development of writing in England between the eleventh and the fourteenth century A.D., and especially to his notion that the new written forms in England were adapted to preexisting oral practices. The relevance of this model to literate practices in ancient Rome is discussed by M. Beard, *PBSR* 53, n.s. 40 (1985) 114–49, who takes the same approach with the inscribed texts of the Arval Acta.

Although I am concerned only with bronze tablets in this paper, a special kind of record, all records raise similar questions. The standard study of ancient archives, Posner (*supra* n.15) tends to be modernizing in its treatment of the nature and functions of written records in ancient societies. P. Culham deals with these issues in a paper on documents in Republican Rome: *Provenance* 2, 2 (1984) 15–31.

tion. Speaking figuratively, he talked once of a firm grant, nailed tightly as it were to the wall (*ut hoc beneficium, quem ad modum dicitur, trabali clavo figeret, Verr. 2.5.53*). In a literal sense, *tabulam refigere*, the usual phrase for cancellation, was a concrete action.²⁸

Tablets were by nature authoritative. For Cicero, they embodied the validity of decrees, decisions, and other legal documents. In a speech he once complained that Antony had duped the Romans by putting up bronze tablets engraved with statutes, decrees, and edicts, whose texts he had forged. But because these forgeries were on bronze, the Roman people assumed that they were valid decisions of the Roman assemblies, magistrates, and Senate (*Phil. 1.26, 2.97, 3.30, 5.11, 12.12*).

In other examples, the authority of bronze is caught up with the notion of witnessing. Dionysius of Halicarnassus once cited the Icilian law on bronze, in the temple of Diana on the Aventine, in order to provide an independent confirmation of events he described in his account of the secession of the Plebs in the fifth century B.C. (*Ant. Rom. 10.32.4-5*). Cicero once dramatically referred to the bronze pillar on the Comitium on which Rome's early treaty with the Latins (493 B.C.) was engraved in full (*incisum et perscriptum*) in order to make the point that "everyone knew" about that treaty (*Balb. 23.53*). Livy used the same pillar as testimony to the deeds of Roman ancestors (2.33.9). In each case, the three writers called on tablets and pillars primarily in order to confirm an event or support a claim.²⁹ In terms of our expectations about written records, the bronze law and treaty are better described as witnesses, taking the place of human witnesses.³⁰ Consequently, where a bronze tablet was located was a matter of some importance; in the examples above, Cicero, Livy, and Dionysius of Halicarnassus say exactly where their authority was. As a rule, citations of bronze tablets include the location.³¹ The precise details of

28. Cf. *Phil. 12.12*. On the phrase see Schwind (*supra* n.2) 33-34.

29. Cf. Livy 8.11.16. Contemporary engravings had the same function. Cicero, speaking at Verres' trial about the Syracusans' high regard for himself and his brother, explained that honors had been decreed for them, which the Syracusans had engraved on bronze and sent to Rome (*Verr. 2.11.145*). R. Lanciani, *Pagan and Christian Rome* (London 1892) 191, describes the house belonging to Atticus and his descendants, the Pomponii Bassi, in which, when first excavated in 1558, "family documents and deeds, inscribed on bronze, were still hanging on the walls of the tablinum." These probably were largely *hospitium* and *patronus* decrees, which frequently prescribe bronze for the decree and the right for the recipient to display it at home, e.g., *ILS 7216*, from A.D. 190: *honorem tabulamque aeream cum inscriptione huius decreti in domo eius poni*.

30. There is a curious ambiguity in the uses of witnesses and archival records in Rome. Writing down decrees, decisions, and other transactions was an habitual practice by the last century B.C.; yet checking archival records in order to confirm and verify events was not an habitual practice. The Romans privileged witnesses over records. Consequently, once the men who were present when a decree, for example, was made were dead, that decree could no longer be absolutely verified (Cicero *Leg. Agr. 14.37*; cf. *Att. 4.17*). On the importance of witnesses and *autopsia* in general see Plut. *Vit. Cat. Min.* 16-18; see also Clanchy (*supra* n.27) 211.

31. It is worth noting that the locations of bronze tablets were frequently forgotten. In the first half of the second century B.C., few Romans knew that Rome's treaties with Carthage existed

location in the imperial certificates of release, which may be interpreted similarly (see the example *supra*, p. 00), provide a better-known example. For Cicero, Livy, and Dionysius of Halicarnassus it was not the words of the documents alone that made them compelling authorities but the fact that the words were engraved on bronze and existed somewhere in the city.³²

It is worth noting that the authority of a bronze document was unrelated to the notion that it was the "official" copy of that document. Cicero's complaint that the Romans had no watch placed over their laws illustrates the point. A Roman senator had difficulty in knowing for sure what the law was, when he had to rely on secretaries and the state archives.³³ Obviously Cicero did not see bronze tablets (or archival records) engraved with texts of laws as *custodes*.

Tablets were also intended to be long-remembered and imperishable. These are the best-known features, especially in the poet Horace's claim to immortality, *aere perennius*.³⁴ "I have finished a monument more lasting than bronze and higher than the royal site of the pyramids, which an eroding downpour or a violent north wind cannot destroy, or the succession of countless years or the swift passing of the seasons" (*Carm.* 3.30, lines 1–5).³⁵ The encyclopaedist Pliny also accounted for the Romans' use of bronze tablets in these terms, writing of the intention to make written monuments (*monimenta*) permanent.³⁶ We find many expressions of permanence and remembrance by other Roman writers between the first century A.D. and the sixth century A.D.³⁷ Bronze was used in order to create lasting memorials. Bronze tablets were eternal.

and were in the Aediles' treasury on the Capitoline hill (Polybius 3.26.1–3); in the first century A.D., the commission of senators appointed by Vespasian to restore tablets had first to seek them out (Tac. *Hist.* 4.40.1, see *infra* n.39). So there was a striking immediacy to the way bronze tablets functioned as authoritative records; when they were out of sight, it appears that they were out of mind.

32. The bronze treaty between Rome and the Latins is a particularly good illustration of this point, because scholars have argued that the treaty never existed or that it was engraved at a later date. See M. Gelzer, "Latium," *RE* XII, part 1, 954ff.; E. Badian, *Foreign Clientelae* (Oxford 1958) 291 (Note C); A. Alföldi, *Early Rome and the Latins* (Ann Arbor 1966) 113ff., and A. N. Sherwin-White, *The Roman Citizenship*, 2nd ed. (Oxford 1973) 20, 190, 194. Obviously neither Cicero nor Livy was concerned with these possibilities; the pillar confirmed something that was thought to have happened.

33. *Leg.* 3.46: *legum custodiam nullam habemus; itaque eae leges sunt quas apparitores nostri volunt; a librariis petimus, publicis litteris consignatam memoriam publicam nullam habemus*. On this passage see *supra* nn.15, 16.

34. On *aere perennius* see D. Korzeniewski, *Gymnasium* 79 (1972) 381 n.6.

35. *Exegi monumentum aere perennius / regalique situ pyramidum altius, / quod non imber edax, non Aquilo impotens / possit diruere aut innumerabilis / annorum series et fuga temporum*.

36. Pliny *NH* 34.21.99: *Usus aeris ad perpetuitatem monumentorum iam pridem tralatus est tabuleis aereis, in quibus publicae constitutiones inciduntur*.

