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Judge Julia Domna? A Historical Mystery and the Emergence of Imperial Legal Administration

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ABSTRACT

This article analyses a problematic passage from Cassius Dio (78.18.2–3) where Julia Domna is depicted as answering petitions and correspondence on behalf of her son, Caracalla, in AD 214–215. Through a reading of the relevant sources and the emerging tradition of Roman imperial adjudication, the article seeks to answer the question: what did this reference to an empress using imperial power mean? Was it merely a sign of the emperor's ineptitude or could it be seen as a reference to the centrality of answering appeals in the duties of the emperor? Is it even possible that she should be seen as a judge of some kind? By analysing the conventions of imperial jurisdiction, the article maintains that there was an ambiguity where responding and judging on behalf of the emperor or posing as the emperor involved many different figures in the administration. It is argued that while an official role was not likely, it is possible that Julia Domna would have held a supervisory position in the administration as well as acting as an interlocutor, but that like others who were appointed to judge in the place of the emperor, her work would have been largely invisible, noted only by petitioners expecting to meet the emperor.

I. Introduction

Cassius Dio,¹ an eyewitness, wrote how during the winter AD 214–215 Julia Domna,² the widow of Septimius Severus and the mother of Caracalla, answered petitions and took care of correspondence on behalf of her son. This small piece of information, lodged between invective about the ineptitude of Caracalla as an emperor, touches upon a principle of crucial

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¹On Dio and his relations to Caracalla, see Caillan Davenport, 'Cassius Dio and Caracalla', 62 *The Classical Quarterly* (2012), 796–815; Fergus Millar, *A Study of Cassius Dio*, Oxford, 1964, 150–160; Jean Michel Roddaz, 'De César à Auguste: l'image de la monarchie chez un historien du siècle des Sévères. Réflexions sur l'oeuvre de Dion Cassius, à propos d'ouvrages récentes', 85 *REÁ* (1983), 67–87.

²On Julia Domna, see Julie Langford, *Maternal Megalomania: Julia Domna and the Imperial Politics of Motherhood*, Baltimore, 2013; Annelise Freisenbruch, *Caesar's Wives: Sex, Power and Politics in the Roman Empire*, New York, 2010, 179–204; Barbara Levick, *Julia Domna: Syrian Empress*, London and New York, 2007; Emily Ann Hemelrijk, *Matrona Docta: Educated Women in the Roman élite from Cornelia to Julia Domna*, London and New York, 1999; Francesca Ghedini, *Giulia Domna tra oriente e occidente*, Roma, 1984; Erich Kettenhofen, *Die syrischen Augustae in der historischen Überlieferung*, Bonn, 1979. See also Cassius Dio 19.4 for her continuing role in maintaining his correspondence until his death.

importance: receiving petitions and answering correspondence were some of the most important civil functions of the Roman emperor.³ The emperor was the head of the legal system, the supreme judge, legislator and administrator all in one.⁴

The question that this article seeks to answer is: what does the account of Julia Domna mean? Though the intended meaning of Dio's description was probably the same as in nearly all accounts of the empresses and other women of the court interfering with administration and law – that is, to underline the weakness and incapability of the emperor – what does it reveal of the administration of justice at the time? Did it mean that Julia Domna should be seen as a judge? Was she delegated, unofficially or officially, the power to answer on behalf of the emperor? Or was she simply an interlocutor, a mother who could influence her child according to her wishes and thus exert indirect legal power?

As we will see, there are some important preconditions to this inquiry. While there is ample evidence that Julia Domna had received unprecedented titles and honours, such as being named in dedications as a member of the imperial college, there is no mention of her as an author in the imperial constitutions, either in the Codex of Justinian or in the epigraphic and papyrological sources.

In the legal literature, the passage of Dio relating to the role of Julia Domna, her involvement in Caracalla's correspondence and answering of petitions, has usually been bundled up with the use of the *iudices vice Caesaris* and Caracalla's general mismanagement of imperial administration.⁵ It is true that where we know of the composition of the *consilium* of the emperors in deciding legal matters, the names mentioned belong almost exclusively to jurists. In

³For the pivotal role of the emperor in the Roman state, see Fergus Millar, *The Emperor in the Roman World, 31 BC–AD 337*, London, 1992. Millar's seminal book was heavily criticized. For example, Keith Hopkins, 'Rules of Evidence: Review of Millar, *The Emperor in the Roman World*', 68 *Journal of Roman Studies* (1978), 180 blamed him for overlooking the importance of questions of power, legitimacy and authority.

⁴Andreas von Schilling, *Poena extraordinaria: Zur Strafzumessung in der frühen Kaiserzeit*, Berlin, 2010; Veronika Wankler, *Appello ad principem*, Munich, 2009; Jean-Pierre Coriat, *Le prince législateur: la technique législative des Sévères et les méthodes de création du droit impérial à la fin du Principat*, Rome, 1997; Tor Hauken, *Petition and Response: An Epigraphic Study of Petitions to Roman Emperors 181–249*, Bergen, 1998; Tony Honoré, *Emperors and Lawyers: With a Palingenesia of Third-century Imperial Rescripts 193–305 AD*, Oxford, 1994; Millar, *Emperor*; Jochen Bleicken, *Senatsgericht und Kaisergericht: Eine Studie zur Entwicklung des Prozessrechtes im frühen Prinzipat*, Göttingen, 1964; John Maurice Kelly, *Princeps Iudex*, Weimar, 1957; Hans Volkmann, *Zur Rechtsprechung im Principat des Augustus*, 2nd ed., München, 1969; Donald McFayden, 'The Rise of the Princes' Jurisdiction within the City of Rome', 10 *Washington University Studies* (1923), 231–242; Theodor Mommsen, *Römisches Staatsrecht I–III*, Leipzig, 1871–1888, 1:163; 2.2:958–988.

⁵See, for example, Detlef Liebs, 'Reichskummerkasten. Die Arbeit der kaiserlichen Libellkanzlei', in Anne Kolb, ed., *Herrschaftsstrukturen und Herrschaftspraxis. Konzepte, Prinzipien und Strategien der Administration im römischen Kaiserrecht*, Berlin, 2006, 137–152, 145–146; Coriat, *Prince*, 189–190, 226, 232; Michael Peachin, *Iudex vice Caesaris: Deputy Emperors and the Administration of Justice during the Principate*, Stuttgart, 1996; Honoré, *Emperors*, 26, 36, 46; Dieter Nörr, 'Zur Reskriptenpraxis in der hohen Prinzipatszeit', 111 *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, RA* (1981), 1–46, 35.

the case of Severan emperors, there are a number of instances where there are recorded debates between emperors and jurists in his council.⁶ From the reign of Caracalla, there is the Dmeir inscription that recounts the proceedings of a trial by the emperor and his council.⁷ What these sources indicate is that imperial jurisdiction, at least in the expressions that have come down to us in legal sources, was a serious administrative affair and one where the emperor was to partake in legal debates.

