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LOCAL SELF-GOVERNANCE IN ANTIQUITY AND IN THE GLOBAL SOUTH

THEORETICAL AND EMPIRICAL INSIGHTS
FROM AN INTERDISCIPLINARY PERSPECTIVE

*Edited by Dominique Krüger, Christoph Mohamad-Klotzbach
and Rene Pfeilschifter*



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Dominique Krüger, Christoph Mohamad-Klotzbach, and
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Local Self-Governance in Antiquity and in the Global South: An Introduction

Some remarks on LoSAM's approach and our international conference

The nucleus of statehood is situated at the local level: in the village, the neighborhood, the city district. This is where a community, beyond the level of the family, first develops collective rules that are intended to ensure its continued existence. But this is usually not the only level of governance at play. Above it, there are supralocal formations of power, varying in scope from regional networks to empires, which supplement the local orders or compete with them. Wherever supralocal statehood exists in the mode of weak capacity, local forms of self-governance are especially heterogeneous and prominent. How do they work in this context?

The approach of the DFG Research Unit 2757 “Local Self-Governance in the Context of Weak Statehood in Antiquity and the Modern Era (LoSAM)”¹ is to deepen our understanding of different forms and impacts of local self-governance across time and space, from Antiquity to the Global South of the present.² We examine the relations to different levels of state governance as well as to other local groups as they develop over time; the scope and spatial contingency of forms of self-governance; its legitimization and interdependency with the organization and collective identity of the groups which carry them out. In addition, we turn our attention to the significance of self-governance for the configuration of weak statehood.

1 For further information on the Research Unit and its publications see <https://www.uni-wuerzburg.de/en/for2757/losam> (seen 7.06.2022).

2 Pfeilschifter *et al.* 2020.

Acknowledgements: First of all, we would like to thank the presenters, the chairs and the discussants of our conference as well as the contributors to this volume – without them the proceedings would not have been such a great success and pleasure. Various other people were indispensable for making both the conference and the book possible. Michaela Thoma, Marie Fenzl, Christian Onnen, Lea Pietzuch and Adrian Erben supported us during the organization of the congress. Marie Fenzl also handled the correspondence with the authors, and she took over the editing of the manuscripts. A big thank you to all of them! In reviewing formalities and linguistic aspects, she was supported by Michelle Friedlein and Christian Onnen. Jansen Harris checked and diligently improved the English of the manuscripts. Last but not least, we would like to thank our publisher De Gruyter, and namely Mirko Vonderstein and Jessica Bartz, for the good cooperation in the production of this book.

In pursuing our research, we follow both an interdisciplinary³ as well as a comparative approach by looking at a variety of cases. By bringing together scholars from various disciplines (Ancient History, Archaeology, Theology, Social Anthropology, Political Science, Human Geography, Sinology and Economics), we are able to embed our case studies in a broader theoretical and methodological framework. The exchange of different viewpoints and extensive discussions further our agenda to combine and implement different subject-specific approaches as well as theories of neo-institutionalism and sharpen the analysis of various forms of governance.

It is always important for the Research Unit to discuss and further develop our ideas with other scholars. To this end, we repeatedly hold workshops within the individual subprojects, invite colleagues to formal lectures or fireside chats, and present our research at international conferences.

One highlight was our worldwide conference on “Local Self-Governance and Weak Statehood: Theoretical and Empirical Insights from an Interdisciplinary Perspective” which was held from July 5–7, 2021 in Würzburg via Zoom due to the Covid 19 pandemic. The conference enabled us to bring our colleagues into an intensive exchange⁴ despite them being scattered over five continents.

This volume is based on that conference and presents a broad selection of the papers delivered. Next to disciplinary and interdisciplinary scholarship of the LoSAM group, we included a wide range of contributions by scholars from various disciplines and from all over the globe. The volume thus expands the focus of LoSAM’s research by addressing new concepts, theories, and empirical findings from different temporal and spatial contexts.

The contributions of this volume

Just like the conference, the volume starts with a paper by *Gunnar Folke Schuppert* on “Law, Patronage, and Communication as Pillars of Urban Governance”. Schuppert presents his thoughts on the city as a legal community, the patronage-intensive rule of family clans, and the city as a specific space of communication – thereby using a broad range of empirical examples.

After this introductory part, the book is divided thematically and chronologically into three main parts. The first one consists of papers concerning theoretical questions as well as interdisciplinary approaches dealing with local self-governance. *João Pedro Schmidt* writes about matters of communitarianism in modern times. Based especially on the work of Amitai Etzioni, he discusses the relationship and interaction

³ Lauth *et al.* 2019.

⁴ The conference program can be found here: <https://www.uni-wuerzburg.de/en/for2757/international-conference> (seen 7.06.2022).

between state and society, thereby reflecting on the idea of weak statehood and the network of relationships between states, markets, communities, and citizens.

The following contributions show the fruitful cooperation and meaningfulness of interdisciplinarity within LoSAM. *Jana Hock*, *Valeria Tietze* and *Nestor Zanté* deal with non-state violent local stakeholders and power legitimization in a comparison between the Maccabees of the Hellenistic period in Israel (2nd century BCE) and the Koglwéogo in modern Burkina Faso. They show how local vigilante groups claim power and justify their authority and what parallels there are between the respective groups in Antiquity and the Modern Era.

Adrian S. Erben, *Dominique Krüger* and *Susan Thomschke* compare the actors and their interactions in dealing with water supply in the ancient settlements of Antioch on the Orontes (Syria) and Boğazköy (Asia Minor) as well as in modern Maputo. Their findings show that despite the different contexts, very similar solutions have been found, characterized by limited state intervention and a high degree of local self-governance.

The next group of articles brings together the contributions on the Ancient Mediterranean. These papers concentrate on two areas: 1) the Near East, especially Syria and Judea, and 2) Italy and North Africa. *Fabian Knopf* deals with two royal decrees by Ptolemy II (3rd century BCE) on livestock and slaves in Syria. The king had to rely heavily on local agents, and thereby the Ptolemaic state was capable of dealing with its ‘weakness’. *Rotem Avneri Meir* and *Jan Willem van Henten* both shed light on different aspects of the Hasmonean government as depicted in the Books of Maccabees. Avneri Meir concentrates on the government of the Seleucid Empire and its incorporation of local elites. He suggests that Simon Maccabeus’ authority in Judea derived from being an imperial agent. Van Henten discusses the issue of the rights of Jewish Diaspora communities as they are presented in 4 Maccabees. These rights allowed for a limited autonomy which – as well as the self-governance of the community – was based on the concept of *politeuma*, a quasi-autonomous civic corporation. *Jan R. Stenger* jumps forward in time to the 6th century CE and examines Christian monasticism as a facilitator of local self-governance in Gaza. His analysis demonstrates that, in the context of weak statehood, Christian ascetics acted as mediators in local affairs and helped the local community to deal with tasks and problems of collective relevance.

The second block on Antiquity starts with an analysis of Italian urbanism in the last two centuries BCE. *Francesco Cassini* discusses the interventions of Roman magistrates in Italy and the élites’ impact on monuments, buildings, and infrastructures. *Cary M. Barber* and *Daniel Syrbe* focus on imperial and late antique North Africa. Barber explains forms of undermining imperial authority through the example of the town Thamugadi where corruption was a common tool in local government. One of the main reasons for the success of this system may have been the great distance from the center of the empire and its ruler. Syrbe takes a similar approach, with the province of Mauretania Caesariensis as an example. He offers insights into structures of local self-governance and demonstrates that the cities in western Mauretania were

much less integrated into provincial and empire-wide networks than those in the eastern part of the province.

The last part of this volume shifts the attention to local self-governance in the Modern Era. *Anna S. Hauser* looks at local participation in China and discusses the phenomenon within the context of China's photovoltaic (PV) poverty alleviation strategy. She identifies discrepancies between official narratives and local realities of stakeholder participation at the village level and gives insight into the opportunities and limits of local capacity-building and self-governance.

The study by *Anna Paula de Moraes Bennech* and *Matheus Jones Zago* compares local self-governance in Santa Cruz do Sul (Brazil) in two areas: credit cooperatives and higher education. Through an institutionalist approach, they comparatively analyze path dependencies, as well as formal and informal institutions and actors and show that the Sicredi Vale do Rio Pardo Credit Cooperative as well as the University of Santa Cruz do Sul succeed by the cooperation of their respective members. Both organizations are even capable of strengthening social and economic structures in their region.

The last three contributions deal with local self-governance on the African continent. *Rogers Hansine* discusses how street vendors in Maputo push back against municipal strategies that restrict their presence in public spaces and in doing so reclaim urban space. Using an ethnographic approach, he identifies different strategies of the vendors and classifies urban street vending as a performative expression of urban counterculture.

Inês Macamo Raimundo studies a different aspect of Maputo's urban fabric. Since the city is the destination for refugees from African countries in the Great Lakes region, she analyzes how Maputo accommodates ethnic differences when people from countries with ethnic tensions try to start a new life in a new place. Her findings demonstrate that the migrants are not seen in terms of their ethnicity, but as Africans searching for business opportunities.

The last contribution of our volume is again a collaboration of two LoSAM members, thereby combining geographical and ethnographical research from Mozambique (again Maputo) and Burkina Faso (the region of Karangasso-Vigué). *Axel Prestes Dürmagel* and *Janneke Tiegna* trace the historical roots of spatial tensions created by the processes of migration and urbanisation and analyze the relations between state and local socio-political actors. Their findings indicate that spatial conflicts are associated with contested claims towards authority, which often result in new governance arrangements.

Concluding remarks

The wide range of contributions gathered here illustrates the many ways in which local self-governance can be addressed. The diversity of local groups alone shows how the state and social actors influence each other and struggle for room to maneuver. The interaction between local actors – such as refugees in Maputo – is also illuminated. Moreover, it becomes clear how promising the combination of interdisciplinary research is, especially when not only different spatial or methodological aspects are combined, but also when historical and modern phenomena are examined together.

On the one hand, this volume thus forms a kind of conclusion to the intensive exchange that took place at our conference in July 2021. On the other hand, it can and should also be understood as a starting point for further research projects in this style. It shows how human history – despite manifold technological, cultural, and political changes over the centuries – again and again encounters similar challenges and how people were and are capable of meeting these challenges, even or perhaps especially in contexts of weak statehood.

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Gunnar Folke Schuppert

Law, Patronage, and Communication as Pillars of Urban Governance

Thank you very much for your kind introduction. On the one hand I am very happy to be here and to have the opportunity to make some remarks at the beginning of this ambitious and impressive conference. On the other hand, I feel the burden to meet the high expectations of the organizers of this conference. I can only promise that I will do my very best.

As my title suggests, my presentation can be split into three different parts. Since I am a speaker with a legal background, I will start with the discipline closest to me, which is law.

So, let us start with law and urbanity.

1 The city as legal community

As a starting point, I would like to quote one of the best-known historians in Germany: Jürgen Osterhammel. When he was asked about which elements constitute a city, an urban community, he mentioned three: a wall for the case of protection and security, a market for doing business, and a local law – in German: Stadtrecht – as an urban law regime. So, one could say that law belongs to the constituting elements of urban communities in medieval times and at the beginning of modernity. This can easily be explained if we have a closer look at the Baltic region during the heyday of the Hanseatic League.

Many cities – as shown, for example, by the numerous cities that arose in the Baltic region – were founded cities, i.e. they were not simply expanded villages but rather deliberately established urban communities that especially constituted themselves as legal communities. This particularity was especially emphasised by Harold J. Berman:

The new European cities of the 11th and 12th centuries were also legal associations in the sense that each was held together by a common urban legal consciousness and independent urban legal institutions. Most European cities, after all, came into being through a legal act, usually a deed of privilege; they did not simply come into being, they were founded.¹

In Berman's view, this common urban legal consciousness is precisely what makes the European city so special.

1 Berman (1991) 569.

But that is not the only point where law comes in. Now, let us look at the second element of urbanity: the city as a marketplace. The truth about markets is that they need to be regulated, not necessary in detail, but by a legal framework for business interactions. In these times, the guilds functioned as regulatory agencies in cooperation with the city government, a typical form of professional self-governance and, at the same time, an expression of the corporatistic structure of urban governance.

But let us come back to the Hanseatic League as an example for the close connection between business and law.

As you all know, it was primarily the trading cities of the Baltic region that joined together at first under the leadership of the Hanseatic city of Lübeck to form a confederation of cities known as the Hanseatic League, which, along with the English “East India Company” and the Dutch “United East India Company”, was one of the most interesting institutional innovations of the High Middle Ages and the early modern period.² For all the differences between the East India Companies on the one hand and the Hanseatic League on the other, they had one thing in common: they needed legal protection in order to realise their primary trade policy goals and especially in order to minimise the risks of their geographically wide-ranging trade. In the case of the East India Company and the Verenigde Oostindische Copagnie, this was their legal privilege through a sovereign charter, which justifies their designation as ‘chartered companies’, in which the functional logics of commerce and rule came together.³

Without privileges, the Hanseatic League could never have developed into what Hermanus Pfeiffer called a “virtual semi-state”.⁴ The four most important trading centres of the Hanseatic merchants – Novgorod in Northwest Russia, Bergen in Norway, Bruges in Flanders, and London in England – marked not only important trading centres but also the legal backbone of the Hanseatic trade, namely the privileges granted by the host countries of these foreign trading centres, which – above all in the form of so-called stacking rights – made the functioning of such a cartel-like organisation like the Hanseatic League possible in the first place. These privileges of the Hanseatic merchants were the legal instrument

to achieve a (relatively) secure legal framework for their trade and economic advantages over competitors. The struggle to maintain these privileges in a changing economic and state world was the core [. . .] of Hanseatic politics from the mid-12th to the 17th century.⁵

But even the third constitutive element of a city – the wall – has to do with law. This is quite easy to explain. If someone is passing one of the doors of the city wall, he or she moved from one legal sphere to another. Living in the countryside meant being governed by feudal law, living in the city meant being governed by city law

² See Schuppert (2014) 36–38.

³ Instructive for this Nagel (2007).

⁴ Pfeiffer (2009).

⁵ Schelzel (2003) 11–12.

as an autonomous normative regime. So, the real importance of the city wall was not so much the strategic usefulness for the military self-protection of the city; the wall was a visible demarcation line between different social/legal fields.

Let me add a last point under the heading of law. Here, I refer to a phenomenon which is called ‘legal pluralism’. Doing research in the field of ‘legal pluralism’ became a booming business in the 60s of the last century. People became aware of the fact that law does not only mean state law, but that we can witness – especially in areas of limited statehood – other normative regimes such as customary law and informal rules governing conflict-solving processes. However, if you look at pre-modern time and even the early-modern period you enter a world of multi-normativity; and one of the most impressive examples of this multi-normativity is the variety of city rights.

This was the first pillar of urban governance. Now, nevertheless, I would like to change the perspective, moving from law to sociology and – more precisely – to the sociology of domination (Herrschaftssoziologie). For this purpose, I would like to invite you on a journey to Italy in the period of the Renaissance. While visiting Florence and Venice we can study a type of domination which is called ‘family rule’, a mode of governance based on the code of reciprocity and the making use of patronage networks.

2 Urban rule as a patronage-intensive rule of family clans

2.1 The example of Florence

Family rule as a type of domination

For the most important families of Florence, the Medicis and the Strozzi, politics was nothing more than family policy. A first example that underlines this idea is the special language of images, as demonstrated by a ‘commemorative coin’. This ‘commemorative coin’ was coined in remembrance of the attack on Lorenzo the Magnificent, a grandson of Cosimo the older, who was the founder of the family rule of the Medicis and to remember Cosimo’s brother Giuliano. The ‘message’ of the golden coin was that the well-being of the Medici family and the well-being of the city of Florence were deeply connected and should be understood as something indivisible. In the biography of Lorenzo the Magnificent, written by Ingeborg Walter, it says:

The obverse of the commemorative coin on the conspiracy shows, as a counterpart to Giuliano's profile head, that of Lorenzo, below which, reversed in mirror image, is again the octagon of the choir with the celebrating clergyman, in front of which is the pictorial chronicle of the assassination attempt against Lorenzo himself. If the side dedicated to Giuliano called for public mourning, the other referred to the programme that now had to be followed: "Laurentius Medices Salus Publica" – Lorenzo de' Medici Public Good – was the inscription here. The good of the Medici, this equation was meant to express, coincided with the good of his father city.⁶

Governance as and by communication: Fostering legitimacy by symbolic communication

The Medici family and the Strozzi family, as well as the Borgia family, thought that not the individual but the family as a collective was important: the power and influence of the family was the result of the teamwork of all family members. This unity of the family also needed to be represented in an architectural way. The ruling families communicated their claim to dominance through the construction of impressive Palazzi. This phenomenon will come to light again when we talk about Venice.

The relationship between the Strozzi and the Medici family is an especially good illustration of the ongoing competition for political power between the leading families in the city republics of the Italian Renaissance.

The Strozzi family

was one of the most-respected families in a city, where family connections were the basis for the political and social life. They were even living right next to one another; their houses formed a block within the city. Cosimo Medici [who founded the power of the Medici family, G. F. S.] was clever enough to remove the most prominent representants of the Strozzi family forever out of the city.⁷

The most important instrument for this process was banishment from the city. Even the Medici family was banned twice.

It was a common practise to remove the citizens belonging to an opposition party from the city. The banishment was an old legal instrument that was deeply rooted in the laws of Italian cities. [. . .] For the affected ones the banishment meant the exclusion from the society of the citizens. They would lose their protection of rights and become outlawed. By this, they were at the mercy of everybody willing to harm them.⁸

Following the logic of the competition between the families, banishment did not just concern singular members, but the family as a whole. Following this logic, the banishment was always a 'family-banishment'. As the banned families had to live

6 Walter (2003) 165.

7 Walter (2011) 15.

8 Walter (2011) 7.

outside of Florence there was always a foreign Florence,⁹ as Leopold von Ranke put it in his biography about Filippo Strozzi.

Domination through patronage-networks

As an introduction to this next point, a sentence that I found in Bernd Roeck's fundamental work on the history of the Renaissance seems to fit particularly well: "The fabric of Cosimo's power was woven from the fine threads of his client relationships".¹⁰ As for the nature of these fine threads between the patron and his clients, Volker Reinhardt described them in his *History of the Medici* as follows:

Clientele refers to a web of dependency and loyalty; at its centre, as it were the spider in the web, is the patron, who provides his clients with various kinds of support, i.e. helps them through the career of office and financial bottlenecks, provides sinecures or even useful relationships, in return for which the beneficiary has to make himself useful, i.e. render good services to the patron in his offices, but also increase his prestige. Patronage thus entails a detailed, usually unwritten code of desirable and frowned-upon behaviour [. . .].¹¹

Patronage relationships are thus reciprocal relationships, meaning that expectations and disappointments can occur on both sides of the patronage relationship. Keeping these in balance is what constitutes the real art of patronage:

The wider a network was stretched, the more complicated the balancing of necessarily intersecting sensitivities and demands had to become. The art of patronage consisted in setting the right preferences and keeping the inevitable amount of frustration as low as possible, limiting it to the less influential and thus less dangerous individuals. It proved itself above all in the cultivation of relationships with those personalities who were high up on the social and political ladder, only just below the patron. If you alienated one of them, you also lost their followers in state and society. Keeping such amici loyal was a survival necessity for the patron.¹²

2.2 The example of Venice

The "Kleine Geschichte Venedigs" by Arne Karsten¹³ should serve us as a travel guide through Venice as it not only describes the history of Venice knowledgeably, but also clearly elaborates the special features of the Venetian governance structures.

The head of the Republic of Venice was, as you all probably know, the doge. The office of doge was special in European comparison in that it was a quasi-

⁹ Walter (2011) 7.

¹⁰ Roeck (2019) 469.

¹¹ Reinhardt (2013) 35–36.

¹² Reinhardt (2013) 35–36.

¹³ Karsten (2008).

monarchical elective office, conferred for life. The temptation to use this power was apparently considerable:

For the powerful Doges tended to bequeath their rule. This could have led to the formation of dynasties and eventually to the replacement of aristocratic rule by monarchical rule. However, this was opposed by the no less pronounced efforts of the leading families to prevent such dynasty formation.¹⁴

The history of Venice's constitution can therefore also be written as a history of perpetual confrontations between the respective Doges and the influential family clans. But of course, the great families also competed for power and influence:

'Great' does not simply mean 'rich', or at least not only rich in financial means, but also in social and cultural capital. After all, these families were also rich in tradition and self-confidence – and in the awareness that wealth requires effective staging in order to be socially accepted.¹⁵

One way of gaining social and cultural capital was to make a career in the church. This strategy was chosen by families who had a strong connection with the curia in Rome and were, because of this, called "papalisti":

This was understood to refer to families who relied on close ties to the Roman Curia. It was mainly the sons of these families who entered the clergy, not only to be provided for according to their status, but also to make a career in the ecclesiastical hierarchy. Such a career was usually a costly affair, but if successful, could also yield considerable returns: in economic income through fat sinecures, in social prestige through a bishop's or even a cardinal's title, in political opportunities for action through good connections in the Roman Curia; at that time this was still one of the most important political centres in Europe, where the strings of the highly developed papal diplomacy came together.¹⁶

One last remark to the obviously essential self-promotion of members of influential families: the increasing communication through types of art could especially be to seen in the case of successful social climbers. Among these forms of expression of this self-portrayal in Venice is one architectural speciality

that exists in this form only in Venice: Church façades to which sculptures of the patron are attached, thus bringing the person of the patron to the fore in a way that would have been unthinkable in Rome, the city of popes, for example.¹⁷

In this context, too, we need to be aware of someone else: Francesco Fini, about whom Karsten has the following to report:

¹⁴ Karsten (2008) 26–27.

¹⁵ Karsten (2008) 210.

¹⁶ Karsten (2008) 137–138.

¹⁷ Karsten (2008) 193.

This unusual type of façade then experienced its heyday in the 17th century, as can be easily seen, for example, in the church of San Moisè, where the bust of Vincenzo Fini, who died in 1660, is in the main portal, while portraits of his brother and his nephew are above the side portals. The family, originally from Cyprus, had an enormous fortune but did not belong to the patrician class until Vincenzo Fini took advantage of the crisis of the Cretan War in 1649 and bought himself and his family an entry in the Golden Book for 100,000 ducats and thus a seat in the Grand Council. But that was not all: not even a decade later, Fini invested the same sum again in 1658 to gain the office of procuratore di citra, which was second only to dogat in the Venetian hierarchy of offices.¹⁸

Just to sum up: architecture and promoting arts were primarily methods to communicate the claim to rule, a claim raised by members of an elite, may this be a family clan, an economic class or members of an old-boys network.

So, this leads us to the third point of my presentation: the city as a space of communication.

3 The city as space for communication: At the same time, a journey through history

I'd like to ask you to put on your 'communication glasses' and to take a short look at the following four historical types of a city:

Christel Brüggencbrock contrasts two types of cities in her book "Alte Städte und moderne Stadtbilder":¹⁹ the old Mesopotamian cities as centres of culture and power, and the ancient city embodied by the Greek polis. Under the title "Athen – die Stadt als Bürgerverbund" she made the following remarks regarding this topic:

The citizens of a city understand themselves collectively as the acting subject; it is not the polis as an abstract entity that is the agent. The idea of the city here does not consist of something legal, a collection of houses that the population fills, but it is more than the sum of its parts: the association of citizens actually constitutes the city and it is the inhabitants who define their city as such. [. . .] In the cityscape this is shown, for example, by the agora. On this open space, surrounded by official and public buildings, the citizens celebrated their urban life. Here the settlement-geographical criterion coincides with the political-social one.²⁰

The collective identity of the Athenians, as the ancient historian Christian Meier once formulated, was a citizen's identity.²¹ If large parts of the civil society of Athens were ready to care for the city, this was not an obligation but "more importantly, they were interested in the claim to their own rank, their own political

¹⁸ Karsten (2008) 193.

¹⁹ Brüggencbrock (2006) 44–52.

²⁰ Brüggencbrock (2006) 50.

²¹ Meier (1997) 204.

role”.²² The stage that was used for this was the urban public and even the public in all of Greece.

The medieval city: “Staging of bourgeois self-image and urban rule”²³

Coming back to the wall as a constituent element of urban communities, it has to be pointed out that the wall did not just enclose a certain legal area, but at the same time also a *Kommunikationsraum* (communication space) which turned it into an important part of *kommunaler Selbstinszenierung* (communal self-presentation):²⁴

Communal self-presentations can be seen as [. . .] concise mediations of a respective time-specific understanding of the civic community. In a variety of forms, they present collective ideas of the civic community as an organism at certain moments in history and, in their conception and layout, at the same time reveal a knowledge of the possibilities of using media and its effects. They not only make it possible to describe who in the city has tried to interpret and determine processes and with what aim, but also to observe the peculiarities and functioning of bourgeois communication and thus, to tie social phenomena and processes back to situations of their mediation.²⁵

Such constellations of communal self-presentation were not just an expression of städtischer Imagepflege (city image building) or “CITY BRANDING”,²⁶ as one would say today, but also an instrument of “shaping urban identity”²⁷ to support the creation of an urban collective identity, which is called “*coscienza cittadina*”²⁸ in Italy.

The modern city of the 19th century

Jürgen Osterhammel argues that the “modern city” emerged in the 19th century as a complex and highly dynamic structure:

New notions of urban public sphere and municipal politics emerged and spread. No longer did only an undifferentiated and unaccountable people and oligarchy operate in the public sphere. A weakening of absolutist regimentation, broader political representation, new mass media and the organisation of interest groups and political parties in the urban arena changed the character of local politics. In the capitals of at least the constitutional states, national

²² Meier (1997) 205.

²³ This is the title of the article by Stercken (2006)

²⁴ Stercken (2018) 15.

²⁵ Stercken (2018) 272.

²⁶ See the exciting article by Mayer (2012); see also Arnold (2000).

²⁷ See for this Boone/Stabel (2000).

²⁸ Centro di studi sulla spiritualità medievale (1972).

politics was at the same time conducted in the public sphere by parliaments: The voting nation followed the capital's political events with a hitherto unknown sympathy. A rich and lively system of associations of clubs, societies, church congregations and religious sects, as has been described particularly thoroughly for England and Germany in the early modern period, also appeared in rudimentary form under quite different political conditions in the provincial capitals of late imperial China, for example.²⁹

Global cities

The term 'global city' was mainly coined by the American sociologist Saskia Sassen, whose works³⁰ have found broad resonance. Helmut Philipp Aust summarized Saskia Sassen's message on the neologism 'global city' in his book about "Das Recht der globalen Stadt" ("The right of the global city") as follows:

'Global cities' in Sassen's sense can be defined by the fact that they are not located in a scaled hierarchy below the national, regional and global levels. Rather, according to Sassen, 'global cities' are places of the 'global' that are often directly connected to global processes without these being filtered through the national level. There are four characteristic features of 'global cities'. These are, firstly, the function of these cities as highly concentrated command points of the organised world economy, secondly, their quality as key locations for financial and other highly specialised service companies, thirdly, their role as production locations (not only in a material but also in an ideal sense) and, finally, their function as markets for the products and innovations created. At the beginning of the 21st century, cities had thus re-emerged, as strategic places for understanding the decisive trends of social order. 'Global cities' are thus not only defined by their size (or their characteristic as 'megacities'). They are characterised by a certain relationship between the city and the rest of the world.³¹

But 'global cities' are not just global places, but they are also places of diversity. The diversity of stakeholders with different origins and textures. These stakeholders constitute a *specific kind of public* and create a new type of political actor. Saskia Sassen wrote the following in her text "Die Herstellung urbaner Öffentlichkeiten" ("The creation of the urban public"):

The urban space is a much more concrete space for politics than that of a nation. It becomes a place where informal political actors can engage in politics much more easily than at the national level. At the national level, political action has to go through existing formal systems – the political electoral system or the rule of law (for example by suing state organisations). Informal political actors are rendered invisible, as it were, at the level of national politics. The urban space, on the other hand, hosts a wide range of political activities – squatting, demonstrations against police violence, fighting for the rights of immigrants or the homeless, identity and cultural politics, political action by homosexuals. Much of this becomes visible on the

²⁹ Centro di studi sulla spiritualità medievale (1972) 363–364.

³⁰ Sassen (2001); Sassen (2002); see also her much acclaimed book Sassen (2006a), especially chapter 7.

³¹ Aust (2017) 50.

streets. Much of urban politics is concrete and ‘performed’ by city dwellers rather than dependent on mass media technologies. Through ‘street politics’, the formation of new types of political subjects becomes possible, which do not have to make use of the formal political system.³²

One last type of city should not be missed when talking about the role of cities in the process of the history of globalization as a history of communication:³³ the port cities and their worldwide network.

The network of port cities

Port cities were not just transshipment points for humans and goods, but also and mainly for *information*. Especially the information from overseas first arrived at the European port cities and was filtered under the aspect of its economic and its political and social relevance. Using this example, it is possible to show the connection of communication, the circulation of knowledge, the processes of innovation, the framework and the pre-condition for modernization all within the example of port cities.³⁴

Port cities were used, following the plausible thesis of Jürgen Elvert, as hubs in a *global network of trade and communication* becoming laboratories of the European modern era:

It is no coincidence that throughout history, port cities in particular have repeatedly proved to be the nuclei of intellectual and cultural avant-gardes. The interaction between European powers during European overseas expansion as well as between Europe and the non-European world thus appears as a kind of dialogue through which the shape of the world was moulded just as much as that of Europe and which placed Europe and the world in a new relationship to each other, indeed bringing them closer together. Modern shipping made it possible to link the separate parts of the world across the sea and to interconnect the fate of the people living on them. In this global network, port cities formed and still form the nodes without which the network would not have functioned and would not function today. The port cities, in which interactions between Europe and the rest of the world could first, directly and unfiltered, unfold their full dynamic, thus became, as it were, laboratories of European modernity [. . .].³⁵

Ladies and gentlemen, it is now time to return from the ‘global cities’ and the pulsing port cities back to the idyll of Würzburg and to start with the proceedings of the conference.

³² Sassen (2006b) 100.

³³ Read more at Schuppert (2015).

³⁴ Elvert (2021) 24.

³⁵ Elvert (2021) 24.

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| Theory and Interdisciplinary Approaches

João Pedro Schmidt

The State and the Good Society: Elements of the Liberal Communitarianism's Political Conception

Abstract: Amidst the crisis of ideologies and traditional conceptions about the state, liberal communitarianism develops an original political approach. Its central proposition is that a good society requires a balance between State, community, and market, rejecting both the *minimal State* and state-centrism. In the work of sociologist Amitai Etzioni, we find the most systematic political formulation of communitarian thought. Some aspects distinguish this formulation: (i) the empirical analysis of the State has as its ethical-political reference the concept of the good society; (ii) democracy requires a responsive State, sensitive to the voice of communities; (iii) conversely to the politics of neutrality, the State is committed to a limited set of *core values*; (iv) the State fulfills fundamental functions, but, either strong or weak, its functions are always limited; (v) the fulfillment of collective needs and the common good requires a balance between State, community and market; (vi) to ensure peace in international relations requires the perspective of basic security, with the global political community as a horizon. The communitarian theory, which presents itself politically as a third way, brings relevant contributions to understanding current State dilemmas and examining future perspectives.

Resumo: No cenário da crise das ideologias e das concepções tradicionais acerca do Estado, o comunitarismo liberal desenvolve uma concepção política original, cuja proposição central é que a boa sociedade exige o equilíbrio entre Estado, comunidade e mercado, visão que recusa tanto o estado mínimo quanto o estadocentrismo. Na obra do sociólogo Amitai Etzioni encontra-se a formulação política mais sistemática do pensamento comunitarista. Alguns aspectos singularizam essa formulação: (i) a análise empírica do Estado tem como referência ético-política o conceito de boa sociedade; (ii) a democracia requer um Estado responsivo, sensível à voz das comunidades; (iii) em contraposição à política da neutralidade, o Estado tem compromisso com um limitado conjunto de valores nucleares (*core values*); (iv) o Estado cumpre funções fundamentais, mas, seja forte ou fraco, suas funções são sempre limitadas; (v) o atendimento das necessidades coletivas e do bem comum requer o equilíbrio entre Estado, comunidade e mercado; (vi) a construção da paz nas relações internacionais requer, em lugar das concepções imperialistas e dos valores liberais, a perspectiva da segurança básica, tendo como horizonte a comunidade política global. A teoria comunitarista, que se apresenta politicamente como terceira via, traz relevantes contribuições para compreender os dilemas estatais do presente e para examinar perspectivas de futuro.

1 Introduction

Since the 1980s, contemporary communitarianism has become internationally known in the realm of philosophy for presenting a severe critique of the individualistic premises assumed by much of liberal thought, including its contemporary versions, such as the work of John Rawls. Thinkers such as Michael Sandel, Michael Walzer, Alasdair MacIntyre, and Charles Taylor¹ became notorious for countering the individualism-inclined liberal mainstream by reaffirming the classical Aristotelian *social thesis* and asserting the importance of community bonds for understanding the individual, without, however, embracing collectivist assumptions, common in socialist theories. Communitarian philosophers have updated the notion that sapiens are historically and socially conditioned beings and that narratives about individuals must express the inextricable links to their communities, something not contemplated in the mainstream of Anglo-Saxon liberalism.

Through mutual criticism and self-revision, the debate among moral philosophers about the tensions between individual and community advanced toward certain convergences. Based on these debates, a network of social scientists, philosophers, researchers, and politicians was formed, aiming to dispute the hegemony not so much of Rawls but of the utilitarian individualism dominant in the United States.² With the decline of communities as a central concern, the agenda of this communitarian network included paradigmatic shifts in disciplines, such as economics and other social sciences, the re-moralization of political life, families, and schools, and the importance of civic engagement.

The use of the terms *community* and *communitarianism* provoked, however, different reactions. While community is an ancient term, present in all the great systems of thought and universal religions,³ communitarianism has a shorter history. Henry Tam attributes its pioneering use to Robert Owen in the 1840s and his conception of community built through cooperative education and organization.⁴ According to Amitai Etzioni, the term was first used in 1841 by John Barnby, founder of the Universal Communitarian Association, who considered a communitarian to be the “member of a community formed to put communist or socialist theories into practice.”⁵ The contemporary meaning (“of belonging to or characteristic of a community”) appeared in Webster’s Dictionary in 1909.

One of the persistent criticisms of the idea of community is its opposition to individual freedom. Zygmunt Bauman asserts that the expectation of protection, care,

¹ See Rawls (1971); Sandel (1982); Walzer (1983); MacIntyre (1981); Taylor (1989).

² Joas (2004).

³ Nisbet (1973).

⁴ Tam (2019).

⁵ Etzioni (1998) ix.

and security provided by the community has often required sacrificing freedom.⁶ Tam points out that both authoritarian and individualistic scholars have criticized the four central ideas of communitarianism: the ideal of the inclusive community, the principle of co-operative inquiry, the principle of mutual responsibility, and the principle of citizen participation.⁷

In the face of such criticism, the liberal communitarian theory provides a universalist argument in defense of the community. Although the particular is valued, the final arbiter of morality is the global *community of communities*. However, despite its universalistic bias, the conceptual architecture reflects the Anglo-Saxon liberal-democratic tradition's traits. The German sociologist Hans Joas points out that the semantics of the term community in the United States is very different from the German cultural tradition: "In Germany, every positive use of the term 'community' today will meet with the skepticism of those who suspect therein anti-democratic effects,"⁸ by referring to the term *Volksgemeinschaft* enshrined in Nazi terminology. Nevertheless, Joas recalls that the term *Gemeinschaft* has a broader tradition, including the important sociological work of Ferdinand Tönnies, youth movements, and its use by leading members of the German resistance in guiding the rebuilding of society after the Nazi regime's fall.⁹ Thus, according to Joas, understanding the communitarian phenomena in Germany can benefit the communitarian-liberal formulation.¹⁰

Liberal (or responsive) communitarianism intends to be a course correction rather than a rejection of liberalism by directing the critiques to its individualistic foundations. However, there are other schools of communitarianism in Asian countries that are anti-liberal. *Asian communitarian values*, according to Beng Huat Chua,¹¹ refer to traditional values of social order, collectivity, hard work, frugality, discipline, and teamwork, a set of traits markedly distinct from liberalism's values of individual autonomy, rationality, and human rights. Such an ideology, which began to gain notoriety with the economic success of the Asian Tigers, is associated with state-led economic models that have nothing to do with free markets.

The Responsive Communitarian Platform: Rights and Responsibilities,¹² a programmatic platform, was publicized in the early 1990s, signed by 104 personalities, including intellectuals, feminists, African-American and Hispanic leaders, religious representatives, moderate Republicans, and Liberals. Its guidelines cover aspects, such as:

6 Bauman (2001).

7 Tam (1998).

8 Joas (1994) 1.

9 Joas (1994).

10 Joas (1994).

11 Chua (2017).

12 *The Responsive Communitarian Platform: Rights and Responsibilities* (1991).

- the importance of the community in human existence;
- the indispensable balance between freedom and responsibility, as well as social order and individual autonomy;
- the role of the moral voice in front of the State and the market exercised through persuasion and education;
- the strengthening of democracy through increasing representation, participation, and responsiveness of politics;
- the centrality of values, civic duties, and ethics in politics;
- the affirmation of a strong democracy, not just majoritarian democracy;
- the need to rethink and support the family, the first line of defense of moral education;
- the character formation as the main role of the school, the second line of defense;
- the relevance of strengthening communities and community spirit;
- the defense of public health;
- the cosmopolitan perspective of responsive communitarianism.

This paper aims to present contributions from liberal communitarianism regarding the role of the State in constructing the good society, emphasizing the theory developed by its main exponent, sociologist Amitai Etzioni,¹³ one of the articulators of the responsive communitarian movement. His intellectual work is dedicated to bringing evidence about the community's central role in social life and the importance of balancing community, State, and market. This theory offers fertile concepts and interpretative lines that overcome the classic oppositions linked to the public/private dichotomy.

The exposition of liberal communitarian conceptions about the State is organized in six topics: – the good society: an ethical-political reference for analyzing the State; – dispersed power and responsive State; – the State in the face of value diversity: commitment to core values; – fundamental, but limited, functions of the State; – the balance between State, community, and market; – global political community versus imperialism. At the end, there is a brief concluding evaluation about the importance of the communitarian perspective for studies on the contemporary State.

13 Amitai Etzioni, whose original name was Werner Falk, was born in Cologne, Germany, in 1929, in a family of Jewish origin. Because of Nazi threats, the Falk family escaped from Germany to Palestine. Thus, he spent his youth in Israel, where he took part in the struggles regarding the creation of the State of Israel and adopted a new name, Amitai Etzioni, a common practice among Jews who had returned to the land of their ancestors. He was a student of the philosopher Martin Buber, known internationally for his reflections on dialogic relations and the importance of community life. Then, he went to the United States to complete his studies, where he settled and worked as a sociology professor at different universities. He became known initially for his works on the sociology of organizations in the 1960s. From the 1980s on, he dedicated himself to building the communitarian theory.

2 The good society: An ethical-political reference for analyzing the State

Recognizing the importance of communities in social life does not mean that the State should be guided by simply accepting the values and culture of particular communities. In communitarian theory, the legitimacy of the community, as well as of the State and the market, has as its ethical-political reference the *good society* idea.

Good society is a common expression in liberal literature, with formulations associated either with economic liberalism, as in Walter Lippmann,¹⁴ or with the perspective of the Welfare State, as in John Kenneth Galbraith.¹⁵ It is a sociopolitical ideal, not exactly an empirical reality. Synthetically, the good society is one in which the great ideals of liberty, equality, and fraternity are best realized, according to the conditions of each particular society.

In communitarian literature, the term good society has a very special importance. Robert Bellah notes that the good society is a concept open to the common deliberation of each society, whose classical criteria are peace, prosperity, freedom, justice, and democracy.¹⁶ Etzioni proposes the following definition:

a good society is one in which people treat one another as ends in themselves and not merely as instruments; as whole persons rather than as fragments; as members of a community, bonded by ties of affection and commitment, rather than only as employees, traders, consumers or even as fellow citizens.¹⁷

In this formulation, philosophical premises from Kant and Buber shine through. Kantian deontology provides the basis for rejecting utilitarianism, which is the predominant perspective of Anglo-Saxon liberalism. The core of utilitarianism lies in the idea that the good society is one that provides the greatest good for the greatest number. At first glance, this is an inclusive and realistic approach, but it is, in reality, a relativistic view that does not commit to universal principles necessary for human rights. In contrast, Kantian ethics based on the categorical imperative provides a universalistic basis proper to the good society. Against the criticism of many intellectuals, who see communitarianism as a particularist discourse, the liberal communitarian theory is universalist. The values of particular communities are seen in the light of the concept of *community of communities* (humanity).¹⁸

According to the concept developed by Buber,¹⁹ the good society is realized in societies that give a prominent role to community relationships, e.g. relationships

¹⁴ Lippmann (1937).

¹⁵ Galbraith (1996).

¹⁶ Bellah *et al.* (1996).

¹⁷ Etzioni (2000a) 11.

¹⁸ Etzioni (1996).

¹⁹ Buber (2008).

of trust and authenticity. The community is the environment of the *I-Thou relationships*, of authentic, immediate relationships without any interest, business, work, or any other achievement, aiming only at the direct encounter with the other.²⁰ Hence, the community is indispensable to a good society because it strengthens the I-Thou relationships. Conversely, the market is the realm of I-Things relationships, and the State is the realm of control and coercion relationships.

Commitment to the common good (or public interest or public good) is at the core of the good society. In Etzioni's definition, the common good

denotes those goods that serve all members of a given community and its institutions, and, as such, includes both goods that serve no particular identifiable group, as well as those that serve members of generations not yet born.²¹

The reaffirmation of this classic principle of Greek and medieval thought, but denied by individualist liberal conceptions and the Marxist tradition, is crucial in communitarian thinking. In each concrete society, there is a background reference for *the right thing to do, by itself, for itself*, grounding criteria for settling conflicts, reasons for making sacrifices for the sake of others or the future good. It is a guide to the collective effort.

What is the common good? Who decides what the common good is? Philip Selznick answers that there is no common good external to society, i.e. above individuals.²² The common good is not a substance: it concerns a virtue of procedure. It does not involve an exercise of abstract imagination or deductive reasoning: it is a process of social learning through deliberative institutions. While liberals focus on differences of opinion and the risks of consensus, communitarians emphasize the importance of consensus and collective intelligence in finding creative answers to problems, improving people's lives and communities. Unlike the liberal individualist perspective, which circumscribes the question of the good to the individual realm, the communitarian perspective "is more profoundly systemic, not reducible to individual interests or attributes. The common good is served, for example, by institutions that provide collective goods, such as education or public safety."²³ We all decide what the common good is not by abandoning our own interests and perspectives but transcending them when necessary and finding ways to link them to broader interests and ideals. Thus, reliance on collective intelligence (thinking together) is at the core of the common good. The common good is a never-ending question, a collective response to problems defined by new circumstances and new ideas.

20 Buber (1970) explains that *I-Thou* relationships are characterized by mutuality, frankness, presence, intensity, and ineffability. In contrast, *I-It* relationships are those between people and objects, and also relationships in which the other person is experienced as an object to be influenced or used – a means to an end.

21 Etzioni (2015) 1.

22 Selznick (1994).

23 Selznick (1994) 537.

Extensive empirical research has highlighted the benefits of community life. Etzioni emphasizes some benefits:²⁴

- those who live in communities have healthier, longer, and more contented mental and physical lives;
- hospitality and integration make members less likely to participate in violent gangs or militias;
- communities provide valuable assistance in the prevention of serious situations and the social protection of members, and can substitute various State services with advantages;
- communities are fundamental to the good performance of public policies, such as security.

By performing services of public interest, communities are not competitors to the welfare state; on the contrary, when they fulfill certain social functions, they reduce the burden on the State and strengthen the welfare state, enabling a redirection of public spending to irreplaceable State functions.²⁵

Community is not always synonymous with the common good. Particular communities have different features, the relationships among their members are distinct, and their values are diverse. In this context, communitarians recognize the dark side of the community and the third sector.²⁶ For instance, there are particular communities whose values violate rights, legitimize discrimination, and reproduce authoritarianism. Historically, communities have sacrificed freedom on the altar of security, says Bauman.²⁷ Therefore, one must analyze concrete communities and community organizations based on the values they affirm and disseminate. The Klu Klux Klan and *Médecins sans Frontières*, The National Rifle Association, and Mothers Against Drunk Driving, for example, are civil society organizations that rely on the support of particular communities, but are completely different in terms of the values they affirm.²⁸

The moral culture that is needed for a good society balances individual rights with social responsibility. Both are primordial principles with equal importance. Although changing conditions allow one set to take precedence over the other for some time, the collective effort should be to achieve their balance. Even under

24 Etzioni (2000a).

25 Etzioni (2000a).

26 In this sense, Neubert (2021) argues that the notions of self-organization and self-regulation are often loaded with a positive democratic connotation. Part of the debates on social movements, governance, and civil society is attentive only to the contribution of local organizations to the smooth functioning of democratic political systems. It is necessary, however, to also take into account the hidden, non-democratic, and less liberal side of self-organization, revealed by different studies.

27 Bauman (2001).

28 Etzioni (2000a); Selznick (1994).

extreme conditions, the values of individual autonomy must be protected (and can only be restricted). Concrete societies can be analyzed based on a continuum of moral cultures, in which one or the other set of values has variable weight. Countries with a strong presence of individualistic behavior lack a more robust communal moral culture; countries in which the social order stifles individuality require stronger values of personal freedom.²⁹

A moral culture characterized by strong community values enables society to solve its collective problems and ensure the common good. But this is not enough. In moments of crisis, such as the current coronavirus pandemic, Etzioni sheds light on another condition: the virtuous combination between community moral culture and State action.³⁰ Countries with weak communal culture, or led by governments that do not act in tune with communal culture or with corporations that obstruct collective efforts, respond ineffectively to a crisis' challenges. The convergence between communal moral culture and State action is what makes it possible to face deep crises such as the current one.

3 Dispersed power and responsive State

Responding appropriately to the basic needs of human beings is a fundamental condition not only of politics but also of any organization and institution. Based on Abraham Maslow's theory, Etzioni maintains that the basic needs of human beings cannot be manipulated in the long run, although they can be manipulated for some time through *non-natural* ways (from the media, charismatic leaderships, religious fundamentalism, and others).³¹ In the long run, society cannot be good or even stable without being responsive to the needs of its members. Responsiveness rules out the repeated use of vertical (downward) forms of political decision-making, typical of elitist modes of government; it requires that basic needs be served by forms of decision-making based on a combination of authority and citizen participation in political decisions.

State responsiveness connects to the understanding that power is dispersed in the social gears and top-down decision design (*design* and *control* logics) are limited.³² The power of the central units, at the top (*overlay*), is restrained by the power dispersed in the social body, at the bottom (*underlay*). The central units are not able to fully control; the controlled units have some internal capacity for control and resistance. The *guidability* of a system is largely conditioned by the compatibility or

²⁹ Etzioni (1996).

³⁰ Etzioni (2021).

³¹ Etzioni (1991).

³² Etzioni (1991).

the possibility of making compatible the aims that guide the *underlay* and *overlay* units. Thus, an active society requires the exercise of power aimed to form a consensus (*congruence of preferences*) between the central and peripheral units.³³

The communitarian conception of political action is a *realist* perspective because it opposes voluntarism and determinism, asserts Etzioni.³⁴ The exaggerated confidence in the governmental capacity to modify social situations is a voluntarism feature, which ignores the complex imbrication of socio-political units and the power dispersed in them. The limit of voluntarism can be seen in the historically proven fact that not even in totalitarian regimes did governments succeed in implementing many of the planned changes. Its opposite, determinism, minimizes the importance of power and ignores that it is necessary to use power to overcome resistance throughout a policy process. Power is indispensable to politics and is most effective when there is greater consensus among the different units about the goals of the action.

The communitarian approach recognizes the importance of political direction and government action but also emphasizes that an active society depends on forming a collective will, something much broader than the will of elites. Only when a collective will is formed and translated into collective action does social transformation become possible. Therefore, political leadership compatible with collective will formation extensively uses persuasion (not force or imposition), engaging in dialogue with institutions, organizations, networks, and communities.

A responsive State is attentive to the moral culture of communities. The moral culture or *moral voice* provides members with a sense of right and wrong and affects all areas of life, including politics. The internal moral voice urges a person to be guided by the values they adhere to and to refrain from conduct that contradicts them. The moral voice of the community encourages its members to behave consistently with the community's values. The influence of the moral voice on people's practice tends to be stronger when the community voice reinforces the internal voice, and the community voice is more effective when it appeals to already established values.³⁵

The more effective the moral voice, the less coercion is needed. Major social changes, such as the recognition of women's and black peoples' communities' rights and greater concern for environmental issues, have only occurred with a change in the moral culture of communities. Many of today's acute social problems, including violence and the increase in crime, are related to the loss of moral strength in communities, leading broad segments of society to ask governments for more repression and coercion without successful results. Thus, the strategy for

33 Etzioni (1968).

34 Etzioni (1991).

35 Etzioni (1996).

confronting major social problems requires an effort to enable communities to take back their moral role in favor of social cohesion and order.

4 The State in the face of value diversity: Commitment to core values

Communitarians oppose one of the characteristic ideas of political liberalism: the *neutral State*. According to Rawls and others, State neutrality in the face of the varied conceptions of the good and the good life in plural societies is a democratic requirement. Individual autonomy cannot be constrained or stifled by State impositions on what individuals consider the good and the good life. The democratic State (and the democratic society) has no other standing than that of maintaining neutrality. The individual's autonomy must be protected in the legal system so that each individual can define what is *good*. This conception is currently being reinforced: the democratic State must recognize and respect all cultural traditions. Hence, what do communitarians have to oppose regarding the neutral State, considering that it has not committed to any specific values of particular communities?

The communitarian position differs from the two extremes. On the one hand, the neutral State; on the other, the conservative view of the *prescriptive State*. In some countries, the prescriptive State has a religious aspect: religious groups use the State to impose their extensive list of values. In others, the feature of secular tyranny: values are imposed in the name of the nation or society. "Prescriptive states of both kinds often seek to control most of what a person does, consumes, reads, hears, and even thinks," explains Etzioni.³⁶ Well-known examples of prescriptive States are the theocracies of Iran and Afghanistan, the USSR, the Nazi regime, North Korea, and certain mid-twentieth-century North American authoritarian communities.

The communitarian alternative is expressed in the idea of the State committed to *core values*,³⁷ defined based on moral dialogue among community members. The *core values* are few, including commitment of the individual to the community, participation in public affairs, environmental protection, respect for human rights, a guarantee of basic income for all, harmonization between collective interest and individual freedom, and the construction of unity while respecting diversity.

The Diversity Within Unity Platform,³⁸ the communitarian manifest, details this line of reasoning by dealing with practical aspects involving migration. Respecting diversity within unity means that State action must move away from two extremes:

³⁶ Etzioni (2000b) 361–362.

³⁷ Etzioni (2000b).

³⁸ The diversity within unity platform (2001).

the *assimilationist model*, which seeks to impose universal laws by ignoring cultural differences, and that of *diversity without limits*, which authorizes each community to follow its traditions, even if they conflict with the current legal order. Diversity within unity is guided by the notion that the law should require everyone to adhere to fundamental imperatives while leaving a wide margin for customs and traditions of particular communities. The fundamental imperatives to be respected by all include the country's Constitution, regional laws (such as the rules of the European Union), and the *Universal Declaration of Human Rights*. These documents call for everyone's commitment to fundamental rights, a democratic way of life, and mutual tolerance.

The approach to the topic of migration allows us to understand the responsive State concept in the context of plural societies. State and institutions must be sensitive to the moral values of particular communities but must not absolutize them. They are not definitive arbitrators of community values, as the final arbitrator is the community of communities, the whole of humanity. International multicultural conflicts can only be adequately dealt with through moral dialogues of worldwide scope, that is, by global megalogues.³⁹ Multilateral organizations, such as the United Nations and the Climate Agreements, play a fundamental role in articulating megalogues. Without megalogues, resorting to force will continue to be the only alternative in the attempt to solve conflicts and global problems.

5 Fundamental, but limited, functions of the State

In one of his early works, *The Active Society*, Etzioni wrote that the grand attack on the State and the administration in general – in which Fabian and utopian social democrats, Marxists, liberals, and laissez-faire conservatives participated – fails to recognize that the State has fundamental functions.⁴⁰ That is because

besides being a major tool of societal transformation and of the societally approved reallocation of wealth and status, the State has a permanent role in the protection of civil and human rights and in curbing of intra-societal armed conflict.⁴¹

It is true that the State has been abused in these areas, but “it is precisely to the degree that its political base is expanded that its legitimate use can be increased”.⁴²

The major issues of contemporary societies are dealt with at the State level. There is no predetermined range of public issues; new questions are constantly put on the range of debates, enter the political agenda, and public authorities must

³⁹ Etzioni (1996).

⁴⁰ Etzioni (1968).

⁴¹ Etzioni (1968) 515.

⁴² Etzioni (1968) 515.

respond to them. However, States have limited conditions to provide answers, especially when it comes to civilizational crises. “The State, thus, is neither the source of all societal evil – as much of Western tradition has viewed it – nor the great hope of universalistic citizenship and justice. It is, rather, the great option for fundamental societal change”.⁴³

This understanding was deepened decades later when Etzioni and other intellectuals began to systematically formulate the guidelines of communitarian thought, starting in the 1980s, i.e. under the impact of the fall of the Berlin Wall, dissolution of the Soviet Union, and rise of neoliberal ideology. By calling their political conception a *third way* (Etzioni coined this expression, as well as that of the *third sector*), liberal communitarians sought to highlight their distance from both the hypertrophy of the State – associated with the Soviets and defended by social conservatives – and the fundamentalism of the market – defended by neoliberals and consolidated in the Washington Consensus. The communitarian third way is characterized by highlighting the importance and limits of government action, as well as the need to revitalize the public spirit by strengthening communities.

In opposition to State hypertrophy, communitarians understand that historical experience is clear in indicating that the State cannot attend well to all public needs and that the statization of the economy is not the appropriate way to ensure development and socioeconomic equality. Recognizing that the State fulfills relevant and irreplaceable functions is not the same as defending its constant expansion and omnipresence in society. State gigantism increases the risk of oligarchization of power, authoritarianism, and the use of coercive means. The hypertrophied State is based on conceptions affirming the collective’s supremacy over the individual, general interests over individual ones, universal over the particular. A new balance must be sought based on a new golden rule: community and individual, social order and individual autonomy, are both equally important; they are interconnected poles that demand one another. The order has to be voluntary and limited to core values rather than imposed and pervasive, and autonomy has to be contextualized within a social fabric of bonds and values.⁴⁴

The limitations of the State in inadequately meeting public needs was the subject of controversy in political science in the mid-twentieth century, opposing rationalists and incrementalists. On one pole, rationalists⁴⁵ argued that State limits would lie in the failures of the agents responsible for deciding and executing public policies, and the solution would be in more technical governments, requiring technical State agents’ training, improving rational decision processes (excluding emotional interferences), and using the increasingly sophisticated computational instruments. On the

⁴³ Etzioni (1968) 516.

⁴⁴ Etzioni (1996).

⁴⁵ Downs (1957).

opposite pole, incrementalists led by Charles Lindblom⁴⁶ emphasized that the act of governing never goes beyond the condition of *muddling through*, of stumbling steps amidst complex scenarios of which the governors know only a few aspects. Thus, governmental action would be limited to small increments to the situation at hand.

Moving away from both positions, Etzioni formulated the theory of *mixed scanning*, an intermediate perspective between optimistic rationalism (which assumes it is possible to conduct policy decisions within highly effective and efficient technocratic planning) and pessimistic incrementalism (which sees public policy as nothing more than disorderly, staggering advances). Etzioni defends an adaptive approach: the rationality of decision-makers will always be limited and influenced by normative-affective factors.⁴⁷ Informational technologies will never solve the problem of incomplete information because it is impossible to analyze all policy alternatives and define the best option *scientifically*. The realistic alternative is to adopt a series of procedures usable by collective intelligence, making it possible to improve policy choices.⁴⁸

The question then arises: are communitarian intellectuals, by insisting on the unsurpassable limits of the state, suggesting that the viable model of the Welfare State is the residual model (according to Esping-Andersen's typology), the one existing in the United States? In this model, a large part of public services is provided by the market and the non-profit sector. However, it is not about that. The communitarian vision recognizes State action in both social and economic policies. The public authorities' fundamental tasks are coordinating and maintaining public health, education, social security, and welfare systems and administering support programs for the unemployed and vulnerable populations. Although they cannot be passed on to private agents or communities, the latter can participate in the services. In the economic sphere, the State has an irreplaceable regulatory role and must ensure a favorable environment for competition, preventing the excessive concentration of wealth and ensuring decent conditions for workers.⁴⁹ These guidelines are consistent with the regimes of social democracy, not with a residual model.

And, in the economy, what relevant functions does the State play? Socioeconomics⁵⁰ follows the perspective outlined by Karl Polanyi⁵¹ that the market was not established naturally and that there is only a market economy with State action. In contemporary capitalist societies, it is necessary to be aware of two excesses: on the one hand, the State in regulating the market; on the other hand, the capture of the

46 Lindblom (1959).

47 Etzioni (1988).

48 Etzioni (1988).

49 Etzioni (1988).

50 Socioeconomics is the economic theory whose foundations Etzioni laid out in *The Moral Dimension* (1988).

51 Polanyi (1944).

State by particular, corporate interests. The author uses the expression *encapsulated competition* to emphasize that there is no such thing as free competition. Competition does not occur in some isolated sphere of social life: the market is a subsystem embedded in a larger system, the society; it is inside a social capsule. Government power constitutes a fundamental variable in the competitive market game, something ignored by the Pareto model of *perfect competition* (an unrealistic fiction).

The liberal view of perfect competition is based on the misconception of *homo economicus*, which assumes that economic agents are cold calculators seeking to maximize their self-interest. Etzioni points out that this conception does not stand up.⁵² Human behavior is motivated not by a single basic impulse (pleasure) but is doubly motivated (pleasure and morality). When one considers the double motivation of pleasure and morality and the insuperable influence of normative-affective factors on economic action, the whole conceptual architecture of neoclassical economics crashes down. The supposed market autonomy from other spheres proves to be fiction with no real basis, demanding a new perspective in which the economic dimension is understood in light of its interconnections with the social system.

The State – a subsystem of the larger system, the society – maintains a permanent relationship with the economic subsystem, which interferes in various ways in the competitive dynamics of the market. Conflicts are endemic to the market, and their resolution cannot only depend on normative commitments and social bonds, as agents may violate them. The government plays the role of the last instance arbitrator. The action of political power can either support or harm economic competition. Laws that protect the currency and private property or prohibit fraud and violence are objectively supportive actions; harmful actions are those that benefit some competitors at the expense of others; finally, some actions need to be studied before they can be properly classified.

The hegemonic liberal literature, according to Etzioni,⁵³ mystifies a central aspect of the market economy: power. The presence of power in economic relations occurs not only in the form of State interference but also through the manipulation of State power by market agents. Powerful economic agents have the ability to manipulate the government, generating pseudo-concentration effects, that is, effects comparable to those caused by a concentration of economic power, such as monopolies or oligopolistic collusion, without necessarily having an actual concentration of economic power, i.e. “Political power is the ability of non-governmental actors to guide the government”.⁵⁴ Interventionist power designates the use of governmental power by economic actors for their purposes, a phenomenon common in large

52 Etzioni (1988).

53 Etzioni (1988).

54 Etzioni (1988) 221.

corporations, but which can also refer to trade union organizations and others. From the interventionist power conception, the *mixed economy* is not only applicable to European countries with a social-democratic tradition but also to the North American economy itself, improperly characterized as a free market.

Etzioni addresses the issue of high taxes in Welfare States based on the relationship between rights and responsibilities: more public services require, in general, more tax revenues. The new rights and social protection in the Welfare States had as a counterpart in all countries a significant increase in the tax burden. The data systematized by Thomas Piketty are fundamental in this sense.⁵⁵ Until the 1910s, tax revenue in rich countries did not exceed 10% of national income, mostly destined to sovereign functions: justice, army, foreign affairs, and administration. In the following decades, tax revenues progressively evolved, reaching in the 1970s the level of 40% to 50% in European countries, funding public systems of education, health, retirement, pensions, unemployment insurance, and other social protection policies. The complaint against taxes was one of the driving forces behind the neoliberal winds in the 1980s, but in the rich countries, the general tax level did not change significantly. According to Etzioni, the complaints against taxes often constitute a kind of *schizophrenia*. One wants rights without responsibilities, one demands Welfare State services with liberal State taxes: “on the one hand, Americans demanded low taxes and small government, yet on the other hand they appealed for a full range of public services on education, housing, and health policy”.⁵⁶

The expansion of State structures of the Welfare States throughout the 20th century made possible great advances in several rights. The social conquests ensured by public policies, however, meant absorbing functions previously performed by communities (in health, education, assistance, and others). The communitarians understand that the statization must be the object of permanent attention and analysis to avoid the alienation of citizens from public decisions. Etzioni develops a line of reasoning similar to the theory of common goods by Elinor Ostrom:⁵⁷ the best option for providing services of public interest must be seen on a case-by-case basis. Ostrom’s studies have shown that there are long-term, successful community experiences in managing the use of land, pasture, scarce water, fisheries, and other common goods on all continents. Examination of these experiences indicated that the success of these enterprises is usually associated with eight principles: 1. Clearly defined boundaries; 2. Congruence between appropriation and provision rules and local conditions; 3. Collective-choice arrangements; 4. Monitoring; 5. Graduated sanctions; 6. Conflict-resolution mechanisms; 7. Minimal recognition of rights to organize; 8. Nested enterprises.⁵⁸ The non-observance of these principles

⁵⁵ Piketty (2013).

⁵⁶ Etzioni (2009) 156.

⁵⁷ Ostrom (1990).

⁵⁸ Ostrom (1990) 90.

has produced unsuccessful experiences. The main lesson is that there is no single rule for the provision of public services. Sometimes, the best option is for services to be provided by civil society organizations, sometimes by State agencies, sometimes by private companies.

When the State acts responsively in a society with a strong community culture and respect for individual autonomy, with a moderate level of economic regulation and complementarity in the action of public, communal, and private agents, the results are compatible with the good society. A current example of the convergence between State action and community culture can be observed, according to Etzioni,⁵⁹ in the differences in popular adherence to social isolation, hygiene practices, and vaccination during the COVID-19 pandemic. Evidence concerning the first wave of the coronavirus indicates that countries where community values of responsibility of all for all are stronger have been dealing with the pandemic better than those where libertarian, individualistic values prevail. But even in countries with strong community cultural traditions, significant differences were observed. Etzioni analyzes three countries: Japan, Sweden, and Uruguay. In all of them, trust in government is relatively high, which avoids a substantial part of the common conflicts between communities and governments in countries with high levels of libertarian sentiment. However, the crisis was handled well in Japan and Uruguay but not in Sweden. According to Etzioni, the differences are explainable by the fact that

the Swedish government simply did not provide effective guidance. The Japanese and Uruguayan governments firmly signaled what had to be done, which was sufficient to activate communitarian processes. Thus, on balance, liberal-communitarian values have acquitted themselves well during a major international crisis.⁶⁰

6 The balance between State, community, and market

In all contemporary societies – and not only in totalitarian societies – the controlling and coercive character of the state’s super-organization is revealed: the State is more a mechanism of *top-down* political control than a mechanism of *bottom-up* societal consensus building, argues Etzioni argues.⁶¹ Like other organizations, the State adopts written statutes, criteria for membership, and defined roles. The risks of oligarchization and structure stiffening, present in any organization pointed out

⁵⁹ Etzioni (2021).

⁶⁰ Etzioni (2021) 69.

⁶¹ Etzioni (1968).

by Robert Michels,⁶² are permanent. However, the State cannot be understood without considering its relationship with society (a broad social system). In active societies, the networks of consensus formation within the State are strengthened, while in passive societies, the networks of control are stronger.

Despite its relevance, the community is neither the source of all good nor the solution to all problems. In line with the theory of subsidiarity, communitarians claim that communities are able to assume a part of collective tasks necessary for well-being, but that public policies coordinated by the State are essential in the organization of public services. The community is strong in what the State is weak: in persuasion, in convincing people based on values.⁶³ The weakness of the State lies in the fact that control and coercion are insufficient to achieve the ultimate ends of peace, prosperity, freedom, justice, and democracy. The fulfillment of these ends depends on social legitimation, on people's acceptance and support of the established social order, which can be achieved with moral dialogues and community persuasion.

The State, the community, and the market are distinct social spheres, with their own characteristics, each with its own strengths and weaknesses, each with its own contributions to the good society. Although the communitarian third way has some aspects in common with Anthony Giddens' third way,⁶⁴ certain criticisms of the traditional Welfare State, such as centralism in decisions, low participation of society, use of political power by large economic corporations, political discourse with an emphasis on rights without counterpart in responsibilities, its characteristic mark is the revaluation of community and social ties, distancing itself from individualism. Its central argument is that, in Western societies, the community has been undervalued, and a new balance requires more attention to communities and their organizations (third sector).

Nevertheless, there are countries where an overemphasis on social order at the expense of individual autonomy predominates. Asian communitarianism expresses this culture by placing family, social harmony, and social duties before individual autonomy, civil society, and political liberties.⁶⁵ Social conservatism, in certain Western countries, also gives exaggerated attention to social order. The social-conservative view perceives community and authority as the foundation of society: "here the nation, the fatherland, the church or society take priority over the individual".⁶⁶

Some general formula should not guide the valuation of communities. Instead, it is about taking into account the social context and different expertise developed by community organizations. In the United States, the non-profit sector has a strong

62 Michels (1915).

63 Etzioni (2004a).

64 Giddens (1999).

65 Bell (1993).

66 Etzioni (1988) 7.

presence in several areas, including education, health, museums, and social assistance. In Europe, there is a rich tradition of social economy, with emphasis on mutualist entities and cooperatives. Community policing is a solidified model in countries like France, United Kingdom, Holland, and Japan. In Brazil, there is an extensive network of universities, schools, and community hospitals with a significant presence in education and health. In Latin America, *solidarity economy* initiatives are multiplying, especially among the lower classes. The influence of Italian civic organizations has become internationally known through Robert Putnam's studies on social capital.⁶⁷ Non-State forms of community mediation and restorative justice are also known in different countries.

Both in countries with strong States and weak States, the third sector has proven to be indispensable and will continue to be indispensable. This understanding is underlined by various civil society and social capital theories, and there are strong economic reasons to follow this direction. According to Piketty,⁶⁸ the Welfare State of the 21st century faces a crossroads: social demands on the Welfare State are high, but it is unthinkable that the tax burden can grow as in the last century's rates. It is not plausible to expect citizens to agree that governments will continue to raise taxes indefinitely in a context of low future growth to meet new social demands. Therefore, the participation of social organizations in the provision of services is indispensable, and new forms of organization and ownership are about to be invented.

Regarding the role of the market, liberal communitarian theory recognizes that it plays an important role. It is a partner in the three pillars of a good society:

the market is the best engine for production of goods and services, for work and thus jobs, for economic progress. Moreover, the private sector may foster innovation that adapts the economy to changing conditions and opportunities.⁶⁹

There are some aspects to be highlighted in this conception.

First, the regulated market is the best alternative to today's societies, preferable to the free market and the centralized economy. The free market is a chimera, hiding monopolistic and oligopolistic practices, as well as the exchange of economic and political power. However, unlike the Marxian position, the communitarian conception does not consider the market as the source of all evils, nor does it see nationalizing the economy as a solution to its ills. Collectivization of the means of production is not the way to overcome alienation. The idea that the objectification of the human being could be overcome "if the new means of production were

⁶⁷ Putnam (1993).

⁶⁸ Piketty (2013).

⁶⁹ Etzioni (2000a) 47.

turned over to the collectivity has proved false. Instead, it was combined with greater objectivization in other realms as well as production”.⁷⁰

Second, the State regulation of the market is indispensable, not only to ensure rights and social protection for citizens but also for the functioning of the market itself. The market is incapable by itself of resolving its conflicts and providing instruments to defend people from economic forces. A regulatory government, serving the collective interest, is indispensable to the proper functioning of the market and social health. However, regulations are not inherently good. They can be excessive, empty, or at the service of particular interests. Establishing adequate regulatory mechanisms is one of the permanent political challenges of good societies.⁷¹

Third, the economy and the market reflect the prevailing values in society. The market is immersed in a social capsule, and the dominant values strongly influence the transactions and forms of competition among economic agents and groups in society. It is incumbent to the State to establish mechanisms to control and protect competition because, if left alone, it can lead to self-destruction. Properly limited competition is a constructive force; unrestrained competition is destructive; repressed competition inhibits creativity.⁷²

Fourth, the capitalist market has strongly negatively impacted social life, resulting from the exacerbation of selfishness and easy consumption, typical of neoliberal euphoria and market triumphalism.⁷³ Bellah calls attention to the impacts of individualistic culture on social ecology, leading to the destruction of tenuous ties that bind human beings to one another, making them fearful and isolated.⁷⁴ For Sandel, the capitalist consumer society imposes market values on to dimensions that should never be subject to commercialization.⁷⁵ The author notes that, in today’s societies, not everything is for sale, but examples of the commodification of new *products* for sale are plentiful, such as renting parts of one’s own body, selling organs, getting paid to stop smoking, paying to reserve a spot in line at a public event, trading gifts received, or even paying to be able to pollute (carbon credits). The invasion of different social dimensions by market values continues to be justified by traditional economists in the name of the independence of economics from morality. If something brings benefits, why not commercialize it? Because it involves corruption (degradation) and takes advantage of the vulnerability of the weakest, says Sandel.⁷⁶

70 Etzioni (1968) 6.

71 Etzioni (1988).

72 Etzioni (1988).

73 Etzioni (2009).

74 Bellah *et al.* (1996).

75 Sandel (2012).

76 Sandel (2012).

Fifth, communitarians understand that the capitalist market economy was a condition for the emergence of democracy, but today it seriously limits the scope of democracy itself. If modern democracy has existed until today only in countries with a market economy, it is no less true that this coexistence takes place amid permanent conflicts. According to Benjamin Barber, a strong democracy cannot coexist with adults infantilized by the consumer culture and children educated from an early age to be voracious consumers subjected to artificially produced needs.⁷⁷ Consumer capitalism feeds on the ethos of infantilism and the ideology of privatization, which privileges the consumer over the citizen in us. A higher level of democracy requires another form of market, in which community and the public good take precedence over private interest focused on consumption.

A new market (a new economy) is necessary and possible if the social capsule surrounding the market is guided by post-consumer society values and transcendental values. The consumer society is a distortion, not the fulfillment of basic needs, in Etzioni's words.⁷⁸ Once basic economic security is guaranteed, citizens pursue what brings them greater satisfaction and contentment: affection, social recognition, and self-realization, whose primary sources are collaborative activities, community life, and spirituality.

7 Global political community *versus* imperialism

The liberal discourse of universal human rights and freedoms has clashed with the imperialist practices of countries where this discourse is predominant, in particular the United States and its allies. The numerous occupations of territories in the name of liberal causes have been contested by a wide range of leaders and intellectuals and by minority liberal sectors, including liberal communitarians.

The imperialist practices of the United States and its allies in recent decades have been endorsed by theories such as Francis Fukuyama's *end of history*,⁷⁹ which celebrates the supposed final victory of capitalism and liberal values. Moreover, Samuel Huntington's *clash of civilizations*,⁸⁰ which predicts that the main source of conflict in the globalization age is the irreconcilable values of Western-Christian and Eastern-Islamic civilizations. These perspectives – which reflect particular cultural and ideological traits, assume the superiority of Western values and ways of life and consider non-Western nations to have little to contribute to the development of political and economic institutions – disseminate a view that fosters conflicts between peoples.

⁷⁷ Barber (2007).

⁷⁸ Etzioni (2015).

⁷⁹ Fukuyama (1992).

⁸⁰ Huntington (1996).

Etzioni develops a strong critique of approaches that justify imperialist practices.⁸¹ Using the notion of a *community of communities* as a framework, he draws attention to the urgency of thinking *outside the box* in the realm of international relations. Opening the box means calling into question the justifications governments presented to citizens for acts of war in Iraq, Afghanistan, and elsewhere. These justifications included arguments about the necessity and legitimacy of the use of force to establish democracy and human rights in authoritarian and discriminatory countries. Such an understanding makes no sense when one bears in mind that democracy is not just about elections and has only proved viable in the presence of a set of conditions: a basic level of order and respect for the law, economic and educational development, the existence of independent judges, a significant middle class, a rich social fabric of voluntary associations, separation of powers, freedom of association, speech, and the press. These conditions were present, at least in part, in the few American interventions of the 20th century that made later democratic regimes possible, including Germany, Italy, and Japan but are absent in the interventions of recent decades, which destroyed the existing social, political, and economic fabric without building democracy.⁸²

The communitarian conception supported by the concept of *community of communities* claims that, instead of imposing the standards of liberal democracy and human rights, a realistic and pragmatic international relations policy should be centered on the idea of *basic security*. Security first rests on the principle of the primacy of life, a principle accepted by all peoples. While democracy and human rights are Western themes, security first attracts everyone's attention.⁸³ *Security first for all* means primarily not being subjected to deadly violence, mutilation, and torture, i.e., the guarantee of life. It is a measure of social peace and makes stable government possible.

Etzioni seeks to identify conditions under which peaceful coexistence can thrive, for what is necessary to overcome prejudices from both sides. Westerners claim to have a monopoly on legitimate beliefs and attribute to Easterners the values linked to authoritarianism and lack of individual autonomy. Orientals feel that Western culture legitimizes individualism, relativism, and hedonism. A synthesis is only possible when one starts from the statement that "there are millions of moderate people (albeit many illiberal people) in all civilizations, just as there are extremists".⁸⁴ There are moderate leaders and moderate sectors in all countries and cultures willing to contribute to mutual understanding among peoples, but many of them do not profess liberal beliefs. Starting from this assumption makes it possible to develop moral dialogues aiming at building an intercultural communal base, a

⁸¹ Etzioni (2004b, 2007, 2016).

⁸² Etzioni (2016).

⁸³ Etzioni (2007).

⁸⁴ Etzioni (2016) 38.

synthesis between the values of Western individual autonomy and those of the Eastern social order. “I hold that a good society can find ways to combine the closer associations of a community with a respect for rights and autonomy that a free modern society provides”.⁸⁵

It is in the construction of a normative global synthesis encompassing intercultural values that the only chance for peaceful world coexistence lies. The language of international documents must respect interculturality. Therefore, the effort to rewrite the *Universal Declaration of Human Rights* in intercultural language, inserting responsibilities next to rights, is valuable. The normative global synthesis should be sustained more on authentic persuasion than on occasional interests and coercive power. Persuasive leaders are essential for building convergence among nations. Discerning between toxic nationalism and legitimate love of country, establishing respectful dialogues about the foundations of the values held by different peoples create the conditions for building the common good of humanity.

Conclusion

Liberal communitarianism presents an important theoretical perspective for the research about communities and community organizations. It emphasizes that community is a universal phenomenon with ambiguous political meaning, sometimes authoritarian, sometimes democratic. It points out its social and political relevance but does not uncritically praise the community.

Researchers on the connections between local self-organization and statehood find several relevant elements in communitarian theory, among which is the issue of the relationship between the universal and the particular. Communitarians reject the abstract universal bias, present, for example, in approaches formulated in politically, economically and culturally hegemonic countries, which often suggest as “universal” what is the standard in their country, in their culture. By valuing the particular (what distinguishes a national, regional, or local community), communitarian theory helps the researcher to be vigilant against the risk of false universality in understanding both States and communities.

On the other hand, by rejecting false universality, communitarians do not neglect to seek categories that help explain the relations between States, communities, markets and citizens in different continents. One example: the balance between state, community and market is not a single formula but a guideline with different implications from country to country: in some cases it involves strengthening the sense of social order (in countries marked by individualism); in others, the sense of individual autonomy (in countries marked by collectivism and authoritarianism). Another example: in many

⁸⁵ Etzioni (2004b) 45.

cases democratic governments achieve greater effectiveness and legitimacy of public policies by respecting the moral voice of the communities, as in the cases of community educational, assistance, economic, and care of the commons; but in cases where particular communities endorse authoritarian, racist, and misogynist values, the dialogue of democratic governments with such communities should aim at changing community values and not at strengthening them.

One of the most decisive theoretical contributions of liberal communitarianism is to show the limits of the dualistic state/market view and that the triadic State/community/market view offers better theoretical tools to understand social life and politics. In the work of its main representative, the sociologist Amitai Etzioni, we find a dense and original formulation on the concept, the importance, the contributions, and the limits of the community, conceived as a specific social sphere (and not a subsector of the private sector), which is insufficiently considered in contemporary Western societies, marked by growing individualism.

The contemporary State has not only the classic sovereign functions but also the coordination of public policies. However, whether under strong or weak States, it is neither possible nor desirable for the public power to seek exclusivity in meeting social demands. Therefore, community and civil society organizations (the third sector) are important partners.

In international relations, liberal communitarians strongly oppose theories that support imperialist practices justified in the name of Western liberal values. In the current cultural, social, and economic diversity scenario, international relations that put the Western values of democracy and human rights at the forefront are bound to intensify conflicts. *Security first* is the realistic and pragmatic perspective that dialogues with a universal value: the primacy of life. Intercultural dialogue is the only possible antidote to war.

Like any theory, liberal communitarianism is related to its social context, especially North American and European. In societies on the periphery of capitalism, such as Latin America, the communitarian approach needs new emphases, especially the compromises of communities with social inequality, self-devaluation, and authoritarian experiments.

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Jana Hock, Valeria Tietze, and Nestor Zante

Claiming Legitimization: Non-State Violent Local Stakeholders and Power Legitimization of the Maccabees in Judea in the Second Century BCE and the Koglwéogo in Today's Burkina Faso

Abstract: How do local vigilante groups claim power and justify their authority in antiquity and in contemporary society? We approach this question from an interdisciplinary perspective: on the one hand we look at it from Old Testament Exegesis through a narratological analysis of the First and Second Books of the Maccabees and on the other hand, through ethnographical analysis, we examine legitimization patterns within Koglwéogo vigilante groups.

In this paper, we address the reasons presented for the need of legitimization and analyze the parallels concerning the ways in which the groups are legitimized. We therefore present and discuss three cases:

Our first case concerns the First Book of Maccabees. It tells the story of the expansion and consolidation of local power by the Hasmoneans *ex post* (ca. 100 BCE). In 1 Macc 2:1–70, the leader of the Maccabean revolt Mattathias is linked to tradition, but tradition is reshaped for the Maccabean's own legitimization purposes. Thus, the Maccabees are legitimized in their beginnings (1 Macc 2:1–70) and so is the establishment and persistence of the Hasmonean dynasty itself.

The Second Book of Maccabees – the second case – concentrates on the pre-history and first years of the Maccabean uprising under Judas the Maccabee (175 BCE to 161 BCE). It provides a hostile description of the enemy king Antiochus V Eupator, contrasted with a vivid depiction of Judean prayer, fasting, and decision-making, which lead to a successful fight against Antiochus V and his troops (2 Macc 13:9–17).

The third and last case concerns the Koglwéogo groups emerging in the security landscape in Burkina Faso since 2014. Taking advantage of the security vacuum left by the state especially in rural areas, they organized themselves to secure the areas in which they emerge. Under the authority of traditional chiefs and religious leaders, they claim their role as effective security providers beyond the state.

We show that these non-state violent actors in antiquity and modernity have parallels in their legitimization. These justifications are manifested in three main aspects: tradition, religion and cult as well as the contrast of enemy images serve to legitimize these non-state violent actors. Hence, we illustrate that the methods used for legitimization both in antiquity and modernity have structural parallels and functionally similar patterns of justification.

Resumo: Comment les groupes de vigilants locaux revendiquent leur pouvoir et justifient leur autorité dans l'antiquité et dans la société contemporaine? Nous abordons cette question dans une perspective interdisciplinaire: d'une part, nous l'examinons du point de vue de l'exégèse de l'Ancien Testament à travers une analyse narratologique du premier et du deuxième livre des Maccabées et, d'autre part, à travers d'une analyse ethnographique, nous examinons les schémas de légitimation au sein des groupes d'autodéfense Koglwéogo.

Dans cet article, nous abordons les raisons présentées soulignant le besoin de légitimation et analysons les schémas communs de légitimation propres aux différents groupes. Pour ce faire, nous présentons et discutons trois cas:

Notre premier cas concerne le premier livre des Maccabées. Il raconte l'histoire de l'expansion et de la consolidation du pouvoir local par les Hasmonéens *ex post* (env. 100 av. J.-C.). Dans 1 Macc 2:1–70, le chef de la révolte maccabéenne Mattathias est lié à la tradition, mais cette dernière est remodelée à des fins de légitimation propres aux Maccabées. Les Maccabées sont ainsi légitimés dans leurs débuts (1 Macc 2:1–70) tout comme l'établissement et la persistance de la dynastie hasmonéenne elle-même.

Le deuxième livre des Maccabées – le deuxième cas – se concentre sur la préhistoire et les premières années de la révolte des Maccabées sous Judas le Maccabée (175 av. J.-C. à 161 av. J.-C.). Il fournit un portrait hostile du roi ennemi Antiochus V, contrastant avec une illustration vivante de la prière, du jeûne et de la prise de décision des Judéens, qui aboutissent à une lutte victorieuse contre Antiochus V et ses troupes (2 Macc 13:9–17).

Le troisième – et dernier cas – concerne les groupes Koglwéogo qui émergent dans le paysage sécuritaire du Burkina Faso depuis 2014. Profitant du vide sécuritaire laissé par l'État notamment dans les zones rurales, ils se sont organisés pour sécuriser les zones dans lesquelles ils émergent. Sous l'autorité des chefs traditionnels et des leaders religieux, ils revendiquent leur rôle de prestataires de sécurité au-delà de l'État.

A travers ces trois cas ci-dessus évoqués, nous montrons que les acteurs violents non étatiques dans l'antiquité comme dans l'époque contemporaine présentent des similitudes dans leurs schémas de légitimation. Ceux-ci se manifestent dans la justification au moyen de trois principaux aspects: la tradition, la religion et le culte ainsi que les images contrastées de l'ennemi servant à légitimer ces acteurs violents non étatiques. Nous montrons ainsi que les méthodes utilisées pour la légitimation, tant dans l'antiquité que dans la modernité, présentent des similitudes structurelles et des schémas fonctionnels de justification.

1 Introduction

Daily social existence is shaped by legitimization, since legitimization regulates the access to and the exercise of power. Furthermore, legitimization provides justification for social actions and practices, and ensures their acceptance by local communities. In order to succeed in their social environment, social agents and groups usually create conditions for their legitimization. Hence, we consider legitimization as the prerequisite for groups to be able to assert and establish themselves at the local level, and thus for local self-regulation.

For research on self-regulation of groups, it is therefore helpful to study the legitimization they use. In studies on legitimization, such as those by the sociologists Weber and Habermas, the focus is mostly on modern societies. In this paper, however, we stress a connection between antiquity and modernity. For this purpose, we examine local stakeholders, which have to legitimate themselves in the local space: the Maccabees in antiquity and the Koglwéogo in modernity. Since legitimization can be achieved in various ways, we consider recourse to tradition, religion and the construction of a hostile enemy as possible ways to legitimate themselves. We understand tradition as long-established, local habits passed on over generations. Thereby, we approach the following questions: Which kinds of legitimization do the different groups use? What reasons are presented for the need of legitimization? Are there parallels concerning the ways in which both groups legitimize themselves?

The requirement for legitimization existed in antiquity just as it continues to exist today. Thus, we intend to explore the question of whether the strategies used for this purpose have remained the same and how exactly and why legitimization is constructed both in antiquity and modernity. For this, we will first discuss the First and Second Books of Maccabees based on Old Testament exegesis as well as narratology and afterwards we will discuss the Koglwéogo using the ethnographic approach. Then we present our results in a comparative conclusion. The sources we rely on are the First and Second Books of Maccabees (1 Macc 2:1–70 and 2 Macc 13:9–17) and interviews.

2 Constructing legitimization

Legitimization is by nature linked to power and its exercise in a given local context. According to The Palgrave Macmillan dictionary of political thought, legitimization is “the process whereby power gains acceptance in the eyes of those who are governed by it, by generating a belief in it.”¹ Legitimization here refers to the relationship between power, its acceptance and the exercise of its authority. Our paper explores the

¹ Cf. Scruton (2007) 389.

process by which this power is constructed by its holders and accepted as such by the populations over which it is exercised. Our theoretical framework proposes three overlapping and reciprocal grounds of power and legitimization as a justification of power:

- The religious and cultic basis
- The traditional endogenous foundation
- The foundation through the de-legitimization of legitimate orders

Here, legitimization is not the process that leads to the production of an action deemed legitimate, but rather the consequence of a social mechanism that authorizes the action and tends to normalize it. As Beetham so aptly defines it: in order to understand legitimization, one has to resort to all possible dimensions of its application, i.e. rules (or norms), beliefs and actions (power and domination).² Legitimization is thus conformity to established rules meant to organize common life; then rules can be justified by reference to beliefs shared by the different actors in the relationship and finally, it proves the consent of those engaged in a particular power relationship.³ If legitimization defines power by nature and its exercise, it draws its essence from the norms and values contained in the socialization process of individuals and communities. This is one of the reasons why the religious cult and the traditional endogenous appear here as the foundations of power and its exercise, its validity and its justification. These constructed categories are constitutive of the communities' daily life. The third element, the foundation through de-legitimization, appears not only as a critique of the 'legitimate orders' but also as a desire to reconstruct the legitimacy constitutive of the social and political context of different communities. Following this logic and considering the work of Beetham, the structure of legitimacy is threefold: the derived validity of rules, the 'justifiability' of the rules of power, and the expressed consent.⁴

When we presented the first draft at the LoSAM international conference in July 2021, one lesson was that legitimization is not a process but rather an interactive consequence constructed, reconstructed, negotiated and renegotiated by social mechanisms. Legitimization is therefore not given; it is acquired through social contexts, through often endogenous mechanisms of acceptance, and through a permanent justification. Legitimization is presented at various levels in our three cases as the justification of the reasons for actions negotiated and acquired through mechanisms of de-legitimization, of construction of the image of the enemy, relying essentially on endogenous norms and rules carried by tradition or religion. The object of our research is the mechanism for constructing and justifying the reasons for action

² Cf. Beetham (1991) 20.

³ Cf. Beetham (1991) 16.

⁴ Cf. Beetham (1991) 14–25, 69, 90–97.

of non-state actors who now occupy a field of action that was once the exclusive property of the state in the case of the Koglwéogo groups or the property of a ruling elite in the case of the Maccabees. What is most important in our article is not the reasons for action *per se*, but rather how community actors justify and account for these reasons for action. In the Koglwéogo groups as in the first two Books of Maccabees, vigilante groups can be viewed as groups who try to exert influence on political decisions and are defined by logics of expansion through conflict and collaboration. In order to understand these groups, it is important to identify the justifications behind their actions or reasons for action.

One of the most widely used classical approaches is the idea of the three ideal types, developed by Max Weber, to operationalize and categorize the types of legitimization that define the authority and power of individuals and groups of individuals. For Weber, legitimacy is defined sociologically as a “belief in the legitimacy (‘rightfulness’) of a given power (‘Herrschaft’)”⁵, the central purpose of legitimacy being to enable the stability of power (‘Herrschaft’). He distinguishes between rational or legal ‘Herrschaft’, based on the belief in the authority of rules established in accordance with official procedures; traditional ‘Herrschaft’, built on the belief in the sanctity of tradition; and charismatic ‘Herrschaft’, related to the belief in the outstanding qualities of a remarkable individual.⁶ A closer look at the Weberian typology of legitimacy shows that it is given in the name of a social principle based on the value of individuals/groups; however, several empirical works⁷ present legitimacy not so much as an acquired right but rather as the result of a complex process of negotiation that ultimately participates in the de-legitimation of one group of individuals to the benefit of another, with social contexts as the only rudder. This is also one of Habermas’ critiques of the Weberian concept of legitimization. He argues that the dynamic of society produced new legitimization problems⁸ and “legitimation means that there are good arguments for a political order’s claim to be recognised as right and just. Legitimacy means a political order’s worthiness to be recognized”⁹.

Social contexts are producers of legitimization. In our paper, the time periods and contexts are very varied, and this variety of contexts has contributed to the production of specific types of legitimization that we develop in the different cases. However, what can be stated and could take the place of a theory are the mechanisms that surround the group’s reasons for action. These include legitimizing agents (local populations), de-legitimizing actors and systems (state and conquering groups) and culturally oriented moral reasons and endogenous cultural values and principles.

5 Cf. Weber (1972) 122–125.

6 Cf. Weber/Maurer (2019) 33; Weber (1972) 124–125.

7 See Beetham (1991a, 1991b); Habermas (1988); Arendt (1969).

8 Cf. Habermas (1988) 97.

9 Cf. Habermas (1979) 178.

The analysis of the justification of reasons for action is relevant in several respects to our text. How do communities define their role in the management of security issues away from systems deemed legal? And how do these definitions allow for a new analytical perspective in the production of legal and legitimate orders? Considering Weber's typical ideal definition of legitimization and based on our empirical data, we note that the boundaries between the charismatic, the traditional and the legal-rational are hardly differentiable, or rather, the three interpenetrate according to the social context that favors the emergence of actors in search of power and authority. We believe that the justification of the reason for action could go beyond this. The justification of the reason for action would rather be the recognition attributable to an individual or a group by the legitimizing agents that authorizes the action and validates the reasons for the action. Reasons for action can be structural or situational and incorporate moral principles and values that organize the social life of legitimizing groups. The justification of the reason for action is first a recognition in the sense of Habermas, second an acceptance and third a will to reproduce.

Focusing on the following theoretical perspectives, we consider legitimization as a set of patterns and actions by which non-state violent actors manage to build their power and authority and gain recognition and acceptance by other social actors.

All three cases involve the aspect of claiming local power by violent local stakeholders. To be accepted, the respective groups must apply concepts by which they legitimize themselves. The claim to exercise local power must be legitimized both within and outside the group to other local agents. Hence, different patterns of legitimization such as tradition, affectual faith, value-rational faith, and positive enactment that is believed to be legal must be used to cover the diverse need for justification.¹⁰ When reasons for exercising power are perceived as legitimate, rule becomes legitimate rule.¹¹

The three cases illustrated in this paper present different variants of legitimization patterns to stress the power and authority of local groups: legitimization through recourse to tradition, cult, religion and threatening images of the enemy.

3 The non-state violent group of the Maccabees in Judea in the 2nd century BCE

Judea had been under Seleucid rule since the beginning of the 2nd century BCE. In the 170s, local agents arose and fought for the High Priesthood – a powerful political, religious, and cultural institution. Thus, these local stakeholders wanted to create new

¹⁰ Cf. Weber (1978) 36.

¹¹ Cf. Weber/Maurer (2019) 6–7.

structures of order in Judea and Jerusalem and to concentrate power. These events led to violent conflicts regarding the Jerusalem cult under the rule of the Seleucid king Antiochus IV Epiphanes. One of the local groups that aimed to obtain the High Priesthood were the so-called Maccabees. By prevailing in these conflicts, the Maccabean family became the major local player and eventually exercised local rule over Judea as Hasmoneans until the intervention of the Romans around 63 BCE.¹²

As the oldest preserved literary sources, the First and Second Books of Maccabees report *ex post* of these events under the Seleucid rule. The books were written at the end of the 2nd century BCE and each of these has its own narrative perspective and intention.¹³

The First Book of Maccabees tells of the expansion and securing of local power by the Maccabean *warlords* up to their assumption of the high priesthood in the 2nd century BCE in Judea, and thus their establishment as a local ruling dynasty at the time of Seleucid rule. The focus is on the story about the uprising and the power expansion of the Maccabean family, beginning with the Maccabean father Mattathias and ending with the story of his grandson John Hyrcanos I. Thus, the First Book of Maccabees tells about events between 175–134 BCE and was presumably completed around 100 BCE¹⁴.

The Second Book of Maccabees elaborates on how the Maccabean resistance movement came about and how it operated in its early years. Hence, it concentrates on the prehistory of the Maccabean uprising and furthermore on the guerilla fights in its first years, led by the Maccabean brother Judas (175–161 BCE). Throughout Second Maccabees, the narrator appears explicitly and presents the events as ultimately facilitated not by Judas but by God.

Although there are several difficulties regarding the dating,¹⁵ the Second Book of Maccabees was probably completed around 135–105 BCE¹⁶ and is therefore finished with a larger time difference to the events than First Maccabees.¹⁷

12 See in detail Bernhardt (2017).

13 To study the Maccabees, there are four major sources at our disposal: the First and Second Books of Maccabees, passed down in the Septuagint (the Greek Bible), as well as the works of Flavius Josephus, especially *Antiquities* and *Jewish War*. In this paper, we will concentrate on the First and Second Books of Maccabees since Josephus writes his works with a chronological distance of about two centuries (93/94 CE resp. before 79 CE), cf. Brutti (2006) 27–28, and is – at the relevant parts for our question – highly influenced by the First Book of Maccabees, cf. Feldman (1996) 162–163.

14 Cf. summary on the date discussion in Regev (2013) 26.

15 Cf. Babota (2014) 18.

16 Atkinson (2016) 52–53 dates John Hyrcanos in 135–105 BCE. Among others, Nicklas (2016) 311 argues that 2 Macc was written under John Hyrcanos. Domazakis (2018) 169–170, on the other hand, suggests a dating in the 1st century BCE.

17 This paper uses Kappler (1936) and Hanhart/Kappler (1959) for a textual basis and Pietersma/Wright (2007) for a translation.

3.1 The First Book of Maccabees: Introduction

The first chapter of the First Book of Maccabees (1 Macc 1:1–64) deals with local hardship in Judea due to massive religious interventions under the Seleucid king Antiochus IV Epiphanes.

After the prehistory in 1 Macc 1:1–64,¹⁸ the narration of the First Book of Maccabees is subsequently structured according to the main Maccabean characters Mattathias, Judas, Jonathan, Simon, and John Hyrcanos I.¹⁹ In an environment portrayed as hostile, these protagonists successively expand their local power, responding with their actions both to the narrated religious distress caused by Antiochus IV Epiphanes and to the apostasy from Judean tradition, cult and law by the local population in Judea itself. The character of Mattathias, who is presented as the father of the five Maccabean brothers,²⁰ and his son Judas Maccabaios distinguish themselves, among other things, as violent fighters who act against the Seleucid Empire and against parts of the Judean population depicted as apostates from the Judean tradition and law. The Maccabean brothers Jonathan and Simon additionally enter into diplomatic negotiations with the Seleucid Empire²¹ and eventually become high priests. The narration ends with Mattathias' grandson and Simon's son John Hyrcanos becoming high priest. Thus, the First Book of Maccabees narrates the critical moment of change from the first to the second generation within the Hasmonean dynasty as successful.

From a retrospective view,²² the First Book of Maccabees tells the expansion of the Hasmonean dynasty at the time of John Hyrcanos I, depicting an initially local *warlord* group expanding and eventually securing its power. The beginnings of the story about the dynasty are located in 1 Macc 2:1–70 – a highly literarily formed chapter about the establisher of the Maccabean revolt, Mattathias.²³ *Ex post*, the origin of the Maccabean revolt and thus the Hasmonean dynasty itself are narratively legitimized and anchored in this chapter, by presenting the necessity of the Maccabees as indispensable, portraying them as guarantors of Judean tradition in an environment which, according to the narrative, is going to threaten it.

18 From 1 Macc 2:1–70 on.

19 The structure of 1 Macc follows Honigman (2014) 405: 1 Macc 1:1–64: The prehistory under Antiochus IV, 1 Macc 2:1–70: The story of Mattathias, 1 Macc 3:1–9:22: The story of Judas, 1 Macc 9:23–12:53: The story of Jonathan, 1 Macc 13:1–16:22: The story of Simon, 1 Macc 16:23–24: The story of John Hyrcanos.

20 Cf. 1 Macc 2:2–5.

21 In 1 Macc 8 Judas enters into diplomatic negotiations too, but with the Romans.

22 Around 100 BCE, cf. Rappaport (2000) 711. On the complex question about the date, see Regev (2013) 26 as well as Scolnic (2008) 147 and Schwartz (2017) 69–70.

23 Cf. Regev (2013) 107. Bernhardt (2017) 282 considers 1 Macc 2:1–70 as a narratively highly constructed beginning of the Hasmonean founding myth. On the discussion for a literarily construction and the disputed historicity of 1 Macc 2:1–70, see the summary in Bernhardt (2017) 275–285.

3.1.1 Legitimization by tradition in the First Book of Maccabees: The parallelization of Mattathias with Phinehas and the theme of zeal (1 Macc 2:1–70)

According to 1 Macc 2:1–70, the character Mattathias is a priest from the Judean city Modein (1 Macc 2:1). In his first speech,²⁴ Mattathias laments the religious distress narrated in 1 Macc 1:1–64 and is portrayed from the beginning as a character loyal to Judean tradition,²⁵ while other parts of the Judean population are portrayed as having fallen away from the traditional cult, law and religion.²⁶ That Mattathias' loyalty to the traditional cult and law in fact represents an active and violent *zeal*²⁷ is unfolded in 1 Macc 2:24: "And Mattathias saw this, and he became zealous, and his kidneys became stirred up. And his anger arose in judgment. And running, he slaughtered him on the altar."²⁸ The verb "to be zealous" (ζηλώω)²⁹ occurs for the first time in the First Book of Maccabees when Mattathias spontaneously slays a Judean depicted as an apostate (1 Macc 2:15–22).³⁰ This affective zeal for the law on the part of Mattathias is paralleled with the zeal of the character of Phinehas:³¹

"And [Mattathias] became zealous in the law as Phinees [. . .]" (cf. 1 Macc 2:26).³²

The character of Phinehas, taken from the Torah, appears in Numbers 25.³³ According to the narrative of Numbers 25, Phinehas turns away God's wrath from Israel by murdering a fornicating couple at a time when Israel is apostatizing to Baal

²⁴ 1 Macc 2:7–13. This is a highly literarily and poetical formed segment, cf. Neuhaus (1977) 103.

²⁵ Law-abidingness is presented especially in 1 Macc 2:19–22, 24–27, 42–48, 49–68.

²⁶ Cf. for example 1 Macc 1:11, 13, 15, 52.

²⁷ On the tradition of the theme of zeal in the Old Testament, see Hengel (2011) 152–154.

²⁸ "καὶ εἶδε Ματταθίας καὶ ἐξήλωσε, καὶ ἐτρόμησαν οἱ νεφροὶ αὐτοῦ καὶ ἀνήνεγκε θυμὸν κατὰ τὸ κρίμα καὶ δραμῶν ἔσφαξεν αὐτὸν ἐπὶ τὸν βωμόν".

²⁹ On the lexeme – ζηλ – in 1 Macc 2:1–70: Already the frequency of occurrence of the terms "zeal" (ζήλος, cf. 1 Macc 2:54, 58; 8:16) or "to be zealous" (ζηλώω, cf. 1 Macc 2:24, 26, 27, 50, 54, 58) shows that the theme of zeal is focused on 1 Macc 2:1–70 and that it is linked to the character of Mattathias. Also, the character of Phinehas is mentioned exclusively in 1 Macc 2:26, 54 and only the character of Mattathias is compared to this character in the narration. On the use of the term "zealot" (ζηλωτής) by Josephus in *Antiquities* and *Jewish War* see in detail Hengel (2011) 61–64.

³⁰ Cf. 1 Macc 2:24–25. The apostate wants to comply with a Seleucid royal envoy's request to sacrifice to pagan gods. In contrast to 1 Macc 2:24–26, the five sons of Mattathias also become violent according to Josephus *Ant.* 12.270. However, 1 Macc ties the prelude of the Maccabean revolt only to the character of Mattathias.

The "stirred up kidneys" (ἐτρόμησαν οἱ νεφροὶ αὐτοῦ) mentioned in 1 Macc 2:24, mean a particularly affective emotion. In biblical tradition, the kidneys represent the seat of ethical judgment and conscience, see Tilly (2015) 97. Inherent in an affective action described in this concrete way is the intention, to make the emotional level of the character accessible.

³¹ About the parallels between Mattathias and Phinehas, see Goldstein (1976) 6.

³² "καὶ ἐξήλωσε τῷ νόμφ, καθὼς ἐποίησε Φινεες [. . .]".

³³ See particularly Numbers 25:1–15.

Peor.³⁴ Thus, Phinehas demonstrates his zeal for God.³⁵ Because of this zeal, both Phinehas and his descendants are granted the eternal priesthood.³⁶ The character of Phinehas descends from the Aaronic line of high priests and is the only priest in tradition to use violence.³⁷ Accordingly, zeal already functions in Numbers 25 as an explanatory model for the violent act of the high priest Phinehas.³⁸

In 1 Macc 2:26, this character of Phinehas is presented as an action-relevant model for Mattathias. Violent zeal, which is likewise narrated as characteristic for the character of Mattathias, is justified by the recourse to the character of Phinehas.³⁹

However, in 1 Macc 2:26, Phinehas' original zeal for God⁴⁰ is *transformed* into zeal for the *law* and the theme of zeal is thus reinterpreted for Maccabean purposes. Mattathias is therefore constructed as a law-zealous character, contrary to the description of the Judean population abandoning Judean tradition and law (cf. 1 Macc 1:1–64). In an environment portrayed as hostile and negative, Mattathias is constructed as the guarantor of the tradition. Thus, zeal represents a theme with which the violence of the Maccabees is legitimized *ex post* by recourse to tradition.

Finally, in 1 Macc 2:27, Mattathias calls upon all those to follow him who are equally “zealous in the law” (ζηλῶν τῷ νόμῳ). The Maccabean revolt is thus embedded from the beginning in a variety of groups of followers.⁴¹ Accordingly, the First Book of Maccabees reports that the Maccabees are profiled and legitimized as leaders of a collective with the help of tradition.⁴²

34 Name of a local deity.

35 Cf. Numbers 25:8, 11. According to Numbers 25:14–15, the couple is the Israelite Zimri and the Midianite woman Kozbi, making the adultery rooted in the non-Israelite origin of the character of Kozbi. The character of Zimri breaks the local law. The character of the Judean man in 1 Macc 2:23 is constructed parallel to that by breaking the Judean law because he wants to sacrifice to pagan deities in accordance with the king's command. See also Keil (1875) 60.

36 Numbers 25:11–13.

37 Numbers 25:8, 11.

38 On the zeal of Phinehas see Collins (2003) 3–21. See also Ortlund (2011) 299–315. On the violence and the zeal of Phinehas see Askin (2016) 35–36, 54–56. On Numbers 25:1–18 and the Midianite woman Kozbi see Pettit (2018) 457–468. On the character of Phinehas in Numbers 25 see also Funke (2014) 257–276.

39 The zeal for the law of Elijah from 1 Macc 2:58 will not be discussed in this paper. See therefore Reiterer (2007) 96 and Hieke (2007) 69.

40 Numbers 25: 11.

41 Thus, in 1 Macc 2:1–70, Mattathias is supported by his sons and brothers (cf. 1 Macc 2:17, 20), by friends (cf. 1 Macc 2:39, 45), by the group of Hasideans (cf. 1 Macc 2:42) and by all the fugitives from the evils (cf. 1 Macc 2:43).

42 Another allusion in 1 Macc 2:1–70 to Numbers 25 is given in the fact that the character of Mattathias talks about “fierce anger” (ὀργή θυμοῦ) in 1 Macc 2:49. In Numbers 25:11 the character of God says to Phinehas that his zeal averted “the wrath” (τὸν θυμὸν of God). Thus, there is a tradition-based legitimization for the zeal of the Maccabees when God's wrath is averted by zeal in Numbers 25:11 and Mattathias calls his sons to be zealous in the law in 1 Macc 2:50 because a time of wrath prevails.

The Maccabean violent zeal for the traditional law as a means to expand and secure power does not seem further questioned via 1 Macc 2:26. Subsequently, Mattathias passes on the idea of zeal for law to his sons in his paraenetic⁴³ farewell speech⁴⁴ where he talks about zeal (1 Macc 2:50, 54), Phinehas (1 Macc 2:54) and in 1 Macc 2:53 additionally explicitly about priesthood. Thus, Mattathias exhorts his five sons, “Now, children, be zealous in the law, and give your lives for the covenant of our fathers” (cf. 1 Macc 2:50)⁴⁵ and sets forth a reason for this in 1 Macc 2:54: “Phinees our father, by becoming zealous with zeal, received a covenant of everlasting priesthood”.⁴⁶

Mattathias addresses the character of Phinehas in 1 Macc 2:54 with the honorific title “father”, which is singular in the Old Testament in reference to Phinehas.⁴⁷ He thus places himself *and* his sons probably without high priestly lineage in a high priestly line, justified by merit.

By taking a closer look at the terminology in 1 Macc 2:54, it is again clear that tradition is not used in the First Book of Maccabees without transformation: In Numbers 25:13 (the verse 1 Macc 2:54 refers to), Phinehas together with his descendants is promised by God the “covenant of the everlasting priesthood” (διαθήκη ιερατείας αἰωνία). The noun “priesthood” (ιερατείας) brings into focus a *comprehensive* type of priesthood. In his speech in 1 Macc 2:54, however, the character of Mattathias speaks of Phinehas receiving the “priesthood” / “[ministerial priesthood]” (ιερωσύνη), thus using a term more concretely aimed at the *political institution* and office.⁴⁸ At this point, the character of Mattathias himself refers to the intention of the Maccabees to secure local power.

3.1.2 Summary

The First Book of Maccabees narrates the development of the Maccabees from a local warlord group to the high priestly Hasmonean dynasty.⁴⁹ However, the potential lack of high priestly ancestry and their violent actions open up a space for the need of

⁴³ Means exhorting/warning.

⁴⁴ Cf. 1 Macc 2:49–68.

⁴⁵ “νῦν, τέκνα, ζηλώσατε τῷ νόμῳ καὶ δότε τὰς ψυχὰς ὑμῶν ὑπὲρ διαθήκης πατέρων ἡμῶν”.

⁴⁶ “Φινεες ὁ πατήρ ἡμῶν ἐν τῷ ζηλώσει ζῆλον ἔλαβε διαθήκην ιερωσύνης αἰωνίας”. In 1 Macc 2:54 the theme of zeal occurs twice, both as the verb “to be zealous” (ζηλόω) and as the noun “zeal” (ζῆλος). Cf. likewise 1 Macc 2:58.

⁴⁷ See Reiterer (2007) 89. On the honorific title of Phinehas, see Egger-Wenzel (2006) 143.

⁴⁸ Reiterer (2007) 90.

⁴⁹ High priesthood of Jonathan in 1 Macc 10:20, 32, 38, 69; 12:3, 6. Of Simon 1 Macc 13:36, 42; 15:17, 21, 24; 14:17, 23 and of John Hyrcanos I 1 Macc 16:24.

legitimization.⁵⁰ Thus, in 1 Macc 2:1–70, the origin and beginnings of the Maccabees are constructed *ex post* using reshaped tradition. Therefore, both their lineage and their violence to obtain political power are legitimized.⁵¹ The potential Hasmonean breach with tradition to become high priests probably without high priestly lineage is legitimized through tradition *reinterpreted* for their own purposes. By recourse to tradition, the Maccabees appear as guarantors of Judean tradition, in contrast to an environment portrayed as hostile, which threatens the Judean traditional religion, cult and law.

3.2 The Second Book of Maccabees: Hostile image of the enemy and legitimization by recourse to tradition

The Second Book of Maccabees, written in Greek, consists mainly of an epitome that summarizes an otherwise unknown work, a five-volume historiography of Jason of Cyrene (2 Macc 2:23).⁵² The epitome (2 Macc 2:19–15:39), preceded by two letters (2 Macc 1:1–2:18), mainly provides the following issues: After several conflicts concerning the temple in Jerusalem (2 Macc 3–4), the defilement of the temple and persecution of the Judeans by Antiochus IV Epiphanes (2 Macc 5–7),⁵³ which is a focal point of the story, the first battles of Judas against the Seleucid Empire begin and culminate in the reconsecration of the temple (2 Macc 10:1–9). Thereafter, Judas is attacked by the Seleucid Empire or attacks it himself more frequently, fighting in a local uprising against the Seleucid king in his own realm (2 Macc 10:10–15:39). One of the kings is Antiochus V (reigning from 164–162 BCE).⁵⁴ He and his general Lysias attack Judea and thus the Maccabees (2 Macc 13:1–2).⁵⁵

In the following, a deeper insight into this battle, the Judean reaction to the Seleucid threat, and the legitimization used to justify the Maccabean actions is provided

⁵⁰ On the discussion about the priestly descent, see Regev (2013) 120–124 and Eckhardt (2013) 268–280.

⁵¹ See Hieke (2007) 67 and also Eckhardt (2013) 272–273.

⁵² Neubert (2017) 205 argues that it is indeed an epitome.

⁵³ Antiochus IV Epiphanes is a Seleucid king who reigned in 175–164 BCE, cf. Heinen (2017) 772–773; Mørkholm (1966).

⁵⁴ Cf. Heinen (2017) 773.

⁵⁵ 2 Macc 13:1 “Τῷ δὲ ἐνάτῳ καὶ τεσσαρακοστῷ καὶ ἑκατοστῷ ἔτει προσέπεσε τοῖς περὶ τὸν Ἰούδαν Ἀντίοχον τὸν Εὐπάτορα παραγενέσθαι σὺν πλήθεσιν ἐπὶ τὴν Ἰουδαίαν 2 καὶ σὺν αὐτῷ Λυσίαν τὸν ἐπίτροπον καὶ ἐπὶ τῶν πραγμάτων, ἕκαστον ἔχοντα δύναμιν Ἑλληνικὴν πεζῶν μυριάδας ἕνδεκα καὶ ἰππέων πεντακισχιλίους τριακοσίους καὶ ἐλέφαντας εἴκοσι δύο, ἄρματα δὲ δρεπανηφόρα τριακόσια.” “1 In the one hundred forty-ninth year word came to Ioudas and his men that Antiochus Eupator was coming with great numbers of soldiers against Judea, 2 and with him Lysias, the guardian and chancellor, also a Greek force of one hundred ten thousand infantry, five thousand three hundred cavalry, twenty-two elephants and three hundred chariots bearing scythes.”

(2 Macc 13:9–17). To start with, a short and hostile description of the enemy Antiochus V – the son of Antiochus IV – is given (2 Macc 13:9). This image of the enemy is contrasted with a vivid depiction of Judean prayer, fasting and decision-making (2 Macc 13:10–14), which lead to a successful fight against Antiochus V and his troops (2 Macc 13:15–17).

3.2.1 The king's threat (2 Macc 13:9)

The narrator gives a brief description of Antiochus V (2 Macc 13:9).⁵⁶ This description is very sharp and negative. Antiochus V is compared to his father, Antiochus IV, who has been depicted as an evil enemy of the Judeans (cf. e.g. 2 Macc 5:21; 9:4, 7). Antiochus V even surpasses him, as he starts to do “the worst” (τὰ χερίσται; 2 Macc 13:9) of his father's deeds. Moreover, the hostile attitude of Antiochus V is made evident by the reference to his thinking as “barbarous” (βαρβαρώ; 2 Macc 13:9).⁵⁷ This characterization contrasts with the meaning of the name Antiochus Eupator, which is “of noble sire”.⁵⁸ Thus, the narrator creates a severe, threatening initial situation via the construction of sonship as well as through the characterization of Antiochus V as savage.

Nevertheless, the characterization of Antiochus V is given in a very concise manner. Within the framework of this brief description, a severe initial scenario is outlined.

3.2.2 Prayer and decision-making of the Maccabean group (2 Macc 13:10–14)

In contrast to the short description of the enemy, the Maccabean reaction to the Seleucid threat is described in considerable detail (2 Macc 13:10–14).⁵⁹

⁵⁶ Although it is probably Lysias, the general and custodian of the king, who is responsible for the attack, given the young age of Antiochus V, cf. Bartlett (1973) 323, Antiochus V is accused here.

⁵⁷ 2 Macc 13:9. “Τοῖς δὲ φρονήμασιν ὁ βασιλεὺς βεβαρβαρωμένος ἤρχετο τὰ χερίσται τῶν ἐπὶ τοῦ πατρὸς αὐτοῦ γεγονότων ἐνδειζόμενος τοῖς Ἰουδαίοις.” “The king, who had become barbarous in his thinking, was coming to show the Judeans the worst things amongst those that had happened in his father's time.”

⁵⁸ The judgment is made by means of the φρόνημα (“disposition”) of Antiochus V.

⁵⁹ Cf. Doran (2012) 255.

⁵⁹ 2 Macc 13:10 “μεταλαβὼν δὲ Ἰούδας ταῦτα παρήγγειλε τῷ πλήθει δι’ ἡμέρας καὶ νυκτὸς ἐπικαλεῖσθαι τὸν κύριον, εἴ ποτε καὶ ἄλλοτε, καὶ νῦν ἐπιβοηθεῖν 11 τοῖς τοῦ νόμου καὶ πατρίδος καὶ ἱεροῦ ἀγίου στερεῖσθαι μέλλουσι καὶ τὸν ἄρτι βραχέως ἀνεψυχότα λαὸν μὴ ἔᾶσαι τοῖς δυσφήμοις ἔθνεσιν ὑποχειρίους γενέσθαι. 12 πάντων δὲ τὸ αὐτὸ ποιησάντων ὁμοῦ καὶ καταξίωσάντων τὸν ἐλεήμονα κύριον μετὰ κλαυθμοῦ καὶ νηστειῶν καὶ προπτώσεως ἐπὶ ἡμέρας τρεῖς ἀδιαλείπτως παρακαλέσας αὐτοὺς ὁ Ἰούδας ἐκέλευσε παραγίνεσθαι. 13 καθ’ ἑαυτὸν δὲ σὺν τοῖς πρεσβυτέροις γενόμενος

First, Judas instructs the crowd to pray to God – in memory of his former deeds (2 Macc 13:10).⁶⁰ The reason for Judas' request for God's help is, on the one hand, linked to a subject: Help should be provided for those who are in danger of losing "the law, the fatherland, and the holy temple" (τοῦ νόμου καὶ πατρίδος καὶ ἱεροῦ ἁγίου; 2 Macc 13:11). On the other hand, however, the request is concatenated to various objects that reflect the central needs of this group: the law, the fatherland, the temple. The narrator establishes a connection to the triad of temple, city, and laws, which are also mentioned as central points of content in the prologue (2 Macc 2:22). Thus, items are named that particularly define the group, establish its cohesion as well as its goals. Due to the abundance of legitimization concepts, the density of legitimization for Maccabean action is very high at this point.