37. Tacitus wrote of engraving a SC in the words *sacrandam ad memoriam* (*Ann.* 3.63.4). Similar phrases appear in several inscriptions: Bruns⁷ no. 46, line 59 (A.D. 17, from Rome, regulations for the secular games); no. 86, col. 3, lines 13–18 (A.D. 180–83, from North Africa, a decision of Commodus concerning the Saltus Borunitanus; no. 103, line 5 (A.D. 361–63, a decree concerning *sportulae*, from North Africa). Cf. Sidonius *Letters* 5.3.4 (fifth century A.D.); Isidorus *Origins* 16.20.1 (seventh century A.D.).

Was it the tablets, or the legal documents, that were authoritative, memorable, eternal? We have the sense often that bronze tablet and legal document were one and the same thing, in the perception of at least some Romans. The poet Ovid, for example, described legal words on bronze as themselves threatening: "The first age was golden, which encouraged faith and right on its own, without compulsion. Punishment and fear were far off; threatening words on bronze were not read" (*Met.* 1.91).³⁸ The ancient testimony is ambiguous because the situation it refers to is itself ambiguous. A striking exception to this ambiguity is provided by the Latin terminology, *aera legum*, which unites law and tablet. Cicero employed the phrase grandly, writing about old and venerated statutes (*Cicero Div.* 1.19; *Cat.* 3.19); much later, Tacitus also wrote about *aera legum*.³⁹

"ENGRAVED ON BRONZE"

The Romans had an emphatic and formulaic term, "engraved on bronze" (*in aes incisa*), which we meet frequently in descriptions of legal documents. The three writers of the preceding section, and others who reported ancient legal documents on public display in Rome, always described the bronze tablet or pillar on which they had been engraved.⁴⁰ Varro wrote of a fifth-century B.C. intercalary law as "the law engraved on a bronze pillar," not simply the "law" (*lex incisa in columna aerea*, from Macrobius *Sat.* I.13.21). In the first two centuries A.D., the term "engraved on bronze" appeared routinely on certificates of release from military service given to veterans, referring to the emperor's legal decision, incised with the names and privileges of veterans. Other categories of legal documents (mainly *patronus* decrees) provide similar examples for the imperial period.⁴¹ In this section I am concerned mainly with the formula's appearance and use in the Republican period.

38. *Aurea prima satis est aetas, quae vindice nullo / sponte sua, sine lege fidem rectumque colebat. / poena metusque aberant nec verba minantia fixo / aera *legebantur nec supplex turba timebat / iudicis ora sui, sed erant sine vindice tuti.* See commentary by F. Bömer, *Ovid, Metamorphosen Kommentar* (Heidelberg, 1969) vol. 1, 49f. Some editions read *ligebantur*, but Bömer thinks it unlikely.

39. Tacitus *Hist.* 4.40.1 on the business before the Senate at the beginning of A.D. 68: *tum sorte ducti per quos redderentur bello rapta, quique aera legum vetustate delapsa noscerent figerentve.*

40. Early Republican documents described as *in aes incisa*: Dion. Hal. *Ant. Rom.* 4.26.4–5 (cult regulations in the Temple of Diana, reign of Servius Tullius); Livy 7.3.5–8 (law in Temple of Jupiter Best and Greatest, ca. 500 B.C.); Polybius 3.26.1 (treaty in Treasury of the Aediles, ca. 500 B.C.); Cicero, *Balb.* 23.53 and Livy 2.33.9 (Latin treaty behind the Rostra, on the Comitium, 493 B.C.); Macrobius 1.13.21 (intercalary law, ca. 472 B.C.); Dion. Hal. *Ant. Rom.* 10.32.4–5 (Icilian law in Temple of Diana, 456 B.C.); Livy 8.11.16 (citizenship grant in the Temple of Castor and Pollux, 338 B.C.).

41. The other categories are municipal honorific decrees, *patronus* decrees, and land surveys. Municipal decrees: R. K. Sherck, *The Municipal Decrees from the Roman West*, Arethusa Monographs 2 (Buffalo, New York 1970); *patronus* decrees: J. Nicols, "Tabulae Patronatus: A Study of the Agreement between Patron and Client-community," in *ANRW* vol. 2.13, 535–61; bronze land

The formula is found more often as a prescription, *in aes incidere*, instructing people to engrave a Roman document on bronze.⁴² The prescription appears regularly in surviving Roman documents found in Rome, Italy, and the provinces, from the second century B.C. onward. The earliest example stands in an engraved copy of decrees passed in 186 B.C. concerning a feared conspiracy by adherents of the cult of Bacchus (*SC de Bacchanalibus*):

You shall announce [the Senate's decisions] on no fewer than three occasions in a public meeting, and so that you shall know the Senate's opinion, this was their opinion: . . . and you shall engrave this on a bronze tablet, for so the Senate has justly decided, and you shall order [the tablet] to be hung where it can be easily known.⁴³

(Bruns⁷ no. 36, lines 22–27)

In some documents of the Republican period, namely, interstate treaties and honorific decrees from the Roman Senate, this prescription is standard.⁴⁴ These documents were routinely engraved on bronze tablets, as the range of surviving bronze tablets from the Republic and the Empire confirms and the Jewish historian, Josephus, writing around A.D. 93, corroborates. Josephus reported that interstate treaties and Senate decrees were regularly displayed on the Capitoline hill in Rome (*AJ* 14, 188).

In other documents of the Republican period—statutes, Senate decrees generally (as distinct from honorific decrees), and edicts—the prescription is

surveys, *formae*: F. Blume, K. Lachmann, A. Rudorff, eds., *Die Schriften der römischen Feldmesser* (Berlin 1848) vol. 2, 482, Index Verborum s.v. *aes*.

42. Ancient references to *in aes incidere*: *Thesaurus Linguae Latinae* (Leipzig 1900–) vol. 1, 1073.83–1074.7, s.v. *aes*, and vol. 7, 907.49–908.4, s.v. *incidere*. While there is no general discussion of this formula, there is some discussion of specific categories of document that employ the formula (or that were routinely engraved on bronze): Kubitschek, "Aes," *RE* I, 1, 680f., on *formae*; *RDGE* 97 and Frederiksen (supra n.2, 184ff.) on treaties; Sherk (supra n.41, 76) on honorific and *patronus* decrees.

43. *Haice utei in coventionid exdeicatis ne minus trinum / noundinum, senatusque sententiam utei scientes esetis . . . atque utei / hoc in tabulam ahenam inceideretis, ita senatus aiquom censuit / uteique eam figier ioubeatis, ubei facilumed gnoscier potisit*. The document is a letter from the consuls, with excerpts from the SC. On this see J. J. Tierney, *Proceedings of the Royal Irish Academy* vol. 51, section C, no. 5 (1947) 95ff. The phrase *ubei facilumed gnoscier potisit* is discussed infra n.49.