In the previous scholarship, the position of Julia Domna has been seen as approaching that of a *de facto* ruler, who had extraordinary capabilities and would practically govern the empire due to Caracalla's lack of interest in his official duties.⁸ Some have even suggested that she would take the place of the emperor on the tribunal or otherwise represented the emperor.⁹ In all cases, it is evident that the conventional interpretation is drawn more from the context of the Julio-Claudian narratives of empresses as mainly negative influences than the actual reading of the sources. In the typical Roman style of historiography that emphasizes parallels to the point of showing characters as *Doppelgänger*s, the image of Julia Domna has at times begun to resemble figures such as Agrippina.¹⁰ What should of course not be forgotten is that the narrative we are exploring comes from an eyewitness, Cassius Dio, a Roman senator and a counsellor of Caracalla who, based on his writings, was present at the time in Nicomedia.¹¹ Thus while much of the historical record of the Julio-Claudian empresses derives from unreliable historians retelling stories to illustrate the

⁶For example Digest of Justinian (*Dig.*) 4.4.38.pr (Paul), 14.5.8 (Paul), 32.27.1 (Paul), 32.97 (Paul), 36.1.76 (74).1 (Paul), 37.14.17.pr (Ulpian), 49.14.50 (Paul).

⁷Supplementum Epigraphicum Graecum (*SEG*) XVII 759; John Anthony Crook, *Consilium principis*, Cambridge, 1955, 79–85.

⁸In much of the earlier literature, Domna's position was exaggerated. Kettenhofen, *Syrischen Augustae*, 16–19 and Levick, *Julia Domna*, 95–97 (both collecting examples of these statements) argue that she would most likely oversee the administration, including the bureaux, but that she held no magistracy as it would be against Roman law for a woman to do that.

⁹The idea that empresses would have had official authority was presented by Theodor Mommsen, *Römisches Staatsrecht II*, 3rd ed., Leipzig, 1877, 1168, but see Francesco De Martino, *Storia della costituzione Romana*, Napoli, 1974, vol.4, 448, who criticizes Mommsen for deriving this position out of the title of Augusta and the factual role in receiving embassies and petitions. The parallel between the factual and the official is the connection between earlier studies like Mary Gilmore Williams, 'Studies in the Lives of Roman Empresses', 6.3 *American Journal of Archaeology* (1902), 290: 'her son's chief minister' and more modern studies such as Susann S. Lusnia, 'Julia Domna's Coinage and Severan Dynastic Propaganda', 54 *Latomus* (1995), 136: 'She was, for all intents and purposes, running the empire'; Freisenbruch, *Caesar's Wives*, 199: 'Although previous empresses, such as Livia and Plotina, had written and received letters from petitioners to the emperor, there is no sign that any woman had previously been given such a formalized role in the imperial administration.' Like Kettenhofen, *Syrischen Augustae*, 17, she agrees that Domna did not have an official position such as a *libellis*. Alvaro D'Ors, 'Estudios sobre la Constitutio Antoniniana', 24 *Emerita* (1956), 23, like many others, sees her role as exercising sovereign governing power in the place of her son, not as a magistrate.

¹⁰For the voluminous historical tradition of empresses and women of the imperial family influencing trials and using them to dispose of real and perceived opponents, see James Romm, *Dying Every Day: Seneca at the Court of Nero*, New York, 2014.

¹¹Davenport, 'Cassius Dio', 796–815.

characters, Dio was there. Dio was of course not an unbiased witness; his histories reveal strong reservations about the excesses of emperors and imperial power.¹²

What should equally be taken into account is the ambiguous nature of the legal authority of the Roman emperor. The Roman emperor had nearly unfettered power with regard to law, but that power was to a large extent undetermined.¹³ Thus, the emperor could and did make exceptions and by these exceptions create new practices. What this malleability of imperial power meant was that the constitutional arrangements were to a certain extent malleable as well,¹⁴ so it may be futile to make claims about what an empress such as Julia Domna could do based on legal formalism. It will be argued here that, instead, the historical record should be analysed based on the Roman tradition of imperial adjudication. This makes the case of Julia Domna's adjudication an interesting exception to the custom that only emperors were able to adjudicate with imperial power. Thus, through the issue of Julia Domna, one may approach the indefinable entity that is the adjudicative power of the Roman emperor.

II. Julia Domna and her public role in Severan Rome

Dio's lengthy account about the various misdeeds of Caracalla when in Nicomedia during the winter of AD 214–215 presents her as a voice of reason during a time when her son was behaving recklessly:¹⁵

[H]e had appointed her to receive petitions and to have charge of his correspondence in both languages, except in very important cases, and used to include her name, in terms of high praise, together with his own and that of the legions, in his letters to the senate, stating that she was well. Need I add that she held public receptions for all the most prominent men, precisely as did the emperor?¹⁶

¹²Manfred G. Schmidt, 'Die "zeitgeschichtlichen" Bücher im Werk des Cassius Dio – von Commodus zu Severus Alexander', 2.34.3 Aufstieg und Niedergang der römischen Welt (ANRW) (1997), 2591–2649; Walter Ameling, 'Griechische Intellektuelle und das Imperium Romanum: das Beispiel Cassius Dio', 2.34.3 ANRW (1997), 2472–2496; M. James Moscovich, 'Cassius Dio's Palace Sources for the Reign of Septimius Severus', 53 *Historia* (2004), 356–368.

¹³This indeterminacy was already outlined by Riccardo Orestano, *Il potere normativo degli imperatori e le costituzioni imperiali*, Torino, 1962, 19–22. Many Roman jurists and even emperors themselves would hold that while the emperor is free from the laws, it is proper that he abides by them. *Dig.* 32.23 (Paul), 1.3.31, 1.4.1pr-1 (Ulpien); *Codex of Justinian (Cod. Iust.)* 6.23.3.

¹⁴There were only some attempts at legislating imperial powers, the *Lex de imperio Vespasiani* and the unknown *lex regia* and *lex imperii* mentioned by jurists Institutes of Gaius (*Inst.*) 1.2.6; *Cod. Iust.* 6.23.3).

¹⁵Dio's narrative (Cass. Dio 78.18) focuses on what happened when Caracalla was with the army's winter camp at Nicomedeia. Caracalla would be violent and do lawless actions, while his mother would try to give him good advice. While he would disregard most of it, he would let her answer petitions and take care of correspondence.

