

Summary

Apart from Cicero's correspondence, the preserved letters between Pliny and Trajan are unique in the field of Latin epistolography. The material comprised in Book 10 of Pliny and Trajan's letters has been a source for practising the Latin language for many centuries (especially in the 19th century). What is more, the letters were an important carrier of ideological content. The ideal of a benevolent ruler and industrious and loyal administrator became a model for the relations developed in power states which soon cherished imperial ambitions. Among such states one could include Great Britain, Germany and France. Scholars investigating modern history often become surprised at the number of patterns in the field of ideology of power and real politics, which have been derived from classical writings. Book 10 of the correspondence between Pliny and Trajan can be perceived as a model material, which was used for creating contemporary policies of that time, on both the local and international levels. In this way, it could be useful to all whose interests focus on political sciences, especially history and political theory.

Pliny's letters to Trajan still remain an undervalued source in research on the history of law. In a unique way and on concrete examples this source shows to what extent the Roman "law in the books", preserved till the present times thanks to Justinian's codification (6th century AD), was applied in practice as "law in action". The critical publication of the text, accompanied by a translation, will undoubtedly prove popular in the circles of Polish romanists and law historians. Experience often shows that even law dogmatists have a tendency to refer to the classical concepts of the law in support of their theories. Thus, we hope that Pliny's letters should also become popular among them.

Attempting to write a commentary to the letter-writing between Pliny and Trajan we decided to disrupt the order accepted by the editors of the letters. So far, commentaries by E.G. Hardy, A.N. Sherwin-White, W. Williams, F. Bracci have treated each letter on its own, as a separate entity. Of course, when it cannot be avoided, all the above-mentioned authors refer to the content of other works. Still,

they preserve the order accepted by the editors and they discuss particular letters in the same order. We have decided on a more risky approach, but one which is more effective in highlighting the wealth of content of the letters between Pliny and Trajan. That is, we have gathered the letters into twelve chapters, which are at the same time thematic sections.

Chapter 1 (“Documents and legal acts passed by Domitian and Nerva”) includes documents issued by the emperor’s chancery during the reign of Domitian and Nerva. Letters of recommendation written by Domitian, succinct and surprisingly precise, do not differ from other works of the same kind preserved in other sources. However, what draws the reader’s attention is Nerva’s edict, which differs significantly in its form and content from other known legal acts issued by emperors in this epoch. In its stylistic layer Nerva’s line of thought resembles divagations of late antique acts, in which the authors abandoned the use of clear legal terms, replacing them with accidental, descriptive and equivocal expressions. The use of similar rhetoric by the emperor’s chancery already by the end of the 2nd century AD may come as a considerable surprise to the reader.

Chapter 2 (“Wishes and congratulations”) is a collection of wishes and congratulations with which Pliny addresses Trajan upon his accession to the imperial office and later upon various anniversaries. The most interesting text is the extended letter in which the author congratulates his future protector on his accession to the throne. In the letter, rhetorical themes are intertwined with political ones. In this letter for the first time Pliny focuses on the stabilization the state had achieved during the reign of Trajan and juxtaposes it with the widespread insecurity which accompanied the reign of Diocletian. The remaining works, sent already from the province, are official notes in their character, in which the author informs the ruler that the formalities with regard to celebrating one sort of anniversary or another have been fulfilled. That is why also the replies to them are exceptionally general and rigid in their nature. They are a skilful travesty of Pliny’s letters and were written by the personnel of the emperor’s chancery.

Wishes must be differentiated from requests for protection, which Pliny addresses to Trajan, on account of their relationship. They are collected in Chapter 3 (“Requests for protection”). Those writings can be divided into three groups: requests in one’s own matters, requests in the matters of others and letters of recommendation. What is striking is the disproportion between the first two groups and the last one. Asking for favours for himself and people from his own circle Pliny achieves the heights of eloquence. He either flatters the emperor or falsely justifies his own “impudence”. He uses all the available tricks to achieve his purpose. In the case of references his style is dry, poor in rhetorical ornaments and reserved in his praise. The whole is kept in the climate of bureaucratic statement.

