CIVIC IDENTITY AND CIVIC PARTICIPATION
IN LATE ANTIQUITY AND THE EARLY MIDDLE AGES

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Civic Identity and Civic Participation in Late Antiquity and the Early Middle Ages

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Acknowledgements

Abbreviations

ACO	*Acta Conciliorum Oecumenicorum*, ed. by Edward Schwartz and others (Berlin: De Gruyter, 1914–)
AE	*L'Année Épigraphique* (Paris, 1888–)
ANRW	*Aufstieg und Niedergang der römischen Welt: Geschichte und Kultur Roms im Spiegel der neueren Forschung*, ed. by Hildegard Temporini and Wolfgang Haase (Berlin: De Gruyter, 1972–)
CCSL	Corpus Christianorum Series Latina (Turnhout: Brepols, 1953–)
CCT	Corpus Christianorum in Translation (Turnhout: Brepols, 2010–)
CIL	*Corpus Inscriptionum Latinarum* (Berlin, 1863–)
CJ	*Codex Iustinianus*, ed. by Paul Krüger, vol. 11 of *Corpus Iuris Civilis* (Berlin: Weidmann, 1912); *The Codex of Justinian: A New Annotated Translation, with Parallel Latin and Greek Text, Based on a Translation by Justice Fred H. Blume*, trans. by Bruce W. Frier, 3 vols (Cambridge: Cambridge University Press, 2016)
CLE	*Carmina Latina Epigraphica*, ed. by Franz Bücheler and Ernst Lommatzsch, 2 vols and Supplementum (Leipzig: Teubner, 1895–1926)
CSEL	Corpus Scriptorum Ecclesiasticorum Latinorum (Vienna: Hoelder-Pichler-Tempsky, 1866–)
CTh	*Codex Theodosianus*: *Theodosiani libri XVI cum constitutionibus Sirmondianis et leges novellae ad Theodosianum pertinentes*, ed. by Theodor Mommsen and Paul M. Mayer, 2 vols (Berlin: Weidmann, 1903–1905); *The Theodosian Code and Novels, and the Sirmondian Constitutions*, trans. by Clyde Pharr (New York: Greenwood Press, 1952)
EAOR	*Epigrafia anfiteatrale dell'Occidente romano* (Rome: Quasar, 1988–)
EDCS	Epigraphik-Datenbank Clauss / Slaby, <http://db.edcs.eu/epigr/epi.php?s_sprache=de>
EDR	Epigraphic Database Roma, <http://www.edr-edr.it/default/index.php>

EI²	*Encyclopaedia of Islam*, ed. by P. Bearman, Th. Bianquis, C. E. Bosworth, E. van Donzel, and W. P. Heinrichs, 2nd edn, 12 vols (Leiden: Brill, 1960–2005)
EI³	*Encyclopaedia of Islam, THREE*, ed. by Kate Fleet, Gudrun Krämer, Denis Matringe, John Nawas, and Everett Rowson (Leiden: Brill, online), <https://referenceworks.brillonline.com/browse/encyclopaedia-of-islam-3>
EphEp	*Ephemeris epigraphica, Corporis inscriptionum Latinarum supplementum* (Rome: Institutus archaeologicus Romanus; Berlin: G. Reimer, 1872–1913)
HEp	*Hispania epigraphica* (Madrid: Servicio de publicaciones, Universidad Complutense, 1989–)
I.Aphrodisias 2007	*Inscriptions of Aphrodisias* 2007, ed. by Joyce Reynolds, Charlotte Roueché, and Gabriel Bodard, <http://insaph.kcl.ac.uk/iaph2007>
I.Iasos	*Die Inschriften von Iasos*, ed. by Wolfgang Blümel (Bonn: Habelt, 1985)
I.Stratonikeia	*Die Inschriften von Stratonikeia*, ed. by Mehmet Ç. Şahin (Bonn: Habelt, 1981)
I.Tralleis	*Die Inschriften von Tralleis und Nysa I*, ed. by Fjodor B. Poljakov (Bonn: Habelt, 1989)
ICI	*Inscriptiones Christianae Italiae septimo saeculo antiquiores* (Bari: Edipuglia, 1985–)
ICUR	*Inscriptiones Christianae Urbis Romae septimo saeculo antiquiores*, ed. by Giovanni Battista De Rossi (Rome: Libraria Pontificia / Libraria P. Cuggiani, 1857–1915)
ICUR n.s.	*Inscriptiones Christianae Urbis Romae septimo saeculo antiquiores. Nova series*, ed. by Angelo Silvagni and others (Rome: Befani; Vatican: Institutum archaeologiae christianae, 1922–)
IDR	*Inscriptiones Daciae Romanae* (Bucharest: Editura Academiei Republicii Socialiste România, 1975–)
IG	*Inscriptiones Graecae* (Berlin, 1873–)
IGR	*Inscriptiones Graecae ad res Romanas pertinentes*, ed. by René Cagnat and others (Paris: Leroux, 1906–1927)
IGUR	*Inscriptiones Graecae Urbis Romae*, ed. by Luigi Moretti (Rome: G. Bardi, 1968–1990)
ILS	*Inscriptiones Latinae Selectae*, ed. by Hermann Dessau (Berlin: Weidmann, 1892–1916)
ILCV	*Inscriptiones Latinae Christianae Veteres*, ed. by Ernst Diehl (Berlin: Weidmann, 1925–1967)
InscrIt	*Inscriptiones Italiae* (Rome, 1931–)
IRT	*The Inscriptions of Roman Tripolitania*, ed. by Joyce M. Reynolds and John B. Ward-Perkins (Rome: British School at Rome, 1952)

LCL		Loeb Classical Library
LSA		Last Statues of Antiquity, <http://laststatues.classics.ox.ac.uk/>
MAMA		*Monumenta Asiae Minoris Antiquae*, 11 vols (Manchester: Manchester University Press; London: Society for the Promotion of Roman Studies, 1928–2013)
MGH		Monumenta Germaniae historica
	AA	Auctores antiquissimi (Berlin: Weidmann, 1877–)
	CRF	Capitularia regum Francorum, ed. by Alfred Boretius and Viktor Krause, 2 vols (Hanover: Hahn, 1883–1897)
	LNG	Leges nationum Germanicarum, ed. by Karl Zeumer (Hanover: Hahn, 1876–1902)
	SRG	Scriptores rerum Germanicarum (Hanover: Hahn, 1841–)
	SRL	Scriptores rerum Langobardicarum et Italicarum saec. VI–IX, ed. by Georg Waitz (Hanover: Hahn, 1878)
	SRM	Scriptores rerum Merovingicarum (Hanover: Hahn, 1885–1979)
NRSV		*The Bible. New Revised Standard Version Anglicised Edition* (Oxford: Oxford University Press, 1995)
PG		*Patrologiae cursus completus, series Graeca*, ed. by Jacques-Paul Migne, 161 vols (Paris, 1857–1866)
PIR/PIR²		*Prosopographia Imperii Romani. Saec. I. II. III.* (Berlin: De Gruyter, 1897–1898; 2nd edn, 1933–)
PL		*Patrologiae cursus completus, series Latina*, ed. by Jacques-Paul Migne, 221 vols (Paris, 1841–1864)
RCEA		*Répertoire chronologique d'épigraphie arabe* (Cairo: Institut français d'archéologie orientale, 1931–1991)
RIB		*Roman Inscriptions of Britain*, ed. by R. G. Collingwood and others (Oxford: Oxford University Press, 1965–2009)
RIU		*Die römischen Inschriften Ungarns*, ed. by László Barkóczi and others (Budapest: Akadémiai Kiadó; Bonn: Habelt, 1972–2005)
RKOR		T. C. Lounghis and others, *Regesten der Kaiserurkunden des oströmischen Reiches von 476 bis 565* (Nicosia: Zyprisches Forschungszentrum, 2005)
SChr		Sources chrétiennes (Paris: Cerf, 1941–)
SEG		*Supplementum Epigraphicum Graecum* (Leiden, 1923–)
SupplIt		*Supplementa Italica*, n.s. (Rome, 1981–)
Syll.³		*Sylloge inscriptionum Graecarum*, ed. by W. Dittenberger, 3rd edn (Leipzig: Hirzel, 1915–1924)
TTH		Translated Texts for Historians (Liverpool: Liverpool University Press, 1985–)
Vulgate		*Biblia sacra iuxta vulgatam versionem*, 4th edn (Stuttgart: Deutsche Bibelgesellschaft, 1994)

Introduction

Classical Contexts of Citizenship and Democracy

'The city (*polis*) has decided'. These are the opening words of the earliest known example of legal codification in Archaic Greece, a constitutional act which was copied and engraved on the outside wall of the temple of Apollo Delphinios, the tutelary deity of the city of Dreros in Crete about 650 BCE. The fact that the members of the emerging political community in Dreros referred to themselves through an abstract word (*polis*) and presented their will as resulting from a collective decision-making — whoever the people allowed to take part in this process were, all of the male inhabitants of Dreros or only part of them — is symptomatic of the efforts made by this group to create social cohesion and to build a common identity. In this case, the process of self-assertion was made even more explicit through the permanent display of the wording of the decision on a public, sacred building of the town. With this material achievement and physical marker, the political community proclaimed its existence within the urban landscape.[1]

As soon as the first city-states emerged in the Greek world during the early Archaic period,[2] participation in and assertion of belonging to political communities at the local level were among the fundamental principles and values on which societies would rely for centuries in Ancient Greece and Rome. Cities represented the first circle of political integration — although non-civic political and social entities (rural communities, ethnic groups, tribes, etc.) were also attested in many areas of the ancient world, also under Roman imperial rule[3] — and civic membership was one of the key elements in promoting local collective identities, not conflicting with other, infra-civic forms of social participation such as belonging to family clans, neighbourhood groups, religious clubs, or occupational associations.[4] The

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1 Gagarin and Perlman, *The Laws of Ancient Crete*, pp. 200–207, no. Dr1.
2 Duplouy, *Construire la cité*.
3 See for instance Schuler, *Ländliche Siedlungen und Gemeinden*.
4 See, for Classical Athens, Ismard, *La cité des réseaux*.

possession or acquisition of citizenship was usually a requirement to take part in public life, which included not only participation in political assemblies but also in collective religious and social performances.[5] Greek cities down to the Roman imperial period, as well as local communities in the Western part of the Roman Empire, if not all formal democracies, still conceded a substantial share of power to ordinary citizens through popular assemblies and other public activities. Moreover, the attachment to what remained the original homeland of each individual continued to have a strong emotional and symbolic significance for most people throughout Antiquity, also after most areas of the ancient world became parts of a global empire under Roman rule.[6] For all these reasons, citizenship and democracy, or to put it in a more generic way, civic identity and civic participation are generally considered as concepts typical of the political experience of Classical Antiquity.

Late Antiquity and the early Middle Ages are therefore usually not associated in scholarship with these two concepts, which are seen as inconsistent with the political, social, and ideological context of the late and post-Roman world. This mainstream view partly relies on the idealization of the Greek political experience during the Classical period, in particular of fifth- and fourth-century BCE Athens which is supposed to have encapsulated and embodied the values of citizenship and democracy during Antiquity.[7] Within Classical scholarship, a narrative developed assuming that Greek democracy would have started to undergo irreversible alterations from the late fourth century BCE, as Athens was defeated by Philip II, king of Macedonia, in 338 BCE, and as property qualifications were introduced for the citizens to enjoy full civic rights in Athens a dozen years later. This decline theory has been challenged since the 1970s,[8] but it is still a common view in scholarship that it would not be possible any more to speak of democracy from the late Hellenistic period (second to first centuries BCE), and especially under Roman rule, because of the prominent role played by local elites in the public life of Greek cities. The last vestiges of ancient democracy would have irrevocably vanished with the rise of the Principate in Rome, due to the autocratic and authoritarian nature of the new regime.[9]

Yet, notwithstanding the deep influence Athens had on the political culture and institutions of the other cities during the Classical period and even in the subsequent centuries, it was an exception within the Greek world in many respects, and in particular with regard to the duration of the democratic regime

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5 This has been lately highlighted by Blok, *Citizenship in Classical Athens*.

6 See in this volume the first two chapters by Clifford Ando and Cédric Brélaz.

7 On the claims of Athenian legacy by modern democracies, see Hansen, ed., *Démocratie athénienne, démocratie moderne*.

8 Robert, 'Théophane de Mytilène à Constantinople', p. 42, was among the first scholars to emphasize this point.

9 De Ste. Croix, *The Class Struggle in the Ancient Greek World*, pp. 300–326.

(although, interestingly, it was not the earliest democracy).[10] In most other Greek cities the people were not given as much power as in fifth- and fourth-century BCE Athens. Moreover, even in cities which had an oligarchic constitution restraining the ability for citizens to take part in the decision-making process, the *demos* was in theory still considered the holder of sovereignty of the whole political community (or at least was presented this way), and popular assemblies, rather than being simply abolished, were used by oligarchs to enhance their legitimacy.[11] Civic participation cannot thus be reduced to the experience of Athenian radical democracy in which the *demos* was at the core of every collective decision,[12] and we should pay attention to the whole range of possibilities and forms for the people to take part, to different extents, in the public life of political communities, even in the cases where explicit or effective democratic institutions were lacking. The same observations apply to Rome which never was a democracy in the Athenian sense.[13] Even after the *libertas* — the term used by Livy (*The History of Rome* 2.1) to describe the regime which was established after the last king was expelled from Rome in 509 BCE — was seriously undermined because of Augustus seizing power in 27 BCE, the *comitia* or popular assemblies were formally maintained, though with dramatically reduced tasks, and the expression *res publica* continued to refer to the Roman state throughout the imperial period.[14] This is even more true of the local communities of the Western part of the Empire which were granted constitutions patterned after the Roman model (*municipia, coloniae*). In the latter case, and unlike in the city of Rome where the *comitia* were deprived from any effective power in elections only a few decades after the regime of the Principate was launched, popular assemblies continued to elect local officials and priests and to carry out legislative duties during the first and second centuries CE.[15] That these tasks were still regarded as prerogatives of the people in local communities during the second century CE is shown by the fact that the corresponding provisions were included in the by-laws issued under the reign of Marcus Aurelius in favour of the new *municipium* of Troesmis in Moesia Inferior (modern Romania).[16]

With regard to citizenship, the general assumption in scholarship is that local citizenships in the Roman Empire would have been irremediably superseded by the large-scale granting of the Roman *civitas* already before the *Constitutio Antoniniana* was issued in 212 CE,[17] and that the very value of citizenship would have weakened because of this process during Late Antiquity. Yet recent model-based studies have shown that the proportion of Roman

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10   Robinson, *The First Democracies.*
11   Simonton, *Classical Greek Oligarchy*, pp. 121–33.
12   Robinson, *Democracy beyond Athens.*
13   Hurlet, 'Démocratie à Rome?'.
14   Moatti, *Res Publica.*
15   Laffi, 'La struttura costituzionale nei municipi e nelle colonie romane'.
16   Eck, 'Die *lex Troesmensium*'.
17   See for instance Dmitriev, *City Government*, pp. 327, 331–34.

citizens among local populations in the Roman Empire during the first and second centuries CE has been overemphasized so far.[18] Regional studies also show that there were huge discrepancies in the percentage of Roman citizens according to the area and that, contrary to what is generally assumed, Roman citizenship was not necessarily considered attractive for all local elites, who remained committed to their home cities and primarily acted in accordance with their own local or regional agenda which implied membership and participation in provincial communities through the possession of local citizenships.[19] Moreover, the universal granting of Roman citizenship in 212 CE did not affect the collective statuses of local communities and thus did not make local citizenships disappear.[20] One of the unexpected consequences of the *Constitutio Antoniniana* was, on the contrary, the increasing attention paid by Roman citizens throughout the Empire to their small 'homelands' and the celebration of local identities, cities still competing during the third century to get privileges from imperial power and praising their glorious past.[21]

Despite the gradual encroachment of imperial power on local autonomy and the trend towards centralization in the administration of the Roman Empire from the late third century CE,[22] cities were still a key actor for the governance of the Empire under the Tetrarchy and during the reign of Constantine, as is shown by the fact that, interestingly, imperial authorities themselves continued to foster local communities by granting civic status to villages or other dependent entities at the beginning of the fourth century.[23] Even if the impoverishment of civic elites led to the decline of the epigraphic habit — namely, of the practice consisting in self-representing and celebrating local notables and political communities through the systematic engraving of stone inscriptions and display of monuments — throughout the Empire from the middle of the third century CE and then generated a dramatic drop in our evidence with regard to the functioning of civic institutions,[24] legal and literary sources (and in some cases inscriptions as well) hint at the continuance of civic offices and popular assemblies across the Roman Empire long beyond the end of the third century, albeit with large variations depending on the region and with deep transformations.[25] The most visible figures in local communities

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18   Lavan, 'The Spread of Roman Citizenship'.

19   Frija, 'Les notables de Stratonicée de Carie à l'époque antonine'; Brélaz, 'Experiencing Roman Citizenship'.

20   Kantor, 'Local Law in Asia Minor after the *Constitutio Antoniniana*'.

21   Guerber, *Les cités grecques dans l'Empire romain*.

22   Lepelley, 'La fin du privilège de liberté'; Lepelley, 'Le nivellement juridique du monde romain'.

23   Lenski, *Constantine and the Cities*.

24   Pont, 'Dernières mentions des magistratures'.

25   Curchin, 'The End of Local Magistrates'; Machado, 'Civic Honours and Political Participation'. Compare for instance the situation in Cappadocia, where evidence for civic institutions was scanty already during the early Roman period, as opposed to Africa, where civic government was still effective in the sixth century: Métivier, *La Cappadoce*; Magalhães de Oliveira, 'Le peuple et le gouvernement des cités'.

from the fourth to the sixth centuries were the *curiales*, who were originally members of local councils (*ordines decurionum* or *curiae* in the West, *boulai* in the East).[26] During that period, belonging to the local elite became gradually disconnected from the holding of civic offices: wealth and landownership only, together with social reputation, were now the decisive criteria, and local notables began to form a social group acknowledged as such by imperial power and referred to in legal sources as *principales*, *honorati*, or *possessores*/κτήτορες.[27]

Next to local magnates, the rise of the bishop as leader of the civic community is one of the main features of the political, social, and religious transformations experienced by local communities in the later Roman Empire. The deep change brought about by the development of episcopal power as the central civic authority in Late Antiquity and of the bishop as, in the words of Liebeschuetz, 'the only [permanent functionary] who had achieved his position with popular consent',[28] has recently been characterized as a transformation both with regard to the scope of this power (the definition of the group subject to it) as well as its nature, character, and legitimization. Peter Brown points at the inclusion of several types of inhabitants of city and countryside (the poor, those living in the rural areas outside the city walls) as full and fully entitled members of the bishop's community, in which the boundaries between those with and those without citizenship eroded.[29] The kind of power the bishop exercised added to this transformation of the community he was called to oversee.[30] The legitimacy of his power, whatever concrete forms it took, was ultimately in his role as a pastor — a kind of power qualified by Brown as 'soft'.[31] Claudia Rapp, in her seminal book on episcopal authority in Late Antiquity, responds to the body of scholarly literature that focuses either on the secular or on the religious aspects of episcopal authority. Her study makes clear that these two aspects cannot be separated. The model she provides to study late and post-Roman episcopal leadership in a systematically integral way is threefold, taking into account the pragmatic, spiritual, and ascetic authority of the bishop.[32] Supported by both archaeological and textual sources, Rapp underlines the merge of civic and ecclesiastical responsibilities within the office of the episcopate. These responsibilities, as Rapp argues, were often of 'interchangeable nature',[33] for example, with regard to the public function

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26 Laniado, *Recherches sur les notables municipaux*.

27 Cecconi, '*Honorati, possessores, curiales*'; Schmidt-Hofner, 'Der *defensor civitatis*'; Laniado, 'From Municipal Councillors to "Municipal Landowners"'.

28 Liebeschuetz, *The Decline and Fall of the Roman City*, p. 136.

29 Brown, 'From *Patriae amator* to *amator pauperum* and Back Again', p. 89.

30 On the extension of the bishop's authority from his own congregation to all inhabitants of the city, see also Rapp, *Holy Bishops in Late Antiquity*, p. 223.

31 Brown, 'From *Patriae amator* to *amator pauperum* and Back Again', p. 90.

32 Rapp, *Holy Bishops in Late Antiquity*, pp. 16–20.

33 Rapp, *Holy Bishops in Late Antiquity*, p. 210; in this Rapp differs from Liebeschuetz, *The Decline and Fall of the Roman City*, p. 164, who sees the bishop as essentially different from civic magistrates despite many overlaps in civic duties.

of the episcopal residence, his role in the financial administration of the city, his influence on the city's public space by competing with other influential citizens for taking the lead in the building programme, and, not in the least, his role in charity as a new form of civic benefaction.

The focus of scholarship on the ruling class of local communities in the later Roman Empire as well as on bishops led to underestimation of the role played by another crucial actor of civic life: the people. The people had been an indispensable interlocutor and partner of local elites during the Hellenistic and early Roman periods, even in the cases where they were not secured participation in the decision-making process through unambiguously democratic institutions. To a certain extent, local elites, in the context of civic life and civic ideology, could not conceive their own existence without the people, and even needed the *demos/populus* for the legitimization of their own social position and political power, hence the constant dialogue and interaction between the two groups which is a characteristic of the political sociology of cities during the Roman imperial period.[34] Yet the rise of bishops as political actors in the local communities of the Roman Empire from the beginning of the fourth century onwards, and the resulting progressive transfer of many competences from the secular authorities to the Church in the administration of cities, gave new opportunities to the people to express themselves as a group and to have an influence on local governance, as shown by the role played de facto by the people, as a community of believers, in episcopal elections.[35] The participation of the people in the election of bishops and in the public life of local communities in the later Roman Empire and in the post-Roman world ought not to be interpreted in terms of long-term continuity of democratic practices dating back to the Classical period. We should rather pay attention to the large-scale changes experienced by civic ideology and practices from the fourth century CE because of the restrictions of local autonomy through imperial power,[36] of the increasing social inequalities between the people and the local elites, and of the overarching Christianization of society and ethics. Symptomatic of the transformations which affected civic identity in Late Antiquity is how civic discourse and terminology were reinterpreted in accordance with Christian concepts.[37] This process of rephrasing the Classical definition of civic membership, especially during the fifth and sixth centuries, is a key issue for our enquiry: capitalizing on the definitions given by the apostle Paul and by Augustine of what community belonging should mean for Christians, Caesarius, bishop of Arles at the beginning of the sixth century, claimed that the true homeland for Christians, the *christianorum civitas*, had

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34   Zuiderhoek, 'On the Political Sociology of the Imperial Greek City'.
35   Teja, '*Populus et plebs?*'; Norton, *Episcopal Elections*; Leemans and others, eds, *Episcopal Elections in Late Antiquity*.
36   Cecconi, 'Crisi e trasformazioni del governo municipale'.
37   Rapp, 'City and Citizenship as Christian Concepts of Community'.

to be searched for in heaven.[38] Community membership now meant first and foremost to be part of the chosen people of God.[39]

Next to the theological considerations supporting these claims, the deep geopolitical transformations which affected the Roman Empire from the beginning of the fifth century undermined the significance of cities as political entities and as forms of social organization.[40] In addition to major economic difficulties, the fragmentation of the Western Roman Empire into many separate Germanic kingdoms and the predominance of the military, landowning aristocracy among the leaders in these new states exacerbated the decline of the cities as political communities and led to the reshaping of collective identities on the basis of ethnic, rather than civic, categories.[41] In the East, cities, although they were not transformed into administrative units directly depending on imperial power, were deprived from most of their competences during the sixth century because of the centralizing policy of imperial authorities. However, even if the government of the early Byzantine Empire, as well as of the Germanic kingdoms in the West — unlike the Roman Empire until the fourth century CE — did not rely on local autonomy any more,[42] towns were still communities somehow,[43] made of local notables forming a ruling group on the one hand, and of ordinary people on the other. The issue as to whether the inhabitants of these towns maintained, nurtured, or developed a sense of common awareness and of urban — if not civic — identity is of particular significance for our questioning.[44] For that reason, this book also includes a chapter on the early Islamic world in order to examine whether, in a different cultural context which did not emphasize civic ideology (although Islam spread into regions which had been part of the Roman Empire and which had a long tradition of civic culture like north-western Africa, southern Spain, and north-western Syria), phenomena similar to what happened in the early medieval West and in the Byzantine Empire can be observed or not with regard to collective identities and popular participation in early Islamic towns.

This raises the more general issue of popular participation beyond, or regardless of, the formal recognition of power to the people through democratic institutions. The group consisting of the majority of the population of a town,

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38 Caesarius, *Sermo* 151.2, ed. by Morin, p. 618.
39 Neri, 'Concetto politico e concetto ecclesiale di *populus* nella tarda antichità'.
40 Liebeschuetz, *The Decline and Fall of the Roman City*, pp. 342–68.
41 Mathisen, '*Peregrini, Barbari*, and *Cives Romani*'; Mathisen and Shanzer, eds, *Romans, Barbarians, and the Transformation of the Roman World*; Pohl and others, eds, *Visions of Community in the Post-Roman World*.
42 Andriollo, *Constantinople et les provinces d'Asie Mineure*.
43 For the continuance of urban phenomena, albeit with transformations, during Late Antiquity, see Humphries, *Cities and the Meanings of Late Antiquity*.
44 A similar enquiry has lately been carried out about the continuance and/or reshaping of Roman identity after the collapse of the Western Roman Empire by Pohl and others, eds, *Transformations of Romanness*.

whether it was characterized as an acknowledged institutional actor through the words *demos* or *populus* in their political meaning, or rather as a crowd through expressions such as *plethos*, *ochlos*, *plebs*, or *turba*, could have a share of power in local government, take initiatives for the common good, or, in any case, play a role in public life. Already during the early Roman imperial period, the people of local communities, next to their prerogatives allowing them to take part in the decision-making process through the casting of votes during formal assemblies, were able to influence and to act in public life through shouting, and by exercising physical pressure on the elites during popular gatherings or meetings, whether or not legally called. Acclamations and other expressions of popular will outside the ordinary voting process were even fostered in the later Roman Empire, as consensus among the people was used as a means to legitimize the status or decisions of local or provincial elites and of imperial power, and was regarded as the result of God's approval.[45] During Late Antiquity, the inhabitants of cities had many ways to express their will or, at least, to influence public life, including through mob violence.[46] This sociological, not institutional, ability of the people to potentially interfere as a mob in the everyday administration of the towns is a constant, diachronic element in the urban history of Late Antiquity and the early Middle Ages as well. How frequent and significant this form of popular participation was, and how strong the town-dwellers' self-awareness was,[47] will have varied greatly, depending on local contexts, and possibly also on the existence or not of an old civic tradition.[48] In Constantinople, for instance, which was in any case an exception as the capital of the Empire and as the New Rome encapsulating the political relationship between the emperor and the people, the symbolic role devoted to the people in monarchic/imperial ideology, the active participation of the city population in the rituals for the acknowledgement of new emperors, and popular response, often through violence, to political events involving imperial authorities represented such distinctive features of the Byzantine Empire that Anthony Kaldellis, in a stimulating — albeit deliberately provocative — way, could label the nature of the regime in Byzantium down to the twelfth century as 'republican'.[49]

References to the Classical definitions and practices of citizenship and civic participation have been constant in political thought and experience in the Western world since the late Middle Ages. The Roman Republic, in particular, was set up as an ideological model for supporting communal experiences in

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45 Porena, 'Forme di partecipazione'; Kuhn, 'Emotionality in the Political Culture of the Graeco-Roman East'.

46 Magalhães de Oliveira, *Potestas Populi*.

47 The same question applies to rural communities and villages: see, for the Byzantine Empire, Neville, 'Organic Local Government'.

48 For the newly founded settlements in Central and Eastern Europe during the early Middle Ages which did not follow previous Roman cities, see Rossignol, *Aux origines de l'identité urbaine*.

49 Kaldellis, *The Byzantine Republic*.

Italy: as early as the mid-thirteenth century, several Italian cities deliberately emphasized their Roman past, or invented one, to foster local pride;[50] in the mid-fourteenth century, Cola di Rienzo explicitly attempted to re-enact the Roman Republic to promote in the city of Rome a communal government which would be independent from aristocratic families and from the papacy;[51] in early sixteenth-century Florence, Machiavelli, in his *Discorsi sopra la prima Deca di Tito Livio*, presented the Roman Republic as an example for polities of his time.[52] Later on, in the context of the Enlightenment, the Roman Republic was deliberately identified as a model by America's Founding Fathers as well as during the French Revolution.[53] As more radical republican ideas were making progress during the first half of the nineteenth century, Classical Athens, which had seemed so frightening to political thinkers so far because of the share of power the people had thanks to democratic institutions,[54] started to be considered as a source of inspiration for liberal revolutions,[55] and nowadays in many European countries children are taught at school that Periclean Athens should be seen as the archetype of modern democracy. All these claims of a Classical legacy in modern political discourse with regard to citizenship and democracy led to an idealization of the Greek and Roman experience in the field. A direct consequence has been the neglect of the civic practices and discourses from the late Roman period onwards, as well as, to a lesser extent, of the rise of communal entities in medieval Europe since the eleventh century. In this context, Maarten Prak's recent book, *Citizens without Nations*, is a ground-breaking contribution to the discussion.[56] In his book, Prak shows that the origins for the concept of citizenship in early Modern Europe, rather than in the legacy and claim of Classical models, should be searched for in the experience of urban citizenship in medieval local communities.[57]

Aims, Concepts, Approaches

The present book precisely aims at looking at the period in between these two phenomena, from the universal granting of Roman citizenship in 212 CE, and the alleged disintegration of the concept of citizenship and decline of the cities implied by this granting, to the emergence during the eleventh century

50 Beneš, *Urban Legends*.
51 Collins, *Greater than Emperor*.
52 Larivaille, *La pensée politique de Machiavel*.
53 Chevallier, ed., *La Révolution française et l'Antiquité*; Richard, *The Founders and the Classics*. For the limits of such a model, see Nippel, 'Die Antike in der amerikanischen und französischen Revolution'.
54 Roberts, *Athens on Trial*.
55 Loraux and Vidal-Naquet, 'La formation de l'Athènes bourgeoise'.
56 Prak, *Citizens without Nations*.
57 Racine, 'La citoyenneté en Italie au Moyen Âge'.

of structured local communities — possessing a distinctive collective identity, conceptualizing urban citizenship, and enjoying self-government — first in northern Italy and then throughout Europe.[58] Reassessing the period *c.* 300–1000 CE through the concepts of civic identity and civic participation, regarded in traditional scholarship as irrelevant for these centuries, the question as to how the civic community is defined and characterized in different social and political contexts is central. The present book examines how the awareness of a civic body and its responsibilities and privileges with regard to the city and the larger political framework of the Empire continued to be of relevance in the late imperial and post-Roman world.[59] The main questions running through the volume concern the extent to which political agency was part of the body of citizens throughout the selected period and the ways in which the civic community expressed its attachment along the lines of political belonging. Next to this search for continuity, many contributions examine the extent to which other concepts of (self-)identification came to play a role next to, in place of, or even as new interpretations of civic concepts, for example, ethnic or religious concepts of belonging and their translation into the rights and duties following from these attachments.

In this endeavour, the notion of the plurality of civic identity, or identities, presents itself. This comes to the fore in the acknowledgement of a juxtaposition of a universal (both political and transcendental) and a local scope of civic attachment, which were, as we have seen above, not necessarily mutually exclusive. The transformation of the city's identity itself in the late and post-Roman period, with the growing importance of Christianity and ecclesiastical institutions, brought about a shift in the definition of what is essential to qualify an urban centre as a city — what Chris Wickham calls 'cityness'.[60] The awareness that 'the city' and the civic body express themselves not only through political and legal customs and rights but also through other instruments of social, cultural, and spatial representation (specific buildings with economic, legal, or religious functions; walls) is central to this acceptance of the plurality of civic identity.[61] It is important to note that the relation between local and universal citizenship in its ancient understanding was in its essence threefold rather than dual. The tension is not only between

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58   Schulz, *Die Freiheit des Bürgers*; Scott, *The City-State in Europe*; La Rocca and Majocchi, eds, *Urban Identities in Northern Italy*. This approach differs from urban studies which focus on the (re-)emergence of towns in medieval Europe in a geographical/topographical perspective: in this respect, see the long-term research project supported by the International Commission for the History of Towns (ICHT): Simms and Clarke, eds, *Lords and Towns in Medieval Europe*.

59   For the rhetoric of decline, see above, and also Brogiolo and Ward-Perkins, eds, *The Idea and the Ideal of the Town*, pp. xv–xvi. For an approach that seeks to find out which 'essential underlying prerequisites of town-life persisted' in the late antique and early medieval periods, see Ward-Perkins, 'Continuists, Catastrophists, and the Towns', p. 162.

60   Wickham, *Framing the Early Middle Ages*, p. 593.

61   Saucier, *A Paradise of Priests*, p. 212.

political belonging to the *patria* of one's homeland and the political *patria* of Rome, which we discussed above, but also includes the moral obligation to attach oneself to humanity in a universal and even eschatological sense. Seneca confronted local citizenship with a universal interpretation of citizenship as a belonging that transcends the scope of humanity and temporality:

> Duas res publicae animo complectantur, alteram magnam et vere publicam, qua dii atque homines continentur, in qua non ad hunc angulum respicimus aut ad illum, sed terminos civitatis nostrae cum sole metimur; alteram, cui nos adscripsit condicio nascendi. Haec aut Atheniensium erit aut Carthaginiensium, aut alterius alicuius urbis, quae non ad omnis pertineat homines sed ad certos. Quidam eodem tempore utrique rei publicae dant operam, maiori minorique, quidam tantum minori, quidam tantum maiori.
>
>> [Let us grasp the idea that there are two commonwealths: the one, a vast and truly common state, which embraces alike gods and men, in which we look neither to this corner of earth or to that, but measure the bonds of our citizenship by the path of the sun; the other, the one to which we have been assigned by the accident of birth. This will be the commonwealth of the Athenians or of the Carthaginians, or of any other city that belongs, not to all, but to some particular race of men. Some yield service to both commonwealths at the same time — to the greater and to the lesser — some only to the lesser, some only to the greater.][62]

The Christian concern with a citizenship of universal and timeless character has deep roots in the Roman philosophical tradition. Indeed, the *res publica maior*, in Seneca's words, has often been considered the main or even sole focus of attention in the (early) Christian tradition, with Paul as it most important intermediary.[63] However, there is more to say to this. While Paul's main expectation was the eschaton and the passing of the transitory world, Christians in the late imperial and early post-Roman world increasingly became aware of the fact that they were citizens of this world as much as of the world-to-come, and that their religious expectations also influenced the civic community they were part of.[64]

This brings us to the meaning of the concepts of civic identity and civic participation as such, defined at the outset of this project as the various forms of expression of collective belonging and of popular will in urban or local context in Late Antiquity and the early Middle Ages. This rough definition makes clear that the urban context and the focus on locality is central in our perception of civic identity.[65] The focus in this volume is on the public expression of

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62   Seneca, *De otio* 4.1.
63   Van Kooten, 'Philosophical Criticism of Genealogical Claims', p. 374.
64   Gauthier, 'La topographie chrétienne'.
65   See also Hart, Richardson, and Wilkenfeld, 'Civic Identity', pp. 773–74.

belonging to and participating in a civic community as the collective social body operating in an urban environment. From this perspective, a list of more detailed questions presents itself. A first group of questions examines how and in what terms ideas of community and collectivity are expressed. Related to this is the question whether the notion of citizenship plays any role in the definition of political belonging in the specific context each chapter addresses, and whether the political community is based on a group of citizens acknowledged as such. In many chapters, the active contribution of the people to the organization of civic life is central, studying how the inhabitants of a given civic community were able to express their will, either in the form of popular assemblies or otherwise. Finally, the idea of citizenship and its use and reuse in political thinking, philosophy, and theology is studied, paired to the question of meaning and semantic change. How does civic identity and belonging relate to other forms of (ethnic, religious) identity and belonging, and how do inhabitants of a civic community give expression to their attachment to the community, if they do this at all? By studying these questions, we hope not only to shed new light on the heritage and continuation of Classical concepts with regard to the ways in which people gave shape to their communal life and shared identity. We also aim to highlight transformations and innovations in these matters as they emerged in the post-Classical world of Late Antiquity and the early Middle Ages.

The volume consists of four parts. The two chapters of the first part take the earlier imperial background to study civic identity and civic participation. In both chapters, the tension between a universal claim and actual participation at the local level is teased out from the perspective of the western provinces of the Empire (Ando) and that of the Greek cities incorporated by Rome (Brélaz). The concept of 'imperial' citizenship is questioned by Clifford Ando, while the relation between Roman citizenship and local autonomy in Greek urban communities is discussed by Cédric Brélaz. In both chapters it becomes clear that the concepts of civic identity and civic participation can hardly be studied outside the local context. The importance of the local to understand the experience and performance of citizenship in the western provinces is clear from textual, mostly epigraphic evidence, but also in the way local institutions functioned in their role as 'mediators' of Roman citizenship, as Ando phrases it. While the local level is the most relevant locus to examine how citizenship and civic participation were performed, membership of or participation in the institutions, rituals, and status of civic life was all but a matter of local agency or individual choice, given the central role played by imperial institutions at a local level. In the East, the local is of even more interest, given the variety of ways in which the participatory role of the civic body in the Greek *polis* 'survived' Roman imperialism, and the varying degrees to which it adapted to it. Thus, membership of the city council (*boule*) was more dependent on an individual's wealth than before. At the same time, however, the (epigraphic) evidence Brélaz brings in shows that the role of that other local civic body — the popular assembly and its influence on decision-making processes — must

be taken more seriously than scholarship has done so far. Awareness of the changes that developed under influence of imperial government is visible in the terms used for self-identification of the political entity of the Greek cities, in which the historically charged term *demokratia* alternates with or is replaced by more generic terms expressing the civic and, to a certain extent, autonomous character of the urban community.

The second part fans out to fourth- and fifth-century Constantinople, the early Byzantine Empire, and the western provinces in the late Roman and early post-Roman centuries. Anthony Kaldellis's chapter on Constantinople questions the traditional view on a decline of civic participation as formal institutions leaving a residue of informal and, as it is assumed in traditional scholarship, by consequence ineffective popular interventions. Kaldellis reads recent scholarship expressing this view against the background of modern political institutions, and then rereads the expressions of civic identity in fourth- and fifth-century Constantinople. What emerges in his presentation is a picture of a civic body, self-identifying as a *populus Romanus* consisting mainly of Roman citizens (and in some cases of residents alike), and effectively performing their intervening role in civic and religious matters. While Kaldellis concentrates on Constantinople, Avshalom Laniado focuses on the representation of citizens in the late Roman and early Byzantine city councils, supported or even coerced by imperial legislation. Given the role of these civic bodies in the decision-making process, the state's role in necessitating participation in it is interpreted by Laniado as an aim to keep up public and collective responsibility in early Byzantine cities. Julio Cesar Magalhães de Oliveira makes visible that the expression of popular will in the form of acclamations in the process of episcopal elections went beyond the mere ritual. In his presentation of North Africa as a case study, the role of the people was, if not to take decisions, in any case to influence the decision-making process and to express their approving or disapproving voice at determinant volume. As the example of a number of early fifth-century African cities makes clear, the voice of the lower urban classes was also included in the popular involvement in processes of decision-making and the negotiation of leadership at the level of the city. Pierfrancesco Porena shows the waning of patterns of local political patronage in Italy, on which the strong sense of attachment and collective responsibility had been dependent before early post-Roman Italy fell into decades of war and crisis. There is little evidence that such local patronage was replaced by similarly effective patterns in this period, according to Porena, who approaches the development of the episcopal organization of city and (saints') cult as an 'irruptive' and entirely new spiritual system. In the final chapter of this part, Michael Kulikowski discusses late imperial and Visigothic Spain. He emphasizes the contrast of a deep and early Roman urbanization, where cities were experienced as the most direct and most profound link to Roman citizenship, with an early and drastic loss of urban culture in all but the very few larger metropolitan centres. Kulikowski focuses less on the continuity of the civic character of larger urban environments in late and

post-Roman Spain. His argument is based on (the absence of) epigraphic and archaeological evidence to highlight changes in the experience of civic identity, which he finds already in the later imperial period and, deepened, in the turmoil of civil wars and invasions in the fifth century. The face of civic leadership that becomes visible once the dust of these vehement decades had settled shows the combined traits of episcopal authority and spiritual patronage as expressed in the cult of the urban patron saint.

The third part explores various forms of rephrasing and reconfiguring citizenship and civic identity and opens with Ralph Mathisen's semantic study of expressions of personal identity in Late Antiquity. Mathisen gives a broad overview of terms used in epigraphic and textual sources expressing personal and legal identity along the lines of civic, ethnic, and regional origin or belonging, thus sketching a development in which an individual's legal identity is expressed in different terms than one's personal (political) identity. Another form of rephrasing citizenship and civic belonging comes to the fore in the relationship between (members of) the local urban community and episcopal leadership. Two chapters in this part discuss this relationship from a moral (Van Nuffelen) and a pastoral (Rose) perspective. Peter Van Nuffelen moves away from a predominantly political and socio-economic interpretation of the relationship between civic communities and their leaders and focuses instead on its moral components. Thereby, Van Nuffelen highlights discontinuity and changes in the expression of the people's voice in civic affairs in late ancient urban settings. Popular participation in this reading of the late antique sources becomes a relational matter, a relationship of justice, the effectiveness of which depends not so much on the degree to which *formal* design is respected, but, rather, on the extent to which the parties involved respond to the *ethical* expectations belonging to their respective roles. The civic identity and participation of the people becomes a performative act, rather than a formal legal or constitutional principle. A second example of the expression of belonging to and participating in the urban community *in terms of* civic belonging is presented in Rose's chapter analysing the sermons that Caesarius of Arles preached to the metropolitan community of Arles in the first half of the sixth century. Els Rose explores the pastoral sermons of this bishop for their use of civic vocabulary in a context of Christian cult and values. The Christian cult contextualizes the civic community as a religious, Christian community. To participate in this community, Christian values (e.g. *caritas*) define the citizen, while their citizenship is presented as in between the concrete *patria* of the urban community of sixth-century Arles and the heavenly homeland. The Christian citizen is a *peregrinus*, finding a way (*via*) home through the Christian programme of good works. A final example of the reconfiguration of citizenship is the contribution by Stefan Esders and Helmut Reimitz. They analyse historiographical and legal sources in order to bring to light the process of 'a multitude of transitions' from which gradually 'markedly different societies' arose. One of the features these societies had in common was their rapport with the Roman legal heritage, as part of the

plurality of legal orders existing in the early medieval kingdoms of the West. Esders and Reimitz bring in sixth- and seventh-century historiographic and legal sources from Frankish Gaul that testify to the effort to write the Roman heritage into the legal and ethnic plurality of the time and to develop a script on which these new societies were designed.