¹⁶Cass. Dio 78.18.2–3, (tr. E. Cary): "[2] τὰ χρήματα κατανήλισκεν. οὐδὲ ἐπέιθετο οὔτε περὶ τούτων οὔτε περὶ τῶν ἄλλων τῇ μητρὶ πολλὰ καὶ χρηστὰ παραίνουσι, καίτοι καὶ τὴν τῶν βιβλίων τῶν τε ἐπιστολῶν ἑκατέρων, πλὴν τῶν πάνυ ἀναγκαίων, διοίκησιν αὐτῇ ἐπιτρέψας, καὶ τὸ ὄνομα αὐτῆς ἐν ταῖς πρὸς τὴν βουλὴν ἐπιστολαῖς ὁμοίως τῷ τε ἰδίῳ καὶ τῷ τῶν στρατευμάτων, [3] ὅτι σώζεται, μετ' ἐπαίνων πολλῶν ἐγγράφων. τί γὰρ δεῖ λέγειν ὅτι καὶ ἡσπάζετο δημοσίᾳ πάντας

In short, Dio says that Caracalla had trusted her with the most important civil functions of the emperor: answering petitions, holding public receptions and handling his correspondence. As the mother of the emperor, Julia Domna rose to a position not unlike that of the emperor himself.

Julia Domna is one of the more colourful figures of Severan Rome, and that is against some competition. She was the daughter of a local dignitary in Syria, who was married to an ambitious officer named Septimius Severus.¹⁷ Along with her family, she was to dominate Roman politics for decades. From as early as AD 195, she was named, among other things, *mater castrorum*, the mother of the military camp,¹⁸ and regularly accompanied her husband on campaign. After setbacks such as the rise of Plautianus and the rivalry between her sons that led to Geta being murdered in her arms,¹⁹ she devoted herself to the study of philosophy, founding a circle of scholars and earning a place among philosopher monarchs.²⁰

What is remarkable is that from the narrative of Dio, it is clear that he was at Nicomedia with Caracalla and Julia Domna, describing the emperor's delight in jugglers and magicians, his reliance on his freedmen and the neglect that he showed to his 'friends', the senators accompanying him. The positive view of Dio on Julia Domna may stem from their shared connection with Severus, but it shows equally how much Dio wanted to demonstrate the unreasonable aspects of Caracalla's reign. The way that Dio's Caracalla allows Julia Domna to take up the duties of emperors implies at the same time the capability and dutiful nature of Julia Domna and the demands that were placed on the emperor by being accessible at all times, but also her ambition and willingness to insert herself into the imperial podium, in a manner resembling Agrippina, and the emperor's willingness to allow that, either due to respect or to sloth. Dio's narrative does imply that Caracalla would only let

τοὺς πρώτους καθάπερ καὶ ἐκεῖνος; ἀλλ' ἡ μὲν καὶ μετὰ τούτων ἔτι μᾶλλον ἐφιλοσόφει, ὁ δὲ ἔλεγε μὲν μηδενὸς ἔξω τῶν ἀναγκαίων προσδεῖσθαι, καὶ ἐπὶ τούτῳ καὶ ἐσεμνύνετο ὡς ὅτι εὐτελεστάτη τῇ διαίτῃ χρῆσθαι δυνάμενος, ἦν δὲ οὐδὲν οὐκ ἐπίγειον, οὐ θαλάττιον, οὐκ ἀέριον, ὃ μὴ οὐ καὶ ...” As is the case with the textual tradition of Dio from book 35 onwards, much of the text comes through the epitome by John Xiphilinus and thus should be taken with a pinch of salt.

¹⁷SHA Sev. 3.9; Danuta Okoń, 'Mariage de Septime Sévère avec Julia Domna. Au fond des stratégies matrimoniales des familles sénatoriales romaines à la charnière des II^e et III^e siècles', 97 *Eos* (2010), 45–62.

¹⁸*CIL* XII.4345; XIV.120.

¹⁹Cass. Dio 78.2 maintains that Caracalla's intention to murder Geta was public information and thus he travelled everywhere with a strong guard. Caracalla had his mother summon Geta for a meeting of reconciliation and used the opportunity to have centurions attack his brother when they met. Geta was killed in his mother's arms, leaving Julia bloodied as well. Afterwards, she was 'not permitted to mourn or weep for her son, though he had met so miserable an end before his time' ('οὔτε δὲ πενθήσαι οὔτε θρηνῆσαι τὸν υἱόν, καίπερ πρόωρον οὕτως οἰκτρῶς ἀπολωλότα, ὑπῆρξεν αὐτῇ'). Caracalla would observe closely 'all her words, gestures, and changes of colour' ('οὔτω που πάντα ἀκριβῶς καὶ τὰ ῥήματα αὐτῆς καὶ τὰ νεύματα τὰ τε χρώματα ἐτηρεῖτο'), meaning that 'she alone, the Augusta, wife of the emperor and mother of the emperors, was not permitted to shed tears even in private over so great a sorrow' ('καὶ μόνη ἐκείνη, τῇ Αὐγούστη, τῇ τοῦ αὐτοκράτορος γυναίκε, τῇ τῶν αὐτοκρατόρων μητρί, οὐδ' ἰδίᾳ που ἐπὶ τηλικούτῳ παθήματι δακρῦσαι ἐξῆν'). (Tr. E. Cary.) See also Herodian 4.4.3.

²⁰Philostr. *V A* 1.3. See also *Ep.* 73: Glen Bowersock, *Greek Sophists in the Roman Empire*, Oxford, 1969.

her decide relatively minor issues, deciding the major ones himself or letting someone else handle the matter. What is noteworthy is that Herodian, another contemporary who depicts the reign of Caracalla, is silent on Julia Domna beyond the account of the murder of Geta and her death.²¹ Much of the other narrative tradition around Julia Domna, especially that of the *Scriptores Historiae Augustae* (SHA), contains numerous contradictions and quite bizarre details.²²

The impact of Julia Domna went beyond her role in the Severan dynastic structure; she was considered an intellectual force in her own right. Much has been written about the circle of Julia Domna, known through the writings of Philostratus. While modern research has been quite sceptical about some of the claims made about the circle as an intellectual gathering of the brightest minds of the era, her intellectual curiosity and regular contacts with scholars are beyond doubt. What is interesting to scholars of Roman law and also significant for the purposes of this investigation is that among the people involved were also the jurists Papinian, Ulpian and Paulus. Thus, for the people most directly responsible for the administration of law during the era, Julia Domna was not simply an empress or a fixture in the court, but also an intellectually capable person with independent judgment.²³

While the historical sources on Julia Domna are of varying quality, her prominent position is quite evident in the extant epigraphical and even numismatic sources. She was honoured in inscriptions, both by herself in statue bases and as part of the imperial family. Having already received the title *mater castrorum* under Severus, she was by 211, when Caracalla and Geta succeeded their father, honoured with the title *mater castrorum et senatus et patriae*,²⁴ an unprecedented title that was adopted by subsequent Severan empresses.²⁵

²¹Herodian 4.3.8–9, 4.13.8.