Furthermore, Judas appeals to God in his prayer, referring to him as protecting his people from other nations who blaspheme God (2 Macc 13:11). This provides a second description of the group that Judas calls to prayer: They are the people of God.⁶¹

Subsequently, the narrator describes the prayer and fasting performed by Judas and the whole people (2 Macc 13:12). The prayer is performed together; however, it is the responsibility of Judas to gather the multitude (2 Macc 13:12). Yet he does not decide on the upcoming attack alone, instead consults the "elders" (πρεσβυτέροι; 2

ἐβουλεύσατο πρὶν εἰσβαλεῖν τοῦ βασιλέως τὸ στράτευμα εἰς τὴν Ἰουδαίαν καὶ γενέσθαι τῆς πόλεως ἐγκρατεῖς ἐξελεθόντας κρίναι τὰ πράγματα τῆ τοῦ θεοῦ βοηθείᾳ. 14 δοὺς δὲ τὴν ἐπιτροπὴν τῷ κτίστῃ τοῦ κόσμου παρακαλέσας τοὺς σὺν αὐτῷ γενναίως ἀγωνίσασθαι μέχρι θανάτου περὶ νόμων, ἱεροῦ, πόλεως, πατρίδος, πολιτείας, περὶ δὲ Μωδεῖν ἐποιήσατο τὴν στρατοπεδεῖαν." "10 But when Ioudas heard of this, he ordered the crowd to call upon the Lord day and night, now if ever to help those who were on the point of being deprived of the law and their country and the holy temple 11 and not to allow the people who had just begun to revive a little to fall into the hands of the blasphemous nations. 12 When they had all joined in the same petition and had implored the merciful Lord with weeping and fasting and lying prostrate for three days without ceasing, Ioudas exhorted them and ordered them to stand ready. 13 After consulting privately with the elders, he determined to march out and decide the matter by the help of God before the king's army could enter Judea and get possession of the city. 14 So, committing the decision to the Creator of the world and exhorting those with him to fight bravely to the death for the laws, temple, city, fatherland and constitution, he pitched his camp near Modein."

60 The narrator does not specify the deeds, but merely refers to them in general terms. To God's help also refer 2 Macc 3:39; 8:20, 35; 10:4; 12:11; 14:34; 15:22, 35.

61 In this context, the Judean people (λαός; 2 Macc 13:11) in the singular are opposed to the other nations (ἔθνοι; 2 Macc 13:11) in the plural, cf. Doran (2012) 255, so that the latter are represented in superiority. The noun ἔθνος ("nation") can be used in the Second Book of Maccabees both for the Gentiles (cf. 2 Macc 1:27; 4:25; 6:4, 14; 8:5, 9, 16; 10:4; 11:3; 12:13; 13:11; 14:14, 15; 15:8, 10) as well as the Judeans (cf. 2 Macc 5:19, 20; 6:31; 7:37; 10:8; 11:25, 27; 14:34). The term λαός ("people"; 2 Macc 10:21) often intends to express that the Judeans are God's chosen people and is used in the context of communal prayers and, moreover, is mentioned in passages in which the narrative voice comes through particularly clearly, cf. Eckhardt (2013) 369–370; Van Henten (1997) 193.

Macc 13:13) for this purpose.⁶² Thereafter, he chooses that guerrilla tactics will be used in order to preempt the king (2 Macc 13:13).⁶³

To achieve victory against the Seleucid king, Judas relies on God's help (2 Macc 13:13–14)⁶⁴ and encourages his own followers even more. For this, God's power is emphasized once again by characterizing him as the “creator of the world” (τῷ κτίστη τοῦ κόσμου; 2 Macc 13:14).⁶⁵ Additionally, Judas repeats his previous arguments of fighting for “laws, temple, and fatherland”, and adds to them the “city and constitution” (νόμων, ἱεροῦ, πόλεως, πατρίδος, πολιτείας; 2 Macc 13:14).⁶⁶

The preparation of the battle against Antiochus V is thus focused on the prayer to God, not on military details.⁶⁷ Meanwhile, there is a clear focus on the character of Judas and his initiative to pray to God. In addition, he is responsible – after consultation with the elders – for the decision-making. Thus, Judas is described as the leader of the Maccabean group, bearing ultimate responsibility for both prayer and battle. He substantiates his request to God with several justifications: The law, the country, the holy temple, the city, and the constitution (2 Macc 13:11, 14). These concepts invoke motives that serve to legitimize the Maccabean military action. However, the issues are not elaborated in detail, but remain vague allusions. Therefore, the recourse to these traditions of the ancestors allows the Maccabees to characterize their actions and self-established regulatory patterns as traditional.⁶⁸ Overall, however, we find a strong emphasis on God and his deeds. Ultimately, he is the one who makes victory possible and on whom Judas and his followers depend.

62 This committee is mentioned here for the first time in the Second Book of Maccabees, cf. Schmitz (2018) 265.

63 This allows the narrator to prevent a battle from taking place in Jerusalem. In this way, 2 Macc argues that Antiochus V never ruled over Jerusalem, cf. Zeitlin (1954) 222; Doran (2012) 256. Jerusalem as the center and thus the temple therefore remain intact and are purposefully not integrated into the plot.

64 God's help (βοήθεια) is frequently remembered in the Second Book of Maccabees (2 Macc 8:20), preparing for battle (2 Macc 8:23; 13:13) and enabling victory (2 Macc 8:35; 12:11; 15:35).

65 This title of God is also found in 2 Macc 1:24 in the second letter as well as in 2 Macc 7:23 in the speech of the mother. Besides this, there are no theological statements concerning creation in the Second Book of Maccabees, cf. Schmitz (2010) 66. Whereas the κτίστης-title (“creator”) is a common designation for Hellenistic kings in Hellenistic times, cf. Van Henten (1996) 121–122, it is only integrated into the speech of God in the Septuagint, cf. Schmitz (2010) 66–68. Thus, Antiochus V is denied being a κτίστης and instead, this attribute is assigned to God as the true κτίστης (2 Macc 13:14), cf. Schmitz (2010) 68; Van Henten (1996) 121–122.

66 “Constitution” (πολιτεία; 2 Macc 13:14) refers to the Judean constitution, which Jason had abolished (2 Macc 4:11), cf. Keil (1875) 409. Already in the first battles of Judas and his followers, the “constitution” (πολιτεία) is integrated alongside the temple and the city into the things for which the Judeans fight (2 Macc 8:17).

67 Cf. Doran (2012) 255.

68 Cf. Nongbri (2005) 108. On the contrary, Kessler (2009) 226 emphasizes the Hellenistic origin of the plural formulation of νόμος (“law”) as νόμοι (“laws”).

3.2.3 Successful fight against Antiochus V and his troops (2 Macc 13:15–17)

In addition, in the following fight, the support of God on which Judas relies is shown (2 Macc 13:15–17),⁶⁹ as he gives the slogan “God’s victory” (Θεοῦ νίκην; 2 Macc 13:15) for encouragement.⁷⁰

Although the army of Antiochus V and Lysias had previously been described as superior (2 Macc 13:2), Judas does not attack with his entire army but selects only individuals (2 Macc 13:15).⁷¹ They attack the royal camp at night, using guerrilla tactics to create confusion (2 Macc 13:15–16) as they do on other occasions (2 Macc 8:7; 12:6, 9; cf. 1 Macc 3:10–26, 42; 4:3–35).⁷²

During the attack, many soldiers and the king’s lead elephant are killed (2 Macc 13:15). This act is attributed to Judas and his men only in the Second Book of Maccabees. The First Book of Maccabees, however, names the Maccabean brother Eleazar as the one who is responsible (1 Macc 6:43–46).⁷³ He, in turn, is mentioned in the Second Book of Maccabees in only one verse, and that is precisely the one where Judas utters the first slogan “God’s help” (θεοῦ βοήθειας; 2 Macc 8:23). Two heroic deeds, the killing of an elephant and in addition the victory over the Seleucid forces, are therefore attributed to Judas. The success, which is in the First Book of Maccabees due to his brother Eleazar, is ascribed to Judas in the Second Book of Maccabees.⁷⁴ The successful performance of the Judeans in 2 Macc 13:15–17 is

69 2 Macc 13:15 “ἀναδοὺς δὲ τοῖς περὶ αὐτὸν σύνθημα Θεοῦ νίκην μετὰ νεανίσκων ἀρίστων κεκριμένων ἐπιβαλὼν νύκτωρ ἐπὶ τὴν βασιλικὴν αὐλὴν τὴν παρεμβολὴν ἀνεῖλεν εἰς ἄνδρας δισχιλίους καὶ τὸν πρωτεύοντα τῶν ἐλεφάντων σὺν τῷ κατ’ οἰκίαν ὄντι συνέθηκεν. 16 καὶ τὸ τέλος τὴν παρεμβολὴν δέους καὶ παραχῆς ἐπλήρωσαν καὶ ἐξέλυσαν εὐήμεροῦντες. 17 ὑποφαινούσης δὲ ἤδη τῆς ἡμέρας τοῦτο ἐγγόνει διὰ τὴν ἐπαρήγουσαν αὐτῷ τοῦ κυρίου σκέπη.” “He gave his troops the watchword, “Divine Victory,” and with those young men judged best, he attacked the king’s pavilion at night and killed close to two thousand men in the camp and stabbed the lead elephant and its rider to death. 16 In the end they filled the camp with terror and confusion and withdrew in triumph. 17 This happened just as day was dawning, because the Lord’s shelter helped him.”

70 This slogan is similar to the one used in the context of the first battle against Nicanor: “God’s help” (θεοῦ βοήθειας; 2 Macc 8:23), cf. Abel (1949) 454; Zeitlin (1954) 223; Bartlett (1973) 324; Goldstein (1984) 465; Habicht (1976) 268; Schwartz (2008) 454. In the latter case, God’s support is emphasized; in the battle against Antiochus V and Lysias here, rather, it is already an element of success. By mentioning the victory, the outcome of the battle is anticipated.

71 Cf. Goldstein (1984) 465.

72 Cf. Goldstein (1984) 464; Schwartz (2008) 455.

73 Cf. Habicht (1976) 268; Schwartz (2008) 455; Bunge (1971) 253. Schwartz (2008) 455 takes a more critical view of this parallel to the First Book of Maccabees.

74 It is also striking that the First Book of Maccabees, which is normally riddled with heroic stories, admits at this point that Judas and his followers are defeated, must retreat, and are saved only by good fortune (1 Macc 6:18–62). In contrast, the Second Book of Maccabees portrays this incident much more favorably for Judas and his followers (2 Macc 13:15), cf. Goldstein (1984) 455.

particularly remarkable since the First Book of Maccabees, usually concerned with Judean success, portrays the Judeans as inferior to the Seleucids (1 Macc 6:47).⁷⁵

At the end of the battle – with the start of the day⁷⁶ –, however, God’s help is emphasized once again (2 Macc 13:17).⁷⁷ The battle against the Seleucid army begins and ends with a reference to God’s support (2 Macc 13:15, 17). His assistance enables Judas and his followers to act successfully. Therefore, Judas, alongside his followers, is once again profiled in a very positive way.

3.2.4 Summary

In 2 Macc 13:9–17, the narrator tells the story of a successful Judean combat against an apparently superior enemy. The necessity of the performance of the Maccabean fighters is justified by a threatening image of the enemy. The description of the enemy serves primarily to vindicate the Judean decision to fight and to construct an image of the enemy that contrasts with the positive reasons for the Maccabean group’s actions, thus positively profiling them. The positive reasons for fighting are given in a concise, reduced manner (2 Macc 13:11, 14). These keyword-like reminders serve to integrate Judas and his supporters into the tradition that is alluded to here in order to legitimize them. The consultation with the elders also fits in with this, as Judas thus assures himself of the support of this group that is linked to the traditional values.

The positive characterization of the Maccabees is further reinforced by the support of God that they experience in their combat. With his assistance, God once again proves to be the one who protects the Judeans in battle. Moreover, Judas and his followers are thereby recognized as a group to whom God gives support and who thus legitimately act in his name.

Although no explicit reason is given for the narrator to justify the Maccabean actions, he does seem to have an interest in portraying Judas and his followers as positively as possible and in showing them in a good light. Even a battle that Judas’ group loses in the First Book of Maccabees is presented positively in the Second Book of Maccabees. Due to a possible defeat of the Maccabean fighters, there seems to be an increased need for legitimization, which is met with an outstanding density of legitimization.

⁷⁵ Cf. Bunge (1971) 253.

⁷⁶ Not only is an assault at the beginning of the day a good time for a surprise attack due to the reduced vigilance of the guards, cf. Doran (2012) 211, but in addition, by means of the verb “shine upon” (ὑποφαινούσης; 2 Macc 13:17), the epiphany is recalled which has already helped the Judeans to achieve elsewhere (cf. 2 Macc 10:29–31). Evidence for the noun “epiphany” (ἐπιφάνεια) and the verb “appear” (φαίνω) including composites can be found in Schmitz (2009) 112–113.

⁷⁷ Cf. Schmitz (2018) 265, 272.

4 The Koglwéogo vigilante groups

This section describes the Koglwéogo groups and analyses three legitimization patterns they use to justify their role as security providers and claim authority over local population.

4.1 The Koglwéogo groups: Establishment and the context of legitimation

This section outlines the emergence of Koglwéogo groups and how they build on local contexts to claim their right to provide security, with or without the state. The Koglwéogo vigilante groups emerged approximately in 2014 in the southern-central region of Burkina Faso,⁷⁸ under the leadership of a traditional chief and religious leader, the Rassamkande Naaba Sonré.⁷⁹

Originally, the Koglwéogo took on the responsibility of establishing order and providing security from both a resurgence of organised crime and from the state's inability to respond adequately to security challenges, especially in rural areas. They regularly organise patrols alongside the main roads, control public spaces, carry out investigations, make arrests and execute trials according to their own rules of procedure⁸⁰ and ethics.⁸¹ Armed with guns, bows and knives, under the “protection of God and ancestors”⁸², materialized by talismans, bracelets, and amulets, they present themselves as a local non state security service and endogenous justice organisation.

Scholars working on local self-regulations in the domain of security – Koglwéogo vigilante groups, *Dozo* brotherhood and *Rougha* association – linked the phenomenon to the widespread feeling of insecurity among the population, which increasingly feels the need to defend itself⁸³ and the deterioration of security conditions and the difficulty for the State security actors to respond efficiently to security

78 Cf. Traore (2019) 237.

79 Rasamkandé Naaba Sonré is the one who initiated the Koglwéogo group with El Hadj Nadbanka Boureima from Boulsa and El Hadj Seydou from Sapouy. The Koglwéogo groups they initiated are a second generation of Koglwéogo groups since there had already been a Koglwéogo association in the northern region of Burkina Faso since 1990.

80 Based on corporal punishment and payment of fines.

81 Cf. Bojsen/Compaoré (2019) 95; Soré (2019) 227.

82 While collecting data, I observed that every Koglwéogo has its own protection ritual. The “sacred” objects that enable this ritual of protection are produced either through religion, particularly Islam, or by customary leaders through the sacrifice of livestock in a sacred place, or by practitioners of occultism who offer them their services.

83 Cf. Ouedraogo (2016) 8; Asha (2018) 7.

issues.⁸⁴ Thus, self-regulation in the domain of security is approached as a result of the weakness of the state in providing security. This has facilitated a kind of more or less formalised ‘contractualization’ of security services, which today tends more towards a form of reclaiming state public services by non-state actors. Thus, much of the research on Koglwéogo has focused on the context of the emergence of the groups, the relationship between them and the state security services and their possible taming. One aspect of Koglwéogo groups which has received less attention, despite being central to understanding the groups’ rapid expansion and their performance, concerns the process of constructing their legitimacy. In other words, on what basis do they claim their place in the security provision?

Based on my empirical evidence, I argue that the legitimization of Koglwéogo groups is based on the invention of a common reason for action, grounded in the key institutions that organize social life, namely tradition and religion and by de-legitimizing the State monopoly of security provision.

4.2 De-legitimization patterns and the construction of an enemy image

This sub-section shows the strategies of de-legitimization of state security and justice actors by Koglwéogo groups and the reasons behind this de-legitimization.

I will start this section with the following interaction I observed during my field research:

On Thursday, 16 January 2020, as we were coming back from a meeting to relaunch the activities of Koglwéogo groups in the commune of Guiba, we were arrested by officers of the national police near the city of Manga for a routine control. An officer approached us and, after the usual greetings asked for documents referring to the vehicle’s use. As the driver and owner of the vehicle, I handed over the vehicle documents and my driver’s licence. After this initial verification, he asked for the ID cards of the other passengers in the vehicle. The leader of the Koglwéogo groups replied: “Are you new in the job? Don’t you recognise us? We are the Koglwéogo.” The police officer pretended not to have heard him properly and took up his request. The Koglwéogo leaders refused to show their identity cards, and the first leader resumed: “You have to tell your commanders that it is the Koglwéogo.” From the shade of the shea tree where he was standing, the head of the mission of the day waved his hand and asked him to let us go. That day, I was transporting in my vehicle the first four leaders of the Koglwéogo groups of the Zoundwéogo province.⁸⁵

⁸⁴ Cf. Hagberg (2017) 53; Kibora *et al.* (2017) 16–17; Asha (2018) 14; Bojsen/Compaoré (2019) 93; Leclercq/Matagne (2020) 2.

⁸⁵ Field note from 29 January 2020, returning from the relaunch activities of the Koglwéogo of Guiba.

The weakness of the State in providing security is of course a central claim in the legitimization of the Koglwéogo groups; but this scene, which in my view clearly reflects a power relationship, is one of the countless interactions that present the relationship between the Koglwéogo groups of Zoundwéogo, the defence and security forces, and the justice system of the province of Zoundwéogo. They challenge their authority through their movements (patrols) and some of their activities such as arrests and sequestration of alleged criminals and others daily.

In order to establish their legitimacy, the Koglwéogo groups participate in the delegitimization of state actors involved in the production of security. They attribute dimensions of moral decadence such as corruption, inefficiency, and irresponsibility to the institutions of police, gendarmerie, and justice. Criminal organisations and major thieves are considered collaborators with the security and justice institutions.

Challenging and presenting the state and its institutions as ‘incapable’, often as complicit with organised criminals, contributes to the construction of an image of the state as an enemy among the rural population. This enables the Koglwéogo to question the legitimacy of state authorities in providing security, and to spread their influence and authority. They present themselves as the unique guarantors of the moral orders violated by the state. This image of the state as an enemy is reflected in many of the interviews with Koglwéogo leaders, religious and traditional leaders and villagers alike.

Category/relation to the state institutions/code/perception of state security actors / Interview 1 / Koglwéogo leader

If you bring your thief to the court, at the end he will be right. They [judges] will say that they have carried out investigations but that this is not his job. [. . .] We have arrested a thief, he has stolen 13 oxen in the village of Guilaweogo, when he was arrested, the high commissioner called, the police station called, the gendarmerie called. It’s a serious problem, someone who is a robber and who has so many supporters.⁸⁶

Category/relation to the state institutions/code/perception of state security actors / Interview 12 / Traditional leader

If you arrest a thief and refer him to the police station, the police will release him and he will continue what he was doing. [. . .] When you have cattle problems and you send it to the justice, they will take their law, the law they have studied, and they will release the culprits. [. . .] The police officer’s salary is not enough for them, if one locks up the thief, he donates 50,000 CFA

86 “Si vous amenez votre voleur devant le tribunal, à la fin il aura raison. Ils (les juges) vont dire qu’ils ont fait des enquêtes mais que ce n’est pas son travail. (. . .) Nous avons arrêté un voleur, il a volé 13 bœufs dans le village de Guilaweogo, quand il a été arrêté, le haut commissaire a appelé, le commissariat a appelé, la gendarmerie a appelé. C’est un problème sérieux, quelqu’un qui est un voleur et qui a autant de partisans.”

francs to the police officer, the next day they will say that there is no evidence against him, corruption has increased.⁸⁷

When analysing the interviews of the different actors, the image of the state as an enemy serves as a moral support to continue their activities regardless whether they defy the authority of the state.

The practice of vigilantism is a form of local power that needs to be legitimized.⁸⁸ Given their illegal nature and their perception⁸⁹ as being a manifestation of *Mossi*⁹⁰ expansion and domination, the Koglwéogo groups, in order to legitimize their existence and actions and to establish their power and authority, mainly have recourse to two institutions that structure social life on a daily basis: religion, represented by the religious leaders, especially those of the Muslim religion, and tradition, represented by the customary and traditional leaders (in *Moore*⁹¹ *Nanamsé*).

4.3 Role of religion in Koglwéogo groups legitimization

This sub-section analyses the role of religion in the legitimization process of the groups.

The main religion involved in the daily activities of the Koglwéogo is Islam. In December 2019, a national meeting was held in the town of Kombissiri in the southern-central region, uniting all Koglwéogo leaders of Burkina Faso. The national president of the Koglwéogo groups, Rasamkande Naaba Sonré, ended his speech with a Muslim prayer in Arabic. This prayer was then taken up by the whole assembly. As they put it clearly, God (in *Moore Wende*) structures their social existence through Islam. He is associated with order, righteousness, respect for social norms and the rules for living together. He is omnipresent in people's daily lives, in the greetings, in the wishes, in happiness or in misfortune. Public activities as group establishment always begin with the reading of the Koran, the swearing of oaths on the Koran, and the sacrifice of a ram. Beyond the group's establishment, before any activity, the Koglwéogo offer sacrifices (in *Moore Douaga*). Some interviews with religious and Koglwéogo leaders highlight that the founder and national president of

87 “Si vous arrêtez un voleur et que vous le renvoyez au commissariat, la police va le relâcher et il va continuer ce qu’il faisait (. . .) Quand vous avez des problèmes de bétail et que vous l’envoyez à la justice, ils vont prendre leur loi, la loi qu’ils ont étudiée et ils vont relâcher les coupables. (. . .) Le salaire des policiers ne leur suffit pas, si quelqu’un enferme le voleur, il verse 50 000 francs CFA pour le policier, le lendemain, ils diront qu’il n’y a pas de preuves contre lui, la corruption a augmenté.”

88 Cf. Baker (2002) 227.

89 This perception is particularly strong in the Western regions of Burkina Faso.

90 Biggest ethnic group in Burkina Faso.

91 Language spoken by the Mossi ethnic group.

Koglwéogo, who is also a religious leader and traditional chief, received enlightenment from God in order to create the Koglwéogo groups after three years of prayer. He is considered to be a mediator between God and men. In all headquarters of Koglwéogo groups, there are spaces and materials such as carpets and kettles especially reserved for prayer.

All this reflects the ways Islam influences daily life in the Koglwéogo groups. The groups' successes are presented as manifestations of God against enemies. The invocation of God during these rituals stipulates that power and authority of the Koglwéogo are of divine origin. They benefit from God's blessings and his protection.

Islam appears as a social resource in the hands of the Koglwéogo groups used to legitimize their power and establish their authority. This legitimization strategy is not far from the theocratic legitimization.⁹²

4.4 Koglwéogo group relationship to tradition and traditional leaders

This point shows the relationship between tradition and its representatives, the traditional chiefs and the Koglwéogo groups. It argues that this relationship is based on constant negotiation and contributes to the legitimization of the Koglwéogo and gives them power to act.

Tradition is the reservoir of the local collective memory and provides the moral basis for the activities of the Koglwéogo groups. Legitimization through tradition, seen as a type of authority,⁹³ is one of the legitimization strategies of Koglwéogo groups. Traditional chiefs constitute a central backbone (in Moore *Zandaado*) in the establishment of the groups. The ability of Koglwéogo groups to graft their power onto the legitimate power of the traditional chiefs contributes to their acceptance by the population. The individuals who embody this tradition, in this case the traditional chiefs, are the legal guardians (in Moore *Bagnongra*) of the Koglwéogo groups. For some researchers, the collaboration between the Koglwéogo and the traditional chieftaincy is a 'necessity',⁹⁴ it enables its establishment, development, social mobilisation, and visibility. According to my observations during my research, tradition is an instrument for the creation of an imaginary and a collective identity.

By accepting being the legal guardian to the Koglwéogo groups, the traditional chiefs legitimize the groups and provide them with moral and financial support.⁹⁵ By hosting these groups, which challenge constitutional rules, they also show the

⁹² Cf. Potz (2020) 66, he defines theocracy "as a political system which derives its legitimacy from a supernatural source".

⁹³ Cf. Weber (1978) 215–216.

⁹⁴ Cf. Soré (2019) 234–236; Leclercq/Matagne (2020) 14.

⁹⁵ Cf. Soré (2019) 234.

state institution their power in the administration of their territorial entity (in Moore *Weogo*) and their capacity to mobilise society around a common objective, in this case security.

Tradition as a legitimization instrument for Koglwéogo groups highlights the crisis between the traditional and the modern, between the traditional values and moral norms that structure the daily life of the population and the principles of constitutional rights. The physical punishment and violence used by Koglwéogo groups clearly show this tension. Indeed, the security practices of the Koglwéogo are governed by the *mossi* traditional organisation of security governance. They draw their logic, their *modus operandi*, and the justifications for punishment from traditional patterns.⁹⁶

4.5 Summary

The analysis of the legitimization of the Koglwéogo groups focuses on the delegitimization strategies of state security providers and on two institutions that organize social life in the rural environment. On the one hand, religion is seen as a social practice that stages social realities, and on the other hand tradition is accepted as a transmission and reproduction of cultural codes over generations.

By deconstructing State legitimacy, the Koglwéogo group position themselves as the main security actors benefiting support from social institutions like Islam and traditional chieftaincy.

Relying on tradition and religion, the Koglwéogo groups gain power and authority to act and justify their activities.

5 Conclusion

This paper illustrates by means of the approach of Old Testament exegesis, narratology and ethnography, that local vigilante groups, respectively non-state violent groups, rely on different legitimizations to establish and justify their power and authority, such as image of the enemy, tradition, as well as cult and religion.

Both the Koglwéogo and the Maccabees use these patterns of legitimization because they seek to justify the beginning of the group's formation and the initial state of their respective movement.

⁹⁶ Cf. Soré (2019) 224.

Image of the enemy

All three cases present an environment that is hostile against the local group.

The First Book of Maccabees devotes an entire chapter (in 1 Macc 1:1–64) to the construction and the narration of a hostile environment, portraying both the Seleucid Empire and the Judean population which turns away from the Judean cult as hostile. Against this background, the Maccabees are introduced in the narration in 1 Macc 2:1–70. The character of Mattathias is linked to the intertextually networked theme of zeal. This theme is reinterpreted as a zeal for the law and Mattathias is thus constructed as the guarantor of traditional law, cult, and religion. He kills a Judean who is unfaithful to Judean law and a royal envoy, and thus establishes the Maccabean revolt as a response to the actions of the environment that is portrayed as hostile.

In the Second Book of Maccabees, the necessity to fight the enemy is justified by a threatening image of the Seleucid king Antiochus V. Although his description as hostile is given in a very concise manner, by alluding to his father's evil deeds, the worst Judean experience of the desecration of the temple is remembered and even surpassed. Thereby, the description of the hostile enemy serves to vindicate the subsequent Maccabean reaction of fighting, led by Judas the Maccabee. Additionally, the construct of the enemy contrasts with the positive reasons given for the Maccabean group's actions, thus positively profiling them.

Koglwéogo groups operate in a context where security provision is the state monopoly. They clearly define the state as an enemy and compete with state institutions to justify their activities. The state is presented here as the first enemy of the Koglwéogo group in the provision of security. Well-known concepts such as corruption, inefficiency, and partiality are used to construct the antagonistic nature of the state in security providing. With the rise of terrorism, the image 'enemy of God' – 'enemy of the Koglwéogo' has been reinforced and has encouraged their involvement in the fight against terrorism.

Cult and religion

Moreover, recourse to cult, religion, and God is also used as a strategy to justify the actions of groups.

The First Book of Maccabees tells of many different groups that are *portrayed* as breaking with the traditional cult and religion in some way (cf. 1 Macc 2:23, 44–48), which is judged to be extremely negative in the narration. Against this background, the Maccabees are contrasted as loyal to the Judean religion and cult (1 Macc 2:19–22).

This commitment of the Maccabees to cult and religion is also present in the Second Book of Maccabees, which, however, emphasizes God's help more strongly. The positive characterization of the Maccabees is further reinforced by the support of God that they experience in their combat (2 Macc 13:15, 17). With this,

God once again proves to be the one who protects the Judeans in battle. Moreover, Judas and his followers are thereby recognized as a group to whom God gives support and who thus legitimately act in his name.

For the Koglwéogo, recourse to religion helps to strengthen the acceptance and adherence of the local population. In the collective imagination of the rural population, the power of the Koglwéogo groups comes from God; he protects them in their activities because God is on the righteous side and they are the righteous. The presence of God within the Koglwéogo groups is materialized by the use of the Koran during the groups' installation, during the periodic Koran reading activities and by the presence of 'charismatic' religious leaders.

Tradition

Finally, tradition is an important component in legitimizing the introduced local groups.

Both the violent procedure and the presumably lack of high priestly lineage of the Hasmoneans open up the need for legitimization *ex post*. Therefore, the beginnings of the Maccabean Revolt are anchored in a narratively shaped patriarchal leader. This leader, Mattathias, is legitimized by recourse to tradition and thus paralleled with the character of the violent priest Phinehas. Tradition, however, is not taken over unquestioningly in the narration of the First Book of Maccabees, but is reshaped in such a way that it serves the specific legitimization purposes of the Hasmoneans.

In the Second Book of Maccabees (2 Macc 13:9–17), we can find a recourse to Judean traditions such as temple, law, country, holy temple, city, and constitution (2 Macc 13:11, 14). These keyword-like reminders serve to integrate Judas and his supporters into the Judean tradition that is alluded to here. Thereby, the Maccabean group is legitimized in their position as fighters for the Judean cause. In addition, Judas holds a consultation with the elders that also serves to integrate the Maccabean group into the tradition, since Judas thus assures himself of the support of this group that is linked to the traditional values.

The relationship of Koglwéogo groups to tradition is visible at several levels of their organization and functional activities. First, they refer to the customary chiefs and village chiefs, the guarantors of ancestral traditions, as legal guardians. Secondly, the reference to the earth as a 'sacred object' in the repentance activities of the offenders asserts their power over this 'sacred object'. The use of tradition is also observed during the group settlements through the sacrifice of a ram to seal the pact between the earth (the living) and God. Recourse to tradition is also a guarantee of local acceptance and resource mobilization through the traditional leaders who hold traditional authority.

To summarize, the three cases present the need to legitimize their group since a hostile environment is outlined as a context for action. The hostile environment is present at both the local and state level. As both the Koglwéogo and the Maccabees want to secure and expand their local power, they act partly against or beyond the respective state. Therefore, their local self-regulations result in a contrary relationship to the state. By drawing an adversarial image of enemies, the requirement of the need of local action is highlighted. Another purpose fulfilled by the hostile environment is to raise the positive profile of one's own cultural environment that needs to be enforced and preserved by local stakeholders.

Against this background, the analysis of the three cases has shown that in both antiquity and modernity, self-defense groups have used recourse to social structures to legitimize their power; the ways in which groups legitimize themselves have in essence remained the same. Thus, the connection to tradition and religion is used to legitimize the exercise of power by reverting to familiar social structures that are already recognized and established in the living environment. Tradition is therefore seen as a focal point that serves to legitimize groups, since tradition is used to embed them in society. In addition to tradition, religion is also a way of creating continuity and legitimizing one's own group. By referring to tradition, innovations made by the local violent groups are justified, to reestablish a tradition and to create continuity to vindicate their own existence.

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Adrian S. Erben, Dominique Krüger and Susan Thomschke

Water for the People: Provision and Maintenance of Water Infrastructure in the Context of Weak Statehood in Antiquity and the Modern Era

Abstract: This comparative study uses three case studies (Roman Boğazköy, Antioch on the Orontes, and Maputo) to examine how the critical water supply has been regulated in the political context of weak statehood at different times in human history (antiquity and modern era) and different special contexts. For valid results, we approach the question from three different disciplines with their respective methodologies: Archaeology, Ancient History, and Human Geography. At the core of our attention are the involved actors and their constellation in providing and maintaining the water supply. Our findings show that despite the different contexts, very similar solutions have been found, characterised by limited state-level intervention and a high degree of local self-governance.

Resumos: Este estudo comparativo utiliza três estudos de caso (Boğazköy romana, Antioquia do Orontes e Maputo) o examinar como o abastecimento crítico de água é regulado no contexto político de um estado fraco em diferentes momentos da história humana (antiguidade e era moderna) e diferentes contextos especiais. Para resultados válidos, abordamos a questão de três disciplinas diferentes com suas respectivas metodologias: Arqueologia, História Antiga e Geografia Humana. No centro de nossa atenção estão os atores envolvidos e sua constelação na provisão e manutenção do abastecimento de água. Nossos resultados mostram que, apesar dos diferentes contextos, soluções muito semelhantes foram encontradas, caracterizadas por uma intervenção estadual limitada e um alto grau de autogovernança local.

Introduction

Water scarcity affects people on every continent. This manifests itself in numerous ways and can have a variety of effects: the shortfall in available demand, competition for water quantity and quality, consumer disputes, and irreversible depletion of groundwater. Currently, half a billion people suffer from water scarcity throughout the year, as well as half of the world's largest cities.¹ These impacts and the various

¹ Breittkopf (2020).

approaches for solving them are certainly not new. This is shown by examples from many periods of time.²

At the core of this paper, therefore, is the question of how water supply is organised in a context of weak statehood. For this, we use the historical comparison³ to analyse three different cases from three different disciplinary perspectives to ensure a high validity of our findings. Our objects are Roman Boğazköy (Archaeology), Roman Antioch on the Orontes (Ancient History), and Maputo (Human Geography).

The first case, Roman Boğazköy, is the oldest of the considered examples. It lies in the Northern Lower City of Hattuşa, the ancient capital of the Hittites. The name-giving adjacent village Boğazköy/Boğazkale is located in the province of Çorum, about 180 km east of Ankara and approximately 20 km north of ancient Tavium (modern Büyüknefes). The second case, Antioch,⁴ was founded by Seleucus I Nicator and soon thereafter was made the capital of the Seleucids. After the final fall of their empire in 64 BCE, it came under Roman rule and went on to be the most important political centre of the Levant. Today, the remains of the ancient city are largely buried under a thick layer of sediment. Her successor, modern Antakya, is located in parts on the territory of the ancient metropolis. The city lies in the southernmost tip of Turkey, about 30 km from the Mediterranean coast. The third and the timeliest case study focuses on Maputo, the capital of the southeast African country Mozambique. The city is located in the very south of the country, close to the South African border, on the west side of Maputo Bay.

Different geographical coordinates suggest a variability of reasons for water shortage and the need for regulated water supply. The geographical, climatic, and urban conditions and challenges are similar in parts. Approaching Boğazköy from the north through the wide valley of the Budaközü river, one gets the impression of a fertile landscape. But appearances are deceptive – bordered by the mountain ranges of the Taurus in the south and the Pontus in the north, the plateau of Central Anatolia is among one of the regions with the lowest amount of precipitation in Turkey. The landscape is dissected by rugged low mountain ranges with long and snowy winters and hot, dry summers as well as irregular rainfall with strong seasonal fluctuations. This results in a major problem – a limited year-round availability of natural water. Already in Hittite times, this issue was being dealt with by constructing a far-reaching system for water supply.⁵ During the Roman imperial

² Meeks (2017); Lichtenberger/Raja (2019).

³ The “historical comparison” examines two or more historical phenomena for similarities and differences. Through contrasting, the method enables precise descriptions and the making of well-founded statements about historical actions, experiences, processes, or structures. Cf. Haupt/Kocka (1996) 9. See also Kaelble (1999) 12–24.

⁴ Recommended for introduction: Downey (1961); De Giorgi/Eger (2021).

⁵ Schachner/Wittenberg (2012). The Hittites used inner city water reservoirs (artificial lakes with groundwater), wells and natural springs (cf. Seeher [2010]; Schachner/Wittenberg [2012] Fig. 1).

Era, the locals were facing the same problem. The need for a regulated water supply was only reinforced by new buildings because their logistics led to an increasing demand for water. An extensive well-functioning network for the water supply thus became imperative.

At first glance, Antioch seems to have been confronted with similar issues.⁶ The Orontes Valley was (and still is) a well-watered and fertile landscape. However, the climatic conditions have always been characterised by extremes: The long, hot, and dry summers are contrasted by mild and rainy winters.⁷ Because of its relatively high number of inhabitants (usually estimated at around 200,000 people for the fourth century)⁸ and the water-intensive Roman way of life, the metropolis had a very high demand for water, which could not be met by natural resources, even though the late antique sophist Libanius would have us believe otherwise: “But with us, everyone has their own spring on their property, and the public ones only flow for the sake of beauty.”⁹ That this is obviously a panegyric exaggeration is illustrated on the one hand by the fact that the water had to be imported at great expense from the water-rich suburb of Daphne – the springs there provided water over the whole year (two of them, Pallas and Kastalia, are pictured on the topographical border of the famous Megalopsyche mosaic, see Fig. 1),¹⁰ and on the other hand by the fact that after several earthquakes the aqueducts were quickly repaired.

Maputo’s structure, however, is characterised by its historical development, which has not only had an impact on general infrastructure in the city, but also on the 1.3 million inhabitants (the agglomeration area [Greater Maputo Area] actually comprises 2.6 million inhabitants) (2020).¹¹ Therefore, a limited formal urban area with all necessary infrastructure and services coexists with an unplanned urban expansion with limited access to essential services, resulting in significant coverage gaps, which also applies to water provision.¹² Added to this, over the last couple of years the city has faced water shortages for several reasons. Its main source of water is surface water from the Umbeluzi river and its reservoir, which in the last few years has faced a lack of water due to higher temperatures and less rainfall.

⁶ The number of studies on the water supply of Antioch is surprisingly small: Only Wilber (1938), Downey (1951), Lassus (1983), and Döring (2020) have dealt with this in depth. The actors involved have hardly been considered (probably because of the limited sources).

⁷ Lib. or. XI 29–33.

⁸ All relevant sources are collected at Downey (1961) 582–583. For the most common estimate: Liebeschuetz (1972) 92–96.

⁹ Lib. or. XI 247: ἡμῖν δὲ διὰ τὸ εἶσω θυρῶν ἑκάστοις εἶναι κρήνην αἱ κοινὰ πρὸς ἐπίδειξιν ῥέουσι.

¹⁰ Lib. or. XI 244. Further information on the Daphne springs can be found in Döring (2020) 46–69.

¹¹ Instituto Nacional de Estadística (without year).

¹² Jenkins/Wilkinson (2002) 43; Barros *et al.* (2014) 82.



Fig. 1: Section of the topographical border of the Megalopsyche mosaic with depictions of Kastalia (centre) and Pallas (on the right) (D-DAI-ROM-36.1069R_224062,09, Vasari Foto Roma).

Furthermore, the rapid urbanization processes and therefore a higher demand have increased the pressure on the water supply.¹³

All three examples, then, show a natural scarcity of water, the effects of which have been exacerbated by expansion. Because of these circumstances, we define water supply in our examples as a “critical object of regulation”.¹⁴ In addition, there are other similarities in terms of spatial and political contexts. Antioch and Maputo are what nowadays is understood as urban areas, whereas Roman Boğazköy is, due to the state of ongoing research, for now, characterised by two structures (a military camp and a bath building with a huge pool), but with several settlements in the surrounding area. The two ancient case studies, however, are both subordinated to the same state authority, the Roman Empire, while Maputo shows a different political structure as a presidential republic in the 21st century. Despite the different political structures, all three cases show signs of so-called weak statehood. A weak state is “only partially functional, but fundamentally stable and not directly threatened in its existence”.¹⁵

Given the known military strength and longevity of the Roman Empire, the attribute ‘weak’ may at first seem inappropriate. The same applies to the anachronistic term ‘state’. A brief explanation is therefore necessary. The Roman Empire was a power structure. Its three major elements were the central administration, the

¹³ Carvalho *et al.* (2009) 148; Bhatt (2014) 107; McVeigh (2018); Field research (2019).

¹⁴ The designation “critical object of regulation” refers to an object of regulation whose successful regulation or control is essential for maintaining the stability of local order. Cf. Erben (2021) 6.

¹⁵ Pfeilschifter *et al.* (2020) 11.

military, and the provincial government with a profound and long-lasting influence on provincial institutions and culture. Therefore, it can be conceptualised as a ‘state’ in our case. However, the great distance to the centre of power and the low importance of some places allowed at best delayed reactions and thus led to a limited influence of the rulers and their representatives, which required a strengthened organisation of the local level. The Roman Empire, despite its well-known military strength, must therefore be described as “weak” in this aspect. In Mozambique, the state is not capable of providing its population with sufficient basic services due to a lack of state will and/or the ability to do so. Consequently, especially in the peri-urban areas, which are characterised by strong population growth, we can find development processes of governance dominated by civil society to counteract the lack of state infrastructure. Therefore, we define the political structure of all three cases examined here as “weak”, due to the commonality of signs of weak statehood, regarding that the scope of state’s regulatory power is limited in all three cases, at least when compared to the European-Western model.¹⁶

During our collaboration as part of the DFG research group *Local Self-Governance in the context of Weak Statehood in Antiquity and the Modern Era* (LoSAM), it had become apparent that our questions were not too different from each other. A quite remarkable circumstance since we belong to different disciplines, our time span covers two thousand years (Fig. 2) and many thousand kilometres lie between the places. In our three cases presented here, we showed a special interest in water supply. Therefore, in this paper, we jointly examine how water supply provision and maintenance is organised to identify similarities and differences. To answer the research question and to gain a deeper understanding of the three individual cases, we will focus on the actors and their constellations. For this study, we define ‘actors’ as local agents and state representatives who ensure the provision and/or maintenance of the water supply. The local agents can be further divided into the elites, who are usually well networked with the state representatives, economic players (e.g. companies or craft enterprises), and ‘civil society’¹⁷ (e.g. NGOs, associations or guilds). By ‘constellations’, we mean the set of relationships between the different actors, respectively their regulations.

¹⁶ Lauth *et al.* (2019) 13, 34.

¹⁷ We follow the definition of Pfeilschifter (2022). According to this, ‘civil society’ in a spatial context is characterised by a local, urban setting. The normative prerequisite for the affiliation of actors is mutual recognition, the effort to resolve conflicts without violence, public spirit, and the general acceptance of the (in turn tolerant) state order.

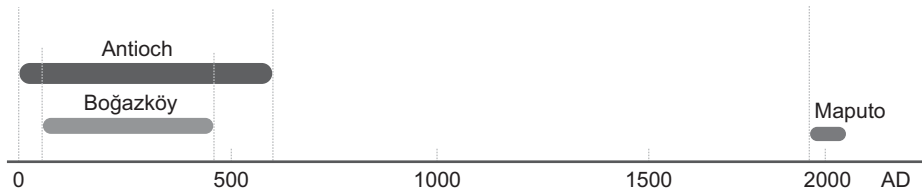


Fig. 2: The three case studies in their chronological placement (© D. Krüger).

Three methods – three different results? An interdisciplinary approach

As mentioned above, we approach the object of study from three different disciplines: That means that different sources and methods are used to gain knowledge about the individual cases. To better understand our sources and their results, a breakdown of the various methodological approaches we use is important.

For Boğazköy, archaeology shows, based on findings of the ongoing excavations, how the regulation of an increased water demand was technically implemented in the terrain and whether these measures were carried out for local needs (topography, climate) or practical reasons (increased demand due to specific buildings). It can also provide limited information about the builders themselves.

In Antioch, in addition to the few archaeological remains (e.g. remains of aqueducts, such as the line of Trajan and Hadrian, see Fig. 3), we are mainly dependent on literary sources to gain information, since other important types of evidence such as inscriptions and papyri are rare.¹⁸ References to the water supply of the metropolis can be found widely scattered in very different text genres such as chronicles, legal texts, and even in stenographed orations. We approach the object of study through the subjective texts by trying to filter out their tendencies.

The Maputo case, however, gives us some contemporary impressions while using interviews, imagery, and participating observations – in these, facets of the methods of the other disciplines can be found. Interviews function as an especially valuable source as they are up-to-date and research subjects can be specifically asked for. Even in times when being on site is not possible, interviews can be held online. They are then a further path for expert knowledge that often cannot be found in literature.

¹⁸ Fundamental to archaeological finds in Antioch are the reports on the excavations by Princeton University in the 1930s: Elderkin (1934); Stillwell (1938); Stillwell (1941); Waagé (1948); Waagé (1952); Lassus (1972). Brands (2016) and De Giorgi (2016) take into account the most important more recent findings.



Fig. 3: A bridge of the Trajan-Hadrian aqueduct crossing the Phyrminos Valley (D-DAI-IST-KB 12.696, A. Eckstein).

All of our methodological approaches have their individual merits, but they are also marked by characteristic difficulties: In the case of Boğazköy, the information can only be gleaned from the material remains that have been excavated so far – they are by definition incomplete and written sources (texts as well as inscriptions) are completely lacking. This means that we can often only theorise about the actors based on comparison.

Apart from imperial construction measures, the literary sources on the water supply in Antioch are very poor. This is not surprising at all: elements of daily life were taken for granted and generally not considered worthy of reporting. Thus, we usually only learn something when something extraordinary happens (e.g. the construction of an aqueduct by the empire), or when conflicts arise (e.g. the illegal over-tapping of pipelines). The sparse written evidence thus suggests that the supply system must have functioned well in principle. Ironically, then, the success of the local rules, of all things, presents us with two central problems: First, we simply know little about them. Secondly, we get a distorted impression of the weighting of responsibilities in the constellation of actors, since we have information almost exclusively about extraordinary buildings. Viewed without reflection, the picture that emerges is of a dominance of state regulation, which is unlikely to have much to do with historical reality, as legal sources and archaeological evidence suggest. The literary sources thus give us a highly distorted picture. In part, the sparse archaeological finds from the area of the ancient city can be consulted for further answers.

Literature information and statistics on the water supply of Maputo is given, but not from all angles and also limited in its quantity. In addition, it is a very dynamic city, many changes appear in short time, which results in material quickly becoming

outdated. Furthermore, being on site doing research is essential for this topic, which has not been possible lately due to the Covid-19 pandemic. Disadvantages of interviews result from the fact that the selection and classification of interview partners is subjective. Furthermore, next to the expertise of the interview partners, they might also express subjective assumptions and personal opinions, therefore, a distinction must be made in regard to their reliability. In addition, in the case of online interviews, the control and the information content are probably limited. It can be assumed that a trusting discussion atmosphere, which is advantageous for the yield of the interview, can be better established with personal contact, especially regarding the present research topic. In addition, the accessibility of people concerning this research topic is equally limited in online interviews.

Despite the well-reflected disadvantages of the various methods in the different cases studies, we expect a central advantage through our multi-method approach: the methodological diversity will significantly increase the degree of objectivity of the study's results.

The actors

At the beginning the question arises as to which actors ensured the water supply. Normally, this question is not asked because water and the infrastructure system behind it are often taken for granted. The issue is usually only raised when something does not work. The causes of problems can be manifold. When we lift the veil on the supply structure that is largely invisible, we see a complex fabric of actors that take care of the infrastructure.

Responsible for Maputo's water supply is FIPAG (*O Fundo de Investimento e Património do Abastecimento de Água – Fund for Investment and Assets for Water Supply*). FIPAG is in charge of the largest cities in Mozambique, acts on behalf of the Mozambican state, and is subject to the Ministry of Public Works and Housing (*Ministério das Obras Públicas e Habitação*). The fund transfers the water supply, its operation, and management to private institutions. Hence, the private operator AdeM (*Águas da Região de Maputo – Maputo Regional Water*) is contracted for the public supply mandate of Maputo (but is also partly owned by FIPAG).¹⁹ Even though it is responsible for the water supply, AdeM does not fulfill its whole supply mandate for the overall city area.²⁰ Therefore, private operators are contracted through public-private partnerships with FIPAG. The so-called small private operators manage and run individual water infrastructure systems in peri-urban districts on behalf of FIPAG.

¹⁹ Matsinhe *et al.* (2008) 841–842; Field research (2019); Zuin/Nicholson (2021) 161. For further information about the Mozambican water policy see quoted literature.

²⁰ Matsinhe *et al.* (2008) 842.

However, there are still peri-urban spaces that are within the official supply area but are only partially or not at all served by state infrastructure. There, alternative water service providers take over. The most common ones are the so-called private water suppliers. They run small separate water systems, most of them with the help of their employees, and can most readily be classified as civil society actors (Figs. 4, 5).²¹



Fig. 4: Infrastructure system of a private water supplier in the district of KaNyaka, Maputo: A borehole in the background feeds water via rubber hoses into a water storage tank from which a further redistribution of the water to different households takes place. (S. Thomschke [2019]).

Other forms of self-organised (and partly informal) water provision are the reselling of water by neighbours that have a formal water supply connection, mobile water tankers that work on an on-call service, or “water pirates”, people who dig for the

²¹ Field research (2019).



Fig. 5: Water storage tanks of a private water supplier in the district of KaMubukwana, Maputo (S. Thomschke [2019]).

main pipe, break it, and steal the water from there. Additional water resources are rainwater harvesting and fetching water from rivers and lakes.²²

For Maputo, we have a combination of state and local actors of different levels who are responsible for the water supply. Something similar can also be assumed for antiquity – but probably with a different ratio of influence. This can be seen for example, in Antioch, even though the question of the actors is more difficult to answer due to the limitation of written and archaeological sources.

The overwhelming majority of the information that has been preserved concerning the water supply is found in the *Chronicle* of Malalas. These are almost exclusively significant infrastructural building measures carried out by the Roman ‘state’, which are attributed to individual emperors and found their echo in the

²² Bhatt (2014) 105; Field research (2019).

sources.²³ However, the empire's involvement would have been limited primarily to the financing of the buildings. Both the quarrying and the processing of the building materials are likely to have been carried out by local craftsmen.²⁴

References in the *Theodosian Code*, in the *Justinian Code*, and in orations of Libanius show that the supervision of the supply system and its maintenance were usually tasks of local actors with occasional 'state' interventions in times of major problems. Formally, the most important role in water supply at the local level was played by the city council, which was the leading civic institution that was in close exchange with the governors.²⁵ Oversight of the supply system (and many other important municipal matters) would have been the responsibility of a councillor.²⁶ In the case of wear and tear on public buildings, the city, or the city council on its behalf, was in charge of organising and financing the repair measures.²⁷ On the one hand, there is evidence elsewhere that the landowners over whose properties the aqueducts ran were responsible for cleaning and maintaining the lines.²⁸ The actual act of cleaning, as well as the repair work, was of course not done by the owners themselves. As a rule, specialised craftsmen, probably the *aquarii* ("water-men"), seem to have been commissioned to carry out the work.²⁹

23 The construction or repair of aqueducts is attributed to C. Iulius Caesar (Mal. IX 5; Döring [2020] 165) and the emperors Caligula (Mal. X 18; Döring [2020] 98–104), Trajan/Hadrian (Mal. XI 9, 14; Döring [2020] 106–135), Diocletian (Döring [2020] 150–164), Justin I (Mal. XVII 17), and Justinian (Proc. *aed.* II 10). Caesar's aqueduct was demolished in late antiquity; the building material was used for the extension of the city wall under Theodosius II: Mal. XIII 39. Malalas errs in dating the construction and places it in the reign of Theodosius I: Downey (1941). The Hadrianic structure mentioned in Mal. XI 14 was probably the repair or completion of the aqueduct of Trajan. The extensive construction work on the Antiochian water supply during Hadrian's reign (117–138 CE) suggests that it suffered immense damage during the earthquake of 115 CE. Important measures include the enclosure of springs in Daphne (Mal. XI 14). The construction of cisterns in each of the towers of the city fortifications (Proc. *aed.* II 10) and water reservoirs (*Cod. Theod.* 2,2; Mal. XI 14; Proc. *aed.* II 10) by the central power is also attested.

24 Both the facade material of the aqueducts and the aggregate consist mainly of locally available limestone. Bricks were used for repair work. Cf. Döring (2020) 81, 83, 89. Samples of these bricks have shown that they were also made from local materials, some even in the same workshop. Further information: Benjelloun *et al.* (2015).

25 For further reading: Fatouros/Krischer (1992) 188–190.

26 Petit (1955) 78, 103.

27 *Cod. Theod.* XV 1,32–33.

28 *Cod. Theod.* XV 2,1.

29 *Edict. Diocl.* 7,31; *Lib. or.* XLVI 21. For further reading: Petit (1955) 45–46. A similar case has come down to us from Antioch through two building inscriptions from 73/74 CE. During the reign of the emperor Vespasian, work was carried out on a canal of the fullers by male Antiochenes, who were called in from the (adjacent?) *plintheia* ("residential blocks") for this purpose. The construction (and later maintenance) of the canal was divided up according to the number of *plintheia*. The documents are discussed in Feissel (1985).

The literary sources provide almost no information about the distribution process within the city. It is known that there were public water points, as well as smaller supply elements such as private wells and cisterns.³⁰ Here, however, the sources dried up: Beyond those mentions, we know nothing about construction and maintenance. The latter will have been maintained by private individuals, clans, or civil society groups to whom they belonged. Archaeological finds, though, allow us to draw at least some rough conclusions about the inner-city distribution network. Public buildings (e.g. the hippodrome or baths) and private houses were supplied, as elsewhere, via clay pipes connected to the aqueducts.³¹

These water pipes were laid by unspecified local actors, probably also *aquarii*.³² This becomes clear, for example, in an edict from the *Theodosian Code*: “The aqueduct which furnishes water for use at the palace at Daphne is diminished by the greed of some persons who attach larger pipes than those granted by imperial bounty.”³³ The fact that the state level can even denounce the greed and the use of pipes that exceeded the permitted size (so there must have been a default) indicates that this part of the water circuit would have been usually regulated by locals.

Both cases show, then, only limited state involvement in the water infrastructure. It has also become clear that various local actors were involved in the financing, organisation, and maintenance of the water circuit. While archaeology has less data on the various state and local actors, it comes much closer to answering the question of the details of those responsible for the technical execution.

The water supply of the military camp at Boğazköy in the 1st century CE was certainly arranged by the military itself.³⁴ In constructing the pipes, the soldiers may have been assisted by local craftsmen who knew the terrain and how to channel the water to the desired location. The water supply can be traced back to the Hittites with a somewhat similar structure, which would indicate that the construction was based on local traditions and used the knowledge of the local population. For the bathing complex, the organisation was most likely more sophisticated. We still do not know whether it was owned by a private citizen or a group of people from the surrounding area who were responsible for planning and financing the water supply or if the building actually was part of the military camp itself. The execution was certainly again left to the local craftsmen, which can be traced by ceramic stamps and stonemasons’

30 Lib. or. XI 247.

31 Fatouros/Krischer (1992) 258 (n. 353). In the course of excavations around the hippodrome in 2011–2012, among other things, water pipes were discovered that supplied the building: Pamir (2014). Such pipelines often ran under or at least along the streets within the city, as is repeatedly seen in Lassus (1972) e.g. 23, 27, 41, 61, 91. See also Lassus (1983).

32 This is documented for Rome around the year 100 CE: Frontin. *aq.* 34, 37, 44, 46, 62, 63, 75, 87, 114, 115.

33 *Cod. Theod.* XV 2,2: *Aquaeductus, qui dafnensi palatio usum aquae praestat, quorundam aviditate tenuator adpositis maioribus fistulis, quam ex imperiali largitate meruerunt.*

34 Petrikovits (1975) 102–105.

marks, who traditionally were the most familiar with the water supply.³⁵ In recent years, several different ceramic stamps and also a few stonemasons' marks have been found. Each stamp and each mark can be attributed to a different workshop; however, the workshops are still unknown. An influence by the Roman government in this respect can most certainly be ruled out. For the Roman Empire hardly had any influence on remote regions and will certainly not have taken responsibility for a private water supply. It can be assumed that the internal organisation in the building is similar to those of other Roman baths of which we are partly told by ancient sources and inscriptions. The technical jobs and maintenance usually included untrained staff, pourers, *fornactores* (stokers), and *fabri balneatores* (blacksmiths) as well as other slaves and freedmen who took care of the bathers – all under the supervision of the *balneator* (bath manager, owner).³⁶ The same workforce, just on a much smaller scale, can be expected for the bath in Boğazköy.

Despite the spatial and temporal differences between the individual case studies, unsurprisingly almost the same groups of actors emerged. What is most striking is the constant involvement of the state level – albeit with varying degrees of intensity. Where the state or the rulers could not or did not want to cover the water supply completely themselves for various reasons, (rich) private individuals or economically oriented organisations usually stepped in and took over part of the tasks. In Maputo, it is mainly the private water suppliers that function as an alternative and reliable source of water, and they also happen to supply most of the city's residents with water next to FIPAG and its public-private partnerships. In both ancient cases, however, it became apparent that although the financing and planning could have come from a higher authority, the implementation on-site, e.g. the actual construction of aqueducts and pipelines, was the responsibility of the local population and was carried out by local craftsmen's groups. In Boğazköy, local craftsmen were involved in the construction of both the camp's water pipes and the bath complex – the former under the instruction of the military, the latter by a wealthy local actor or a group of actors. The workforce for the processes within the bath would probably also have lived in the immediate vicinity. However, there are no indications of the level of state influence. In Antioch, the city council formally played the most important role in supervising the water supply and organising its repairs. The cleaning, however, was usually subcontracted to specialist workers. Building materials were obtained in the surrounding areas and processed by local craftsmen.

³⁵ Water supply in Boğazköy has been the same since the Hittites – only at that time still organised by the 'state' alone, but with local craftsmen. See Schachner/Wittenberg (2012) 249.

³⁶ Wissemann (1984); Carlsen (2015) 1–4.

The constellations

When looking at the actors, it became apparent that the state and different groups of local actors were responsible for the water supply depending on the degree of influence of the individual actors. Yet how did the relationship³⁷ between the various actors and regulations unfold? And, of particular interest, how is the relationship between the state and local levels shaped? Therefore, in this section, we will take a closer look at the constellations of the different identified actors and their regulations.

The official water infrastructure system, managed by FIPAG, provides water for the city of Maputo through a common network, which carries water from the treatment plant 30 km away.³⁸ This, in turn, is fed by water from the Umbeluzi river and its reservoir. From there, the water is further distributed to six distribution centres, in and around the city and then redistributed to the different parts of the city, mostly the city centre and areas around it, and its households.³⁹

The public-private partnerships between FIPAG and the private operators are characterised by management contracts, meaning that the private operators run these small water systems, but they don't own them. The systems are either connected to the main network and carry out a redistribution of the water from the main pipe, which means the formal network is even more overstretched, or they operate and run a small separate water system that consists of boreholes, electric pumps for bringing up groundwater, tanks for water storage and pipes for redistribution. It appears that some operators also run an additional central water distribution point.⁴⁰ The formal water network with its extension of the public-private partnerships supplies around 55% of Maputo's residents.⁴¹

The private water suppliers, however, are completely self-organised and independent from the state. They run and operate, repair and maintain their small separate water systems, partially with the help of employees. These systems are similar to the ones of the private operators with boreholes, pumps, tanks, sometimes with central water distribution points and rubber hoses/pipes laid individually to single households. The maintenance of the systems includes regular cleaning and testing of the water quality.⁴² The private water suppliers have existed since the 1970s with a strong increase in the mid-1990s.⁴³ All in all, the private water suppliers own and

³⁷ Pfeilschifter *et al.* (2020) 15–16 distinguish between four different forms of relationships between state and non-state actors, which we apply: Substitutive, subsidiary, complementary, and contrary.

³⁸ Chaponniere/Collignon (2011) 1.

³⁹ Carvalho *et al.* (2009) 148; Field research (2019).

⁴⁰ Matsinhe *et al.* (2008) 842; Field research (2019).

⁴¹ ESAWAS (2017/2018) 18.

⁴² Field research (2019).

⁴³ Bhatt (2014) 108.

operate around one thousand systems in the Greater Maputo Area and are the main water source for around 35% of the population.⁴⁴ In the mid-2000s, two unions of private water suppliers emerged, known as associations of private water suppliers, with a representative number of members. They mostly regulate the market of the private water suppliers regarding pricing, zoning, access of new providers, and expansion of infrastructure – which can also be seen as a distortion of free competition, especially for non-association members. They also have certain bargaining power and play an important role in conflicts among the private water suppliers and with FIPAG. Next to the two big associations, smaller ones also exist.⁴⁵

In 2007 an official licencing process of the, to this point, informal water providers started on behalf of the Mozambican state to have more insights into their practices and to formalize them. The licensing is mostly accompanied by fees and taxes, additionally, certain service standards have to be financed and considered (e.g. hygiene and service standards). Yet, no state support is offered.⁴⁶ But even with having a license, conflicts between different actors cannot be eliminated. It appears that FIPAG is extending its network in an area that is already supplied by a private water provider, which often leads to a displacement of the latter. Furthermore, the license expires after five years but with the possibility of extension. These circumstances demonstrate that the private water suppliers can be viewed as just a temporary solution for the city's water supply.⁴⁷

The imperial involvement in the water supply of Antioch was probably normally limited to financing the large pieces of hardware that were essential for all the city's inhabitants (e.g. aqueducts). Thus, the empire ensured that water was channeled to Antioch, especially from Daphne. The organisation of distribution and maintenance, on the other hand, were local matters supervised by the Antiochene city council. It is very likely that there was a competent special councilor for this, formally appointed by the governor,⁴⁸ as was also the case for the grain supply.⁴⁹

The tasks of this official would primarily have included the control of the routine cleaning and maintenance of the water pipes, which was the task of the landowners

44 Schwartz *et al.* (2015) 32–33; Field research (2019).

45 Ahlers *et al.* (2013) 476; Schwartz *et al.* (2015) 34; Field research (2019).

46 Ahlers *et al.* (2013) 477; Field research (2019).

47 Field research (2019).

48 In Late Antiquity, Antioch was the residence of two governors, namely the *comes Orientis* (“Count of the East”) and the *consularis Syriae* (“governor of Syria”). The *consularis Syriae* was the regular provincial governor, while the *comes Orientis* was a supra-provincial official. For further reading: Downey (1939).

49 Lib. *or.* I 228–230. The existence of such an official is not documented for Antioch in antiquity. For the Middle Ages, a responsible person is mentioned in the travel report of Benjamin of Tudela (p. 26).

as previously described. However, these did not carry out the tasks themselves, but contracted skilled workers.⁵⁰

The city council, in turn, was apparently supervised by the governor(s), as is evident for other objects of regulation, such as the heating of the public baths, which was also delegated to councilors.⁵¹ This is more likely to have been a formal supervisory function that would have taken effect only when the local regulatory system became dysfunctional. In fact, there is little evidence of intervention by the governor in the water supply sector. The above-mentioned edict from 369 CE concerning the water supply of the palace in Daphne is not addressed to the governor, but to Fortunatianus, the *comes rerum privatarum* (“count of the privy purse”).⁵² The following measures were taken to remedy the reduced water supply to the palace described in the passage: The consumers of the aqueduct were recorded, three water reservoirs were renewed, and even the owners of imperial grants had to have their privileges confirmed. However, a non-local authority would have been needed to implement the order in Antioch, which contradicted the interests of the profiteers⁵³ of the illegally increased water extraction. This was clearly a phenomenon contrary⁵⁴ to the interests of the empire. Another edict from 397 CE authorized the *comes Orientis* Asterius to use building material obtained from the demolition of temples to repair roads, bridges, walls and aqueducts. The order itself has no local reference, however, as mentioned above, the *comes Orientis* resided in Antioch.⁵⁵ Thus, it becomes apparent here that the Roman Empire or, in its representation, the governors and the city council stood in a subsidiary⁵⁶ relationship to each other.

The closely coordinated relationship is also evident in the area of financing repair measures, for which the council was also responsible. An edict shows that the empire subsidized such building measures with up to one-third of the costs. The

50 Lib. or. XLVI 21.

51 Lib. or. I 272; XXVI 5–6; XXVII 13; XXVIII 6. For further reading: Liebeschuetz (1972) 148; Feissel (1985) 84–85.

52 Cod. Theod. XV 2,2.

53 The profiteers would have been mainly wealthy landowners who may also have sat on the council.

54 Following Pfeilschifter *et al.* (2020) 16, ‘contrary’ means that “[state and local] services are similar and compete with each other.” In this case, the locals overruled the empire’s directives in order to secure better supplies.

55 Cod. Theod. XV 1,36. In research literature, it is still occasionally claimed that the *comes Orientis* himself controlled the entire water supply of the city, e.g. Todt/Vest (2014) I 550; Döring (2020) 169. However, this is very unlikely: The supply system was complex, and the officials changed frequently. This was compounded by the fact that the *comes* was responsible for several provinces and had enough other business to attend to.

56 Subsidiary in this context means that “[s]elf-governance and state regulation are coordinated and complement each other.” Cf. Pfeilschifter *et al.* (2020) 15.

funds for this were indicated from the city's tax revenues.⁵⁷ Nevertheless, the city council had to bear the lion's share with at least two-thirds of the costs.

In the event of a disaster (e.g. earthquakes, but also after enemy attacks), the empire showed itself to be somewhat more generous. Disasters often resulted in particularly severe damage and therefore posed a fatal threat to the water infrastructure. In such cases, the cost of repairs put a great strain on the capacity of local self-regulations, which could hardly be coped with. In such exceptional situations, the Empire often spent enormous sums on reconstruction. For example, after the severe earthquake of 115 CE, Hadrian had extensive construction work on the water infrastructure carried out.⁵⁸ Reconstruction measures can also be perceived after the earthquake of 526 CE, which is considered the worst in the city's history, and after the devastation of Antioch by the Sassanids in 540 CE.⁵⁹

We know little about the elements of private provision. There is no evidence of conflict or regulatory intervention, and why should there be: they complemented public supply without harming it. They can therefore be classified as complementary.⁶⁰

The state's involvement in the Boğazköy water supply was slightly less strong than in Antioch. Although the questions of the actors and the internal organisational processes are difficult to answer without written sources, the material finds in archaeology do provide at least some evidence. The construction and maintenance of the local water supply in Roman imperial Boğazköy had to be organised most likely by different groups/workshops with their own internal hierarchical structure. Due to the natural conditions, there were two ways of obtaining water: the river running close to the Roman structures, however, it was not used for reasons that are still unknown. Rather, water was piped from natural springs from the south-eastern mountain slopes of the so-called Upper City to the Northern Lower City. A substantial number of these water channels consisting of natural local resources have been found in recent years (Fig. 6).⁶¹ They were mostly constructed of ancient hydraulic mortar and had been partially covered by large stones.⁶² A few sections of the canals had also been worked into the outcropping rock. The construction of an aqueduct was therefore not necessary. This city-wide water system was most likely cleaned, repaired and restored when necessary by those who also built it. The water system acted as the main conduits to supply the Lower City where the new Roman structures had been built. These canals coincide with the

⁵⁷ *Cod. Theod.* XV 1,32–33 [= *Cod. Iust.* VIII 11,11].

⁵⁸ *Mal.* XI 14.

⁵⁹ 526 CE: *Mal.* XVII 17. – 540 CE: *Proc. aed.* II 10.

⁶⁰ 'Complementary' means that "[t]he interaction takes place in mutual but uncoordinated coaction", cf. Pfeilschifter *et al.* (2020) 16.

⁶¹ The channels are dated stratigraphically, by small finds and C¹⁴ analyses.

⁶² Descriptions: Schachner/Krüger (2019) 59; Krüger *et al.* (2020) 33.

construction period of the bath.⁶³ Consequently, there appears to be a direct link between the new increased water needs and the construction of the water pipelines. It is likely that the local craftsmen were commissioned by the owner of the bath or a group of people who were collectively responsible for the building.



Fig. 6: Part of the Roman inner-city water channels on top of Hittite structures (Boğazköy-Expedition DAI, Y. Dallah).

In addition to the water system running through the entire city, the two main buildings of the Roman Empire – the military camp and the bath with the huge pool – had their own internal system of pipes and canals. The one in the military camp was certainly implemented and maintained by the soldiers stationed there – probably with the help of local workmen. For this purpose, each military troop also had its own specialists, who in turn were subordinated to the commander of the camp.⁶⁴ Also integrated into the camp is a hollow in the area of the so-called threshing floor.⁶⁵ Rain and meltwater still accumulate there in winter and only disperses completely in June/July. There must be a special reason why this natural watering hole was integrated into the camp. It possibly served as a watering place for the soldiers' horses or other livestock. The internal system in the bath with the large water pool, on the other hand, is more sophisticated (Fig. 7). We can trace clay pipes

⁶³ Some other channels were found in earlier excavation seasons but were usually dated to Byzantine times. On the re-dating, for example, see Krüger *et al.* (2021) 33–34.

⁶⁴ Accordingly, for example, in some restoration inscriptions of military baths in the western provinces, the commanders of the respective unit are also named as local builders who acted on behalf of the provincial governor (e.g. EDH 37301, 54326, 44944, 43326).

⁶⁵ Seeher (2010).

and narrow channels of hydraulic mortar running under the floor,⁶⁶ as well as inlets and outlets of several smaller water basins covered with water, which are typical especially for bathing areas in ancient buildings.⁶⁷ This system was certainly commissioned by a wealthy owner or user group and implemented by local craftsmen. These were probably also responsible for the more complex maintenance, which had to be constantly monitored. The materials (e.g. clay, limestone) used for the construction of the individual systems were mostly sourced from the surrounding area. Two special and costly features (marble,⁶⁸ volcanic ash in the mortar⁶⁹), however, are imported according to current research and indicate a supra-regional network that must be included in the consideration of the water supply. The needed workforce for the inner functions of the baths (organisation, heating, tending to the guests) must have been organised into smaller units or subdivisions, each with its own foreman under the overall direction of the *balneator*.⁷⁰



Fig. 7: Reconstruction of the building west of Mıhraplıkaya (Boğazköy-Expedition DAI, O. Bruderer).

66 For hydraulic mortar in water structures in general: Lamprecht (1985); Lamprecht (1989).

67 For the water supply in ancient baths, for example Brödner (1983) 145–162; Nielsen (1990) 14–24; Yegül (2010) 80–100.

68 Krüger *et al.* (2021) 41. On the marble deposits in Asia Minor: Gnoli (1988); Dodge (1992).

69 An analysis of several mortar fragments revealed a volcanic ash content. Volcanic ash was occasionally used to make the mortar more stable and useful in water constructions.

70 Yegül (1992) 47.

Conclusion

We started this paper with the question of how water supply is organised in a context of weak statehood. To this end, we have chosen an experimental interdisciplinary approach, comparing three cases that differ in their temporal and spatial contexts, but in which the organisation of a functional water supply is of critical importance. In doing so, we have succeeded in demonstrating similar solutions in all three cases. In each instance, we see basic activities or time-limited subsequent intervention of the state level. The parts of the water supply that the 'state' does not want to or cannot take over are regulated by the locals as a matter of course. Overall, we see a high degree of local self-regulation. However, differences have been revealed with regard to the regulatory constellations between local and state actors.

In Maputo, there is a large number of private water providers who organise the water supply for themselves as well as for (many) others out of necessity. These usually function complementary to the state and take over some of its tasks. But subsidiary structures could also be discernible through the licensing process. This process can be seen as subsequent state intervention. Despite the state supplying water only to individual districts, it is trying to regulate the self-organised actors of the private water providers, who take over the water provision in undersupplied or even non-supplied districts, by issuing licenses. Is this an attempt to cooperate and share the urban water supply, or is the licensing process more of a regulatory one? However, contrary structures are more visible. It was because of the lack of state infrastructure that self-organised water supply emerged in the first place. Nowadays, if state infrastructure is expanded in areas with a self-organised water supply, conflicts will arise between FIPAG and the private water suppliers.

The relationship between state level and local actors in Antioch is particularly characterised by subsidiary arrangements. At least four aqueducts and the supervisory function of the governor(s) who resided in Antioch testify to the influence of the empire and the emperor. In general, however, imperial representatives restrained themselves, apart from financial support for repair work and minor regulation in the event of dysfunctionality. Only in the case of disasters (especially after severe earthquakes) is there evidence of deeper intervention by the empire, especially in the form of large financial contributions, but also in construction measures. As a rule, the Antiochenes themselves were responsible for the maintenance of their water supply and were financially supported by the 'state' for this purpose: The city council, which was composed of representatives of the elites, supervised the supply system, and financed repair measures (imperial subsidies can be traced from the fourth century onwards). The landowners over whose property the aqueducts ran were responsible for their cleaning and protection. They paid specialists for this work and received tax breaks in return. Private connections to public supply were subject to approval. Nevertheless, there is no lack of evidence of illegal, i.e. contrary, pipes. And, of course, there were private wells and cisterns that complemented the public supply.

While the ‘state’ may still have been clearly visible in Boğazköy at the beginning due to the military, an increased absence of state regulatory structures can be observed at the latest by the time the bath was built. However, there is evidence of several groups of craftsmen who were certainly involved in the construction of the pipes under the instruction and financing of a wealthier actor. Subsidiary structures can thus be assumed. The internal organisation of the tasks in the bath building and, in the workshops, can be suspected to have a hierarchical structure. In both ancient examples, the knowledge of the correct approach to the construction of the water supply was most likely also based on local traditions, which can still be seen today in similarly used sources and transport routes of the water on site.

Thus, despite the spatial and temporal distances between the cases, there is a surprisingly large amount of common ground. Nevertheless, differences have also been revealed. However, these can be explained: On the one hand, variations in the local weighting between elites, economic actors and civil society groups are apparent. While the first two are present in all cases, the situation is different for the latter. The work of civil society groups is well documented for Maputo, while it is only weakly evidenced for Antioch and not at all for Boğazköy. This does not mean, however, that they played no role in antiquity. Rather, it must be assumed that we only see a distorted picture due to the sparse sources. On the other hand, there are obvious differences in the actual design and organisation of water supply systems. These are due to the technical progress that took place in the long period between ancient and modern times.

In summary, it can be stated that the context of weak statehood inevitably leads to an important role of local actors, as the regulation of the critical water supply cannot be omitted.

Given the methodological plurality of our interdisciplinary approach, this finding has a particularly high validity. The fact that people arrive at similar solutions given similar problems, regardless of epoch and space, supports the main thesis of LoSAM.⁷¹

Lessons learned

We would like to conclude this study with a review of our approach. All of our cases have benefited from the comparison and produced results that individual investigations could not have achieved. A common prejudice against interdisciplinary cooperation has therefore not come true here. The broad data set for Maputo allows for an in-depth view that reveals even small details. This perspective has greatly sharpened the consideration of the antiquity cases and led to new insights that would hardly have been possible without this juxtaposition. The work on the few

⁷¹ Pfeilschifter *et al.* (2020) 10.

ancient sources, in turn, has helped to get even more out of the modern material and to separate the important from the unimportant by setting focal points. Processes were also given greater emphasis due to their diachronic design. Taken as a whole, the case studies complement each other in an exemplary manner: The ancient cases show how much the structure and character of the natural or man-made space determine the possibilities of self-organisation. Of course, this also applies to Maputo. The more significant contribution of the modern case, however, is the insight into intentions, commonalities, and internal organisational structures of local actors, who must adapt flexibly to changing circumstances.

At the same time, we faced a whole series of difficulties. This started when we designed the structure of the paper. Disciplinary conventions presented us repeatedly with insoluble contradictions, and compromises had to be made. Regarding the content, we were primarily faced with problems due to the lack of sources for the ancient cases, which resulted in major blind spots. While we may have a blurred perception of the activities of civil society groups as well as contrary and complementary arrangements, we know little about them. It is impossible to estimate how important they were in everyday life alongside public services and how they were maintained. In particular, the lack of written sources from Boğazköy proved to be a challenge that made the interpretation of findings on the water supply more difficult during the ongoing excavations. There is also the question of the stability of the regulations. Legal texts suggest that local responsibilities hardly changed in antiquity. The Maputo case shows, however, that this can also be a fallacy. Here the constellations are currently undergoing rapid change. However, it should be emphasized that this can also be a snapshot in time – only the historical review will be able to provide a well-founded assessment.

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II Antiquity

Syria and Judea

Fabian Knopf

Ptolemaic Royal Decrees between Strong and Weak Statehood: Two Ordinances of Ptolemy II on Livestock and Slaves in the Southern Levant

Abstract: This paper deals with two royal Ptolemaic decrees by Ptolemy II (C. Ord. Ptol. 21–22) from the middle of the 3rd century BCE, which dealt with the registration of taxable and tax-free livestock and with the registration of slaves. As a rule, Ptolemaic statehood is classified as being strong and exploitative of a region's resources. The latter point seems to be vividly underscored by the decree on the registration of livestock, in which the king instructs his officials (*oikonomos*, *komarches*, and *komomisthotes*) to register all living livestock in the southern Levant. On the surface, the picture reflected in the decrees resembles that of a very modern state. However, the paper aims to break this superficial impression by analyzing the recruitment of the lower officials (*komarches*, *komomisthotes*), the way the royal orders were enforced, the sanctions threatened to would-be violators, and the detection of non-compliant locals. Finally, the royal oath sworn by the officials in the context of the registration process shall be considered in the light of statehood. The listed objects of study point to the fact that the king heavily relied on local agents and that some provisions of the decree were intended to curb this particular relationship of dependence. In sum, as the dependence of local agents reveals, the Ptolemaic state had weak spots when it came to ruling over indigenous non-Greek populations. At the same time, the decrees show many aspects of active engagement with this weakness, which in turn underscores the overall impression of strong Ptolemaic statehood.

Zusammenfassung: Die vorliegende Arbeit befasst sich mit zwei königlich-ptolemäischen Dekreten des Ptolemaios II. (C. Ord. Ptol. 21–22) aus der Mitte des 3. Jahrhunderts v. Chr., die sich mit der Registrierung von steuerpflichtigem und steuerfreiem Vieh sowie mit der Registrierung von Sklaven befassen. In der Regel wird die ptolemäische Staatlichkeit als stark und die Ressourcen einer Region ausbeutend eingestuft. Der letztgenannte Punkt wird durch das Dekret über die Registrierung von Vieh anschaulich unterstrichen, in dem der König seine Beamten (*oikonomos*, *komarches* und *komomisthotes*) anweist, alles lebende Vieh in der südlichen Levante zu registrieren. Oberflächlich betrachtet ähnelt das Bild, das sich in den Dekreten widerspiegelt, dem eines sehr modernen Staates. Der Aufsatz soll jedoch diesen oberflächlichen Eindruck aufbrechen, indem er die Rekrutierung der niederen Beamten (Komarchen, Komomisthoten), die Art und Weise der Durchsetzung der königlichen Anordnungen, die Sanktionen, die möglichen Rechtsbrechern angedroht wurden, und das Aufspüren von nicht kooperierenden Einheimischen analysiert. Schließlich soll der königliche

Eid, den die Beamten im Rahmen des Registrierungsprozesses leisteten, im Lichte der Staatlichkeit betrachtet werden. Die aufgelisteten Untersuchungsgegenstände weisen darauf hin, dass der König sich stark auf die lokalen Akteure verließ und dass einige Bestimmungen des Dekrets darauf abzielten, dieses besondere Abhängigkeitsverhältnis einzudämmen. Zusammenfassend lässt sich sagen, dass der ptolemäische Staat, wie die Abhängigkeit von lokalen Agenten zeigt, Schwachstellen aufwies, wenn es um die Herrschaft über die einheimische nicht-griechische Bevölkerung ging. Gleichzeitig zeigen die Dekrete viele Aspekte einer aktiven Auseinandersetzung mit dieser Schwäche, was wiederum den Gesamteindruck einer starken ptolemäischen Staatlichkeit unterstreicht.

1 Introduction

Along with the Zenon Papyri two decrees from the time of Ptolemy II (C. Ord. Ptol. 21–22) are the most intriguing documents when it comes to the question of how the Egyptian Macedonian kings ruled the southern Levantine area. The importance of this area, stretching from the Eleutheros River (the modern border river between Syria and Lebanon which is now called Nahr el Kabir in the north and Rhinokorura (modern Wadi el-Arish) in the south, can hardly be underestimated since it always constituted some sort of – in Catherine Apicella’s terms¹ – “zone tampon” between the Egyptian-based dynasts and their counterparts in Syria and Mesopotamia.

The important geographical position notwithstanding, literary sources reveal little, with the exception of Jewish texts, of course, about the interferences of the central power in the daily life of the local population. Against this backdrop, the two decrees are a source of incalculable value and as such are widely appreciated by the scholarly community. As it stands, scholars, by referring to the Ptolemaic decrees, try to demonstrate the Macedonian Pharaoh’s intent to exercise power more directly. For instance, C. Apicella connects the enactment of the decrees to the second Syrian War and sees Ptolemy’s II administrative measures in the light of his contested ruling position.² This had caused the king to tighten the administrative reins. Avner Ecker and his co-authors, in turn, extract an entire pattern of rule from the two decrees that extends beyond a single dynast. In contrast to Seleucid rule, according to them, Ptolemaic domination came along with “strong royal administration” and the weakening of local (here the Jewish temple administration) structures of self-governing.³ To their mind, the Ptolemies installed a “heavily intrusive administrative and fiscal policy”, “an overblown administrative apparatus and

1 Apicella (2003) 137.

2 Apicella (2003) 137.

3 Ecker (2017) 171.

a system of tax-farming that drained the traditional, local institutions on the one hand, and jacked up the burden of taxes on the local populations, on the other [. . .].⁴ Antiochos III instead had invigorated the local population and their institutions in his system of rule. A. Berlin subscribes to this view when she sees the people “released from the suffocations of Ptolemaic administrators” under Seleucid rule.⁵ Such conclusions seem to equate a complex bureaucracy with oppressiveness, but it is not clear that the Ptolemaic bureaucracy was necessarily more oppressive than the Seleucid one. On this point, it suffices to say: Polybios’ statement that the people in the southern Levant always showed more inclination to Egyptian dynasts as well as the fact that local insurrections or revolts are not mentioned during the 3rd century BCE seem to cast some doubts on the dichotomizing picture of tough Ptolemies and soft Seleucids. S. Schwartz has convincingly argued that the old power networks, already in place in the Achaemenid period, remained intact and that the Ptolemaic kings were not actively working to delegitimize traditional elites.⁶ In what follows, we will not dive into the muddy waters of the issue of which rule, that of the Seleucids or Ptolemies, was more preferable. Rather, the question to be clarified is whether the two royal decrees on the registration of livestock and slaves (see the Appendix) actually testify to unrestrained strong Ptolemaic power. Truth be told, the decrees disclose a great number of official titles, territorial units (*hyparchia*, *kome*) and threats of sanctions. However, we must draw a distinction between royal claims and their implementation or enforcement.⁷ In what follows, it will be demonstrated that the strong Ptolemaic state could not function without local entangled agents in the southern Levant, which I take to be a sign of weak statehood, and how the crown sought to minimize the risk associated with dependence on these local individuals to achieve fiscal or political goals. Nonetheless, the strong claim of the kings to exercise infrastructural power through a strong administrative apparatus (including the enforcement of severe sanctions) can hardly be ignored. The two ordinances thus seem to bear witness to the fact that the Ptolemaic rule wavered between weak and strong elements of statehood.

2 Two royal decrees of Ptolemy II

Before discussing some of the details of the ordinances, it is advisable to give a short summary. The *prostagmata* deal with royal orders on livestock and slave

4 Ecker (2017) 197.

5 Berlin (2019) 420.

6 Cf. Schwartz (1994) 164.

7 Cf. Wiemer (2017) 324. Cf. also Schwartz (1994) 163, who speaks of an ideal of a centralized controlled bureaucracy in the context of Ptolemaic statehood.

registration. The date of issue was during the 25th year of Ptolemaios II Philadelphos' reign, i.e. 261/260 BCE. At its core, the decree on livestock is a fiscal matter. The possessors of livestock are required to declare to the *oikonomos* of the hyparchy all necessary information about the total number of animals, that is both taxable and tax-free livestock. The deadline was set at 60 days from the date of publication. In case of violation, the person violating the order would lose his livestock and be subject to penalties. For the livestock that had not been registered by the time the order was published, the king offered amnesty and tax exemption (pasture tax, crown tax). Obviously, it took the Ptolemaic administration several decades to arrange these matters in *Syria kai Phoinike*. But from the 25th year on of Philadelphos' rule, taxes had to be paid village by village. Aside from livestock the officials were instructed to register each individual owner, including the father's name and place of origin, and by whom the livestock was managed. Particular attention was paid to declarations in the name of another person. Such behavior was supposed to be prevented in advance due to the threat of severe punishment. The registration process then had to be repeated every year at the same time.

The second decree deals with the registration of slaves. Any person who had bought, seized or acquired slaves in any other way was required to declare them to the *oikonomos* within 20 days from the day of the publication. Violations threatened the loss of the slaves and a fine of 6,000 *drachmas* per head payable to the crown. Exemptions were made for soldiers and military settlers who lived with native women taken by capture. These women did not have to be declared. In addition, the ordinance validated the purchase of slaves in the context of royal auctions, no matter what claims of freedom the slave may have had. For the future, the ordinance regulated that native people should only be bought or accepted as pledge when permission to do so was granted by the manager of the public revenues for *Syria kai Phoinike*. In sum, the decree ordered on the one hand the registration of all slaves, providing legal certainty while, on the other hand, it offered protection to local indigenous people against wrongful enslavement.⁸

3 Two royal decrees of Ptolemy II and strong statehood

So far, the discussion has been about the enactment of the ordinances, but not about the actual enforcement. What should have become clear by now is the claim to power by the Ptolemies. It is striking how significantly the central government interfered with day-to-day life of local villagers. The thorough registration of livestock, male

⁸ Cf. Käppel (2021) 129–131.

persons, and slaves clearly shows signs of strong statehood. Furthermore, the ordinances, especially the one on livestock, reveal the also otherwise well-documented Ptolemaic tendency to siphon off free-floating resources. Providing personal security to local inhabitants, the decree on slavery in turn may be considered as a means to foster the acceptance of Ptolemaic rule at large. However, in what follows, the ways in which the decree was enforced will be discussed.

3.1 The rural officials and weak statehood: *komarches* and *komomisthotes*

In the ordinance on livestock the Ptolemaic government spells out two separate procedures to gather the required information from the population.⁹ The local inhabitants are supposed to declare how many animals they own to the *oikonomos* of the hyparchy within 60 days from the date of publication (ll. 1–3). In addition, in lines 17–23 it is recorded that two local officials, the *komarches* and the *komomisthotes*, are entrusted with the registration process. By introducing a ‘peer-review process’, it seems quite obvious that the Ptolemaic government was eager to record as much livestock as possible.

The difference between the two procedures seems to have lain with the frequency. Whereas the decree in line 23 indicates that registration by the *komarches* and *komomisthotes* was to be carried out at the same time each year, it makes no such provision for declaration to the *oikonomos*. The latter, therefore, seems to have been a one-off act. In light of this, the ultimate enforcement of the ordinance was outsourced to the lowest level of the administrative hierarchy. Compared to the recommendations made in the famous memorandum of a *dioiketes* to a possible *oikonomos* from 208 BCE, however, this conclusion might seem premature.¹⁰ In the lines following l. 165 the *oikonomos* is advised to register (ἀναγραφῆ, here *nota bene* not in the sense of a declaration) the livestock when the tide is high and the cattle are not scattered over the land. This advice most of all makes sense if the *oikonomos* himself was actively engaged in the registration process every year. Since there is nothing in the southern Levant ordinance to suggest that the *oikonomos* was actively involved on an annual basis,¹¹ it is reasonable to conclude that two

⁹ Cf. on this in general Armoni (2012) 205–206.

¹⁰ P. Tebt. 703, 165–174.

¹¹ Käppel (2021) 115, holds the opposite view. According to her, the *oikonomos* was – as P. Tebt. 703 suggests – the responsible magistrate to whom the local population had to declare their livestock on an annual basis. However, Käppel does not mention the role of the *komarches* and *komomisthotes* at all. In consequence, she omits discussing the twofold procedure of registration and declaration. So, she seems to prematurely draw her conclusions regarding the role of the *oikonomos*.

different procedures were probably at work.¹² A similar picture emerges from the process of recording slaves. Although the relevant part of the papyrus is corrupt (ll. 33–39), it seems more or less clear that every slave had to be declared to the *oikonomos* of the hyparchy within 20 days from the day of the ordinance’s publication. Since no further registration or declaration provisions are given, this may also have been a one-off operation. Additional recording procedures were apparently not necessary, as the decision of right- and wrongful enslavement was handed over to the person who was in charge of the revenues in *Syria kai Phoinike* (ll. 55–56.: ὑπὸ τοῦ διοικοῦντος τὰς κατὰ Συρίαν καὶ Φοινίκην προσόδους). Minor local officials were not entrusted with the registration of slaves, instead the registration process was directly in the hands of the higher officials of the region. An explanation for that is nowhere to be found in the text. But it stands to reason that the king attached particular importance to the matter, for wrongful enslavements had evidently occurred on a larger scale. He had to react in some way and settle the issue once and for all. In other words, this ordinance probably did not settle a fiscal issue, but a political one.

In the context of livestock registration, it is likely that *komarchai* and *komomisthotes* were *inter alia* chosen because of their knowledge of the local communities. In line 21 it is declared that they should register livestock which both know to be unregistered. Put differently, the central government believed the best way to curb tax evasion was by resorting to local authorities who were very familiar with the subjects who were liable to taxes and their property. The king tried to take advantage of the locally embedded individuals and their local networks respectively. Having said this, the decree only reveals the officials in charge of the registration process. Detailed information about the individuals who executed the offices is unfortunately missing. It is true that the *komarches* and *komomisthotes* are known from other papyri, mostly dealing with affairs of rural communities of the Egyptian *chora*. In turn, the *komomisthotes* is much less documented in the surviving sources.¹³ We hear about a *komomisthotes* from another papyrus dealing with a tax affair of the year 258 BCE in the southern Levant.¹⁴ More precisely, this specific letter involves a complaint of workers about the illicit behavior of a local agent who managed a huge wine-producing estate in the Upper Galilee, presumably in Beth Anath. Even in this case, the ‘*komomisthotes*’ is not mentioned, but rather paraphrased as τὸς μεμισθωμένους τὰς κώμας (ll. 17–18). Due to the papyrus’ state of preservation,

¹² The sometimes pragmatic approach of the Ptolemies can also be gleaned from the military staffing in Egypt and the southern Levant. Schwartz (1994) 163, pointed to the fact that the kings in the southern Levant allowed locals such as the Toubiad family to command a cavalry unit. In Egypt, in turn, native Egyptians were excluded from military service in the middle of the 2nd century BCE. Despite many administrative similarities, the organisation of the Ptolemaic rule could differ regionally in some respects.

¹³ Cf. Huß (2011) 289.

¹⁴ PSI VI 554.

addressee and addressor are not known, but the former was likely the very well-known *dioiketes*, Apollonios, the owner of this vineyard.¹⁵ Be that as it may, the *komomisthotes* of this papyrus determined a specific amount of payment (22 *kors*, i.e. 165 *médimnoi*) for some hired workers to harvest the crop. Kloppenborg therefore considers the *komomisthotes* as some sort of royal “village renter”.¹⁶ A clear definition of the *komomisthotes*’ tasks is nevertheless difficult, as the one in Beth Anath seemed to be responsible for rental agreements, while the one mentioned in the ordinance on livestock dealt with matters of direct taxation.¹⁷

Much more information is available on the *komarchai*. The village chiefs appear to be a fundamental piece of the bureaucratic chain that held together Ptolemaic rule. In a papyrus with a royal ordinance on fugitive sailors from the time after 242 BCE, the *komarches* is mentioned after the nomarchs and toparchs but before the *basilikoi grammateis*.¹⁸ Fittingly, the tasks that the komarch took over covered a wide range. In addition to the registration of livestock and people presented here, the komarch’s duties (above all in the surviving sources from Egypt) extended to the care of dyke building and irrigation, distribution of land, cultivation, livestock breeding, and even policing duties.¹⁹ Given these circumstances, it comes as no surprise that the scholarly community’s judgement of the komarch and his function is mostly characterised by a top-down understanding. W. Huß put forward the view of the komarch to be the “Vertreter der Interessen der Regierung”,²⁰ for he was installed in his official position by the *dioiketes*. Cohen sees the komarch as an agent “whose function was to implement directives sent down from above.”²¹ Assuming these views are right, *komarchai* appear to be puppets whose strings were pulled by their master, the king. In any case, at first glance the bureaucratic machine of the Ptolemies seemed to be highly effective. Viewed through the bureaucratic lens, the *komarchai* are reduced to their legal status within the Ptolemaic administration. In this context, however, one is also faced with a source problem, for the vast majority of information about the *komarches* comes from the Egyptian *chora*. And as the example of the *oikonomos* above shows, it is premature to equate the tasks of officials from different regions on the basis of homonymy. On the other side, Bagnall

¹⁵ Cf. Kloppenborg (2006) 362.

¹⁶ Kloppenborg (2006) 363.

¹⁷ Cf. Kloppenborg (2006) 364.

¹⁸ P. Hib. II 198 ll. 28–29. See for further references Huß (2011) 281 n. 631.

¹⁹ Cf. Mißler (1970) 44–121. See for policing duties also Bauschatz (2013) 113–118.

²⁰ Huß (2011) 281.

²¹ Cohen (2006) 64.

underlined in his study on Ptolemaic administration some “main features” which extended to the central core of the kingdom Cyprus, Cyrenaica, Egypt and *Syria kai Phoinike*.²²

Be that as it may, it has been recognized that the cultural background of almost all Egyptian *komarchai* was indigenous. Of all ‘village strongmen’ known by name, not a single one is non-Egyptian.²³ From a methodological point of view, the onomastic criterion is fallacious, as, for example, it is not always clear if a born Greek lurks beneath a Greek name. Clarysse²⁴ pointed out that by the 2nd century BCE at the latest, the frequency of double names had increased significantly.

But as already indicated, this argument should not be taken too far. Clarysse demonstrated that the use of Greek or Egyptian names “depended on the functions held by the members of the family in a particular period or the role they assumed in a particular document.”²⁵ On the other hand, one has to count in individuals who were descendants from Greek and Egyptian parents, most likely a Greek father and an Egyptian mother. So, the famous *komogrammateus* from Kerkeosiris Menches, also known by the Greek name Asklepiades, was described as a “Greek born in Egypt”.²⁶ Individuals like Menches were people with a cross-cultural background, having been part of the Greek as well as Egyptian social-cultural sphere. As Clarysse demonstrates by the example of the Menches’ family, such a background did not develop by leaps and bounds, but over generations.²⁷ In view of all this, it should be cautioned against jumping to the conclusion that *komarchai* with Egyptian names were natives *sensu stricto*. However, they were linked *sensu lato* to the Egyptian population by cultural ties, which may have included knowledge of the Egyptian language in particular. Whether the Egyptian conditions can be transmitted to the southern Levantine region is a completely different question.

At first glance, it seems very likely that the *komarchai* in the southern Levant were also recruited from the local population. Whether they were ‘cultural crossers’ like Menches is hard to assess. Given that a life between two cultures developed over several generations, it is unlikely that *komarchai* were cross-cultural individuals in the middle of the 3rd century BCE, when the ordinances were issued. Honigman warily opts for the possibility that there were already village chiefs before the Ptolemaic conquests. At the very least, she argues against pushing the distinction

²² Bagnall (1976) 240. The comparative approach was lately adapted by Honigman (2021) 207–209, as well. She related the temple reforms of Ptolemy II in Egypt to the temple administration in Jerusalem.

²³ Cf. Mißler (1970) 16; Peremans (1971) 34–35; Turner (1984) 145.

²⁴ Cf. Clarysse (1985).

²⁵ Clarysse (1985) 59–60.

²⁶ Cf. Clarysse (2019) 301.

²⁷ Cf. Clarysse (1985) 60.

between the old village chiefs and Ptolemaic komarchs “too far”.²⁸ However, the source material is far too sketchy to come to a firm conclusion here. In general, information about local or indigenous individuals in the service of the Ptolemaic kings are scarce. The best-known case is that of the Toubiad family, reported by Josephus in his *Antiquitates*.²⁹ Despite doubts about some of the details of Josephus’ account, the general outline of the story seems to reflect the political reality of these days.³⁰ In this sense, the political means of farming out the collection of taxes to private persons of local origin (in his case of Jewish origin) by the central government is fairly familiar from other contexts.³¹ But even before Joseph the Toubiad cut his deal with the crown, taxes were farmed out to agents of the cities in *Syria kai Phoinike* (τοὺς ἀπὸ τῶν πόλεων τῶν τῆς Συρίας καὶ Φοινίκης πρώτους καὶ τοὺς ἄρχοντας).³² In other words, cooperation with local elites or agents in terms of administration was also common in the southern Levant. What was new in general was the Ptolemaic effort to promote new elites to counterbalance the established ones³³ – again a practice well known from Egypt.³⁴ The same applies to the implementation of the new administrative infrastructures, as revealed by the two ordinances, which did not necessarily mean the dissolution of the old ones.³⁵ The rise of the Toubiad family under Ptolemaic rule perhaps reflects the Ptolemies’ political desire to foster new elites. In addition, the Ptolemies reorganized the administrative landscape in the southern Levant by dismantling Achaemenid administrative centers such as Tel Kedesch or Ramat Rahel (near Jerusalem).³⁶ At the same time, the Ptolemies seemed to have partly pursued a ruralisation of the land, as an increasing number of villages and small farmsteads can be traced archaeologically back to the

28 Cf. Honigman (2021) 215–216. She assumes the chiefs stemmed from the clans listed in the books of Ezra-Nehemiah and Chronicles.

29 Jos. *AJ* 12, 158–222 and 228–236.

30 See the discussion of Kaye/Amitay (2015). Cf. also Pfeiffer (2011) 203–204.

31 See above all P. Rev. Laws.

32 Jos. *AJ* 12, 169. Cf. Schwartz (1994) 164.

33 For the southern Levant, Schwartz (1994) 164, already emphasizes the promotion of “country landlords or well-to-do-traders [. . .] with little or no connection to traditional elites” by the Ptolemies.

34 A vivid case is the temple administration of Hermopolis. The Ptolemaic central government was wise enough not to simply replace old elites with new ones, but to create a new second administrative elite for the managing of taxes (i.e. the *apomoira*) that was also physically incorporated into the old administrative centres, i.e. the temples, by having their offices there. These ‘second elites’ owed their position to the king, which must have made them particularly loyal. Under Ptolemy II, the old priestly families retained their old religious rights, but were deprived of non-religious tasks such as the collection of taxes. See Gorre (2009–2010). Cf. also Gorre/Honigman (2013) 113–114 and 116–117; Gorre/Honigman (2014) 322–328; Honigman (2021) 208–209, 213.

35 Cf. Schwartz (1994) 164.

36 See on Tel Kedesch Berlin/ Herbert (2015) 426–427; Berlin/Herbert (2021) 152–154; on Ramat Rahel Shalom *et al.* (2021).

3rd century. Fittingly, the administrative significance of small habitations is borne out in the context of the livestock registration process which had to be executed *κατὰ κώμας* (l. 11). Against the backdrop of these intrusive reorganizations, it is rather likely that the Ptolemies also promoted new people to newly created administrative posts. And, as in Egypt, these individuals may have sprung from the local level to which they were assigned as *komarch*. In the Phoenician site of Tel Kedesh the archaeological evidence testifies to a presence of Tyrian people as officials as well as farmers in Ptolemaic times.³⁷

However, it is important to be clear about what ‘local’ means. It would have been a modest success for the king if he could draw his new elites from a ‘local’ urban center and appoint them as *komarchai* in the villages instead of relying on the village headman or council of elders. Even in such a scenario the fact remains unchanged that culturally rooted individuals likely served as *komarches*. The *komarch*’s cultural, maybe even social, entanglement can be inferred from the lines 22 to 23. Here, the ordinance states that the *komarches* and *komomisthotes* shall register livestock that had not yet been declared by the owners. This requires some deep knowledge of the population’s property situation and/or a network of informants, unless this regulation was intended as some kind of unrealizable ideal. In some way or another, these people must have been a part of the local communities’ social web. The social bonds, even if flimsy, between these local officials and the local population must also have enhanced the chances of local compliance. Thus, there is circumstantial evidence pointing to a local origin of *komarchai*, but the present state of evidence leaves much space for speculation and doubts, which is exacerbated by the fact that no local agent is directly presented as *komarches* in the surviving material. A certain Jeddous, known by one of the Zenon papyri,³⁸ is the closest person who could have been a *komarch*.³⁹ According to Tcherikower, the name of Jeddous implies a person of Jewish descent.⁴⁰ Jeddous was sought out by one of Zenon’s acquaintances, Straton, and a servant of a certain Alexander, for both were to collect a debt that the former owed Zenon. Interestingly enough, Jeddous refused to pay his debt and instead chased

37 Cf. Honigman (2021) 215. The main archaeological argument for a Tyrian population rests on the pottery of this Early Hellenistic time. Of the total of 8346 pottery fragments found, only 26 could be assigned to the Mediterranean region – a radical shift from Achaemenid times. Most of the pottery was Tyrian and comprised domestic ware. A Greek or cosmopolitical population would have been expected to be more connected to Mediterranean networks and the import of goods from this region; cf. Berlin/Herbert (2015) 426–427. The administrative character of Tel Kedesh in Ptolemaic times is in turn proven by the Zenon Papyri. In 259 BCE, Zenon himself stopped at Kedesh (at least) two times; see P. Cair. Zen. I 59004; P. Cair. Zen. I 59017.

38 P. Cair. Zen. I 59018.

39 Cf. Durand (1997) 159; Kloppenborg (2006) 366. Other likely candidates known from the Zenon papyri are the brothers Kollochoutos and Zaidelos; cf. Honigman (2021) 216. Due to the lack of infallible proof, however, their socio-political position is as uncertain as that of Jeddous.

40 Cf. Tcherikower (1937) 42; CPJ I 6, 129; also Hengel (1988) 38.

away Alexander's servant and Straton. Obviously, he was in no mood to pay deference to Zenon's agents, showing little respect to Ptolemaic officials. Jeddous' position or function is not explained in detail, but the setting of the episode is clearly rural, making the position of a big man, a *komarches*, or one of the elders most likely for him. Jeddous at least believed himself in a position to defy Ptolemaic officials, such that his behavior most closely resembles that of a village chief.⁴¹ He also ignored the official letters addressed to him by Zenon and Alexander. The addresser Alexander wishes to inform his addressee Oryas about the incident, not without noting at the end γέγραφα οὖν σοι – “so I am writing to you” (trans. by Tcherikower/Fuks). I might be attaching too much importance to these words, but it seems that this was not the first time that Oryas and Alexander had dealt with Jeddous. If he had truly been a *komarches*, which is highly uncertain, his case would reveal a great deal of insubordination from a minor official. Another upcoming issue is whether *komarchai* wielded enough power to resist higher Ptolemaic officials. If the office in the southern Levant was anything like its counterpart in Egypt, then this kind of resistance would likely not have been possible. However, the positions of Alexander and Oryas likewise escape our knowledge, though it seems clear that they must have been part of the official hierarchy.

Having said this, there are faint signs that misbehavior of *komarchai* was factored in by the Ptolemaic government. Attention should be drawn here once again to the previously mentioned memorandum from a *dioiketes* to the *oikonomos*., from the last decade of the 3rd century BCE, in which the former gives much useful advice to the latter concerning agriculture, transport, royal revenues and monopolies, official correspondence, and proper behavior of royal officials.⁴² Among other things, the *dioiketes* recommends (ll. 40–45) tours of inspection to motivate the king's subjects by words, but also by listening to their complaints about *komogrammateis* and *komarchai*, especially in connection with agricultural work. It is, first of all, obvious that the central government approached local officials with skepticism, not to say distrust, for inspection tours are clearly a sign of a strong will for direct control and, ultimately, strong statehood. Secondly, though the tune of the memorandum is set in favor of the local inhabitants, the main goal of this advice may have been to prevent harm to the royal revenues. Sure enough, the two aims are not mutually exclusive. In any event, the central government did not conceive the local *komogrammateis* and *komarchai* as absolutely reliable. One must allow for the possibility that the *komarchai* benefitted themselves and perhaps the local villagers at the expense of the king. On the other hand, as previously mentioned, the *komarchai* were entrusted with policing duties.⁴³ So sometimes it seems as if the kings put the fox

41 Cf. Tcherikower (1937) 51. Cf. also Kloppenborg (2006) 366.

42 P. Tebt. 703.

43 P. Petr. III 28 verso,14/ SB 4309,5; P. Tebt. 13; UPZ 124,21, P. Tebt. 709,3.

in charge of the henhouse. Putting it kindly, the king, at least in Egypt, relied heavily on these local *komarchai* to effectively administrate the hinterland. However, one must bear in mind that the memorandum gives no instruction on the frequency of inspection tours. Thus, it is not safe to assume that these were conducted on a regular basis. Nevertheless, Clarysse provides ample evidence for royal inspection tours or ‘visits’— starting in the time of Ptolemy II – to the *chora*. As Clarysse points out these tours were not just “a powerful symbol of royal pomp and power”, but also offered the “possibilities for the highest authorities to check upon local officials and for the people to bring their grievances in person to the highest authorities”.⁴⁴ In view of these royal ‘visits’, which may not have happened on a regular basis, but were surely more than a one-off event, the inspection tours of lower officials such as the *oikonomoi* were certainly a ‘threat’ that every subordinate had to reckon with. However, Bagnall and Derow hold the memorandum to be “a standard text for junior bureaucrats.”⁴⁵ If so, this kind of memorandum was more like a manual whose instructions did not have to be followed one-to-one. How these instructions were met was left to each individual *oikonomos*. And it is likewise unclear if *oikonomoi* in turn were regularly monitored by superior officials.⁴⁶ In any event, such a topical text is only suitable to a limited extent to prove strong statehood, but the claim is nonetheless clearly visible. But *komarchai* certainly did not live in constant fear of the *oikonomoi*.

In sum, it is beyond doubt that *komarchai* (and the less documented *komomisthothai*) played a key role in the registration of livestock and people in the southern Levant in the middle of the 3rd century. Moreover, although hard proof is not at hand, it is likely that *komarchai* were recruited from the region in which the village was located. In this sense, culturally entangled agents were of special significance in siphoning off resources, which is actually a sign of weak statehood. Relying on local stakeholders was a double-edged sword. The central power’s distrust of *komarchai* surfaces in the famous Tebtynis memorandum. It seems premature, therefore, to see the *komarchai* only as the loyal royal proxy in a particular village. The Ptolemaic dependence on locally entangled individuals was a sign of weak statehood. That being said, the two decrees of Ptolemy II also contain threats of punishment against the *komarches* and *komomisthotes*, which could arguably be taken as a sign of strong statehood. This leads to the larger question of sanctions and their function in controlling local stakeholders and enforcing the king’s *diagrammata*.

⁴⁴ Clarysse (2000) 39–40.

⁴⁵ Bagnall/Derow (2004) 165.

⁴⁶ As the papyrus P. Tebt. 27 from the 2nd century BCE shows, supervision of minor officials by superior ones could occur. In this case, the failures of an *oikonomos* to manage the crop, causing financial losses, triggered the bureaucratic machinery, including several superior officials who put the negligent official under pressure.

3.2 Enforcement and sanctions between strong and weak statehood

D. Thompson made the observation that census and tax records filled by officials were copied and passed on with special care. Inconsistencies and arithmetical errors were rare to nonexistent. As for these records, the impression generally conveyed is one of efficiency and reliability. But she cautions against blindly trusting this impression. According to her, these documents do not reveal reliable information about the registration compliance of the population in general.⁴⁷ The threat of sanctions suggests that not everyone compliantly followed the registration order. However, it also seems premature to assume that the officials in charge of registration always acted in the king's interest.

In lines 26–28 of the ordinance on livestock the *diagramma* reads that “anybody who does not act in accordance with the provisions of the memorandum shall be liable to the same penalties as those registering their own cattle under other names” (transl. by Bagnall/Derow). Since this statement follows the task description of the *komarchai* and *komomisthotes* in the text, it is more or less clear that this threat of sanction is also to be applied to them.⁴⁸ Interestingly enough, the *oikonomos* was not threatened with sanctions, which is most likely because he had a rather passive role, as he was the person to whom people turned in their declarations. In the Revenue Laws the *komarch* is in turn responsible for not allowing any products to leave a village without a sealed receipt. If produce leaves without such a receipt, the *komarch* was liable to pay 1,000 drachmas to the crown and five times the amount of the loss.⁴⁹ As it stands, these passages support the argument for the central government's distrust of local officials like the *komarchai*. Or, at the very least, the central government offloaded the burden of responsibility on to the *komarchai*. Clearly, compliance to and enforcement of the royal will were to be guaranteed by pressuring the responsible official.

Apart from that, the surviving parts of the royal decree on livestock mention two further violations which entail punitive consequences. First (ll. 4–7), individuals who tried to evade their declaration responsibilities were to be deprived of their livestock and have to pay a penalty as scheduled in a *diagramma*. Second (ll. 13–15), those who make declaration under a false name will be judged by the king and have their possessions confiscated. Likewise, the legible parts of the decree on slaves provide for sanctions against individuals who tried to avoid declaring their property (ll. 39–41) and for those, that is the seller and mortgager, who enslave people in the future without the permission of the manager of the public revenues (ll.

⁴⁷ Cf. Thompson (1997) 256.

⁴⁸ See also for *komarchai* liable for misconduct in the context of the dykes and agriculture P. Tebt. 706; P. Tebt. 67.

⁴⁹ P. Rev. Law 40, 2–8.

56–61). The former are punished by being deprived of the slave and given a fine to the crown of 6,000 drachmas per head. Additionally, they would have to face a royal trial. The latter, however, were threatened with penalties according to the law on tax farming.

The penalties seem to be severe, but they primarily dealt with fines and property. Moreover, the administration threatened violators with a legal royal action, which may have significantly raised the threshold for violations.⁵⁰ This underlines the particular importance the Ptolemaic government attached to these matters, and it is clearly a sign of strong statehood. Though its exact impact cannot be estimated, it is a safe guess to assume that this possible sanction had a significant deterrence effect. In any case, the threatened punishment could have been much harsher. Assuming that Herodotos correctly recorded the situation, it seems that the Saite Pharaoh Amasis (in the middle of the 6th century BCE) compelled every Egyptian by law to annually declare his means of livelihood. Noncompliance was to be punished with death.⁵¹ To cite another example: Livy wrote that Romans who evaded the census had been threatened with imprisonment and death since the times of Servius Tullius.⁵² So in earlier historical periods the central powers allegedly resorted to much harsher penalties to ensure the enforcement of their ordinances. Though this is not the place to drift off to jurisprudential debates about the nature of law and punishment, it is worth mentioning that the Ptolemies did not threaten violators with the death penalty. The degree of penalty conceivably reveals some information about the enforcement: the stronger the threat, the higher its expected level of deterrence. On the other hand, it may reveal the state's ability to enforce the sanctions. In this sense, a high degree of deterrence can be seen as a sign of a weak state, inasmuch that the actual means of enforcement were underdeveloped. Put bluntly, rulers in such a scenario rely on deterrence rather than enforcement. D. Rathbone, for instance, concluded that Amasis never meant to enforce this law in a strict sense. Its intended effect was rather symbolic, more precisely the demonstration and quantification of royal power in public.⁵³ Fittingly, concrete evidence for the sanction of tax evasion by death cannot be provided, neither for the time of Amasis' reign nor for any other pharaonic era.⁵⁴

If this argument is followed to its logical conclusion, the Ptolemaic statehood was in turn strong since the penalties were rather soft but the level of enforcement much higher. This assumes that the Ptolemaic central government was more than a

⁵⁰ Cf. on royal trials Käppel (2021) 428–431.

⁵¹ Hdt. 2.177.2.

⁵² Liv. 1.44.1. See also Dion. Hal. *ant.* 4.15.6; 5.75.3, where other penalties (confiscation, loss of citizenship, enslavement, flogging) are mentioned.

⁵³ Cf. Rathbone (1993) 92. Cf. on this royal strategy of power for early Mesopotamia Richardson (2012) 32–44.

⁵⁴ Cf. Müller-Wollermann (2007) 89.

paper tiger. In order to maintain the penalties' efficiency, the crown had to enforce them, at least once in a while. But it is also part of the truth that punishments of *komarchai* are rarely attested in the surviving source material from Egypt, let alone the southern Levant. Nevertheless, *komarchai* were a long way from being sacrosanct, as several papyri provide information about *komarchai* or former *komarchai* sued by *basilikoi georgoi*, *hierodouloi*, swineherds, villagers, or persons from other *nomai*.⁵⁵ Regardless of the fact that the outcome of these suits is mostly unknown, it underlines the strong character of the Ptolemaic state as it provided the population with a means to defend itself against wrongful treatment by local officials, at least in theory.