The transition to an understanding of citizenship in which the religious component becomes central is only one in a set of legal, political, and cultural elements that created the early Middle Ages in a process of transformation, which is the theme of the fourth and final part. Law and religion flow together in Mathieu Tillier's chapter on the early Islamic world. In this initially urban social world, membership or belonging to a group is defined in the earlier centuries along the lines of tribal belonging rather than regional or urban attachment. Only when the religion spread through larger geographical areas and Muslim scholars increased in numbers did the (self-) identification of individuals with the city they belonged to became more important. At the level of local government, administrative and legal authorities were rarely recruited from the local community or even elected with inclusion of the people's voice. However, as Tillier argues, the concern to involve the local people in the appointment of governors as well as in legal matters was reflected by the conscious effort to create consensus in the appointment of such authorities, and in the practice of hearing local trustworthy inhabitants as witnesses in legal cases. The informal character of non-institutionalized representation of the local population, in Tillier's words, 'diminishes neither [the] importance nor [the] weight' of these institutions. The final two chapters of Part IV are concerned with early medieval cities in the Germanic Empire (Mostert) and Italy (De Angelis). Marco Mostert surveys the continuity and discontinuity of Christian civic identity and participation in episcopal towns from Late Antiquity to the twelfth century. In a number of cities overseen by bishops from Late Antiquity onwards, Mostert studies specific Christian features of civic life, such as the role of the urban patron saint, benefaction in various forms of help to the needy, the development of learning and administrative writing in these urban communities, and the ways in which strangers and 'outsiders' were or were not allowed to take part in civic life. Gianmarco De Angelis, finally, studies the development of urban identity as a relational and performative category. His focus is on processes of negotiating belonging, civic participation, and political and social roles in the early medieval Italian communes. Such processes of negotiation were, as he argues, in essence competitive processes, and the different parties of the triangle formed by royal (ducal) power, ecclesiastical (episcopal) authority, and the urban community performed their civic identity in varying alliances, shaping and delineating participation in civic life.

Spanning the centuries of the first millennium, the present volume aims at providing insight into the ways the organization of civic life developed and changed in the (former) provinces of the Roman Empire and into the medieval world. The contributions to this volume rely mainly on written sources of

diverse character, together forming a prism through which we observe and bring into focus the process of continuity and change of civic identity and civic participation in these crucial ages of European history.

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Local Communities, Citizenship, and Civic Participation in the Early Roman Empire (First–Third Century CE)

CLIFFORD ANDO

Local Citizenship and Civic Participation in the Western Provinces of the Roman Empire

Introduction: Historical and Historiographic Background

The focus of this chapter is on the institutions and culture of citizenship as a local matter in the western provinces of the Roman Empire from the end of the Republic until the early third century CE. Histories of citizenship under the Empire — and particularly histories of citizenship in the West — have traditionally attended nearly exclusively to Roman citizenship, for several reasons. For one thing, there is the heavy weight of teleology: ancients and moderns alike have found it nearly impossible not to interpret the history of citizenship in the first two centuries CE in light of where the story ends, as it were, namely, with the universalization of Roman citizenship and the supposed elimination of separate and subordinate juridically constituted polities, with their own systems of political belonging.[1] There is also the problem that the West lacked, or so it is claimed, the tradition of autonomous city-states with poliadic institutions that characterizes the Hellenistic East. Regardless of how one writes the history of local citizenship in the eastern Mediterranean under Roman rule, all contributors to that historiography have agreed that there had once been a rich tradition of local belonging and civic life in that region. In consequence, the questions that have occupied scholarship have

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1 On the influence of the ancient praises-of-empire tradition on modern historiography, see Ando, 'Making Romans', pp. 169–76; see also Ando, *Imperial Ideology*, p. 2; on teleology as a problem in general in histories of Roman citizenship, see Lavan, 'The Spread of Roman Citizenship', pp. 4–5.

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been, 'When did this rich tradition of local belonging end, and why?'[2] In the West, by contrast, it was often assumed that Rome is responsible not simply for the flourishing but for the birth of urbanism. On that assumption, the story even of local life can be told, and has been told, as simply an imperial story. Finally, in writing the history of local citizenship in the West, we confront a problem of evidence: the bulk of what we know of systems of civic belonging in the region derives from epigraphic evidence, and the practices of commemoration that deliver that evidence to us are associated strongly with a network of Roman cultural forms. Everything about the evidence that we have discovered, as well as how we read it, inclines us to see the history of political identity and belonging in the West through metropolitan eyes.

Nor is this historiography entirely wrong-headed. For one thing, the histories of the institutional and material elaboration of urban centres in East and West do observe different trajectories.[3] Rightly or wrongly, the East is generally understood as both urbanized — and on a stable trajectory — in the pre-Roman period, such that Rome could only interfere in ongoing processes. That this model cannot account for the demographic projects of many Hellenistic kings, both early and late, and that it requires all manner of areas in Anatolia to be regarded as underdeveloped outliers, has somehow been beside the point.[4] By contrast, the influence of Rome is visible in the West at a foundational level in many areas, in at least three ways. First, Roman infrastructural projects — in particular, of course, the building of roads — as well as constraints placed on geographic aspects of social and economic conduct shaped micro- and macroregional political economies, with all the effects that one might expect on the location of economic and urban development.[5] Second, these flows of communication and resources, which were to a point determined by an imperial command economy, shaped the flow of cultural influence, too, such that trends in material culture and even naming practices that are visible first in central Italy appear next in provincial port cities, capitals, and colonies, and only later in indigenous settlements.[6] Third, Roman populations that were settled within existing urban centres often worked substantial change, as at Empúries, where the layout first of the indigenous settlement, and later that of the Greek one, was modified and brought into alignment with the Roman grid, even as

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2 See in this volume the chapter by Cédric Brélaz.

3 For surveys, see Reynolds, 'Cities'; Gros, *L'architecture romaine*; Edmondson, 'Cities and Urban Life'.

4 Kosmin, *The Land of the Elephant Kings*; Boehm, *City and Empire in the Age of the Successors*; Canepa, *The Iranian Expanse*. See also Börm and Luraghi, eds, *The Polis in the Hellenistic World*.

5 Purcell, 'The Creation of Provincial Landscape'; Woolf, *Becoming Roman*; Edmondson, 'Roman Power'.

6 Edmondson, 'The Virginity of the Soldier Zosimus'; Edmondson, 'Family Relations'.

the populations themselves were extended membership in the Roman community.[7]

But the historiography also rests to a point on shaky ground, and clarification regarding the material and institutional conditions of local government will allow us a clearer picture of the conditions of possibility for local civic life. Thus it is essential to understand there was in fact no such thing as 'imperial' citizenship. So-called Roman citizenship was citizenship in the city(-state) of Rome. From this fact derives both the historical interest and the substantial irony of individual declarations of one's Roman voting tribe on provincial tombstones: the symbolic potency of the information seems to have peaked even as the political agency associated with the affiliation was evacuated of meaning. And yet, the mechanics of Roman citizenship at the most fundamental level — which is to say, the conduct of rituals wherein distinctions in political status were declared, performed, and honoured — were insistently local affairs. For example, it seems clear that in many places, the swearing of the annual loyalty oath to the emperor was not performed in unison by all members of the community at the same time. On the contrary, the community was distinguished, such that persons of different types (Roman citizens, soldiers, provincials) swore the oath in turn, with each other as both witnesses and competitors in loyalty.[8] In other words, Roman citizenship was always mediated, in ways that varied from place to place and time to time, by local institutions. This was especially true of that most fundamental institution, the census, to wit, the very process for affirming and documenting one's status: in juridically constituted polities, Rome devolved responsibility for the census to local powers.[9] It was only in territories that lacked an infrastructural apparatus up to the task — particularly recently conquered territories — that Rome conducted the census through its own agents.[10]

This points to a larger dynamic that is essential to our topic. The constraints of state infrastructural power in Antiquity meant that effective governance of the Empire at any level depended fundamentally on Rome's capacity to instrumentalize local institutions in the service of state interest.[11] This is true regardless of whether we conceive of Roman government as primitive or intrusive. In practice, this meant that Rome selected an array of city-states from across provincial landscapes and elevated them to positions of dominance in relation to the populations in their hinterlands, which were henceforth dispreferred and often classified in public law as villages or non–juridically constituted populations, whatever their status had been before. We will consider the problem of civic life among such populations below. At this

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7 Kaiser, *The Urban Dialogue*; Aquilué and others, 'Greek Emporion'.

8 Ando, *Imperial Ideology*, pp. 359–61. Roman citizens identified separately from locals: *ILS* 8781; soldiers mentioned separately from *provinciales*: Pliny the Younger, *Letters* 10.52.

9 *Roman Statutes* no. 24, ll. 142–56.

10 Bérenger, 'Le cens et les censiteurs'.

11 Ando, 'Empire as State'; Ando and Richardson, eds, *Ancient States and Infrastructural Power*.

juncture, I emphasize only that in consequence of this reliance on provincial communities to govern on Rome's behalf, it would be a substantial mistake for us to regard 'local civic life' and 'empire' as sites of competing interest. Rome wanted, both morally and instrumentally, for local life to flourish, and, as a corollary, being local was often an essential constituent of being Roman.[12]

The View from Above

As a historical and political matter, the Mediterranean in the first three centuries of this era was an imperial world. It was diverse, but the forms of its diversity that are visible to us are often those that were constituted by the imperial power and defined by its language. The same might be said of the forms of civic life and patterns of social conduct: the configuration of local social relations was to a point determined by grids imposed by the central power. Our systems of evaluation — what counts as 'civic life' for the purposes of historical analytic projects like this one — are calqued not simply on practices but also on values that were esteemed in Classical Antiquity. Nor are these acts of the historical transmission and recuperation of systems of evaluation innocent. The processes whereby Rome selected some communities within territories to serve as administrative centres, and therefore as nodal points in the actualization of imperial governance, effectively transformed other communities into villages, with profound effects in both political economy and culture, as we shall see. In short, the question of who got to have 'civic life' was not a matter narrowly of local agency and choice, or individual self-fashioning.

There is also a terribly important sense in which the physical distribution of populations across provincial landscapes was engineered by Rome. There exists no satisfactory survey of any kind of Roman efforts to relocate populations, though a number of excellent studies have focused on particular instances. As a result, their scale overall, as well as region-by-region, and their aggregate effects are simply unknown. A simple taxonomy might include the displacement of earlier inhabitants, whether urban or rural, to make room for Roman colonists;[13] the relocation of populations across a micro-region, in particular from mountain to plain, to render them legible, in Scott's terms — in ancient terms, a metoecism;[14] and the gathering together, or synoecism, of smaller, scattered groups into a larger settlement.[15] (Many instances, and

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12   Ando, 'Imperial Identities'.

13   The Tricastini at Arausio is a case in point: Piganiol, *Les documents cadastraux*. More complex case studies would include Langres and Besançon: Joly, 'Langres'; Vaxelaire and Barral, 'Besançon'.

14   See, e.g., Livy, *The History of Rome* 39.2.9, on the Friniates of Liguria, or Florus, *Epitome of Roman History* 2.33.59–60, on the rebels of Asturia.

15   Local studies include Purcell, 'The Nicopolitan Synoecism'; Madsen, *East Meets West*.

certainly many regions, witnessed combinations of these types.) This is not the place to study these historical processes, but it is important to recall that they played an essential role in establishing what I have termed the conditions or horizons of possibility of civic life.

A first step in writing the history of the city-state in the Roman Mediterranean normally consists in laying out a taxonomy of autonomous or territorially dominant city-states: the Roman colony (*colonia*), the municipality (*municipium*), the free city-state (*civitas libera*, or *polis* that possessed *eleutheria*), and so forth. Certainly metropolitan sources were concerned to distinguish among these types, and local civic elites sometimes undertook considerable diplomatic action to seek a change in status along these lines.[16] What is more, a notable modern literature has sought to understand the nature and extent of the freedom of action available to political communities, especially as regards the writing of private law, but also as regards the administration of law and local fiscal regimes.[17] Nor should it be denied that such information remained of interest to local and imperial authorities alike, even after the universalization of Roman citizenship in 212, for the very simple reason that certain kinds of grants to city-states carried with them immunity from taxation.[18]

For the purposes of the present chapter, I largely set these distinctions to one side. This decision deserves some explanation. In my view, while the public-law status of the city-state did operate, to an extent now hard to determine, so as to establish limits to the sorts of questions, policies, and actions that might be entertained by local authorities — to wit, magistrates, councils, and assemblies — these distinctions had relatively little incidence on what we might term the *form* of local civic life. This is true as regards overt cultural practices, such as how one ran for office, or the organization of popular entertainments and public feasts, or the shaping and control of public spaces. It is importantly also true as regards underlying structures, as regards questions of political economy, such as how elites used systems of law to retain control over the means of production, and thus how local political economies helped to create and sustain such elites. In short, civic life was civic life was civic life, regardless of the public-law status of the community, so long as it was recognized as a civic community by the centre. The more important questions are who got to have 'civic life'; what were the processes that delivered that potentiality to them; and how did those processes shape the forms of civic life that are visible today.

Although a consciousness of these questions runs throughout this chapter, a provisional answer can be laid out here. Given the limits on its own infra-

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16 Millar, *The Emperor in the Roman World*, pp. 410–34.

17 Humbert, *Municipium et civitas sine suffragio*; Jacques, *Le privilège de liberté*; Bernhardt, 'Imperium und Eleutheria'; Bernhardt, *Polis und römische Herrschaft*; Nörr, *Imperium und Polis*.

18 See, notably, Ulpian, *De censibus* bk. 1 frag. 19: Lenel, *Palingenesia juris civilis = Digest* 50.15.1.

structural power, by the end of the second century BCE the Roman state had settled on a mechanism of provincial rule that operated by selecting a single community with a territory and delivering varied forms of control into its hands. This came about through a process of recognition: a local community was acknowledged by Rome as a juridically constituted community, in which (inter alia) public powers were articulated in ways that were homeomorphic with (or that were construable as homeomorphic with) a poliadic or republican city-state; the population was expected to be articulated via systems of both rank within the citizen body[19] and membership, to wit, they should be categorized as citizens, resident aliens, etc. This dominant community was then given select powers over the communities in its hinterland: above all, its law-making and law-applying institutions exercised effective monopolies over legislation and jurisdiction; it had exclusive rights to hold markets — and tax the goods that passed through them; and it had a wide range of fiscal powers, controlling not only the incidence of taxation but the ability to recruit corvée labour of both humans and other animals.[20] At the same time, all other polities within the territory were recognized and named as participants in non-juridical forms, whether as some form of village or ethnically — rather than juridically — constituted population (a *natio*, *gens*, *ethnê*, and so on). All these avowedly non–juridically constituted communities were then administratively subordinated to the dominant city-state.[21] In Latin, they were said to be 'attributed' (*attributi*; the relationship was one of *adtributio*); in Greek, the city-state 'had' or 'owned' them.[22]

In so writing, I do not intend to imply that relations of domination, whether micro- or macro-regional, had not existed prior to Roman rule. In many instances, Rome merely defined, institutionalized, and backstopped such relations — though it might also upend such relations in deliverance of favour.

As we shall see, these structures effectively delivered the right merely to have 'civic life' to select groups within provincial landscapes. In Greek, life in a *polis* was lived *politikōs*; by definition, life in a subordinated polity was perforce lived *kōmētikōs*, in a fashion that was 'villagey'. In Latin, only life conducted within a *civitas* might be lived *civiliter*; only it was 'civic life'; and

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19   See, e.g., *Lex Flavia municipalis*, chap. B, on the order of voting; see also Varro as cited by Gellius, *Attic Nights* 14.7.9: in the Roman senate, decrees were passed either *per discessionem* (by division, i.e. by senators gathering in clusters for and against) or by giving their opinion individually, which took place *gradatim*, according to rank, beginning from those of the rank of consul.

20   For documentation regarding this catalogue of powers, see Ando, 'Empire as State', pp. 186–87.

21   Ando, 'City, Village, Sacrifice'; see also Ando, 'Empire as State'.

22   My use of the term *adtributio* to speak of what one might term 'administrative' or 'public-law subordination' is more expansive than is generally allowed, whether in the classic treatment by Laffi, *Adtributio e contributio*, or the revisionist view of Faoro, '*Gentes* e *Civitates Adtributae*'. A full study is in preparation.

it was this that pre-eminently allowed one to access *humanitas*.[23] It is because of the power of this polarity (city–civil vs village–rustic) that I discount the question of the status of a community in Roman public law, so long as it falls within the taxonomy of those communities deemed dominant with their territories. The overriding importance of the distinction between dominant community and administratively subordinate one is revealed — as is much about what 'civic life' consisted in and got for one — by the ancient evidence regarding changes of status: petitions by subordinate communities to become a city-state, on the one hand, and literary reflections on the losses suffered by those who were demoted from the status of dominant to subordinate polity. To that evidence, we will shortly turn.

In the following section, I consider first the dynamics of civic life as these emerge from sources concerned with the regular operation of civic life in normatively sanctioned civic spaces. I turn thereafter to persons, spaces, contexts, and situations that are marginal to the normative centre: aliens resident in juridically constituted communities; subordinated populations resident in the territory of city-states; citizens resident as minority aliens in non-city-state spaces; and so forth.

Civic Identity and Civic Life in Roman City-States

Although there is abundant evidence for the structures and functioning of civic life in the western provinces in the first three centuries of this era, some aspects of a broader culture of localism in general, and of civic identity in particular, are distinctly less salient in the West than in the East, and it repays historical study also to attend to absences. Particularly noteworthy are (1) the relative silence in Western evidence concerning rivalry between city-states of the same province regarding competitions for provincial and imperial honours — rivalry over the right to house a centre of imperial cult, for example, or to be the city where any new provincial governor first enters the province;[24] and (2) the contrast with the East in respect not only of the volume of local coinage in the early period, but, given the cessation of local coinages in the West already in the first century CE, its very possibility as a vehicle for regional claims of civic identity.[25]

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23 Bryen, 'Reading the Citizenship Papyrus'; Woolf, *Becoming Roman*; see also Ando, 'City, Village, Sacrifice'.

24 But cf. Tacitus, *Histories* 1.65 on the *aemulatio et invidia* between the Lugdunenses and Viennenses, which was inflamed by the distributions of slights and favour by Galba.

25 On these issues see in this volume the chapter by Cédric Brélaz. A classic study of city-state rivalry is Robert, 'La titulature de Nicée et de Nicomédie'; on the imperial nature of such competitions, see Ando, *Imperial Ideology*, p. 55. The importance of local coinage for understanding the place of civic identities within an imperial political culture was highlighted in the classic essay of Fergus Millar, 'The Greek City in the Roman Period'.

There are two significant bodies of evidence that bear on the question of the form and vitality of civic life. These are, first, normative accounts of the public-law structure of provincial communities. These consist above all in extensive fragments of charters and regulations for Italian and extra-Italian colonies, municipalities, and other corporate bodies, including documents outlining the operations of what an ancient would term a public cult. The second body of evidence is records of corporate and individual actions in the public sphere. In this category I include records of action on the part of town councils — municipal decrees, dedicatory inscriptions from public works, member lists of town councils, and so forth — as well as proclamations on behalf of individuals regarding their aspirations and actions in respect of their communities: advertisements in the course of local elections, commemorative inscriptions that record and advertise the holding of local offices or donations to communal endeavours.

Both of these bodies of evidence are known to us today largely from inscribed evidence, which is to say, material selected at the time to be written on stone and (notionally) placed permanently in public view. This last qualification in regards to the body of evidence at our disposal is important for the very obvious reasons that they are a sample even of documents of their types, and that other types of documents existed. For example, town councils performed a great many official acts, and we know something about the rules and norms that governed the recording, storage, and ongoing publication of information regarding such important issues as the administration of justice, the schedule of public festivals, the membership of jury pools, and the state of public coffers. Only a tiny percentage of this information was selected for permanent and public display, and that appears often to have happened at the request and expense of an individual, rather than through the disinterested operation of rules about, for example, the publicity of information and the legitimacy of public decision-making. As regards other types of documents, a very small number of sites in the West preserve documents in ephemeral media about civic matters — the most famous and extensive corpus by far is the graffiti of Pompeii. These have much to say about the extent and broadness of attention to civic matters given by the population; about the contingent articulation of the overall population into interest groups for electoral and other matters; and so forth.

It is important also to observe that many graffiti are public without being civic, if one might draw that distinction. That is to say, many graffiti were addressed to the population of the conurbation (rather than one's kin or the citizen body) and concerned matters that were non-statal. To write thus is to proceed in Habermassian terms. That is to say, one could draw the distinction between public and civic — and seek to vindicate it in respect of the evidence — in order to demonstrate the existence in the Roman world of spaces, both literal and metaphorical, for intersubjective communication

about communal matters that were non-statal.[26] But such a distinction might also be drawn in order to direct attention to a different matter, which is less normative and more sharply political. This is the issue that the outline of formal politics traced by the design of institutions and delimitation of public powers in normative texts is largely homeomorphic with the evidence for specific action performed by individuals and collective bodies that is recorded in the epigraphic documentation. In short, we rely greatly on the evidence that was most expensive to produce, and that evidence — arising from institutions that were staffed by the wealthy, and likely composed by elite individuals themselves — presents us with a largely closed symbolic system. Members of the elite set the stage and designed the props, and set forth norms of citizenly and political conduct — and then described themselves as uniquely having actualized those ideals and their class as uniquely qualified to fulfil those ideals into the future.[27]

This is not a surprising fact about the operation of a political culture, but it merits restatement, not least given the difficulties that an ancient evidentiary regime presents to scholars in efforts to pierce the veil in which such symbolic systems cloak themselves, or reconstruct a more holistic account of politics and political conduct.

Earlier I urged that in writing a history of local civic cultures in the West, one might contingently bracket distinctions between the public-law forms of communities. Certainly another fact about our evidence is that the normative texts that deliver to us schematic accounts of the powers, shape, and arrangement of local institutions either originated in law-making bodies at Rome (e.g. the charter of the Caesarian colony at Urso or the Flavian municipal law); or were prepared by Roman agents (e.g. Titus Annius Luscus, one of the *triumviri* who delivered a supplementary group of colonists to Aquileia in 169 BCE, was later honoured for having 'composed and given its *leges*'); or seem to have been created by local agents through consultation and citation of Roman texts, even when the diction and references in those texts were inapposite to the local context (the text on the tablet of Heraclea is a case in point; the local reproduction of Roman calendars in the West is another; the citation of the law of the altar of Diana on the Aventine is a third).[28] One consequence of this pattern is that an opportunity is latent in this material, whatever its site of

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26   Habermas, *The Structural Transformation of the Public Sphere*; Ando, 'Empire, State and Communicative Action'.

27   Ando, 'Review of Ma, *Statues and Cities*'.

28   The charter of Urso: *Roman Statutes* no. 25 + Caballos Rufino, *El nuevo bronce de Osuna*. The Flavian Municipal decree: *Lex Flavia municipalis*. The laws of Aquileia: *AE* 1996, 685 = *Itinerari epigrafici Aquileiesi* no. 31. The tablet of Heraclea: *Roman Statutes* no. 24. Roman calendars outside Rome: Rüpke, *The Roman Calendar*. Citations of the law of the altar of Diana on the Aventine in colonies of the Roman West: Ando, 'Diana on the Aventine'. On the second-century history of Aquileia and the activities of Titus Annius Luscus, see Hillard and Beness, 'A Snapshot of Roman Colonization'.

discovery, to contribute to a broader reconstruction of Roman social theory. But other consequences of this pattern lie in the domains of aggregation and the analysis of causation. The more completely we understand the processes that delivered boilerplate laws from the centre to distributed localities, the more confident we may feel — or so I believe — in abstracting patterns out of these scattered statutes, and generalizing on their basis, regarding the spread of Roman norms throughout the West. The short of the matter is, local civic cultures in the Roman West have a distinctly imperial cast.

The horizons of local political conduct and civic culture were in the first instance determined by the shape and reach of civic institutions. In juridically constituted communities, these consisted in the first instance of a council and magistrates. In the council was vested power over a wide range of normative issues — to wit, the production of legislation, regulatory action, and policy — as well as final authority over public properties, which included not simply public monies, but also public spaces in the city, built features of the landscape (esp. roads), publicly owned land that was available for communal exploitation, whether via harvesting (public forests), rent, or individual use (common pasture), as well as control of civic festivals: who would be worshipped, and when, and by what means. Beyond these areas of responsibility for local government — which are surely intelligible within many contexts of local government — were added a number of further responsibilities centred on the community's relations with institutions and social authorities at a macro-regional level: for example, the council of the colony of Urso retained for itself the power to adlect a Roman senator or son of a Roman senator as patron of the colony, or to name such a person an official 'guest'. (For such actions, a supermajority was required.)

If we turn away from schematic and normative descriptions of civic institutions and instead examine the records of conciliar action — via a survey of actions attested as taken *d(ecreto) d(ecurionum)*, which is to say, on the basis of a decree of the councillors — a somewhat different array of concerns comes to the fore.[29] This results from the fact, already mentioned, that the evidence for local civic cultures in the West available to modern scholars is nearly entirely epigraphic; and while the charters of civic communities contained clear regulations regarding the operation of civic archives and publicity of information, neither the archives nor publicly posted information were recorded on permanent media. The use of inscription on stone was an expensive choice, made contingently, and reasonably often, the cost of inscription was funded by a private party. Unsurprisingly, inscription was therefore commonly employed to commemorate acts of recognition within the elite: the local elite, constituted as a collective, is seen to thank one of its

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29 Any modern survey must commence with the corpus assembled in Sherk, *The Municipal Decrees*. See also Abbott and Johnson, *Municipal Administration*; Jacques, *Le privilège de liberté*.

own for a civic act, or expresses sympathy (on behalf of the entire community) for the death of a member of an elite family, and so on.

Above I described the systems of honour in the city-states of the West as a closed symbolic system. The particular array of actions attested on epigraphic documents illustrates this aspect of the system in practice, and points to another. That is to say, the epigraphic material points to a symbolically closed system: the actions that are attested in records of institutional bodies are of precisely the types for which individuals are honoured, also on inscribed documents, erected in the same central public spaces over which those persons, constituted as an elite, claimed exclusive control. In short, the elite as collective regularly deployed the social authority it exercised via the city's council in order to congratulate individual members of the elite for successful performance of elite conduct.[30] The epigraphic material also provides us with significant prosopographic data, with which we can analyse the relationship of the political elites of city-states to the often differently constituted economic elite. Later I will consider the complex ways in which socially dispreferred members of the economic elite were both incorporated and held at arm's length. For the moment, let us turn to the constitution of the political elite as a juridical matter, as members of the council.

Only two rosters of civic councils in the West survive, both, as it happens, from communities with the rank of Roman colony. The earlier, the so-called album from Canusium, a bronze plaque inscribed in 223 CE, provides a full list of the one hundred councillors of that year, listed according to rank as determined by the highest municipal office that each person had achieved.[31] The later document, less well preserved, was inscribed on three stones in the senate-house of Thumagadi (Timgad) in 362/63 CE.[32] That these documents were written on permanent media presents a puzzle, of course, insofar as the information that they contain would have become increasingly out of date with the passage of time. (Interestingly, a number of rosters of religious communities and *collegia* survive in the West on permanent media, many of which raise the same questions that one might pose of the two albums.) The chapters concerned with the censorial powers of the *duoviri* in the Flavian municipal law do not survive — these may well have contained regulations ordaining the public presentation of the list of councillors for the year, as, for example, lists of jurors had to be posted. What we can say is nearly contemporaneously with the 'album' of Canusium survives a regulation from Ulpian's work on the duties of a proconsul, ordering the recording and implicitly the publication of a list of councillors:

> Decuriones in albo ita scriptos esse oportet, ut lege municipali praecipitur: sed si lex cessat, tunc dignitates erunt spectandae, ut scribantur eo ordine,

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30   Forbis, *Municipal Virtues in the Roman Empire*; see Ando, 'Review of Ma, *Statues and Cities*'.
31   Salway, 'Prefects, "Patroni", and Decurions'.
32   Chastagnol, *L'Album municipal de Timgad*.

quo quisque eorum maximo honore in municipio functus est: puta qui duumviratum gesserunt, si hic honor praecellat, et inter duumvirales antiquissimus quisque prior: deinde hi, qui secundo post duumviratum honore in re publica functi sunt: post eos qui tertio et deinceps: mox hi qui nullo honore functi sunt, prout quisque eorum in ordinem venit. In sententiis quoque dicendis idem ordo spectandus est, quem in albo scribendo diximus.

> [Decurions must be recorded on a whitened board, as it is prescribed in the municipal charter. If the municipal charter does not specify [an order], then ranks should be observed, so that decurions are written down according to the order determined by the highest office in the municipality each has fulfilled. Thus, those who have held the duumvirate, if this office is highest; among the ex-duumviri, the most senior first. Next, those who have fulfilled the office that ranks next after the duumvirate in the commonwealth; after them, those who have held the office that ranks third; and so on. Finally come those who have held no office, in the order in which each came into the *ordo*. The same order is to be observed in casting votes as we have specified for the writing of the board.][33]

Ulpian claims to be doing no more than urging that the proconsul should require communities to obey the requirement of their charters. In other words, permanence of medium to one side, the compilation and publication of a list of the members of the *ordo decurionum* was expected and standard.

Ulpian further expects that the rank of councillor might be achieved by two types of people, those who had held a magistracy of sufficient rank, and those who had not. As he makes clear elsewhere, the latter group consisted of individuals adlected into the council by the existing councillors. Jurisprudential literature on adlection suggests an array of occasions when a vacancy might open up, including the death of a member, the weakness that comes with old age, and varied forms of judicial punishment that carried a loss in social rank; and the Flavian municipal laws lay down rules for the process.[34] The album from Canusium includes thirty-two non-magisterial councillors among the one hundred members of its *ordo*, and efforts have been made to assess the typicality of its breakdown.[35] The question of its typicality is important because processes of election subjected candidates for magistracy — and hence some portion of the council — to selection according to popular criteria of social

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33   Ulpian, *De officio proconsulis* bk. 3 frag. 2162: Lenel, *Palingenesia juris civilis = Digest* 50.3.1 (trans. by Crawford, with revisions).

34   *Digest* 50.2; *Lex Flavia municipalis*, chap. B. Rules regarding eligibility for magistracy but above all for membership in the council and its procedures occupy much of what survives of the very first regulations we possess on municipal councils: *Roman Statutes* no. 24 (the tablet of Heraclea), ll. 83–141.

35   Mouritsen, 'The Album from Canusium'.

differentiation, though it may well be that by the high Empire, membership in the council was a requirement in standing for the highest offices.[36] Setting that issue to one side, it should at least be clear that in contrast to election by the people, adlection was a process by which the social elite reproduced itself according to its own judgement. In this way, the open-ended nature of admission to the council via election to higher magistracy, in which processes civic voters played a necessary role, was likely counterbalanced by the social conservatism that councils as collectives exercised when selecting on their own part new members.[37] The overriding importance of having a council at full-strength — the necessity that a juridically constituted community should have a political elite — is stressed by Ulpian, even when that good could be achieved only via adlection or conscription of persons marked by a lesser form of social deficiency: 'There is no doubt that bastards can be adlected into the *ordo*', he wrote, citing an imperial rescript, though naturally legitimately conceived persons should be preferred. But if such persons do not exist, then 'bastards of honourable estate and conduct' can also be admitted, 'since it is in its interest for the *ordo* always to be at full strength'.[38]

The selection of magistrates — wielders of public powers and executives on behalf of the council — was always governed by election. To this extent, and in its ideology of legal legitimacy, Roman communities were committed to democratic principles. By this I do not intend that offices were distributed by lot among all members of the *demos*; nor, to cite modern liberal ideal, that all persons affected by the law had the opportunity to vote on those laws. Instead, I intend that offices were distributed by election, and laws were passed by votes of the council. Decision by majority among institutionally mandated electoral bodies was what counted in Roman republican politics.

In any given process, further considerations might intervene. Although on rare occasions a civic council might adlect a resident alien, local citizenship was a prerequisite for local office: in municipalities, for example, one had to be a *municeps* and not an *incola* to hold office.[39] There were also age and wealth requirements.[40] Character and political inclinations being at some level unknowable — and money not wishing to be denied its social power —

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36 Paul, *Sententiae* bk. 1 frag. 1947: Lenel, *Palingenesia juris civilis* = Digest 50.2.7.2.

37 Mouritsen, *Elections, Magistrates, and Municipal Élite*, p. 123.

38 Ulpian, *De officio proconsulis* bk. 3 frag. 2161: Lenel, *Palingenesia juris civilis* = Digest 50.2.3.2: *Spurios posse in ordinem allegi nulla dubitatio est: sed si habeat competitorem legitime quaesitum, praeferri eum oportet, divi fratres Lolliano Avito Bithyniae praesidi rescripserunt. Cessantibus vero his etiam spurii ad decurionatum et re et vita honesta recipientur: quod utique non sordi erit ordini, cum ex utilitate eius sit semper ordinem plenum habere.* See also Ulpian, *Disputationes* bk. 1 frag. 28: Lenel, *Palingenesia juris civilis* = Digest 50.2.2.pr, which urges that no persons should be taken into an *ordo* beyond its prescribed size.

39 The earliest epigraphically attested rule in this regard is *Roman Statutes* no. 15 (so-called *lex Tarentina*), ll. 26–31, specifying that decurions must own property in the town or within the boundaries of the *municipium*.

40 For a simple statement, see Abbott and Johnson, *Municipal Administration*, pp. 64–66.

Roman institutions had long employed wealth requirements as a pre-eminent index of social worth. On the other hand, although the conditions of wealth generation did not themselves promote rapid turnover in local elites, Roman practices in regard to succession to property militated against continuity in power of particular families.[41] (In short, Roman law strongly constrained citizens to distribute an estate on equal terms to heirs, and so tended to break up the patrimony of wealthy individuals.) The evidence of electoral graffiti from Pompeii further suggests that elections were in fact contested, albeit select candidates were able to deploy far greater resources of person-hours in getting campaign slogans on the walls, as it were. The graffiti are particularly useful for revealing the extent of competition for the aedileship, as the lower magistracy tends not to be recorded in funerary epigraphy among the careers of those who obtained a higher office — and literary testimony tends to tell us far more about winners at elections than about those who lost, let alone the number of candidates.[42]

Although it is easy and often appropriate to write of an elite in discussing the sociology of civic life in the cities of the Roman Empire, it is perhaps useful to recall that the elite itself remain internally differentiated in a number of ways. These bear consideration in themselves, and for what they reveal about normative conceptions of civic life in the western provinces. For one thing, city-states were embedded in the structures of Empire, which operated at the level of the law of persons and also through institutions. At the level of the law of persons, for example, in Latin municipalities, persons who were local citizens (and therefore eligible for local office) but alien in respect of Rome were awarded Roman citizenship for themselves and members of their immediate family upon the successful completion of their tenure in office.[43] Roman citizenship was clearly intended to be a mark of social distinction

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41 Jakab, 'Inheritance'.

42 On the electoral graffiti from Pompeii, see Mouritsen, *Elections, Magistrates, and Municipal Élite*: on the dominance of a small set of candidates, see pp. 42–43; on the aedileship, see p. 43; on the likelihood that candidates played a role in the posting of graffiti, see pp. 46–47.

43 *Lex Flavia municipalis*, chaps 21–23. In speaking of local citizens, one enters contended territory. It is certainly true that terms of public law are widely used in respect of communities in the West — *municipium, res publica*, etc. — with complex patterns as regards geography and temporality. This occurs without equally explicit mention of local *citizens*, although (in my view) the languages of local belonging mimic in many respects those of belonging to Rome. The matter deserves extended treatment. Here let me say that while I believe membership in local polities was figured as citizenship in Antiquity, one is free to read my references to local citizenship as merely invoking an analogy with Roman citizenship. In so writing, I do no more than follow the precedent of the Flavian municipal law, which describes the acquisition of Roman citizenship (among other things) as a change of citizenship: *neque civitate mutatus mutata esset* (chap. 22); *si civitate mutati mutatae non essent* (chap. 23). The language of the law implies, as do I, that members of the *municipium* who were not citizens of the city-state of Rome were at least citizens of their local community.

and a reward; the extent and nature of the privileges and obligations that it carried in the high Empire remain under investigation.[44]

It is noteworthy in this context that in specifying the operation of systems of social distinction in civic life, the generic law offered by Rome to municipalities in the West tends *not* to name Roman citizenship as the carrier of distinction but refers to the local matter of the holding of office. For example, the municipal law specifies the order in which parties are to vote in the municipal council: the ordering is first specified in respect of the number of children born to each member in a legal marriage; next to vote are those who have held the highest magistracy, in the order in which they held it; and finally members of the council who do not have legitimate children and who have not held the highest magistracy, according to the order in which each entered the council.[45] A profound social preference for marriage and procreation within the context of marriage is declared and encoded as a public good; likewise, ex-magistrates are honoured, by reference to their status as ex-magistrates and not in virtue of their holding of Roman citizenship, though by virtue of the operation of chapter 21 of the same law, they would all have been Roman citizens.

As regards civic life within regional, provincial, and imperial landscapes, there existed a variety of contexts and institutions — intercity relations within a region; cult at the level of the province; service in imperial administration at the level of the Empire — that established horizons of ambition and activity that took select members of local civic elites outside the polity in which they held citizenship, with complex effects on local life, but which gave rise to few evidences of conflict in the epigraphy of the West.[46] As a related matter, it lay within the power and policy of emperors to grant forms of local privilege — especially exemption from taxes and liturgies — to favoured individuals. These were normally connected to specific learned occupations, and the evidence of imperial correspondence allows us to glimpse the friction that might arise between civic communities and the individuals who sought to free themselves from citizenly obligations — but here, once again, the evidence for conflict in this domain is vastly greater in the eastern Mediterranean (and, indeed, in Asia) than in the West.[47] Again, some of the most notable civic inscriptions from the high Empire in the eastern Mediterranean record foundations by wealthy elites — establishing quadrennial religious festivals in their own name, for example — and these shed immense light on the operation and

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44 Ando and Lavan, eds, *Imperial and Local Citizenship*.

45 *Lex Flavia municipalis*, chap. B.

46 The literature on the provincial cult is of course vast, but one might start with Fishwick, *The Imperial Cult in the Latin West*, and Hemelrijk, 'Priestesses of the Imperial Cult'. For a fascinating study of the formation of a provincial elite via complex interactions between local and imperial politics, as well as interventions by Rome in local and regional political economies, see Syme, *The Provincial at Rome*.

47 Millar, 'Empire and City, Augustus to Julian'.

vitality of local institutions, their interplay with regional and macro-regional networks of cults and religious entertainments, local sources of money and supplies for sacrifice, and so forth. Similar evidence is scarce on the ground in the West. It *may* be that these patterns in evidence, which are revealed and must be assessed in comparative terms, indicate discrepancies in relations between varied elites and their polities; and the patterns might also suggest diminished (effects of) wealth inequality in the West. It might also be that the wealthiest among the Western elites were greatly more likely to be drawn into a senatorial career, effectively absenting them from local civic life.

In the first book of his work *On Duties*, Cicero reflected at some length on what was shared among participants in varied forms of social and political community:

> Gradus autem plures sunt societatis hominum. Ut enim ab illa infinita discedatur, proprior est eiusdem gentis nationis linguae, qua maxime homines coniunguntur. Interius etiam est eiusdem esse civitatis; multa enim sunt civibus inter se communia, forum fana porticus viae leges iura iudicia suffragia, consuetudines praeterea et familiaritates multisque cum multis res rationesque contractae. Artior vero conligatio est societatis propinquorum; ab illa enim immensa societate humani generis in exiguum angustumque concluditur.