44. Treaties: Cibra, 180 B.C. (*OGIS* 762, lines 13–15); Maroneia, second half of second century B.C. (*SEG* 1977, 359, fin.); Astypalaea, 105 B.C. (*RDGE* no. 16, lines 49f.); Callatis, ca. 90 B.C. (*ILLRP* 516, lines 13–14). Publication instructions in SCC relating to treaties: *SC de Astypalaensisibus*, 105 B.C. (*RDGE* no. 16, lines 5–9), *SC de Aphrodisiensibus*, 35 B.C. (*RA* doc. 8, lines 90ff.). The formula also appears in local decrees, citing the SCC that concerned the treaties: Thyreum, 94 B.C. (*SIG*³ 732, lines 5f.); Epidauros, 114 B.C. (*IG* IV² 63, lines 7–8); Pergamum, 129 B.C. (*SIG*³ 694, lines 22f.). Honorary decrees: *SC de Asclepiade*, 78 B.C. (*RDGE* no. 22, lines 12 and 25); *SC de Aphrodisiensibus*, 45 B.C. (*RA* doc. 8, 90f.); *SC de Mytileneis*, after 44 B.C. (*RDGE* no. 26, lines 18ff.) In the imperial period the prescription is found regularly in honorific and *patronus* decrees; twenty-three are listed in the index to *ILS* vol. 3, 2, 901, s.v. *tabula aenea* and *tabula aenea*.

not standard.⁴⁵ Statutes, Senate decrees, and edicts were not routinely engraved, for they were not regularly published (except temporarily, in the case of statutes and the praetor's annual edict, by proclamation and notice-board).⁴⁶ But when the Romans did publish them, they did so by engraving them on bronze in accordance with a formal decision made by the Roman Senate, the Roman people, or a Roman magistrate.⁴⁷

Why did the Roman Senate specify the form that the publication of legal documents should take? And not only in Rome or Roman communities, but in Italian and provincial communities as well? In the *SC de Bacchanalibus*, the Senate carefully accompanied the order to publish on bronze by *utei Senatus ai quom censuit*.⁴⁸ But the consuls also instructed the local officials to announce the Senate's decisions (*Haice utei in coventionid exdeicatis ne minus trinum noundinum*). The decision to instruct Romans, Italians, and provincials to engrave Roman statutes, decrees, or treaties on bronze tablets must have been taken with the effect in mind. For Romans bronze tablets advertised authority and permanence; these were conventional elements in the symbolism of bronze. Creating this effect was at least one intention behind a formal decision to engrave on bronze.⁴⁹ However, it did not always succeed. Legal statutes on bronze tablets, the subject of the next section, provide a case in point.

45. In the surviving documents the prescription appears in the *lex de provinciis praetoriis* (supra n.1), Delphi B, lines 24–26, with reference to publishing the statute itself and in the *fragmentum Tarentinum* (supra n.1) line 16, with reference to an indeterminable document.

46. I shall discuss the publication of statutes on bronze infra, pp. 00–00. On the publication of SCC see *RDGE* 9ff. and *RA* 65f. We have two examples of edicts concerning privilege and citizenship: one by Aemilius Paulus, 189 B.C., from Spain (*CIL* I² 614), and another by Cn. Pompeius Strabo, 89 B.C., from Rome (*CIL* I² 709). Probably the only magistrates' edicts ever engraved on bronze were edicts concerned with grants of privilege or citizenship.

47. The material was bronze, never stone, an observation made by Mommsen (supra n.2) 302. An exception to this statement is the group of warnings on boundary markers in Rome, by Senate decree and edict of the praetor, intended to keep Romans from dumping and cremating corpses beyond the boundaries marked (*CIL* VI, 31614, 31615, 31577). For a lively discussion of these see K. Hopkins, "Death in Rome," in *Death and Renewal* (Cambridge 1983) 210.

48. The Senate probably had Italians in mind in formulating the decree, although some historians think that the *SC de Bacchanalibus* was directed to Romans in Italy: e.g., Galsterer (supra n.16) 132.

49. I am suggesting that *in aes incidere* and *unde de plano recte legi possit* are comparable formulae in that both defined the aims of publication on different materials. As the aims were mutually exclusive, the formulae were probably not combined. In fact we do not have any clear examples of the two phrases in combination, in Republican usage. Two possible exceptions to this statement are the combination of the phrases *in tabulam ahenam incidere* and *ubei facilumed gnoscier potisit* in the *SC de Bacchanalibus* (see supra n.43) and the combination of the Greek translation of *in tabula aenea* and *u. d. p. r. l. p.* in a restored line of the *lex de provinciis praetoriis* (supra n.1). *Ubei facilumed gnoscier potisit* is usually thought to be an early version of *u. d. p. r. l. p.* (Schwind supra, n.2, 38–39); that phrase first appeared in a statute dated about sixty years later (supra n.10). But the two phrases are not exactly equivalent; the verb *gnoscier*, which I have translated "to know," does not mean "to read." The whole phrase is vague in the matter of the aim of publication, compared to *u. d. p. r. l. p.* We need not understand the phrase to mean anything more than that the tablet should be displayed where people could see it. Readability and visibility are two different things.

STATUTES ON BRONZE

Whether all statutes (*leges* and *plebiscita*) were routinely published on bronze is uncertain. Certainly they were published regularly, from the fifth century B.C. onward, following the customary formal decision, and we have the impression that they were published routinely, at least from the second century B.C., because most of the surviving tablets are engraved with statutes.⁵⁰ The phrase *aera legum* also conveys an expectation that statutes were routinely engraved. But publication probably only became routine in the last half of the last century B.C., if it became routine at all.⁵¹ In the absence of hard evidence one way or the other, historians reasonably think that engraving was an occasional practice set in motion by individual magistrates when the importance of a particular statute merited it or when self-advertisement was desired.⁵²

The question of routine publication for statutes is problematic, for two reasons. First, publishing statutes that had been made law was unnecessary from a legal point of view. The formal requirements for publicity were satisfied during the decision-making process when draft statutes were read aloud in public meetings and copies were posted in the forum.⁵³ Second, in view of the notion that bronze advertised permanence, publishing statutes was a contradic-

The second exception is based on a heavily restored section in the Delphi copy of the *lex de provinciis praetoriis*. It is worth quoting Delphi B, lines 24–26:

καὶ ἀκολουθῶς τοῖς ἐκάστων ἐπιτηδεύμασιν, πρὸς οὓς ἂν κατὰ τοῦτον τὸν νόμον
γράμ[ματα ἀπε]σταλμένα ἦ, εἰς δ[έλ]τον χαλκῆν γράμματα ἐνκεχαράγμε[να ἔστω,
εἰ δὲ μή, ἐν λίθῳ μαρμαρίνῳ ἢ καὶ ἐν λευκώματι, ὅπως ἐν ταῖς πόλεσι ἐκκε[ί]μενα
ἦ ἐν ἱερῶ] ἢ ἀγοραῖ φανερώς, ὅθεν δυνήσονται ἐστ[η]κότες ἀναγινώσκειν
ἰσόπεδοι οἱ βουλόμενοι.

Assuming that one writing material was pretty much like another, previous editors have restored εἰ δὲ μή, ἐν λίθῳ μαρμαρίνῳ ἢ καὶ in line 25 in order to convey the sense that the Romans were keen to have the statute published and were unconcerned about how they should do it: bronze tablets, stone pillars, and wooden tablets were equally acceptable. For a discussion of accepted restorations see A. Wilhelm, *Beiträge zur griechischen Inschriftenkunde* (Vienna 1909) 282; A. Pomtow, *Klio* 17 (1921) 171ff. and *SEG* I (1923) no. 161; Colin (supra n.1) 34ff. and *BCH* (1924) 58ff.; Hassall, Crawford, and Reynolds (supra n.1) 209ff. It is more likely that the Romans instructed the people of the eastern Mediterranean to engrave the statute on bronze and also to post it on wooden tablets (which were to be placed φανερώς, ὅθεν δυνήσονται ἐστ[η]κότες ἀναγινώσκειν ἰσόπεδοι οἱ βουλόμενοι), just as they instructed the Italians to have the Roman Senate's decrees proclaimed over a period of three *nundinae* and also engraved in bronze, in the *SC de Bacchanalibus*.

