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Vojin Nedeljković[*]
Faculty of Philosophy
University of Belgrade

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Justinian's πάτριος φωνή[**]

Abstract: In the Justinianic Novellae, repeated occurrences of the phrase πάτριος φωνή, meaning the Latin language, are generally believed to be indicative of Justinian's favourable stance towards Latin culture, Roman tradition, and his own roots. Per se, the importance and dignity of Latin needed no advocacy in the actual environment of the sixth-century Constantinople: not only was the idiom in wide official use, but a fair share of literary production was in Latin, and proficiency in that language was normal with the many admirers and connoisseurs of Roman antiquities. The usual understanding is that by calling Latin the "father tongue" Justinian never emphasized the contingent fact of its being his own first language, but rather referred to Latin as the primary language of the Roman people and the traditional vehicle of high administration throughout the Empire. In the present paper the use of πάτριος φωνή (or π. γλῶττα) is examined in the wider context of earlier, contemporary and later Greek sources, in which it normally means the native language of a foreign individual or ethnicity as opposed to the Greek of the author and his readers; the instances involve a large number of foreign languages, including contemporary spoken idioms as well as traditional languages of different communities. However, the question whether πάτριος φωνή ever became a context-free denotation of Latin viewed as *the* traditional language, by all appearances, is to be answered to the negative. On the other hand, the phrase πάτριος φωνή often assumes the specific task of 'flagging' instances of code-switching in Greek texts, and it is this special purpose that it seems to fulfill more than once in the Novellae as well.

Keywords: Late Greek, Late Latin, bilingualism, flagged code-switching, language policies in the Late Roman Empire, Justinian's reconquista

It is an established fact that Justinian's command of the Greek language was less than perfect; Procopius went as far as to speak of the man's "barbaric language, appearance and mentality".[1] As a sort of counterbalance to this famously disparaging remark, modern scholars have often stated, with especial emphasis, that Justinian called Latin his mother tongue[2] and took pride in his latinoph-

[*] vnedeljk@f.bg.ac.rs

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[1] Hist. Arc. 14.2 τήν τε γλῶτταν καὶ τὸ σχῆμα καὶ τὴν διάνοιαν ἐβαρβάριζεν.

[2] E.g. Rochette 1997a, 142: "[Il] appell[ai]t le latin πάτριος φωνή, sa langue maternelle".

ony.[3] This statement has primarily concerned the Justinianic Novellae, which have been viewed by some as a showcase of the Emperor's own mind frame and personality.[4] It has also been maintained that Justinian saw the official use of Greek and/or Latin as a matter of political and strategic importance.[5] Beyond questions of language, Justinian has been credited with a pronounced leaning towards Latinity in terms of culture;[6] and, in terms of political tradition and state policies, the Novellae are there to show him working proudly for the greater glory of the Roman name.[7] In the ironical view of a modern historian, while Justinian "certainly wanted to present himself in the traditional mould of the Roman emperors", he was "far from alone as a Byzantine emperor in appealing to Roman tradition" and was careful to only do it "when it suited him".[8] Indeed, Justinian's Romanity and Latinity has even been dismissed as meaningless affectation: "Although Justinian had nothing to do with any Roman ancestry, he flattered himself with calling Latin 'the language of our fathers'."[9]

To say that Justinian, or any other man in sixth-century Byzantium, was no Roman of old stock but pictured himself as one, certainly sounds anachronistic. Justinian came from what the sources, using names of geographic or political entities with various degrees of precision, call Thrace or Illyricum or Dardania. The land had been under Roman rule for many centuries and lay deep enough within the Latin-speaking area of the Balkans.[10] It had seen trouble and turmoil, but still was not lost to invaders. Its archaeological record from Late Antiquity

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[3] E.g. Rochette 1997b, 414: "l'empereur-législateur … emplo[yait] la formule [πάτριος φωνή] avec fierté".

[4] E.g. Jones 1988, 155–6: "Dans les Novelles … Justinien s'exprime à la première personne. Il explique, philosophe et se prononce; il motive ou affirme, et tranche; en d'autres termes, il se dévoile."

[5] Rochette 1997b, 415: "[P]artisan d'un Empire latin, sa langue maternelle, Justinien est conscient du danger que comporte le déplacement de la capitale vers l'Est, qui pourrait entraîner l'utilisation générale du grec dans l'administration."

[6] Jones 1988, 153: "Justinien était né en Illyrie orientale, dans une partie de l'Empire … profondément latinisée, et il ne cachait nullement le culte qu'il vouait à la culture latine."

[7] Cf. esp. *Nov.* 24.1 ἡμεῖς … τὴν παλαιότητα πάλιν μετὰ μείζονος ἄνθους εἰς τὴν πολιτείαν ἐπαναγαγόντες καὶ τὸ Ῥωμαίων σεμνύναντες ὄνομα / *nos antiquitatem rursus cum majori flore ad rem publicam reducentes et Romanorum nobilitantes nomen*, and ibid. paulo infra [οἱ] ἔμπροσθεν … κατὰ μικρὸν τὸ Ῥωμαίων ηὔξησαν ὄνομα καὶ τοσοῦτον πεποιήκασιν ὅσον οὐδεμιᾷ παντελῶς ἑτέρᾳ τῶν ἄλλων πολιτειῶν δέδωκεν ὁ Θεός / *prior[es] … paulatim Romanorum auxerunt nomen et tantum egerunt quantum nulli penitus alteri aliarum rerum publicarum contulit Deus.*

[8] Cameron 2009, 32.

[9] Tzamalikos 2012, 239 n. 115.

[10] See e.g. Andreose & Renzi 2013, 286.

is important in size and quality; the epigraphy is meagre but Latin all right.[11] However, it seems useful to note that we have no actual proof or record that Justinian ever received, at home or elsewhere, any substantial education in Latin. If so, his Latinity must have been essentially of an oral kind, unimbued with erudition even if supported by basic literacy. Given the sociolinguistic realities of the sixth century, this would mean that Justinian's native Latin was of a very different flavour from the prestigious language the use of which he may have been striving to promote.

If the Emperor himself could not be counted among the *litterati homines*, many around him could: "writing in Latin was clearly appreciated in the East",[12] and the dignity of Latin culture was not an idea that needed inculcation. Besides a number of Latin manuscripts that were produced in sixth-century Constantinople, "implying a clientèle able to appreciate them",[13] more than a few new books were written. Marcellinus Comes, born in Illyricum in the last decades of the fifth century, wrote his Latin chronicle in Constantinople under Justin I and Justinian; the well-known poet and grammarian Priscian of Caesarea, and his pupil Eutyches, who produced an *Ars de verbo*, were also there; Cassiodorus wrote the *Expositio Psalmorum* while in Constantinople in the 540s; Jordanes, too, "has now been placed in a firm mid-sixth century context in Constantinople".[14] There were other Latin writers as well, and there was a changing but ever present group of native Latin speakers: these became numerous after a wave of persons of senatorial rank left Italy for Constantinople during the Gothic War. Papal legates were a continuous presence (Gregory being a famous case in point), while Pope Vigilius and other westerners were summoned to the capital city by Justinian in the years before and during the Fifth Ecumenical Council. Non-native connoisseurs of Latin in sixth-century Constantinople include Paul the Silentiary, Peter the Patrician, the anonymous author of the treatise on political knowledge,[15] and, still as a matter of course, a number of imperial officials. A place of honour is probably due to John the Lydian, the champion of the Roman tradition amidst the intellectuals of Justinian's Constantinople: his conservative and protective attitude towards all things Latin has perhaps best seen as analogous to the way Libanius of Antioch had felt about Hellenism two centuries before.[16]

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[11] For an overview of the finds at Justiniana Prima (Caričin Grad) and in the surrounding area, see Milinković 2015, 190–248.