>> [There are indeed several degrees of fellowship among humans. To proceed from the one that is unlimited, next there is a closer one of the same race, tribe and language, through which humans are bound strongly to one another. More intimate still is that of shared citizenship; for many are the things held in common by citizens between themselves: the forum, temples, porticoes, and roads; statutes and legal rights; legal judgments and political elections; and, besides these, acquaintances and companionships and those business and commercial transactions that many of them make with many others. A tie narrower still is that of the fellowship between relatives: moving up from the vast fellowship of the human race we end up in a confined and limited one.][48]

Cicero's vision of the things held in common among citizens provides one form of a normative view on infrastructure and institutions that frame citizenly conduct. Another is granted by the colonial and municipal charters, and literary representations of public powers, that survive from the West, not least the consideration granted by Pliny the Elder to the powers of jurisdiction exercised by city-states over their hinterlands, and the remarks on publicly owned properties in the treatises of the Roman land-surveyors. Over against these normative accounts stand epigraphic records of actions taken in the public sphere by magistrates, councils, and citizens. Considerable overlap may

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48   Cicero, *On Duties* 1.53 (trans. by Atkins, with minor changes).

be found throughout this material. Three areas deserve attention, not least in comparative perspective. First, juridically constituted communities were expected to own, and did in fact own, urban and rural properties — urban properties that served civic purposes, of course, but also rural properties such as waterways and woodlands that provided resources in support of citizenly and communal existence; they also owned and managed the roads.[49] Second, the concern of the polity was understood to extend not simply to the upkeep of public buildings, but also to the urban infrastructure writ large: local law regularly forbade individuals from damaging or demolishing buildings, except on provision that the person would restore or replace the building.[50]

A third area of citizenly life delivered into the normative control of the public authorities was the conduct of religion. As was true at Rome, so in the Roman communities of the western Mediterranean, the religious agency and responsibilities exercised by magistrates extended to the conduct of communal sacrifices and organization of festivals. Noteworthy, too, is the explicit allowance in the charter of the Caesarian colony at Urso that magistrates will be responsible for ensuring that monies allocated for sacrifices in public cult to whatever god or goddess is concerned, shall in fact be spent for sacrifice in the relevant temple. It is clearly expected that the range of deities will expand — and elsewhere, the power so to add cults to the public religion of the community of citizens is reserved for the council. It cannot be emphasized strongly enough that notional participation in the shared cults of the community of citizens, even via the ritual actions of one's elected magistrates, was an entailment of citizenship.[51]

Citizenly Life outside Civic Spaces

Greek and Roman communities had numerous inhabitants who existed at the margins of citizenly and political life. These might be sorted into a number of groups, including resident aliens, freeborn members of subordinated communities, freed slaves, and slaves (domestic and public). These categories of persons merit attention in the context of a history of local civic and citizenly life for many reasons, of which I mention two, and they are related. First, acknowledging and studying these persons of deficient legal status — who were

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49 *Roman Statutes* no. 15 (*lex Tarentina*), ll. 39–42; *Lex Flavia municipalis*, chaps 67, 76; *Roman Statutes* no. 25 (*lex Coloniae Genetivae*), chaps 78–79; see also *Commentum de controversiis* (ed. by Campbell, *The Writings of the Roman Land Surveyors*), p. 66, ll. 15–26.

50 *Roman Statutes* no. 15 (*lex Tarentina*), ll. 32–38; *Roman Statutes* no. 25 (*lex Coloniae Genetivae*), chap. 75; *Lex Flavia municipalis*, chap. 62; Ulpian, *Opiniones* bk. 3 frag. 2325: Lenel, *Palingenesia juris civilis* = *Digest* 1.18.7.

51 Scheid, 'Aspects religieux de la municipalisation'; Rüpke, 'Religion in the lex Ursonensis'. See also Scheid, 'Les activités religieuses des magistrats romains'; Scheid, *The Gods, the State and the Individual*.

as ubiquitous as they are invisible — contributes essentially to denaturalize and deconstruct the ideology of politics that elites in Roman cities constructed in justification of themselves. As I have stressed, these acts of justification relied above all on ideologies of democratic legitimacy, in respect of public power and legislation. That is to say, magistrates were represented as legitimate in their exercise of executive functions and the enforcement of law because they were elected; and laws were understood to regulate populations by virtue of their passage by vote among authorized persons. That in all cases, the voters constituted a minority among humans resident in the relevant political space is not a fact to which ancient (normative) representations of politics call attention.

The second reason to attend to these populations at the margins of formal 'politics' is that the figuration of their marginality in ancient texts calls attention to aspects of ancient politics that would otherwise be difficult to see. In particular, the efforts by local authorities to assert control over these populations often reveal deep-seated anxieties about civic finances. Far from being an arena in which worthies perform good citizenship, politics was — or, was *also* — a negotiation over the allocation of resources, and the resources of the marginalized were a temptation that the powerful could not resist.

It is not possible in an essay of this scope to treat the legal and social situation of these populations in detail. In what follows, I treat only exemplary issues that arose in respect of specific classes of marginalized persons.

Resident aliens rose to salience in policy in two contexts: Should they be allowed access to the blandishments of public life — baths, festivals, and the like? And should they, and could they, be forced to contribute to civic coffers? (It was always illegal in Roman law for an alien to usurp the political agency of citizenship, including voting in elections and serving on juries.) In the words of Cicero:

> Male etiam qui peregrinos urbibus uti prohibent eosque exterminant, ut Pennus apud patres nostros, Papius nuper. Nam esse pro cive qui civis non sit rectum est non licere, quam legem tulerunt sapientissimi consules Crassus et Scaevola; usu vero urbis prohibere peregrinos sane inhumanum est.
>
> > [They also act badly who prevent foreigners from enjoying their city and banish them, as Pennus did in our fathers' time and Papius recently. It is right not to allow one who is not a citizen to act as a citizen: those wisest of consuls Crassus and Scaevola carried that law. However, to prevent foreigners from enjoying the city is surely inhuman.][52]

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52   Cicero, *On Duties* 3.47 (trans. by Atkins). The *lex Licinia Mucia* was passed when Crassus and Scaevola were consuls in 95 BCE and established a tribunal to prosecute those enrolled as citizens against the law. Marcus Iunius Pennus, tribune in 123 BCE, carried a law forbidding non-Romans from living in Roman towns. Gaius Papius, tribune 65 BCE, carried a law aimed at preventing the usurpation of citizenship status by expelling non-Romans who originated from beyond the limits of Italy.

Cicero's position begged the question, of course, of how the enjoyment by foreigners of the city was to be funded. A consistent tide of evidence from the West in the early second century CE reveals cities and officials to have sought — successfully — the right to impose liturgical obligations on resident aliens, particularly those who owned landed property.[53]

Freed slaves constituted another class of persons with potentially great economic resources, which resources would ordinarily have translated into considerable social authority.[54] Of course, under the regular operation of the Roman law of persons, freed slaves could not hold public office — though their sons could — and yet freed slaves were overcommitted to participation in those forms of publicness that were available to all citizens, not least epigraphy.[55] These factors issued in the institutionalization, across the West, of a system of voluntary associations nearly wholly composed of freed slaves, the *Augustales*. The form and activity of the associations, and the titles associated with them, varied from place to place. It can nevertheless be said that their activities limned those performed by elected public authorities; the social and economic energies of prominent freed slaves were thus captured and, in a process of strategic ambiguation, made to reflect normatively public honours without wielding statal power.[56]

A more complex version of these problems was raised by persons who were not citizens of a given city-state but resided in a community that was administratively subordinated to it.[57] Such communities were subject to the broad powers that were itemized above: to pay taxes or contribute goods in kind, or use the city-state's market, or contribute labour, whether of humans or animals, to public projects.[58] Their flourishing posed a particularly acute danger to city-states, insofar as it was possible for subordinated villages to

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53 Sherk, *The Municipal Decrees*, no. 2 (Aquileia, 105 CE); Agennius Urbicus, *De controversiis agrorum* 42.5–9 (ed. by Campbell, *The Writings of the Roman Land Surveyors*): *Sed <h>aec quaedam coloniae aut beneficio conditorum perceperunt, ut Tudertini, aut postea apud principes egerunt, ut Fanestres, ut incolae, etiam se essent alienigenae, qui intra territorium colerent, [alii h]ominibus [h]oneribus fungi in colonia[m] deberent. Hoc Fanestres nuper inpetraverunt, Tudertini autem beneficio habent conditoris;* 'However, some colonies, either through the generosity of founders, like the people of Tuder, or subsequently by appeal to emperors, like the Fanestres, gained this (concession), namely, that the inhabitants who cultivate land in their territory, even if they belonged to another community, should be liable for the performance of all obligations in the colony. The Fanestres gained this right recently; the people of Tuder hold it through the generosity of their founder'.

54 On freed slaves in the Roman economy, see Mouritsen, *The Freedman in the Roman World*, pp. 206–47.

55 MacLean, *Freed Slaves*, pp. 21–27 and passim.

56 Mouritsen, *The Freedman in the Roman World*, pp. 248–78. On the utility of the (deliberate) complexity of such social systems, see Hopkins, *Sociological Studies in Roman History*, pp. 324–26.

57 There has been no monographic treatment of the topic since Laffi, *Adtributio e contributio*. The topic demands sustained investigation.

58 See above, notes 20–21.

petition imperial authorities for the right to form a city-state in their own right. At the same time, as non-residents of the city, such persons did not actualize the Ciceronian principle of 'enjoying the city'; in consequence, it was difficult to justify the imposition of civic liturgies on village elites. In the language of Ulpian, a person could be regarded as having domicile in a municipality — and therefore might be subject to liturgies — if he 'conducts business there; sells, buys and contracts there; frequents the forum, bath and entertainments there; celebrates festivals there; in fact, enjoys all the conveniences of the municipality'.[59] High imperial evidence suggests, occasionally, complex negotiations in which village elites were sometimes granted access to social honours in civic events — for example, reserved seating in the amphitheatre — and sometimes given access even to lower civic offices. By these grants such persons were given access to the council — and, via magistracy, to Roman citizenship — but were also made subject to the liturgies of the curial class.[60]

Conclusion

The history of local citizenship and civic participation in the West can be told in at least two ways. One route is to focus on public-law institutions. In this way, one can trace the outlines of public power and its operations, as these were envisaged in charters crafted at Rome, and likewise assess their operation in actuality, through records of civic and public action by members of city-states and their legislative assemblies. This evidence is remarkably robust and expresses a coherent view of the aspirations of local political communities over the long history of the Empire, both on the eve of the universalization of Roman citizenship, when many African communities achieved the status of *res publica*, and thereafter, when communities still petitioned for the status of city-state, citing their ability to populate a council (meaning they could generate a local elite and guarantee the functions of political leadership that such an elite would fulfil), constitute markets, and provide public amenities.[61]

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59   Ulpian, *ad Edictum* bk. 2 fr. 191: Lenel, *Palingenesia juris civilis* = *Digest* 50.1.27.1 (trans. by Watson, with minor changes): *Si quis negotia sua non in colonia, sed in municipio semper agit, in illo vendit emit contrahit, in eo foro balineo spectaculis utitur, ibi festos dies celebrat, omnibus denique municipii commodis, nullis coloniarum fruitur, ibi magis habere domicilium, quam ubi colendi causa deversatur.*

60   The best-attested case of civic incorporation of elites from among attributed populations is *ILS* 6680. Seating reserved for villagers: see, e.g., *ILS* 5653e (Pompeii); *CIL* XIII 6421a–3, 6422a–b (Lopodunum); *CIL* XIV 2121 (Lanuvium).

61   The late ancient petitions for city-state status, from Tymandus (*MAMA* IV 236) and Orcistus (*AE* 1999, 1577), happen to derive from the eastern Mediterranean; I note in passing that both happen to be in Latin.

Another route stands apart from ancient representations of politics and the social, political, and economic interests that these advanced, and seeks to understand how these representations worked to legitimate particular distributions of legal privilege and public power, and thereby to exclude parties on the social and geographic margins from having civic life at all. Inquiry along these lines reveals the dependency of 'politics', as it were, on fragile and continuously negotiated acts of holding such persons at arm's length, neither drawing them in nor letting them go. In short, the operations of demography and economics continuously generated wealthy persons outside the domain of the civic, and the health over generations of Roman city-states in the western provinces depended crucially on the success of local elites in co-opting that wealth and those persons sufficiently into norms of citizenly conduct to make them contribute to, rather than distend and distort, the city.

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C É D R I C   B R É L A Z

Democracy, Citizenship(s), and 'Patriotism'

Civic Practices and Discourses in the Greek Cities under Roman Rule

Introduction

Citizenship and democracy are usually regarded as the most distinctive achievements of Greek political experience during the Classical period. The Greek innovation in this field — together with the Roman concepts of *res publica* and *civitas* — is commonly considered to have been a paradigm for subsequent political experiments, not only in Antiquity, but even in later periods, down to the liberal revolutions of the eighteenth and nineteenth centuries which claimed Classical models for modern republicanism.[1] In this context, the changes experienced by Greek democracy and, more broadly, by Greek city-states over time, especially under Roman rule, have for a long time been addressed in scholarship on the basis of preconceived views, particularly in light of the idealization of the fifth-century BCE Athenian democracy. This led to a narrative presenting democracy and citizenship in Greek cities as undergoing a gradual but unavoidable decay as time went on. According to this decline theory, democracy would have started to fall apart from the late fourth century BCE with the defeat of Athens before Philip II, king of Macedon, at the Battle of Chaironeia in 338 BCE, and with the city's introduction of a property qualification to enjoy full civic rights in 322 after the revolt of Athens against Macedonian rule, in the aftermath of Alexander's death, was quelled. The disintegration of Greek democracy would have been exacerbated in the late Hellenistic period due to the rise of local aristocrats and to the intervention of Rome in the eastern Mediterranean, both factors

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1 Moatti, *Res Publica*.

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accounting for the decrease of popular participation in Greek cities.[2] Moreover, the common view with regard to citizenship has been that the very relevance of this concept would have been undermined in the Greek world during the Roman imperial period because of the spread of Roman citizenship.[3] The existence of this overarching, global citizenship and the fact that it would have been widely granted, allegedly even before the *Constitutio Antoniniana* was issued in 212 CE, would have made citizenship in Greek cities obsolete.

The aim of this chapter will be to reassess these assumptions and to determine the significance of both concepts — democracy and citizenship — for civic life in the political communities which were organized after the pattern of Greek cities in the eastern provinces of the Roman Empire, from the first to the third century CE. Greek cities were by far the most widespread type of political entities in the eastern Mediterranean under Roman rule, though with great variations depending on the region. In Greece, in most parts of Asia Minor, as well as in north-west Syria, cities organized according to the Greek standard of the *polis* were privileged partners of Roman power which relied on these polities for local administration. In areas where the model of the Greek city had not been disseminated by Hellenistic rulers, like in eastern Anatolia or in the Near East, Roman emperors deliberately fostered the creation of Greek cities or the promotion of local communities to the status of a Greek city. The predominant position of Greek cities, however, did not preclude the existence in the eastern provinces of the Roman Empire of other, 'sub-civic communities', either villages which might or might not be subject to *poleis*, or ethnic tribes having their own social and political institutions different from those of a Greek city.[4] The reasons why Roman power promoted the diffusion of the model of the Greek city in the East are partly rooted in Rome's recognition of the cultural relevance of the *polis* for organizing local communities, and implicitly as a model for Rome itself as well given its long and deep relationship with Greek culture.[5] Unlike in the West where Rome decided to replace the local political communities with the models of the Roman *municipium* or *colonia*, Greek cities were not provided with a standardized constitution patterned after the Roman state itself. Each Greek city could continue using its own laws and customs. The sovereignty of the Roman state, however, was imposed on local communities from the time of Augustus, and Greek cities were deprived from many of their prerogatives.[6]

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2 De Ste. Croix, *The Class Struggle in the Ancient Greek World*, pp. 300–326. For the ordinary views expressed in scholarship on this issue, see Brélaz, 'Democracy and Civic Participation'.

3 Dmitriev, *City Government*, p. 327.

4 Ando, 'City, Village, Sacrifice'. On villages in Asia Minor for instance, see Schuler, *Ländliche Siedlungen und Gemeinden*. Moreover, the absence of formally constituted *poleis* in a region did not mean that towns were inexistent, as shown by the example of the province of Egypt.

5 Millar, 'The Greek City in the Roman Period'; Ando, 'The Roman City in the Roman Period'.

6 Brélaz, 'Motifs et circonstances de l'ingérence des autorités romaines'.

In what follows, I will try to appraise the impact of Roman rule on two of the most important characteristics of Greek cities prior to Roman rule, that is, on the one hand, the fact that Greek city-states had been groups of active citizens showing a deep attachment to the political communities they were part of, and, on the other hand, that the people had had a great share of power in local governance through formal institutions and had played a prominent role in civic life through symbolic performances. In order to decide whether citizenship and democracy were still relevant in Greek cities under Roman rule, I will look at both the civic practices and discourses: I will examine not only the place assigned to the people as a political actor and the prerogatives entrusted to them within the institutions of the Greek cities during that period, but also the mental representations of civic practices (especially civic participation) and the values attached to them in public discourse and ideology. This essay, alongside Clifford Ando's chapter devoted to similar issues but for the western provinces of the Roman Empire (see above in this volume), will aim to set the historical and conceptual background for the use of the concepts and practice of citizenship and democracy (or civic participation) in later periods. It should be understood as a starting point to explore how civic identities and civic participation, determined by the political experience of local communities within the Roman Empire, evolved from the late third century CE and were transformed in Late Antiquity and the early Middle Ages, an issue which will be discussed in detail in the following chapters.

The *Demos* in the Greek Cities under Roman Rule: Disrupted Democracies, Civic Participation, and the 'Regime of the Citizens'

One of the most significant changes in the political life of Greek cities during the Hellenistic period was the gradual concentration of power in the hands of the local elite. These notables used birth, education, ethics, and wealth as forms of social distinction from the rest of the population. As time went on, they started behaving unambiguously in an aristocratic way, openly calling themselves the 'best' (*aristoi*) or the 'first' (*protoi*) as if they were a closed group, and developing familial — almost dynastic — strategies, although they did not possess any hereditary titles of nobility.[7] Thanks to their wealth, these local dignitaries became prominent figures in civic life, staging themselves through magnificent benefactions offered for the public good and through the honours they received in return from the community, such as statues depicting them erected in the public space. Although it allowed notables to express their influence over the public life, this system of mutual exchanges of gifts between powerful individuals and communities, commonly known as euergetism, was

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7   Hamon, 'Élites dirigeantes et processus d'aristocratisation'.

conceived within the frame of civic institutions and ideology.[8] The rise of the local elite in Greek cities was a long-term trend of which the early stages, paradoxically enough, could already be seen in fifth-century BCE Athens in the role played by leading politicians such as Pericles.[9] This inner evolution of Greek society during the Hellenistic period was undoubtedly reinforced by the intervention of Rome in the Greek world at the beginning of the second century BCE. The Roman Republic constantly gave political and even military support to local aristocrats throughout Greece to avoid democratic factions seizing power.[10] In some cases, political constitutions were even changed in order to restrict the exercise of civil rights or the access to local offices to the wealthiest part of the citizens who would not introduce revolutionary — namely democratic — changes in local politics.[11] Despite Pausanias's assumption that it had been a deliberate intention of the Roman consul Mummius to tear down democracies throughout Greece as he tried to establish governments based on property qualifications in the aftermath of the Achaean War in the mid-second century BCE, there is no evidence for the systematic interference of Rome on a broad scale in the construction of political constitutions throughout the Greek world.[12] Therefore, the changes caused by Rome in some places in the second century BCE are not solely responsible for the long-term alterations which affected democracy during the Hellenistic period.

Whatever the impact of Rome's intervention might have been, we can observe deep changes in the political institutions and in the civic life of the Greek cities during the late Hellenistic and early imperial periods. Unlike in Classical Athens, members of the council (*boule*) in most cities under Roman imperial rule were no longer appointed for a short period by drawing lots, but were now the co-opted lifetime members of a board which was open only to the citizens who were wealthy enough to provide their homeland with benefactions.[13] Although it does not seem to have been a formal requirement in every city — unlike in the local communities provided with a Roman constitution such as *municipia* and colonies — in practice a property qualification was needed for a member to be integrated into the council.[14] Moreover, the officials were now selected only from among the councillors who were regarded as forming a closed group.[15] For that technical reason, offices were now monopolized by

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8   Brélaz, 'Les bienfaiteurs, "sauveurs" et "fossoyeurs" de la cité hellénistique?'. See also Domingo Gygax, *Benefaction and Rewards*.

9   Habicht, 'Ist ein "Honoratiorenregime" das Kennzeichen der Stadt im späteren Hellenismus?'.

10 Touloumakos, 'Der Einfluss Roms'; Ferrary, 'Les Romains de la République et les démocraties grecques'; Ferrary, 'Démocratie(s) des Anciens'.

11 Livy, *The History of Rome* 34.51.5–6; *Syll.*³ 646, 684.

12 Pausanias, *Description of Greece* 7.16.9. See Brélaz, 'Democracy and Civic Participation'.

13 Heller, 'Les institutions civiques grecques sous l'Empire'.

14 Dmitriev, *City Government*, pp. 154–57.

15 The Greek word *tagma*, which can be compared to the Latin *ordo*, started to be used to refer to members of local councils: see Heller, 'La cité grecque d'époque impériale'.

local aristocrats. This was a clear limitation to the people's ability to take part in the government of the cities. These changes resulted in the disintegration of the equality (*isonomia*) between citizens and in the restriction of the people's sovereignty, two core principles on which Classical democracy relied, and can therefore be considered significant encroachments upon democracy.[16]

Despite the emergence of local 'big men' promoting aristocratic values and discourse and despite the institutional transformations which secured them power over the vast majority of the citizens, Greek cities in the imperial period were never turned into formal oligarchies.[17] The most important democratic institutions, like the popular assembly, were preserved and maintained as crucial mainstays of civic life. In particular, there was apparently no general restriction based on wealth for the citizens to take part in the popular assemblies in the Greek cities during the imperial period, as was the case, on the contrary, in late fourth-century BCE Athens. In some cases, social or ethnic discrimination could prevent some categories of the population from enjoying full civil rights, such as the *paroikoi* or inhabitants settled in the countryside of some cities in Anatolia.[18] But these few exceptions do not affect the overall picture we can get from the epigraphic record which points to a broad participation of citizens in popular assemblies, as is also apparent from the fact that the division of the citizens into several tribes, or electoral constituencies, was still effective in the imperial period, not only for the purpose of ritual performances or celebrations of the political body, but also apparently during voting processes in the *ekklesia*, as in Roman *municipia* and colonies in the West.[19] Many inscriptions mentioning the *demos* or the *ekklesia* during the imperial period suggest that popular assemblies continued to meet and discuss the interests of the citizen body on a regular basis and that a form of democracy was still current in Greek cities at the time.[20]

In particular, the popular assembly still played a crucial role in the decision-making process with respect to the council (*boule*) and to the officials. From a close examination of the procedure referred to in decrees from the cities of Asia Minor in the imperial period — most of them honorific because the eagerness of local elite for self-promotion has led to

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16 Hamon, 'Démocraties grecques après Alexandre'; Hamon, 'Gleichheit, Ungleichheit und Euergetismus'.
17 See Simonton, *Classical Greek Oligarchy*.
18 This was also the case, for instance, of the so-called 'linen-workers' who, according to Dio Chrysostom, *Second Tarsic Discourse* (34), 21–23, were regarded as a marginalized group in Tarsus in Cilicia and were not allowed to act like the other citizens. In the same way, we are told of a group of *ekklesiastai* in a pair of cities in Pisidia and Pamphylia who were distinguished from the ordinary *politai* (*IGR* III 409, 800–801): this may suggest that full citizens who were able to take part in the assembly were set apart from other 'passive' citizens.
19 Kunnert, *Bürger unter sich*. For the situation in the West, see Laffi, 'La struttura costituzionale nei municipi e nelle colonie romane'; Brélaz, *Philippes, colonie romaine d'Orient*, pp. 119–20.
20 Fernoux, *Le 'Demos' et la Cité*, pp. 81–109.

the over-representation of this kind of documents in our evidence — one can infer that, beyond the formulaic phraseology of these documents, the *demos* was in some cases able to take the initiative on a decision alone.[21] An issue could first be discussed in the *ekklesia* and only later transmitted to the council;[22] or the people could ask the officials to prepare a decree or a law that would then be voted on by the *ekklesia* and the council;[23] or the people could even vote on a decree alone without the council's participation.[24] All of these options, depending on the circumstances and on the city, are attested. Even a *probouleuma* — that is, a decree prepared by the council and only needing to be ratified by the *ekklesia* — could result from a dialogue between these two institutions, and even from an initial proposal emanating from the *demos*.[25] We cannot therefore assume, as some scholarship does, that the *ekklesia*'s duties were definitively overwhelmed by the council and by the probouleumatic procedure from the late Hellenistic period onward. The decision-making process evidently implied a continuous back-and-forth movement and a close cooperation between the two main actors, the *boule* and the *ekklesia*. What is more, the people were still perceived as the most prominent expression of the political community's will, since the very word *demos* was regarded as sufficient to refer to the city as a whole, especially in laudatory inscriptions engraved on statue bases in accordance with the provisions of honorific decrees.[26] Within the limits on the sovereignty of local communities set by Rome's supremacy (many topics, which had been dealt with by cities themselves until then, fell into the prerogatives of Roman provincial administration from the reign of Augustus onwards, such as external defence, foreign policy, supreme jurisdiction, higher authority in various matters like taxation, etc.), the people, alongside with the council and the officials, were still considered the chief representatives of the autonomy which Greek cities could enjoy under Roman rule.

Popular assemblies during the imperial period were not just a formal vestige of the true democratic tradition dating back to the Classical period. Testimonies of the Greek orators and thinkers of the time, such as Dio Chrysostom and Plutarch, suggest that the *ekklesia* was a place where the people could discuss important matters and express their views, where local elite were typically challenged when addressing the audience and when trying to persuade the

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21 Fernoux, *Le 'Demos' et la Cité*, pp. 157–250; Brélaz, 'La vie démocratique dans les cités grecques'.

22 E.g. *I.Aphrodisias* 2007, no. 11.16 (Aphrodisias, Caria, mid-first cent. CE).

23 E.g. *IGR* IV 145 (Cyzicus, Mysia, 37 CE).

24 E.g. *I.Iasos* 99 (Iasos, Caria, first cent. CE).

25 E.g. *I.Aphrodisias* 2007, no. 12.207 (Aphrodisias, Caria, mid-first cent. CE). This was already the case in fourth-century BCE Athens, although it is true that the council started to have an increasing influence over the assembly in the decision-making process from the third century BCE: see Lambert, *Inscribed Athenian Laws and Decrees*, pp. 227–71.

26 E.g. *AE* 2012, 1478–79 = *SEG* 62.917–18 (Iulia Gordos, Lydia, first cent. CE).

people, and where political life on the whole was very lively, if not turbulent.[27] The people — according to the consistent use of anti-democratic language by aristocrats from the mid-fifth century BCE onwards[28] — were sometimes deliberately qualified with contempt by notables as a crowd (*ochlos*/*plethos*) instead of as a political body (*demos*) in order to delegitimize them and to emphasize the power the ordinary citizens could exercise towards the elite simply because of their number.[29] Next to the powers which were still officially accorded to the popular assembly within the political institutions of Greek cities in the imperial period, the people also had a substantial weight in the public life as a group. This fundamental sociological factor explains the tension existing between the people and the notables in Greek cities under Roman rule, and in particular why the elite could not simply ignore the people as a political force. The ability of the people to put pressure on local dignitaries — not only morally when asking for benefactions, but also through shouting and even physical intimidation during popular assemblies or spontaneous gatherings — was a significant incentive for euergetism. Moreover, local officials continuously had to make sure that riots would not arise because of popular discontent, whatever the reason might be (one can mention, for instance, food shortages, price inflation, rivalries with the council or other corporate bodies, popular uprisings against minority groups such as Jews or Christians, etc.).[30] Another illustration of the people's informal influence in civic life is acclamations, that is, the fact that the popular will came to be more and more often expressed during the imperial period by common shouting that would allegedly arise spontaneously from the crowd. This shouting occurred most of the time in support of a decision or in praise of a member of the local elite, of a governor, or of the emperor himself. This should not be seen, however, as proof that the people had been gradually depoliticized by that time, as is often assumed in scholarship. Popular gatherings involving such acclamations very often took place within lawful assemblies, and the shouting itself was sometimes transcribed, engraved on stelae, and displayed as if it was the result of a formal decision emanating from the people, as would have been appropriate for a decree.[31] Moreover, acclamations by the people were in many cases just a preliminary step leading to the issuance of a decree by the *ekklesia* in its usual institutionalized form.[32] The importance of acclamations was magnified in the later Roman period because general agreement arising from the people was seen as the sign of the gods' (or God's) approval, which was consistent with the unitarian religious conception which emerged at the

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27 See, e.g., Dio Chrysostom, *Euboean Discourse* (7), 24–26. See Ma, 'Public Speech and Community'.

28 See in particular the introduction by Lenfant of her edition of the aristocratic essay known as the 'Constitution of the Athenians': Pseudo-Xénophon. *Constitution des Athéniens*.

29 See below, notes 36 and 44, as well as Acts 19. 30–40.

30 Brélaz, *La sécurité publique en Asie Mineure sous le Principat*, pp. 56–64.

31 Kuhn, 'Emotionality in the Political Culture of the Graeco-Roman East'.

32 See, e.g., *SEG* 51.1813 (Termessos, Pisidia, mid-third cent. CE).

time, including among pagan cults. Questions still remain about how unanimity was actually reached and what role may have been played by the local elite in shaping the slogans that would be shouted.

If it is true that the people continued to be involved in civic life, as I have been arguing here thus far, there were at the same time deep changes in the political institutions and practice of the Greek cities in the imperial period. This was primarily the case with regard to the status of councillors, the method of appointing officials, and the special place given to the council in local governance. One may, therefore, ask whether the word 'democracy' can be used to qualify the political regimes and the kind of civic participation we have been describing thus far. What is very striking when we consider the issue of Greek democracy under Roman rule is the huge discrepancy we can observe between the presence of some democratic characteristics in practice, in the way institutions operated as we have just seen, and the almost complete absence of any reference to the term 'democracy' and to the concept of democracy in the public discourse and in political thought at that time. The two most common uses of the word *demokratia* in the imperial period referred to either the Roman Republic (in this sense, *demokratia* came to translate the Latin *res publica*)[33] or to the idealized regime of fifth-century Athens.[34] The word *demokratia* then tended to become in the imperial period a 'fossilized' concept used only to describe past political experience. Symptomatic of this, for instance, is the use of *demokratia*, together with *monarchia* and *oligarchia*, in an essay attributed to Plutarch which aimed to determine which form of government was the best: this treatise was deliberately developed as a formal rhetorical exercise fitting the Platonic and Aristotelian tradition of political philosophy. In this context, the author was ready to admit, at least from a theoretical point of view, the possibility of the existence of democracy as a political regime, even if he ultimately concedes that, as was argued by Plato, monarchy should be regarded as the best regime.[35] On the contrary, in his 'Precepts of Statecraft', which was intended as a kind of handbook teaching the notables of his time how to behave in their political careers, Plutarch himself — although he refers to the actual role played by the people (*demos*) among local institutions or by the crowd (*ochlos*) in the everyday life of the cities — did not even mention *demokratia* with regard to the Greek cities of his time, as if the nature of the political regime, and especially democracy, was no longer an issue or a concern for them.[36] In the rare instances when Greek

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33 See, e.g., Plutarch, *Life of Publicola* 10.7. For the recurrent use of *demokratia* with this meaning by Cassius Dio, see Bellissime, 'Polysémie, contextualisation, re-sémantisation'.

34 See, e.g., Pausanias, *Description of Greece* 1.3.3.

35 Plutarch, *On Monarchy, Democracy and Oligarchy* 826C–827C.

36 See, e.g., Plutarch, *Precepts of Statecraft* 802E, 815A. The only two instances of *demokratia*, in one case, refers to the regime of Classical Athens (802B) and, in the other case, is included in a philosophical discussion about the significance of knowing how to command and to obey, two alternating attitudes which are experienced in a 'democratic regime' (816F).

political thinkers and orators mention *demokratia* in the imperial period, it was usually to depict this regime as something fictional or as something impossible to be implemented despite its potential merits. This was the case in Dio Chrysostom's 'Third Discourse on Kingship' or in the debate between Agrippa and Maecenas exposed by Dio Cassius, since Augustus would give in the end his preference to the latter who had advocated monarchy over democracy.[37] Or democracy was just used as a metaphor as in Aristides' *Praise of Rome* where Rome, since it was bringing together the whole of mankind under its rule, was, ironically, depicted as a global city which would have been the only true democracy.[38]

It is telling that the Greek cities themselves did not use the word *demokratia* in official documents to describe their own political regime at that time. If we consider that *demokratia* was the usual word used during the Hellenistic period, down to the 40s BCE, to refer to the local autonomy which Greek cities still enjoyed, even under the hegemony of the Hellenistic kingdoms and the Roman Republic,[39] we must admit that major changes of some form apparently occurred at the beginning of the Roman imperial period. This was undoubtedly due to the autocratic and authoritarian nature of the regime of the Principate which was very suspicious of any political movement implying support by the people. In this area, the Roman authorities' requirements, as during Rome's intervention in the Greek world in the second century BCE, once again aligned with the expectations of the local aristocracies, which were trying to limit the people's influence in political life. *Demokratia* started to be seen as a potentially subversive word in the Roman imperial period and, for that reason, Greek cities, as well as Greek political thinkers, culled this term from their vocabulary. Its use was restricted to very specific contexts — references to the past and fictional rhetorical exercises — which contributed to making democracy something unreal at that time. The only exception came from some free cities, which continued to use the word *demokratia*, together with *eleutheria* ('freedom') and *autonomia* (to be understood as the ability to use its own laws or 'independence'), to refer to the special status they were enjoying within the Roman Empire, since they were in theory not subject to the provincial administration.[40] The association of these three terms to express the independence of Greek cities dated back to the fourth century

37 Dio Chrysostom, *Third Discourse on Kingship* (3), 47; Cassius Dio, *Roman History* 52.1–41. See Coltelloni-Trannoy, 'La πολιτεία impériale d'après Cassius Dion'; Hollard, '"Monarchie" et "Démocratie"'; Gangloff, *Pouvoir impérial et vertus philosophiques*, pp. 316–26. The fact that Cassius Dio put forward arguments in favour of democracy through Agrippa's speech, however, might be the expression of a more nuanced view of the author on this issue: see Adler, 'Cassius Dio's Agrippa-Maecenas Debate'.

38 Aristides, *Praise of Rome* (26), 36–38. See Pernot, 'Aelius Aristides and Rome'.

39 Ma, 'Whatever Happened to Athens?'.

40 See, e.g., Oliver, *Greek Constitutions*, no. 34 (Rhodes, 55 CE); *I.Stratonikeia* 14 (Stratonikeia, Caria, late second cent. CE). See Guerber, *Les cités grecques dans l'Empire romain*, pp. 33–77.

BCE. As a matter of fact, political institutions in several free cities maintained a character which was more democratic than in cities which were directly subordinated to Rome — for instance, the popular assembly still served as a court in Athens and Rhodes, and some officials still seem to have been drawn by lots in Cyzicus in the imperial period.[41] These cities might have deliberately wanted to keep explicit democratic practices as a distinctive feature of their political identity and their independence from Rome.

Yet, given its expandable meaning, it would not have been impossible to use the word 'democracy' to describe the constitution of the Greek cities under Roman rule. Democracy in Antiquity should not be reduced to the case of Classical Athens, which, as in many other fields, was unusual. As today, there was a whole range of ways for democracy to be implemented and experienced, from the fifth-century Athenian radical democracy to the 'moderate' democracy of Hellenistic and imperial times. Greek political thinkers were aware of the full range of meanings of democracy. In the aforementioned essay attributed to Plutarch, for instance, the adjectives *autonomos* and *akratos* (that is 'relying on its own initiative' and 'uncontrolled') were used to describe the Athenian democracy of the Classical era because of the extent of the powers held by the *demos*.[42] On the contrary, Aristotle himself in his 'Politics' was even ready to call democracy a regime in which access to offices would depend to some extent on property qualifications.[43] One must admit, then, that there were various categories of democracies (Aristotle uses the word *eidos/eide* to refer to these various sorts of democracies), some of them even conflicting with the basic requirements of democracy according to the Athenian standard set forth by the same Aristotle in his 'Constitution of the Athenians' — like equality between citizens, the appointment of members of the council and of officials by drawing lots and by rotation, the ability of the popular assembly to serve as court of justice. For the political and ideological reasons set out above, local aristocrats and political orators, however, would refrain from using the word *demokratia* to describe civic life in Greek cities under Roman provincial administration. A more general, and less sensitive, expression would have been preferred to describe the political regimes in Greek cities such as the 'ancestral constitution' (*patrios politeia*) or the 'ancestral laws' (*patrioi nomoi*), emphasizing the conservative nature of their institutions. This is made clear for instance by the dedication offered to Emperor Claudius by the elite of Lycia, in south-western Asia Minor, to thank him for his support in their struggle with the local democratic factions and for his help in 'recovering their ancestral laws (*patrioi nomoi*)' and in 'transferring the government (*politeia*) from the thoughtless multitude (*plethos*) to the councillors who were selected

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41   Fournier, *Entre tutelle romaine et autonomie civique*, pp. 111–64, 185–204; Kunnert, *Bürger unter sich*, pp. 97–100.

42   Plutarch, *On Monarchy, Democracy and Oligarchy*, 826E.

43   Aristotle, *Politics* 4.4.24 (1291b).

from among the best (*aristoi*)' — these elite having been members of the council of the Lycian confederacy explicitly appointed by the first Roman governor after Lycia, on this occasion, was turned into a province.[44] *Politeia* was a neutral term which had a very generic meaning and, depending on the context, could refer to the status of citizenship, as well as to the constitution, or even to any form of government. Describing the constitution prevailing in Greek cities under Roman rule as 'polity', or 'regime of the citizens', was, in a sense, euphemistic, since it overlooked the prominent role played in these political communities by the wealthiest portion of the population which displayed aristocratic behaviour, and since the largest share of power was now in the hands of the local elite. At the same time, by talking of the 'regime of the citizens', local aristocrats admitted that the whole political community still consisted in the gathering of all its members and that the legitimacy of the city relied on its citizens. Interestingly, *politeia* was precisely the name given by Aristotle to the regime he promoted in his 'Politics', that is, a constitution where only a portion of the citizens, who were considered the 'best' and who had to meet certain property qualifications, would be able to make the key decisions.[45]

Local Citizenship(s) and 'Patriotic' Identities in the Eastern Provinces of the Roman Empire

As we have just seen, the concept of citizenship stood at the core of the self-definition of political regimes in Greek cities during the imperial period. This observation contradicts the assumption that the very value of citizenship progressively faded away in the Roman Empire as an unavoidable consequence of the diffusion of Roman citizenship at an early stage. According to a mainstream view in scholarship,[46] Roman citizenship would have largely been widespread through the provinces of the Roman Empire during the first two centuries CE, even before the *Constitutio Antoniniana* was issued in 212 CE. In this context, the *Constitutio Antoniniana* would only have been a formal act consisting of the logical completion of a natural long-term process through which Roman citizenship would have been continuously and regularly granted to foreigners from the late republican period onwards. The logical consequence of the increasing number of Roman citizens in the provinces by the late second century CE would have been a decrease in the attention paid to the concept of citizenship, and in the practical and symbolic values assigned to

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44 *AE* 2007, 1512a. See Thornton, 'Gli *aristoi*, l'*akriton plethos* e la provincializzazione'.

45 Aristotle, *Politics* 4.9.1–10 (1294a–b); 4.14.8 (1298a–b). On the applicability of Aristotle's concepts to the actual situation of Hellenistic cities, see Fröhlich, 'La citoyenneté grecque entre Aristote et les Modernes'.

46 See for instance Dmitriev, *City Government*, pp. 331–34.

it. Yet, recent model-based studies have shown that the percentage of Roman citizens among the total population of the Empire before the issuance of the *Constitutio Antoniniana* has been overemphasized in scholarship so far. In a ground-breaking paper, Myles Lavan, relying on demographic modelization and probabilistic methods, has convincingly calculated that at the most 30 per cent of the overall adult freeborn male population across the Empire possessed Roman citizenship before 212 CE.[47] Moreover, we can see from epigraphic evidence that there were large discrepancies in the number of Roman citizens among local elite within the Greek-speaking provinces depending on the city.[48] The spread of Roman citizenship into the eastern provinces of the Empire had different patterns and speeds. The various provinces were not impacted to the same extent. Hence the significance given, and the value attached, to Roman citizenship varied deeply depending on regional/local contexts and, in particular, on the proportion of Roman citizens among the local population.