50. Cf. *lex de provinciis praetoriis*, Delphi B, lines 24–26 and Cic. *Phil.* 1.10.25–26.

51. Based on a chance remark by Cicero in *Phil.* 1.7.16 and *Mil.* 32.87. Cicero wondered how Antony could give preference to Caesar's notebooks over Caesar's decisions (*acta*), *quae ille in aes incidit, in quo populi iussa perpetuasque leges esse voluit*. The phrase may refer to Caesar's intention to make engraving a routine procedure for decisions by the Roman people. But the practice was common enough already, because Cicero charged that Clodius had engraved statutes at home before they had been promulgated, discussed, and approved by the Roman people; before, in fact, Clodius had even been elected praetor.

52. See Mommsen (supra n.2) 298 with n.2 and Frederiksen (supra n.2) 185–86.

53. Mommsen (supra n.11) vol. 3: 1, 418–19.

tory practice. For statutes were routinely altered, abrogated, or annulled as an inevitable consequence of decision-making activity in Rome. In this respect statutes bear more resemblance to the praetor's edict, which was revised yearly, than to treaties, which were meant to last for all time. The surviving statutes illustrate the point. Most of them are concerned with judiciary procedures and penalties arising from the creation of courts and the definition of crimes, with regulating provincial commands, and with the possession of land. We know that many statutes dealing with these and other issues followed each other in succession in the last century of the Republic. The amount of decision-making activity in the last century of the Republic was probably exceptional, yet its frequency had predictable and characteristic results: each new statute altered or cancelled statutes approved by earlier assemblies, concerned with the same issues. Publishing statutes routinely was, therefore, impractical.

So why did the Romans do it? My answer to the question focuses on the notion of inviolability and the sacred nature of treaties and statutes.

INVIOABILITY AND OATHS

Central to the Roman attitude toward bronze was the notion of inviolability. In the last centuries of the Republic, Romans were frequently reluctant on religious grounds, as I shall demonstrate below, to disturb, damage, or destroy bronze tablets.⁵⁴ A statute of the first century A.D. made anyone who damaged or removed a bronze tablet liable under the Julian law, which dealt with crimes of sacrilege (*sacrilegium*) and embezzlement (*peculatus*).⁵⁵ "If anyone removes a bronze tablet containing statutes or land surveys, or changes anything on it, he shall be liable under the Julian law" (*Digesta* 48.13.10.8).⁵⁶

Prodigies make a good illustration of the religious sanctions that protected tablets. A prodigy in 65 B.C. involved bronze tablets hanging in the Temple precinct on the Capitoline hill, which were struck and melted by lightning. It is likely from the context in which this prodigy is reported in our ancient sources (the Catilinarian conspiracy) that they were engraved with *leges* made by the Roman people.⁵⁷ The Roman Senate took the incident very seriously, calling in religious interpreters to sort out the message and to recommend expiations. A

54. We find a corresponding reluctance on a practical level, so that new statutes were often engraved on the back of a bronze tablet that already had a law engraved on its front, as though the Romans had not wanted to destroy the tablet: e.g., *CIL* I² 583 and 585 (*tabula Bembina*); *CIL* I² 582 and IX 416 (*tabula Bantina*); *CIL* I² 597 and *CIE* I, 3230; *CIL* I² 595 and 596; and *CIL* I² 601 and 602. To my knowledge, the only other opisthographic legal documents are two certificates of release, engraved on refashioned pieces of bronze tablet: see Roxan (*supra* n.19) 102.

55. The Julian law: A. Berger, *A Dictionary of Roman Law* (Philadelphia 1953) s.v. *lex Iulia peculatus*, 555.

56. *Qui tabulam aeream leges formamve agrorum aut quid aliud continentem refixerit vel quid inde immutaverit, lege Iulia peculatus tenetur.*

57. Cicero, *Cat.* 3.19, *Div.* 1.12.19.

similar incident occurred in 43 B.C., this time involving bronze tablets at Saturn's Temple at the foot of the Capitoline hill (Cassius Dio 45.17.3). We need to explain why the natural destruction of bronze laws was ominous. Perhaps, as is usually argued, the Temple precinct's sanctified untouchability extended to the doomed tablets (and anything else there).

From the viewpoint of ordinary Romans, the bronze tablets themselves were sacrosanct. In a public speech delivered the following year, Cicero exploited the prodigy, holding it up as a divine warning that Catiline threatened the laws of Rome. Cicero described how lightning desecrated the Temple precinct, violating bronze laws (*aera legum*) and other objects (*Cat.* 3.19). For Cicero, and presumably for his audience, more was at stake than the sacred nature of the precinct. In the poem he later wrote in praise of himself, and especially his role in preventing Catiline's coup, Cicero described the stricken laws as numinous: "Then the ancient and revered bronze statue of Natta fell, and laws, [made] by an ancient divine will, dripped down" (*Div.* 1.12.19)⁵⁸ The poetic description is illuminating, since Roman poets employed conventional imagery.

Moving away from the single case, I want to suggest that all bronze tablets were conventionally considered sacred. They were objects intended for or belonging to, and therefore protected by, the gods. The suggestion rests on two often-remarked features of Roman publication. The first is the practice of keeping all tablets in temples and temple precincts in Rome.⁵⁹ The security of temple walls is not an adequate explanation, for some of these areas—the Rostra and the Comitium in the forum, for example—were wide open.⁶⁰ Nor does the security offered by the gods' protection, which embraced temples and

58. *Nam pater altitonans stellanti nixus Olympo / ipse suos quondam tumulos ac templa petivit / et Capitolinis iniecit sedibus ignis. / Tum species ex aere vetus venerataque Nattae / concidit, elapsaeque vetusto numine leges, / et divom simulacra peremit fulminis ardor.* The sense of *elapsae leges* seems to be that the bronze melted and dripped down and that the tablets fell; see A. S. Pease, ed., *M. Tulli Ciceronis De Divinatione Liber Primus* (Urbana, Ill. 1920) 113f.

59. Mommsen (supra n.2) 301. Testimony about bronze tablets in the Capitoline Temple and Temple precinct is voluminous; see supra n.17. Other reported locations were: Temple of Diana on the Aventine (Dion. Hal. *Ant. Rom.* 4.26.4–5, 10.32.4–5); *atrium Libertatis* (Festus s.v. *probrum*, 277L); Temple of Castor and Pollux (Livy 7.11.16); Temple of Saturn (Dio 45.17.3); Roman Forum, on the Comitium (Latin treaty, discussed supra p. 00; Cicero *Balb.* 54.26; the treaty's precise location is discussed by F. Coarelli, *Il Foro Romano* [Rome 1983] 113) and on the Rostra (*fragmentum Tarentinum* [supra n.1] line 19). Tablets in temples were probably directed to the gods as well as to men. We may draw a parallel with curse tablets, *defixiones*, buried or tossed down wells, in order to reach the regions inhabited by the *dii inferi* (on curse tablets see A. Audollent, *Defixionum Tabellae* [repr. Frankfurt, 1967]). The Romans involved the gods very closely in the decision-making process that produces *leges* and *plebiscita*, so why not in their publication? See the observations by M. Beard that all political business took place in a religious context and that magistrates conducting business with the Roman people stood in consecrated areas, *templa*, in M. Beard and M. Crawford, *Rome in the Late Republic* (Ithaca, N.Y. 1985) 33.