[12] Cameron 2009, 27.

[13] Ibid. 24.

[14] Ibid. 26.

[15] Περὶ πολιτικῆς ἐπιστήμης, ed. Mazzucchi 1982.

[16] Cf. Dagron 1969, 45: "[I]ls luttent, pour les mêmes raisons de tradition et de respect de la culture, l'un contre les progrès du latin, l'autre contre la généralisation du grec." — Lydus himself relates another interesting little fact: a conoscente of Latin, Phocas, the praetorian prefect

But the main use of Latin was, of course, the one in affairs of state. Rome's gradual shift towards the East, which began with Diocletian, pushed the Greek-speaking half of the Empire into producing large numbers of men capable of pursuing administrative careers. As a consequence, the fourth century saw an unprecedented rise of Latin schooling in the East.[17] It was only in the fifth century that the imperial administration entered a process of linguistic hellenization.[18] Under Theodosius II, Cyrus of Panopolis was famously able to sustain the urban prefecture and the *praefectura praetorio Orientis* under his own condition of doing it all in Greek and none in Latin,[19] although, to be sure, Cyrus was still liable to official communication in Latin just like any addressee of imperial constitutions or rescripts, as most of Theodosius II's legislation was in Latin, not Greek.

Justinian in his early years issued most of his constitutions in Latin but some in Greek, with no clear pattern emerging as far as the choice between the two languages is concerned; in doing so he kept in line with earlier practice.[20] In the Novellae, however, it appears that the choice between Latin and Greek complies to a steady logic: the Novellae that were directed to the central administration of the Empire located in Constantinople, to the Latin-speaking provinces of the northern and central Balkans, to the reconquered territories in the West, or to church dignitaries in those areas, were promulgated in Latin, while those that

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of 432, pays a learned refugee from Africa for language tutoring, as he finds that the Africans speak better Latin than the Italians (*Mag.* 3.73 ἠξίου περινοῆσαί τινα πρὸς διδασκαλίαν αὐτῷ τῆς Ἰταλίδος φωνῆς, Λίβυν ἐπιζητῶν· αὐτὸν γὰρ ἔφασκεν ἐγνωκέναι στωμυλωτέρως παρὰ τοὺς Ἰταλοὺς διαλέγεσθαι). John then proceeds to praise the generosity of the great gentleman who needed no Latin teacher at all but merely found a way to help a man in need without embarrassing him (cf. also Maas 1992, 69). Still, in view of Phocas' knowledgeable stance on contemporary Italian and African Latin, it is not improbable that he genuinely wished to treat himself to Latin conversation with a highly competent native speaker.

[17] Cf. Dagron 1969, 38–40: "l'Empire, en devenant oriental, commence par se latiniser davantage ; ... Dioclétien semble le premier à avoir réduit les privilèges de la langue grecque ... Cette tendance devient avec Constantin une politique ... : ... l'Orient sera romain, le latin seule langue officielle. Les successeurs de Constantin suivent la voie ... Cette situation provoque une crise profonde dans l'enseignement au milieu du IVe siècle, lorsque l'Orient a de plus en plus besoin de former des fonctionnaires ... A l'avocat-rhéteur, formé à la mode hellénique pour une société de type « poliade » et provincial, on voit se substituer l'avocat-juriste, formé au droit et au latin dans les écoles de Rome ou de Beyrouth et bientôt de Constantinople". — See also Rochette 2008, esp. his Section 2, "Les hellénophones et le latin".

[18] Vassilikopoulou 1993, 105–106; Adamik 2003, 231. Cf. Dagron 1969, 37: "En 450, le latin a cessé d'être une langue d'usage normal dans l'entourage de l'empereur à Constantinople."

[19] To the belated horror of John the Lydian, cf. *Mag.* 2.12: "that's when this office was deprived of the tongue of the Romans and the luck of the Romans, too".

[20] Cf. Adamik 2003, 232: in the decades before Justinian roughly one of every five constitutions was issued in Greek not Latin.

went to the Senate and People of Constantinople, the provinces of the southern Balkans and the East, or church dignitaries in those areas, including Constantinople, were promulgated in Greek.[21] This change of practice in the domain of legal writing may have left the prestige of Latin untouched in the domain of scholarly production and antiquarian learning,[22] but it still amounted, at least statistically, to a massive switch from Latin to Greek during the 530s. However, Justinian seems deliberately to have reverted to what had been common practice in the administration of the Early Empire: use Latin in the West and Greek in the East. Meanwhile in the Eastern Empire the people had used mostly Greek and the imperial administration mostly Latin; now with Justinian's reconquista Latin saw much of its territorial and populational base reunited to the Empire, which once again became truly bilingual. The highest authority gave importance and prominence to this fact, deeming it appropriate to communicate with the officials everywhere in their own language, Latin or Greek, *secundum locorum qualitatem*,[23] and, in spite of the "wider public acceptance" of Greek, in certain cases "the master version" of an imperial constitution was to be considered the one in Latin, "given the composite structure of the Commonwealth".[24]

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[21] Adamik 2003, 236–237; for earlier attempts at clarifying the language choice in the Novellae see Steinwenter 1936, 1166, and Zilliacus 1935, 73. — The Latin constitutions of Justinian are *Nov*. 9, 11, 23, 33–37, 62, 65, 75=104, as well as *Cod. Just.* 1.1.8.7–24 and *Nov. App. II* 1–3.

[22] Dagron 1969, 42: "La véritable hellénisation de l'Empire oriental n'élimine pas le latin, elle le récupère. Le latin perd son privilège de langue d'État, mais dans le même temps il acquiert le privilège de langue de culture." Cf. also Clackson 2015, 70: "In … societies with stable bilingualism there is often an association of different languages with different areas of use … [T] hese are different *domains* of each language."

[23] *Nov*. 17.epist. *ideo librum mandatorum composuimus … per utramque linguam … ut detur administratoribus nostris secundum locorum qualitatem in quibus Romana vel Graeca lingua frequentatur scire eorum sanctionem*. — In church affairs, too, the acts of the Fifth Ecumenical Council (553) were translated from Greek into Latin soon after the event; previously, a Latin translation of documents from Chalcedon (451) in view of the discussion of the Three Chapters controversy was available at the Council itself (Cameron 2009, 27).

[24] *Nov*. 66.1.2 (about a previous constitution directed to Africa) γενομένων ἡμῖν ἰσοτύπων διατάξεων … τῆς μὲν τῇ Ἑλλήνων φωνῇ γεγραμμένης διὰ **τὸ τῷ πλήθει κατάλληλον**, τῆς δὲ τῇ Ῥωμαίων, ἥπερ ἐστὶ καὶ **κυριωτάτη**, διὰ **τὸ τῆς πολιτείας σχῆμα** / *factis a nobis uniformibus constitutionibus … alia quidem Graecorum lingua conscripta propter multitudinis frequentiam, alia vero Latina, quae etiam firmissima propter reipublicae figuram est*; cf. the translation from the Greek by Kroll: "cum duo exempla constitutionum … a nobis facta sint, alterum Graecorum lingua conscriptum propter idoneas multitudini rationes, alterum Romanorum, quod quidem vel maximi momenti est, propter rei publicae formam."

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Here we will take a look at several places in the Justinianic Novellae where the phrase ἡ πάτριος φωνή is used to refer to the Latin language. However, before turning to the Novellae themselves, we shall examine a wider sample of passages from Greek authors who used the same or similar phrases in what will soon appear to be a variety of contexts.