Apart from threats of fines and confiscations, the second strategy to ensure enforcement was the encouragement of denunciations. As Käppel notes, denunciation clauses mainly occur in *prostigmata* and in connection with fiscal affairs, to which the kings obviously attached particular importance.⁵⁶ In lines 29 to 32 of the ordinance on livestock and 62 to 63 in the one on slaves, respectively, the king promises rewards to all those who report violators of the ordinances to officials. Informers of undeclared livestock receive a part of the penalty exacted, as well as a third part of the property confiscated to the crown. With regard to slaves, the informant is granted a sum of 300 *drachmai* for the indication of each unauthorized enslaved person. It stands to reason that these provisions were intended to make members of the local communities complicit with the crown. Just like the *komarch*, local residents were certainly among the first to become aware of any misbehavior. Their involvement meant a better chance of detecting offenders at low administrative costs, since it allowed royal resources to be spared. This method was much more efficient than attempting to create an all-knowing coercive and intrusive bureaucracy. Here, infrastructural power – and in consequence strong statehood – is stretched to its own limits. In other words, the encouragement of denunciations is rather a sign of weak statehood, as the central power was not willing or even unable to fully enforce its own laws.

As is so often the case, information about the occurrence of denunciations by third parties – on a regular or irregular basis – is scarce. Normally the social cohesiveness ought to be highly developed in rural communities where everyone knows everyone else, let alone the strong familial ties in these rural settings. Nevertheless, social conflicts were also likely to be commonplace, including accusations made under false pretenses. At any rate, a good example of the help of an informant can be gleaned from a papyrus from Zenon's archive, though the case is somewhat

⁵⁵ P. Cair. Zen. 59379 [254–51 BCE]; P. Hib. I 35 [250 BCE]; P. Gurob 5 [third cent. BCE]; P. Tebt. 701 [235 BCE]; P. Enteux. 83 [221 BCE]; P. Tebt. 796, 16–21 [183 BCE]; P. Amh. II 33 [157 BCE]; SB 20, 14708 36–59 [151 BCE]; P. Tebt. 184 [125–100 BCE].

⁵⁶ Cf. Käppel (2021) 118.

different from the scenario of the two ordinances.⁵⁷ The carpet weaver Nechthembes was in Zenon's service, but the quality of his products was rigged. Allegedly, he dampened a carpet to make it heavier, curtailed the length and breadth, and manipulated the scales by putting additional material into it. As if that were not enough, Nechthembes is also said to have corrupted the other weavers, apparently all but one, a weaver named Pais. Pais had denounced Nechthembes to Zenon before, but this time he had proof. Nechthembes saw no alternative but to run away, a case of attempted ἀναχώρησις. Offenders often tried to make use of *anachoresis* in order to prevent punishment, which made it much more difficult for royal agents to bring them to justice. In all likelihood, prosecuting violations across several districts was only possible with the utmost effort and, again, local support, as evidenced by the search for runaway slaves in Idumaia.⁵⁸ Due to the sincere Pais, however, Nechthembes was not successful, for the former stopped him and, interestingly enough, shoved him in jail. Whether Pais received a reward for his information and his concrete intervention has not been handed down, but perhaps he was satisfied that he had gotten rid of a competitor. For Nechthembes' sake, by the way, it is to be hoped that Pais did not prevail with his proposal to chop off Nechthembes' hands as punishment. The quarrel of the carpet weavers shows in an exemplary way that denunciations may have been an essential tool in policing the hinterland and, in a broader context, in the enforcement of royal decrees. However, the case of Pais shows that individuals turned to the representatives of the Ptolemaic government for justice when they felt cheated. This only makes sense if certain trust was placed in the king and his officials. It is, of course, unclear whether the ruled population displayed the same attitude when the Ptolemaic government was defrauded, but the offer of a reward certainly had a positive effect here.

Both the threat of punishments against *komarchai* and the denunciation clause demonstrate from different angles that Ptolemaic rule could not be made without the cooperation of the local population. As the example of the carpet weaver Pais shows, they were sometimes willing to cooperate if it served their own interests. But as the case of the so-called Αἰγύπτιοι νεανίσκοι (Egyptian youth) reveals, the locals sometimes were not ready to intervene on the royal side. In a letter from Zenon's archive, the addresser asked for guards to protect a vineyard somewhere in the Fayyum. Before writing the letter, the writer turned to a φυλακίτης for protection, but the latter's attempt to mobilize the already mentioned 'Egyptian youth' was of no success, for the youth were not ready to help out on a Greek vineyard. Since the addresser obviously had no means to force the boys into service, he could do nothing but to look elsewhere for help.⁵⁹ The aforementioned renitent village chief

57 P. Cair. Zen. 59484.

58 P. Cair. Zen. 59015 V a–d.

59 P. Cair. Zen. 59610. Cf. Kloppenborg (2006) 429–430.

Jeddous would probably have been able to understand the motives of the Egyptian boys. In any case, the Ptolemaic government felt no need to threaten the death penalty for violations. The crown resorted to fines and confiscation as punishments instead. The degree of deterrence was much weaker, but as the evidence from the two ordinances suggests, the will and the means of prosecuting noncompliance were much stronger. However, the strength of the Ptolemaic government seems to have reached the end of the line in Egypt as well as in the southern Levant when domestic agents – passively or actively – refused to cooperate.

3.3 *Horkos basilikos* – The royal oath and weak statehood

In the ordinance on livestock (ll. 22–23), the king furthermore orders the taking of the ὄρκος βασιλικός. In all likelihood, the royal oath was already sworn by the populace in the Macedonian kingdom with each new ruler.⁶⁰ In a narrower sense, it was an oath of allegiance, which could also be found in Hellenistic times, mostly sworn by soldiers.⁶¹ S. Pfeiffer analyzes the royal oath in connection with the Ptolemaic royal and dynastic cult. He demonstrates that the form of the oath places the ruler on the same level with the gods.⁶² In other words, the violation of the oath was considered sacrilege, causing (in theory) a divine punishment for the violator. But the alignment of kings and gods certainly had the primary function of setting the threshold for violation of the oath as high as possible. The meaning of the royal oath is thus twofold: deterrence and loyalty. The oath could therefore serve as an instrument to verify acceptance of the current power relations. This is possibly one of the reasons why the oath found its way into the registration process.

M. Minas has compiled a list of all papyri with the royal oath from Egypt. Her list primarily contains oaths taken by individuals of the Egyptian populace. At the latest under Ptolemy II, they had to use the royal oath to guarantee the correctness of their actions when doing legal or fiscal business with the government. As Minas points out, the wording of the oath followed formal guidelines (king's and queen's name, patronym, epithets, cult names) prescribed by the central government. At least theoretically, the swearing person not only guaranteed the correctness of his legal or fiscal action, but also ostentatiously expressed his loyalty to the dynasty and ruling dynast, which of course did not have to correspond to his inner conviction.⁶³ The fact that the oath additionally had to be made in writing probably increased its binding effect, or at least this may have been the hope of the central government.

⁶⁰ Cf. Sommerstein/Bayliss (2013) 36–38.

⁶¹ See for the Ptolemaic context Polyb. 15.27.11. Cf. Hammond (2000) 148.

⁶² Cf. Pfeiffer (2008) 105.

⁶³ Cf. Minas (2000) 163–171.

However, the interesting thing about the royal oath in the two ordinances discussed here is that the swearing was limited to the *komarches* and *komomisthotes*.⁶⁴ The fact that officials had to swear an oath was not uncommon. Thus, in 164 BCE, the *dioiketes* (the most important official in Ptolemaic Egypt) Herodes wrote a letter of complaint – full with blistering sarcasm – to minor officials who seemed to have failed totally in carrying out his instructions. In this context, Herodes stated that he had even – and in sharp contrast to his normal procedures – had them take the royal oath in writing, but apparently to no avail.⁶⁵ Presumably, the oath was a way to prevent misbehavior of officials in advance. The kings may have had negative experiences and felt, therefore, compelled to have the oath sworn.⁶⁶ Like the oath in Egypt, the oath also had to be performed as a written statement (χειρογραφία). Be that as it may, the two officials guaranteed the diligent fulfilment of their tasks with the written oath, not to mention their expressed acceptance of the king’s authority. Instead of the villagers or livestock owners, the officials had to swear that the registration of unregistered livestock was complete. The fact that they had to take the oath suggests the importance attributed by the crown to local stakeholders and its dependence on them. However, above all, it underlines the burden of responsibility and enforcement on the part of local officials. In this light, the oath was a symbolic means of statehood – in the sense of Pierre Bourdieu – intended to foster the work habits, as it were, of the *komarches* and *komomisthotes*. The royal oath was an additional means to achieve the king’s goal of registering as many taxable people and livestock as possible. However, the burden of enforcing the royal ordinance on livestock was outsourced to culturally entangled individuals, at least in terms of the *komarchai*. From this perspective, the oath was meant to guarantee not only the accuracy of the registration process, but also the *komarch*’s loyalty. Since the oath was primarily of symbolic meaning, it can be classified as a sign of weak statehood. As the only provision against misconduct, it was surely insufficient. The oath may have taken full effect with the threat of sanctions.

⁶⁴ The swearing of the royal oath by officials is also found in P. Tebt. 27, ll. 30–35, in which a group of *dekanoi* (as part of the village’s policing force) swears to protect the annual crops. Cf. for more cases also Käppel (2021) 180–181.

⁶⁵ UPZ I 110, ll. 35–42: “[. . .] εἰ τοσοῦτω[ν κ]αὶ τηλικούτων δι- | αστολῶν γεγονυῖω[ν ὑμῖ]ν καὶ ἐνωπίοις ενοπίοις καὶ | διὰ γραμμάτων καὶ [.5]μένων ἡμῶν πα- | ρὰ τὴν ἰδίαν προα[ρ]εσιν ὄρκους παρ’ ὑμῶν λα- | βεῖν μὴ μῆ μόνον ἐπὶ τῶ[ν ἱερ]ῶν, ἀλλὰ καὶ κατὰ | τῶν βασιλέων γραπ[τ]οῦς ὑπὲρ το[ῦ] προστή- | εσθαι τῶν κατὰ τὸν σπόρον μετὰ τῆς ἐνδεχο- | μένης προσοχῆς [. . .].” Cf. also Käppel (2021) 160–165.

⁶⁶ Cf. Käppel (2021) 180.

4 Conclusion

The taking of the royal oath combined with the recruitment of culturally entangled individuals and the threat of sanctions were means to ensure the enforcement of the ordinances. Thus, the crown put great pressure on local officials, underscoring the significant role of local officials such as the *komarchai*. They bore the brunt of royal rule, inasmuch as they were the crown's representative to the ruled population. If something went awry, the king could always shift the blame on them. All in all, the central government turned its attention especially to the *komarches* and *komomisthotes* in the ordinance on livestock and made sure that they fulfilled their duty with the utmost care. Provided that the suggested reconstruction of the *komarch*'s recruitment is correct, at least for the middle of the 3rd century BCE, the special attention paid to this minor official may have also had to do with his cultural background. *Komarchai* could not be completely trusted. Relying on officials of local origin had been the weak point of the Ptolemaic state and may have been recognized by the crown as such. Bringing in men of Greek or Macedonian origin was certainly for demographic reasons alone not an option.⁶⁷ These individuals were usually appointed to higher offices. In addition to the written oath, the threat of punishment should motivate the *komarchai* to carry out the registration process as thoroughly as possible. Needless to say, the threats extended not only to minor officials entrusted with enforcing the ordinance, but also to the would-be violators.

What is more, the king and his higher officials did not rely solely on *komarchai* to detect violations. By encouraging local informers to uncover violations, the crown seemed to have focused on social tensions in the local communities. In either case, the central government relied heavily on local cooperation to enforce ordinances or laws and to extract resources. This fact alone set bounds to a suffocating administration or a heavily intrusive administrative and fiscal policy.

In any event, the Ptolemaic state adopted many measures to contain possible side effects of its dependence on local partners. The royal oath, albeit a sign of weak statehood, and the deterrent precautions were intended to mitigate dependence on local actors, not to mention their infrastructural power in the form of a sophisticated bureaucratic apparatus, which was also present in the southern Levant. Overall, the Ptolemies certainly met the standards of strong statehood, but this did not protect the Ptolemaic state from weak points. To put it more concisely, the Ptolemaic zeal to curb these weak points reveals the strong nature of their statehood.

⁶⁷ Cf. Honigman (2020) 215.

Appendix

The Ordinances on Livestock and Slaves in *Syria kai Phoinike* C. Ord. Ptol. 21–22 (= SB V 8008)

21		
[.....]..ται πρὸς τὸν ἐν [ἐ]κάστηι ὑπαρχεῖαι [οἰκο]νόμον		1
[τὸν ἀπεσ]ταλμένον ἐν ἡμέ[ρ]αις ξ, ἀφ' ἧς ἂν ἡμ[έ]ρας τὸ		
[πρόσταγμ]α ἐκτεθῆι, τὴν τ[ε ὑ]π[ο]τελῆ καὶ τὴν [ἀ]τελῆ		
[λείαν] ὅσα [.....]καε[....] σὺμβολα λαμβάνειν. ἐὰν		
[δ]έ τινε[ς] μὴ ποιῶσιν, [καθότι] προεγράπται τῆς τε		5
[λείας] στε[ρηθῆ]σονται καὶ ἔνοχοι ἔσσονται τοῖς ἐκ τοῦ δια-		
[γ]ράμμα[τος] ἐπιτίμοις.... α]ν τῆς λείας ἀναπ[ό]γραφος		
[ῆ]ι μέχρι [τοῦ] τὸ πρόσταγμα ἐκ[τεθῆ]να[ι] τῶμ(*) μὲν [ἐ]πάνω		
[ἐ]τῶν ἀ[πολυθῆ]σονται(?)......], ἐνόμιου καὶ [...]ανου		
καὶ τῶν λ.[...] ἐπιτ[ί]μων. ἀ[πὸ] δὲ τοῦ εκ(*) (ἔτους) <τὰ(?)> τελ[έ]σματα		10
τὰ γινόμενα κατὰ κώμας ἐ[.....]ωσα]ν οἱ ἐδίδο[σαν].]		
ἢ τ[.]ς τοῦ [.....]ατελεια[.....] ἀπογραφω[.....]		
τούτοις ἀν[.....] εἰς ἄλλα ὀνόματα τὰς ἀπογραφὰς [.....]		
[...]ται, π[ερὶ] δ' αὐτῶν ὁ βασιλεὺς διαγνώσεται, [τὰ δὲ]		
[ὑ]πάρχον[τα] αὐτῶν ἀναλημφθήσεται. ὁμοίως δὲ [ὄσοι ἔ-]		15
[σ]φονται βεβ[αιωτῆ]ρες τ[ὴν] ἀπογραφὴν ποιήσονται [.... ἔ-]		
σωνται σ[υ]νιστοροῦ[ν]τες. ἀπογράφεσθαι δὲ καὶ τ[οὺς] με-		
μισθωμένους τὰς κ[ώμ]ας κα[ὶ] τοὺς κωμάρχας ἐν τ[ῶν] αὐτῶν		
χρόνῳ τ[ὴν] ὑπάρχ[ουσαν] ἐν ταῖς κώμαις λείαν ὑποτελῆ		
καὶ ἀτελῆ καὶ ὧν [ἐστ]ι πατρόθεν καὶ πατρίδος καὶ δι' ὧν νέ-		20
μεται, ὁμοίως δ[ὲ] καὶ ὄσῃν ἂν εἰδῶσιν ἀναπόγραφον καὶ ὑπάρ-		
χουσαν εἰς Δ[ύ]στρο[ν] τοῦ εκ(*) (ἔτους) κατὰ χειρογραφίαν ὄρκου		
βασιλικοῦ. ποιήσονται δὲ καὶ κατ' ἐνιαυτὸν τὰς ἀπογραφὰς		
ἐν τοῖς αὐτοῖς χρόνοις καὶ τὰ γινόμενα τάσσονται, καθότι		
ἐν τῇ \παρὰ/ τοῦ βασιλέως \ἐπιστολῆ/ διασεσάφηται ἐν		
τοῖς καθήκουσιν μει-		25
σὶν κατὰ [τ]ὸ διάγραμμα. ἐὰν δὲ τινε[ς] μὴ ποιῶσιν τι τῶν		
προγεγρ[αμ]μένων τοῖς αὐτοῖς ἐπ[ι]τίμοις ἔνοχοι ἔσσονται		
οἷς καὶ οἱ ἀπογραψάμενοι τὴν [ίδι]αν λείαν εἰς ἄλλα ὀνόματα.		
μηνύει[ν] δὲ τὸν βουλόμενον καὶ λήψεται τῶμ(*) μὲν κα-		
τὰ τὸ διάγραμμα πρᾶσσομένων ἐπιτίμων, καθότι ἐν 30		
τῶν διαγράμματι διηγόρευται, τῶν δὲ ἀναλαμβανόμε-		
νων οὐσιῶν εἰς τὸ βασιλικὸν τὸ τρίτον μέρος.		
βασιλέως προστάξαντος· εἴ τινε[ς] τῶν κατὰ Συρίαν καὶ		
Φοινίκην ἀγοράκασιν σώμα λαικ[ὸν] ἐλεύθερον ἢ ἐξενέν-		
[κασιν] καὶ κατεσχ[ή]κασιν ἢ κατ' ἄλλον τρόπον κέκ[τη]-]		35

[νται....]αι...[.]ι σῶμα[...].τις α.των.[-ca.?-]

[-ca.?-] πρὸς τὸν οἶκον]όμον τὸν ἐ[ν ἐκάστη]

22

ὑπαρχεῖα καθεστηκότα, ἀφ' ἧς ἂν ἡμέρα[ς] τὸ πρόστα-

γμα ἐκτεθῆι, ἐν ἡμέραις κ. ἐὰν δέ τις μὴ ἀπογρά-

ψηται ἢ μὴ ἀναγάγηι τοῦ τε σώματος στερηθῆ-

40

σεται καὶ προσεισπραχθήσεται εἰς τὸ βασιλικὸν

ἐκάστου σώματος (δραχμὰς) Γ καὶ ὁ βασιλεὺς περὶ

αὐτοῦ διαγνώσεται. τῶι δὲ μηνύσαντι δοθήσον-

τα[ι τοῦ] ἑ[κά]σ(του)/ σώματος (δραχμαὶ) [.] ἐὰν δέ τιν\ε/ς(*) τ[ῶ]ν σωμάτων

τ[ῶ]ν ἀ]πογραφέντ[ων] καὶ ἀναχθέντων ἐ]πιδεικνύωσιν

45

[ἡγορα]κότες ὄντα οἰκετικὰ ἀποδίδοσθα[ι] αὐτοῖς. τῶν

[δὲ ἐ]ν ταῖς βασιλικαῖς ἀπαρτεῖαις πεπραμένων σω-

[μάτ]ων, ἐὰν τινα φάσκηι ἐλ[ε]ύθερα εἶναι, \κυρίας εἶναι/ τὰς κτή-

[σεις] τοῖς ἐωνημένοις. τῶν δὲ στρα-

τευομένων καὶ τῶν ἄλλων τῶν κατοικούντων

50

ἐν Συρίαι καὶ Φοινίκῃ, ὅσοι συνοικοῦσιν γυναιξί

λαικαῖς, [ὰς] ἀνειλήφασιν, μὴ ἀπογραφέσθωσαν. καὶ

εἰς [τὸ] λοιπ[ὸν] δὲ μηδενὶ ἐξέστω ἀγοράζε[ιν] μη-

δὲ [ὑ]ποτί[θε]σθαι σώματα λαϊκὰ ἐλεύθερα παρευ-

ρῆσει μηδ[ε]μιᾶ, πλὴν τῶν ὑπὸ τοῦ διοικοῦντος

55

τὰς κατὰ Συρίαν καὶ Φοινίκην προσόδους ἐν προσ-

βολῇ διδ[ο]μένων, ὧν ἡ πρᾶξις καθήκει, καὶ ἐκ τοῦ

σώματος γίνεσθαι, καθότι ἐν τῶι νόμῳ τῶι

ἐπὶ τῆς μισθώσεως γέγραπται. εἰ δὲ μή, τοῖς

αὐτοῖς ἐπιτίμοις ἔνοχοι ἔσσονται, ὁμοίως δὲ

60

καὶ οἱ ἀ[π]οδόμενοι καὶ οἱ ὑποθέντες. τοῖς δὲ

πρ[ο]σαγγελίαισι δοθησεται(*) ἐκ τῶν πραχθη-

σομένων ἐκάστου σ[ώμ]ατος (δραχμαὶ) τ

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Rotem Avneri Meir

Honor the King, and His Friends: The Extent of Early Hasmonean Statehood

Abstract: Contemporary scholarship on the Seleukid Empire points to the royal court as a primary apparatus of the Seleukid state. The court allowed the Seleukids to incorporate local groups into the empire by integrating their ruling elites into its sphere. These understandings of empire and the imperial state offer new perspectives on the emergence of Hasmonean self-governance during the 2nd century BCE. This contribution reexamines one of the foundational documents in the study of the Hasmonean state – the decree honoring Simon, found in 1 Maccabees 14 – in light of Seleukid court dynamics. I compare the Simon decree’s form with that of Hellenistic documents and show how royal friends were honored in similar edicts throughout the Hellenistic world. I then demonstrate how attention to courtly discourse reveals that the document constructs Simon as the local mediator of the Seleukid king and hence deserving of honors. It also suggests that Simon’s authority in Judea derives from him being an imperial agent. I conclude with the implications of this reading on our understanding of the local organization of the Judean community under the Hasmoneans, its form of governance, its relations with other groups, and the empire at large.

Zusammenfassung: Die zeitgenössische Forschung zum Seleukidenreich verweist auf den königlichen Hof als grundlegenden Apparat des seleukidischen Staates. Der Hof erlaubte es den Seleukiden, lokale Gruppen in das Reich aufzunehmen, indem deren herrschende Eliten in die höfische Sphäre integriert wurden. Ein solches Verständnis des Reiches und des imperialen Staates eröffnet neue Perspektiven auf die Entstehung hasmonäischer Selbstverwaltung während des zweiten Jahrhunderts vor unserer Zeitrechnung. Dieser Beitrag untersucht eines der Gründungsdokumente einer Forschung zum hasmonäischen Staat – das Dekret zu Ehren Simons in 1. Makkabäer 14 – unter dem Gesichtspunkt seleukidischer höfischer Dynamiken. Ich vergleiche die Form des Simon-Dekretes mit der hellenistischen Dokumente und zeige auf, wie Königsfreunde in vergleichbaren Edikten der hellenistischen Welt geehrt wurden. Anschließend lege ich dar, wie eine Aufmerksamkeit auf höfischen Diskurs deutlich macht, dass das Dokument Simon als lokalen Vermittler des seleukidischen

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Königs und deshalb als ehrwürdig konstruiert. Außerdem deutet es darauf hin, dass Simons Autorität in Judäa aus seiner Eigenschaft als imperialer Vertreter abgeleitet wird. Der Artikel schließt mit den Implikationen dieser Lektüre für unser Verständnis der lokalen Organisation der jüdischen Gemeinschaft unter den Hasmonäern, ihrer Herrschaftsform und ihren Beziehungen zu anderen Gruppierungen sowie dem Reich als solchem.

Inquiries into Judea's secession from the Seleukid Empire and the emergence of Hasmonean self-governance during the second half of the 2nd century BCE seem to point to one document found in 1 Maccabees 14:25–49. There, the Judean community supposedly endowed the Hasmonean dynast Simon with local sovereign authorities, leading scholars to regard this resolution as a Hasmonean constitution.¹ According to this reading, the Hasmonean polity was a centralized state with an institutionalized elective monarchy that replaced the weak(-end) Seleukid Empire, its king, and oppressive imperial rule.² However, this view on Judean independence is challenged by the Seleukid king Demetrios II's central role in the document's justification for Simon's new position (1 Macc 14:38). When we read the resolution in the context of contemporary Hellenistic epigraphic evidence and Hasmonean documentary history,³ we find that it puts forth similar relations between kings, power brokers, and local communities to those found in other local decrees in honor of royal agents. Similarly, it employs a discourse of service and benefaction to negotiate imperial authority and local autonomy. These observations shed new light on the nature of the Hasmonean statehood and its limits while considering the imperial networks in which it arose.⁴

The 2nd century BCE is a watershed in social and political histories of the Seleukid Empire. According to both ancient and modern historians, the kingdom that had once stretched from the Indus valley to the Bosphorus was now in the process of decline as a new imperial power – Rome – appeared in the eastern Mediterranean and state-like actors emerged on the Seleukid periphery.⁵ Present-day understandings of these processes are often modeled after the rise of the Hasmonean dynasty that governed Judea, sometimes as kings, up until 37 BCE. This historiographical predisposition

1 For instance, Rappaport (1997); Rappaport (2013) 218–220; Regev (2013) 115–117; Schenker (2000).

2 See Schenker (2000) 167–169; Regev (2013) 115.

3 For this notion, especially in the context of 2 Maccabees, see Ma (2000) 85–104; Ma (2019) 80.

4 On the emergence of the Hasmonean state within the context of Hellenistic empires, see Schwartz (2013); Schwartz (2014) 48–55.

5 E.g., Tac. *hist.* 5.8.

results from the fact that the dynasty's emergence is detailed in two roughly contemporary compositions, 1 and 2 Maccabees, that make up the most elaborate local accounts of such processes from Hellenistic times.⁶ The two books of the Maccabees seem to suggest that during the 2nd century BCE, the Hasmoneans established their power in the province of Koilē Syria and Phoinikē by revolting against the Seleukids and protecting local Judean customs in the face of imperial persecution. Hence, the Hasmonean kingdom is often considered the product of a struggle for “national liberation” amid imperial dissolution.⁷ Following the same line, the localized states that appeared throughout the former territory of the Seleukid Empire are understood to be the products of resistance to imperial rule and the restoration of local traditions and customs.⁸ The waning Seleukid Empire supposedly gave way to polities rooted in local traditions with centralized modes of political and social control.⁹

This kind of historical reconstruction views both empire and kingship from the standpoint of strong nation-states. It regards empire as a form of rule destined to give way to more centralized states that consolidate their power and authority in one person – that is, a king – or small governing bodies. Yet, empire, as a form of rule, was the prevailing reality in the Hellenistic world and must take a central role when discussing post-Seleukid Judea. Seleukid power, like that of most ancient empires, was the result of constant negotiations between imperial and local elites and comprised a set of obligations, commitments, and concessions that bound the rulers and the ruled in interpersonal relationships. Empire, in that case, is not simply a form of government – i.e., a legal or political framework – but a social reality through which we can understand relationships. By adopting an imperial perspective that acknowledges the social relations that run at the foundations of empires, we may begin to uncover the extent and limits of the Hasmonean state as they appear in ancient literary and documentary evidence.¹⁰

To untangle these relationships and situate the Hasmoneans within Hellenistic imperial networks, we must first look into the power structures of the Seleukid Empire – the historical context for the rise of the Hasmoneans and their supposed

⁶ See, for example, Chrubasik (2017).

⁷ This approach goes back to the influential work of Victor Tcherikover who set a model for the Hasmonean kingdom as a secular nation state. This paradigm is prevalent in the works of scholars focused on the political history of the dynasty like Menahem Stern and Uriel Rappaport. See for instance Tcherikover (1959) 230–248; Stern (1976) 230–231; Rappaport (2013) 290–291. Recent studies that take a more critical approach to the construction of Judean identity under the Hasmoneans also seem to maintain this assumption; for example, Regev (2013) 127–128; Atkinson (2016) 23–46.

⁸ See, for instance, Portier-Young (2011) 115–216; Collins (2016); Kosmin (2018) 187–236.

⁹ For an exaple of this approach, see Erickson *et al.* (2011).

¹⁰ We are in fact required to put aside what Ulrich Beck calls “Methodological Nationalism” and adopt an imperial perspective. See Beck (2007). For an application of such an approach in the study of ancient societies, see for example, Ziemann (2019). Seth Schwartz has pointed to relevance of this perspective in the study of ancient Jewish society, see Schwartz (2014).

founding document. The Seleukid state apparatus discloses the vital role of the Seleukid king, Demetrios II, in the resolution honoring Simon and helps determine its historical and literary context. The association between the king and Simon places the document in the context of Hellenistic decrees in which local communities honor royal courtiers and celebrate their service. This sociocultural setting uncovers Hasmonean perceptions of authority, statehood, and self-governance as promoted in their court literature. The Hasmonean polity thus appears to be entrenched in the imperial structure of the Seleukid court from which it derives its legitimacy.

A Seleukid imperial state

Seleukid kings did not know of a Seleukid state or empire. They simply referred to the administration of their kingdom as *ta pragmata* (“the affairs”).¹¹ Nevertheless, we can still speak of a Seleukid state-system when we regard it as a social formation or sociopolitical organization created and maintained discursively, facilitating interactions between different elite groups within the empire and their subsequent relations.¹² This view of the state focuses on its modes of action and interaction and how such systems apply power rather than on legal frameworks for governance that are not necessarily present in ancient contexts.¹³ In addition, by highlighting modes of interaction, this notion of the state accounts for a broader range of historical constellations of power, from loose kinship groups to more permanent and unified political entities, emphasizing the built-in tension between central and local control that these kind of structures produced.¹⁴ It also highlights the reproduction of these formations, specifically how the state’s constituent groups were integrated into larger systems.¹⁵ When it comes to Seleukid history, attention to power practices clarifies the various means by which Seleukid kings exerted their rule through constant interaction with their subjects in cities, temples, and estates that were, in fact, its power infrastructure.¹⁶

11 On Seleukid *pragmata*, see Capdetrey (2007) 277.

12 For this notion of the state in ancient contexts, see Goldstone/Haldon (2009) 5, 17; Ando (2017) 7.

13 See Ando (2017) 9–11; and, Tilly (1985); Richardson (2012).

14 Goldstone/Haldon (2009) 6. More on the relevance of the state as a category in antiquity, Ando (2017).

15 Goldstone/Haldon (2009) 8.

16 Particularly notable is Laurent Capdetrey’s study of Seleukid administration, Capdetrey (2007). In his work, Capdetrey adds a level of sociocultural analysis to Bickerman’s legalistic outlook that governed the field ever since the publication of his classic *Institutiones des Séleucides* (Bickerman 1938). Other notable recent examples are the studies by Kosmin (2014); Kosmin (2018); and Chrubasik (2016). This notion of state infrastructure is inspired by the work of Michael Mann (2012).

Directing our attention to practice is integral for understanding the realm of the Seleukids as an empire. Seleukid rule expanded through conquest and focused on exacting tribute rather than governing lands and populations; it was an essentially negotiated enterprise characterized by diversity that should therefore be considered a hegemonic empire.¹⁷ According to Jack A. Goldstone and John F. Haldon, “the key element that defines ‘empires’ [is] the mode through which states and elites exercised power and defined their relationships to each other and the broader society.”¹⁸ This concept of empire serves as an interpretative model. It highlights state strategies instead of assuming that empires are distinct states with unique legal and bureaucratic apparatuses. As a social formation, an empire is founded on balancing central and local control and negotiating between imperial and local elites.¹⁹ The sum of the strategies used by imperial ruling circles made up “imperial repertoires” that were adaptable to local concerns within the constraints of the rulers’ habits and imaginaries.²⁰

One such key strategy of empire is differentiation.²¹ In the Hellenistic world, negotiated distinctions maintained local administrative forms under overarching Greco-Macedonian schemes,²² and the Seleukid Empire is best understood from this perspective.²³ These negotiations often revolved around acts of incorporation and distinction of groups within the imperial state system. Royal and civic decrees from throughout the empire bear witness to the processes by which imperial authorities, namely the king and his representatives and local elites, came into contact, often resulting in local distinction by the empire.²⁴ Such distinctions depended on the fundamental imperial tension between autonomy and authority. The state sought to incorporate local power concentrations by granting the local elites concessions, thus effectively making them imperial power brokers.²⁵ Concessions to power brokers became part of Seleukid

¹⁷ Here I follow Rolf Strootman (2014) 7. For a similar understanding, see Fitzpatrick-McKinley (2015) 11, 13.

¹⁸ Goldstone/Haldon (2009) 18.

¹⁹ See Dusinberre (2013) 3–4; also Ando (2000) 7.

²⁰ See Burbank/Cooper (2010) 3; Lavan *et al.* (2016) 3–4. A growing body of theoretical and historical studies of empire exposes the strategies of elite agents in creating and maintaining these structures. These are not necessarily based on ancient or European empires, see, for example, Barkey (2008); Hämäläinen (2008); Robson (2017); Dubnov/Robson (2018); Spruyt (2018); Zagórski/Markowski (2020). These studies expose that while the idea of distinction and separation is often associated with the modern nation state it is in fact an imperial practice.

²¹ Burbank/Cooper (2010) 15.

²² Lavan *et al.* (2016) 19–22.

²³ John Ma’s work on the interaction between the Seleukid kings and the cities in their empire has shown negotiation to be one of the defining attributes of Seleukid rule. See Ma (1999).

²⁴ E.g., Chrubasik (2016) 59–64.

²⁵ Chrubasik (2016) 23. On these processes, see the studies in Dreyer/Mittag (2011), and in particular Pfeiffer (2011); Wilker (2011). See also Tyson (2014). On the notion of power brokers in the context of weak statehood, see Hönke/Müller (2018).

imperial ideology. They caused the empire to fluctuate between secession and (re-)incorporation, not due to structural weakness but as a mechanism for managing resources.²⁶ By granting autonomy, the Seleukids reinforced their control over power holders and reproduced relations where autonomy was theirs to give.²⁷

The relations that made up the Seleukid imperial state were embedded in the social institution of kingship and embodied by the king who stood at its head. These social relations were thus not limited to the natural life, or *body natural*, of one king but endured in the *body politic* represented by the office itself, to the effect that office and office holder became indistinguishable.²⁸ Kings (and sometimes queens), being the personification of their office, were thus constrained by the same social relations (or “the state”) that kingship embodied.²⁹ Consequently, Seleukid rulers constantly negotiated their acceptance with *poleis*, temples, and local communities. While contemporaries often expressed these relations in abstract terms like *euergesia* (“benefaction”) and *philanthrōpa basilika* (“royal concessions”), they carried with them significant social and economic benefits.³⁰ When Antiochos III, for example, conquered Karia, Herakleia-under-Latmos demanded exemption from imperial taxes. The king consented and ordered the funding of the city’s *gymnasion* by imperial revenue; in return, he was honored locally.³¹ Royal legitimacy was achieved through local standards and demands, often binding the king with local communities. The structural requirement for local acceptance shaped Seleukid kingship and made concessions part of Seleukid royal ideology. Giving authority to local power holders thus became a characteristic of the Seleukid king.³²

It was through concessions that local groups encountered royal authority and the imperial state. The material expressions of these interactions made the Seleukid king present all over his empire. Inscribed letters and decrees, dedications at temples, and royal building projects all made manifest the social relations embodied by

26 See Chrubasik (2016) 59; Chrubasik (2021).

27 On what appears to be a paradox of the Seleukid Empire, see Strootman (2011); Strootman (2017). For a more general outlook, see Burbank/Cooper (2010) 1–22.

28 This distinction was first proposed by Ernst Kantorowicz in his study of Tudor kingship, Kantorowicz (1957) 270–272. Kantorowicz’s insights have been adapted for the study of kingship in the Hellenistic world: Ma (2003); Kosmin (2018) 90–92; and the ancient Near East: Niehr (2006).

29 In recent years there has been a growing focus on kingship as an object of sociological and anthropological study, exposing its dynamics and structures. See Sahlins (2017a) 63; Sahlins (2017b) 355; Graeber (2017) 403.

30 See, for instance, Ma (1999) 182–194; Honigman (2014) 264.

31 SEG 37.857. See Ma (1999) 340–345; Ma (2003) 182–183. For other negotiations, see Moyer (2011) 142–207; Strootman (2013).

32 See Chrubasik (2016) 7, 48–53, 179–84.

the king – that is, the imperial state.³³ However, such representation of the king should not be confused with the monarch as an individual. It showcased the social relationships embodied in kingship as an institution and the multiple power brokers that mediated it.³⁴ Hellenistic royal epistolography, often preserved in public inscriptions, reveals the administrative backbone of the empire when kings address different officials to exert royal authority. In the Seleukid Empire, like other pre-modern empires, these administrative agents belonged to the court, in its capacity as the central mechanism for overseeing the social formations embodied by the king.³⁵ Consequently, the Seleukid imperial state can be fruitfully analyzed through Norbert Elias' prism of a court society: a collection of individuals bound by chains of dependence and whose actions affect the entire structure.³⁶ The relations between these autonomous agents thus expose the sociopolitical imaginaries of the system.³⁷

Ancient courts consisted of the spaces within the royal residence, the king's social milieu, and the political and economic relations that made up his household.³⁸ These relations extended across the territory of the Seleukid Empire thanks to social fictions that allowed the court to transcend spatial and ethnic boundaries and formalize relationships.³⁹ The royal court included the king's friends – *philoï* – who were usually of Greco-Macedonian descent and bound to the king through *philia*, a form of personal and reciprocal ritualized friendship. Other forms of ritualized personal relations, such as *philoxenia* and *syngeneia* (roughly translatable as hospitality and kinship, respectively), connected kings and elites through fictive kinship and enabled the ruler to integrate local (non-Greek) groups into his court using pre-existing structures.⁴⁰ Admittance into the court system was thus not limited to

33 On letters, their presentation, and how they relate between kings and their subjects, see Benci-venni (2014); Ceccarelli (2018); Fögen (2018); Mari (2018). On the materiality of imperial relations and the embodiment of king in things, see Khatchadourian (2016) 51–77. For the way Seleukid kings constructed and made their empire present through the manipulation of public spaces, see Kosmin (2014).

34 According to John Ma Hellenistic kingship was “a bundle of local commitments, a series of roles assigned by the subjects”, a fact best exemplified by royal dependence on the acceptance of local elites whose expectations kings had to meet. See Ma (2003) 183.

35 E.g., Davies (2002) 11; Strootman (2011).

36 See Elias (1983) 18, 26, 141.

37 See Elias (1983) 32–34, 212.

38 See Strootman (2014) 32.

39 Paul Kosmin shows that the mobility of the Seleukid royal court played a significant role in constructing a notion of a Seleukid space and empire, see Kosmin (2014) 142–180. In the Hellenistic empires, like in their Achaemenid predecessor, court structures, both material and administrative, were emulated by local power holders, see Nielsen (1994) 138–146; Chrubasik (2016) 25–47. For Achaemenid contexts, see Kaptan (2010); Miller (2010); Dusinberre (2013) 32–82.

40 See, for example, Polyb. 5.36, 50, 56, 83; 8.21; 21.6. On *philia* and *philoxenia*, see Strootman (2014) 111–118, 134–135, 145–150. On *syngeneia*, Capdetrey (2007) 277–280. On the integration of local elites into Hellenistic court systems, see Apicella (2014); Thompson (2017). These social

physical presence or proximity, but was symbolic of closeness.⁴¹ It meant the acceptance of royal authority by local elites and, simultaneously, the royal concession of agency to these groups and individuals.⁴²

Fictive kinship and ritualized friendship regulated access to the king and his council (*synedrion*) and shaped the imperial administration. The idea of providing the king with service and counsel was itself grounded in the concept of *philia* that legitimated “free speech” (*parrhēsia*) between friends.⁴³ These social constructions reflected the imperial state. When interacting with the king at court, courtiers were seen to represent the interests of local elites and their expectations from the king.⁴⁴ The court was the primary site for the dynamics that defined kingship and empire since there kings and courtiers had to navigate central control and local authority. The reciprocal and personalized relations that governed the court and the overlap between administrators and friends attest, once again, to the indistinct nature of Hellenistic kings’ private and public affairs. Governors, generals, priests, and court scholars who served the ruler were all royal agents.⁴⁵

Evidence suggests that these imperial power structures encompassed Judea by the Seleukid conquest of Koilē Syria and Phoinikē during the late 3rd century BCE. A dossier of letters regarding Ptolemaios son of Thraseas from around 200 BCE, attests to the expansion of the Seleukid court administration to include the region when Antiochos III appointed him governor (*strategos*) and high priest (*archiereus*) – a position that he may have already held under the Ptolemies.⁴⁶ The Heliodoros inscription found at Marisē possibly exhibits a similar reality under Antiochos’s son and heir, Seleukos IV, who appointed a new provincial high priest, Olympiodoros, from among his friends.⁴⁷ Hasmonean literary accounts display a surprising level of continuity in titles in the

instruments were already employed by Macedonian kings before Alexander’s conquests, see Bickerman (1938) 27–42.

41 See Capdetrey (2007) 278–280.

42 See Strootman (2014) 67, 82; Strootman (2017); Savalli-Lestrade (2017a).

43 See, for instance, Polyb. 5.41, 45, 49, 50. Strootman (2014) 172–173; Savalli-Lestrade (2017b) 102.

44 See Strootman (2014) 1–27.

45 Capdetrey (2007) 178–180, 287–293.

46 See (Footnote 45) SEG 29.1613. For edition of the Hefzibah inscription and discussion on the relationship between Antiochos III and Ptolemaios, see Landau (1966); Fischer (1979); Heinrichs (2018); Savalli-Lestrade (2018); Chrubasik (2019). On Ptolemaios’ career, see Polyb. 5.65. On the administrative duties of Seleukid and Ptolemaic high priests and their inclusion within the court sphere, see Müller (2000); Capdetrey (2007) 322–327; Gorre/Honigman (2013). Compare with Antiochos III appointment of his “friend” Nikanor to high priest of cis-Tauric Asia, SEG 37.1010; Ma (1999) 288–292.

47 SEG 57.1838. The title itself is not preserved in the decree but today there is a general agreement among scholars that Olympiodoros was appointed *archiereus*. See Cotton/Wörrle (2007); Gera (2009); Honigman (2014) 322; Eckhardt (2016a) 63–66; Cotton-Paltiel *et al.* (2017).

aftermath of the Maccabean revolt.⁴⁸ First Maccabees, for example, claims the Seleukid kings honored the Hasmonean dynasts Jonathan and Simon with court titles and regalia (e.g., 1 Macc 10:20, 62, 64; 13:36).⁴⁹ It appears that by the late 2nd century BCE, the use of Seleukid court titles was part of Hasmonean self-presentation. Court ranks were supposed to mark Jonathan and Simon as influential political players. In the context of Judea's breakaway from the Seleukid Empire, the appointment of the Hasmonean brothers was supposedly a result of their brilliant political maneuvers. This is part of a *Realpolitik* view of the fight for Judea's independence.⁵⁰

It then comes as a surprise that when the Judean assembly invests Simon with sovereign authorities, supposedly proclaiming Judea's liberation from Seleukid rule, the text mentions the admittance of the Hasmonean dynast to Demetrios's court (1 Macc 14:39). Scholars have taken this mention of the Seleukid king to signify Simon's international recognition and one of the political achievements for which he is honored.⁵¹ However, this fails to explain the crucial location of Demetrios's mention in the document and Simon's other titles (i.e., *strategos*, *hegemōn*). A closer examination of Simon's commendation in light of the structure of the Seleukid imperial state reveals the role Simon played in it, his relationship with both Seleukids and Judeans, and the authorities he was granted.

Simon's rule by decree

In year 172 of the Seleukid era – that is, 140 BCE – the Judean great assembly issued a resolution in honor of Simon, the son of Mattathias,⁵² which was then inscribed on bronze tablets and placed on mount Zion (1 Macc 14:25–28). The resolution's contents are embedded in 1 Maccabees' broader historical narrative of Simon's leadership, forming a bridge to the book's concluding section that focuses on Simon's later reign, death, and the succession of his son, John Hyrkanos (1 Macc 15–16).⁵³

⁴⁸ Tcherikover (1959) 252; Dąbrowa (2010) 126–129; Regev (2013) 224.

⁴⁹ For assessment in the context of other Seleukid *philoī*, see Savalli-Lestrade (1998) 79–82, 86; Chrubasik (2021).

⁵⁰ E.g., Sievers (1990) 84–86, 92–99; Rappaport (2013) 185–186; Regev (2013) 111–117.

⁵¹ E.g., Goldstein (1976) 505–506; Sievers (1990) 119–120; Schenker (2000) 159–163; Rappaport (2004) 321.

⁵² On the chronology of 1 Maccabees and its dating system, see Bickerman (1979) 101–111; Bunge (1975); Bringmann (1983) 15–28; Bar-Kochva (1989) 562–565; Bartlett (1998) 36–53; Kosmin (2018) 219–228.

⁵³ On the integrity of 1 Maccabees and the place of the later chapters within the larger narrative, see Ettelson (1925); Williams (1999).

Given 1 and 2 Maccabees' partisan nature,⁵⁴ scholars often turn to the documents preserved in these compositions in search of historical anchors when studying the interaction between Seleukid rulers and Judeans.⁵⁵ Quoting documents in historical narratives was common in ancient historiography. Still, to fully understand them, these embedded documents must also be contextualized within the broader epigraphic, documentary, and sociopolitical traditions of the Hellenistic empires in which they were supposedly produced. Whether we deem a particular document authentic or false, its inclusion within a historical narrative can reveal some of the author's intentions.⁵⁶

Of these documents, there is an overwhelming scholarly consensus regarding the authenticity of the great assembly's resolution.⁵⁷ Some of its content, particularly regarding the nature of Simon's authorities, notably contradicts the preceding narrative and suggests that the author included the resolution due to its contemporary status.⁵⁸ The internal structure of this document also points to its historicity, given its agreement with Hellenistic epigraphic traditions. First Maccabees 14:25–49 is, therefore, regarded as preserving, in whole or in part, an original edict in honor of Simon, either a Greek translation of a Hebrew or Aramaic original from the Hasmonean temple or palace archives or a copy of a Greek version from a multilingual inscription. While it sometimes differs from Greek models, perhaps due to translation and scribal errors, it attests to the usage of Hellenistic forms and their adaptation for local, Judean purposes.⁵⁹ Following this line of inquiry, we should regard 1 Maccabees 14:25–49 as part of the documentary evidence for Hasmonean power embedded in the historical narrative of 1 Maccabees. Nevertheless, ancient literary compositions are not archives from which documents are supposed to be retrieved. The embedded document is part

54 The books of the Maccabees promote, to varying extents, Hasmonean hegemony in Judea and were arguably composed as self-legitimizing narratives for the new dynasty. In a study of the narrative structures of both compositions, Sylvie Honigman argues that these are dynastic histories and offers a reconstruction of the order of events that led to the revolt. See Honigman (2014). Daniel Schwartz has argued that the document in 1 Maccabees 14 is part of the earliest form of Hasmonean historiography, primarily based on its attitude towards the Seleukid king. This again calls for attention to the way their relationship is constructed in the text. See Schwartz (2017).

55 See, for example, Stern (1972); Habicht (1976); Ma (2019).

56 For such narratological approach to the Simon decree, see Schmitz (Forthcoming).

57 Scholars differ on the question of the extent to which 1 Maccabees follows a historical document or is a reworking of one. See Grimm (1853) XXIII, 212; Niese (1900) 454, 463–464; Ettlson (1925) 370–371; Abel (1949) XXVII–XXVIII, 254–255; Dancy (1954) 5–7; Schunck (1954) 35; Neuhaus (1974) 164–165; Goldstein (1976) 501; Sievers (1990) 121–122; Doran (1996) 163; van Henten (2001); Schwartz (2017). There is, however, no doubt that the text as we have corresponds with the diplomatic conventions of the period and seems to attest for a genuine document that may be the kernel of the literary version that survived.

58 See Schwartz (2017) 72–73.

59 See van Henten (2001); Gardner (2007) 332–337.

of the historical realities that surrounded the emergence of the Hasmonean dynasty, but it also had a role in shaping the dynasty's image in historical literature.

The resolution has two main sections: a preamble (1 Macc 14:29–39) and the final decision (1 Macc 14:41–49). These sections correspond to the same schematic structure of contemporary Hellenistic decrees. Like Greek edicts, the Simon decree opens with a dating formula (1 Macc 14:27) and mentions the issuing authority (1 Macc 14:28).⁶⁰ A summary of the deeds of Simon and his family follows. It is introduced with ἐπεὶ, “whereas,” in keeping with Greek epigraphic norms (1 Macc 14:29) – marking the following actions as part of the reasoning for the decision.⁶¹ Simon is said to stand against the enemies of his *ethnos* in the protection of the people, the holy places, and the law (1 Macc 14:29),⁶² to gather the people and muster an army at his own expense (1 Macc 14:32),⁶³ conquer territories and fortify cities (1 Macc 14:33–37), and rise to great prominence on the geopolitical stage (1 Macc 14:38–40). The verse preserving the decision is presented as the approval of the “Judeans and the priests” to have Simon as their *hegemōn*, high priest, and *strategos* (1 Macc 14:41–42).⁶⁴ Communal obligations and sanctions on those who disobey him follow these titles (1 Macc 14:42–45). Finally, the decision is repeated (1 Macc

60 “ἐπὶ συναγωγῆς μεγάλης ἱερέων καὶ λαοῦ καὶ ἀρχόντων ἔθνους καὶ τῶν πρεσβυτέρων τῆς χώρας” “in the great assembly of the priests and the people and the heads of the *ethnos* and of the elders of the land”; all following translations are my own.

61 On the reasoning section and the similarities with Greek inscription, see Goldstein (1976) 503–507; Sievers (1990) 119–124; van Henten (2001) 118–121. The preamble’s survey of Hasmonean history notably omits Judas and only briefly mentions Jonathan, focusing instead on Simon. On this omission and its meaning, see Schwartz (2017) 77–80.

62 “Σίμων δὲ υἱὸς Ματθαίου ἱερεὺς τῶν υἱῶν Ἰωαριβ καὶ οἱ ἀδελφοὶ αὐτοῦ ἔδωκαν αὐτοῖς τῶν κινδύνων καὶ ἀντέστησαν τοῖς ὑπεναντίοις τοῦ ἔθνους αὐτῶν, ὅπως σταθῇ τὰ ἅγια αὐτῶν καὶ ὁ νόμος, καὶ δόξη μεγάλη ἐδόξασαν τὸ ἔθνος αὐτῶν” “Simon the son of Mattathias the priest of the sons of Ioarib and his brothers gave themselves to danger and stood against the opponents of their *ethnos*, so that their holy places and law stood, and great glory they glorified their *ethnos*”.

63 “ἐπολέμησε περὶ τοῦ ἔθνους αὐτοῦ καὶ ἐδαπάνησεν χρήματα πολλὰ τῶν ἑαυτοῦ [. . .] καὶ ἔδωκεν αὐτοῖς ὀψώνια”; “[Simon] fought for his *ethnos* and spent much of his own possessions [. . .] and gave them wages”.

64 “καὶ ὅτι οἱ Ἰουδαῖοι καὶ οἱ ἱερεῖς εὐδόκησαν τοῦ εἶναι αὐτῶν Σίμωνα ἡγούμενον καὶ ἀρχιερέα [. . .] καὶ τοῦ εἶναι ἐπ’ αὐτῶν στρατηγόν” “and [that] the Judeans and the priests approved of Simon being their leader and high priest [. . .] and of him being a *strategos* over them.” The current form of this verse is unusual, both for its use of ὅτι and having the verb εὐδοκέω in the past tense. Some scholars suggest that this is due to scribal errors having to do both with the translation of the Semitic original into Greek and its transmission. See Goldstein (1976) 507–508. However, this assumption presupposes Hasmonean independence and thus sees the association with Demetrius as a problem. I follow here recent scholars who maintain this extant reading and set it in its imperial context. See for instance Tilly (2015) 282–287; Eckhardt (2016a) 77–78.

14:46–47), and the edict concludes with the assurance that a copy of it will be made publicly available (1 Macc 14:48–49).⁶⁵

The Simon decree is regarded by many as the constitutional document of the Hasmonean state, marking Judea’s final liberation from Seleukid rule.⁶⁶ In it, the people’s representatives invest Simon with sovereign powers whose source appears to be the great assembly of the Judeans. Therefore, this is seen as the ultimate assertion of Judean self-governance and hence the “pinnacle” of the book.⁶⁷ Where some have noted similarities between the assembly’s decision and the investiture of former Israelite and Judean kings,⁶⁸ Jan Willem van Henten convincingly shows the language of the decree is unique and has its closest parallels in Hellenistic honorary decrees celebrating benefactors.⁶⁹ Accordingly, the document’s reasoning for honoring Simon is understood to be a list of his benefactions towards the Judean public, and his investiture is the community’s reward. Nevertheless, whether the Simon decree emulates priestly edicts honoring kings, like those from Ptolemaic Egypt,⁷⁰ or rulings issued by *poleis* in honor of their local benefactors (*euergetai*),⁷¹ it still supposedly renounces Seleukid sovereignty and breaks away from the empire by having the people appoint Simon, their leader.

Erich Gruen has rightfully pointed out that the decree itself in no way renounces Seleukid sovereignty. On the contrary, it posits Demetrios II as the source of Simon’s authority, saying (1 Macc 14:38–39):

And king Demetrios established for him the high priesthood because of these things, and he made him one of his friends and glorified him in great glory.

καὶ ὁ βασιλεὺς Δημήτριος ἔστησεν αὐτῷ τὴν ἀρχιερωσύνην [. . .] καὶ ἐποίησεν αὐτὸν τῶν φίλων αὐτοῦ καὶ ἐδόξασεν αὐτὸν δόξῃ μεγάλῃ.

⁶⁵ E.g., Goldstein (1976) 509; Rappaport (1997); van Henten (2001). On inscribing decrees on bronze tablets, see Pucci Ben Zeev (1995).

⁶⁶ See, for example, Sievers (1990) 119–124; Rappaport (1997); Rappaport (2013) 218–220; Schenker (2000); Regev (2013) 115–117.

⁶⁷ See Schwartz (2017) 72: “For it is clear that the book’s purpose is to take us from The Problem portrayed in its first chapter, foreign rule and persecution, to The Solution that is portrayed step by step in the rest of the chapters of the book: home rule, more specifically – Hasmonean rule, most specifically – Simonide rule”. Schenker exemplifies this approach towards the authoritative status of the assembly, depicting its resolution in the terms of a “social contract” where sovereignty ultimately lies in the “Jewish people itself.” See Schenker (2000) 160, 166–167.

⁶⁸ E.g., Schenker (2000) 159–163.

⁶⁹ That is, it attests for acts of royal *euergotism* or *philanthrōpa basilika*, see van Henten (2001) 118–119.

⁷⁰ See van Henten (2001) 122–123.

⁷¹ Uriel Rappaport compared the decree to civic honors towards benefactors: Rappaport (1997); Rappaport (2004) 311–328. See also Krentz (2001). Gardner suggests we regard Simon as a benefactor, Gardner (2007) 332–337.

The assembly's resolution, recorded in the decree, simply approves these appointments (1 Macc 14:41, 46, 47; s.v. εὐδοκέω) without any hint of renunciation.⁷² Given the unique formulation of the resolution (1 Macc 14:41: οἱ Ἰουδαῖοι καὶ οἱ ἱερεῖς εὐδόκησαν) and the fact that it is linked to the king hearing of Simon's deeds (1 Macc 14:38: κατὰ ταῦτα; 14:40: ἤκουσεν),⁷³ it seems unlikely that Simon's explicit appointment by the Seleukid king is just another one of his achievements. So, while the document appears to be an honorific decree, we should not conflate Simon's role in it with that of a king or an independent benefactor – the proclamation itself stresses his integration into the imperial court and reliance on the Seleukid king. Moreover, Simon's additional titles – *hegemōn* and *strategos* – given to him by the Judeans hark back to his previous appointment to imperial administrative roles, which are now 'established' or confirmed by the Demetrios alongside the high priesthood (*strategos*, cf. 1 Macc 11:59), and at the same time present a local interpretation to his imperially mandated authority (e.g., *ethnarch*, cf. 1 Macc 13:8).⁷⁴ Finally, the decree seems to endorse the appointment of Simon by Demetrios, as laid out in another letter brought earlier in the narrative (1 Macc 13:35–42).⁷⁵

The association of Demetrios and Simon expressed in this declaration exposes the enmeshed relationships between rulers and local elites that characterized ancient empires. It also reveals the tension between Seleukid authority and Judean autonomy. These are better understood in light of the entangled Seleukid imperial state and its court society, particularly given the decree's reference to Simon entering the ranks of the king's friends (1 Macc 14:39).⁷⁶

Honoring the king's friend

In a world where the distinction between the imperial state and the royal court was vague, being admitted into the formal circle of the "king's friends" was not just a matter of personal merit. It reflected upon local groups and integrated them into the elite networks that made up the empire. Simon's admission to the Seleukid court contextualizes his other actions and links them to the Seleukid king.⁷⁷ The unmediated relations between king and courtier in the decree's internal justification stand out as

⁷² See Gruen (1998) 20–23; and also, Rajak (2001); Schwartz (2017) 74.

⁷³ Goldstein (1976) 507–508.

⁷⁴ On the Seleukid high priesthood, see Müller (2000). On Simon's dual appointment, see Abel (1949) 261. As noted above, this had precedent in the region as Ptolemaios was both high priest and *strategos*. On the local Judean meaning of these titles, see Eckhardt (2013) 187–192, 351–353.

⁷⁵ See Gruen (1998) 20–23.

⁷⁶ “καὶ ἐποίησεν αὐτὸν τῶν φίλων αὐτοῦ καὶ ἐδόξασεν αὐτὸν δόξη μεγάλη” “and he made him one of his friends and glorified him in great glory”.

⁷⁷ On Jonathan's courtly status, see Chrubasik (2021).

a source of Simon's authority and honor. This relationship situates the decree within its epigraphic context: it is an example of edicts honoring *philoï*. Local communities celebrated courtiers throughout the Hellenistic world by issuing official edicts that awarded them significant socioeconomic benefits like tax exemption, inclusion in the citizenry, and the association of gifted land to the city.⁷⁸ These proclamations followed conventional forms and employed the language of royal benefactions and *euergetism* while at the same time displaying intricate relationships between kings, royal agents, and local communities that recall the matrix of the Simon decree.⁷⁹

An edict issued in 186 BCE at Seleukia-in-Pieria serves as an illuminating example.⁸⁰ Its subject, Aristolochos, was one of the honored friends who surrounded Seleukos IV (IGLSyr 3,2.1183 ll. 3–4: “Ἀριστολόχου τῶν τιμωμένων φίλων παρ’ αὐτῶι [i.e., the king]”).⁸¹ The decree records a proposition (γνώμη) by the governor Theophilos and the city's magistrates regarding the local status of the courtier (l. 1: Θεοφίλου ἐπιστάτου καὶ ἀρχόντων).⁸² The officials detail their considerations with the customary ἐπεὶ (l. 2) and acknowledge that Aristolochos was already honored by the king both for his services to his father Antiochos III as well as himself.⁸³ They refer back to a royal ordinance sent to the city in a letter by the king, a copy of which they append, as per custom, to the decree (ll. 2–4).⁸⁴ The local proposal quickly shifts from the wording of the king's decision. It offers a justification that links Aristolochos's royal service to his “positive dispositions towards our city” (ll. 5–6: “καλῶς δ’ ἔχει, τοῦ ἀνθρώπου αἰρετικῶς ἔχοντος πρὸς τὴν πόλιν”).⁸⁵ The primary consideration thus becomes the fact that he has been voluntarily and earnestly acting on behalf of the city at the royal court (ll. 9–10: “συνεμβαίνοντος ἀπαρακλητῶς”; ll. 13–14: “ἦν [προ]σηνέγκατο σπουδὴν ἐπὶ τοῦ βασιλέως”).⁸⁶ So that others may know how the city treats its sincere benefactors, and perhaps to encourage similar attitudes (ll. 14–18), the *demos* finally decided (“δεδοχθαι τῶι

78 See for example RC 13. These benefactions were all part of the royal economy that needed to account for different types of land and forms of taxation. Land, released for ownership and cultivation by elite individuals had to be associated with existing administrative structures. See, Aperghis (2004) 112–113.

79 See already Gauthier (1985) 169–175.

80 See Holleaux (1933).

81 This is an official court rank. Surrounding the king and having access to him are notable in public discourse on courtiers. See Holleaux (1933) 31–39; Jalabert/Mouterde (1953) 643. On Aristolochos, see also Savalli-Lestrade (1998) 25–26.

82 Cf. 1 Macc 14:28. On the local officials, see Holleaux (1933) 26–31, 45–48.

83 Cf. 1 Macc 14:29. Holleaux (1933) 49; Jalabert/Mouterde (1953) 642–643.

84 On the letter containing the *prostagma* (IGLSyr 3,2.1183 ll. 29–39), see Holleaux (1933) 20–44; Welles (1934) 186–188.

85 See Holleaux (1933) 49–52; Jalabert/Mouterde (1953) 643.

86 See Holleaux (1933) 52–53; Jalabert/Mouterde (1953) 643. Cf. 1 Macc 14:31–32.

δήμωι”) to praise Aristolochos, granted him citizenship (ll. 20–22), and dedicated a place for the statue that the king awarded him (ll. 22–25).⁸⁷

The inscription from Seleukia includes Seleukos’s ordinance as a testimony to Aristolochos’s power to promote the city’s welfare and represent the local community before the king. The king’s letter does not mention how exactly Aristolochos served the affairs of the state (l. 35 “πρὸς τὰ πράγματα αἰρέσεως”), allowing the local authorities in Seleukia to interpret for themselves the particular form of royal service for which he was honored. The honorific decree thus suggests that Aristolochos’s service was advocating for the city’s matters (e.g., ll. 13–14).⁸⁸ The juxtaposition between the king’s letter and the local edict exposes the continuous negotiation between kings, elites, and local communities on each group’s authorities and role within the imperial state.

Such fusion of royal and local service appears in other edicts in honor of Seleukid *philoï*. For example, decrees from Ilion and Miletos show that a king’s esteem for his courtiers’ service merits local honors.⁸⁹ Moreover, these pronouncements tend to identify the royal court as a scene for local action and the surroundings of the king as a space where groups can promote their interests (e.g., Syll.³ 645=I. Lampsakos 6 l. 37: “παρὰ [τῶι βα]σιλεῖ”).⁹⁰ The king’s regard for his servants thus becomes a reason for honoring an individual: it distinguishes one’s actions as relating to the well-being of the king and having his approval and allows the honoring body to enter into a mediated relationship with the ruler while exhibiting its perception of the imperial chain of command in the decree.⁹¹

The fact that the initial honorific act in these edicts is by the king, from whom emanate all other honors, clarifies some of the difficulties we find in the Simon decree and its relation to Demetrios II. If a courtier’s relationship with the king is also the source of his local honors and authorities, it explains why the Simon decree uses εὐδοκέω, “approve,” to convey the final resolution of the Judean assembly (1 Macc 14:41: “ὅτι οἱ Ἰουδαῖοι καὶ οἱ ἱερεῖς εὐδόκησαν”; 14:46: “εὐδόκησεν πᾶς ὁ λαός”; 14:47: “καὶ ἐπεδέξατο Σιμων καὶ εὐδόκησεν ἀρχιερατεύειν”). It refers to the

87 On the expression of the formal resolution, see Holleaux (1933) 44–45; Jalabert/Mouterde (1953) 644–645. Cf. 1 Macc 14:41–42.

88 Gauthier (1985) 174.

89 See for example OGIS 220=I.Ilion 34, where Ilion honors the royal physician Metrodoros for saving Antiochos I; cf. I.Ilion 40; Savalli-Lestrade (1998) 13–14. Similarly, OGIS 226 shows that Hippomachos, a Seleukid courtier, was remembered in Miletos for restoring the city’s democracy and freedom on behalf of the king. See Günther (1971) 51–62; Savalli-Lestrade (1998) 17–19.

90 See Heberdey/Wilhelm (1896) 108–117. A decree from Kyme in honor of a courtier of king Attalos I(?) also posits the court as a setting (SEG 29.1216). See Petzl/Pleket (1979); Savalli-Lestrade (1998) 126.

91 Inscriptions concerning courtiers of the Attalid and Pontic dynasties further demonstrate these trends. For example, IG II² 945 (ll. 8–11) where the reasoning for Athens to honor a certain Diodoros is him being an honored friend of king Eumenes II. See also Savalli-Lestrade (1998) 132. Likewise, IosPE I² 352 (ll. 3–4, 32–33); Savalli-Lestrade (1998) 175–178.

royal honors and invests them with local content (e.g., giving Simon the title of *hegemōn* “leader”; 14:41). The idea of advertising local approval for court relations links the Simon decree to another letter by Demetrios addressed to Simon and “the elders and the *ethnos* of the Judeans.”⁹² This letter contains Simon’s initial recognition by the Seleukid king after Jonathan’s death when Demetrios addresses him as a high priest and friend of kings (1 Macc 13:36: “Βασιλεὺς Δημήτριος Σιμωνι ἀρχιερεῖ καὶ φίλῳ βασιλέων”) and receives his courtly gifts (1 Macc 13:37).⁹³ The king then offers concessions to the Judeans through Simon and relates them to the latter’s deeds (1 Macc 13:37–40).⁹⁴ Though a narrative section separates the two documents, Demetrios’ letter functions similarly to the decision of Seleukos IV regarding Aristolochos in instigating public honors. It addresses the community – the *ethnos* of the Judeans – and the courtier and declares his distinction in the royal service.⁹⁵ The Judeans reiterated and expanded these royal honors in their honorific decree that ties Simon’s royal service to his service to the *ethnos* (1 Macc 14:35, 41–42).⁹⁶

The Simon decree uses Hellenistic edicts’ formal and linguistic patterns honoring royal and civic benefactors, as was already shown by van Henten, Krentz, and Gardner.⁹⁷ Notably, the document evidenced by 1 Maccabees 14 transposes the honors to an agent who acts as a royal official and a mediator between kingship and a local community. Like other examples from the Seleukid Empire, the Simon decree embeds the authority of the honoree in the king, who is the source of honor, and adds to it a local interpretation. The decree’s mention of Simon’s appointment by Demetrios II is not simply an achievement of a local dignitary. Instead, it is the source of his authority and the reason he deserves honor: his actions reflect those of the king.⁹⁸

⁹² The letter in 1 Macc 13:36–40 seems to preserve an original. See Abel (1949) 242–244; Schunck (1954) 32–36; Stern (1972) 117–126; Goldstein (1976) 477. On the royal concessions in 1 Macc 13 and their meaning for the Simon decree, see Gruen (1998) 20–23.

⁹³ For a recent assessment of Jonathan’s role as a Seleukid power broker, see Chrubasik (2021).

⁹⁴ E.g., 1 Macc 13:38: “καὶ ὅσα ἐστήσαμεν πρὸς ὑμᾶς, ἔστηκεν, καὶ τὰ ὀχυρώματα, ἃ ᾠκοδομήσατε, ὑπαρχέτω ὑμῖν” “and as much as was established before you stands, and the fortresses that you built, you [will] possess.”

⁹⁵ As Benedikt Eckhardt meticulously shows, the Judean *ethnos* becomes a representation of the polity ruled by the Hasmoneans in different iterations; Eckhardt (2013) 9–10, 60–127. City-states were not the only ones to issue honorary decrees, we have decrees coming from *koina* (leagues) and *politeiai* (polities) honoring courtiers; for example, SEG 21.574. See Helly (1980); Savalli-Lestrade (1998) 131.

⁹⁶ Note the use of ἵστημι “to establish” in the context of Demetrios’s concessions (1 Macc 13:38: “καὶ ὅσα ἐστήσαμεν πρὸς ὑμᾶς, ἔστηκεν”) and Simon’s appointment (1 Macc 14:38: “ὁ βασιλεὺς Δημήτριος ἔστησεν αὐτῷ τὴν ἀρχιερωσύνην”). Moreover, the titles of *strategos* and *hegemōn* are already present in the Judeans’ reaction to Demetrios’s first letter (1 Macc 13:42).

⁹⁷ See van Henten (2001); Krentz (2001); Gardner (2007).

⁹⁸ The idea of courtiers reflecting the glory and authority of their kings and patrons is explored in detail by Sebastian Scharff, see Scharff (forthcoming).

When read in the context of local honors to royal agents, the Simon decree exposes some aspects of the intricate relationships and commitments that kept Judea within the Seleukid imperial state. It may also shed light on the role the Hasmoneans, particularly Simon, played in the region during the latter half of the 2nd century BCE. While it possibly provides valuable evidence for the structure of Judean society in the 140s BCE, it also attests to the use of the recent past in establishing the legitimacy of John Hyrkanos a couple of decades later. The inclusion of such a document in the historical narrative of 1 Maccabees indicates that Hasmonean partisans saw relations with the Seleukids as effective means of legitimation well into the reign of Hyrkanos. Contrary to some readings, the decree does not position Simon or the Judeans as a supreme authority or establish a centralized state power. However, it does paint a complex picture of Hasmonean statehood, in which the imperial ruler, Demetrios, his agent, Simon, and the Judean community, are entangled in multiple bonds. These bonds are, in a sense, what made the Hasmonean state.

Entangled empires and weak states

The relationships between king, courtier, and community that emerge from *philo* edicts, including the one in honor of Simon, demonstrate the entangled nature of imperial governance. It is widely agreed that the Simon decree conforms with Hellenistic epigraphic traditions that inform its structure and reasoning. Therefore, we should regard it as a discursive instrument that constructs the honoree as a royal official – a courtier – who mediates imperial authority in Judea and establishes a bond between the community and the king.⁹⁹ Like other court officials in the Hellenistic world, Simon was deserving of honor because Demetrios II honored him and, through Simon, had the potential to become attentive to local Judean concerns.

This form of imperial entanglement is also evident in how the courtier's service is defined. Honorific decrees tie together courtiers' service to the king and their service to the city or community. It is the public and private goodwill of the courtier, manifested in court, towards specific groups that makes him worthy of honors.¹⁰⁰ The court functionary representing the city or community in the imperial system is honored by those he advocates for, often becoming part of these bodies as they

⁹⁹ This is in line with John Ma's proposal we read decrees as discourse, Ma (1999) 228–235. See also Chrubasik (2017) 106–109.

¹⁰⁰ See Gauthier (1985) 172.

endow him with citizenship, *proxenia*, and other economic benefits.¹⁰¹ The subject of the decree is thus encouraged to become the community's envoy.¹⁰²

In the Simon decree, the triad of king, court, and community draws attention to Simon's role as mediator between the Seleukid rulers and the Judeans. Simon's local authorities best represent this role. Besides approving the titles and rights already endowed to Simon by Demetrios, the Judean assembly ensures his status as its exclusive agent in court. Simon is the only Judean allowed to bear the regalia of a court official (i.e., purple robes and gold brooch) and speak on behalf of the community. His presence makes Judean gatherings official (1 Macc 14:44).¹⁰³ Rejecting these privileges is a punishable offense (1 Macc 14:45).¹⁰⁴ So, in an act of internal negotiation, the assembly ensures Simon's local elite status, perhaps in the face of challenges from other factions within Judean society, in return for being the Judean agent in the royal court.¹⁰⁵ Imperial and local relations are thus embedded in a single elite power broker who simultaneously represents imperial authority and local autonomy.¹⁰⁶

The Simon decree discloses some second-century BCE Judean perceptions of statehood when read alongside other decrees from the Hellenistic world. First Maccabees 14 appears to preserve an original document that, keeping with contemporary notions, presented Judean local authority as relational rather than absolute and entangled in imperial networks. It envisions any form of Judean self-governance as part of a more expansive state apparatus identified in the imperial court.¹⁰⁷ By highlighting Simon's role as mediator between the Seleukid king and Judeans, the decree puts front and center the constant negotiation between community, court, and king on the authority of each party and its limits. In the Hellenistic world, these imperial dynamics were beneficial to local elites who sought to position themselves as powerful regional power-holders without giving up the backing of the

101 E.g., Syll.³ 645 ll. 35–44; SEG 29.1216 ll. 1–6.

102 Strootman makes the case for this form of entanglement between kings and *poleis*, however, it can be expanded to include other forms of communal organization, see Strootman (2021).

103 “Καὶ οὐκ ἐξέσται οὐθενὶ τοῦ λαοῦ καὶ τῶν ἱερέων ἀθετῆσαί τι τούτων καὶ ἀντειπεῖν τοῖς ὑπ’ αὐτοῦ ῥηθησομένοις καὶ ἐπισυστρέψαι συστροφήν ἐν τῇ χώρᾳ ἄνευ αὐτοῦ καὶ περιβάλλεσθαι πορφύραν καὶ ἐμποροῦσθαι πόρπην χρυσοῦν” “And no one from the people and the priests will come forth and reject any of these, nor speak against anything to be said by him, nor gather a gathering in the land without him, nor be clothed in purple and wear a gold brooch”.

104 “ὃς δ’ ἂν παρὰ ταῦτα ποιήσῃ ἢ ἀθετήσῃ τι τούτων, ἔνοχος ἔσται” “but whoever acts against these, or rejects any of these, he will be guilty.”

105 On some of Simon's possible rivals, within and outside his family, see Rappaport (2013) 238–239; Eckhardt (2016b).

106 This matrix is nicely demonstrated in Syll.³ 601, where a courtier acts as an envoy to Rome on behalf of both king Antiochos III and the city of Teos. This is perhaps also the context in which we need to understand Simon's embassy to Rome that is mentioned in the decree (1 Macc 14:40).

107 On the role of courts in incorporating cities in the imperial state, while giving them specific forms of freedom, see Strootman (2021) 139, 164; and more broadly, Egetenmeier (2021) 104–175.

empire.¹⁰⁸ In return, they offered local communities their mediation of kingship if they could act as their exclusive agents. Local statehood and self-governance thus appear intentionally weak and relational. It is derivative of a bigger amalgamation of commitments embodied by supra-local rulers and imperial practices and made apparent locally by power brokers.

The use of the Simon decree in the broader narrative of 1 Maccabees attests to its significance in the days of Simon's heir, John Hyrkanos, and reveals some of the dynasty's self-perceptions. It suggests that the Hasmoneans saw their inception in a royal concession and sought to cement their local authority by employing royal recognition in their favor. These, however, do not amount to independence from or complete renunciation of Seleukid rule, even under Simon's heir, since Judea's autonomy came to be defined according to the status of its representative in the imperial court.

In the Hellenistic world, freedom and autonomy were part of an imperial discourse that gave elites local authorities within the framework of empire. These authorities did not mean sovereignty and were always relational, derivative, and entangled. In this imperial reality, the state was not founded on a contract or constitution but rather on constant acts of negotiation between multiple parties. According to its documentary history, the Hasmonean polity rose to be a regional actor in the Seleukid province of Koilē Syria and Phoinikē as an entangled entity that existed within the empire and that intentionally positioned itself as such. Hasmonean statehood was not formed in opposition to a collapsing empire, but was instead a product of imperial structures.

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Jan Willem van Henten

Fundamentals of Self-Government in Ancient Jewish Writing 4 Maccabees

Abstract: This paper discusses the fundamentals of self-government as presented in 4 Maccabees, a book deriving from a Jewish Diaspora community in ancient Syria or Cilicia. The early Roman Empire allowed limited autonomy for Jewish communities in their urban environment. Their self-regulation was based on the arrangement of a *politeuma*, a quasi-autonomous civic body that enabled the Jews to live according to their ancestral customs based on Jewish laws. 4 Maccabees provides us with insight into how one of the Jewish Diaspora communities imagined its ideal way of life through the lens of the martyrdoms, which are highlighted in this work. The deeds and statements of the martyrs reflect key points of a proper Jewish life, which is based on faithfulness to God and his laws. The author argues that the martyrs restored a situation of *eunomia* – the people’s proper observance of Jewish laws – and enabled their fellow-Jews to return to their previous way of life (*politeia*) that took on the proper attitude to God and faithfulness to the Jewish laws within their minority community in one of the eastern cities of the Roman Empire.

Zusammenfassung: Dieses Kapitel bietet eine Diskussion der Grundlagen der Selbstverwaltung, wie sie im 4. Makkabäerbuch dargestellt werden. Dieses Buch stammt aus einer jüdischen Diaspora-Gemeinde im alten Syrien oder Kilikien. Das frühromische Reich erlaubte eine begrenzte Autonomie der jüdischen Gemeinden in ihrer städtischen Umgebung. Ihre Selbstregulierung basierte auf der Einrichtung eines *politeuma*, einer quasi-autonomen bürgerlichen Körperschaft, die es den Juden ermöglichte, nach ihren vorväterlichen Bräuchen auf der Grundlage der jüdischen Gesetze zu leben. Das 4. Makkabäerbuch gibt uns Einblicke darüber, wie sich eine der jüdischen Diaspora-Gemeinschaften ihre ideale Lebensweise vorstellte, und zwar durch die Linse der Martyrien, die in dieser Arbeit hervorgehoben werden. Die Taten und Aussagen der Märtyrer spiegeln die Eckpunkte für ein richtiges jüdisches Leben wider, das auf der Treue zu Gott und seinen Gesetzen beruht. Der Autor argumentiert, dass die Märtyrer eine Situation der *eunomia* – die ordnungsgemäße Einhaltung der jüdischen Gesetze durch das Volk – wiederhergestellt und ihren Mitjuden auf diese Weise ermöglicht haben, zu ihrer früheren Lebensweise (*politeia*) im Einklang mit der richtigen Einstellung zu Gott und der Treue zu den jüdischen Gesetzen innerhalb ihrer Minderheitensituation in einer der östlichen Städte des Römischen Reiches zurückzukehren.

Introduction

The Jews are one of the most well-known nations in the ancient world, not only because they still exist as a worldwide ethnic or ethno-religious community. Another reason we are familiar with ancient Judaism is the enormous impact of the works of Flavius Josephus, who reports the history of the ancient Jews up to his own time and was so beloved by Christian readers that he could be called the fifth evangelist.¹ In this paper, I will focus on one ancient Jewish document, 4 Maccabees, which originates in a Jewish Diaspora community, plausibly in the city of Antioch on the Orontes (Syria) or in one of the cities of Roman Asia Minor. The Jews/Judeans were well spread out over the ancient world since the Babylonian Captivity, with important settlements in, among other places, Egypt, Babylonia, Media, Syria, Asia Minor, Greece, the Cyrenaica and Rome.² As with other Diaspora communities, the Jews' connection to their homeland was complex and ambiguous.³

Like other nations under Roman rule, the Roman state allowed the Jews to live according to their ancestral customs, which ultimately derive from the Mosaic laws, i.e., the laws which God revealed to the Israelites through Moses and which are transmitted in the first five books of the Bible. This was done on a local and temporary basis. Julius Caesar confirmed this right and Augustus and later rulers reconfirmed it – with some extensions.⁴ This approximately implied that, in peaceful and stable circumstances, the Jews were allowed to observe the Sabbath and Jewish holidays, they could assemble in their synagogues, they were allowed to send money to Jerusalem for the Temple tax (until 70 CE, when this was replaced by the *fiscus judaicus*), they were able to observe their food restrictions,⁵ and they had juridical autonomy to a certain extent. Occasionally they were exempted from military service as well.⁶ Since the publication of a cluster of papyri from Heracleopolis in Ptolemaic Egypt by James Cowey and Klaus Maresch, it is fairly certain that Jewish and possibly other Diaspora communities had a form of self-government based on regulations of a so-called *politeuma*.⁷ These papyri were written during the rule of the Ptolemaic King Ptolemy VIII Physcon (145–116 BCE) and most of them are appeals and petitions to the *politeuma* and its administrators. Before this publication several scholars doubted the existence of the *politeuma*-organization as a political

1 Van Henten (2015).

2 Schürer (1973–1987) Vol. 3, 1–176; Safrai/Stern (1974–1976) 117–215, 377–503, 701–727; Barclay (1996); Smallwood (1999) 168–191; van der Horst (2015); Grabbe (2020) 231–247.

3 Safran (1991); Cohen (1997); Boyarin/Boyarin (2002); Glissmann (2019).

4 Barclay (1996) 277–278; Rajak (1984).

5 Pucci-Ben Zeev (1998). In Antioch, the Jews were allowed to use their own oil and they were refunded for the oil-tax, *Jos. ant.* XII 120; Smallwood (1999) 189.

6 Pucci-Ben Zeev (1998) 45, 95, 143, 152–153, 157, 161–169, 173–175, 183, 186–191, 440–441, 456.

7 Cowey/Maresch (2001). See also Cowey (2000); Kasher (1985) ix, 119, 155–156, 202, 208–211, 229–230; Lüderitz (1994) and Barclay (1996) 25, 43–44, 64–65, 234–237.

body within the city, or they interpreted it differently.⁸ The papyri from Heracleopolis confirm that a *politeuma* implied a quasi-autonomous civic corporation of an ethnic minority community with its own council of officials, which exercised administrative and judicial power over its own members independently of the municipal authorities of the city in which it was established. The *politeuma* formed “in effect a city within a city”.⁹

The relevance of 4 Maccabees

The rights and self-regulation of local Jewish Diaspora communities seem to be fairly clear, although these rights were sometimes contested and some Jews claimed to have citizenship of the city itself.¹⁰ What is less clear is how the Jews themselves conceived their minority position and how they articulated their own way of life. A case study of 4 Maccabees may provide an answer to these questions from the perspective of at least one Diaspora community and offer some reflection about what may have seemed important for a life in a Diaspora minority. 4 Maccabees is the oldest Jewish writing devoted almost entirely to the topic of martyrdom. It is an anonymous work, a discourse with a mixed form: it combines a philosophical treatise on the autonomy of pious reason in the report of martyrdom of an old scribe and priest, and a mother with her seven sons. It also offers extensive praise for these so-called Maccabean martyrs who refused to eat a piece of pork during a ritual meal ordered by the Seleucid King Antiochus IV Epiphanes (175–164 BCE). There is a considerable gap between the time of the persecution of the Jews by Antiochus IV (ca. 169–167 BCE) and the plausible date of the book (ca. 100 CE).¹¹ 4 Maccabees was most likely composed in the early imperial age and it remains unclear whether it originated in a new context of persecution for the Jews.¹² The detailed descriptions of the martyrdoms (roughly chapters 6–12) substantiate 4 Maccabees’ philosophical proposition about the autonomy of devout reason stated in 4 Macc. 1:1–3:18.¹³ This is also apparent from certain passages about the martyrs, which

8 Discussion in Kasher (2002a); Kasher (2002b) 257–268.

9 With Smallwood (1999) 177. See also Smallwood (1981) 139–141, 224–250, 358–371.

10 For definitions of self-regulation and self-government, see Pfeilschifter *et al.* (2019) 12–15; Mohamad-Klotzbach (2020).

11 Discussion and references in deSilva (2006) xiv–xvii, who argues for a slightly earlier date (the latter part of 19–72 CE).

12 Van Henten (2002).

13 4 Macc. 3:19–18:24 can be considered the demonstration (*apodeixis*, 4 Macc. 3:19) of the philosophical argument discussed in 4 Macc. 1:1–3:18, cf. Aristot. *rhet.* 1414a lines 31–37.

repeat the philosophical hypothesis, sometimes with rhetorical vocabulary (4 Macc. 6:31–35; 7:16–23; 13:1–5; 16:1–4; 18:2).¹⁴

***Nomos* and *eusebeia* as fundamental guidelines for a Jewish way of life**

The philosophical proposition elaborated in 4 Maccabees 1:1–3:18 offers a solution for a basic problem in Greek and Roman philosophy: the relationship between reason and emotions. The author of 4 Maccabees connects ideas and vocabulary that derive from various philosophical traditions.¹⁵ By combining these elements, he develops and formulates his own line of thought, which can, perhaps, be considered a Jewish philosophy of its own. His argument focuses on controlling the emotions with the help of reason. He incorporates the famous four cardinal virtues in his argument (prudence, courage, self-control and justice, 4 Macc. 1:18), but he also reinterprets them by highlighting piety, i.e., the proper religious attitude (*eusebeia*, εὐσέβεια) as the most important virtue. The old martyr, Eleazar, mentions the cardinal virtues in his philosophical debate with King Antiochus IV, but he exchanges prudence (*phronêsis*) for *eusebeia* (4 Macc. 5:23–24). The author highlights the attitude presupposed by the keyword *eusebeia*, which means the proper religious attitude towards the God of the Jews and not to humans among themselves.¹⁶ In 4 Maccabees 5:24, the martyr, Eleazar, defines *eusebeia* as “worship with proper reverence of the only living God” (“μόνον τὸν ὄντα θεὸν σέβειν μεγαλοπρεπῶς”).¹⁷ *Eusebeia* is the most important virtue in 4 Maccabees and the author interprets it from a Jewish perspective, closely connected with the Jewish law (*nomos*).¹⁸ Following Eleazar’s encouragement of the Jewish youth, the seven Maccabean brothers decide to die nobly for the virtue of *eusebeia* and connect this with their faithfulness to the Jewish law: “We, O Antiochus, who have been persuaded to govern our lives by the divine law” (4 Macc. 9:2; cf. 5:16; 6:22). *Eusebeia* also forms the foundation of the philosophy articulated in 4 Maccabees.¹⁹

¹⁴ About 4 Maccabees’ rhetorical style, see Breitenstein (1976); Klauck (1989a).

¹⁵ Renehan (1972); Klauck (1989b) 708–714; Klauck (1990); Weber (1991); van Henten (1997) 273–288.

¹⁶ Van Henten (1997) 131–132. In Graeco-Roman contexts, *eusebeia* usually indicates the proper attitude towards deities and humans, especially family members (cf. the related Latin word *pietas*). Loenen (1960); Latte (1960) 39–40; Hellegouarc’h (1963) 276–279.

¹⁷ Unless indicated otherwise all translations of 4 Maccabees derive from the *NRSV* (*New Revised Standard Version*), Meeks (1993).

¹⁸ Klauck (1989a) 106.

¹⁹ 4 Macc. 1:4, 6; 2:6, 23; 13:24; 15:10. Weber (1991); van Henten (1997) 278–284. D’Angelo (2003) 147–157, focuses on the aspect of family values of *eusebeia* in 4 Maccabees.

Martyrdom, identities and political motivations

Martyrs are usually made by others, that is individuals or groups who decide at a certain stage to commemorate deceased persons as martyrs for certain reasons. These commemorations often appear to be contested.²⁰ Martyrs are commemorated by communities by producing texts, images, and cultural material to preserve, transmit and re-interpret the powerful scenes of martyrs who stood up to their opponents and fell victim to them. Martyrs clearly function as the heroes of such communities. People want to identify with them, not necessarily by re-enacting the martyrdom, but by sympathizing with the cause for which the martyrs died. Documents about martyrdoms can, therefore, be interpreted as windows into the identities of those who commemorate the martyrs. By highlighting the martyrs, the author of 4 Maccabees ‘constructs’ a group that is obedient to the Jewish law and not hostile to the Roman state or the non-Jewish outside world if the practice of the law is guaranteed. The martyrs are famous role models who demonstrate to their community as well as to other Jews, outsiders, pagans and Christians, that they were willing to sacrifice their lives for their practices and beliefs. The martyrs refuse to eat a piece of pork during a kind of ritual meal (4 Macc. 4:26–5:4) and food seems to be the most important boundary marker in the text.²¹ The author seems to advocate a rigorist view of the observation of the Jewish law, implying that one should not violate the law even at the cost of one’s life (e.g. 4 Macc. 5:13; 6:21; 8:22; 18:10).²² The martyrs exemplify this in an ideal way.

Obviously, the key guidelines *eusebeia* and *nomos* are reflected in the martyrs’ motives for refusing to participate in the king’s ritual meal, which are highlighted in two dialogues between King Antiochus and the martyrs (4 Macc. 5 and 8:1–9:9) as well as the martyrs’ final statements during their torture until death. The old priest Eleazar, does not want to give up proper religion (*eusebeia*, 4 Macc. 5:31; 7:16; 9:6; 16:17).²³ Nor does he want to abandon the law of his ancestors (“τὸν πατριὸν νόμον”, 4 Macc. 5:33).²⁴ The divine law given by Moses to the ancestors is the foundation for the Jewish way of life as presented in 4 Maccabees and it clearly has two aspects. It is the law given by God (cf. 4 Macc. 5:16, 18, 25), revealed by Moses (4 Macc. 9:3), and at the same time the ancestral law of the Jewish people. It, therefore, highlights a key point of the status of the Jews as an ethnic community (*ethnos*, see also

²⁰ Saloul/van Henten (2020).

²¹ See also 4 Macc. 1:33–34, which refers to the categories of unclean animals one should stay away from, as mentioned in Lev 11 (cf. Deut. 14:1–21).

²² Schwartz (1993) who discusses rabbinic passages about whether one should die in order to remain faithful to the Torah.

²³ See also 4 Macc. 9:24, 29–30; 12:11, 14; van Henten (1997) 281–284.

²⁴ See also 2 Macc. 4:23 and 16:16; cf. 2 Macc. 6:2, 18, 19, 21–22, 27, 30 and 4 Macc. 8:7 “the ancestral tradition of your way of life”.

below). The seven brothers also decide to die nobly for the central virtue of *eusebeia* (4 Macc. 6:22) and for the ancestral commandments of the Jewish law: “Why do you delay, O tyrant? For we are ready to die rather than transgress our ancestral commandments” (4 Macc. 9:1).²⁵ Another statement by the seven brothers echoes Horace’s famous maxim “it is sweet and fitting to die for one’s fatherland” (*dulce et decorum est pro patria mori*).²⁶ The second brother states: “How sweet is any kind of death for the religion (*eusebeia*) of our ancestors” (4 Macc. 9:29).²⁷ These words partly overlap with Horace’s passage, but there is also an important difference: in Horace, the martyrs highlight the ancestral religion of the Jews as opposed to the fatherland (*pro patria*). This ancestral religion is the religion of the Jewish people, the notion of ancestors presupposes that. Other passages in 4 Maccabees also suggest that the Jewish people have a religion of their own. The author refers to a fictitious epitaph for the martyrs and he imagines what the inscription on it might have been (4 Macc. 17:7–10).²⁸ The introduction to this fictitious epitaph presents the martyrs as the heroes of the Jewish people who should be commemorated accordingly: “Indeed it would be proper to inscribe on their tomb these words as a reminder to the people of our nation” (4 Macc. 17:8). The text brings about associations of additional heroes with epitaphs from other ethnic groups like the Spartans and the Romans,²⁹ but religion is mentioned as the only motive for the martyrs’ self-sacrifice. The introduction indicates that the mother endured while she saw how her seven sons were being tortured to death for the sake of proper religion (*eusebeia*). The epitaph itself formulates it differently, but also refers to religion as a motive: “They [the martyrs] vindicated their people (*genos*), looking to God (εἰς θεὸν ἀφορῶντες)³⁰ and enduring torture even to death” (4 Macc. 17:10, transl. NRSV adapted). The Jewish religion seems to be the central element that encapsulates the Jewish ethnic identity presented in 4 Maccabees.³¹ Moreover, as the philosophical argument and the construction of the martyrs as

²⁵ See also 4 Macc. 5:16, 18, 25; 6:21; 9:15; 11:5, 27; 13:22; van Henten (1997) 134–135.

²⁶ Hor. *od.* 3.2.13; Büchner (1962) 124–138; Hommel (1968); Syndikus (1972–1973) 27–28; Quinn (1980) 245; Harrison (1993); deSilva (2006) 181.

²⁷ Cf. 4 Macc. 9:24; 12:17.

²⁸ Van Henten (1994).

²⁹ E.g. Simonides’ epigram for Leonidas and his fellow-Spartans, Anth. Gr. 7.249, quoted by Herodotus (Hdt. 7.228) and adapted by Lycurgus (Lycurg. *contra Leocr.* 109). See also the Latin version in Cicero (Cic. *Tusc.* 1.101). Also, the epigram of Mnasalces (3rd century BCE): “These men delivering their country from the fearful yoke that rested on their neck, clothed themselves in the dark dusk. High praise win they by their valour, and let each citizen looking on them dare to die for his country.” (Anth. Gr. 7.242; transl. William R. Paton, LCL).

³⁰ This phrase expresses the martyrs’ faithfulness to God, cf. Epict. 2.19.29 and Letter to the Hebrews 12:2.

³¹ Cf. Stroumsa (1999) 60, who argues that “the main criteria of identity moved first from ethnicity to culture, and then to religion.” Cohen (1999) and Wilson (2004) use the term ‘ethno-religion’ in this connection.

heroes of the people implies, the key word “nation” (*ethnos*) in the text of the epitaph refers to an *ethnos* in the sense of an ethnic community and to a specific way of life in 4 Maccabees, but not to a Jewish territory or a Jewish state (see also below).³²

Defeating the king: The triumph of the Jewish way of life

4 Maccabees implies that the martyrs themselves fought and defeated King Antiochus. The fictitious epitaph for the martyrs in 4 Maccabees 17:9–10, discussed above, points out that the steadfastness of the martyrs resulted in a defeat of the king. There was no other option left for the king than to withdraw and march against the Persians (4 Macc. 18:4–5). The triumph of the martyrs is indicated by a semantic field that includes words referring to tyranny (*tyrannos/tyrannis*), the abolishment of tyranny and victory (*nikê* “victory”, *nikaô* “triumph”). We already find this vocabulary in the introduction, which states about the martyrs: “. . . they became the cause of the downfall of tyranny over their people.” (4 Macc. 1:11) The mother of the seven sons stood up to the violent tyrant (4 Macc. 17:2) and defeated him (4 Macc. 16:14).

The author elaborates the defeat of the tyrant with athletic³³ and military metaphors (4 Macc. 9:23–24; 11:22–23; 13:16; 16:14), which were highly conventional in contemporary popular philosophical and rhetorical writings.³⁴ A passage that praises the mother calls her a soldier of God:

O mother, soldier of God in the cause of religion (*eusebeia*), elder and woman! By steadfastness you have conquered even a tyrant (τύραννον ἐνίκησας), and in word and deed you have proved more powerful than a man.³⁵ (4 Macc. 16:14)

This passage presents the martyrdom as a spiritual battle for Jewish religion. It may build on the motif of philosophers standing up to a tyrant despite their suffering.³⁶ Both metaphors also suggest a representative aspect of the martyrs’ performance, who fought as representatives of their people like athletes competing for the honor of their hometown. Athletes introduced themselves before their contest by stating

³² Van Henten (1997) 198–199, 257–263. Ethnic communities without a state were not uncommon in the ancient world, Koselleck *et al.* (1992) 164–165.

³³ See especially the elaborate athletic metaphor in 4 Macc. 17:11–17. Also 4 Macc. 15:29; 16:16; Pfitzner (1967) 57–65; Dehandschutter (1989); Tabb (2017) 105–106.

³⁴ Jaeger (1973) 1.234–236; Pfitzner (1967) 24–25.

³⁵ For the male courage of the mother, cf. 2 Macc. 7:21; 4 Macc. 15:23, 30, and see Young (1991); Moore/Capel Anderson (1998).

³⁶ See, e.g., Diog. Laert. 9.26–28, 5859 about Zeno and Anaxarchus.

their names, the name of their fathers, and their hometowns.³⁷ If successful, they were richly rewarded by their town. The victory was solemnly announced, the athletes were welcomed splendidly, and they were given a wreath in their hometown.³⁸ One could argue that martyrs, by way of analogy, fought for the practices, convictions, and identities of their people.

How could the martyrs succeed in defeating the king? The author elaborates on the way of life of these Jewish martyrs, which he diametrically opposes to the Greek way of life of the tyrant. He highlights the martyrs' faithfulness to Jewish law and to proper religion (*eusebeia*), and he also points out the consequences of two key points. The deeds of the martyrs lead to a return to the ideal situation for the Jewish people as it is described in 4 Maccabees 3:20–21. 4 Maccabees also does not focus on Jewish institutions or on a Jewish state, but on the ideal way of life of the Jewish people. This could, in principle, also be realized elsewhere in a minority situation if the foreign government would allow for it. This ideal Jewish way of life in line with devout reason presupposes a situation of *eunomia* as the historical context in which the martyrdoms are set. The 'revolution' caused by wicked Jewish leaders brought about the intervention of King Antiochus IV as a punishment for the Jewish people. It destroyed the common harmony (*homonoia*) among the people (4 Macc. 3:21). Everything had been fine for the Jews, as the beginning of the historical framework suggests (4 Macc. 3:20):³⁹

At a time when our ancestors were enjoying profound peace because of their observance of the law (*eunomia*) and were prospering, so that even Seleucus Nicanor, king of Asia, had both appropriated money to them for the temple service and recognized their way of life (*politeia*).⁴⁰

This reference suggests that the observance of the law (*eunomia*) of the people results in stable peace for the Jewish people. The passage builds on the older work of 2 Maccabees, which describes the ideal situation in Judea under the high priesthood of Onias III (4 Macc. 3:1), but it differs from this passage in several ways. The reference to the ancestors of the Jews ("our ancestors") creates the impression of an ideal past, which is, as the reader learns through the continuation of the text, restored by the martyrs. This situation is characterized by profound peace, *eunomia*, and the fact that King Seleucus provided money for the temple service and acknowledged

³⁷ Merkelbach (1975) 120.

³⁸ For example, see Robert (1967) 25–26; Pleket (1975) 62, 80; Miller (2004) 214, 220–225.

³⁹ The word *homonoia* (ὁμόνοια "harmony") also occurs in 4 Macc. 13:23, 25. The Latin equivalent *concordia* ("harmony", "concord") indicates the (ideal) concord in a group or the state, Noreña (2011) 132–136. The well-known statement by Sallust "because of concord (*concordia*) small things grow, because of discord great things collapse" (Sall. *Iug.* 10.6) is quoted by Seneca (Sen. *epist.* XCIV 46).

⁴⁰ NRSV: "their commonwealth".

the Jewish way of life (*politeia*, 4 Macc. 3:20).⁴¹ The martyrdoms exemplify that this ideal situation could return for the Jewish people if the Jews would remain faithful to God and the Jewish law, by living in accordance with *eusebeia* and devout reason. Passages further on confirm this line of interpretation. In 4 Maccabees 4:24 the author already remarks that the tyrant was not able to discontinue the *eunomia* of the Jews by his decrees, which forbade their ancestral way of life (4 Macc. 4:23). A passage in 4 Maccabees 7:9 about Eleazar indicates that the martyr's perseverance during suffering "established the truthfulness of our observance of the law (*eunomia*)".⁴² "Our observance" refers here to the Jewish people, which implies that Eleazar, by his total faithfulness to the law, exemplifies the attitude of the Jewish people to the law. A concluding passage points out that the martyrs renewed the situation of peace and *eunomia* for the people, which existed for their ancestors. This is referred to in 4 Maccabees 3:20–21:

Because of them [i.e., the martyrs] the people (*ethnos*) gained peace, and by reviving the observance of the law in their fatherland⁴³ (τὴν εὐνομίαν τὴν ἐπὶ τῆς πατρίδος ἀνανεωσάμενοι) they ravaged the enemy. (4 Macc. 18:4)

What does *eunomia*, so far translated by "observance of the law", precisely mean in these passages? In Greek passages from the classical period, *eunomia* often denotes the proper order in the city-state. This harmonious order is often the result of an aristocratic form of government.⁴⁴ Aristotle states that *eunomia* is a central target for politicians.⁴⁵ In his view, the concept has two aspects, which are related: (1) the laws of the state should be good; and (2) if that is the case, it is reasonable that the citizens obey the laws.⁴⁶ Aristotle continues this passage with a plea in favour of a mixed constitution. Plato also points to the role of the citizens in *eunomia* and he remarks that it should be the focus of the citizens in order to maintain the life of the city-state (*polis*).⁴⁷ In the imperial period, the emperor is supposed to guarantee a state of *eunomia*, which implies a situation in which the laws are good (*bonae leges*, 'good laws'). The platonic philosopher and orator, Lucius Apuleius (2nd century CE), well-known by his work *Metamorphoses*, re-interprets Plato in a passage

⁴¹ The surname Nicanor (cf. Nicator in the Syrian version) for Seleucus is surprising, because no Seleucid king with this surname is known from the ancient sources, van Henten (1997) 80; den Dulk (2014).

⁴² For κυρόω meaning "establish the truthfulness of", see Muraoka (2009) 420 s.v. 2.

⁴³ NRSV: "homeland".

⁴⁴ Andrewes (1938); Ehrenberg (1965) 139–158; Steinmetz (1969) 60–71; Adkins (1972) 46–57. The ideal situation of *eunomia* was in Tyrtaeus' opinion best realized in Sparta, Andrewes (1938) 95–100; Ehrenberg (1965) 26, 205; cf. Plut. *Lyc.* 29 (*mor.* 58A); Philo *Det.* 134.

⁴⁵ Aristot. *eth. Nic.* 3.5 1112b; Aristot. *eth. Eud.* 1.5 1216b.

⁴⁶ Aristot. *pol.* 4.8 1294a.

⁴⁷ Plat. *leg.* 12 960d. Cf. the definition of *eunomia* in Ps. Plat. *def.* 413e: "πειθαρχία νόμων σπουδαίων", "compliance with good laws." See Leisegang (1950) 2365–2366.

about the well-ruled city (Apul. *Plat.* 2.26–28), which can be distinguished from the ideal city. Apuleius comments that Plato “sets out to discover in what manner the political leader, bringing together a certain territory and a gathering of the multitude, must create a state full of good laws and good morals (*fecere civitatem bonarum legum et morum bonorum*), according to the nature of both the circumstances and the individuals who have come together . . .” (Apul. *Plat.* 2.26, transl. Fowler)⁴⁸ Good laws and good morals go hand in hand with achievements of the ruler. We find a similar reasoning expressed in an epigram dating from Gaius’ reign that is transmitted by Philippus Epigrammaticus (1st century CE): beehives were found in the ships that were dedicated to Augustus’ victory at Actium and the epigram ends as follows: “So good is the grace of Caesar’s law and order (Καίσαρος εὐνομίης χρηστή χάρις); he has taught the enemy’s arms to bear fruits of peace instead.”⁴⁹

In some Jewish writings, *eunomia* implies a situation of the proper legal order that is to the benefit of the people.⁵⁰ A passage in Josephus implies that the right actions of the people’s leaders can bring about such a situation. Josephus remarks on Samuel’s administration of Israel’s cities: “He himself, setting out annually to these cities, gave judgment for them, and over a long period of time, established much in the way of a sound legal system (*eunomian*, Jos. *ant.* 6.31, transl. Begg).⁵¹ Another passage in Josephus implies that this order has a theocratic foundation. In *Against Apion* 2.159–160, Josephus states that Moses, being the leader of Israel, considered it essential to “display the proper religious attitude and to provide for the peoples a perfect order (εὐσεβεῖν καὶ πολλὴν εὐνομίαν τοῖς λαοῖς ἐμπαρασχεῖν; transl. Barclay, adapted).”⁵² By highlighting this, Moses could demonstrate his own virtue as well as ensure the lasting welfare of those who had made him their leader. He himself considered God to be his guide and counsellor (Jos. *Ap.* 2.160). Proper order and peace are closely related in another Josephan passage in which he recounts David’s call to the leaders of the people to assist Solomon with the building of the Temple and dedicate themselves to the service of the Lord. As a reward they would enjoy peace and order (εἰρήνη καὶ εὐνομία, Jos. *ant.* 7.341).⁵³ Philo regards the high priest as the guarantor of the good order in the Jewish community. The high priest administered justice according to the laws, performed daily prayers and

⁴⁸ Fowler (2016).

⁴⁹ For text, translation and commentary, see Gow/Page (1968), 1.298–299; 2.331. Cf. already *OGIS* 56 line 13 about Ptolemy III Euergetes; Plut. *mor.* 780f–781a.

⁵⁰ Sometimes, however, εὐνομία is almost synonymous with νόμος or πολιτεία in a more general sense of polity. Herod has offered a special polity (ἐξαιρετός εὐνομία) to the inhabitants of Samaria/Sebaste according to Jos. *bell. Iud.* 1.403, which probably implied privileges for the citizens.

⁵¹ Cf. Jos. *ant.* 7.195 concerning Absalom.

⁵² Barclay (2007) 258, reads πολλὴν εὐνομίαν with Niese and interprets the phrase as “the constitutional ideal of good laws properly observed” (cf. for the opposite Jos. *Ap.* 2.158).

⁵³ Cf. Jos. *ant.* 11.216, concerning Artaxerxes’ decree (cf. Esther 3:12 and Addition B in the Greek versions).

sacrifices, and invoked the Lord's blessings for brothers, parents, and children, so that all members and generations of the people would form a harmonious community, striving for peace and good order (“εἰρήνης καὶ εὐνομίας ἐφιέμενα”, Philo *Spec. leg.* 3.131).⁵⁴ If we compare 4 Maccabees with Jewish and non-Jewish passages about *eunomia*, it seems that the author of 4 Maccabees has built on the non-Jewish view of the concept as the proper observance of the laws by the citizens. He reinterprets it at the same time by applying it to the Jewish law revealed by God, which is observed by the entire Jewish people. By defeating the tyrant, the martyrs, therefore have brought back the ideal situation of the proper observance of the Jewish law, which is once again allowed by the non-Jewish state.

Another key word that concerns the political impact of the martyrdoms in 4 Maccabees is *politeia*, which often means “constitution” but in 4 Maccabees probably means “way of life”. The fictitious epitaph in 4 Maccabees 17:9–10 discussed above indicates that the tyrant attempted to abolish the Jewish *politeia* by referring to “the violence of the tyrant who wished to destroy the way of life of the Hebrews” (“τὴν Εβραίων πολιτείαν καταλῦσαι”, 4 Macc. 17:9).” The tyrant was defeated by the behaviour of the martyrs, which supports the meaning “way of life” for *politeia* here. The concluding passage in 4 Maccabees 18:5 refers to Antiochus’ abolishment of the Jewish customs (“ . . . to abandon their ancestral customs”, “τῶν πατρίων ἐθῶν ἐκδιαιτηθῆναι”). This is a close parallel to the passage on the epitaph (4 Macc. 17:9) and renders it likely that *politeia* means way of life in 4 Macc. 17:9 and possibly also in the other passages (4 Macc. 3:20 and 8:7). In 4 Maccabees 8:7, Antiochus tries to persuade the martyrs with these words:

Trust me, then, and you will have positions of authority in my government if you will renounce the ancestral tradition of your way of life (τὸν πάτριον ὑμῶν τῆς πολιτείας θεσμόν).⁵⁵ Enjoy your youth by adopting the Greek way of life and by changing your manner of living.

(4 Macc. 8:7–8)

The continuation of 4 Maccabees 8:7 in verse 8 clearly points to the transition from one way of life to another, which also suggests that *politeia* means “way of life” here as well. Once again, the implication is that the author of 4 Maccabees did not have an interest in the political institutions of the Jewish people. The martyrs’ victory over the tyrant is a matter of the right way of life and this way of life has patriotic overtones: the martyrs prove that their Jewish way of life is vastly superior to the Greek way of life of the king.

⁵⁴ In *Flacc.* 94, Philo states that the activities of the Jews contributed to the good order and stability (“εὐνομία καὶ εὐστάθεια”) of the city of Alexandria.

⁵⁵ NRSV: “your national life”. Θεσμός can also mean “law”, “ordinance”, “rule” or “rite” in this passage, see LSJ s.v. 795; Lust/Eynikel/Hauspie (1992–1996) 1.205. See also the reference to the ancestral commandments in 4 Macc. 9:1.

What are the implications of this view for the Jewish fatherland (*patris*), which is referred to several times (4 Macc. 1:11; 4:1, 5, 20; 17:21; 18:4)? The author of 4 Maccabees re-interprets the fatherland in a radical way.⁵⁶ The word *patris* has various meanings in Hellenistic-Jewish literature. It can mean “land of birth” or “homeland”, as implied in some of the Septuagint passages, where it translates *êrêts molêdêt* (ארץ מולדת).⁵⁷ The geographic meaning of *patris* has faded in 4 Maccabees (1:11; 17:21; 18:4). Although Jerusalem (4 Macc. 4:3; 18:6) functions as the setting of the martyrdoms (4 Macc. 4:1–26; 18:4–5), it is telling that the territory of Judea plays no role in the book and is not even mentioned in it. The deeds and words of the martyrs determine what happens to the Jewish fatherland. The author redefines the fatherland as the community of the Jewish people, of which the ideal way of life is restored by the martyrs because of their defeat of the king. It is worthwhile to quote 4 Maccabees 18:4 once again, because it formulates the political impact of the martyrdoms in a nutshell: “Because of them [i.e., the martyrs] the people gained peace, and by reviving the observance of the law in the homeland they ravaged the enemy.” Although it is not explicitly discussed, this political view in 4 Maccabees implies that the imagined Jewish way of life in line with *eusebeia* and faithfulness to the Jewish law assumes a mutually beneficial and harmonious relationship between the local Jewish community as well as the Roman state and local city authorities.

Conclusion

We started our discussion on the rights of Jewish Diaspora communities in the late Hellenistic and early Imperial age. These rights allowed for a limited autonomy of the Jewish community within the larger framework of the city. The juridical position of the community and its self-regulation was based on the arrangement of a *politeuma*, a quasi-autonomous civic body with its own council of officials, which exercised administrative and judicial power over its own members independently of the municipal authorities of the city in which it was established. The Jewish rights and the *politeuma* enabled the Jews to live according to their ancestral customs based on Jewish law. The Book of 4 Maccabees provides us insight on one of these Diaspora communities’ imagined ideal way of life through the lens of the martyrdoms, which are highlighted in this work. The Maccabean martyrs fulfil an important role in the collective identity of the Jewish people as shown in 4 Maccabees. They highlight the key points for a proper Jewish life, which is based on faithfulness to God and his law under all circumstances. In this way, the author creates a heroic and ongoing image

⁵⁶ Cf. the very different view in 2 Macc. 4:1; 5:8–9, 15; 8:21, 33; 13:3, 10, 14; 14:18.

⁵⁷ See Jer. 26:16 in the Septuagint version (= 46:16 in the Hebrew Bible/Old Testament); cf. Jer. 22:10; Ezek. 23:15.

of the Jewish people. This image distinguishes itself not only by its unique practices based upon proper religion (*eusebeia*) and the Jewish law (*nomos*), but also by the fact that, if necessary, the members of this people are willing to sacrifice their life for these key points of Jewish identity. This closely corresponds to the commemoration and glorification of famous Greek and Roman heroes who died for their people and became role models for others (*exempla*) in patriotic rhetoric. The author of 4 Maccabees also argues that the martyrs themselves defeated King Antiochus (4 Macc. 1:11; 17:9–16), who had no other option left than to withdraw and march against the Persians (4 Macc. 18:4–5). By their victory, the martyrs did not liberate a Jewish state, they restored the situation of *eunomia* – the proper observance of the Jewish law by the people – and enabled the Jews to return to their previous way of life (*politeia*) in line with the proper attitude to God and faithfulness to the Jewish law within their minority community in one of the cities of the Roman Empire.

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Jan R. Stenger

Christian Monasticism as a Facilitator of Local Self-Governance: The Case of sixth-century Gaza

Abstract: This essay aims to show that monastic communities in the late Roman Empire emerged as initiators and sites of local self-governance. It presents a case study from sixth-century Palestine to address the following questions: who were the members of the local group and how was the group organised? What was the mode of communication within the group? How did the monks deal with tensions between the interests of individuals and those of the group? What kind of norms were promoted as a shared basis of the group? What was the relationship between religious and secular values in the processes of self-organisation? The analysis of texts originating from Gazan monasticism demonstrates that, in the context of weak statehood, Christian ascetics acted as mediators in local affairs and, by their interventions, helped the local community to deal with tasks and problems of collective relevance.

Zusammenfassung: In diesem Aufsatz wird gezeigt, dass monastische Gemeinschaften im spätantiken Römischen Reich eine wichtige Rolle in lokaler Selbstorganisation übernahmen. Anhand einer Fallstudie aus dem Palästina des sechsten Jahrhunderts n. Chr. vorgestellt wird den folgenden Fragen nachgegangen: Wer waren die Mitglieder der lokalen Gruppe und wie war die Gruppe organisiert? Wie verlief die Kommunikation innerhalb der Gruppe? Wie gingen die Mönche mit Spannungen zwischen den Interessen des Einzelnen und denen der Gruppe um? Welche Art von Normen wurden als gemeinsame Grundlage der Gruppe vorgeschlagen? In welchem Verhältnis standen religiöse und weltliche Werten in den Prozessen der Selbstorganisation zueinander? Die Analyse von Texten aus dem Mönchtum von Gaza zeigt, dass christliche Asketen im Kontext schwacher Staatlichkeit als Vermittler in lokalen Angelegenheiten fungierten und durch ihre Interventionen der lokalen Gemeinschaft halfen, Aufgaben und Probleme von kollektiver Relevanz zu bewältigen.

Introduction

The conceptual framework of local self-governance has been developed and established by the social and political sciences for the analysis of current types of governance and

organisation on the local level, as distinct from the state level.¹ It is, however, evident that processes and forms of local self-governance can also be found in historical periods, and thus the modern approach has been fruitfully applied to the study of historical local communities in various regions and cultures.² When we want to study local self-governance or self-regulation in Graeco-Roman antiquity, we often face the challenge of finding sufficient evidence. Literary sources normally favour political leaders, further influential figures from the upper classes, and the major events of history. The local level, by contrast, is frequently absent from the textual record, and even when it is documented in inscriptions and literature, local communities are often seen from the perspective of the political and social elites. This is not simply due to distortion caused by the haphazard survival of relevant sources, but has to do with the nature of ancient societies. Generally speaking, societies of the ancient world were structured much more hierarchically than societies in modern western states. The structure of ancient society, be it a Greek *polis* or the Roman Empire, made top-down decisions far more likely than the negotiation of rules by multiple local actors.

Nonetheless, local self-governance was by no means precluded. Sometimes we catch a glimpse of the lives and doings of ordinary men and women, for example in documentary papyri from Egypt. This type of evidence also makes it possible to study processes of self-organisation and self-regulation within diverse local groups. This essay intends to show that the framework of local self-governance can help us to accurately describe the dynamics of self-organisation in a community situated in the late Roman Empire. In addition, adopting this approach allows us to make sense of the communicative functions of a peculiar body of texts from this period that, though having attracted increasing interest in recent years, has not fully been understood. We will deal with the dynamics of self-organisation in the first half of the 6th century CE in the city of Gaza in Palestine. Our main evidence for these social and political processes on the communal level is a massive letter collection originating from a monastery in the surroundings of Gaza.