60. The Comitium and Rostra were both inaugurated: G. Wissowa, *Religion und Kultus der Römer*, 2nd ed. (Munich 1912) 577ff.; L. R. Taylor, *Roman Voting Assemblies* (Ann Arbor, 1966) 19 with n.8.

temple precincts equally, suffice as an explanation. The example above illustrates the point. Instead, tablets may have been put in temples, as I hope to demonstrate next, because they properly belonged in a divine context.

The second feature is the sacred nature of some legal documents—treaties and some plebiscites—regularly engraved on bronze. Religious sanctions, consisting of oaths, were regularly placed on interstate treaties throughout the period of the Republic; oaths also bound a small number of plebiscites concerning the officers of the plebs, from the early Republic (*leges sacratae*), and a handful of statutes from the end of the second century B.C., some of them preserved on bronze.⁶¹ Some scholars have argued that the oaths made the treaties and plebiscites sacred.⁶² In technical language, the law was *sacrosanctum*.⁶³ Whoever broke an oath-protected law in violation of his oath was liable to extreme religious penalties; the law breaker became *sacer*, forfeiting his life and property to a god.⁶⁴

I see a connection between the sacred nature of oaths and bronze tablets. For treaties and oath-bound plebiscites were the first legal documents the Romans engraved on bronze, beginning in the fifth century B.C.⁶⁵ Engraving a treaty or an oath-bound plebiscite on bronze may have made an outward and visible sign of the oath and the gods who were guarantors of the oath. The interpretation is useful in explaining why the Romans later regularly engraved

61. Oaths in treaties: A. Heuss, *Klio* 27 (1934) 14ff.; F. W. Walbank, *A Historical Commentary on Polybius* (repr. Oxford 1970) 351ff. *Leges sacratae*: A. Magdelain, *La Loi à Rome: Histoire d'un concept* (Paris 1978) 57–61. Oaths in statutes (*iuriurandum in legem*): E. Gabba, ed., *Appian, Bellorum Civilium Liber Primum*, 2nd ed. (Florence 1967) 103f. on Appian 1.131 (Saturninus' *lex agraria*); and Hassall, Crawford, Reynolds (supra n.1) 215ff. (*lex de provinciis praetoriis*); see also E. De Ruggiero, *Dizionario Epigrafico di Antichità Romane* (Rome 1961–) vol. 4, 277ff. s.v. *iuriurandum*; A. N. Sherwin-White, *JRS* 62 (1972) 91f.

62. R. Maschke, *Zur Theorie und Geschichte der römische Agrargesetz* (repr. Naples 1980) 35ff.; K. von Fritz, "Leges Sacratae and Plebiscita," *Studies Presented to D. M. Robinson* (St. Louis, Mo. 1953) vol. 2, 893ff.; H. Fugier, *Recherches sur l'expression du sacré dans la langue latine* (Paris 1963).

63. On this term see Kübler, "Sacrosanctum," *RE* I, A.2, 1684–88. Cicero defines the term in the context of his argument that Balbus was a Roman citizen: *Balb.* 14.32–33. The range of situations and formulations encompassed by the term *sacrosanctum* is ill-defined. That some statutes other than the *plebiscita* and treaties I have mentioned were technically *sacrosanctum* is indicated by the existence of a formula *si sacrum sanctum est quod non iure sit rogatum eius hac lege nihilum rogatur*, listed by Valerius Probus, *De Iuris Notarum* 3 and found in two statutes, the *fragmentum Tarentinum* (supra n.1) lines 25–26 and the *lex Gabinia* (supra n.1) lines 36–37. For a recent discussion of the formula see A. Lintott, *ZPE* 45 (1982) 136–37 (text and commentary on the *fragmentum Tarentinum*).

64. Dedication to a god was the penalty of a few crimes in the 12 Tables, e.g., *patronus si clienti fraudem f[ax](erit)*, *sacer esto (diti patri)*, Table 8.21, from Servius *Ad Aen.* 6.609 (Bruns⁷, 33).

65. Before the Romans began engraving bronze (sometime after the reign of Ancus Marcius and by the reign of Servius Tullius, in the Roman tradition: compare Dion. Hal. *Ant. Rom.* 3.36.4 and 4.46.4–5) they did publish treaties in obviously special ways, e.g., the treaty between Rome and Gabii was recorded on an ox-hide shield and dedicated in the Temple of Semo Sancus Dius Fidius (Dion. Hal. *Ant. Rom.* 4.58.4).

all statutes on bronze. In the late Republic, law-makers may have had statutes published in order to make them permanently binding or at least to make a show of permanence: bronze held a symbolic guarantee of inviolability. It is striking that the surviving statutes belong to a period of extraordinary decision-making activity in Rome when we frequently see efforts by law-makers, usually tribunes, to ensure that their legislation would remain in force. They resorted to religious sanctions, namely, oaths; or they included other sanctions in their statutes in order to protect them from abrogation, alteration, or annulment by Senate decree or by later decisions by the Roman people.⁶⁶ They also engraved their laws on bronze.

Tablet-breakers (like oath-breakers) were probably wise to beware.⁶⁷ An incident that occurred in Rome in the last century B.C. will illustrate the point. In 56 B.C., Cicero tried to remove and destroy a set of tablets that his rival, Clodius, had had engraved with his statutes, passed in 58 B.C. The two ancient authors who describe the attempt, Plutarch and Cassius Dio, convey the tension and threatened violence of the situation without giving precise details of how Cicero managed the feat. We conjure up a mental image of Cicero marching purposefully up the Capitoline hill, brandishing a crowbar. Once he had arrived in the Temple precinct, he forcibly prised the offending tablets from the wall and destroyed them.⁶⁸

Afterward Clodius wanted to prosecute Cicero. Presumably it was illegal in the last century B.C. (as it was later) to damage, destroy, or tamper in any way with engraved statutes which had been duly approved by the Roman people. But Cicero argued in the Senate that Clodius' statutes were illegal because he had secured his office illegally in 58 B.C. (cf. *Dom.* 34). The implicit argument behind Cicero's defense was that illegal statutes should not be incised on bronze tablets and hung on the Capitoline hill.⁶⁹ The incident leaves us with

66. See supra n.63. Cicero gives a good account of how tribunes inserted and used sanctions in statutes, in relation to a statute drafted by some of the tribunes of 58 that was intended to bring him back from exile (*Att.* 3.23.4). Religious sanctions may have been more pervasive than we think in the last century B.C. For general discussions of sanctions in laws see A. A. Schiller, *Roman Law, Mechanisms of Development* (Paris 1978) 245ff., and Kübler, "Sanctio" *RE* I, A.2, 2245–46.

67. As a useful parallel I note that some Greek laws threatened with severe religious penalties anyone who destroyed or defaced the stone the law was engraved on; see, for example, the alliance between Elis and Herea, ca. 500 B.C., from Elis: *SIG*³, no. 9, lines 7–10 (=L. H. Jeffery, *Local Scripts from Archaic Greece* (repr. Oxford, 1963) 219, no. 6, and R. Meiggs and D. Lewis, *A Selection of Greek Historical Inscriptions* (Oxford 1969) 31ff., no. 17.