Any Greek dictionary tells us that πάτριος means "paternal" not only in the sense of "belonging to one's father" but also in the sense of "derived from one's fathers, ancestral, hereditary". When it comes to things usually handed down from father to son, calling a thing paternal may practically equal calling it one's own. Human language is a case in point: generational inheritance being the natural way for people to acquire their first language, a reference to a person's "paternal tongue" can rarely mean anything else but their own native speech. Greek authors normally use expressions like πάτριος φωνή to describe a person or persons using their native tongue, whichever it may be.[25] In the many contexts that involve Romans, it is Latin;[26] among Jews in Palestine or elsewhere, it is Aramaic;[27] in other situations it may be Syriac, Celtic, Gothic, Persian,[28] or any

[25] E.g. Eusebius *Demonstr.* 3.7.15 (about multilingualism in the early Church) κεκήρυκτο γοῦν τὸ εὐαγγέλιον ἐν βραχεῖ χρόνῳ ἐν ὅλῃ τῇ οἰκουμένῃ εἰς μαρτύριον τοῖς ἔθνεσιν, καὶ βάρβαροι καὶ Ἕλληνες τὰς περὶ τοῦ Ἰησοῦ γραφὰς **πατρίοις χαρακτῆρσιν καὶ πατρίῳ φωνῇ** μετελάμβανον, "Hellenes as well as barbarians partook in writing about Jesus, each using their own language and script".

[26] E.g. Memnon frg. 59.3 τοιαῦτα τοῦ Θρασυμήδους ... διεληλυθότος ... ἀντιπαρελθὼν ὁ Κόττας **βραχέα τῇ πατρίῳ διελέχθη γλώττῃ**, εἶτα ἐκαθέσθη, "Cotta [cos. 74 BC] gave a short speech in his own language";—Athenaeus 6.78 (Democritus of Nicomedia talks about Sulla) ἐμφανίζουσι δ' αὐτοῦ τὸ περὶ ταῦτα ἱλαρὸν αἱ **ὑπ' αὐτοῦ γραφεῖσαι** σατυρικαὶ κωμῳδίαι **τῇ πατρίῳ φωνῇ**, "wrote satyric comedies [i.e. Atellan farces] in his language";—6.105 ὡς Κόττας ἱστορεῖ … ἐν τῷ περὶ τῆς Ῥωμαίων πολιτείας συγγράμματι ὃ **τῇ πατρίῳ ἡμῶν γέγραπται φωνῇ** "written in our national language [i.e. Latin] by [Aurunculeius] Cotta", says the host of Athenaeus' banquet, Livius Larensis;—Julian *Galil.* 194b τῆς Σιβύλλης καὶ τῶν ἄλλων οἳ δὴ γεγόνασι ‹κατ' ἐκεῖνον τὸν χρόνον› **κατὰ τὴν πάτριον φωνὴν** χρησμολόγοι "who at that time uttered oracles in the vernacular", i.e. in Latin.

[27] E.g. Josephus *B. J.* 5.361 Τίτος ... τὸν Ἰώσηπον καθίει **τῇ πατρίῳ γλώσσῃ διαλέγεσθαι**, τάχ' ἂν ἐνδοῦναι πρὸς ὁμόφυλον δοκῶν αὐτούς, "sent Josephus to talk to them in their own tongue";—Eusebius *H. E.* 3.38.2 (about a supposed Aramaic original of the Epistle to the Hebrews) Ἑβραίοις ... **διὰ τῆς πατρίου γλώττης ἐγγράφως ὡμιληκότος** τοῦ Παύλου, οἳ μὲν τὸν ... Λουκᾶν οἳ δὲ τὸν Κλήμεντα ... ἑρμηνεῦσαι λέγουσι τὴν γραφήν.

[28] Lucian *Alexander* 51 ἀλλὰ καὶ βαρβάροις πολλάκις ἔχρησεν, εἴ τις τῇ πατρίῳ ἔροιτο φωνῇ, Συριστὶ ἢ Κελτιστί, ῥᾳδίως ἐξευρίσκων τινὰς ἐπιδημοῦντας ὁμοεθνεῖς τοῖς δεδωκόσιν, "if anybody asked a question in his own language, Syriac or Celtic";—Procopius *De bellis* 6.1.16 σιωπὴν μὲν ὁ Ῥωμαῖος εἶχεν, ἄτερος δὲ τῇ πατρίῳ γλώσσῃ ... ἔφασκεν κτλ., "said in his native tongue", i.e. in Gothic;—Theophylactus Simocatta *Hist.* 5.1.13 τῇ πατρίῳ φωνῇ

other idiom; in later Byzantine authors, πάτριος φωνή sometimes refers to early varieties of modern European languages.[29]

In this connexion the question of traditional (learned, literary etc.) vs contemporary (everyday, vulgar etc.) language arises in a number of instances. Within Greek itself, ἡ πάτριος φωνή sometimes points to Attic Greek as opposed to other (typically less prestigious) forms of the same language. In the heyday of the Second Sophistic, Phrynichus the Atticist blamed one of the classics, Menander, for disfiguring his πάτριος φωνή by "sweeping together a litter of [bad] words";[30] in Proclus, Plato is praised for using "his mother tongue", i.e. an expression that was distinctly Attic, to pay honour to the Goddess;[31] and Photius explained that what was perceived as Xenophon's occasional errors against pure Attic, "his mother tongue", was due to his prolonged dwelling among non-Athenians.[32] In other occurrences, though, πάτριος φωνή denotes a non-standard variety, as when Aelius Aristides opposes the πάτριοι φωναί, the vernaculars, which are unacceptable even among locals "whenever anyone's around", to the language he is using ("this idiom"), which is Atticizing literary Greek, "the very definition of a cultured man";[33] or when Michael Psellus disparages "a self-styled intellectual" by saying that "even now his language is a γλῶσσα πάτριος καὶ στενή, a meagre vernacular, as he still doesn't seem to have learnt Greek".[34]

In the context of Jewish affairs, the question of Aramaic vs Hebrew as the πάτριος φωνή is often present, and the answer is not always clear. In the ac-

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τοὺς περιφρουροῦντας φενακισάμενος, "cheating the guards by speaking their language", i.e. Persian.

[29] Michael Attaliates *Hist*. p171 Bekker τοῦ Κρισπίνου ... τοῖς Φράγγοις τῇ πατρίῳ διαλεχθέντος φωνῇ, "in their language", i.e. French;—PsCodinus *De officiis* p219 Verpeaux ἔπειτα ἔρχονται καὶ πολυχρονίζουσι καὶ οἱ Βάραγγοι, κατὰ τὴν πάτριον καὶ οὗτοι γλῶσσαν αὐτῶν, ἤγουν ἐγκλινιστί, "the Varangians, too, in their mother tongue, which is English" (see Rhoby 2013).

[30] *Eclogae* 402 (prompted by Menander's use of the noun κατωφαγᾶς) πόθεν, Μένανδρε, συσσύρας τὸν τοσοῦτον τῶν ὀνομάτων συρφετὸν αἰσχύνεις τὴν πάτριον φωνήν;

[31] *In Platonis Timaeum* 1.98 Diehl εἰκότως οὖν αὐτὴν [Athena] ὁ Πλάτων ... ἀρχηγὸν τῶν ἐν γῇ κλήρων τούτων προσείρηκε, πρῶτον μὲν διὰ τῆς πατρίου φωνῆς τιμῶν τὴν θεόν· Ἀρχηγέτιν γὰρ οἱ Ἀττικοὶ τὴν Πολιοῦχον ὠνόμαζον.

[32] *Bibliotheca* 279 (p533b Bekker) εἰ δὲ καὶ Ξενοφῶν εἴρηκε «τοὺς νομεῖς», οὐδὲν θαυμαστόν ἀνὴρ ἐν στρατείαις σχολάζων καὶ ξένων συνουσίαις εἴ τινα παρακόπτει τῆς πατρίου φωνῆς· διὸ νομοθέτην αὐτὸν οὐκ ἄν τις ἀττικισμοῦ παραλάβοι.