²²The studies on the *Scriptores Historiae Augustae* agree that the biographies had numerous authors of varying quality and trustworthiness. Without going into the works by Dessau, Momigliano, Syme and others who have delved into the matter at length, we can safely say that very little can be reliably said about them. For a short introduction to the issues, see, for example, Lyman W. Gurney and Penelope J. Gurney, 'The *Scriptores Historiae Augustae*: History and Controversy', 13 *Literary and Linguistic Computing* (1998), 105–109. For the current views on the debate, see the continuing work of the *Historia-Augusta-Colloquium* or, for example, Daniël den Hengst, *Emperors and Historiography* (Mnemosyne Supplementum 319), Leiden, 2010, 115–224. The incest legend in SHA *Carac.* 10.1–4, which Levick, *Julia Domna*, 195, notes has long been rejected as part of a later narrative tradition. The interesting detail of that is the line given to Julia Domna: 'An nescis te imperatorem esse et leges dare, non accipere'.

See also Robert J. Penella, 'Caracalla and his Mother in the *Historia Augusta*', 29 *Historia* (1980), 382–385.
²³Levick, *Julia Domna*, 107–123; Giuliano Crifò, 'Ulpiano. Esperienze e responsabilità del giurista', 2.15 *ANRW* (1976), 734–736; Laurens Winkel, 'Die stoische οἰκείωσις-Lehre und Ulpian's Definition der Gerechtigkeit', 105 *Zeitschrift der Savigny-Stiftung, RA* (1988), 669–679, 677–678 argues that it is possible that contact with the circle could have influenced Ulpian's concept of law. Honoré, *Emperors*, 81–82 remains sceptical.

²⁴Emily Ann Hemelrijk, *Hidden Lives, Public Personae: Women and Civic Life in the Roman West*, Oxford, 2014, 256; Herbert W. Benario, 'Julia Domna: mater senatus et patriae', 12 *Phoenix* (1958), 67–70; Wolfgang Kuhoff, 'Julia Aug. mater Aug. n. et castrorum et senatus et patriae', 97 *ZPE* (1993), 259–271.

²⁵*CIL* XII.4345; XIV.120; *AE* 1950, 230; *AE* 1987, 887; *CIL* III 13689 = 14202,3 = *AE* 1896, 50 = 1896, 78 = 1995, 1481 = *IK* 17.1, 3160 = French, *RRMAM* 3.5, 35.

Her image was liberally used on coinage during the reigns of Severus and Caracalla. A silver Denarius dating from AD 198 had her bust and the text Julia Augusta and on the opposite side a depiction of goddess Cybele with the text *Mater Deum*.²⁶ In a series of five Assaria coins from Marcianopolis (dating from AD 212–217), Julia is depicted in profile view opposite her son, imitating an established type pairing her with the late Severus, equating them as imperial figureheads, possibly a reflection of the imperial propaganda.²⁷ In sum, even for a Roman empress, she was a character with an exceptionally high public profile that may attest to her popularity among parts of the populace.²⁸

III. The emperor as judge, but the empress?

By the Severan period, the Roman emperor had become the centre of the legal system. Not only was he the supreme court of the Roman world, he was both the legislator and the holder of supreme executive power. The emperor himself was the living embodiment of law. Because of this, there was an increasing pressure for the emperor to be available to answer queries and to adjudicate. The imperial *consilium* included jurists and we know from sources such as Pliny and the Digest of Justinian some examples of how the emperors resolved legal cases. In most of these accounts of the conscientious good emperors deciding cases, the central figure is the emperor himself, sitting in judgment surrounded by his trusted advisors, debating issues of law.²⁹ The central feature of this legal power was that it was personal, meaning it was the emperor who was personally responsible. The difficulty in this arrangement was that the emperor should be omnipresent, being at the same time present on the front to lead troops and at Rome answering legal issues and taking a leading role in the public ceremonies.

What this meant for the people who sought the emperor's aid and potentially legal recourse was that they would seek to get a hearing from the emperor himself, if at all possible. We may take a couple of examples from the reigns of Severus and Caracalla that illustrate how these encounters could be both regular and planned but also quite spontaneous: the *apokrimata* of Alexandria and the quest of the villagers of Goharia. In the case of the Alexandrian *apokrimata* the source is a compilation containing thirteen replies by

²⁶BMCRE V, 163, 51.

²⁷Pentassaria of Marcianopolis: AMNG I 579, 655, 658, 669, 682, 694 (Julia and Caracalla); cf. AMNG I 595 (Severus and Julia). See further Okoń, 'Mariage', 107–109.

²⁸Levick, *Julia Domna*, 124–144; Ghedini, *Giulia Domna*.

²⁹The idealized situation is shown in Plin. *epist.* 6.3. On the imperial advisors, see Werner Eck, 'Government and Civil Administration', in Alan K. Bowman, Peter D.A. Garnsey and Dominic W. Rathbone, eds., *The Cambridge Ancient History, vol. XI, The High Empire, A.D. 70–192*, Cambridge, 2000, 195–292; Werner Eck, 'Der Kaiser und seine Ratgeber: Überlegungen zum inneren Zusammenhang von amici, comites und consiliarii am römischen Kaiserhof', in Anne Kolb, ed., *Herrschaftsstrukturen und Herrschaftspraxis. Konzepte, Prinzipien und Strategien der Administration im römischen Kaiserrecht*, Berlin, 2006, 67–78; Francesco Amarelli, *Consilia principum*, Napoli, 1983; Crook, *Consilium principis*.

Septimius Severus and Caracalla. What these rescripts contain are short answers to petitions that the emperors made during three days in Alexandria during the winter of AD 199/200. Because the petitions have not been preserved, we have no indication as to how complicated the issues were nor whether there had been much in the way of previous preparations or whether the emperors would have granted personal hearings to the applicants. Nevertheless, from the issues it is clear that many of the queries were rather mundane and even simple.³⁰ They were local issues and it may be interpreted that during their visit to a city, the emperors would engage in the practicalities of ruling as a way of demonstrating their involvement in government, quite in the same way as they would attend games and mingle with local dignitaries. That they would resolve local legal issues while they were there was a way to show that they were ultimately personally responsible for bringing justice to their subjects.

The second example is from Antioch in AD 216, where Caracalla, now sole emperor, met with a delegation from the village of Goharia in Syria. The villagers had travelled over 300 kilometres to present their case to the emperor, who was making his way through Syria. Whether they knew that the emperor would agree to meet them or even that the emperor would not have left before they arrived is not known: they were either lucky or had good connections with someone higher up. What happened was that after the villagers had presented their case (a local grievance over the rightful holder of a priesthood), Caracalla decided to settle the matter through a trial, ordering the members of his entourage to argue the case as advocates. Through their arguments, it becomes obvious that the case had seen many hearings and decisions before this, and it was even pending before the provincial governor. Julianus Aristaenetus, the advocate the emperor had assigned to the defence, sought in his opening statement to have the case dismissed as it had not been resolved by the governor first. The resulting trial may be seen as a way for the emperor to show his justice to the people. It could also be seen as an amusement for the imperial retinue, an intellectual exercise.³¹ In both cases, the imperial process of adjudication was not simply a way of conflict management or resolving of

³⁰P. Columbia 123; A. Arthur Schiller, 'Legal Commentary', in William Linn Westermann and A. Arthur Schiller, eds., *Apokrimata: Decisions of Septimius Severus on Legal Matters*, New York, 1954. On the ample earlier literature, see James H. Oliver, *Greek Constitutions of the Early Roman Emperors from Inscriptions and Papyri*, Philadelphia, 1989, 451–458. On the *apokrimata*, see Rudolf Haensch, 'Apokrimata und Authentica', in Rudolf Haensch and Johannes Heinrichs, eds., *Herrschen und Verwalten*, Köln, 2007, 213–233.