The antique social structure was based on permanent inequality. A person's status very often determined his fate. It is proven by the writings which comprise Chapter 4 ("Person's legal status"). A privileged position in the empire was always held by Roman citizens. In the 2nd century AD they still remained an elite enjoying numerous privileges. Members of provincial aristocracy who could count on the support from people from the emperor's circles aspired to join this exclusive group no matter the cost. The motif of granting Roman citizenship to inhabitants of the province appears in Pliny's letters several times. It is significant that Trajan reacts to such requests in various ways. He does not hesitate only in the case of centurion Publius Actius Aquila's daughter. The emperor's behaviour proves that in the 2nd century AD Roman citizenship remained for many an unattainable dream and it was indeed granted rarely and unwillingly to foreigners. Another motif that is worth mentioning is *ius trium liberorum*. Literary sources emphasize the resistance of society towards the passing of laws on marriage by the emperor Augustus. From the writings it transpires that those laws were circumvented and ignored. However, the exchange of letters between Pliny and Trajan shows a different picture. In the writings of the governor *ius trium liberorum* turns out to be a very important and desired prerogative of the representatives of Roman aristocracy. Pliny also refers to the status of free people who were raised in slavery. It was common practice in Greco-Roman antiquity to abandon new-born children. The head of the Roman family (*pater familias*) autonomously decided whether the child should be accepted into the family and raised or abandoned. One of the letters fully conforms the scale and importance of that phenomenon. The abandoned, who were raised as slaves and then learned about their own roots initiated a procedure to regain their freedom. In the region of Bithynia and Pontus such cases were so numerous that the governor decided to inform the emperor about the problem. In his reports he also makes a reference to a procedure called *restitutio natalium*.

Chapter 5 ("Legal status of the property") includes letters which might shed light onto research on Roman property law. Basic information on the subject of the legal status of the property excluded from legal transactions (*res extra commercium*) can be found in The Institutes of Gaius and Justinian's Digest. Pliny's letters devoted to temples (*res religiosae*) and tombs (*res sacrae*) turn out to be fascinating sources, which facilitate an analysis of the practical application of the rules of law. They are exceptional also due to the fact that the Romans were unwilling to disclose secrets pertaining to the sphere of religion.

The next chapter ("Inheritance law") is devoted to the rules of inheritance. Given the importance that the Roman society attached to this sphere of law, the scarcity of letters which mention the issues regarding inheritance may seem a little surprising. Perhaps it was caused by the fact that Pliny knew those issues very well

and did not need many suggestions from the emperor on this matter. In one of the letters there is a courteous question with regard to executing a bequest to which the emperor answers in a similar courteous manner. However, the cases of the estate without a claimant in the city of Nice are much more interesting. The right of the city to acquire the property of the deceased who did not write their will is a true exception among Roman laws.

The correspondence between Pliny and Trajan, as it transpires from the material collected in Chapter 7 (“Legal system of municipalities”) indeed offers a wealth of knowledge on the rules governing the actions of public authorities in municipalities in the region of Bithynia and Pontus. Pliny does not know the local rules and customs and that is why he pesters the emperor with questions regarding the election rules for municipal councils, the right to membership in the municipal council and also local customs, which in his eyes border on the election corruption. Trajan’s knowledge of those issues is also limited and thus he consequently steers away from offering binding directives to his governor. However, he does not forget to remind Pliny that first of all cities should apply Roman *lex Pompeia* and only when it is not applicable should local customs be applied.

The main reason for sending Pliny to the province of Bithynia and Pontus was the need to control and put in order municipal finances. Thus, the governor shares his doubts with the emperor with regard to the expenditure of the city of Bizantium, the financial privileges of the city of Apamea, management of public funds, the order of collecting public debt, etc. (Chapter 8: “Finances of municipalities”). The number of letters devoted to strictly financial issues is not overwhelming in the context of the whole correspondence. Yet, what becomes apparent is the unmistakable reluctance on the emperor’s side to personally intervene in the internal life of particular communities. He reminds his governor on numerous occasions that his duties include maintaining order in municipal finances and that it should be achieved in such a way, so as not to raise the feeling of discontent or social unrest, for that matter. That is why the emperor consequently dismisses all Pliny’s ideas which would definitely make life easier for the official, but which in the emperor’s eyes are too drastic or too authoritarian in form (e.g. the plan to provide obligatory loans to local council members).