68. Plutarch, *Vit. Cic.* 34.1:

καὶ τὰς δημαρχικὰς δέλτους, ἐν αἷς ἀναγράφαι τῶν διωκημένων ἦσαν ἀπέσπασε καὶ διέφθειρεν. ἐγκαλοῦντος δὲ περὶ τούτου τοῦ Κλωδίου, τοῦ δὲ Κικέρωνος λέγοντος ὡς παρὰ νόμους ἐκ πατρικίων.

Cf. *Vit. Cat. Min.* 40.1 and Cassius Dio 39.21. Dio wrote that Cicero took the tablets home with him.

69. Plutarch and Cassius Dio call the tablets δέλτοι—not bronze tablets, but it is hard to see what else they could be. The term is used of both bronze or wooden tablets; and στήλαι of bronze

the impression that the conventional union of law and tablet was real. Cicero's destruction of the tablets and Clodius' unsuccessful efforts to prevent their destruction are reasonable acts if bronze tablets were widely seen to embody Clodius' statutes.

WHY BRONZE?

The curious historian asks "why bronze?" The explanation lies partly in the earliest writing traditions of the Romans. Between the sixth and the third century B.C., Italians in general and Romans in particular inscribed religious texts—mainly votive tablets and dedications—on bronze or stone.⁷⁰ When Italians and Romans began engraving a wider range of texts, from the second century B.C. onward, they increasingly used stone, reserving bronze for religious texts and legal documents.⁷¹ There are only a few surviving bronze tablets from these centuries (and few inscribed texts altogether). But they point to the simple conclusion that the Romans traditionally used bronze for the publication of religious and legal texts.⁷²

Why Romans handled legal documents in the same way they did religious texts is presumably explained by the fact that some legal documents were regarded as religious. This can be said of the treaties and oath-bound statutes which the Romans first engraved on bronze, and of other legal documents on bronze, too. For example, the grants of privilege and citizenship (by Senate decree or magisterial or imperial edict) which were frequently engraved on bronze in the later Republic and in the imperial period came under the sacred

tablets (Dio 39.21). On Greek terminology see Jeffery (supra n.67) 55 and a fuller discussion by Wilhelm (supra n.49) 239–49.

70. The statements in this paragraph are based on the range of texts on bronze in the standard collections of early Italian, Latin, and Roman documents. Italian bronze documents: E. Vetter, *Handbuch der Italischen Dialekte* (Heidelberg 1953) vol. 1, nos. 168, 169, 174, 178, 187, 195, 202, 223, 228a and b, 229, 233, 318, 320, 505 are mainly dedications or grave inscriptions (although the content of some of them is unknown). There are also fragments of cult regulations, no. 147, and sacred texts, no. 239 (the Iguvine tablets), as well as decrees from local communities concerning sacrifice, nos. 218 and 222. Vetter also includes the Roman municipal law from Bantia, in Oscan: no. 2 (*CIL IX*, 416). Vetter's collection of inscriptions is supplemented by P. Poccetti, *Nuovi Documenti Italici a Complemente del Manuale di Vetter* (Pisa 1979). Latin and Roman documents on bronze: *ILLRP* nos. 6, 7, 41, 42, 51, 67, 74, 77, 79, 80, 81, 82, 83, 84, 101, 112, 125, 150, 161, 162, 163, 164, 166, 184, 192, 198, 222, 232, 234, 238, 249, 302, 303, 509, 511, 512, 514, 515, 517, 518, 587, 593, 1271a (43 out of approximately 1,300 in the collection). Nos. 6–303 and 1271a are dedications and religious texts (add to these another *lex sacra* on bronze, from Lavinium: M. Guarducci in *Mélanges offerts à J. Heurgon* (Rome 1977) vol. 1, 411, and H. LeBonniec in *Mélanges à Heurgon* 509). Photographs of some of these bronze documents are in Degraffi (supra n.7).

71. There is no discussion of the range of inscriptions in the Republican period; for the imperial period, see R. MacMullan, *AJP* 103 (1982) 233ff.

72. It is worth noting that bronze traditionally had sacred uses in Rome, especially in performing some rituals.

jurisdiction of *fides* because of the obligations entailed in observing them properly (treaty obligations, *patronus* obligations, obligations of citizenship and privilege).⁷³

Some scholars (L. H. Jeffery, M. W. Frederiksen) have tried to explain the use of bronze in strictly practical terms. Marble and granite were scarce in Italy; the only stone available in large, accessible quantities was unsuitable for engraving. This was the case until the reign of Augustus. Instead of marble the Romans (and all Italians, following the model of the Greeks who introduced the use of bronze to Italy) used bronze, made from available supplies of tin and copper.⁷⁴ Yet even when marble was commonly used in Rome and Italy the Romans continued to have legal documents engraved on bronze. The Romans engraved legal documents on bronze for over a millennium, from the fifth century B.C. to the sixth century A.D. In A.D. 500, the Ostrogothic king Theodoric assured the Romans in a speech that he would guarantee their privileges, and he had his promise engraved on bronze.⁷⁵ But long before this the use of bronze had become a traditional practice in Rome. The only explanation I can think of is sheer tenacity; the Romans are well-known for venerating tradition. They continued to engrave legal documents on bronze tablets, never stone, because they always had.

MONUMENTS AND ROMAN IDEOLOGY

In the late Republic, bronze tablets had a distinct role in the city. It is worth considering again the special context in which most tablets were displayed: Jupiter's Temple on the Capitoline hill. The Capitoline hill symbolized Rome. The Temple and Temple precinct of Jupiter Best and Greatest were filled with shrines, decorations, and memorials placed there to commemorate Roman achievements in war and conquest and to glorify Roman greatness and power.⁷⁶ Roman imperial ideology exploited the Capitoline hill, and its symbolism, in the last two centuries B.C. Roman tribunes convened meetings of the Roman people on the Capitoline hill with increasing frequency in the late second century B.C.; politicians, in impassioned speeches, accused rivals of threatening to fire Rome's majestic sanctuary; foreign kings adorned Jupiter's Temple with rich gifts to the god and to the Roman people.⁷⁷ The focus of the rhetoric concerned with and activities conducted on the Capitoline hill is obvious.

73. Mommsen (*supra* n.2) 304.

74. Jeffery (*supra*, n.67) 55ff. and Frederiksen (*supra* n.2) 186. Other expressions of the availability thesis: G. Susini, *Epigrafia Romana* (Rome 1982) 60f. (with reference to Spain). Marble in Italy: A. Degraffi, *RivFC* 64 (1936) 279 and Frederiksen, *PBSR* 27 n.s. 14 (1959) 103f.

75. *Excerpta Valesiana*, ed. J. Moreau (Leipzig 1968) 66–69. This is one of many illustrations that the convention about bronze was long-lived.

76. On the significance of the Capitoline hill see R. Mellor, *Chiron* 8 (1978) 328ff.

77. Ancient references to the objects and activities on the Capitoline hill are collected by G. Lugli, *Fontes ad topographiam veteris urbis Romae pertinentes* (Rome 1969) vol. 6. Tribunes and

Bronze tablets contributed to this imperial ideology. In the last two centuries B.C. (as in the first century A.D.), Jupiter's Temple and precinct held bronze statutes made by the Roman people, decrees of the Roman Senate, and decisions and edicts of Roman magistrates. Most of these were records of Roman conquest and empire. We can understand why the Romans displayed these legal documents on the Capitoline hill, in terms of the symbolism of the place: they ceremonially reinforced Roman greatness, already embodied here. Bronze tablets were monuments, exalting the power and authority of the Romans' political institutions.

