

and subject are similar with J. H. Jung's, *Die Rechtsstellung der römischen Soldaten. Ihre Entwicklung von den Anfängen Roms bis auf Diokletian*. In: ANRW II 14 [1982] 882–1013, but Christoph Schmetterer's book is limited to the High Empire). One of the fundamental questions raised by the author is whether soldiers were disadvantaged or privileged in comparison with civilians (p. 1).

Following a short introduction (pp. 1 f.), the first chapter (numbered »II«) is dedicated to the development and structure of the Roman army during the Principate (pp. 3–10). This overview is based mostly on general papers, and not always the most relevant or standard, so it could only be of some help for someone who has no idea of the Roman army. Most surprisingly, Yann Le Bohec's classic book, *L'Armée romaine sous le Haut-Empire* (Paris 1989) – also available in German and in English – is missing. This shortcoming is to be found through the entire book, as the bibliography used is very deficient. This lack has already been emphasized by Le Bohec in the review he published in *Klio* (95, 2013, 258 f.), where the reader can find the most important titles disregarded by the author.

The next chapters (III–XI), which constitute the substance of the book, deal with different aspects of the legal status of soldiers. They are mostly based on the few juridical texts that have been preserved, mostly those which can be found in the forty-ninth book of the *Digestae*. (All the relevant passages are cited in full and a German translation is given.) Next to these, the author also uses some texts known only by the papyri (see chapters VIII and IX). However, he curiously neglected epigraphic sources, while some of them could have clarified a certain number of issues. The little emphasis put on the inscriptions is also one of the main shortcomings of the book.

The third chapter deals with the recruitment and service in the army (pp. 11–24). He focuses on the different categories of people who were forbidden to join the army (i. e. slaves – the famous exchange of letters between Pliny the Younger and Trajan [Ep. 10, 29–30] is given in full – and some type of freedmen) or who were exempted from the military service (like priests and municipal magistrates). Some misleading information is to be found here. While the author is speaking of the equestrian militias, he mentions that the command of an *ala milliaria* is the third militia. In fact, that was the fourth militia, a difficult post to get, since there were only nine to ten of these units throughout the Roman Empire (H. Devijver, *The Equestrian Officers of the Roman Imperial Army* [Amsterdam 1989], 277). As for the third militia, it is the command of an *ala quingenaria*. The command of an auxiliary unit usually covers three years.

The fourth chapter is about the military penal law and highlights the typical crimes, like desertion, lack of discipline and, the most grievous one, defection to

Christoph Schmetterer, **Die rechtliche Stellung römischer Soldaten im Prinzipat**. Philippika. Marburger altertumskundliche Abhandlungen, volume 54. Publisher Harrassowitz, Wiesbaden 2012. XI and 130 pages.

The book reviewed here originated as a doctoral thesis defended at the Faculty of Law of the University of Vienna in 2005. The published version was updated with literature available by the end of 2010. The author's assumed aim was to research the legal status of Roman soldiers during the Principate, especially the differences between them and the civilians (its title

the enemy (pp. 25–33). For the penalties inflicted upon soldiers, a passage from Modestinus' *De poenis* is cited in full. A most detailed analysis could be found in Sara E. Phang's book (*Roman Military Service. Ideologies of Disciplines in the Late Republic and Early Principate* [Cambridge 2008]), which, unfortunately, was not used by the author.

In the fifth and sixth chapters, problems related with the soldiers' salary and the *peculium castrense* are tackled (pp. 34–52). About the payment of soldiers, the author compiled into a table the relevant information he found in the studies published so far. Nevertheless, one should have expected here a discussion on the sources, especially the papyri and the *Vindonissa* tablets (see R. O. Fink, *Roman Military Records on Papyrus* [Ann Arbor 1971] nos. 68–72; M. A. Speidel, *Journal Roman Stud.* 82, 1992, 87–106). The author follows the assumption that the pay scales of legionaries and auxiliaries are obviously different, but he failed to mention that there is another theory defending the equal pay scales, although based on a false premise (cf. R. Alston, *Journal Roman Stud.* 84, 1994, 113–123). That paper is cited by the author, but he does not refer to the debate around the unfounded hypothesis, which is, of course, a misleading for the reader).

The smaller chapter 7 is dedicated to *collegia* of soldiers (pp. 53–55). It seems that, following a passage from *Digestae* (47, 22, 1), they were forbidden to establish such clubs, with the exceptions of some associations of poor soldiers or those with a religious purpose. The epigraphic sources contradict this assumption. The military *collegia* are to be found everywhere in the Roman Empire. Like the author states, the *Digestae*'s passage is nevertheless unclear and difficult to date. The subject is fully discussed in a book by Sabino Perea Yébenes unfortunately ignored by the author (*Collegia militaria. Asociaciones militares en el Imperio romano* [Madrid 1999]).

The eighth chapter takes into account the difficult question of soldiers' marriage (pp. 56–75), which lately was admirably studied by Sara Phang (*The Marriage of the Roman Soldiers* [13 B. C. – A. D. 235]. *Law and Family in the Imperial Army* [Leiden, Boston and Cologne 2001]). The main sources used here are the *Cataoui papyri* and the relevant passages are given in full with a German translation and useful commentaries. Together with these texts, the author adds some literary and juridical documents. The testimonies known demonstrate that active soldiers could not contract a legal marriage. The author acknowledges that there is no certainty about the time when the ban was lifted, but he proposes, following a passage from Herodian (3, 8, 5), that it was Septimius Severus, who allowed soldiers to get married. The problem is not at all simple, since a military diploma from 206 A. D. preserves the formula »*praeterea praestiterunt filiis decurionum et centurionum quos ordinati susceperunt ut cives Romani essent*«.