Chapter 8 also comprises letters documenting the type and scale of municipal investments. For many cities, financial problems were rooted in an unrestrained ambition manifesting itself in undertaking grand construction projects, which they could not afford. Additional circumstances such as the lack of specialists, insufficient experience of the builders and ubiquitous corrupt practices further aggravated the problem. Undertakings such as the building of the aqueduct in Nicomedia or theatre in Nice turned out to be financial catastrophes. Pliny does not trust lo-

cal authorities or builders and that is why he asks for specialists to be sent from Rome. Paradoxically, Trajan refuses his request in order to protect his governor and friend. The inhabitants of Bithynia and Pontus had been famous for bringing corruption cases against their former Roman governors. Trajan does not want Pliny to share their fate and that is why he advises him to solve problems in cooperation with local communities. On the other hand, the emperor has few qualms when Pliny proposes his own projects, out of which the most spectacular is the plan to build a canal connecting the Nikomedia's lake with the sea. Trajan not only does not oppose the project but in fact motivates his official to implement it. The same happens when Pliny proposes a plan to build a cover for a sewer canal in the city of Amastris. However, in both above-mentioned cases there was no risk of opposition from the local elites.

In the Digest of Justinian one can find instructions specifying that the fundamental duty of the governor is to provide "peace and quiet" in the province. It is thus not surprising that concern for public order in the region of Bithynia and Pontus regularly appears in the correspondence between Pliny and Trajan. Those issues are discussed in Chapter 10 ("Public order"). On a daily basis the governor has to decide on minor issues, yet connected with a certain imperial etiquette (e.g. deciding on the number of soldiers in the escort for representatives of imperial administration or the possibility of issuing travel documents on outdated forms). However, on his regular visits around the province, Pliny also encounters situations which cause his deepest concern. The best example here is the question of the appropriateness of using public slaves to guard prisons or doubts regarding the possibility of the functioning of associations within the province. As both above-mentioned issues are related to the security of the state, the emperor's answer is precise and decisive. In such cases Trajan pays no heed to sentiments and does not take the feelings of the local community into account. The interest of the empire is above all other concern. One of the letters included in this chapter is an invaluable resource for the studies on the institution of asylum in the Greek East in the 2nd century AD.

From among the letters which raise the issues of criminal policy of Roman administration on the territory of Bithynia and Pontus (Chapter 11: "Crimes and punishments") the letter that has evoked the greatest interest is the one which is devoted to the trials of Christians and Trajan's bureaucratic stance which transpires from the emperor's reply. This text is among the earliest and at the same time the fullest testimonies documenting the type of repressions imposed on the followers of Christ in the 2nd century AD. Also other letters raising the issues regarding the criminal law should be of interest in this matter. A certain uncompromising attitude which Trajan demonstrates against slaves discovered among recruits is very typical. Not only does the emperor impose a severe punishment on the slaves,

but he also orders a thorough investigation with a view of revealing irregularities which might have occurred during the recruitment process. The letter in the case of alleged *lèse-majesté* parallels the information of Suetonius and Tacitus on the subject of Domitian's "madness" and the atmosphere of fear which paralyzed society during the reign of the emperor. The allegation which Pliny informs Trajan about is absurd. However, the governor bears in mind that until recently even more trivial cases ended with a death sentence. The writing with regard to public works is the main source of knowledge on the subject of serving such a penalty in the 2nd century AD. Reports regarding illegal pardons and illegal stay of outcasts on the territory of the province are also of exceptional nature. Their unique value lies in the fact that subsequent legal sources hardly focus on such issues.

The last chapter includes letters which fall outside the scope of the above categories. It discusses the question of Pliny's patronage, his court activity in Rome, the history of founding a temple in Tifernum Tiberinum, an account of the journey of the newly-appointed governor to the province of Bithynia and Pontus and his diplomatic activity which he exercised on the territory under his rule.

In our work we refer to the idea of M. Bloch and L. Febvre, the founders of the Annales School, according to whom scholars should cross the boundaries between different humanistic and social sciences. The studied text is very complex in its nature and this is why it requires an interdisciplinary approach. The text has been explored and examined by academics of established reputation, representing the disciplines such as Roman law, ancient history and classical philology. In the project we have used methods specific to different scientific disciplines, including the comparative law, sociological and philological methodologies. Interesting results transpired from the analysis of the functioning of legal institutions and offices as described in the letters. The collected data has been confronted with the conclusions which the science of law has drawn on the basis of analysing legal sources.

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