[33] *Panathenaicus* 1p181 Dindorf Ἕλληνες ... τὰς μὲν πατρίους φωνὰς ἐκλελοίπασι καὶ καταισχυνθεῖεν ἄν καὶ ἐν σφίσιν αὐτοῖς διαλεχθῆναι τὰ ἀρχαῖα παρόντων μαρτύρων· πάντες δὲ ἐπὶ τήνδε ἐληλύθασιν ὥσπερ ὅρον τινὰ παιδείας νομίζοντες.

[34] *Poem* 67 (πρὸς μοναχόν τινα γράψαντα πρὸς αὐτὸν μεθ' ὑπερηφανίας καὶ δοκοῦντα εἶναί τινα τῶν σοφῶν), 285–287 ἔτι ... γλῶσσαν πάτριον καὶ στενὴν κεκτημένος ... καὶ μὴ μαθών, ὡς ἔοικεν, ἀκμὴν τὰ τῆς Ἑλλάδος.

count of the seven brothers' martyrdom in the Second Book of the Maccabees,[35] one of the martyrs is asked whether he will eat pork, ὁ δὲ ἀποκριθεὶς τῇ πατρίῳ φωνῇ προσεῖπεν Οὐχί (7.8); as each of them is being tortured to death, their mother encourages them to endure: ἕκαστον δὲ αὐτῶν παρεκάλει τῇ πατρίῳ φωνῇ (21). The king does not understand her speech but can guess well enough what is going on (24). Later he orders the woman to talk to her youngest son, still alive, and bring him to his senses; προσκύψασα δὲ αὐτῷ χλευάσασα τὸν ὠμὸν τύραννον οὕτως ἔφησεν τῇ πατρίῳ φωνῇ (27): in spite of the king she tells her son to suffer without yielding. Throughout this scene what is repeatedly meant by ἡ πάτριος φωνή is surely Aramaic as against Greek, the latter standing at the opposite pole of the bilingual situation described, besides being the narrator's own language. Two later occurrences of π. φ. in *2Macc*, however, involve no opposition to Greek, but describe Judas Maccabeus "chanting the battle cry and hymns in the ancestral tongue" (12.37) and his victorious men "blessing the sovereign Master in the ancestral tongue" (15.29): in both cases Hebrew, not Aramaic, is probably meant.[36] A further curiosity is found in Josephus' account of the siege of Jerusalem. Whenever the Jewish watchmen detect a Roman artillery engine fired, they shout out a warning "in their tongue": Ὁ υἱὸς ἔρχεται, "Here comes the son!" One naturally surmises this was Aramaic, but it is only with Hebrew that the situation makes sense: punningly, the watchmen shouted *ha-bben* "the son" instead of *ha-eben* "the stone".[37]

The case of the Romans and their own πάτριος φωνή may seem more straightforward, as in most instances Latin with no further implications or complications is meant: e.g. Dionysius Halicarnassensis *Ant. Rom*. 6.90.1 βωμὸν κατεσκεύασαν … ὃν ἐπὶ τοῦ κατασχόντος αὐτοὺς τότε δείματος ὠνόμασαν, ὡς ἡ πάτριος αὐτῶν σημαίνει γλῶσσα, Διὸς Δειματίου, "as their language puts it" about a dedication to Juppiter Territor;[38] Julian *Or*. 2.78a (in honour of Constantius) εἴ τις … τὸ βασιλέως ἀναγνοὺς ξύγγραμμα … ἀπαιτοίη οὐ τὰ νοήματα μόνον, ὅσαις δὲ ἀρεταῖς ἐκεῖνα κοσμεῖται κατὰ τὴν πάτριον φωνὴν ξυγκείμενα, "all the beauty of his original Latin" as opposed to any possible translation; Joannes Lydus *Mag*. 2.3 ὥστε τοὺς Ῥωμαίους εἰπεῖν ἐπ' αὐτῷ τῇ πατρίῳ φωνῇ· *utinam nec natus nec mortuus fuisset*, about Augustus; Theophylactus Simocatta *Hist*. 6.7.9 καὶ γοῦν ὁ στρατηγὸς τῇ πατρίῳ φωνῇ τοῖς Ῥωμαίοις τῶνδε τῶν

[35] For a dozen useful references to the use of πάτριος φωνή in and around the Bible, see Renan 1863, 32 n. 2.

[36] Cf. BJér ad *2Macc* 12.37.

[37] *Bellum Judaicum* 5.272 σκοποὶ … αὐτοῖς ἐπὶ τῶν πύργων καθεζόμενοι προεμήνυον ὁπότε σχασθείη τὸ ὄργανον καὶ ἡ πέτρα φέροιτο, τῇ πατρίῳ γλώσσῃ βοῶντες Ὁ υἱὸς ἔρχεται. Cf. Thackeray (Loeb) *ad loc*.

[38] Cf. ILS 3028.

λόγων ἀπήρξατο, about Priscus' addressing his troops during the 593 campaign in the Balkans.

The conservative nature of the Romans' own standard language is sometimes reflected in Greek sources, e.g. in Flavius Arrianus, *Tactica* 33.1 (concerning riding courts and equestrian practice in Rome) ὅτι οὐδὲ αὐτοῖς Ῥωμαίοις τὰ πολλὰ τῆς πατρίου φωνῆς ἔχεται ἀλλὰ ἔστιν ἃ τῆς Ἰβήρων ἢ Κελτῶν, "much of the terminology used by the Romans themselves comes not from their own language but from Iberian or Celtic", i.e. constitutes a technical jargon outside "normal" Latin; or in Zosimus, 5.29.9, where the senator Lampadius, in opposition to Stilicho's policy of dealing with the barbarian threat by exchanging gold for peace in 408, echoes Cicero in the Roman Senate: τῇ πατρίῳ φωνῇ τοῦτο ὑποφθεγξάμενος· *non est ista pax sed pactio servitutis* [cf. Cic. *Phil.* 12.14], ὃ δηλοῖ δουλείαν μᾶλλον ἤπερ εἰρήνην εἶναι τὸ πραττόμενον.

But Late Latin was a complex diasystem of often diverging "lects", and it may be little wonder that in the early seventh century Theophylactus Simocatta saw the "paternal tongue of the Romans" in somewhat strange colours. In *Hist.* 6.9.15, as he described drunken soldiers disregarding their sentry duty, he wrote τῆς διαφρουρᾶς κατημέλησαν, ἣν σκούλκαν σύνηθες τῇ πατρίῳ φωνῇ Ῥωμαίοις ἀποκαλεῖν: here a modern translation (Whitby & Whitby 1986) says "in their ancestral tongue", but the expression itself was hardly ancestral, as *sculca* belonged to the jargon of the Late Roman army;[39] another similar case is found at 3.4.4 τὰ σημεῖα ... ἃ τῇ πατρίῳ φωνῇ βάνδα Ῥωμαῖοι κατονομάζουσιν, with the occurrence of the Late Latin *bandum* "flag". Probably still within sermo castrensis, at 7.14.8 ἐντεῦθεν οἱ βάρβαροι τὰ ἐχυρώματα τῶν διαβάσεων περικάθηνται· κλεισούρας τῇ πατρίῳ Ῥωμαῖοι φωνῇ ἀποκαλεῖν ταῦτα εἰώθασιν[40] the π. φ. of the Romans is specifically credited with κλεισούρα "defile", a Latin vulgarism which had a prominent future in several languages of the Balkans.