During this period, Palestine was part of the Empire ruled by the emperors Justin I (ruled 518–527) and Justinian I (ruled 527–565).³ Gaza, a Greek *polis*, stands out from most of the towns of Palestine in this period, because its society, culture, and

¹ See the discussion of the concepts ‘areas of limited statehood’ and ‘governance’ in Börzel *et al.* (2018). They define governance as “the various *institutionalized modes of social coordination to produce and implement collectively binding rules, and/or to provide collective goods.*” (9, emphasis in the original). According to them, the term governance covers ruling by the state, governance through cooperative networks of public and private actors, and rule-making by non-state actors or self-regulation by civil society (9). See also Neubert (2021).

² An outline for a trans-epochal and trans-cultural comparison of types of local self-regulation can be found in Pfeilschifter *et al.* (2019).

³ Sivan (2008) gives a historical account of Palestine in late antiquity.

religious life are exceptionally well documented by a wide range of textual sources.⁴ These sources, including public speeches, poems, and letters, shed light on various aspects of the lives of local people, from festivals to education, and from business activities to social interaction. Scholarship on late-antique Gaza has enjoyed a veritable surge in recent years, as an increasing number of studies have focused on life and spiritual direction in its monasteries, the erudite culture connected with its renowned rhetorical school, philosophical discourse, and civic life.⁵

The focus of my investigation will be the intersection of monasticism and civil society in Gaza. More precisely, I want to examine the ways in which Christian ascetics intervened in community life and took part in local self-governance. The role of monks as participants in and negotiators of local self-governance may take us by surprise, as Christian monasticism owed its existence to the desire to flee the world and keep a distance from secular society for as long as possible.⁶ We may, therefore, ask how these seemingly marginal figures could rise to stakeholders in local self-governance and act in the interest of a local community. Furthermore, the reasoning of the local people to involve the monks in organising themselves and negotiating regulations will be addressed. We will also deal with the communication process in which communal rules were established by evaluating texts used for these purposes.

Gaza and its monasticism in the 6th century

First, some contextualisation is in order to explain the setting and conditions in which the monastics assumed this position.⁷ To give a rough sketch of Gaza in the 6th century, we may start with the famous mosaic map preserved in the church of St. George in Jordanian Madaba, which is contemporary to the monastic letters from Gaza (Fig. 1).⁸ Although the mosaic's vignette of Gaza is mutilated, we recognise a typical city of the Roman Empire with the features that defined an urban settlement in antiquity: a theatre, a colonnaded avenue, public buildings, and possibly some

⁴ See Bitton-Ashkelony/Kofsky (2004), Saliou (2005), Sivan (2008) 328–347, Isaac (2014), and Stenger (2019b) 11–13 on Gaza. Champion (2014) 29–38 and Penella (2020) give overviews of the literary production of Gaza in the context of rhetorical education.

⁵ E.g. Saliou (2005); Bitton-Ashkelony/Kofsky (2006); Champion (2014); Amato *et al.* (2017); Stenger (2010); Stenger (2017a); Stenger (2017b); Stenger (2019a); Penella (2020).

⁶ For renunciation of the world and withdrawal from secular society as part of late-antique monasticism see, for example, Caner (2002) 23–30, Évieux (2003), Rapp (2005) 106–128, Brakke (2020), and Rapp (2021). See also the overview of eastern monasticism in Hasse-Ungeheuer (2016) 12–21.

⁷ The following is adapted from Stenger (2021).

⁸ See Piccirillo (2007) and Leal (2018), with fig. 14 on p. 141. Further, Sivan (2008) 229–230. The mosaic can be dated to the middle of the 6th century.



Fig. 1: Gaza and Tawatha on the Madaba Map (Image: C. Raddato: <https://www.flickr.com/photos/carolemage/33798413963> [seen 19.7.2022], CC BY-SA 2.0).

churches. Gaza was a medium-sized but important city in the coastal area of Palestine. Situated in a fertile area and on busy roads between Egypt and Syria, it already had a significant role to play in trade in the Hellenistic period under the Ptolemaic kings.⁹ One of the main factors of its economic power was its harbour, which was also important for the trade in wine that is frequently mentioned in late antique texts.¹⁰ Already in the middle of the 4th century CE, the anonymous geographical description *Expositio totius mundi et gentium* noted: “Ascalon and Gaza are distinguished cities full of commercial activity and having everything in abundance. They export an excellent wine all over Syria and Egypt.”¹¹

Sixth-century Gaza was certainly not as important and populous as Jerusalem and the provincial capital Caesarea Maritima, nor was it a place of strategic relevance for the Roman military. However, it was a regional hub of economic activity which attracted people from the hinterland. Gaza in this period seems to have been economically prosperous and benefited from the overall increase in economic strength across Palestine. In terms of imperial administration, the town was part of the Roman province Palaestina Prima, which included the bulk of Judaea and whose administrative capital was Caesarea, located roughly in the middle between

⁹ Di Segni (2004) gives an account of Gaza’s territory. See also Saliou (2007) 144, 148 and Isaac (2014) 409.

¹⁰ See Sivan (2008) 342–343; Isaac (2014) 420–422.

¹¹ The survey lists major cities and towns, local products, and points of interest. The Latin text was compiled around 350 CE and is probably based on a lost Greek original.

modern Tel Aviv and Haifa. Caesarea was not only the seat of the Roman governor (the *consularis*) but also of the metropolitan bishop.¹²

As we can infer from the rich textual evidence and some archaeological finds, Gaza was home to a vibrant local culture. Speeches and poetry were recited in public; the citizens enjoyed themselves at regular religious and secular festivals, which were also attended by visitors from the countryside and neighbouring towns; the local bishop restored existing church buildings and erected new ones. The extant literary texts, above all the epideictic orations of the sophist Choricus, seem to suggest that the local community had a strong sense of identity and cherished harmony, peacefulness, and Hellenic culture as its core values.¹³ Even though this idealised self-image is drawn by sources originating from the upper echelons of Gaza's society, we may surmise that, as most of the texts were delivered in public, they must have articulated the image that the collective citizen body wanted to project of themselves. From what these texts tell us about town life, social relationships, and public events, it emerges that there was, to use a modern term, a strong civil society that guaranteed stability and cooperation among the local people. At least the sources do not attest any major conflicts or tensions within the community.¹⁴

Potential disruption and unrest could have been sparked by religious diversity, as was not uncommon in late antiquity.¹⁵ Gaza's harbour-town, Maiumas, had already been converted to Christianity before Gaza itself.¹⁶ Around 400 CE, the town of Gaza, which still had been loyal to the traditional religion and was even considered a pagan stronghold, was won for Christianity by Bishop Porphyry (died 420), albeit with support from the emperor and the help of considerable violence.¹⁷ For the 6th century, we can assume that the town was firmly Christian, but that did not mean religious uniformity. As doctrinal controversies were running high in the wake of the Council of Chalcedon (451 CE), Palestine was shaken by doctrinal disputes about the

12 See Sipilä (2009) on the administrative and Neyt *et al.* (2002) 25–29 on the ecclesiastical organisation.

13 See Champion (2014) 41–42 and 66–67 on the distinctive local culture of Gaza, further Stenger (2017a) and Stenger (2017b).

14 The modern concept of civil society is usually not applied to Greco-Roman society because it is based on current social and political conditions, such as the existence of a political public, a certain degree of civil liberties, and non-governmental organisations (NGOs), and, moreover, has normative connotations. However, Pfeilschifter (2022) argues for applying it, with some modifications, also to ancient societies. He studies local associations in the Roman Empire of the imperial era to show that there was a civil society defined by mutual recognition of the social agents and groups, a general acceptance of the state, and an interest in managing conflicts peacefully.

15 Champion (2014) 24–28 provides an overview of the religious situation in late-antique Gaza.

16 See Eusebius, *Life of Constantine* 4.38; Sozomen, *Church History* 2.4.

17 This is depicted in Mark the Deacon's hagiographic *Life of Porphyry* (edition, French translation, and commentary in Lampadaridi [2016]). It is important to note that this is not an impartial historical account of the events but an idealised biography that glorifies its hero's achievements. See also Sivan (2008) 331–337.

nature of Christ.¹⁸ It seems that Gaza was not exempt of these tensions. In addition, the polemics against the theology of Origen gained new momentum in the first half of the 6th century, also in Palestine. The controversy was mainly about the pre-existence of the soul and the nature of body and soul after resurrection. As some of Barsanuphius' responses document, the Gazan monks were also drawn into this dispute or at least could not avoid taking position on it.¹⁹ In this context, it comes as no surprise that, apart from Christian orthodoxy, we read of the presence of heretics and of arguments between adherents of orthodoxy and dissenters in Gaza in the monastic letters.²⁰

Diversity was not confined to the Christian religion but characterised the local religious landscape as a whole. Like many other late-antique *poleis*, Gaza was home to a population of diverse religious affiliations, and we see social interaction between different religious groups. A Jewish community is well attested for late-antique Gaza and its port, Maiumas, some six kilometres from the town. Material remains of a synagogue at Gaza-Maiumas have been excavated, among them a mosaic depicting King David with the lyre.²¹ Furthermore, inscriptions from probably more than one synagogue were found in or near Gaza, pointing to a significant Jewish population. In addition, the sources also continue to show evidence for the existence of pagans in the 6th century. Although it is hard to pin down what the texts mean when they refer to someone as 'pagan', they inform us that the brutal conversion to Christianity forced by bishop Porphyry at the turn of the fourth to fifth centuries did not bring about the total extinction of the traditional religion. Citizens who adhered to Greek polytheism continued to live in Gaza next to their Christian and Jewish neighbours. The size of these religious communities, however, remains unknown. What is important in our context is that we see multiple groups and

18 See Hevelone-Harper (2006); Sivan (2008) 341–342; Hasse-Ungeheuer (2016) 29–32 and 37–43; Neary (2017). Bitton-Ashkelony/Kofsky (2006) 213–222 discuss the shift of Gazan monasticism from anti-Chalcedonian resistance to a pro-Chalcedonian stance between the second half of the 5th century and the times of Barsanuphius and John in the 6th century. They speculate that this Chalcedonian position was only a veneer, while in fact the monks favoured a life of quietist piety and theological tolerance. See also Kofsky (2004) 264, 280–284 and Hevelone-Harper (2006) 44 on Barsanuphius and John's moderate stance, further Perrone (2012) 10–12.

19 Hasse-Ungeheuer (2020). Kofsky (2004) 281–284 and Bitton-Ashkelony/Kofsky (2006) 101–104 discuss Barsanuphius' responses to questions on Origenist theology, arguing that he tried to steer a course of reservation about addressing theological issues. See Barsanuphius and John, *Letters* 600–604. These responses are given as one continuous text with German translation and some comments in Fürst/Karmann (2020) 248–261.

20 See e.g. Barsanuphius and John, *Letters* 600, 695, 701. It needs to be borne in mind that these texts documenting inner-Christian disagreement and tension are not impartial but reflect an interested viewpoint.

21 See Stemberger (2007) 59–62, Werlin (2015) 237–263, and the inscription *Corpus Inscriptionum Iudaeae/Palaestinae*, Vol. 3, No. 2461. A mosaic pavement with Greek inscription from the synagogues can be dated to 509. See also No. 2460.

actors in Gazan civil society in the first half of the 6th century. However, the documents are silent about any religious tensions of greater scale and significance, although the contact with members of other religious groups sometimes caused serious concerns for the followers of orthodox belief.²² We will see that questions of religious identity and demarcation also played a significant role in the organisation of groups and the establishment of collective rules.

The region also secured a place in the history of Christianity because a number of monasteries were established in the vicinity of Gaza.²³ St. Hilarion, the founder of Palestinian monasticism, was born around 291/2 in Tawatha, south of Gaza, and settled in the desert east of Maiumas.²⁴ From Hilarion's times onward, the number of monastic settlements in the surroundings of Gaza appears to have increased significantly, so that the area was dotted with monasteries at the turn of the fifth to sixth centuries.²⁵ Material remains of two of them have been excavated so far. Recent scholarship has intensely studied the monasticism of the Gaza region and established its characteristics, among others the close link with Egyptian asceticism.²⁶ One of these monasteries acquired considerable renown in the first half of the 6th century thanks to two of its inhabitants. Just five miles south-west of Gaza, close to the village of Tawatha, the abbot Seridus in the 520s founded a coenobium, a monastic community that was part of a whole circle of monasteries around the town.²⁷ Seridus' monastery not only consisted of accommodation for the brothers and later an infirmary but was also surrounded by hermits' cells, two of which were inhabited by, as they are called in the ancient sources, 'Two Old Men', Barsanuphius and John. Barsanuphius came from Egypt to Seridus' community and became the abbot's spiritual director.²⁸ Some time later, he was joined by John, who became his disciple, and the two ascetics from then on offered spiritual direction to a large group of monastic and lay

22 This picture is corroborated by the way Aeneas, Zachariah, and Procopius of Gaza deal with Christian and Neoplatonic doctrines in their writings. See Champion (2014) 43–67. He concludes (66), "The dominant picture is one of complex interactions between different but permeable local cultures, despite the attempt on the Gazans' part to eliminate what they see as false religious claims or doctrinaire honouring of the Neoplatonists' traditional intellectual heroes." See also Stemberger (2007), especially 67–69, on Jewish–Christian relationships.

23 Hevelone-Harper (2005); Bitton-Ashkelony/Kofsky (2006). On the archaeological evidence see Hirschfeld (2004); Elter/Hassoune (2005).

24 Bitton-Ashkelony/Kofsky (2006) 8–15.

25 Hirschfeld (2004).

26 See Patrich (1995) 6, Hevelone-Harper (2005) 15–17, Bitton-Ashkelony and Kofsky (2006) 6–8, and Perrone (2012) 11–12 on the connection with Egyptian monasticism. See also Trampedach (2005) 292–295 on the sociology of Palestinian monasticism in the 6th century.

27 Hevelone-Harper (2005); Bitton-Ashkelony/Kofsky (2006) 36–42; Parrinello (2010); Lesieur (2011).

28 See Patrich (1995) 6. For the role of spiritual direction in the letters of Barsanuphius and John see Perrone (2012) 13–14.

disciples.²⁹ As hermits, these two saintly men sought to close off any direct contact with other people. Never leaving their cells, they reduced the communication with their brothers and visitors to a minimum in order not to be distracted from their devotion to God. However, we must not conceive of their life as one of total seclusion. Late-antique monks were active as craftsmen, they engaged in business and health-care, and in these activities they frequently interacted with laity from the surrounding villages and towns.³⁰ Similarly, Barsanuphius and John's lives, though confined to their cells, did not completely abstain from communication and social contacts: according to the ancient tradition, they were approached by a crowd of petitioners who presented their requests in writing and received answers in letter form.

A massive collection of 850 mostly short letters directed by the two Gazan recluses to a wide range of recipients survives in several manuscripts.³¹ The collection, which represents one of the largest transmitted in ancient epistolary writing, was put together by a monk of Seridus' community around the mid-6th century.³² This testifies to the already extraordinary popularity of Barsanuphius and John in their lifetime and to the significance accorded to their responses. The monastic compiler, who claims to have seen Barsanuphius on one occasion himself, not only included Barsanuphius' and John's answers in the collection but also provided information on the questions, sometimes even inserting a brief narrative. This helps us to contextualise the responses, even though we frequently lack essential information.

What makes this monastic letter collection unique and ideally suited for the study of local self-governance is its focus on the lives of laity. Most textual sources from the sixth-century East present the lives and activities of the political and social elites of the Roman Empire and give us the perspective of these powerful men. Barsanuphius and John's correspondence, by contrast, give us a fascinating glimpse into the everyday lives, needs, and concerns of what we might call ordinary people. While the two ascetics seem to have had no contact with secular authorities, men of high social standing, and ecclesiastical leaders beyond the local level, they regularly communicated with people of modest rank and means, including traders, craftsmen, and the occasional teacher. In addition to petitioners from Gaza, village people from its hinterland approached the members of Seridus' coenobium to seek advice on questions arising from their day-to-day business.³³ Regarding representatives

²⁹ John's subordination to Barsanuphius is clearly shown by Barsanuphius and John, *Letters* 783–784.

³⁰ See Éviex (2003); Di Segni (2005); Hevelone-Harper (2005); Lopez (2013). For monastic health-care see Patrich (1995) 183–185 and Crislip (2005).

³¹ Edition of the Greek text, with French translation, in Neyt *et al.* (1997–2002); English translation in Chryssavgis (2006–2007). For the literary genre of these 'letters' see Neyt *et al.* (1997) 50–53. Barsanuphius comments on the written form of his responses in Barsanuphius and John, *Letter* 1.

³² Hevelone-Harper (2017) provides an overview of the origins, composition, and transmission of the collection. See also the introduction in Neyt *et al.* (1997).

³³ See Hevelone-Harper (2005) 79–118 and Lesieur (2011) 30–33.

of the church, Barsanuphius and John were consulted by local bishops, but not by churchmen of greater influence. Thus, apart from the letters addressed to fellow-monastics, the correspondence sheds light on a social milieu that on the whole is extremely underrepresented in the textual record but is crucial for recovering the fabric and life of the local society.³⁴

The Roman Empire under Justinian I

To understand the political context and the conditions under which local self-organisation could develop in this period, we may briefly summarise the character of the Roman state under Justinian I.³⁵ In comparison to contemporary Western states, the ancient Roman Empire was never a strong state in the strict sense. At no point during antiquity did the Roman state possess the financial and administrative resources to implement an efficient and far-reaching administration in every region, city, and village of its vast empire.³⁶ To run such an enormous territory in the manner of a modern welfare state would have required a bureaucratic apparatus that was inconceivable and impossible in the ancient world. Communication in general was slow in the ancient Mediterranean and the greater the distance from the capital Constantinople, the patchier central supervision became. Nonetheless, the approach to government and state administration was by no means consistent from the Republic to the late Empire. In particular during late antiquity, some Roman emperors, above all Justinian, made efforts to increase state control in various areas, from fiscal policy to ecclesiastical affairs.

From the beginning of his reign, Justinian tried to secure the empire both externally and internally. Within the empire, his approach to this task was to streamline financial politics, reform public administration and law, and intensify patronage of the orthodox state church. The emperor addressed issues and inefficiencies in the administration of justice, finance, and the army with a series of major reforms.³⁷ In doing so, he hoped to strengthen imperial power over the bureaucracy and the social elite. The reforms were of two basic types. The first dealt with the establishment of imperial administration to implement imperial authority, Roman law, and imperial taxation. The second type of reform comprised ad hoc and short-term responses

³⁴ For monastic epistolary writing as evidence for everyday life and the interaction between monastics and the world see Choat (2013) and Larsen (2017) 286–287.

³⁵ See Leppin (2011) and Lee (2013) on the Roman Empire in this period.

³⁶ Regarding late antiquity, the limits of state regulation have been pointed out by Wiemer (2006) and Schmidt-Hofner (2006). Schmidt-Hofner shows that, in matters of revenues and taxes, the state could not act effectively without the support of local structures, although the imperial fiscal authorities made considerable interventions in local financial matters.

³⁷ See Haldon (2005) 48–55 on Justinian's reforms.

to specific problems in the empire, for example corruption, the slowness of the judicial system, and the inefficiencies of the fiscal apparatus. Probably the most significant of Justinian's achievements was the large-scale compilation of Roman law, the *Corpus iuris civilis*.³⁸

However, resistance and the inertia of the bureaucracy nullified many efforts at reform. In addition, Justinian's zeal to reform also bred opposition, which already erupted in his first years of rule (January 532) in the so-called Nika revolt, a popular uprising probably orchestrated by the senatorial opposition. Thus, we should be cautious not to infer from the emperor's official policy and promulgation that his reforms were in fact implemented empire-wide down to the local level. As John Haldon states, "This machinery of state sounds both all-encompassing and efficient, and indeed, in relative terms, it was remarkably effective in supporting the state and its army. But in its day-to-day operations it was subject to a great number of faults and problems. The most obvious of these were geography and distance".³⁹ It is, therefore, fair to say that, for ancient standards, the Roman Empire of the 6th century was an increasingly strong state but never achieved the control and efficiency found in modern Western states. Here, it is also important to notice that, as indicated before, Gaza was a relatively minor provincial town of the empire, a good distance from the capital Constantinople and the imperial court, and without continuous presence of major imperial officials. We may reasonably assume that the empire's 'grip' was not felt as tightly in Gaza as in provincial capitals and cities with greater imperial presence.

Justinian's efforts to impose imperial authority and tighten state control did not stop with secular administration and taxation. As a ruler with a sense of a religious mission, he also sought to promote the unity of the Christian church in order to stabilise his empire. Numerous edicts and measures bespeak his determination to restrict the influence of 'heresies' and of all non-Christian religions, such as paganism and Jewish religion.⁴⁰ The emperor's attempt to regulate the field of religion even went so far that, as the first Roman ruler, he imposed systematic and comprehensive regulation on the monastic life and defined its ideals.⁴¹ He repeatedly issued and renewed detailed edicts on, inter alia, the monks' life, prayer, and labour. Acknowledging ascetic authority, Justinian laid down laws with a universal ambition, in order to guarantee the central function of the monks, viz. to establish them as intercessors of the connection with God. His main aim in intervening in these matters was to integrate the monastic movement in the structures of both state and church.

³⁸ Leppin (2011) 167–180 and Hasse-Ungeheuer (2016) 63–68, with references to further literature.

³⁹ Haldon (2005) 48.

⁴⁰ For Justinian's religious policy and interventions in ecclesiastical matters see Leppin (2011) 92–125, Hasse-Ungeheuer (2016) 29–62, and Grazianskij (2021).

⁴¹ See Hasse-Ungeheuer (2016), further Hillner (2007).

These brief remarks on the state level may suffice to contextualise the following discussion of local self-organisation at Gaza.

Local self-governance in the monastic letters of Gaza

Our discussion of local governance as documented by the monastic letters must begin with the fact that it is hardly possible to name any individual involved in the establishment of collective rules save the Old Men themselves, Barsanuphius and John. The reason is that the letter compilation keeps quiet about most of the petitioners, identifying them generically as ‘brother’, ‘bishop’, ‘layman’, and so forth. Occasionally, a member of the lay community is characterised as ‘Christ-loving’, that is, an exceptionally committed believer. The reason for this silence is that the compilation was made primarily not to document the practical life of local people but to disseminate the image of an exceptional and wide-ranging spiritual direction exercised by the two monastic letter writers. Specific detail on the petitioners’ identities and whereabouts would have detracted from this didactic purpose.⁴² However, the information provided still allows important insights into the ways in which sixth-century Palestinian monks interacted with various people and into the everyday concerns of laypeople in the post-classical world. The text of the letters themselves, but also the narratives, provided by the compiler often reveal information about the social standing, the occupation, and the familial situation of the petitioners. Therefore, we can draw a rough picture of the lay community and its social composition.

If the information given by the letter collection is accurate, the two Old Men must have received laypeople of all walks of life on a regular basis. A considerable part of the compilation consists of enquiries put forward by men of differing commitment to their faith. Some are identified in the manuscripts as ‘worldly persons’, others as ‘Christ-loving persons’, and others are even said to contemplate joining the coenobitic community.⁴³ At least from the monastic point of view, religious identity is a prime marker of the members of the local community. Women do not feature as enquirers, although a number of letters concern women and the advice given by the monks more than once must have had considerable effect on female lives.⁴⁴ From

⁴² The compiler formulates his goals in the introductory letter to the collection.

⁴³ See, for example, Barsanuphius and John, *Letters* 683, 686, 690, and 745. In *Letters* 571–572, a pious lay Christian wants to renounce the world and become a monk.

⁴⁴ Barsanuphius and John, *Letter* 595 is evidence that women visited the monastery to hear the word of God and that brothers received visits from their mothers or their families. See Lesieur (2011) 31–32.

what the letters and the brief introductory comments reveal, it emerges that the crowd of petitioners comprised citizens from Gaza and people from the villages in the vicinity.⁴⁵ One thing that most of these letters have in common is that they relate to the everyday doings of ordinary people. They concern, inter alia, business on the marketplace, the treatment of slaves in the household, medical cure of illnesses, relationships with friends, and various other matters coming up in the everyday life of ordinary late-antique people. On one occasion, for instance, an enquirer approaches Barsanuphius to receive guidance on the question of whether he should consult a physician in case of an illness.⁴⁶ The social background appears to be wide-ranging: some enquirers are slave-owners and belong to the upper class, while others hardly have sufficient means to offer hospitality to monks visiting the town.

In the majority of enquiries, the laymen ask the recluses about matters of conduct. In cases of doubt, they seek authoritative advice on how to behave or act in agreement with their Christian faith. One petitioner, for example, wants to know whether it is a sin to process wine from a Jew in his winepress.⁴⁷ Another asks whether he should give evidence as a witness in a murder trial.⁴⁸ And a well-educated citizen is unsure whether it is right to accept a promotion.⁴⁹ Obviously, these laypeople were facing questions in their lives in which their religious commitment or identity was at stake. They felt that a particular choice or decision might reflect badly on their religious standing and therefore wished to receive authoritative guidelines on pious conduct. As a number of cases show, this could be a problem especially when they had to deal with their Jewish and pagan neighbours and, even worse, heretics. To be on the safe side, they referred these issues to their spiritual mentors, the ascetics.

It is important to bear in mind that not all surviving letters are relevant for our study of local governance. More precisely, only a minority of letters relates to the lay community and their concerns. For the most part, the collection documents spiritual direction, exegesis, and practical questions within the monastery, which can already be gleaned from the fact that monks greatly outnumber the laypeople as addressees. Further, not every response given to a layman deals with community matters. Many cases relate to the interests and activities of individuals without concerning others. However, a considerable number of letters refer to issues that had potential effects on the relationships between members of the lay community and

⁴⁵ Hevelone-Harper (2005) 105 notes the “fluid boundary between monastery, village, and city [that] enabled lay Christians to have monks as spiritual directors”. See also Di Segni (2005).

⁴⁶ Barsanuphius and John, *Letter* 770.

⁴⁷ Barsanuphius and John, *Letter* 686.

⁴⁸ Barsanuphius and John, *Letter* 671.

⁴⁹ Barsanuphius and John, *Letters* 664–665. The enquirer is identified as a Christ-loving teacher of secular wisdom (φιλόχριστος παιδευτής τῆς τοῦ κόσμου σοφίας), probably a teacher of philosophy.

on the social organisation of the group.⁵⁰ When a person asked whether or not to accept a promotion, or how often to take a bath, they did so because they worried about social sanctions.⁵¹ They considered how a specific behaviour or action would reflect on their standing within the community. We can also speculate that responses to such requests could be used to legitimise the petitioner's course of action and conduct towards his neighbours and fellow-citizens. That is to say, these responses may have been a blueprint for other group members and, in the long run, have established a kind of code of conduct for the entire lay community.

The self-regulating groups

As we already mentioned, the compiler of the *Letters* generally uses the terms φιλόχριστος (*philóchristos*), φιλόχριστος λαϊκός (*philóchristos laikós*), or sometimes κοσμικός (*kosmikós*) and its varieties to designate lay Christians, and he defines them as people who are neither monks nor clerics.⁵² This suggests a clear-cut distinction between the monastic community and the laity of Gaza. Only in some cases did the boundary become permeable when a layman decided to withdraw from worldly society and join the coenobium.⁵³ For our purposes, this distinction is of great importance because, with regard to local self-regulation, we can differentiate between two self-regulating groups. On the one hand, there is the monastic community of Seridus' coenobium. This is a homogeneous group comprising members of the same sex and driven by the same ideal of the ascetic life, living closely together in an organised and structured community. Their social background, however, could vary considerably, as men from all social strata joined the coenobium. Sometimes, the divergent social origins could generate tensions and disagreement among the monks.⁵⁴ On the other hand, we have the laity of Gaza, a diverse group uniting people of different social standing, profession, and gender, as briefly described in the previous section. What its members had in common,

⁵⁰ Neyt *et al.* (2002) 3–14 gives an overview of the topics on which the laymen consulted the monks.

⁵¹ Questions such as whether it is a sin to arrive late at church service and leave early or whether it is acceptable to have a conversation during service (Barsanuphius and John, *Letters* 736–737) are in all likelihood motivated not only by religious concerns but also by fears of social sanctions.

⁵² See above, n. 43. Cf. Rapp (2021) 173–180 on organised groups of pious laypeople, known as *philóponoi*, in other places. She notes their “symbiotic relationship with the clergy and with monks” (177).

⁵³ This is the case in Barsanuphius and John, *Letters* 571–572. These letters are addressed to Aelianus, who then became monk and elected abbot of the monastery.

⁵⁴ See Barsanuphius and John, *Letter* 286 and Dorotheus, *Discourses* 4.57 on some monks' animosity against their fellow monastic Dorotheus, who hailed from a well-off family. See Hevelone-Harper (2005) 65–66.

apart from being citizens of Gaza, was their Christian faith or rather their membership of the same local church. By the terms that we just mentioned, the letters seem to indicate that some members of the laity were distinguished by their devotion and theological interest as particularly pious.⁵⁵

Many of the written responses deal with inner-monastic matters, for example, the running of the infirmary and conflicts among the ascetics. In these letters, we see that Barsanuphius and John, although their position within the monastic community was not based on any formal office, were acknowledged as spiritual leaders. In this capacity, which rested to a large extent on their charisma as recluses, they were in a position to initiate and negotiate rules for the whole monastic community.⁵⁶ When we turn to the second group, the Gazan laity, we notice similar patterns, even though the questions often concerned issues far removed from the world of the coenobium. For one thing, the two recluses, even though locally and socially detached from the lay community, were recognised as authorities on conduct also by the laypeople. Since charismatic ascetics were highly popular in the late Roman Empire and attracted a large following among ordinary Christians, the laypeople of Gaza were willing to seek advice from Barsanuphius and John on practical questions of their everyday lives.⁵⁷ Furthermore, it emerges from the correspondence that the monks did not suggest a set of rules completely different from those applied within the walls of the monastery. Quite the reverse, the advice given to lay petitioners follows by and large the same lines, as if the ascetic life was a kind of gold standard also in the world. To give an example, we may cite *Letter 689*:

Question: “When I am talking to someone about the *Lives of the Fathers* or their *Sayings*, my heart conceives great things. So tell me how I may speak with humility, as well as to whom I should speak, and with what purpose.” Response.

When you are speaking about the *Lives of the Fathers* or their *Sayings*, you should condemn yourself, saying: “Woe to me! How can I speak about the virtues of the fathers, when I have not acquired any of them? I have not even begun to make progress; yet I am sitting down and speaking with others for the sake of their benefit! If only the words of the Apostle had not been fulfilled in me: ‘You then that teach others, you do not teach yourself.’” And when you say this, your heart will burn, and you will find a way to speak with humility.⁵⁸

55 The letters do not, however, suggest that these pious laymen were discernible as an organised group, as were those discussed by Rapp (2021).

56 Kofsky (2004) discusses the charismatic authority of Barsanuphius and John.

57 See Brown (1992) 4, 71–73, 105–108 on the role and power of Christian ascetics in the late Roman society, further Trampedach (2005) 279–284 on the influence of monks at the sixth-century imperial court. For the charisma of monks in the eastern part of the Roman Empire see Rapp (2005) 28–29 and Hasse-Ungeheuer (2016) 17 and 24–25.

58 Translations are taken from Chryssavgis (2006–2007).

The petitioner's question shows a layman from Gaza highly interested in the tradition of the Desert Fathers and their oral teachings, which were disseminated widely in a written compilation.⁵⁹ Apparently, he not only had a theoretical interest in the Fathers' teachings but also wanted to apply principles of the monastic life to his own life as he was anxious to observe humility in his interaction with others. Since he was unsure how to translate this into practice, he turned to John for guidance. In a similar way, as humility was the master virtue of the life in the monastery, it is recommended here by the ascetic for a layman. The difference is that, in the coenobitic community, humility is prescribed as the fundamental principle regulating almost every action and thought, while in the letters addressed to the lay group it is not as pervasive. Yet, it emerges from the correspondence that laypeople were willing to incorporate elements of the monastic conduct in their own lives and interactions with others, in order to align their way of life with the ideal Christian life.

What is more, letters such as the one just quoted demonstrate that the monks extended the rules applied to their own community to the life of the lay group. They assumed the capacity to regulate the lay Christians' conduct and actions according to the framework of ascetic Christianity. Thus, we see in sixth-century Gaza an inclusive orientation of monastic self-regulation, as norms of the monastic community were applied to another local group. This would have had consequences for the collective identity of the lay community because the more rules the laypeople established with the help of the monks, the more the identity of the entire group was shaped by the ascetic norms. Having said that, we are not surprised to find that the application of religiously based norms could clash with the norms of secular society.⁶⁰ This topic, however, exceeds the scope of this essay.

Identity building and demarcation also mattered with regard to other local communities. From the correspondence of the two Gazan ascetics, it emerges that the laity encountered a wide range of neighbours, including lay and monastic Christians and clergymen as well as pagans, Jews, and heretics.⁶¹ As already mentioned, a Christ-loving person is said to have asked John cautiously whether or not he would be permitted to press a Jewish neighbour's grapes in his winepress.⁶² In answer to this question, John (here referred to as the Other Old Man) advises that he is allowed to do this, noting that the heavenly Father has mercy on the just as well as

⁵⁹ See Harmless (2004) and Wortley (2019) on the Desert Fathers and their *Sayings*. For Barsanuphius and John's use of the *Sayings* see Neyt (2004).

⁶⁰ See Barsanuphius and John, *Letter* 650, in which the enquirer tends to comply with secular laws but is advised to follow the law of God.

⁶¹ The term 'heretic' used in the sources reflects, of course, the viewpoint of the orthodox monastic authors and the compiler of the letters but not of the Christian believers labelled by it. Pagans are referred to by the two monks with the terms ἔθνικός (*ethnikós*), ἄλλοεθνής (*alloethnés*), and ἕλλην (*hellen*). See Barsanuphius and John, *Letters* 775, 777, 549, and 821.

⁶² See above, p. 188.

on the unjust.⁶³ Nevertheless, other advice contained in the *Letters* indicates that Christians were not always encouraged to develop connections with Jewish people in certain spheres of life. John, for example, tells a layperson not to accept any invitations or gifts which his Jewish or pagan acquaintances might send him during the season of their feast (*Letter 775*). This order is enhanced by the monk with a reference to the canons of the church.⁶⁴ In the following letter, the same advisor once again recommends that his petitioner politely refuse to participate in a specific non-Christian festival, reinforcing his advice with reference to the commands and traditions of the holy Fathers (Barsanuphius and John, *Letter 776*).

Tell him the following: “Your love knows that those who fear God are obliged to keep all his commandments. You may be assured of this from your own practices. For you, too, would never consent to transgress a commandment of your tradition on account of your love for me. Yet I would never consider that, in doing so, you were transgressing your love toward me. We, then, also have a tradition that comes from God through our holy fathers and teachers, according to which we should never participate at all in any pagan feast. In saying this, my love for you is not diminished.”

When another petitioner asked about buying merchandise from pagans in the marketplace, John, with a reference to the Apostle Paul, permitted him to buy whatever he needed from pagan merchants.⁶⁵ On another occasion, however, he declared that Christians were not allowed to take part in theatrical events and pagan feasts. This direct prohibition is expressed in *Letter 836*, addressed to an enquirer who was concerned about the magistrate’s violation of this rule: “it is not proper for Christians and pious laity such as you to prefer human pleasures, which are harmful to the soul, rather than divine worship”.⁶⁶ These examples indicate that the shared rules initiated by the two ascetics could have effects on the organisation of the local civil society – at least if the lay Christians did in fact implement them. They enhanced the collective self-definition and the demarcation between the Christian community and local groups of different religious affiliation, with considerable consequences for social interaction between them.

63 Barsanuphius and John, *Letter 686*. John exhorts the enquirer to be humane and compassionate, quoting Luke 6.36.

64 Barsanuphius and John, *Letter 775*, apparently referring to Apostolic Canon 70 and Canons 37 and 38 of the Council of Laodicea. See Neyt *et al.* (2002) 223 n. 1. Apostolic Canon 70 states that a layperson contravening this rule should be excommunicated.

65 Barsanuphius and John, *Letter 777*. The reference is to 1 Corinthians 10:25 (“Eat whatever is sold in the meat market without raising any question on the ground of conscience.”, ESV). See Hevelone-Harper (2005) 82–83.

66 The addressee seems to have been the local bishop, who is also the recipient of the preceding responses. He sought advice from the monk because he wanted to write a note to the magistrate concerning the spectacles. Barsanuphius and John, *Letter 837* also deals with the staging of spectacles.

The local and the state level

In the final part of this essay, I shall present a case study to illustrate that some issues of local self-organisation could lead to an involvement of the state and thus reduce the freedom to deal with the community's matters independently from external intervention. This case also highlights how questions of socio-cultural foundations could endanger the collective identity and unity of the self-regulating group.

Not unusual for this period, the affair was tightly linked to religion and the church. Tensions among the lay community of Gaza became manifest when, at some point in the 520s, the incumbent bishop was deposed because he had fallen out of favour with his congregation.⁶⁷ This is what the anonymous compiler of the correspondence tells us, unfortunately without specifying the community's dissatisfaction with their ecclesiastical leader:

A bishop was once accused of avarice and other crimes. He was hated for these things by the people and condemned by the synod of the land. After being rebuked, he submitted a written self-defence and was ousted from his throne by popular vote. Thereupon, the inhabitants of the city judged three other men as being worthy of the episcopate but were not sure which of these three to choose. So they sent a letter asking the Great Old Man, Barsanuphius.

(narrative to Barsanuphius and John, *Letter* 793)

The letter introduced by this brief narrative is not the only document that gives evidence of the episcopal election at Gaza. A whole sequence of letters records the process from its beginning to the final solution.⁶⁸ Of the eleven letters of the series, three are addressed to 'the inhabitants of the city' (793, 802–3) and eight to a 'Christ-loving layman', presumably one and the same individual (794 and presumably 795–801).⁶⁹ In addition, context is provided by the anonymous compiler-narrator, who also informs us about the outcome of the affair (following *Letter* 803).

When the narrative introductions to the letters speak of 'the people' or 'the inhabitants', it is important to be aware that this expression is vague and unspecific; it may mean only the leading citizens or just a faction of the local community.⁷⁰

67 The names of individuals involved in the affair are omitted from the compilation. It is, therefore, impossible to date the events with certainty. A reference to the emperor's death in Barsanuphius and John, *Letter* 803 may point to the end of Justin I's rule in 527 CE. See Neyt *et al.* (2002) 22 and 267 n. 1; Neary (2017) 97. Hevelone-Harper (2005) 108 with n. 8 on p. 173 assumes that the unnamed emperor must have been Anastasius but does not give any clear reason for this view.

68 A similar issue arose at the end of the 4th century: when the people of Gaza could not decide on a new bishop, they asked the metropolitan of Caesarea to appoint one. There was disagreement among the people on whether to choose a cleric or a layman. Finally, they sent five clerics and five laymen to the metropolitan to give them a bishop. The metropolitan then received a revelation from God about the person to be elected, Porphyry. See Marc the Deacon, *Life of Porphyry* 11–16, with Norton (2007) 73–74 and 170.

69 There is nothing in the text to suggest that these letters are addressed to different individuals.

70 Barsanuphius and John, *Letters* 793, 802, and 803. See Norton (2007) 54.

However, it is evident that the matter concerned the entire group of Gazan lay Christians and required a regulation that could meet with universal consensus among the members.

Christian bishops in late antiquity were not only religious authorities and cared for the spiritual wellbeing of their flocks, but also provided political leadership and had important economic responsibilities.⁷¹ Frequently, it was they who gave a voice to the lower classes and the urban poor. This kind of patronage gave them significant political clout. Because of their rank in the church, the bishops were able to deal with state officials on an equal footing on behalf of their communities and even exert influence at the imperial court, without the need to follow the established channels of communication.⁷² They managed the clergy and administered church property and bequests. Bishops also appointed monastic leaders and served as patrons for monasteries.

A situation in which the incumbent was no longer accepted, and a new leader had not yet been chosen threatened the stability of the community. It created a vacuum that could be exploited by ecclesiastical authorities or representatives of the state.⁷³ Moreover, as we can see in the text passage, the process of an episcopal election could not be managed by the community without negotiating with an external stakeholder, namely bishops gathered at the regional church synod. According to tradition, the inhabitants of a city drew up a shortlist of three candidates and presented it to ecclesiastical authorities or, in some cases, to the emperor.⁷⁴ Jointly with the lay population, the clergy was also involved in the selection.⁷⁵ Although the practice was not consistent across the empire, it emerges clearly that in Gaza the community had to take into account that in this matter, which had a considerable effect on their organisation, they could not decide in complete autonomy.

As the community was not able to reach consensus on whom to choose, they consulted the monk Barsanuphius. This shows once more that they were willing to involve the ascetics in their self-organisation, who were not fully integrated in the

71 For the role and functions of Christian bishops in late-antique society see Brown (1992) and Chadwick (1993).

72 See Brown (1992) and Rapp (2005).

73 For conflicts around episcopal elections and vacancies see Norton (2007) 56–70 and Leemans *et al.* (2011) 4.

74 See Code of Justinian 1.3.41 (1 March 528, to Atorbius, Praetorian Prefect), an edict dealing with episcopal elections and the requirements for episcopal office; it states “with this law we ordain that whenever in any city there should be a vacancy for the bishop’s throne, the inhabitants (οἱ οἰκοῦντες) should make a resolution (ψήφισμα) concerning three candidates, men of sound faith and pious habits . . . so that from these the most suitable might be promoted to the bishopric” (transl. Norton 2007, 34). See also Eusebius, *Life of Constantine* 4.27 and Novellae 123.1–4 (from 546). See also Leemans *et al.* (2011) 8 and the appendix in Norton (2007) quoting the late antique canons relating to episcopal elections.

75 See Norton (2007) and the essays in Leemans *et al.* (2011).

group but rather sat on the threshold between two communities. Since the monks' authority within the group had already been established in regulations of minor issues, the laypeople decided to refer a matter of religious importance to members whose spiritual leadership was universally acknowledged. While the Christian inhabitants of Gaza apparently expected Barsanuphius to confirm their course of action, he ordered them to follow a different route: 'You should choose none; but entrust the choice to the [arch]bishop. Let him give you whomever God assures him about.'⁷⁶ It seems that the lay community intended to circumvent episcopal authority by having recourse to the monastic's authority, probably assuming that Barsanuphius, as a monk without any formal position or power, had no personal stake in the appointment of an ecclesiastical functionary. However, their expectations were frustrated: Barsanuphius frankly refused to endorse one of their chosen candidates. He did not exploit the influence the community afforded him but opted for a cooperation with the church hierarchy.⁷⁷

However, not every member of the community was convinced that the metropolitan bishop's decision led by divine intervention would fulfil the wishes and be in the interest of the group. One member, characterised as a 'Christ-loving layman', tried to influence the selection by seeking further clarification and advice from Barsanuphius.⁷⁸ We do not know whether this individual was nominated by the community as their representative to approach the ascetic or acted on his own initiative without any official 'mission'. Be that as it may, we do know that he was concerned about potential damage done by the metropolitan bishop's decision to the community's interest and about division among the members. When Barsanuphius insisted that God would make sure that they would be given the candidate who would be more beneficial for them than the others, the petitioner was still not reassured but continued worrying about persistent disagreement within the community:

What happens if a city is divided in such a way that some of the people want certain candidates on the basis of their faith, while others want another based on attachment? In the case where the candidates of both parties are good, what will happen then?

(narrative to Barsanuphius and John, *Letter 796*)

The wording of the question suggests that the individual was by no means a disinterested group member who attempted to achieve an agreement. Rather, he seems to have been convinced that one party gave priority to the candidate's faith, while the other promoted a candidate on the basis of sympathy and attachment. Over the

⁷⁶ Barsanuphius and John, *Letter 793*. The expression 'bishop' seems to refer to the metropolitan archbishop of Caesarea Maritima. See also Barsanuphius and John, *Letter 795*. See Neyt *et al.* (2002) 255 n. 1.

⁷⁷ See also Hevelone-Harper (2005) 109–110, further 107 on the relationship between Palestinian monks and bishops; further, Hevelone-Harper (2006) 43.

⁷⁸ Barsanuphius and John, *Letter 794*. The compiler-narrator says nothing on the enquirer's motivation for approaching the monks.

exchange of several questions and answers about the candidates' suitability and the role of faith in the election process, the individual tested several hypotheses in order to learn whether God would in fact grant them the best candidate. His major concern was that all parties were satisfied with the one who would eventually become their bishop so that the city could finally reunite.⁷⁹

Then, an unexpected twist seems to have changed the game:

The inhabitants of the city conformed to the response given by the Old Man, presenting three candidates, and so a bishop was offered to them, who was both holy and pleasing to God. The former bishop, however, confident in the riches that he had acquired, ran off to Byzantium in order to request that the throne be returned to him. Therefore, rumour spread that he had achieved his goal, and everyone grew anxious again. So they sent a letter, asking the Old Man what they should do. For they were afraid of appealing to the emperor for fear of failure and of the further harm that this might bring to the church.

(narrative to Barsanuphius and John, *Letter* 802)

Barsanuphius replied:

Send a supplication, through which you reassure the emperor about the deposition of that bishop, mentioning that it happened properly, attaching also a copy of the written protests and the expressions of thanksgiving at the election of the new bishop, in order to demonstrate that this is due to God and not to people. In this way, the emperor will be sufficiently reassured to withdraw his confidence from the former bishop. Those who wish to deal with the matter in an evil manner will only lose their money and later be sadly put to shame. As for the money spent [by the former bishop], as Scripture says: "Samson died with the foreigners [Philistines]."⁸⁰

(Barsanuphius and John, *Letter* 802)

Against the monk's advice, the community failed to send a supplication to the emperor. The former bishop seized this opportunity and resumed his office with the help of an imperial magistrate. It seems that the division among the lay community and their lack of determination frustrated their attempts to deal with the matter on their own on the local level. Eventually, however, through an unforeseen event everything turned out well for the community, as the narrator relates:⁸¹

After the Old Man had said this, the magistrate forcefully entered the city in order to fulfil the royal decree, so that everyone was filled with worry and fear. Suddenly, however, rumour spread about the emperor's death and all the expectations were dispelled. So the former bishop left [Byzantium] without success, having spent in vain all of his money, just as the Old

⁷⁹ Barsanuphius and John, *Letter* 801: "Father, you said that, even if the city is divided, those who are unworthy will – for the sake of those who ask properly – also enjoy the good candidate that will be granted. Then how is it written in Scripture that: 'If a kingdom is divided against itself, it shall not stand'? (Mark 3:24) For behold, in this case, the city is divided, and yet the entire city will stand firm for the sake of the good." The use of a biblical quote in his question might indicate that he had greater interest in and knowledge of matters of faith and theology.

⁸⁰ Cf. Judges 16:30.

⁸¹ Barsanuphius and John, *Letter* 803, quoting Matthew 18:18.

Man had predicted. For the inhabitants, on the other hand, the prophecy was confirmed in the events themselves. Indeed, according to the word of the Lord: “Whatever was bound on earth was also bound in heaven.”

It is worth noting that the letters and the accompanying narrative mention neither violence nor unrest, even though there was considerable disagreement among the people. This may indicate that the laity of Gaza was interested in avoiding open and violent conflict and in finding a peaceful solution. As his conciliatory rhetoric and trust in God’s superior problem-solving shows, Barsanuphius also seems to have been confident in this respect (*Letters* 798–801).

The letters, in particular *Letter* 799, show that this matter of local self-governance is interpreted by the recluse in the terms of correct faith. Barsanuphius regards the affair mainly as an opportunity to promote correct faith, to heal rifts in the community, and correct those with bad intentions. It is apparent from the sequence of letters that from the outset, he trusts in God’s foresight and wisdom rather than in human insight to settle the dispute.⁸² Within this kind of worldview, successful self-governance is interpreted as intervention of the ‘divine hand’ rather than human planning and negotiating. Accordingly, Barsanuphius employs in his responses a good number of biblical quotes to make sense of the events and give reassurance.⁸³ When, for example, the lay enquirer is worried about a potential division within the city, the ascetic tries to reassure him by referring to the Apostle Paul and to the Gospel of Matthew.⁸⁴ The quotations from Scripture not only help the addressees, as an explanatory device, to make sense of the entire process but also form the basis for the rules which the community should follow. They are employed as an authoritative rulebook to fall back on for finding a solution.

The monk’s responses suggest that the lay community first thought they could deal with the matter out of their free will and according to their own concerns, but then the monk (and the Christ-loving enquirer) made clear that the affair was about their faith and trust in God. This interpretation reflects the ascetic ‘mindset’, namely that the faithful person is expected to be submissive, to show humility, and have absolute trust in God. Thus, we see that an issue of vital importance for the entire community and its organisation was settled according to norms that clearly displayed an ascetic orientation. By drawing on the insight and expertise of the local monastics, the lay community of Gaza not only accorded to them a position of authority within their own group but also infused their internal relationships and decision-making with a set of norms from outside, that is, from another self-regulating group.

82 See especially his remarks in Barsanuphius and John, *Letter* 794.

83 See Neyt (2004) on the use of the Scriptures in the responses.

84 Barsanuphius and John, *Letter* 801, quoting 1 Corinthians 7:15 (“But if the unbelieving partner separates, let it be so.”, ESV) and Matthew 16:18 (“and the gates of hell shall not prevail against it”). He also takes up the quote from Mark 3:24 used by the layman in his question.

The monk's interventions in the episcopal election in Gaza demonstrate that in an issue that could provoke the state's interference and thus threatened local governance, the usual, secular channels of power were ineffective if the group members were committed to the normative framework of the Bible, or rather its interpretation by the monks, and align their actions with it. Barsanuphius' instructions show that the governance ideally followed a clearly defined set of norms. Actions and decisions should be the result of norms based on the Scriptures or on a specific interpretation of them. In a sense, the Bible here operated as a kind of rulebook. The monk's task was then to expound these norms to the local lay community and deduce from them a specific course of action.

Conclusion

Local self-organisation in sixth-century Gaza shows a type of governance in which a small group of individuals, the monks, play a crucial role in the establishment of collective rules. Barsanuphius and John were acknowledged by the members of the local lay community as figures of authority who were able to work out rules on the basis of their spiritual expertise. In the context of a Christian society in which charismatic ascetics were held in high esteem and acknowledged by ecclesiastics and laypeople as spiritual directors, members of the local community relied on monastics for the regulation of a wide range of collective issues. A major reason for involving the ascetics was certainly that many of the issues that required regulation were related to matters of religion and the church. If we want to characterise this type of self-organisation, we may label it a person-oriented governance based on charisma and spiritual authority.

Secondly, the leading part of the monks in local self-organisation is closely related to both the foundations of the community and the matters that require regulation. Since the group was defined primarily by their shared religious belief, and their behaviour, actions, and business were embedded in the framework of religion, it made sense for them to give the monks as religious experts a special weight in decision-making. Furthermore, while the regulations concerned both the areas of economic foundations and socio-cultural foundations, religion in fact permeated every area in which the laypeople saw the need for regulation. Thus, the collective rules of the community followed a set of precisely defined religious principles and norms. In general, these principles did not have to be created afresh but were derived from a body of authoritative and universally acknowledged texts, the Holy Scriptures. This feature is characteristic of the culture of this period and sets our case study apart from most modern examples of local self-organisation.

Thirdly, as these norms were accepted and put into practice by all members of the group, they also demarcated the group from other communities and reinforced

the group's collective identity. Seen from a different angle, this means that whether or not a member adopted a rule and abided by the norms of the shared framework was crucial for his or her membership in the group. We may state that the religious norms operated as social capital within the group because they created the resource of mutual trust and acceptance.

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Italy and North Africa

Francesco Cassini

Whose Monuments? Italian Urbanism and Roman Interventions (2nd–1st Century BCE)

Abstract: This study collects and discusses some relevant sources concerning the interventions of Roman magistrates in Italy during the last two centuries of the Roman Republic (2nd–1st BCE).

By focusing on instances of direct involvement (financing, sponsoring, promoting, etc.) of élite members on monuments, buildings, and infrastructures, the paper reflects on Roman hegemonic expansion and its consequences on the urban layouts of Italian cities. The aim is to gauge the relevance of these actions in the urbanistic transformations of the Late Republic, the legal and political means through which they were carried out, and the reasons that compelled central élites to act in the context of local, autonomous communities. In this regard, one crucial distinction can be made between direct actions of the State and individual decisions of Roman magistrates acting in a private or semi-private role. These case studies are read through the lens of modern ideas of State and (weak-)statehood to ultimately foster the understanding of Rome's *stateness* and the nature of its control over Italy.

Zusammenfassung: In dieser Studie werden einige relevante Quellen zu den Interventionen römischer Magistrate in Italien der letzten Jahrhunderte der Römischen Republik (2.–1. Jh. v. Chr.) gesammelt und diskutiert. Indem es sich auf Fälle direkter Beteiligung (Finanzierung, Sponsoring, Förderung usw.) von Mitgliedern der Elite an Denkmälern, Gebäuden und Infrastrukturen konzentriert, reflektiert der Beitrag die römische hegemoniale Expansion und ihre Folgen für die Stadtplanung italienischer Städte. Ziel ist es, die Bedeutung dieser Maßnahmen für die städtebaulichen Veränderungen in der späten Republik, die rechtlichen und politischen Mittel, mit denen sie durchgeführt wurden, und die Gründe, die die zentralen Eliten dazu veranlassten, im Kontext lokaler, autonomer Gemeinschaften zu handeln, zu untersuchen. In dieser Hinsicht ist eine maßgebliche Unterscheidung zwischen direkten Maßnahmen des Staates und individuellen Entscheidungen römischer Magistrate, die in einer privaten oder halbprivaten Rolle handelten, wichtig. Diese Fallstudien werden durch die Linse moderner Vorstellungen von *State* und (*Weak-*) *Statehood* gelesen, um letztlich das Verständnis von Roms Staatlichkeit und der Art seiner Kontrolle über Italien zu fördern.

Notes: I would like to thank Prof. Dr. Rene Pfeilschifter and Dr. Christoph Mohamad-Klotzbach for hosting an earlier draft of this paper at the conference and to all the participants for the rich and stimulating discussions, to which this article and my thinking are very much indebted.

This paper aims to offer insight into the concepts of ‘state’ and ‘statehood’ in the ancient Roman world.¹ As many scholars know, this is a perilous venture on multiple levels. Firstly, ideas of state and statehood hardly fit the centuries of the Late Republic for several reasons that I will delineate throughout the paper. Secondly, I will approach the topic from an empirical point of view, measuring how differing degrees of statehood manifest themselves in the occupation, construction, and decoration of public spaces in Italian cities during this period. The Italian peninsula was, at this time, a very distinctive political ensemble of different polities (which we can roughly identify with city-states) confronted with the expanding hegemonic power of Rome.²

The point of view employed in this paper adds a further layer of difficulty to the task. Not only does it require historical and methodological sensibility in measuring to what extent we are allowed to link the creation and transformation of the urban public spaces (their layouts, their buildings, their monuments, and their ornaments) with constitutional forms and political institutions, but it also forces us to question the applicability of the concept of ‘state’ to an ancient reality.³

1 Summarizing the various theories and studies on the state in a single note is beyond the scope of this paper. However, it is important to mention that the turning point for contemporary scholarly approaches to such a concept hinge on Max Weber’s definition of the State as monopolist ‘*der legitimen Gewalt*’ (Weber [1919]). Of similar significance is the formulation by Georg Jellinek of the state as a territorial corporation (*Körperschaft*), endowed with original power of domination (Jellinek [1905]). After Weber, the contemporary field has been shaped by the postmodernist approaches of Foucault (1978) and Bourdieu (2012). In recent decades, studies of the transformation of the state itself have taken on a global scale in an effort to update the concept in relation to the globalized, market-driven, digital world. In this regard, some interesting, collective works are: Conze/Koselleck (1990); Chittolini *et al.* (1994) (on medieval and modern state formation); Brenner (2004) (on contemporary urban governance and rescaling of statehood); Bevir/Rhodes (2010) and Leibfried *et al.* (2015). For an overview of the most recent trends on the topic of our volume (weak statehood and local governance), see Risse *et al.* (2018).

2 For an overview on the Roman Republic and Roman expansionism in Italy: Galsterer (1976); Torcelli (1993); Gabba (1994); Mouritsen (1998); Jehne/Pfeilschifter (2006); De Ligt/Northwood (2008); Stek/Pelgrom (2014); Isayev (2017). Very relevant for an updated historical overview on Pre-Roman and Roman Italy is the series of conference proceedings collected in the ‘*Etudes genevoises sur l’Antiquité*’: Aberson *et al.* (2014); Aberson *et al.* (2016); Aberson *et al.* (2020).

3 The application of the idea of state to the ancient Greek and Roman world has proven extremely problematic. The issue has been pointed out by Lundgreen (2019b) 101, who questioned whether the (modern) notion of state could be used as analytical category for the study of the ancient world, or if its historical contingency prevents it to be applied to any pre-modern form of political organization. For the term and its relationship to the Roman Republic, see Eder (1990); Lundgreen (2014). More advanced is the debate on *polis* and/as state: Hansen (1998); Hansen (2006); Giangiulio (2004); Lundgreen (2019a). New ideas have recently come from a long-durée, pan-Mediterranean comparative perspective between empires, *poleis* and other systems of governments and political organizations: Bang/Scheidel (2013) and Ando/Richardson (2017).

In doing so, this paper offers reflections on the utility of the concepts of ‘state’ and ‘statehood’ alongside those already used to describe the Roman expansion in Italy, such as ‘hegemony’, ‘empire’, ‘anarchy’, and others.⁴

As a *captatio benevolentiae* to the German scholarly tradition which has contributed significantly to our modern understanding of the concepts central to this study, I must begin my analysis by discussing the writings of Theodor Mommsen. His idea of the state, borrowed from modern Prussia and 19th-century European politics, greatly influenced his view of the ancient world, creating an anachronistic understanding of the Roman State which still dictates much of contemporary scholarship.⁵

Already in his *Römische Geschichte*,⁶ written between 1854 and 1856 in the wake of the revolutions of 1848, Mommsen’s description of Roman expansion in Italy features clear parallels to the ongoing process of German unification taking place under the Prussian state. In this sense, not only is Rome seen as a monolithic, expanding state but the Italian unification itself is interpreted as a rightful and obvious process of nation-building. Just like in the case of Bismarck’s Germany, Rome’s imperial design was therefore justified by what Mommsen considered to be the natural unification of the culturally and ethnically homogeneous Italian people. This idea of Rome as a nation-state in the modern sense – an interpretation shared with another great historian of the previous generation, Barthold Niebuhr⁷ – returns in another work by Mommsen: *Römisches Staatsrecht*.⁸ Here, Mommsen’s careful assessment of Rome’s constitutional foundation is interpreted as a testament to the solidity of the state and its political functioning, again aligned with 19th-century understandings of states and statehood.

Since Mommsen, most 19th and 20th-century scholarship has embraced his notion of a clearly identifiable Roman state and its ability and legitimacy to ‘Romanize’

4 The perceived nature of Roman expansion into Italy and of the complex socio-administrative systems and processes that instantiated the relationships between the Italian people, cities, territories, and Rome, is a *vexata quaestio* that goes back to the origin of Roman historiography since antiquity. Many terms have been used to describe this phenomenon: some of them attempt to postulate a continuity between the Republic and the Empire by talking about the Republic as ‘imperial’ and attributing agency to Rome over the subjects. Others nuance the interpretation by pointing out low degrees of political structural cohesion (‘anarchy’). Crucial works on the topic are: Badian (1971); Brunt (1971); Gabba (1977); Musti (1978); Harris (1985). Most interesting – and popular in recent years – is a Gramscian analysis of Roman imperial enterprise in terms of ‘hegemony’ (Hölkeskamp *et al.* [2019]). See also Stek (2014).

5 Theodore Mommsen is the starting point of almost every book or article on the Roman Republic and its political, administrative and legal organization. The secondary bibliography on his scholarship is immense. To limit my review to a few titles, addressing the question of Mommsen’s vision of the Roman State and its nature, see Wucher (1956); Heuss (1968); Flaig (1993); Hölkeskamp (1997) (with relevant bibliography).

6 Mommsen (1854–56).

7 Niebuhr (1873–74).

8 Mommsen (1871–88).

(a term that involves profound social and cultural changes) the populations of the Italian peninsula.⁹ With the exception of the Greek colonies of the South, the Italian people were regarded as easily manipulated pieces of a political puzzle that fit neatly together under Roman rule. This portrayal of Rome's power emphasized the strength of its institutions and balance of its constitution as the means by which a strong oligarchic state (Rome) could easily take control of small Italian polities with little military power, such as the decaying city-states of the Etruscans, and scarcely urbanized ethnic groups like the Oscii.

This unidirectional narrative of 'Romanization' has been challenged in recent decades by numerous studies, which have primarily worked on two levels. The first is a theoretical one. The complexity of Roman expansion and its resulting cultural encounters have been redefined through terms borrowed from anthropology ('acculturation', 'creolization', 'resistance') and post-colonial reframing of Roman imperialism by accounting for the repressed voices of defeated populations.¹⁰ The second is a renewed attention to local contexts. In the last twenty years, archaeological excavations and surveys of the Italian peninsula have produced a vast amount of data that has shed new light on local communities. These material findings have helped illuminate the experiential history of Roman conquest and its impact on the socio-political and cultural realities of the communities involved.¹¹

Yet, none of these approaches can adequately make up for the scarcity of information about the governments and institutions of these polities, for which we have very few literary testimonies and limited epigraphic dossiers. Therefore, little can be said with certainty about the statehood and the constitutional features of these independent political entities. The best-known aspects of their histories correspond to the moments in which they entered the Roman sphere of influence and, through the various forms in which Rome absorbed them (colonization, enfranchisement, alliance), started incorporating Roman institutions, laws, customs.¹²

9 Delving, once again, into issues of terminology – or reviewing in detail the various positions in the 'Romanization debate' – is beyond the scope of this paper. For an overview of the question, see Brunt (1976); Millet (1990); Bradley (2007); Bispham (2016).

10 New approaches to 'Romanization', conquest, and resistance: Webster (1997); Weber (2001); Traina (2006); Woolf (1998); Woolf (2014).

11 On the archeological and material aspects of Roman conquest in Italy and the provinces, see Benelli (2001); Keay/Terrenato (2001); Mattingly (2004); Roth (2007); Van Dommelen/Terrenato (2007); Versluys (2014).

12 The way available documents, archaeological remains and – most importantly – epigraphy, have shaped the narrative of Romanization and Roman expansion into Italy is a very delicate historiographical issue. The unbalanced knowledge related to the socio-political functioning of many communities in Italy before the 2nd and 1st century BCE has created a history and a pre-history of the peninsula, where the historical threshold only corresponds to the process of colonization (Bradley/Wilson [2006]; Stek/Pelgrom [2014]) and later enfranchisement of the Italian communities

Due to this bias in the sources, the image of a strong Roman statehood *versus* a weak Italian statehood as the ultimate cause of the Roman success in its hegemonic enterprise has been much harder to deconstruct and persists in most scholarship. Especially once ‘Romanization’ has been removed from the equation by stripping off all its cultural, social, material (and even military) components by claiming – as in many recent studies – that Roman conquest did not modify Italy’s social fabric profoundly, only law and citizenship remain as the driving forces of Rome’s expansion and ability to incorporate Italian polities into the Roman state. Therefore, the legal and political institutions of the Roman city-state appear in the sources – ancient and modern – as implicitly stronger than those of its rivals and as the ultimate justifications of the firmness of Rome’s statehood and its well-crafted imperialistic design.

As a result, however, scholarship circles back to Mommsen’s strongly legalistic approach to Rome and its expansion. This leaves us with a fragmentary and round-about understanding of the Roman statehood, in which archaeological data and material culture have yet to be reconciled with the rapid transformations in politics and polities in Italy during the Republic. Despite new findings and theoretical approaches to interpreting local contexts, we still struggle to create a nuanced picture of these communities and their socio-political lives.

What is more, few written and epigraphical sources compound even more the difficulties of balancing the fast pace of the *histoire événementielle* with the slow rhythm of cultural change. These sources are often too scant to even begin to recreate the social relations, political functioning, and constitutional bases of their city-states, which maintained their formal independence for a long time, although in the context of Roman hegemony.

Hence the problem of uniting evidence and creating a framework for studying polities and the political agencies of Italian cities in terms of degrees of independence, character, institutions, and political praxis arises. This challenge becomes critical when considering that we are dealing with a system – one that we might call ‘imperial’ – based on different levels of government and the intricate network of political relationships between the Italian communities and Rome. Studying the agency of social and political actors (especially of the ruling élites) in their local civic context as well as in their relations to Rome becomes a crucial part of how we can make sense of Republican Italy and reconcile the big picture of Roman expansion with the day-to-day functioning of civic life in these communities.

around the Social War (Mouritsen [1998]; Bispham [2007]). On the crucial problem of municipal charts and municipal law, see Hardy (1912); Crawford (1996).

This paper attempts to bridge this gap between a socio-political reading of Italian city-states and a part of the archaeological dossier.¹³ I will focus on a specific set of testimonies constituted by works of art and monuments occupying the public spaces of Italian cities. By doing so, I will examine how objects belonging to the public sphere acquire a significant social role and immediate political dimension in their respective cities.¹⁴

As Henri Lefebvre argued, all societies produce and conceptualize their own space. The material signs of these spaces reify the social relations (and its mode of production) through what Lefebvre refers to as the ‘spatial triad’, a complex system of symbolism with which society imbues a space on both ends of its creation and fruition.¹⁵ An intricate net of social relationships and constant negotiations between social groups is what creates the spatial practices and their representations, and what ultimately confers meaning and ideological significance to the monuments that constitute this space. The connection between a society, its political system, and the agency of its members and groups is reflected in public monuments, some of which acquire the character of ideological self-representation of its élites, while others function as bargaining chips between élites and lower social strata.

I will now delve into the limited documentation offered by Republican Italy while attending to the aim of this research, namely how the relationship between the political agency of states and the individuals within states (i.e., of parties within the cities and the cities vis-à-vis Rome) make their mark in/on the public monuments and urban appearance of cities.

The first level I will explore is the ‘imperial’ one, that of the action of the ‘Roman state’ in Italy, and the few literary and archaeological sources which provide insight into the interests of Roman magistrates, commanders, and senators in the construction of public works and buildings outside of Rome.

The first passage, from Livy, reveals the inconsistent attitude of Roman magistrates towards cities in Italy. In 174 BCE, the censor *Q. Fulvius Flaccus* contracted for the construction of public buildings in the colonies of *Pisaurum*, *Potentia*, *Sinuessa*,

13 This paper is part of my larger forthcoming project on municipal euergetism, élites and spaces in Italy: ‘*Cities and Spaces: Civic culture and the ‘politics of space’ in Republican Italy, 2nd – 1st BCE*’.

14 Such scholarly trends, aimed at a more holistic reconstruction of the social ‘landscape’ of Greek and Roman art, have acquired momentum in recent years. In this regard, an important contribution has come for the latest works of Tonio Hölscher (cf. Hölscher [2018]). Extremely influential, when it comes to attempts of reading ancient monuments and statues as tokens of political exchange and products of idiosyncratic civic cultures, is Ma (2013).

15 The model created by Henri Lefebvre in his famous work “La production de l’espace” (Lefebvre [1974]) comprises three different and interconnected ways of conceiving, perceiving and creating the space: ‘Representation of space’, ‘Representational space’ and ‘Spatial practices’.

and in the *municipium* of *Fundi*.¹⁶ The projects comprised temples of Jupiter at *Pisaurum* and *Fundi*, a water-conducting system for *Potentia*, street paving at *Pisaurum*, and houses and warehouses around the forum at *Sinuessa*, which was also to be decorated with three statues of the god Janus. According to Livy, the venture earned the obvious gratitude of the colonists. Still, it was harshly opposed by *Flaccus*' colleague in office, *A. Postumius Albinus*, given that censors could not allocate public money themselves without the authorization of the Roman Senate or people.

Flaccus' interventions seem to go toward the maintenance of urban spaces that were common at the time, more broadly characterized by the incipient but vigorous push towards territorial centralization and urbanization in many areas of the peninsula.¹⁷ In fact, it was not the nature nor the object of these works that elicited *Postumius*' reaction. His hostility towards the initiative is motivated instead by a certain suspicion towards any direct intervention of the Roman state in the formally independent communities in Italy, especially those without ratification from the Senate or a popular assembly. If it is true that the towns where *Flaccus* addressed his actions were all communities of Roman citizens (which means part of the Roman state, with the full panoply of political rights), it is worth remembering that they were also self-governing communities, with their own resources and in charge of day-to-day administration.

Although not uncommon – as we shall see – *Flaccus*' action should be read as a sign of a certain interest, on the side of the Roman élite, to benefit Italian communities, especially those of Roman citizens.¹⁸ These communities were, in fact, part of the electoral body, even though often excluded from the vote by the sheer distance from Rome and the resulting impossibility of casting their ballot. The proof that his acts were not a state-affair but rather a procedural stretch on the side of *Flaccus* is given precisely by the opposition of his colleague *Postumius*, who tried to

16 “*Censores eo anno creati Q. Fulvius Flaccus et A. Postumius Albinus legerunt senatum; princeps lectus M. Aemilius Lepidus pontifex maximus. [. . .] Idem Calatiae et Auximi muros faciendos locaverunt; venditisque ibi publicis locis pecuniam, quae redacta erat, tabernis utrique foro circumdandis consumpserunt. Et alter ex iis Fulvius Flaccus – nam Postumius nihil nisi senatus Romani populi iussu se locaturum edixit – ipsorum pecunia Iovis aedem Pisauri et Fundis et Potentiae etiam aquam adducendam, Et Pisauri viam silice sternendam, et Sinuessae magalia addenda [. . .] aviariae in his et cloacas et murum circumducendum [. . .] et forum porticibus tabernisque claudendum et Ianos tres faciendos. Haec ab uno censore opera locata cum magna gratia colonorum. moribus quoque regendis diligens et severa censura fuit. Multis equi adempti” (Liv., 41.27.10–3).*

17 Crucial contributions to Italian urbanization in the centuries 3rd to 1st BCE are: Gabba (1972); Frederiksen (1976); Gros/Torelli (1988); Sommella (1988); Sewell (2010); Zanker/von Hesberg (2014).

18 The phenomenon of the growing interest of senatorial élite in Roman colonies (but a similar pattern is attested for allied communities in general), is very well described in a recent article by Roman Roth (Roth [2019]).

stop the initiative by appealing to the respect of the standard, ‘constitutional’, procedure for the allocation of funds.¹⁹

Yet, as amply demonstrated by other sources, *Flaccus’* initiative is all but an anomaly. Roman senatorial families, most of which were of Italian origin and often of ‘dual citizenship’, were closely related to Italian communities by several economic, social, and political interests, which created complex networks of relations that transcended (and often came before) the dimension of the Roman state.²⁰

For example, in the case of violent conquest, the surrender of a city to a particular Roman general created a personal bond between the latter and the community, which was then transmitted to the heir.²¹ The same happens with the leaders of colonial expeditions (a commission of Roman senators, the *triumviri*), in charge of setting up the colony, its institutions, and, of course, its infrastructures. Even if the commission passed down the city’s administration to the new civic offices after a few years, relationships of patronage and continuous interventions of members of these conspicuous families in the life of Italian communities never ceased to exist.

Lastly, relationships of patronage and dependence could be motivated by the economic interests of the senatorial élite in the Italian land and – as already stressed – by the fact that many senatorial families came from various towns and cities in Italy, where they did not only retain investments and social relations but where they could also actively participate in local politics and administration. Thus, if we look closely, the dichotomy that characterizes the political life of the Italian peninsula is only apparent. It is a two-level system of government, in which

19 A testament to the level of integration of Italian communities in the Roman ‘State’ and of the ambiguous nature of Roman magisterial power in Italy, can be seen in the example of the consul of 173 BCE *L. Postumius Albinus*, commanding the *Praenestini* to receive him with all honors, after he was neglected during his first visit to the city: “*Priusquam in provincias magistratus proficiscerentur, senatui placuit, L. Postumium consulem ad agrum publicum a privato terminandum in Campaniam ire, cuius ingentem modum possidere privatos paulatim proferendo fines constabat. Hic iratus Praenestinis, quod, cum eo privatus sacrificii in templo Fortunae faciendi causa profectus esset, nihil in se honorifice neque publice neque privatim factum a Praenestinis esset, priusquam ab Roma proficisceretur, litteras Praeneste misit ut sibi magistratus obviam exiret, locum publice pararent ubi deverteretur, iumentaque cum exiret inde praesto essent. Ante hunc consulem nemo umquam sociis in ulla re oneri aut sumptui fuit. Ideo magistratus mulis tabernaculisque et omni alio instrumento militari ornabantur, ne quid tale imperarent sociis. Privata hospitia habebant; ea benigne comiterque colebant, domusque eorum Romae hospitibus patebant, apud quos ipsis deverti mos esset. Legati qui repente aliquo mitterentur singula iumenta per oppida, iter qua faciendum erat, imperabant; aliam impensam socii in magistratus Romanos non faciebant. Ira consulis etiamsi iusta, non tamen in magistratu exercenda, et silentium nimis aut modestum aut timidum praenestinatorum ius, velut probato exemplo, magistratibus fecit graviorum in dies talis generis imperiorum.*” (Liv., 42.1.6–12).

20 The idea of the ‘dual citizenship’ of most Roman-Italian élites is well summarized by Cicero’s famous distinction between *patria naturae* and *patria civitatis* (Cic., leg. 5).

21 Examples and discussion are provided by Linke (2006).

members of the same family (if not the same men) could hold offices and retain positions of power at the local level while participating in the ‘imperial’ dimension of a city-state (Rome).²²

As imaginable, this system of multiple statehoods and citizenships has significant repercussions on the involvement of the Roman state (or should we say, of the individual agency of its oligarchs) in the internal affairs of Italy and – as far as my topic is concerned – on the construction of urban monuments. This concerns not only the direct investments from the Roman treasury (as in the case of *Flaccus*), but also the conspicuous expenditures of the Roman-Italic élite in their local communities, especially in those cases in which they could not aspire to erect a monument in the very coveted and strictly controlled space of the city of Rome.

At the same time, Italian towns were not always the recipients of benevolent acts from the Roman state. There are instances in which they were robbed and violated only to the advantage of members of the senatorial élite. In 174 BCE, the same censor *Q. Fulvius Flaccus* ordered the removal of the marble roof tiles from the temple of *Juno Lacina* at *Croto* (*Kroton*) to decorate the temple of the *Fortuna Equestris* that he was erecting in Rome.²³ His impious act caused great scandal both among

22 Very important, in this regard, is the latest study by Nicola Terrenato (Terrenato [2019]) on the role of élite networks and negotiations in the formation of Roman Italy. His stress on élite rather than civic agency in the ‘grand bargaining’ between Rome and the Italian communities substantiates the interplay between central and local dimension exemplified by the cases presented in this paper.

23 “*Eodem anno aedis Iunonis Lacinae detecta. Q. Fulvius Flaccus censor aedem Fortunae Equestris, quam in Hispania praetor bello Celtiberico voverat, faciebat enixo studio ne ullum Romae amplius aut magnificentius templum esset. Magnum ornatum ei templo ratus adiecturum, si tegulae marmoreae essent, profectus in Bruttios aedem Iunonis Lacinae ad partem dimidiam detegit, id satis fore ratus ad tegendum quod aedificaretur. Naves paratae fuerunt quae tollerent atque asportarent, auctoritate censoria sociis deterritis id sacrilegium prohibere. Postquam censor redit, tegulae expositae de navibus ad templum portabantur. Quamquam unde essent silebatur, non tamen celari potuit. fremitus igitur in curia ortus est; ex omnibus partibus postulabatur ut consules eam rem ad senatum referrent. ut vero accersitus in curiam censor venit, multo infestius singuli universique praesentem lacerare: templum augustissimum regionis eius, quod non Pyrrhus, non Hannibal violassent, violare parum habuisse, nisi detexisset foede ac prope diruisset. Detractum culmen templo, nudatum tectum patere imbribus putrefaciendum. Ad id censorem moribus regendis creatum cui sarta tecta exigere sacris publicis et locare tuenda maiorum traditum esset, eum per sociorum urbes diruentem templa nudantemque tecta aedium sacrarum vagari et quod, si in privatis sociorum aedificiis faceret, indignum videri posset, id eum templa deum immortalium demolientem facere, et obstringere religione populum Romanum, ruinis templorum templa aedificantem, tamquam non iidem ubique di immortales sint, sed spoliis aliorum alii colendi exornandique cum priusquam referretur appareret quid sentirent patres, relatione facta in unam omnes sententiam ierunt ut eae tegulae reportandae in templum locarentur piaculariaque Iunoni ferent. Quae ad religionem pertinebant cum cura facta; tegulas relictas in area templi, quia reponendarum nemo artifex inire rationem poterit, redemptores nuntiarunt.*” (Liv., 42.3). The fact that *Croto* was also a Roman colony (since 194 BCE) further problematizes the censor’s behavior. Cf. Roth (2019) 85–87.

the local population and in Rome, where the Senate eventually ordered the restitution of the tiles to the city. However, the inconsistency of *Flaccus*' behavior, which makes him a benefactor to some communities and a blatant aggressor to others, should not be surprising. It testifies to the growing involvement of Roman oligarchs in Italian affairs, either as patrons for political convenience and influence or as plunderers for the sake of glory in the political arena of the capital.

If we now turn to the archaeological dossier, we find further instances of interventions of Roman magistrates in Italy. From the sanctuary of Fortuna at *Praeneste* comes a statue base dedicated by *L. Quinctius Flaminius* (brother of the more famous *Titus*) to celebrate his triumph over *Leucade* in 197 BCE.²⁴ The choice of *Praeneste* is not a coincidence. Instead, it is in line with the logic of the Italian patronage networks of the Roman senatorial élite.

The city of *Praeneste* had been conquered two hundred years earlier by *L. Quinctius Flaminius*' ancestor, *T. Quinctius Cincinnatus*, with the inhabitants then entering into the family's patronage through an act of formal *deditio* to the Roman commander. The relationship of the *Titii Quinctii* with *Praeneste* is further substantiated by dedications and gifts of other family members as a sign of the strong mutual interests that linked the senatorial family to the *Praenestini* (in terms of military conscriptions and economic interests) and the *Praenestini* to the family (in terms of influence in the Roman Senate and participation of local men in the military and commercial enterprises related to the Roman expansion in the Eastern Mediterranean).²⁵

Following the Tyrrhenian coastline towards the north, we find other dedications of Roman generals in the colony of *Luna*, which became a colony in 177 BCE. Two statue bases celebrate the triumphs of *M. Acilius Glabrio* over the Greek cities of *Heraclea* and *Scarphea*.²⁶ Another one, more relevant to the colony's life, bears the name of *M. Claudius Marcellus*, triumphant over the neighboring tribes of the *Liguri Apuani* in 155 BCE.²⁷ Beyond these dedications, further connections of the central aristocracy to the town are provided by the outstanding terracotta pediment of the temple of *Luna*, the eponymous goddess of the colony. For this architectural project, which bears a marked resemblance to famous works of art in Rome, it is safe to assume the involvement of the powerful family of the *Aemilii Paulli*, whose military and economic ties to the area have been variously attested.²⁸

²⁴ *CIL* I² 613 = XIV, 2935. Cf. Mazzotta (2017).

²⁵ On the relationship between Italian communities (and *Praeneste* in particular), Delos and the Eastern Mediterranean: Hatzfeld (1919); Coarelli *et al.* (1982), Coarelli (2016); Cébeillac-Gervasoni (2002); Ferrary *et al.* (2002).

²⁶ *CIL* I² 2926 + *AE* 1953, 161 = 1955, 204; *AE* 1993, 643. The bases were probably dedicated by the general's veterans who settled in the colony after the victorious campaigns.

²⁷ *CIL* I² 623 = XI, 1339 = *AE* 1984, 387.

²⁸ Cf. La Rocca (2006) 99–102.

Other commemorations of Roman triumphs can be found in Aquileia, a Latin colony of 181 BCE, and its territory, where we find, in the late 2nd century, a double commemorative monument of the consul *C. Sempronius Tuditanus* for his victories over the Illyrians.²⁹ In Aquileia, as in the case of *Luna* with *Claudius Marcellus*, there is also a base for the statue of *L. Manlius Acidinus*, one of the *triumviri coloniae deducendae*, which stands as a token of the unbreakable bond between the colony and its funder (and his heirs).³⁰

Finally, the most famous of all, the so-called *tituli Mummiiani*, a series of inscriptions on statue bases donated by *L. Mummius*, conqueror of Corinth in 146 BCE, to different cities and towns in Italy. Some of these centers were scarcely urbanized rural communities, yet all related to different stages of the general's career or his family's through political interest and relations.³¹

Besides the monuments of triumphant generals scattered around Italy, a few inscriptions attest to the construction and embellishment of the Italian towns by Roman magistrates.

At *Setia*, South of Rome, we know of the refurbishment of a public building (probably a temple) by the praetor *L. Vargunteius Rufus*, as well as the dedication of an unknown monument (probably a statue) by the consul *Sp. Postumius Albinus* and, a century later (mid-1st century BCE), the works on the civic basilica by a *M. Aemilius Scaurus*, praetor. Similarly, at Terracina, in the 2nd century, the consul *Ser. Sulpicius Galba* replaced the public paving while at Capua, in Campania, *Ser. Fulvius Flaccus*, consul in 135 BCE, contracted the erection of city walls out of the plunder (*manubiae*) taken from the victory over the Illyrians.³²

These were by no means the only examples of such actions undertaken in Italy. The radical system of colonization (i.e., creation of new urban entities, sometimes ex-novo) and division of land (centuriation), together with substantial infrastructural endeavors such as roads and aqueducts, were possibly the most important ways in which the expansion of the center (Rome) transformed the Italian landscape.³³ However, my dossier, far from being exhaustive, only considers the interventions of Roman officials in the contexts of towns and cities that clash with the alleged autonomy of these communities and their administration.

²⁹ *CIL* I² 926 = V, 8270 = *AE* 1908, 80 = 1999, 692; *CIL* I² 2503.

³⁰ *CIL* I² 621 = V, 873. Cf. Bandelli (1988) 97.

³¹ *CIL* I² 629 = XI, 6 (Parma); *CIL* I² 627 = IX, 4882 (*Trebula Mutuesca*); *CIL* I² 631 = IX, 4966 (*Cures*); *CIL* I² 628 = IX, 4540 (*Nursia*); *CIL* I² 630 = II, 1119 (*Italica*). Cf. Graverini (2001); Lippolis (2004).

³² *Suppl. It.* VI, 1990, p. 22, nr. 4 = *AE* 1991, 426a–c = 1997, 283; *Suppl. It.* VI, 1990, pp. 20–22, nr. 3 = *AE* 1990, 132 = 1997, 282; *CIL* I² 811 = X, 6462 (*Setia*); *CIL* I² 694 = X, 6323 (Terracina); *CIL* I² 635 (Capua).

³³ Interesting studies of Roman roads in Italy are Laurence (1999) and Campedelli (2014). On the construction and upkeep of aqueducts: Ashby (1935); cf. (with bibliography): Zaccaria (2018). For centuriation: Piegadoń (2013); Stek/Pelgrom (2014).

Yet, the great majority of these actions can hardly be regarded as interventions of the central state authority. In most cases – most notably those of dedications of parts of the spoils of war – they are private initiatives by Roman magistrates and generals, acting in a private or semi-public role. The reasons can be found in personal motivations on the side of the powerful Roman men to advantage, honor, and tighten the bond with specific communities, sometimes at the price of open hostility with the Senate, as in the case of *Fulvius Flaccus*. Such instances can be partially ascribed to the functioning of the Roman State at its highest levels, where a heated and fierce competition between members of the senatorial élites helped determine the erratic and often personally driven decisions of the Senate (especially when it came to the relationship with the Italian allies).³⁴

Nevertheless, one also has to consider a certain élite reluctance to intervene directly in the internal affairs of Italian cities, both for (at least formal) respect of their independence and for avoiding expenditures on initiatives considered beyond the immediate interest of the Roman citizens. Rome, already weakened by the internal fights between its oligarchs and by the constant threats to constitutional order and the lawful functioning of its institutions, showed, therefore, little sign of direct intervention in the urban fabric of Italian cities until a late stage of the conquest.

This relatively late interest in Italian affairs should not be mistaken for a sign of concession on the part of the Roman state vis-à-vis the Italian allies. One should never forget that the disruptive phenomena of colonization and centuriation, construction and maintenance of infrastructures around the peninsula, mass deportations, and almost constant state of military mobilization are all clear indicators of the undisputable hegemonic power of Rome. This hegemony was founded not only on the violent side of the conquest but also (and most importantly) on the tight alliance between the central and municipal élites, which allowed for the vertical mobility of local big men to the senatorial ranks and, by the middle centuries of the Republic, the creation of a Roman-Italian nobility.³⁵

This brings me to the last part of my paper, where I would like to address the involvement of local élites in promoting urbanism, as well as their relationship with the central state (Rome) and the local state (their own city). In this matter, the extant sources have posed challenges to previous scholars. The mass of inscriptions related to public buildings and monuments – which record the names of the magistrates in charge of allocating funds, contracting services, and inaugurating works – projects an image of local benefactors endowing their cities with gifts from their private patrimonies.³⁶ In reality, the works were often funded through the cities'

³⁴ On the nature of Roman political competition, see the contrasting approaches of Millar (2002) and Hölkeskamp (2010).

³⁵ Cf. Terrenato (2019) 208–211.

³⁶ Municipal euergetism during the Republic still needs to be addressed as a comprehensive phenomenon by studying cities and towns in Italy in a comparative way. For an overview of the topic:

treasuries (whose incomes were mostly indirectly acquired through taxes and fines). Private funding appears only to have played a subsidiary role as it supplemented public funds by means of more or less liberal contributions from the magistrates in charge of the building projects.³⁷

In either case of origin, it is interesting to observe the growing involvement of local élites in the urban embellishment of their cities as a sign of prestige and a means of social promotion. This phenomenon, which will gain traction during the 2nd and 1st century BCE and will become a pillar of the social organization of Augustan Italy, testifies to the importance of the cities and the local states under Roman hegemony.³⁸ Competition among peers, aspiration to political promotion (in Rome), and the necessity to maintain and reinforce the structure of power and its social base contributed to stimulating the interest and agency of local élites towards shaping the urban appearance of their cities.

In addition, the need for propaganda and self-celebration on the part of newly-risen social actors fostered to the rise of euergetism as a moment of tension between social groups and the state which ultimately tested the boundaries between the public and private dimensions of civic life.³⁹ In this sense, despite a very low level of direct involvement, the Roman State and the consolidation of its hegemony over Italy proved to be a crucial factor in creating the conditions for the élite to promote diffuse urbanization in large areas of the peninsula.

The means through which Rome established itself in Italy (i.e., through the law, *census*, army draft, and territorial administration) relied on regional processes of centralizations based on urban centers and their élites. At a cultural level (and especially that of visual culture), Rome had the advantage of belonging to an already unified middle Italic *koiné* that fostered the process of assimilation and standardization of urban features.⁴⁰

The creation of a complex hegemonic system based on horizontal networks of peer communities that were in turn related to Rome through one-to-one unbalanced treaties proved crucial to stimulate the agency of élites towards their cities. In doing so, strong direct interventions by the Roman state were not only unnecessary but

Veyne (1976); Zuiderhoek (2009); Ma (2013); Gygas (2016). More specifically on Roman euergetism and municipal life: Cébeillac-Gervasoni (1990); Frézouls (1990); Panciera (1997); Pobjoy (2000); Engfer (2017).

³⁷ The problematic distinction between private and public and the origin of funding during the Republic has been carefully analyzed, from an epigraphic standpoint, by Aberson (2016). Cf. Pobjoy (2000).

³⁸ The functioning of Augustan propaganda and the integration of imperial agenda in local municipal realities in Italy is described in the pivotal work of Paul Zanker (Zanker [1987]).

³⁹ Cf. Forbis (1996).

⁴⁰ On this topic, see the important collection of essays from the Göttingen Kolloquium of 1974 'Hellenismus in Mittelitalien' (Zanker [1976]).

against the actual functioning of the system, based on the cultural example set by the powerful central government and replicated by local patrons.⁴¹

In fact, the few direct central actions taken towards Italy can be subsumed under two categories: colonial enterprises (i.e., the foundation of new settlements, centuriation, land division, and infrastructural works) and dedications by Roman oligarchs outside of Rome. The latter, however, should instead be interpreted as another consequence of the creation of a network of personal relations between Roman élites and the Italian cities rather than that of coordinated action of the central state.

In conclusion, to return to my original question, concepts such as ‘state’ and ‘statehood’ fall short in explaining urban phenomena in Republican Italy. Nevertheless, their use as a framework for inquiry has shown that it was truly the agency of élites in their interaction with both the local and the ‘supernational’ dimension that shaped Italian urbanism and its development. Furthermore, the creation of a system of government centered on Rome provided Italian élites with the means, the aspirations, and the models to develop – and thrive – in the context of what would become the central stage of Italian history in the centuries to come. A stage that would last well beyond Roman times, only to be constantly rethought, reshaped, and redefined: *la città*.

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⁴¹ See, on this, the collective volume on euergetism and municipal patronage in Italy: Lomas/Cornell (2003).

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Cary M. Barber

Undermining the Emperor in Late Roman Africa: Corruption, Maladministration, and the View from the Provinces

Abstract: In the aftermath of Heraclianus' failed African revolt, Rome's emperors dispatched two imperial agents to the region lest "provincials' complaints dissipate by the stretch of intervening sea" (414 CE, CTh 7.4.33). Emperors were often unsettled by the enervating effects of space and time in antiquity, and such concerns were often merited. A case in point is offered by Constantine's reform edict of 331 CE condemning illicit judicial fees (CTh 1.16.7): only thirty years after its passage, an African governor would erect a fee schedule at Cirta legitimizing these same acts, which were then inscribed onto a stele in nearby Timgad/Thamugadi. There, they persisted for over a century despite similar bans.

Permanent monuments like the fee list – juxtaposed with conflicting, ephemeral edicts from far-off emperors – were powerful symbols undermining Rome's central authority and engendering local feelings of isolation. Accordingly, this chapter presents two conflicting narratives from two distinct sources, both with resonance in the modern Global South. The first is official and sanitized: reformist laws portray paternalistic attempts to integrate locals and stamp out corruption. The second narrative – that of the fee list – reflects local memory and lived experience: of emperors struggling to maintain relevance and regulate subordinates from across the 'interceding sea'.

Zusammenfassung: Nach dem gescheiterten afrikanischen Aufstand des Heraklianus entsandten die römischen Kaiser zwei kaiserliche Agenten in die Region, damit "die Beschwerden der Provinzler nicht durch das dazwischen liegende Meer verpuffen" (414 n. Chr., CTh 7.4.33). Die Kaiser waren in der Antike oft durch die zermürbenden Auswirkungen von Raum und Zeit verunsichert, und diese Sorgen waren oft berechtigt. Ein Beispiel dafür ist Konstantins Reformedikt von 331 n. Chr., das unerlaubte Gerichtsgebühren verurteilte (CTh 1.16.7): Nur dreißig Jahre nach seiner Verabschiedung errichtete ein afrikanischer Statthalter in Cirta eine Gebührenordnung, die dieselben Handlungen legitimierte und die dann auf einer Stele im nahegelegenen Timgad/Thamugadi eingemeißelt wurde. Dort wurden sie trotz ähnlicher Verbote über ein Jahrhundert lang beibehalten. Permanente Monumente wie die Gebührenliste – im Gegensatz zu den widersprüchlichen, flüchtigen Edikten weit entfernter Kaiser – waren mächtige Symbole, die die zentrale Autorität Roms untergruben und auf lokaler Ebene das Gefühl der Isolation hervorriefen. Dementsprechend werden in diesem Kapitel zwei widersprüchliche Erzählungen aus zwei verschiedenen Quellen vorgestellt, die beide im modernen globalen Süden Resonanz

finden. Die erste ist offiziell und bereinigt: Reformgesetze stellen paternalistische Versuche dar, die Einheimischen zu integrieren und die Korruption auszumerzen. Die zweite Erzählung – die der Gebührenliste – spiegelt das lokale Gedächtnis und die gelebte Erfahrung wider: von Kaisern, die darum kämpfen, relevant zu bleiben und Untergebene von jenseits des ‘dazwischenliegenden Meeres’ zu regulieren.

Introduction

North Africa’s archaeological remains attest to the diverse host of *ethnoi* with historical claims to the region:¹ Berbers, Moors, Phoenicians, Greeks, Romans, Vandals, and Arabs, as well as dozens of other (sub)groups, known and unknown alike. Among scholars of the distant past, those investigating the material realities of these communities have been particularly fortunate.² Unlike so many premodern peoples, the lived experiences of ancient and medieval North Africans continue to find (new) expression in the region’s remarkably rich, variegated corpus of ancient evidence – above all, in the form of material culture preserved by the area’s aridity and long-term cultural continuities.³ For Roman historians specifically, epigraphic

1 I would like to thank Prof. Dr. Rene Pfeilschifter, Dr. Christoph Mohamad-Klotzbach, and all associated with DFG Research Unit 2757 LoSAM for the opportunity to pursue in these pages a line of inquiry that began over a decade ago (as an MA thesis on Late Antique maladministration under the supervision of Dr. Tina Sessa). Additional gratitude is owed to the organizers, presenters, and audience of the LoSAM conference of July 2021, who offered invaluable insights and ideas in the interdisciplinary spirit of the research group. I would also like to thank the volume’s editors for their comments and patience in awaiting this final version.

2 A position staked out early, e.g. by Graham (1902) viii: “To the archaeologist no country in the world possesses greater attraction, or offers a more useful field for his researches, than this vast region on the southern shores of the Mediterranean, known to the ancients by the simple word Africa.”

3 In their study of the local evolution of mtDNA haplogroups in North African Berber populations, Frigi *et al.* (2010) admirably summarize an expansive body of linguistic, historical, and broadly ‘scientific’ scholarship (including their own genetic analyses of North African DNA). Their approaches represent a methodological breakthrough in the study of ethnic continuities in the region over the preceding 6,000–10,000 years, with particular emphasis on the survival of Berber culture, for which see also Brett/Fentress (1996). Similarly MacMullen (1966) and Krahmalkov (1994) have each reconstructed linguistic continuities across various populations in pre-modern North Africa. Their studies highlight the survival of Phoenician as a relatively widespread regional language well into the Roman period, though perhaps even more astoundingly, their work reveals the survival of Berber from pre-history into the *present* – that is, despite centuries of Roman, Arabic, and French ‘control’. This millennia-long persistence of language and culture reveals much to the student seeking to understand the relationship between weak state penetration and local autonomy. For a similarly fascinating introduction to pre-modern North Africa’s architectural and material continuities – including a brief analysis of the ways this continuity helped to integrate the region across *ethnoi*, space, and time – cf. Banaji (2007) Ch. 1. Especially interesting in this regard is Banaji (2007) 7–14

evidence has been especially copious and valuable. These inscriptions have long served as vital indicators of daily life in Africa, revealing features of provincial existence ranging from humble aspirations of the ‘everyman’ (*venari lavari ludere ridere [hoc] est vivere*) to the cruel ironies of Severan-era dynastic violence (the stricken name of the emperor Geta on a dedication to Concordia, of all deities, retaining the names of his fraternal assassins) and the specifics of religious and linguistic survival leading up to and past the Arab conquest.⁴

Amid this vast trove of epigraphic finds, one set is conspicuous. Situated on a 1m x .5m stele attached to a colonnaded wall of the *curia* in the *forum* of Roman Thamugadi, the inscription of 362/3 CE lists fees (*sportulae*) to be charged for use of the provincial lawcourt: fees emperors past had condemned as capital crimes, the emperor Julian was now codifying, emperors future would (re)prohibit as early as 370 CE, but that would nevertheless remain visible on our stele until Thamugadi was sacked and abandoned in the late 5th century (Appendix A3 provides important sections of the inscription). The list corroborates Ammianus Marcellinus’ complaints about conflicting imperial edicts found in his discussion of the late Roman advocate, the ‘most violent and rapacious type of men [found] frequently flitting about the forum’:

Secundum est genus eorum, qui iuris professi scientiam, quam repugnantium sibi legum abolere discidia. . .

The second type [of advocate] comprises those who profess knowledge of jurisprudence, which the discord of self-contradictory [imperial] edicts has obliterated. . .⁵

As Ammianus’ ‘rapacious’ characterization of the advocate suggests, the prices listed on the schedule were considerable: based on our fee list, Christopher Kelly calculates 121 *modii* (of wheat or its cash equivalent) to bring a charge and 59 *modii*

on the survival of *castella* from the era of the Carthaginian occupation through the Republican, Imperial, and Late Antique Roman periods, and leading into and past the Arab conquest – demonstrated here in the following passage: “Of course, the *castella* survived. They had predated the Roman conquest and would outlive it by centuries. In the Arab period a whole region south of Gafsa was called *Qasfiliya*. These *castella* of southern Byzacena were simply rural settlements of the sort the Arabs came to call *ksour*. In the North African landscape, the *ksour/castella* represented the communal anarchism of the Berber mountains, huge fortified granaries which coalesced with villages or physically dominated them and in any case held them together.” See also Rahmani (2004). All of this will be relevant to the study at hand, as it illuminates subaltern experiences of Roman rule, which frequently struggle to find expression in the textual record.

⁴ Much is owed to Johannesen (1923) for these first two. For this last point, see Riggs (2001) for a fascinating overview of pagan continuities in Late Roman North Africa.

⁵ Amm. 30.4.11. For the ‘most rapacious type of men [found] frequently flitting about the forum’, see Amm. 30.4.8: “*violenta et rapacissima genera hominum per fora omnia volitantium . . .*” The fees listed in the schedule, one imagines, were likely to contribute to Ammianus’ complaint in this same section that these *advocati* left behind ‘denuded litigants’ (Amm. 30.4.19).

to defend against an accusation.⁶ 30 *modii*, it should be noted, was the ‘average’ citizen’s annual rations; the average salary for a member of the governor’s office staff was less than 5 *solidi* a year in some provinces, and so the equivalent of less than 150 *modii*. These fees, then, are significant all around.⁷ Substantial, too, were the position of this stele within Thamugadi’s *forum* (the most important civic space of the Roman city) and its connections with the *curia* and court (two of the most iconic institutions of Roman antiquity). To put it plainly: a permanent stone marker stands in a prominent public space listing fees for civic services criminalized by nearby imperial edicts – fees hefty enough to exclude nearly all provincials from Roman courts. The image of the emperor emerging from this juxtaposition is hardly a sympathetic one.

Despite the considerable explanatory potential of these inscriptions, scholarly treatment of the stele has nevertheless been uneven, ancillary, and at times, desultory. A hundred years of scholarship seems to shrug in the face of the fee list, though the messaging, at least, has been consistent: the inscription merits mention, so it seems, but deserves no dedicated study.⁸ Exacting attention of this sort has been directed instead towards yet another Thamugadian monument of even greater proportions: the so-called *album municipal*, listing the names of local town leaders. Nearly a half-century ago, André Chastagnol graciously referred to our fee list as “une autre inscription célèbre” often brought up in conjunction with the *album*, which formed the subject of his monograph.⁹ Even less is offered from Rolf Johannesen a half-century earlier: in a thesis on Thamugadi, the fee list is entirely overlooked, while the *album* is hailed as “a monument which is rightly considered as one of the best sources on conditions in the municipalities [of the Late Roman Empire].”¹⁰ Such high praise remains germane for the *album* a century later, to be

6 The Roman *modius* (8.73 liters) – a dry measurement roughly equivalent to a peck (8.81 liters) – was used to calculate official salaries in kind in the face of rampant inflation during the Third Century Crisis and across the 4th century CE, for which see Wassink (1991). The *solidus* was a gold coin introduced by the emperor Constantine. It remained stable until the 11th century, for which see Jones (1964) 107–109.

7 Kelly (2004) 139–140.

8 Investigations appear in Jones (1964) 497; Kelly (2004) 107–108, 138–142.

9 Chastagnol (1978) 75.

10 Johannesen (1923) 76, itself a dissertation under the supervision of the famous Rostoftzeff. Between the *album*, our list of judicial fees (*sportulae*), and another inscription – the *ordo salutationis* listing the rank order of visitors to the governor – and Thamugadi appears a veritable goldmine of administration information. *Contra* Lepelley (1981) 446: “Le bilan épigraphique de ce très prestigieux site archéologique serait donc un peu décevant, s’il n’y avait l’incomparable document qu’est l’album municipal, datable du temps de Julien . . .” though Chastagnol (1978) 1 is cogent in his discussion of the *album*’s relative importance: “Il est bien évident que son intérêt débordé largement du cadre étroit de la cité de Timgad, et même de toute l’Afrique du Nord, car, dans l’Empire romain entier, le seul document qui puisse, par son contenu et son apport, lui être comparé est, pour l’Italie de l’époque des Sévères, l’album municipal de Canusium, colonie de l’Apulie, texte sur

sure; but so, too, should it be applied to our judicial fee list. Among the latter's contributions, this set of inscriptions is remarkable for its insights into Late Antique provincial governance and the nature of imperial penetration into the lives of Roman citizens. A few lines from the fee list are enough to be revealing: on their own, they illuminate key aspects of governance across cascading layers of Late Antiquity's administrative hierarchy, from the imperial court, to the diocese of Africa,¹¹ to its constituent province of Numidia (modern Algeria), to the ancient Roman colony at Thamugadi (Timgad) and its hinterland.¹² An analysis of the fee list in light of the contents of the *album* is similarly fruitful: among other benefits, it reveals subtle details about the relationships between North Africa's cities, its military and administrative centers, and smaller surrounding towns, along with their connections with the imperial epicenter and its provincial agents.¹³ But so, too, can the stele shed much-needed light on Africa's (predominantly coastal) urban areas and their interactions with outlying, inland rural districts. The latter stand at the center of a series of new studies slowly overturning a long-entrenched *communis opinio* with relevance to our inquest – a brief survey of these controversies will therefore be of general use to the broad audience intended for this volume, offering context for the non-specialist, historiographical overview for the interested pre-modernist, and a case study for the significance of our judicial fee schedule.

lequel nous aurons souvent l'occasion de revenir." For a clear, concise summary of the *album*, see Kelly (2004) 146: "This inscription, the so-called *album municipal*, offers a snapshot of one small-town society in the mid-fourth century. In six long columns, it recorded 283 names of those in some way connected with the local government of the town, ranked according to their status and position in that year."

11 Which comprises parts of modern Tunisia, Libya, Morocco, and Algeria.

12 Reports from the earliest excavations of Roman Thamugadi can be found at Ballu (1894), Ballu (1897), Ballu (1902), Ballu (1903), Boeswillwald *et al.* (1905), and Ballu (1911), among others. Wilson (2002) 237, aptly describes these operations as "something of a vast treasure hunt in the worst antiquarian tradition" given their lack of "information on stratigraphy, which was not recognized by the excavators, and almost no information on finds, with the exception of mosaics, sculpture and inscriptions." The name of the town was *Colonia Marciana Traiana Thamugadi*, while the modern city is anglicized as Timgad (contra Kelly [2004] 107, who despite an otherwise excellent discussion of Thamugadi and the stele at the heart of this article, may have it backwards here in terms of the orthonym).

13 Kelly (2004) 145–148, for instance, deftly reconstructs 'small-town societies' based on the *album*, as at Kelly (2004) 148: "Indeed, even to the most cursory reader, the stark simplicity of the *album* clearly displayed the close links between those on the municipal council in Timgad and those who were associated with the imperial bureaucracy in Carthage and Cirta." Connections between these observations and the fee list will be established later in this chapter.

Rural Roman Africa and the stele's explanatory utility

Scholars in decades past tended to depict African rustics as an isolated people in an already insular province, with relatively little participation in the cultural, economic, aesthetic, and administrative conversations the region's urban elite held with Rome's imperial core.¹⁴ The argument generally rests on evidence of acculturation and the stark differences observed in relative rates of 'Romanness' among Africa's various regions (inland vs. coastal, rural vs. urban, highland vs. lowland),¹⁵ its assortment of *ethnoi* (Mauri vs. Italian, Numidian vs. Vandal), and its socio-economic classes (urban craftsmen vs. agricultural laborer, *decurion* vs. rural small-landowner, humble elected bishop vs. regional land baron, etc.). The methodology for measuring 'Romanness' consisted of assessing for each group their relative level of 'Romanization' – and so, their adoption of quintessentially 'Roman' material culture, dress, religion, values, names, customs, and other features collectively constitutive of 'identity', weighed *against* their maintenance of 'indigenous' culture.¹⁶ These metrics – when viewed through the lens of conceptual (and often comparative) models of colonial assimilation – have led scholars to an important observation: as is typical elsewhere

14 Shaw (2003) 98: "As an expansive human living space configured in significantly different ways from other Mediterranean lands and isolated by immense expanses of desert and water – the Maghrib is arguably a Mediterranean island, although a rather peculiar one." See also Shaw (2003) 100–101: "The coast along this part of North Africa was singularly hostile in terms of access to the inland regions that formed the main living spaces for the majority of the population." Leveau (2014) counts among the most valuable historiographical surveys of scholarship on (Roman) North Africa and includes critical discussions of an 'African identity', ancient African (anti-)colonial efforts, Roman imperialism, local resistance, and cultural assimilation.

15 E.g., Dossey (2010) 48: "Exclusion is most obvious for certain interior and mountainous zones, where not even the well-off had access to the new 'Romanized' commodities."

16 Bonifay (2013) surveys the material evidence for coastal Africa's engagement with (trans-)Mediterranean trade networks, particularly in Spain, Sicily, and the eastern Mediterranean, e.g. at Bonifay (2013) 533: ". . . 5th to 7th c. eastern Mediterranean amphorae are so abundant in Carthage that they were first classified in this city." Things were often – though not always – different in the interior, Bonifay argues, as at Bonifay (2013) 536: "Many scholars have already noted that amphorae were not very numerous in African inland regions during Late Antiquity. For example, studying a context at Setif of the first quarter of the 5th c., E. Fentress noted: 'un manque général d'amphores à Sétifé'. In fact, non-African Mediterranean imports are very rare . . ." here quoting Fentress (1991), though see Bonifay (2013) 552–558 for a nuanced overview of the 'state of the field' allowing for considerable variation both between and within regions. For differences between coast and interior in terms of (non-)Roman identity, see recently Steinacher (2018) 452: "It will be necessary to understand Roman identity as a complex mélange of local and supraregional elements. Of course being Roman was different whether one lived in a coastal city (maybe with an old Punic tradition) or in the mountainous hinterland." For a broader historiographical overview, see Mattingly/Hitchner (1995).

in the Empire, Africa's 'indigenous' aristocrats and urban populations were quite amenable to *Romanitas*, though even they can be described as ambivalent towards foreign intrusion – a remnant, perhaps, of the violence and tumult associated with Rome's early centuries of conquest and control. Rustics, on the other hand, were less conflicted in their stances – and far more overt in their reactions to (and against) Roman domination.¹⁷ They engaged in passive resistance to the 'occupation' by holding onto aesthetics, languages, and customs predating the Roman hegemony. But so, too, could rustics reveal their attitudes through active rebellion against Roman rule: by supporting schismatic religious sects (first Christianity, then Donatism), usurpers (Gordian), violent zealots and social revolutionaries (the *circumcelliones*), and ethnic leaders (Firmus, Gildo). When the Vandals invaded in 429 CE, so this explanatory model asserts, rural communities stayed the course. They accepted the new hegemonic power, continued their 'resistance' to foreign (now Vandal) influence, and retained their 'African' identities.

A series of challenges to this model's coherence and cogency have arisen in the last few decades, most notably in Leslie Dossey's well-received *Peasant and Empire in Christian North Africa* (2010).¹⁸ Dossey's work was no wholesale rejection of its antecedents; in many respects, it largely concurs with the *communis opinio*. Both perspectives emphasize the strong connection between a community's consumption of goods and its construction of identity. So, too, do both accept the picture of widespread economic disruption across Africa in the 1st and 2nd century CE, which was marked by a "crisis in traditional artisan industries and exchange" that led to a new urban reliance on Mediterranean imports.¹⁹ This was followed, Dossey *et al.* assert, by a revival of African industry in the 2nd century CE, though one built upon a new, more 'Roman' model concentrating manufacturing in Africa's cities and excluding rustics from urban markets. The results were predictable: there emerged a 'rural/urban divide' as well as certain structural inequalities associated with this disparity. Cut off from markets, rural communities languished, while cities (and colonial foundations) grew, multiplied, and steadily 'Romanized'. As these distinctions became more pronounced, African elites gradually – if sometimes erratically – came to adopt a "new hybridized material culture" mixing native and Roman elements, whose attraction derived precisely from its exclusivity along with its connections with imperial power and status.²⁰

17 Dossey (2010) 5: "The perceived rebelliousness of the rustic is the starting point of this book. I use the word "perceived" because, with the possible exception of the Bagaudae, there is no evidence for large-scale, organized peasant rebellion in the late Roman Empire."

18 For issues with the use of 'peasant', see Grey (2011) 31: "Peasants cannot easily be detached, either analytically or in reality, from these other inhabitants of the countryside of late antiquity. In what follows, therefore, I largely eschew narrow, economic, or political definitions of 'peasant' and 'peasantry,' in favor of a more pragmatic approach to the denizens of these worlds."

19 Dossey (2010) 43.

20 Dossey (2010) 48.

'Native' aristocrats, in other words, had become partners with the Roman order, which encouraged the imprinting of Roman features onto an African landscape.

Self-governing villages, for instance, largely disappeared from the material record in the first and second centuries CE. Their inhabitants were dispersed to settlements on massive estates, and in many cases, their land "was distributed to Roman colonists or senators."²¹ The latter became rentier owners controlling vast swathes of countryside, employing rent collectors (*conductores*) capable of great violence against rustics.²² In other cases, villages became attributed to nearby self-governing towns (*res publicae*), whose magistrates oversaw the (often one-sided) extraction of "services, supplies, and military recruits from subordinate villages (*vici*)."²³ In the first half of the 3rd century, however, rural communities embraced a new strategy. Increasingly, they requested rights of self-government from provincial governors and emperors, who granted these requests based on "a touch of idealism and self-interest."²⁴ These third-century village republics (*castella*) elected magistrates, built (and dedicated) 'civic' monuments and structures, and requested imperial assistance to combat violent opponents. In exchange, *res publicae* provided taxes, manpower, and honored Rome's gods and quasi-divine emperors.²⁵ Some of these villages, it seems, were even able to gain full municipal status – a considerable feat for a smaller community.

As in so much of the empire, however, change took hold with Diocletian's imperial reorganization in the very late third and early fourth centuries. Rural requests for official status were now rejected *en masse*, as urban autonomy was everywhere curbed in favor of rigid imperial control. The epigraphic record for acts by communally elected village magistrates declines precipitously; in their place, tenants (*coloni*) on enormous estates became increasingly beholden to landlords, who had the power to arbitrate disputes, enforce imperial laws, and act as virtually independent administrators. In general, strict hierarchies became pervasive. There was little room left, it seems, for the "horizontal bonds of a community" – the very feature that had allowed rural Africans a measure of autonomy and prestige in previous years.²⁶ Local communities, in the face of this new orientation towards the imperial center, were forced to change tactics. As Dossey describes it:

If peasants wanted protection, they needed to use a different sort of persuasion, one that appealed less to law and rights and more to patronage and pity.²⁷

²¹ Dossey (2010) 196–197.

²² Dossey (2010) 108–109.

²³ Dossey (2010) 105.

²⁴ Dossey (2010) 114.

²⁵ Grey (2011) 107.

²⁶ Dossey (2010) 197.

²⁷ Dossey (2010) 123.

Such was the Africa envisaged for the 360's, when our stele was erected at the city of Thamugadi.

Where Dossey deviates most dramatically from the old orthodoxy is in arguing that “resemblance [via ‘Romanization’] could heighten, not mollify, social tensions.”²⁸ By her telling, a third- and fourth-century “late antique consumer revolution” took hold across the North African countryside once “the political and social constraints on peasant consumption had begun to break down” amid the Third Century Crisis.²⁹ In many respects, earlier centuries had been more difficult for the African peasantry – their ‘nonconsumerism’, long thought to be a willful rejection of Roman goods (and with them, Roman identity), was instead enforced upon them by structural conditions: their relative poverty, practical exclusion from the ‘Roman commodities’ marketplace, and social prohibitions against their inclusion in urban affairs. Dossey’s position on these points is worth providing here in her own words:

The nonconsumption of the rustic was not a failure of Roman imperialism – much less a resistance to Romanization – but an essential part of the construction of power relations at the local level. . . The logical result of this ideology was a contrast in the material culture of the elite and the rustics. The *urbani* purchased commodities from the market, while the rustics made do with what they could produce themselves... Such dichotomies were imported into North Africa [by the Romans]. . . The methods through which this inequality was maintained would not be hard to achieve, once it was conceived as desirable. Tax collection during the second and early third centuries was almost wholly in the hands of the local decurions. Municipalities regulated where workshops could be built, managed the water, fuel, and mineral resources needed for production, and sometimes actually forbade the establishment of large-scale workshops on private property out of a desire to promote their own ‘public’ workshops. . .³⁰

By Dossey’s telling, third-century African rustics had actually achieved a great deal despite (and, in some cases, because of) the era’s notoriously difficult conditions. Rural communities, moreover, were perfectly cognizant of the advantages gained by working within the Roman imperial system. They were increasingly successful, for instance, in requesting formal municipal status from emperors, who were all too happy to provide it, in part as a means to “bypass the local aristocracy and directly govern the provinces.”³¹ So, too, had rustics become acquainted with the wider ‘Romano-African marketplace of goods’ in the second and third centuries, though structural conditions had limited their participation to contribution rather than consumption. Gradually, however, conditions changed, and markets were made accessible to rustics,

²⁸ Dossey (2010) 8.