³¹SEG XVII, 759. Walter Kunkel, 'Der Prozess der Gohariener vor Caracalla', in *Festschrift Hans Lewald*, Basel, 1953, 81–91; Crook, *Consilium principis*, 142–144; Naphtali Lewis, 'Cognitio Caracallae der Gohariensis', 99 *Transactions and Proceedings of the American Philological Association* (1968), 255–258; Andreina Magioncalda, 'Un processo di fronte a Caracalla', in *Studi in onore di Franca De Marini Avonzo*, Torino, 1999, 229–243; Bernard Stolte, 'Jurisdiction and Representation of Power, or, the Emperor on Circuit', in Lukas de Blois et al., eds., *The Representation and Perception of Roman Imperial Power: Proceedings of the Third Workshop of the International Network Impact of Empire (Roman Empire, c. 200 B.C.–A.D. 476)*, Netherlands Institute in Rome, March 20–23, 2002, Amsterdam, 2003, 261–268; Wankel, *Appello*, 203–226.

legal issues, it was exercised also as a way of demonstrating the power of the emperor and the fact that he was the final authority over law.³² In the case of the villagers, they would announce this by inscribing the entirety of the proceedings on the walls of the temple in question.

The pull of authority and the belief that the emperor or his representatives would make things right was strong for petitioners of all classes. Anecdotal evidence, such as the boasting of a provincial governor that he had received 1804 petitions in three days of *conventus* in a single stop in Egypt may provide an estimate of how much people sought to appeal to the emperor. As Connolly has suggested, petitioning to rulers was a near-universal feature in the ancient world and figured heavily in all interactions between ruler and the ruled: ‘many petitions to rulers have the structure of a prayer: they call on the mercy and justice of the ruler and promise loyalty in return for help’.³³

This leads to the question: what role, if any, did Julia Domna have? In addition to the imperial secretaries, who had to write on behalf of the emperor, there was a group of people who were expected to learn how to judge, to behave and to write like an emperor. The appointment of judges *vice sacra* or *iudices vice Caesaris* was one way of dealing with the flow of petitions that followed the emperors and the central role that the emperor had gained in the Roman legal system. By the time of Severus it was vital that the emperor was available and that he did respond for the system to function. Because the emperor also had to go on campaigns and engage in other business, stand-ins were appointed. During the third century, there was a whole group of men who were appointed as *iudices vice Caesaris*. For example, Pollien Auspex acted in this role from AD 197 to 202 during Severus’ campaign in Parthia, while Nummius Albinus was *vice sacra* in AD 208–209 during the British campaign. Most crucially for the purposes of our inquiry, Suetrius Sabinus was appointed by Caracalla in AD 214 and served until his appointment as *praefectus alimentorum* in AD 215. It is possible that this period coincided with the time spent in Nicomedia and Julia Domna’s activities. The common traits between these men, who held the office during the time of Julia Domna, and later holders of the post are that they are all high officials from good families who had held the consulate. Apparently, the men destined to judge for the emperor should look

³²Hauken, *Petition*, has studied the numerous epigraphic sources of emperors answering petitions, showing how imperial justice, munificence and favour were advertised by both the emperor and the recipients of such favours. For a similar argument based on rescripts, see Wynne Williams, ‘The Libellus Procedure and the Severan Papyri’, 64 *Journal of Roman Studies* (1974), 97.

³³Serena Connolly, *Lives behind the Laws: The World of Codex Hermogenianus*, Bloomington, 2010, 2, 33. The reference to the 1804 petitions given in three days is from *P. Yale 61*, a Severan text. On the governor’s duties in meting out justice, see Elisabeth Meyer, ‘The Justice of the Roman Governor and the Performance of Prestige’, in Anne Kolb, ed., *Herrschaftsstrukturen und Herrschaftspraxis. Konzepte, Prinzipien und Strategien der Administration im römischen Kaiserrecht*, Berlin, 2006, 167–180.

convincingly imperial and thus status, knowledge and experience were crucial.³⁴ For the larger issue at stake here, the question remains: as there was an established system of replacements for the emperor in his legal role, why would Julia Domna need to step into the role that she apparently played in Nicomedia? Conversely, as there are no references to the legal decisions of the *iudices vice sacra* in the legal sources either, are we in any position to reason that the evidence of absence is absence of evidence in the case of Julia Domna?

Such activities would not have been in line with the reputation that the Severan dynasty sought to gain. Septimius Severus, who became emperor as the winner of the civil war, has enjoyed a very good reputation despite the fact that his relationship with the senate was never good. Part of his good standing was probably due to the fact that most of what we know about his reign comes from Cassius Dio, a high official under Severus. For Dio, Severus was clearly a model emperor and Dio held adjudication to be central to the duties of the emperor. Dio writes that Severus would hear cases from early morning until noon. He would allow litigants free speech and would give his advisers, including Dio, full liberty to speak.³⁵ This positive image of Septimius Severus has carried on to other sources. Herodian says that when in Rome, Severus was assiduous in administering law. He also oversaw the civilian administration well and tried to educate his two sons in moderation. He mostly stayed outside Rome pursuing judicial and administrative work.³⁶

As judge, the accounts of Caracalla are likewise contradictory. On the fairly positive side, Herodian says that Caracalla spent little time in legal cases, but was straightforward in his reasoning and able to make good judgments on the basis of the advice given.³⁷ He was famous for his favour for soldiers, which is noticeable even in his decisions. Caracalla allowed an appeal to a soldier who, because of ignorance or a soldier's simplicity, had not used proper claims. If the settlement had not been made, he was allowed to use all means of defence.³⁸

Both the historical narratives of Severus and Caracalla as well as the tradition surrounding the custom of appointing a *iudex vice Caesaris* to stand in for the emperor highlight the utmost importance and seriousness in which the legal role of the emperor was held. It has been argued that during the Severan period the Hellenistic idea of the ruler as the personification of law and justice, and conversely the importance of his accessibility, was solidified in Rome.³⁹ In a process that is still not completely understood, the

³⁴Peachin, *Iudex*, 88–91, 93–96, 101, 151–153.

³⁵Cass. Dio 75.16.3–4, 76.17.1–3.

³⁶Herodian 3.10.2, 3.13.1.

³⁷Herodian 4.7.2.

³⁸*Cod. Iust.* 1.18.1.