Cities like Athens or Ephesus where almost all of the most important officials had already been Roman citizens by the Flavian period were exceptions.[49] Roman citizenship, however, never became a formal requirement to enter the council or to hold local offices in Greek cities. In most cities throughout Asia Minor and Greece, only a portion of the local elite possessed Roman citizenship. In the mid-first century CE, Roman citizenship was still considered unusual in Greece among the local elite. In Epidaurus in the Peloponnese, for instance, one of them was proud to display his status as a new Roman citizen as something exceptional in his epitaph, claiming that 'not only he was second to none in the most glorious and noble cities of Greece, in Sparta, in Argos and in holy Epidaurus, but he was also honoured with the citizenship which was the most important and the most famed among mankind, namely Roman citizenship'.[50] Moreover, associations bringing together Roman citizens of Western origin, which had first been formed to promote the interests of businessmen coming from Italy who settled in the eastern Mediterranean from the beginning of the second century BCE, survived until the imperial period.[51] In some cities such 'clubs' of Roman citizens also welcomed local people who had been granted Roman citizenship, demonstrating that even in the second century CE Roman citizenship was still something exclusive in the Greek-speaking provinces.[52] In many cases Roman citizenship was regarded as a status symbol and obtaining it did make a difference at local level. It was used as a criterion for distinction among the local elite, between

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47   Lavan, 'The Spread of Roman Citizenship'.
48   Brélaz, 'Experiencing Roman Citizenship'.
49   Byrne, *Roman Citizens of Athens*, pp. xv–xvi; Kirbihler, *Des Grecs et des Italiens à Éphèse*, pp. 452–53.
50   *IG* IV² 1, 84, ll. 33–34.
51   Van Andringa, 'Cités et communautés d'expatriés'; Ramgopal, 'One and Many'.
52   See, e.g., *I.Tralleis* 77.

people who did not have Roman citizenship and who fulfilled minor offices, on the one hand, and people who were Roman citizens, representing the upper strata of local society, who were able to access the most prestigious offices, on the other hand. In that case, the impact of Roman citizenship was not just local, but could also have regional implications. Such a dividing line between people who succeeded in gaining patronage from powerful people to obtain Roman citizenship and people who did not was extremely clear when it came to the elite who had responsibilities at the provincial level: in most federal organizations known as *koina* all over the provinces of the Roman East, almost all the highest federal officials — unlike individuals holding local offices — were Roman citizens.[53] In some other cases, on the contrary, especially in small conservative cities or in some free cities like in Rhodes where there had been a strong sense of self-confidence in the privileged status of the community under Roman rule, the local elite seem to have even been reluctant to adopt Roman citizenship.[54]

We can infer from what has been said so far that local elite primarily judged the relevance of Roman citizenship for themselves from the usefulness of the grant of citizenship for their own local or regional agenda and from the social recognition they hoped they would achieve from it in their home cities. The diversity of local contexts and factors resulted in different, and sometimes even opposing, attitudes towards Roman citizenship. For the local elite of the cities of Greece and Asia Minor, the significance of the *communis patria* — the 'global homeland' gathering all Roman citizens across the provinces — was challenged by their concern for their insertion into what remained their own small *patris*, as it was called in Greek, or 'fatherland'. Beyond that, apart from the very few people who, after they were granted Roman citizenship, were able to start a career in the imperial administration and to access the higher orders of Roman society, the vast majority of the people who were Roman citizens in the provinces stayed in their own small local community and had few opportunities to make use of the full potential of their Roman citizenship. The benefits they could draw from their status remained hypothetical: first, unless they were staying in Rome, Roman citizens originating from the provinces (and, in reality, from other parts of Italy as well, except the city of Rome itself) could not materially take part in the political assemblies of the Roman people and in the elections — for that reason Augustus had planned a kind of postal ballot system for the Roman citizens settled in Italy, but this initiative was soon dropped;[55] second, legal privileges for Roman citizens were realized only when litigation arose and when provincials decided to appeal to the court of the Roman governor — this implied a long, difficult

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53 Camia, 'Imperial Priests in Second Century Greece'; Kirbihler, 'Les grands-prêtres d'Éphèse'.

54 Bresson, 'L'onomastique romaine à Rhodes'; Frija, 'Les notables de Stratonicée de Carie à l'époque antonine'; Pont, 'Élites civiques et propriété foncière'.

55 Suetonius, *Life of Augustus* 46. See Nicolet, *L'inventaire du monde*, pp. 215–21.

and costly procedure (given that plaintiffs had to meet the governor during his itinerant courts through the province) and was not per se a guarantee of success;[56] finally and of particular importance, the exemption of poll taxes was suppressed for new Roman citizens during the second half of the second century CE making Roman citizenship less attractive than before.[57]

In this context, the only real, effective citizenship on a daily basis was the local one. Unlike in the republican period, obtaining Roman citizenship did not result in the renunciation of local citizenship. For practical reasons, the grant of Roman citizenship to people outside Italy led to the acknowledgment in Roman law of the principle of double citizenship, Roman and local at the same time.[58] Individuals who were granted Roman citizenship in the Greek-speaking provinces during the imperial period were identified through their personal names of course, but also through the ethnic bynames of their home city as citizens of a specific political community, not as 'Rhomaios' as was the case for Roman citizens of Western origin in the Hellenistic period.[59] In this regard, local citizenship was more relevant. As we have seen in the previous section, belonging to a local community was still the first level of political inclusion for the inhabitants of the Roman Empire, including for those possessing Roman citizenship. This was all the more true for people who did not have Roman citizenship. Apart from the participation in popular assemblies, the possession of local citizenship could bring legal and tax privileges (such as the exemption from some taxes imposed on foreigners), and some members of the elite group in the eastern provinces were proud to collect citizenships in several different local communities. Not only double, but multiple citizenships are therefore attested in the Greek-speaking provinces, including for people who had been granted Roman citizenship.[60] The definition of citizenship in Greek cities under Roman rule — and in some respects as early as in the Hellenistic period — however, was not as exclusive as during the Classical period.[61] In particular, it seems that some individuals who had not been formally granted local citizenship could benefit to the same degree from the privileges normally attached to citizenship, and were even allowed to take part in political assemblies. This means that, technically speaking, alien notables or benefactors coming from other cities could be invited by the council or the people to share some benefits of local citizenship without expressly applying for it. This phenomenon does not necessarily prove a diminished interest in citizenship, but rather a transformation or extension of the concept

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56 Fournier, *Entre tutelle romaine et autonomie civique*, pp. 503–90; Bryen, 'Judging Empire'.

57 Eberle, 'Taxation as Participation?'.

58 Thomas, *'Origine' et 'commune patrie'*.

59 The only exception is Lycia where local notables possessing Roman citizenship deliberately continued to depict themselves as *Rhomaioi* during the imperial period: see Brélaz, 'Experiencing Roman Citizenship'.

60 Heller and Pont, eds, *Patrie d'origine et patries électives*.

61 Müller, 'La (dé)construction de la *politeia*'.

of citizenship. In fact, unlike in the Classical or even Hellenistic periods, during the imperial period local citizenship was no longer a prerequisite to be able to buy and possess land in a city.[62] This evolution can partly account for the progressive disappearance of decrees granting local citizenship in the epigraphic evidence from Greek cities during the second century CE.

Citizenship in the local communities of the Roman Empire also meant social inclusion and the sharing of common values, especially in the Greek-speaking provinces where there had been a centuries-long tradition of living together as citizens. Citizenship in Greek cities under Roman rule was for the most part about collective identity and even about the emotions expressed through discourse and performances. In their benefactions to the community, members of the elite explicitly mentioned the *demos* or the *politai* as a whole as recipients of their generosity, emphasizing in this way the unity of the city. In return, honorific inscriptions celebrated the commitment of the elite towards their *patris* or 'fatherland' — *patris* being their local community, not Rome — even in cases where the elite possessed Roman citizenship.[63] Members of the elite were acclaimed by their fellow citizens through the honorific title *philopatris* as 'homeland-loving' people, repeatedly along with the title *philokaisar* or 'emperor-loving', the juxtaposition of both titles making clear the dual attachment of local elite, to their homeland and to Rome, including for those who did not possess Roman citizenship.[64] As Aristides pointed out in his speech *In Praise of Rome*, Roman rule in the provinces relied to a large extent on the loyalty and commitment of the local elite.[65] Furthermore, the political community in Greek cities under Roman rule frequently put itself on display in public venues, especially during festivals revering the major tutelary deities of the city or during contests in honour of a deity. During these festivals citizens arranged by tribe, together with the officials, took part in processions through the town, and sometimes also the rural territory, performing rituals and symbolically taking possession of the space.[66]

Interestingly, local 'patriotism' continued to be celebrated after the *Constitutio Antoniniana*, as made clear by the last coins issued by Greek cities in the mid-third century CE.[67] The coinage of the Greek cities at that time reveals a great variety of iconographic types, most of them referring to local myths or heroes, or depicting local monuments.[68] Contrary to local communities in the West which were not allowed any more to mint coins after the beginning of the first century CE, Greek cities used symbols on coins to express local

62 Lerouxel and Pont, eds, *Propriétaires et citoyens dans l'Orient romain*.

63 Stephan, *Honoratioren, Griechen, Polisbürger*.

64 Rizakis, 'The Greek Ruling Class under the Empire'.

65 Aristides, *Praise of Rome* (26), 59–64.

66 Wörrle, *Stadt und Fest im kaiserzeitlichen Kleinasien*.

67 This was also the case of the Roman colonies settled in the eastern Mediterranean: see Katsari and Mitchell, 'The Roman Colonies of Greece and Asia Minor'.

68 See for instance Hostein and Mairat, 'Observations sur les monnayages de Colophon'.

identities. Still during the first half of the third century CE, free cities were proud enough of their privileged position within the Roman Empire to have copies of various documents emanating from Roman authorities and confirming their status and exemptions (like in Aphrodisias in Caria), or lists made up of the names of their major officials going back to the fourth century BCE (like in Thasos in the North Aegean), engraved and displayed on public buildings.[69] Far from leading to a global homogenization of culture because of the overall grant of Roman citizenship, one of the *Constitutio Antoniniana*'s unexpected consequences had been, on the contrary, the assertion of local identities and of local 'patriotism'. Since all the inhabitants of the Empire were now Roman citizens, and since there was in theory no legal distinction anymore between them (despite deep social inequalities), local communities were even more inclined now to emphasize their own cultural and statutory specificities, relying on local identity.

Polis, *Politai*, *Demos*, *Patris*: Greek Civic Ideology in the Roman Empire

Through this chapter we have seen that some of the most fundamental features of the Greek city, which appeared during the early Archaic period, were still valid under Roman rule: (1) Greek cities were still political communities made up of groups of people calling themselves citizens (*politai*) and having advantages in comparison to foreign people who were not part of these groups. (2) Despite the strong limitations brought by Roman rule, Greek cities still had substantial autonomy in many fields of local government. (3) Although the local elite did now have the greatest share of power, Greek cities still consisted of periodic gatherings of the citizens or *demos*, which was still regarded as the legitimate representative of the whole community. I am not arguing here that Greek cities would have remained unchanged since the Classical period; quite the contrary. We have noticed that, since the late Hellenistic period, deep alterations affected the way civic life was run, in particular with regard to democratic institutions and practices. Even if the term 'democracy' is probably no longer entirely appropriate to describe the political regimes of Greek cities under Roman rule, given the influence gained by local elite in the intervening time, the people were still a crucial actor in the political arena, and civic participation was an essential element in the proper functioning of local institutions as well as in public life as a whole.

However, we should not adopt only a formal approach and limit our enquiry to the space left to the people within political institutions. During its long history, the Greek city has always been, to a great extent, a discourse about living together as a political community. Civic discourse and civic

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69   Fournier, 'Archontes et théores thasiens'.

ideology were a constituent part of the building process of the Greek city-states. Symptomatic of this is the fact that the earliest known example of legal codification in Archaic Greece was a constitutional act engraved on the outside wall of the temple of the tutelary deity of Dreros in Crete about 650 BCE, in which the emerging political community explicitly presented the result of one of its decisions referring to itself through an abstract word: 'the *polis* decided'.[70] The continuous self-assertion of the political community through discourse and the display of its acts through inscriptions and monuments in the urban landscape were from the Archaic age strategies used to give consistency to the social group considering themselves citizens.[71] Yet, civic ideology was embedded in local communities in the eastern provinces of the Roman Empire. Greek cities were explicitly acknowledged as such in 'international relations', each of them being called a *polis* by imperial power in the correspondence emanating from the imperial or provincial administration: the simple fact that imperial power addressed Greek cities through letters kept the fiction of diplomatic relations between the Roman state and the cities, as if they still were peer polities. The use of the very word *polis* in their address by Roman emperors and governors was seen by the cities as a recognition of their autonomy as political communities.[72] The use of the discourse of the *polis* was also typical of bilateral and multilateral relations among Greek cities, this time through a peer polity interaction. In their competition with one another, however, Greek cities developed at the same time very sophisticated official titles for themselves, trying to suggest superiority over the other cities within the same provinces.[73]

As far as internal policy was concerned, Greek cities continually celebrated themselves through institutions, festivals, rituals, images, and discourses. In particular, the rhetoric about the *demos* was ubiquitous: the *demos* was mentioned in official documents all throughout the decision-making process; the name of the *demos* was carved in inscriptions and on monuments as the author of public decisions; the *demos* was depicted as an allegory on coins or through statues and reliefs on monuments.[74] In inscriptions, the 'people' (*demos*) or the 'citizens' (*politai*), in other words the whole community, continued to be mentioned as the recipients of benefactions offered by the local elite.[75] This stands in sharp contrast with the terminology used by local aristocrats in political thought. As early as Aristotle, Greek political thinkers had been using the terms 'rich' and 'poor' to refer to the two main components of society — the aristocrats and the rest of the population — in

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70 Van Effenterre and Ruzé, *Nomima*, pp. 306–09, no. 81; Gagarin and Perlman, *The Laws of Ancient Crete*, pp. 200–207, no. Dr1.

71 Gagarin and Perlman, *The Laws of Ancient Crete*, pp. 56–58, 130–33.

72 See, e.g., *AE* 2006, 1369 (letter of Hadrian to the city of Naryka, Eastern Locris, 138 CE).

73 Heller, 'Les bêtises des Grecs'; Guerber, *Les cités grecques dans l'Empire romain*.

74 Martin, *Demos, Boule, Gerousia*.

75 Brélaz, 'Les "pauvres" comme composante du corps civique'.

Greek cities.[76] In his 'Precepts of Statecraft', Plutarch very often qualified the people, rather than through the institutional term *demos*, through the expression *hoi polloi*, 'the numerous', which emphasized the sociological, rather than political, characteristics of the majority of the citizens.[77] In the public discourse, on the contrary, that is, in sources which were most of the time produced by the elite themselves, local aristocrats refrained from using such terms and continued to convey the idea of the unity of the political community. Angelos Chaniotis has rightly emphasized the theatricality which prevailed in the public life of Greek cities during the Hellenistic period.[78] The same would certainly be true for Greek cities in the imperial period as well. The local elite were willing to maintain the traditional framework in which the performance of civic life took place since they needed the participation of the people for their own legitimization. In particular, through the game of benefactions and honours, notables were given a space where they were able to express their desire for power and self-representation. But at the same time the most important democratic institutions, like the popular assembly, were preserved. Civic ideology helped hide the deep social inequalities which emerged in Greek cities from the late Hellenistic period.[79] It would be excessive, however, to assume, as G. E. M. De Ste. Croix did, that civic life in Greek cities had become under Roman rule 'an empty shell' and that, despite the survival of some democratic features, the people, in reality, would no longer have political power in the imperial period.[80] In fact, Greek cities under Roman rule might well have looked like small 'oligarchic republics', to use a formula which may sound like an oxymoron.[81] These cities were not formal oligarchies, since the *demos* was, in the end, always regarded as the organ able to express the will of the whole political community. Hence the word *politeia* was used in Antiquity to refer to them, and for that reason it seems appropriate to consider these cities as 'republics' in the Latin sense of the term. Simultaneously, a relatively small number of citizens, replicating aristocratic values and behaviour, were allowed to access offices and to have power in these cities.[82] Michael Wörrle coined the term 'Überbürger' to express the role played by local aristocrats in Greek cities from the late Hellenistic period onwards.[83] It is true that local elite had much more influence and

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76 Aristotle, *Politics* 6.3.4 (1318a).

77 See, e.g., Plutarch, *Precepts of Statecraft* 800B, 804A, 814C.

78 Chaniotis, 'Illusions of Democracy in the Hellenistic World'.

79 Ando, 'The Political Economy of the Hellenistic Polis'.

80 De Ste. Croix, *The Class Struggle in the Ancient Greek World*, p. 527.

81 The same already applies to most Hellenistic cities: see Müller, 'Oligarchy and the Hellenistic City'.

82 On the role which should be reserved to notables in Greek cities according to Roman aristocrats, see Cicero, *Letters to Quintus* 1.1.25; Pliny the Younger, *Letters* 10.79.3.

83 Wörrle, 'Maroneia im Umbruch'. For a more nuanced interpretation of the same material from the city of Maroneia in Aegean Thrace discussed by Wörrle, see Thornton, '*Nomoi, eleutheria* e democrazia'.

power than ordinary citizens. But 'Überbürger' were still 'Bürger', and local elite, although they were adopting aristocratic ethics and behaviour, were still deeply attached to civic values, such as commitment to the public good, public generosity, respect for the institutions, etc.

It appears then that civic ideology was still valid in Greek cities during the Roman imperial period. This observation makes it all the more important to carefully examine the transformations in the practice of citizenship at the local level in Late Antiquity. The transitional period from the late third to the sixth century seems to have been crucial in this regard.[84] Over these three centuries, citizenship, civic institutions, and local identities dramatically changed in the Roman Empire. Some of the factors which are responsible for this shift are (1) the centralization of power by imperial authorities and their infringement on local self-government from the late third century CE;[85] (2) the increasing social inequalities and the progressive disempowerment of the people as a political actor;[86] and (3) the spread of Christian ideology which brought a new definition of community belonging as well as the rise of the power of the Church and of the bishops over secular and civic institutions.[87] Therefore, any attempt to assess the significance of the concept and practice of citizenship in Late Antiquity and in the early Middle Ages, rather than relying on what citizenship was in Classical Athens as a paradigm, should start from the realities of civic life and from the relevance of civic discourse in the local communities of the Roman Empire during the first three centuries CE.

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84 For an illustration of this process at the beginning of the period, see Pont, 'The City at the Theater in Anatolia'; Pont, *La fin de la cité grecque*. Contrary to what the author argues, however, the changes in the public life of Greek cities from the mid-third century to the early fourth century CE should not be seen as a proof of the complete disintegration of civic institutions already at that time.

85 Lepelley, 'La fin du privilège de liberté'; Lepelley, 'Le nivellement juridique du monde romain'; Pont, 'Dernières mentions des magistratures'.

86 Zoumbaki, 'On the Vocabulary of Supremacy'; Laniado, *Recherches sur les notables municipaux*.

87 Liebeschuetz, *The Decline and Fall of the Roman City*, pp. 137–68.

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Local Identities, Civic Government, and Popular Participation in Late Antiquity

ANTHONY KALDELLIS

Civic Identity and Civic Participation in Constantinople

Frames of reference matter, as do comparisons, especially when they are implicit. We cannot talk about civic identity and civic participation in the later Roman and Byzantine world independently of the normative ideal-types provided by classical Athens and Rome (on the one hand) and our modern democracies (on the other). These models, which shape our assumptions implicitly or explicitly, understand civic identity as membership in a legally defined body of citizens that includes a significant portion of the population but is also exclusive (whether of women, slaves, or simply non-nationals); and it understands civic participation as occurring through formal institutions of governance that are ideally defined by a constitution and enable the exercise of sovereignty by the collective citizen body. At a minimum, these institutions curtail the power that social and economic elites hold over the people; at a maximum, they authorize policies generated by the citizen body in its own perceived interests.

At first sight, it seems implausible to treat Byzantium as a political culture defined by civic identity and civic participation, even if we limit our focus to Constantinople, as I will do here. In most scholarship, the identity of the population of Byzantium is defined more in terms of its religion — Orthodoxy — than its citizenship status. To be sure, it is conceded that in Byzantine law, which was an extension of ancient Roman law, most of the Empire's subjects remained Roman citizens. But this identity is seen as too attenuated and fossilized to generate meaningful civic activity. There were no formal institutions (such as elections) by which the population could intervene legally in the political process and thus no link between civic identity (such as it was) and civic participation. The people played a role in ratifying imperial accessions through acclamation, but this is seen as either a purely passive ceremony or a product of elite manipulation. The people were not 'citizens' in any consequential sense but only subjects of a monarchy that held all the

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levers of government. There were no debates in Byzantium about who should be included and who excluded from the rights of citizenship, such as we find in ancient Athens and the modern nation-states. Now, it is also conceded that the common people of Constantinople often did intervene in the politics of both the state and Church, usually by demonstrations, such as by occupying the city's monumental centre in large numbers, to the point where they could decide the fate of an emperor, patriarch, or specific policy. Such acts, however, are relegated by modern historians to the non-civic realm of urban 'mob' violence, which is not explained in any meaningful way via citizenship. They are often seen as instigated or manipulated by elites.

It is reasonably easy to spot the biases in this picture, which predetermine its dismissive conclusion. They stem from long-held stereotypes in Western historiography and political theory, which has assigned a series of negative roles to Byzantium, specifically as a foil to progressive Enlightenment projects.[1] If we step back from those, a case can be made in the opposite direction for a polity in which (a) the population was explicitly classified as Roman citizens, in fact as a Roman *populus*; (b) this *populus* frequently intervened in the politics of Church and state, decisively affecting policies and advancing or terminating the careers of officials and churchmen; and (c) neither the court nor the ruling class in general disputed the right or sought to restrict the ability of the *populus* to so intervene; in fact, elites often sought to mobilize its nearly irresistible political power for their own purposes, and frequently conceded that their own exercise of power was ultimately rooted in popular consent (I say 'nearly irresistible' because one emperor, Justinian, and only he, did fight back and prevail against a popular uprising, the Nika Riots of 532). Arranged in this way, these premises — which are incontrovertible historical facts — produce a different conclusion, namely that Byzantium merits at least preliminary consideration as a society marked by civic identity and civic participation.

Before we give it that consideration, we must also look critically at the opposite end of the spectrum, namely the (typically implicit) modern benchmarks that we use to assess the health of civic identity and civic participation in any society. It is necessary to calibrate our standards precisely for this is, after all, an essentially comparative exercise. The interpretive labour of the exercise need not all be on the Byzantine side, that is, to show that it embodied modern ideals of civic participation more than we think (which stands currently at zero). We must also problematize modern practice too, which likewise falls far short of modern ideals. To anticipate my conclusion, it is likely that, when it comes to the ability of citizens to shape the actions of their governments, modern nation-states are more like Byzantium than either is to, say, ancient Athens. We are actually dealing with a tight spectrum along an axis defined

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1   For preliminary attempts to push back against these, see Kaldellis, 'Political Freedom in Byzantium'; Kaldellis, *Byzantium Unbound*, pp. 1–28.

by the ability of a population to impinge upon its government (regardless of the form of the regime), and not a polarity that separates absolute monarchy from civic nations.

In modern liberal theory, civic identity and civic participation are linked primarily through elections, which are the lynchpin of democratic legitimacy and authorize 'government by, for, and of the people' (or at least by, for, and of citizens). However, in recent history elections have almost never produced results that significantly impact the policies put in place by corporate, financial, military, and political elites. No matter who wins, it is more or less the same policies that are implemented, regardless of how popular or unpopular they are. During the past half-century, those policies have, throughout the Western world, restricted access to healthcare, education, and upward mobility, have increased economic inequality and insecurity, and are now threatening the survival of humanity through climate breakdown. Differences between political parties definitely do exist, and given the power of modern states, these differences sometimes translate into a significantly differential impact on the ground. But these differences are only a matter of the degree to which policies that benefit financial elites are implemented, whether more slowly or more quickly.[2] The general point is that these policies have been and continue to be implemented and even intensified by democratically elected governments, despite the fact that their own electorates are opposed to them by wide and consistent margins in every opinion poll. Conversely, policies with broad support that challenge existing profit margins are stigmatized in official ideology, even when they were the law of the land within living memory (such as high tax rates for upper brackets). There are now social-scientific studies that document, with data, the wide gap that has emerged between state policies and what their populations say they want.[3] A small number of corporate elites wield enormous sway, whereas ordinary citizens, even in their millions, have little. How is this possible?

It is possible because the lynchpin of civic participation — that is, elections — is a tightly orchestrated instrument of governance designed to ratify elite policies, from the preselection of acceptable candidates and the mechanisms by which they are funded to the role of political parties and media to set the agenda, rally opinion, and act as gatekeepers and curators of stability and continuity. These arrangements did not come about by accident

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2 Looking at the United States, the outcome of only one election — that of 2000 — might have made a significant difference, in that the invasion of Iraq and destabilization of the entire Middle East, with its millions of victims, would likely have been avoided, and it is interesting that the outcome of that election was decided by a judicial decision that terminated the counting of the votes in Florida. In Greece during the ten years of the crisis, the same policies were implemented regardless of which party was in power. The country has cycled through most of them by now.

3 Gilens and Page, 'Testing Theories of American Politics'. For context and explanation, see Chomsky, *Who Rules the World?*. See below.

or evolution, but are fundamental components of the intrinsic design of liberal democracies. To a far greater degree than totalitarian regimes, liberal democracies have invested in the manipulation of public opinion and the manufacture of consent around the interests of the powerful. Repressive regimes, which can use coercion and open force against their citizens, do not need to develop such sophisticated instruments of persuasion, and so their 'ideologies' tend to be rudimentary. Liberal democracies, by contrast, have entire industries and professional careers dedicated to public relations, advertising, and propaganda. Indeed, the founders of these industries, such as Edward Bernays (the nephew of Freud), did not see them as sinister at all, but as necessary and benign components of the liberal order. As it is not possible for everyone to know everything, opinion-making has to be outsourced to experts who will, in theory, act in the common interest. It is a bad idea for the citizenry to be too involved in decision-making; the people should be more like spectators or cheerleaders of the business of government, which should be entrusted to responsible professionals.[4]

Yet experts can easily become lobbyists and consultants who are hired to promote the policies of special interests, not necessarily the policies that are supported by the majority of the population. This is now evident to both sociologists and historians. Already about the early twentieth century it can be said that 'the influence of lobbies [was] masquerading as "public opinion" and projected through newspapers'.[5] These techniques, then, are used to generate electoral victories for candidates who make claims that are in themselves unpopular, nonsensical, or at odds with reality, but are coupled with emotional appeals that confuse the issue. In the U.S. alone, for example, we have the claim that tax cuts for the rich are good for everyone; that cheap fossil fuels are 'freedom'; that Nicaragua (or whoever) poses a dire military threat to the United States; that the use of marijuana requires the incarceration of millions; that corporations should have more rights than people and that their money is 'speech'; that healthcare should be a market commodity; that the proliferation of firearms makes society safer; and that the ensuing misery is the fault of racial or religious minorities. In these ways, polities that (morally) regard themselves as democracies become (effectively) oligarchies.[6] Byzantine elites could not hold a candle to the ways in which their modern counterparts are able to manipulate their citizenry.

However, modern citizenries are not helpless. In the past half-century or so, the elite stranglehold on power that is generated by electoral politics has been effectively challenged, and in some cases even rolled back, only through

4 Bernays, *Propaganda*; Chomsky and Herman, *Manufacturing Consent*; Stauber, *Toxic Sludge Is Good for You.*

5 Darwin, *After Tamerlane*, p. 370.

6 Winters and Page, 'Oligarchy in the United States?'; Gilens, *Affluence and Influence*; Streeck, *How Will Capitalism End?*, pp. 20, 24, 92, 93, 94, 141.

collective action on the part of large numbers of people, with citizens and non-citizens working together through protests, demonstrations, strikes, persistent information and letter-writing campaigns, and the mass occupations of city centres that paralyse the operation of state institutions. Under such circumstances, and only then, do elected officials take heed. I am thinking of movements that have demanded civil rights, labour rights, and environmental protections, and that have protested against various wars, dictatorships, regressive policies, and extrajudicial killings by authorities. They have not been completely successful, but these modes of civic participation shift the political scene in a direction desired by the people far more than do elections. Crucially, citizen-power is more effective when it operates outside the limited formal institutions of governance (namely elections). It is curious that, mutatis mutandis, this is also how it worked in Constantinople. Let us take a closer look.

The people of Constantinople absolutely had a civic identity. Moreover, they participated in the politics of the state and Church in ways that reflected, but also partially transcended, that identity. I will focus the following argument on the early Byzantine period, from the fourth to the seventh centuries, but it holds true for the middle Byzantine period as well. The evidence is sparser for the seventh–ninth centuries, not because the fundamental dynamics were different but because we have less evidence altogether from Byzantium during those centuries; it becomes plentiful again in the eleventh and twelfth centuries.

Specifically, the people of Constantinople were constituted formally as a *populus Romanus* of Roman citizens (*cives Romani*); after all, the city bore the additional name New Rome from its inception. Constantinople was formally dedicated on 11 May 330, and already in the early 330s its mint was issuing bronze coins bearing the legend *populus Romanus*.[7] In their laws regarding the *annona* of Constantinople (i.e. the bread dole that was distributed to its citizens), the emperors referred to the city's people as a *populus* of *cives Romani*.[8] The bronze tokens that entitled its bearers to receive the *annona* were given to people who were willing to build or who owned a house in the city, though not exclusively to them.[9] For decades after its dedication, Constantinople was a vast construction site and emperors had to entice provincials to move to it and invest in real estate. These provisions capture the way in which Constantinopolitan citizenship was both exclusive and inclusive. It was exclusive in that the city was a prestigious imperial capital with amenities, rights, perks, and a status that only one other city (Rome) had. The *annona* given to its citizens was explicitly labelled *politike*, which referred both to citizenship (*politeia*) and the *polis* itself.[10] When Constantine instituted the civic *annona*, he made an allowance for 80,000 daily portions,

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7   Calderone, 'Costantinopoli', pp. 747–48.
8   E.g. *CTh* 14.17.5 (369 CE).
9   *CTh* 14.17.1, 11, 13.
10 Malalas, *Chronicle* 13.9.

which could feed (depending on how we understand these portions) between 150,000 and 240,000.[11] This fed far more people than the city had in 332 — in other words, Constantine was planning on a massive expansion — but fewer than it would have by the time that its population peaked in the early sixth century before the Justinianic Plague, when it was importing enough grain from Egypt to feed half a million.[12]

The populace of Constantinople grew from *c.* twenty-five thousand (the population of Byzantion in 324) to around five hundred thousand two centuries later, and it could do so only by absorbing the surplus population of (primarily) Italy, the Balkans, Asia Minor, and Syria. This means that the populace was formed in an inclusive way, though we have little evidence about this significant internal migration.[13] Nevertheless, for all that the populace was drawn from many provinces, that its membership was continually growing during those two centuries, and that it mingled at any time with a large number of people who were in the capital temporarily for trade, legal, or political reasons, our sources — and the authorities of that time — made clear distinctions among native Constantinopolitans and foreigners who were only visiting, and some of the latter could not only be identified but sent back 'to their own land'.[14] The citizen body of Constantinople was not understood to be open-ended or nebulous, but it was inclusive and growing during this period.

Confirmation comes from Justinian's creation in 539 of a new magistracy for Constantinople: the *quaesitor* ('inquirer' or 'inquisitor'). Justinian was annoyed at the large number of people who were coming to the capital on legal business (for example, to file an appeal). One of the *quaesitor*'s assignments was to interview all new arrivals or non-locals about their business in the city. If it was legal, he was to expedite it by pressuring the relevant judges or local parties to the dispute to resolve it quickly so that these people could be sent home. Indirect legal evidence suggests that the *quaesitor*'s staff ethnically profiled Syriac- and Coptic-speakers to identify these non-residents.[15] Indeed, the ethnic profile of the *populus* of Constantinople seems to have included few speakers of those languages, being mostly Greek-speaking with a small minority of Latin-speakers. The *quaesitor* was also to round up beggars. If they were natives of Constantinople and able-bodied, they were to be assigned

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11   80,000: Sokrates, *Ecclesiastical History* 2.13.5; different interpretations are discussed by Dagron, *Naissance d'une capitale*, pp. 535–41.

12   Justinian, *Edict* 13.

13   We need a book like Tacoma, *Moving Romans*, for the later Roman period, though it will likely have to be based more on scattered narrative sources than inscriptions. For the epigraphic evidence, see Feissel, 'Aspects de l'immigration'.

14   Laniado, *Ethnos et droit dans le monde protobyzantin*, pp. 204–07. People in the city for business: Procopius, *On Buildings* 1.11.24.

15   Justinian, *Novel* 80; ethnic profiling: Laniado, *Ethnos et droit dans le monde protobyzantin*, pp. 173–254. For the tension between inclusivity and exclusivity in later centuries, see Magdalino, 'Constantinople and the Outside World'.

to the public works. It would be fascinating to know the questions that were asked in these interviews to ascertain the beggars' *origo* and *civitas*.

The emperors officially addressed the *populus* as if it were a formal element of the political order of the *res publica* and, as we will see below, they treated it as such too. They addressed laws 'to the people' (*ad populum*), or more specifically to the people of Constantinople or to 'our Constantinopolitan citizens', either on their own or alongside the other bodies (such as the senate) and magistrates that collectively defined the *res publica* and were therefore appropriate recipients of the relevant legislation. Justinian addressed one law 'to the people of Constantinople and to all provincials'.[16] In the eyes of the imperial chancery, therefore, the people were a legally defined citizen-body and not a mere population of 'subjects', or an urban crowd of residents, or an agglomerate of random humanity. For their part, the Constantinopolitans were perfectly aware that they were regarded as a corporate body, because the emperors made sure that their laws were posted publicly and conveyed to the populace, for example in churches or through heralds or brightly painted lettering. One subscription read: 'to be posted to our citizens of Constantinople'.[17] Regardless of whether a law was addressed to the *populus*, they were often cc'ed on it: 'post to everyone in the imperial city'; 'post in the usual places of the city'.[18]

This early Byzantine conception of citizenship was not, then, an irrelevant legal fossil. The rulers not only treated the *populus* as a corporate body with a stake in the *res publica* alongside the army, the senate, and the clergy, they ascribed positive political value to citizenship by its guarantee of 'freedom'. Modern historians have declined to see Byzantine political institutions and practices as embedded within such a conception. I have discussed Byzantine freedom elsewhere,[19] so I will focus here on the political power of the people in early Byzantine Constantinople.

When elites thought about or planned their political careers, they regularly treated the people of Constantinople (the *demos*, in Greek) as one of the constituent components of the polity, alongside the senate and emperor.[20] This notion was no mere rhetorical affectation or classicizing anachronism. For example, during the civil war in 514–515 between the emperor Anastasios and the Balkan rebel Vitalianos, the latter demanded that the tentative agreement that they had reached had to be ratified by an oath of the emperor, the senate, the magistrates, and the people (*laos* in Greek) of Constantinople. He wanted all

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16 *CJ* 5.13.1; see also *CTh* 3.1.9, 10.18.2, 16.1.2 (Theodosius I, an important law); *CJ* 1.12.5; Justinian, *Novel* 13; 'our Constantinopolitan citizens': *ACO* 2.3.2, p. 88 (Marcian); to the people of Rome: *CTh* 8.16.1 (Constantine). See Dupont, 'Les Constitutions *ad populum*'.

17 Justinian, *Novel* 13; there were many more.

18 See the *Novels* by Justin II and Tiberios II in Zepos and Zepos, *Jus Graecoromanum*, pp. 3, 5, 14, 16, 70. For the posting and dissemination of imperial edicts, see Feissel, *Documents, droit, diplomatique*, pp. 20–38, 59, 61.

19 Kaldellis, 'Political Freedom in Byzantium'.

20 Libanius, *Letters* 480, 1043.3; Themistios, *Oration* 24.13.

major stakeholders to buy into it.[21] How did he imagine that this could be done? Here we have to make the transition from civic identity to civic participation.

The *populus* played an important and formally recognized 'constitutional' role in the politics of the imperial *res publica*: it acclaimed and thereby created new emperors. In the period 193–395, this role was played predominantly by the army — the Roman people under arms — but they did not, however, have a specifically civic identity. When the emperors settled down in New Rome, that role gradually shifted to the senate and people of Constantinople and was held by them from the mid- to later fifth century down to the end of Byzantium. I have elsewhere explained the imperial regime's absolute dependence on explicit acts of popular approbation to create new emperors and to periodically reauthorize their legitimacy thereafter. Acceptance of an emperor rested on the fiction of universal consent, which required massive ceremonies of ritual acclamation (typically in the hippodrome of Constantinople); it sensitized the court to shifts in public opinion; and it oriented imperial rhetoric around an explicit service-mission, namely a stewardship of the common good for the welfare of all citizens. This is why emperors were so anxious to continually demonstrate that their actions and use of power were exclusively for the good of their subjects and not for their own personal benefit.[22]

In modern scholarship, the making of emperors via popular acclamation is commonly treated as a cheerleading ritual in which the people had no agency, with the actual choice being made by elites behind the scenes. This was likely often the case (and thus resembles modern democratic elections). But it was not always so, and the power to formally create an emperor cut both ways, giving the people the power to unmake an emperor, if they subsequently found him unpalatable; to support a rebel against him; or to block an aspirant's path towards the throne. In 364, the rebel Procopius kicked off his attempted usurpation by suborning military units in and around Constantinople and by winning over the people of the city by giving speeches to them like a modern politician, playing on their hatred of Valens's tax regime.[23] In 441, the popular praetorian prefect and prefect of the city Kyros of Panopolis was deposed by the regime of the childless Theodosius II because the people in the hippodrome chanted 'Constantine built [the City], Kyros renewed it, make room for him, Augustus'.[24] In 470, the patrician and general Aspar (an Arian of barbarian origin) was blocked from placing his son Patrikios in succession to the throne by a popular demonstration.[25] In 474, Leon I was blocked from elevating his son-in-law Zenon, an Isaurian general, to imperial rank by popular opposition

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21 Theodoros Anagnostes, *Ecclesiastical History* 509 (ed. by Hansen, p. 145).

22 Kaldellis, *The Byzantine Republic*. For the concept of the *publicus* in this period, see Beaucamp, *Femmes, patrimoines, normes*, pp. 283–93.

23 Ammianus Marcellinus, *History* 26.6–7.

24 Malalas, *Chronicle* 14.16.

25 *Life of Markellos* 34 (ed. by Dagron, pp. 316–18); Malalas, *Chronicle* quoted in the *Excerpta de insidiis* 31 (p. 160).

(Zenon succeeded after Leon I died but only because the throne passed to Zenon's son Leon II, who was a child).[26] When Zenon died in 491, the people assembled in the hippodrome and demanded that the empress Ariadne and the court find a new emperor who was a proper Roman and a Christian, and that the prefect of the city be dismissed. All these demands were met. The surviving account of the accession of Anastasios is the most detailed one that we have and reveals the crucial and active role played by the people in the proceedings.[27]

In 511 and again in 512, Constantinople was rocked by protests directed against Anastasios's religious policies, which featured large crowds chanting that he was unworthy of the throne and demanding 'another emperor for Romanía' (this was the national name by which people on the street called the Empire from the fourth to the fifteenth century). Anastasios had to make a show of great humility and offer to abdicate in order to survive the second protest; after the first one, he secured his position with renewed oaths of loyalty exacted from the palace guard and the highest-ranked members of the court.[28] It was likely these events that gave Vitalianos the idea, only three years later, to require Anastasios to obtain an oath from the senate and people that would guarantee the terms of his agreement with the emperor.

In 518, the election of a new emperor was contested, and various candidates were put up before the people in the hippodrome until a consensus formed around Justin I (who came out of the messy process with a bloody lip).[29] In the Nika Riots of 532, the people of Constantinople demanded that the emperor Justinian step down. They desired a new emperor 'for Romanía' and approached a number of candidates before settling on Hypatios, a nephew of Anastasios. In 602, the people played a key role in facilitating the deposition of the unpopular Maurikios and the elevation of the rebel centurion Phokas.[30] In 641, the people in the hippodrome refused to elevate Herakleios's widow Martina to imperial rank, even though this was requested by the court, and later that year the people demanded the creation of a co-emperor, which was duly granted by a reluctant court and patriarch.[31] This drumbeat of popular interventions in the political scene continued steadily in the middle Byzantine period and accelerated in frequency and volume in the eleventh and later twelfth centuries (or so the surviving sources make it seem). In sum, 'the people of the City were by no means simply passive participants to be pushed around for ceremonial purposes as the masters of ceremonies dictated'.[32]

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26 Kandidos, *History* fr. 1.46–47.
27 Konstantinos VII, *Book of Ceremonies* 1.92; analysis: Kaldellis, *The Byzantine Republic*, pp. 106–10.
28 Dijkstra and Greatrex, 'Patriarchs and Politics' is the best reconstruction. For Romanía, see Kaldellis, *Romanland*.
29 Konstantinos VII, *Book of Ceremonies* 1.93.
30 Theophylaktos Simokattes, *History* 8.6–15.
31 Nikephoros, *Short History* 28, 31.
32 Errington, *Roman Imperial Policy*, p. 146.

Thus, the people's power to create and unmake emperors was no empty ritual. It was an active force in the politics of New Rome, and it could not always be controlled or predicted by elites. The people's right in this matter was tacitly recognized by the elite political class and explicitly acknowledged by a number of its theorists, whom we might otherwise expect, by virtue of their class arrogance, to reject the impudent demands of the vulgar mob. Yet we find the anonymous sixth-century *Dialogue on Political Science*, a philosophical dialogue in the tradition of Plato and Cicero, affirming that a good ruler 'will accept the imperial authority offered to him by the citizens as if it were an imposition', because it is a 'public obligation' to be carried out 'for the safety of the citizens […] less for himself than for them'.[33]

What prompted popular interventions? The people could become agitated over taxes, corrupt officials, the emperor's religious policies or views, the ethnicity of ambitious politicians such as the Asparids and Zenon, or, fuelled by gossip, over the likeability (Kyros) or unlikability (Martina) of various members of the court. These were all perfectly understandable matters of popular concern. In 400, the people of Constantinople rose up and massacred a Gothic mercenary army stationed in the city by the general Gaïnas, a Roman officer of barbarian descent who was trying to bully the court of Arcadius into submission to his will. Gaïnas had to flee (he was hunted down and killed), and Arcadius celebrated his triumph by dedicating a spiral column. In this case, the court owed its political independence to popular intervention.[34] The people, who were in no way 'manipulated' into taking this action, did not want their emperor to be bullied by Goths. In 577, the people protested against the emperor Tiberios II because they believed that the judges in a celebrity trial of pagans had been bribed; the emperor punished the riot ringleaders but also ordered a new trial that, this time, led to the pagans' conviction.[35] In 598, the people protested because it was rumoured that a general had deliberately allowed the Avars to prevail in battle, and they forced the emperor Maurikios to appoint a committee to look into it.[36]

Thus, we see that the people were activated by issues ranging beyond food, spectacles, and religion, extending into the realm of high politics, the geostrategic challenges of the Empire, and high-profile trials. The people apparently believed that they had the right not only to appoint but to find a new emperor, if they did not like the current one and no rival candidates were putting themselves forward. They, at least, had drawn consequential political conclusions from their role in the process of acclamation, which was, therefore, no empty ritual. It is, moreover, significant that no emperor or elite

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33 Quoted by Peter Van Nuffelen in this volume (I have changed 'salvation' to 'safety' in the translation).