Outside military jargon, Theophylactus labelled expressions in contemporary Latin with another notable term, ἐπιχώριος. At 2.11.4 Κομεντίολος ... ἐπὶ τοὺς στενωποὺς τοῦ Αἵμου στρατοπεδεύεται ... Σαβουλέντε δὲ Κανάλιον ὁ τόπος ὠνόμασται ἐπιχωρίῳ προσηγορίᾳ τινί, the "local" toponym he mentions is obviously in Latin as it was spoken in the sixth-century Balkans. The meaning "local" for ἐπιχώριος is less obvious in the well-known passage 2.15.6–10,[41]

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[39] For *sculca* and its derivates see Dennis & Gamillscheg 1981, 546–547. — A much earlier occurrence of πάτριος φωνή meaning "jargon" may be found in Lucian, *Alexander* 6 περιήεσαν γοητεύοντες ... καὶ τοὺς παχεῖς τῶν ἀνθρώπων – οὕτως γὰρ αὐτοὶ τῇ πατρίῳ τῶν μάγων φωνῇ τοὺς πολλοὺς ὀνομάζουσιν – ἀποκείροντες: A. M. Harmon (Loeb) translates: "in the traditional patter of magicians".

[40] Cf. a later dependency in Souda, kappa 1761 ‹Κλεισοῦραι:› οὕτω καλοῦνται τὰ ὀχυρώματα τῶν διαβάσεων τῇ πατρίῳ τῶν Ῥωμαίων φωνῇ.

[41] For a discussion see Coseriu 1983.

where the Roman army during the 593 campaign against the Avars keeps marching after dark somewhere on the southern slopes of the Haemus Mons, when suddenly ἕν τι τῶν ὑποζυγίων τὸν ἐπικείμενον παραπέρριψε φόρτον· συνέτυχε δὲ τὸν κεκτημένον εἰς τὸ πρόσω βαδίζειν· οἱ δὲ παρεπόμενοι καὶ ὁρῶντες τὸ νωτοφόρον ζῶον τὰ ἐπικείμενά πως αὐτῷ ἐπισυρόμενον ἀκοσμότερον εἰς τοὐπίσω τραπέσθαι τὸν δεσπότην ἐκέλευον τό ... ζῶον ἐπανορθοῦσθαι τοῦ πλημμελήματος. τοῦτό τοι τῆς ἀταξίας γέγονεν αἴτιον καὶ τὴν εἰς τοὐπίσω παλίρροιαν αὐτοματίζεται· παρηχεῖται γὰρ τοῖς πολλοῖς ἡ φωνή, καὶ παράσημον ἦν τὸ λεγόμενον καὶ φυγὴν ἐδόκει δηλοῦν, ὡς οἷα τῶν πολεμίων ἐπιφανέντων ἀθρόον αὐτοῖς καὶ παρακλεψάντων τὴν δόκησιν. μεγίστου δὲ συμπεσόντος τῷ στρατεύματι θρύλου, θροῦς παρ' αὐτῶν πολὺς ἐπανίσταται, παλιννοστεῖν τε ἐβόα πᾶς γεγωνὼς διαπρύσιον ἐπιχωρίῳ τε γλώττῃ εἰς τοὐπίσω τραπέσθαι ἄλλος ἄλλῳ προσέταττεν «τόρνα, τόρνα» μετὰ μεγίστου ταράχου φθεγγόμενοι, οἷα νυκτομαχίας τινὸς ἐνδημούσης ἀδοκήτως αὐτοῖς. The incident happened between Roman soldiers on expedition, of whom there is little reason to think as "locals" speaking the dialect of the region; the word they used, *tornare* "turn back", would later become pan-Romance; it appears that by ἐπιχώριος γλῶττα Theophylactus meant the "usual, customary" rather than "indigenous, local" Latin,[42] and that is clearly what Theophanes the Confessor assumed as he wrote his own account of the event.[43]

Here we are back to the "paternal tongue of the Romans" with one final remark about Theophylactus. At *Hist.* 5.6.7 Mebodes the Persian "orders the Romans to give the battle cry and talk in their language", προστάξας τοῖς Ῥωμαίοις τῇ πατρίῳ φωνῇ ἀλαλάζειν τε καὶ διαλέγεσθαι. The battle cry itself may have been in Latin, but otherwise for Mebodes the language of the Romans was clearly Greek: cf. 5.6.11–7.1 ὁ δὲ Μεβόδης ἐς Ἀντιόχειαν τὴν Περσῶν πτυκτίον ἐξέπεμπε γραμμάτων Ῥωμαϊκῶν· ἡ δὲ δέλτος εἶχεν ἐπὶ λέξεως τάδε· καλὸν γὰρ οἶμαι καὶ αὐτῆς τῆς συνθήκης τῶν ῥημάτων τὴν ἔκθεσιν, ὡς ἔχει φύσεως, προενέγκασθαι· Ῥωμαῖοι πιστοὶ ἐν Χριστῷ Ἰησοῦ τῷ κυρίῳ ἡμῶν τοῖς τὴν Ἀντιόχειαν τῆς Περσίδος χαίρειν κτλ., "Mebodes sent a message to Persian Antioch written in Roman script", and Theophylactus deems important to cite the exact wording, which is Greek.

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[42] Cf. also 2.4.1 Βιτάλιος ὁ ταξίαρχος ... τήν ... Περσικὴν ἀποσκευὴν ἐχειρώσατο, ἣν σύνηθες Ῥωμαίοις τῇ ἐπιχωρίῳ φωνῇ τοῦλδον ἀποκαλεῖν. Τοῦλδος (or -ον) "baggage train" is a well-known Late Greek military term (note that the whole Book 5 of Maurice's Strategicon is "On the τοῦλδος") maybe coming from a Vulgar Latin **toltum*, from *tollere* (see Gyftopoulou 2013, 84), and ἐπιχώριος is there to announce a "substandard" or "jargonesque" term.

[43] p258 de Boor ἑνὸς ... ζώου τὸν φόρτον διαστρέψαντος, ἕτερος τὸν δεσπότην τοῦ ζώου προσφωνεῖ τὸν φόρτον ἀνορθῶσαι **τῇ πατρῴᾳ φωνῇ·** «τόρνα, τόρνα, φράτερ», καὶ ὁ μὲν κύριος τῆς ἡμιόνου τὴν φωνὴν οὐκ ᾐσθάνετο, οἱ δὲ λαοὶ ἀκούσαντες καὶ τοὺς πολεμίους ἐπιστῆναι αὐτοῖς ὑπονοήσαντες εἰς φυγὴν ἐτράπησαν, «τόρνα, τόρνα» μεγίσταις φωναῖς ἀνακράζοντες.

The passages we have seen so far seem to offer enough proof that the phrase ἡ πάτριος φωνή per se implies no "traditional" quality other than the natural transmission of language through human generations.[44] Meaning a person's or group's "own" tongue, it usually stands in contrast to another idiom that is manifestly or underlyingly present in the situation – including the one of the writer and his readers. In Greek sources certain foreign cultures are spoken of more frequently and more extensively than others; such is the case of the Jews and the Romans, and that is the single reason why the designation of "the native tongue" applies to Hebrew or Aramaic or Latin more often than to other languages.