³⁹Jean-Pierre Coriat, 'Technique législative et système de gouvernement à la fin du Principat', in Claude Nicolet, ed., *Du pouvoir dans l'Antiquité*, Genève, 1990, 222.

decisions of the emperor created law, but nevertheless their rulings could be rejected by lawyers later on as being inaccurate or plain wrong. How much the emperor personally mattered in the formation of law is thus a matter of debate, meaning that we have just a few examples of legal debates by the emperors and their advisors or where the emperor is mentioned entering into debates with advocates.⁴⁰ Even more important than the function of the *consilium*, the work of the imperial legal secretaries in answering questions of law was crucial to the way that law developed. The imperial process of upholding and creating the law relied on the crucial interplay between the sovereign emperor⁴¹ and lawyers, who were responsible for harmonizing the imperial fiat with the doctrine of law, carefully nudging each to accommodate the other when possible. Ulpian, a secretary of petitions (*a libellis*) under Caracalla, was a good example of this balance. The most famous theorist of imperial sovereignty in law, he was himself nevertheless so significant in the interpretation of law (or popular with Justinian's compilers) that of the extant passages of the Digest some forty per cent are from his pen.⁴²

In the debates over the duties and role of the emperor, the role of answering petitions has of course been central. Some, such as Millar, have maintained that the emperor was supposed to answer petitions and hear appeals personally, arguing that the communication of power and patronage simply worked that way. Others, for example Honoré, have emphasized the role of legal functionaries and distanced the role of the emperor as something akin to a figure-head who had little substantive relevance in the grand scheme of things. Finally, Peachin has claimed that actions such as the appointment of *iudices vice sacra* were indications of how the office of the emperor was beginning to be separated from the person of the emperor. Even if the person of the emperor were lazy, absent or incompetent, the office of the emperor was not. Thus the emperor would be ever vigilant and responsive because the emperor was not simply a person but the office surrounding him.⁴³

IV. What could Julia Domna have done?

If Julia Domna were to be assigned to answer petitions and to oversee the emperor's correspondence, she could have come to have either a direct or indirect influence in legal issues. The people who normally were assigned to

⁴⁰For example *Dig.* 32.97 shows Severus debating with the advocates, while *Dig.* 37.14.17pr has the *divi fratres* discussing with the lawyers in their council.

⁴¹According to Ulpian, the emperor's will has the force of law and he is not bound by law (*Dig.* 1.3.31, 1.4.1pr), however the empress is bound by law. These passages were not originally meant as indications that the emperor was completely free from law, but that he could make exceptions to the law and change it. The creative editing of the text that led to the idea of his complete freedom from the law was done by Justinian's compilers.

⁴²*Dig.* 1.3.1, 1.4.1 (Ulpian). On the workings of the imperial chancellery and the *a libellis*, see Liebs, 'Reichskammerkasten'; Honoré, *Emperors*.

⁴³Connolly, *Lives*, 155–157; Millar, *Emperor*, 6 and *passim*; Honoré, *Emperors*; Peachin, *Iudex*, 203.

aid the emperor in these duties, the secretaries *ab epistulis* and *a libellis*, were people trained in the law. Scholars such as Honoré have argued that it was precisely this change that led to the emperor becoming such a central vehicle in the development of law. In addition to answering petitions face to face, much of the interaction was done through the written process of answering petitions with rescripts that would have had a crucial impact on the operation of the legal system of the whole empire.⁴⁴

However, are we to believe that, if an unstable ruler allowed his mother to write some of his correspondence, she should be described as a judge? The central issue here is whether Julia Domna would have acted as a representative, official or unofficial, of the emperor or under a delegated authority. The evidence points to the former alternative, as there are virtually no instances where she would have issued a ruling in an official capacity. The only source at our disposal is an inscription from Ephesus containing, among others, a letter from Julia Domna to the people of Ephesus, a letter which contains references to the city as a seat of learning and assurances that Julia would help the city to get further benefits from her son.⁴⁵ There is pointedly no reference to herself as a decision maker.

What this would imply is that instead of using direct public power, of which the administrative traditions of Rome would not have approved, Julia Domna would have presented herself as a kind of interlocutor. Though the real holder of power, Caracalla, may have been elsewhere, as his mother she would have been or assumed to have been in an exceptionally good position to influence his decisions. There is of course a fine line to be drawn between a mother who can put in a good word and an interlocutor to a supreme power who is very seldom present.⁴⁶

While earlier scholarship had suggested that Julia Domna would have had an official position as a judge and would have acted as a co-regent,⁴⁷ the matter is not quite clear.⁴⁸ The majority view assigns her an unofficial

⁴⁴Honoré, *Emperors* calls the rescript system 'free legal aid'. The precise impact of rescripts in the legal process is not clear, on the issues see, for example, Nicola Palazzolo, *Potere imperiale ed organi giurisdizionali nel II secolo D.C.*, Milano, 1974; William Turpin, 'Imperial Subscriptions and the Administration of Justice', 81 *Journal of Roman Studies* (1991), 114–118. On the theory and practice of the rescript system, see Ulrich Wilcken, 'Zu den Kaiserreskripten', 55 *Hermes* (1920), 1–42; Nörr, 'Reskriptenpraxis'; Williams, 'Libellus'; Honoré, *Emperors*, 35–37; Hauken, *Petition*, 263, 300–306; A.J.B. Sirks, 'Making a Request to the Emperor: Rescripts in the Roman Empire', in Lukas de Blois, ed., *Administration, Prosopography and Appointment Policies in the Roman Empire*, Amsterdam, 2001, 121–135.

⁴⁵SEG 33.938; SEG 51.1579, lines 9–14: Julia Augusta to the Ephesians. I join in the prayer of all cities and all peoples to receive (benefactions) from my dear son, the emperor, especially in the case of your city on account of (its magnificence) and beauty and the rest of its endowment and because of the fact that it is a school for those who come from anywhere to its seat of learning. (A marble plaque from Ephesus. Tr. Oliver, *Greek Constitutions*, 514, n.265.) A similar instance of empress as benefactor is the letter dispatched by Plotina to Hadrian on behalf of the Epicurean school (*ILS* 7784). See Riet van Bremen, 'Plotina to all her Friends: The Letter(s) of the Empress Plotina to the Epicureans in Athens', 35 *Chiron* (2005), 499–532.

⁴⁶Cass. Dio 79.24 on Julia Domna as a tragic figure.

⁴⁷See notes 8–9 above for references.

though influential position and sees Julia's role as similar to that of Livia and Plotina, who both heard petitions.⁴⁹ We should be very careful in making a distinction between the use of factual power or influence, which she and the other empresses had, and the capability of making a judgment that would be recorded as an imperial ruling. While I am convinced that legal and political power could and would mix, and empresses were known to have been deeply involved in the making of legal decisions, it would have been wholly another matter to have someone other than the emperor openly making a legal decision.