34 Zosimos, *New History* 5.18.10–22.3; Sokrates, *Ecclesiastical History* 6.6; Sozomenos, *Ecclesiastical History* 8.4; Philostorgios, *Ecclesiastical History* 11.8.

35 John of Ephesos, *Ecclesiastical History, Part III* 3.30–33; Euagrios, *Ecclesiastical History* 5.18.

36 Theophylaktos Simokattes, *History* 8.1.10.

writer sought to disabuse them of this notion by instructing them to stay out of political matters and let the right men govern as they saw fit. This was not a hungry mob, but a citizen body that participated actively in politics, albeit usually through direct mass action rather than formal state institutions. And most of the time it got its way.

Religion was an important area of concern. The people of Constantinople played a decisive and critical role in determining both the course and the outcome of the numerous theological and ecclesiastical controversies that rocked the Empire in the fourth–seventh centuries. I would rank their impact as third after that of the emperor (and court) and the four patriarchs (Alexandria, Antioch, Rome, and New Rome), though the people of Alexandria and Antioch played major roles too. Not to delve into the details, which I hope to present elsewhere, but I believe that the court's oddly vacillating stance over the tenure of John Chrysostom as bishop of Constantinople in 403–404 is best explained by the divided state of public opinion in the city about him, as his supporters and opponents alternately demonstrated, occupied Hagia Sophia, and came to blows while the palace waited and watched. The fate of Nestorios in 431 is clearer: Theodosius II chose to back Cyril of Alexandria in the aftermath of the confused fiasco known as the Council of Ephesos because the people of the city hated Nestorios and demonstrated loudly to that effect. Many more moments of decisive popular intervention can be cited. In 475, when the emperor Basiliskos issued a directive condemning the Council of Chalcedon, he was forced to back down and retract it by another mass uprising. When Anastasios tried to change the Trisagion liturgy in 512 by introducing a Monophysite formula into it, he too was forced to back down by the demonstrations mentioned above. When Justin I came to the throne in 518, it was popular demonstrations that urged him, or encouraged him, to act decisively in favour of Chalcedon and eliminate his rival Amantios; and there is no evidence that Justin fomented those demonstrations. And so on for the next thousand years. Emperors could sometimes have their way over and against the protests of their subjects, but it was never easy and it entailed as much political labour and risk as engaging in any contest against rival political and Church elites.[37]

The importance of the people in these controversies emerges not only from the narratives that recount their interventions as factual events. It is revealed also by the assiduous efforts of emperors, bishops, and monastic leaders to sway public opinion in favour of whatever position, formula, or person they were supporting. In so doing, these prominent individuals treated the 'people of Constantinople' as a corporate entity with a legitimate stake in the controversy that was parallel to that of the bishops, emperors, and monastic

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37 I am writing a narrative of the political and ecclesiastical history of this period that will highlight the role of the people and cite the relevant primary sources. In the meantime, Gregory, *Vox Populi*, holds up well.

rulers themselves. This is evinced by the letters that they formally addressed to the people, presumably to be read aloud in Hagia Sophia or posted, as per imperial laws, 'in the usual places' or even 'in many places of the City'.[38] Thus, just as imperial law recognized the people as a body of citizens, the political ontology that we witness in the religious controversies treated the *populus* of Constantinople along with the emperors, bishops, monasteries, and Churches as a formally constituted element of the Christian order of the Roman *res publica*. The people's stake in Church governance was also expressed through formal channels, for affirmative popular consent was required for the appointment of new bishops, just as it was for new emperors.[39] It is likely that the cultivation of public opinion in religious controversies stemmed largely from the role that people had in elevating bishops to their episcopal thrones, or in being able (and willing) to block such appointments through protest. Thus, in ecclesiastical as in imperial politics, civic powers, limited and ceremonial though they may have been, generated an outsized level of civic participation, recognition by elites, and power.

This bring us, finally, to a potential mismatch between civic identity and popular participation. Citizenship was (and is) part of a carefully articulated law of persons that is applied specifically to individuals. One was either a citizen or a slave and, if a citizen, either a citizen of Constantinople or of some other city; for example, Justinian's *quaesitor* was charged with finding and expelling otherwise Roman provincials who were hanging around the city. Thus, participation in the civic institutions of both ancient and modern democracies is restricted to those who own certain specific civic rights. But the popular protests and demonstrations that brought emperors to heel and decided the course of ecclesiastical conflicts were not limited to 'citizens' in this sense. There was no one to check whether slaves or foreigners were joining in the crowd, and women were certainly there too. Women were not excluded from the imperial acclamations and were present in the other popular demonstrations that periodically shook the capital. This was true not only in Constantinople. In seventh-century Thessalonike, after a siege of the city by the Slavs, a group of women tracked down a Slavic chief who was hiding in a private house: they dragged him through the streets, presumably to popular acclaim, and stoned him to death.[40]

There is one case, the Riot of the Statues in Antioch in 387, where civic leaders such as John Chrysostom found it advantageous to argue that the whole trouble had been caused by outsiders (and the Devil) who had infiltrated the city, torn down the imperial statues, and thereby displeased the emperor

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38 For many such letters, and their narrative political context, see Gregory, *Vox Populi*, pp. 137 (in many places of the City), 151 nn. 135 and 138; Bevan, *The New Judas*, pp. 132, 144, 164, 166, 170, 242; McGuckin, *St Cyril of Alexandria*, p. 96; Haarer, *Anastasius I*, p. 181.

39 Norton, *Episcopal Elections*; Dossey, *Peasant and Empire*, pp. 134–36; see also the chapter by Peter Van Nuffelen in this volume.

40 *Miracles of Saint Demetrios* 2.1 (193).

Theodosius.[41] But such arguments were used because the riot had failed to move the authorities to cancel the tax levy that had sparked it, and the city now had to justify itself before commissioners sent by the court. In most other cases, however, no one cared whether crowds consisted strictly of local citizens. Presumably they did for the most part, because non-citizen residents and slaves formed a minority of any urban population in the later empire.

Still, the mismatch, and lack of concern on this point, are intriguing, all the more so as they are also true of modern protests and demonstrations, which aim to shift policy on crucial civic matters but are also open to non-citizens. Anyone who happens to be present can participate in a protest or march about a war, labour conditions, voting rights, or climate, and can even picket and telephone the offices of politicians whom he or she does not otherwise have the legal right to elect or to vote out of office. Therefore, in both Constantinople and modern nation-states, the most effective and consequential forms of popular participation are not specifically limited to citizens, although citizenship creates a large core group around which other people coalesce into an even larger mass that exerts a force more moral than strictly civic.

There are many ways to understand this, but I will highlight one that is a distinctive feature of this period. The field of 'citizenship' in Byzantium, by which we mean Roman citizenship, was distributed evenly across the entire empire. The people of Constantinople were not more Roman than the people of Antioch and Alexandria, or indeed than villagers who lived in the mountains of Asia Minor or along the Nile valley. The Constantinopolitans were a relatively large, condensed, and powerful subset of the *populus Romanus*, but a subset nonetheless. A fraction of them had the right to an *annona* token, and all of them could walk away from an interrogation by the *quaesitor*, but if they possessed any additional legal rights as citizens of Constantinople specifically we do not hear of them.[42] When they acted collectively as the Roman *populus*, for example when they acclaimed a new emperor, they were acting on behalf of a much larger (Roman) whole, albeit as a well-placed part of it. Other large cities could play that same part, for example Carthage (of all places), when it became the staging-ground for the regime of Gordian I in 238, or Antioch, when the empress Verina appealed to its people to confirm her choice of Leontios as counter-emperor to Zenon in 484. Given that emperors professed universal solicitude for all Romans, it did not matter if a crowd of Romans *here* included Romans from *there*. Civic identity was subsumed within the broader frame of Romanía. After the universal grant of Roman citizenship in 212, those cities all contained local fractions of the *populus Romanus* and could be asked to perform its sovereign political functions.[43] We are a far cry

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41 John Chrysostom, *Homilies on the Statues* 12.3, 15.4, 17.5.

42 For the economic advantages of local citizenship, see Neil, 'Conclusions', pp. 212–15.

43 Carthage: Herodian, *Events after Marcus Aurelius* 7.6; Antioch: *Excerpta de insidiis* 35 (pp. 165–66).

here from the older view that the people 'played a humble but essential role' in city politics by providing the sewer cleaners and craftsmen.[44]

Likewise, public opinion could be gauged not only through the cheering or booing of the people in the hippodrome. Elites obviously paid attention to what their people were saying in all settings, to detect the early rumblings of a coming storm. On a wider scale, and in an effort to institute a (rudimentary) mechanism for the popular assessment of his officials, the emperor Constantine required that 'the voices of our provinces' — namely the praises and jeers directed at imperial judges by the people in towns and cities across the Empire — should be recorded and sent to him for inspection, and ordered that these voices should be unfettered to express themselves freely to him.[45] What we see here, under construction, is a national constituency and an empire-wide civic culture.[46]

In this process, Constantinople eventually took the lead. In the third century, after the universal grant of citizenship, the jurist Modestinus could still claim that 'Rome is the common *patria* of us all'.[47] This was shifting by the time of Justinian, who agreed that 'all *civitates* should follow the norms of Rome […], rather than the reverse, but by "Rome" we mean not only the old city but also our own imperial city', that is, Constantinople.[48] By the early seventh century, the emperor Herakleios could assert that Constantinople was 'the common *patris* of everyone'.[49] To be sure, this was a rhetorical flourish, but it was emblematic of a fundamental shift in the Roman world from West to East, as New Rome became the font of a new Roman law in Greek, which, in a fascinating reversal, Italians now had to translate into Latin. The claim also had legal implications. What it meant literally was that every Roman was now a citizen of Constantinople. A twelfth-century Byzantine commentator did in fact take this literally: 'a defendant summoned from, say, Thessalonike or Raidestos to trial in New Rome cannot object by saying "that is not my home jurisdiction, therefore you have to come to where I live and file your suit here." For Rome [i.e. Constantinople] is the common *patris* and the common legal jurisdiction of all […] for those who live in it or in any other land' (i.e. within the Empire).[50]

For centuries, Byzantium has been represented in the West as an ineluctable Other, for our purposes as a civilization excluded from the exclusive club of civic-minded polities. This bias continues to shape scholarly interpretations

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44 Jones, *The Later Roman Empire*, p. 724.

45 *CTh* 1.16.6 (331 CE).

46 Kaldellis, 'From Rome to New Rome'.

47 Modestinus (*sing. de manum.*), Digest 50.1.33: *Roma communis nostra patria est.*

48 Justinian, Constitution *Deo auctore* 10 (*Digest*): *debere omnes civitates consuetudinem Romae sequi, quae caput est orbis terrarum, non ipsam alias civitates. Romam autem intellegendum est non solum veterem, sed etiam regiam nostram.*

49 Herakleios, *Novel* 2 (ed. by Konidaris, p. 74).

50 *Ecloga Basilicorum* 7.5.5.

of its political culture. Specifically, its civic identity is dismissed as a fossilized relic with little life left in it, or as a piece of imperial-legal rhetoric that hard-nosed modern historians should not fall for. Thus, its people's street-level participation in politics is not interpreted under the rubric of civic identity or seen as proper 'politics' at all, but is placed instead under the categories of 'urban violence' and 'mob' behaviour, motivated by basic urges and fanatical hatreds. But these are skewed interpretive choices. In this paper, I have made the opposite choice, to take civic identity in Constantinople seriously and to interpret street-level participation in politics in the context of Byzantine perceptions of the structure of the body politic. To blur the fine edges of modern taxonomies, I deliberately presented an alienating picture of modern politics, highlighting the deep illusions that we harbour about our own civic identities and the institutions that underpin them. We like to think that these institutions make us the masters of our own political destinies, and so cannot understand why, at every turn, we are boxed in. We think that we live in democracies but cannot understand why nothing happens in the way that we want, resulting in periodic mass protests and upheavals. The Byzantines approached the matter from the opposite direction, but tended to arrive at the same middle point. To use the words of Terry Pratchett, they 'refused point-blank to have any truck with democracy, on the basis that governing was what a king ought to do and they'd be sure to tell him if he was wrong'.[51]

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51 Pratchett, *Carpe Jugulum*, p. 32.

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AVSHALOM LANIADO

Social Status and Civic Participation in Early Byzantine Cities

Introduction

In an article published in 1990, the late Mark Whittow (1957–2017) argued that former generations of scholars had largely overestimated the consequences of the decline of the municipal councils for the provincial cities of the early Byzantine Empire. Far from putting an end to a long tradition of municipal autonomy, the so-called 'flight' of the councillors and, ultimately, the disappearance of the councils themselves were no more than part of an 'institutional rearrangement'. Early Byzantine cities did not lack municipal institutions, lay officeholders, rich landowners, proud benefactors, and public buildings. They were not less prosperous or vital than the cities of the early Roman Empire, and were, as before, self-aware communities. Moreover, cities were still far more important than the villages surrounding them. In short, a story of continuity.[1]

The historiographic tradition according to which the decline of the municipal councils led to the decline of the cities themselves was given its most articulate and lucid representation by A. H. M. Jones.[2] Whittow was not the first one to challenge it, for he was preceded by historians such as Dietrich Claude,[3] Peter Brown,[4] and Gilbert Dagron;[5] yet his decision to focus on the

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1 Whittow, 'Ruling the Late Roman and Early Byzantine City'.
2 See the subchapter 'The Decline of the Councils' in Jones, *The Later Roman Empire*, I, pp. 757–63; cf. Lavan, 'A. H. M. Jones and "The Cities"'.
3 Claude, *Die Byzantinische Stadt*, p. 160: 'Man gewinnt den Eindruck, als ob die neue Stadtverfassung gesünder und kräftiger war als die Kurie in den letzten beiden Jahrhunderten ihres Bestehens. Überhaupt scheint sich das städtische Leben im 6. Jh. stärker entwickelt zu haben als in der Spätantike'.
4 Brown, *The World of Late Antiquity*, p. 24: 'The solid bedrock of civil life held firm'.
5 Dagron, 'Les villes dans l'Illyricum protobyzantin', p. 14: 'Constatation banale: les villes aux vɪᵉ et vɪɪᵉ siècles renforcent leur autonomie, et dans cette évolution l'évêque joue un rôle central'.

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economic, social, and cultural aspects of the subject enabled him to set the discussion on a different track. Due to this approach, his well-written article has gained a wide readership and made an important contribution towards the formation of a large consensus on the vitality of the provincial cities in the early Byzantine world. His influence is noticeable even in the work of historians who have paid special attention to the evolution of municipal institutions,[6] an aspect on which he had little to say. However, his conclusions also have been met with criticism. Thus, his conviction that the cities remained prosperous even after the Great Plague of the early 540s has not been shared by all.[7] As for the continuity with the cities of the early Roman Empire, Anne-Valérie Pont recently has argued that while concentrating on the role played by propertied notables, Whittow did not pay due attention to other fundamental elements of the Greek city which were still lively until the late third century CE. In her own words, 'le modèle civique grec d'époque romaine comportait […] davantage d'éléments caractéristiques que le seul exercice, par une élite de propriétaires fonciers, d'un pouvoir civil dans un cadre urbain'.[8]

Of greater relevance for this chapter is the criticism of scholars who argued that, due to substantial differences between the municipal councillors and their successors, continuity on the institutional level was rather limited. In 2001, J. H. W. G. Liebeschuetz made a comparison between municipal councillors and notables. The latter

> did not form a corporation, and they did not bear collective responsibility for the administration of the city. Individually, they were not under a hereditary duty to perform civic duties and to meet civic expenses. Certainly, the imperial government was never in a position to coerce notables in the way it continued to coerce decurions. The notables' public service remained voluntary.[9]

In 2006, Liebeschuetz argued that 'the imperial government ceased to be interested in the precise constitutional arrangements of provincial cities', and that 'there is no evidence that a new standing institution took the place of the

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6 Laniado, *Recherches sur les notables municipaux*; Laniado, 'From Municipal Councillors to "Municipal Landowners"'; Schmidt-Hofner, 'Der *defensor civitatis*'; Haarer, 'Developments in the Governance of Late Antique Cities'. According to Haarer (p. 134), 'there is no simple correlation between the decline of the town council in the fourth century and the decline of the city in the sixth'.

7 Whittow, 'Ruling the Late Roman and Early Byzantine City', pp. 13–20; Whittow, *The Making of Orthodox Byzantium*, pp. 66–68; Kennedy, 'Justinianic Plague in Syria'; Stathakopoulos, 'Crime and Punishment'. The debate on the Great Plague and its consequences goes on: see now Mordechai and Eisenberg, 'Rejecting Catastrophe'; Meier, 'The "Justinianic Plague"'; Greatrex, 'Procopius and the Plague in 2020'.

8 Pont, *La fin de la cité grecque*, p. 14. I would like to thank the author, who kindly allowed me to read this book before publication.

9 Liebeschuetz, *The Decline and Fall of the Roman City*, p. 121.

old civic council'.[10] In 2005, Chris Wickham distinguished between a 'formally constituted body' (the municipal council) and an informal body made of notables. To his mind, the transition from the one to the other was 'the key change' in the evolution of the cities.[11] In 2008, Gilles Bransbourg argued for a very limited degree of continuity and asserted that the fiscal policy of the Tetrarchs weakened municipal autonomy to the point of creating a vacuum.[12]

In 2014, I briefly explained why I find it difficult to accept Liebeschuetz's contention that public service by notables remained voluntary.[13] The same can be said about the often-postulated informal character of the bodies which replaced the municipal councils.[14] In fact, the cities never lost their status of 'legal personalities', while imperial legislation testifies to the keen interest of the state in the functioning of decision-making assemblies attended by notables. These issues are discussed in further detail in this chapter, which begins with a preliminary question: Who were the lay notables of the early Byzantine cities, and what did they have in common?

Municipal Lay Notables, the Concept of *Ordo*, and the Category of *Honestiores*

The noun 'notable' is the most frequently used term for prominent townsmen in the research on the period considered here. Although it derives from the Latin adjective *notabilis*, this is a modern usage, with no exact counterpart in the sources themselves.[15] The success of this term is due to its simplicity and comprehensiveness, and especially to the lack of a precise institutional connotation. Whereas a variety of terms and periphrases can be found in the primary sources,[16] this single word enables scholars to refer to heterogeneous groups which many of them regard as fluid and informal.[17] However, it is not less important to find out what is common to members of heterogeneous groups than to insist on their diversity.

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10 Liebeschuetz, 'Transformation and Decline', pp. 470–71.

11 Wickham, *Framing the Early Middle Ages*, p. 598.

12 Bransbourg, 'Fiscalité impériale et finances municipales au IVe siècle'.

13 Laniado, 'From Municipal Councillors to "Municipal Landowners"', pp. 561–62.

14 See, for instance, Wickham, *Framing the Early Middle Ages*, p. 598; Saradi, *The Byzantine City*, p. 157; Norton, *Episcopal Elections*, p. 53; Loseby, 'Mediterranean Cities', pp. 146–48.

15 Etymologically, *nobilis* is the nearest term in the Latin sources, but it is certainly not a synonym. For *nobilis* in late Roman municipal and provincial contexts, see Badel, *La noblesse de l'Empire romain*, pp. 265–70.

16 Liebeschuetz, *The Decline and Fall of the Roman City*, pp. 112–13; Laniado, *Recherches sur les notables municipaux*, pp. 177–79; Wickham, *Framing the Early Middle Ages*, pp. 599–600; Kontogiannopoulou, 'Formes d'organisation collective'. This variety contrasts with the rather limited vocabulary referring to the municipal councillors.

17 See, for instance, Wickham, *Framing the Early Middle Ages*, p. 601: 'Being a "notable" was flexible and locally diverse'.

The municipal council (*curia* or *ordo* in Latin; *boule* or *bouleuterion* in Greek) was the central institution in the cities of the early Roman Empire. The same holds true for the cities of the fourth century (the 'Late Roman City' according to Liebeschuetz), but not for the following period (the 'Later Late Roman City' according to his periodization).[18] Not all of the municipal councillors of the early Roman Empire were wealthy enough to pay for the most expensive liturgies on behalf of their cities, or to count among the city's greatest benefactors. Few could attain the summit of the local *cursus honorum*.[19] Already in the early Roman Empire, economic and social cleavages, combined with the needs of the state, brought forward the formation of an 'upper class' of 'First Ten' or 'First Twenty' within the councils of some cities.[20] From the late third century onwards, various terms refer to prominent councillors as the 'First Ones'.[21] Notwithstanding these institutional and social differentiations, the councillors of each city shared the same legal privileges and had the same liability to serve their hometown, for they belonged to a particular status group, the *ordo decurionum* of the city.[22] As with all Roman *ordines*, this was a group of privileged citizens which was organized, or at least recognized, by the state.[23] Although it was a typically Roman concept, it had a considerable and ever-growing influence on the Greek cities under Roman rule since the late Republic.[24]

In the early Roman Empire, several status groups, collectively referred to as *honestiores*, were entitled to a set of judicial privileges which protected them from the harshness of criminal law. Such privileges, however, were denied to the overwhelming majority of the Roman citizens, the so-called *humiliores*, as well as to almost all *peregrini*, the non-citizen subjects of the early Empire.[25] These privileged groups were the senatorial order, the equestrian

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18 For this periodization, see Liebeschuetz, 'Administration and Politics in the Cities of the 5th and 6th Centuries', pp. 161–62; Liebeschuetz, *The Decline and Fall of the Roman City*, pp. 3–4.

19 For two case studies, see Jacques, *Le privilège de liberté*, pp. 520–26 (Canusium); Brélaz, *Philippes, colonie romaine d'Orient*, pp. 270–74.

20 Burton, 'The Imperial State', pp. 207–09; Sideris, 'A *dekaprotos* in Antikyra of Phokis'; Samitz, 'Die Einführung der Dekaproten und Eikosaproten' (with further bibliography); Rizos, 'Civic Administration in Illyricum and Thrace', pp. 213–14.

21 Laniado, *Recherches sur les notables municipaux*, pp. 201–11; Zoumbaki, 'On the Vocabulary of Supremacy'. The most widely used terms are *principalis*/*principales* or *primas*/*primates* in Latin, and πρωτεύων/πρωτεύοντες in Greek.

22 There never was a single, empire-wide, *ordo decurionum*, for each city had its own *ordo*: see Jacques, *Le privilège de liberté*, pp. 562–63.

23 See Cohen, 'La notion d'"*ordo*" dans la Rome antique'; Rilinger, '*Ordo* und *dignitas*'.

24 See the bibliography cited in Laniado, 'From Municipal Councillors to "Municipal Landowners"', p. 547, n. 10. The extent of this influence is questioned by Heller, 'La cité grecque d'époque impériale'; Heller, 'Les institutions civiques grecques sous l'Empire'.

25 For these categories, see Cardascia, 'L'apparition dans le droit des classes d'*honestiores* et d'*humiliores*'; Garnsey, *Social Status and Legal Privilege*, pp. 221–76; Jacques, *Le privilège de liberté*, pp. 563–66; Rilinger, *Honestiores – humiliores*; Burton, 'The Imperial State', pp. 204–05; Buraselis, Θεῖα Δωρεά: *Das göttlich-kaiserliche Geschenk*, pp. 120–36.

order (until it ceased to exist in the latter half of the fourth century[26]), the veterans, as well as the municipal councillors.[27] This 'dual-penalty system' was maintained in the late Roman and early Byzantine periods.[28] It is true that provincial governors and other imperial office-holders did not always respect privileges such as immunity from flogging when it came to municipal councillors, yet the latter were all entitled to them until the reign of Justinian I (527–565). In 537, this ruler deprived non-orthodox municipal councillors (Jews, Samaritans, or heretics) of their privileges, while asserting that they were nonetheless liable to serve their cities.[29] Despite the decline in the prestige of early Byzantine municipal councillors, often regarded as belonging to a *condicio* (a compulsory status group),[30] the concept of *ordo* as well as the distinction between *honestiores* and *humiliores* should not be ignored in research on what may be called the 'Post-Curial City'. Of course, there never was an '*ordo notabilium*'. Still, early Byzantine lay notables, just like municipal councillors, were *honestiores*.[31]

The circumstances under which municipal elites had become heterogeneous by the late fourth century are not entirely clear. Many historians, myself included, have regarded this evolution as one of the outcomes of the decline of the municipal councils. A few years ago, Sebastian Schmidt-Hofner challenged this viewpoint and argued that the *Notabelnregiment* came into being when councillors and *honorati* joined forces in order to preserve municipal autonomy from the growing power of the *defensor civitatis*.[32] Either way, it is obvious that this change could not have occurred unless non-curial landowners of sufficient means and prestige had become a common feature of many provincial cities, if not of all of them. This was one of the outcomes of a series of decisions taken by several emperors in the fourth and fifth

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26   Jones, *The Later Roman Empire*, I, pp. 526–28; Davenport, *A History of the Roman Equestrian Order*, pp. 553–606.

27   Unlike senators, knights, or veterans, not all municipal councillors were Roman citizens before the *Constitutio Antoniniana* (212 CE), yet Roman citizenship was widespread among the notables of the peregrine cities of the Greek world in the first and second centuries CE: see, for instance, Burton, 'The Imperial State', pp. 203–04; Hoët-Van Cauwenberghe, 'Empire romain et héllenisme', pp. 159–61; Camia, 'Roman Citizens of Thrace', pp. 189–92; Heller, 'Membership of the *boule*', pp. 259–60. In cities such as Athens and Sparta, Roman citizens were the majority in the upper class already in the second century CE: see Rizakis and Zoumbaki, 'Local Elites and Social Mobility', p. 171. I have not been able to consult Besson, *Constitutio Antoniniana*.

28   Jones, *The Later Roman Empire*, I, pp. 749–50 and n. 88; Patlagean, *Pauvreté économique et pauvreté sociale*, pp. 11–17; Teja, 'Honestiores y humiliores'; Baumann, *Freiheitsbeschränkungen*, pp. 107–10.

29   Justinian, *Novel* 45; *RKOR* 1133; see Laniado, *Recherches sur les notables municipaux*, pp. 63–64.

30   For *condicio* (*tyche* in Greek), see the bibliography cited in Laniado, 'From Municipal Councillors to "Municipal Landowners"', p. 553, n. 44. For curial status as a *condicio*, see Laniado, *Recherches sur les notables municipaux*, pp. 63–64.

31   See Skinner, 'Political Mobility', pp. 33–34.

32   Schmidt-Hofner, 'Der *defensor civitatis*'.

centuries. The first step was taken by Constantine I (306–337), who enlarged the senatorial order of Rome and created in Constantinople a new senatorial assembly, with or without a new senatorial order.[33] His son, Constantius II (337–361), recruited a large number of rich provincials, mostly of curial stock, to the new senate, which counted about two thousand members by the reign of Theodosius I (379–395).[34] Valentinian I (364–375) and Valens (364–378) introduced into the senatorial orders of Rome and Constantinople a distinction between three ranks: *illustres*, *spectabiles*, and *clarissimi*. As not all senators could be permanent residents of the capitals or active members of the senatorial assemblies, many of them preferred to live in their provincial birthplaces. In a law of 434 or 435, Theodosius II (408–450) recognized the right of *spectabiles* and *clarissimi* to do so.[35]

As the clarissimate was hereditary,[36] some provincials could become members of the senatorial order without the need to make a career in the imperial administration outside their hometowns. Many provincials who received senatorial ranks when appointed to office by the emperor returned to their cities, or settled in elsewhere, once their career was over; others became honorary officeholders, and so did not have to leave their cities. Former imperial officeholders as well as honorary ones are often referred to as *honorati* (*axiomatikoi* in Greek).[37] Both *honorati* and hereditary *clarissimi* ranked higher than municipal councillors did. Just like them, they belonged to an *ordo* (in their case, the senatorial order) as well as to the broader category of *honestiores*.

We should now ask whether there were *honestiores* who became municipal notables without belonging to any *ordo*. Veterans were never organized as an *ordo*, and under the early Roman Empire, those of them who wished to pursue a municipal career could join the municipal councils.[38] There is but scanty evidence for this in the fourth century, and little evidence for early Byzantine

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33 The respective role of Constantine I and his son Constantius II in the creation of the senate of Constantinople is still debated. According to the latest study, the new capital did not have a senatorial order or a *cursus honorum* of its own before the 350s: see Moser, *Emperor and Senators*.

34 Moser, *Emperor and Senators*, pp. 221–27.

35 *CJ* 12.1.15. For the late Roman and early Byzantine senatorial order, see Jones, *The Later Roman Empire*, I, pp. 523–62; Arnheim, *The Senatorial Aristocracy*; Dagron, *Naissance d'une capitale*, pp. 119–210; Chastagnol, *Le sénat romain à l'époque impériale*, pp. 259–91; Skinner, 'The Early Development of the Senate of Constantinople'; Begass, *Die Senatsaristokratie des oströmischen Reiches*; Laniado, 'L'aristocratie sénatoriale'.

36 Schlinkert, *'Ordo senatorius' und 'nobilitas'*, pp. 85–89.

37 For the *honorati*, see Jones, *The Later Roman Empire*, II, p. 1221, n. 12; Chastagnol, 'Quelques problèmes', pp. 57–60; Cecconi, '*Honorati, possessores, curiales*', pp. 44–50.

38 See the bibliography cited in Laniado, 'From Municipal Councillors to "Municipal Landowners"', p. 556, n. 62; Tacoma, *Fragile Hierarchies*, pp. 252–55; Stoll, *Ehrenwerte Männer*, pp. 177–82; Brélaz, *Philippes, colonie romaine d'Orient*, pp. 288–90.

municipal notables of military background.[39] Moreover, an anonymous law (about which more will be said below) suggests that the involvement of veterans as well as of retired civil state employees in municipal affairs was voluntary.[40]

Of greater significance is the question whether there ever existed lay notables who were neither members of an *ordo* nor *honestiores*. At first glance, this would have been the case of the *possessores*, or *ktetores* in Greek. These words, which are usually translated as 'landowners' or 'landholders', originally belong to the vocabulary of private law. As observed by Benjamin Cohen, the *possessores* were never organized as an *ordo*.[41] Nor were they regarded as *honestiores*. Due to their property, wealthy *possessores* were 'natural candidates' for recruitment into the municipal councils,[42] yet this was hardly the case after the fourth century. In fact, laws, documents, and literary sources mention them as a distinct category of notables, alongside other groups, such as municipal councillors and *honorati*.[43] In other words, these *possessores* became municipal notables without joining the *ordo decurionum*. Does this imply that they counted as *humiliores*, just like villagers who owned land?

It is difficult to pinpoint notables referred to as *possessores/ktetores* who demonstrably ranked lower than *honestiores* did. This may have been the case with Epinicus, who served as praetorian prefect of the East under the usurper Basiliscus (475–476). Before his extraordinary career, Epinicus was a private notary (ἐν δὲ τοῖς τὰ συμβόλαια τελοῦσι τεταγμένος, in the words of John of Antioch).[44] As such, his status was inferior to that of municipal councillors. According to an honorific inscription, he seems to have been one of the *ktetores* (ἐκ τῶν κτητόρων) of his native city, Metropolis in Phrygia.[45] The evidence suggests that Epinicus was for a while both a plebeian and an important local figure,[46] but this was certainly an exceptional case, and perhaps an isolated one. On the other hand, there is plenty of evidence for *ktetores* who could boast

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39 Laniado, *Recherches sur les notables municipaux*, p. 18; Laniado, 'From Municipal Councillors to "Municipal Landowners"', pp. 555–57. For the recruitment of sons of veterans to the municipal councils, see Laniado, *Recherches sur les notables municipaux*, p. 54; Baumann, *Freiheitsbeschränkungen*, pp. 37–40.

40 *CJ* 10.56.1.

41 Cohen, 'La notion d'"*ordo*" dans la Rome antique', p. 270.

42 Tacoma, *Fragile Hierarchies*, pp. 258–61.

43 For the *possessores/ktetores*, see Claude, *Die Byzantinische Stadt*, pp. 114 and 118–20; Liebeschuetz, *The Decline and Fall of the Roman City*, pp. 110–15 and 125–26; Laniado, *Recherches sur les notables municipaux*, pp. 171–200; Laniado, 'From Municipal Councillors to "Municipal Landowners"', pp. 546–57; Cecconi, '*Honorati, possessores, curiales*', pp. 51–54; Giardina and others, *Flavio Magno Aurelio Cassiodoro Senatore*, pp. 304–07.

44 John of Antioch, frg. 303 (ed. and trans. by Roberto, pp. 512–13); frg. 234.1 (ed. and trans. by Mariev, pp. 426–27).

45 *ILS* 8845a.

46 *PLRE* ii, *s.v.* Epinicus, p. 397; Laniado, 'Some *Addenda*', p. 122; Begass, *Die Senatsaristokratie des oströmischen Reiches*, pp. 130–34, n° 80; Laniado, 'L'aristocratie sénatoriale', pp. 433–34.

of senatorial ranks, and even of very high ones. Moreover, in 548, Justinian distinguished between *ktetores* and *idiotai* (private individuals).[47]

Despite their diversity,[48] lay municipal notables had much in common. They normally belonged to an *ordo*, either as municipal councillors or as members of the senatorial order,[49] while those who were not certainly belonged to the category of *honestiores*. Historians have noticed that the extant imperial legislation never defines what a municipal notable is.[50] However, one can wonder whether such a definition was needed at all. The imperial authorities may have assumed that municipal administration was the business of every resident belonging to an *ordo* as well as of those who were merely *honestiores*. In these circumstances, exemption would have required a privilege.

Municipal Notables between Imperial Coercion and Voluntary Public Service

As we have seen, Liebeschuetz argued that 'the imperial government was never in a position to coerce notables in the way it continued to coerce decurions'.[51] The ease of coercion in the Roman Empire no doubt depended on the social and economic status of the various targeted groups, and there definitely was a correlation between the standing of the latter and their success in promoting their interests by influencing the imperial government. In 1964, A. H. M. Jones offered an illuminating analysis of this issue and argued that landowners were much more effective in this respect than the army or the Church, and that the senatorial aristocracy was the most influential pressure group.[52] Still, senators did pay taxes, and even contributed to special levies, as in 447, when the Eastern Empire had to pay the Huns the huge sum of 6000 *librae* of gold.[53] As there is no reason to underestimate the ability of the state to oblige its subjects to serve its interests, the question is what the

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47 Justinian, *Edict* 8.3.1; *RKOR* 1337.

48 For a 'growing lack of homogeneity', see Wickham, *Framing the Early Middle Ages*, pp. 599–600.

49 Some notables were liable to curial duties despite their senatorial ranks: see Laniado, 'Βουλευταί et πολιτευόμενοι', pp. 139–40; Laniado, *Recherches sur les notables municipaux*, pp. 21 and 37.

50 Liebeschuetz, *The Decline and Fall of the Roman City*, pp. 112 and 120; Laniado, *Recherches sur les notables municipaux*, p. 201; Wickham, *Framing the Early Middle Ages*, p. 598; Schmidt-Hofner, 'Der *defensor civitatis*', p. 488; cf. Saradi, *The Byzantine City*, p. 157: 'They [the *protoi*] were defined solely in terms of social status and power, rather than in terms of institutional offices'.

51 Liebeschuetz, *The Decline and Fall of the Roman City*, p. 121.

52 Jones, *The Later Roman Empire*, I, pp. 357–65.

53 Priscus, *Excerpta*, frg. 5.7 (ed. by Carolla, p. 10); see Zuckerman, 'L'empire d'Orient et les Huns', pp. 164–68.

role of compulsion was in the relationship between the imperial government and the cities.

In 1976, Peter Brunt observed that, due to their indispensable role in preserving internal order and collecting the direct property tax, 'hardly any class of men rendered more important services to the Roman state than those charged with local government'.[54] In 2001, Graham Burton pointed to four fundamental tasks fulfilled by members of the local elites: first and foremost, active participation in the process of assessing and collecting direct taxes; secondly, dispute resolution (through a judicial system of limited competence) as well as the maintenance of order (through local magistrates who were authorized to arrest and interrogate criminals, but not to judge them); thirdly, service as ambassadors or legal representatives before the provincial governor or even the emperor; and fourthly, participation in provincial assemblies and other events related to the imperial cult.[55] While most, if not all, municipal councillors took part in the heavy task of taxation, few of them were involved in the other three. Both Brunt and Burton had in mind the early Roman Empire, but their conclusions are, by and large, valid for the period considered here as well. Thus, late Roman and early Byzantine municipal notables were indispensable for the fulfilling of the first two tasks pointed out by Burton,[56] as well as for some new ones.[57]

Since the reforms of the late third and the early fourth century, there were many more officeholders and bureaucrats than ever before on both the imperial and the provincial levels,[58] but they never were numerous or widespread enough to become an empire-wide alternative for the municipal councillors. Unlike the latter, imperial officials were not present in every city.[59] One of the outcomes of these reforms was a more intense involvement of provincial governors and their subordinates in municipal affairs,[60] but

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54 Brunt, 'The Romanization of the Local Ruling Classes', p. 163.

55 Burton, 'The Imperial State', pp. 202–03.

56 Few lay notables are recorded as ambassadors after the fourth century, while the evidence for the fifth and sixth centuries does not always reveal whether ambassadors were laymen or members of the clergy: see Laniado, *Recherches sur les notables municipaux*, p. 218. Traditional provincial assemblies seem to have disappeared in the fifth century. For the sixth century, there is some evidence for gatherings of bishops and lay notables at the provincial level: see Laniado, *Recherches sur les notables municipaux*, p. 229.

57 Carrié, 'Developments in Provincial and Local Administration', pp. 282–93; Carrié, 'La législation impériale', pp. 99–108. For the various tasks fulfilled by locals in an early Byzantine city, namely Oxyrhynchus, see Tuck, 'The *Oikoi* and Civic Government'.

58 Jones, *The Later Roman Empire*, II, p. 1057 and n. 44; Palme, 'Die *officia* der Staathalter', pp. 100–101; Kelly, *Ruling the Later Roman Empire*, pp. 110–11.

59 Laniado, *Recherches sur les notables municipaux*, pp. 104–07; Carrié, 'Developments in Provincial and Local Administration', p. 280; Carrié, 'La législation impériale', pp. 101–02. Circumstances were different in cities which served as capitals of provinces or civil dioceses. On this subject, see now Dey, 'Privileged Cities'.

60 Jones, *The Later Roman Empire*, I, pp. 757–59; Di Segni, 'The Involvement of Local Municipal and Provincial Authorities', pp. 317–22.

this does not imply that municipal councillors and other notables ended up as mere tools in their hands. In fact, provincial governors themselves seem to have lost in significance by the late sixth century.[61] As municipal government in the early Byzantine period was never taken over by either imperial officeholders or civil servants,[62] the local elites were still necessary. Therefore, it would be hard to believe that the imperial authorities, while still regarding them as indispensable, relied on their good will. Just like their Roman predecessors, early Byzantine emperors did encourage voluntary service on behalf of the provincial cities,[63] but never ruled out resort to compulsion.

In the early Roman Empire, as we have seen, veterans could join the municipal councils of their own free will. According to a rescript of Severus Alexander (222–235), this was a voluntary move that did not give them the right to reclaim immunity from curial status.[64] Between 286 and 293, Diocletian and Maximian asserted that volunteers to a municipal office (*honor*), unlike voluntary councillors, had the right to maintain their immunity.[65] In 410, Theodosius II guaranteed immunity from curial status to the offspring of those who had joined the councils of their own accord. In 413, this emperor bestowed immunity on those who volunteered for a specific curial charge as well as on their offspring. Both laws dealt with the praetorian prefecture of Illyricum, and in the second one Theodosius II expressed his concern for this devastated area (*vastato Illyrico consulentes*).[66] In 442, the new ruling became the law in the praetorian prefecture of the East as well.[67]

In 465, Leo I (457–474) restated the right of both the volunteers and their offspring to immunity from curial status and offered a new incentive:

> Si quis vero ex his omnia decurionum munera vel functiones vel honores nulla imminente necessitate, sed sua sponte peregerit, eum pro sua liberalitate patrem civitatis, in qua voluntarius municeps apparebit, si hoc ei libuerit, fieri constituique hac lege decernimus.
>
>> [But if one of these persons performs all the services, payments, or offices of the decurions without any imminent necessity, but of his own accord, We determine by this law that for his generosity, if he

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61 Dagron, 'Le christianisme dans la ville byzantine', pp. 19–20; Roueché, 'The Functions of the Governor', p. 35; Laniado, *Recherches sur les notables municipaux*, pp. 250–52; Biundo, 'Financial Situation and Local Autonomy'.

62 For the distinction between officeholders and civil servants, see Jones, *The Later Roman Empire*, I, 377–78; Noethlichs, *Beamtentum und Dienstvergehen*, p. 31.

63 Jones, *The Later Roman Empire*, I, p. 755; Laniado, *Recherches sur les notables municipaux*, pp. 18 and 56–57; Baumann, *Freiheitsbeschränkungen*, pp. 12–13 and 35. For the early Roman Empire, see Jacques, *Le privilège de liberté*, pp. 351–78.

64 *CJ* 10.44.1.

65 *CJ* 10.44.2.

66 *CTh* 12.1.172.2 (410 CE); 12.1.177 (413 CE).