Some of our citations also display what appears to be an idiomatic feature: the use of the phrase ἡ π. φ. as an adverbial of manner, in the dative, to announce that exotic language material will be or is being adduced in the original.[45] A couple of even clearer examples follow. Here is how Dionysius of Halicarnassus introduces a Latin term at *Ant. Rom.* 9.10.2: τούτους Ῥωμαῖοι τοὺς ἡγεμόνας τῇ πατρίῳ γλώττῃ πριμοπίλους καλοῦσιν, "these are originally called *primipiloi* by the Romans". As he relates about a barbarian king, Athenaeus (249a–b) says: ἑξακοσίους ἔχειν λογάδας περὶ αὑτόν, οὓς καλεῖσθαι ὑπὸ Γαλατῶν τῇ πατρίῳ γλώττῃ σιλοδούρους, τοῦτο δ' ἐστὶν ἑλληνιστὶ εὐχωλιμαῖοι, "they are originally called *silodouroi* by the Gauls, for which the Greek would be, etc.":[46] here both τῇ πατρίῳ γλώττῃ and ἑλληνιστί, for all the idiomaticity, look pleonastic.[47] The twin champions of original citation in Greek literature

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[44] Incidentally, this also seems true about the corresponding Latin phrase *sermo patrius*, which can designate either the everyday or the traditional variety of a language: cf. Tac. *Ann.* 4.45 (in Spain a native kills the Roman praetor and is caught after a pursuit) *repertus cum tormentis edere conscios adigeretur, voce magna sermone patrio frustra se interrogari clamitavit … nullam vim tantam doloris fore ut veritatem eliceret*, against 2.60 (Germanicus travelling on the Nile and visiting Thebes) *manebant structis molibus litterae Aegyptiae priorem opulentiam complexae, jussusque e senioribus sacerdotum patrium sermonem interpretari referebat* eqs. (for Egyptian cf. Porph. *Abst.* 4.9 (= Euseb. *Praep. ev.* 3.4.9), where a hymn singer standing at the door of the temple of Serapis uses traditional idiom for ritual purposes: ὁπηνίκα ἑστὼς ἐπὶ τοῦ οὐδοῦ τῇ πατρίῳ τῶν Αἰγυπτίων φωνῇ ἐγείρει τὸν θεόν).

[45] Cf. Rochette 1997a, 341 n42: "L'expression [se] rencontre … très souvent chez les auteurs grecs de la basse époque pour indiquer qu'il s'agit d'une phrase prononcée en latin (τῇ πατρίῳ φωνῇ)" – with no reference to any particular text or passage.

[46] This is about Adiatuanus, king of the Sotiates, having 600 guards known as the *soldurii*, cf. Caes. *Gal.* 3.20–22, and the language in question is either Celtic or Aquitanian.

[47] On the other hand, note that the meaning of "original" (as opposed to transposition of any kind) is not confined to this particular use of the phrase: cf. the passage from Julian's *Or.* 2 cited above, and also Eusebius, *Onomast.* p2 Klostermann, τῶν ἐπὶ τῆς θείας φερομένων γραφῆς πατρίῳ γλώττῃ πόλεων καὶ κωμῶν τὰς σημασίας … ἐκθέμενος, "I shall set forth the signification of the names of towns and villages as they originally appear in the Sacred Scriptures".

may well be Philo Judaeus with his Hebrew and John the Lydian with his Latin, and both are keen on marking their citations by means of the π.-φ.-adverbial: e.g. Philo *Spec. leg.* 2.145 ἑορτὴ τετάρτη, τὰ διαβατήρια, ἣν Ἑβραῖοι Πάσχα πατρίῳ γλώττῃ καλοῦσιν, "what the Hebrews originally call the Pasch"; *Congr. erud. gr.* 177 τις τῶν φοιτητῶν Μωυσέως, ὄνομα Εἰρηνικός, ὃς πατρίῳ γλώττῃ Σαλομὼν καλεῖται, "The Peaceful One, or Salomon in the original"; *De vita Mosis* 2.97 πτηνῶν δυοῖν, ἃ πατρίῳ μὲν γλώττῃ προσαγορεύεται Χερουβίμ, ὡς δ' ἂν Ἕλληνες εἴποιεν, ἐπίγνωσις καὶ ἐπιστήμη πολλή, "originally called Cherubim, for which the Greek would be, etc."; Jo. Lyd. *Mag.* 1.50 (about the *vigiles urbani*) βοῶντες τῇ πατρίῳ Ῥωμαίων φωνῇ «omnes collegiati concurrite», οἷον εἰπεῖν «πάντες ἑταῖροι συνδράμετε»; *Mens.* 4.158 (about a customary greeting given and received by the Romans on winter solstice) ἐπευφήμουν ἀλλήλους τῇ πατρίῳ φωνῇ λέγοντες «βίβες ἄννους», οἷον «ζῆθι εἰς χρόνους»; 4.118 (about how Julian met his fate in battle) εἷς ... τῶν ... Σαρακηνῶν ἐκ τῆς ἁλουργίδος βασιλέα ὑπολαβὼν ἀνέκραγε πατρίως «μαλχάν», οἱονεὶ «βασιλεύς» (not Latin!).

All these instances of citation fall into the category of code-switching, and the adverbial expressions τῇ πατρίῳ γλώττῃ, τῇ πατρίῳ φωνῇ, πατρίως, all serve the special purpose of cautioning the reader: they are *flags* that set apart exotic matter from the text that flows in its own language; as such, they are verbal equivalents of what may otherwise be achieved through intonation (in speech) or typography (in writing).[48] The Greek authors recur to flagged code-switching especially often for the sake of etymology. Here, again, the examples involve a number of different languages and strange associations; for Latin, let us restrict ourselves to a single but colourful passage where Dionysius explains the name of Italy, *Ant. Rom.* 1.35.2 Ἑλλάνικος δὲ ὁ Λέσβιός φησιν Ἡρακλέα τὰς Γηρυόνου βοῦς ἀπελαύνοντα εἰς Ἄργος, ἐπειδή τις αὐτῷ δάμαλις ἀποσκιρτήσας τῆς ἀγέλης ἐν Ἰταλίᾳ ἐόντι ἤδη φεύγων διῆρε τὴν ἀκτὴν καὶ τὸν μεταξὺ διανηξάμενος πόρον τῆς θαλάττης εἰς Σικελίαν ἀφίκετο, ἐρόμενον ἀεὶ τοὺς ἐπιχωρίους καθ' οὓς ἑκάστοτε γίνοιτο διώκων τὸν δάμαλιν, εἴ πή τις αὐτὸν ἑωρακὼς εἴη, τῶν τῇδε ἀνθρώπων Ἑλλάδος μὲν γλώττης ὀλίγα συνιέντων, τῇ δὲ πατρίῳ φωνῇ κατὰ τὰς μηνύσεις τοῦ ζῴου καλούντων τὸν δάμαλιν οὐίτουλον, ὥσπερ καὶ νῦν λέγεται, ἐπὶ τοῦ ζῴου τὴν χώραν ὀνομάσαι πᾶσαν ὅσην ὁ δάμαλις διῆλθεν Οὐιτουλίαν.[49]

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[48] See Adams 2003, 297–416 on code-switching in classical texts; flagging, 318–319.

[49] Examples of other languages involved in flagged code-switching for the sake of etymology: — Hebrew: Origenes, *Sel. in Num.* PG12.576 μᾶν ὠνομάσθη ἀπὸ τοῦ τοὺς Ἑβραίους πρώτους θέαμα ξένον ὁρῶντας εἰπεῖν πρὸς ἀλλήλους τῇ πατρίῳ γλώσσῃ "Μᾶν", τουτέστι "Τί τοῦτο;" — Thracian: Greg. Nys., *Or. fun. in Flacillam imp.* 9p480 Spira ὦ χωρίον ... τῇ σκοτομήνῃ ἐπώνυμον – ἀκούω γὰρ κατὰ τὴν πάτριον αὐτῶν γλῶσσαν Σκοτούμην τὸν τόπον ἐπονομάζεσθαι – ἐκεῖ ἐσκοτίσθη ὁ λύχνος, ἐκεῖ κατεσβέσθη τὸ φέγγος, ἐκεῖ αἱ ἀκτῖνες τῶν ἀρετῶν ἠμαυρώθησαν. — Aramaic: Sozomenus, *H. E.* 7.29.2 ὁ Μιχαίου τάφος ... ὃ «μνῆμα πιστὸν» ἀγνοοῦντες ὅ τι λέγουσιν οἱ ἐπιχώριοι ἐκάλουν, Νεφσαμεεμανᾶ τῇ πατρίῳ φωνῇ