²⁹ Dossey (2010) 96.

³⁰ Dossey (2010) 59–60.

³¹ Dossey (2010) 123–124.

who naturally took advantage.³² As the considerable number of ‘Roman’ goods in the countryside attests, Africans increasingly adopted Roman commodities (and therefore essential elements of a ‘Roman identity’), even establishing rural facilities for large-scale production of fineware, tiles, and other high-quality ‘Roman’ wares. The trouble, then, was never a rural rejection of ‘Romanness’, as so many scholars have assumed; on the contrary, Dossey argues, it was the countryside’s embrace of Roman goods – and therefore *Romanitas* – that alarmed elites, who saw their positions within the late antique hierarchy challenged by these ‘upstart’ outsiders.

In the 1st and 2nd century CE, so we have seen, ‘Roman’ goods had been produced by urban craftsmen for a fairly restricted set of African elites and well-to-do urbanites. For these groups, such commodities signaled ‘exclusion’ (from the rural ‘peasantry’, the urban masses, and indigenous non-Romans) and ‘inclusion’ (within a cosmopolitan, pan-Mediterranean imperial elite, at the top of which sat the emperor and his exalted *illustres*). When third-century conditions yielded improvements in the material conditions of the peasantry, there began a critical shift in rural behavior. Increased wealth, exposure to Roman markets and ideologies, and expanded manufacturing capacity led rustics to reserve high-status goods for their own internal consumption. For Dossey, the social impact of these developments is difficult to overstate. Large-scale rustic appropriation, adaptation, and production of these commodities – particularly in conjunction with their increased adoption of “a more urban style of architecture” over the 4th century – contributed to a growing anxiety among ‘Romano-African’ aristocrats, who began to cast rural Africans as dangerous to the *status quo* and even actively seditious. What had taken place, Dossey argues, was a consequential, if also somewhat paradoxical, development: rustic Africans’ embrace of ‘elite Roman culture’ and its associated suite of values – autonomy, industry, the right to civic participation, and so on – coupled with their adoption of high-status goods, necessarily entailed the overthrow of certain deeply entrenched ‘Romano-African’ institutions constructed on the premise of ‘peasant-agrarian’ deference, subordination, dependence, and ‘otherness’.³³ Rustics, in other words, had uncynically accepted a ‘Roman identity’ as constitutive of their personae, and weaponized the essential characteristics of that identity as a means to undermine oppressive Romano-African aristocrats.

Rural communities, Dossey argues, were also ingenious in their response to the political restrictions implemented by Diocletian and his successors. In a bid to resurrect the “horizontal bands of a community” so central to their collective existence, rural Africans vigorously asserted a prerogative unique to their region: the right of villages, or even estates, to create bishoprics without imperial or ecclesiastical consent that were not subordinate to other dioceses. Hundreds of such bishoprics were

³² Changing conditions include the advent of coinage, which expanded significantly amid the third-century’s chronic inflationary spirals (for which see below in this chapter) and Christianity.

³³ The quotes are found at Dossey (2010) 80 and 97, respectively.

established, in which communities elected and ordained their own bishops. As with rustics' embrace of the Roman marketplace of goods and ideas, manufacture of these goods for internal consumption, and establishment of self-governing *municipia*, the pattern surrounding the creation of bishoprics is clear: rural Africans adopted a Roman institution, adapted it to their benefit, and employed it as a means to maintain community, a measure of autonomy, and shelter from secular abuse. *Episcopi*, moreover, did not shy away from intruding into areas generally reserved for secular authority: African bishops' sermons engaged directly with imperial law and spoke out explicitly against the proliferation of violence aimed at rustics at the hands of landlords, officials, and other powerful individuals. Similarly, African sermons denounced the illegal collection of debts, illicit extraction of labor, and general abuse often associated with life in Late Antiquity (A2, an edict of the emperor Constantius, tells a similar story). Such sermons spread across the countryside relatively quickly, as ecclesiastical officials established networks linking bishoprics that "could outcompete the imperial government", and that allowed preachers to communicate:

a new discourse of power relations to rival the discourse of patronage and pity that had long governed elite relations with the countryside.³⁴

And critically, this episcopal approach also endowed communities with an ecclesiastical lawcourt under the supervision of clergy whom the laity had elected (and who were therefore largely independent). There was a hitch, however: by an edict of Constantine, the enforcement of laws and judicial decisions was reserved for secular authorities (governors, landlords, magistrates).³⁵ Bishops, Dossey notes, could nevertheless be quite liberal in their interpretations of this restriction, and seem to act in many cases as 'judges ordinary' and the enforcers of punishments and penalties in contravention of these imperial pronouncements.³⁶

³⁴ Dossey (2010) 185–186 contains both quotes.

³⁵ See also Hermanowicz (2008) 13: "Since the rule of Constantine, bishops enjoyed the right to conduct their own civil courts. Lawyers, imperial bureaucrats, and clergy spoke the same language and observed similar protocols, so even for those bishops with no formal training in the law, the experience afforded by clerical office could be adequate preparation for arguing in front of town councils and proconsuls."

³⁶ Dossey (2010) 190. Dossey (2010) 178–179: "What is noteworthy in Optatus's account are the hints that Axido and Fasir were holding what amounted to judicial proceedings in the countryside, and asserting control over documentary procedures to do so. They issued commands (*iussiones*) and made judgment (*iudicium*). They recorded their commands in documents (*litterae*). In good Roman tradition, the creditors were collecting their debts at the village markets, such as the *locus Octava*. If the farmers did not sell enough to pay up, they faced having their families reduced to debt servitude. The creditors arrived with their documents in hand, expecting their debtors to beg for indulgence (*qui pro praestitis suis rogari meruerant*). Instead the creditors found themselves praying for their own safety and being, quite literally, run out of the villages. The documents issued by the *duces* carried more weight than their *chirographa*. The men they had a right to treat as slaves rode their carriages away as free men. Patrons had become supplicants, and Axido and Fasir had

The fee list, I would argue, must be seen in conjunction with these developments. As will be argued below, decades of imperial prohibitions of judicial fees ran up against the realities of Late Antique provincial administration, which required such *sportulae* to sustain the courts. Our schedule therefore reflects a pragmatic emperor's attempts to recognize reality, maintain these fees, but limit their extent in order to check abuse (and minimize the consequent alienation of provincials). By the time we arrive at Julian's fee schedule, however, the damage done was already considerable. Charges had grown far too onerous for the average African rustic to participate, which encouraged Africans' embrace of ecclesiastical arbitration (and rejection of 'official' courts of the governor), particularly in light of what the fee list suggests about imperial judgment more broadly – that is, that it was corrupt, cost-prohibitive, and heavily skewed in favor of elite interests. The turn towards the bishops' courts, then, and Dossey's arguments for elite African antipathy towards rustics, reflects yet another facet of subaltern strategies in the region – here again, in other words, we find 'Romanization' as a means to check the abuse of 'Romano-African' elites, who cast their opponents as 'social revolutionaries' aiming to overthrow the imperial *status quo*.

Further interpretative consequences: from Africa to the Empire

For the student of Late Roman Africa, much is clearly on offer in our Thamugadian stele. Yet, a closer investigation of the contents of this monument adds to analyses well beyond the scope of the inscriptions' local and regional provenance. The contents of this stele are powerful reconstructive aids, especially in combination with the (comparatively) abundant extant literary and archaeological evidence for Late Antiquity more broadly conceived. Within this larger context (and given these additional resources), our stele becomes suggestive of a wide range of lived experiences across the entire Roman *oikumene* (within which Numidia long persisted). And this broadening of horizons is itself suggestive of an even greater applicability of our analysis than to the world of Rome alone, expansive though these prospects may already seem (to an ancient historian, at any rate): there is much here within this stele, for instance, that can enhance – and be enhanced by – conceptual frameworks, methodologies, and investigative approaches associated with the study of other places, peoples, and eras, from antiquity to the present. Particularly relevant to our inquiry, for instance, are conditions in rural northern India, Uganda, and

become patrons. All of this was, of course, a gross violation of imperial law, but it should be kept in mind that the intended activities of the creditors were likely illegal as well." See Dossey (2001) for earlier articulations of these arguments.

other areas of the modern Global South with similarly strong patronage networks, endemic rent-seeking behavior, and a history of institutional corruption.³⁷ In light of LoSAM's (and this anthology's) efforts to construct a matrix of models for future cross-disciplinary investigations, this chapter will build its core arguments and analyses with these comparative approaches in mind. Coverage will therefore include not only the stele's inscriptions and their use for the reconstruction of the distant past but also a discussion of what the stele can reveal about conditions in nations or regions of the present, especially those with similar, relatively weak relationships between provincial communities and the central state.

Among the key findings of this comparative analysis will be an argument for the extensive influence exerted by the following forces: (a) geographic (and cultural) distance between center and periphery; (b) institutional advantages favoring local dynasts over much larger populations of agrarian and industrial laborers; and (c) certain structural features associated with imperial and hegemonial systems ultimately circumscribing the central state's ability to project power through its agents. For this last category, emphasis is placed on officials' low pay, the high costs associated with obtaining public office, the short duration of office-holding, governors' external origins, and – at times – their relatively low prestige in comparison with other high-status (ex-)officials and grandees in the area. The danger these conditions posed for the emperor's authority are manifest: by encouraging maladministration, they could intensify local isolation (or even alienation) from the 'administrative core';³⁸ so, too, did these factors facilitate the rise of alternative, local, and frequently abusive *loci* of power, whether in the form of the brigand, the regional dynast, or the predominant landowner. In Africa, these roles frequently fused into a single figure powerful enough to challenge Rome's remote, distracted emperor, often simply by overawing his vulnerable representatives 'on the ground' through a combination of threats and enticements.³⁹ And a series of such developments could have enormous,

37 For the duration of this paper, the term 'corruption' should be interpreted fairly broadly as "the misuse of public office for private gain" in accord with Svensson (2005) 21. While some may see this as injecting an anachronistically modern (or incongruously 'un-Roman') sensibility into the analysis (due e.g., to Romans' culturally normative 'expectation of profit' from office), the definition is nevertheless employed here for its conceptual flexibility, particularly as it accounts for relevant differences in various forms of government, including those found in the Later Roman Empire. The keyword in this definition, then, is 'misuse', a term which – although clearly subjective and amorphous – is nevertheless able to help account for differences in cultural expectations of profit-seeking, patronage, and overall behavior. The term implies, moreover, a sense of illegality and the subverting of rules and conventions as part of an attempt to profit at the expense of the established system.

38 For 'alienation' in the context of Roman North Africa, see Fentress (2006) 30–31; in the context of the Roman bureaucracy, see Kelly (2004) 103.

39 A different perspective is provided by Conant (2012) 9–18. In acknowledging the relative paucity of African elites serving in high-ranking positions in their own native Africa, Conant (2012) 10 reports that "17% of the known Proconsuls of Africa between the years c. 295 and 429 were themselves African."

indeed sometimes even catastrophic, consequences for the survival of the imperial system as a whole. For Christopher Wickham, the weakening – and eventual loss – of imperial control over North Africa was a precondition for the breakdown of the Western Roman Empire:

the conquest of the grain heartland of Africa by the Vandals in 439, which the Romans mistakenly did not anticipate and resist, seems to me the turning point, the moment after which these potential supports [i.e., ‘barbarian’ peoples settled within the empire as federate groups providing defensive military aid] might turn into dangers. Army resources lessened too much after that; the balance of power changed. By 476 even the Roman army in Italy may have started to think that landowning was desirable. And, not less important, local élites began to deal with the ‘barbarian’ powers rather than with the imperial government, which was by now too distant and decreasingly relevant; the provincialization of politics marked the death knell for the western empire.⁴⁰

These data points – along with two known *comes Africae* of African origin – are nevertheless adduced as evidence for the considerable participation of African elites in African rule. Given the paltriness of these figures (i.e., 1 in 6 governors of Africa actually hailing from the region), the claim seems overly sanguine. Elsewhere, Conant aptly notes the rarity with which African elites found success in the upper echelons of imperial administration both at home *and abroad* (and in both halves of the empire). African elites, in other words, having failed to climb sufficiently high up the Late Antique *cursus honorum*, only *rarely* acquired direct access to the loftier levels of imperial power – instead, as Conant (2012) 11 poetically phrases it: “all of Augustine’s fellow countrymen returned home eventually, their ambitions frustrated, ‘to spend the rest of their lives in a thoroughly provincial setting, as the bishops of small African towns’.”; *pace* Conant (2012) 10, however, which argues (in conjunction with work by Garnsey [1978] on the 2nd century CE) that Roman elites, regardless of their location or circumstances, had access to power through their shared membership in a wider, imperial aristocracy. This is true, as far as it goes. Class sympathy might gain them an audience with a governor – but then what? Outranked and unable to leverage the dignity and authority of a formerly held high office to aid their demands, one easily imagines their frequent (though, critically, not *universal*) failure; so, too, can we conceive of a common long-term outcome for many (but not all) of our would-be power-brokers – namely, a turn away from attempts at manipulating regional, provincial, or imperial business, and a turn instead towards consolidating a private hegemony over the often-enormous swathes of countryside under their control. This seems to be the view of Dossey (2010), which presents a predilection among African elites for ‘less sanctioned’, unofficial avenues of exerting influence (that is, violence and other illicit modes of ‘persuasion’). Such *de facto* authority, moreover, was effective enough in any case given the findings at Jones (1964) 381, which reveals that, on average, proconsular governors of Africa held their office for only a little over a year (between 357–417) – not much time, in other words, to establish rapport with the region’s elites (and those inveighing against their abuses). Barnes (1985), it should be noted, has borne out the transitory nature of the African governorship for the broader period from Diocletian to 392, and in the process, confirms the ‘proconsular year’ as extending from April to April. This short tenure – alongside these specific months for the African office – are all the more significant considering the note (at Jones [1964] 403) suggesting an edict from the emperor sent in autumn might not arrive in Africa until spring or early summer (and so, presumably, too late for any real response from the governor). These, I will argue below, are precisely the sorts of conditions catalyzing endemic corruption.

⁴⁰ Wickham (2009) 108. Similarly, Conant (2012) 19: “For the empire, the loss of one of its richest agricultural provinces and a keystone of east–west communications in the Mediterranean was a crushing blow.” See also Steinacher (2018) 449: “Much worse for the imperial government than any

Such an outcome was hardly possible without a series of strong, successful challenges to the foundations of the Roman system, to include the widespread acknowledgement of the emperor *qua* ubiquitous, quasi-divine patron; (at least an urban) adoption of a loosely defined ‘Romanness’ and its associated orientations, values, and trappings; and a general confidence that Roman institutions could meet certain fundamental needs related to safety, stability, and salvation. Rome’s system of ‘rule by consent’ – a virtual precondition to its survival as an expansive pre-modern empire – depended upon each emperor’s conspicuous commitment to the provincial project, particularly by portraying themselves as upholders both of traditional Roman ‘virtues’ and the Christian faith.⁴¹ *Auctoritas, aequitas, clementia, constantia, fides, gravitas, humanitas, industria, iustitia, liberalitas, pietas, prudentia, severitas, virtus*: these were upheld in part through (often monumental) material reminders such as arches, coin issues, public munificence, and dedicatory statuary.⁴² But equally (if not more) important for the maintenance of the empire were an emperor’s attentiveness – and the appearance of his attentiveness – to provincial concerns, their judicious application of punishment and reward, paternalistic displays of mercy, reconciliation towards (formerly recalcitrant, now deferential) opponents, clear-eyed delegations of tasks to subordinates, generous bestowal of *beneficia*, staunch defense of doctrinal unity, material and spiritual support for the Church, the reinforcement of traditional social hierarchies (and the effective use of these institutions to integrate a vast, diverse citizenry into the system), and personal rectitude.

Evidence for the degradation of this system in Late Roman Africa is borne out by A. H. M. Jones in the following, itself a brief summation of the era covered in this chapter:

petty war with Moorish groups at the edges of the desert or any threat from outside was the possibility that the African provinces could be ruled independently. Given the vast imperial as well as private estates and the economic importance of the provinces this was the real danger for the Empire. The African production taken over by anybody not loyal to the Italian centre provided the facilities to organize an independent political entity within the Roman West. Grain, olive oil, wine and textiles as well as the taxes paid by the owners of the estates and the rich cities were needed in the Roman West. No imperial government could afford to lose Africa. At the same time the rich provinces had a certain potential for independent rule. African usurpers or military masters had exploited this option since the third century. The Vandal century from 429/439 to 533 is only one example of this phenomenon.”

41 Shaw (2011) 198 explains the balancing act Christian officials were forced to perform in the Late Roman world: “The aura of authority and the quality of secularity that emanated from traditional institutions was powerful enough that Christians who entered the ranks of local officialdom naturally committed themselves to a set of operative values that were different from those of the Christian churches to which they belonged.”

42 Noreña (2001) reviews imperial virtues (with excellent bibliography at p. 146 n. 1 and n. 2), analyses their advertisement in a material medium (coinage), and demonstrates the benefits of applying a nuanced, mixed-methodology investigation.

Down to 429 Africa had been spared invasion. The only disturbances were caused by the rebellions of successive military commanders, Gildo in 397-8 and Heraclian in 413. In 427 Boniface, *comes Africae*, was suspected of similar disloyalty and was recalled. He refused to obey and troops were sent to Africa to depose him. The first expedition was unsuccessful, but the second under Sigisvult occupied Carthage and Hippo. The Vandals in Baetica seized this opportunity to cross the straits and ruthlessly plundered the Mauretanian provinces. Galla Placidia, to unite the Roman forces, hastened to pardon Boniface, more troops were sent from Italy, and an expeditionary force from Constantinople arrived under the command of Aspar, but all to no effect. The Vandal advance continued, and eventually in 435 the Roman government had to agree to cede to them the territory which they had already conquered, the Mauretaniae and Numidia.⁴³

Yet, Jones' account, at least in these pages, is woefully (and uncharacteristically) inadequate regarding even the most basic historical details.⁴⁴ Clear evidence for the recent undermining of imperial rule in Africa is found already in the 360's (including the Thamugadian fee list), so we shall see, and processes weakening the emperor's authority persist until the Vandal conquest. Forces contributing to this 'imperial distance', moreover, stretch back centuries to a pre-Roman era, and include notions of a distinctly 'African identity' resistant to imperial control (exemplified famously – and controversially – by Marcel Bénabou's *La résistance africaine à la romanisation*).⁴⁵

43 Jones (1964) 190. For a useful overview of African history – including detailed but accessible accounts of African upheavals in the Roman era – see Steinacher (2018).

44 In fairness, Jones (1964) offers far more detailed descriptions – and far more nuanced analyses – of African events elsewhere in his two-volume set on Late Antique history, administration, and culture, as at Jones (1964) 39 on Maximian's campaigns against Moorish tribes in 297 and 298 CE, at p. 55–56 on archaeological evidence for Diocletian's hardening of the desert frontier in Africa, p. 74 for African resistance to persecution of their strain of Christianity in the 3rd century CE, and so on.

45 See, for instance, the comments at Bénabou (1976) 57–58: "On sait assez que les principes politiques qui régissaient, avant la conquête romaine, les royaumes indigènes différaient de ceux que Rome pratiquait: en Afrique, la nécessité d'un pouvoir central, susceptible de prendre des engagements au nom de la communauté entière, ne s'était encore jamais franchement imposée. Les tentatives faites en ce sens par des souverains voulant acclimater des formes politiques imitant celles du monde hellénistique ont tourné court. L'irrédentisme, la tendance à l'autonomie, c'est-à-dire à la dispersion, découlaient nécessairement de la nature des choses: dans un pays géographiquement compartimenté, où la solidarité des groupes ne peut s'exercer qu'à l'intérieur d'un cadre restreint, où l'insuffisante diversité des conditions naturelles condamne souvent les hommes à la rivalité et à la lutte, l'unité nationale ne pouvait être qu'une vague aspiration de chef ambitieux. Il n'est donc pas étonnant que les populations des régions nouvellement conquises, en Numidie particulièrement, ne se soient pas senties liées par le transfert d'autorité qui faisait d'elles les sujettes de l'administration romaine. Cette sujétion, qui ne les gênait guère tant qu'elle restait théorique, devenait dangereuse dès lors que les Romains s'avaient de la traduire concrètement sur le terrain, comme le faisait précisément le plan augustéen. Aussi bien assiste-t-on, dans le dernier tiers du I^{er} siècle av. J. C., à une série de réactions violentes des Africains." Fentress (2006) 3 n. 2 provides an excellent bibliography for earlier works on ancient North Africa; interesting, insightful, and well evidenced points abound elsewhere in the work, as at Fentress (2006) 29–30: "One of the most significant economic shifts can be seen in the move towards intensive wheat and olive cultivation for the Mediterranean market. As these cultures intensified, the pastoral element of the economy was transformed as

With this longer chain of North African developments taken into account, this chapter offers new perspectives on the fragmentation, dislocation, and transformation (artistic, cultural, economic, political, religious, social) that defined North Africa's transition into the medieval Mediterranean world. Because these processes speak to structural changes common to societies of the present, this study also has much to say about the perils similar circumstances could pose for modernity.

In sum, the importance of our African stele's inscriptions will be made manifest on several levels: as a key element in future analyses of Late Antique Roman imperial governance, as useful comparanda for investigations into other places and times marked by similar conditions, and even as potent warnings for policymakers in the present and future.⁴⁶ There is much, in other words, to look forward to from an investigation into this stele and its inscriptive contents.

Given the transdisciplinary nature of this research group, however, as well as the diverse audience intended for this volume, elaboration on the Roman *oikumene* as a whole – as well as the place of (places like) Thamugadi within it – constitutes an essential first step to ensuring the non-specialist's survival. This study will therefore continue to offer an overview of Thamugadi, the Late Roman Empire, and the position of the emperor as an entrée into a closer study of the stele's schedule of (illicit) judicial fees. From there, an unpacking of the fee list's contents – and the interpretative consequences they pose – help to illuminate key features of Late Antique Roman administration, including metrics for its (in)efficiency within a 'global' (Roman), regional (North African), and local (Thamugadian) context.

The stele of Thamugadi: context

Telling our stele's story begins with an onomastic analysis of its findspot: *colonia Marciana Traiana Thamugadi*. As the first three recognizably Latinate words suggest, the town was founded as a Roman colony under the aegis of the emperor Trajan (r. 98–117), likely around 100; “le surnom de *Marciana*,” Claude Lepelley notes,

well, as some groups moved towards specialized nomadic pastoralism. Far from settling the pastoralists, the intensive nature of the agriculture of the Roman period may have driven them further afield, towards a more intensive approach to stock-raising, itself closely linked to the market for woolen goods. In time, these fully nomadic groups would appear as the sting in the tail of Africa's Romanization, powerful elements created by the intensification inherent in the Roman occupation, but beyond their direct control.” See also Conant (2012) 3–4 for major scholarly texts arguing for (essentially) “a Berber population that remained fundamentally unchanged by Greco-Roman civilization.”

46 So much of the modern conversation about Late Antiquity – particularly its religious, economic, ethnic, climactic, and (geo)political developments – is not only relevant to, but indeed decisive for, present conditions, for which see now Banaji (2007) on the economy, Swain (2016) on ‘barbarian identities’ and Harper (2017) on climate and disease, *inter alia*.

“rappelait la soeur de Trajan.”⁴⁷ The fourth word, however, “n’a rien de latin” – it is instead a pre-Roman toponym related (perhaps) to the town’s origins as a military colony strategically located to oversee a Roman road and potentially rebellious indigenous groups.⁴⁸ Thamugadi’s strong early start helped sustain development throughout the High Imperial era (roughly up to the year 200 CE), which witnessed its transformation from a minor colony into a locally significant municipality within the province of Roman Numidia.⁴⁹ During (and through) this transformative process, Numidia itself came to constitute a critical administrative, economic, and cultural component of Rome’s increasingly complex and hierarchical imperial system: from the *provincia* of Numidia (overseen by a governor), one moved up the administrative ladder to the *diocesis* of Africa (managed by a vicar), and thence to the *praefectura praetorio Italiae* (controlled by a prefect). From there, the next step up was the Western Roman Empire, whose emperor – though he sat atop this rational system of graded administrative layers – nevertheless reflected something much grander than the sum of these parts.⁵⁰ Thus can we situate Thamugadi (geopolitically, economically, etc.) within a greater Mediterranean – and Roman – milieu, from local to regional to ‘supranational’ entity.⁵¹

But much more should be said about this unique region, its development, and its place within the Roman world. While the High Empire was predominately an era of widespread prosperity, the succeeding period – often referred to with the appropriately tenebrous title of the ‘Third Century Crisis’ – was defined by demographic

47 Lepelley (1981) 444. Gascou (1972) 97–98: “Sur ces deux inscriptions *Thamugadi* est nommée *colonia Marciana Traiana*, ce qui montre que Trajan a desiré que les deux épithètes de la colonie rappelassent non seulement le nom du *conditor*, mais aussi celui de sa sœur Marciana.”

48 Gascou (1972) 98: “Le site, en tout cas, a été expressément choisi pour sa valeur stratégique; il se trouve à l’entrée du couloir que suivait la voie romaine *Theueste-Lambaesis*, et commande les voies d’accès aux grandes vallées de l’Aurès, l’Oued-el-Abdi et l’Oued-el-Abiod.”

49 For those seeking an even broader chronological context: beginning in the 9th century BCE, much of North Africa west of Tunisia had been under the indirect control of the Phoenician Carthaginians. The area then entered into Rome’s sphere of influence during the late 3rd century BCE until it was subjected to direct Roman rule during the late 2nd and 1st century BCE (during the era of the Republican Civil Wars).

50 For the region more broadly, see Duncan-Jones (1963). For later eras, see the edited volume at Merrills (2017). Conant (2012) 353 is revealing: “In other areas, too, the networks that we can see most clearly linked Carthage to the two old poles of Rome and Constantinople; but a web of connections spread out from Africa and led, directly or indirectly, to Sicily, Spain, Gaul, Italy, Lycia, Syria, Palestine, and Egypt. The communications that bound these regions together were routine and extraordinary, official and personal, ecclesiastical and economic; the travellers whose movements we can trace spanned the social elite, and included office-holders, diplomats, churchmen, merchants, exiles, and refugees. They seem to indicate by their movements that Africa was well-integrated into the Byzantine world, for all the province’s problems of communication with the capital.”

51 Obviously, the descriptor ‘national’ is anachronistic for much of pre-modernity and especially the era of Roman antiquity. Its use here – that is, to describe the place of Thamugadi within progressively larger contexts – is purely informal and will receive further clarification below.

shock, political chaos, and the persistent reassertion of an assortment of centrifugal forces threatening to rend the empire asunder.⁵² Despite widespread catastrophe, archaeological evidence suggests Thamugadi – and North Africa more broadly – had nevertheless led a relatively charmed, anomalous existence throughout these years: not only was the region shielded from the worst of the century’s chaos and horrors, but it actually managed to thrive economically across this period as a critical node within a series of (relatively) well-integrated local, regional, Mediterranean-wide, and imperial marketplaces.⁵³ Central to this success was agriculture in the countryside, where the landscape – social, economic, and geographic – was dominated, in a manner typical of the Western Roman Empire, by the region’s great landowners, whose preeminence was so vast that the Numidian countryside could even be said to have:

comprised countless numbers of estate communities who, indeed, even identified themselves by their employer’s name or the name of the estate, much as workers do in modern companies.⁵⁴

Within this schema, a handful of senatorial and ‘apolitical’ large-landowning families dominated not only olive cultivation, but even its manufacture (e.g., into olive oil).⁵⁵ But while much of the processing of these crops took place within the palatial strongholds of dynastic clans, production, so we have seen, was hardly limited to the suburban and rural zones they controlled. Urban areas in Africa, too, were creators – that is, rather than solely consumers – as archaeological remains within and across North African cities attest.⁵⁶ In these urban agglomerations (and, in fact, especially in Thamugadi), extensive evidence of surplus textile production hints at a vibrant economic and social life for the Romano-African town (and its environs), again even amid the ‘Third Century Crisis’. Tellingly, this prosperity would continue largely unabated for centuries despite regional and empire-wide rebellions, invasions, and general unrest.⁵⁷

Yet, notwithstanding this prolonged prosperity, Roman North Africa could hardly hold out against the prevailing forces of the sixth and seventh centuries CE. Amid these enormous disturbances, Thamugadi’s official existence would end as part of a series of uprisings by nomadic peoples in the region some four centuries after the

⁵² Jones (1964) 1–70 offers a solid narrative for the period stretching from the Antonines to Diocletian. Borg (2013) provides an interesting overview of a central social institution – burial – and its changes over this same period.

⁵³ Mattingly (1997) and Stone (2014) offer useful overviews of the study of the African economy.

⁵⁴ Banaji (2007) 13.

⁵⁵ See Banaji (2007) 103 with bibliography at p. 103 n. 2, especially Mattingly (1988) and Laporte (1980).

⁵⁶ For the debate about the ‘consumer’ city in pre-modernity, and particularly within the pre-modern Mediterranean context, see Erdkamp (2001).

⁵⁷ For which, see Wilson (2001) and Wilson (2002) as well as Fentress (2013) 315–342.

town's foundation – and over half a millennium since Roman 'hegemony' had been established.⁵⁸ Moorish groups, so we hear, would eventually raze Thamugadi in 535 CE in an attempt to ward off future attempts at the town's recovery by Eastern Roman armies, a strong signal – to say the least – of enduring local resistance to centuries of central Roman rule.⁵⁹

Ravages related to manmade destruction and depredation were considerable. So too, were those wrought by tectonic activity, neglect, and time. It was with good reason, then, that the French scholars who excavated Thamugadi in the late-19th and early-20th centuries could remark in wonderment that the site was still “dans un état merveilleux de conservation” due in large part to the ash layers engulfing the city at the time of its destruction.⁶⁰ These salutary conditions ultimately proved transitory, as Thamugadi met the fate shared by so many sites of early European excavation: efforts to reveal the city in these years, as it happened, achieved their aims only after the destruction of a great deal of contextual data, and much has been lost in the interim since the city's discovery. By these acts of uncovering, however, the excavators reminded the world of Thamugadi's existence. And critically, in the process of mining Thamugadi for its material and intellectual offerings, these excavators managed to unlock invaluable evidence for the relative supremacy of local (over centralized) rule in the Late Antique Roman Empire – that is, despite the pronouncements and posturing of centuries of emperors, who asserted that conditions had been entirely to the contrary.⁶¹ For, amongst the litany of impressive finds discovered at Timgad was our stele, a 1m x .5m slab erected on the wall of the local senate house (*curia*), which outlines – with brilliant clarity – certain mundanities of Late Roman provincial administration that might otherwise have remained forever obscured.⁶²

58 For the Roman view of these groups, see Maritz (2000) 89: “Inhabitants of Africa were also thought to possess specific moral characteristics. They were considered warlike, cruel and untrustworthy. Their languages were unpronounceable; they were barbarians. Their customs were uncivilized; they did not follow marriage customs, but had wives and children in common; they lived in huts; and they practiced no arts.”

59 Proc. *Vand.* 4.13.26 in CE 535, *pace* the interpretation offered by a French archaeologist of the late 19th century at Ballu (1897) 1: “L'histoire de Thamugadi est celle de la Numidie aux époques impériale, vandale et byzantine, et elle disparaît lors de l'invasion dévastatrice des Arabes, dont les hordes fanatiques jettent comme un immense voile sur les souvenirs laissés dans les pays si longuement et si patiemment conquis par la ville éternelle.”

60 Ballu (1894) 29. For a contemporaneous comparison with Pompeii, see Ballu (1897) 1: “La Thamugadi des Romains, l'actuelle Timgad fièrement campée au pied du revers Nord de la chaîne des Aurès ou Aouras, a, grâce au linceul de cendres dont elle fut recouverte au moment de sa destruction, conservé le vivant aspect que présente aux touristes Pompéï, la merveille de l'Italie.”

61 For the Roman experience in North Africa in the years following the Republic's fall, see MacMullen (2000) as well as Lander (2017).

62 Mommsen (1913) and Chastagnol (1978) continue to provide excellent descriptions of the stele itself, including its dimensions, location, dating, and an analysis of its inscriptive contents. For more on Mommsen, see now Barber (2022).

A detailed discussion of the stele's contents must await our setting of the political, cultural, and institutional scene. In general, however, the monument's two main inscriptions illuminate a quintessentially Roman institution that defined and delineated the Empire's abstract system of 'layered' governance: the provincial (law) court.⁶³ While both inscriptions have profound implications for the reconstruction of local life in Roman North Africa, it is the contents – and consequences – of the second of these inscriptive texts that will form our focus here. Acts related to the judicial fee list (rather than the *ordo salutationis*) exerted the greater impact upon the subaltern masses inhabiting Thamugadi, its surrounding territories, and indeed the whole of North Africa (and beyond); so, too, would the fee list have struck the more discordant note in distant Constantinople. Due to its profound(ly negative) implications for imperial administration, it is the fee list that would have met with the lion's share of official disapproval and exasperation, which no doubt would have risen all the way up the administrative ranks. The most perturbed among these officials were those who (ostensibly) ruled Late Antique Numidia with (ostensibly) absolute and (ostensibly) unimpeachable authority. These absolute monarchs – *autokratores*⁶⁴ – were, of course, the Roman emperors, whose words wrought binding law and whose presence, so we are meant to believe, was felt powerfully, ubiquitously, and constantly by all provincials. Such was the extent of the Late Antique emperor's majesty, which rested upon impeccable credentials: his authority (*auctoritas*), rank-position (*dignitas*), and ruling strategies stretched back centuries to the legendary kings of the Regal period, the dynasts of the Republican era, the Augustan Principate, and the first adumbrations of a 'despotism' during the difficult days of Domitian's rule in the 1st century CE.⁶⁵ In the interval since, centuries of imperial grandeur had facilitated the survival of the emperor's position through the crucible of the Third Century Crisis and its concomitant plagues

⁶³ For the *album ordinis*, see Johannesen (1923) 76 quoted above as well as Jones (1964) 730–731; Chastagnol (1978); Kelly (2004).

⁶⁴ See Agath. *hist.* 5.14.1 for *autokrator*, and cf. Kaldellis (2019) 283 n. 60 for a useful discussion of this term's usage in that instance. For the tone of Late Antique governance, Brown (1992) 7–8 is always worth bearing in mind: "The reader should labor under no illusion. Power, not persuasion, remains the most striking characteristic of the later Roman Empire in all its regions. The fourth-century empire that we find described in the work of its principal Latin historian, Ammianus Marcellinus, was frankly authoritarian. Ammianus found it unusual, and praiseworthy, that the emperor Valentinian I did not attempt to 'bend the necks of his subjects by menacing prohibitions.' It was more normal to impose obedience by imperial fiat, in religious as well as in secular matters. In the words of John Matthews' masterly study: 'Imperial government in Ammianus' time was unmatched in Graeco-Roman history in its scale and complexity of organization, in its physical incidence upon society, the rhetorical extravagance with which it expressed, and the calculated violence with which it attempted to impose its will . . .'" Here quoting Matthews (1989).

⁶⁵ See now Kruse (2020).

(Antonine and otherwise), runaway inflation, and the administrative retreat of the center from the periphery amid a series of civil wars and resource scarcity.

It was in response to this period of struggle at the empire's center that Diocletian had only recently (re)strengthened the emperor's claims to sovereignty. Within a generation, he successfully transformed Rome's imperial system into a 'Dominate' based on a combination of administrative reorganization, the enhancement of certain precedents already leaning towards autocracy, and the incorporation of 'eastern' trappings from the court of the Persian emperor.⁶⁶ Following his reconsolidation of the empire under the control of a single preeminent ruler (and his lesser co-rulers within the Tetrarchy), Diocletian had rendered the emperor supreme, divine, and insuperable. Or, at least, this is the message he and his successors hoped to convey as they crafted an image of simultaneous availability to, (meta)physical distance from, and absolute dominance over the millions of citizens and foreigners who inhabited the Late Antique Roman Empire and its client kingdoms. It is an image that the fee list itself will go some way towards dismantling – very much *despite* the dazzling descriptions of these dynasts in our contemporary source record.⁶⁷

Imperial strategies: the emperor's presence and the *adventus*

While the emperor was nowhere more powerful than in his immediate environs, power projection to distant locales was critical for the maintenance of imperial unity. To this end, the emperor's (posture of) omnipresence was effected through several strategies bearing upon our analysis of the fee list. The first of these is the more literal – that is, it relates to the emperor's actual, physical movement from city to city across the empire, generally to address a compelling administrative and military concern.⁶⁸

⁶⁶ Jones (1964) and Millar (1977) remain foundational for the development of the emperor's position. More recently, Mennen (2011) and Ando (2012) provide accessible works detailing the changes taking place amid the Third Century Crisis in particular.

⁶⁷ For critiques of an 'autocratic' Late Antique and Byzantine Rome, see now Kaldellis (2015) 26. See also Kaldellis (2015) 83–84: "the [idea that the] emperor had to abide by the laws even though he was not required to was formulated in a specific way: 'κατὰ νόμους πολιτεύεται, or 'he takes part in the *politeia* according to the laws' . . ." as well as Ch. 4 for the notion of the sovereignty of ". . . the people, the δῆμος of the Romans, the old *Populus* . . .".

⁶⁸ For the *adventus* and its development, see MacCormack (1972); MacCormack (1981) esp. Ch. 1; Millar (1977) 30–32; Brown (1992) 13–14, 157; Kneafsey (2016). More pointedly, MacCormack (1981) 56: "For, a ceremonial, once perceived as highlighting the momentary and dramatic impingement of the imperial presence on the local community, is transformed into its opposite – a ceremonial

Central to this process was the emperor's ceremonial arrival (*adventus*), a solemn ritual aimed at reinforcing what Sabine MacCormack describes as the all-important *consensus* “[up]on which the imperial power rested, both in theory and practice.”⁶⁹ The *adventus*, by this telling, was more than just a means to celebrate the emperor's approach. Among its essential symbolic aims, the rituals and ceremonies of the *adventus* functioned simultaneously as a reminder of the emperor's availability, a legitimator of his rule by stressing his religious *pietas* (and, in an earlier, pre-Christian Empire, his quasi-divinity), and a reinforcement of provincials' sense of the ‘superhuman’ nature of the emperor.⁷⁰ In more practical terms, the *adventus* could also bring with it local expectations for material gain, entertainment, and above all, municipal munificence (‘euergetism’), all of which were met with local approbation in most cases (though, alternately, the costs of such acts could pose an enormous financial and practical burden on the limited resources of the typical Late Antique town).⁷¹

But perhaps equally joyful for many was the fact that accompanying the emperor's arrival, there was often a reprieve from the deprivations, (un)official violence, administrative corruption, and instability that plagued the Late Antique Roman Empire from Spain to Syria – problems the emperor's representatives were, for the most part, unable (or unwilling, indisposed, or under threat not) to solve, at least not for

that communicates the worldwide dominion of the emperor, exercised from the still centre of the imperial presence.”

69 For *consensus*, see MacCormack (1981) 18: “Furthermore, the moment of contact between the arriving emperor and the community brought a spotlight to bear on late antique ideas concerning those elements of *consensus* – expressed in terms of meeting and welcoming – on which the imperial power rested, both in theory and in practice.” See also MacCormack (1981) 22–61.

70 MacCormack (1981) 23 for ‘superhuman’. Witness (at Pan. Lat. *Constantine* 8–12) the panegyric to Constantine in honor of his arrival at Autun in 311: “You were so gracious as to illumine the city [of Autun] which lived in the abundance only of expecting you . . . Immortal gods, what a day shone upon us . . . when you entered the gates of this city, which was the first token of our salvation, and when the gates, curved inwards and flanked by twin towers, seemed to receive you in a kind of embrace . . . We decorated the streets leading to the palace, although only poorly, yet we carried forth for your welcoming the standards of all the colleges, and the images of all our gods, accompanied by the clear sounds of some few instruments . . . We saw your moistened eyes expressing your compassion. Through your countenance healing tears came to us and . . . we wept with joy. For, just as the fields thirsting after a long drought, are made fertile by rain solicited by prayers, so your tears watered our breasts with rejoicing, since, although it is wrong to be glad of your weeping, yet our gratitude overcame our sense of reverence for you and those tears were tokens of piety, not sorrow.”

71 On *euergetism*, see now Gygax (2016) and the edited volumes Lomas/Cornell (2003) as well as Gygax/Zuiderhoek (2021). For the burdens imposed by an imperial visit, see more generally Jones (1964) 366–373 as well as Millar (1977) 28–40 who presents testimony from Cass. Dio 77.9.5–7 (on the emperor Caracalla); CTh 8.5.3 (on Constantius) and Amm. 22.12.6 (on the emperor Julian and his troubled stay in Antioch), among others.

very long.⁷² Local notables endeavored to mitigate these problems in anticipation of the emperor, and this in turn created a well-established pattern of cause (*adventus*) and effect (*pax*, or peace). Over the centuries, that cycle transformed imperial appearances into intentional, ostentatious, and symbolic reminders to all provincials, powerful and humble alike, that the emperor could – if necessary – present himself in response to local needs and crises (military, economic, or otherwise), which were always lurking on the Late Antique horizon. The ritual of the *adventus*, in other words, assured provincials that – as in the very immediate present – so too in the murky and dangerous future could the emperor bring to bear all the military, economic, and political might his position atop the imperial hierarchy availed him, which were indeed considerable, to say the least. Among these resources, for instance, were the obvious implements of power projection, such as the emperor’s mobile field army, the tax revenues generated by myriad millions of citizens, and so on. But critical, too, was the infrastructure that bore these implements across continents, including Rome’s renowned network of roads, which ought to be considered in light of their connection to the *adventus* ritual, the emperor’s attempts to appear omnipresent and accessible, and his difficulties in doing so, all of which are essential to our analysis of the Thaumugadian fee list.

Principally, these roads helped to reduce the enormous transaction costs inherent in pre-modern imperial governance, for the obvious reason that they helped to convey the emperor wherever his presence was needed most.⁷³ But the fact that

72 MacCormack (1972) 723: “. . . there often was a meeting between the emperor and the local senate, during which requests could be made and granted, and here, in a very real sense, an emperor could be the benefactor and saviour of his subjects. In fact, the ceremony was commonly viewed in such a light: when a great ruler enters a city, says Athanasius, no enemy will dare to attack it while he is living there . . .” with reference to Athan. *incarn. Verbi* 9.3. See also MacCormack (1972) 726: “Although the ceremonial significance of *adventus* is here discussed, it would be a mistake to ignore the very real material and political advantages which an imperial arrival could bring with it. Constantine entering Autun in 311, made substantial remissions of tax arrears, and in Rome in 312, apart from bestowing the more intangible advantage of freeing the Romans from the so-called tyrant Maxentius, erected or completed several public buildings. Almost all the emperor Julian’s arrivals were accompanied by benefits of this nature, sometimes on a considerable scale, and so throughout the period here treated. The general fault of government in late antiquity was slowness and inefficiency leading to faulty administration and inadequate defence of the frontiers; against such evils the presence of the emperor himself could provide an effective remedy, as is shown for instance by Julian’s administration of Gaul.” Cf. the implicit assumption at Amm. 30.5.3 that the emperor’s (and his officials’) arrival could be cause for dread and apprehension among those guilty of provincial maladministration. For examples of local disorder, see MacMullen (1988) 24: “In that later third century and on into the fourth, notice also how northern roads were equipped with fortlets to safeguard their travelers, evidently against endemic disorder.”

73 That these roads connected the empire in its entirety was another critical asset. To be sure, these thousands of miles of roads were quite deliberately advertised (e.g., through itineraries) in part as a means to impress the inhabitants of (and visitors to) the empire. For roads and their various functions, imperial or otherwise, see now Laurence (1999); Albu (2008), and the various

towns were responsible for the upkeep of those roads – which might one day bring their own salvation at the hands of a conscientious emperor – is significant in a more ideologically laden context. Under ideal conditions, these clearly delineated duties (*munera*) – that is, of the one party (provincials) to maintain the means for their protection, and of the other party (the emperor) to protect – created relationships of mutual obligation between ruler and ruled, helping to reinforce the all-important notions: of the emperor-*qua*-patron and universal *consensus*. Patronage and *consensus* in turn provided powerful ideological supports for Roman unity amid a constant barrage of fragmenting forces which, it should be remembered, could be both endogenous and exogenous to the Empire. For, while these destructive impulses could indeed emanate from without (e.g., from aggressive foreign peoples, climactic shifts, and mass migration events), they were just as likely to originate from within (e.g., in the form of administrative corruption, usurpation, endemic violence, or rebellion).⁷⁴ Here too, then, the *adventus* offered several benefits, in this case a potent deterrent to those seeking self-enrichment at the expense of the imperial project. And fortunately for the preternaturally cash-strapped emperor, this at once benevolent and apotropaic image could be projected to millions of the Empire's citizens (the emperor's *clientes*) simply through the delivery of support and aid (*beneficium*) in a single instance where subjects were saved by imperial intervention. Thus could *consensus* be confirmed through the *adventus*, the ritual instantiation of imperial availability and assistance, which was intended either as a comfort or a warning, depending on one's orientation towards – and standing within – the law laid down by the imperial center (as well as the political order it attempted to impose).

By this telling, the *adventus* was integral to a tight, cost-effective, and efficient system designed to enhance the prestige and power of the emperor while reinforcing his ability to project these features across Rome's dominion. Appearances can

contributions to the volumes at Raaflaub/Talbert (2010), Brice/Slootjes (2014), and Kolb (2019). For a much earlier (mid-Republican) context for Roman roads and their imperial messaging, see now Padilla Peralta (2020).

⁷⁴ For the architectural manifestations of rural violence (and lawlessness) in North Africa, for instance, we return to the *castellum* in n. 2. See also MacMullen (1988) 72: "In the fourth century rural dwellings built for war, though very comfortable within, are well known if not everywhere a very common sight. They particularly distinguished the countryside of Pannonia; they were often seen in Moesia; rare in Gaul but known in all regions, central, west, northern; and rare in Spain. The best-known instances, from both excavation and portrayal in mosaics, are north African . . . In the later empire such structures might be explained as responses to brigandage. Brigandage may very well be the best part of the answer. Not the whole of it, however; for not far from John Chrysostom's safe house, much earlier, a sort of private war is reported between two rich brothers each in command of an army of his dependents; in Egypt we have an unbroken train of complaints about everyday armed violence in the villages and countryside extending from pre-Roman times into the fourth century and beyond."

nevertheless deceive. For, despite these benefits, flaws embedded within the *adventus* ritual (and the system it supported) could subvert even the best of imperial intentions. Critically, such flaws also help to shed light on our stele and its list of judicial fees, not least by revealing the thinness of ‘imperial accessibility’ as it was achieved in actual practice, particularly on a local and regional scale.

Undermining the *adventus*

As MacCormack makes clear, town councilors, local grandees, and provincial governors were often encumbered by their preparations for the emperor’s arrival. Time and resources were frequently scarce, while the pressure to perform was pressing. In consequence, local dynasts responsible for organizing the *adventus* found themselves circumscribed in their search for solutions to whatever deeply seeded problems locals daily faced: brigandage, impressment into labor gangs,⁷⁵ false imprisonment for the extraction of payment (and indeed official kidnapping),⁷⁶ other sundry extortions, enslavement, assault, and murder – acts for which these elite organizers may have themselves been culpable. There was little opportunity or incentive, in other words, to adorn the emperor’s arrival with profound changes to the *status quo*. *Adventus* organizers were nevertheless in luck; the financial pressures associated with the imperial entourage’s presence could work to these locals’ benefit. Because this burden was well-known (and even notorious) among emperors and their cortege, the duration of emperors’ stays was often kept deliberately short, presumably to maximize exposure and impact while minimizing damages to local finances and the image of the ‘emperor as universal patron’ (rather than parasite).⁷⁷ In light of these conditions, it was often to local leaders’ advantage to simply conceal major problems and wait out the emperor’s stay rather than deal with root causes in a formal and holistic fashion. As a result, so we hear, conditions could quickly (and predictably) deteriorate following the emperor’s departure, at the risk – so it would seem – of rendering this whole ritual into a sort of Late Antique ‘Potemkin Village’.

The vanity of the *adventus* poses serious consequences for the long-term well-being of these towns and their inhabitants; but so, too, does this ceremony’s potential emptiness threaten to undermine the emperor’s posturing as a beneficial and effective ruler. Critically, it suggests a series of additional structural weaknesses afflicting provincial administration likewise implicated in this process. It is self-

⁷⁵ For which, see CTh 11.10.1; 11.11.1 as well as Lib. or. 50.9; 50.27.

⁷⁶ See Zos. *hist.* 4.14.4; Lib. or. 33.30; 45.10; and various letters of Synesius.

⁷⁷ By the end of the 4th century CE, emperors had become far less mobile, rarely even leaving their palaces in Constantinople. But the itinerant emperors of the late third and early fourth centuries CE generally only stayed long in certain strategic capitals (e.g., at Ravenna or Sirmium).

evident, for instance, that this return to the *status quo ante*, with all its accompanying miseries, threatened always to belie the aura of order, availability, efficacy, and permanence the emperor was attempting to establish through his visit.⁷⁸ So, too, is it troubling that the very same officials responsible for this ‘cover-up’ were those tasked with relaying local conditions to the emperor in other contexts: as one might surmise (and as our sources often attest), these local *principes* would be as unlikely to report their own failures before and after the emperor’s stay as they were to admit to such shortcomings while the emperor was present.⁷⁹ These officials, in other words, were unlikely to pass on word of their own derelictions, let alone any missives emanating from below outlining these same abuses, whether before, during, or after the emperor’s departure.⁸⁰ And so, as in any great fraud, the victims – in this case both emperor and provincial alike – were re-victimized by the humiliation arising from their trust in the victimizer, here to be identified with local political leaders, strongmen, and the provincial governors and their office staffs. Among provincials, this humiliation no doubt yielded a concomitant mistrust in their social and economic ‘betters’ alongside serious doubts about the efficacy of interventions ‘from above’ in a hypothetical future crisis. All the more reason, in other words, to turn towards whichever local patron seemed least abusive and most helpful – no easy task in an era replete with endemic local corruption and violence.

But this humiliation, I would argue, also helps to account for emperors’ often violent responses to – and consummate frustration with – local leaders, provincial

78 MacCormack (1981) 17: “Of all the ceremonies involving the emperor, that of *adventus* seems the most fraught with truism. Given the rudimentary communication system of the Roman Empire, the constant movement, and hence the frequent arrival of the emperor, it would seem an event so obviously necessary as to require little comment. An imperial arrival would be preceded by a spasm of administrative activity . . . The results, also, were predictable. At best, a moment of direct, and therefore firm, government would fall like a ray of sunlight on the locality. When the ‘divinity’ of Maximin Daia ‘shone down’ on Stratonicea, brigandage came to a momentary halt in the mountains of Caria. For towns on the frontier, the arrival of an emperor meant a blessed moment of safety . . .”

79 Hence the many complaints of Libanius e.g., at *Lib. or.* 45.1: “However, although the officials have been at fault in this matter, no one informs you of these malpractices by them, whether done in ignorance or deliberately veiled in silence . . .” as well as *Lib. or.* 48.12; 49.7, *inter alia*. For a similar view from a Christian contemporary, see Salvian *On the Government of God* 7.21: “See then how much legal decrees are worth, what profit we gain from the passage of ordinances which these men most scorn who administer them! The humble and lowly are forced to obey, the poor are compelled to accede to the orders of their superiors, and if they fail in their obedience, they are punished.”

80 For officials establishing artificial (and harmful) obstructions to the emperor for their own self-enrichment, see the analysis further below, but also CTh 1.16.2 (317 CE): “The decrees of provincials must not be conveyed to the imperial court before each [governor] has examined and approved them and sealed them along with his report. If anything should be done contrary to this regulation, the statutory punishment shall be imposed . . .” which seems designed to alleviate imperial obligations while demanding consistency from provincial.

governors, and especially the governors' office staffs. And nowhere, it would seem, is this cycle of imperial humiliation and ferocity more evident than in the fragment of Constantine's edict against judicial fee-charging (CTh 1.16.7) quoted in the Appendix (A1).⁸¹ In this edict, Constantine threatens to imprison, dismember, and decapitate officials implicated in illicit, rent-seeking behavior in the courts. Elsewhere (CTh 10.4.1), he mandates live immolation as a punishment for similarly corrupt *apparitores* profiting from official taxation. And at CTh 1.16.22, Constantine calls for continued brutality in the punishment of judicial *apparitores*, this time for those forcefully 'dragging out into public' matrons who owe money – an act for which they likely (and illegally) charged litigants – and which was punishable by torture, death, or loss of citizenship.⁸² In an edict passed only a few weeks before CTh 1.16.7 (at CTh 1.5.3), Constantine threatens a two-year exile and the surrender of half of one's property – or service in the mines (an often fatal sentence) – as punishment for any litigant who demands a judge's ruling be dismissed, but whose claims are rejudicated and reconfirmed.⁸³

What, then, to make of this imperial ultra-violence? In his landmark study of Late Antique administration, Christopher Kelly characterizes edicts of this sort as rhetorical postures with a view towards imperial image-making, and thus "another example of that 'dramatic exaggeration' . . . which helped powerfully to mark out one idealized version of later Roman government."⁸⁴ Like the *adventus*, Kelly continues, an edict of this sort, "with its combination of rhetorical grandeur and graphically described brutality," had been "intended to leave an immediate and indelible impression on the minds" of those provincials and officials who heard or read them.⁸⁵ Given the difficulties distance posed for pre-modern communication, Kelly postulates, "the shocking, the forceful, and the magnificent helped to drive the point home."⁸⁶ John Dillon, on the other hand, considers this ferocity to be evidence of an effective new style of punishment with "the character of an experiment in administrative control."⁸⁷ This was a position whose basic elements had been staked out a decade earlier by Jill Harries in her own monumental survey of imperial edicts, where she claimed that "public punishment served the same purpose as

81 Pace Harries (1999) 57–58. See also CTh 2.15.1 for beatings with leaden scourges and enslavement for labor in the mines (Arcadius and Honorius); and NMaj 7.4 for execution of slaves "by the penalty of being cudgelled to death." See also A2 for a similar ruling from Constantius.

82 For the translation, see Pharr (1952) 30–31.

83 CTh 1.5.3.

84 Kelly (2004) 214.

85 Kelly (2004) 214.

86 Kelly (2004) 214–215.

87 Dillon (2012) 146. See also Dillon (2012) 167: "The immolation of the guilty official transforms the failure of the administration into a public celebration of the emperor."

the public threats issued in the imperial laws against corrupt judges; it proved that the emperor meant what he said.”⁸⁸

Among these modern perspectives, surely Kelly must be regarded as essentially correct. Constantine’s paroxysms against provincial and local officials, to be sure, reflect in part an attempt to burnish his image as a stout defender and vigorous promoter of his millions of *clientes* across the Empire. But where Kelly miscalculates, and where Dillon and Harries run aground upon the rocky outcroppings of Late Antique conditions, is in their assertions that through these edicts, Constantine is somehow effective in establishing an image of a powerful, present, and sagacious ruler supremely confident in his authority and abilities. On the contrary, I would suggest, these edicts – especially in light of their tone, content, and steady escalation towards progressively more extreme violence – reveal a ruler unsure of the realities of his own power. Above all, these edicts constitute an expression of profound frustration, of exasperation, and of barely veiled fury at the flagrant and frequent violation of his laws. And this is particularly patent in the realm of illicit judicial fees, whose persistence and prevalence prompted a series of shockingly brutal edicts against their implementation.⁸⁹ Given the increasingly sour tone of Constantine’s pronouncements over time, one suspects that complaints poured in as provincials from across the empire interpreted his posture as an opportunity for redress, only to watch their cases become waylaid by the inefficiencies of Late Antique justice. And Constantine, unable to stop this tide of venality, offered back vitriol, rage, and savagery against those who transgressed his orders – reactions largely ineffective, so our Thamugadian fee list makes unequivocally clear. For, despite the outrageous punishments and wrathful tenor visible in these edicts, generations of Roman officials judged the crime of fee-charging as well worth the risk. The exaction of these fees will be shown to continue through the end of Constantine’s reign and into the dominions of his successors. And tracing the survival of these fees and officials’ remarkable creativity in their collection can effectively transition our study from antiquity – Late Roman or otherwise – into more modern eras of illicit rent-seeking and local circumvention of central administrative control, a continuum that will prove fruitful for comparative studies between past and present.

Accounting for judicial fees

It is useful to view the vanity of the *adventus* and the illicit charging of judicial fees as symptoms of a system in crisis. And the consequences of this crisis were considerable:

⁸⁸ Harries (1999) 155.

⁸⁹ CTh 11.30.4 (315); CTh 1.6.6.

rampant duplicity on the part of locally powerful individuals,⁹⁰ the humiliation and isolation of both the supreme agent of the central authority (the emperor) and the local provincial seeking aid,⁹¹ the suspicion cast upon that same central authority's main representative on the local level (the governor) due to his complicity in the process banned by this same central authority,⁹² and the degradation (and here, too, isolation) of provincials, which ultimately incentivized their exit from the imperial system (and towards other sources of local, unofficial power).⁹³ These outcomes, of course, are

90 CTh 1.16.4: "If any very powerful and arrogant person should arise, and the governors of the provinces are not able to punish him or to examine the case or to pronounce sentence . . ." as well as *Lib. or.* 50.19: "These people act as though they were laws to themselves: they behave as though they have occupied our citadels with their bodyguards and the government of the Roman Empire has broken down, and then they make their appeal to authority . . . in every case we shall be told 'I'm the governor!'"

91 See MacMullen (1988) 137, who, amid setting his own scene for a set of stories similar to our own (italics are his), offers the following: "First, some developments of the time, identified because they proved favorable to extortion and bribe-taking. They are the higher level of violence employed by government; the ambiguity of law; the greater number and intrusiveness of laws, as of government servants likewise; and the isolation of the emperor." *Amm.* 28.6.9 suggests emperors are frequently deceived and distracted, which could lead to systemic breakdowns in accountability such as were seen in North Africa's so-called 'Romanus affair' (for which, see below): "The envoys came to the court, and being given audience with the emperor, stated orally what they had suffered; and they presented decrees, containing a full account of the whole affair. Since the emperor, after reading these, neither believed the communication of the marshal, who countenanced the misdeeds of Romanus, nor the envoys, who gave contrary testimony, a full investigation was promised, but it was put off, in the way in which supreme powers are usually deceived among the distractions to which the powerful are liable." *Syn. ep.* 127: "[Euthalius, now promoted to governor of Egypt] having been appointed governor of Lydia in the days of Rufinus, I think, he so plundered the Lydians that Rufinus, in great wrath, condemned him to a fine of 15 lbs. of gold. He furthermore gave orders to some of his soldiers . . . to go and collect this sum of money by force from him . . . You have heard of course how he prepared a pair of purses much more like one another than the horses of Eumelus. He filled one of these with bronze obols, the other with gold staters. Then he proceeded to conceal the first one, and to show the second. They counted up the gold, weighed it, and sealed it up with the public seal. Then he secretly effected an exchange of the two purses, and sent the obols instead of the staters. But those in charge had in an official dispatch acknowledged the receipt of the gold, and promised to convey it to the bank . . . Nobody could feel sorry for the state, because all laughed so much."

92 *Lib. or.* 15.67: "Was not law a dead letter [under Constantius] and office bought and sold? Was it not possible for the governed to ride around roughshod over their governors, sending them bribes one afternoon and the next morning practically wiping the floor with them? Was not administration laughed at and corruption commended?"

93 MacMullen (1988) 86: "Whether for a gift, then, or for their rents, the Haves in the later empire often bore down very hard on the Have-nots, and the latter in that case could only survive by entrusting their defense to some powerful friend. Libanius describes that resort in his often-cited forty-seventh oration, in which the protector is the commander of troops stationed in the district; and Peter Brown has revealed the role of the holy man in likewise mediating between the peasantry and their oppressors, including imperial tax collectors. Such mediation by an abbot, hermit, or

never laid out comprehensively and explicitly in a single text describing a single event or process. Such a state of affairs must instead be reconstructed from our evidence for the era. Fortunately, endemic exploitation, local self-help, and imperial distance are conditions attested to by a vast and diverse array of sources who consistently decry corruption, maladministration, and a generalized breakdown in communication and good governance within the empire, a breakdown that could – and very often did – allow local conditions to deteriorate, sometimes dramatically. Here, however, it is worth noting that while local leaders and provincial governors were repeatedly cast as villains in these tales of provincial woe, certain structural features of Late Antique life often forced them into positions where they were themselves isolated, compromised, vulnerable, and on the defensive.⁹⁴ As with the empty *adventus* and its implications for imperial image-making, so too are the pressures placed on governors germane to our profile of Late Antique administration: these conditions have much to say about how Thamugadi's inhabitants likely interacted with (and conceived of) central rule in light of the fee list and the officials who enforced them, because many of the circumstances (and consequences) surrounding the *adventus* foreshadow the problems arising within the system of provincial justice, particularly considering the conspicuous – but, for many decades, quite illegal – judicial fee schedule mounted *in perpetuo* on our African stele.

The debate over Constantine's rhetoric is nevertheless revealing. It introduces another of the emperor's strategies for power projection: the media of edicts and rescripts constituting (often legally binding) responses to petitioners' requests.⁹⁵ For centuries, these provincial requests had been delivered to Roman emperors across an ever-expanding network of roads and an increasingly organized and steeply

wonder-working bishop appears not only in the eastern provinces but in the western as well." See also Lib. ep. 77.2 on the rape of a peasant woman by a minor imperial official: "A fellow named Lucianus, holder of some minor official position, a collector of taxes from a group of peasants . . . has played havoc with the marriage of Eustathius, the bearer, a poor man married to a poor wife . . ."

94 For the notion of Roman politics as a theatrical play, see originally Gibbon, here quoted in MacCormack (1981) 8–9: "Gibbon perceived this aspect of late Roman life clearly: 'By a philosophic observer the system of the Roman government might have been mistaken for a splendid theatre, filled with players of every character and degree, who repeated the language, and imitated the passions, of their original model.'" See also Brown (1992) 29, with internal quoting of Pack (1935): "For this reason, it is frequently misleading to read the speeches of Libanius and the letters of Synesius of Cyrene as if governor and provincials invariably faced each other in 'an endless war, with the provincials inevitably the losers.' Whenever we can recapture it, the reality is more complex . . ." This position is reiterated by Harries (1999) 5 and elsewhere.

95 Though these missives nevertheless also paralleled certain useful aspects of the emperor's physical, personal presence as it manifested in the *adventus*, for which see the discussion below. For a concise overview of rescripts, see Harries (1999) 26–27: "Rescripts were issued by the various legal secretariats to apply in individual cases only and were of two kinds. One was the special grant to an individual, usually in letter form, of, perhaps, honorary status or some other privilege. This

vertical hierarchy of officials. This process, which traces its origins back to the Roman Republic, had long been intended to fulfill a number of functions. Firstly, this system was designed with practical aims in mind – that is, to facilitate imperial responses to local needs, to inform the emperor of far-off conditions, to organize complex, large-scale imperial activities drawing upon the resources of Rome’s vast holdings, and so on.⁹⁶ But on an ideological level, this communicative process of ‘request, reply, repeat’ aimed – like the *adventus* – to reify and reinforce the bond between emperor and subject (and thus between the center and provincial periphery). And, as Clifford Ando and Jill Harries have convincingly argued, this system – like the *adventus* – provided emperors with opportunities to portray themselves as ‘just rulers’ acting vigilantly on behalf of their citizens, and thus as legitimate stewards of a universal *consensus*.⁹⁷ In pursuit of these aims, a series of emperors beginning with Diocletian (r. 284–305) had engaged in exhaustive, expansive, and expensive attempts to further ‘professionalize’ and otherwise augment the connective (bureaucratic) tissue helping to bind the empire together.⁹⁸ While their individual changes may have been *ad hoc*, as A. H. M Jones famously suggested, the system itself exhibits a strong degree of internal consistency and a seemingly fixed path towards administrative expansion, increasing complexity, and the narrowing of individual duties and expertise, all of which are suggestive of a consistent vision perpetuating and embellishing older traditions.⁹⁹ Diocletian, for instance, continued the long-running pattern of separating the Empire’s civic and military command structures in the provinces,

was a method of exercising imperial patronage through the conferment of *beneficia* The other kind, which was of central importance for the evolution of private law, was the rescript, which established the legal position in a given case, in response to claims set out in a petition and might also refer the hearing of the dispute to a judge.”

96 Brown (1971) 13: “It was inland, therefore, that the heavy cost of empire was most obvious, along the verges of the great land routes. The Roman empire appears at its most cumbersome and brutal in the ceaseless effort it made to hold itself together. Soldiers, administrators, couriers, their supplies, had to be constantly on the move from province to province. Seen by the emperors in 200, the Roman world had become a cobweb of roads, marked by the staging-posts at which each little community would have to assemble ever-increasing levies of food, clothing, animals and manpower to support the court and the army.”

97 Ando (2000) 131–135 describes emperors’ (conscious as well as unconscious) attempts to legitimate their rule as one over citizens voluntarily submitting to the emperor. Harries (1999) 57–58 is in agreement with this key aspect of Ando’s schema, but also adds that Late Roman emperors needed to appear at once harsh in taking their officials to task *and* benevolent in ruling their citizens.

98 Jones (1964) 373–377 continues to provide a salutary overview of Diocletian’s administrative reforms. See also Williams (1985) and Kolb (1987) for more focused treatments.

99 Brown (1992) 17: “Modern research has made plain that, far from being a melancholy epilogue to the classical Roman Empire, a fleeting and crudely conceived attempt to shore up a doomed society, the first half of the fourth century witnessed the long-prepared climax of the Roman state” with reference to Wickham (1984) 8–14. But also, *contra* Brown (1993) 46: “The ‘pyramidal’ hierarchy of the Later Empire grew from the ground up. It was not brought about by some profound dislocation, or by the intrusion of an alien force. It was the natural way” which seems contradicted

and he attached to these bureaus a stricter, more formalized hierarchy of officials with himself invariably atop them all.¹⁰⁰ Critically, this arrangement advertised the emperor's position above his imperial subjects (including his co-rulers) while also binding all imperial subjects to the position of the emperor. This, in turn, created a complex and somewhat paradoxical system, wherein the emperor maintained an image of quasi-divine aloofness on the one hand, while also celebrating the fact that no gap could separate him from the humblest rustic provincial in the farthest flung village, on the other.¹⁰¹

A final bit of context to keep in mind: the complex transformations taking place within Rome's administrative institutions were deemed essential to the restoration of order. In pursuance of these goals, these changes aimed to bring about not only a shared sense of *consensus* between ruler and ruled, but a mutual acknowledgment of the supremacy (or dominance) of emperor over subject, and thus the center over the periphery. This proved no easy task. These reforms were carried out in response to – and in the shadow of – the empire's slow-burning disintegration in the wake of nearly half a century of anarchy, demographic collapse, invasion, civil war, and other centrifugal events menacing Romans of the 3rd century CE.¹⁰² In an attempt to reorient allegiance away from local warlords or patrons and towards the person of the emperor, it became fundamental to Diocletian's system that provincial requests now moved predictably and efficiently towards resolution by the central authority.¹⁰³ Diocletian's successors of the 4th century CE continued to refine this schema, such that by century's end, these emendations had created a profoundly logical system, especially by contemporary standards.

almost immediately by his statement at Brown (1993) 48 that “the contours of the new situation were unmistakable and are well known. ‘Soft’ government was replaced by ‘hard’ government . . . ” itself suggestive of a profound dislocation.

100 Well before Diocletian, for instance, there was a clear hierarchy of offices, as Ando (2000) 75 reveals: “[. . .] relations between emperor and governor, and between governor and procurator, and between procurator and villagers, were all conducted through language, whether written or spoken: something about what the Romans said made the villagers think it worth their while to say something back.”

101 For this, see again MacCormack (1981) esp. Ch. 1 on the *adventus*.

102 Jones (1964) represents the seminal treatment of Late Roman governance and its development. More recent relevant studies include Brown (1992); Harries (1999); Kelly (2004); Sloopjes (2006); Kulikowski (2019). For ecumenical administration and its formation, see now Sessa (2011).

103 *Pace* Kelly (2004) 129 on the practical limitations of this system: “These manifest ‘inefficiencies’ and ‘inadequacies’ were to a great degree systemic. Roman government’s ability to deliver administrative and judicial services was not maintained for the benefit of the ordinary inhabitants of empire. Rather, it was part of a pattern of imperial domination.” This, it seems, marks a distinct conceptual break from Ando’s more benevolent and inclusive system. It also seems ultimately problematized in light of the many acts of individual emperors that belie a deliberately domineering, authoritarian program, e.g., Constantine’s populist rhetoric, tone, and policy (for which see now e.g., Dillon [2012] 166) as well as attempts by the emperors Constantius and Julian to reform the

Within it, provincials' complaints would follow a pre-determined route from bottom to top, and from periphery to center, where they could be investigated and responded to by the appropriate official, certainly to include the emperor if necessary.¹⁰⁴ Provincial complaints could be lodged, for instance, initially at the level of the local town councilors (*decuriones*), who could either respond themselves or opt to take these complaints to the provincial governors (*praesides, correctores, consulares, proconsuls*), though access to this (relatively) local representative of the emperor was itself (at least theoretically) available to all provincials. If the governor was unable to resolve the issue, then there was a clear plan in place: the request was passed upwards from governor to *vicarius* (who oversaw dioceses, or clusters of provinces, as well as the governors who administered them). Should the *vicarius* feel competent to answer the request or query, he would issue his response and transmit it in two directions: first, he would send his reply downwards (towards the petitioner), after which he would submit a copy of his reply upwards (towards the office of the *praefectus* and the emperor for review and record-keeping). Should, however, the *vicarius* feel ill-equipped to respond – or should further guidance be desired – he could submit these issues to the lofty ranks of *praefecti*, who alone could penetrate into the rarefied air surrounding the emperor.

The process wherein queries might move up the chain of command from provincial to prefect, and prefect to emperor, was meant to be constitutive of – and evidence for – the unbroken link leading directly from local *curia* to the palace in Constantinople (or wherever the emperor might be). These requests, in other words, represented far more than just communiques expressing provincial wants. They would also function as 'communicative actions', as Jürgen Habermas and Clifford Ando would label them, that legitimized the normative (political, legal, cultural, social) order of the Roman Empire.¹⁰⁵ As Ando describes the arrangement:

The long-term maintenance of the system [depended] on the intersubjective recognition of the normative validity claim of the order and its agent.¹⁰⁶

Subjects of the empire, in other words, recognized as rational the claims Roman emperors and their agents made upon them (and *vice-versa*) because as subjects, they had voluntarily subsumed their own identities within the(ir conception of the) Roman imperial system and its (variously constructed) matrices of values, rituals, and ideologies. According to this approach, when provincials sought to clarify an

Roman provincial administrative system in favor of even the humblest provincials. So, too, does this seem to minimize the importance of the *adventus* and the sense of universal *consensus* it promoted.

104 Reflected, for instance, in CTh 1.16.7, which constituted a direct edict from the emperor Constantine to all the provincials of the empire.

105 Habermas (1984) but esp. Habermas (1987); Ando (2000) 76–80.

106 Ando (2000) 78.

issue or seek redress for a problem, their choice to turn to the emperor or his agents was fraught with significance: it expressed publicly a personal or communal trust in the normative order, acknowledged the legitimacy of the emperor's rule atop this order, and placed an obligation on the emperor's services that he was duty-bound to resolve. Equally weighty, however, was the imperial response: this reactive process, after all, would reinforce the 'validity claims' made by the emperor's subjects and reestablish the emperor's participation within a system that – on an ideological level – was defined above all by mutual obligations, mutual advantage, and mutually constructed (and legitimated) roles and identities.¹⁰⁷ Violence, so this model explains, was allowed to remain surprisingly absent from the relationship between ruler and ruled because coercive force was unnecessary while *consensus* reigned.¹⁰⁸ And, critically for our analysis, such *consensus* was effected through several approaches: conspicuous, in-person rituals like the *adventus*, but also (and indeed principally) through the written word, especially the system of provincial requests and imperial rescripts that bound together center and fringe, and that was expanded and strengthened by the reforms of Diocletian and his successors.

The process whereby provincial pleas yielded the production, publication, and dissemination of imperial rescripts was therefore central to imperial strategies for the establishment and maintenance of order. Such a process provided provincials (or, alternately, non-citizen outsiders) with powerful evidence for the utility of engaging with – and therefore of remaining within (or joining, remaining subservient to, etc.) – the prevailing imperial system, an important consideration in the wake of an extended third-century period of fragmentation.¹⁰⁹ Indeed, having only recently established a semblance of stability for the empire through a refocusing of attention upwards towards a single, central authority¹¹⁰ – and having only really just begun to re-establish *consensus* between ruler and ruled through the integration of provincials into his system – it must have been clear to Diocletian just how precarious was the supremacy of the Roman central command. Certainly, there was no guarantee that it would persist, particularly if left untended; indeed, its continuity would depend upon a series of complex conditions being met. The survival of the regime would require continued efforts by emperors to project certain traditional values, including accessibility, competence, superiority of a moral, cultural, and social

107 Or so I interpret Ando (2000) 24: "A regime's ideology makes explicit the particular principles of legitimation to which it appeals, and to the extent that the regime is successful the ideology gives voice to the foundational beliefs on which an individual subject's normative commitment to the social order is based . . ." which he attributes in turn to Kronman (1983) 37.

108 Ando (2000) 131: "The reality [of *consensus*] need not concern us here; in so large an empire, in which communication was so difficult, our interest must be in people's belief in that unanimity." This will be an important point to return to in the future.

109 Ando (2000) 79–81 and 131–174.

110 That is, towards Diocletian himself at the head of the Tetrarchy.

sort, supreme *auctoritas* (influence based on experience),¹¹¹ *gravitas*, and *dignitas* (dignity emanating from rank), among others. Yet, it would also require the directness, lack of ambiguity, and grandeur inherent in a Persian-style autocracy, with its distinctively ornate dress, ritualized expressions of obeisance, and an architectural style conducive to the projection of absolute authority. So too, however, would this system depend upon the maintenance of a sense of institutional connectivity from bottom to top that simultaneously reflected the emperor's absolute power while facilitating the integration of his subjects. Their loyalty, built upon a tenuous ideological footing, would be contingent – as always – upon the efficient and untrammelled dissemination of imperial messaging to the provinces and *vice-versa*, which would be carried out through the structures of Diocletian's new system. As always, it should be said, so too would the emperor's supremacy depend upon his successful advertisement (and ideally, fulfillment) of his role as chief patron and guarantor of law, order, and stability – all of which would be advertised in events like the *adventus*.

That emperors considered open and efficient communication to be essential to the preservation of imperial order is evidenced by an edict of the emperor Julian (the author of our fee list), among a host of others:¹¹²

Since very many governors are incited by their wicked consciences to attempt to suppress or delay references to the Emperor which they promise to dispatch to the court. . . Since it often happens that through some chance an obstacle that causes delay appears to be put in the way of the bearer of the letters. . . [Governors] shall cause a record to be made before them, in which they must designate the date on which the transmission of the records was entrusted to those persons who are assigned to this compulsory service. (CTh 11.30.31)

The edict itself is a testament to Julian's investment in an untrammelled, efficient imperial system of reciprocal communication. Yet, aside from its implicit praise of such an institution, one finds here also the condemnation of a very old (and persistent) impediment to effective central governance, which had evidently grown to become a considerable new burden for the emperor in the short time since his accession. This is the problem of expanding levels of intermediaries between ruler and ruled, who sought to hinder the 'communicative acts' so fundamental to the older Roman *imperium*, and that established and maintained *consensus*. As with the *adventus*, one senses that there lay dormant in these traditional acts certain deficiencies endemic to Rome's system of imperial government. It was in Late Antiquity, however, that these problems tended to metastasize in proportion to the growth of the imperial administration, both in terms of its expansion of bureaucratic personnel and the new,

¹¹¹ E.g. Harries (1999) 56: "*Auctoritas* reinforced and was essential to effectiveness."

¹¹² For instance, CTh 1.5.1: "We remind all provincials that, if they have been treated with contempt when appealing to their own governors, they shall have the right to appeal to your gravity . . ." But so, too, CTh 11.30.25; 11.30.9; *inter alia*.

ambitious attempts made by imperial authorities to penetrate more deeply into the local provincial milieu.

From this and similar edicts, one finds that the emperor's highest officials – his governors, vicars, prefects, and their office staffs – could be complicit in keeping the emperor at a considerable remove from his subjects. Yet, this is hardly the only structural and institutional feature of Roman imperial rule to be seen as problematic in this edict; adumbrated here also is the clear suggestion that well-connected elites like those just enumerated (but also to include local *patroni* like our North African landowners) were engaging in illicit and unproductive rent-seeking behavior related to judicial interference – to the detriment of administrative efficiency and the image of a present and capable emperor. This stands in stark contrast to certain influential observations offered by Christopher Kelly, who posits a more efficient and even benevolent model for 'corruption' in the Late Antique world: Kelly in fact argues that behaviors like the charging of illicit fees or, as in CTh 11.30.31, the refusal to perform services (until an 'appropriate' payment was offered), were meant to "[transfer] transaction costs directly to the consumers of bureaucratic services," where "their ability to pay helped to regulate access to government."¹¹³ Modern models for corruption in the Global South, however, undercut the validity of this proposition significantly, suggesting instead that such a system was likely to increase transaction costs while simultaneously excluding provincials en masse from imperial institutions that had long functioned to integrate them – however tenuously – into Rome's system of central rule. Such an outcome, of course, would seem to constitute a significant assault on the emperor's attempts to style himself as an accessible – if now also exalted and semi-divine – ruler, who was interested in the protection of provincials and therefore also in the maintenance of non-coercive rule by *consensus*.

Fortunately, further engagement with the responses of Kelly, Harries, MacMullen, and others on these same issues leads us back to the firmament of our stele, which will be shown to represent a useful paradigm for illicit fee-payments across the period of Late Antiquity. And while a case will be made for a pragmatic attempt by Julian to regulate fees long embedded within the judicial process, what will be brought out in starker contrast are the consequences of the stele's deliberately permanent physicality and prominent position within the forum of Thamugadi. There, it should be remembered, the stele stood out conspicuously against the wall of the local *curia*, the center of the town's local governing council and thus the site where rescripts from the emperor would have been posted as 'communicative acts' intended to (re)assert, (re)validate, and (re)affirm the Roman imperial system as a whole. So, too, was it here in Thamugadi's forum (and in the hundreds of local *fora* like it across the empire), in all likelihood, that provincials were instructed to post written notices of their complaints against Roman officials, rendering these

113 Kelly (2004) 144–145.

spaces as areas of sacrosanct communication between local citizen and the person of the emperor, a connection that maintained *consensus* and forestalled the breakdown of the Empire.¹¹⁴

Or, at least, so it was intended to work in theory. For with all this in mind, one wonders how provincials might have reacted to an edict of Valentinian, Valens, and Gratian of 370 (see Appendix, A4), which made illegal all *sportulae* – and so, the entirety of the fee list standing adjacent to the *curia* in the city's *forum* – and that specifically forbade their collection by several of the *apparitores* whose titles may be found amongst the stele's list of authorized collectors. That this edict would make its way to Thamugadi cannot be seriously doubted. The edict of 370 was, after all, intended to be a serious and meaningful one. It was addressed to the Senate and therefore intended for dissemination throughout the Roman *oikumene*, where it was to be made visible to all subjects of the Empire. The edict, moreover, was a traditional one clearly intended to advertise the emperors' possession of the traditional values listed above (e.g., availability, *auctoritas*, vigilance, paternal regard for their *clientes*, and so on). As part of their efforts to build a universal *consensus*, it should be noted, Valentinian, Valens, and Gratian professed a concern for the well-being of all provincials (but especially the humblest among them) and subsequently admonished their social betters (namely, the senators but presumably all other grandees of the empire) to protect these groups in light of a rising surge of official corruption. These are heartening words. But they are quickly enervated and mocked, one must imagine, by their position next to a stele possessing a list of these *very same* charges: not on paper, of course, but *in stone* and advertised 'for perpetuity'. Once again, the emperors could not fail to seem to so many of their *clientes* as ineffective, naïve, and disconnected *patroni*, just as they likely had appeared so many times in the past (and would in the future) in the aftermath of the *adventus*, once conditions (re)deteriorated upon the imperial exit. As MacMullen might suggest, moments like these are seminal and fraught with significance: they reveal the deep, structural impediments threatening to delegitimize imperial rule in Late Antiquity, which could catalyze shifts away from centralized rule and towards local fragmentation. In the wake of – and concomitant with – such a process, of course, there would follow all the transformations attendant upon the rupture between center and periphery, which of course is precisely what took place in the centuries after the stele was erected.¹¹⁵

Evidence for the widespread presence of these degenerating impulses, structural weaknesses, and the failures of 'communicative acts' to confirm *consensus* come into focus through two case-studies ancillary to this developing analysis of

114 For this, see CTh 11.8.3.

115 This view, of course, since Gibbon in the 18th century, though slightly more recently in MacMullen (1988), Ward-Perkins (2005) and Heather (2006).

the fee list. The first of these comes from the writings of Libanius, a fourth-century orator and educator from Antioch. The second derives from the events surrounding Romanus, an imperial representative in North Africa responsible for over a decade of abuse, a virtual rebellion against the empire, and the progressive weakening of central authority and hardening of local patronal power in Africa. Both developments stand alongside the fee list as evidence for the progressive breakdown of central rule and rise of local strategies to compensate for worsening conditions at the empire's center.

Case-studies for administrative corruption in East and West: Modestus and Romanus

The powerfully connected Antiochene orator Libanius (314–393 CE) assumes few serious consequences would arise out of a controversial, even seditious, letter he wrote to Domitius Modestus, whose position as *comes Orientis* (c. 358–362 CE) marked him as one of the more powerful civil administrators of the Eastern Roman Empire. In this missive (Lib. *ep.* 70), Libanius implores Modestus to ignore a direct command from the emperor Julian ordering him to collect a considerable sum of gold from Alexandria as an indemnity for their recent riots. Libanius, acknowledging the disturbance and its punishment, asks Modestus if he could simply slow the process to a crawl. In the meantime, it is implied, attempts might be made to intervene on the Alexandrians' behalf; alternately, as the contemporary historian Ammianus Marcellinus suggests (in the context of the Romanus conspiracy to be described below [Amm. 28.6.9]), the emperor might simply forget about the whole affair and leave his punishment unexecuted.¹¹⁶ Elsewhere, of course, there were other crises, exogenous and endogenous, to be addressed. Here too, then, we find evidence of elite cynicism towards the image of imperial omnipotence (and omnipresence) and signs of Julian's symbolic transformation from powerful patron and enforcer of order into ineffectual patsy.¹¹⁷ At minimum, his depiction hardly inspires confidence in contemporary rhetoric of unity and strength.

¹¹⁶ Lib. *ep.* 70.2 (translation my own): “For the [gold owed by the Alexandrians for their religious uprising] will come at present; but for it to once again belong to its presenters – and for the fine not to be confirmed – that **depends on you**, your resolve and your handiwork. If you **refuse to be harried** and **do not send it to that place** whence it cannot emerge [the imperial treasury], there is left some hope for better things.” The wording of this letter indicates a certain slyness in Libanius' phrasing, as well as an understanding that Modestus had the very real ability to ignore a direct request from the emperor.

¹¹⁷ And this, it should be remembered, was an emperor that Libanius supposedly *respected*.

But this was hardly the last time Modestus was implicated in the criminal undermining of ‘communicative acts’ essential to Roman *consensus*; Ammianus himself condemns this same Modestus as a principal font of bribery at the court of the later emperor Valens. Modestus, having risen to the lofty office of praetorian prefect, convinced Valens to abstain from hearing private cases, instead diverting appeals directly to his own office. Given the portrait of Modestus derived from the letters of Libanius, one need not strain to guess at the outcome: the praetorian prefect profited immensely from the opportunities for influence peddling and venality attendant upon his new position, while at the same time diminishing the emperors’ standing in the eyes of his subjects.¹¹⁸ Here again, then, one finds yet another official impediment to the communicative efficiency needed for *consensus* and provincial integration into a continent-spanning, pre-modern empire.

The well-known misconduct of Romanus, a fourth-century CE commander in Africa, is similarly sordid. The tale deserves a full re-telling for all that it can reveal about the local experience of Late Roman central state intervention in the region. During the short-lived reign of Jovian (Jun. 363 to Feb. 364), the Austoriani, a nomadic band of Moorish peoples, ravaged the North African countryside, particularly the hinterlands of the fortified city of Lepcis Magna (near Khoms, in modern Libya). According to Ammianus, a number of locals perished in these raids, and a leading *decurion* was captured and held for ransom.¹¹⁹ Romanus, the newly appointed governor, was summoned by provincials to rescue their compatriots and avenge the dead, a request suggestive of a Roman central system as it was designed to function: one that would effectively bind local loyalties to the emperor through the benefaction of his agents. Yet, after arriving, Romanus refused to assist until he was compensated at a rate he deemed appropriate. When this could not be effected due to losses suffered in the raids, Romanus abruptly left the area. In the face of this ‘unproductive rent-seeking’ par excellence, the African provincials performed the sort of ‘communicative act’ that might reinforce the ‘validity claim’ of the emperor – that is, they sent envoys to entreat him for aid, to report on the malfeasance of the emperor’s representative (Romanus), and to ask that military affairs be transferred to the provincial governor, Ruricius. The investigation of Romanus, so we hear, was nevertheless put off by the emperor “in the way in which supreme powers are usually deceived among the distractions to which the powerful are liable”¹²⁰ – but particularly through the machinations of Romanus’ relative, Remigius, who was then the powerful *magister officiorum* at the emperor’s court. Within a few years, it seems, military command would even

118 Amm. 30.4.2. See also Amm. 29.1.10–11.

119 For this and what follows, see Amm. 28.6.5–27; 29.5.1–55; 30.2.9–12. Zos. *hist.* 4.16.3 reveals the “avarice of the commander in Mauretania (the *comes* Romanus)” as responsible for the uprising of Firmus. CTh 8.7.13, addressed to Romanus as the *comes Africae*, confirms Romanus in this role in 372.

120 Amm. 28.6.8.

be returned to Romanus, who returns into view around 366 CE. At that point, he is found to be helpless to stop a series of raids and military defeats inflicted by these same Moorish Austoriani. Ruricius, still governor, in turn sent word of these defeats to the emperor; he also requested assistance for the provincials and punishment for the incompetent and rapacious Romanus – that is, he requested these things *once again* in the hopes of imperial aid. In response, the emperor dispatched yet another powerful central official, his *tribunus et notarius* Palladius, ostensibly to deliver salaries to the soldiers of Africa (yet another reinforcement of *consensus*), but really to investigate the situation. Here too, then, we might be tempted to see that – though the emperor may be pulled in many different directions – once imperial attention was focused, it was insuperable.

This, unfortunately, was hardly the outcome: Romanus bribed Palladius with the soldiers' pay (and in this way, created a new breakdown, now between imperial patron and his military *clientes*) and used their shared acts of embezzlement to extort Palladius into advocating on his behalf. The *tribunus et notarius*, so we hear, would cover up Romanus' military defeats. Likewise, he would claim that Romanus had been slandered by both the governor Ruricius and the provincial magistrates sent as envoys. Upon receiving Palladius' account, the emperor ordered the execution of Ruricius and the provincials; Romanus, on the other hand, was free to continue in his position – now, no doubt, over a people no longer invested in seeking central solutions to this centrally imposed problem. In 372 CE, we hear once again about Romanus: this time, in his role as the instigator of a Moorish revolt led by their chieftain, Firmus. It was only after several years of Moorish victories that Theodosius, the eponymous father of the future emperor, was dispatched to quell this revolt. He was successful in the attempt: after removing and outlawing the guilty Romanus in 375 CE, Theodosius successfully defeated the Moors with the aid of Firmus' brother, Gildo – a notorious figure who would one day become a similarly brutal, rapacious governor of Africa (386–398 CE), and who would rebel against the empire in his own right. Upon his defeat, it should be noted, his estates in Africa were found to be so enormous that a new official – a *comes Gildoniaci patrimonii* – had to be created to oversee it on behalf of the emperor.¹²¹ Shortly after Theodosius' success against Firmus, he and several nobles were nevertheless found dead in the city of Carthage, all under mysterious circumstances.¹²²

121 For Gildo, see Amm. 29.5.6 and 29.5.21 for service against Romanus' *vicarius*. See *PLRE* I.396 (Gildo) for sources and events in Gildo's career.

122 For which, see Jerome *Chron.* 376 and Oros. *hist.* 7.33.5–7. Gildo was made military chief of North Africa, a position he used to pit Eastern against Western Roman Emperor – that is, until he was murdered by his own brother, Mascazel, who replaced him. Mascazel, however, was soon murdered in turn, and he was replaced by the brother-in-law of Stilicho, the famed “general, or rather the master, of the empire of the West” as Gibbon called him. By this point, the Vandal invasion was

Two decades of willful, wanton, and flagrant mismanagement were not without their consequences. Events of these years would do little to stave off doubts about the emperors' ability to solve serious threats along the Roman frontier. And it is no coincidence, I think, that this sequence of events introduces us to a series of 'African rebels' – Romanus, Palladius, Firmus, Gildo – who set the stage for the revolts of Heraclianus and Bonifatius, which, in turn, prepared Africa for the Vandals, who effectively 'broke' the Western Roman Empire. These events are intrinsically connected not only with one another but also with the emperor's inability to control his subordinates from across the long 'stretch of intervening sea'. In the end, this was a weakness his subordinates were all too aware of and willing to manipulate for personal gain.

As with the *adventus* and the fee list, here too it helps to consider these events in conjunction. It is remarkable, for instance, that Libanius could not only conceive of his plan to deceive the emperor but also suggest it fairly nonchalantly to a high-ranking official (the *comes Orientes*). So, too, is it significant that Modestus' high crimes could (and would) go overlooked and unpunished for years (and that, on the contrary, he could be promoted to *praefectus*, an office at the pinnacle of the imperial pecking order – indeed, essentially just below the emperor). Yet, once these events are laid out – and these characters' 'high crimes' established – they go some way towards explaining how a fee list for judicial acts could stand in perpetuity next to a series of edicts outlining their illegality. And this, in turn, helps us to construct a broader conceptual framework that not only corroborates but even *accounts for* the multiplicity of complaints about corruption we hear about from myriad Late Antique sources, especially in light of the bizarre tale of Romanus. Romanus, after all, was able to involve in an embezzlement scheme the official the emperor sent to investigate him. From there, he was free to extort that same official following their shared theft of wages intended for soldiers defending the empire – that is, from active and pernicious raiding by the very groups that would one day destroy Thaumagadi. And Romanus collaborated with that official to effect the murder of a governor and a slew of provincial envoys sent to lay complaint against him – that is, amid a series of other serious crimes that destabilized the region for decades until its final collapse in the face of Vandal invaders. It is, of course, significant that the officials sent to investigate corruption were themselves frequently corruptible and corrupted; in the case of Modestus, Remigius, and Palladius, it is also important to note that these same powerful men were free to continue to commit crimes at the highest levels of state affairs – and evidently displayed the sort of temperament and character conducive to promotion amid these ongoing crimes.

not far off, and with it the Roman loss of North Africa for a century (from the 430's to the Vandalic War of the 530's CE).

The prevalence of imperial maladministration should no longer be surprising in light of these revealing episodes; what should be surprising, on the other hand, is that despite this evidence, scholars identify in all this the actions of a strong central power able to project its authority into the empire's various dioceses, provinces, districts, cities, towns, villages, hamlets, and countryside – and that both emperor and subject alike similarly perceived a well-functioning and efficient system. In the context of Constantine's furious missive to all provincial governors and their office staffs (CTh 1.16.7 Appendix A1) regarding our judicial fees (later to be codified on the stele), for instance, Dillon offers the following on the potency of imperial commands and the consequences for those who might abuse locals:

And what was the life of a petty provincial governor worth to Constantine, weighed against his reputation, the approval of his subjects, and potentially – to judge by his prayers – his own salvation? The constitutions of the emperors were law, the penalty for disobedience severe... Time must elapse before enforcement could gradually slacken and exceptions to a law become the rule. But until the harsh measures of an edict such as CTh. 1.16.7 lapsed into obscurity, it was safer to obey.¹²³

Ramsay MacMullen, critiquing Christopher Kelly's support for an effective Late Antique central administration, offers the following summary of Kelly's positions, which he constructs from a range of quotes from Kelly's own work:

But, [Kelly] adds, the change was for the good. 'The effectiveness of central government was markedly increased' through 'a more deeply penetrating degree of control'; 'the development of an elaborate and hierarchically structured administration' led to 'the establishment and maintenance of imperial power', where the key was 'centralization'; and the result was 'effectiveness', because access to the center was henceforth better regulated and rational through fixed schedules of payments required of citizens by officials and their staff. Nor, he says, were these payments unreasonable; for bureaucrats were 'quality' folk, all decent, well-educated men sensitive to local concerns. Thus the new routines of later Roman government can be rescued from any application of 'modern Western attitudes to public morality' or the temptation to 'simply moralize'.¹²⁴

And lest this be seen to represent an unfair picture of Kelly's *Ruling the Later Roman Empire*, Kelly himself offers the following on Roman governance, the figure of Romanus, and the risk of malfeasance (emphasis my own):

As the Romanus affair in North Africa neatly illustrated, imperial power could **sometimes** be thwarted by officials who flagrantly disobeyed clear instructions or who deliberately blocked reports on their activities.¹²⁵

123 Dillon (2012) 146.

124 MacMullen (2006) 478–479 with citations for Kelly's work in the notes.

125 Kelly (2004) 219.

This is fair enough, though it seems slightly problematized by Kelly's later argument that:

Intermittent terror and instability allowed emperors both to manage and to undermine their administration. It added force to their insistent claim that the continued importance of officialdom in the government of empire was dependent upon them personally and upon the vicissitudes of imperial will.¹²⁶

Libanius, after all, seems markedly un-terrified in asking Modestus to obstruct the emperor Julian and casually wrest from him his right to command. The emperor, it would seem, was likely to forget about the enormous fine levied on Alexandria in any case, and so should (and evidently could) be shepherded away from the matter altogether. And so, too, does Libanius betray very little anxiety about the fact that, in the process of composing and sending his suggestion to Modestus, he had created physical evidence of his own involvement in a conspiracy to subvert an emperor's will. The orator, despite Dillon's and Kelly's assertions to the contrary, seems largely unmoved by the punishments he might face. Likewise, Romanus seems not to have succumbed to the terror of potential punishment in his commission of two decades' worth of (capital, seditious, and brazen) crimes, which only came to light due to a diocese-wide rebellion requiring a major military intervention – not to mention several attempts by a governor and his envoys to inform the emperor of malfeasance, which were rewarded with a brisk sentencing and summary execution. If fear was to be felt anywhere, then, it might very well come from future informers facing down the threat of execution by the emperor following this grim precedent.

Thamugadi and comparative evidence for corruption

Reconstructing local views on Late Antique imperial administration benefits from a considerable diversity of evidence: epigraphic, narrative, rhetorical, and legislative. There is certainly enough on offer to summarily dismiss the more conspiratorial or overtly biased of our supportive accounts: the story of Theodosius, for instance, and his alleged assassination following his victory and the revelation of Romanus' abuse. While such sordid affairs are suggestive, the period's abundance of direct, corroborative evidence for corruption is sufficiently compelling – indeed, the vastness of testimony for mismanagement in Late Antiquity is astonishing and virtually unparalleled. Without hyperbole, it can be said to span the period's entire geographic, chronological, religious, socio-economic, and cultural breadth in ways

¹²⁶ Kelly (2004) 191.

that few – if any – other subjects can.¹²⁷ Such a *consensus* brings questions, however: should this singular unity of voices be taken as evidence for the phenomena they describe – that is, for abuse, maladministration, and the disintegration of central control, especially at the fringes of empire? Or should they be taken instead as rhetorical exercises, proof of a culture of complaint, evidence for freedom of speech, the successful spread of a universalizing ‘Late Roman’ administrative ethos, and salutary contemporary concerns – and not reliable indicators for the actual magnitude of maladministration?¹²⁸ Attempts to resolve these questions through reference to the ancient sources quickly become circular. Instead, much may be gained from exploring methodologies and observations from outside the field (of ancient history, philology, and archaeology), which can provide additional context for ancient voices.

Transparency International’s analysis of global surveys on official abuse, for instance, is telling: the data indicates a clear correlation between the frequency of reports of corruption and its actual prevalence. On this point, their position is unequivocal:

the more likely the average citizen is to be confronted with bribery in a particular institution, the more they will indicate they believe corruption affects that institution.¹²⁹

Their data also confirms the validity of this assertion’s converse, namely that the more people indicate that corruption affects their government, the more actual incidences of corruption will be found to exist. Nor does this recognition of the prevalence

127 If one could find a clearer unanimity of thought among the disparate voices of the Later Roman Empire than that concerning the scale and prevalence of corruption, it would come as a great surprise. Rarely do we find pagans like the decurion and rhetorician Libanius, the soldier and eminent historian Ammianus Marcellinus, and the Byzantine bureaucrat Zosimus in unequivocal agreement with ecclesiastic figures such as the popular archbishop St. John Chrysostom and the Neoplatonist bishop Synesius. Even more rarely might we expect to find all these literary men in agreement with emperors of a similar dissonance. Both Constantius II and his successor Julian found common ground in their efforts to reduce the noxious effects of corruption, despite their mutually antagonistic stances on almost all other matters of policy. Nor is this unanimity geographically isolated: from Cyrene (Synesius) to Antioch (Ammianus and Libanius), Sardis (Eunapius) to Byzantium (Zosimus, St. John Chrysostom), Thrace (Priscus) to Pannonia (Valens, Valentinian), Rome (Symmachus) to Gaul (Salvian), and Hispania (Theodosius I) to Africa (St. Augustine), concerns over the extent of corruption and its consequences abound across the Mediterranean and beyond. Little else in fact seems to hold these men together: certainly not rank, religion, educational attainment, social background, profession, class, language, nor the same opinion on much else besides this singular issue.

128 Harries (1999) 78: “It will be argued below that the widespread concern voiced about law-breaking or the ignoring of the laws does not in itself establish that laws were ineffective. However, a problem was perceived to exist, and the perception is itself a significant cultural phenomenon, which is indicative, not of the actual scale of law-breaking but the concern on the part of emperors and citizens alike that the laws should be observed, and the ability of the wronged to seek redress, safeguarded.”

129 Transparency International (2007) 11.

of corruption hold only for a particular class, region, or religion. Business owners, political leaders, the managerial class, and the wealthy – but also workers, the unemployed, the destitute poor, and the ‘middle class’ (e.g., relatively well-off landowners, blue- and white-collar workers, etc.) – are represented in these studies, as are Christians, Hindus, Jews, Muslims, and the non-religious on a global scale. Perception, in other words, is an effective indicator of reality, just as reality effectively informs perception.

For some, disparities between ancient and modern peoples may overwhelm the use of arguments of this sort, which appear unsophisticated not least for their anachronistic comparative assumptions. Yet, there is room for nuance here. Particularly useful may be a synthesis of perspectives that acknowledges both Late Antiquity’s ‘culture of complaint’ and corruption’s prevalence in premodern systems, and that engages with modern interpretative frameworks for the reconstruction of the realities (and consequences) of widespread maladministration. Conditions like those described in the preceding pages of this chapter have certainly obtained in more recent eras, and certain attitudes held by citizens of comparable (contemporary) regimes reveal new pathways for responding to various Big Questions in ancient history, including the Roman Empire’s longevity. There is a tendency in post-colonial India, for instance, to shield the highest echelons of power from everyday condemnations of official abuse, as Jeffrey Witsoe makes clear:

Complaining about corruption implies an uncorrupt state-idea at the same time that it acknowledges the ways in which acts of corruption serve to undermine the state’s impartiality and autonomy in practice. In Gupta’s account, people generally saw corruption as originating at lower-level state institutions and despite the benign intentions of a national leadership perceived to be dedicated to the goals of development.¹³⁰

Comparative perspectives, in other words, favor a sophisticated, unified approach, in which Late Antiquity’s unique harmony of voices can function both as evidence for lived provincial and subaltern experiences of corruption *as well as* acknowledgements of the Roman imperial system’s normativity, suggestions for imperial action to improve this system, and a yearning for more constructive interactions with (representatives of) the central state. But so, too, does this approach highlight the utility of reconstructing Late Antiquity’s ‘culture of complaint’ through the lens of societies with shared values, mores, and administrative structures – an important methodological shift from much of the *status quo*.

Modern studies of the Global South can also contribute to social and economic conversations surrounding Late Antique conditions. Against Kelly’s suggestion that judicial ‘corruption’ reflected attempts to rationalize services in the face of low pay, high demand, and limited resources – and that corruption therefore helped to ‘grease the wheels’ of provincial justice – the economist Toke Aidt notes that:

130 Witsoe (2011) 76.

corrupt officials can often adjust both the quantity and quality of the services they provide and would have an incentive to supply the bribe maximizing quantity (or quality) rather than the efficient one. . . The most fundamental weakness [in arguing for an ‘efficient corruption’ model] . . . is the implicit assumption that the government failure that corruption is supposed to correct is exogenous and in itself unrelated to corruption, when, in fact, it may well be put in place and maintained by corrupt politicians precisely because of its corruption potential.¹³¹

Rather than greasing the wheels of justice, corruption can introduce entirely new, artificial, deleterious, and ‘unnecessary’ barriers to effective administration unrelated to preexisting institutional shortcomings. Here, one thinks of the collusion of Libanius and Modestus, though even more germane is Romanus’ demand for compensation from North African provincials. Following a series of attacks by nomadic Moorish groups, so we have seen, Roman citizens summoned Romanus, who demanded extortionate sums for the defense of their fields – a clear example of corruption implemented ‘from within’, in this case for the sake of self-aggrandizement rather than as a strategy for ‘unofficially’ balancing out some ‘naturally occurring’ systemic deficiency. When provincials proved unable to pay, it is important to note, Romanus withheld the key service provided by most centralized pre-modern ‘states’ – that is, defense against outside belligerents – which pushed provincials to organize locally instead. His embezzlement of military funds (an accusation Late Antique sources repeat with great frequency against an assortment of malefactors) represents additional rent-seeking behavior that creates, rather than solves, endogenous administrative issues – in extorting provincials, officials (like Romanus) alienated them from a system designed for their protection, thus depriving the empire of an essential source of *consensus*.

Of course, Christopher Kelly is hardly to be seen as the purveyor of facile solutions to difficult interpretational problems. On the contrary, Kelly’s observations remain cogent in many respects, as in his assertion that local circumstances may have led officials to a seemingly ‘rational’ and ‘justifiable’ introduction of illicit fees, as in the following:

For later Roman bureaucrats, forever faced with a queue of those needing services much longer than they could ever process, the detailed stipulation of prices for administrative services was an effective method of regulating demand. The payment of money established clear cutoff points, automatically disbarred those unable to afford the costs of access to administrative or judicial services, and openly advantaged groups already connected with government by offering them discounted rates. The charging of fees for litigation acted as a significant barrier, preventing many from going to law in an attempt to pursue or resolve their disputes.¹³²

But it is worth highlighting the dangers of such an approach. Jakob Svensson, for instance, stresses that in situations like these:

131 Aidt (2003) 635.

132 Kelly (2004) 144.

Bribes involve higher transaction costs than taxes, because of the uncertainty and secrecy that necessarily accompany bribe payments. . . [and] corrupt contracts are not enforceable in court.¹³³

Here, again, one thinks of the tangle of transaction costs accompanying Romanus' bribing of Palladius, which itself resulted in further corruption, extortion, and eventually the murder of investigators and reporters – all of which no doubt imposed yet further transaction costs on those engaging with the central Roman authority. Svensson, moreover, notes that “. . . decisions about bribes are made by individual public officials who consider their private costs and benefits” irrespective of the consequences for the public weal, whether on a local, regional, or empire-wide scale.¹³⁴

It may, then, be best to view our Numidian fee schedule as an attempt to rationalize a long-enduring, pervasive (or even ‘universal’, given Constantine’s edict at A1 ‘to all provincials’), and largely *irrational* system of *sportulae*, whose charges were arbitrarily set from the outset, altered significantly depending on *ad hoc* circumstances (e.g., locale, the personages involved, the severity or import of the case, and so on), and rose erratically as local officials – in possession of a virtual monopoly over both provincial courts and the submission of subjects’ complaints about them – attempted to maximize rents, generally to the detriment of widespread access to justice. By this telling, the act of inscribing the fee list was an acknowledgment that the demanding of *sportulae* was a *fait accompli*, despite decades of imperial condemnation and associated punishments (up to, and including, death and exile). Legitimizing these fees was a submission to practicality, in other words, and served an entirely different function than might at first be assumed: it represented a compromise (or capitulation) between subject, provincial officials, their bureaucratic subordinates, and the central ‘state’ (represented by the emperor), wherein a strong check was placed on the raising of rates for judicial processes in provincial North Africa, especially when those rates may have fluctuated in the past based on a litigant’s rank and position or simply the unforeseeable needs of the local official at any given moment (see below).¹³⁵ Moreover, codification offered a critical opportunity for Rome’s central administration – here represented by the emperor Julian – to ‘rewrite the history’ of judicial *sportulae*. In this new narrative, emperors functioned as reformer-regulators rather than entrenched but ineffective ideologues fighting against a rising tide of venality and lawlessness (not exactly a ‘good look’ for the central authority in any case). By this telling, reform took a new tack, aiming for a sort of equilibrium wherein the cost of litigation would at least remain the same for landowning dynast and

133 Svensson (2005) 20.

134 Svensson (2005) 21.

135 Kelly (2004) 111–112 makes somewhat similar claims, though without acknowledging the illegal nature of the fees’ development, their ‘irrational’ growth over time, and their immediate return to ‘illicit’ status soon after the stele’s erection.

peasant laborer alike, no matter how unlikely the latter might be to bring a case to court – conditions that emphasized equality under the law and respect for basic Roman civic virtues.

To ground this reconstruction in well-evidenced comparative analysis, we might turn to the work of Craig Jeffrey on modern Uttar Pradesh. Jeffrey reports that:

The speed with which a person's complaint is addressed and the likelihood of success depends on the person's capacity to bribe an official, *sifaareesh* (influence or recommendation) within the Cane Society, and perceptions of the person's political clout.¹³⁶

Thus does Jeffrey offer a salutary perspective on judicial fees, compelling grounds for their codification (at Thamugadi and elsewhere), and further corroboration for the schema just presented.¹³⁷ At least when fees were formalized, so this line of argument holds, litigants able to amass the requisite funds had an 'official' chance at access, a point Kelly also asserts; without such systematization, however, litigants lacking clout and wealth were liable to face arbitrary fee increases pricing them out of the courts, or else were pushed out altogether to accommodate provincials of greater standing. In the 'unregulated past', powerful individuals might even find 'unofficially set' fees reduced or waived by governors (or their office staff) as a means for all sides to establish or strengthen mutually beneficial bonds of *amicitia* ('friendship'). Given the Late Antique tendency towards violence and abuse, such relationships – clearly beneficial to 'the powerful' – could easily be turned against the humbler classes of provincials, resulting in a further erosion of *consensus* and lasting damage to the emperor's image (as guarantor of justice, ever-present protector of his subjects, and so on). Critically, such injurious outcomes were all the more likely in light of certain structural pressures on Late Antique governors pushing them towards illicit behavior. Most governors, for instance, hailed from outside their province, served only for a single year, had likely spent a great deal to obtain their office, received little pay due to inflation's decimation of official moneyed salaries, and needed to raise funds quickly simply to break even, let alone profit from their service (and often, to avoid bankruptcy on loans acquired to purchase their position).¹³⁸ If governors had any hopes for an easy, remunerative tenure, they needed to win over their office staffs, which comprised local officials in long-term positions with considerable institutional experience, power, and relationships with local 'big men' – as well as low salaries (and a desire to supplement their meager pay by illicit means). Emperors, so the edicts reveal, demanded governors keep these 'rapacious officials' (and *patroni*) in check through their superior *dignitas*, *potestas*, and access to official forms of violence. Yet, not only did the office staff have

136 Jeffrey (2002) 33.

137 See Di Segni et al. (2003) for a fee list uncovered by archaeologists in Caesarea Maritima.

138 Fuller versions of this argument are offered in Barber (2010).

the right to report governors for corruption, but they could ruin governors by thwarting their attempts to profit from their position.

Much of what we might call ‘political’ power, in other words, was dispersed across several groups: local dynasts, local assistants to governors, governors themselves, their imperial superiors, and the emperors, among others.¹³⁹ And each of these groups had strong incentives to collude with (rather than constrain) one another, ignore demands for good governance, increase fees where possible, and cultivate friendships in the hope of expanding their networks of influence and access.¹⁴⁰ Such a model of horizontal and vertical bonds (of *amicitia* and *fides*) is built into Jeffrey’s survey of rural India:

To guard against falling victim to Cane Society malpractice, rich farmers also attempt to foster relationships of trust and friendship with the government officials who are employed in the Cane Society in anticipation of the need for future help.¹⁴¹

Nor does this model of Indian governance completely exclude poor rustics, who, as in Late Antiquity, are occasionally successful in dealing directly with the central

139 ‘Others’ to include ecclesiastical officials, who possessed tremendous power, particularly – as we will see below – in areas where access to administrative services was virtually cut off (as it was in North Africa, so the fee schedule makes clear).

140 Podder (2014) 1616–1617 has much to offer our analysis in terms of features of the ‘strong state’ often identified with the ‘Global North’, as well as descriptions about “postcolonial Africa, Asia, and other parts of the developing world” where “the state has been described as the ‘rule of the intermediaries’” – that is, features relevant to Late Antique Roman Africa: “It consists of a series of networks and sub-state political entities that substitute for the weakness of the central and legally constituted institutions. Given that the state is often one among several institutions and not the highest political authority, it may not be able to administer all sections of society and can remain almost suspended over society. Informal networks constitute a structural reality in which the institutions of the state may be subordinate or of secondary importance. Socio-political and economic networks that operate through the relationships of patronage and clientelism often link the state with society. As a result, the formal may be linked to the informal and at times even the illicit domains. The state’s resources are personalised and political security, i.e. security of the political regime, takes precedence over systematic institutionalisation of governance. The relationship between the state and society appears to work through a political culture of intimacy. The distinction between the private and public domains appears blurred and overlapping. Second, informal structures also present different systems of governance and regulation that coexist with the state. Each of these systems presents values and authorities that affect power and its practice in society. People identify themselves around sub-national social identities and organisations such as kin groups, the tribe, the village and religion. The community and the extended family (clan) rather than the state may offer basic social services, order, security and financial support. Bargaining processes between competing systems of governance and regulation encourage hybrid institutions that are rooted in reciprocal adjustments. Hybridisation here represents a process of constant social adaptation and accommodation. Inter-normativity gains significance and both state and non-state actors figure in the way heterogeneous normative orders interact.”

141 Jeffrey (2002) 33.

state and its agents – provided, of course, both that they are exceptionally capable and that the state is clearly negligent in meeting its obligations:

It is necessary, though, to guard against arguing that poor farmers are always excluded from clientelistic networks involving Cane Society officials or that rich Jats are always successful in their efforts to collude with officials. Poor farmers pointed to a small number of low-caste poor farmers who were routinely successful in their attempts to bribe or influence government officials in the Cane Society. For example, Surrendra's cousin... has been able to obtain some political leverage in the Cane Society. Surrendra and Brijpal explained the latter's success by noting that Brijpal is confident, a 'good talker', and has acquired a habit of traveling to urban areas to meet people. Even so, these two low-caste men claimed that Brijpal and other poor farmers are successful only in exerting pressure on officials who have not delivered sugarcane on time; they find it much more difficult to build links proactively.¹⁴²

But generally, given the parameters of this system, one should be realistic about the difficulties rustic litigants faced in bringing claims of any sort. Such obstacles grew exponentially should the complaint be lodged against a powerful provincial, whose friendship offered the governor-judge material benefits, future rewards, or protection from other local (even more exploitative) 'big men', whose enormous holdings in Roman North Africa rendered them giants and fearsome personal enemies. And this, in turn, can be added to the list of forces compelling provincials to join local patronage networks that became 'states unto themselves', particularly given the average citizen's exclusion from the courts by virtue of these long-entrenched (and illegal) fees.