67 Theodosius, *Novel* 22/1.1–2.

desires this, he become and be established father of the city in which he will appear as a voluntary townsman.][68]

In 528 or 529, Justinian confirmed the immunity of the offspring of those who joined the municipal councils voluntarily.[69] Finally, the committee in charge of compiling the *Justinian Code* created a new title, with no parallel in either the *Theodosian Code* or the *Digest* (10.44: *De his qui sponte munera susceperunt*, 'Those who have taken up services of their own accord'). Do these laws imply that participation in municipal administration by those who were not councillors was always voluntary? A negative answer can be inferred from the summary of an anonymous law, now lost, which was once included in the *Justinian Code*. This summary is quoted in a work of Jacques Cujas (1522–1590), who found it in a lost manuscript of the *Basilica*, which is a tenth-century Byzantine compilation based upon the *Digest*, the *Code*, and the *Novels* of Justinian:[70]

Οἱ πληρώσαντες στρατείαν ἢ συνηγορίαν πρὸς τοῖς ὑπάρχουσιν αὐτοῖς προνομίοις μήτε σιτωνίαν ἢ ἐλαιωνίαν ἢ ἐποψίαν ἔργων ἢ λογοθέσιον ἢ ἐκδικίαν ἢ πατερίαν ἢ λογιστίαν ἢ ἀγορανομίαν ποιείτωσαν. Ἀλλ' ἔνθα ἂν οἰκῆσαι βουληθῶσι, μήτε ὑπαντᾶν ἀναγκαζέσθωσαν τοῖς ἄρχουσι περαιτέρω πυλῶν μήτε εἰς συλλόγους ἄκοντες καλείσθωσαν μήτε ὀνομαζέσθωσαν ἢ ὀνομαζέτωσαν μήτε διαγραφὰς παρεχέτωσαν προφάσει συνηθειῶν ἢ θεωρητικῶν. Ἐχέτωσαν δὲ καὶ μίαν οἰκίαν ἐλευθέραν μητάτων τῶν ἐπιδημούντων στρατιωτῶν καὶ τῶν ἐν τοῖς τόποις διατριβόντων, δηλονότι τῶν ἐχόντων ἀξίας τινὰς τὴν ἰδίαν ἀτέλειαν κεκτημένων· ἡ γὰρ διάταξις αὕτη προστίθησι ταῖς προτέραις εὐεργεσίαις καὶ οὐχ ἀφαιρεῖται ἐξ αὐτῶν. Παρεχέτωσαν δὲ τὰ δημόσια καὶ τιμάτωσαν τοὺς ἄρχοντας καὶ τιμάσθωσαν παρ' αὐτῶν. Ὁ δέ τι τῶν ἐν τῇ διατάξει παραβαίνων ἢ παραβαθῆναι συγχωρῶν πεντήκοντα λίτρας χρυσοῦ προστιμηθήσεται.

> [[Pr.] Those who have completed service or an advocacy, in addition to their existing privileges, are not to perform the purchasing of grain or of olive oil, or the inspection of construction work, or an accounting, or a defense, or service as father of the city or curator or aedile. [§ 1] But wherever they should wish to live, they shall not be compelled to meet the governors outside of the gates, nor be called unwillingly to assemblies, or be nominated (for offices) or have to nominate, or contribute to levies under title of customs or spectacles. [§ 2] They

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68 *CJ* 10.44.3; trans. by Frier, III, p. 2593. For this law, see Roueché, 'A New Inscription from Aphrodisias', p. 176; Scarcella, *La legislazione di Leone I*, pp. 441–44. For *municeps* as synonym for *decurio*, see Oppedisano, 'Maioriano, la plebe e il *defensor civitatis*', p. 432, n. 35.

69 *CJ* 10.44.4; *RKOR* 566.

70 For the *Basilica*, see Van der Wal and Lokin, *Historiae Iuris Graeco-Romani Delineatio*, pp. 81–86; Troianos, *Le fonti del diritto bizantino*, pp. 165–73; Chitwood, *Byzantine Legal Culture*, pp. 32–35.

shall have one house free from the billeting of soldiers temporarily located or residing there, that is, those who have certain ranks having obtained their own immunity. For this constitution adds to the previous benefits and does not subtract from them. [§ 3] They are to pay public taxes and honor the governors and be honored by them. [§ 4] Whoever violates any of the measures in the constitution or allows it to be violated will be fined 50 pounds of gold.][71]

The beneficiaries of this law were free to choose where to live (§ 1), and so were not bound to regain their homelands once their career was over.[72] They had the obligation to pay taxes and honour the provincial governors (§ 3), though not to the point of having to welcome them outside the city gates (§ 1).[73] They also had the obligation to billet soldiers in their properties, while partial exemption — for one house only — was confirmed for those already entitled to it due to their rank (§ 2). All beneficiaries enjoyed a total immunity from non-voluntary participation in municipal administration. Thus, they could not be compelled to hold offices or fulfil special tasks (Pr.). Eight of them are mentioned, but the last two, λογιστία and ἀγορανομία, are probably identical.[74] The beneficiaries of this law had no obligation to assume any offices or special tasks not included in this list, for they were dispensed from the duty to attend assemblies, from appointment to office, or from participation in the appointment of others (§ 1). In addition, their property was exempted from contributions to special levies organized by the city to finance spectacles or customary payments to imperial officeholders (§ 1).[75]

The original language of this law was Greek, for there is no trace of it in the Latin manuscript tradition of the *Justinian Code*. This, as well as the reference to the municipal office of *pater civitatis* (πατερία), point to a date which is not earlier than the mid-fifth century.[76] The committee in charge of compiling the

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71   *CJ* 10.56.1; trans. by Frier, III, p. 2619 (slightly revised here). For the last edition of this summary (*Basilica* 54.7.32), see *Basilicorum Libri LX*, VII, p. 2733. For this law, see Laniado, *Recherches sur les notables municipaux*, pp. 216–19; Laniado, 'From Municipal Councillors to "Municipal Landowners"', pp. 556, 558, and 561–62; Schmidt-Hofner, 'Der *defensor civitatis*', pp. 494–95; Feissel, 'Trois fonctions municipales', p. 475 and n. 18.

72   Veterans were already given this privilege by Valentinian I (364–375), see *CTh* 7.20.8 (364 CE): *Omnibus benemeritis veteranis quam volunt patriam damus*. For this law, which was not included in the *Justinian Code*, see Mathisen, '*Peregrini*, *Barbari*, and *Cives Romani*', p. 1034.

73   For the ceremony of *adventus*, which is alluded to here, see Delmaire, 'Quelques aspects de la vie municipale', pp. 42–45; Porena, 'Forme di partecipazione', pp. 20–51.

74   Both are attested as equivalents to the Latin *cura civitatis*: see Laniado, *Recherches sur les notables municipaux*, p. 217; Feissel, 'Trois fonctions municipales', pp. 478–80.

75   For these special levies (*diagraphai* in Greek, *descriptiones/discriptiones* in Latin), see Jones, *The Later Roman Empire*, II, p. 814 and n. 103; Laniado, *Ethnos et droit dans le monde protobyzantin*, p. 147, n. 92.

76   There is no reliable evidence for the *pater civitatis* before 450 CE: see Feissel, 'Trois fonctions municipales', p. 484.

Justinian Code included it in Book Ten, whose two main subjects are taxation and municipal administration, and created for it a title (10.56) for which there is no parallel in either the *Theodosian Code* or the *Digest*. All this strongly suggests that this anonymous law was issued by Justinian himself, though an earlier emperor cannot be ruled out.[77]

According to the summary (Pr.), this law was valid for veterans, retired civil state employees,[78] and retired *advocati* (barristers enrolled in the courts of the various imperial officeholders).[79] This is contradicted by an *index* (table of contents) of the *Basilica* according to which title 10.56 of the *Justinian Code* dealt with the privileges of a much more limited number of beneficiaries, all active, not retired. These were the *advocati*, the employees of the *sacra scrinia* (the offices of the palace), the employees of the offices of the praetorian prefectures, and those serving in the *scholae palatinae* (the palace guards).[80] The evidence of the summary of the law should be preferred, for according to the Latin rubric preserved by the manuscript tradition of the *Justinian Code*, title 10.56 dealt with the exemption of those who have already completed their service or advocacy (*Quibus muneribus excusantur ii, qui post impletam militiam vel advocationem per provincias suis commodis vacantes commorantur et de privilegiis eorum*).[81]

There is no clue in this law, in its present state of preservation, as to why it was needed. The imperial government no doubt responded here to the request of some townsmen who refused to serve their cities when required to do so by the municipal or the provincial authorities. Nor does the summary say who could lawfully be compelled to assume the whole range of responsibilities from which certain categories were exempted. Municipal councillors, wherever they still existed,[82] undoubtedly had to serve their cities. This is not as obvious in the case of hereditary *clarissimi* or *honorati*. Significantly, these categories are not mentioned among the beneficiaries.[83] As already pointed out, the

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77 A date in the second half of the fifth century is put forward by Schmidt-Hofner, 'Der *defensor civitatis*', p. 494.

78 The term *strateia* (*militia* in Latin) is used for both categories: see Palme, 'Die *officia* der Staathalter', p. 101, n. 83.

79 For the *advocati* and their privileges, see Jones, *The Later Roman Empire*, I, pp. 507–15; Wieling, 'Advokaten im spätantiken Rom'.

80 *Basilicorum Libri LX*, VII, p. 2495: Προνόμια συνηγόρων καὶ στρατευομένων ἐν τοῖς θείοις σκρινίοις καὶ ταῖς μεγίσταις τάξεσι καὶ ταῖς σχολαῖς. For the *scrinia palatina*, which were under the authority of the *magister officiorum*, see Delmaire, *Les institutions du Bas-Empire romain*, pp. 65–73; for the *scholae palatinae*, see ibid., pp. 85–86; for the offices of the praetorian prefectures, see Jones, *The Later Roman Empire*, I, pp. 586–92.

81 The evidence of the *index* of the *Basilica* should be preferred, according to Feissel, 'Trois fonctions municipales', p. 475, n. 18.

82 A law issued in 534 clearly testifies to the existence of cities with no municipal council: see *CJ* 1.4.34.10; *RKOR* 1028; Laniado, 'From Municipal Councillors to "Municipal Landowners"', p. 545.

83 Schmidt-Hofner, 'Der *defensor civitatis*', p. 494, believes that the *honorati* were exempted from the obligations listed by this law.

beneficiaries 'shall not […] be called unwillingly to assemblies, or be nominated (for offices) or have to nominate' (§ 1). As this law is not earlier than *c.* 450, this is a dispensation from attending decision-making bodies which had already become heterogeneous by that date. This dispensation was still valid when the second edition of the *Justinian Code* was promulgated (16 November 534). Less than a year afterwards, the beneficiaries of this anonymous law lost one of their privileges, for on 13 August 535, Justinian decided that 'no-one is to have freedom to decline appointment' to the *defensio civitatis*.[84]

Individual Participation in Post-Curial Assemblies

Participation in assemblies was one of the duties of those who were not exempted by the anonymous law we have just examined.[85] By the late fourth century, as already pointed out, such assemblies usually included members of more than one status group. This may explain why the word used in this law for these assemblies is *syllogos*, a generic term for any meeting of any kind,[86] and not *boule* or *bouleuterion*. In the period discussed here, laws, documents, and literary texts still use both words in municipal contexts, yet they almost always refer to the *ordo decurionum* and hardly ever to the council as a deliberative body.[87] Some sources even compare the municipal councils to the senate,[88] but the use of this cliché does not prove that councils continued to meet.

To return to heterogeneous assemblies attended by notables, what requires clarification is the legal basis of *individual* participation. Following Liebeschuetz, I once believed that membership required some act of co-optation on the part of the notables themselves. As Liebeschuetz states,

> the lack of formal definition and the coexistence of narrower and wider descriptions suggest that we are not dealing with a permanent constitutional body of fixed composition, but a de facto oligarchical group of laymen

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84 Justinian, *Novel* 15.1.Pr; *RKOR* 1080; Laniado, 'From Municipal Councillors to "Municipal Landowners"', p. 562. For this office, see Oppedisano, 'Maioriano, la plebe e il *defensor civitatis*'; Feissel, 'Trois fonctions municipales', pp. 480–83; Frakes, 'The *defensor civitatis* and the Late Roman City' (with further bibliography).

85 *CJ* 10.56.1.1; see above, note 71.

86 *LSJ*⁹, *s.v.* σύλλογος, p. 1673; *PGL*, s.v. σύλλογος, p. 1280; Laniado, 'From Municipal Councillors to "Municipal Landowners"', p. 558 and n. 81.

87 Liebeschuetz, *The Decline and Fall of the Roman City*, p. 109; Laniado, *Recherches sur les notables municipaux*, pp. 28, 66 and 121; Haarer, 'Developments in the Governance of Late Antique Cities', pp. 132–35. For βουλευτήριον, which originally referred to the public building in which the council used to meet, see *LSJ*⁹, *s.v.* βουλευτήριον, p. 324; *PGL*, *s.v.* βουλευτήριον, p. 302; Laniado, *Recherches sur les notables municipaux*, p. 28 and n. 13.

88 Laniado, *Recherches sur les notables municipaux*, p. 64, n. 18; Giardina and others, *Flavio Magno Aurelio Cassiodoro Senatore*, p. 296.

and clerics, who in practice decided themselves who was to belong and who was not.[89]

However, there appears to be no clear evidence for such acts of co-optation, unless one is ready to take here into account the involvement of lay notables in episcopal elections.[90] On the other hand, there is some evidence for attempts to exclude notables from decision-making bodies. As these attempts met with disapproval, one may ask whether the state ever recognized the right of municipal notables to decide 'who was to belong and who was not'.[91]

From a fragmentary rescript of Anastasius I (491–518) found in Corycus (Cilicia Prima) we learn that some powerful individuals (τινῶν αὐθεντίαν ἢ ἐξου[σίαν ἐχόντων]) appointed on their own the *defensor civitatis* (ἔκδικος) as well as the *curator civitatis* (ἔφορος) of that city.[92] In other words, they decided who should take part in the procedure. As we shall see, Anastasius replied that all notables should be involved. Another case in point is known from a letter of Pope Gregory the Great (590–604) to Constantius, bishop of Milan (593–600):

> De Fortunato autem fraternitatem uestram esse sollicitam uolumus, ne uobis a malis hominibus in aliquo subripiatur. Nam audio eum cum decessore uestro Laurentio ad mensam ecclesiae per annos plurimos nuncusque comedisse, inter nobiles consedisse et subscripsisse eo que quondam fratre nostro sciente in numeris militasse. Et post tot annos modo uidetur fraternitati uestrae ut de status sui condicione pulsetur.

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89 Liebeschuetz, 'Administration and Politics in the Cities of the 5th and 6th Centuries', pp. 171–72; see also Liebeschuetz, 'The Government of the Late Late Roman City', p. 119; Liebeschuetz, 'Administration and Politics in the Cities of the Fifth to the Mid Seventh Century', p. 221; Laniado, *Recherches sur les notables municipaux*, p. 212.

90 The involvement of laymen and clerics in the appointment of their bishop cannot be considered an act of co-optation, for they did not have the last say on this matter. Besides, many bishops were originally lay notables themselves, and so did not owe their position in municipal society to their consecration. See the chapter by Julio Cesar Magalhães de Oliveira in this volume.

91 In 550, a church council was held in Mopsuestia (Cilicia Secunda) to find out when the name of Theodore, the famous bishop of the city (392–428), had been removed from the diptychs. While Justinian ordered that all elderly (*seniores*) clergymen and laymen should be summoned as witnesses (*ACO*, 4/1, pp. 117–18, § 2–3; *RKOR* 1347–48), the *defensor civitatis* Paulus summoned all the elderly notables he could find (*ACO*, 4/1, p. 121, § 15: *quos potui invenire vere seniores in laicis constitutos clarissimos et honestissimos viros, produxi*). To judge by his own words, he did not hinder the participation of any elderly notable. For a different interpretation, see Liebeschuetz, *The Decline and Fall of the Roman City*, pp. 114–16. At any rate, the laymen summoned by the *defensor civitatis* were not supposed to make any decision as a group.

92 *MAMA* III 197a; *RKOR* 300. For this document, see Liebeschuetz, *The Decline and Fall of the Roman City*, pp. 55–56 and 107–08; Laniado, 'Le christianisme et l'évolution des institutions municipales'; Schmidt-Hofner, 'Der *defensor civitatis*', pp. 508–09; Feissel, 'Trois fonctions municipales', pp. 479–81.

Quod mihi omnino incongruum uidetur. Et ideo uobis hoc per ipsum, sed secreto mandaui. Tamen si quid est rationabile quod ei possit opponi, in nostro debet iudicio uentilari.

> [As for Fortunatus, we want your Fraternity to be concerned, in case you are somehow deceived by wicked people. For I hear that he has eaten with your predecessor, Laurence, at the table of his church, for many years and up till now, and that he sat among the nobles, and signed things and, with the knowledge of that one-time brother of ours, did service in the army. After so many years, your Fraternity now thinks that he should be driven from the condition of his status. This seems totally incongruous to me, and for that reason I have given this order to you through him himself, but in secret. And yet, if there is anything that could be held against him with good reason, it ought to be aired for our judgment.][93]

Fortunatus used to dine with the former bishop of Milan, Laurentius (573–592), to take part in meetings of the *nobiles*, and to sign documents with them. All this testifies to his elevated position. But what enabled him to join the *nobiles* in the first place? No doubt his military past (*in numeris militasse*). Laurentius was aware of his career, and it is no coincidence that the letter insists on it. Fortunatus kept his position until the new bishop, Constantius, decided to set him aside for an unknown reason; perhaps a doubt was cast on his status as a former military man. Gregory the Great, whose help Fortunatus no doubt solicited in person, disapproved of this decision and asked for an explanation. He seems to have believed that a person who previously was one of the *nobiles* could not be excluded from their group without a reason.[94] This letter was written by a former imperial officeholder of senatorial stock who ended up as a pope.[95] But what was the attitude of the emperors themselves?

The Principle of Full Participation

The anonymous law discussed above implies that prominent townsmen who were not entitled to any exemption had to participate in assemblies even

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93 Gregory the Great, *Letters* 4.37 (ed. by Norberg, i, pp. 258–59; trans. by Martyn, i, p. 318); cf. Gregory the Great, *Letters* 5.18 (ed. by Norberg, i, pp. 286–87; trans. by Martyn, ii, p. 337). For Fortunatus and Gregory's intervention on his behalf, see *PLRE* iii/A, *s.v.* Fortunatus 3, pp. 492–93; Pietri and others, *Prosopographie de l'Italie chrétienne*, i, *s.v.* Fortunatus 17, p. 871; Laniado, *Recherches sur les notables municipaux*, p. 212. As Milan was under Lombard occupation since 569, its bishops settled in Genoa.

94 For a different interpretation, see Gregory the Great, *Letters*, trans. by Martyn, i, p. 318, n. 130: 'Constantius believed that the military status of Fortunatus was unsuitable for a position in the Church, a judgement rejected by the pope'.

95 For his origins and secular career, see *PLRE* iii/A, *s.v.* Gregorius 5, pp. 549–50; Pietri and others, *Prosopographie de l'Italie chrétienne*, i, *s.v.* Gregorius 9, p. 945.

unwillingly. Consequently, such townsmen who refused could be coerced. However, it does not follow that provincial governors or municipal notables were authorized to *hinder* the participation of individuals who belonged to the right status groups. With one exception in late fourth-century Antioch,[96] the evidence suggests otherwise.

We shall begin with three laws on assemblies held at the provincial level, or at that of the civil diocese.[97] They are all relevant for the present discussion, since they set rules for the participation of municipal notables in these gatherings, and adopt the principle of compulsory attendance.[98] In 392, Theodosius I addressed two laws on this subject to Apodemius, praetorian prefect of Illyricum (with or without Italy or Africa).[99] All the 'First Ones' (*primates*) should convene (*cunctos volumus convenire, qui primatum honorantur insignibus*), except for former holders of the praetorian or urban prefecture (*exceptis praefectoriis*), the highest civil offices of the time.[100] The latter should be consulted 'within their own homes', for

> it is unbecoming that men honoured by high rank should be disregarded by those who are taking counsel (*a consiliantibus praeteriri*), and it is more unbecoming that such men should be summoned to a public gathering with a slight to their high rank (*cum honoris iniuria*).[101]

According to this law, there was nothing wrong in coercing notables to attend the assembly of their province, unless they were former praetorian or urban prefects.

According to the second law, meetings of provincial assemblies should take place

> either in a public building or in some part of the forum, where there can be a concourse of all (*omnium* […] *concursus*), so that an arrangement agreed upon by a few persons (*dispositio paucorum*) may not conceal that which the desires of all seek for the common good (*in communem utilitatem*).[102]

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96   In one of his orations, Libanius complained that Eustathius, who served as *consularis Syriae* in 388/89, did not invite him to the meetings of the city council of Antioch. According to the author, who was a *honoratus* and not a municipal councillor, Eustathius violated an established practice: see Libanius, *Opera* 54.74 (ed. by Foerster, IV, p. 102); Petit, 'Sur la date du *Pro Templis* de Libanius', pp. 289–94. For this officeholder, see *PLRE* I, *s.v.* Eustathius 6, pp. 311–12; Petit, *Les fonctionnaires dans l'œuvre de Libanius*, pp. 101–02, no. 104.

97   For these laws, see Guiraud, *Les assemblées provinciales*, pp. 253–71; Larsen, 'The Position of Provincial Assemblies'; Jones, *The Later Roman Empire*, I, p. 766; Krause, 'Das spätantike Städtepatronat', p. 52; Liebeschuetz, *The Decline and Fall of the Roman City*, p. 12 and n. 34.

98   According to Martini, 'Sulla partecipazione popolare', participation in these assemblies was not restricted to the notables. However, the evidence is far from explicit.

99   For the addressee and the area(s) of which he was in charge, see *PLRE* I, *s.v.* Apodemius 3, pp. 82–83; Baini, 'Il confine danubiano', pp. 468–69, n. 83.

100   For their status, see Chastagnol, *La préfecture urbaine*, pp. 212–13; Gutsfeld, 'Der Prätorianerpräfekt', p. 82; Badel, *La noblesse de l'Empire romain*, pp. 92–93.

101   *CTh* 12.12.12.1 (paragraph omitted in *CJ* 10.65.5); trans. by Pharr, p. 381.

102   *CTh* 12.12.13.Pr.; trans. by Pharr, p. 381.

In 418, Honorius (395–423) adopted the proposal (*suggestio*) of Agricola, praetorian prefect of Gaul, to re-establish the assembly of the civil diocese of *Septem Provinciae*. Therefore, he ordered that the *honorati* and the *possessores* should gather in Arles every year, and that absentee *honorati* or *curiales* should be punished by the heavy fine of three *librae* of gold.[103]

In 472, Leo I decided that sale of property belonging to Constantinople should be subject to imperial authorization. The procedure regarding the provincial cities was different:

> In provinciis vero praesentibus omnibus seu plurima parte tam curialium quam honoratorum et possessorum civitatis, ad quam res pertinent praedictae, propositis sacrosanctis scripturis singillatim unumquemque eorum qui convenerint iubemus sententiam quam putent utilem patriae suae designare, ut ita demum decreti recitatione in provinciali iudicio interveniente emptor competentem possit habere cautelam.
>
> > [For what regards the provinces, we order that, in presence of all or the greater part of both the decurions as well as the office-holders and landowners of the city, to which the aforementioned property belongs, after bringing forth the holy scriptures, each one of those who have convened is to indicate one by one the opinion that he thinks is useful to his hometown, so that only after the recitation of the decree occurs in the provincial court may the buyer be able to have a sufficient guarantee.][104]

Full participation is the preferred option, while the attendance of a non-specified majority is indispensable.

In 505, Anastasius established the following procedure for the appointment of the *defensor civitatis*:

> Ita enim eos praecipimus ordinari, ut reverentissimorum episcoporum nec non clericorum et honoratorum ac possessorum et curialium decreto constituantur.
>
> > [We order that defenders be appointed in such a way that they are installed by the resolution of the most reverend bishop and clergymen, men of rank, landholders, and curials.][105]

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103 *Epistolae Austrasiacae*, ed. by Gundlach, pp. 13–15, no. 8; *Corpus Legum*, no. 1171 (ed. by Haenel, p. 238); for the addressee, see *PLRE* II, *s.v.* Agricola 1, pp. 36–37. As argued by Guiraud, *Les assemblées provinciales*, pp. 258–59, and Krause, 'Das spätantike Städtepatronat', p. 52, it is unlikely that every municipal councillor took part in this assembly.

104 *CJ* 11.32.3.2; trans. by Frier, III, p. 2703. For the date, see *PLRE* II, *s.v.* Erythrius, p. 401; for this law, see Scarcella, *La legislazione di Leone I*, pp. 448–53; Laniado, *Recherches sur les notables municipaux*, p. 98.

105 *CJ* 1.4.19 (= 1.55.11); trans. by Frier, I, pp. 159 and 405; *RKOR* 292. An identical body is in charge of the same task according to *CJ* 1.55.8, issued by the Western emperor Honorius in 409, yet this law seems to have been rewritten by the compilers of the *Justinian Code*: see

As is well known, there is no definite article in Latin. This raises the question of how to understand — and translate — the nouns given here in the plural: *clerici*, *honorati*, *possessores*, and *curiales*.[106] Is the decree to be issued by *all* members of each group or just by some of them? Things are much clearer in the Corycus rescript mentioned above, in which Anastasius decided that designation of candidates (προβολή)[107] for the offices of *defensor civitatis* and *curator civitatis* should be made through the decree (ψῆφος) and the examination (δοκιμασία) of the bishop and the clergy as well as of the *logades* among *all* the *ktetores* and *oiketores* (τῶν ἐν πᾶσ[ι τοῖς κτήτορ]σι κ(ὲ) οἰκήτορσι λογάδων): in other words, all the notables of the city.[108] Between 491 and 505, a lost law of the same ruler dealt with the corn-buyer (*sitones*).[109] Once again, a summary has been preserved by Cujas. Here is the paragraph on the procedure of appointment:

Ὅταν ἔν τινι πόλει σιτώνου γένηται χρεία, κατὰ δοκιμασίαν καὶ ἐπιλογὴν καθ’ ἑκάστην πόλιν ἐπισκόπου καὶ τῶν ἐν τοῖς κτήτορσι πρωτευόντων γινέσθω ἡ ἐπὶ αὐτῷ προβολή, οὐ κατὰ τὸ δοκοῦν τοῖς προβαλλομένοις, οὐδὲ ἐφ’ οἷς ἂν βουληθείησαν προσώποις, ἀλλὰ μόνων τῶν ἐπὶ τῆς χώρας ἐκείνης ταξεωτῶν τῶν στρατευομένων καὶ τῶν ἀποθεμένων τὴν τάξιν διὰ τῶν εἰρημένων προσώπων πρὸς τὴν σιτωνείαν προβαλλομένων, ἐπειδὴ εὐχερέστερον οὗτοι ταῖς δημοσίαις χρείαις ἐντετριμμένοι ἐκ μακρῶν χρόνων τὸ τῆς σιτωνείας διανύουσι βάρος.

[Whenever there is need in any city for a purveyor of grain, his appointment shall be made according to the judgment and choice of the bishop of the city and of the foremost landholders, not according to the opinion of those who nominate candidates[110] nor from among the persons that they desire; but only members of the provincial staff of the region [i.e. the province], who are serving or have served, shall be elected purveyors by the aforementioned persons, inasmuch as they who are versed in public affairs from long service will more easily bear the burden of the office of purveyor.][111]

Ausbüttel, *Die Verwaltung der Städte und Provinzen*, pp. 37–38; Laniado, ‘Le christianisme et l’évolution des institutions municipales’; Delmaire and others, *Les lois religieuses des empereurs romains*, pp. 414–16; Dey, ‘Privileged Cities’, pp. 173–74. According to Frakes, ‘The *defensor civitatis* and the Late Roman City’, p. 138, this hypothesis is ‘hard to prove or disprove’.

106   Despite the use of the plural, there is no ambiguity concerning the bishops.

107   For this term, see Laniado, *Recherches sur les notables municipaux*, pp. 220–23.

108   See above, note 92. For the plural *logades*, a literary term for notables which is also used in documents, see *LSJ⁹*, *s.v.* λογάς, p. 1055; Laniado, *Recherches sur les notables municipaux*, pp. 177–78; Vallarino, ‘Epigramma dedicatorio’, p. 63.

109   For this liturgy, see Sirks and others, *Ein frühbyzantinisches Szenario*, pp. 92–127.

110   For the procedure of *nominatio* which is referred to here, see below.

111   *CJ* 10.27.3 (= 1.4.17); trans. by Frier, III, p. 2523; *RKOR* 190. For the most recent edition of this summary (*Basilica* 56.9.6), see *Basilicorum Libri LX*, VII, pp. 2576–77.

The authority of those who are to appoint the corn-buyer is certainly curtailed, yet there is no doubt about the right of every 'foremost landholder' to take part in the procedure.

We shall now turn to two laws issued by Justinian in 535. According to *Novel* 15, the *defensor civitatis* should be appointed by *all* the *ktetores* of the city.[112] The second law is *Novel* 17, usually known as *mandata principis*. Upon his arrival to the province, every newly appointed governor is ordered to summon *all* those who are in the provincial capital (ἅπαντας τοὺς ἐν τῇ μητροπόλει καθεστῶτας) in order to communicate to them the imperial instructions; these are the bishop, the clergy, and οἱ ἐν τέλει (τούς τε ἐν τέλει τῆς πόλεως).[113] In classical Greek, this expression refers to office-holders,[114] while the new English translation of this *Novel* renders it as 'the city authorities'.[115] This could imply that, as far as lay notables were concerned, participation in this ceremony was reserved for those who held office at that moment. However, the *Authenticum* (a sixth-century Latin translation of the *Novels* of Justinian) translates this expression as *nobiles civitatis*, while two Greek summaries render it by *ktetores* and *logades* respectively.[116] These parallels strongly suggest that all lay notables had to attend this ceremony.

The insistence of imperial legislation on full participation brings to mind two literary texts. In 533, Belisarius sent his bodyguard Boriades to seize the North African city of Syllectum. According to Procopius of Caesarea, Boriades and his men called together the bishop as well as *all* the notables of the city (τόν τε ἱερέα καὶ εἴ τι δόκιμον ἦν ξυγκαλέσαντες).[117] The second text was written in the early 530s by John Malalas, who, in the following passage, purportedly reported the construction of a council chamber in Antioch by King Antiochus IV Epiphanes (175–63 BCE):

> Ὁ δὲ αὐτὸς βασιλεὺς Ἀντίοχος ὁ λεγόμενος Ἐπιφανὴς ἔκτισε πρῶτον ἐν Ἀντιοχείᾳ τῇ μεγάλῃ ἔξω τῆς πόλεως τὸ λεγόμενον βουλευτήριον εἰς τὸ ἐκεῖσε συνάγεσθαι πάντας τοὺς συγκλητικοὺς αὐτοῦ μετὰ τῶν πολιτευομένων καὶ τῆς πόλεως πάντων τῶν κτητόρων καὶ βουλεύεσθαι τί δεῖ γίνεσθαι περὶ τῶν ἀνακυπτόντων καὶ τότε ἀναφέρειν ἐπὶ αὐτὸν τὰ συμφέροντα.

> [The emperor Antiochos, known as Epiphanes, first built in Antioch the Great outside the city the building known as the bouleuterion, so

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112 Justinian, *Novel* 15.1.

113 Justinian, *Novel* 17.16; *RKOR* 1061.

114 *LSJ⁹, s.v.* τέλος, § 3, p. 1773.

115 Justinian, *Novel* 17.16.

116 Laniado, *Recherches sur les notables municipaux*, pp. 175 and 178. For the *Authenticum*, see Van der Wal and Lokin, *Historiae Iuris Graeco-Romani Delineatio*, pp. 45–46; Troianos, *Le fonti del diritto bizantino*, pp. 80–81.

117 Procopius, *Vandalic War* 1. 16. 9–11 (ed. by Haury, p. 383). Cf. *PLRE* III/A, *s.v.* Boriades, pp. 246–47. In the early ninth century, the words εἴ τι δόκιμον were rendered as οἱ πρῶτοι by Theophanes, *Chronographia*, A.M. 6026 (ed. by De Boor, I, pp. 191, 6).

that all his senators might assemble there with the city officials and all the landowners of the city, and discuss what should be done about the matters that arose and then refer their recommendations to him.][118]

Here, as elsewhere in his *Chronicle*, John Malalas used the terminology of his times to write about the distant past.[119] To judge by this paragraph, he was aware of the fact that the imperial authorities of his day required full participation of several status groups in municipal decision-making bodies.

Emperors almost never restricted the right of lay notables to take part in municipal affairs. In two laws, Justinian entrusted the inspection of municipal finances and construction works to a limited number of notables (the bishop together with three or five laymen), yet these 'committees' are not to be confused with the deliberative bodies considered here.[120] Moreover, participation of notables in a municipal procedure was explicitly restricted in a law issued by the same emperor in 535. While ordering that the *defensor civitatis* be appointed through a decree issued in common by *all* the *ktetores* actually found in the city (ψήφῳ μὲν σὺν ὅρκῳ γινόμενον πάντων κοινῇ τῶν κατὰ τὴν πόλιν ἐκείνην ὄντων κτητόρων),[121] Justinian excluded from this procedure those who lived in Constantinople (ἀλλὰ μὴ τῶν ἐνταῦθα διαγόντων).[122] This is the only ruling of this kind in the extant imperial legislation, but this restriction does not contradict the principle of full participation. In fact, the authority to take a local decision was preserved here for the truly local notables.

In a sharp contrast, imperial legislation did not encourage full participation of non-notable townsmen in municipal decision-making, and never insisted on the duty of municipal or provincial authorities to ensure it. In 528, Justinian ordered that

whenever it happens in any city that the episcopal see is vacant, a decree shall be made by the inhabitants of that city (ψήφισμα γίνεσθαι παρὰ τῶν οἰκούντων τὴν αὐτὴν πόλιν) concerning three persons of acknowledged right belief, upright life, and other virtues, so that the most suitable of these men may be elected to the episcopate.[123]

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118 Malalas, *Chronicle* 8.21 (ed. by Thurn, p. 155; trans. by Jeffreys and others, p. 108).

119 For anachronisms in his work, see Jeffreys, 'Malalas' World View', pp. 60–62; Liebeschuetz, 'Malalas on Antioch'.

120 *CJ* 1.4.26.Pr. (530 CE); *RKOR* 722 and Justinian, *Novel* 128.16 (545 CE); *RKOR* 1306; see Sirks and others, *Ein frühbyzantinisches Szenario*, pp. 113–16; Laniado, *Recherches sur les notables municipaux*, p. 209; Saradi, *The Byzantine City*, p. 159; Zoumbaki, 'On the Vocabulary of Supremacy', p. 232.

121 Justinian, *Novel* 15.1.Pr.. For κοινὴ ψῆφος (and κοινὴ δέησις), see Laniado, *Recherches sur les notables municipaux*, pp. 229–30 and n. 4.

122 Miller and Sarris, *The Novels of Justinian*, I, p. 187, n. 9, infer from these words that 'senators resident in Constantinople cannot be appointed to the office'. However, this ruling refers to those who are to appoint and not to the prospective appointees.

123 *CJ* 1.3.41.Pr.; trans. by Frier, I, p. 107; *RKOR* 544.

Taken literally, this ruling might imply that each and every one was to take part in this procedure, yet the involvement of all the inhabitants of a city in the preparation of a written document is difficult to imagine and, at any rate, unattested. Moreover, according to Justinian's later legislation, the only laymen to be involved in the designation of candidates to the episcopate were the notables.[124] It is therefore plausible that by entrusting the preparation of the decree to the inhabitants of the city, the law issued in 528 merely excluded members of the clergy and lay notables who lived elsewhere.

The attitude of the imperial government in regard to the participation of the non-notables is reflected in the literary and documentary sources that offer plenty of material for the role played in late Roman and early Byzantine cities by groups known in Greek as *oiketores, politai, demos, laos, ochlos, plethos*, or *hoi polloi*,[125] and even for gatherings of these groups in public places. In spite of this, it is hard to find clear and reliable evidence for their direct and formal involvement in decision-making, with the significant exception of their role in expressing approval or protest through acclamations.[126] Thus it is questionable whether the inhabitants (*oiketores*) of Gaza (Palaestina Prima) took part *as such* in the appointment of the *astynomos* (*pater civitatis*).[127] It is likewise doubtful, *pace* Claude, whether a gathering of the people of Thessalonica is to be understood by the expression μιᾶς βουλῆς ἅπαντες οἱ τῆς πόλεως γεγονότες; it is no less plausible that this statement refers to a decision unanimously agreed upon by the bishop and the notables to conclude peace with the Avars and Slavs as they besieged the city.[128]

In 530 or 531, prisoners held by Alamoundaros (al-Mundhir), king of the Lakhmids (505–554) and ally of Persia, sent a petition to Ephraem, Chalcedonian patriarch of Antioch (527–545). When it was read in public, the patriarch, the members of the clergy, and the officeholders (οἱ ἄρχοντες) were the first to contribute money for their ransom. Then,

> the whole population (πᾶς ὁ δῆμος) asked for a public meeting to be summoned (τοῦ ἀχθῆναι πάνδημον). When the public meeting was summoned and a carpet stretched out, each threw what he could afford

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124 Justinian, *Novel* 123.1.Pr. (546 CE); *RKOR* 1319; Justinian, *Novel* 137.2 (565 CE); *RKOR* 1457; Laniado, *Recherches sur les notables municipaux*, p. 176; Norton, *Episcopal Elections*, pp. 34–37.

125 For some of these terms, see Laniado, *Recherches sur les notables municipaux*, pp. 186–91; Kontogiannopoulou, 'Formes d'organisation collective', pp. 240–44.

126 For some literary and documentary evidence, mainly for the West in the fourth century, see Magalhães de Oliveira, 'Le peuple et le gouvernement des cités'; see also the chapter by Julio Cesar Magalhães de Oliveira in this volume.

127 Choricius, *Opera* 6.34 (ed. by Foerster and Richtsteig, p. 94): κοινῇ ψήφῳ τῶν οἰκητόρων ἔναγχος αἱρεθεὶς ἀστυνόμος.

128 *Miracles of Saint Demetrios* 2.2 (213); cf. ed. by Lemerle, I, p. 183, n. 7; see Claude, *Die Byzantinische Stadt*, p. 144. This miracle deals with a siege which is dated by Lemerle, II, pp. 99–103, to *c.* 618 CE. For this siege, see also Pohl, *Die Awaren*, pp. 242–43.

on the carpet. When all the money was gathered up and sent, the captives were ransomed.[129]

There is every reason to accept here the evidence of John Malalas, yet this was certainly not an ordinary procedure.[130]

The only document that testifies to a direct and formal involvement of non-notable townsmen in a municipal procedure is an inscription from Bostra (Arabia). This text records unspecified construction work carried through in 539/40 by two goldsmiths (χρυσοχόοι) who were appointed by the *demotai*: προβλ(ηθέντων) παρὸ [*sic*] τῶν δημωτ(ῶν).[131] *Demotai* were neither municipal councillors nor *honorati*, yet they should not be confused with the population of the city as a whole. As Constantin Zuckerman has argued, they were citizens of the city *stricto sensu*, an exclusive and privileged group.[132]

Full Participation, Appointment Procedures, and Collective Responsibility

It remains to ask why early Byzantine imperial legislation insisted on the involvement of as many notables as possible in decision-making, but not on the participation of their fellow citizens of lower status. In his article about late Roman provincial assemblies, Jakob Larsen stated that compulsory attendance was adopted 'as a last desperate effort […] to revive the assemblies by means of an artificial stimulus'.[133] Whatever the validity of this assertion for an institution which disappeared in the fifth century,[134] it can hardly be relevant to the provincial cities, which continued to exist long afterwards. As a matter of fact, several laws condemned attempts by a handful of notables to preserve decision-making for themselves, and this implies that there was no 'institutional vacuum' in the provincial cities. Powerful notables needed to be controlled, not stimulated. In a law on the provincial assemblies, Theodosius I even stated that 'a concourse of all' was indispensable for the common good.[135] In other words, full participation was conceived of as a remedy for this abuse.

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129 Malalas, *Chronicle* 18.59 (ed. by Thurn, pp. 386–87; trans. by Jeffreys and others, p. 270); Shahîd, *Byzantium and the Arabs*, pp. 80–82.

130 Procopius, *Persian War* 2. 13. 1–5 (ed. by Haury, pp. 209–10), describes the enthusiasm with which the people of Edessa (Ἐδεσσηνοί) contributed for the ransom of prisoners taken by the Persians at Antioch, in 540. Unlike John Malalas, Procopius does not ascribe here any initiative to the people. I would like to thank Prof. Geoffrey Greatrex, who called my attention to this passage.

131 Zuckerman, 'Le cirque, l'argent et le peuple', pp. 69–73; *SEG* 50.1526.

132 Zuckerman, 'Le cirque, l'argent et le peuple', pp. 78–96; for the *demotai*, see also Déroche, 'Notes sur le VIIᵉ siècle', pp. 146–52.

133 Larsen, 'The Position of Provincial Assemblies', p. 212.

134 See above, note 56.

135 *CTh* 12.12.13.Pr.; trans. by Pharr, p. 381; see above, note 102.

But why were arrangements 'agreed upon by a few persons', to quote this law once again, incompatible with the common good? And what were the 'practical' advantages, if any, of the 'concourse of all'?

As we have seen, some of the laws quoted above dealt with appointments to municipal offices and liturgies. In the early Roman Empire, such appointments normally consisted of two procedures: *nominatio* (designation of a candidate by an individual often called *nominator*) and *creatio* (approval of the *nominatio* by the municipal council).[136] Both procedures are in use in the following period, although with an important difference. Whereas in the early Roman Empire only the *nominator* was held financially responsible for any failure of his candidate to fulfil an office or a liturgy, this responsibility was extended to the municipal council in the fourth century.[137]

In 386, Theodosius I issued the following law about the appointments of two kinds of tax collectors:

> Exactores vel susceptores in celeberrimo coetu curiae, consensu et iudicio omnium, sub actorum testificatione firmentur, provinciarumque rectoribus eorum nomina, qui ad publici munus officii editi atque obligati fuerint, innotescant. Et animadvertant, quicumque nominaverint, ad discrimen suum universa, quae illi gesserint, redundare.
>
>> [Tax exactors or collectors shall be approved in the fullest meeting of the council by the consensus and judgment of everyone under the testimony of the written record, and the names of those who have been nominated and obligated for the service of public office are to be made known to the governors of the provinces. And those who have nominated (candidates) should be aware that everything that they [i.e. the nominees] do redounds to their own risk.][138]

This law insists both on the role of the council and on the need for full participation, and this could hardly be a coincidence. To judge by the laws included in the *Justinian Code*, the principle of collective responsibility was still valid in 534. However, as far as municipal councils are concerned, there is nothing about such a principle in any extant law issued in the sixth century.[139] Nevertheless, this does not imply that it died out,[140] for as late as

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136 Jacques, *Le privilège de liberté*, pp. 435–55; Brélaz, 'Aelius Aristide (*Or.* 50.72–93) et le choix des irénarques'.