Strangely perhaps, the authors use the very same adverbial phrase to clarify they will *not* be citing the original. In certain cases it looks as if the original citation would indeed have been of little interest or even impracticable. For instance, in the scene where Priscus addresses his troops τῇ πατρίῳ φωνῇ (*Hist.* 6.7.9) Theophilactus goes on to cite the speech and of course does so in Greek, not Latin. Occasionally the π. φ. adverbial even feels redundant, as when Josephus describes a customary procedure in the Roman army, *B. J.* 3.92 ὅ ... κῆρυξ δεξιὸς τῷ πολεμάρχῳ παραστάς, εἰ πρὸς πόλεμόν εἰσιν ἕτοιμοι, τῇ πατρίῳ γλώσσῃ τρὶς ἀναπυνθάνεται, and we see no reason for his insisting on the idiom of the reported utterance: obviously, Romans would use their own language among themselves.[50] In other cases, though, the modern reader would certainly rather have the original than the excuse for its absence: e.g. Dion. Hal. *Ant. Rom.* 4.39.5 about the name of *Vicus sceleratus* in Rome: οὗτος ὁ στενωπὸς ... ἐξ ἐκείνου τοῦ δεινοῦ καὶ μυσαροῦ πάθους ἀσεβὴς ὑπὸ Ῥωμαίων κατὰ τὴν πάτριον γλῶτταν καλεῖται, "the Romans call it Impious Street in their language"; or Jos. *B. J.* 5.438 about Melchizedek: Χαναναίων δυνάστης ὁ τῇ πατρίῳ γλώσσῃ κληθεὶς βασιλεὺς δίκαιος "a ruler called, in the native tongue, Righteous King". In these passages the reluctance to cite even proper names in the original may look absurd to us, but in view of their public, which was predominantly and proudly monoglot, the Greek authors were just careful to describe alloglossic situations without actually creating any.

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To turn to the Justinianic Novellae, the most obvious passages of interest are those in which ἡ πάτριος φωνή refers to Latin in relation to Greek. The locus princeps is the following:

ὀνομάζοντες. — Phoenician: Steph. Byz. *Ethnica* p255 Meineke (= Claudius Iolaus frg. 2 Müller) μετὰ Καισάρειαν Δῶρα κεῖται βραχεῖα πολίχνη, Φοινίκων αὐτὴν οἰκούντων, οἳ διὰ τὸ ὑπόπετρον τῶν τε αἰγιαλῶν καὶ τὸ πορφύρας γόνιμον συνελθόντες καλιὰς αὐτοῖς ᾠκοδομήσαντο καὶ ... τεμνόμενοι τὰς πέτρας διὰ τῶν ἐξαιρουμένων λίθων τὰ τείχη κατεβάλοντο καὶ τὴν εὔορμον χηλὴν ... ἔθεντο, ἐπώνυμον αὐτὴν τῇ πατρίῳ γλώσσῃ Δῶρ καλοῦντες.

[50] The Spanish episode in Tacitus (above, n. 44) looks of a similar kind – despite the drama it brings to the scene, *sermone patrio* has no bearing on the situation described. *Contra* Clackson 2015, 74: "This may be a symbolic use of language, but it may also reveal the reversion to the first language under extreme stress." But there is no reason to think that throughout his capture and ordeal the murderer spoke a word in any other than his native tongue."

Nov. 7.1 οὐ **τῇ πατρίῳ φωνῇ** τὸν νόμον συνεγράψαμεν ἀλλὰ **ταύτῃ δὴ τῇ κοινῇ τε καὶ ἑλλάδι**, ὥστε ἅπασιν αὐτὸν εἶναι γνώριμον διὰ τὸ πρόχειρον τῆς ἑρμηνείας

non paterna voce legem conscripsimus sed hac communi et Graeca, ut omnibus sit nota propter facilem interpretationem

"for this law to be easily understood and thus universally known, we did not write it in the paternal tongue, but in this one, the Greek and common language"[51]

Here the traditional and official quality of Latin is opposed to the practicality of Greek. Unquestionably, what ἡ πάτριος φωνή conveys at this place is what we have seen documented in other sources, too: the view of Latin as "the language of our origins" despite the vicissitudes of the Empire's political and social history. But had the phrase itself, after much repeated use, finally come to *mean* Latin? Another passage from the Novellae will tell:

Nov. 146.1 θεσπίζομεν ... ἄδειαν εἶναι τοῖς βουλομένοις Ἑβραίοις κατὰ τὰς συναγωγὰς τὰς αὐτῶν, καθ' ὃν Ἑβραῖοι ὅλως τόπον εἰσί, **διὰ τῆς ἑλληνίδος φωνῆς** τὰς ἱερὰς βίβλους ἀναγινώσκειν τοῖς συνιοῦσιν, **ἢ καὶ τῆς πατρίου τυχὸν (τῆς ἰταλικῆς ταύτης φαμὲν)** ἢ καὶ τῶν ἄλλων ἁπλῶς, τοῖς τόποις συμμεταβαλλομένης τῆς γλώττης καὶ τῆς δι' αὐτῆς ἀναγνώσεως

sancimus licentiam esse volentibus Hebraeis et synagogas suas, in quem Hebraei omnino locum sunt, per Graecam vocem sacros libros legere convenientibus et patria forte lingua (hac dicimus) et aliis simpliciter, locis translatis lingua et per ipsius lectionis[52]

"the Jews in their synagogues, wherever they are, shall be free to gather at will and read the Holy Scriptures in Greek or, if need be, in the paternal tongue (by which we mean the language of Italy) or indeed in other tongues, as different places will suggest using, and reading in, different languages"

Approving the use of languages other than Hebrew in synagogues, this text speaks of Greek, Latin, or any other language in local use. Ἡ πάτριος φωνή is there to refer to Latin the usual way, but in this particular context it comes awkwardly, as it may be taken quite naturally to mean "the paternal tongue" of

[51] This and the subsequent ad hoc translations from the *Novellae* are mine.

[52] By the end of this passage the word-for-word Latin translation becomes nonsensical; cf. n. 55 below.

the Jews. Whence the parenthesis: "by which we mean the language of Italy";[53] this reassures the reader that despite the factual complexity of the situation described, ἡ π. φ. should be taken in its usual meaning. What it proves to us, however, is that ἡ π. φ. cannot *denote* Latin; it is only by implication that the usual meaning comes about, when it does come about; the phrase by itself is incapable of clearly referring to Latin if the context implies otherwise.

In other instances the contrast between Greek and Latin follows a somewhat different line:

Nov. 13.1 **τῇ μὲν ἡμετέρᾳ φωνῇ** *praetores plebis* προσαγορευέσθωσαν, **τῇ δὲ ἑλλάδι ταύτῃ καὶ κοινῇ** πραίτωρες δήμων	*nostra quidem voce praetores plebis appellentur, graeca vero ista et communi lingua praetores populorum*
"let them be called the *praetores plebis* in our tongue, and the *community pretors* in this tongue, the Greek lingua franca"	

Here as elsewhere we hear about "the Hellenic and common language" – its being a lingua franca definitely gives Greek the status of a universal possession. As against this, Latin is now styled "our own tongue": while Greek belongs to the world, Latin belongs to "us". But who is *we*? Did Justinian by "*our* language" mean particularly his own? Despite the evasiveness of the first person plural in a formal register, we cannot rule out this possibility, especially in view of another passage from the same constitution:

Nov. 13. pr **ἡ μὲν ... πάτριος ἡμῶν φωνὴ** *praefectos vigilum* αὐτοὺς ἐκάλεσε, τῇ τῶν ἀγρυπνούντων καὶ οὐδὲν ἀνεύρητον καταλιμπανόντων ἀνθρώπων ἀρχῇ τούτους ἐπιστήσασα, **ἡ δέ γε Ἑλλήνων φωνὴ** οὐκ ἴσμεν ὅθεν ἐπάρχους αὐτοὺς ἐκάλεσε τῶν νυκτῶν	*patriae .. nostrae vox praefectos vigilum eos appellavit a vigilantibus et nihil imperscrutandum derelinquentibus hominibus, cingulis hos praeponens, vox enim Graecorum nescimus unde praefectos eos appellavit noctium*
"our own paternal tongue calls them the *praefecti vigilum* ... whilst in Greek, for whatever reason, they are called the night commanders"	

In Athenaeus[54] we saw Latin being called ἡ πάτριος ἡμῶν φωνή by a noble Roman speaking Greek, and it seems that we have a close parallel here. To

[53] Or, in the Latin version, "the language of this text".