Relying on that text, Werner Eck proves, in his article on Septimius Severus and the soldiers (in: B. Onken / D. Rohde [eds.], *In omni historia curiosus. Studien zur Geschichte von der Antike bis zur Neuzeit. Festschrift für Helmuth Schneider zum 65. Geburtstag* [Wiesbaden 2011] 63–77), that Septimius Severus had not lifted the ban upon soldiers' marriage in 197 A. D. Moreover, he gives an interpretation of the passage concerned, which really seems to be the correct one (pp. 76 f.). To summarize that, Septimius Severus allowed his soldiers to live together with their wives under the same roof, in the *canabae*, but there was no marital status according to the Roman law. In fact, legal marriages were dissolved at the time of recruitment, so children born during the service were illegitimate.

Before 140 A. D., the auxiliary soldiers received the *civitas Romana* together with their children, as well as the *conubium*, through imperial constitutions (See W. Eck in: M. A. Speidel / H. Lieb (eds.), *Militärdiplome. Die Forschungsbeiträge der Berner Gespräche von 2004* [Stuttgart 2007] 87–104; P. Weiß, *Chiron* 38, 2008, 1–45; S. Waebens, *Chiron* 42, 2012, 1–23).

Starting with that year, the privilege for the children was revoked, with one exception: the legitimate children born before the enlistment of their fathers (see W. Eck / A. Pangerl, *Zeitsch. Papyr. u. Epigr.* 181, 2012, 173–182): »*praeter(ea) praestitit ut liber(i) eorum quos praesidi provinc(iae) ex se antequam in castra irent procreatos probaver(int) cives Romani essent*«. We do not know the reason for that legal amendment and why it was only applied to the auxiliary units, but many interesting suggestions were made in the studies cited above (in which one can find the entire bibliography on that topic). Unfortunately, these hypotheses are not tackled by the author, since his bibliography is too limited.

The ninth chapter, which deals with soldiers' testaments (pp. 76–82), is largely based on a passage from Ulpianus (*Dig.* 29, 1, 1) and a papyrus (BGU 140) preserving the translation of a letter of Hadrian to the *praefectus Aegypti*. That epistle is about the right of inheritance of the children born while their fathers were serving. In practical terms, the soldiers were allowed to make a testament and to leave their goods to their children or to other persons, like their fellow soldiers (see e. g. R. O. Fink, *Roman Military Records on Papyrus* [Ann Arbor 1971] no. 77; S. E. Phang, *Roman Military Service. Ideologies of Disciplines in the Late Republic and Early Principate* [Cambridge 2008] 178 f.) The epigraphic sources, not considered enough by the author, fully attest this practice.

The tenth chapter is dedicated to war prisoners and to the principle of *postliminium*, again on the basis of the *Digestae* (pp. 83–87). It is unfortunate that the bibliography is, one more time, insufficient. Two books have been written on the subject and both are ignored by the author (A. Maffi, *Ricerche sul postlimi-*

nium [Milan 1992]; M. F. Cursi, *La struttura del postliminium nella Republica e nel Principato* [Naples 1996]).

The eleventh chapter is about the veterans (pp. 88–111). It takes into account the different types of discharge: the *missio honesta*, the *missio causaria*, and the *missio ignominiosa*; as well as the two kinds of rewards: the *missio nummaria* and the *missio agraria*.

The rewarding by the imperial grant of *civitas* and *conubium* to the auxiliaries, the fleet soldiers, and to the *equites singulares Augusti*, and only of the *conubium* to the praetorians and to the members of the urban cohorts is tackled in a subchapter (pp. 92–106). The number of documents attesting these rewards, the so called military diplomas, is growing continuously: There are around 1100 diplomas known, out of around 300.000 ones given automatically and on a routine base, from Claudius' reign to the middle of the third century, with a short interruption between 167 and 177 A. D., probably only for the bronze diplomas (see W. Eck, *Bürokratie und Politik in der römischen Kaiserzeit. Administrative Routine und politische Reflexe in Bürgerrechtskonstitutionen der römischen Kaiser* [Wiesbaden 2012]; idem, *Passauer Jahrb.* 55, 2013, 12 f.), the bibliography used by the author is completely outdated. He not even mentions Paul Holder's *Roman Military Diplomas* (vol. V [London 2006]; B. Pferdehirt, *Römische Militärdiplome und Entlassungsurkunden in der Sammlung des Römisch-Germanischen Zentralmuseums* [Mayence 2004, cf. W. Eck's review *Bonner Jahrb.* 209, 2009, 349–355; Speidel / Lieb, *op. cit.* [whose papers are a welcomed addition to the volume on the same topic which was coordinated by Werner Eck and Hartmut Wolff in 1986]; B. Pferdehirt, *Die Rolle des Militärs für den sozialen Aufstieg in der römischen Kaiserzeit* [Bonn 2002, cf. M. Reuter's review *Plekos* 7, 2005, 33–35]; N. Scheuerbrandt, *Kaiserliche Konstitutionen und ihre beglaubigten Abschriften. Diplomatie und Aktengang der Militärdiplome* [Remshalden 2009]). Moreover, a great number of the fundamental studies published in the last two decades by Werner Eck, Paul Holder and Peter Weiß are omitted (too many to have them here cited all). Many of the unresolved questions would have found their answers in the missing literature.

The last chapter is a summary of all the conclusions of the previous chapters (pp. 112–114). It is followed by a bibliography (pp. 115–122) and an index of subjects, names and sources (pp. 123–130).

Christoph Schmetterer's book is a superficial treatment of a complex topic. Based mostly on Roman legal texts and an incomplete bibliography, ignoring broadly the epigraphic information, it could be only useful as an introduction for undergraduate students or for the general German speaking public.