By this argument, local grandees (i.e., those able to afford the large fees associated with 'official' tasks or powerful enough to see them waived) became the sole means for the humble to interface with a rules-based system. 'Official justice', in turn, became an even more indirect process (increasingly divorced from the emperors) for virtually all provincials: they presented their case to a wealthy patron, who determined whether it merited presenting to the provincial governor (and bringing to bear the requisite political, social, and economic capital needed to arrive at a desired ruling). This is akin to the function of 'brokers' in rural India, which Jeffrey Witsoe describes with the following:

Prior to the 1990s, brokers, usually only one or two from a village, were mostly members of the locally dominant landlord caste. Even though they were from a single caste, they served as brokers for entire villages, reinforcing patronage links between landlords and their tenants and attached laborers. At the same time, these middlemen were members of the Congress Party, a party that claimed to represent the nation and especially the lower-caste poor, even though its own political structure perpetuated the dominance of a small minority of upper-caste elites.¹⁴³

Between the rustic provincial and 'justice', in other words, there stretched successive layers of 'middlemen', official and unofficial, who increasingly came to control

142 Jeffrey (2002) 35.

143 Witsoe (2011) 80.

basic aspects of governance to the detriment of the emperors. But radical change could alter the institutional and social landscape. Jeffries, for instance, describes a world not unlike Late Antique North Africa, which witnessed the rise of the communally elected bishop as an alternative to the entrenched – if also ineffective and exclusionary – central authority:

The image of a postcolonial state based on the promises of nation building, development, and rule of law but governed through networks of patronage that reinforced upper-caste dominance (effectively undermining these promises) clashed with a politics of caste empowerment that sought to weaken development and law-and-order-related institutions thought to be controlled by upper castes, replacing them with alternate networks of lower-caste politicians, mafia figures, and an emergent class of political brokers.¹⁴⁴

Constraints of space limit continued analysis on these specific points and their connections with Late Antique North Africa; more generally, the intention here has been to highlight comparative studies' relevance to the improved reconstruction of pre-modern states, particularly those with relatively weak penetration into the lives of subaltern groups. Jeffrey's and Witsoe's studies – and work like theirs taken more broadly – offer tremendous value to students of the Roman world, regardless of temporal, geographic, or thematic focus. In seeking to understand the impact of corruption, for instance, Jeffrey models a salutary approach by first isolating and describing a series of complex, culturally contingent features that – when later taken together – contribute to a nuanced, holistic explanation for various administrative phenomena (an approach adopted in this chapter). Such elements include: the expression of cultural mores in political decision-making processes, the strong role of economic incentives in patterning behavior, and the benefits inherent in membership within local networks (rather than strategies of solitary engagement with political officials). Approaches like these have broad applicability to the study of pre-modern empires, to be sure; but modern models and comparanda offer increasingly powerful supports for the conclusions reached here and throughout our expanded study on Thamugadi's fee list. Care and nuance, of course, must be expected in these comparative projects – it is for precisely this reason that one must seek out regions and eras with conditions similar to those under study, not unlike the approach taken in studies of ancient demography.¹⁴⁵ Here, then, I would offer a final example of just such a comparison.

In the years following the Romanus affair, ideological investment in the central state waned and the need for local communal action become increasingly pressing. As a result, Late Antique North Africa came to resemble rural Uttar Pradesh, a region with a strong class of powerful local landowners with patronage ties to (and

144 Witsoe (2011) 74.

145 This is, then, not unlike the approach taken by demographers of the ancient Greco-Roman world, for which see Barber (2019) and Barber (2020).

over) a weak central state and its relatively low-status agents. In terms of useful points to be gathered here, Jeffrey notes that in Uttar Pradesh:

[these powerful] classes are able to influence the state's disbursement of rents (subsidies, tax breaks, licenses and the like) by demanding new concessions and blocking the state's efforts to remove unproductive rents.¹⁴⁶

Similarly, he argues:

dominant classes in rural north India, who control landownership and usually belong to an upper- or middle-ranking caste, have been able to convert their economic strength into power over *panchayat* decisions and administration.¹⁴⁷

As MacMullen has stressed, the emperor Theodosius' weak position vis-à-vis the Western Roman Empire's great landowning families is evident from the language of his edicts, which can be informed by Jeffrey's findings. MacMullen points, for instance, to the emperor's timidity in an edict attempting to requisition resources from the wealthy:

Only the houses of the *potentiores*, that is, of the great landholders, have been assigned to this duty [of supply]. However, they are subject to exhortation only, and no necessity is enjoined upon them.¹⁴⁸

The nonchalance of our malefactors (Modestus, Palladius, Romanus, etc.) fits into such a schema, particularly as we identify additional signs of the isolation, destabilization, and relative weakness of the emperor's position. The studies of Jeffrey and others, then, can offer heuristics with which to explore and explain these outcomes. They are critical, in other words, as we attempt to qualify the 'sometimes' in Kelly's statement "as the Romanus affair in North Africa neatly illustrated, imperial power could **sometimes** be thwarted;"¹⁴⁹ so, too, are these strategies illuminating as we seek answers for questions like 'how much?' in response to Dillon's contention that, in light of Constantine's fury (e.g., in the edict at A1), "it was safer to obey."¹⁵⁰

Conclusions

Comparative studies add texture to analyses of the last centuries of the Roman Empire. Still, the foundations for examining Late Antiquity will always depend upon traditional exegesis. Notice should be taken of convergences between material and

¹⁴⁶ Jeffrey (2002) 22.

¹⁴⁷ Jeffrey (2002) 22.

¹⁴⁸ MacMullen (1988) 96. The edict can be found at CTh 11.15.2, from the year 384.

¹⁴⁹ Kelly (2004) 219.

¹⁵⁰ Dillon (2012) 146.

textual evidence: for instance, between rhetorical and literary complaints about judicial corruption, a series of imperial edicts banning judicial fees, and a list of these fees inscribed forever in the civic heart of an important African city.¹⁵¹ While such a jarring juxtaposition of sources demands continued study, the conditions generating these contradictory accounts are now increasingly clear.

Close study of the fee-list has also added depth to other accounts of a ‘compromised system’. Magistrates like Modestus and Romanus, as imperially appointed officials, served as representatives of Rome’s central authority abroad. They did so in several important respects, including as strategic gatekeepers. In their official capacities, they were responsible for determining whether ‘communicative acts’ from provincials ought to permeate through Late Antiquity’s various bureaucratic membranes and penetrate into the imperial nucleus. The emperors themselves, as we have seen, erected these barriers deliberately to keep provincial requests from overloading the limited resources of the central authority, as Constantine’s exasperation with appeals (but also with corruption) reflects. In this sense, then, these imperial representatives – including the local office staffs they were assigned to supervise – established qualitative standards for access to the emperor and quantitative prices for manipulating this privilege. Generations of unproductive, corrupt, rent-seeking behavior, however, rendered the costs of this process virtually unaffordable for the vast majority of the emperor’s subjects. On this point, an observation from the African bishop Synesius is revealing:

No doubt men know well there is always an emperor living, for we are reminded every year by tax collectors; but who he is, is not very clear.¹⁵²

While clearly rhetorical, there is a kernel of an idea in here: rustics appeared to pay their annual taxes for the right to be, at best, ignored – and at worst, frequently victimized – by agents of the crown. Over time, the relative costs of participating in several formal aspects of *consensus*-building would become more onerous (and less effective) than simply turning (reflexively) towards local alternatives. In this regard, North Africa is conspicuous for its unique method of establishing local bishoprics (and locally elected bishops) for towns, villages, and estates. While these were theoretically ‘formal’ extensions of an officially Christian empire, such bishoprics were largely independent of imperial power – so much is visible, at least, in bishops’ sermons denouncing official and unofficial abuse and the humiliations inflicted by the *status quo*. And though the loss of these citizens from the official courts may have helped provincial institutions run more efficiently, as Kelly suggests, their absence

¹⁵¹ Cordovana (2012) 480–483 offers a useful exemplar, combining *ostraca* outlining desert trade on the African frontiers, archaeological finds attesting to this trade, and imperial edicts discussing its details. Di Segni *et al.* (2003) constitutes a useful analysis of a schedule of *sportulae* with less coverage than the list from Thamugadi.

¹⁵² Syn. *ep.* 148.

contributed to the erosion of the voluntary ‘citizen-subject’ regime built upon (expectations of) mutual benefit, reciprocity, and universal ideological commitment.

In sum, imperial representatives, in the search for self-enrichment, repeatedly opted to exclude the bulk of Rome’s subjects from *consensus*-building processes. And this was no doubt damning for central rule. For, in their (seeming to be) acting on behalf of the emperor through their (in)direct impetration, interpretation, and execution of the emperor’s instructions, imperial officials (e.g., the office staffs, governors, vicars, etc.) functioned as relentless reminders – indeed, even as personifications – of certain flawed aspects of rituals, including the *adventus*, request for imperial aid, and submission of local complaints up the imperial chain. Under ideal conditions, both governor and *adventus*, through this provincial-level activity, would maintain an image of an involved emperor, one who was acutely aware of – and ready for – mismanagement carried out by his attendants. To this effect, emperors repeatedly broadcast their willingness to act as the “ultimate arbiter[s] over the rulings of [their] subordinates.”¹⁵³ One outcome, however, was that when emperors empowered their magistrates by sharing with them an aspect of their celestial image, these subordinates in turn reflected back poorly onto the emperor. As Ando ominously notes, “bad subordinates reflect badly upon the glory of their patron.”¹⁵⁴

Given the extent of provincials’ complaints about corruption, it should come as no surprise when evidence of that very phenomenon – notably, our fee list in Thamugadi – is found in the immediate vicinity of a law prohibiting that specific corrupt practice. On the contrary, one ought to expect more of this, and future studies focusing on uncovering similar contradictions will no doubt uncover a great deal more than just this single instance. Considering the furious, breathless edicts of a weary Constantine – one among many sources stressing Late Antique mismanagement – it is easy to imagine the mental calculus performed by imperial officials in weighing the dangers involved in ‘pushing the envelope’, particularly given their need to amass enough wealth and connections to maintain their precarious position within the empire: in the end, the immediate needs of sustaining a local network to protect their interests and personal safety are likely to have overwhelmed any threat of a rarely felt direct imperial intervention.

A pattern, then, seems to develop over the 3rd and 4th centuries CE. A defining feature of the Late Antique emperor is his attempt to streamline administration and expand his reach into the lives of his subjects: by instituting layers of officials to join center with periphery, establishing formal procedures for the submission of provincial requests up these layers, creating systems for imperial transport to aid in the physical movement of these missives, remaining fixed in predictable locales to receive these requests promptly, expanding his court to create specialized subordinates

153 Ando (2000) 363.

154 Ando (2000) 362.

to sort appeals (and generally broaden services), limiting tenure of administrative office both to minimize entrenchment and reward loyal elites (and to create a pool of experienced ex-officials able to check local governors and other *potentiores*), ensuring the presence of regional commanders for defense and stabilization of this system, separating military from ‘civilian’ governors to avoid rebellion and the rise of alternative *loci* of power, empowering bishops and powerful locals as *defensores* to see to the health of subalterns, and, as Kelly suggests, keeping bureaucrats ‘on their toes’ by creating competition between bureaus and conspicuously punishing malefactors. But these attempts consistently ran up against certain structural impediments endemic to massive, pre-modern empires that subverted the production of ‘communicative acts’ and mutually affirmative ‘validity claims’ legitimizing the ‘normative Roman order’: millions of citizens to tax – but a relatively small tax base – spread across several million square kilometers, the need to ward off threats both internal and external by paying several standing armies with these relatively limited funds, frequent inflationary spirals due to shortages of imperial revenues (particularly amid civil and foreign wars), the need to maintain an (increasingly bulky) ‘army of officials’ to govern this territory and collect taxes, the high status attached to official service that provided protection from the violence endemic to pre-modernity, officials’ need to purchase office amid intense competition and a lack of clear ‘institutional standards’, the need to profit from office due to low salaries and high costs of access, the presence of ‘unofficial’ centers of powers (especially immensely wealthy, hereditary elite landowners) who undermined attempts at good governance, and so on. There is good reason to avoid trying to ‘quantify’ corruption from one era of Roman rule to the next, not least due to the vagaries of source survival. Yet, given the massive expansion and increased formalization of the imperial project over time – and in light of certain persistent problems plaguing pre-modern ‘states’, particularly those the size of Late Antique Rome – one need not see the ubiquity of voices condemning maladministration, corruption, and violence as rhetorical posturing. This is a world well-suited to eliciting complaint.

Emperors’ edicts emphasized the accessibility of provincial institutions of justice, defense, and commerce. Yet, limitations – both *de facto* and official – were consistently imposed on the participation of millions of provincials within these institutions, despite their centrality to the essential process of reaffirming *consensus*. While the emperor was all too happy to advertise, for instance, that requests for his assistance should originate from even the ‘lowest’ ranks of the empire’s citizens, more often than not, appeals would come from the wealthy, landowning *patroni* of the provinces, who were better positioned to leverage their connections to (or over) the imperial state in its localized form, and who were themselves often the beneficiaries of the oppression of *humiliores*.¹⁵⁵ In terms of seeking imperial assistance and thereby legitimizing the

155 Only reinforcing the notion that Kelly (2004) 129, quoted above, represents a distinct conceptual break from Ando’s more benevolent and inclusive system. See also Brown (1992) 22: “Installed

consensus of ruler and ruled (and thus the imperial system more broadly), it is clear that many provincials never had a chance: in making a complaint against one of these local dynasts, they may have been among the first to detect a transformation occurring at the local level in Late Antiquity, wherein the broader curial class would gradually erode, while the powers of former imperial officials, chief decurions (*principales*), military commanders, large land-owners, but also religious figures were in the midst of a dramatic rise.¹⁵⁶ Libanius, in his orations to Theodosius and before the *curia*, decries the system of collaboration wherein weaker *decuriones* covered up the wrongdoings of local curial potentates either to appease their more powerful colleagues or to avoid reprisals from them.¹⁶⁷ Certain crimes were never spoken of, and no magistrate ever discovered them. In North Africa, we see both the realities and results of these conditions in the count Romanus and the fee schedule of Thamugadi, both of which reflect an emperor increasingly in the dark about local misconduct. Certain individuals, to be sure, might face the axe, but these were often the most egregious or unlucky offenders, some of whom long flaunted their ability to abuse in the face of contravening imperial laws, customs, and regulations. The vast majority of perpetrators, as our fee list makes clear, continued their trade undaunted.

Upon the rocks of self-dealing, self-aggrandizement, and self-promotion, in other words, but also upon the myriad impediments to central ‘state’ formation in pre-modernity, dashed the grand designs of the emperor Diocletian and the dreams of an empire run by awe and *consensus*. Teasing out the realities of these developments, so we have seen, benefits from comparative analysis and the resurveying of the evidence. There is work to be done.

in their cities, the upper echelons of provincial society met arriving governors less as inferiors than as equals. Precisely because of the centralization of the empire, the local governors, sent out at regular intervals to the provinces of the empire, enjoyed relatively little prestige and could show little initiative. They held office for short periods, frequently, as in the case of the *consularis* of Syria, resident at Antioch, for less than a year. They wielded a minimum of coercive power . . .”

156 Evidence for this development is extensive, and its connection to expanded abuse and administrative corruption deserves a larger treatment than what can be provided here. But for contemporaneous recognition of this transformation, cf. (the emperor) Julian *Misopogon* 367 for decurions themselves expediting the entire process via their own (in)actions and incompetence. See also the contents of Valentinian’s edicts creating the *defensores* (CTh 1.29.1; 1.29.3; 12.6.9) that banned *decuriones* from this group due to their complicity in abuse as well as the many orations of Libanius decrying his own loss of influence as a *decurion* as part of a zero-sum struggle against the rising clout of the *principales* of the *curia* (to the detriment of all others) (Lib. *or.* 2.26–28; 2.35; 2.58; 48.16; 48.37; 49.2), *inter alia*.

Appendix

A1: Edict of the Emperor Constantine – CTh 1.16.7 (331)

The Emperor Constantine to the provincials

The grasping hands of the officials must cease immediately, cease I say. For **if, having been warned, they do not stop, they will be cut short by swords**. Let the curtain of the judge not be for sale, **nor entrance purchased**, nor the office made disreputable by bids. Nor shall the sight itself of the governor carry a price: the ears of the judge shall be **unbarred equally for the poorest and the wealthiest**. Let pillaging be absent **from the leading in** by he who is called **chief of the office staff (princeps)**. The assistants of these same chiefs of the office staffs shall hold out no extortions ('shakedown') from litigants. The insufferable attacks of the centurions and other officials, who demand small and great sums, must be crushed. Always should the diligence of the governor remain vigilant lest anything be appropriated from a litigant by the aforementioned classes of men. Should they think that something should be seized regarding civil cases, **armed punishment** will be at hand, which will cut off the heads and necks of these nefarious men . . .

cessent iam nunc rapaces officialium manus, cessent inquam: nam si moniti non cessaverint, gladii praecedentur. non sit venale iudicis velum, non ingressus redempti, non infame licitationibus secretarium, non visio ipsa praesidis cum pretio: aequae aures iudicantis pauperrimis ac divitibus reserentur. absit ab inducendo eius, qui officii princeps dicitur, depraedatio. nullas litigatoribus adiutores eorundem officii principum concussionibus adhibeant; centurionum aliorumque officialium, parva magnaue poscentium, intolerandi impetus oblidantur, eorumque, qui iurgantibus acta restituunt, inexplata aviditas temperetur. semper invigilet industria praesidialis, ne quicquam a praedictis generibus hominum de litigatore sumatur. qui si de civilibus causis quicquam putaverint esse poscendum, aderit armata censura, quae nefariorum capita cervicesque detruncet, data copia universis, qui concussi fuerint, ut praesidum instruant notionem. qui si dissimulaverint, super eodem conquerendi vocem omnibus aperimus apud comites cunctos provinciarum aut apud praefectum praetorio, si magis fuerit in vicino, ut his referentibus edocti, super talibus latrocinii supplicia proferamus.

A2: Edict of the Emperor Constantius – CTh 8.10.2 (344 CE)

Emperor Constantius Augustus to the Most Noble Ebulides, Vicar of Africa

In addition to payments customary and lawful, **many [other] things are being demanded most shamefully** [and/or cruelly] **from the African provincials** by members of the governor's office staff and by **advocates (*scolastici*)**.

Imp. constantius a. ebulidae viro clarissimo vicario africae. praeter sollemnes et canonicas pensitationes multa a provincialibus afris indignissime postulantur ab officialibus et scholasticis, non modo in civitatibus singulis, sed et mansionibus, dum ipsis et animalibus eorundem alimoniae sine pretio ministrantur. nec latet mansuetudinem nostram saepissime scholasticos ultra modum acceptis honorariis in defensione causarum omnium et annonas et sumptus accipere consuesse, quibus, tantis comodis fulti itinere, suam avaritiam explere nequeunt. provinciales itaque cuncti iudices tueantur nec iniurias inultas transire permittant. dat. iiii kal. iul. leontio et sallustio cons. (344 iun. 29).

A3: 'Fee Schedule' erected on stele in Thamugadi (362–3 CE)

CIL VIII 17896

Item | qu[a]mt[a com]moda consequi debeat
prin|ceps.
Ad off[icia]lem intra civitatem dan|dum Italic[os]
tritici modios quinque aut | pretium frumenti;
intra decimum modios septem aut pretium mo|
diorum septem.
Etiam per dena mi|llia bini modi vel eorum
praetia | subcrescant.
Si mitte[n]dus sit tra|ns mare, centum modi vel
medio|rum

centum praetium sufficiet. . .
| **Sco|lastici** in postulatione simplici | quinque
modios tritici vel
Quinque modiorum praetia consequentur. . .
Exceptores in postulatio|ne quinque modios
tritici vel quin|que modiorum praetium
consequan|tur;

Also, how much **profit (*commoda*)** the **chief of the office staff (*princeps*)** ought to obtain. For his duty (*officia]lem*) he must be given 5 Italic *modii* of grain or the value of the grain if it is within the community; [if it is] within the first (mile?), [then] seven *modii* or the value of seven *modii*. In addition, for every ten miles, the (charge) should grow to twice the *modii* or the values of these *modii*. If he must be sent across the sea, 100 *modii* or the value of 100 *modii* will be

sufficient. **Advocates (*scolastici*)** in the case of a plaintiff by his attorney (*postulatio simplex*). . . ought to obtain five *modii* of wheat or the value of five *modii*. . . The **exceptores** will obtain in the petition either five *modii* of wheat or the value of five *modii*. . .

A4: Edict of the Emperors Valentinian, Valens, and Gratian – CTh 1.29.5 (370 CE)

Emperors Valentinian, Valens, and Gratian Augustuses to the Senate

In a useful manner it is to be provided for, in order that *the innocent and peaceful rustics* might enjoy the *beneficium* of our personal patronage, that they not, having been worn down by the frauds of an abusive court trial, be harassed even when they demand satisfaction; while either a very avaricious advocate is prepared, or the *blockader of the threshold (limen)*, the *princeps*, is won over by bribes (*praemii*); while the proceedings are sold by the *exceptores*, and while, in the *name of a fee (commodum)*, the enforcement officer demands more from the winner of a suit than the loser would pay. This the *dignitas* of a senator should not suffer to occur . . .

Idem aaa. ad senatum. utili ratione prospectum est, ut innocens et quieta rusticitas peculiaris patrocini beneficio fruatur, ne forensis iurgii fraudibus fatigata, etiam cum ultionem posceret, vexaretur; dum aut avarior instruitur advocatus aut obsessor liminis maioribus princeps praemiis exoratur, dum acta ab exceptoribus distrahuntur, dum commodi nomine amplius ab eo qui vicerit intercessor exposcit quam redditurus est ille qui fuerit superatus. hoc fieri dignitas non patitur senatoris, sed exortas contentiones cita definitione compescet; nam erepta perperam amota dilatione restituit ordin . . . Sine dubio rectoris habeatur auctoritas, quae meliore in bonos condicione retinetur; nam ille patitur humani cruoris horrorem, hic innoxiam sibi vindicat potestatem. dat. iiii id. aug. hierapoli valentiniano et valente iii aa. cons. (370 aug. 10).

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Daniel Syrbe

Urban Communities and the “Weak” Empire in Roman North Africa (1st to 6th Century CE)

Abstract: Due to its comparatively remote geographical location beyond the densely urbanized areas of Roman North Africa, the province of *Mauretania Caesariensis* provides an interesting example to study the impact of Roman imperial rule in the provinces of the empire. Literary sources, especially the epigraphic material from provincial cities, which can be evaluated using qualitative and quantitative approaches, offers insights into the structures of the local self-government. Firstly, a spectrum of different forms of organization of local communities can be observed, ranging from cities in which specific institutions, presumably going back to pre-Roman traditions, were maintained to others that more or less completely adopted Roman patterns as well as various hybrid forms in between. Secondly, remarkable differences between the cities in the Western and Eastern parts of the province can be observed. While some of the cities in the East were integrated into the Roman legal system at an early stage, most of the cities in the West only received a corresponding legal status very late, at the earliest in the 3rd century CE. Furthermore, the emperor and the provincial governors are hardly visible in the epigraphic record from the cities in the Western part of the province. Particularly noteworthy is the almost complete absence of civic patrons in the cities of western *Mauretania Caesariensis*. All in all, the cities in western Mauretania seem to have been much less integrated into provincial and empire-wide networks than those in the east.

Zusammenfassung: Ihre vergleichsweise abseitige Lage, jenseits der dicht urbanisierten Räume des römischen Nordafrikas, macht die Provinz *Mauretania Caesariensis* zu einem aufschlussreichen Fallbeispiel für die Frage nach den Auswirkungen der imperialen Herrschaft Roms in den Provinzen des Reiches. Neben vereinzelt literarischen Quellen bieten vor allem Inschriften, die sich mit qualitativen und quantitativen Ansätzen auswerten lassen, Einblicke in Strukturen lokaler Selbstverwaltung. Dabei lässt sich zum einen ein Spektrum unterschiedlicher Formen der Organisation lokaler Gemeinwesen beobachten, von Städten mit spezifischen, mutmaßlich auf vor-römische Traditionen zurückgehenden Ordnungen zu solchen, die römische Muster übernahmen und verschiedenen hybriden Formen dazwischen. Zum anderen lassen sich zudem

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bemerkenswerte Unterschiede zwischen den Städten im West- und im Ostteil der *Mauretania Caesariensis* beobachten. Während die Städte im Osten der Provinz teils schon früh in das römische Rechtssystem eingebunden wurden, ist ein entsprechender Rechtsstatus für die Städte im Westen erst spät, frühestens seit dem 3. Jh. greifbar. Auch sind Kaiser und Provinzialverwaltung im epigraphischen Befund aus dem Westen der Provinz deutlich weniger sichtbar. Besonders bemerkenswert ist das nahezu völlige Fehlen städtischer Patrone in den Städten der westlichen *Mauretania Caesariensis*. Alles in allem scheinen die Städte im westlichen Mauretanien viel weniger in provinzielle und reichsweite Netzwerke eingebunden gewesen zu sein, als jene im Osten der Provinz.

The Roman Empire is often regarded as *the* empire par excellence, and political scientists such as Michael Doyle and Herfried Münkler have used the example of Rome as a model to define general characteristic features of imperial rule.¹ However, it is hardly necessary to emphasize that this notion of Rome as the exemplary empire in world history is constrained by methodological problems.² Without going deeper into details of ‘empire theory’, the relevant point in the context of this paper is that the Roman Empire, as an overarching political supra-structure, linked various regions of the Mediterranean, each characterized by specific political, social, and cultural traditions. In most of these regions, Roman imperial rule was imposed through a process of violence and conquest, but over time the political and cultural configuration of these regions were transformed under the influence of Rome. The transformative process followed different trajectories. On the one hand, Roman political and social structures were gradually established in the provinces, for example by setting up administrative hierarchies according to Roman patterns, by introducing legal norms, or by granting citizenship to local populations. On the other hand, provincial areas changed due to the cultural impact of Rome. However, all this did not necessarily turn the Roman Empire into a unitary whole. In recent research, it has been rightly emphasized that there was no Roman ‘standard model’ imposed on provincial territories. Instead, the integration of provincial territories proceeded in different steps and at different paces, culturally but often also politically, depending on particular regional or even local circumstances. As part of this process, traditional local structures were often integrated into the mechanics of the empire.³

1 Doyle (1986); Münkler (2005).

2 For example, political scientists developed models of imperial rule by drawing on the example of Rome, see Kehne (2014) for a critical discussion.

3 Still a comprehensive study of the political aspects of the topic is Lintott (1993), in particular 22–42, 54–59, 129–167; another detailed study on that is Dench (2018). In particular for the development of cities and urban landscapes in North Africa cf. Rakob (2000); Scheduling (2019) and Scheduling (2020); Hobson (2020); Fentress (2021); contributions in Fentress/Alcock (2000). This specific topic also touches on debates about the “Romanization” of provincial territories, cf. Crawley Quinn (2003); Brüggemann (2005); Hingley (2013).

An area that is particularly interesting to examine the interplay of pre-Roman local traditions and post-conquest changes are the North African provinces of the empire. In this region, the process of integration is a complex one. Rome’s political domination over North African lands expanded gradually, in several steps, from the middle of the 2nd century BCE onwards and reached its maximum extent at the beginning of the 3rd century CE. From the early 5th to the early 6th century, Roman rule was temporarily interrupted by the Vandals, who established a *de facto* independent *regnum* that covered in particular the economically important parts of Rome’s North African provinces. In 533/534 CE, North Africa was conquered by an east-Roman army and integrated into an empire that still considered itself Roman but had, in many respects, undergone significant changes. Nevertheless, even if it means making a certain generalization, it can be stated that North Africa was politically structured and culturally shaped by the Roman Empire for a period of about 850 years, which in turn is characterized itself by various transformations.⁴

A characteristic feature of Roman North Africa is the settlement pattern with its major cities, hundreds of small towns, and a broad variety of rural sites, ranging from huge agricultural estates to small farmsteads and hilltop settlements in mountain areas.⁵ Some of these settlements, in particular larger cities, were newly founded under Roman rule and it is surely not a surprise that these new cities followed a Roman model of municipal organization. But the majority of the urban as well as rural settlements in the North African provinces had their roots in pre-Roman times. In terms of coping with the Roman Empire, the cities and small towns of the latter group followed very different trajectories, as reflected in particular in the persistence or change of institutions of local self-government. While in larger cities such institutions of self-government were often reorganized and adapted to Roman patterns, smaller cities often preserved traditional political and administrative structures.⁶

This contribution will focus on a selected set of urban communities, namely those of the Western part of the province of *Mauretania Caesariensis*, in many ways a rather remote and, compared to other regions of the empire, still quite understudied part of the Roman world. The cities and small towns in this area followed very

⁴ From the large number of general publications on Roman North Africa only LeBohec (2005) and Lassère (2015) shall be mentioned here as examples. For the Vandals and their North African *regnum* see Merrills/Miles (2010). Concerning changing social and political identities in late antique North Africa from the Vandal to the Byzantine period see Conant (2007), and for shifts in political organization Syrbe (2021).

⁵ Hobson (2020).

⁶ The legal integration and institutional transformation of the North African cities and small towns has been at the focus of historical research for quite a long time; classic contributions to that are Teutsch (1962) and the detailed analysis in two volumes by Lepelley (1979) and Lepelley (1981); for a recent approach focusing on the province of *Africa Proconsularis* see Cordovana (2012a); especially for third-century CE developments cf. Witschel (1999) 298–306 and Witschel (2006) 153–162; Hobson (2020) concentrates on network differentiation between the cities.

different patterns of local self-organization between the 1st and the 7th century CE. While more ‘conservative’ communities maintained traditional patterns of social identity and political organization, others, to varying degrees, adopted social and political structures that followed examples and practices the Romans had developed in Italy and brought with them to North Africa. As a consequence, local self-government appears as a broad spectrum with, ideal-typically speaking, decidedly traditional and explicitly Roman forms at the opposing ends. Between these extremes, various hybrid forms of self-organization, differing in detail, can be observed. These manifestations do not only respond to specific local conditions by accommodating different components from the rather traditional and from the Roman end, some of which complement each other, while others overlap or merge fluidly, but, to further complicate the picture, they themselves also evolved and changed over time. What makes the region even more interesting is that after Roman rule faded at the end of 5th century CE, local rulers with a background in the tribal societies of the rural countryside were able to establish new systems of power by appropriating existing institutions and transferring them into the context of tribal societies. These new political entities were not only anchored at the local level but also illustrate the sustainability and resilience of mechanisms of local self-government from Roman times.

The goal of this article is to trace modes of local self-organization in the cities and small towns of Western *Mauretania Caesariensis* and the relation of these urban communities to the imperial government. In the first step, patterns of local identity and self-organization in these urban communities will be analyzed in a long-term perspective. In the second step, the interplay between the urban communities and the imperial level will be discussed. With regard to the topic of the present volume, the key questions this contribution aims to answer are: What does the example of the cities of *Mauretania Caesariensis* say about the organization of local self-government and the strength or weakness of statehood? How does the Roman Empire relate to concepts of ‘weak statehood’?

Rome and Mauretania: A brief overview of the historical background

The Roman occupation of North Africa occurred as a complex process of conquest and integration that began as early as the second half of the 2nd century BCE, and then progressed in various stages for about two hundred years until the first half of the 1st century CE.⁷ After the Romans destroyed Carthage, the rival power for supremacy in the

⁷ For an overview of the political and administrative history of the North African provinces cf. Thomasson (1982); LeBohec (2005); Lassère (2015).

Western Mediterranean, in 146 BCE, they did not immediately transform North Africa into a provincial territory but left the region more or less to its own devices for approximately two decades. Scattered references in literary and epigraphic sources suggest increasing contacts and a growing presence of Roman citizens in North Africa at the end of the 2nd century BCE. A more substantial integration of North Africa into the Roman imperial system then occurred in the 1st century BCE.⁸ At that time, direct Roman rule was still limited to the province of *Africa Proconsularis* in what is today Northern Tunisia, but step by step the Romans pushed forward the boundaries of their territorial control to the west and to the south.⁹ The two Mauretanian provinces of *Mauretania Caesariensis* and *Mauretania Tingitana*, i.e. the area of modern-day Northern Algeria and Northern Morocco, were relatively late stages in the process of Roman expansion; both were established only in 42 CE, when the Romans occupied the remains of the, up until that point, independent kingdom of Mauretania after the death of King Juba II.¹⁰ Both provinces were organized as so-called imperial provinces under the political control of the emperor, meaning both were not considered pacified territories by the imperial government.¹¹

The Roman Empire reached its maximum extent in North Africa under the rule of Septimius Severus at the beginning of the 3rd century CE when Rome stretched the territory under its control to the edge of the Sahara, a situation that, apart from some strategic corrections, remained until Late Antiquity.¹² On its southern edge, the borders of the empire were much less clearly defined than, for example, along the great rivers of Rhine and Danube in the north; instead the North African situation corresponds more to the concept of a frontier zone as a broad area of transition that was under varying degrees of military and administrative control.¹³ Moreover, the military organization of the frontier zone had a significant impact on local settlement patterns, especially in the Western parts of the province of *Mauretania Caesariensis*. On the one hand, the stationing of military units often attracted a civilian population and entailed the emergence of settlements near the camps, on

8 LeBohec (2005) 29–52; Lassère (2015) 65–112; in particular on the rivalry between Rome and Carthage cf. Modrow (2017); for the relations between Rome and the Numidian realms during the republican period, cf. Ritter (1987).

9 Euzennat (1990); Whittaker (1994) esp. 46–47 and 79; Cherry (1998) 35–53; see also Kath (2009).

10 For the annexation of Mauretania see Fishwick (1971); for the Mauretanian kingdom of Juba II Roller (2003).

11 Thomasson (1982) 30–39 and 43–44 and Witschel (2006) 189–191. For imperial provinces see König (2007) 195–199.

12 Witschel (1999) 190–204; Witschel (2006) 149–153; in particular for the situation in the province of *Mauretania Caesariensis* see Benseddik (1999) and LeBohec (1999).

13 For the concept of a “frontier zone” the classical reference is Whittaker (1994); see also Cherry (1998) 24–74 and Cordovana (2012b); for the Roman notion of *limites* cf. Isaac (1988).

the other hand, the settlement of veterans could result in a transformation of existing urban settlements.¹⁴

Another impact on settlement patterns, especially in rural areas, resulted from economic developments. Archaeological surveys show that the North African provinces, supported by imperial legislation, experienced a substantial economic growth starting in the 2nd century CE and became one of the most important regions of the empire, in particular for the production of grain and olive oil.¹⁵ In many regions, economic prosperity lasted well into Late Antiquity and led to a significant increase in income, which is reflected in rising investments for private consumption and public building activities.¹⁶ Compared to other parts of Roman North Africa, economic expansion is difficult to estimate in particular for the Western part of *Mauretania Caesariensis*, because archaeological surveys are largely lacking for this region. However, data from a survey in the area of the provincial capital Iol Caesarea show a differentiated countryside between the late 1st and late 4th or even early 5th century, with various types of rural settlements that were linked economically to the city at a distance of 10–15 km, but functioned independently of urban structures beyond this range.¹⁷

In contrast to other areas of the Roman Empire, the structures of provincial organization did not change much in Late Antiquity. The most important change was the establishment of the new province of *Mauretania Sitifensis*, which was detached from the *Mauretania Caesariensis* in the east, probably at the beginning of the 4th century CE, and essentially centered on the high plateau around the new provincial capital Sitifis.¹⁸ For the early 5th century CE, literary and epigraphic sources indicate that the conquest of substantial parts of North Africa by the Vandals between 428 and 429 may have also affected the western parts of the province of *Mauretania Caesariensis*.¹⁹ The establishment of the *de facto* independent Vandal kingdom in 439, with its political center far away in the East, in Carthage, the metropolis of the

14 Cherry (1998) 69–70 and 141–157.

15 Mattingly (1997); Schubert (2008); Hoffmann-Salz (2011) 154–293; Hobson (2015); for archaeological survey projects see Leone and Mattingly (2004) and Stone (2020).

16 See in particular Dossey (2010) and also Stone (1998); Banaji (2001) and Grey (2011).

17 For the Caesarea survey, particularly relevant for the central part of the province, Leveau (1984) 483–485; Leveau (1990); Stone (2021) 343–344; for the Eastern parts of the province of *Mauretania Caesariensis* see Fentress (1990) on the city of Sitifis (modern-day Sétif, Algeria) and Fentress (2013) on Diana Veteranorum (modern-day Aïn Zana, Algeria); because of the interrupted campaign, data from the Belezma survey unfortunately do not allow for more general conclusions, see Fentress *et al.* (1993).

18 Fentress (1990) 122–123; Laporte (1998); Witschel (2006) 190–191.

19 Two funerary inscriptions from Altava point to frequent violence in the region: IdAltava 147, dated to 429, mentions that the deceased “was pierced with the sword by barbarians” (*gladio p(er)cussus) a barbaros*); IdAltava 165 = CIL VIII 9866, dated to 449, referring to a similar incident of the deceased being killed by the sword (*[– a] gladiu (sic!) percussus*), indicates that violence was not an unusual phenomenon in this region, at least not in the 5th century CE; see also IdAltava 133. Besides these epigraphic attestations, Pope Leo I in one of his letters gave instructions on how to

former province of *Africa Proconsularis*, then turned the region into a backyard of Mediterranean politics.²⁰ This does not seem to have changed much with the reintegration of North Africa into the Eastern Roman domain, which occurred after a military intervention initiated by the emperor Justinian in 533; rather, Eastern Roman rule seems to have barely extended beyond the provincial capital of Caesarea.²¹ Nevertheless, as far as it is possible to say from epigraphic and archaeological material, many of the urban settlements in the Western part of the province seem to have continued well beyond the 6th and 7th century CE, and more lasting changes seem to have resulted only from the political restructuring of the region under later Islamic dynasties.²²

Urban communities of the Roman Empire as units of self-government

Due to the inherent power imbalance between the center and the peripheries in an empire, the impact of imperial institutions in provincial areas is generally limited.²³ Against this background, ‘weak statehood’ does not so much appear as a symptom of political crisis reflected in the state’s inability to exercise political power or to provide its citizens with necessary means of subsistence, but instead as an attempt to manage the empire’s available resources with the main goal of securing political dominance at the lowest possible cost.²⁴

In the provinces, the Roman Empire was represented by the provincial governor and a relatively small administrative staff. In the case of *Mauretania Caesariensis*, the province was governed by a *procurator* until the second half of the 3rd century; the fact that the provincial governor was not of senatorial but only of equestrian rank indicates that, at this time, the province held a relatively low position in the administrative hierarchy of the empire. Only from the later 3rd century onwards did the governors, who

deal with holy virgins who became victims of violence by some barbarians; however, it does not become clear from the letter when the case in question occurred, see Leo *ep.* XII 8.

20 For the North African *regnum* of the Vandals see Berndt (2007) 175–257 and Merrills/Miles (2010).

21 According to Proc. *bell.* IV 5, 5 and 20, 30–32, the Byzantines occupied the city of Caesarea, but were not able to gain control of its hinterland; see also Conant (2007) 196–251.

22 For the Muslim conquest and early Islamic North Africa see Kaegi (2010); for settlement patterns and cities Fenwick (2020) in particular 53–103.

23 Münkler (2005) 41–50.

24 Pfeilschifter *et al.* (2020); in addition, see also Kötter (2007); Risse (2007); Risse/Lehmkuhl (2007); Börzel (2008); Call (2010); Nay (2013); Börzel *et al.* (2018); Mohamad-Klotzbach (2020).

then held the title of a *praeses*, were of senatorial rank.²⁵ Despite certain differences in administrative organization that existed between the provinces of the empire, as for example offices adapted to specific local or regional needs,²⁶ the number of officeholders who assisted the governor, in principle did not depend on ‘hard facts’ such as the spatial extent or settlement density of the province.²⁷ With regard to directly exercising political power this means that governors either had to travel their province more or less permanently or communicate with urban or rural communities in written form, as for example by exchanging letters. With regard to spatial dimensions and speed of communication, it is nevertheless plausible to assume that more remote areas of a province particularly remained largely untouched by the provincial government.²⁸

For securing the interests of the empire, therefore, the political organization below the provincial government played an important role. At this level, in somewhat simplistic terms, a province was nothing more than a patchwork of various self-governing units, such as cities and small towns of varying legal status and their assigned surrounding territory, *pagi* and *saltus* as forms of local districts, villages (*vici*), and, especially important in the North African provinces, the vast agricultural estates (*fundi* or *latifundia*) of the rural countryside.²⁹ To make the picture even more complex, a general dividing line did not only run between those urban communities that at some point received a legal status according to Roman law and those that did not. In addition, fine legal nuances existed, reflected for example in different legal statuses, such as Roman law or Latin law, *municipium* or *colonia*.³⁰

25 For patterns of organization of provincial administration cf. Eck (1997) and König (2007) 195–199; especially for the North African provinces Thomasson (1982); for prosopographical details about the provincial governors cf. Thomasson (1996).

26 One example is the office of the *praefectus gentis* with which the Roman Empire aimed at addressing the specific task of gaining control over nomadic populations, cf. Weiß (2006) and Syrbe (2022) ch. 5.1.2. and 5.1.3. For modes of nomadic integration in *Mauretania Tingitana* cf. Weiß (2002/2003 [2005]).

27 Eck (1997) 176–177.

28 Communication between the governors and the cities of the province has been analyzed in particular for the Roman East, see Meyer-Zwiffelhofer (2002), in particular 227–237; for the situation in Late Antiquity cf. Slootjes (2006), in particular 25–39.

29 For the *pagi* and *vici* of the Western part of the Roman empire see Tarpin (2002); for late antique North Africa Dossey (2010) 101–124; concerning the organization and administration of agricultural estates in North Africa Flach (1978) and Flach (1982); Kehoe (1988).

30 Ausbüttel (1998) 39–46 and in particular Zuiderhoek (2017) 78–98; instructive examples from North Africa are Leptis Magna and Gighthis, both in Tripolitania: Leptis Magna received honorary promotions to *municipium* in 74/77 CE and to *colonia* in 109 CE, eventually benefitting from being the hometown of the emperor Septimius Severus by receiving the *ius italicum* and thus became at least *de iure* equal to the cities of Italy, the core land of the empire. Gighthis, in contrast, tried several times to be promoted to *municipium* but was rejected (CIL VIII 22737 = ILS 6780) until the emperor Antoninus Pius granted both the status of a *municipium* and *ius Latium maius* (CIL VIII 22707 = ILS 6779), cf. Mattingly (1996) 116–122 and 128–131.

As one consequence of legal privileging, governmental structures of local urban communities were often reorganized according to patterns long-established since the Romans increasingly brought Italy under their control during the 2nd and 1st century BCE. At least according to pure doctrine, urban communities under Roman law were governed by a city council composed of the members of the city’s socio-economic elite, the *ordo decurionum*. Two senior officials, the *duumviri*, ran the affairs of the city for a year according to the principle of collegiality; other subaltern magistrates, such as the *aediles* or the *quaestores*, and additional administrative staff, such as city scribes or public slaves, were responsible for specific administrative tasks.³¹

On the other hand, it was not just the urban communities that did not obtain a Roman legal status that maintained traditional administrative structures and offices, but even cities that did receive a Roman legal status also incorporated traditional institutions into the mechanics of their administration. Therefore, as shall become clear later, the picture of municipal administration on provincial grounds emerging mainly from the epigraphic sources is not that clear-cut as one might think. Especially in Roman North Africa, urban communities, even after receiving a Roman legal status, maintained offices from pre-Roman times. Therefore, forms of local government are often characterized by the appearance of different elements from different traditions, but, unsurprisingly, with shades in between.³² Nevertheless, when tracing continuities and changes in local government it is important to keep in mind what the ‘standard pattern’ of Roman municipal government looked like, even if it only represented an idealized form.

In sum, therefore, one could say the organizational basis of the Roman Empire was a multitude of various forms of local self-governing units. Options of the imperial government to directly intervene in local communities were mainly limited to fiscal administration.³³

31 Alföldy (1984) 109–112; Ausbüttel (1998) 42–43; Galsterer (2010). To become a member of the *ordo decurionum*, a minimum wealth was required, which varied from city to city between 4,000 and 20,000 *sestertii* in Italy and up to 38,000 *sestertii* in Carthage, cf. Alföldy (1984) 110 and Ausbüttel (1998) 42.

32 See for example Fentress (2021) 169–172 on the so-called “double communities”; see also Cordovana (2012a) 280–292.

33 Ausbüttel (1998) 69–74; from the 1st to the 3rd century CE, the most important imperial office for exercising financial control over provincial cities was the *curator rei publicae*, the majority of which is attested for the province of *Africa Proconsularis*, cf. Jacques (1982).

How to approach local government in Roman Mauretania?

Despite the relatively detailed information about the urban communities of the Mauretanian provinces in early imperial literary sources such as Pliny and Strabo,³⁴ more specific insights into the institutions of municipal self-government in particular of cities and small towns of *Mauretania Caesariensis* come from the epigraphic material. Although an epigraphic tradition already existed in pre-Roman times,³⁵ the cultural practice of setting up inscriptions on durable materials such as stone began to increase in the Mauretanian provinces since the 1st century CE. Compared to other parts of the Roman world, an epigraphic culture developed with some delay, driven by the deployment of Roman soldiers and the settlement of Roman citizens in the region. This practice reached its peak late, more specifically after the 3rd century CE, at a time when numbers of inscriptions were already declining in other regions of the Roman world. Over time, a specific regional epigraphic culture developed in Mauretania, as in other regions of the empire, which is characterized, for example, by a typical use of name patterns and, particularly important, dating formula. Compared to other provinces of the Roman Empire, the use of a specific local era, the *anno provinciae*, for example, allows for a relatively precise dating of the epigraphic material from the Mauretanian provinces.³⁶

Different types of inscriptions, for example funerary, building or honorific inscriptions, refer to institutions of local self-government. The most important feature these inscriptions have in common is their visibility in public spaces by which they addressed large and multifaceted audiences and became the medium of communication.

Epigraphic material can be analyzed with qualitative and quantitative approaches. Qualitative approaches are a well-known but well-trodden path. When scanning epigraphic material for direct information about municipal self-government, such as municipal institutions or individual careers, it is important to keep in mind that because of the significant variations in the numbers of surviving inscriptions – depending on local epigraphic habits, post-antique settlement developments and modern archaeological research – proof of positive evidence often is like a lucky shot. Therefore, qualitative approaches to epigraphic material, and in particular driving comparison between different regions of the Roman Empire, runs at the risk of overemphasizing single finds.

³⁴ Strab. XVII 3, 1–13 (824C–832C); Plin. *nat.* V 1, 1–21.

³⁵ Roschinski (1979).

³⁶ For the development of an epigraphic culture in the early imperial period see Alföldy (1991), and for the general development of the epigraphic habit see Meyer (1990). See also Witschel (2017), and for a comparative perspective from Leptis Magna see Tantillo (2017).

In contrast to qualitative approaches, quantitative approaches allow for much more general and long-term observations, especially concerning interrelations between local communities and the provincial government. A necessary prerequisite is, of course, that a sufficiently large number of inscriptions, allowing for statistical analysis, have survived from the respective sites under investigation. Based on epigraphic corpora and journals, the Epigraphic Database Clauss/Slaby (EDCS) has collected a dataset of 5546 inscriptions in total for the province of *Mauretania Caesariensis*.³⁷ The majority of inscriptions come from the cities in the Eastern part of the province with the provincial capital of Caesarea (1654 inscriptions) and Sitifis, the capital of the late antique province of *Mauretania Sitifensis* (704 inscriptions), providing the highest numbers of inscriptions. For the cities of the Western part of *Mauretania Caesariensis* the number adds up to about 770 inscriptions collected in the EDCS database. Of course, not all of these inscriptions provide relevant information about local government. For quantitative approaches it is important to keep in mind that the available epigraphic material is very unevenly distributed among the different cities, ranging from less than 10 to more 300 inscriptions per place. In particular, the city of Altava must be considered an exception due to a comparatively good state of research and publication (see Tabs. 1 and 2). As a consequence, for statistical reasons, the quantitative parts of the following analysis will include only those places from which more than eighty inscriptions have survived. Material from other sites providing lower numbers of inscriptions will not be completely ignored but will be used for accessing qualitative information.

Tab. 1: Inscription from cities of MaurCaes, coastal zone.

Ancient city name	Quizá Cenitana	Portus Magnus	Portus Divinus	Regiae	Albulae	Siga
Modern name	Sidi Belattar/ Pont du Chelif	Béthioua	Oran	Douar Arbal	Aïn- Témouchent	Takembrit
No. of surviving inscriptions	9	90	5	44	88	5

³⁷ Epigraphic Database Clauss/Slaby, https://db.edcs.eu/epigr/epi.php?s_sprache=en.

Tab. 2: Inscription from cities of MaurCaes, inland zone.

Ancient city name	—	Cohors Breucorum	Aqua Sirensis/ Ala Milliaria	Caputtasaccora	Altava	Pomaria	Numerus Syrorum
Modern place name	Tiaret	Hr. Souik	Beniane	Sidi Ali Benyoub	Ouled Mimoun	Tlemcen	Lalla Maghnia
No. of surviving inscriptions	26	8	34	4	350	83	42

Case Study: The urban communities of Western *Mauretania Caesariensis*

Urban settlements in the province of *Mauretania Caesariensis* mainly concentrate in two clusters, one centered around the city of *Iol Caesarea* (modern day Cherchell), the traditional center of Mauretania since pre-Roman times and later the provincial capital of the Roman province of *Mauretania Caesariensis*,³⁸ the other one in the western part of the province.³⁹ This second cluster, which is at the center of the following analysis, includes thirteen settlements in total; six of them are located in the coastal plains, and connected to the east, to the provincial capital of *Iol Caesarea*, by the coastal road. Another seven settlements were located further inland, in the mountainous regions of the Tell Atlas, and were connected by a second road heading to the east through the mountains.⁴⁰ Five of these seven settlements probably go back to the deployment of military units at the frontier of the Roman Empire or, in the case that these settlements had pre-Roman roots, the presence of the military at least strongly influenced the development of these settlements.⁴¹ As becomes clear from the network of Roman roads in *Mauretania Caesariensis*, there seems to have been no road connection between the Western part of the province and the ‘neighboring’ province of *Mauretania Tingitana* further to the west. The

³⁸ For Caesarea see the comprehensive study by Leveau (1984); for additional archaeological information about the city in Late Antiquity see Potter (1995).

³⁹ For a topographic overview see Barrington Atlas (2000) maps 29–31.

⁴⁰ According to the classification by Hobson (2020) 297–301 all settlements included here are classified as 3a (size of 20–49.9 ha, existence of public monuments, status of *municipium* or *colonia*), 4a (< 20 ha/unknown size, public monuments, *municipium* or *colonia*), or 5a (< 20 ha/unknown size, no public monuments but evidence of self-government) sites on a scale ranging from 1 to 8.

⁴¹ This applies to most of the inland places, as for example Numerus Syrorum, cf. Speidel (1977), Pomaria, cf. Southern (1989), Altava, cf. Courtot (1986) and Ruiu (2004), Ala Milliaria, cf. Lenoir (1986) and Salama (1986), and Cohors Breucorum, see CIL VIII 21560 and 21561.

cities of Western *Mauretania Caesariensis* were, so to say, at the dead end of inter-provincial connections.⁴²

Urban settlements and legal status

A suitable qualitative starting point for examining urban communities is the question of how the cities of Western *Mauretania Caesariensis* fit into the pattern of the legal status of cities in the Roman Empire. From Pliny’s list of cities and small towns it becomes clear that in terms of municipal legal status, the western and the eastern part of *Mauretania Caesariensis* differed remarkably even in the 1st century CE. While Pliny lists a number of places in the eastern part of the province that held either the status of a *colonia* or that of a city of Latin law (*ius Latii*), he refers to all urban places in Western *Mauretania Caesariensis* by the term *oppidum*, indicating that these places did not have Roman legal status at all.⁴³ An interesting detail is that Pliny refers to Portus Magnus as an *oppidum civium Romanorum* and thereby pointing to a certain presence of Roman citizens there.⁴⁴

From the epigraphic material it is possible to trace changes in legal status, at least for some of the cities and small towns in the region; nevertheless, the surviving inscriptions offer only limited insights so that secure conclusions are often not possible. At least for Siga the status of a *municipium* is attested in an early-3rd century inscription.⁴⁵ For other places, references to municipal institutions, such as a city council (*ordo decurionum*), as for example in the case of Portus Magnus,⁴⁶ or to municipal magistrates, as for example in Quiza, Albulae, Ala Milliaris, and Caputtasaccora, can be interpreted as indirect evidence that these cities received a Roman legal status, probably that of a *municipium*, at some point. However, for more than half of the places in the region, seven out of thirteen, the legal status either cannot be clearly determined or the silence of sources indicates that these urban communities never received any legal status according to Roman law (see Tab. 3).

The epigraphic material from Altava allows for a more detailed analysis. In many respects, the development of the city followed trajectories well-established in the Roman world. Perhaps going back to pre-Roman settlement activities, the development of the place actually started to gain momentum only as a result of the deployment of military units. By the end of the 2nd or beginning of the 3rd century CE, Altava had

⁴² Barrington Atlas (2000) map 29; see also the discussion by Rebuffat (1971) and Speidel (1977) 169–172.

⁴³ Plin. *nat.* V 18–21.

⁴⁴ Plin. *nat.* V 19; cf. Teutsch (1962) 27–51.

⁴⁵ AE 1934, 80.

⁴⁶ CIL VIII 21615.

turned into an urban settlement.⁴⁷ Nevertheless, it seems that Altava did not acquire Roman legal status at any time. The relatively high number of inscriptions from the city makes it unlikely that related information simply did not survive; quite to the contrary, as shall become clear below, references to specific municipal offices indicate that the city indeed was never integrated into the Roman legal system. This does not only mean that the structure and organization of the city administration followed pre-Roman traditions until Late Antiquity, but before the general granting of citizenship rights to all inhabitants of the Roman Empire in 212 CE, large parts of the city's population probably did not hold Roman citizenship.⁴⁸

Returning to the overall picture, it is interesting to note that in the case of four out of the six cities the status of a *municipium* is attested only since the 3rd century CE or even later; the only exception being Quiza, which seems to have been promoted at the end of the 1st or beginning of the 2nd century CE (for the remaining two the date of promotion is unknown) (Tab. 3).

A completely different picture emerges from the urban communities in the eastern part of *Mauretania Caesariensis*. In this region, all ten cities received Roman legal status at some point, either that of *municipium* or even of a *colonia*, a legal status no city in the West achieved. Some, as for example Gunugu, Cartenna, Saldae, and Igilgili, were promoted to *colonia* very early, often as veteran settlements in the time the emperor Augustus.⁴⁹ The contrast between cities in the west and the east becomes even more striking when taking in account that of the three eastern cities for which the status of *municipium* is documented, two, Tipasa and Auzia, were later promoted to a *colonia* (Tab. 3).

There is also a remarkable spatial differentiation. With the exception of Albu-lae, all other cities that received the status of a *municipium* in Western Mauretania were situated in the coastal plain, although not necessarily on the coast. In contrast to these places, it seems that the integration of settlements into the Roman legal system was less intense in inland areas and most of the settlements in mountainous regions never received Roman legal status at all.

The comparison with the cities of Eastern *Mauretania Caesariensis* again illustrates how unusual this situation is. Here, not only did coastal cities become *coloniae* at an early stage, but sites further inland also received a Roman legal status. Tipasa, for example, first became a *municipium* in the middle of the 1st century CE and advanced to *colonia* at some point in the middle of the 2nd century CE; Sitifis, the capital of the late antique province of *Mauretania Sitifensis*, was granted the status of a *colonia* in the time of emperor Nerva, at the end of the 1st century CE; and became provincial capital at the beginning of the 4th century CE.⁵⁰ From these promotions of status, it seems that

⁴⁷ Courtot (1986); Ruii (2004); Gebbia (2006).

⁴⁸ Cf. Witschel (2006) 192.

⁴⁹ Teutsch (1962) 190–205.

⁵⁰ CIL VIII 8473; cf. Lepelley (1981) 497–503.

the dynamics of legal integration were not only much slower for the cities of Western *Mauretania Caesariensis* but, when compared to the cities of the eastern part of the province, also less significant.

Tab. 3: Legal status of cities in MaurCaes.

Region	City	Legal status	Date	Reference
Western MaurCaes	Quiza	<i>oppidum peregrinorum municipium?</i>	Later 1 st c. CE (acc. Pliny) End of 1 st /beginning of 2 nd c. CE; between 80 and 128 CE	Lepelley (1981) 540–541
	Portus Magnus	municipium?	not clear; under Caracalla or early 3 rd c. CE?	CIL VIII 21615
	Portus Divinus	not clear	—	—
	Regiae	not clear	?	Lepelley (1981) 542
	Albulae	not clear; <i>municipium?</i>	? (evidence from period of first tetrarchy, ca. 300 CE)	Lepelley (1981) 521–522
	Siga	<i>municipium</i>	not clear; Caracalla/early 3 rd c. CE?	AE 1934, 80
	(Tiaret)	not clear	—	—
	Cohors Breucorum	non (military site)	—	—
	Ala Milliaria	not clear; <i>municipium?</i>	? (evidence from period of first tetrarchy, ca. 300 CE)	Lepelley (1981) 520–521
	Caputtasaccora	not clear; <i>municipium?</i>	?	CIL VIII 21716
	Altava	non	until end of 6 th c. CE	Lepelley (1981) 522–534 Witschel (2006) 192
	Pomaria	not clear <i>r(es) p(ublica) P (omarium)</i>	? ca. 220 CE	BCTH 1918, 143
	Numerus Syrorum	non (military site)	—	—

Tab. 3 (continued)

Region	City	Legal status	Date	Reference
<i>Eastern MaurCaes</i>	Iol Caesarea	<i>colonia</i> and provincial capital	Claudius (41–54)	Lepelley (1981) 513–520
	Tipasa	<i>municipium colonia</i>	Claudius (41–54); 46 CE Hadrian or Antoninus Pius; before 146 CE	Lepelley (1981) 543–546
	Icosium	<i>colonia</i>	before Vespasian, already first half of 1 st c. CE?	Lepelley (1981) 539–540
	Auzia	<i>municipium colonia</i>	End of 2 nd c. CE Septimus Severus and Caracalla = early 3 rd c. CE	Lepelley (1981) 534–538 Witschel (2006) 193
	Rapidum	<i>municipium</i>	under Severans; mid–3 rd c. CE?	Lepelley (1981) 541–542 Witschel (2006) 192–193
	Gunugu	<i>colonia</i>	<i>colonia</i> founded under Augustus (33/25 BCE)	Teutsch (1962) 203–204 Lepelley (1981) 538–539
	Cartenna	<i>colonia</i>	<i>colonia</i> founded under Augustus	Teutsch (1962) 204–205
	Sitifis	<i>colonia</i> provincial capital	Nerva (96–98) Constantine (306–337) = beginning of 4 th c. CE	Lepelley (1981) 497–503
	Saldae	<i>colonia</i>	<i>colonia</i> founded under Augustus	Teutsch (1962) 195 Lepelley (1981) 505–508
	Igilgili	<i>colonia</i>	<i>colonia</i> founded under Augustus	Teutsch (1962) 194 Lepelley (1981) 504

Individuals and legal status

The question of the legal integration also applies to individuals. In particular, the high number of inscriptions from Altava allows for a more detailed quantitative case study. 274 individuals are known from the city, most of them from funerary inscriptions. When analyzing the name patterns of these individuals, three aspects stand out.

First, the relatively broad variety of family names is noticeable. Almost half of the epigraphically attested names occur four times at most, but many of them only once.

Second, from the broader perspective of the Roman world, a local component can be observed. Some of the names that appear at least ten times in the epigraphic record, as for example Caecilius/Caecilia and Crepereius/Crepereia, occur most often in North Africa but are rare in other provinces of the empire. These names seem to be anchored in local society (Tab. 4).

Family names from Altava also allow for conclusions about the granting of Roman citizenship to individuals. The Roman name pattern reflects a social practice in which a non-Roman individual took the name of the person who granted citizenship to him or her. Against that background, it is interesting to note that nearly one fourth of the individuals attested in the epigraphic material from Altava bears the family name Iulius, which indicates that the family received citizenship under the Julio-Claudian emperors, maybe as early as in the time of emperor Augustus. Later, the Flavian emperors seem to have played some role, but in general, the granting of citizenship seems to have stagnated until the early 3rd century CE, when, as the characteristic family name Aurelius/Aurelia indicates, Roman citizenship was granted to all inhabitants of the Roman Empire by the emperor Caracalla in 212 CE.⁵¹ In general, the pattern of granting Roman citizenship documented in the epigraphic record from Altava fits well into the general Mauretanian trend, which in turn was quite different from other regions of the empire, such as Gaul or the Greek-speaking East (Tab. 4 and Fig. 1).

Tab. 4: Family names in Altava, MaurCaes.

Ulpus/-a	7
Titus/-a	10
Caecilius/-a	13
Crepereius/-a	14
Flavius/-a	16
Aurelius/-a	24
Iulius/-a	63
other	127
<i>Total</i>	<i>274</i>

⁵¹ For the *Constitutio Antoniniana* and the general granting of Roman citizenship see Wolff (1976) and Imrie (2018).

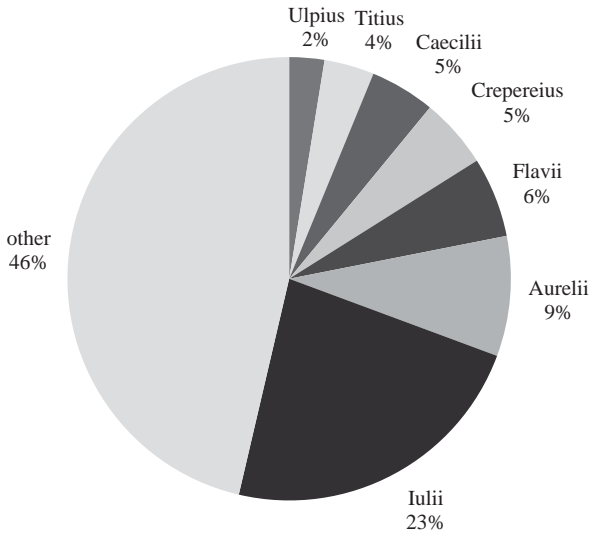


Fig. 1: Family Names in Altava (by author).

Third, some of the names attested in the epigraphic material from Altava refer to decidedly local, indigenous North African contexts. These names contain references to geographic or ethnic contexts, as for example in the case of Fannius Africanus or Iulia Africana, both named “the African”, or Flav(ius) Mazic(a?), the name probably referring to the indigenous Mauretanian tribal group of the Mazices, or Aurelia G(a)etula, referring to the nomadic tribal group of the Gaetulians.⁵² Other names are linguistically connected to the indigenous spheres, as for example in the case of Aurelius Sammac, Fabbia Macaris, Caecilius Maccal.⁵³ Even more interesting are individuals who bear a Roman name to which an indigenous name is added by the phrase *qui et* (which could be translated as “*who (also) is*”).⁵⁴ These inscriptions find parallels in other parts of North Africa and can be interpreted as ‘dual names’ – one for addressing a Roman, the other a local, maybe indigenous audience in the communication process.⁵⁵

⁵² Fannius Africanus: CIL VIII 9857; Iulia Africana: IdAltava 91; Flav(ius) Mazic(a): CIL VIII 21737; Aurelia G(a)etula: IdAltava 135.

⁵³ Aurelius Sammac: CIL VIII 9847 = CIL VIII 21728 = IdAltava 82; Fabbia Macaris: IdAltava 118; Caecilius Maccal: IdAltava 128.

⁵⁴ IdAltava 30, dated to 327 CE: *Ul/pi Sereni q/ui et Maccal*; IdAltava 99, dated to 390 CE: *Iuni Turturi qui et Macca/lis*.

⁵⁵ For comparable phenomena in Roman Tripolitania see Mattingly (1996) 166–167.

Municipal Institutions

Returning to the cities, the question arises of how urban communities organized self-government and municipal administration? A qualitative examination of the epigraphic material for institutions of local self-government reveals more complex structures than one might expect. Unsurprisingly, the typical and tested Roman institutions, such as the *ordo decurionum*, the *duumviri*, and the usual administrative staff, appear in those cities which adopted the Roman forms of municipal self-government and eventually received Roman legal status.

At the other end of the spectrum, there are cities which more or less completely maintained traditional social structures and administrative hierarchies. The city Altava for example did not have an *ordo decurionum* based on the Roman model, but it seems that the city had two *ordines*, the *primores* of the city,⁵⁶ and the *secundiones*.⁵⁷ The top of the municipal hierarchy was not formed by the *duumviri*. Instead, it seems that a *prior* presided over a collegium, the *decemprimi*, which, according to its name, was composed of ten men.⁵⁸ Unfortunately, the fragmented nature of the sources does not allow for more detailed conclusions about how different players documented in the inscriptions related to each other as parts of the system of local self-government of the city, nor is it possible to say how such a locally attested system worked in practice. Nevertheless, it becomes clear from the epigraphic material that structures of local self-government, as the example of Altava demonstrates, could be completely different from the model of municipal organization applied to cities that had been granted Roman legal status. Local self-government, in that case, was strongly anchored in pre-Roman traditions of self-organization.

For other cities in the western part of *Mauretania Caesariensis*, patterns of municipal organization are more complex. Some communities partly adopted the Roman model but also maintained traditional institutions of self-government. A telling example comes from Albulae. The status of a *municipium*, which the city seems to have received, can only be grasped for a later date, around 300 CE. The relevant inscription, set up on the occasion of the renewal of the city's temple of the *dea Maura* in 299 CE, on the one hand mentions the well-known Roman municipal institutions of *duumviri* and *aediles*. On the other hand, the generous benefactor C(aius) Iul(ius) Fortunatus

56 IdAltava 67, dated to 349 CE: *Pro sal[ute atq(ue)] incolumi/tate dd(ominorum) nn(ostrorum) Imp(eratorum) Co(n)stanti et / Co(n)stans Augg(ustorum) muru(m) et porta(m) nova(m) / et turres a solo Statulenus Felix / disp(uncor) una cum primores ded[i]/cavit (!) p(rovinciae) CCCX.*

57 IdAltava 29, dated to 326 CE: *D(is) M(anibus) s(acrum) / Iuli Victoris / unus ex {s}secund/onibus vicsit a(n)/nis LVIII dis(cessit) di/e XVI K(alendas) Nove(mbres) / patri dul(cissimo) po(sui) a(nno) p(rovinciae) / CCLXXXVII.*

58 IdAltava 273, of unknown date: *D(is) M(anibus) s(acrum) / Titius Faussanus / prior civitatis suae / ex decemprimis vixit / annis XC me(nsibus) IIII et Titi/us Cocceius vixit annis / XXI me(n)ses (sic!) VI et Titius Victor / nepos vixit annis XI Do/natus et Castorius pa(tri) b(e)n(e) m(erenti) et dul(cissimo) fecer(unt).*

presents himself in the same inscription as *cur(ator)* and *disp(uncor)*, thereby using a Roman and a traditional, non-Roman title in parallel.⁵⁹ The fact that these offices are mentioned in the same inscription indicates that the governmental institutions of the city integrated elements drawn from Roman as well as traditional local contexts. At the same time, this inscription serves as a warning not to generalize too much from single pieces, as it happens, for example, when references to municipal magistrates are interpreted as evidence of a certain form of governmental organization. The example of the Albulae inscription nicely demonstrates that the organization of local self-government did not follow a black-and-white scheme; instead, it often appears as a wide spectrum with ‘Roman’ and ‘indigenous’ elements at the opposing ends but many colors fading into each other in between.

Nevertheless, it should be mentioned that even urban communities that largely maintained traditional structures of local self-government and administration were not necessarily detached from the impact of the Roman Empire. Even a city like Altava with its very traditional governmental structures actually adopted Roman patterns in one particular field of local self-government, namely church organization. Therefore, a quite standardized ecclesiastical hierarchy with a bishop on top, priests (*presbyter*), and deacons (*diaconus*) appears in the epigraphic record. Even the cult of a local martyr is attested.⁶⁰

Relation to the imperial level

How were these cities connected to the imperial level? If inscriptions are considered to be media that create a virtual presence of the honored person, the number of inscriptions set up for governors and emperors in the public spaces of the cities provides insights into the interrelation between the particular city and the empire. Against that background, it is telling that with the exception of the port city of Portus Magnus, at all other sites in Western Mauretania with an epigraphic record of more than fifty inscriptions, the percentage of inscriptions referring in some way to an emperor is only between five and, less than ten percent (see Tab. 5).

⁵⁹ CIL VIII 21655 = ILS 4501 = AE 1889, 89: *Imp(eratoribus) Diocletiano et Maximiano Augg(ustis) et Constantio / et Maximiano nobilissimo(s) (sic!) Caess(aribus) C(aius) Iul(ius) Fortunatus cur(ator) / ac disp(uncor) rei p(ublicae) Albul(ensium) temp(orum) [d]eae Maurae ad pristinum / statum reformavit [du]umvira[t]u C(ai) Iul(i) Gaitatis Iun(ioris) / et L(uci) Sei Felicis aedilicio (sic!) L(uci) Arri Privati et C(ai) Muci Mu(ciani) Iun(ioris) et Aur(eli) Dom[—] Str(et) et Aur(elium) / Quintum et (A)em(ilius) a sua / ex(h)iberunt T(itus) Fl(avius) [Fortun]atus scripsit / anno p[rovinci]a(e) CCLX.*

⁶⁰ For the bishop see IdAltava 197; presbyter: CIL VIII 21742 = IdAltava 190; diaconus: IdAltava 138. Even a cult of a local martyr named Ianuarius is attested, see IdAltava 19 and AE 1969/70, 737b; see also AE 1969/70, 737c.

A more detailed analysis of the material reduces this percentage even further. In Altava, for example, almost two-thirds of the documented references to an emperor appear on milestones and were related to the construction or renewal of roads, which is by definition an imperial project. Only one-third of the documented references to emperors come from dedications set up in the public space of the city. For the city of Portus Magnus, the typological distribution is somewhat different; here about half of the references to an emperor are attested on milestones, the other half from public dedications.

Tab. 5: References to emperors (Western MaurCaes).

	Portus Magnus	Albulae	Altava	Pomaria
n total	90	88	350	83
n emperors (textually attested + supplemented)	17 (14 + 3)	4	19 (18 + 1)	6 (5 + 1)
%	18,8	4,5	5,4	7,2
n emperors on milestones total (textually attested + supplemented)	8 (6 + 2)	1	12 (11 + 1)	6 (5 + 1)
% milestones/n total emperors	47,1	25	63,2	100

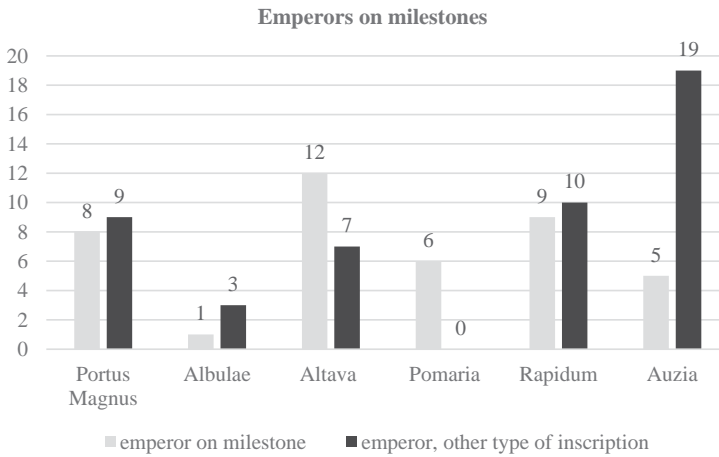
For comparison, a closer look at the situation in Rapidum and Auzia, in the eastern part of the province is interesting (see Tab. 6 and Fig. 2). Both cities possibly have pre-Roman roots; they were transformed under the influence of Rome and eventually gained Roman legal status.⁶¹ In both cities the percentage of inscriptions referring to an emperor is clearly higher than that observed for Albulae, Altava, and Pomaria; and much closer to the numbers registered at Portus Magnus: about ten percent for Auzia and about fifteen percent for Rapidum. Even more interesting is that in both cities the majority of the surviving references to emperors do not come from milestones; especially in Auzia building inscriptions and honorific inscriptions clearly dominate the record.

As for references to provincial governors in the inscriptions from the province of *Mauretania Caesariensis*, the picture is less clear (see Tabs. 7 and 8). Besides the rather small number of references, almost all of them come from milestones which were set up on behalf of the provincial governor himself as the representative of the empire. Therefore, attestations of governors on milestones do not allow to draw broader conclusions concerning interrelations between the provincial government and the local level any more than to a very limited extent.

61 See Laporte (1985) for Rapidum and Camps (1990) for Auzia.

Tab. 6: References to emperors (Eastern MaurCaes).

	Rapidum	Auzia
n total	117	249
n emperors (textually attested + supplemented)	19	24
%	16,2	9,6
n emperors on milestones (textually attested + supplemented)	9 (8 + 1)	5
% milestones/n total emperors	47,3	20,8

**Fig. 2:** Comparison of references to emperors on milestones/other types of inscriptions (by author).**Tab. 7:** References to provincial governors (Western MaurCaes).

	Portus Magnus	Albulae	Altava	Pomaria
n total	90	88	350	83
n governors	2	1	11	7
%	2,2	1,1	3,1	8,4

Nevertheless, it seems that provincial governors, although officially representing imperial rule in provincial territories, did not play a significant role in social and political communication in public spaces, at least not in the cities of Western *Mauretania*

Tab. 8: References to provincial governors (Eastern MaurCaes).

	Rapidum	Auzia
n total	118	249
n emperors	7	7
%	5,9	2,8

Caesariensis – in other words, provincial governors seem to have been not very present in the perception of local communities in this region.

Concerning the links between the local and the imperial level, it is also interesting to take a look at evidence of patronage. Influential individuals that made a career, for example in imperial service, often served as patrons of cities. These patrons stood up for and, if necessary, defended the interests and rights of ‘their’ particular city, for example against claims of the imperial administration or with the goal of gaining privileges for the city. Often, but not always, patrons spoke out for their home cities, but it was also possible that the same individual acted as patron for more than one city. In return for his service, the patron gained social prestige by being publicly honored with statues or inscriptions commemorating his deeds for the city in public space.⁶²

Turning to the specific Mauretanian situation, it easily becomes clear from the surviving inscriptions that compared to the provinces of *Africa Proconsularis* and *Numidia*, the numbers of public patrons in the province of *Mauretania Caesariensis* are low. Again, the contrast between cities of the western and the eastern parts of the province is particularly striking. From Eastern *Mauretania Caesariensis*, for example, eight city patrons are known from Auzia, and fifteen non-private patrons from the provincial capital of Caesarea, among them patrons of the city, of the province, and of military units (see Tab. 9). In contrast to that, from cities in the western part of *Mauretania Caesariensis*, only one city patron is documented from the city of Quiza.⁶³ This imbalance must have resulted in a more or less complete lack of an important link between the cities and the imperial level that must have often resulted in a lack of support for the cities in this part of the province.

⁶² For a study of Roman patronage focusing on the example of Greek cities see Eilers (2002).

⁶³ CIL VIII 9699 from Quiza: *Memoriae / C(ai) Iuli Extri/cati fili(i) sui / dulcissimi atq(ue) / innocentissimi / C(aius) Iulius Hono/ratus prince(p)s / patriae suae / disp(ensator) r(ei) p(ublicae) Q(uizen-sium) / et curator / patronus / provinciae.*

Tab. 9: Non-private patrons.

Western MaurCaes	Quiza	1
Eastern MaurCaes	Auzia	8
Eastern MaurCaes	Iol Caesarea	15

The Impact of Rome after Rome

Finally, the question remains, what happened when state power faded and the state (or to be precise: the empire) threatened to fail? The decline of Roman power in the 5th century CE made it necessary to adapt local self-government to the changing conditions or even to establish new structures. These changing needs opened up windows of opportunity for local strong men. In the region of Tiaret, for example, the so-called Djeddars, built probably at some point in the late 5th century CE, served as burial places of a local dynasty.⁶⁴

In Altava, a certain Masuna seized control of the city and its surrounding territory at the beginning of the 6th century CE.⁶⁵ Apart from the fact that the public display of his claim to be “king” of the Moors and the Romans through the medium of an inscription perfectly adopts Roman traditions of communicating power relations, and leaving aside the interesting detail that the Moors and the Romans were both described as being tribal communities, the inscription in question here provides insights in how post-Roman local strong men were able to exercise power and control.⁶⁶ The inscription mentions one prefect and two procurators, the latter being distinguished from each other by adding a field of competence, one being responsible for the *castrum*, the other for the city. Although the titles used in the inscription are clearly of Roman origin, it is impossible to determine the specific functions connected to them. Nevertheless, it seems that the ability to transfer Roman offices into a new setting of local self-government enabled the Moorish leader Masuna to stabilize his position of political power. Despite the limited presence of the Roman imperial administration in the western part of the province of *Mauretania Caesariensis*, the Roman Empire had an impact and deeply influenced the organization of political power even after its loss of direct control.⁶⁷

⁶⁴ Camps (1984); Merrills (2015).

⁶⁵ PLRE II, 734–735.

⁶⁶ IdAltava 194 = CIL VIII 9835 = ILS 859, dated to 508 CE: *Pro sal(ute) et incol(umitate) reg(is) Masunae gent(ium) / Maur(orum) et Romanor(um) castrum (a)edific(atum) a Mas/givini pr(a)ef(ecto) de Safar Iider proc(uratore) Cast/ra Severian(a) quem Masuna Altava posuit / et Maxim(us) proc(urator) Alt(avae) perfec(it) p(rovinciae) CCCCLXVIII.*

⁶⁷ Syrbe (2021) 61–66 (with further literature).

Conclusion

How does the Roman province of *Mauretania Caesariensis* fit into the concept of “weak statehood”? First of all, it should be emphasized again that self-imposed limitations of exercising direct power in provincial territories are an inherent element of imperial rule. Nevertheless, the Roman imperial government even invested resources in quite remote provincial areas, as shown, for example, by the deployment of military units and investments in infrastructure in the Mauretanian provinces. However, these investments were very much concentrated on specific areas of state control and, specifically in the case of the Roman Empire, for large parts focused on military security. Beyond the military sphere, however, Rome’s interventions remained rather limited. Especially in the western parts of *Mauretania Caesariensis* legal initiatives with the goal of integrating local communities into the Roman legal system remained a rather rare and often late phenomenon. As a consequence, institutional change of structures and mechanisms of local self-government happened slowly and with significant delays. Instead, traditional patterns of municipal self-organization and self-government were maintained, in some cases for centuries after the beginning of Roman rule. But even in communities that adopted Roman models, these new administrative structures did not completely replace traditional institutions. Local self-government, therefore, appears as a broad spectrum with Roman and traditional systems at the extremes and hybrid forms in between. The impact of the Roman Empire at its most remote North African periphery turns out not to have been ‘weak’ but rather ‘limited’ and the limits of statehood were driven by intention.

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III The Global South

China

Anna S. Hauser

Contested Spaces of Self-Governance? Local Participation in the Context of China's PV Poverty Alleviation Strategy

Abstract: 2020 was the final year of several poverty alleviation schemes initiated by Xi Jinping in 2014. Of these schemes, photovoltaic (PV) poverty alleviation has received substantial attention from scholars, as it combines two high-ranked strategic ambitions, i.e. the eradication of poverty and the promotion of renewable energy. However, the existing literature focuses predominantly on challenges related to the implementation, funding, and operation of rural photovoltaic installations in China. In contrast, little attention is paid to the role of local stakeholders in the implementation of the policy, even though PV poverty alleviation explicitly aims at long-term capacity building and international development cooperation, experience suggests that stakeholder participation is vital for the success of civil energy initiatives.

Hence, this paper examines opportunities for participation in PV poverty alleviation projects at the village level. With the help of policy analysis and discourse analysis, this paper aims at contrasting official narratives on the integration of local stakeholders with local realities. To this end, this paper draws on relevant Chinese policies as well as Chinese social media content related to PV poverty alleviation. By identifying discrepancies between official narratives and local realities of stakeholder participation in PV poverty alleviation projects, the results pinpoint the opportunities and limits of local capacity building and self-governance. In addition, the results provide a comprehensive foundation for further empirical research on poverty alleviation, participation, and local governance in the context of renewable energy deployment.

2020 年是习近平在 2014 年发起的多项扶贫计划的收官之年。作为扶贫工程之一，光伏扶贫结合了消除绝对贫困、推广可再生能源两大战略目标，受到学者的广泛关注。然而，现有文献大多研究的是光伏设备在实施、资金及运营方面的挑战，很少关注政策实施中的项目涉众，尽管光伏扶贫旨在建设长期能力，而且国际发展合作经验也表明，涉众的参与对于民用能源的成功至关重要。

鉴此，本文聚焦村级光伏扶贫项目，通过政策分析及话语分析，对比官方叙事与实际情况下的涉众参与。为此，本文将从中国光伏扶贫的政策及有关媒体内容入手，分析实际情况与官方叙事间的偏差，探究农村当地在能力建设及自我治理方面的限制及机会，以期可为可再生能源战略框架下有关攻坚脱贫、涉众参与、地方治理的未来实证研究提供研究基础。

1 Introduction

When the National Energy Agency (NEA) and the State Council Leading Group Office of Poverty Alleviation and Development (CPAD) initiated the photovoltaic (PV) poverty alleviation programme in 2014, they combined two strategic state ambitions. On the one hand, the construction of PV installations in poverty-stricken regions was seen as a contribution to eradicating absolute poverty; on the other hand, PV deployment for poverty alleviation was one instrument to promote China's solar energy industry at the same time.¹ In addition to these objectives, PV poverty alleviation also aimed at capacity building, i.e. empowering the poor population by creating employment and encouraging participation in the management of local PV projects, while also providing opportunities to participate monetarily. In other words, participation has been an integral part of PV poverty alleviation.

Participation in the context of PV poverty alleviation in China can take different forms. First, villagers and farmers may participate by renting their rooftops to enterprises, which then use these rooftops to install PV panels. In this scenario, villagers and farmers benefit from rooftop rents and, besides the possibility of using the generated electricity, they also earn a stable income from selling the surplus energy.² This paper refers to such scenarios as *monetary participation*. Second, besides monetary participation, local energy projects provide skill training and employment to local stakeholders, thus enabling long-term capacity building. This paper considers this scenario as *empowerment*. However, the understanding of empowerment in this paper also includes the opportunity for co-determination with regard to project design and implementation, as well as the extent to which local stakeholders may self-organise and become independent from external guidance.

As 2020 marked the final year of all poverty alleviation programmes, research has begun to evaluate the poverty alleviation schemes. While different schemes show varying degrees of success,³ researchers have found that the majority of projects faced similar hurdles, which primarily relate to financial, technical, and administrative weaknesses.⁴ Another weakness shared across the various programmes, though less emphasised by the majority of studies, are limited opportunities for households to participate. Consequently, local realities for poor households to participate in the respective poverty alleviation schemes diverge significantly from what the official strategy promised. However, international research indicates that participation by local stakeholders is vital for the success of local energy projects.⁵ For instance, DFID

1 Geall *et al.* (2018) 238.

2 Li/Miao (2016) 8; Zhang *et al.* (2018) 551; Wu *et al.* (2019) 587; Wang *et al.* (2020) 2.

3 Li *et al.* (2020) 13.

4 Geall *et al.* (2018) 239; Zhang *et al.* (2018) 551; Shan/Yang (2019) 266; Wang *et al.* (2020) 2.

5 Hauser (2019); Liu *et al.* (2019).

(1999) argues that institutionalising participation, i.e. embedding it in the respective country's political economy, is key to alleviating poverty.⁶

To address the divergence between official narratives and local realities, this paper aims at assessing the local realities of PV poverty alleviation, particularly with regard to stakeholder participation. Following a discursive approach using content from Chinese social media, this paper does not only provide insights into local realities, but it also allows for identifying potential problems related to stakeholder participation as well as discussing potential solutions.

2 Material and methods

Due to the Covid-19 pandemic related limitations for field research in China, this paper adopts the framework of Critical Discourse Analysis (CDA) to comprehend how local realities are communicated on social media. As research on *e-participation* indicates, social media content serves as a valid proxy for stakeholder participation.⁷ For instance, He et al. (2017) showed that despite increased censorship, e-participation via information and communication technologies (ICT) proved successful in influencing official decision-making.⁸ As the UN E-Government Survey 2020 observes, the Chinese government has been actively accommodating more opportunities to engage with the public, which has been manifested in the creation of government accounts on Chinese social media for closer interaction with the public.⁹

Yet, using e-participation as a basis for researching local realities does face certain issues. First, the increasing engagement from official government accounts can also be understood as an attempt to dilute discussions that either address sensitive content or have the potential for collective action.¹⁰ Second, as He et al. (2017) pointed out, e-participation is biased towards younger generations and tech-savvy users. Since not all stakeholder groups have equal access to ICT and the Internet, this *digital divide* may give rise to “new socio-political inequalities and democratic deficits”.¹¹ Third, ICT is prone to increased control and surveillance. This may manifest in tighter censorship, which in turn suppresses online participation.¹² On the one hand, King *et al.* (2017) showed that the Chinese government responds to sensitive social media content through ignorance or strategic distraction rather than

6 DFID (1999) 14–15.

7 He *et al.* (2017) 187. In this context, e-participation refers to public participation through information and communication technologies and the internet.

8 He *et al.* (2017) 195.

9 UN (2020) 50.

10 King *et al.* (2017).

11 He *et al.* (2017) 187.

12 He *et al.* (2017) 190.

active censorship.¹³ On the other hand, however, concerns over censorship and surveillance may affect the content that users publish on social media, leading to a discrepancy between local and *virtual* social realities. Hence, government influence and user representation are major concerns when assessing local realities on social media in China.

To comprehend official narratives and local realities of stakeholder participation in PV poverty alleviation, this paper adopts a two-pronged approach. First, to assess official narratives, this paper begins with an analysis of policy documents relevant to PV poverty alleviation. Second, to obtain an overview of local realities, this study reviewed the literature for common problems of participation in PV poverty alleviation and analysed social media content with the help of Critical Discourse Analysis (CDA). CDA is interested in the relationship between *language* and *social structures* and how this relationship contributes to the construction of social realities.¹⁴ What makes this approach *critical* is its intention to “contribute to addressing the social ‘wrongs’ of the day (in a broad sense – injustice, inequality, lack of freedom etc.) by analysing their sources and causes, resistance to them and possibilities of overcoming them”.¹⁵ Based on this intention, Fairclough (2013) proposed four stages (see Fig. 1). The first stage is concerned with identifying a *social wrong*, which can be defined as a constellation in the social order that impairs human well-being, e.g. poverty.¹⁶ The second stage proceeds by finding obstacles inherent to the social order that prevent the social wrong from being corrected. The third stage assesses whether the social order “needs” the social wrong, e.g. for legitimising unequal power relations. Finally, the fourth stage aims at developing solutions to the obstacles and finding ways to correct the social wrong.¹⁷ Rather than a mechanical instruction, however, Fairclough (2013) suggested adapting the sequence of these stages to the respective context.¹⁸

In addition to these four stages, Fairclough (2013) proposed three discourse-analytical categories to operationalise the analysis of texts and social processes. The first category, *genre*, describes “semiotic ways of acting and interacting” which manifests in varying formats, e.g. news or advertisements. The second category, *discourse*, refers to the representation of specific aspects of the world, which varies along with different positions and perspectives. The third category, *style*, approaches the narrator’s identity, which varies along with his or her role in a specific context.¹⁹ The individual’s style can in turn be assessed with the help of the indicators *modality* and

¹³ King *et al.* (2017) 496.

¹⁴ Fairclough (2013) 234.

¹⁵ Fairclough (2013) 231. Emphasis by Fairclough (2013).

¹⁶ Fairclough (2013) 231.

¹⁷ Fairclough (2013) 235.

¹⁸ Fairclough (2013) 234.

¹⁹ Fairclough (2013) 232.

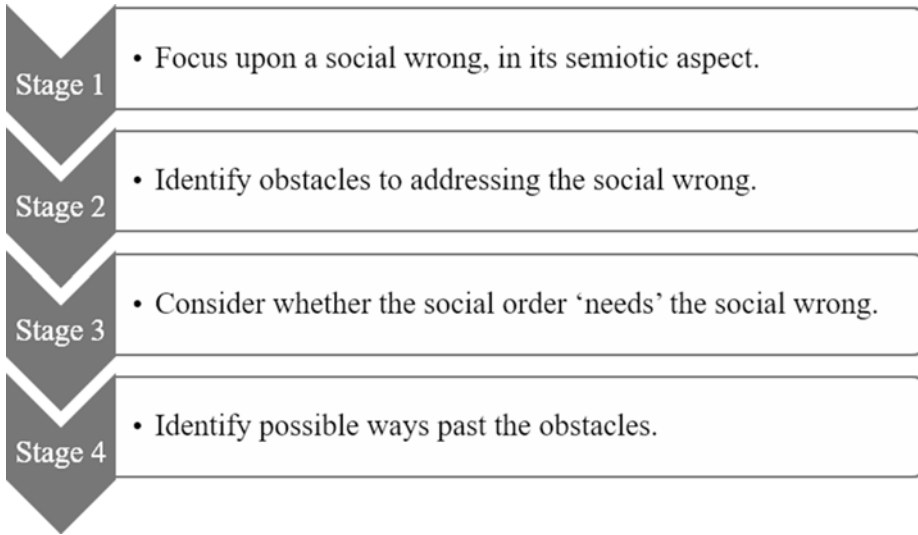


Fig. 1: The four stages of CDA (based on Fairclough [2013] 235).

evaluation. According to Fairclough (2003), modal and evaluative statements reflect “what authors *commit* themselves to, with respect to what is true and what is necessary (modality), and with respect to what is desirable or undesirable, good or bad (evaluation)”.²⁰ The indicators modality and evaluation help to analyse texts against the background of their narrators’ convictions and are thus crucial for the interpretation of their statements.

The discourse analysis draws from content on two Chinese social media platforms, i.e. Weibo and Douban, which allow access without registration. Weibo is one of the most popular social media platforms in China, with 511 million monthly active users in 2020.²¹ The Weibo sample was selected through a keyword search for “PV poverty alleviation” (光伏扶贫). Since 2020 was the final year for all poverty alleviation schemes, this study assumes that the most recent posts provide the most comprehensive insights into the local projects. Consequently, the selection was limited to the period from January 2020 and January 2021, resulting in a sample of 41 Weibo posts.

However, since Weibo is a microblog platform, posts are characterised by brief texts, which allow a limited understanding of the relevant contexts. To extend the sample of social media content with longer, cohesive texts, this study further draws from the blog platform Douban. With 7.255 million monthly active users in 2020,²²

²⁰ Fairclough (2003) 164.

²¹ Diyi Caijing (2020).

²² Hupu (2020).

Douban is also among the most popular social media platforms in China. In addition to the keyword search, the Douban sample was limited to posts that contained the word combinations “poverty alleviation” (扶贫) and “solar PV” (光伏) or “poverty alleviation” and “participation” (参与) to exclude irrelevant posts.²³ It should be noted, however, that the results of the keyword search were not displayed in chronological order. Hence, the Douban sample may not capture all posts published between January 2020 and January 2021. In addition, since posts on Douban are lengthier than Weibo posts, the sample was limited to 17 posts. Subsequently, both samples were coded with the help of MAXQDA.

To provide an overview of the official perspective on local stakeholder participation, the following chapter reviews relevant policies on PV poverty alleviation and assesses the extent to which they make room for stakeholder participation. In addition, this policy review provides insights into the official discourse on the role of local stakeholders in PV poverty alleviation, which subsequently feeds into the analysis of social media discourses and helps to differentiate official and local narratives.

3 The official perspective: How much does stakeholder participation matter?

The governance system of PV poverty alleviation involved multiple authorities. With regard to its institutional design, the NEA and CPAD shared the leadership role and received support from various government departments, research institutes and financial institutions.²⁴ As a result of these institutional overlaps, the PV poverty alleviation scheme was based on multiple policy documents, which emphasised both the development of renewable energy and poverty alleviation. Consequently, assessing the official perspective on stakeholder participation requires reviewing numerous policy documents from various government authorities. This paper focuses on the most relevant policies that touch upon PV poverty alleviation (see Tab. 1 for an overview).

Policymakers acknowledged the potential of participation for poverty alleviation projects in general, which is reflected by the fact that most of the relevant policy documents mentioned “participation” (参与). This applies, for instance, to one of the overarching documents, the *Decision on the Successful Combat Against Poverty*, issued by the State Council in 2015 (in the following abbreviated as *State Council Decision*). Throughout the *State Council Decision*, direct and indirect indications of room for participation signal a welcoming attitude, which also manifests in the

²³ These word combinations did not necessarily occur together but could also be spread across the post.

²⁴ Geall *et al.* (2018) 243.

Tab. 1: Overview of relevant policies on PV poverty alleviation.

Policy title	Issuing authorities	Stakeholder participation
Notice on the Work Plan for Solar Energy Poverty Alleviation Programme No. 447 (2014) (关于印发实施光伏扶贫工程工作方案的通知447号)	NEA; CPAD	Enterprises are encouraged participate by contributing funding or equipment.
State Council Decision on the Successful Combat Against Poverty (2015) (国务院关于印发打赢脱贫攻坚战的决定)	State Council	Emphasis on capacity building, i.e. strengthening grassroots organisations and creating employment for the poor.
Opinions on the Implementation of Photovoltaic Power Generation for Poverty Alleviation No. 621 (2016) (关于实施光伏发电扶贫工作的意见——发改能源 [2016] 621号)	NDRC; CPAD; NEA; CDB; ADBC	Enterprises shall participate in investment and construction. Participation from “the entire society” mentioned briefly.
Notice on Guiding and Mobilising Social Organisations to Participate in Poverty Alleviation No. 12 (2017) (关于广泛引导和动员社会组织参与脱贫攻坚的通知——国开发 [2017] 12号)	CPAD	Emphasis on organisations officially registered with regional departments of civil affairs.
Guiding Opinions on Supporting Social Work Professionals to Participate in Poverty Alleviation (2017) (关于支持社会工作专业力量参与脱贫攻坚的指导意见)	MoCA; MoF; CPAD	Participation refers to external actors engaging in poor villages.
Measures for the management of photovoltaic poverty alleviation power stations (2018) (光伏扶贫电站管理办法)	NEA; CPAD	Emphasis on attributing property rights for PV stations to local villagers’ committees.
Notification on Administrative Measures for Income Distribution of Village-level Photovoltaic Poverty Alleviation Power Stations (2018) (关于印发《村级光伏扶贫电站收益分配管理办法》的通知)	CPAD	Emphasis on monetary participation, i.e. distributing the income among villagers’ committees and local households.

establishment of an incentive system, i.e. a “national honour system” for poverty alleviation, which honours “organisations and individuals who have made outstanding contributions to poverty alleviation”.²⁵ Hence, the State Council signals

²⁵ NEA (2015).

that it recognises the role of participation and accommodates room for stakeholders to participate.

Overall, however, the State Council's comments on participation remain at a general level. While the State Council considers participation by the population as vital for poverty alleviation, the document does not address concrete aspects of participation in the PV projects. Interestingly, the *State Council Decision* emphasises the need for sustainable poverty alleviation, in order to “give the population a higher sense of achievement”.²⁶ This formulation is noteworthy, since “sense of achievement” relates to a personal feeling of success, which implies that the poor population has been actively involved in the eradication of poverty. However, no such opportunities for actively involving the poor population are mentioned in the document. On the contrary, the *State Council Decision* focuses on the revival of village-level Party organisations to assume a leadership role in the local execution of poverty alleviation measures. In addition, the State Council suggests establishing committees to supervise village affairs in poor villages. Under the umbrella term “Party-led village self-governance”,²⁷ the villagers are to be empowered to participate in poverty alleviation through external guidance. Generally, the State Council portrays the villagers as unable to help themselves. This image of helpless villagers is also reflected in suggestions such as contracting local Party members and volunteers to take care of poor households. This narrative, in turn, legitimises both top-down intervention and restrained autonomy of the local population. While the State Council strengthens participation by Party organisations, it omits the role of local stakeholders, implying that participation by the local population is not worth mentioning. In fact, giving Party organisations more room to participate actually shrinks the amount of room for self-organisation by local households.

CPAD's *Notice on Guiding and Mobilising Social Organizations to Participate in Poverty Alleviation* (in the following abbreviated as *CPAD Notice on Guiding*) is entirely dedicated to participation in poverty alleviation projects. This document, however, exclusively addresses “social organisations”, e.g. welfare, volunteer, and trade organisations which are officially registered with the Ministry of Civil Affairs (MoCA).²⁸ At the same time, the range of permitted activities is limited to “psychological counselling, livelihood support, capacity enhancement and rights protection for the poor, as well as skill training, employment assistance and livelihood development”.²⁹ In addition, organisations are not invited but rather morally obliged to participate. With these clear guidelines on participation, the document evokes the impression that organisations are discouraged from taking the initiative to help in poverty alleviation projects, but rather supposed to fit in the hierarchical structure

²⁶ NEA (2015).

²⁷ NEA (2015).

²⁸ CPAD (2017).

²⁹ CPAD (2017).

of top-down development aid. This becomes evident as CPAD stipulates that “social organisations at all levels shall [. . .] follow the same mind and direction of the CPC with Comrade Xi Jinping at its core”³⁰ throughout their engagement. Hence, CPAD instrumentalises social organisations for the execution of a predetermined plan, rather than encouraging self-organised contributions. Interestingly, this policy aims at stimulating exogenous participation from external organisations, rather than endogenous participation from actors within the villages, i.e. the village community.

Similar to the CPAD *Notice on Guiding*, the *Guiding Opinions on Supporting Social Work Professionals to Participate in Poverty Alleviation*, issued by MoCA, the Ministry of Finance (MoF) and CPAD in 2017, mobilises social workers and volunteers to participate in poverty alleviation. However, certain passages in this policy are self-contradictory. On the one hand, by engaging social workers, the policy aims at “helping [the poor] to help themselves” and enabling “self-development of the masses”,³¹ signalling that capacities for local self-governance are thus officially desired. On the other hand, similar to the previous policy, the regulations predetermine areas in which participation is encouraged, i.e. “psychological guidance, social integration, encouraging mutual assistance in groups and advocacy services for recipients of social assistance”.³² Despite explicitly allowing room for flexible adaption, the policy already demarcates desired contributions. Consequently, the room for self-organisation is limited and opportunities for participation are pre-selected.

3.1 Combatting poverty with photovoltaic energy: The role of Solar PV in China’s poverty alleviation strategy

As a subordinate organisation of the State Council and the leading task force for planning the implementation of poverty alleviation work, CPAD adopts the impetus from the State Council and transforms it into guidelines for provincial and regional poverty alleviation offices. Its core responsibilities, for instance, include safeguarding the just distribution of income generated through poverty alleviation measures, i.e. the revenue from village-level and household-level PV power installations. The *Notification on Administrative Measures for Income Distribution of Village-level Photovoltaic Poverty Alleviation Power Stations*, issued in 2018 (in the following abbreviated as *CPAD Notification*), regulates the ownership of PV power installations, as well as the distribution and use of generated profits. For instance, it attributes the

³⁰ CPAD (2017).

³¹ MoCA et al. (2017).

³² MoCA et al. (2017).

property rights of village-level PV power installations to the village collective. While the local villagers' committee and the villagers' (representative) assembly are responsible for drafting a plan for the profit distribution, the document stipulates that the profits be reinvested in poverty alleviation measures, i.e. creating public welfare employment and establishing small welfare projects.³³ In other words, this document provides the main guidelines for *monetary participation*. At the same time, delegating the profit distribution plan to the villagers' committees and (representative) assemblies makes room for village organisations to self-organise monetary participation.

Regulations for the distribution of funding and revenues are also at the core of the *Opinions on the Implementation of Photovoltaic Power Generation for Poverty Alleviation*, issued by the National Development and Reform Commission (NDRC), CPAD, NEA, the China Development Bank (CDB) and Agricultural Development Bank of China (ADBC) in 2016 (in the following abbreviated as *Opinions*). Besides laying down the groundwork for monetary participation, this policy also encourages participation by “socially responsible enterprises”, by contributing investments or material donations.³⁴ In addition, similar to the *CPAD Notification*, this policy emphasises that the ownership of PV stations belongs to the households or the village collective. Participation by actors other than enterprises is mentioned only briefly and vaguely. In this context, the document pledges to increase publicity and the “degree of support and participation in PV poverty alleviation from the entire society”,³⁵ although it does not clarify the extent to which society may participate.

3.2 Promoting PV with poverty alleviation: The role of local energy projects in China's solar PV policy

In 2014, the NEA and CPAD jointly issued the *Notice on the Work Plan for Solar Energy Poverty Alleviation Programme*, aligning PV poverty alleviation with industrial policies for the development of solar PV. While this policy primarily clarifies objectives, labour division, the scheduling of the project plan and the publication of additional policies, it also encourages enterprises to participate in PV poverty alleviation. Similar to the *Opinions* by NDRC, CPAD, NEA, CDB and ADBC, however, participation is understood as the contribution of funding or equipment. In addition, rather than inviting enterprises to participate voluntarily, the policy appeals to “social responsibility”³⁶ and hence morally obliges enterprises to donate funding and material, which is comparable to the case of social organisations in the *CPAD Notice on Guiding*.

33 CPAD (2018).

34 NDRC et al. (2016).

35 NDRC et al. (2016).

36 NEA/CPAD (2014) 2.

Generally, documents at the intersection between NEA and CPAD are characterised by administrative regulations on both technical specifications of PV installations and poverty alleviation targets. In *Measures for the management of photovoltaic poverty alleviation power stations*, issued in 2018, CPAD was in charge of identifying PV poverty alleviation targets as well as managing and supervising the profit distribution, whereas the NEA and its regional subsidiaries were responsible for technical planning and implementation.³⁷ Although this policy did not explicitly address aspects of participation, it emphasised the aspect of property rights. Thus, similar to the *CPAD Notification* and the *Opinions*, it attributed the property rights of PV installations to the households, or in case of village-level PV stations, to the village collective. By regulating the ownership of PV installations, this policy also helped to clarify the ownership of the generated revenue. Hence, the document implicitly contributed to laying the foundation for monetary participation.

The analysis of different policies reveals that the official understanding of participation varies with the targeted actors. While invitations for the “entire society” to participate remain vague, opportunities for enterprises and social workers are limited to specific forms of contributions, ranging from investments and material donations to pre-selected social services. To encourage enterprises and social organisations to participate, the policies appeal to their “social responsibility”, thus framing participation as a moral obligation. Policies regulating monetary participation, in turn, leave more leeway for local self-organisation, e.g. by delegating the planning of profit distribution to villagers’ committees and (representative) assemblies. Consequently, the varying understandings of participation by official authorities reveal a two-pronged approach for *active* participation, e.g. in the form of social services as well as financial and material contributions, and *passive* participation, i.e. in the form of monetary participation. Whereas opportunities for active participation are reserved for external actors, i.e. enterprises and social organisations, internal actors such as the villagers, are primarily supposed to participate monetarily and thus play a passive role.

After this policy analysis has provided an understanding of the official perspective, the following chapter aims at comprehending the local realities of participation in PV poverty alleviation with the help of a literature review and the analysis of social media posts. This will allow us to contrast the official perspective with local narratives and consequently identify potential gaps between the two perspectives.

37 NEA/CPAD (2018) 4.

4 The local realities: Narratives in the discourse on PV poverty alleviation

To assess the local realities of participation in PV poverty alleviation, this chapter first conducts a literature review to provide an overview of common problems in PV poverty alleviation projects. The literature review is followed by the CDA of Weibo and Douban posts. Finally, this chapter aggregates suggestions from the literature for mitigating the identified problems.

4.1 Common problems of participation in PV poverty alleviation

Compared to former poverty alleviation initiatives, in which households had few possibilities to participate as funds were distributed to county-level governments and enterprises rather than directly to the households,³⁸ targeted poverty alleviation projects aim at involving households in the generation of revenue. In the context of PV poverty alleviation, households and farmers can lease their rooftops and greenhouses for the installation of PV panels and then receive a rental income in return. In addition, the households and farmers may use the generated electricity for their own needs and sell surplus energy to the State Grid.³⁹ For instance, in Jimo county, Shandong province, farmers do not only receive a stable income in return for transferring the land management rights to the PV enterprises, but they also benefit from employment opportunities and commercial platforms on which they can start their own businesses.⁴⁰ Thus, the case of Jimo is an example of a hybrid form between monetary participation and empowerment. Another example of PV poverty alleviation projects are *village-level* PV power stations, as opposed to rooftop installations. In this scenario, villagers are supposed to receive continuous payments from the enterprise which constructs the PV stations and reaps the generated revenue. As Shi et al. (2019) show, village-level PV power stations do not only benefit the villagers but also the village collective by providing it with more funds to invest in local infrastructure and the development of the local economy.⁴¹ Hence, village-level PV stations ultimately aim at empowering entire villages.

However, despite the various benefits of PV poverty alleviation, numerous cases show that the local reality of monetary participation is far from ideal. Often, households have to co-invest a substantial part of their assets into the installation of the PV power station, or repay the costs after the installation. In addition, there are reported

³⁸ Li (2014) 25.

³⁹ Zhang *et al.* (2018) 550.

⁴⁰ Li/Miao (2016) 8.

⁴¹ Shi *et al.* (2019) 16.

cases in which households receive a lump sum from the enterprise that constructs and runs the power stations, instead of continuous revenues.⁴² In extreme cases, households receive 300 RMB instead of the annual income of 3,000 RMB as originally earmarked by the NEA and CPAD.⁴³ Such practices distort the income distribution and, as a result, evidentially lower the incentives to participate in PV poverty alleviation projects.⁴⁴ Technical problems add to these obstacles. Not only do rural PV power stations potentially suffer from poor grid connection,⁴⁵ but low-cost construction and poor quality of equipment further impair the efficiency of the PV power stations, which in turn affects the income that can potentially be generated.⁴⁶

Scholars have pointed out that *empowerment* in the form of capacity building can have more sustainable effects on poverty alleviation and is thus more preferable than monetary support. For instance, despite the significant contributions from governmental, social, and business actors, Li et al. (2016) emphasised that the main efforts to escape poverty have to come from the villagers themselves.⁴⁷ In fact, PV poverty alleviation does include opportunities for empowerment, for instance, by providing employment opportunities in the form of welfare positions at village-level PV power stations.⁴⁸ Other ways to empower the poor population include skill trainings and codetermination in village-level decision-making.⁴⁹ With regard to codetermination, inviting the local population to participate in decisions related to the poverty alleviation project may in fact increase both public support for the project and the households' income. For instance, Liu et al. (2019) found that the households' support for the project increases if they can influence important decisions,⁵⁰ while Lin et al. (2019) demonstrated that voting and discussing the energy project during village meetings had significant positive effects on the households' income.⁵¹ However, the authors also found that households are more likely to participate in village affairs and local decision-making if they are educated, wealthy, members of the local Party branch, or have political affiliations. Poor households, in turn, tend to participate less in community affairs due to lower education levels.⁵² Hence, providing opportunities for empowerment may not be sufficient to ensure that villagers benefit from participation. More efforts in improving the villagers' educational levels may in turn better qualify them to participate in local decision-making. This relates

42 Hou *et al.* (2019) 10; Xu *et al.* (2019) 1.

43 Geall *et al.* (2018) 246.

44 Shan/Yang (2019) 277.

45 Zhang *et al.* (2018) 551.

46 Baidu Baike (2020).

47 Li *et al.* (2016) 452.

48 Li/Miao (2016) 23; Wang *et al.* (2020) 2.

49 Huang *et al.* (2020) 9.

50 Liu *et al.* (2019) 143.

51 Lin *et al.* (2019) 10.

52 Lin *et al.* (2019) 5.

to an additional form of empowerment, i.e. disseminating information. Hou et al. (2019) found that, due to the lack of information, poor households and farmers may in fact oppose the deployment of PV technologies. According to their findings, the poor population knows little about renewable energy and is primarily concerned about land expropriation. In addition, not all households are convinced that they can benefit from PV poverty alleviation.⁵³ Hence, providing education and disseminating information, e.g. through lectures and reports, could help inform the local population about the benefits of participating in PV poverty alleviation, which may in turn increase public support.⁵⁴

4.2 Critical Discourse Analysis of Weibo and Douban posts

The following subchapters assess the local realities by analysing social media posts with the help of CDA. A critical component of CDA is the identification of *discourses*, i.e. “particular representations of the world”.⁵⁵ An inductive evaluation of the selected samples revealed five major discourses, i.e. *corruption*, *exclusion*, *injustice*, *passivity* and *success*. Although these discourses applied to all the selected posts, due to the limited scope, this paper presents the analysis of each discourse with one example respectively.⁵⁶ After analysing the examples with the help of the three discourse-analytical categories *genre*, *discourse* and *style*, the posts were further evaluated with regard to room for empowerment and monetary participation. Table 2 provides an overview of the selected samples, while marking Douban accounts with a “D” and Weibo accounts with a “W”.

4.2.1 Corruption

Various cases illustrate that participation suffers from corrupt behaviour at various levels. An interview between the news agency Daju and expert Mr. Jin shared on the organisational account DY, addresses corrupt practices at the levels of both local governments and enterprises (see Appendix B.1 for full translation).

Daju: How strong are local governments in promoting rural PV? Can they restrain companies from cheating?

⁵³ Hou et al. (2019) 10.

⁵⁴ Hou et al. (2019) 12; Shan/Yang (2019) 277.

⁵⁵ Fairclough (2013) 230.

⁵⁶ The full translations can be found in the Appendix. Original texts in Chinese were removed in order to protect their authors.

Mr. Jin: In 2016–2017, when the industry was just beginning to flourish, in addition to large state subsidies, provinces such as Guangdong and Zhejiang also had local subsidies. Therefore, there was a situation in Zhejiang where there were more than 100 trademarks in a county, cheating the ordinary people was extremely popular. After taking out loans, the ordinary people found that [the reality] was different from what was being advertised. Instead of earning one to two thousand each year, they had to inject [another] one to two thousand Yuan. Therefore, the local governments have been more cautious in this matter, and have not particularly actively participated in [the market].

[. . .] Corruption still exists in some local governments, and weird electricity bidding prices have appeared. For example, the current system cost of power stations is about 4–5 Yuan, but in some places, the bidding price has been 7–9 Yuan.

Tab. 2: Overview of the sample posts on Douban and Weibo.

User	Perspective	Content
DL (private account)	Local	First Party secretary in D village, recording his experiences in a diary.
DM (private account)	Official	Report on the scale of PV poverty alleviation in E Village, Yunnan Province.
DY (business/organisation)	Local	Repost of an expert interview on the development of solar PV. Focuses on industrial trends and competitiveness, but also explains why PV poverty alleviation enjoys a poor reputation among the population.
WL (private account)	Local	Eye-witness report of how fellow villagers were not paid for their physical labour.
WS (private account)	Local	Narrator recounts that the PV poverty alleviation project in his village leaves little room for participation.

This passage is narrated by two interlocutors, the corporate narrator Daju and the expert Mr. Jin. Mr. Jin responds to Daju’s question in the form of a *report*, historically retracing the evolution of corrupt business models among PV companies. His explanation employs simple language that places himself and the narratees at eye-level and thus evokes the impression of an *informal conversation*. Yet, the absence of evaluative statements gives his argumentation objectivity and authority, which emphasises his role as an expert. His assertions further reinforce this objectivity, even as he empathises with the “ordinary people” and local governments. Rather than using modalisation, e.g. “the ordinary people *may* have found” or “the local governments *seemed* to be more cautious”, Mr. Jin presents his arguments as facts.⁵⁷ The second paragraph follows the same style, while shifting the focus from corrupt companies to

⁵⁷ While these examples apply primarily to the translated version, there are also ways to express modality in Chinese. However, the Chinese original is also written in indicative mode and achieves

corrupt local governments, which apply arbitrary bidding prices for PV poverty alleviation projects. Interestingly, as opposed to the previous paragraph, the narrator includes an evaluative statement as he reports about “weird electricity bidding prices”, which suggests that he considers the bidding prices ridiculous. He exemplifies his impression by contrasting the bidding prices with the actual system costs, while explaining in an understandable manner what makes the pricing unreasonable. Given that the bidding prices exceed the actual system costs for PV power stations, one can assume that these local governments attempted to generate additional income.

With regard to participation, Mr. Jin primarily provided an answer to the question why households and local governments refrained from participating in PV poverty alleviation. Based on his argumentation, the reason for their reluctance was primarily related to the abuse of funds and loans by local companies. When the participating households realised that they did not receive the expected returns, but instead had to inject further investments, both the population and local governments lost their confidence in these companies. Both incidents, i.e. unreliable PV loan companies and surcharging local governments consequently lowered the incentives for other stakeholders to participate in PV poverty alleviation. Hence, this post showed how corrupt practices limited the opportunities for monetary participation. Moreover, the discourse on corruption overlapped with the following discourse, which addressed injustice as the cause for limited participation.

4.2.2 Injustice

As the policies indicated, villagers are supposed to benefit from PV poverty alleviation by finding employment and earning a stable income. However, Weibo user WL observed how fellow villagers were deprived of their wages after working at a PV poverty alleviation site in another village (see Appendix B.2).

The year before last, a dozen people from the village went to work in F County [as part of a] PV poverty alleviation project. The contractor is a native of T Village and has not yet paid wages, [. . .] owing a total of more than 50,000 Yuan. After asking for several times, the dozen people have approached the relevant officials and units in the township and county, none of them could find a solution.

Old Yu [the narrator] thinks that if someone has worked for you, you have to pay wages. [. . .] Even if you make a loss, you have to think of a way to pay the workers their wages, this is self-explanatory.

Yesterday, I saw them discussing this matter at the entrance of the village, they were planning to go to the municipality to petition. Farmers are a vulnerable group, and when there is no way

the same effect as in the translation. For further details about the variety of modal expressions, see Fairclough (2003) 166.

out, the only way to go is petitioning. There is a disabled person in this group, walking with a crutch, sixty-eight years old, and I feel sorry for him. I hope that they will encounter a clean official and get their hard-earned money back soon.

WL's post combines multiple genres, beginning with an *eyewitness account* from a distinct first-person perspective. The eyewitness account subsequently transitions into a *complaint*, as the narrator condemns the contractor's behaviour and supposes what he should have done instead. Finally, the narrator concludes with a *plea*, hoping that the deprived villagers can successfully obtain their wages. The narrator's eyewitness account shows how local villagers are excluded from both empowerment and monetary participation, which stands in stark contrast to the core intention behind PV poverty alleviation, i.e. empowering villagers with employment opportunities and stable wages. Second, the narrator alludes to *corruption* by emphasising a "clean official". This, in turn, implies that there is a certain likelihood that the villagers will encounter a corrupt official, who may thwart their hope to reclaim their wages. Third, by arguing that farmers are a "vulnerable group", the narrator portrays this incident as an exemplary case of structural injustice. User comments below the narrator's post confirm this.

Good Morning, Old Yu! There are many of these incidents where wages are in arrears, you are right!

Making money is not easy, [you] have to follow the right people [.]