[54] See n. 26 above.

judge by the words *patriae nostrae vox*, the Latin translator[55] here read πατρίδος, not πάτριος; in either case, it is the subsequent possessive that makes the phrase remarkable, giving it the look of a personal statement.

But besides looking personal it also looks incidental to the point of being unexpected. This is believably due the fact that we are meeting a whipped-up version of ἡ π. φ. at a place where we should expect the phrase in its usual form to perform a function we have seen performed often enough – flag the use of technical terms, as it does elsewhere in the Novellae, too:

Nov. 140.pr (about consensual divorce of marriage) ὥστε καὶ νόμους κεῖσθαι πολλοὺς τοῦτο λέγοντάς τε καὶ διορίζοντας καὶ ***bona gratia*** **τὴν οὕτω προϊοῦσαν λύσιν τῶν γάμων τῇ πατρίῳ καλοῦντας φωνῇ**	*ut et plurimae tunc leges exstarent hoc dicentes et »bona gratia« sic procedentem solutionem nuptiarum patria vocitantes voce*
"and there are many laws saying and sanctioning this and calling this type of divorce *bona gratia* in the paternal tongue"	

Varieties of the same technical function include introducing a style of office, in

Nov. 30.5 (a province reorganized) **καλείσθω** τε ὁ ταύτης ἡγούμενος **τῇ πατρίῳ φωνῇ** *proconsul Justinianus Cappadociae*	*voceturque hujus rector patria voce »proconsul Justinianus Cappadociae«*
"let its administrator be called *proconsul N. Cappadociae* in the paternal tongue"	

[55] Kroll thought poorly of this particular Latin translation ("Nov. XIII ... Latine legitur ... interpretis novicii inscitia multifariam deformata", Kroll *ad loc.*), and the gibberish in the middle of this sentence proves him right. Cf. Kroll's own correct translation: "patria nostra lingua praefectos vigilum eos vocabat, quippe quos hominum qui vigilias agunt nec quicquam inexploratum relinquunt regimini praeficeret, Graecorum vero lingua nescimus unde praefectos noctium eos vocavit."

and announcing a citation, in

Nov. 22.2 ὁ παλαιότατος ... τῶν νόμων ... **κατὰ τὴν ἀρχαίαν καὶ πάτριον γλῶτταν** οὑτωσί που λέγων	*antiquissima .. lex .. secundum antiquam et patriam linguam ita dicens*
"the most ancient of the laws says, in the old and paternal tongue" [there follows a Latin citation from the Twelve Tables Law]	

The etymologic motive, as seen in examples from other sources, is apparent in the Novellae as well:

Nov. 15.pr τῇ πατρίῳ φωνῇ «δεφένσωρας»[56] αὐτοὺς καλοῦμεν, **ὅπως ἂν ἀπαλλάξαιεν κακῶν τοὺς ἀδικουμένους**	*paterna voce defensores eos vocamus, quatenus eripiant malis injustitiam patientes*
"in the paternal tongue we call them the defensores, as they are supposed to remove any evil from those who have been wronged"	

In the following passage, a Latin conceptualization, virtue = manhood, is mentioned as a sort of general relevancy even though deemed inapplicable to the particular case:

Nov. 69.pr οὐδὲ ἀνδρείαν τὴν μὴ μετὰ δικαιοσύνης ἐπαινέσομεν, **καίτοιγε ἡ πάτριος φωνὴ τὴν ἐν ὅπλοις ἰσχὺν ἀρετὴν ὀνομάζει μόνην**	*nec fortitudinem quae non est cum justitia laudabimus, cum scilicet patria lingua fortitudinem in armis virtutem appellet solum*
"we shall not praise bravery without justice, although nothing but valour in arms is called virtue in the paternal tongue"	

Remarkably, each of these passages could, in a freer translation, do very well without the "paternal tongue" at all. By putting it thus: "using the original term", "his style of office shall be", "in the archaic wording of the original", "they are officially called", "in traditional terms", one would perhaps better reproduce the strategy of the Greek, which deftly implies Latin every time without ever mentioning it directly.

To sum up. Did Justinian explicitly call Latin his own first language in the Novellae? In *Nov.* 13 he did – twice, or so it seems; but to do so he used more than just ἡ πάτριος φωνή, the phrase other sources prove could indeed mean

[56] *Sic*, vs δηφ- in other sources.

one's mother tongue. What is beyond doubt is that by ἡ πάτριος φωνή Justinian meant the traditional language of the Roman people and state,[57] which is all the more obvious as the "paternal" prestige of Latin was remembered even after the language was forgotten.[58] (The concept is interesting from another angle, too, because it seems to anticipate the Western view of Latin as the *Vatersprache*, the traditional "father tongue" of high culture and public action, as opposed to any vernacular;[59] a big difference, however, is that for Justinian and his contemporaries Latin did not occupy the position of the "high" language in a diglossic community.) Another obvious aspect of Latin as the πάτριος φωνή was its official status: this had never been questioned, but still underwent important modification under Justinian as his administration was adapting to the complexities of the Empire restored. Anyways, *official* is the translation one would tend to use for ἡ πάτριος φωνή at more than one place in the Novellae. But besides or before anything that pertains to ideology, the phrase had got one long-established and highly technical use: to flag code-switching, i.e. announce terms from and citations in a foreign language. In translation we may speak of *the original* or whatever else we fancy in that way; meanwhile we can be certain that the Greek expression speaks as much as a simple pair of quotation marks.

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[57] Cf. Rochette 1997a, 142 n352: "[I]l faut traduire πάτριος φωνή par « langue historique de l'Empire »."

[58] E.g. Const. Porph. *Them*. As.-Eur. prol.1 οἱ ἀπ' ἐκείνου κρατήσαντες [the emperors who came after Heraclius] … εἰς μικρά τινα μέρη κατέτεμον τὴν ἑαυτῶν ἀρχὴν … μάλιστα ἑλληνίζοντες καὶ **τὴν πάτριον καὶ Ῥωμαϊκὴν γλῶτταν** ἀποβαλόντες, "rejecting what was their own language and one of Rome". — Coming from an earlier world, Themistius, Φιλάδελφοι ἢ περὶ φιλανθρωπίας p71 Harduin, provides a fascinating contrast: οὐδέποτε … ἀναγκαίαν εἶναί μοι τὴν διάλεκτον τὴν κρατοῦσαν ὑπολαβών, ἀλλ' ἱκανὸν ἀεὶ νομίσας **τὴν πάτριον καὶ Ἑλληνικὴν** ἀποχρώντως μεταχειρίζεσθαι, where "the ruling language" is Latin, while Greek, the "adequate mastery" of which Themistius deems "sufficient in any situation", is called "our own and Hellenic", i.e. the language that came down to the actual generation through both natural transmission and cultural tradition. On the other hand, Vassilikopoulou 1993, 104, doesn't seem to be right in thinking that Themistius regarded "the ruling language" with contempt.

[59] See e.g. Ziolkowski 1997, 299–301 (»Die Soziolinguistik des Mittellateins«).

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