137 Laniado, *Recherches sur les notables municipaux*, pp. 116–29 and 220–23 (with further bibliography).

138 *CTh* 12.6.20 = *CJ* 10.72.8; trans. by Frier, III, p. 2637; for a less satisfactory translation, see Pharr, p. 375.

139 Laniado, *Recherches sur les notables municipaux*, p. 126.

140 This was one of the differences between councillors and notables, according to Liebeschuetz, *The Decline and Fall of the Roman City*, p. 121; see above, note 9.

545 municipal notables were held responsible for the consequences of their decisions in matters of appointments.[141]

Anastasius's rescript on the appointment to municipal offices in Corycus as well as his law on the corn-buyer (*sitones*) mentioned above imply that the procedure of *creatio* was not always implemented. Hence his statement in the latter law that those in charge of the *nominatio* are not to have the last say (οὐ κατὰ τὸ δοκοῦν τοῖς προβαλλομένοις), and that it should be ratified by the bishop and the *foremost landholders*.[142] This suggests that by insisting on full participation, imperial legislation tried to ensure the implementation of the *creatio*. As *creatio* and collective responsibility were closely related in the case of the municipal councils, it would not be far-fetched to suspect that as far as the state was concerned, the continued existence of this principle in the 'Post-Curial City' was the raison d'être of full participation. Collective responsibility never extended to the entire free population of the city, and this may account for the fact that imperial legislation is silent about participation of non-notable townsmen.

Conclusion

From the late fourth century onwards, imperial legislation encouraged and even obliged notables of both curial and non-curial status to participate in meetings held at the municipal or provincial levels. While some of the occasions were purely ceremonial, others resulted in decisions which the imperial government expected these heterogeneous bodies to take. There is no evidence either that municipal notables could decide themselves who was to belong to these bodies and who was not, or that provincial or municipal authorities could hinder the participation of individuals who belonged to the right status groups. While participation was both a right and a duty, exemption was a privilege granted by the emperor. Therefore, there seems to be no reason to doubt that these bodies were as formal as municipal councils had been under the early Roman Empire. On the one hand, the state certainly had an interest in the participation of as many notables as possible in municipal decision-making, and this may be related to the principle of collective responsibility. On the other hand, there is no indication that the imperial government ever attempted to encourage, let alone impose, popular participation in municipal decision-making, except through acclamations. As far as provincial cities were concerned, the state was not interested in promoting civic participation for its own sake.

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141   Justinian, *Novel* 128.16; see Saradi, *The Byzantine City*, p. 160.
142   *CJ* 10.27.3 (= 1.4.17); see above, note 111.

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JULIO CESAR MAGALHÃES DE OLIVEIRA

Informal Expressions of Popular Will in Late Roman Africa

Introduction

The generally accepted picture of late Roman city life traditionally has led scholars not only to deny the survival of any kind of popular participation in constitutional decision-making, but also to consider manifestations of popular approval by acclamation as only a dispensable *décor* and a 'mere' ritual. Since the 1970s, however, several historians have shown that, contrary to such assumptions, the city's *populus* retained a certain institutional role in the appointment of magistrates or other municipal officials, at least in some regions in the later Roman Empire.[1] Furthermore, scholars have argued that the mobilization of the 'popular favour' had remained an indispensable factor for the legitimation of any authority, whether secular or ecclesiastical, and that in this dialogue between the elite and the 'people', the *populus* was far from passive.[2] Yet how much did the role of the 'people', however defined, change with respect to the early Empire, and how did the urban lower classes themselves understand and perform this role? This chapter reviews the various forms of expression of popular will in the North-African provinces

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1 For a critique of earlier scholarship, see Jacques, *Le privilège de liberté*, pp. ix–xvii.
2 Harries, '*Favor populi*'.

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and investigates some of the new roles that the urban lower classes actively came to assume in the changed conditions of the later Roman Empire.

Popular Participation in Civic Life

Expressions of popular will in civic life could take many forms, ranging from the formal election of a magistrate to the more informal demands voiced in theatres, amphitheatres, and circuses. In some cities of North Africa, a form of popular vote still played a role in the appointment of duumvirs until the time of Constantine, although the practice is no longer attested afterwards.[3] Expressions of popular approval by acclamation, however, remained important and seem even to have come increasingly into use in our period. Acclamations took the form of the rhythmic chanting of slogans. Recognized as manifestations of public opinion, as well as of a unanimity of divine inspiration, rhythmic acclamations became in Late Antiquity an indispensable element for the legitimation of any authority, secular or ecclesiastical.[4] Such chanting could be expressed informally at a festival or ceremony, at the shows and games, during the inauguration of a monument or a public announcement, or, as we shall see, in the churches.[5] Yet, they also could take place in a more formal context, either during the electoral sessions of the city council or on the occasion of the official appointment of candidates to the charges of *curator*, *exactor*, and *defensor civitatis*.[6]

In the later Roman Empire, however, it was above all in the theatre, the amphitheatre, and the circus where the *populus* — the citizen body — 'made clear that they were entitled to a voice in the affairs of their city'.[7] A number of African inscriptions suggest that popular demands made in such entertainment venues could even receive an official recognition. At Lepcis Magna in Tripolitania, for instance, no less than seventeen inscriptions dating from the fourth and early fifth century mention statues dedicated to

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3   *CTh* 12.5.1 (30 Jul. 325, date after Seeck, *Regesten der Kaiser und Päpste*): *quamuis populi quoque suffragiis nominatio in Africa ex consuetudine celebretur* ('although in Africa nomination is traditionally made also by popular vote'). This constitution was retained by the compilers of the *Theodosian Code* in the chapter 'On the town councillors' (*De decurionibus*) because it illustrated some of the irregularities in the appointments of civic officeholders. The main concern of the law (and of the code's compilers) was to ensure that all individuals appointed to public functions met the conditions. On this text, see Lepelley, *Les cités de l'Afrique romaine*, I, pp. 142–44, and Jacques, *Le privilège de liberté*, pp. 385–88. On the reasons for its compilation, see Carrié, 'La législation impériale', pp. 108–09.

4   Roueché, 'Acclamations in the Later Roman Empire'; Wiemer, 'Akklamationen im spätrömischen Reich'.

5   Porena, 'Forme di partecipazione'. On the importance of shouting and chanting in late Roman cities, especially in North Africa, see also Shaw, *Sacred Violence*, pp. 441–89.

6   Oppedisano, 'Maioriano, la plebe e il *defensor civitatis*'.

7   Brown, *Through the Eye of a Needle*, p. 66.

patrons or benefactors with popular intervention.[8] Ten of these inscriptions mention the *suffragia populi*, while another inscription refers to a decision of the town council and the people, 'according to the wishes expressed by all' (*uotis omnibus*).[9] Such *suffragia* and *uota* may be understood as expressions of popular approval by acclamation. Nevertheless, the differences in the forms used in the text of the inscriptions suggest that they did not always simply reflect the mere ratification of a decision emanating from the town council. Two examples illustrate this point. The first example concerns the statue in honour of Flavius Nepotianus, *comes* and *praeses* of Tripolitania in the 350s, which was dedicated by the town council and the people in accordance with the decree of the former and the *suffragia* of the latter. Here, the text insists especially on the unanimity of the decision, but the popular approval is nevertheless presented as autonomous.[10] Yet, in the second example, which describes the dedication in honour of Laenatius Romulus, governor of Tripolitania from 324 to 326, the usual hierarchical order is reversed: the *populus* is mentioned first, which suggests that the *suffragia populi* preceded the decree of the decurions and that the people had the initiative.[11]

Six of the dedications to local notables of Lepcis Magna mention the people first. In all these cases, the honour is conferred on these notables *ex suffragio populi*, with four inscriptions specifying the notables' generous offerings of *spectacula* (the shows) and *ludi* (the games) as the motivation. This seems to imply that these popular demands had been voiced in an entertainment venue and during the performances. Further evidence can be found in the inscription dedicated to Titus Flavius Frontinus, *signo* Heraclius, *principalis*, augur, priest, and duumvir, who is honoured with a statue 'because of the exhibition of several shows and the editing of admirable games that he has offered and because of his incomparable love for his hometown and his fellow

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8 On these inscriptions, see Lepelley, *Les cités de l'Afrique romaine*, I, pp. 148–49, and II, p. 362; Jacques, *Le privilège de liberté*, pp. 421–22, n. 113; Tantillo, 'I costumi epigrafici', pp. 195–96.

9 *Suffragium/suffragia populi*: IRT 561, 564, 565, 566, 567, 568, 574, 578, 595 (= 652), 608. *Ordo cum populo* (…) *uotis omnibus*: IRT 475.

10 IRT 565 (Lepelley, *Les cités de l'Afrique romaine*, II, p. 339; *Leptis Magna*, ed. by Tantillo and Bigi, pp. 392–94, no. 41, fig. 7.15, pl. XIV): *ordo ciuitatis Lepcimag(nensis) cum populo statuam marmoream ob haec merita decretis et suf(f)ragiis concin{n}entibus conlocauit* ('The council of the city of Lepcis Magna, with the people, put up a marble statue on account of these merits, with decrees and votes (all) in accord', trans. by Reynolds and Ward-Perkins).

11 IRT 574 (Lepelley, *Les cités de l'Afrique romaine*, II, p. 344; *Leptis Magna*, ed. by Tantillo and Bigi, pp. 374–76, no. 33, fig. 10.38, pl. XI): *Romulii. Ob tantam moderationem iuidiciorum prouisionesque saluberrimas adque felicitatem aduentus eius Laenatio Romulo u(iro) p(erfectissimo) p(raesidi) p(rouinciae) Tripol(itanae) suf(f)ragio quietissimi populi et decreto s(plendidissimi) o(rdinis) sum(p)tib(us) suis pos(uerunt)* ('[In honour] of Romulius. On account of the great moderation of his judgements and advantageous foresight and good fortune of his arrival [among us], they [the Lepcitanians] set [this] up to Laenatius Romulus, excellent man [of equestrian status], governor of the province of Tripolitania, in accordance with a vote of the most peaceful people and a decree of the most splendid city council, at their own expense', trans. by Reynolds and Ward-Perkins).

citizens […], by the wishes of the very peaceful people and the decree of the very splendid order'.[12] As on two other occasions, the *populus* is here described as *quietissimus*, which shows that these manifestations of popular will were not always peaceful.[13] It is nevertheless significant to note that they were considered as real decisions of the civic body to the point of being associated with the decree of decurions on the text of the dedication.[14]

We can also see the importance of such popular pressures and demands voiced in theatres, amphitheatres, and circuses through the works of Saint Augustine. While inscriptions tended to insist on the harmony between the town councillors and the *populus*, the Christian preacher offered instead a moral critique of an entire urban society.[15] Preaching at Carthage in the last months of 403, Augustine condemned not only the rich who paid for the shows and games, but also the *populus* who encouraged this spending by the heavy roar of acclamations:

> Hinc homines insani effecti, et inflati typho, inanes intus, foris tumidi, etiam res suas perdere uolunt, donando scenicis, histrionibus, uenatoribus, aurigis. Quanta donant! quanta impendunt! Effundunt uires, non patrimonii tantum, sed etiam animi sui. Isti fastidiunt pauperem, quia non clamat populus, ut pauper accipiat; clamat autem populus, ut uenator accipiat.
>
>> [These crazy and arrogant men, empty inside, puffed up with pride on the outside, even want to lose their fortunes by giving — giving to actors, giving to comedians, giving to wild-beasts hunters, giving to charioteers. What mass of donations! What mass of expenses! They not only dissipate the wealth of their heritage but also their soul. These men despise the poor, because the people do not shout for the poor to receive, the people shout for the hunter to receive.][16]

We should be cautious not to take these highly moralizing descriptions at face value. Augustine focused on the antisocial character of civic benefactions for one purpose. He wished to propose to the rich another pattern of giving, the focus of which was no longer the *populus* and the city, but the poor and the Church. However, this does not mean that the *populus* and the poor were

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12   *IRT* 564 (Lepelley, *Les cités de l'Afrique romaine*, II, p. 349; *Leptis Magna*, ed. by Tantillo and Bigi, pp. 416–20, no. 54, figs 7.14 and 10.61, pl. XVII): *Heraclii. Benignissimo uiro principali prudentissimo et integ<e>rr(imo) T(ito) Fl(auio) Frontino Heraclio, u(iro) p(erfectissimo), auguri, sacerd(oti) Lauren(tium) Labinat(i)um II uiro, ob diuersarum uoluptatum exhibitiones adque admirabilem ludorum editionem amoremque incomparabilem in patriam et ciues suos* [---] *suf(f)ragio quietissimi populi et decreto splendidissimi ordinis.*

13   The two other references are *IRT* 574 and 578.

14   On the expression *postulante populo* and the importance of the popular initiative in the Roman colonies, see Brélaz, *Philippes, colonie romaine d'Orient*, pp. 124–28.

15   Weismann, *Kirche und Schauspiele*; Lugaresi, '*Religio aliena*'; Lim, 'Augustine and Roman Public Spectacles'.

16   Augustine, *Enarrationes in Psalmos* 149.10 (ed. by Dekkers and Fraipont, III, p. 2184).

always starkly different groups.[17] Indeed, as early as the Hellenistic period, the divide between the rich and the poor was recognized in local communities and in political thought as another expression of opposition between notables and the crowd and served to describe the main components of the civic body.[18] This remained the case in the later Roman Empire. The majority of the population of African cities was certainly not composed by the utterly destitute. Most were prosperous artisans and shopkeepers, the members of professional associations, while others were day labourers engaged in production, distribution, and services.[19] When gathered in the benches of theatres, amphitheatres, and circuses, these various groups of workers could certainly have conceived themselves as part of the civic body. But on other occasions, these same people, who lived in a permanent threat of impoverishment, could well have spoken of themselves as *pauperes*, as the poor.[20]

A further caveat to this sermon concerns the political implications of the popular pressures and demands as described by Augustine. The preacher tended to present acclamations in the theatre, amphitheatre, and circus as if they were always about 'unserious' matters. But as Nicholas Purcell has observed, popular protests and demands in ancient Roman cities were 'simultaneously and inseparably about "serious" and "unserious" issues'.[21] The commonplace elements of mob partisanship (love of charioteers, rivalry between supporters of different factions) formed an essential part of the games. But popular demands and pressures on these occasions could also have assumed more clearly political overtones. Crowds gathered in entertainment venues could show their preference for a magistrate who had acted on behalf of the less well-off classes of the citizenry in the context of the mitigation of their fiscal burdens.[22] In desperate times due to food shortage, they could even force local or provincial authorities to adopt direct measures to improve their market situation.[23] In other words, the Augustinian descriptions were deliberately blind to many aspects of popular participation in civic life as were blurred the very different representations of the popular role in honorific inscriptions.

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17 Brown, *Through the Eye of a Needle*, p. 70.
18 See Brélaz, 'Les "pauvres" comme composante du corps civique'.
19 Augustine, *Epistulae Divjak* 22*.2 (p. 114): *Nos autem in tantas coartamur angustias, ut non inueniatur genus hominum aut uix inueniatur, unde fiat ordinatio clericorum, maxime in ciuitatibus, ubi aut ordinis uiri sunt aut plebeii, quos a collegiatis non apud nos posse discerni nouit sanctitas uestra* ('We, on the other hand, are caught up in difficulties so great that there is no longer, or only barely, a category of men where we can ordain clerics. This is particularly the case in the cities where there are either town councillors or plebeians, who we cannot in our country, as your Holinesses knows, distinguish from members of the professional associations'). For the archaeological evidence attesting the importance of artisanal production in African cities, see Wilson, 'Urban Production in the Roman World'.
20 As Brown, *Through the Eye of a Needle*, p. 343, himself acknowledges.
21 Purcell, 'The Populace of Rome in Late Antiquity', p. 157.
22 Kruse, 'The Magistrate and the Ocean'.
23 Erdkamp, '"A Starving Mob Has No Respect"'.

Yet, through the heavy moralizing of the Christian preacher, it is still possible to see how the shows and games remained at the heart of popular culture. They were indeed a form of popular education.[24] Modern interpreters have often raised doubts about the ability of ancient crowds to improvise complex rhythmic acclamations without previous preparation or extensive manipulation. However, it was precisely their constant visits to public spectacles and the subsequent repetition of their songs and chants at the workplace, in the streets, guild clubs, and bars that enabled ancient city populations to acquire a practical mastery of forms of public intervention and produce quite complex phrases in unison based on a number of established formulas and rhythms.[25]

Popular Participation in Ecclesiastical Elections

From the moment when the Christian communities began to benefit from their official legal status, the old divisions of the city entered the church and, along with these divisions, the habits and customs of civic life.[26] Many poorer citizens transferred to this enclosed space the same techniques of communication that they had been accustomed to use in the vast open-air theatres, circuses, and amphitheatres. In the church, they could confront the rich in exactly the same manner as they previously had in an entertainment venue. Most importantly, they would never go to church to passively hear an *ex cathedra* exposition from their bishop.[27] On the contrary, they constantly asked, responded, whispered, applauded, acclaimed, challenged, and even hissed at the preacher.[28]

An exciting new form of popular participation in local politics in our period was the involvement of the Christian people in the selection of their priests and bishops. As Luce Pietri, Yvette Duval, and Charles Pietri have pointed out, ecclesiastical elections throughout the fourth and fifth centuries in and even outside of Africa showed a tendency towards an increasing politicization, adopting the uses of the city.[29] The specific role of the *plebs* among the laity in the selection of priests or bishops can be seen in three different electoral situations: the nominations by popular demand, the popular support obtained

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24 Shaw, *Sacred Violence*, p. 456.
25 Roueché, 'Acclamations in the Later Roman Empire', pp. 183–84; Horsfall, *The Culture of the Roman Plebs*, pp. 41–42.
26 Brown, *Through the Eye of a Needle*, pp. 344–45. The composition of the preacher's audience in Late Antiquity has been the object of intense debate. To the thesis of an audience restricted to the rich, sustained by MacMullen, 'The Preacher's Audience', we can contrast the more optimistic views of, among others, Rousseau, 'The Preacher's Audience'. The most extensive treatment of Augustine's audience is Dossey, *Peasant and Empire*, pp. 149–53.
27 Brown, *Augustine of Hippo*, p. 446.
28 See, for example, Augustine, *Sermones Dolbeau* 2 (ed. by Dolbeau, pp. 315–44).
29 Pietri, Duval, and Pietri, 'Peuple chrétien ou *plebs*'. On the role of the people in the episcopal elections, see also Kanyang, *Episcopus et plebs*; Norton, *Episcopal Elections*.

by a candidate through an electoral campaign, and the popular approval of a decision emanating from the clergy.

The best documented African example of the first of these electoral situations revolves around the failed attempt of the majority of the congregation of Hippo Regius to force the ordination of the super-rich senator Valerius Pinianus as priest during his visit in the spring of 411.[30] Pinianus and his wife Melania the Younger, together with Albina, the mother of Melania, arrived in Africa as Roman refugees after the Gothic sack of Rome in 410. They established themselves near Thagaste (Souk Ahras, Algeria), the episcopal see of Augustine's friend Alypius, where they owned an enormous country estate, larger than the entire territory controlled by the city.[31] The pious couple enriched Alypius's church with revenues, as well as with offerings of both gold and silver, in such huge quantities that, according to Melania's biographer, Alypius aroused envy among the other bishops of the province.[32] In the spring of 411, the couple, led by Alypius, made a visit to Augustine at Hippo. The seaport town of Hippo still suffered from the Gothic crisis in Italy and, in particular, from the prolonged embargo on African wheat in 409 and 410, which also affected other exports.[33] The situation is likely to have provoked a financial crisis and a growing discontent not only among the sailors and workers of the port, but also among all artisans who depended on merchants to sell at least part of their production. In this context, it is likely that a large number of Hipponenses could have seen the arrival of a super-rich benefactor such as Pinianus as a guarantee of safety in these troubled times.

Thus, when Pinianus, Melania, and Alypius came to the basilica of Augustine, the *populus Hipponensis* — the majority of Augustine's congregation — attempted by unanimous acclamations to secure the ordination of Pinianus as a priest in Hippo. Nominations *uoce populi* were not uncommon. Twenty years before, Augustine himself had been ordained priest at Hippo under similar pressure. This time, however, Augustine refused to make Pinianus a priest against his will. Confronted with this refusal, the crowd grew increasingly terrifying and pressed forward towards the apse. At this moment, the elite of *honoratiores et grauiores* (the 'more honourable and grave faithful') climbed the steps towards the slightly raised floor at the end of the church not only to find a solution, but also to protect the cornered bishops and their guests. They were, however, ignored by the crowd that persisted in their intention

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30 This episode was previously analysed, from a different perspective, by Lepelley, *Les cités de l'Afrique romaine*, i, pp. 385–88; Lepelley, 'Mélanie la Jeune'; Cecconi, 'Un evergete mancato'. See also Brown, *Through the Eye of a Needle*, pp. 322–25.

31 Gerontius, *Vita Latina Melaniae* 21.4 (ed. by Laurence, p. 194).

32 Gerontius, *Vita Graeca Melaniae* 21 (ed. by Gorce, p. 172); Gerontius, *Vita Latina Melaniae* 20.3 (ed. by Laurence, p. 194).

33 On the political context, see Burns, *Barbarians within the Gates of Rome*, pp. 224–46.

'with a frightening and insistent roar of acclamations',[34] until Pinianus accepted to swear an oath not to leave the city. The next day, however, the senatorial couple went to Thagaste never to return.

We know of the incident through two embarrassed letters Augustine wrote in the aftermath of the event, one to Alypius, who had been gravely offended by the people of Hippo, and the other to Albina, who accused Augustine and his congregation of having tried to 'capture' Pinianus only for the 'filthy appetite for money'.[35] Augustine acknowledged that his congregation had acted 'so as to retain a man of wealth who was known to despise money and give it away freely'.[36] In defence of his flock, he unconvincingly argued that only the clergy and 'a small number of the indigent' would have benefited from the wealth given to the church.[37] In doing so, he deliberately ignored that the vulnerable 'middling' persons of his community also sought the protection of the church and that they could have benefited indirectly from this influx of money in the urban economy.[38] Augustine also tried to show that Pinianus had not been threatened with death and that his oath remained valid. He did, however, concede that the fear of a physical aggression was widespread among all those in the apse.[39]

On closer inspection, we can see that the crowd manifested itself in a tightly controlled, albeit frightening, demonstration. For instance, when Augustine announced the decision of Pinianus to swear an oath not to leave the city, the Hipponenses,

> inter se aliquantulum mussitantes petiuerunt, ut adderetur eidem promissioni atque iurationi, ut, si quando illi ad suscipiendum clericatum consentire placuisset, non nisi in ipsa Hipponiensi ecclesia consentiret.
>
> [after having whispered sometime between them, asked to add a clause to the promise and to the written oath, according to which, if

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34 Augustine, *Epistulae* 126.1 (ed. by Goldbacher, pars 3, p. 8): *Multitudo uero pro gradibus constituta horrendo et perseuerantissimo clamorum fremitu in eadem uoluntate persistens incertos animi consiliique faciebant* ('The crowd gathered in front of the steps continued to manifest the same will, with a frightening and persistent roar of acclamations, leaving our minds and our opinions uncertain').

35 Augustine, *Epistulae* 125 (to Alypius) and 126 (to Albina) (ed. by Goldbacher, pars 3, pp. 3–18).

36 Augustine, *Epistulae* 125.2 (ed. by Goldbacher, pars 3, p. 3): *sed tamquam de Hipponiensibus questa est, quod aperuerint cupiditatem suam, si non clericatus sed pecuniae causa hominem diuitem atque huius modi pecuniae contemptorem et largitorem apud se tenere uoluisse.*

37 Augustine, *Epistulae* 126.8 (ed. by Goldbacher, pars 3, p. 14).

38 On the groups involved in the safety net offered by the Christian Church, see Brown, *Poverty and Leadership in the Later Roman Empire*, pp. 45–73. On the indirect effects of the Christian gift on the urban economy, see Sotinel, 'Le don chrétien'.

39 Augustine, *Epistulae* 126.1 (ed. by Goldbacher, pars 3, p. 8): *Sancto fratri nostro filio tuo Piniano nullus ab Hipponiensibus metus mortis ingestus est, etiamsi forte ipse tale aliquid timuit* ('No inhabitant of Hippo instilled fear of death in our holy brother and your son Pinianus, although perhaps he came to fear for his life').

> one day he finally wanted to consent to enter the clergy, it would be
> only in this same church of Hippo.]⁴⁰

Then, when Pinianus tried to include a clause to cancel the oath in case of
'necessity',

> continuo reclamatum est promissioque displicuit tumultu recrudescente et
> nihil aliud quam fraude secum agi populo existimante. Quod cum sanctus
> filius noster uidisset, iussit inde auferri nomen necessitatis rursumque ad
> laetitiam populus remeauit.
>
> > [they protested at once, and the oath no longer pleased them. From
> > then on, the tumult began again, since the people judged themselves
> > to have been treated fraudulently. When, however, our most holy son,
> > seeing this reaction, ordered the removal of the word 'necessity', the
> > people immediately returned to joy.]⁴¹

As we can see, the crowd had its own agenda, its own improvised leaders, and
its own modes of deliberation. Together, they used verbal attacks and threats
of riot as tactics of negotiation. No doubt urban benefactors in entertainment
venues could have been subjected to similar pressures to show their generosity
and were sometimes forced by the *populus* of their city to negotiate in analogous
terms. The main difference, as Peter Brown perceptively noted, is that in the
enclosed space of the church the *populus* had a greater liberty of movement
and their 'prey' had no escape.⁴²

The role of the *plebs* of the laity was certainly more nuanced but still evident
when one or more candidates to the episcopate actively launched a campaign
to win popular favour. A good example of this second electoral situation is
the episcopal succession of 419 in Mauretania Caesarea (Cherchell, Algeria),
known through a series of Augustine's letters discovered and published in
1981 by Johannes Divjak.⁴³ After the death of Deuterius of Caesarea in the
autumn of 419, the majority of the congregation of the provincial capital
supported the election of Honorius, who was already the bishop of a smaller
see enclosed in the territory of Cartennae. However, he found that a minority
of 'religious' people (probably of a monastic milieu) were opposed to his
election, and they wrote to Augustine to denounce the irregularity of this
transfer. Augustine, together with his colleagues and friends Alypius and
Possidius, had been charged in the previous year of a mission in Mauretania
to settle a number of disciplinary matters in the name of the Apostolic See. It

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40 Augustine, *Epistulae* 126.3 (ed. by Goldbacher, pars 3, p. 10).
41 Augustine, *Epistulae* 126.4 (ed. by Goldbacher, pars 3, pp. 10–11).
42 Brown, *Through the Eye of a Needle*, p. 324.
43 Augustine, *Epistulae Divjak* 22*, 23*, and 23*A (pp. 113–25), written between December 419
    and Mars 420. For the dating and context of these events, see Lancel, 'Saint Augustin et la
    Maurétanie Césarienne (2)'.

was in the condition of papal representatives that Augustine and his friends were again involved in the events of that distant province.[44]

In a letter of December 419, Augustine reported to Possidius the first news he received from Caesarea:

> Audiuimus sane illum episcopum Honorium, ut eandem cathedram teneat, uehementer ambiri et — quod mireris — multorum corda in eum inclinata dicuntur; sed episcopi consentire noluerunt atque, ut euaderent uim cogentium, responderunt eis nos esse primitus consulendos uel etiam ipsum papam Bonifatium. Haec ad nos pertulit fama. Interea illa ecclesia — quod constat — seditionibus agitatur.
>
>> [We have heard that Bishop Honorius really wanted to occupy that see, and, you will be surprised, it is reported that the hearts of many are inclined towards him. But the bishops did not want to give their consent and even, to escape the pressure of those who intended to force their hand, they replied that we had first to be consulted, if not even Pope Boniface. This is what rumour told us. In the meantime — and this is obvious — this church is agitated by uprisings.][45]

Before the end of the year, Augustine and Possidius wrote a letter encouraging the Mauretanian bishops not to succumb to the will of a 'rebellious mob'.[46] It was too late. In March 420, Augustine reported to Alypius what had happened:

> Interim episcopi cum ad ipsam ciuitatem necessitatis ipsius gratia conuenissent, ut eligeret populus quem sibi cuperent ordinari, grauibus etiam iniuris turbulentae multitudinis compulsi sunt eum illic ponere tamquam uices agentem episcopi proprii, donec consuleretur sedes apostolica et antistes Carthaginiensis ecclesiae, ut tunc fieret, si ipsi uoluissent.
>
>> [In the meantime, as the bishops had assembled in this city on account of the same affair so that the people might elect whom they wished to be ordained, they were forced by the serious violence of a turbulent crowd to place Honorius there as acting as local bishop, until the Apostolic See and the head of the church of Carthage were consulted, so that the ordination would take place if these others agreed.][47]

Honorius, of course, had broader support that was comprised of more than this 'turbulent crowd'. Augustine reports the action of *legati* (envoys) and *defensores* (advocates), who wrote letters in the name of the partisans of Honorius and

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44   On this mission, see Lancel, 'Saint Augustin et la Maurétanie Césarienne'.

45   Augustine, *Epistulae Divjak* 23*A.5 (pp. 124–25).

46   Augustine, *Epistulae Divjak* 22*.6 (p. 116): *Nos interim scripsimus ad episcopos […] et ex hac occasione, ne de isto faciant quod seditiosa expetit multitudo, quanto potuimus dissuasimus* ('In the meantime, we have written to the bishops […] and dissuaded them, as far as we could, from doing with that subject what the seditious crowd requests').

47   Augustine, *Epistulae Divjak* 22*.5 (p. 115).

compiled a dossier of documents in defence of their cause, suggesting the support of members of the local elite.[48] Above all, the majority of poorer citizens formed the core group of Honorius's party. Thus, as wrote Augustine, when a letter from fifteen bishops arrived in Caesarea in the absence of Honorius, enjoining the congregation to choose for themselves another bishop, 'the people, and especially the poor (*et maxime pauperes*), arose in a terrifying sedition when this letter began to be read to them'.[49] These *pauperes* were not beggars. They were the urban lower classes as a whole. One of the promises Honorius seems to have made to conciliate the favour of the people of Caesarea was to speak on their behalf to the imperial court.[50] Now, in the same letter of March 420 sent to Alypius, Augustine reported the difficult situation in Africa of the lesser town councillors and the plebeians attached to the professional associations, who were crushed 'by the dishonesty of the powerful'. These powerful persons were imperial officials or *principales* of the cities that oppressed the humble under the weight of taxes.[51] The 'poor' who demanded the intercession of Honorius could therefore precisely be classified as craftsmen and small traders, who were crushed by abusive levies of the professional tax.

Although deeply alarmed by the behaviour of the 'rebellious crowd', neither Augustine nor the bishops of Mauretania could refuse the congregation of Caesarea its right to choose its own bishop. Throughout our period, popular election remained the preferred mode of selection of bishops and their main source of legitimacy.[52] Thus, even when a bishop decided to choose his own successor, he still had to submit his decision for popular approval. The best example of this third and last configuration of the role of the *plebs* in ecclesiastical elections is the nomination of Eraclius as the designated successor of Augustine in 426. We know of this event through a special document, the *acta ecclesiastica*, which were the formal records of the bishop's address and of the popular acclamations registered by the *notarii* of the church of Hippo.[53] On

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48 Envoys: Augustine, *Epistulae Divjak* 22*.7 and 23*.2; advocates: *Epistulae Divjak* 22*.7–8; letters in the name of the *Caesarienses*: *Epistulae Divjak* 22*.9.

49 Augustine, *Epistulae Divjak* 22*.7 (p. 116): *Illi autem et maxime pauperes, cum eis ipsae litterae legi coepissent, in seditionem horribilem concitati sunt* ('But when the letter began to be read to them, they, and especially the poor, promoted a horrible uproar').

50 Augustine, *Epistulae Divjak* 22*.9 (p. 118): *Facta est autem nominem Caesariensium — utrum uero ipsi scripserint ignoramus — epistola ad primatum eiusdem prouinciae, quod in causa publica eundem episcopum Honorium mittere uelint ad comitatum, per quem eorum necessitatibus subuenire* ('Although we do not know if they are indeed the authors, on behalf of the inhabitants of Caesarea a letter has been written to the dean of the same province. According to this letter, they want to send to the court on an official mission bishop Honorius, through whom they can remedy their needs').

51 Augustine, *Epistulae Divjak* 22*.1–2 (pp. 113–14). See Jacques, 'Le défenseur de cité'; Lepelley, 'La crise de l'Afrique romaine'.

52 Kanyang, *Episcopus et plebs*, p. 76.

53 Augustine, *Epistulae* 213 (ed. by Goldbacher, pars 4, pp. 372–79). On the practice of recording acclamations and consign them in *acta publica* or *ecclesiastica*, see Harries, *Law and Empire*, pp. 56–76.

26 September 426, Augustine convened a public meeting of his priests, clergy, and congregation. After a brief meditation on the six Ages of Man (infancy, boyhood, youth, adulthood, maturity, and old age), he showed his concerns:

> Scio post obitus episcoporum per ambitiosos aut contentiosos solere ecclesias perturbari et, quod saepe sum expertus et dolui, debeo, quantum ad me adtinet, ne contingat, huic prospicere ciuitati.
>
> > [I know that after the bishops' death the peace of the churches is often troubled by rivalries and ambitions, and what I have often experienced and deplored, I must make sure that this does not happen to this city.][54]

Then, he announced his decision:

> uoluntatem meam, quam credo dei esse, in omnum uestrum notitiam perfero: presbyterum Eraclium mihi successorem uolo.
>
> > [I bring to your knowledge what my will is, which I believe to be also the will of God: I want the priest Eraclius to be my successor.][55]

Augustine's declaration was warmly greeted by the acclamations of the faithful, which were recorded by the stenographers of the church with the number of times they were repeated:

> A populo adclamatum est: 'Deo gratias, Christo laudes' — dictum est uicies terties —; 'exaudi, Christe, Augustino uita' — dictum est sexies decies —; 'te patrem, te episcopum' — dictum est octies.
>
> > ['Thanks to God! Praise to Christ!' (23 times). 'Hear us, Christ! Long life to Augustine!' (16 times). 'You are our father! You are our bishop!' (8 times).][56]

The assent of the congregation was not unexpected. As Augustine himself acknowledged in his following address, he had been cautious to select a manifestly popular candidate in Hippo.[57] Passing by the rich, Eraclius was indeed known for his generosity and especially for the construction of the sanctuary for the relics of Saint Stephen.[58] Yet, in the following sequence,

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54 Augustine, *Epistulae* 213.1 (ed. by Goldbacher, pars 4, pp. 373–74).
55 Augustine, *Epistulae* 213.1 (ed. by Goldbacher, pars 4, p. 374).
56 Augustine, *Epistulae* 213.1 (ed. by Goldbacher, pars 4, p. 374).
57 Augustine, *Epistulae* 213.2 (ed. by Goldbacher, pars 4, p. 375): *Cumque reticeretur, Augustinus episcopus dixit: 'Non opus est me de laudibus eius aliquid dicere; faueo sapientiae et parco uerecundiae; sufficit, quia nostis eum; et hoc me uelle dico, quod uos uelle scio et, si ante nescirem, hodie probarem'* ('When they were silent, Bishop Augustine said: "It is not necessary for me to say anything in his praise. I honour his wisdom and respect his modesty. This is enough, because you know him. I say that I want what I know you want. And if I did not know it before, today I would have the proof"').
58 Magalhães de Oliveira, 'A nomeação de Heráclio'.

the more enthusiastic people go a step further, asking for the immediate consecration of Eraclius as bishop:

> A populo adclamatum est: 'Iudicio tuo gratias agimus' — dictum est sedecies —; 'fiat, fiat' — dictum est duodecies —; 'te patrem, Eraclium episcopum' — dictum est sexies.
>
> > ['We give thanks for your judgment!' (16 times). 'Let this be done! Let this be done!' (12 times). 'You are our father! Eraclius, our bishop!' (6 times).][59]

This request, however, Augustine could not accept. He did not want to commit the same fault that had been committed in his own case, namely the appointment of a coadjutor bishop by Valerius, which was contrary to the provisions of the Council of Nicaea. Eraclius, therefore, would remain a priest, while waiting for the vacancy of the episcopal chair. Once again, the congregation manifested its approval by acclamation.[60]

The acclamations chanted in the basilica of Hippo in 426 can only be described as 'ritual' insofar as they follow a usual structure, but not in the sense of a sequence of acts, whose results would be rigorously foreseen. Admittedly, the crowd could use consecrated formulas and follow a clear binary rhythm created by the repetition of sounds and accents, and even by the anaphora. But it is precisely the knowledge of formulas and rhythms that allowed improvisation. This is what we can see at the moment when the congregation demanded the immediate consecration of Eraclius by substituting his name in a formula previously used to honour Augustine. The ritual of acclamation was not, therefore, a mere formality, even when the choice, as in this case, actually came from the leaders. It is true that the *populus*, even while rioting, could not necessarily have had the last word, yet the necessity of the acclamation to legitimize a new bishop certainly meant that the election evolved into a long, tense, and difficult process of negotiation.

Plebs and Empire: The New 'Power of the People'

Despite undeniable continuities with the classical past, informal expressions of popular will also assumed new meanings in our period for several reasons. The unprecedented centralization of imperial power after the reigns of Diocletian and Constantine attracted the attention of collective actors towards the summit of power, making the emperor or his representatives the main targets of demands. Centralization also forced the imperial government to reinforce its control over its own officials, increasing the number of capital

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59 Augustine, *Epistulae* 213.3 (ed. by Goldbacher, pars 4, p. 376).
60 Augustine, *Epistulae* 213.4 (ed. by Goldbacher, pars 4, p. 376).

crimes for corruption and extortion and encouraging provincials to present their complaints against imperial officials.[61] A law of Constantine even allowed provincials to acclaim the good governors and to protest loudly against the unjust, thereby establishing provisions for the recording of the acclamations and their transmission to the court.[62] The consequences of this situation were twofold. On the one hand, governors felt more than ever before the necessity to make concessions and even to comply with the wishes not only of the leaders of local society, but also of the urban *plebs*.[63] On the other hand, urban crowds also felt encouraged to go beyond the local authorities and sometimes even to act in the name of what they supposed to be the emperor's will.

Two of Augustine's sermons preached on two successive Sundays exemplify the new opportunities this situation had created for the inhabitants of late Roman cities to redress their grievances. The first sermon was preached in Carthage on Sunday, 16 June 401.[64] The occasion for this preaching is as follows. A statue of Hercules, recently restored, had its golden beard 'shaved' by the action or at least under the pressures of a Christian mob. Then, on the Sunday, with a council of African Christians assembled in Carthage, the Christian *populus* occupied their church not only to protest against the pagans and their idols, but also to demand the active engagement of the bishops in their struggle against idolatry. After the first failed attempts of Bishop Aurelius of Carthage, Augustine was invited by his colleague to preach so that he might quell the crowd's fury later that same day.

The main preoccupation of Augustine on this occasion was to prevent the congregation of Aurelius from undertaking a violent action against the pagan municipal authorities, who had petitioned the newly appointed proconsul for the restoration of the statue. In order to keep the situation under control, he first needed to emphasize the common purposes of the clergy and the people, so as to remind the faithful of the hierarchy between the shepherds and the sheep of God. The people had already shown their will by acclamation. Now, they should be patient and wait for the clergy to act.[65]

Their shouts are described by Augustine in the sequence of the sermon: the people had called for the destruction of all divine statues, and they had shouted for it to be done at Carthage, as it had been at Rome.[66] The slogan

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61 Carrié and Rousselle, *L'Empire romain en mutation*, pp. 344–66.

62 *CTh* 1.16.6 (331 CE).

63 Carrié, 'Le gouverneur romain à l'époque tardive', pp. 26–29.

64 Augustine, *Sermones de Vetere Testamento* 24 (ed. by Lambot, pp. 326–33). See Magalhães de Oliveira, '*Vt maiores pagani non sint!*', pp. 247–55; Magalhães de Oliveira, *Potestas Populi*, pp. 228–41. For the dating in 401, see Perler, *Les voyages de saint Augustin*, pp. 233–34. For a view of this event very different from my own, see Rebillard, *Christians and their Many Identities*, pp. 88–89.

65 Augustine, *Sermones de Vetere Testamento* 24.5 (ed. by Lambot, p. 330).

66 Augustine, *Sermones de Vetere Testamento* 24.6 (ed. by Lambot, p. 331).

Quomodo Roma, sic et Carthago! ('As in Rome, so in Carthage!') shows how this protest had started in the first place. It was the previous circulation of news about a supposed increase in the anti-pagan measures at the capital of the Empire that had encouraged a number of ordinary Christians of Carthage to claim a stricter implementation of the laws in Africa. This is to say that the people were ready to act if the bishops did not do it, because the destruction of idols was not only the will of God. It was also the will of the emperor (or so they supposed).