Among the ordinary people, there are always some who constantly get hurt [.]

These comments show that the incident the narrator reports is not an individual case but an example of a structural problem regarding the aspects of exclusion, corruption and injustice. Finally, the evaluative statement that farmers are a "vulnerable group" expresses the narrator's empathy for the villagers, which in turn reinforces the discourse on injustice. Modal statements like "then you must" and "this is self-explanatory" further manifest the narrator's moral beliefs. The sentence structure that follows the logic "if you do A, then you must do B. Even if C, you must find a way" demonstrates the narrator's understanding of right and wrong. In addition, the persuasive argumentation makes this logic seem simple and clear, enticing the narratees' approval.

This example illustrated how fraudulent practices, i.e. by a project contractor significantly reduced the extent to which the villagers benefitted from their participation. Given that PV poverty alleviation also aimed at empowering villagers with employment opportunities, the process of participation came to a halt since the villagers in WL's post in fact remained disempowered. In this case, the villagers were unable to participate completely, even after investing their labour, whereas the next example shows a case in which a household was not allowed to participate at all.

4.2.3 Exclusion

Throughout the social media discourse, users illustrated various ways in which they were excluded from participating in PV poverty alleviation, both with regard to monetary participation and empowerment. This chapter presents an example of the discourse on exclusion, which showed how a household could not participate in the village's PV poverty alleviation project for technical reasons (see Appendix B.3).

I saw that within electricity poverty alleviation, there is the model cattle breeding + farmers' bookshops + PV power generation, but our family is not [included in] poverty alleviation, and in fact, the burden remains relatively heavy. [What] my parents and other people learned is to breed cattle [. . .]. [I opened] the bookshop entirely with my own money [. . .]. Our family does not have PV power generation, I heard that there are only six households in the village [who do], [if there were] too many [households with PV installations], the transformer could not cope, my family only has these solar door lights [that we] bought online, as well as some solar table lamps and camping lights. I installed a traffic reflector, a solar streetlight and two solar flashing lights at the entrance of the village, which may be replaced as soon as solar streetlights are installed in the entire village, my personal investment is limited, [but] maybe it has some effect.

The narrator begins his post with his observation of a specific PV poverty alleviation model, and continues by revealing that his family is not included in it, which leaves the family with a "heavy burden". However, given that the model focuses on "cattle breeding + farmers' bookshops + PV power generation", the narrator's family in fact qualifies for this model, since his parents have specialised on cattle breeding, and the narrator himself runs a bookshop. Hence, the narrator implicitly evokes the question why his family is not included in the PV poverty alleviation project. He proceeds in an informal style, characterised by long sequences of brief *reports* that convey key information, as he explains the possible reason for his family's exclusion, i.e. that the capacity of the transformers cannot cover all households. In the same informal language, the narrator presents his own intermediate solutions, i.e. the temporary solar lights. His *result report*, in which he recounts how he installed solar lights for the village on his own initiative, presents him as a proactive person who takes action for the village despite his own difficult situation. Finally, the narrator's last sentence combines *plea* and *complaint*, as he argues that his "personal investment is limited", thus indicating that he cannot equip the village with solar installations on his own. Thereby, he implies that electrifying the village should be the task of PV poverty alleviation.

The narrator employs evaluative statements, e.g. in the context of his family's "relatively heavy" burden and the bookshop that he opened "entirely with [his] own money", contrasting the narrator's difficult situation with his proactive attitude. With the help of modal statements, the narrator emphasises that being excluded from PV poverty alleviation does not mean that the household is not poor, expressed by the statement that "in fact, the burden remains relatively heavy". In addition, the narrator recounts what he has heard from others, i.e. that due to the limited capacity of the transformer, only six households are able to benefit from PV

poverty alleviation. Hence, due to technical constraints, the narrator's family has not been admitted to PV poverty alleviation, despite being eligible for participation. The small number of participating households further implies that other households in the narrator's village are excluded as well.

Whereas the discourses on corruption, exclusion and injustice illustrate external factors limiting the room for local participation, the next example suggests that there were also internal obstacles to active engagement from the households, who may prefer to play a passive role.

4.2.4 Passivity

While Li *et al.* (2016) emphasised that the success of poverty alleviation largely depended on the motivation of the concerned households,⁵⁸ the following example shows that villagers may actually prefer to play a passive role in poverty alleviation and refuse to be empowered. This becomes particularly apparent in the post by DL (see Appendix B.4).

[The narrator enumerates various sources from which Mr. and Mrs. Liu receive allowances, including industrial poverty alleviation, PV poverty alleviation, subsistence allowance, subsidies for disabled people, healthcare poverty alleviation, educational poverty alleviation and ecological poverty alleviation.] In sum, they rely on the state for more than 25,000 Yuan per year. In addition, Mr. Liu himself has an income of 26,000 Yuan per year, according to the national poverty alleviation standards, their disposable income per capita has steadily exceeded the national poverty standard [. . .] by far.

Just in time for the peak of the municipal cross-check organised by the province, Mr. Liu came back. Mr. Liu says the F factory closed down due to the pandemic, so he could only come back. [. . .] Last night, Mrs. Liu kept sending me voice messages, saying that both of them are at home and have no economic income, there are two children who need to go to school, [it is] very hard. It is very hard, for many of the poor households I have contacted it is very hard, some are bedridden, some are handicapped, some are mentally ill, some are widowed, [I] have seen everything. It is true that life is not easy for the common people, but whose life is easy anyway. Poverty has not [just] occurred in these days, but it has existed throughout history. There are just too many people in China, [it is] a huge country, and disability and illness happen to people every day, and poverty happens too. However, the people themselves are not motivated to change the situation, especially some poor households look to the government, hoping [they would] arrange this and arrange that. There is a video on the Internet [in which] poverty alleviation cadres asked a poor man what he was lacking, he said he was lacking a wife, and the cadre said, 'I don't have a wife either.'

This morning, I specially went to Mr. Liu's house. Only Mrs. Liu was at home [. . .]. She gave me an application form, saying that she wanted to apply for a poor household. Funny enough, their family is already a poor household, what else [is there] to add. In the evening, Mrs. Liu sent another voice message, asking what I said to her husband during the day. [. . .] I

58 Li *et al.* (2016) 452.

called Mr. Liu in the evening and asked him to come to the village committee the next day to get 500 RMB. Our village team gave him 500 RMB for planting vegetables, and after planting, I would be responsible for helping him sell the vegetables to increase his family's economic income. Then, I also discussed with the village [committee] and tried to open up a public welfare position for him, something like a forest ranger or cleaner. Mrs. Liu rambled again, saying that Mr. Liu could not grow vegetables, and that it was raining, that the vegetables were not good, and so on, in any case, she was saying that Mr. Liu was not willing to do this, nor willing to do that. When I met Mr. Liu, he was telling the village committee that he was a little disgusted by his wife because she was disabled. [. . .] The village branch secretary told him that, in any case, Mrs. Liu gave him two children and cleans up the house, so he should stop being choosy and making a fuss about getting divorced. In view of such situations, I am already speechless. [. . .] they already are poor, yet they want to divorce, I do not [really] understand.

This post includes several paragraphs of *complaints*. First, by disclosing the family's finances, the narrator demonstrates that their income exceeds the national poverty standard, which in fact makes them ineligible for poverty alleviation funds. Second, the narrator complains about the household's passivity. Despite his efforts to empower Mr. and Mrs. Liu by creating employment opportunities, the couple seems to prefer direct government support. They also seem to have specific requirements for jobs, as they reject the public welfare post that the narrator tries to create for Mr. Liu. The fact that Mr. Liu has lost his job just during the provincial inspection adds to the narrator's frustration. Besides shifting between *diary* and *complaint*, the narrator also includes passages of *informal conversation*. For instance, the brief recount of a video that he has seen substantiates his argument that villagers are too passive to be empowered. By retelling the dialogue in the video word by word, the narrator also conveys the irony of the incident, i.e. the poor households' demand for something that the cadres cannot provide and that they do not have either. The other case of informal conversation relates to the use of irony as well, reflected in the sentence "Funnily enough, their family is already a poor household, what else [is there] to add". The rhetorical question demonstrates the narrator's resignation in view of Mrs. Liu's application as a poor household, given that they are already filed as poor. It also reinforces the portrayal of the couple as a passive household who prefers to sign up for various subsidies, rather than accepting the employment offers in which the narrator invests his efforts.

The narrator's *style* in terms of *modality* and *evaluation* underscores his resignation. The evaluative statement that the family's financial situation exceeds the national poverty standard "by far" demonstrates his disapproval of the extent to which the couple relies on state subsidies. The rhetorical question "It is true that life is not easy for the common people, but whose life is easy anyway" is a reaction to the couple's continuous complaints and makes the narrator seem indifferent. Besides dismissing Mr. and Mrs. Liu's passivity, the author also implicitly questions his own effectiveness. This is not only reflected by the lack of the question mark in the rhetorical question, but also in his argument that "Poverty has not [just] occurred in these days, but it has existed throughout history". From the narrator's perspective, poverty is omnipresent and unsolvable. This assumption shows his

resignation in face of the task to alleviate poverty, and is further emphasised in the explanation that “There are just too many people in China, [it is] a huge country, and disability and illness happen to people every day, and poverty happens too”. Hence, poverty alleviation itself is an impossible task and the passive attitude of Mr. and Mrs. Liu makes it more unlikely to achieve. Based on these considerations, the narrator has little empathy for Mr. Liu’s aspirations to leave Mrs. Liu out of disgust for her disability. The comment “Such situations make me speechless. [. . .] They are already poor, yet they want to divorce, I do not [really] understand” emphasises the narrator’s impression of Mr. Liu as being choosy and thankless, particularly in light of the fact that, from the narrator’s point of view, this is a minor problem compared to their economic situation.

As opposed to the examples in the previous discourses, in which the stakeholders would like to participate more actively but could not due to external constraints, the report on Mr. and Mrs. Liu illustrates the opposite case. In this context, the couple was encouraged to play a more active role in poverty alleviation, represented by the employment opportunities the narrator offers them. Yet, they preferred to participate monetarily and benefit passively. However, this passive attitude increased the difficulty for the narrator to improve the family’s situation. The quoted video and other users who commented “same here” suggested that poverty alleviation workers in other villages were confronted with similarly passive villagers. The narrator’s resignation revealed his hopelessness with regard to poverty alleviation and thus confirmed the argument by Li et al. (2016) that the stakeholders’ passivity impaired the overall success of poverty alleviation. Mr. and Mrs. Liu’s refusal of the offered employment opportunities also conflicted with the intention to empower the population through the creation of employment, as formulated in the different policies. Thus, this case did not only illustrate the divergence between the official narrative and the local reality, but also between poor households and poverty alleviation cadres’ ideas of aid. What should be noted, however, is that PV poverty alleviation in fact targets elderly and disabled stakeholders to provide them with a stable income, given that they are largely unable to work. Lo/Castán Broto (2019) demonstrated that local officials may oppose the aspect of monetary participation in PV poverty alleviation, as they assume the constant revenue would make the households “lazy”.⁵⁹ This perspective was also reflected by the narrator’s post.

4.2.5 Success

Since 2020 was the last year of the national targeted poverty alleviation strategy, many posts on social media shared the progress of poverty alleviation in various

⁵⁹ Lo/Castán Broto (2019) 5, 9.

villages and counties. For instance, the post by the private user DM reported on the scope of poverty alleviation in E Village, where PV poverty alleviation was one of several implemented poverty alleviation schemes (see Appendix B.5).

[. . .] C Village, [. . .] X County, is a provincial-level poor village. Its most remote village, E Village is purely [inhabited by the ethnic group] Yi. There are 255 households and 818 people, including 200 households [. . .] and 716 people filed as poor. In 2015, the per capita food was 300 kg, and the per capita net income was 1,560 Yuan. After targeted poverty alleviation, E Village built 255 sets of housing with brick and concrete with an average area of 100m² each, supporting the construction of villagers' activity rooms, ethnic cultural squares, and relocation of the entire village, in order to make a leap from 'poor nests' to liveable villages. In 2016, the donated PV power station settled in E Village, E Village completed the land transfer and built greenhouses to grow organic vegetables and edible mushrooms. In 2019, E Village was included in the third batch of villages with ethnic minority characteristics in China.

The text begins with a *portrait* of E village and its population, while focalising on population size, ethnic background and village income. Similar to the previous post by WJ, the narrator refers to the village as a "provincial-level poor village", suggesting that the village has been identified for targeted poverty alleviation by provincial authorities. By presenting the village economy before the start of poverty alleviation, the narrator lays the foundation for a *result report* that follows the village's portrait. Hence, this post compares the situation of the village before and after poverty alleviation. Whereas the narrator indicates the village assets in RMB and kilograms of food before the beginning of poverty alleviation, his success report focuses on cultural achievements, suggesting that, from his point of view, the preservation of E village's cultural heritage outweighs economic benefits of poverty alleviation. Rather than indicating the outcome of PV poverty alleviation in RMB and kilograms as well, the narrator emphasises the cultivation of organic vegetables and mushrooms. Hence, this form of economic empowerment, i.e. providing E village with industrial development, constitutes the major benefit for the village economy from the narrator's perspective.

Interestingly, although the post originates from a private Douban account, the narrator borrows official terms. This, for instance, manifests in addressing the households as "filed households", i.e. households who are officially registered as poor. In addition, the narrator adopts the term "poor nests" to describe the housing conditions of the local population prior to their relocation. Asserting that the relocation of E Village has enabled the population to live in a more "liveable" environment further suggests that the original location was uninhabitable, thereby implicitly demeaning the villagers' quality of life prior to poverty alleviation. The term "liveable" further marks this sentence as an evaluative statement, which expresses the narrator's approval of the villagers' relocation. While the post remains largely objective and the narrator uses assertions to report on the improvement of the villagers' living conditions, this evaluative statement conveys his implicit support for poverty alleviation.

Although the narrator indirectly addresses the aspect of empowerment, which manifests in the development of organic agriculture, this post contains no signs of

active participation. However, the narrator's post indicates that poverty alleviation in E Village follows a top-down logic, most obviously represented by relocation of the entire village. While the spatial planning, which accommodates cultural spaces for the villagers' activities and their ethnic culture, can be read as an invitation for participation and community building, it limits the amount of room for participation to these predetermined spaces at the same time. The villagers cannot build their village and community on their own, but have been assigned a ready-made space. Hence, one can conclude that the actual room for self-organisation is limited.

The exemplary analyses of social media posts address participation in PV poverty alleviation either directly or indirectly. While they have been selected to illustrate prevalent discourses on participation in PV poverty alleviation that have manifested during the sample analysis, these examples alone are by no means representative of their respective discourses. Yet, their analyses provide insights into major obstacles of participation which materialise in the local realities of poverty alleviation. This way, the analysis of the social media discourses has contributed to identify obstacles of the social wrong.

In the literature on PV poverty alleviation, scholars have formulated different suggestions to solve the problem of limited participation. Hence, following the fourth step of CDA, the next chapter reviews these suggestions to provide potential solutions to the obstacles and, ultimately, the social wrong of limited participation in PV poverty alleviation.

4.3 Solutions to the problems of participation in PV poverty alleviation

The fourth stage of CDA aims at formulating potential solutions to the social wrong and its obstacles. In fact, scholars have proposed different suggestions on how to increase the amount of room for local stakeholder participation. For instance, Lin et al. (2019) suggested providing villagers with more opportunities to express their ideas. To make sure that villagers make use of these opportunities, they advise local governments to distribute subsidies to those villagers who engage in village meetings, in order to incentivise active participation.⁶⁰ With regard to non-transparent bidding procedures, Wu et al. (2019) advised local governments to establish feedback channels for filing complaints. To complement this, they propose stricter sanctions for illegal bidding practices, such as temporary bidding bans and fines.⁶¹ Huang *et al.* suggested promoting more household participation in rural energy projects by making use of the dense social networks and social interactions in rural villages, rather

⁶⁰ Lin *et al.* (2019) 10.

⁶¹ Wu *et al.* (2019) 597.

than “passively accepting a certain proposed policy”.⁶² To mitigate problems related to the maintenance and operation of PV installations, Zhang et al. (2018) pointed out that education and training for local stakeholders are helpful to achieve long-term effects of poverty alleviation.⁶³ Based on the findings by Lin et al. (2019), education and training are particularly crucial to induce more participation from poor households.⁶⁴ Increased participation, particularly in major decisions, in turn bolsters the local acceptance of energy projects.⁶⁵

As the literature review makes evident, suggestions on how to address the social wrong, i.e. limited room for participation at the local level, distinguish between two stakeholder groups. With regard to poor households, the aforementioned suggestions emphasise the aspect of empowerment in terms of education and decision-making, as well as the integration of local voices. With regard to local governments and companies, the suggestions propose sanctioning practices that limit the room for participation.

With the help of a literature review and CDA, the previous chapter has identified the social wrong of limited participation in PV poverty alleviation at the local level, its obstacles, and potential solutions. Figure 2 provides an overview of the findings grouped along the four stages of CDA. These findings will be summarised and discussed in the next chapter.

5 Results and discussion

Analysing the social media posts with the help of CDA revealed five discourses of local realities, i.e. *corruption*, *injustice*, *exclusion*, *passivity* and *success*. These discourses provided insights into different PV poverty alleviation projects. While not all examples explicitly addressed empowerment or monetary participation, the reported situations allowed for evaluating the available room for participation. The discourses on *corruption* and *injustice*, for instance, illustrated how participating stakeholders did not get their shares and thus did not benefit from participating, whereas the discourse on *exclusion* showed how stakeholders were excluded from PV poverty alleviation even though they qualified for participation. While the discourses on corruption, injustice and exclusion exemplified external obstacles of participation, the discourse on *passivity* pointed to internal obstacles. In this context, the participating stakeholders preferred to play a passive role and rejected opportunities for empowerment.

⁶² Huang et al. (2020) 10.

⁶³ Zhang et al. (2018) 551.

⁶⁴ Lin et al. (2019) 5.

⁶⁵ Liu et al. (2019) 143.

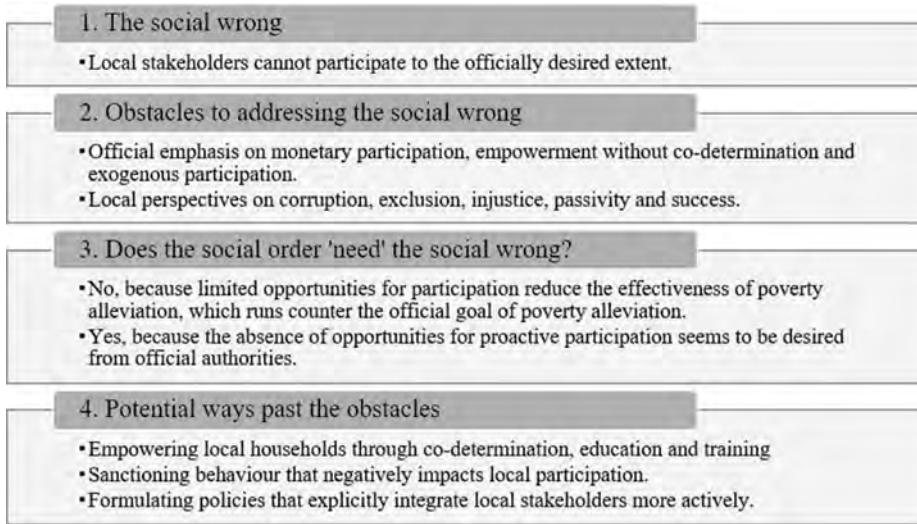


Fig. 2: The four stages of CDA in the context of participation in photovoltaic poverty alleviation (own illustration based on Fairclough [2013] 235).

Having analysed the discourses with the help of the discourse-analytical categories proposed by Fairclough (2013), this chapter contextualises the findings by aligning them with the four stages of CDA presented in chapter 2. To identify the social wrong, this paper first conducted a review of existing literature on participation in PV poverty alleviation. To comprehend the official perspective on stakeholder participation, this study analysed relevant policy documents, before assessing the local realities with the help of the literature and social media content. The subsequent discourse analysis of posts published on Weibo and Douban contributed two major insights. First, it underpinned the gap between the official narratives and local realities of stakeholder participation in PV poverty alleviation which was identified in the literature. Second, it also confirmed the social wrong by revealing constellations at the local level that reduced the extent to which stakeholders could participate. In this way, the analysis of the social media discourses also helped to identify the obstacles.

5.1 The social wrong in PV poverty alleviation: Official narratives vs. local realities of stakeholder participation

While poverty is a common example for a social wrong,⁶⁶ this paper did not focus on the efforts to alleviate poverty, since the Chinese government has already addressed

⁶⁶ Fairclough (2013) 231.

it with the national strategy of targeted poverty alleviation. Instead, this paper concentrated on a social wrong *within* poverty alleviation, i.e. limitations of stakeholder participation. Indications for this social wrong could be found in the literature, which suggested that the local reality of room for participation diverged from the official narrative. With regard to monetary participation, multiple studies showed that the participating stakeholders did not benefit to the officially desired extent. The requirement to co-invest in the construction of PV installations forced households to take out loans, which they had to repay before they could actually increase their income with the revenue generated by the PV installation. In other cases, households received lump sums from the PV companies instead of continuous payments.⁶⁷ Hence, despite dedicated policies to regulate the distribution of revenues, local stakeholders were not always able to receive their nominal share. With regard to empowerment, scholars found that involving local stakeholders in decision-making related to the PV poverty alleviation project potentially increased their support, particularly if they were able to influence major decisions.⁶⁸ Scholars also pointed out that insufficient dissemination of information, in turn, increased the stakeholders' resistance to PV poverty alleviation projects, as they feared to be disadvantaged.⁶⁹

To comprehend the official narrative, chapter 3 conducted a policy review, which revealed that policies on poverty alleviation generally embraced stakeholder participation. The documents accommodate room for participation in two ways. First, by leasing rooftops to PV companies, households and farmers are supposed to receive a continuous rental income. Additionally, the revenue generated by the PV installations shall be distributed among the participating households and, in the case of village-level PV stations, the village committees. The village committees, in turn, shall reinvest a part of the revenue in the creation of public welfare jobs.⁷⁰ Second, skill trainings empower the villagers to qualify for employment outside the agricultural sector,⁷¹ for instance, for maintenance jobs at PV stations. Thereby, the villagers can earn a stable income.

However, the analysis of social media content confirmed the gap between official narratives and local realities of local stakeholder participation suggested by the literature review. It also confirmed the inability to participate to the formally allowed extent as a social wrong. Subsequently, the analysis of the discourses on corruption, exclusion, injustice, passivity and success revealed a series of obstacles, which both contribute to the social wrong and prevent it from being addressed.

First, corruption evidentially lowers the incentives to participate (see chapter 4.1). As the expert interview in the post by DY showed, fraudulent PV companies

⁶⁷ Hou *et al.* (2019) 10; Xu *et al.* (2019) 1.

⁶⁸ Liu *et al.* (2019) 143.

⁶⁹ Hou *et al.* (2019) 10.

⁷⁰ NEA (2015); NDRC *et al.* (2016).

⁷¹ NEA (2015).

did not only deceive participating households, but they also made local governments hesitant to engage in PV poverty alleviation. In other cases, local governments evidentially used corrupt practices to increase their benefits. Thus, the discourse on corruption showed similarities with the discourse on injustice (see chapter 4.2). The examples of villagers who were deprived of their wages and households who had to repay the loans once PV companies bail out showed how other actors prevented empowerment and monetary participation. Besides arbitrary behaviour by local governments, insufficient technical capacities were an obstacle to participation as well, preventing stakeholders from taking part even though they qualified for participation (see chapter 4.3).

As opposed to the previous discourses, in which stakeholders suffered from limited participation or the inability to participate, the discourse on passivity addressed the unwillingness of households to play an active role in PV poverty alleviation. Despite being offered employment opportunities, households refused empowerment and preferred monetary participation. This in turn contradicted the political goal of capacity building and thus potentially affected the sustainability of poverty alleviation. Although the need to alleviate poverty justifies the focus on monetary participation, long-term capacity building should not be neglected in order to prevent villagers from solely relying on the revenue generated by PV poverty alleviation. Allowing more room for active participation at the village level, e.g. by self-organisation, could in turn empower the poor population to find solutions that help them escape poverty in the long run. Yet, what has not been reflected in the discourse is the fact that PV poverty alleviation actually targets the elderly and disabled, i.e. those stakeholder groups who are largely unable to work.⁷²

The final discourse on success presented the official perspective. While the example emphasised the empowering effects of industrial development, it did not address the room for local stakeholders to participate actively. In fact, the relocation of the entire village suggested that the room for participation was predetermined as a result of top-down spatial planning.

While these discourses revealed the obstacles of the social wrong, as proposed by the second stage of CDA, the third stage addressed the question of whether the social order “needed” the social wrong, in order to determine “whether it can be addressed within it, or only by changing it”.⁷³ In light of the welcoming attitude of state policies towards stakeholder participation, the compromised opportunities for local stakeholders to participate are in fact undesirable from the official perspective. As the examples throughout the discourse analysis have shown, restraining the room for participation contradicts the official goals of empowerment and monetary participation and thus affect the sustainability of poverty alleviation.

⁷² Lo/Castán Broto (2019) 5.

⁷³ Fairclough (2013) 238.

However, the absence of room for active participation seems to be desired. This is illustrated by the fact that social organisations and enterprises participating in poverty alleviation projects are required to contribute a pre-determined set of activities and donations, which indicates that government authorities rule out self-organised help. Instead, inviting social organisations and enterprises to participate serves the purpose of recruiting additional labour force to execute the national poverty alleviation strategy.

The analysis concluded with a review of potential solutions proposed in the literature that bear the potential to address the social wrong and its obstacles. These suggestions improve the situation for local participation in two ways. On the one hand, villagers shall be empowered to voice their ideas and participate in decision-making. For instance, Lin et al. (2019) proposed subsidies to incentivise participation in village meetings.⁷⁴ Dense social networks and social interactions among villagers provide a stable foundation for active participation.⁷⁵ Education and trainings do not only safeguard long-term participation, but are also vital for the sustainable success of PV poverty alleviation.⁷⁶ On the other hand, scholars proposed sanctioning behaviour that negatively affects local participation. For instance, Wu et al. (2019) argued that temporary bidding bans and fines could mitigate non-transparent bidding procedures in PV poverty alleviation projects, complemented by feedback channels that enable the local population to file complaints.⁷⁷ Given the various advantages of stakeholder participation, Chinese policy makers may consider addressing the role of local stakeholders more consciously. To this end, policy makers could complement the call for participation by organisations and businesses with specific plans for stakeholder participation. At the local level, policy makers could formulate explicit plans for the integration of the local population by including the suggestions made in the literature. This could legally protect the room for stakeholder participation and fully utilise the advantages of participation in PV poverty alleviation.

5.2 Limitations

Due to the limited scope, this paper presented one example for each discourse. Although their analyses identified obstacles of participation in PV poverty alleviation, they did not represent the entire discourse. In addition, it became evident throughout the sampling that while the social media posts provided insights into local realities, official narratives dominated the discourses, leading to an underrepresentation of local voices from poor households. The imbalance of official and local voices on social

⁷⁴ Lin et al. (2019) 10.

⁷⁵ Huang et al. (2020) 10.

⁷⁶ Zhang et al. (2018) 551.

⁷⁷ Wu et al. (2019) 597.

media may also have owed to insufficient coverage of ICT in rural and poor regions. It remains unclear if censorship affected the sampling, since the sample included only uncensored content for obvious reasons. Finally, although discursive approaches eventually serve as viable alternatives to assessing local realities, future research could conduct ethnographic fieldwork to substantiate the findings of this paper.

5.3 Conclusion

This paper explored official narratives and local realities of stakeholder participation in PV poverty alleviation projects. To identify the divergence between the official narratives and local realities, this paper first conducted an analysis of the relevant policies and assessed the room to which they allowed stakeholder participation. The policy analysis revealed that government authorities generally welcomed participation. However, regulations on passive forms of participation, i.e. monetary participation are more pronounced than those on active participation, e.g. in the form of codetermination by local villagers or self-organised activities by welfare organisations. In fact, policies addressing the role of enterprises and social organisations formulate specific requirements on their form of participation. Social organisations, for instance, are encouraged to carry out pre-selected activities regarding social services such as psychological guidance, whereas enterprises are expected to participate with financial and material contributions. Although participation from the “entire society” is formally desired, the policies do not elaborate on concrete forms of participation. This indicates that the official understanding of participation varies in regard to the addressed actors.

To gain qualitative insights into the local realities of participation in PV poverty alleviation in times of the global Covid-19 crisis, this paper chose a discursive approach and analysed social media discourses on the Chinese blog forums Weibo and Douban with the help of CDA. This analysis did not only confirm the assumption in the literature that local realities diverge from official narratives, but it also identified different obstacles for stakeholder participation, which manifested in five major discourses, i.e. corruption, injustice, exclusion, passivity and success. Obstacles which prevented stakeholders from participating thus included corrupt practices by local governments, individual officials or companies as well as insufficient technical and financial capacities, but also the unwillingness of poor households to be empowered and their preference to participate exclusively monetarily. The latter case, in particular, indicated that monetary incentives may in fact suppress the willingness to participate actively, resulting in a passive attitude and reliance on government support. Hence, these obstacles do not only limit the room for stakeholder participation, but also impair the sustainability of poverty alleviation, as the stakeholders cannot become independent from external help.

Scholars have proposed several solutions to address these obstacles. As opposed to the focus on monetary participation by the official policies, these solutions emphasise the empowerment of local stakeholders. By providing villagers with more room for codetermination and self-organisation, participating in PV poverty alleviation may become more attractive.⁷⁸ In addition, to prevent monetary incentives from marginalising the readiness for active participation, local governments could reward villagers for their participation in village meetings.⁷⁹

While the analysis of social media content enabled this paper to gain insights into local realities as well as to comprehend why official narratives and local realities of stakeholder participation diverge, future research could employ ethnographic fieldwork to complement the findings from digital discourses with observations of verbal and physical discourses.

Appendix A

Appendix A contains statistical data on the selected samples from Weibo and Douban.

Both samples were coded with the help of MAXQDA. First, to get an overview of the different perspectives represented in the social media discourses, the posts were inductively categorised by accounts, which resulted in the four categories *private user*, *businesses and organisations*, *government account* and *news agency*. This classification reveals that the majority of the Weibo posts were published by private accounts. In the Douban sample, most posts were published by news agencies and businesses and organisations (see Fig. 3), whereas no blog post was published by a government account.

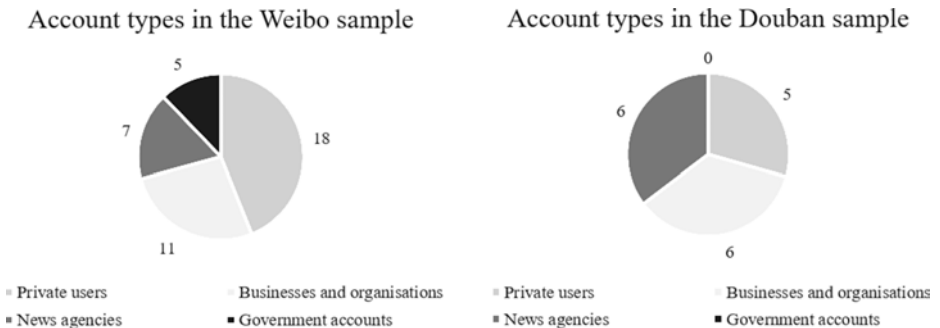


Fig. 3: Classification of Weibo (left) and Douban (right) posts according to account type (own illustration).

⁷⁸ Lin *et al.* (2019) 10; Liu *et al.* (2019) 139; Huang *et al.* (2020) 10.

⁷⁹ Lin *et al.* (2019) 10.

This classification further reveals that the account type does not necessarily correspond to the represented narrative. This manifests, for instance, in posts from private users that adopt distinct official policy terms, such as ‘battle against poverty’ (脱贫攻坚战), ‘rural revitalisation’ (乡村振兴) and ‘well-off society’ (小康社会). Hence, the sample was further categorised in posts incorporating official terms (*official narrative*), posts representing local narratives without employing official language (*local narratives*), and posts that neither adopt official language nor represent aspects of local realities (*others*). Contrasting the classifications of account types and narratives reveals that, although the majority of posts originate from private accounts, the official narrative dominates the discourse in both samples (see Fig. 4).



Fig. 4: Narratives in the Weibo (left) and Douban (right) sample (own illustration).

Appendix B

This appendix includes the original posts from Douban and Weibo and their translations. Names and locations are anonymised.

Appendix B.1

Full translation in the discourse on corruption. Post by news agency DY

Daju: How strong are local governments in promoting rural PV? Can they restrain companies from cheating?

Mr. Jin: In 2016–2017, when the industry was just beginning to flourish, in addition to large state subsidies, provinces such as Guangdong and Zhejiang also had local subsidies. Therefore, there was a situation in Zhejiang where there were more than 100 trademarks in a county, cheating the ordinary people was extremely popular. After taking out loans, the ordinary people found that it was different from what

was advertised. Instead of earning one to two thousand each year, they had to inject [another] one to two thousand Yuan. Therefore, the local governments have been more cautious in this matter, and have not particularly actively participated in it. In the early years, more than 100 local banks and large national banks were handing out PV loans, [but] now there are basically only 10 companies left.

Even the state-supported village-level PV power stations face several problems. In the past few years, the NDRC have proposed the concept of village-level PV poverty alleviation, using some vacant land in the village collective to build a power station with state investment, and then [distribute] the income generated to the poor households or the village collective. This idea is very good, but the national level cannot provide targeted guidance for tens of thousands, hundreds of thousands of small projects for, [it] can only delegate construction and long-term management to the county-level government. The construction and operation of power stations is relatively professional, and county governments often lack the capacity, so many problems occur, the efficiency of power generation is not high, and [these projects can] even become unmanaged ‘orphaned power stations’.

Corruption still exists in some local governments, and weird electricity bidding prices have appeared. For example, the current system cost of power stations is about 4–5 Yuan, but in some places, the bidding price has been 7–9 Yuan.

Appendix B.2

Full translation in the discourse on injustice. Post by private account WL

The year before last, a dozen people from the village went to work in F County, doing poverty alleviation projects, PV power generation. The contractor is a native of T Village, and has not yet paid wages, the highest [wage he owes] is more than 8,000, the lowest [wage] is more than 1,000 Yuan, [owing] a total of more than 50,000 Yuan. After asking for several times, the dozen people approached the relevant officials and units in the township and county, none of them could find a solution.

Old Yu thinks that if someone has worked for you, you have to pay wages. It doesn’t matter if [you make a loss], because [the workers’ wages account for a fraction of the total amount you earn with the project], so even if you make a loss, you have to think of a way to pay the workers their wages, this is self-explanatory.

Yesterday, [I] saw them discussing this matter at the entrance of the village, they planned to go petitioning to the city. Farmers are a vulnerable group, and when there is no way out, the only way is to take the road of petitioning. There is a disabled person in this group, walking with a crutch, sixty-eight years old, and I feel

sorry for him. I hope that they will encounter a clean official and get their hard-earned money back soon.

Photos from the Internet
B City -T County

User comments below the post by WL

Good Morning, Old Yu! There are many of these incidents where wages are in arrears, you are right!

Making money is not easy, [you] have to follow the right people

Among the ordinary people, there are always some who constantly get hurt

Appendix B.3

Full translation in the discourse on exclusion. Post by private account WS

I saw that within electricity poverty alleviation, there is the model cattle breeding + farmers' bookshops + PV power generation, but our family is not [included in] poverty alleviation, and in fact, the burden remains relatively heavy. [What] my parents and other people learned is to breed cattle, the yard is a little messy, and the calves always like to peek inside, so I bought a PVC door curtain. [I opened] the bookshop entirely with my own money, there are some agricultural and rural books, my uncle's family has those, and there are quite a few children's books, [although] only a few children read. Our family does not have PV power generation, I heard that there are only six households in the village [who do], [if there were] too many [households with PV installations], the transformer could not withstand, my family only has these solar door lights [that we] bought online, as well as some solar table lamps and camping lights. I installed a traffic reflector, a solar streetlight and two solar flashing lights at the entrance of the village, which may be replaced as soon as solar streetlights are installed in the entire village, my personal investment is limited, [but] maybe it has some effect.

Appendix B.4

Full translation in the discourse on passivity. Post by private account DL

With regard to policy, one of them enjoys industrial poverty alleviation, because they keep 10 boxes of bees, so the industry directly subsidises 2000 Yuan, at the same time,

they get a dividend of 3222 Yuan from the village's PV industry, and a dividend from the H cooperative industry, totalling 5372 Yuan. With regard to poverty alleviation safeguards, three people receive subsistence allowance, each getting 370 Yuan a month, plus subsidy, totalling 1110 Yuan per month and 13320 Yuan per year, disabled people get a subsidy of 1800 Yuan per year, totalling 15120 Yuan; with regard to healthcare poverty alleviation, the New Rural Cooperative pays 240 Yuan per person, for four people, it is 960 Yuan in total, and the commercial supplementary insurance premium for major diseases [contributes] 290 Yuan per person, for four people, it is 1560 Yuan in total, together totalling 2520 Yuan; with regard to educational poverty alleviation, the son who goes to kindergarten [receives] a subsidy of 750 Yuan for each preschool term, then there are also some hundred Yuan for ecological poverty alleviation, furthermore, the poverty alleviation cadre usually brings rice, oil and money during Chinese New Year, in sum, they rely on the state for more than 25,000 Yuan per year. In addition, Mr. Liu himself has an income of 26,000 Yuan per year, according to the national poverty alleviation standards, their disposable income per capita has steadily exceeded the national poverty standard with 3,747 Yuan last year, dividing their [disposable income of] 54,000 Yuan by four, the disposable income per capita exceeds 12,750 Yuan, thus exceeding [the national] standard by far.

Just in time for the peak of the municipal cross-check organised by the province, Mr. Liu came back. Mr. Liu says the Foshan factory closed down due to the pandemic, so he could only come back. He went to the village committee and applied for a transportation allowance of 500 Yuan, then ran to my office and asked me if there was anything he could do in the village, I said I would discuss with the village branch secretary again and give him an answer afterwards, then he asked for a business card and left. Last night, Mrs. Liu kept sending me voice messages, saying that both of them are at home and have no economic income, there are two children who need to go to school, [it is] very hard. It is very hard, for many of the poor households I have contacted it is very hard, some are bedridden, some are mentally handicapped, some are mentally ill, some are widowed, [I] have seen everything. It is true that life is not easy for the common people, but whose life is easy anyway. Poverty has not [just] occurred in these days, but it has existed throughout history. There are just too many people in China, [it is] a huge country, and disability and illness happen to people every day, and poverty happens too. However, the people themselves are not motivated to change the situation, especially some poor households look to the government, hoping [they would] arrange this and arrange that. There is a video on the Internet [in which] poverty alleviation cadres asked a poor man what he was lacking, he said he was lacking a wife, and the cadre said, "I don't have a wife either."

This morning, I specially went to Mr. Liu's house. Only Mrs. Liu was at home, Mr. Liu went to the tea mountain to plant tealeaves, the kind [of jobs] that pays on a daily basis. She gave me an application form, saying that she wanted to apply for a poor household. Funny enough, their family is already a poor household, what else [is

there] to add. In the evening, Mrs. Liu sent another voice message, asking what I said to her husband during the day. Because of some issue in the village, I did not run into Mr. Liu. I called Mr. Liu in the evening and asked him to come to the village committee tomorrow to get 500 RMB. Our village team gave him 500 RMB as seed money for planting vegetables, and after planting, I would be responsible for helping him sell the vegetables to increase his family's economic income. Then, I also discussed with the village and tried to open up a public welfare position for him, something like a forest ranger and cleaner. Mrs. Liu rambled again, saying that Mr. Liu cannot grow vegetables, and that it is raining, that the vegetables are not good, and so on, in any case, she was saying that Mr. Liu was not willing to do this, nor willing to do that. When I met Mr. Liu, he was telling the village committee that he was a little disgusted by this wife because she was disabled, all the policy subsidies [went on] his bank card, he has changed the password, so Mrs. Liu could not withdraw [money]. The village branch secretary told him that nonetheless, Mrs. Liu gave him two children and cleans up the house, so he should stop being choosy and making a fuss about getting divorced. In view of such situations, I am already speechless. "Poor couples try their best and yet everything fails", they already are poor, yet they want to divorce, I do not [really] understand.

Appendix B.5

Full translation in the discourse on success. Post by private account DM

X County is an autonomous county [for] the ethnic groups Hui and Yi in K City, Yunnan Province, and located in the northeastern part of Yunnan, inhabited by 25 ethnic groups, such as Han, Hui, Miao and Yi, with 133,000 ethnic minorities, accounting for 23.6 percent of the total population, including 70,300 Hui, 52,900 Yi and 7,000 Miao. At the same time, X County is one of the 592 key development counties for poverty alleviation, and 70 percent of the county's documented poor households are ethnic minorities. C Village, [. . .] X County, is a provincial-level poor village. Its most remote village, E Village is purely [inhabited by the ethnic group] Yi. There are 255 households and 818 people, including 200 households and 716 people filed as poor. In 2015, the per capita food was 300 kg, and the per capita net income was 1,560 Yuan. After targeted poverty alleviation, E Village built 255 sets of housing with brick and concrete with an average area of 100m² each, supporting the construction of villagers' activity rooms, ethnic cultural squares, and relocation of the entire village, in order to make a leap from 'poor nests' to liveable villages. In 2016, the donated PV power station settled in E Village, E Village completed the land transfer and built greenhouses to grow organic vegetables and edible mushrooms. In 2019, E Village was included in the third batch of villages with ethnic minority characteristics in China.

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Brazil

Anna Paula de Moraes Bennech and Matheus Jones Zago

Experiences of Local Self-Regulation Legitimation in a South Brazilian Town: Credit Cooperative and Community Higher Education

Abstract: The South of Brazil received a great immigration flow, mainly between the late 19th century and the first half of the 20th century. In the Vale do Rio Pardo region in the State of Rio Grande do Sul, Santa Cruz do Sul was particularly a German immigrants' destination. Although invested in regulating immigration, the Brazilian state repeatedly did not provide the promised minimal structure to the colonies. The first settlers faced significant challenges in carrying out their primary activities, such as education and commerce. Thus, self-regulation was an alternative to fill in the gaps left by a limited statehood, as the community engaged associations to meet the local needs, ranging from schools and hospitals to credit access. In this context, our research objects are Sicredi Vale do Rio Pardo Credit Cooperative (Sicredi) and the University of Santa Cruz do Sul (UNISC) for two main reasons. First, they are civil society initiatives based on self-organization which developed into democratic and participative institutions. Second, the financial market and higher education are among the most state-regulated areas in Brazil. Therefore, we ask to what extent there are opportunities for self-regulation initiatives within highly state-regulated areas, such as microcredit and community higher education. Moreover, what are these spaces and the similarities and differences between Sicredi's and UNISC's strategies? We state three hypotheses about highly regulated areas: (H0) self-regulation is not possible; hence organizations' institutional engineering tends to institutional isomorphism; (H1) self-regulation is possible but limited to specific aspects; (H2) self-regulation is broadly possible. We focus on the local aspect of the relations between the state and local level to present partial comparative results of ongoing research. Our goal is to identify similarities and differences between self-regulation and legitimation strategies in Sicredi and UNISC's paths from a historical institutionalist approach in order to comparatively analyze path dependencies, as well as formal and informal institutions and actors within a limited statehood context. Our paper has three sections: firstly, we present our theoretical framework, encompassing limited statehood, local self-organization, self-regulation, self-governance, and associationism, followed by our methods and hypotheses. Secondly, we analyze Sicredi and UNISC's formal and informal internal governance and legitimation mechanisms, as well as their relationship with the local and regional communities. Finally, we performed a comparative analysis, highlighting similarities and differences, especially focusing on self-regulation for self-governance, communication strategies, and local partnerships

for regional development. The first results point to broader perceptions of local solutions to community demands and the understanding of limited statehood itself. Despite performing activities in different regulation areas and reaching particular paths, Sicredi and UNISC share a core of associationism, as well as connexion and dedication to local and regional communities when addressing statehood gaps and regional needs. Additionally, they join efforts to overcome challenges, aiming to achieve economic and social success and boost regional development.

Resumo: O Sul do Brasil recebeu grandes fluxos de migração, principalmente no final do século XIX e no início do século XX. A região do Vale do Rio Pardo, no Rio Grande do Sul, onde o município de Santa Cruz do Sul está localizado, foi o destino de muitos imigrantes alemães. Contudo, apesar do investimento em regulamentar a imigração, o estado brasileiro repetidamente não forneceu a estrutura mínima prometida para as colônias, levando os primeiros colonos a enfrentarem dificuldades para conduzir suas atividades básicas, como comércio e educação. Assim, a autorregulação foi uma opção para preencher lacunas deixadas por uma área de estatalidade limitada, uma vez que a comunidade engajou-se em associações para atender às necessidades locais, tais como escolas, hospitais e acesso a crédito. Nesse contexto, nossos objetos de pesquisa são a Cooperativa de Crédito Sicredi Vale do Rio Pardo (Sicredi) e a Universidade de Santa Cruz do Sul (UNISC) por duas razões principais. Primeiro, porque ambas são iniciativas da sociedade civil baseadas em auto-organização que se desenvolveram em instituições democráticas e participativas. Segundo, porque o mercado financeiro e a educação superior estão entre as áreas mais regulamentadas pelo Estado brasileiro. Assim, buscamos compreender em que medida há oportunidades para iniciativas de autorregulação em áreas altamente regulamentadas pelo Estado, como microcrédito e ensino superior comunitário. Além disso, buscamos compreender estratégias, semelhanças e diferenças entre a Sicredi e a UNISC. Para isso, propomos três hipóteses para áreas altamente regulamentadas: (H0) autorregulação é impraticável, de modo que a engenharia institucional dessas organizações tende ao isomorfismo institucional; (H1) autorregulação é possível, mas somente em certos aspectos; (H2) autorregulação é amplamente possível. Ao apresentar resultados de pesquisas em andamento, nós focamos nos aspectos das relações entre o Estado e a esfera local. Nosso objetivo foi identificar semelhanças e diferenças entre as estratégias de autorregulação e legitimação nas trajetórias da Sicredi e da UNISC a partir de uma abordagem institucionalista histórica, assim como realizar uma análise comparativa das instituições e de atores formais e informais em contextos de estatalidade limitada. O texto está dividido em três seções: a primeira apresenta o arcabouço teórico, que engloba estatalidade limitada, auto-organização local, autorregulação, auto-governança e associativismo, seguido pelos métodos e as hipóteses. A segunda seção analisa mecanismos internos de governança e legitimação (formais e informais, bem como seu relacionamento com comunidades locais) da Sicredi e UNISC. Por último, é realizada uma análise comparada que destaca semelhanças e diferenças entre os dois casos, com foco especial na

autogestão, nas estratégias de comunicação e na cooperação para o desenvolvimento regional. Os resultados iniciais apontam para um panorama mais amplo de percepções sobre soluções locais para necessidades da comunidade e de entendimento da estatalidade limitada em si. No que concerne aos resultados, embora realizem atividades em diferentes áreas de regulamentação e possuam trajetórias individuais, Sicredi e UNISC compartilham uma essência associativa, bem como conexão e dedicação às comunidades regionais quando enfrentam lacunas de estatalidade e necessidades regionais. Ademais, essas organizações unem esforços para superar desafios, visando alcançar o sucesso econômico e social e impulsionar o desenvolvimento regional.

Introduction

This work integrates the DFG Research Group 2757 (LoSAM),¹ which investigates local self-governance in weak statehood contexts in Antiquity and the Modern Era. From an interdisciplinary approach, the collective goal is to elaborate a typology about self-organizing alternatives for the diverse possible gaps left by the state. Our aim for this paper is to congregate the ongoing research's partial comparative results of LoSAM's Subproject E, principally concerning local self-regulation legitimation. Through two case studies of exploratory and participant nature, our purpose is to verify the extent of self-regulation initiatives in branches highly regulated by the state, *i.e.*, local micro-credit initiatives and community higher education.²

Before discussing our research objects, it is important to contextualize immigration and its correlations with limited statehood in Brazil. Since 1824, the South of Brazil has experienced community organization in colonization areas. The European immigrants – Germans, Italians, Poles, and others – who arrived in the 19th century stood out for their strong associationism.³ Indeed, a characteristic of these colonization areas was the organization of individuals in societies or associations for economic, educational, cultural, and religious purposes and civil rights.⁴ However, immigration was not a homogeneous process, manifesting different aims and dynamics from region to region. For example, in the Southeast, the prominent urge was to cope with the transition from an enslaved workforce to a salary-based one, attracting the immigrants to work in monoculture plantations, especially coffee.⁵ Conversely, immigrants formed agricultural communities based on small plots of

1 Pfeilschifter *et al.* (2019).

2 Yin (2014).

3 Schmidt (2010) 17.

4 Vogt (2006) 97 and Oliveira (2008) 10.

5 Furtado (2005) 37 and Prado Jr. (2017) 116–117.

family production in the South.⁶ The state supported this last model to strengthen settlement and populate the region, which resulted in numerous communities with intense social and cultural life also developing in their surroundings.⁷

Notwithstanding the colonization plan, immigrants struggled to settle. In Rio Grande do Sul, access to information and infrastructure was limited to a small area, and this discrepancy harshly affected the immigrant colonies in the countryside. As a result, the immigrants and their descendants had to provide a wide range of social needs for themselves from scratch, starting from the essential ones, such as building schools and maintaining health services, as well as constructing churches and recreational clubs. Not infrequently, they helped carry out infrastructure works: opening and conserving roads, building bridges, installing water systems, and setting up equipment for generating and distributing electricity.⁸ Despite the challenge of living far from their families, culture, and traditions, the immigrants had to deal with the new country's problems when settled, which would become a republic in 1889 with a limited statehood reach in several areas.

In Santa Cruz do Sul, the German immigration started in 1849 and occurred in several waves, and the situation was substantially the same.⁹ Freshly arrived and deprived of public institutions and essential services, these immigrants gathered to meet the community needs in places where the public authorities and even private institutions had left off. The immigrants had to build houses, roads, schools, and churches, often relying only on the community's collective work. This form of association to cope with the difficulties faced by individuals and social groups became more apparent and rooted as new and more complex needs and challenges emerged.

From the immigration experience in Santa Cruz do Sul, one can identify a limited statehood leaving room for an expression of positive self-regulation. Research has shown that this might not be a good call for issues such as security, for instance.¹⁰ However, the engagement in organizing and providing for the local and regional needs in Vale do Rio Pardo, especially finances and education, resulted in self-organization experiences that developed over time into democratic and participative institutions. Our research objects, Sicredi Vale do Rio Pardo Credit Cooperative (Sicredi) and the University of Santa Cruz do Sul (UNISC), illustrate this perspective because civil society initiatives created both organizations to assist the local and regional communities in access to credit and higher education, respectively. These areas were not locally covered by state agencies.

Concerning the financial market and higher education in Brazil, we deem it indispensable to grasp the limited statehood concept's complexity, for statehood

⁶ Seyferth (1994) 1 and Vogt (2001) 50.

⁷ Seyferth (1994) 2 and Vogt (2001).

⁸ Kipper *et al.* (2014) 20.

⁹ Vogt (1994) 36, 38.

¹⁰ Jung/Cohen (2020) and Hagberg (2019).

areas.¹¹ Notably, the state highly regulates these areas despite not being the leading provider in the region. In other words, the state is not entirely absent: although a weak provider, it remains a strong regulator. For example, in Sicredi's case, the Brazilian Central Bank closely supervises cooperatives and regional offices to the point that there is a detailed template provided for the internal bylaws. As for UNISC, the Ministry of Education establishes strict rules, such as physical structures' dimensions and criteria, as well as an extensive evaluation system. Thereupon, we ask to what extent there are opportunities for self-regulation initiatives within highly state-regulated areas, such as microcredit and community higher education. Moreover, what are these spaces and the similarities and differences between Sicredi's and UNISC's strategies?

We structured our paper into three sections. First, we present our theoretical framework: the concept of areas of limited statehood, local self-organization, self-regulation, self-governance, and associationism, followed by our methods and hypotheses. Second, we analyze Sicredi and UNISC's principal internal governance and legitimation mechanisms, both formal and informal, as well as their relationship with the local and regional communities. Finally, we performed a comparative analysis, highlighting similarities and differences, mainly focusing on self-regulation for self-governance, communication strategies, and local partnerships for regional development.

1 Theoretical framework

This section presents the central concepts of our analysis: areas of limited statehood, self-regulation, legitimation, and formal and informal institutions. Finally, we state our hypotheses.

Our adopted understanding of weak statehood differs substantially from the normative connotation of the mainstream literature on fragile, collapsing, or failing states. We start from these guiding cores: the Weberian concept of state and areas of limited statehood. First, Max Weber posits the state as an institutionalized structure capable of ruling by use of force (*Herrschaftsverband*) and legitimate control through the means of violence.¹² Hence, where the state does not effectively exercise political authority or monopolize the use of force, civil society actors can perform many functions usually attributed to the state. Second, a weak state does not necessarily mean a consolidated vs. failed state but rather areas of limited statehood.¹³ In this sense, what expresses a state's weakness would be its inability to perform its functions,

¹¹ Börzel *et al.* (2018).

¹² Weber (2002) and Pfeilschifter *et al.* (2019) 11.

¹³ Risse (2011).

such as providing security, civil rights, and social services. This approach's core contribution to our paper is the study of areas of limited statehood not exclusive to "fragile" states, nor a synonym of "ungovernable" or "ungoverned".¹⁴

Thus, we understand an area of limited statehood as one where the state is somehow and at some level absent or not fully present, allowing contexts to be as diverse as social dynamics may be. In other words, when the state does not provide an essential service for a given territory's population, even if civil society fills that gap through a substitutive, subsidiary, complementary, or contrary relation with the state.¹⁵

While most of the Political Science literature concentrates on state structures and institutions when studying the relations between the state and the local level, our main effort here, as well as LoSAM's, is to focus on the locality to grasp the dynamics involving areas of limited statehood and self-regulation.¹⁶ We understand *self-organization* as local and community-driven initiatives with a core cooperation characteristic, which do not emerge from state imposition but spontaneously. Also, they are not isolated from the state agencies but rather dynamically interact with them at different levels.¹⁷ In turn, *self-regulation* is a collective process in which a group regulates itself, overlapping the regulator and regulated roles.¹⁸ Not exclusively a process, self-regulation also comprises instruments.¹⁹ As for *self-governance*, we mean the democratic approach from which a group institutionally self-organizes its decision-making processes and structures.

Although the literature may not use self-organization and self-regulation as synonyms, mostly between different research fields, we perceive them as intrinsically connected because *organization* demands at least some level of *regulation*, even if informal. In particular, we assert self-governance as the institutional choice to carry out internal decision-making processes democratically, which is a remarkable characteristic of our case studies. In a nutshell, we posit self-governance as a positive form of self-regulation.

In analyzing political systems, legitimacy (normative category) as the justification for existing rules, differs from *legitimation* (descriptive category) as the ruled accepting the rulers. For the latter, there are diverse strategies, such as performance, political actors' appeal, institutional legitimation strategies, political discourse, and symbolic politics.²⁰ We adopt this categorization of *legitimation* to analyze local self-regulation initiatives, especially the self-governance institutional framework, as a means to seek legitimation from the state and local community.

¹⁴ Börzel *et al.* (2018).

¹⁵ Pfeilschifter *et al.* (2019) 18.

¹⁶ Pfeilschifter *et al.* (2019).

¹⁷ Edelenbos *et al.* (2018) 53, 63, 64.

¹⁸ Black (1996) 27.

¹⁹ Thomann (2017) 55.

²⁰ Lauth (2020b).

Furthermore, we consider the participation of individuals in heterogeneous groups as a positive factor because it may propel the development of attitudes towards group interaction and stimulate a collaborative willingness and sense of belonging. This approach reinforces the theory that associationism can also contribute positively to governance and democracy.²¹

Lastly, we acknowledge the relevance of both formal and informal institutions, whose difference is the formal codification (or lack thereof) in official written documents.²² Similarly, we acknowledge how informal institutions' dynamics are relevant to analyzing the macro-level, political systems and democracy in general, and, in our case, legitimation strategies and relations at the micro-level.²³

Thus, we posit that understanding local self-organization and self-regulation as a strategy to cope with areas of limited statehood suits analyzing Sicredi and UNISC's paths. Although starting at different historical moments, from the socio-economic development of the Vale do Rio Pardo region and mainly Santa Cruz do Sul, local actors identified unfilled gaps and acted towards meeting those needs in both cases. However, different from the mainstream lenses at self-regulation, the Brazilian statehood is not "weak," as in *entirely absent* in credit access and higher education. Conversely, despite its limited facet as a provider, it is strong in what concerns regulation. In other words, the cases present two overlapped areas of statehood: a limited provision and a strong regulation for the financial market and higher education.

Therefore, this paper's task is to investigate to what extent there is room for self-regulation initiatives when organizations are embedded in highly state-regulated branches, focusing primarily on the legitimation mechanisms in Sicredi and UNISC's cases. We state three hypotheses for highly regulated areas: (H0) self-regulation is not possible; hence organizations' institutional engineering tends to be closely similar, to the point of institutional isomorphism; (H1) self-regulation is possible but limited to specific aspects; and (H2) self-regulation is broadly possible. The following section presents the methodological approach and how we conducted data collection and analysis.

2 Methods

This paper presents a comparative analysis of the partial results from our current Ph. D. research. Specifically, we seek to identify the extent of self-regulation possibilities within areas highly regulated by the state. Ultimately, we identified and compared the similarities and differences between self-regulation legitimation strategies in

²¹ Putnam (1993) 102.

²² Lauth (2020a).

²³ Lauth (2012).

microcredit and community higher education initiatives in Santa Cruz do Sul, namely, Sicredi Vale do Rio Pardo and UNISC.

We adopt a historical institutionalist approach, as our analysis focuses on institutions, both formal and informal.²⁴ Moreover, we acknowledge the historical “unfolding of processes” as central to grasping political outcomes.²⁵ This choice offers us components to identify the relations of political actors with social and political outcomes, as well as how institutional rules affect their paths. Our concern is to elucidate how institutions emerge and are inserted in temporal processes, which means institutions’ development, maintenance, and adaptation.²⁶

This paper’s data draws on semi-structured interviews and documents collected during field research conducted between October 2019 and January 2020 in Santa Cruz do Sul, Rio Grande do Sul, Brazil, and neighboring towns. We had the opportunity to interact with the organizations’ management, administrative and academic staffs, cooperative leaders, as well as civil society and state-related actors, such as local politicians. Additionally, we conducted direct observations in both organizations, attended events, and collected internal documents, such as reports, statutes, bylaws, policies, and minutes in print or virtual media. Moreover, we did a legal framework analysis, considering they are inserted in highly state-regulated areas.

We used data triangulation as an analysis method and applied insights and feedback from the workshops held by the LoSAM team.²⁷ For comparing the experiences of Sicredi and UNISC concerning legitimation strategies and mechanisms, we elected their self-governance structures as the main topic to address in this paper because it highlights their core identity elements: regional development-orientation, proximity to the local community, and democratic and participatory decision-making processes. Additionally, we addressed communication approaches and illustrated how they partner up in challenging contexts. Throughout the three aspects, we consider formal and informal institutions. The following section centers on presenting the first part of our empirical analysis and results.

3 Governance and Legitimation Mechanisms

This section presents and examines legitimation mechanisms from the internal governance structures of Sicredi and UNISC. Concentrating on the dynamics and characteristics of what we classified as self-governance, we analyzed how formal and informal institutions shape their self-regulation experiences.

²⁴ Steinmo (2008) and Lowndes (2005).

²⁵ Pierson (2000) 264.

²⁶ Thelen (1999).

²⁷ Badie *et al.* (2011) and Yin (2014).

3.1 Local credit cooperative: Sicredi Vale Rio Pardo

Historical research about credit cooperatives (CCs) in Brazil showed that, in the first decades of the 20th century, the rural credit savings networks were restricted to a small geographic area, rarely exceeding the limits of the municipality where they were installed. The movement was small, and the flow of the operations depended mainly on the farmers' crop sales. Nowadays, credit cooperatives serve both rural and urban areas. In this section, we will present the current structure of Sicredi Vale do Rio Pardo, a century-old credit cooperative from the countryside of Rio Grande do Sul, an example of governance for other Brazilian cooperatives.

Sicredi Vale do Rio Pardo credit cooperative was founded in 1919 in Santa Cruz do Sul by German immigrants who settled in the region, and it is known for its social actions and participative management.²⁸ Its purpose was to provide spiritual and material support to a local community composed mainly of immigrants and immigrant families. It did this by meeting the needs of local farmers and merchants who wanted to improve their material and social living conditions in the face of the gaps left by the state and the market.

Here, it is important to note that, during the 19th and early 20th centuries, Rio Grande do Sul received a considerable number of immigrants, especially in areas far from urban centers.²⁹ These immigrants, settled in areas such as Santa Cruz do Sul, faced difficulties in transportation, food production, trade development, lack of medical services and education, and even cultivating their homeland's cultural traditions. One solution to these needs was the emergence of collective organizations, such as cooperatives, based on the principle of *self-help*.³⁰ Initially (until 1930), these efforts lacked governmental and legal support to run and meet local needs,³¹ so the cooperative developed its activities, counting on the support of its own members. However, the situation changed over the years, and the cooperatives were supported by government policies to expand and strengthen their activities, especially due to the need for a legitimate structure and legal framework to serve the local community and neighboring municipalities.

Currently, the CC has 235 employees of whom 30% are men and 70% are women. In 2019, the CC registered 56,400 members, equivalent to 41.10% of the population of Santa Cruz do Sul and expanded its activities to at least 11 neighboring cities. Its credit operations reached 775 million Reais (137.48 million US dollars), exceeding the

²⁸ Schmidt/Goes (2002); Barth *et al.* (2014); Souza (2019) and Freitas (1990).

²⁹ Seyferth (1994) and Seyferth (1999).

³⁰ International Cooperative Alliance (2018).

³¹ Pinho (1966) 76.

municipal budget by 1.3 times.³² The participative management process starts with the members electing their representatives (delegates, see Fig. 1).³³ The board of directors and the fiscal council are elected.³⁴ Finally, the elected board chooses the executive and operational directors.

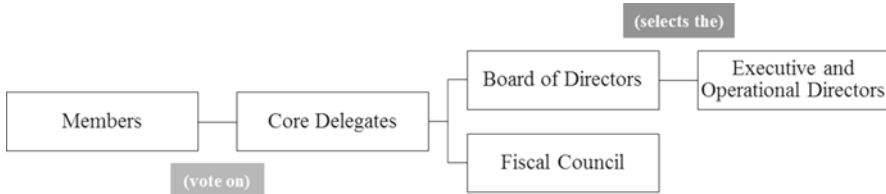


Fig. 1: Cooperative's Participative Management (adapted from Sicredi Vale do Rio Pardo Annual Report [2019]).

3.1.1 Sicredi's governance

Two axes structure the cooperative's governance: (A) the strategic governance and (B) the executive governance. (A) is exercised by the Board of Directors following the guidelines established by the Members' General Assembly. The President and the board have the power to nominate the directions of the cooperative because an electoral process legitimizes this board. However, their actions have to meet the members' wishes and there is monitoring by the Fiscal Council members. On the other hand, (B) performs processes aimed at the organization's efficiency to ensure its survival in the marketplace. Economic objectives guide this dimension, but it also follows the recommendations of (A) and the objectives set out in the bylaws.

Aiming to mitigate what the literature describes as agency conflict,³⁵ the CC adopts a model in which the President of the Board of Directors and its members do not accumulate executive positions (see Fig. 2). As a result, the political and strategic functions do not merge with executive and managerial functions.

The electoral process is the primary legitimation mechanism of Sicredi's organizational structure, and its main base is the principle of *one member one vote*. That is to say that each member has the right to one vote, regardless of the capital amount the member owns within the cooperative. The elections are held through

³² Estimated budget for Santa Cruz do Sul is R\$509 millions. Source: Portal Arauto (2019) available at: <https://www.portalarauto.com.br/Pages/168303/prefeitura-de-santa-cruz-preve-orcamento-com-r-26-milhoes-a-mais-para-2020>, seen 24.08.2022.

³³ *Gestão Participativa da Cooperativa*, originally.

³⁴ Sicredi Vale do Rio Pardo annual report (2019).

³⁵ Jensen/Meckling (1976).

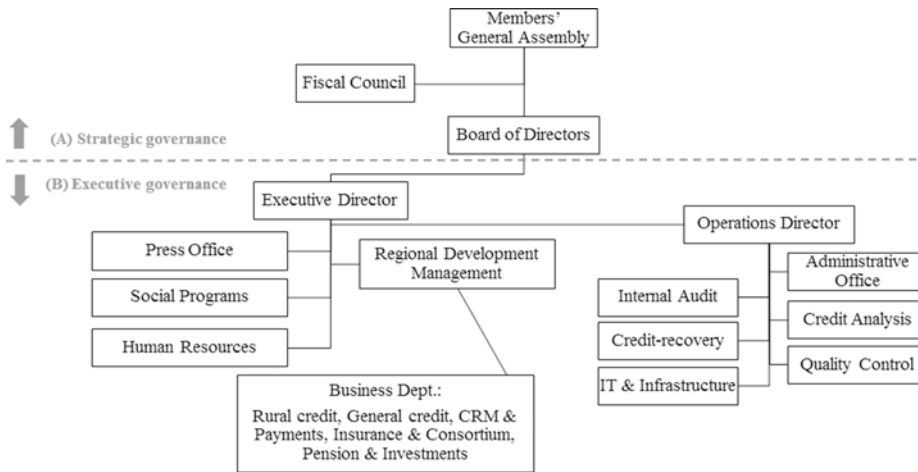


Fig. 2: Sicredi governance structure (adapted from Sicredi Vale do Rio Pardo Annual Report [2014]).

general assemblies or mini-assemblies, and other instances gain legitimation from the vote and the participation of the members. The following topics present the main legitimation mechanisms: the board of directors, fiscal council, executive directors, and other control boards, such as the regional office and cooperative bank.

3.1.1.1 Board of directors, general assembly, and member vote

The members elected by the General Assembly form the board of directors, which is responsible for the strategic planning and organizing the cooperative's agenda. They are elected for a four-year term, considering that each election must renew at least one-third of the members.

They [board of directors] are the ones who give direction. They gather monthly in a decision-making meeting and are selected to have, let's say, a representation of several groups. They decide about the future of the cooperative. For example, now, in one of our last substantial decisions, we've decided about the possibility of not expanding our activities into Espírito Santo.³⁶ Actually, we have the fiscal council, which supervises us. There is also the executive board that sometimes attends our meetings, but who has the final word, who gives the ok, and who says yes and no is the board of directors.³⁷

³⁶ Espírito Santo (ES) is one of the 27 federative units of Brazil located in the Southeast region at 2,174 km distance from Santa Cruz do Sul (RS). The researcher was at the weekly meeting where the president informed the staff about the council's decision on not expanding the cooperative's area of operation.

³⁷ Interview with the cooperative president (2019), our translation.

3.1.1.2 Executive and operational director

The directors (executive and operations) are nominated based on essential qualifications, such as educational background and experience, and are responsible for administrative and business areas. Some cooperatives in the system have a business director, but Sicredi Vale do Rio Pardo chooses not to have this position: “Today, we have only two directors. They grew up here. I mean, they have been in the cooperative since they were young, and they have been developing in their areas. Today they are very competent. To be a director, it is necessary to have a degree in the area and deep knowledge on the cooperative and its management.”³⁸

3.1.1.3 Fiscal council

The fiscal council comprises three effective members and an equal number of substitutes. All of them are elected annually at a general assembly by the cooperative members. The fiscal council has regular monthly meetings and supervises the board of directors’ activities. There are also restrictions for joining the fiscal council, as members must be experienced and have proven qualifications to hold the position.

3.1.1.4 Regional Offices (*Centrais Sicredi*) and cooperative bank (*Banco Sicredi*)

Sicredi Regional Offices supervise the local cooperatives through internal audits in compliance with current legislation and regulations. In Sicredi Vale do Rio Pardo’s case, the *Central Sul-Sudeste* addresses the supervision. The Regional Office forwards its reports to the Central Bank, which also has regulatory roles. “Over time, the Regional Office was engaged in activities of centralization of the cooperatives, particularly issues about operational standards and bylaws. For a long time, the Regional Office did the payroll, IT management, and several other things which were common to all cooperatives. Instead of each (local cooperative) doing it by itself, they started doing it through the Regional Office.”³⁹

In contrast, *Banco Sicredi* acts as a financial intermediary, allowing local cooperatives to use banking products, such as checks, credit cards, bank accounts, and payment orders. These services allow communities without banking institutions to access credit. Furthermore, the cooperative bank is responsible for reporting the financial operations of local cooperatives to government agencies. Sicredi Bank centralizes both the regional office and local cooperative operations and is in charge of raising and applying funds in the system. Moreover, it provides for local communities’ access to financial market products.⁴⁰ Finally, *Banco Sicredi* offers more security to

³⁸ Interview with the cooperative vice-president (2019), our translation.

³⁹ Interview with the president of the Regional Office (2019), our translation.

⁴⁰ Internal bylaw, Sicredi Vale do Rio Pardo (2016).

members because the cooperative-guarantee fund (FGCoop) ensures its resources.⁴¹ Thus, members are not totally harmed in the event of insolvency or bankruptcy of local cooperatives from the system.

3.1.2 Informal legitimization mechanisms

Close friendships and interpersonal relationships are also present despite the formal environment. Since its formation, the cooperative has relied on the trust of its members and relations with the local community. Its insertion happens in various spheres of political and social life because its members have multiple interactions not only on-site but also in associations, social movements, unions, community, and religious activities.

The decentralized structure (PAC) reaches remote locations and allows social and geographic proximity, especially to farmers, representing another feature of the cooperative's presence in the community. Also, to avoid distance between members, the cooperative organizes meetings known as "Coffee with the president."⁴² On these occasions, they serve breakfast and discuss many issues. "The President goes to the agencies and meets with staff and members to talk about the cooperative's strategies for the coming year. It's more like a gesture of approximation to be close to these people."⁴³ These meetings lead to closer relationships because, for example, managers personally know the members and the community where they are based and use this social capital to benefit the organization. In credit applications, this knowledge contributes to the decision-making process because it encompasses information, such as the future borrower's personal and financial background as well as the activities developed by them and their family.

In addition, the cooperative has an institutional presence at events organized by the community (local *Oktoberfest*, Farmer's Day, city anniversary, fairs, and religious events), following a calendar of the main events in the region to highlight the importance of agricultural and urban credit in the community. Finally, it carries out projects in the community that encourage the formation of other cooperatives, e.g., it supports public schools to set up "school cooperatives,"⁴⁴ small farmers to establish production cooperatives, women to become entrepreneurs.

⁴¹ FGCoop fund was created with the purpose to equilibrate conditions of the cooperatives with commercial banks, protecting depositors and investors – with a guarantee for deposits of up to R\$ 250 thousand (U\$ 45.660 dollars) – bringing stability to the National System of Cooperative Credit (SNCC).

⁴² *Café com o presidente*, originally.

⁴³ Interview with the communications staff (2019), our translation.

⁴⁴ *Cooperativas escolares*, originally.

This section presented some governance and legitimation mechanisms of Scredi Vale do Rio Pardo, focusing on this institution's formal and informal aspects. The following section applies the same framework for analyzing UNISC's case.

3.2 Local community university: The University of Santa Cruz do Sul

Despite the region's economic development, Santa Cruz do Sul had no local options for higher education until the 60s. The Association Pro-Education in Santa Cruz do Sul (APESC) was founded in 1962 to boost local alternatives for training and retaining skilled labor, as there were no public or private options. First, offering the first higher education courses was possible through partnerships with other universities. Henceforth, APESC advanced and organized individual faculties in partnership with other universities and institutions, later becoming the Integrated Faculties of Santa Cruz do Sul (FISC). Finally, after a lengthy bureaucratic process, UNISC was officially founded in 1993.⁴⁵ Besides the principal campus in Santa Cruz do Sul, UNISC currently has facilities in four other cities in Rio Grande do Sul (Venâncio Aires, Sobradinho, Capão da Canoa, and Montenegro). The university offers undergraduate and graduate courses, as well as several extension projects through which the students provide free services for the local community. Also, it prizes participation in civil society associations and state agencies' councils.⁴⁶

3.2.1 UNISC and (Self)Governance

To analyze UNISC's path, we need to consider the local traditions of community education in immigration colonies. Among the general absence of essential public services, the lack of education structures was a critical concern. To cope with the insufficiency of public schools, colonies created a local system of non-profit-oriented community schools, which also nurtured German culture, history, and language.⁴⁷ The community schools' experience lasted more than 100 years, and their infrastructure improved over time.⁴⁸ However, starting in 1938, the Nationalization Campaign implemented the mandatory teaching of Portuguese and measures to "Brazilianize" education to the

⁴⁵ Kipper *et al.* (2014).

⁴⁶ In 2019, UNISC was a member of 80 community participation organizations and councils, according to the APESC's Social Responsibility and Social Balance Report (2019).

⁴⁷ Seyferth (1994) 4, 15.

⁴⁸ Schmidt (2017) 29.

point that it was basically impossible for ethnic community schools to continue their activities.⁴⁹

Now, when it comes to higher education, from the first republican constitution, in 1891, higher education could also be a private enterprise initiative despite still being a national state competency. In a nutshell, the central government progressively waives its role as a provider towards its facet as a regulator, especially during the dictatorship periods, guided by the premise that quality means adjusting to and following specific standards.⁵⁰

The detailed and numerous regulation environment is somehow rigid, leaving limited room for institutional creativity. Part of the literature, principally from a for-profit higher education organizations' benchmark, posits that it results in institutions developing very similar structures, a phenomenon called an *institutional isomorphism*.⁵¹ However, parallel to public and for-profit-oriented endeavors, secular community higher education initiatives emerged between the 1940s and the 1970s in the South of Brazil. Their main characteristics include non-profit orientation, local civil society initiatives in partnership with local governments, and close ties with the local and regional communities.⁵² Community higher education institutions are majorly concentrated in the South of Brazil, drawing on the tradition of local community education, associationism, and a substantial social capital component that marked immigration colonies in the State of Rio Grande do Sul.⁵³

As an example, we may look at the sponsoring entity's legal requirement. As universities have no legal personality of their own, they manage education itself, but the sponsoring institutions are legally responsible for their administrative and financial matters – in other words, the first cannot function without the second.⁵⁴ However, UNISC's governance structure, as a representative case of community universities, points to different insights into self-regulation for self-governance in highly regulated areas.

UNISC's sponsoring institution is APESC, a local non-profit association. They are legally binding as an institutional system to provide higher education more than they are formally linked. They are also intrinsically connected in identity and legitimation approaches and narratives. They both have official statutes and internal regulations for administrative affairs and electoral procedures, as well as hold

49 Seyferth (1999) 221.

50 Brazil had two dictatorial periods: *Estado Novo* (1937–1945), led by Getúlio Vargas, and the Civil-military Dictatorship (1964–1985).

51 Sampaio (2014) 44.

52 Schmidt (2017) 41, 42.

53 Schmidt (2017) 28.

54 Brazil (2017). In a simple analogy, the university has no right to sign up a contract or make payments independently. Only along with the sponsoring institution's authorization, can a university legally exist and fully perform its activities.

periodic elections at different levels. Here, the shared core is being non-profit and valuing community representation and active participation in decision-making boards.

As we understand self-regulation as the juxtaposition of the regulator and regulated roles,⁵⁵ although the state determines the general outline, the internal governance model gathers comparatively minor regulation detail, conceding higher education organizations space to manifest their identities through formalized procedures. Therefore, APESC and UNISC each have their self-governance structure, yet they are fundamentally interconnected because the general governance structure is twofold. Hence, two-folded lenses also suit an analysis of legitimation strategies. First, we will briefly describe the main aspects of internal governance boards' composition and dynamics; then we will analyze the legitimation strategies from and through them. Fig. 3 presents a condensed version of APESC and UNISC's governance charts focusing on the deliberative and main executive boards.

Aiming at streamlining the analysis, we divided the governance approaches threefold. First, let us focus on UNISC. *Higher governance* (A) and *basic governance* (C) are terms employed by UNISC's statute to describe its structure. Additionally, we created the *administrative governance* (B) category to make the structure analysis more dynamic and accessible. (A) convenes the central decision-making and broader administrative boards, guided by *one-person-one-vote* decisions and diversity in representing different groups principally within the university but also the local community; thus, decisions formally occur in pluralistic environments. The University Council is the highest stand of decision-making and the only one stipulating direct community participation through seats for public agencies and civil society associations. (B) is the least open sector to direct participation because the rector has the statutory prerogative to (re)structure the pro-rectories and nominate the pro-rectors. The rector's legitimation lies in the electoral procedure.⁵⁶ (C) follows the general outline of (A) as to the representation of internal groups and regular elections. On the one hand, there is no participation of the external community or the technical-administrative staff, but the vote proportion among the academic staff and students is higher (50–50).

Now, it is APESC's turn. (D) is the association's core, with no fixed-term mandate, and governed by one-person-one-vote where decisions are taken mainly through a majority vote. Currently, there are 68 entities as full associates, which are not elected but must go through an association process established in the statute, ultimately accepted or

⁵⁵ Black (1996) 26.

⁵⁶ According to the UNISC's electoral by-law, elections are held on a quadrennial basis, and rector and vice-rector have a single possibility of reelection (Art. 6^o, § 1^o). Besides the representatives of the full associate members of APESC's Community General Assembly, there can be no cumulative voting (Art. 8^o). The "weight of the votes" is distributed as follows: academic staff (40%), students (40%), technical-administrative staff (10%), APESC's Community General Assembly (10%) (Art. 9^o).

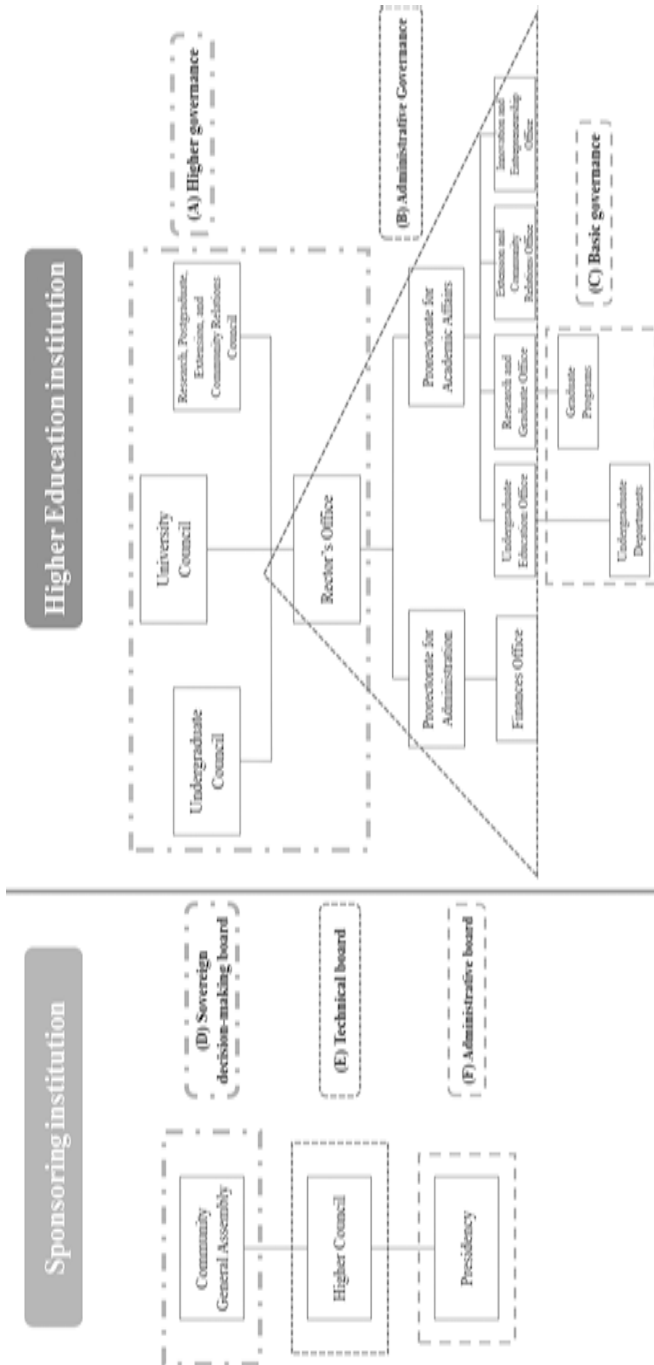


Fig. 3: APESC and UNISC governance structure (adapted from APESC and UNISC statutes [2011 and 2008]).

not by (D). (E) is a technical board with deliberative and advisory functions. The seats are primarily position-related, and not all members are elected. There is a fixed-term mandate of two years. (F) consists of the association's President and vice-president, elected by (D), both technical and unpaid positions with a fixed-term mandate.

From a comparative perspective, we underline three aspects. First and starting with the similarities, they both assure representation of diverse groups and one-person-one-vote to enhance participation and highlight the organization's democratic character, fostering proximity to its community, even if internal, but in core local. Furthermore, from the internal governance composition and dynamics, one can observe that the greater the degree of decision-making responsibility, the higher is direct and diverse participation, as well as the more technical the board, the less immediate participation and diversity of groups. Thus, we identify local community participation in the highest decision-making boards as a tool to locally legitimize their belonging and decisions as democratic and community-inclusive. Second, and as for the nuances of the legitimation outreach, we emphasize that their self-regulation concentrates on self-governance, as in internal democratic governance, which integrates their identity. As it is closer to technical university management aspects, UNISC invests in the internal community diverse participation as a legitimization strategy.

On the other hand, farther from the minutiae of university administration, APESC has more space for broader and immediate external community participation. Finally, informal features are also imbricated in this relation: notwithstanding the absence of a written rule, the President of APESC has usually been the same person as the rector of UNISC and the vice-president has been a community member. For instance, an APESC's vice-president mentioned this practice in his interview "(. . .) they invited me [UNISC's rectors] because the vice president is there to represent the community. (. . .) The vice-president represents the community."⁵⁷

After this first immersion in the legitimation aspects from UNISC and APESC's self-governance structures, the following section centers on the legal legitimation. Specifically, we present a brief analysis of the community universities' legitimation path and how the UNISC inserts itself in this context.

3.2.2 Legal legitimation (and beyond)

The Federal Constitution of 1988 entitled community universities to receive public funds for research and extension activities, as long as they were non-profit oriented.⁵⁸ The fact that private universities are not mentioned in this context might lead one to

⁵⁷ Interview with an APESC's vice-president (2019), our translation.

⁵⁸ Art. 213, § 2º, Brazil (1988).

think that there was a clear distinction between *community* and *private* education; however, community universities were legally classified as a private subtype until 2013. Despite the lack of a specific law, UNISC has defined itself as a community university since its foundation in 1993. Being *community* as the identity and guiding purposes' core was mentioned at least once in all the interviews, as well as in the university's official documents, mostly connected to the non-profit orientation and the close relation with regional communities. UNISC figuring among the protagonists in negotiating the legal recognition of this institutional identity translates this narrative into action.

This understanding of *community* effort also pertains to the participation in civil associations of community higher education. Right after its creation, UNISC joined a regional (COMUNG, 1996) and a national (ABRUC, 1995) association, both statutorily democratic with regular elections, in which UNISC's rectors are frequently elected for decision-making and counseling positions. These networks are strategic for enhancing the possibility of bargaining with the government regarding the sector's demand, such as the community universities' law. It was a civil society initiative firstly led by COMUNG and joined by ABRUC, ACAFE, ANEC, and ABIEE.⁵⁹

More than a mere subscriber, UNISC was directly involved in the processes and activities. For instance, the Pro-Rector of Planning at UNISC prepared and presented the COMUNG's Report for the community universities law to the senate committee. Similarly, according to interview data, when a former rector at UNISC was also the President of ABRUC, UNISC was offered the chance to participate in the pilot project of ProUni,⁶⁰ one of the most significant public policies for expanding access to higher education in Brazil's history.⁶¹ Consequently, we perceive that belonging to these associations is formally relevant, and an informal aspect is also essential because UNISC got a seat at the table where things were being decided.

This section aimed to show Sicedi and UNISC's self-regulation experiences one at a time. Now, the following section presents our comparative analysis.

4 Comparative analysis

This topic explores the challenges of self-organization and self-governance in the day-to-day work of both organizations and how bottom-up efforts initiated by members can benefit both the organizations and the community. We focused on collaborative

⁵⁹ Schmidt (2017) 57.

⁶⁰ ProUni was established by Law n. 11.096 on January 13, 2005, as a national public policy to grant full and partial scholarships in undergraduate and graduate courses in higher education private and community institutions.

⁶¹ Interview with a UNISC's former rector (2019).

situations where members jointly participate in local group activities and community-driven actions. Of particular interest are the results of this interaction and how it has led to self-organizing community efforts. For this purpose, we conducted a comparative analysis at the institutional level (local), considering connections between rules and practices organized by local communities.

From the beginning, Sicredi and UNISC aimed at regional development and avoided as much as possible the drain of intellectual and financial local capital. This shared approach toward self-organization to fill in the gaps left by the state goes back to the traditions of associationism and community organization, characteristic of the German immigration colonies that populated the region. It can be identified both in the origin of credit cooperatives and community education.

For this reason, both oriented their growth “from the inside to the outside.” For instance, investing in higher education and ultimately founding a university offered the local youth a local alternative for higher education, preventing them from being drawn to large centers and capitals to study. Consequently, it also stopped at least some of them from emigrating to those regions, as emigration was crucial in propelling a local deficit of specialized workforce. Also, the credit cooperative’s installation allowed the capital to be invested into the community where the cooperative was – and still is – based. Regarding this last feature, we highlight that member-owned businesses have different governance structures and certain advantages over investor-owned businesses.⁶²

From these considerations, this section provides a comparative overview and foregrounds the characteristics common to both organizations. Through the cases of Sicredi and UNISC, it seeks to highlight experiences of community organization, cooperation, and associationism in Santa Cruz do Sul, comprising a wide variety of local actors and groups. We chose to highlight the following aspects: self-regulation for self-governance, communication strategies, and local partnerships for regional development.

4.1 Self-regulation for self-governance

Although embedded in highly regulated areas, both Sicredi and UNISC have found room for self-regulation within their institutional design. From a shared core identity connected to regional development and proximity to the local community, they guide their self-regulation strategies by democratic and participative internal governance structures, consolidating a self-governance approach.

We identified this characteristic remarkably in the structures of participation and the organization of decision-making boards’. For one thing, they are procedurally

⁶² Birchall (2012) 270.

similar because, according to their internal electoral bylaws, both institutions have electoral commissions that organize, supervise, and lead the electoral processes. Regarding the electoral dynamics, however, they have different informal cultures. Sicredi Vale do Rio Pardo historically registers a single slate competition for its board of directors to uphold consensus among the members.⁶³ The consensus encompassed in the cooperative's single candidacies can nevertheless hide the political interests of different groups (e.g., large and small producers) even if cooperative discourse predominates. At UNISC, on the other hand, two slates are more typical in the rectory elections. In this sense, the dialectic between the two candidates would reflect a more profound ongoing debate about the understanding of how to cope with the current challenges as a community university. The internal groups interpret this process as a healthy dispute that integrates the university's democratic and collective construction.

Another shared aspect is the institutional encouragement of community participation in debates and decision-making, especially in higher instances. In both Sicredi and UNISC, the highest decision-making boards, the Members' General Assembly and the University Council, respectively, comprise the greatest level of direct and diverse participation. These boards are responsible for debating, deciding, and approving the organizations' most crucial decisions, from financial accountability and transparency in affairs to institutional strategies. Furthermore, inter-institutional relations with other community and democratic institutions also reflect these incentives, such as the Cooperative Regional Office and SESCOOP/RS⁶⁴ for Sicredi and ABRUC and COMUNG for UNISC.

4.2 Communication as a legitimation mechanism

Sicredi and UNISC have utilized communication as an efficacious feature for nurturing their internal and external community relations. This strategy is twofold: the creation of their own media and close connections with local and regional media. First, both organizations have their own newspapers, radio,⁶⁵ annual reports and are constantly active in social media promoting their activities and core values with the communities where they operate. Second, leaders of these institutions took part in founding newspapers of wide local and regional circulation, such as *Kolonie* and *Gazeta de Santa Cruz*.⁶⁶

⁶³ 2012 was the exception because two candidates ran for the board of directors' presidency.

⁶⁴ SESCOOP (*Serviço Nacional de Aprendizagem do Cooperativismo*, originally) is a cooperative education program created by entities to train their members, leaders, and staff.

⁶⁵ Sicredi does not own a radio station, but its current vice-president is a radio broadcaster on a local radio station. Meanwhile, UNISC has a university radio station.

⁶⁶ The *Kolonie* newspaper was one of the leading German-speaking newspapers in the Brazilian countryside. Its official publications began in 1891. Between 1917 and 1919, the newspaper had its

The comparison appoints the media presence (printed and digital) as a strengthener of the institutions local and regional community relations, hence a mechanism for institutional legitimation. Transparent and intense communication is relevant not only regarding the external stakeholders but also the internal ones, reflecting their self-governance is rooted in participative values. They use multiple approaches for this, such as internal communication systems, transparency channels, assemblies, pre-assemblies, community events, extension activities, all aiming at strengthening the institutions' bonds with their members and community.

4.3 “Together we are stronger”: Local partnerships for regional development

Our analysis asserts that Sicredi and UNISC share a core identity: focus on regional development, valorization of proximity to and interaction with the local community, and self-governance institutional designs. Their common goals stem from this core, which is directly related to their legitimation strategies. That is to say that one is interested in and supports the success of the other because that also means promoting and legitimizing their own vision and core values. Therefore, partnering up is a strategy for challenging contexts because both institutions benefit in material and social ways from each other's thrive.

Before illustrating these local partnerships for regional development and legitimation, we emphasize that Brazil's financial market and higher education are highly regulated. Also, at different moments, Sicredi and UNISC have engaged in closer ties with the public sector, benefiting from public policy resources. For example, Sicredi has employed Pronaf's funding to finance family farmers, and UNISC has funded new students' enrollment through ProUni. Both were Federal Government programs created in 1996 and 2005, respectively. Joining such programs has consequently affected internal regulations: it reduced the possibilities for self-regulation, although not extinguished, and on the other hand, it has increased transparency and accountability.

Now, back to our example of cooperation between Sicredi and UNISC. First, it is necessary to contextualize that public policies for higher education played a central role in the community universities' financial sustainability, such as UNISC, since the '90s. Therefore, the resources constraint from 2015 and onwards had a massive

printing suspended (the period when Brazil entered the First World War). *Kolonie* was published in Santa Cruz do Sul until the 1940s, when the Vargas government's nationalization campaign imposed many restrictions. After that, *Gazeta de Santa Cruz* was structured, which circulated until 1954, and was replaced by *Gazeta do Sul*, which circulates until today.

impact on UNISC's financial health, with a drop of about 50% in the number of students.⁶⁷

Because of this, in 2019, Sicredi and UNISC joined efforts to offer the *university credit*,⁶⁸ a local alternative for financing student fees at lower interest rates than the market usually offers. After a series of meetings with UNISC and the central office, Sicredi Vale do Rio Pardo offered a university credit at 0.5% per month for new enrollments, which the system ordinarily does not allow. Several actors engaged in this process, e.g., students' parents, staff from both institutions, and the management teams.⁶⁹

Moreover, since 2017, Sicredi and UNISC have had an agreement aiming at regional development, which offers the cooperative's members and staff a discount of 30% on undergraduate courses. Especially in the banking environment, a deeply regulated branch, partnerships with community organizations may be restricted and challenging to consolidate. However, contrary to what one might first expect from intense regulation, this experience reveals there is room for self-regulation within highly regulated areas. Not only for institutions individually but also as a network of organizations that support each other as a means of fortifying its identity and leveraging its legitimation mechanisms. Concerning Sicredi, this passage illustrates the existing room for self-regulation:

Yes, we indeed have the freedom [to create and modify product policies for our members]. Of course, if there is an order from BACEN, we obviously won't ignore it, but for what we have the freedom, we can indeed act on it. [. . .] for example, **within a limit, we can create our own policy and adapt it to our needs.** We have room to set our prices. We have a good margin to develop our product policies and investments. The investment area also gives us a lot of room to act, and we can work according to our member's needs.⁷⁰

To conclude this comparative analysis section, we assert the relevance of the institutional values, such as regional development, democratic decision-making processes, and proximity to the community, for Sicredi and UNISC's identities and paths. As institutions embedded in highly regulated branches, we identified how their legitimation strategies and mechanisms for such a task are intrinsically connected with self-regulation. Hence, identifying room for self-regulation does not tell the whole story, and, as the literature has vastly pointed out, it may result in negative experiences, such as enhancing authoritarianism and violence.⁷¹ However,

⁶⁷ Wbatuba (2018) 141, 208.

⁶⁸ *Crédito universitário*, originally.

⁶⁹ "The university credit is aimed at all UNISC's courses (undergraduate, masters, doctorate and technical courses). The credit option offers up to 60 monthly installments and rates of 0.5% per month." (Relatório Sicredi 2019 and UNISC institutional Webpage, our translation).

⁷⁰ Focus group with the cooperative's business department (2019), our translation and our highlights.

⁷¹ Neubert (2021) 22.

Sicredi and UNISC illustrate a positive example of self-regulation within a limited statehood area. As we call it in this paper, self-regulation for self-governance is an institutional design focused on democratic and participatory processes to improve the local community.

Concluding remarks

Our paper analyzed the governance and legitimization aspects of two organizations with strong community presence and how they have interacted with their members throughout their stories, contributing to the economic growth and development of the Vale do Rio Pardo region. Unlike private institutions owned by shareholders, Sicredi and UNISC are non-profit organizations managed by democratically elected members.

When facing highly regulated areas, self-regulation initiatives face several restrictions and challenges, increasing the costs for the actors to engage in these endeavors. In this context, one might think that high levels of state regulation may discourage self-organization. However, in our case studies, we identified self-regulation as a means to exercise their identities, which connects to the regional traditions of associationism and community organization that marked the German settlements in the region. Self-organization and connection with regional development are, therefore, insights of the relations between the local level and the state, consolidating the impact of the sequence of interactions and choices on institutional designs over time. Specifically, it stands out as a positive mechanism because it is associated with democratic and participative structures, which we call *self-regulation for self-governance*.

From empirical data collection and analysis, we validated our initial hypothesis (H1): *there is room for self-regulation in institutions highly controlled and regulated by the state, but this aspect is limited to specific areas of the two organizations*. The evidence points out that areas regulated in less detail leave room for self-regulation. Concerning the financial market and higher education in Brazil, this aspect is internal governance. In Sicredi and UNISC, self-regulation occurs remarkably in their internal governance structures by formally including community participation beyond the minimal standards demanded by external regulation. This institutional engineering choice directly intervenes in the organizations' decision-making processes, incorporating a democratic and participative approach towards regional development into their core identity values. Thus, our case studies reveal that community participation in areas of limited statehood can enable a positive form of self-regulation, distinguishing these institutions from traditional market models through their unique collective characteristics.

Our analysis perspective also encourages further research, especially from a comparative outlook with other Brazilian regions that created successful cooperatives or

community universities with strong legitimation ties with the local and regional communities, despite suffering from the state's lack of support. To this end, more comparative analyses would enhance the possibilities to fully grasp limited statehood within highly regulated areas and self-regulation, as seen in other regions, and whether the influence of a specific cultural group also impacted integration and associationism.

Sigla and Abbreviations

ABIEE	Brazilian Association of Evangelical Educational Institutions (<i>Associação Brasileira de Instituições Educacionais Evangélicas</i> , originally)
ABRUC	Brazilian Association of Higher Education Community Institutions (<i>Associação Brasileira das Instituições Comunitárias de Educação Superior</i> , originally)
ACAFE	Catarinense Association of Educational Foundations (<i>Associação Catarinense das Fundações Educacionais</i> , originally)
ANEC	National Association of Catholic Education of Brazil (<i>Associação Nacional de Educação Católica do Brasil</i> , originally)
APESC	Association Pro-Education in Santa Cruz do Sul (<i>Associação Pró-ensino em Santa Cruz do Sul</i> , originally)
BACEN	Brazilian Central Bank (<i>Banco Central do Brasil</i> , originally)
COMUNG	Consortium of Community Universities of Rio Grande do Sul (<i>Consórcio das Universidades Comunitárias Gaúchas</i> , originally)
FGCOOP	Credit Cooperative Guarantee Fund (<i>Fundo Garantidor do Cooperativismo de Crédito</i> , originally)
FISC	Integrated Faculties of Santa Cruz do Sul (<i>Faculdades Integradas de Santa Cruz do Sul</i> , originally)
PAC	Cooperative Service Station (<i>Posto de Atendimento Cooperativo</i> , originally)
Pronaf	Program to Strengthen Family Agriculture (<i>Programa de Fortalecimento da Agricultura Familiar</i> , originally)
ProUni	University for All Program (<i>Programa Universidade para Todos</i> , originally)
SESCOOP	National Cooperative Learning Service (<i>Serviço Nacional de Aprendizagem do Cooperativismo</i> , originally)
Sicredi	Credit Cooperative System (<i>Sistema de Crédito Cooperativo</i> , originally)
SNCC	National System of Cooperative Credit (<i>Sistema Nacional de Crédito Cooperativo</i> , originally)
UNISC	University of Santa Cruz do Sul (<i>Universidade de Santa Cruz do Sul</i> , originally)

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Mozambique and Burkina Faso

Rogers Hansine

A Cat-and-Mouse Game: Urban Street Vending in Maputo, Mozambique

Abstract: This paper discusses how street vendors in the city of Maputo have counter-vailed the municipal strategies and policies for pushing back their presence in public spaces and, in doing so, reclaimed public urban spaces. Based on ethnographic research carried out between 2015 and 2019 in the city of Maputo, four strategies have been identified: 1) adjustment of time-space routine; 2) spatial proximity; 3) compartmentalization of the merchandise and/or services; 4) symbiotic interaction. These strategies are not mutually exclusive, and they are deployed by street vendors to resist harassment and violence, and reclaim urban public spaces in the city of Maputo. Street vendors deploy these strategies consciously in opposition to the negative political discourse about them as promoters of urban disorder. In doing so, urban street vending can be said to be a performative expression of an urban counterculture. This paper shed light on the nuances of street-vending performance as an example of how grassroots actors can shape civic conduct in the urban space.

Resumo: O artigo discute como é que os vendedores de rua na cidade de Maputo têm empregado estratégias que os possibilitam resistir as políticas municipais que visam eliminar a presença destes em espaços públicos e, ao fazê-lo, como tais estratégias se tem convertido em mecanismos para reclamar o direito aos espaços urbanos públicos. Com base em uma abordagem etnográfica e por meio de observações sistemáticas realizada entre 2015 e 2019 na cidade de Maputo, foram identificadas quatro estratégias: 1) ajuste de rotinas no espaço-tempo; 2) recurso a proximidade espacial; 3) compartimentação das mercadorias e/ou serviços vendidos; 4) interação simbiótica entre os actores sociais na esfera pública. Estas estratégias não são mutuamente exclusivas, e são implementadas não apenas para resistir a violência policial, mas também para afirmar o direito de ocupação dos espaços públicos. A análise feita sugere que os vendedores de rua implementam estas estratégias de forma combinada, estando conscientes da sua representação nos discursos políticos como promotores da desordem urbana. Assim, o comércio de rua na cidade de Maputo pode ser considerado uma expressão performativa da contracultura urbana. Por meio destas constatações, o artigo acaba por lançar luzes sobre as nuances do comércio de rua e mostrar como os actores sociais podem moldar a conduta cívica no espaço urbano.

Introduction

A lot has been written about street vending in Maputo. From what street vendors sell,¹ to its feminization;² to its importance within an urban economy including urban food security;³ to the Mozambican State's response to the phenomenon;⁴ to comparisons of policy responses to the phenomenon in Maputo and elsewhere in Africa.⁵ Although little is known about the day-to-day strategies deployed by street vendors to reclaim the urban public spaces that allow them to endure, even less is known about the socio-political meaning of the actions carried out by street vendors.

In the published literature about street vending in the city of Maputo and elsewhere, street vendors are often presented as victims of harassment and abuse from the city authorities.⁶ Yet the urban public space, where street vending takes place, is open for political contestation in which street vendors are socio-politically active in the ways it fits their ideals.⁷ This is consistent with the logic that urban public spaces are “sites of public encounter and formation of civic culture, and significant spaces of political deliberation and agonistic struggle”.⁸ Accordingly, it is relevant to view street vendors in the city of Maputo as socio-political actors capable of contesting, negotiating, and possibly imposing an urban order that corresponds to their political ideals.

Subject to constant persecution and often criminalization, street vendors have developed various mechanisms to ensure that they remain part of the urban landscape. A variety of innovative strategies are deployed daily to reclaim public spaces. Even for an ordinary observer the thrilling “cat-and-mouse game” between street vendors and municipal authorities does not go unnoticed. Hence, affirming that street vending has a pervasive nature in the city of Maputo is not an overstatement. Traveling by foot or vehicle within the city, one quickly notices the constant presence of street vendors. They can be found at every street junction, often, and fascinatingly, side-by-side with traffic officers. Street vendors engage pedestrians and drivers with their offers of goods and services, including onsite car windscreen cleaning, often done by children. Other street vendors can be found along the sidewalks in both a permanent and semi-permanent status. The nature of goods and services as well as the typologies of the arrangements and employment statuses of the street vendors varies greatly.

1 Brouwer (2010); Sousa *et al.* (2019).

2 Agadjanian (2002).

3 Chikanda/Raimundo (2016).

4 Rogerson (2017).

5 Rogerson (2016).

6 See Brouwer (2010); Bénit-Gbaffou (2016); Brown (2015); Brown *et al.* (2015); Rogerson (2016, 2017).

7 See Devlin (2011); Tafti (2019); Wongtada (2014).

8 Amin (2008) 1.

Some carry their goods on their heads or hands and push their carts, locally known as “Txovas” (meaning *push*), as they move around or from door to door. Others have stalls fixed along their homes or on any street corner that is perceived as suitable and available. A street without the presence of itinerant, sedentary or partly sedentary vendors is rare and can be described as unusual. This begs the question of whose civic order shapes the urban public space in the city of Maputo. A credible answer would be the urban order from street vendors.

The question is which strategies are deployed by street vendors to resist harassment and abuse, and reclaim the urban public space in the city of Maputo and in doing so shaping the urban public space. Through systematic observation, an exploratory analysis suggests that street vendors employ four strategies which are not mutually exclusive, namely 1) adjustment of time-space routine; 2) spatial proximity; 3) compartmentalization of the merchandise and/or services; 4) symbiotic interaction. Through these strategies, the goal of street vendors is not only to reach out to more customers and sell or provide more goods and services. Considering their constant presence, it can be said that the main goal of street vendors is probably to be visible rather than to hide, despite the constant harassment and violence. The risks associated with their perceived status as outlaws in the eyes of municipal authorities are constant. Therefore, remaining visible in the public space requires a sense of insubordination and ability to govern one’s self. This still raises the main question on what is the socio-political meaning of the strategies carried out by street vendors to remain visible despite constant harassment and violence?

Street vendors know when and how to perform their actions to increase their earnings and to avoid falling into the hands of authorities. But more importantly they seem to know when, where, with whom, and how to act to reduce the risk of a confrontation with authorities. They are aware of being unwanted by the public authorities. Therefore, the strategies they deploy play a key role in the socio-political identity of street vendors. They use these strategies consciously in opposition to the negative political discourse against them as promoters of urban disorder. Socio-politically, urban street vending can be understood as a performative expression of an urban counterculture.

This paper sheds light on these nuances to illustrate that street vendors might be one of the most important socio-political actors shaping the civic conduct throughout the city of Maputo. After this introductory section, the next delves into the analytical and conceptual frames on street vending. Besides a discussion on the concept of street vending, the section also examines different arguments in favour of or against street vending. The third section provides a brief view of the city of Maputo’s history. This description provides the necessary knowledge about the urban context to answer the question about how street vending has been managed in the city of Maputo. In this section, it is explored how formal versus informal approaches have contributed to limited conceptual clarity of street vending and controversial management principles and practices. The fourth section describes the strategies used by street

vendors to resist and to affirm their rights to the public space. The last section, placed before the concluding remarks, analyses the socio-political meaning of street vendors' resistance in the city of Maputo.

Conceptual and analytical frame

Street vending is an ancient and important occupation found in virtually every country and major city around the world.⁹ Wongtada explains that despite its pervasive nature, it is especially important in the developing world, where it constitutes an important source of earnings for the unemployed in urban areas and a source of affordable goods and services for urban dwellers.¹⁰ It is important to emphasise that even in a city like Maputo, in a developing context, street vending is a multifaceted and multi-layered manifestation. It ranges from fixed to mobile vendors and from those selling goods to those selling services or a mixture of both. It may involve seasonal, permanent or semi-permanent vendors. Feminization may be part of it and often children can be involved as well.¹¹ Moreover, the relationship between some street vendors and the state or municipal authorities is not always antagonistic. Initiatives to support and organize street vending can take many forms and have varying degrees of acceptance and success. Thus, any conceptualization that misses the complexity and multi-layered nature of the phenomenon of street vending is problematic.

Defining street vending as an heterogeneous activity with multiple layers of meanings and with both positive and negative elements can be sufficient at a descriptive level as opposed to engage in empirical and deep theoretical analysis. Furthermore, Jenkins argues that defining street vending simply as opposed to or completely separate from the formal economy is a normative approach that may be useful for urban managers, particularly in postcolonial settings, but says little about the political, social, and economic processes that reproduces street vending as a social phenomenon.¹² In fact, street vending can be both formal and informal and, more importantly, it complements and depends on the formal economy.¹³

The narratives used to describe street vending employ expressions such as locusts, coming in “plagues”, “droves”, and “deluges”, and the city is depicted as being both invaded and asphyxiated.¹⁴ Examination of the narratives about street

⁹ Bromley (2000).

¹⁰ Wongtada (2014).

¹¹ Agadjanian (2002).

¹² Jenkins (2013).

¹³ Martínez *et al.* (2017).

¹⁴ Bromley (2000) 10.

vending coming from Maputo's city authorities tend to be consistent with these views. The need for removing and displacing street vending is considered a measure to promote a healthy urban environment. This is despite the fact that intellectuals like Araújo argue that street vending in the city of Maputo must be seen as a product of socioeconomic structural failures related to mass unemployment or excessive rural-to-urban migration.¹⁵ Whereas government approaches fail to see urban street vending as a multi-layered problem, researchers have clearly demonstrated the multi-faceted nature of urban street vending and its complex links with the broader urban economic system, including its vitality and viability.¹⁶ The pervasive nature of street vending even in urban areas in the global north shows that it is not a phenomenon that can be solved simply by improving the legal framework¹⁷ or brute force by increasing urban policing.¹⁸

Arguments in favour of and against street vending have been put forward to further the analytical debate on this phenomenon.¹⁹ However, it has been rightfully noted that arguing in favour of or against street vending has ideological dimensions. These must be unveiled and discussed beyond analytical or normative perspectives. The arguments against street vending "come mainly from urban elites and big business, who see it as an unsightly nuisance, a source of disorder, congestion and crime, and a threat to larger-scale off-street commerce".²⁰ These negative perceptions of street vending are reinforced by the widespread, though often misguided, perception that street vendors do not operate in elite neighbourhoods or in the world's richest countries.

In contrast, people with strong libertarian perspectives are likely to argue in favour of street vending and the rights of street vendors to perform their activities. Whether from the left or right, liberals are likely to argue strongly on behalf of the freedom to sell in the streets.²¹ Accordingly "street vending can be portrayed as a vivid example of grass-roots entrepreneurship, individualism and the exercise of civil liberties".²² It is from this last perspective, street vending as grass-roots entrepreneurship, that this paper approaches the phenomenon in the city of Maputo. If we follow Harvey argument that people's right to the city includes the right to shape the city in which they live,²³ then street vendors have the right to be part of and constitute a collective group that shapes the city to accommodate street vending. Whether their

15 Araújo (2003, 2012).

16 Potts (2008).

17 Devlin (2011).

18 Morales (2000).

19 See Bromley (2000).

20 Bromley (2000) 11.

21 See Bromley (2000) 11.

22 Bromley (2000) 11.

23 Harvey (2003).

actions are politically conscious or not does not change the fact that they are relevant political actors.

This argument is not only based on the idea that street vending offers opportunities for ordinary people to earn an income, but also on the need to recognize street vendors as political actors able to shape the civic conduct by controlling the public space. The attempts to erase and push back street vendors from the public spaces can be politically controversial. The streets of the city of Maputo can be seen as the site of an ideological class struggle about whose rights to the city deserves recognition.

Maputo – A brief historical outlook

A discussion on urban street vending in the city of Maputo must take the history of the city into account. The visibility of street vending obeys a certain spatiality. For starters, the city of Maputo has seven municipal districts, namely Kampfumo, Nlhankulo, Kamaxaquene, Kamavota, Kamubukuana, Katembe, and Kanyaka. While street vending has been relatively pushed back from certain areas in the municipal district of Kampfumo, in the remaining six districts its presence is overwhelmingly noticeable. This spatial order is socio-economically, politically and historically linked with the process of production and reproduction of the city as a socio-geographical space. A brief historical outlook will suffice to shed light on these aspects.

The city of Maputo is the capital of Mozambique.²⁴ It is the largest and most important political and economic urban centre in Mozambique. The 2017 census estimated that there were 1,080,277 residents in the city distributed in 346 km², a population density of 31,222 habitants/km². Like elsewhere in Africa, the Mozambican capital is disproportionately larger in relation to the remaining urban areas, a phenomenon known as *urban primacy*.²⁵ The rising of the city as an important political and economic centre is the result of at least two factors that have influenced one another: history and demographics.

Before the arrival of European navigators, the native clan of the *Mpfumo* inhabited the territory now known as city of Maputo.²⁶ However, colonialism had a great influence on the growth of the settlement into a major urban centre. During the late colonial time, roughly the beginning of the 18th until the 20th century, Maputo's

²⁴ During colonial times, Maputo was known as the city of Lourenço Marques in honour of a Portuguese official sent to explore the estuary adjacent to Maputo and the region that surrounds it. Other names, such as Delagoa Bay, were used during earlier colonial times in reference to Maputo. Today's Maputo region was a relatively important trade centre in East Africa for the first European navigators (see Gonçalves 2016).

²⁵ See Short/Pinet-Peralta (2009).

²⁶ Gonçalves (2016).

geographical position was strategically important.²⁷ Different European countries that had set foot in South-Eastern Africa, namely Portugal, Netherlands, and England, intended to take advantage of its location to strengthen and consolidate their presence by subjugating the local kingdoms and states. Economically, the trade of ivory and later of gold from South Africa increased the economic importance of the city as a harbour.

As the political and economic importance of the city grew, so did the number of people. Migrants from Europe, Asia, in particular the subcontinent of India, and from the African hinterland gravitated towards the city of Maputo. As the population increased, the European interests had a strong impact on the spatial distribution and further urban development of the city.

The internal spatial structure of Maputo largely reflects the dynamics of Portuguese occupation.²⁸ On the one hand, the typical European, specifically Portuguese, urban life evolved and on the other hand the self-organized local types of urban life devised.²⁹ When Mozambique proclaimed its independence in 1975, this situation did not change, whereby two factors may have contributed to this. First, Maputo's urban functions, as defined by European-colonial interests, were maintained. Second, the divide between European-planned urban areas and locally-organized urban spaces continued. More importantly the local types of urban spaces absorbed most of the urban demographic growth. While the European-planned urban areas remained relatively small, the locally organized areas grew relatively large. Today this divide seems to continue to shape the image of the city, despite the socioeconomic and spatial transformations that the city has undergone and continues to be subjected.

Raposo/Salvador discuss the dichotomy of European/planned urbanity versus African/self-organized urbanity in the article “Há diferença: Ali é cidade, aqui é subúrbio”,³⁰ that is “There are differences: There is the city, here is the suburb” (free translation). It turns out, dichotomic or binary views are recurrent in the narratives of the residents in Maputo about their socioeconomic experiences of urban life. For instance, the descriptions about the disparities between KaMpfumo (described as the city) and the rest of municipal districts (described as neighbourhoods) are framed in dichotomic or binary terms of formal versus informal or planned versus unplanned settlements. The municipality approach to management of urban public spaces,

²⁷ Historically, Portuguese presence in Mozambique dates back to the 16th century. At the time, Island of Mozambique, located in the north of the country, was made the capital of Portuguese East Africa, which was the former designation of Mozambique. This was because of its strategic geographical location and its importance as a trade centre. The Island was a crucial stop on the sea route to Middle East and South-East Asia in general and especially India where the Portuguese had a solid presence. However, the opening of the Suez Canal in 1872 precipitated the downfall of Island of Mozambique and it lost its geostrategic and economic importance.

²⁸ Melo (2013).

²⁹ See Gonçalves (2016).

³⁰ Raposo/Salvador (2007).

particularly whose presence in the streets is allowed, seems consistent with these dichotomies or binaries.³¹

In conclusion, the colonial capital with its economic, spatial, and racial segregation became the national capital. Across the planned urban spaces, street vending was largely absent and typically criminalized, while street vendors throughout the self-organized urban spaces, problematically called informal areas, were relatively permitted. In fact, this could be seen as a necessary measure to control and even restrain people's movement from the self-organized spaces into the European dominated neighbourhoods.

Is street vending formalized in Maputo?