In Italy and in the provinces of the Roman Empire, bronze tablets engraved with Roman statutes, treaties, decrees, and edicts presumably had the same association for Romans, Italians, and provincials. Behind the decisions made in Rome to have legal documents published abroad lay an intention to create symbolic displays of Roman law and government in foreign cities, one could even say of Roman presence. This surely is how we should understand the very precise Roman instructions, contained in surviving Roman legal documents, regarding appropriate locations of display for Roman statutes, decrees, and treaties in foreign cities. Prescriptions to engrave on bronze are found mainly in surviving Roman treaties and Senate decrees published in Greek cities in mainland Greece and Anatolia; at least one statute contains them, too.⁷⁸ Several of the surviving treaties between Rome and a Greek city specified precisely where the treaty should be displayed, in the Greek city as well as in Rome.

In Greek cities the formally designated locations corresponded to Jupiter's Temple on the Capitoline hill. In Cibra, a city in Anatolia which entered into a treaty agreement with Rome in 180 B.C., the Romans requested that the bronze tablet on which the treaty had been engraved should be displayed on the base of the statue to Roma (*OGIS* 762, line 15). In Astypalaea, a small Greek community on an island off the coast of Anatolia which renewed a treaty agreement with Rome in 105 B.C., the Romans requested that the bronze tablet should be dedicated in the Temple of Athena and Asclepius, protecting deities of the Astypalaeans, and near the altar of Roma (*RDGE* no. 16, lines 48–50). In these examples the Romans consistently instructed the Greek cities (and presumably all foreign cities) to engrave Roman legal documents on bronze tablets, just as the Romans did themselves, and to display the tablets in locations that had symbolic associations with Rome. We can imagine that tablets effectively projected Rome's imperial image.

assemblies: Lugli, *ibid.* 255–57; Taylor (*supra* n.60) 46. Rhetoric: e.g., Plutarch *Ti. Gracch.* 15.3. Foreign kings: e.g., Cic. *Verr.* 2.4.26.60–32.71. In general see G. Lugli, *Roma Antica: Il Centro Monumentale* (Rome 1946) 3ff.

78. See *supra* n.45.

CONCLUDING REMARKS

The recurring prescription "engrave on bronze" must have advertised widely throughout the Empire, from the second century B.C. onward, that the Romans published legal documents on bronze tablets. Engraving bronze was a recognizable Roman practice. In the West, inhabitants of Roman colonies and *municipia* and of local communities engraved legal documents (municipal statutes, honorific and *patronus* decrees) on bronze because the Romans did. The Roman example was compelling: a recently discovered Spanish document, recording the settlement of a land dispute between two communities in the Ebro valley (some members of one, the Sallvienses, were Roman citizens, by grant of Cn. Pompeius Strabo in 89 B.C.: *CIL* I², 709) was not only engraved on bronze but was written in Latin (technical, legal Latin at that) and dated by the consuls of 87 B.C.⁷⁹

In the Greek East, as the Romans became increasingly involved in the affairs of the cities and kingdoms, and formally involved through alliances, their practice of engraving bronze in order to create symbolic displays must have been gradually preemptive, even though the Greeks had strong publishing traditions of their own.⁸⁰ A single Greek decree of the second century B.C. illustrates my point. The decree from the council of Elea, in Anatolia, concerned the publication of a treaty arrangement with Rome that had been agreed in 129 B.C.⁸¹ It is worth quoting the decree at length because it provides an eloquent statement of the issues before the council when they discussed the treaty:

and since a bronze tablet has been dedicated in Rome in Jupiter's Temple on the Capitolium, and the decree that was passed by the Senate regarding the alliance has been engraved on the tablet, and the treaty, too; and since it is proper that the decree and the treaty also be engraved among us and placed in Demeter's Temple and in the Council house next to the statue of Democratia, it is decreed by the Council and the People that the public auditors should let a public contract, through the proper men, both for preparing the tablets and for engrav-

79. The *tabula Contrebiensis* was discovered in 1977 and first published by G. Fatas, *Bol. de la Reale Acad. de la Hist.* 176 (1979) 421ff.; for the text and commentary see J. S. Richardson, *JRS* 73 (1983) 35ff. Since the dispute was resolved according to Roman law, not local law, the document yields important testimony about legal notions and procedures at the beginning of the last century B.C.: see P. Birks, A. Rodger, J. S. Richardson, *JRS* 74 (1984) 45ff.

80. The Greeks routinely used stone pillars and only occasionally bronze (except in western Greece and southern Italy; many bronze treaties from cities in these areas have been found at Olympus (Guarducci [supra n.9] vol. 2, 539ff.). Jeffery (supra n.67, 55) noted that the Greeks used bronze for treaties and laws, rarely for anything else.

81. The city whose council issued the decree was probably Elea: see L. Robert, *BCH* 108 (1984) 489-96.

ing them, and also for two marble pillars onto which the tablets are to be fastened when they are finished.⁸²

(SIG³, 694, lines 23–39)

Another twenty lines or so follow, recording the elaborate rituals that were to accompany the dedication of these bronze tablets and to be repeated annually on a public holiday: prayers, sacrifice, children exempt from lessons and slaves exempt from work, a parade. In the very last lines we read the Council's arrangements for funding the entire venture. As a detailed record of publication and celebration, the decree offers a unique glimpse of the response one Greek city made to the Romans' request to publish the treaty on bronze.

The celebration, the ceremony, and the ritual surrounding the publication are striking confirmation that the tablets, set into stone pillars, were not seen merely as archival records.⁸³ Instead, they were symbols of Rome and of Roman presence. When instructing Greek cities to publish Roman treaties, decrees, and statutes on bronze, this may have been the effect the Romans had in mind. For their part, the people of Elea probably had an effect of their own in