The wording used by Dio in 78.18.2 (τῶν βιβλίων) has a clear legal connotation, as the direct translation could be 'petitions'.⁵⁰ However, making a formalistic interpretation has not normally been a convincing way of arguing in the case of the Roman emperors. Though a woman would have normally been barred from holding office, such limitations were not applicable to the emperor, who would do very much what he pleased. Considering how central a role Julia had in the public image of the reign of Caracalla, what would have been the practical effect of her opinions and rulings?

It is true that the administrative traditions of the Roman state had virtually no precedent for a woman to have a role in official functions of the state such as magistracies.⁵¹ However, the normal functioning of the Roman empire was a flexible term in and by itself. Such an example was the invention of the *iudex vice Caesaris* itself, an office previously unknown. Similarly, the very powers over the law of the Roman emperor were the result of a mission creep – the gradual enlargement of the powers and duties of the emperor – not something that would have been sanctioned through a conscious decision. The imperial power was undefined and without legal limits, but in practice it was constrained by the traditions of ruling and the exercise of power.⁵²

A further problem is how many of the embassies, requests, petitions and letters were about legal issues. Because the over 2000 rescripts preserved in the Justinianic compilation were legally relevant, one easily gets the impression that the matters that emperors were petitioned about were mostly legal. However, we know next to nothing about the issues that the

⁴⁸Kettenhofen, *Syrischen Augustae*, 16–19 based his rejection on the Ephesus inscription.

⁴⁹Levick, *Julia Domna*, 95–97 insists that as a woman she would not have had any public role. Freisenbruch, *Caesar's Wives*, 200, accepts that she did hear petitions and for the first time had such a prominent and official role.

⁵⁰While the basic translation (Liddell and Scott) may be 'a paper, scroll, letter, document', the word 'βιβλίον' is used in the meaning of 'legal document', for example in 'ἀποστασίου βιβλίων' = 'writing or bill of divorce' (LXX *De.* 24.1, *Ev. Matt.* 19.7, *Ev. Marc.* 10.4) or 'τὸ βιβλίον τοῦ ψηφίσματος' (*IG* 22.1.61) (το ψηφίσμα = 'proposal passed by a majority of votes: esp. measure passed by a popular assembly, decree'). The diminutive form βιβλίδιον is the equivalent of Latin *libellus*. βιβλίδιον, *petition* to the government = Lat. *libellus*, *BGU* 422 (ii A.D.), *POxy.* 86.16 (iv A.D., 'Complaint of a Pilot'). ἐπὶ βιβλιδίων = Lat. *a libellis*, *IG* 14.1072: written βυβλιδίων Demetr. Lac. *Herc.* 1012.35F, 1013.12F.

⁵¹Birgit Feldner, 'Zum Ausschluss der Frau vom römischen officium', 47 *RIDA* (2000), 381–396.

⁵²Michael Peachin, 'Exemplary Government in the Early Roman Empire', in Olivier Hekster et al., eds., *Crises and the Roman Empire: Proceedings of the Seventh Workshop of the International Network Impact of Empire* (Nijmegen, June 20–24, 2006), Leiden, 2007, 75–93.

emperors dealt with during their receptions and their correspondence. Some indication may be found in the *Apokrimata*, but also in the peculiar collection known as the *Sententiae et epistulae divi Hadriani*, which contains Hadrian's pronouncements in thirteen cases. While many of the issues may be broadly construed as legal, some are purely about *beneficia*.⁵³

But then what would Julia Domna have actually done? While it is unlikely that she would have drafted the answers to petitioners herself, it remains a contested issue how much even the emperors were part of the process of drafting and writing of letters and rescripts. The episode mentioned by Dio took place while Caracalla was at Nicomedia during the winter of AD 214/215. Both Dio's text and the fact that he was a senator from the same region suggest that Dio was accompanying Caracalla at the time.⁵⁴ From that period there are in total nineteen rescripts preserved from the year AD 214 and forty-four rescripts from the year AD 215. According to Honoré, during the years AD 213 to 217 the rescripts were drafted by what he dubs 'Secretary no. 5', whom he has identified through his style of writing.⁵⁵ Even if we could identify rescripts written during the time in Nicomedia, we have little indication whether the answering of petitions took place only there and thus comparisons would be impossible. As the final wording would be the work of the secretary, no conclusions should be drawn from this either.⁵⁶ However, no rescript actually refers to her in the same way that the *divi fratres* Marcus and Verus issued joint rescripts or Severus and Caracalla answered the *apokrimata*. Then again, whether Marcus and Verus would have together drafted the rescripts that they jointly issued is equally unclear. The author of the SHA seems to be sceptical, to say the least. He recounts an anecdote of Marcus Aurelius and Lucius Verus sharing a villa outside Rome. While Verus engaged in sordid debaucheries with actors and other lowly characters, Marcus sat industriously as a judge for five days and examined law cases with care.⁵⁷

⁵³Georg Goetz, *Corpus glossariorum latinorum*, Leipzig, 1892, vol.III, 31–38, 387–390. Since the provenance of the text is highly dubious and it contains many grammatical mistakes and curious verdicts, it was long considered to be a work of fiction. With the recent discoveries of papyrological evidence of legal hearings, its credibility has been improved. All of the cases are quarrels or petitions of regular people outside the elite. There are two different versions of the text, embedded in a pedagogical text containing samples of Greek and Latin side by side. Schiller was the first to note that the text, while containing many errors, corresponds grammatically to imperial hearings known from other sources. A. Arthur Schiller, 'Vindication of a Repudiated Text: "Sententiae et epistolae Hadriani"', in *La critica del testo, Atti del secondo congresso internazionale della società italiana di storia del diritto*, Florence, 1971, 717–727; Naph-tali Lewis, 'Hadriani Sententiae', 32 *Greek, Roman and Byzantine Studies* (1991), 267–280; Millar, *Cassius Dio*, 532. The search continues for new legal material from the same manuscript, see Eleanor Dickey, 'New legal texts from the Hermeneumata Pseudodositheana', 82 *The Legal History Review* (2014), 30–44.

⁵⁴Davenport, 'Cassius Dio'.

⁵⁵Honoré, *Emperors*, 91–95.

⁵⁶For example, the rescripts dated to the time in the winter camp are *Cod. Iust.* 5.40.1 from 5 Nov. 8.20.1 from 18 Nov. 214 and 5.43.2 from 13 Jan. 215. None mention anyone but Caracalla as the author.

⁵⁷SHA *Verus* 8.8–10.

There is, of course, the contentious issue of authorship in imperial rescripts. Others have noted how there were rescripts dated to Rome at times when the emperor definitely was not there, for example during Caracalla's time in Germania the previous winter (AD 213/214) or Elagabalus' rescripts from AD 218.⁵⁸ This meant that someone, most likely the legal secretaries, answered in the name of the emperor. Even if Julia Domna had answered the petitions, in all likelihood with the help of secretaries, the answers would have been sent in the name of the emperor.