Above, it was stated that street vending is a widespread practice in six out of the seven municipal districts in the city of Maputo. These six districts are home to about 90% of the city's population, estimated at about 1.1 million.³² Interestingly, in the KaMpfumo municipal district where street vending is often an active object of police harassment, the street junctions and sidewalks are still often occupied by street vendors, albeit in small numbers. This is particularly seen within the affluent neighbourhoods. Over the years, the municipal authorities have been pushing back the presence of street vendors through coercion and violence in these neighbourhoods.³³ Through observation, the results appear to be a mixture of partial success and persistent failures. Yet one aspect is obvious: the street vendors are shaping civic conduct in the city by controlling a wide variety of practices and routines in the urban public space. Commerce and consumption as well as circulation and urban mobility are widely influenced by street vendors in the city of Maputo and their practices.

Amin claims that through street vending, people are not only making public encounters and formation of civic culture possible, but also antagonistic alternatives to secure livelihoods are being performed.³⁴ In the city of Maputo, the interaction between passer-by, including drivers and street vendors, is antagonistic in nature. They compete for the same resources, namely the street as a public space. But often the antagonism leaves space for cooperation and solidarity. One reason is that street vending is essential for most city dwellers not only as a source of labour. As part of the continuum between formal and informal employment, street vending enables people to enter and exit the labour market without specific qualifications or

³¹ Jenkins (2013).

³² INE (2019).

³³ Rogerson (2017).

³⁴ Amin (2008).

the need to establish contractual arrangements. A second reason is that street vending is pivotal to ensure that a variety of goods and services are available and affordable, in particular with respect to food items for the urban poor.³⁵

Even when street vending is deemed harmful due to safety, crime, and sanitary reasons, eliminating street vending in Maputo has proven difficult.³⁶ It is not a matter of how many street vendors are there in the city of Maputo, but how they are organized, how they operate, and, above all, what their actions represent socio-politically. That makes it challenging to eliminate street vending or even to transform it into formal or semi-formal businesses.

Like elsewhere, in the city of Maputo, street vendors are not only those who walk the streets and sidewalks. Observing different quarters of the city reveals that there are those that perform street vending in a particular and fixed place. Here one must include street vending that takes place in a residential space near a public road. It is common that in front of people's homes one sees permanent, semi-permanent, or mobile stalls set to sell goods and services, or both. Often some of these stalls are placed on the busiest roads or sidewalks causing problems for public circulation.

Then there are the mobile and semi-mobile street vendors. These can be found with stalls fixed to the ground but that are easily removable. This seems to be a strategy to avoid investing in solid, and, therefore, more expensive, permanent infrastructures that can be destroyed and removed by the authorities at any time. Others employ small tables as stalls to sell their goods. But the most innovative way is perhaps the use of rectangular pieces of cloth tied to ropes on the corners. This mechanism helps street vendors expose and lay their products directly on the ground anywhere they find suitable. As soon as they perceive the presence of the police, they simply pull the ropes and run away with their goods safely stored inside the cloth as a backpack. Others carry or push their "Txovas" (a mobile stall with two wheels) and reach out to passer-by or call for customers by announcing their products or services. Some street vendors work on a full-time basis, others are part-time and seasonal workers.

In addition, street vending can be a singular activity often carried out by young migrants who arrive in the city, but it can also be a family or even firm-based activity. At the family level, women and children partake in it. They mostly sell food at home or walk around neighbourhoods. Firm based street vending is also a common practice. Often a street vendor selling clothes or other goods sits in front of a store selling similar products. If the customer requests a different size, colour, or any other feature the seller will disappear into the store and return with the client's order. The most sophisticated of these firm-based street vending includes cross

³⁵ Chikanda/Raimundo (2016); Jenkins (2013).

³⁶ Rogerson (2016, 2017).

border traders, generally women known as *mukheristas*.³⁷ Although *mukheristas* are not typically found on the streets, their work includes travelling abroad, mainly to South Africa, Brazil, and China, and upon return they reach out to their customers in their homes, places of work, and even supply stores. Whether this practice qualifies as street vending or not is up for debate.

Is it possible and useful to manage street vending through the dichotomic perspective of formal versus informal? Jenkins answers that it is not, because such a perspective does not provide a context-based understanding of urban economy in Africa that is relevant for managing it, let alone manage urban street vending in post-colonial cities like Maputo.³⁸ The problem here lies in the fact that the distinction between formal and informal economy is most suitable or adequate to understand western historical experiences of economic development. When applied to different contexts, such as post-colonial Africa, the notions of formal and informal fail to provide an understanding of the structure and function of urban economy. Similar concerns are raised for the broader field of African studies by Macamo.³⁹ For him, societies are socio-structurally different, and concepts such as formal or informal, and many others deployed to study social phenomena, are sensitive to these differences. Failure to recognize these social and structural differences leads to an uncritical deployment of concepts, which results in the misrepresentation of social reality. The problem can be narrowed down to whose notion of street vending as a social reality is being designated as the object of management?

If street vending is understood as an informal economic activity, it follows that the logic of harassment and persecution is easily justifiable. Perhaps viewing street vending as informal is the reason why policies are set up to push it away. One can claim that the alternative is formalization. The problem, as pointed out by several authors,⁴⁰ is that the logic under which street vending operates and its multifaceted nature require a managerial approach that first clarifies what is meant by street vending. In a context marked by rapid urbanization and accelerated urban demographic growth with limited capacity to provide goods and services adequately,⁴¹ the following question must be asked: What would it entail to successfully remove street vendors if they are part of what ensures that the urban economic system actually works?

The problem here is how African cities like Maputo can be managed, considering their specificities in terms of demographic growth and economic development. In the book “African urban economies, viability, vitality or vitiation”, Bryceson/Potts make the point that there is limited understanding of how Africa’s largest

³⁷ Chivangue (2014); Raimundo (2010).

³⁸ Jenkins (2013).

³⁹ Macamo (2017).

⁴⁰ Such as Bromley (2000); Devlin (2011); Jenkins (2013); Tafti (2019); Wongtada (2014).

⁴¹ See Potts (2008).

cities, such as Maputo, provide economic livelihood and shelter for growing populations amid the continent's protracted economic crisis.⁴² The answer is through people's self-organized economic and political initiatives, normatively called urban informal economy. In fact, Viana argues that a new paradigm is necessary to understand urbanity in Africa, which includes African urban economies.⁴³ In her eyes, the fluidity of the economic and political processes and incessant and ongoing transformations makes African urbanity a kaleidoscope. A binary perspective such as formal versus informal or planned versus unplanned is an oversimplification of the complexity of African urban economies.

The question is not only about managing street vending as informality, but how to manage urbanism in Africa and the economic systems that sustain it. Street vending is manageable not as an informal system, but as one of the bottom-up processes that are an integral component of African cities. Similar claims have been made with respect to urban land⁴⁴ and access to public goods and services such as education.⁴⁵ The viability and vitality of African urban economies is tied to managing street vending not as an informality, but as part of the essential piece of the puzzle in the complex equation of urban economic development in Africa.

The mouse has the upper hand: Survival strategies of urban street vendors

These observations made in the previous section lead to another question: How have street vendors in the city of Maputo counteracted the municipal strategies and policies for pushing back their presence in public spaces and, in so doing, reclaimed more public urban space? It would not be sufficient to describe here what street vendors do to resist or how they resist. It is essential to interpret their actions, expose the overt socio-political intention and identify the hidden meaning of these actions. In other words, this paper is concerned with public space politics and the understanding of urban street vending as a social action. The need to examine the power dynamics in detail is related to the fact that street vending occurs in a public place where different socio-political actors with their belief-systems and desires meet and interact.⁴⁶ The analytical question then is: What produces street vendors resistance in the

⁴² Bryceson/Potts (2005).

⁴³ Viana (2009).

⁴⁴ Jenkins (2004).

⁴⁵ Härmä (2016).

⁴⁶ I am following analytical sociology, which argues that understanding social phenomenon implies exposing the mechanisms that produces them. (See Hedström 2005, 2006; and Hedström/Swedberg 1998).

face of systematic harassment and violence? A successful answer to this question goes beyond a mere description of what street vendors do and how they do it. One must ask: What motivates street vendors to resist in the way they do?

Streets are public places and frequently they can be sources of social as well as political tension. As discussed by Tafti, street vendors are aware that they are not the only actors competing for access and the right to use and manage public places such as streets.⁴⁷ Hence, performing street vending is not a mere economic activity, it is a political act that exercises power over public spaces and also over other social actors. In fact, observing street vendors in Maputo clearly indicates that through time and space, they actively and consciously seek to normalize their activities and ensure that they are embedded in the urban rhythm. To accomplish this, four mechanisms could be identified: namely time-space routine adjustment; spatial proximity; compartmentalization of the merchandise; and symbiotic interaction.

Adjustment of time-space routine

Time-space routines can be defined as “a set of more or less habitual bodily actions that extends through a considerable portion of time, for example, a getting-up routine or a weekday going-to-lunch routine”.⁴⁸ Despite its multifaceted nature, partaking in street vending is a routine for the majority of the city of Maputo’s inhabitants. Yet the intensity of vending on the streets oscillates throughout the day and as different occupants of public space, with their varying degrees of symbolic power, move in and out of it. Lefebvre introduces this issue as urban rhythmanalysis⁴⁹ by which he means the need to examine the inextricable nexus between space and time to comprehend the everyday urban life. Essentially, the question here is about change and repetition or contrast and continuity in everyday urban life.

To elaborate on the rhythmanalysis, the following description is sufficient. The peak hours of street vending in the city of Maputo happen during the late afternoon when workers are returning home, usually between 4 pm and 6 pm. However, this window of time is not a mere opportunity for street vendors to interact with pedestrians and drivers and convince them to buy goods or services. It turns out that police officers, including the ones affiliated to the municipality, are often also returning home, and are, therefore, no longer active in the public space. In this case, the danger of being harassed or losing merchandise through seizure is minimal. Often, the municipality’s success of harassing and removing street vendors from certain public spaces rests on their nearly permanent presence on the streets backed up by the use

⁴⁷ Tafti (2019).

⁴⁸ Seamon (2018) 19.

⁴⁹ Lefebvre (2004).

of physical violence and coercion. Thus, from Monday to Friday, between 4 pm and 6 pm, a specific urban order, ruled by street vendors, takes over the streets in the city of Maputo.

For example, a surprise intervention enforced by military policy was carried out overnight in the Estrela Vermelha market to remove street vendors and relocate them to another market. The street vendors had literally taken over the streets around the market. It was difficult, if not impossible, to circulate in the area and public safety was almost non-existent. This successful overnight operation, in which stalls were destroyed, did not end street vending in the area. Without confronting the policy, the street vendors remained in the area, acting as bystanders and therefore openly refusing to move to the newly assigned market. They continued to do business without their stalls, but concealed their actions.

By understanding, internalizing, and reinforcing this rhythm of street vending, street vendors have established a mechanism that enables them to maximize their presence. Instead of engaging in direct confrontation with the authorities, street vendors are constantly on the lookout for public spaces and time slots where and when other occupants are not a threat to their work. By understanding how the occupants of public space change over time, and knowing the power these occupants might have over them, street vendors remain visible where and when it matters for them. Additionally, since street vending can be a part-time occupation, when the presence of municipal authorities is publicly reinforced, street vendors retreat and give the impression of disappearing. As soon as the municipal authorities are no longer visible or the police forces retreat, the street vendors return to their spots as if they had never left. These actions are the product of continuous interaction between street vendors and public authorities, but also shows the capacity of street vendors in understanding how to navigate the power relations with different occupants of the public space.

Spatial proximity

Location matters. Not only that of objects, but also location of actions. Santos defines space as an inseparable system of objects and actions.⁵⁰ With this, he emphasizes that our reading of space must go beyond reading objects and their relationships to include reading actions as constitutive elements of space and their interaction. As much as there are stores, shops, and stalls, there is also selling and buying that are spatially organized. This approach is relevant when examining street vending because the act of selling or buying in a public space is influenced by other objects and other actions in that public space.

⁵⁰ Santos (2002).

The relationships of proximity are vital for street vendors. Selling near one's own home offers the opportunity to combine various domestic actions with the possibility of earning some income. It also offers the possibility of counting on family members or neighbours' solidarity to support the business. In addition, selling at home or even nearby offers security. The risk of harassment and violence is high for street vendors when they are wandering the streets or when they are acting alone. By performing street vending at home or in small or larger groups, the risk is reduced. Another importance of spatial proximity is the sense of normalization it provides to the action. When one observes a crowd of street vendors in front of houses or backyards that are also semi-permanent shops, it helps to see the action of selling or buying from street vendors as an ordinary action. The spatial proximity of the action of selling and buying on the streets can be seen as a continuum throughout the city. This is a crucial factor in the resistance of harassment and violence, and also in reclaiming more urban public space.

Compartmentalization of the merchandise and/or services

In the city of Maputo, street vendors sell and provide goods and/or services in small quantities. A street vendor selling shoes, for example, carries only a few pairs in his or her hands. A seller of fruits or vegetables carries them in a container on the head or pushes the merchandise in their *Txovas*. Even those vendors providing services, such as nail polishing, shoe cleaning, or windscreen cleaning, are able to carry their toolkits with them. This practice facilitates their circulation if they opt for wandering or selling door to door. Even when street vending is performed in semi-permanent fashion, the quantity of the merchandise is small.

The sale of small quantities is a measure that also aids in running away from the authorities if the situation requires it. Carrying around smaller amounts of goods helps street vendors to pay attention to their surroundings. In this way, they can be alert to the presence of police and municipal authorities without losing track of their goods or equipment. In addition, compartmentalization also makes setting up and taking down small, permanent or semi-permanent stalls relatively easy without losing larger investments. One aspect that must not be overlooked is that street vendors interact directly with buyers when selling small quantities of goods and carrying their tools to provide services. The ability to approach the potential client and engage in transaction, including bargaining, is an important aspect of street vending.

Symbiotic interaction

A fourth and final feature of street vending in the city of Maputo is the complementarity in goods as well as services offered by street vendors. For example, if one is selling male shoes, it is very likely that the seller nearby will be selling female shoes, children's shoes, trousers, shirts, and socks. Similarly, next to sellers of smartphones, new or second-hand, it's very likely to find all sorts of additional accessories for smartphones. The street food market is also an iconic case of symbiotic relationships among street vendors. It is common to observe that food street vendors working close together are likely to sell complementary items or different products. Exceptions can be found in those markets where food provision is the main business. This practice of complementing someone's products is generally beneficial to street vendors. By establishing these symbiotic relationships, they increase the number of people on the streets and thus are able to represent the interest of a larger group instead of few individuals.

Furthermore, this symbiotic relationship favours the street vendors compared to sellers in the public markets. In the markets, entire sections are reserved for vegetables and fruits. One seller with products such as onions and tomatoes must compete for the client's attention while another seller retails similar products in the stall nearby. In contrast, street-level sellers tend to avoid competition by avoiding selling similar products or by dispersing when the products offered are similar. Regarding services, for example, we find nail polishers who operate in the vicinity of hairdressers. While one customer is getting his hair done, another street vendor is probably offering the service of nail polishing. However, in all these contexts exceptions do exist.

The meanings of street vending resistance

Finding patterns in what street vendors do and how they do it is possible in different contexts. The patterns described above are not meant to represent all the mechanisms used by street vendors to resist harassment and violence and reclaim public spaces. These patterns illustrate that there is a structure behind the chaos with which street vending is often described. These patterns might not be clearly observed in other cities in Mozambique or elsewhere depending on how the city authorities respond to street vending. These patterns show that street vending is a structured activity, and pushing it back implies dismantling the structures, practices, and ideals that support it.

The actions of the municipality of the city of Maputo in relation to street vending can be described as ambiguous. On the one hand, street vendors can be the object of taxation. If they occupy semi-permanent segments of streets along the

municipal markets, they are requested to pay daily taxes. On the other hand, police forces are frequently mobilized to remove street vendors violently if necessary. Yet thus far, street vendors in the city of Maputo have been able to remain in the streets according to their interests, which is not only earning their livelihood, but also reclaiming more urban space.

Entire sections of sidewalks and streets in Maputo (with significant exceptions in Kampfumo) have been taken by temporary and semi-permanent street vendors. The phenomenon is typically visible around municipal markets at the end of day. Sidewalks are transformed into markets selling various items ranging from food to domestic appliances and clothes making it difficult for pedestrians and even automobiles to circulate. As Amin points out, this raises the question on the strong relationship between urban public space, civic culture, and political formation and how it operates.⁵¹ Analytically, by taking over the urban public space, street vendors are not simply winning a game of anticipation in relation to ensure their right for reclaiming urban spaces. Rather, they are reclaiming their right to the city.

There are invisible and strong alliances between the so-called formal traders and street vendors as well as among the street vendors themselves. From sedentary street vendors, such as those at home, to those in semi-permanent stalls along the streets, to those moving around with goods, there are tacit agreements about usage of public space for street vending and other competing or complementary practices.

Street vendors are aware of, interact with, and resort to taking assistance from other urban actors to maximize economic gains and their relative power over the territory they occupy. Based on this organic, and often symbiotic relationship, local alliances are a necessity to consolidate practices and processes of controlling the public space. Any political intervention seeking to eliminate or restructure urban street vending, particularly in terms of defining where it can take place, must begin with an appraisal of the local networks or even international networks (in the case of *mukheristas*) that sustain it. The failure to understand urban street vending as an organic and fluid product of a network of local actors has led to criminalizing approaches in dealing with the phenomenon, with damaging consequences for public well-being.

Conclusion

A lot has been written about street vending in Maputo. The question of how street vendors in the city of Maputo mobilize and assert their rights in the city's public space against the obvious interest of removing them is challenging to answer. In this paper, I examined what street vendors do to reclaim public space, how they do

⁵¹ Amin (2008).

it, and the socio-political meaning of their actions. As street vendors resist systemic harassment and constant violence, they claim and affirm their right for public space, and furthermore, shape the urban public space and civic conduct. Street vendors are literally and politically taking over the city. Street vendors actions represent an effective, yet problematic and poorly understood public alternative to successfully contest policies managing urban public spaces.

Despite its criminalization and constant persecution, urban street vending in the city of Maputo is thriving. As a practice, it is a well-documented phenomenon and comprises a variety of interlinked actions ranging from street hawking, to semi-nomadic, and to sedentary vending. Scholars have often viewed it through the lens of urban informality, looking at the rationales and interventions that the municipality of Maputo has employed to combat it. However, it has proven difficult to eliminate street vendors. Their capacity to resist and constant innovation of their practices remain strong, even when doing so endangers their business and their lives.

This paper claims that in the cat-and-mouse game between the street vendors and the municipality of Maputo city, the former has developed a sense of opportunity that exposes and explores structural weaknesses of the latter's approach to urban governance. Through the conscious, gradual, and continuous processes of reclaiming urban territory, street vendors have developed practices of interacting with urban governance at a local level that are organic, fluid, and encompass local networks. The nature of these networks and their functionality are noticeable when there is a threat against street vendors, and they often dissipate when the threat has been successfully repelled.

Street vendors exploit and use the institutional weaknesses to reclaim access and right to manage the urban public spaces in the city of Maputo. As political actors, they strive to reclaim local alliances through organic and, more importantly, symbiotic relationships in order to regain access and retain the right to remain in the public space. Over time, street vendors in Maputo have consolidated practices and processes to control access to the public space, despite constant harassment and violence. Hence, the removal of urban street vending is likely to face resistance not as a practice, but as a movement representing an urban counterculture. The point here is not only about whether street vending can take place or under which conditions it should take place. The point is whose urbanity matters: An elitist urbanity that benefits few or an urbanity that is based on grassroots actors that have demonstrated enough power to shape civic conduct in the city?

This paper sought to demonstrate that street vending can be conceptually understood beyond the formal versus informal discourses. It is a practice that shows how local urban self-governance works when the provision of goods and services are at stake. Consequently, it is of paramount importance to shift the view on street vending from being a public nuisance an activity that complements the economic system and enables the functioning of urban economies.

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Inês Macamo Raimundo

Migration in Maputo City and Ethnic Cohesion among Africans: To What Extent Do Ethnic Ties Contribute to Inclusive Growth?

Abstract: Migration theories have focused on causes of movements, demographic and economic impacts, and spatial distribution of migration flows. These theories have focused less on inclusive growth and ethnic cohesion in the context of migration. Published papers hardly discuss growth that centers on inclusive growth and migration and they do not address how ethnic cohesion has contributed to the integration of African migrants in each hosting country. While Africans fight each other in their countries of origin because of their different ethnicity, in host countries they develop ethnic ties that create conditions for integration and thus for inclusive growth. Maputo is a host city of the Great Lakes in Africa, a region where belonging to a different ethnic group is still a problem and can therefore be the reason for persecution or killing. A solution to this problem is to flee to other countries. One of the hosting countries is Mozambique, where, according to the interviewees, belonging to a different ethnic group is generally not a problem. As soon as they arrive in Maputo, the ‘fugitives’ try to establish cohesion among other ethnic groups. While Tutsi and Hutu try to live together, Nigerians claim that they are from Biafra and not from Nigeria. Although the differences of collective identities between Nigerians and Biafrans are so great, they do not show them publicly. Interviews conducted as part of the Migration for Inclusive African Growth (MIAG) projects and previous studies on refugees from the Great Lakes Region formed the basis for this paper. This work must then address two questions: How does migration lead to ethnic cohesion that would normally cause tensions in the country of origin? And how can a host city accommodate ethnic differences?

Resumo: As teorias da migração têm se concentrado nas causas dos movimentos, nos impactos demográficos e económicos e na distribuição espacial dos fluxos migratórios. Essas teorias se concentraram menos na coesão étnica do crescimento inclusivo no contexto da migração. Os artigos publicados dificilmente discutem o crescimento centrado no crescimento inclusivo e na migração e não abordam como a coesão étnica contribuiu para a integração dos migrantes africanos em cada país de acolhimento. Enquanto os africanos lutam entre si em seus países de origem por causa de sua etnia diferente, nos países de acolhimento eles desenvolvem laços étnicos que criam condições para a integração e, portanto, para o crescimento inclusivo. Maputo é uma cidade anfitriã de povos dos Grandes Lagos de África, cujos cidadãos afirmam que a pertença a um grupo étnico diferente ainda é um problema e pode, portanto, ser motivo de perseguição ou morte. Uma das soluções encontradas é fugir para

outros países. Um dos países de acolhimento é Moçambique, onde, segundo os entrevistados, geralmente pertencer a um grupo étnico diferente não constitui problema. Assim que chegam a Maputo, os ‘fugitivos’ tentam estabelecer a coesão entre outros grupos étnicos. Enquanto tutsis e hutus tentam viver juntos, os nigerianos afirmam que são de Biafra e não da Nigéria. Embora as diferenças entre nigerianos e biafrenses sejam tão grandes, eles não as mostram publicamente. Entrevistas realizadas como parte do projecto Migração para o Crescimento Inclusivo da África (MIAG) e estudos anteriores sobre refugiados da Região dos Grandes Lagos formaram a base para este artigo. Este trabalho deve, então, abordar duas questões: Como a migração leva à coesão étnica que causa tensões no país de origem? E como uma cidade anfitriã pode acomodar as diferenças étnicas?

1 Introduction

There are numerous reasons why people are put in motion in Africa: the search for security or survival, their response to economic crises, professional opportunities or eventually reunification of families. However, African countries face disconcerting difficulties in this migration process as the movement takes away skilled and unskilled people regardless of their gender, age, and culture, which has significant consequences for the Sustainable Development Goals (SDGs).¹

Reading about Africa, it is clear that the continent has never experienced peace after the countries gained independence. Castles/Miller point out that most African countries face economic and forced migration.² Each African region has ‘its’ own history and forms of migration. Africans are still affected by forced migration, either as refugees or as modern-day slaves.³ For decades, Mozambique has suffered from war and military instability⁴ and has never experienced complete peace.⁵ Moreover, these migration movements affect tribal and kinship relationships as migrants move away with their culture and organization, as anthropologists, archaeologists, and migration scholars have noted. In this case, Brettell incorporates culture, “the study of the interaction between beliefs and behaviour, of corporate groups, and social relationships”.⁶ Brettell justifies the study of the culture in migration research by asking how migrants, including the host population, adapt to a particular culture. Further, this culture changes over time and in a specific area, as does their identity and ethnicity.

1 Adepoju *et al.* (2007) 22.

2 Castles/Miller (2009) 152.

3 Hatton/Williamson (2005) 20.

4 Lubkemann (2000) 100.

5 Raimundo (2021).

6 Reed-Danahay/Brettell (2008) 114.

Archaeological artefacts found during excavations in Great Zimbabwe, Mapungubwe, Chiboené, Matola, Déguè, and Mufa in Zimbabwe, South Africa, Botswana, and Mozambique attest to the impact of population movements, whether by the Bantu, the Mfecanae, or other movements,⁷ e.g. labour migration, on the exchange of culture⁸ and the commonalities of ethnic lifestyles.

The present region of southern Africa consists of a number of people from the Central African region, which is due to large immigration wave that occurred centuries ago known as the ‘Bantu’ movement. This movement brought new settlers in the region of the Khoisan.⁹ Through this movement, according to the authors, settlements were formed, and the Bantu migrants themselves brought with them their language, their ways of organizing agriculture, hunting and fishing, their way of building houses, commerce, and the spirit of the warrior, and they disseminated these specific ways of organizing and proceeding throughout their new home. I continue to believe that this movement still has impacts on current movements for the following reasons:

- 1) Wherever the immigrants come from, mainly those from the Great Lakes, they know the routes and quickly know how to reach any Southern African country, even the highly controlled and patrolled borders of South Africa.¹⁰
- 2) Since they belong to the same tradition/culture, this naturally facilitates their integration in Mozambique. This situation does not exist in South Africa, for instance, because unlike other southern African countries that were colonized and eventually freed, South Africans experienced the most brutal regime after their independence in 1949, Apartheid, which separated Africans and taught them to hate other Africans. Apart from the Bantu movement, archaeologist Solange Macamo presents how the movement of the hinterland of today’s Zimbabwe (Great Zimbabwe) and South Africa (Mapungubwe) influenced Mozambique by bringing to the region¹¹ the methods of breeding animals and the strategy of building *madzimbabwe* (from Zimbabwe, meaning ‘stone house’)¹² as fortified settlements in the Zambezi Valle. This movement brought with it other ethnic groups that still represent the same people on both sides of the borders of Zimbabwe and Mozambique.

Most African countries are still trying to fix their economies and address many challenges, including peace and curing the wounds and resentments from previous wars. As a result, Africans have formed many ethnic-linguistic groups that are separated from each other.

7 Macamo (2006); Liesegang/Cumbe (2012).

8 Lubkemann (2000); Covane (1996).

9 Raimundo/Raimundo (2015); Liesegang/Cumbe (2012); Matusse (2009).

10 Seda (2015) 46–60.

11 Macamo (2006) 1–28.

12 Macamo (2006) 15.

The Great African lake region is literally under fire. Recent studies on refugees in Mozambique¹³ discuss the complexity of the movements towards Mozambique, the context in which they occur, and how refugees have been hosted in Mozambique. Muianga, citing Palamussa, mentions that the war in the Horn of Africa and the Great Lakes has produced thousands of refugees who are able to adapt to the host country because the local communities do not harm them. However, similarly to other experiences, the process of assimilation or integration of immigrants from other cultures may take longer than expected, according to Muianga,¹⁴ because there is what he calls in his thesis “a cycle of relationships”.¹⁵ The following section discusses ethnicity, migration, and inclusive growth and how they are related.

2 Migration, ethnicity, and inclusive growth

In this section we will dive into the concepts and definitions of migration, ethnicity, and inclusive growth. There are many statements about each of these concepts, and it depends on who we are, how experienced we are, and how we use the eyes and understanding of the others to give meaning to a particular word. For instance, a broad concept of migration is used by various experts and academic circles. Brettell and Peixoto agree that this topic has attracted the attention from different fields of study.¹⁶ Brettell, for example, mentions the specific interest of each subject and says that geography’s interest is focused on what happens in the space that migrants occupy, when they arrive in a new place, or release space, when they leave. Geographers are looking at issues of settlement patterns and residential segregation. What is clear, for instance, is that this concept no longer has only a geographic or demographic significance today, but rather a political one and probably a health one as well.¹⁷ Most recently, migration has been blamed as a disseminator for the spread of diseases such as HIV, cholera, Ebola, and most recently Covid.¹⁸ Politically, migration has been linked to security (in regard to the protection of states and borders). As Seda points out, migration is a matter of rules and laws that deal with border governance.¹⁹ Border government means border management where all kinds of rules and means are established to control borders, e.g. patrolling. This is also an issue that emerged during the post-Cold War reconfigurations of security and border control. Nowadays, most candidates for political positions in democratic countries, especially

¹³ Done by Muianga (2021); Patrício (2019); Miambo (2018); and Abreu (2014).

¹⁴ Muianga (2021).

¹⁵ Muianga (2021) 23.

¹⁶ Brettell (2003); Peixoto (2004).

¹⁷ Peixoto (2004).

¹⁸ See Paganini *et al.* (2020); Martins/Hansine (2020); Da Silva *et al.* (2020); and Guadagno (2020).

¹⁹ Seda (2015).

in the global North, have chosen migration and border control as their main campaign topic. Migration is also discussed in the context of humanitarian crises triggered by intensifying conflicts that lead to refugees or displacements. In addition, politicians have used the issue of population mobility or migration to restrict people's movement across borders. In the first years of independence, the Government of Mozambique, for instance, used travel documents to track and control the movements of people. The new puppet of political migration is Covid-19. Never before, at least in the 21st century, have people's movements been so controlled and restricted as they have been due to Covid-19. However, as my late mother used to say: "You cannot stop the movement of Limpopo River. It will reach us whatever we do."²⁰

For as long as I have been engaged in migration studies, which is for about 20 years of my career now, I have been exposed to many research topics on migration. I have studied migration and HIV, migration and floods, migration and displacement, and migration and food security. The subject is so broad that migration can have multiple meanings, some of which will be presented in the next section. What remains certain is that migration has something to do with the movement of people.

When I learned about ethnicity, it was connected to Africans, and I had never heard that word in the context of Europeans or other continents. Generally speaking, ethnicity has to do with Africans. The question that can be posed is why? Why do anthropologists give meaning to ethnicity? Brettell points out that anthropology as a discipline came relatively late to the study of migration as a social, political, economic, and cultural process.²¹ I would suggest, migration studies do not fit into the timeless and bounded idea of culture. The object of anthropology is culture. According to the aforementioned author, migration and ethnicity came into focus in the late 1950s, initially with an eye on rural-urban migration in Third World countries, and it focused on how urbanization in these areas was increasing at a rapid pace. Thus, these countries experienced their urbanization due to migration and not necessarily because of industrialization.²²

Turning our attention back to Brettell, the interest in urban anthropology, which is the study of urban culture, grew at the same time as when anthropologist turned their attention to peasants and tribal members who were part of the rural exodus (rural-urban migration). As the author says, the number of ethnographic monographs on these migrants increased between 1980 and 1990 when migration was established as a central topic of anthropological research. The attention of

²⁰ This referred to the floods of the Limpopo River, as I was born in a city that was prone to flooding. She warned one of my late uncles who had his house on the banks of Limpopo River and who had believed that placing bags of sand would protect him.

²¹ Brettell (2003) IX.

²² Santos (2022) 322–327.

anthropologists is focused on transnationalism,²³ which Reed-Danahay/Brettell explain as a process by which migrants abroad maintain ties to their countries of origin. It also sheds light on the integration of migrants in their host cities, the study of their ethnicity and ethnic identities, and the relationship between gender and migration.²⁴ In relation to identity issues, anthropology is also concerned with gender perspectives in migration analysis. I support the idea of having a gender perspective in migration studies while discussing the integration of the different ethnic groups of migrants in Maputo. The different ethnic groups currently living in Maputo, the root of Southern African countries, are still the same ones that came during the Bantu movement as discussed by archaeologists and historians such as Liesegang/Cumbe, Matusse, and Macamo, to name a few.²⁵

Inclusive growth has become a buzzword among experts on development, economics, and economic growth, even for ‘outsiders’ such as migration experts and ordinary people. However, there are many definitions of Inclusive Growth that can be found in different sources. The Organisation for Economic Co-operation and Development (OECD) defines the term as economic growth that is distributed fairly across society and creates opportunities for all.²⁶ In the meantime, Ianchovichina/Gable define the term as raising the pace of growth and enlarging the size of the economy, while levelling the playing field for investment and increasing productive employment opportunities.²⁷ However, Stuart actually talks about how unclear the definition is, and then he goes to discuss the distinction between equality of opportunities and equality.²⁸ Stuart recognizes the necessity of including economic growth and poverty reduction in the context of global crisis and the impact on poverty growth. OECD, Ianchovichina/Gable, and Stuart share the idea that inclusive growth is an approach that takes a longer-term perspective, since the focus is on productive employment that increases the income of poor and excluded groups and improve their standard of living. The study on Migration for Inclusive African Growth (MIAG) was used to examine the contribution of Portuguese, Indians, Burundians, Nigerians, Rwandese, and Chinese in Maputo. Furthermore, the OECD correlates inclusive growth with better jobs, reduction of inequality on the labor market, and promoting productivity.²⁹ This raises the following questions: to what extent is inclusive growth taking place in the

23 The author of this paper supervised a Tanzanian undergraduate geography student at Eduardo Mondlane University named Antons Mathewa Mwasenga on his essay entitled *Living in Two Borders as a Student: Lessons and Challenges*, in which he discusses the issue of transnationalism and the experience of living and studying in a Portuguese speaking country, considering that he is from the Swahili tribe and an English speaker.

24 Reed-Danahay/Brettell (2008) 120.

25 Liesegang/Cumbe (2012); Matusse (2009); Macamo (2006).

26 OECD (2012).

27 Ianchovichina/Gable (2012) 149.

28 Stuart (2011).

29 OECD (2018).

context of immigration to Maputo in relation to African immigrants? What is their contribution to inclusive growth?

2.1 Migration

Various scholars have discussed the concept of migration and tried to differentiate it from mobility. In general, migration and mobility refer to the movement of people. I do not have specific criteria to choose a definition as it depends on the literature I come across. For example, Weeks defines migration as any permanent change of residence.³⁰ It involves the detachment from activities in one place and relocation of all activities to another place. Nam, on the other hand, focuses on mobility which he defines as a movement that is differentiated from other movements by the crossing of borders (internally), the direction of the movement, and the period of the movement (since birth, during the past five years, or during the previous year of study).³¹ Migration relates to the crossing of international or regional borders, as according to Nam, migrants consider themselves “nations of immigrants”.³² Nam’s idea suggests that host countries, or regions, or cities are the hosts of the various ethnic immigrants. The question is: to what extent can these ethnicities be cohesive? Moreover, what does it mean for African cohesion in the context of inclusive African growth?

Castles/Miller see migration as a complex process that affects every dimension of social existence and creates complex dynamics.³³ They also acknowledge that the host population’s way of life is usually influenced and changed by the immigrants. However, they emphasize that the changes are more likely to be found among the migrants themselves which can be seen in the stages of their movement, whether they are still in their countries of origin, in transit, or if they have arrived at their destination.

Migration is a very complex and tangled process with natural or environmental, social, cultural, economic, and political factors acting on the same people or on different people as well as on regions or countries. Yet, these factors cannot be perceived by a one-sided reading. It is essential to consider the migrants themselves, the people they left behind, and the geographic, economic, social, and historical circumstances in both contexts – both local and global. The idea of economic opportunity espoused by Ravenstein in his “Laws of Migration” has become the dominant neoclassical theory explaining migration processes,³⁴ although it is contested by theories of push-pull factors. According to Castles/Miller, the causes of migration

³⁰ Weeks (1977) 177.

³¹ Nam (1994) 20.

³² Nam (1994) 50.

³³ Castles/Miller (2009) 21.

³⁴ Castles/Miller (2009); Peixoto (2004).

are related to push factors that make people leave their places of origin.³⁵ In Africa, particularly, the history of the Bantu movement indicates that people from the central region of Africa, including Nigeria, were impelled to move due to the need for more land because of the conflicts between different Bantu sub-ethnic groups, insufficient food, and/or population growth.³⁶

The ancient movements of people have, in a way, created transnational families that cannot come together on a regular basis because of the borders created since the Berlin Conference that separated the African peoples.³⁷ Seda affirms that countries have closed their borders to prevent people from crossing for security reasons.³⁸ However, these measures, especially in southern Africa, have been null and void as people continue to cross regardless of the borders created by police authorities. Previous studies undertaken by the Southern African Migration Project (SAMP)³⁹ have shown how useless borders are. This conclusion was made in the context of several studies about cross-border traders.⁴⁰ Studies of labour migration in the Southern African region also indicate that despite the different countries of origin, labour migrants often share cultural similarities that facilitate integration.

These upward and downward movements of people have led to the solidification of cultures or mixed cultures in a web that no border or migration policy can break. Even though militarized borders, refugee control with sophisticated technological equipment, and biometrics systems seek to control the movement of people, these measures may prevent ethnic cohesion among migrants Africans.⁴¹ While it has been suggested that ethnic diversity can affect diversity or cohesion relationships, this is based on the fact that local cohesion declines because trust or cohesion is more easily formed among ethnically similar individuals. There is a general tendency of people preferring to interact with other individuals who share the same social norms or are a part of their group.⁴²

35 Castles/Miller (2009).

36 Matusse (2009); Liesegang/Cumbe (2012); Raimundo/Raimundo (2015).

37 Matusse (2009); Raimundo (2009); Raimundo/Raimundo (2015); Seda (2015).

38 Seda (2015).

39 The Southern African Migration programme (SAMP) is an international network of organizations including Eduardo Mondlane University, the university where the author of this paper works. It was founded in 1996 to promote research focusing on migration development linkages in the Southern African Development Community (SADC). The organization undertakes applied research on migration and development, provides policy advice to SADC through Migration Dialogue in Southern Africa. Further, it offers training in migration and management, and conducts public education campaigns on migration related issues.

40 Such as Chikanda/Raimundo (2017); Raimundo/Chikanda (2015); Crush *et al.* (2015); and De Vletter (2007)

41 Seda (2015); Seda (2017).

42 Laurence *et al.* (2019) 2.

In this discussion on migration, when asked about the contribution of migrants to their lives and how migrants were integrated and contributed to inclusive growth, one of the host community residents interviewed in Maputo said:

There were two major problems: 1) Not mastering the Portuguese language and 2) lack of money. Everything gets difficult when one does not master the Portuguese language or any other language from one place because one does not know where to go, whom to apply for, how to get to the right place for the issue. In addition, one does not know where to submit their papers. As I said, the Portuguese language is a deterrent to many foreigners. And the staffs take advantage of us.

Furthermore, they don't speak English, and they don't want to learn. Even in the finance sector, they only talk Portuguese. Moreover, we get it when they say jokes at us.⁴³

At the same time, other locals say:

The migrants' contribution is significant considering that they bring *capulanas* (sarong) from their countries, such as Ghana, Uganda, and Tanzania. My fabric suppliers are Ugandan, Rwandese, and Nigerians. Also, they bring me ornaments and crafts that I use in my activity, which is dressmaking. Some of my suppliers bring me fashion magazines. I have learned how to make dresses with *capulana*. We understand each other. The only problem they have is with police and commerce authorities because some of them do not have permission to stay here or do business.⁴⁴

2.2 Ethnicity and ethnic cohesion

Ethnicity is etymologically defined as belonging to a social group with a common national or cultural tradition. It has to do with relationships, religion, language, territory, etc. Let us start by quoting Anjos/Leitão who state:

When we meet someone of a different culture of ours, there is a feeling of estrangement due to a series of evident traits, like language, clothing, the body posture, cosmogony, behaviour, and a solution of problems. The human being is subject to relate with different people.⁴⁵

Based on this statement, we can be strangers in one environment and acquaintances in another. Today's means of communication and transportation have simplified and increased the mobility of people and, consequently, the tightening of cultural bonds. Therefore, migrants are able to replicate their culture or ethnicity wherever they settle. The confusion of people has been reduced by the progress of communication and the high mobility of people. As Anjos/Leitão say, these developments would reduce

⁴³ Burundi interviewee in Maputo, November 21, 2020.

⁴⁴ Mozambican dressmaker, Maputo, November 20, 2020.

⁴⁵ Anjos/Leitão (2009) 9.

and alleviate cultural differences.⁴⁶ Nevertheless, it is not the case. I would like to address here, for instance, the issue of xenophobia. The authors bring the concept of ethnocentrism and anthropology, which is one of the ways to deal with cultural differences. At the same time, ethnocentrism is a research method, while anthropology is the science of cultural differences, which means that understanding or discussing this ethnic issue from the perspective of ethnocentrism or epistemology could become quite dangerous, with Anjos/Leitão emphasizing the fact that ethnocentrism is a ‘typical self-affirmation of western culture’. Therefore, the paper relies on published research and interviews undertaken within the framework of the MIAG project.

I have tried to resist talking about ethnicity in this paper, but circumstances have forced me to do so, mostly due to the topic of the conference. My resistance stemmed from the definition of the term ‘ethnicity’ which is sometimes used to refer to African tribes. Africans have been portrayed as people with social, economic, and political tensions, and Africans are equally clueless of their geography, traditions, or how they negotiate their relationship with the social environment, as Macamo points out.⁴⁷

As explained earlier, the current region of southern Africa was settled by the Bantu, and during the course of this movement, they mixed with the local people, and those people’s languages were changed and renewed over time.⁴⁸

In the context of the colonial history of Southern Africa, it is essential to mention the labour migration to South Africa which led to a mass movement of men from countries such as Mozambique, Malawi, Botswana, present-day Eswatini, Zimbabwe, and Lesotho.⁴⁹ It can be concluded that the men from these countries ‘unified’ their cultures in gold mines over centuries. As noticed by several of Raimundo’s collaborators, these ethnic groups were located on different borders and served as a backup in emergencies that occurred during the wars, namely the War of Liberation (1964–1974), the Civil War (1976–1992), and other related military instabilities during Mozambique’s 46 years of independence.⁵⁰ It is not solely a feature of Mozambicans but also a strategy used by Burundians, Nigerians, Rwandans, and Senegalese interviewed in the MIAG study. The migration routes show that they have been used for a long time, either most recently by air or by other means of transport such as pedestrians, buses, canoes, trucks, etc. During the MIAG data collection, we asked the interviewees about the routes they used to get to Ethiopia, Tanzania, Kenya, Malawi, and then Mozambique.

In the last three decades after the independence Mozambique has witnessed new flows of African migrants coming from Burundi, Ethiopia, Nigeria, Rwanda,

⁴⁶ Anjos/Leitão (2009).

⁴⁷ Macamo (1998).

⁴⁸ Liesegang (1998).

⁴⁹ Covane (2001); Covane (1996); Penvenne (1995).

⁵⁰ Raimundo (2021); Raimundo (2020); Raimundo (2010).

Somalia, and Senegal,⁵¹ as opposed to the traditional migrant movements of Tanzanians, Kenyans, and Zimbabweans. The Ethiopian route is used by those who use aircraft. Kenya and Tanzania are also used on the air routes. In addition, one group chose to travel by car for two reasons, according to the interviewees: (i) it is expensive to travel by air and one is more likely to be caught at airports, and (ii) when traveling through the forests, one can hide in dangerous situations. Rwandans and Burundians know the routes in the forests very well. Moreover, the three countries Ethiopia, Kenya, and Tanzania have air connections with Mozambique.

Nevertheless, there is a 'but' in this story: once they reach these countries that do not offer direct flights, they stay one to three months. They can afford to spend time there because they have connections there and it gives them time to prepare well to go to Mozambique. Immigrants need this extra time because some immigrants are occasionally picked up by Malawian or Mozambican authorities.

Ethnicity facilitates getting to know each other, the statement is proven as follows:

I arrived in Mozambique in December 2018. I came with friends. I was in Congo, coming from Rwanda, for five months, staying. Then I went to Tanzania, and from there, I went back to Congo because I still had no way to travel to Maputo. Finally, I took an Ethiopian Airways plane to Addis-Ababa in Congo, where I stayed only one day. It's not easy. But I did it. I decided to come because of the political situation and the lack of employment. I did not do anything back in Rwanda. I heard about Mozambique from my brother's friend here in Maputo. He is the one who brought my brother to Maputo.⁵²

Ethnicity also goes beyond belonging to an ethnic group. The language of the colonizer also serves to connect immigrants in foreign countries, as stated in the following statement:

I belong to a Francophone community. I have kinship relations with immigrants from Rwanda, Mali, Senegal, Ivory Coast, the Democratic Republic of Congo, Guinea Knacry. As long you know to say "ça va" (are you fine). The French language unites us. It is a strategy that we found to protect and defend ourselves, and it is part of our survival strategy. I am a Senegalese, and I met a Burundian guy who helped me to get papers for my legalization in Mozambique.⁵³

2.2.1 To what extent does ethnicity matter for migrants?

By 1970, Migration studies had focused their attention on anthropologists examining the cultural aspects of movement, such as who they are, what their background is, and how they ultimately integrate into the area of destination.⁵⁴ Furthermore, Brettell

⁵¹ See Raimundo *et al.* (2021); Patrício (2021); and Seda (2015).

⁵² Rwandese interviewee in Maputo, November 21, 2020.

⁵³ Senegalese interviewee, September 1, 2021.

⁵⁴ Brettell (2003); Reed-Danahay/Brettell (2008).

says that anthropology pays attention to how people in the host country respond to global processes. According to Brettell, the reason for this interest is that by using ethnographic methods of data collection anthropologists found that many of the immigrants moved from rural to urban areas, which led to the consequence of these areas and regions experiencing significantly quicker urbanization. Once in urban areas, new migrants tend to gather or live together with people from their own ethnic background. For example, I would like to mention a situation in Maputo city that two locally well-known neighbourhoods are faced with in order to better illustrate how immigrants often seek out others from the same ethnic background. The examples are the neighbourhoods of *Chinhambanine* (Luís Cabral) and *Magude* (still the same, but belonging to the municipality of Aeroporto). *Chinhambanine* means ‘land’ of the *Manhembanes*, which is one of the ethnic groups in southern Mozambique. It is a neighbourhood that emerged during the colonial period when men worked in the port as stevedores or provided other services needed at the ports.⁵⁵ On the other hand, the internally displaced persons (IDPs) formed the Magude ward of the Magude district, one of the districts of Maputo province in southern Mozambique. They settled and resumed their way of living in a former dumpsite for the city of Maputo,⁵⁶ and some have even grown some crops in their front yards.

Ethnicity matters when migrants maintain relationships with their countries or places of origin. In his case study on Mexico, Brettell points out, that this justifies the perpetuation of migration streams, despite changes in economic and public policies designed to constrain or deter them from entering a particular country or place.⁵⁷ It also highlights the role of networks in the process of settlement and adaptation in immigrant society, where kinship networks are the basic unit of production and consumption among rural-urban migrants in Mexico. What Brettell found is not different from the study I present here. Migrants, including those who have fled, send and receive goods to and from their countries of origin. For this reason, fashion in Maputo, including hairdressers, represents the citizenship of some immigrants. An example of this is the popular Bubu or Boubou which is known as African clothing and is quite popular in Maputo.

The following interview extract better illustrates my argument:

My business is in the category of negligible. Unfortunately, Mozambique does not produce the clothes that I use for *Bubus*. Nevertheless, I import either from my country or China and India. The material from Nigeria is excellent. I have been here for two years, which is very productive.⁵⁸

55 Penvenne (1995).

56 Raimundo *et al.* (2012).

57 Brettell (2003); Reed-Danahay/Brettell (2008).

58 A woman dressmaker from Nigeria, Maputo, August 20, 2022.

2.2.2 Ethnic Cohesion

Schaeffer defines ethnic groups as groups that are distinguished by their national origin or distinctive cultural patterns,⁵⁹ while Heuser defines social cohesion as an economic and social phenomenon.⁶⁰ It can be defined in terms of capital value and ethics. And it is the process of connecting to the lives of others, or the relationships we humans establish with others. Moreover, cohesion is based on the aggregate of trust inherent in the members of a community, encouraging them to engage with confidence and reciprocity to achieve a common good. Meanwhile, the author points out that social cohesion is not something that governments can foster.

Based on this definition, the interviewees have the same point of view as follows:

I like many things in Mozambique. First, there is peace and freedom. I can stay up late on the streets whispering with this Mozambican friend of mine where no one tells me to pick up. Only now, with Corona, we must close the store early. I like everything here. I like the people and their friendliness.⁶¹

However, Laurence/Schmid/Hewstone argue that cohesion has two faces – the negative and the positive.⁶² The negative has to do with biases and mistrust that can lead to acrimonious relationships as individuals prefer to interact with their own groups. Examples of this are many and well known through xenophobic attacks and verbal insults. These situations happen to new arrivals as some interviewees reported on their first experience in the city:

When I arrived here back in 2010, people used to talk on my back or eventually were using their local languages. Furthermore, the experience with local police is always bad as they force us to speak in Portuguese, and the forms are in Portuguese. So, this situation hinders any attempt to be integrated. But after a decade of living here, I speak Portuguese and Changana.⁶³

Cohesion or dis-cohesion depends on the ethnic diversity within the community. There is a growing literature that posit ethnic diversity in migration studies. It is recognized that mixed ethnicity can be a threat or not. Examples coming from South African and xenophobic attacks demonstrate the fear that some segment of population fear hosting migrants of different ethnic origin. For the previously mentioned scholars, cohesion is proportional to diversity, meaning that diversity leads more likely to reports of perceived threat and prejudice, and the individual who reports more perceived threat or prejudice also reports lower cohesion in the case of ethnic diversity.

⁵⁹ Schaeffer (1989) 266.

⁶⁰ Heuser (2005) 8–9.

⁶¹ Young Rwandese, Maputo, September 20, 2020.

⁶² Laurence *et al.* (2019).

⁶³ Nigerian a car spar seller, July 17, 2921.

2.3 Inclusive growth

Inclusive growth, like many other concepts, is still not conclusively defined. Economists define it easily when they associate it with income, GDP, inequalities, economic growth, and poverty. For example, a working paper by the Catholic Agency for Overseas Development (CAFOD) emphasizes that inclusive growth is a buzzword used by international organizations, including the International Monetary Fund, the G20, European Commission, and the UK Department for International Development.⁶⁴ Meanwhile, CAFOD stressed that a report on inclusive growth identifies three problems related to growth: poverty, unemployment, and inequality. Consequently, inclusive growth should reduce poverty, and inequality, and benefit the most marginalized groups. Furthermore, CAFOD warns that a high GDP does not reduce poverty or inequalities. This statement is supported by the fact that Mozambique has had faster economic growth during periods where poverty was very high (see Tabs. 1 and 2).

As demonstrated in the table below, the question is how to be inclusive and reduce inequalities.

Tab. 1: Poverty index by households in the city of Maputo (Municipal District in 2014–15).

Municipal District	The proportion of Female-headed households (%)	Poverty Rate Male-headed households (%)	Poverty Rate Female-headed households (%)
KaMpfumo	28.0	2.0	2.4
KaMaxakeni	33.6	39.0	35.1
Nhlamankulu	28.6	26.1	23.7
KaMavota	28.3	29.2	26.6
KaMubukwana	29.0	36.0	34.4

Source: Chikanda/Raimundo (2016).

In general, poverty in Maputo city has changed over the years as shown in Table (2):

According to CAFOD, the meaning of inclusive growth comprises the following components:

- 1) It is more than income; rather, it is about social outcomes and people's wellbeing;
- 2) It is about people's participation, increased possibilities and better access to these opportunities; and
- 3) Inclusive growth requires sustainable growth linked to sustainable development where people's needs are met without compromising the future generations.

⁶⁴ CAFOD (2014).

Tab. 2: The poverty headcount of the City of Maputo along years.

Place	Poverty headcount in %			
	1996–97	2002–03	2008–09	2014–2015
National	69.4	54.1	54.7	46.1
Maputo city	47.8	53.6	36.2	11.6

Source: MPD-DNEAP 2010; MEF-DEEF 2015

2.4 How do immigrants and host communities define inclusive growth?

Interviewee 1

Inclusive Growth is equal to GDP. However, it is a joke as it has been said that Africa has economic Growth of 2.5%. Nevertheless, African leaders are deceived as they are out of date. They are based on data from big companies. They forgot about how agriculture is. There are many challenges, and not even people can guarantee food self-sufficiency. African leaders are talking about economic Growth, but people are still starving. There is no inclusive growth. Na inclusive growth is a fallacy.⁶⁵

Interviewee 2

There is no country that can afford to live without immigrants as there is self-sufficient none country. We need to buy what we do not have and sell what we have. Moreover, behind this goods exchange, there are migrants, who contribute to both local and home economies. The world was made like that, and it will operate based on that principle. We need expertise from one another. Regardless of our size in the business sector, small and medium-sized businesses can contribute even though the high level of competition and greedy people. We are the same people, but we fight against each other. My uncle came to Mozambique 10 years ago with \$20,000 (Twenty thousand American Dollars) but was not seen as an investor. However, we make economy with this small amount of money. My uncle opened two boutiques in Maputo and had another one in one of these cities in northern Mozambique. So, I feel that he contributes to Inclusive Growth in Mozambique because he creates jobs for Mozambicans and Senegalese.⁶⁶

⁶⁵ Interview with Rwandese Bachelor economist, Maputo, August 20, 2020.

⁶⁶ Senegalese interviewee, September 1, 2021.

Interviewee 3

Inclusive Growth is, as soon as my company grows, workers are included in this Growth. This analogy serves the country, private sectors, and the government. In general, inclusive Growth is distributed equally throughout society and creates opportunities for all people.⁶⁷

Interviewee 4

Inclusive Growth exists if the wealth is equally distributed among citizens of a given country. Also, there is Inclusive Growth if there are opportunities for businesses and jobs for everybody. However, from what we witness here, we can say inclusion. Good jobs go to children of people who are in high government positions. We would see inclusiveness in Growth if entrepreneurs expand their businesses across the country and allow more people. Migrants give jobs unlike Chinese, Portuguese and Indians, who have good businesses but hardly hire Mozambicans. When they hire only do in cases of unskilled jobs. African migrants are worthwhile in the sense that they employ Mozambicans, and they rent our houses and plots of land to establish their containers.⁶⁸

Interviewee 5

On that matter, the hosting communities argue that “we need those who come to create and provide jobs in our country”. Therefore, by the end of the day, it is justifiable to ask the extent to which migrants are making a difference to this city by asking them how many jobs they have created for Mozambicans and what kind of knowledge do they bring here.⁶⁹

The five interviews presented as examples of understanding inclusive growth lead the reader to conclude that inclusive growth is closely linked to opportunities without discrimination and job creation among the five interviewees. At the same time, however, some immigrants do not care about real opportunities for local communities, justifying themselves by saying that they are temporary immigrants while others who do not foresee any change in their home country prefer to merge their culture, the way businesses are organized, and the creation of jobs for locals. Meanwhile, not all interviewees believe in the contribution of migrants to inclusive growth, as interview number five indicates.

⁶⁷ Nigerian used car sellers, November 1, 2020.

⁶⁸ Interview with a Mozambican owner of a grocery shop, November 1, 2020.

⁶⁹ Mozambican owner of a mill in the outskirts of the city, October 19, 2020.

2.5 Migration, inclusive growth, and ethnic cohesion

On the one hand, the literature defines inclusive growth as the ability to create opportunities for all while the economy is growing in the context of sustainable development.⁷⁰ On the other hand, when it comes to migration, African migration within Africa has been perceived as ‘meaningless’ to inclusive growth. Instead, it exacerbates existing problems such as the lack of jobs, as African migrants are seen locally as ‘job thieves’ and promoters of the informal economy.⁷¹

Historical routes and the same historical background break the barriers of foreignness. However, they constitute the chain of migration and help with integration in the host countries. Nevertheless, Africa is known for economic inequalities, high levels of impoverishment, and military instability in an environment made up of many ethnic groups. Some of the military fluctuations are caused by ethnic tensions as one ethnic group is believed to dominate the other. That was the reason for the ethnic cleansing in Rwanda in 1995. In addition, economic inequalities and ethnic fights push people to immigrate to other countries in search of safety. Ethnicity has been used to divide nations and force people to migrate. This instability and economic inequalities lead to displacements and flight.

In this context, host communities argue that “we need those who come to create and provide jobs in our country” as was said by several Africans who were interviewed during the data collection phase of the project Migration for Inclusive African Growth (MIAG).⁷² Therefore, it is justifiable to ask to what extent migrants make a difference to the host community in terms of job creation and knowledge exchange, as well as their contribution to poverty reduction or the creation of opportunities for all.

3 Conclusion

The German Research Foundation (DFG) Research Unit 2757 is an interdisciplinary team of researchers. It deals with various topics connecting good governance and community development. Besides research and publication, the team also puts together researchers who can discuss topics under investigation with each other within the framework of conferences and workshops. It was within this scope that,

⁷⁰ Ianchovchina/Gble (2012); Stuart (2011).

⁷¹ Raimundo/Bazzagari/Raimundo (2021).

⁷² The MIAG is a research partnership organization led by Professor Giles Mohan of the Open University, UK. The African partners are: Centre for Migration Studies (University of Ghana), African Migration and Development Policy Centre (Kenya), Centre for Policy Analysis (Mozambique), and Network of Migration Research on Africa (Nigeria).

a hybrid international conference was organised in July 2021 to discuss the Local Self-Governance in the context of Weak Statehood in Antiquity and the Modern Era. As part of the conference presenters on the topic of changing relations in urban communities, I presented the topic entitled “Migration in Maputo city: an ethnical cohesion among Africans: to what extent ethnicity ties contribute to inclusive growth” to start a discussion. The topic I wanted to discuss was how migrants cope with the host society, which mechanisms Maputo city dwellers (the local community) build inter and intra-relationships with others, and how they relate (host communities and immigrants) to the state. Thus, ethnicity, ethnic relations and the formation of new city spaces constitute the core of this study.

The paper discusses a triple alliance of migration, ethnic cohesion, and inclusive growth. Based on interviews with some citizens from Burundi, Nigeria, Rwanda, and Mozambique and a literature review, two questions are posed: i) How does migration bring about ethnic cohesion that was disrupted back home? ii) How is a host city receptive to ethnic differences? This paper discusses these issues using data from Migration for African Inclusive Growth (MIAG) project and previous studies on refugees from the Great Lakes region of Africa that served to answer those questions.

On the basis of the evidence gathered, we cannot assume that migrants drive inclusive growth. What is certain, however, is that the contribution of African migrants to the local economy in the form of taxes and job creation needs to be recognized.

Some of the interviews are part of the data collection of the MIAG project which aims to understand the concept of inclusive growth from the perspective of Burundians, Chinese, Indians, Nigerians, Portuguese, and Rwandans, and the extent to which migration leads to inclusive growth and how ethnic cohesion is established in the city. Without registered data on the contribution of African businesses to the local economy or registering the number of people who have obtained jobs, it is difficult to support the thesis of migration for inclusive growth. What is certain, however, is that migrants are not seen in terms of their ethnicity. Instead, they are seen as Africans searching for business opportunities in Maputo, just as Mozambicans are in South Africa.

The paper found some ethnic cohesion with no evidence of xenophobia, even though migrants themselves complained about how the Portuguese language was used to antagonize them by officers of the law. Ethnically, Africans see themselves as equals-, which is a condition that guarantees cohesion between the migrants and host communities that form the city of Maputo.

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Axel Prestes Dürrnagel and Janneke Tiegna

Local Self-Organisation under Socio-Spatial Pressure: Insights from Rural Karangasso-Vigué (Burkina Faso) and Peri-Urban Maputo (Mozambique)

Abstract: Processes of self-organisation fuel the wheels of society. In the African context, in particular where state capacities are weak, the provision of public goods derives essentially from collective civic efforts. Societal transformations, however, pose increasing threats to local forms of self-organisation. In Burkina Faso's region of Karangasso-Vigué, several waves of internal migration caused a power shift in the population and the autochthonous Vigué ethnic group became an electoral minority. In Mozambique's capital Maputo, urbanisation exerts increasing pressure on land, threatening the agricultural practices of farmer organisations. Both self-organised groups are long-established, but find their existence contested by socio-demographic changes that manifest themselves at first in a challenge of territorial entitlements. In a comparative and cross-cultural approach, this study traces the historical roots of these spatial tensions, analyses the relations with the state and other socio-political actors throughout different periods and its implications for local self-organisation. The findings indicate that spatial conflicts are associated with contested claims towards authority, which result in new governance arrangements. With our contribution, we shed light on the complexity of forms of local self-organisation which are essential for a better understanding of post-colonial African societies.

Abstrait: Les processus d'auto-organisation alimentent les rouages de la société. Dans le contexte africain, en particulier lorsque les capacités de l'État sont faibles, la fourniture de biens publics découle essentiellement d'efforts civiques collectifs. Les transformations sociétales font cependant peser des menaces croissantes sur les formes locales d'auto-organisation. Dans la région de Karangasso-Vigué au Burkina Faso, plusieurs vagues de migration interne ont provoqué un changement de pouvoir au sein de la population et le groupe ethnique autochtone Vigué est devenu une minorité électorale. Dans la capitale du Mozambique, Maputo, l'urbanisation exerce une pression croissante sur les terres, menaçant les pratiques agricoles des organisations paysannes. Les deux groupes auto-organisés sont établis de longue date, mais voient leur existence contestée par les changements sociodémographiques qui se manifestent d'abord par une remise en cause des droits territoriaux. Dans une approche comparative et interculturelle, cette étude retrace les racines historiques de ces tensions spatiales, analyse les relations avec l'État et d'autres acteurs sociopolitiques à travers différentes périodes et ses implications pour l'auto-organisation locale. Les résultats indiquent que les conflits spatiaux sont associés à des revendications d'autorité

contestées, qui aboutissent à de nouveaux accords de gouvernance. Avec notre contribution, nous mettons en lumière la complexité des formes d'auto-organisation locale qui sont essentielles pour une meilleure compréhension des sociétés africaines post-coloniales.

Abstrato: Os processos de auto-organização alimentam as rodas da sociedade. No contexto africano, em particular onde as capacidades do Estado são fracas, o fornecimento de bens públicos deriva essencialmente de esforços cívicos colectivos. As transformações societais, porém, representam ameaças crescentes às formas locais de auto-organização. Na região do Burkina Faso de Karangasso-Vigué, várias vagas de migração interna provocaram uma mudança de poder na população e o grupo étnico autóctone Vigué tornou-se uma minoria eleitoral. Na capital de Moçambique, Maputo, a urbanização exerce uma pressão crescente sobre a terra, ameaçando as práticas agrícolas das organizações de agricultores. Ambos os grupos auto-organizados estão estabelecidos há muito tempo, mas encontram sua existência contestada por mudanças sociodemográficas que se manifestam inicialmente em um desafio de direitos territoriais. Numa abordagem comparativa e transcultural, este estudo traça as raízes históricas destas tensões espaciais, analisa as relações com o Estado e outros actores sociopolíticos ao longo de diferentes períodos e as suas implicações para a auto-organização local. As descobertas indicam que os conflitos espaciais estão associados a reivindicações contestadas de autoridade, o que resulta em novas organizações de governação. Com a nossa contribuição, lançamos luz sobre a complexidade das formas de auto-organização local que são essenciais para uma melhor compreensão das sociedades africanas pós-coloniais.

1 Introduction

The African continent is experiencing profound societal transformations. Driven by demographic and economic growth, these transformations are associated with deep political and socio-cultural changes.¹

In particular in sub-Saharan countries like Burkina Faso and Mozambique (see Fig. 1), dynamic migration flows, and urbanisation processes are posing increasing threats to local forms of self-organisation. Within the next three decades, Burkina Faso's population is expected to double from 21 million (in 2020) to more than 43 million (in 2050) inhabitants.² Within the same period, Mozambique's

1 Cotula (2007) 15.

2 UNDESA (2019) 337.

population is going to rise by nearly the same proportion, from 31 million to 65 million inhabitants.³

As a consequence, Burkina Faso's rural municipality Karangasso-Vigué has experienced several waves of internal migration. Not only has migration led to an immense population growth, it has also made the autochthonous⁴ population an electoral minority in the community as decentralisation progressed. These tensions have exacerbated the discourses around autochthony and have erupted in violent conflicts. Changes due to migration and decentralisation processes are causing conflicts over land, which in turn leads to a competition between the autochthones and the migrant population, as well as overlapping claims between customary and modern state institutions.⁵

The demographic changes are also manifested in an accelerated growth of the cities. Mozambique's capital Maputo is currently home to a population of 1.3 million inhabitants and is expected to rise to 1.6 million by 2040.⁶ Maputo's peri-urban areas are about to experience the most dramatic changes. Agricultural lands are continuously being converted into residential areas, whereas these land-use changes are accompanied by even more profound shifts from customary tenure systems towards more individualised forms of tenure. These transformations often go in line with growing (informal) land markets and increasing land and property values.⁷ Urban and peri-urban agriculture has a long history in Maputo and already by 1930, intensive cultivation occurred on the most fertile soils surrounding the city in the so-called green zones.⁸ Today, the majority of urban farmers are affiliated with self-organised producer organizations and more than 11,000 farmers cultivate on small parcels of land for both subsistence and income generation.⁹ In line with the rapid urbanisation and the expansion of the city towards its margins, competition over resources has increased and the growing commodification of land is posing significant threats to the agricultural practices of farmers' associations. Those struggles are historically rooted, and spatial disputes are usually carried out to the disadvantage of small-scale farmers and at the expense of customary structures that were the mainstay of equitable land allocation.¹⁰

In this paper, we aim to illustrate the tensions of land governance between local self-organisation and state regulations in rural Krangasso-Vigie and peri-

3 UNDESA (2019) 826.

4 To describe societal transformations in Karangasso-Vigué the terminology autochthones and the migrant population is used as it was used by the population in the field itself. It should be noted that these terms are problematic because they have become political fighting terms.

5 Lentz (2003) 113–134.

6 INE (2020).

7 Cotula (2007) 20–21; Filipe/Norfolk (2017).

8 Cruz e Silva (2006) 99–100.

9 Engel *et al.* (2019) 38.

10 Myers (1994) 606; Filipe/Norfolk (2017).

urban Maputo. To make this case, our paper is structured as follows: After this introduction, we discuss the underlying conceptual considerations, briefly review the methodology and then show our findings in the cases of Burkina Faso and Mozambique. In the subsequent discussion, we compare our cases and work out the most striking features before concluding the paper.

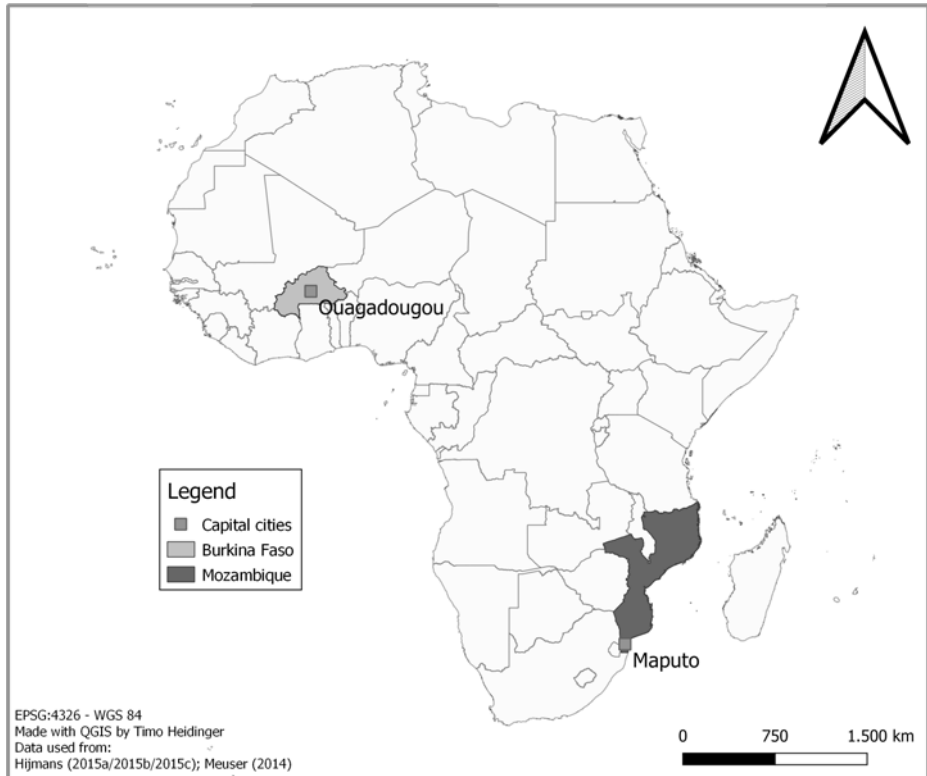


Fig. 1: The location of Burkina Faso and Mozambique on the African continent (Made with QGIS by Timo Heidinger, data used from Hijmans [2015a, 2015b, 2015c] and Meuser [2014]).

2 Conceptual considerations

Before analysing state-society relations in the African context, some preliminary conceptual considerations are required. In post-colonial nation states, where state capacities are weak, and the territorial reach is limited, the self-organisation of society is essential and local traditional or customary institutions deliver essential public services to large parts of the population. The various forms of self-organisation,

however, are not adequately captured with the European label of a civil society.¹¹ At the same time, an analysis of post-colonial states in comparison with a Eurocentric form of statehood would be too simplistic, and it has to be questioned, as state authority is not only limited in the context of the global South but so is the expression of the neoliberal capitalist expansion on a global scale.¹²

The theoretical grounding of this study is therefore informed by the concepts of “governance” and “self-organisation”. We agree with Pfeilschifter *et al.*, that “governing does not only happen through authoritative regulation by the hierarchical state, but also through interaction and negotiation processes by the actors of the political-administrative system with economic stakeholders, associations and civil society”.¹³ By considering patterns of interaction and modes of collective action, we understand self-organisation as “an open collectivization process, through which common interests and positions are stabilized in social relationships, networks and often in a shared real-life ‘locality’”.¹⁴

In such shared local spaces, every community has commingled multiple sets of beliefs and memories. Compared to other societies, the socio-political diversity in countries of the global South is most striking. According to Migdal, they are constituted as web-like societies that “host a mélange of fairly autonomous social organizations”.¹⁵ The large number of different types of self-organisation is usually neglected in the literature and very often, local forms are historically anchored. They were existent as well-structured communities before the construction of colonial states, or they were installed by the colonial administration. Their range covers a broad spectrum “from political organizations, institutions like chiefdoms, councils of elders and local defence communities, to vigilante or militia groups”.¹⁶ Furthermore, they may include market, trade, or peasants’ associations that offer opportunities for individuals and groups to sustain their livelihoods. Ultimately, they are accepted and authorised in their function as the primary vehicle for the distribution of public goods and services.¹⁷

Against this background, there is no shortage of institutions in African societies that attempt to exercise public authority. These include vigilante groups and even associations, which do not appear political at first glance, but yet wield enough public authority to shape local identities and power relations.¹⁸ In governance arrangements in the context of legal pluralism, where “traditional” or “customary”

11 Neubert (2014) 3.

12 Korf *et al.* (2018) 169.

13 Pfeilschifter *et al.* (2020) 12.

14 Pfeilschifter *et al.* (2020) 10.

15 Migdal (1988) 37.

16 Neubert (2014) 9.

17 Scheye (2009) 6–7.

18 Lund (2006) 686.

norms are recognized in parallel to statutory law, claims of authority often overlap and compete.¹⁹ In line with Lund, “public authority becomes the amalgamated result of power by a variety of local institutions and [. . .] the practice of governance varies from place to place, and even from field to field”.²⁰

The field of land governance is of particular prominence in this regard. Claims over authority are spatially bound and attached to territorial entitlements. Land ownership comprises a complex bundle of socially and politically embedded rights. In the same way as claims to land are tied to the membership of specific groups or communities, control over land is used to define ways of belonging but also of exclusion.²¹ Over the course of Africa’s pre-colonial, colonial and post-colonial history, different socio-political regimes have created and re-produced an array of spatial dichotomies between the traditional and the modern, the customary and the statutory as well as the informal and the formal. Throughout the continent, two distinct principles of land governance have coexisted not only *de-facto* but also *de-jure*, distinguishing between private property and communal tenure as well as between statutory modern law and communal traditional norms.²² Our paper is grounded on those considerations which, we argue, lay the foundation for understanding the socio-spatial tensions that have arisen around the current societal transformations.

3 Methodology

To assess the socio-spatial pressure experienced by both self-organised groups in the two different settings of rural Karangasso-Vigué and peri-urban Maputo, we embark on a multiple case study research design.²³ We look for specific characteristics of socio-spatial pressure in each case. By comparing both cases, we want to find similarities and differences between these two African countries.

As a case study design requires the holistic comprehension of the complexity of each case, our study is composed of qualitative data deriving from different collection methods. Participant observation, workshops, qualitative interviews and informal talks with officials from the municipality, traditional authorities, civil society organizations, and representatives of agricultural associations about land rights and land conflicts were conducted during field research trips to Burkina Faso (Oct. 2019 – Jan. 2020) and Mozambique (Oct. – Dec. 2019 & June – Oct. 2022). The

¹⁹ Förster/Koehler (2018) 232.

²⁰ Lund (2006) 686.

²¹ Lentz (2006b) 1–2.

²² Förster/Koehler (2018) 239.

²³ Stake (2005).

whole research process was underpinned by the intensive study of literature, official documents, and newspaper articles.

4 The autochthonous *Vigué* ethnic group in rural Karangasso-Vigué

Karangasso-Vigué has been a department²⁴ since 1981 and has been a municipality in Burkina Faso's south-western Houet Province located in the Hauts-Bassins region since 2006. The municipality consists of 25 villages and 23 *Hameaux de culture* (Hamlets of culture).²⁵ Furthermore, Karangasso-Vigué is a village and the department town (see Fig. 2).

Karangasso-Vigué was founded by *Vigué* migrants who came from Kong, located in the northern part of the Ivory Coast. The exact date is unclear; however, according to some interviewees, Karangasso-Vigué already existed at the end of the 19th century. However, this was not a new form of migration into this region, which has long experienced mobility of ethnic groups.²⁶

Historical processes of settlement of different population groups in south-western Burkina Faso included peaceful cohabitation, assimilation or slow displacement of other populations by immigrants, as well as the forcible appropriation of territories and earth shrines. Hardly any of the groups that migrated to the south-west of present-day Burkina Faso during the last two hundred years found the region completely unsettled.²⁷ Narratives usually presented conflicts and war as the reason for migration or to escape slave raids, another reason is the lack of available arable land.²⁸ Elders narrate migration-and-settlement stories in order to explain local boundaries, justify the distribution of land and advance claims to the office of the earth priest.²⁹

24 Burkina Faso is subdivided into 13 administrative and territorial regions, which in turn are divided administratively into 45 provinces and 351 departments, or territorially into 351 urban and rural communes. Burkina Faso's regions are both territorial entities governed by the president of the regional council and administrative units headed by a governor designated by the state. The provinces are headed by a 'high commissioner' appointed by the state in agreement with the regional governors. Departments are headed by prefects assigned by the state. Cities, towns and villages are grouped into the same commune with the same name as the department. In municipal elections, members of the municipal council are voted for by the population. The political party with the most elected council members appoints the mayor.

25 MATD (2013) 5.

26 Werthmann (1999) 504.

27 Kuba *et al.* (2001) 15–17.

28 Kuba/Lentz (2002) 385.

29 Lentz (2006a) 36.

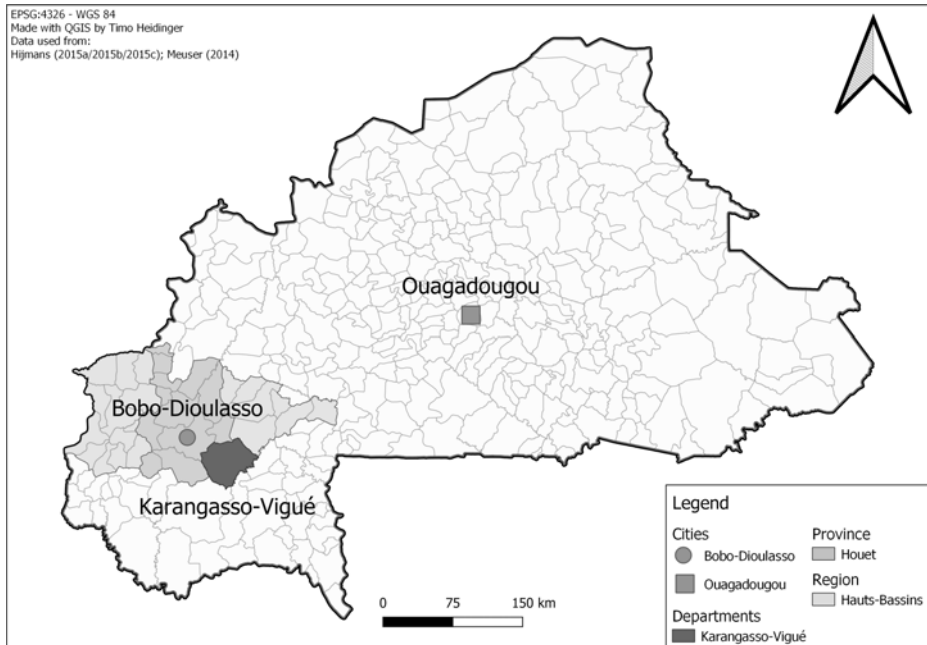


Fig. 2: The location of Karangasso-Vigué in Burkina Faso (Made with QGIS by Timo Heidinger, data used from Hijmans [2015a, 2015b, 2015c] and Meuser [2014]).

In precolonial times, no individual rights of ownership of land existed. Land-use rights were held by corporate groups based on kinship, such as lineages. Stamm distinguishes between three types of traditional/ pre-colonial/ non-state land rights in Burkina Faso: First, prerogatives of the earth priest (*chef de terre*) over a certain territory: immigrants request permission from earth priests to settle. The earth priest represents a kinship group who were the first to arrive in the area he inhabits and is consequently considered “autochthonous”. Earth priests are considered as the religious and land-law administrators of the settlement area of their respective communities. They perform sacrifices at the earth shrine and act as mediators in land disputes. These rights of land use may in turn be passed on to relatives or other descendants, either permanently or for a limited period. Secondly, there are the descent groups, who have the rights to settle on inherited lands: the cultivation and housing rights of subsequent settlers, like those of the first settlers, can become so entrenched through long settlement periods and continuous use that they are passed on by inheritance and thus become “quasi-possession rights” and third, temporary or permanent rights of land use.³⁰

³⁰ Stamm (1996) 23–24; Werthmann (2006); Werthmann (2009) 131–135.

The conquest of what is now Burkina Faso by the French colonial powers began in 1888. It became a French protectorate in 1896 and was annexed to the French colony of *Haut Sénégal et Niger* in 1904.³¹ The French proceeded to establish a kind of indirect rule. Because control over the colonized areas could not be maintained permanently due to lack of resources, the colonial administration introduced village chiefs (*chefs de village*), some of whom were similar to the earth priests or at least in their lineage.³² The colonial power defined administrative units in the occupied territories that they labelled *États*. Karangasso-Vigué was an administrative unit during the colonial period that was subordinate to the *Cercle de Bobo-Dioulasso* and in 1918 Karangasso-Vigué was administratively elevated into a canton.³³ Cantonal heads (*chef de canton*) are chefs of an administrative district consisting of several villages. This new office brought a new kind of power to the respective holders, which explains the adherence to this status until today, although this office no longer officially exists.³⁴ *Haute Volta* served as a reservoir of labour for the plantations in the coastal colonies of Côte d'Ivoire and Senegal and for the mines in Niger. The *chefferie*³⁵ became intermediaries between the colonial government and the population. In Burkina Faso's land law, the *chefferie* continues to be a central political actor. With the *Certificat Administratif*, introduced in 1925, the boundary between first- and late-comer hardened, and autochthony formed a political category endowed with specific rights and duties in the context of administrative *chefferie*. In 1932, private ownership of land was formally legitimized and codified through the introduction of land titles (*titres fonciers*) and traditional land rights institutions were largely ignored. In 1935, all land to which no land titles were registered, and which had been declared uncultivated or unoccupied for at least ten years was declared the property of the state.³⁶ Colonial land law designated the *chefferie* as the administrator of communal landholdings.³⁷

The West African state *Haute Volta* gained independence from France in 1960. The first post-colonial governments of what was then *Haute Volta* largely adopted colonial land law.³⁸ In 1960, *Cercle* were divided into prefectures, sub-prefectures and districts. The state *Haute Volta* owned all land that did not have a clear title. On a legal level, the government prohibited succession to deceased cantonal and village chiefs in 1962. The territorial structure of *Haute Volta* was changed in 1974.

31 Later split in *Haute Volta* and from 1932 until 1947 the southern regions were incorporated into the colony *Haute Côte d'Ivoire* and the northern regions into *Haute Niger*.

32 Kirst/Engels (2012).

33 Werthmann (2009) 141; MATD (2013).

34 Werthmann (2009) 138.

35 The *chefferie* is an institution based on the religious or cultural authority of the chiefs.

36 Stamm (1996) 256.

37 Kirst/Engels (2012) 9.

38 Kirst/Engels (2012).

The province, the department and the village became the new administrative units. Cantons were abandoned and in 1981, Karangasso-Vigué became a department made up of 23 villages.³⁹

In 1983, army captain Thomas Sankara seized power and started his revolution.⁴⁰ One year later, he renamed *Haute Volta* in Burkina Faso and installed *Comités de défense de la révolution* (CDR) in every sector and village. A new local body, the *Commission villageoise de gestion de terroir* (CVGT), was created. This commission was supposed to allocate land, review its development and settle land disputes.⁴¹ This regime change was accompanied by a fundamental land reform, the “Law on the Reorganisation of Agriculture and Land” (*loi portant réorganisation agraire et foncière*, RAF). Following his socialist and anti-imperialistic dictum “Africa can feed itself” and “Land belongs to those who work it”, Sankara aimed to provide the largest possible share of the population access to cultivable land and thus the possibility of subsistence. The privileged position of the ruling classes with regard to land ownership as well as the control of the *chefferie* over land were restricted, and the local land rights institutions were largely replaced by ‘modern’ national institutions. The RAF abolished private ownership of land and declared land to be state property.⁴² Land titles were replaced by rights of use. Existing traditional land access regulations were also officially abolished by the RAF. However, the government could not implement these legal regulations at the local level and had to tolerate traditional arrangements.⁴³

After the assassination of Sankara in 1987, new terms and conditions for the application of the RAF were adopted. The *domaine foncier national* (DFN) remained state property, but the possibility to dispose of certain land as private property was introduced.⁴⁴ Blaise Compaoré opted for a strategy of allowing local land rights and to include the *chefferie* in local committees concerned with land rights like the Village Development Council (*Conseil Villageois de Développement*, CVD).⁴⁵

Agriculture is the most important activity in Karangasso-Vigué. It is essentially a subsistence activity dependent on rainfall. The main crops are cotton, maize, millet and rice. In western Burkina Faso, Karangasso-Vigué is a community with regularly high cotton crop yields. Therefore, the majority of farmers practice diversified agriculture based on cotton production and food crops. Fields are generally cultivated in

39 Hochet (2014).

40 Thomas Sankara’s ideology was anti-imperialist as well as Marxist-Leninist. He advocated social justice, promoted home production and the internal market, and fought corruption. He increased school enrolment, the construction of health facilities and implemented vaccination campaigns during his reign. Sankara also advocated for women’s equality.

41 Hochet (2014).

42 Kirst/Engels (2012).

43 Lentz (2006a) 44.

44 Hochet (2014).

45 Kirst/Engels (2012).

family groups. Especially for cotton plots, farmers rely on temporary labour to meet the cultivation schedule.

Karangasso-Vigué has experienced a massive immigration of other Burkinabè mainly Mossi in search of arable and pasture land, especially since 1974.⁴⁶ Small groups of Mossi have been settling in the Southwest for many decades, but in the 1970s and 1980s their numbers increased considerably, due to pressure on land and droughts in their home areas.⁴⁷ In 1999, gold was discovered in Karangasso-Vigué, which led to the first conflicts between the autochthonous population and the gold prospectors.⁴⁸ In recent years, internal displaced people arrived in Karangasso-Vigué fleeing from terrorism.⁴⁹ In addition to this internal migration, which has been taking place for decades, there is an international labour migration into the neighbouring countries of Cote d'Ivoire and Ghana. Migration to these wealthier countries south of Burkina has tended to be circular: migrants, mostly Mossi, returned after a few years and invested their income in their natal villages or other regions. Internal migrants did not return to their home villages, but instead settled permanently in their new communities. The influx into south-western Burkina Faso increased from the late 1990s due to xenophobic violence and the civil wars in 2002 and 2011, when Burkinabè migrants returned from neighbouring Côte d'Ivoire.⁵⁰

The head of the canton, the prefect and the president of CVD of Karangasso-Vigué deliberately recruited migrants, namely Mossi traders to open small shops in Karangasso-Vigué to build up trade and boost the economic development in the community.⁵¹ Land was provided free of charge to these recruited traders and friends and families who followed them. However, the migrants were expected to participate in sacrificial ceremonies every year, according to the Vigué tradition.⁵² Access to land is usually handled generously in traditional land law. No one may be denied access to land to feed themselves and their family.⁵³ The village elders had great confidence in the Mossi migrants. They were allowed to establish their own neighbourhood and the Mossi representative without protocol allocated land for new migrants to settle:⁵⁴ "On ne les [Mossi] a pas vendus les terrains, c'est vraiment

46 GRAF (2011).

47 Lentz (2006a) 43.

48 Werthmann (2009).

49 Pers. interview with the Mayor, 26.12.2019.

50 Kirst/Engels (2012) 13.

51 Pers. interview with the Prefect, 17.12.2019; with the Cantonal Chief, 08.01.2020; Pers. interview with the president of the CVD, 23.01.2020.

52 Pers. interview with the president of the CVD, 23.01.2020.

53 Kuba *et al.* (2004) 379.

54 Pers. interview with the Prefect, 17.12.2019; Pers. interview with the president of the CVD, 23.01.2020.

dans l'objectif de la cohésion sociale et du vivre ensemble qu'on a les accueillis et donnés les terres".⁵⁵

Intensive cotton cultivation, artisanal gold mining, migration and the accompanying population growth have significantly increased pressure on land. In Karangasso-Vigué, a large portion of the soil is degraded and unfertile. Land pressure and population growth make it difficult to control land transactions. The land use period is becoming shorter and more unstable, so that due to this legal uncertainty, fewer and fewer soil protection measures are implemented, and the fields are permanently cultivated. In addition to this land degradation, the potential for inter-communal conflict has increased.

As a result of continuous migration, the population of Karangasso-Vigué has increased fivefold in almost 35 years (1985: 24,243 inhabitants; 2019: 118,339 inhabitants).⁵⁶ More than twenty different ethnic groups now live in the municipality of Karangasso-Vigué. Due to the immense immigration, the autochthonous population has become a minority in Karangasso-Vigué.⁵⁷ The expansion process of the Mossi, who are the demographic majority of Burkina Faso's population, has been understood by groups residing in south-western Burkina Faso as political "mossification". This has led to tensions between local and immigrant populations in some regions.⁵⁸

In Karangasso-Vigué, the shortage of land as well as decentralisation have increased tensions between the "first-comers", and the immigrant farmers. The fear of the autochthonous population of being in the electoral minority erupted into a conflict in June 2016 during the municipal elections, in which two people were killed and more than twenty people were injured, because for the third time, the elected municipal council appointed a Mossi migrant as mayor in Karangasso-Vigué.⁵⁹ Although the increase in land pressure has played a role in this solidification of the boundary between first- and late-comers, this influence has only become apparent as decentralisation has progressed. The administrative reform initiated by donor countries and organisations (World Bank) was intended to increase the political participation of the local population and created a group of elected mandate holders in the municipality of Karangasso-Vigué.⁶⁰ Political aspects play here a central role in mobilising the repertoire of autochthony as Carola Lentz shows: "The policy of the central government places as many foreigners as possible in nice administrative posts, with the aim of avoiding the formation of ethnic blocs".⁶¹ To

⁵⁵ Pers. interview with the Cantonal Chief, 08.01.2020.

⁵⁶ INSD (2020).

⁵⁷ ADAE (2011) 11–12.

⁵⁸ Werthmann (2009) 67.

⁵⁹ Diappa (2016).

⁶⁰ Kuba *et al.* (2004) 396.

⁶¹ Lentz (2003) 129.

ensure that the *chefferie* in Karangasso-Vigué does not lose its influence opposed to the migrants, the head of the canton proposed, although unsuccessfully, to include the cantonal chiefs in the governing institutions of the National Assembly and the Municipal Council.⁶²

State rights could never completely replace traditional rights, but both types of law exist in parallel. The state lacks the legitimacy and administrative infrastructure to implement national land laws systematically down to the grassroots level, so that the administration of land often remains in the hands of local elders and customary authorities. The Rural Land Tenure Law 034/2009 recognises the legitimate rights of rural people to legally hold land that they have been using for a long time and creates rural land possession, which is recorded in the attestation of rural land possession (*attestation de possession foncière rurale*, APFR) and the register of local land charters. This implementation has to be carried out through the local land rights bodies (*Service Foncier Rural*, SFR, *Commission Foncière Villageoise*, CFV and *Commission de Conciliation Foncière Villageoise*, CCFV), but these have not been implemented in Karangasso-Vigué to date. That is why until today, the earth priests and the CVD are in charge of land rights in Karangasso-Vigué.

By implementing their own laws and interpreting them according to their interests, the ethnic minority of the Vigué is therefore able to assert its influence at the local level and represent a counterweight in local politics and administration. For example, the president of the CVD has been in office for 20 years, although this office is determined by election every five years: “ici on ne fait pas d’élection. [. . .] C’est donc un autochtone qui est choisi comme président CVD et le vice-président est choisi parmi les étrangers. [. . .] Si on va choisir les CVD par élection ici, ça ne va pas marcher”.⁶³ Furthermore, the Vigué will take back borrowed land if trees are planted without the consent of the village chief.⁶⁴ Long land use rights may result in a customary right of land and quasi ownership. This right can be inherited, effectively making the land a possession.⁶⁵ To circumvent this, the Vigué reclaim their lands after 25 years so that they do not become permanent property of the Mossi.⁶⁶

5 Agricultural associations in peri-urban Maputo

Mozambique’s capital Maputo lies in the very south of the country. It is located in Delgoa Bay, a profound and well protected inlet of the Indian Ocean where several

⁶² Pers. interview with the Cantonal Chief, 08.01.2020.

⁶³ Pers. interview with the president of the CVD, 23.01.2020.

⁶⁴ Pers. interview with the Cantonal Chief, 08.01.2020.

⁶⁵ Stamm (1996) 22–23.

⁶⁶ Pers. interview with the Cantonal Chief, 08.01.2020.

rivers flow into the sea.⁶⁷ The geography of the natural environment has offered favourable conditions for settlements, and evidence of human existence dates back to the 1st century CE.⁶⁸ The fertile soils of the wide river banks were used for agriculture and cattle keeping, whereas the location adjacent to the bay allowed for extensive fishing and whale hunting.⁶⁹

Written historical records of Maputo coincide with the arrival of Portuguese navigators just after the mid-16th century. Their first permanent settlement, however, was merely established in 1781.⁷⁰ After the Berlin Conference (1884–1885), Portugal extended its political and military hegemony over southern Mozambique. To reinforce its geostrategic position, the colonial administration began with the strategic expansion of the settlement towards its hinterland. With increasing claims over territory, land was annexed from the local population and indigenous clans were successively subordinated and forced to pay hut taxes.⁷¹

The turn of the 20th century was marked by a shift in colonial rule from military force to administrative control. The racial policies imposed by the colonizers were manifested in a political system and a set of laws, being known as the *Indigenato*. It resulted in the radical segregation of urban space and produced a bifurcated society which divided the population among racial lines with differentiated access to political, social, and economic rights. On the one hand, non-native *civilizados* (civilised) were granted full rights and entitled to Portuguese citizenship. On the other hand, native *indígenas* (indigenous) were subject to political control and forced labour on plantations and settler farms.⁷²

The creation of the colonial state was further manifested in the dualistic production of space and by the installation of two parallel governance systems. In the colonial town centre, the *civilizados* were governed by civil law and civil authorities. In peri-urban and rural areas, the Mozambican *indígenas* were governed by customary law and customary authorities.⁷³ After all, the implementation of the customary system was nothing more than a colonial construction. To designate customary authorities, the term *régulo* (small king) was invented. *Régulos* were appointed and controlled by the colonial administration.⁷⁴ The position of the appointed chiefs was hereditary, but they did not compulsively represent lineages of local sociocultural tradition and there was not much of a tradition within the customary system. In fact, *régulos* were

⁶⁷ Newitt (1995) 148.

⁶⁸ Jenkins (2000) 207.

⁶⁹ Newitt (1995) 148.

⁷⁰ Jenkins (2000) 207.

⁷¹ Tostões/Bonito (2015) 43–44; Jenkins (2001) 631.

⁷² Roque *et al.* (2016) 646; Kyed (2008) 164.

⁷³ O’Laughlin (2000) 16.

⁷⁴ Kyed (2008) 164; O’Laughlin (2000) 16.

remunerated by the colonial state, authorised to collect taxes, and endowed with significant power to recruit forced labour and to decide on how much land had to be cultivated by whom.⁷⁵

According to the Land Law from 1918, land was divided into three categories. State land, land under private tenure, and native reserves. The allocation of land within the reserves was held under control of the *régulos*, however, it was merely acquired for use but not for sale. Outside the reserves, the access to land was strictly restricted for Mozambicans and any form of ownership was excluded. If not for forced labour, the entrance to the colonial town centre was even prohibited.⁷⁶

The colonial administration adopted a laissez-faire attitude towards peri-urban land governance, which did nonetheless provide some room for manoeuvre.⁷⁷ Outside the Portuguese governance system and invisible to a large part of the colonial settlers, agricultural cultivation complemented the livelihood of the Mozambican population.⁷⁸ As women were excluded from the labour market and the men's poor remuneration did not suffice to make a living, rural forms of production and family-based agriculture schemes expanded in the peri-urban neighbourhoods.⁷⁹ Until today, the (re-) invigoration of the rural at critical moments in life perpetuates as a way of coping with poverty and marginalisation in harsh urban environments.⁸⁰

Mozambique gained its independence in 1975. It was achieved after a decade of armed struggle under the efforts of the Mozambique Liberation Front – Frelimo (*Frente de Libertação de Moçambique*).⁸¹ Inspired by Marxist-Leninist ideologies, Frelimo envisaged the radical transformation of the Mozambican society away from exploitative colonial social relations.⁸² The initial revolutionary phase during the first years after independence was characterized by the radical rupture with the colonial administration. Frelimo attempted to break with the bifurcated society by imposing its unified system of a single party and the vision of a single national culture.⁸³ The land and housing markets were depicted as the key drivers of the exploitation of the African population and the nationalisation of all Mozambican land became one of the first actions that the new government embarked on.⁸⁴ *Régulos* were portrayed as colonial collaborators and became substituted with the current structure of local

75 Andersen *et al.* (2015) 425; O'Laughlin (2000) 17.

76 O'Laughlin (2000) 14.

77 Jenkins (2001) 631.

78 Sheldon (2003) 373.

79 Veríssimo (2013) 228.

80 Tvedten (2018) 49.

81 The peaceful time in independence did not last for long and the emerging nation-state soon became afflicted by a long civil war (1977–1992) between Frelimo and the anti-communist Mozambican National Resistance – Renamo (*Resistência Nacional Moçambicana*).

82 Grest (1995) 151.

83 O'Laughlin (2000) 7.

84 Jenkins (2001) 635–636.

neighbourhood authorities constituting of *secretários de bairro* (neighbourhood secretaries) and *chefes de quarteirão* (quarter chiefs).⁸⁵ As Frelimo designees, they assumed the previous role of *regulós* in allocating land outside the city centre. Having its origins in the customary, the local-level system of land acquisition by neighbourhood authorities continues to be the most dominant form of access for the majority of the urban population. Property and land transactions are carried out through a parallel system of informal titling without much involvement from the state on the municipal level. It is based on witness statements and usually involves some form of payment which was, at least in the past, rather based on the use values of the land.⁸⁶

In addition to farming on personal household plots, collective cultivation fields represent the landmark in peri-urban Maputo. The continuous presence of self-organised farmers associations is rooted in the post-colonial period. In the virtue of socialist values, agriculture was promulgated as the societal backbone of the emergent state. At the third Frelimo party congress in 1975, official guidelines were developed to promote the collectivisation of agriculture on state farms and cooperatives.⁸⁷ Across the whole country, large plantations were transformed into state farms and smaller settler farms became cooperatives. While the number of cooperatives and their production remained at a low level in rural areas, they were most successful in Maputo's peri-urban areas. In fact, the bulk of the Portuguese population was present in the cities during colonial times. After the nationalisation of land and the housing sector, they left behind the majority of abandoned urban properties and settler farms.⁸⁸

The new government regarded urban agriculture as a way of improving the urban food supply and encouraged peasant families to cultivate abandoned settler fields. Under the umbrella of the Maputo City Council and the Ministry for Agriculture, the Green Zone Office (GZV) was created in the 1980s. The purpose of the GZV was to promote the development of farmers associations and cooperatives, while providing technical support and knowledge to enhance production.⁸⁹ Agricultural associations are nowadays the most dominant form of producer organisation in Maputo. The self-organisation of the farmers in 34 associations sustains the livelihood of more than 11,000 farmers and their families.⁹⁰

85 Kyed (2008) 166. The *regulós* were first replaced by the *Grupos Dinamizadores* (Dynamising Groups) under the conduct of Frelimo party officials. The *Grupos Dinamizadores* were gradually substituted by neighbourhood authorities. The municipality of Maputo consists of 52 *bairros* (neighbourhoods) which are led by *secretários de bairro* (neighbourhood secretaries). *Bairros* are furthermore subdivided into numerous *quarteirões* (quarters) led by *chefes de quarteirão* (quarter chiefs).

86 Earle (2014) 632; Andersen *et al.* (2015) 429.

87 Siteo/Sitole (2019) 2.

88 O'Laughlin (2000) 35–36.

89 Cruz e Silva (2006) 100; Sheldon (2003) 373.

90 Engel *et al.* (2019) 38.

The current urban land development in Maputo is shaped by neoliberal market logic, which began to disseminate during the adoption of the 1980s Structural Adjustment Programs.⁹¹ With the continued growth of the urban population and the successive expansion of the city, the persistence of the association's territories is under threat and significant areas fell victim to the growing commodification of urban space. The shift towards land transactions through payments related to the exchange value away from its use value represents a key indicator of the commodification. Whereas previously, transactions were based on the exchange of gifts as tokens to acknowledge customary authority and anticipated reciprocity, property values are increasing drastically, and the participation in the land market is beyond the scope of traditional livelihoods.⁹² Those tendencies are reflected in a “shift in land use from peasant smallholdings to real estate development [. . .] and customary structures that were the mainstay of equitable local land allocation and land administration are coming under increasing pressure”.⁹³

The 1997 Land Law is still in force today and preserves the constitutional principle of state ownership. Legal land use rights can only be acquired from the state via DUATs (*Direito de Uso e Aproveitamento de Terra*) which represents the official title document approving the formal rights to use and benefit from the land. The Land Law was also established to recognize customary forms of land access which may be obtained in “good-faith” after occupation of more than ten years.⁹⁴

DUATs are registered with the official cadastral, and the municipality of Maputo is the responsible state entity for granting DUATs. The application procedure, however, involves various administrative constraints and costs which are confronted with the limited technical and bureaucratic capacities of the state. According to the Regulation for Urban Land (*Regulamento do Solo Urbano*) and the Territorial Planning Law (*Lei de Ordenamento do Território*) approved in 2006 and 2007, the prerequisite for obtaining a DUAT requires the presence of urbanisation plans, including the formalisation and provision of basic infrastructure of the respective neighbourhoods.⁹⁵ For the majority of the population living in informal settlements, accessing a DUAT is therefore far from feasible, and until recently, 800,000 out of a population of 1.1 million people in Maputo did not possess a DUAT.⁹⁶ However, the municipality of Maputo is currently embarking on a massive urban land regularization program with the aim of attributing individual DUATs to improve urban services and to provide greater tenure security.⁹⁷ With substantial support and influence from the

⁹¹ Jorge (2020) 608.

⁹² Chimhowu/Woodhouse (2006) 359; Andersen *et al.* (2015) 439.

⁹³ Filipe/Norfolk (2017) 1.

⁹⁴ Tanner (2010) 107.

⁹⁵ Melo/Jenkins (2019) 6.

⁹⁶ Kihato *et al.* (2013) 70–71.

⁹⁷ Jorge (2020) 610–611.

World Bank, the program is based on the vision of replacing the customary system with individual property rights as a necessary precondition for development.⁹⁸

This neo-liberalisation of tenure, however, encompasses the increased valorisation of urban land, unleashes gentrification processes and enlarges the gap between those who have access to formal land rights and those that are far from it. On the one hand, only more affluent population groups are able to engage with the municipality, to overcome administrative obstacles, and to pay the registration fees for receiving a DUAT. On the other hand, the large part of the peri-urban population still depends on the informal acquisition by local neighbourhood authorities. This parallel system of informal titling, however, holds no legal weight with higher levels of authority and jeopardises the customary land rights of “good-faith” occupation.⁹⁹

The historical roots of the agricultural associations and their emergence out of former state collectives confers a substantial territorial advantage. They are embedded in a network of institutional support from municipal bodies which enables access to collective land use titles. DUATs are not attributed to a single member but to the association as a legal entity, which then allocates smaller plots to its members. Individual farmers would never be able to obtain a DUAT because the financial and administrative hurdles are simply too high. The collective access, however, reveals an alternative approach which is based on social solidarity safeguarding the protection from the usurpation of land. For instance, a farmer’s association without a DUAT was evicted after their area was sold by an intermediary who claimed to represent the association.¹⁰⁰ Their customary occupation of the land for more than ten years, however, would guarantee the right to use the land. The collective DUAT is therefore decisive to withstand the increased valorisation and competition over land when powerful individuals and corrupt officials try to take advantage of marginalised communities and their limited access to information and legal assistance.¹⁰¹

6 Discussion

The self-organisation of the autochthonous Vigué ethnic group in Karangasso-Vigué and Maputo’s farmers associations have evolved in distinct historical contexts and under different cultural conditions (West Africa – Southern Africa). Whereas at first glance, their similarities seem rather sparse, they actually share some commonalities in terms of spatial pressure. Demographic changes and the interactions with state regulations during different political regimes (from precolonial to postcolonial) but

98 Peters (2007) 8.

99 Earle (2014) 642.

100 Malauene *et al.* (2005) 20.

101 Filipe/Norfolk (2017) 1.

also the influence of external actors and confrontations with new actors appearing on the local socio-political stage have carved out the peculiar features of local self-organisation and land governance, which will be elaborated in the subsequent discussion.

As the previous sections have illustrated, both groups are historically anchored and long-established but find their existence contested by socio-demographic changes that manifest themselves at first in a challenge of territorial entitlements. While in Karangasso-Vigué, these challenges are due to competition for natural resources such as land and gold in rural areas; in Maputo, the challenges are related to competition and commodification of peri-urban spaces of agricultural cultivation.

Karangasso-Vigué was founded by the Vigué ethnic group, and the starting points for discourses of autochthony can already be found in the pre-colonial period. Likewise, in Maputo, agriculture and cattle keeping secured the livelihoods of native population groups long before the arrival of the Portuguese. With colonisation, both colonial powers, the French and the Portuguese, created new institutions to exploit the local population by appointing *chefs de village* and *chefs de canton*, and *régulos* respectively. The chiefs became intermediaries between the colonial government and the population, and both entities were authorised to collect taxes and recruit forced labour for the plantations. Further, they had the right to decide about land governance matters on the local level. The *Certificat Administratif*, introduced in 1925, anchored the categories ‘autochthonous’ and ‘migrant’ in the state land law of Burkina Faso. Four years later, the Portuguese colonial power enacted with the *Estatuto do Indigenato* in Mozambique, which was a far more severe system of population segregation. The racial policies were imposed and divided the population among racial lines with differentiated access to political, social, and economic rights in *civilizados* and *indígenas*. Whereas the migrant population in Burkina Faso was exploited in the neighbouring countries on plantations (Ivory Coast) and in mines (Niger), the *indígenas* in Mozambique were forced to work mainly on settler farms and railway constructions.

The aim of overcoming imperialist structures by adopting an anti-imperialist and socialist course was followed by both countries after their independence. The *chefferie* as well as the *régulos* were portrayed as colonial collaborators and became therefore substituted and replaced by the creation of new local authorities. Around the turn of the new millennium, both countries implemented new national land legislations. The contemporary enactment of the 1997 Land law in Mozambique and the 2009 Rural Land Tenure Law in Burkina Faso, however, did not occur accidentally. Rather, they fall into a period of the reformation of customary lands, which brought a total of 32 new land laws across sub-Saharan Africa between 1990 and 2017. Besides the aim of recognising customary tenure, standardising it, and incorporating

its practices within statutory law, the laws are the expression of “the extension of state power into a realm where it has had limited influence”.¹⁰²

Behind the state actors and the implemented land laws and reforms, other external actors have influenced both states’ regulatory frameworks on land policies, which have had significant impacts on the local level. Particularly since the imposition of structural adjustment programs in the late 1980s, the role of international donor institutions has been crucial in promoting these reforms. Whereas the states and international donor organisations represent the responsible actors to cause new policies, its outcomes facilitated the appearance of new actors on the local socio-political stage. In Karangasso-Vigué, the efforts of the World Bank to promote decentralisation processes were accompanied by decades of internal migration. Mossi migrants started exerting territorial and political influence in Karangasso-Vigué and a Mossi was appointed as mayor by the municipal council in 2016. During the elections, conflicts erupted because the autochthonous population became the electoral minority and lost its political power. In Maputo, the World Bank facilitated the formalisation and massive regularization of individual land use titles (DUATs) to strengthen tenure security, which at the same time, boosted the valorisation of urban land by the local urban elite leading to the market-driven displacement of urban farmers.

The aspirations to reform collide with the limited technical and bureaucratic capacities of both states to implement and administer the laws.¹⁰³ In the context of Burkina Faso, for instance, the creation of local land rights bodies which were foreseen by the 2009 legislation, have not yet been implemented up to date in Karangasso-Vigué and instead, the earth priests and the Village Development Council (CVD) continue to be in charge of land rights. After all, state rights could not completely replace or displace traditional rights either during the colonial period or since independence, but both types of law exist in parallel, or state law often has little significance at the local level.¹⁰⁴ The case study of Karangasso-Vigué makes visible a “piling up” of offices and an accompanying pluralism of norms.¹⁰⁵ “Traditional” dignitaries, holders of officially no longer existant colonial offices, representatives of the postcolonial state or members of new educated elites compete for prestige, political power and economic resources.¹⁰⁶ In Mozambique, the recognition of customary forms of land access by occupation in “good-faith” after ten years is written in the 1997 Land law. In the context of Maputo, however, the attribution of a formal land use title (DUAT) is constrained by administrative and financial hurdles, which exclude a large part of the marginalised population. Whereas the *de-*

102 Chimhowu (2019) 899.

103 Chimhowu (2019) 899.

104 Werthmann (1999).

105 Bierschenk/Olivier de Sardan (1998); Kuba *et al.* (2004).

106 Werthmann (2009).

jure allocation of land by the municipality in the form of DUATs only serves a small percentage of the better-off population, the *de-facto* allocation of land by community authorities, meets the actual needs on the local level.

The limitations of the state in enforcing binding systems of rules on the local level bear significant implications for both self-organised groups. Therefore, their attempts to confront the socio-spatial pressure caused by the socio-demographic changes carved out peculiar features and arrangements of local land governance. However, their relations with the existing state regulations are quite different, not only between but also within both groups.

The continuous role of earth priests and the Village Development Council (CVD) in Karangasso-Vigué's land governance substitutes the state as a functional equivalent, which nonetheless also reveals a contrary position. To assert their influence in local politics and administration, the autochthonous Vigué ethnic group interprets laws according to their interests and even overrides statutory laws. Contrary to state regulations, this is expressed in the seizure of the office of the president of Karangasso-Vigué, which as a state institution, should be democratically elected every five years, but has been held for over 20 years by the brother of the village chief of Karangasso-Vigué.

In peri-urban Maputo, although the rights of "good-faith" occupation are anchored in the 1997 Land Law, the state lacks the capacity to guarantee secure tenure for everyone through land titles (DUATs). The self-organised farmers associations, however, step in and complement the state regulations by providing land access for farmers based on customary mechanisms. While preserving agricultural land from the surrounding market values, alliances with the municipality enable the recognition of land rights by formal state institutions through collective DUATs registered with the municipal cadastral.

Whereas in Karangasso-Vigué, authority lies predominantly with the Vigué at the local village level, in Maputo, its scale is transcendent and hybrid; bridging between the local and the municipal level as well as between customary and statutory modern law. Whether opposing or striving to bring the state back in, in both cases, the engagement of local self-organisation results in amalgamated arrangements of local land governance which go beyond the sole role of state institutions, but are nested in the twilight between the state and collective civic efforts.

7 Conclusion

In this paper, we have shown how societal transformations in sub-Saharan countries like Burkina Faso and Mozambique are creating socio-spatial pressure on long-established forms of self-organisation. As expressed in the dynamic migration flow and rapid urbanisation processes, these socio-demographic changes unfold precisely

on the local level. In Karangasso-Vigué, they are causing conflicts over land between the autochthones and the migrant population. In peri-urban Maputo, land use changes and the increased commodification of land threatens the existence of agricultural practices of farmer associations.

The findings from both cases indicate that spatial conflicts are associated with contested claims towards authority, which derives substantially from the past. During the colonial period, the French and Portuguese administrations created a bifurcated society imposing spatial dichotomies between the customary and the statutory, between the informal and the formal, as well as between the traditional and the modern at large. More recent reforms and decentralisation efforts of the states have been influenced by other international actors, aiming at incorporating customary tenure into statutory law. Instead of disseminating hegemonic regulatory frameworks, these aspirational policies are being challenged by weak administrative and institutional capacities, which further fuel local conflicts.

As a reaction to the limitations of the state and to assert their influence, both the Vigué ethnic group and the farmers associations engage in local land governance. The outcomes are amalgamated governance arrangements which go beyond the dichotomous and binary oppositional thinking resulting in the blurring of lines between state institutions and civil society, between customary and modern state law as well as between scales. Therefore, we have contributed to the complexity and hybridity of self-organisation and its interactions and interdependencies with the state, which are essential for a better understanding of post-colonial African societies.

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Authors

Rotem Avneri Meir, CoE Ancient Near Eastern Empires, University of Helsinki, Faculty of Theology.

Cary M. Barber, California State University, San Bernardino, Department of History.

Anna Paula de Moraes Bennech, University of Würzburg, Academic Committee member of the Brazilian Research and Studies Center (BRaS), former Research Fellow of the DFG Research Unit 2757 LoSAM.

Francesco Cassini, Columbia University, Research Fellow, Classical Studies Graduate Program.

Adrian S. Erben, University of Würzburg, Historical Institute, Chair of Ancient History, Research Fellow of the DFG Research Unit 2757 LoSAM.

Rogers Hansine, Eduardo Mondlane University, Faculty of Arts and Social Sciences, Department of Geography.

Anna S. Hauser, University of Würzburg, Faculty of Philosophy, Chair of China Business and Economics, Research Fellow of the DFG Research Unit 2757 LoSAM.

Jan Willem van Henten, University of Amsterdam, Faculty of Humanities, Extra-Ordinary Professor, Department of Old and New Testament, Stellenbosch University.

Jana Hock, University of Bamberg, Faculty of Humanities, Chair of Old Testament Studies, former Research Fellow of the DFG Research Unit 2757 LoSAM.

Fabian Knopf, University of Würzburg, Historical Institute, Chair of Ancient History.

Dominique Krüger, DAI Istanbul – Boğazköy Excavation, Research Fellow of the DFG Research Unit 2757 LoSAM.

Inês Macamo Raimundo, Eduardo Mondlane University, Faculty of Arts and Social Sciences, Department of Geography, Centre for Policy Analysis.

Christoph Mohamad-Klotzbach, University of Würzburg, Institute of Political Science and Sociology, Coordinator of the DFG Research Unit FOR 2757 LoSAM.

Rene Pfeilschifter, University of Würzburg, Historical Institute, Chair of Ancient History, Speaker of the DFG Research Unit 2757 LoSAM.

Axel Prestes Dürrnagel, University of Bayreuth, Faculty of Biology, Chemistry and Earth Sciences, Chair of Social and Population Geography, Research Fellow of the DFG Research Unit 2757 LoSAM.

João Pedro Schmidt, University of Santa Cruz do Sul, Department of Human Sciences.

Gunnar Folke Schuppert, Professor Emeritus, Berlin Social Science Center (WZB); since 2011 Fellow at the Max Weber Kolleg Erfurt.

Jan R. Stenger, University of Würzburg, Faculty of Philosophy, Institute of Classical Philology.

Daniel Syrbe, FernUniversität in Hagen, Institute of History, Chair for History and Presence of Pre-modern Europe.

Susan Thomschke, University of Bayreuth, Geographical Institute, Chair of Social and Population Geography, Research Fellow of the DFG Research Unit 2757 LoSAM.

Janneke Tiegna, University of Leipzig, Faculty for history, arts and area studies, Institute of African Studies, Research Fellow of the DFG Research Unit 2757 LoSAM.

Valeria Tietze, University of Würzburg, Faculty of Catholic Theology, Chair of Old Testament Studies and biblical-oriental Languages, Research Fellow of the DFG Research Unit 2757 LoSAM.

Matheus Jones Zago, University of Würzburg, Research Fellow of the DFG Research Unit 2757 LoSAM, and Academic Committee member of the Brazilian Research and Studies Center (BRaS).

Nestor Zanté, University of Leipzig, Faculty for history, arts and area studies, Institute of African Studies, Research Fellow of the DFG Research Unit 2757 LoSAM.

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