82. SIG³, 694, lines 23–61:

ἀνακειμένο[υ] δὲ ἐ[ν] Ῥώμῃ ἐν τῷ ἱερῷ[ι] τοῦ | Διὸς τοῦ Καπετωλ[ίου] π[ί]νακος
[χ]αλκοῦ[ι] καὶ | ἐν αὐτῷ κατατετα[γμένων] τοῦ [τε γε]γονότος | [δ]όγματος [ὑ]πὸ
τῆς [συγκλήτ]ου περὶ τῆς συμμα[χ]ίας, ὁμοίως δὲ καὶ τῆς συνθήκης, καθήκει
καὶ | [πα]ρ' ἡμ[ῶν] ἀναγραφῆνα[ι] αὐτὰ εἰς π[ί]νακας | [χ]αλκοῦς δύο καὶ τε[θῆναι]
ἐν τε τῷ ἱερῷ | [τ]ῆς Δήμητρος καὶ ἐ[ν] τῷ β[ου]λευτηρίῳ | [πα]ρὰ τὸ ἄγαλμα τῆς
[Δημοκ]ρατίας, δεδ[όχ]θαι | [τῇ] βουλῇ καὶ τῷ δήμῳ, τοὺς ἑξιστατὰς | [δι']
ὧν καθήκει ἐγδο[σιν] ποιῆσασθαι τῆς τε | [τῶν] π[ί]νάκων κατασκευῆς καὶ τῆς ἐν
αὐτοῖς | [ἀναγ]ραφῆς, ὁμοίως [δὲ καὶ] στηλῶν μαρμαρ[ῶν] δ' ὅσοι, εἰς ἃς, ὅταν [οἱ]
π[ί]νακες συντελεσθῶ[σιν], ἐ[ναρ]μοσθῆναι [αὐτοῖς]. ἀναγραφῆναι δὲ | ἐν ταῖς
στηλαῖς διε[ξοδικ]ῶς τὸ ἀντίγραφον | [τοῦδε] τοῦ ψηφίσματος, ὅταν τε ἡ
ἀνάθεσις | [αὐτῶν] ἐπιτελῇται, [τὸν] στεφανηφόρον καὶ | [τοὺς] ἱερεῖς καὶ τὰς
ἱερεῖας καὶ τοὺς ἄρχ[ον]τας | [ὑπὲρ] τῶν πολιτῶν, ἀνοίξ[αν]τας τοὺς ναοὺς |
[τῶν] θεῶν ἐπιθυμῶν τὸν λι[βανωτόν], εὐχ[ομ]έ[νους]. ἐπ' ἀγαθῇ τύχῃ καὶ
σωτηρίᾳ τοῦ τε [ἡμε]τέρου δήμου καὶ τῶν Ῥωμαίων καὶ τοῦ κοι[νοῦ] τῶν περὶ
τὸν Καθηγεμόνα Διόνυσον τε[χ]νι[τῶν] μείναι ἡμῖν εἰς ἅπαντα τὸν [χ]ρόνον
τὴν πρὸς | [Ῥω]μαίους φιλίαν καὶ συμ[μα]χίαν. παραστα[θῆναι] δὲ καὶ θυσίαν
ὥς καλ[ίστην] τῇ τε | [Δή]μητροι καὶ τῇ Κόρῃ ταῖς προκαθημέναις | [θε]αῖς τῆς
πόλεως ἡμῶν, ὁμοίως δὲ καὶ τῇ | [Ῥώ]μῃ καὶ τοῖς ἄλλοις θεοῖς πᾶσι καὶ
πάσαις. [εἶναι] δὲ καὶ τὴν ἡμέραν ἱερῶν καὶ ἀνεθῆναι | [τοῖς] τε παῖδας τῶν
μ[αθημά]των καὶ τὴν οἰκε[τε]ίαν τῶν ἔργων. ἐπι[τελεσθ]ῆναι δὲ ἀπὸ τῆς |
[θυ]σῆς διαδρομὴν τοῖς τε πα[ισ]ίν καὶ τοῖς νέοις, | [τῇ]ν ἐπιμέλειαν
ποιησάμεν[ον] τοῦ τε παιδονόμου | [κα]ὶ τοῦ γυμνασιάρχ[ου]. τὸ δὲ ἐ[σόμενον]
ἀνά[λ]ωμα | [εἶ]ς τε τὴν κατασκευῆν τῶν π[ί]νάκων καὶ τᾶλλα | [προ]σέσθαι
Εὐκλῆν καὶ Διονύσιον τοὺς ταμί[ας] | [ἀφ'] ὧν [χ]ειρίζουσιν προ[σόδων].

I have not noted restorations in my translation.

83. The Delphi copy of the *lex de provinciis praetoriis* (supra n.1) was carved on the monument to L. Aemilius Paullus, a large column on a man-high base. The text was inscribed on the second, third, and fourth blocks of the column, well above eye level, and on a face of the column that was wedged in an angle between two walls. How could anyone read it? For a description of the column see Colin (supra n.1) 30ff. with plates 16 and 17; F. Courby, *Fouilles de Delphes* (Paris 1930) vol. 2, 303 with plate 245; and Hassall, Crawford, and Reynolds (supra n.1) 198.

mind. The publication of a Roman decree and treaty on bronze, the celebration of that publication in ritual and words, amounted to a clear and self-conscious advertisement of one Greek city's relationship to Rome.

In summary, the effects of engraving on bronze were complex and varied. But they unite all Roman legal documents into a single class of ancient evidence: bronze tablets were a grandiloquent statement, symbolizing imperial rule and the majesty of law.

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temple precincts equally, suffice as an explanation. The example above illustrates the point. Instead, tablets may have been put in temples, as I hope to demonstrate next, because they properly belonged in a divine context.

The second feature is the sacred nature of some legal documents—treaties and some plebiscites—regularly engraved on bronze. Religious sanctions, consisting of oaths, were regularly placed on interstate treaties throughout the period of the Republic; oaths also bound a small number of plebiscites concerning the officers of the plebs, from the early Republic (*leges sacrae*), and a handful of statutes from the end of the second century B.C., some of them preserved on bronze.⁶¹ Some scholars have argued that the oaths made the treaties and plebiscites sacred.⁶² In technical language, the law was *sacrosanctum*.⁶³ Whoever broke an oath-protected law in violation of his oath was liable to extreme religious penalties; the law breaker became *sacer*, forfeiting his life and property to a god.⁶⁴

I see a connection between the sacred nature of oaths and bronze tablets. For treaties and oath-bound plebiscites were the first legal documents the Romans engraved on bronze, beginning in the fifth century B.C.⁶⁵ Engraving a treaty or an oath-bound plebiscite on bronze may have made an outward and visible sign of the oath and the gods who were guarantors of the oath. The interpretation is useful in explaining why the Romans later regularly engraved

61. Oaths in treaties: A. Heuss, *Klio* 27 (1934) 14ff.; F. W. Walbank, *A Historical Commentary on Polybius* (repr. Oxford 1970) 351ff. *Leges sacrae*: A. Magdelain, *La Loi à Rome: Histoire d'un concept* (Paris 1978) 57–61. Oaths in statutes (*iustitandum in legem*): E. Gabba, ed., *Appian, Bellorum Civilium Liber Primum*, 2nd ed. (Florence 1967) 103f. on Appian 1.131 (Saturninus' *lex agraria*); and Hassall, Crawford, Reynolds (supra n. 1) 215ff. (*lex de provinciis praetoris*); see also E. De Ruggiero, *Dizionario Epigrafico di Antichità Romanae* (Rome 1961–) vol. 4, 277ff. s.v. *iustitandum*; A. N. Sherwin-White, *JRS* 62 (1972) 91f.
62. R. Maschke, *Zur Theorie und Geschichte der römische Agrargesetz* (repr. Naples 1980) 35ff.; K. von Fritz, "Leges Sacrae and Plebiscita," *Studies Presented to D. M. Robinson* (St. Louis, Mo. 1953) vol. 2, 893ff.; H. Fugier, *Recherches sur l'expression du sacré dans la langue latine* (Paris 1963).
63. On this term see Kübler, "Sacrosanctum," *RE* I, A.2, 1684–88. Cicero defines the term in the context of his argument that Balbus was a Roman citizen: *Balb.* 14.32–33. The range of situations and formulations encompassed by the term *sacrosanctum* is ill-defined. That some statutes other than the *plebiscita* and treaties I have mentioned were technically *sacrosanctum* is indicated by the existence of a formula *sacrum sanctum est quod non iure sit rogatum eius hac lege nihilum rogatur*, listed by Valerius Probus, *De Iuris Notarum* 3 and found in two statutes, the *fragmentum Tarentinum* (supra n. 1) lines 25–26 and the *lex Gabinia* (supra n. 1) lines 36–37. For a recent discussion of the formula see A. Lintott, *ZPE* 45 (1982) 136–37 (text and commentary on the *fragmentum Tarentinum*).
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