Most of the attempts at detecting the individual style of emperors in their rescripts have been unsatisfactory, Williams' theory of Hadrian's rescripts showing the individual opinions and emotions of the emperor being the exception.⁵⁹ Despite this, whatever authors, such as Honoré, have argued from the existing rescripts of emperors (for example, that Caracalla's rescripts deviate from established law much more than those of the other emperors), it is very hard to make an objective judgment as the material is ambiguous.⁶⁰ Thus what, for example, Honoré himself argues to be the capricious and petulant style of Caracalla may be something that is taken as a given because the historical judgment is based so much on one hostile witness, Dio. From their writings it is quite evident that jurists felt free to criticize the rulings of emperors when they felt that the emperors were making a wrong decision. For example, in a text that was preserved in the Digest, Paul stressed that the emperor should not validate an imperfect will. For him to do so would be shameful, because the imperial majesty should observe laws from which he is exempt.⁶¹

What impact could Julia Domna then have in the exercise of law? From the accounts of Dio, Julia Domna appears as a kind of interlocutor and a gatekeeper, hearing appeals and petitions and deciding what to forward to her son to decide.⁶² As such, she would have wielded enormous power. Scholars of the imperial administration have long argued that access was one of the most vital assets of any petitioner. That meant that the imperial family, the *amici*, the members of the imperial court were all in a privileged position to aid a petitioner to find an audience to the emperor. While someone giving or presenting a petition to the emperor personally was liable to be more successful than one presenting a petition in writing, in legal cases presenting a petition in person was mandatory.⁶³ What Julia Domna could do was to decide whether a petition or a case was even heard.

⁵⁸Nörr, 'Reskriptenpraxis', 35–36.

⁵⁹Wynne Williams, 'Individuality in the Imperial Constitutions: Hadrian and the Antonines', 66 *Journal of Roman Studies* (1976), 67–83.

⁶⁰Honoré, *Emperors*, 25–26, noting though that Caracalla's rulings have led to diverging opinions.

⁶¹*Dig.* 32.23.

⁶²Cass. Dio 19.4 maintains that Julia Domna took care of his correspondence until his death.

⁶³Honoré, *Emperors*, 43–45; Eck, 'Kaiser', 212.

The whole issue of the delegation of jurisdiction is a convoluted one⁶⁴ and whether one may speak of such matters in relation to what took place in the imperial family is highly dubious. Members of the imperial family received petitions much like virtually everybody else in the Roman world who was in a position of authority. Whether these petitions had any effect on the course of justice is another matter that involved the transfer from the political sphere to the juridical. Thus we may assume that Julia Domna, like some empresses before her, received and answered petitions that involved legal matters. However, it would be safe to assume that, for example in the case of the letter to Ephesos, the binding decision itself would have been made by the emperor himself. We are still far from a credible answer to the issue of whether the emperors decided personally all legal matters that were resolved under their authority, but the evidence indicates that such involvement was expected and, to the contrary, the official delegation of the personal power of the emperor was still rare. Such delegation was done in a regular manner to the praetorian prefect and, to a lesser degree, to the city prefect.⁶⁵ In the legal sources, there were even provisions for the appointment of proconsuls on extraordinary commissions (*legati iuridici, quasi magistratus*).⁶⁶

For the purposes of this inquiry, it is important to note that the delegation of imperial powers of adjudication was to all intents and purposes invisible to the persons appealing to the emperor. Regardless of who took the executive decision, the office of the emperor would respond in a similar manner, making it hard to know whether the emperor had actually seen the petition at all or whether the query had been responded to by a functionary and simply approved by the secretary *a libellis*. Likewise, the *iudices vice sacra* adjudicated in the name of the emperor, their judgments presumably being indistinguishable from those given by the emperor himself. Thus what is interesting about the issue of Julia Domna handling letters, petitions and meetings is that it is highly likely that she worked in the name of her son, except in the cases where she distinctly was writing as herself, as in the case of the letter to the people of Ephesus.⁶⁷ What this means is that as long as the proceedings went on by written correspondence, the recipients would see no difference. In the case of persons coming to meet the emperor, having an audience with his mother instead was a good alternative, given her positive reputation and known influence on her son.

⁶⁴See Xesús Pérez López, *La delegación de jurisdicción en el derecho romano*, Madrid, 2011.

⁶⁵*Dig.* 1.11.1.1, 1.12.1–6, 1.2.2.37.

⁶⁶*Dig.* 1.16.7.2 (Ulpian). A further example would, of course, be the earlier appointment of *privati* for extraordinary commands.

⁶⁷For an interesting comparison, see Jill Harries, 'Men without Women: Theodosius' Consistory and the business of Government', in Christopher Kelly, ed., *Theodosius II*, Cambridge, 2013, 67–89.

V. Conclusions

By the second century AD the emperor had become the highest judge, legislator and administrator of Rome in an arrangement that was complicated and undefined, playing different roles for the elite of Rome, Italy and the provinces. The purpose of this article was to explore the case of Julia Domna as a stand-in for Caracalla, according to an enigmatic piece of information by Dio about her handling petitions, audiences and correspondence on behalf of Caracalla for a time in the winter of AD 214–215. What role would she have had?

The answers that arise from the sources are contradictory, but some basic traits are discernible. From a formal legal perspective, the idea of delegating the official power to a woman was impossible. Then again, in the case of imperial administration formalism can be misleading as the emperor was capable of making all kinds of exceptions. Furthermore, Julia Domna was an exceptional and central character who had a pivotal role in the public image of the Severan dynasty. She obviously had a wide following and was featured in the propaganda with an almost equal status with her son. Finally, her intellectual capability was not to be doubted and her interests in philosophy and learning were considerable.

The Roman imperial jurisdiction was highly personal and petitioners sought to appeal directly to the emperor, bypassing the official channels. Perhaps continuing a long-established Hellenistic pattern of the ruler's justice being the link between the ruler and the people, Roman emperors sought to appear magnanimous and approachable, as good rulers interested in the wellbeing of the subjects and willing to bring them justice. However, this produced massive logistical problems as one man was supposed to be approachable and open to the concerns of the whole empire. Thus, the emperor's power to adjudicate was delegated to special *iudices vice Caesaris* and legal secretaries were assigned to handle correspondence. Despite this, their performance in jurisdiction and adjudication was considered an important character trait in emperors and a sign of their virtues and vices.

As to the issue of the specific legal role of Julia Domna, there was no sign of the delegation or the granting of a specific legal authority. It is quite likely that she would represent her son, meet with dignitaries and answer queries, but that the final authority on imperial matters would always rest with him. This did not mean that she would not have vital influence, quite the opposite. She would have acted as a gatekeeper who could give access to petitioners and influence her son's decisions. That her authority was more political than legal is testified by the fact that at the time when Dio is speaking, both a *iudex vice Caesaris* and legal secretaries are known to have existed. However, neither of them left their names in the legal sources either. Furthermore, why would she have needed to meddle in legal issues on individual matters when she would

have influenced much more important matters of the state? One possible answer may, of course, be her sense of duty, which was emphasized in contrast to that of her son and other relatives.

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