Augustine then adopted a more sarcastic tone to show to his listeners that the pagans and their gods had already been sufficiently humiliated. He also tried to prove that the intention of the governor, in attending the request of the municipal authorities, was not to favour the pagans, but rather the contrary:

> Suggestio itaque nescio quae nouo iudici obrepsit. Quid egit? Non egit utique ut a christiano lapis honoraretur, sed ut christianus illi superstitioni ad radendum irasceretur; non inclinauit ad obsequendum, sed mouit ad uindicandum. Fratres, puto ignominiosius fuisse Herculi barbam radi, quam caput praecidi. Quod ergo positum est cum errore illorum, ablatum est cum dedecore illorum.

> > [I do not know what suggestion seduced the newly appointed governor. What did he do? He did not act so that a stone should be honoured by a Christian, but for a Christian to be so angry with that superstition that he had it erased. He did not bow down by complacency; he wanted, on the contrary, to excite revenge. Brothers, I think it was more shameful for Hercules to have his beard shaved off than to have his head cut off. So what was set up by their fault, was removed for their dishonour.][67]

In this passage, Augustine implies that his audience had wished to cut off the head of the statue with the intention to humiliate the pagan municipal authorities and, furthermore, that they also suspected the proconsul of complicity with the pagans. The preacher, however, concluded that the beard of Hercules had been shaved off 'by the faithful, by the Christians' with the help of 'the authorities instituted by God and already subjected to the yoke of Christ'.[68] This meant either that the proconsul did not oppose the action of a group of Christians, or, on the contrary, that he had been compelled by the protests of the crowd to withdraw his earlier decision and order the removal of the gilded beard from the statue.

Whatever the case, by receiving the request of the pagan notables, the proconsul seems to have misunderstood the local political situation and neglected the importance of the Christian *plebs* as a pressure group. Yet the

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67 Augustine, *Sermones de Vetere Testamento* 24.6 (ed. by Lambot, p. 332; my translation).

68 Augustine, *Sermones de Vetere Testamento* 24.7 (ed. by Lambot, p. 333): *Si* [sc. *Deus*] *non irascitur unde Herculi barba rasa est? Fecit enim hoc per fideles suos, per christianos suos, per potestates a se ordinatas et Christi iugo iam subditas.*

very real danger of an uprising and the possibility that the popular rhythmic acclamations were brought to the attention of the emperor completely changed the situation. The next week, the conversion to Christianity of a leading pagan, the banker Faustinus, further exposed the political impact of these manifestations. Faustinus was running for the office of *curator rei publicae* ('mayor' of the city) or for that of *exactor* (a fiscal official); both posts were appointed by the governor but could be vetted by a form of popular acclamation.[69] He decided to convert after he had heard that Christians were chanting in the church that they no longer wanted to be 'dominated' by pagans. Urban plebeians had indeed many reasons to resent the many extortions and abuses of power of the rich in positions of authority. It is for this reason that they could think of the post Faustinus was running for as a kind of 'domination'. However, on the Sunday, 23 June, Augustine was again invited by Aurelius to placate the many ordinary Christians who refused to accept what seemed to be a sham conversion:

> Nostis quid hic clamatum sit, nostis: 'Vt maiores pagani non sint, ut non dominentur pagani christianis!' Dicta sunt ista: et quoniam erat in inuidia nomen hoc, multa nomine clamata sunt zelo domus dei a christianis; et tota intentio non erat, nisi ut non dominaretur paganus christianis. Vt autem de quo clamabatur christianus esset, nec a christianis cogitabatur: sed a Christo disponebatur.
>
>> [You know the cry that was raised here, you know it: 'Pagans should not be our superiors! Pagans should not dominate over Christians!' This is what was said, and because the name of this man [sc. Faustinus] was hated, he was blamed for many things by the Christians because of the zeal of the house of God, though the only objective was that a pagan did not dominate the Christians. But, that the one whom all the shouting was about was going to become a Christian, no one could have imagined: and yet, Christ had determined it.][70]

In the changed conditions of the use of acclamations in public life in Late Antiquity, such chants uttered in the Christian basilicas could have imposed their message directly on the emperor and his officials.[71] They could also have affected decisively local political disputes. These two sermons from Augustine show, therefore, how the Christian *plebs* took full advantage of this new form of political pressure to act independently of (and sometimes even in opposition to) their leaders. Knowing the power of acclamations and acting in the name of Christianity, they could now even contest what for centuries had been taken for granted: the natural right of the rich to assume positions of authority.

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69 *CTh* 11.7.20.
70 Augustine, *Sermones* 279.12 (ed. by Hamman, p. 659).
71 Brown, *Power and Persuasion in Late Antiquity*, pp. 149–50.

Conclusion

The vivid civic life in African cities up to the Vandal conquest certainly explains the continuity in this period of some of the forms of expression of popular will that had characterized the early Empire. Even though elections by the people divided into electoral districts tended to disappear from the beginning of the fourth century, the need for popular consent for the nomination of candidates for the main civic functions meant that the local notables still had to compete for 'popular favour'. The spectacles, which were still financed at least in part by local notables, remained occasions for popular manifestation. As we have seen in the case of the dedication of statues, certain formal decision-making processes could still depend not only on the approval, but also on the initiative of the majority of citizens. The vitality of this civic life also explains why the same behaviours and modes of action characteristic of what Claude Lepelley called 'the municipal civilization'[72] were reproduced even within Christian communities.

That said, there were also important changes, which were by no means restricted to Africa. It is undeniable, for instance, that the Christian Church offered new opportunities for the people to express their will, especially, but not exclusively, by their participation in ecclesiastical elections. It is also clear, as we have seen in the manifestations against Faustinus, that the people could now expect their own decisions to be legitimized because of their participation in the Christian faith. Yet the most important changes in the forms of expression of popular will in Late Antiquity resulted from two wider transformations: the new role of acclamations in public life and the unprecedented centralization of power after the reigns of Diocletian and Constantine. As Charlotte Roueché has pointed out, the emperors' encouragement for provincial residents to express their views on governors by acclamation and for their views to be conveyed directly to the court may have gradually undermined the very concept of life within the bounds of the city state.[73] What is more, as Jill Harries has rightly observed, the fact that the general practice of both civil and ecclesiastical elections in Late Antiquity was to ascertain the popular will through acclamation, rather than by the accurate casting of votes, certainly implied that elections became more volatile and potentially violent affairs. This was especially apparent when the electorate was divided between two or more rival candidates or when one part of the electors, such as the consecrating bishops or the higher authorities, refused to accept the victorious decision.[74] Yet, from the point of view of the common people, these changes also brought new opportunities to redress their grievances and even challenge those in power. By the beginning of the fifth century, urban plebeians had indeed come to

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72 As he put in the title of the first volume of his book *Les cités de l'Afrique romaine au Bas-Empire: La permanence d'une civilisation municipale.*
73 Roueché, 'Acclamations in the Later Roman Empire', p. 198.
74 Harries, 'Christian Politics'.

sense that they could bypass their town councils. Through their acclamations, they could speak directly to the emperor, and they could even take the laws intended to control the imperial officials into their own hands. This does not mean that society in the later Roman Empire became more democratic, but that the horizons of civic action had definitely changed.[75]

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75 I have further developed this argument on the new opportunities for popular participation and for crowd action in Late Antiquity, with examples from other parts of the Roman Empire, in Magalhães de Oliveira, 'Le peuple et le gouvernement des cités' and in Magalhães de Oliveira, 'Late Antiquity'.

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Urban Identities in Late Roman Italy

Two Italies

The policy of provincialization wrought a profound historical shift in Italian cities at the beginning of Late Antiquity.[1] First instituted in 293 CE, the geographical division of the Diocletian provinces took into account the presence within the Italian dioceses of the ancient, voracious, immense city of Rome, with its need for vast quantities of provisions, and of the armies deployed from Milan to Aquileia. In a unique case found nowhere else throughout the Empire, this single diocese was assigned two vicars. In 312, or more probably in 313, Constantine limited the control of the *vicarius Italiae*, whose seat was in Milan, to provinces north of the Arno-Esino river line, that is, Aemilia et Liguria, Venetia et Histria, Alpes Cottiae, and Rhaetia. Provinces south of that line — Tuscia et Umbria, Flaminia et Picenum, Campania, Apulia et Calabria, Lucania et Bruttii, Sicilia, Sardinia, and Corsica — came under the control of a new *vicarius Urbis* with its seat in Rome.[2] This splitting of the administration of this single Italian diocese into two allowed the emperor to maximize and augment the flow of wealth towards the Po Valley. This area was heavily militarized and heavily trafficked by imperial officials and couriers from Gaul to Illyricum and vice versa. Such measures endeavoured to ensure a flow of wealth towards Rome, a veritable megalopolis inhabited by a plebeian class that was both hungry and emperorless.[3]

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1 Concerning Italian identity, see Giardina, 'L'identità incompiuta'; on the provincialization of Italy, see Giardina, 'Le due Italie'; Porena, 'Sulla genesi degli spazi amministrativi'; Porena, 'La riorganizzazione amministrativa dell'Italia'.

2 *Laterculus Veronensis* 10 (314 CE), integrated by Porena, 'La riorganizzazione amministrativa dell'Italia', p. 334.

3 An extensive analysis of the balances of provincialized Italy can be found in Cecconi, *Governo imperiale e élites dirigenti*. For cities in late antique Italy, see Ghilardi, Goddard, and Porena, eds, *Les cités de l'Italie tardo-antique*; Augenti, ed., *Le città italiane*; Christie, *From*

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This division of Italy into two led to a change in the perception of the principal city in each area, largely due to differences in their consciousness of their respective history and civic identity. To the anonymous author of *Expositio totius mundi et gentium* writing in the second half of the fourth century, Rome seemed like an enormous, untouchable museum that housed the richest aristocracy in the world, whose lives alternated between governmental responsibilities and luxurious idleness.[4] To the historian Ammianus, the city often was marked by the hostile opposition between the senatorial aristocracy and the belligerent urban *plebs*, both accustomed to the prompt satisfaction of their respective privileges. This dynamic would persist until the reign of the Ostrogothic kings in Italy.[5] In short, Rome was the city of tradition and privilege for both the aristocracy and the *plebs*. By this point, this city had become an 'elephantine' urban, architectural, and especially, social world of its own, stratified over the centuries and impermeable to change. All in all, inequalities in the social class structure and the varying rhythms of participation in Rome's civic life followed conservative dynamics.[6] Fourth-century Milan, on the other hand, was basically invented by Maximian (*Herculius*) during the Tetrarchy. Thus, the city — built only recently as an imperial residence with brand new buildings while also functioning as the seat of both the vicariate of Italy and the governor of Aemilia-Liguria — was viewed as a 'modern' city by Ausonius, the very opposite of Rome.[7] Its population had grown with people attracted by new government jobs in and out of the imperial palace, and crucially, it had quickly embraced Christianity. Participation in the civic life of Milan in the fourth century manifested in episodes that reveal the weight of the new realities located in the city and their uneasy relationship with each other: the resident prince, a large bureaucratic sector, and a great Christian bishop. Ammianus recalls

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Constantine to Charlemagne; Carandini, Cracco Ruggini, and Giardina, eds, *Storia di Roma*, pp. 177–307; for the sixth century, see Fauvinet-Ranson, *'Decor civitatis, decor Italiae'*; Tabata, *Città dell'Italia*; Marazzi, 'Ostrogothic Cities'; Cosentino, 'Istituzioni curiali'.

4   *Expositio totius mundi et gentium* 55. Cf. Behrwald, *Die Stadt als Museum?*

5   Ammianus Marcellinus, *History* 15.7.1–5; see Stenger, 'Ammian und die Ewige Stadt'. See also Cassiodorus, *Variae* 1.31.2 and 4, with Cracco Ruggini, 'Clientele e violenze urbane'. On social dynamics in Rome in the fourth century, see Lizzi Testa, *Senatori, popolo, papi*, pp. 327–79. On the role of the late antique urban *plebs* in and outside of Rome, see now Magalhães de Oliveira, 'Le peuple et le gouvernement des cités', and the chapter by Peter Van Nuffelen in this volume.

6   On the uneasy transformation of the city, see Lançon, *Rome dans l'Antiquité tardive*; Harris, ed., *The Transformations of 'Vrbs Roma'*; Fraschetti, *La conversione*; Curran, *Pagan City and Christian Capital*.

7   Ausonius, *Ordo nobilium urbium* 7. See Fuhrer, ed., *Rom und Mailand in der Spätantike*; Roberto, 'L'identità tetrarchica'; Roberto, '"Periclitans Italia"' (I thank the author for providing me with a draft of his still unpublished paper). Concerning the urban notables of the Po Valley, see Cracco Ruggini, 'Ambrogio di fronte alla compagine sociale'; Tassaux, 'Élites locales, élites centrales'. On the late Roman province of *Aemilia et Liguria*, cf. Porena, 'La Liguria'.

the cases of *apparitores* of the vicariate of Italy and of an *agens in rebus*, who were all unjustly condemned to death in 365 and subsequently venerated as martyrs by the Milanese.[8] In 386, the struggle between the Arian Auxentius and the Nicaean Ambrose for the churches of Milan was resolved in favour of Ambrose, thanks to the unified opposition of the rich citizens of the city and some of the Palatine officials who guarded the churches against the surrounding troops of Valentinian II. Their non-violent opposition, even at the risk of reprisals, allowed Ambrose to disobey Valentinian II and uphold the people's Nicaean faith.[9]

As an imperial 'capital' and important fourth-century administrative centre, Milan can be seen in opposition to the ancient capital on the Tiber. According to the annals of Ammianus, participation in the civic life of fourth-century Rome (a long period in which it was without an emperor) can be measured by the varying degrees of pressure exerted by the multitude of the *plebs* on the urban prefects, as well as on the aristocracy from which these prefects were chosen, regarding food distribution in a power struggle that had played out for centuries. To an external observer in the ancient pagan capital, Christianity did not seem at all a unifying factor in regards to civic identity; indeed, even ecclesiastical writers shared this view. The *plebs sancta* of Rome were shocked and divided by the violence of the lengthy, bloody battle between Damasus and Ursinus in the election of the successor to Pope Liberius between 366 and 367. Damasus even resorted to force in the dispersal of Christians that gathered in prayer at the tomb of the martyrs in the church of Sant'Agnese.[10] This conflict-ridden situation in Rome contrasts with the solidarity of the Nicaean faithful in Milan, who joined together singing Ambrosian hymns in their besieged churches in 386.[11] Milan, in fact, appears as the seat of government and as a city with a dignified, educated populace, who profited from the revenue generated by the young civil and military administrative centre. While the people were generally devoted to the emperor, who himself spent much time in the city, they were also susceptible to the doctrinal disputes within Christianity and capable of forming an effective block under the guidance of their highly respected bishop.[12]

In relation to this stark dichotomy between Rome and Milan, an additional factor eroded the sense of belonging and participation in the cities of Italy in Late Antiquity: larger cities offered better living conditions as their size and

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8 Ammianus Marcellinus, *History* 27.7.5.

9 Ambrose, *Letters* 75a (F), 29; 76 (F), 2, 3, 6–7, 26. See Lizzi Testa, 'La "certatio" fra Ambrogio e Mercurino Aussenzio'; Lizzi Testa, 'Ambrose and the Creation of a Christian Community' (I thank the author for providing me with a draft of her still unpublished paper).

10 Lizzi Testa, *Senatori, popolo, papi*, pp. 129–206; Raimondi, 'Elezione "iudicio dei" e "turpe convicium"'; Carletti, 'Damasus et Ursinus'. *Plebs sancta* is quoted from Ambrose, *Letters* 77 (F), 10.

11 See Williams, 'Hymns as Acclamations'.

12 Pietri, 'Aristocratie milanaise'; Carrié, 'Gli interrogativi di una società'.

importance in the administrative system generated a closer relationship with the imperial authority, which, in turn, ensured greater well-being. In terms of their sense of identity and levels of civic participation, the large Italian cities tended to grow and become more powerful at the expense of the smaller cities. Civic participation must be understood both in a strictly institutional perspective and from a more general political point of view.[13] While Ausonius praised Milan for its grandeur, Ambrose found the cities in the province of Aemilia-Liguria, whose capital was Milan, deserted, abandoned, and mere 'cadavers of cities'.[14] Italy's two major cities during Late Antiquity of Rome and Milan were likewise involved in these dynamics. The progressive weakness and instability of the Italian diocese in the fifth century weighed heavily upon the construction and maintenance of a civic sense of identity. Milan's glory as an imperial residence was short-lived: in 402, the residence was moved definitively to Ravenna that now functioned as the new seat of the government and subsequently tripled in size and probably in population as well.[15] Meanwhile in fifth-century Rome, the population suffered a gradual decline beginning with the sack of 410. The immense architectural and artistic patrimony of the capital was gradually and irreversibly pulled apart by barbarians and even more by the Romans themselves, who increasingly espoused the Christian faith. The city took on an ever more 'ghostly' aspect, especially after 455. Rome's tenacious senatorial aristocracy remained powerful, and its sense of identity continued to manifest right up until the catastrophic sieges of the Gothic War. However, participation in traditional urban life diminished, and the citizens redirected their energy into the search for protection in their highly politicized episcopate.[16]

Weakness of Provincial Identity

As stated above, the provincialization of Italy was a major new development with far-reaching consequences. It came too late in the history of the

13   On this trend during the late Empire, see Dey, 'Privileged Cities'; for 'civic participation' in a broad sense, see Porena, 'Forme di partecipazione'.

14   Ambrose, *Letters* 2.8 (F), 3; see Marazzi, '"Cadavera urbium"'. Fifteen years before, Jerome, *Letters* 1.3, recorded a similar impression of Vercelli, which he found depopulated and half in ruins.

15   Like Milan a century earlier, Ravenna attracted immigrants of all types — educated elites, merchants, artisans, plebeians, soldiers, and barbarians. On this shift of importance between 'capitals', see Carlà, 'Milan, Ravenna, Rome'; on Ravenna, see *Ravenna da capitale imperiale a capitale esarcale*; Deliyannis, *Ravenna in Late Antiquity*; Cirelli, 'Ravenna'.

16   On Italy in the fifth century, see the contributions in Delogu and Gasparri, eds, *Le trasformazioni del v secolo*; Marazzi, 'The Destinies of the Late Antique Italies'. About Rome, see Marazzi, 'The Last Rome'. For the growth of the power of the bishops, see Lepelley, 'Le patronat épiscopal'; Brown, *Power and Persuasion in Late Antiquity*; Rapp, *Holy Bishops in Late Antiquity*; most recently Lizzi Testa, 'I vescovi e il governo delle città'; Lizzi Testa, 'Inclinazioni culturali'.

peninsula, however, to generate a sense of identity that could serve as an alternative to the sense of belonging to individual cities.[17] The delimitation of the provinces was probably dictated by fiscal necessity and imposed rather arbitrarily. The provinces' denominations, moreover, were loaded with archaisms based on ethnicity (the pre-Roman *populi*) and infrastructure (the *viae*).[18] Such obsolete choices — which have been classified as a 'wreck' — were incapable of inspiring feelings of identity. Between 333 and 337, the leading citizens of Hispellum (Spello) in Umbria requested and obtained from Constantine the right to host the annual provincial assembly of Tuscia and Umbria, which originally had taken place annually only in the city of Volsinii (Bolsena) in Tuscia.[19] Constantine ruled that the *concilium* — with its lavish complement of theatrical events, arena games, and imperial cult ceremonies — should be held in alternate years in Volsinii and Hispellum. The desire of the Umbrian people to participate in the elaborate annual festivals in an Umbrian city prevailed over the unity of the province. Neither inhabitants of Hispellum nor those of Volsinii had developed — and would probably never develop — a conceptual or emotional attachment to their province.

A sense of civic identity was not unique to the principal cities of a province or the seats of provincial *concilia*. On 7 December 325, a decree of patronage produced for C. Sallius Sofronius Pompeianus, a leading Vestinian notable, provides evidence of the active participation of the Amiternum *curia* in the nomination of a major benefactor of the city and the Apennine area as a descendant of benefactors, restorer of the monuments of Amiternum, and financier of spectacles and banquets for the citizens under the eye of the provincial governor.[20] It is interesting, however, that a sense of identity was able to develop in the *pagi* in a form analogous to that of the city. A decree of patronage was issued ten years later, on 18 December 335, in the

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17   Giardina, 'Italy and Italians'. The sense of identity and belonging in the cities of the Roman Empire is studied in Rapp and Drake, eds, *The City in the Classical and Post-Classical World*. For a more dilated perspective, see Vanacker and Zuiderhoek, eds, *Imperial Identities*. Concerning citizenship and local identities, see the chapter by Ralph Mathisen in this volume. On provincial identity outside Italy during the early Empire (iconography, phrasing, epigraphy, numismatics), see Vitale, *Das Imperium in Wort und Bild*.

18   Laurence, 'Territory, Ethnonyms and Geography'.

19   *CIL* XI 5265 = *ILCV* 5 = EDR136860; see now Cecconi, 'Il rescritto di Spello'. On the ancient and widespread competition between cities to host provincial ceremonies of the imperial cult, see Guerber, *Les cités grecques dans l'Empire romain*.

20   *SupplIt* IX (1992), 85–90, no. 34 = *EAOR* III 47 = *AE* 2015, 370 = EDR172090 = LSA 1788. Concerning the activity of the *curiae* in fourth-century Italy, see Cecconi, *Governo imperiale e élites dirigenti*, pp. 171–99; Machado, 'Civic Honours and Political Participation' (from the perspective of epigraphic sources, in an important contribution to this chapter's central topic); Carrié, 'La législation impériale' (from the perspective of legal sources). Oppedisano, 'Maioriano, la plebe e il *defensor civitatis*', focuses on the activity of the *curiae* in Italy in the middle of the fifth century.

vicus of Foruli, a village within the rural territory (*pagus*) of Amiternum, which co-opted the son of Pompeianus, C. Sallius Sofronius Iunior.[21] The decree was issued unanimously by the inhabitants of the countryside, who had gathered in great numbers for a festival honouring Constantine. The text confirms that the extra-urban aggregates also had their own sense of identity inspired by civic patronage. In Foruli, the emphasis was placed on the powerful emotional bond between the patron and the *pagani seu vicani* (*fides, benivola affectio, affectio sincera, amor*). The provincialization of Italy did not weaken or compete with the sense of belonging and civic identity, even in the villages surrounding the city, which sought to imitate the city model.[22]

Some urban epigraphic texts recorded acts promoting the province by distinguished patrons of the city in the rich, strategic province of Campania. Anicius Paulinus raised the province's prestige by being the first to hold the position of *proconsul* of the province in 379/80, rather than simply of *consularis*.[23] Despite this promotion of the province's status, the inscription stresses the special bond of patronage with his city (*patronus originalis*) and his extraordinary generosity (*munificentia*) towards the city populace. Most importantly, however, it was not the *ordo* and *populus* of Capua who dedicated the monument but the *regiones, collegia*, and another unknown urban institution (whose name is lost in lacunae), all at a lower rank than the *res publica*.[24] The competition between the large provinces, the cities, and even the institutions within them (*regiones, collegia*) or adjacent to them (*vici*) does not seem to have diluted their sense of identity and their desire to participate.[25] The 'macrocosm' of the province takes shape from the point of view of the 'microcosm' of the city institutions and suburban villages. This aspect is even truer for patrons of their own native city. For instance, an inscription honoured an anonymous, prodigal benefactor of Beneventum, who was also perhaps the provincial governor, with the words, 'on account

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21 *SupplIt* IX (1992), 90–92, no. 35 = *AE* 1937, 121 = *AE* 1984, 280a = *AE* 1992, 386 = EDR073334. A *pagus* is one of the cadastral districts into which the rural territory of a town is always divided, and can be inhabited in a scattered order (by *pagani*); a *vicus* (village) is an institutionally recognized settlement inside or outside the rural territory of a town. In Amiternum, the *pagani seu vicani Forulani* are the residents in the *pagi* and in the *vicus* of Foruli within the rural territory of the city, outside the urban space. See Capogrossi Colognesi, '"Pagi", "vici" e "fundi"'; Tarpin, *'Vici' et 'pagi'*; Todisco, *I vici rurali*.

22 Concerning these two *tabulae*, see Goddard, 'Les formes festives'; Segenni, 'Patroni e "tabulae patronatus"'; Salomies, 'Making Sense of a Tabula Patronatus'.

23 *AE* 1972, 75b = Chioffi, *Museo provinciale Campano*, no. 111 = EDR005624 = LSA 1941, ll. 1–4: *pro/vectori Campania* [*sic*], *qui pri/mus proconsulatus pro/vinciae fasces invexit*.

24 The same *regiones* and *collegia* of Capua also celebrated another *patronus originalis*, Sex. Petronius Probus, the much more renowned and powerful praetorian prefect of *Italia-Illiyricum-Africa* (*PLRE*, I, pp. 736–40): *AE* 1972, 76 = Chioffi, *Museo provinciale Campano*, no. 111a = EDR079706 = LSA 1936.

25 See below for the will from Preneste copied in an inscription dedicated by urban *collegia*.

of his remarkable and outstanding services towards the whole province and particularly towards themselves and his native city'.[26]

Diocletian's provincialization of Italy rearranged the traditional clientelar relations between the powerful senatorial aristocracy and the city curiae. The imposition of the land tax consolidated these client bonds between the city and the aristocracy, especially since the provincial governors, vicars, and praetorian prefects increasingly came from the aristocracy.[27] This helps to explain the widespread phenomenon in which the entire provinces chose to erect monuments to great dignitaries in their *domus* in Rome, usually following decisions made by the provincial *concilium*.[28] Scholars have often pointed out that a substantial number of the honorary monuments with the *cursus honorum* from Late Antiquity were situated in the city of Rome, particularly in the private domestic spaces of powerful aristocrats to whom these ostentatious gifts were offered. Senators residing in the capital competed to receive such statues.[29]

The province's choice to glorify a governor through such epigraphic monuments that would often ornament his luxurious residence in Rome did not stop individual cities from taking initiatives geared towards gaining preferential treatment and emphasizing their primacy. Engraved in November 400, the inscription to Cheionius Contucius, who had once served as governor of Flamina et Picenum, proves that a rivalry still persisted between cities in the

26 *CIL* IX 1596 = EDR128690 = LSA 1746, ll. 14–16: [*ob*] *insignia eius in omnem pro/*[*v*]*in*[*ciam*] *praecipuaque in se et patriam / *[*urbem m*]*erita*. See similarly at Suessa Aurunca *CIL* X 4759 = *CLE* 326 = EDR150442, ll. 2–6: *hic nunc Campanas moderator sublebat urbes, / unde ordo et populi statuam tribuere Suessae*. The plural *populi* could indicate a request to honour the governor by the inhabitants of several cities of the province of Campania, and the construction of the monument by decree of the *ordo* of Suessa in a public space of this city.

27 On eminent officials and land tax in Italy, see Giardina and Grelle, 'La tavola di Trinitapoli'; for careers, see Chastagnol, 'La carrière sénatoriale du Bas-Empire'.

28 The inhabitants of the entire province of *Venetia et Histria* honoured the powerful Petronius Probus in his *domus Pinciana* (*CIL* VI 1751 = EDR122122 = LSA 272); Sicilians honoured Betitius Perpetuus Arzygius (*CIL* VI 31961 = *IG* XIV 1078a = *IGUR* I 60 = EDR111237 = LSA 1536), *Tusci et Umbri* his homonymous grandson (*CIL* VI 1702 = 31904 = EDR129307 = LSA 1406); L. Nonius Verus was patron of several cities (Mutina, Aquileia, and Brixia) but also of all the cities in the province of *Apulia et Calabria*, which he administered (*CIL* XI 831 = EDR123535). For provincial assemblies issuing honorific decrees in the early Roman Empire, see Vitale, '"Provinciae" als beschlussfassende Instanzen'.

29 Niquet, *Monumenta virtutum titulique*; Gehn, 'Spätantike Ehrenstatuen in Italien'; Gehn, 'Ehrenstatuen in spätantiken Häusern Roms'; Scheibelreiter-Gail, 'Inscriptions in the Late Antique Private House'; Smith, '"Restored Utility, Eternal City"'; Machado, 'The City as Stage'; Machado, *Urban Space and Aristocratic Power*, pp. 201–62; Machado and Lenaghan, 'Rome'. Metal statues in public spaces could only be placed with imperial permission, and public spaces in Rome were under a strict control of imperial authority (see lately Ward-Perkins, 'The End of the Statue Habit', p. 307); it was consequently much easier to dedicate statues to patrons and benefactors in their private homes.

same province even more than a century after the provincialization of Italy.[30]
A sense of civic identity and the desire to occupy a position as the leading
city could have prompted the citizens of Forum Novum (Torri in Sabina)
to erect a monument to Contucius before the other cities of the province,
or, perhaps, the citizens could have realized their Roman monument for
the ex-governor shortly before the provincial *concilium* prescribed a similar
honour. Nonetheless, the fact that Forum Novum placed such an emphasis
on being the first city is significant. The province had no space for expression
besides the cities.[31]

Clientelar Urban Identities

In the cities of the Italian provinces far from the aristocratic *domus* in Rome, the
people's sense of belonging to their city was palpable in their 'clientelar urban
identity'.[32] This traditional relationship between patron and client community
aroused deep emotions and inspired intense collective participation. Rutilius
Namatianus described his emotions upon passing through the city of Pisa
in the province of Tuscia et Umbria, when, on his way back from Rome to
Gaul in 417, he saw the monument erected in the city forum in honour of
his father, Lachanius, who had been governor of that province. Namatianus
was recognized by the people of Pisa and received with great affection; they
praised his dear departed father as an excellent governor and, with sincere
outpourings of emotion, celebrated the son for his glorious administrative
career.[33] The good provincial governors' role as administrators, and often as
patrons, was foremost in the minds of the inhabitants of the late Italian cities,
who fervently sought the protection of the civil officials of the diocese. It is

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30 *CIL* VI 1706 = EDR134900 = LSA 1413, ll. 14–17: *Foronovani / desideria totius / provinciae
prae/cedentes*. Unfortunately, it is not known whether the base was placed in a public or
private space in Rome or from the suburbs.

31 Other monuments to senators in their homes in Rome show that provincial identity never
cancelled out their civic identity: *CIL* VI 32051 = EDR114762 = LSA 1253; *CIL* VI 1768 =
AE 1991, 72 = EDR122119 = LSA 1467; *CIL* VI 1769 = EDR122121 = LSA 1468; *CIL* VI 1772 =
IGUR II 707 = EDR110154 = LSA 1469; *CIL* VI 1691 = EDR134898 = LSA 1397; *CIL* VI 1700 =
EDR122123 = LSA 1403; *CIL* VI 1793 = EDR121037 = LSA 1478.

32 Expression quoted from Giardina, 'Italy and Italians', p. 113. On forms of popular
participation in late antique cities, see lately Magalhães de Oliveira, 'Le peuple et le
gouvernement des cités', and, with arguments very similar to ours, Machado, 'Civic Honours
and Political Participation'. On the prerogatives of the people in African cities, more
exhaustive than in Italy, see Evers, *Church, Cities, and People*; Magalhães de Oliveira, *Potestas
Populi*.

33 Rutilius Namatianus, *On his Return* 1. 575–96. See Brocca, 'Le "Laudes" di Lacanio'; Sensal,
'Souvenirs d'Étrurie'. Similarly the arrival of Melania senior in Campania in Paulinus of Nola,
Letters 29.12. About the *adventus* of the late antique governors, see Slootjes, *The Governor and
his Subjects*, pp. 105 ff. and 155 ff.

not a coincidence that monuments in their honour apparently dominated the public spaces of those cities.[34]

There were certainly tight bonds between individual cities and senators and officials that lasted over several generations, often through the progressive co-optation of individuals as patrons of the city. The case of the *patroni originales* points to the existence of a privileged pathway, justified by place of origin and the aristocratic interests traditionally concentrated in a given civic territory with many examples of such a pathway documented in Campania.[35] Similarly, the civic patronage of leading citizens, who did not become provincial governors (which was an affiliation lasting for generations), provided a solid foundation not only for the material life of the Italian cities, but also for the historic and emotional memory of their civic identity. This relationship is celebrated in the detailed bronze tablets recording the patronage of the Sallii Sofronii of Amiternum: '*ex origine prisca genus eiusdem patronatus olim processeri{n}t*' ('since its ancient origin his family has grown up in the patronage on our behalf').[36] Along with the memory of funding for urban structures and recurring festivals or of aid during food shortages or financial crises, the relationship served to consolidate essential, long-lasting bonds.[37]

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34 The Italian senatorial aristocracy tended to administer provinces, strengthening fruitful pre-existing patronage bonds or creating new ones: see Cecconi, *Governo imperiale e élites dirigenti*, pp. 141–69. For the monuments in honour of provincial governors, see Horster, 'Ehrungen spätantiker Statthalter'; Horster, 'Provincial Governors'; an epigraphic overview in Machado, 'Italy'.

35 Virius Nicomachus Flavianus iunior, ex *consularis Campaniae* and *patronus originalis* in Naples (*AE* 1894, 89 = EDR071611 = LSA 327); Pontius Proserius Paulinus, ex *consularis Campaniae* and *patronus originalis* in Capua (*AE* 1972, 143 = EDR075269 = LSA 1934): *semper obsecundante / etiam eius posteris / debita clientela*; the same senator in Pozzuoli (*CIL* x 1702 = EDR115996 = LSA 339): *ab origine patrono* […] *ob merita patris ac sua*; Postumius Lampadius, *consularis Campaniae* in Capua (*CIL* x 3860 = EDR005696 = LSA 1942): *restitutori patriae* […] *patrono longe / a maioribus originali*. Valerius Publicola, *consularis Campaniae* in Benventum (*CIL* IX 1591 = LSA 1745): *ab atavis / patrono*. See Chausson, 'Les patronats familiaux'.

36 Reference above, note 20, ll. 15–16.

37 M. Sentius Redemptus in Interamna Lirenas: *ex origine patronatus veniente*, restorer of the baths (*CIL* x 5349 = LSA 2030); the Tannonii in Pozzuoli: *puero egregio ab origine patrono* (*CIL* x 1815 = EDR160067 = LSA 1914); *magnificae adque praeclar(a)e stirpis* (*AE* 1976, 141 = LSA 45 = EDR076455); *ab origine nato patrono* (*AE* 2014, 324 = EDR147783); Iulius Aurelius Auxontius Leonida *signo* Carradius in Capua, his civic homeland: *institutori novor(um) / ac renovatori ope/rum publicorum, / ab origine patrono*, worthy of all praise (*CIL* x 3857 = Chioffi, *Museo provinciale Campano*, no. 110); Mamilianus Licinianus in Suessa Aurunca (*CIL* x 4755 = EDR153317 = LSA 1972): *L(ucio) Mamiliano Liciniano v(iro) c(larissimo), / filio Mamiliani Silviniani v(iri) p(erfectissimi) / ex correct(ore), nepoti Mamiliani Cris/pini ex com(ite), pronepoti Mamiliani / Maximi v(iri) p(erfectissimi) ex com(ite), porro ab o/rigine patrono*; his grandfather Mamilianus Crispinus *ob meritum originis suae sed et laborum suorum* (*AE* 1919, 71 = EDR072816). See also the case of a *defensor civitatis* and local patron promoted provincial governor of Samnium in the second half of the fourth century: *ob recordationem omnium / benificiorum quae a ma/ioribus eius civitati sunt / {si} praestita* (*CIL* x 4863 = EDR133020 = LSA 1976). See also perhaps *CIL* IX 1684 from Beneventum.

The *origo* and the enduring nature of this patronage aroused pride among the inhabitants in their prestigious and solid client–patron relationship, which exemplified signs of long-lasting trust, affection, and reciprocal devotion.

The warm, festive welcome shown to Namatianus on his arrival in the forum of Pisa is not simply a literary artifice. Various inscriptions refer to the physical and emotional participation of the people in relations with authorities and patrons, often during key moments in the life of the city, which is striking given the characteristic brevity of epigraphic language. One such inscription from Venafrum in Samnium recalls the *praeses* Autonius Iustinianus's reluctance to receive a statue in his honour from the *populus* for having contributed to the restoration of the city. The entire civic body gathered around the governor, pleading with him to accept that outstanding and ever-lasting manifestation of their affection. It is likely that this eagerness to express gratitude is related to the devastating earthquake that struck the Apennine area of Samnium, probably in 346 or 375.[38]

The emotional bond between the community and its governors and patrons is expressed in fourth-century epigraphy in Italian cities with the word *amor*.[39] While the term had long been used, it seems to be imbued with new energy in provincialized Italy in Rome and in the urban spaces of provincial communities. In fact, *amor* is proclaimed in both the ancient capital and the provincial cities. In Canosa, the word attests to the care shown by the *corrector Apuliae et Calabriae* Venustus for the monumental beauty of the city — perhaps even his native city — where he was governor: 'for *amor* to his homeland'.[40] In Rome, the ex-governor of Flaminia et Picenum, Turcius Secundus, and his glorious ancestry were lavishly praised by the *curia* of Amiternum 'for his outstanding (that is, intense, visible) *amor*'.[41] A similar *amor* described the patronly attitude of the *consularis* Septimius Rusticus towards Naples or Pozzuoli, and likewise in Beneventum. Furthermore, the reciprocal *amor* is explicitly cited between the *ordo* with the *populus* and the governor Valerius Publicola, 'lover of all and beloved by all (…) patron since his ancestors'.[42] The *corrector* Iulius Eubulida was extolled for his '*amor* for the people of the city' of Terni, and the erudite ex-*consularis* of Sicily Iulius Claudius Peristerius Pompeianus received a statue in the *curia* of Lilybaeum/ Marsala, for his '*amor* for his native city and for the entire province'.[43] In the case of Vettius Actus, the *consularis Apuliae et Calabriae*, an inscription in Luceria records works on the basilica, whose porticoes and *ornatus* were apparently restored thanks to Auctus's personal contribution 'for *amor* of

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38 *CIL* x 4858 = *AE* 2008, 395 = EDR116241 = LSA 1975. Concerning this province and its governors, see Iasiello, *Samnium*, pp. 40–50.

39 See Giardina, 'Amor civicus'; Forbis, *Municipal Virtues in the Roman Empire*, pp. 46–50.

40 *CIL* IX 329 = *AE* 1999, 511 = EDR000074 (cf. EDR017043) = LSA 1693.

41 *CIL* VI 1772 = EDR110154 = LSA 1469.

42 *CIL* x 1707 = EDR167980 = LSA 340; *CIL* IX 1591 = LSA 1745.

43 *CIL* XI 4181 = EDR130169 = LSA 338; *AE* 1906, 75b = EDR072109 = LSA 2853.

the people of the city'.[44] A patronage decree issued on 23 May 327 ratified the co-optation of the governor, Actus, as the city's patron of Larinum 'for his *amor* of the *ordo* and the *civitas*'.[45] The decree begins with '*Acte, bonis bene!*', the precise words of greeting and hope expressed by the Larinum *curia* to the newly elected patron during that assembly.

It seems that the establishment of a special rapport (*amor*) with provincial governors was a persistent and widespread practice — indeed, almost a necessity — in fourth-century provincialized Italy. This was probably due to the need for communities to dialogue with the authority in charge of tax collection in the city's territory and of the allocation of resources in the city's administrative budget. These two procedures powerfully impacted local communities, as they struggled to maintain a good balance of their public accounts, and local aristocracies, who sought to safeguard their own private accounts.[46] This was especially true when unexpected emergencies exacerbated already precarious situations. The inscription of Venafrum for Autonius Iustinianus (see above) shows that natural disasters often strained city budgets to the limit. In such cases, cities at times succeeded in reacting admirably and effectively. After an earthquake in 375, Q. Aurelius Symmachus witnessed the valiant efforts of the people of Beneventum: moved by a passionate desire to rebuild, they competed to reconstruct the architectural structures of their city that had been so badly damaged.[47] Not all cities responded with the same energy in analogous moments of calamity, however. A lengthy inscription in Salernum in honour of its patron Arrius Mecius Gracchus, probably *consularis Campaniae* in 397, praises the *amor* for the community he demonstrated after a flood devastated the city. When the resources and reaction of the *ordo* were insufficient to repair the damage, it was only thanks to the substantial intervention of Gracchus, the city's governor and patron, that the city was restored and the people were able to keep their faith in the future of their community.[48] Surely the actions and affection of the dignitary in this tragic situation also contributed to strengthening the civic identity of the community, inspired by such an unusually compassionate governor.

Naturally, the *amor* of patrons for the people of the city and of the city for its patron was not limited to relations with imperial dignitaries. Sallius Proculus — the father of Sallius Sofronius Pompeianus, who had appeared on the previously mentioned patronal bronze tablet of Amiternum — received a magnificent honorary monument in a *pagus* of Amiternum '*ob perpetuo et simplicissimo eius erga se amore*' ('for his endless and most genuine love

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44 *CIL* IX 801 = *AE* 2014, 354 = EDR153194.

45 *AE* 2004, 443 = EDR153193.

46 On the heavy duties imposed on the late antique municipal *curiae*, see now Carrié, 'La législation impériale'.

47 Symmachus, *Letters* 1.3.3–4.

48 *CIL* X 520 = *InscrIt* I.1 8 = EDR116177 = LSA 1850. For Gracchus (*PLRE* II, p. 518) as governor, see Savino, *Campania tardoantica*, p. 257, no. 41.

towards them').[49] This expression of emotion is matched by proclamations of the sincere *affectio* and *amor* of his grandson, Sallius Sofronius Iunior, for the *pagani seu vicani* of Foruli, as noted above. In effect, these inscriptions document three generations united by their civic love for the territory of Amiternum. The type of rapport described by this celebration of *amor* seems to have commonalities with other urban contexts in the early fourth century as well.[50] In Terni, the entire population of both sexes paid honours to the illustrious patroness of the community, Helvidia Burrenia Modesta, their generous benefactress whose death was mourned intensely by all.[51] The world of the late Italian cities reacted to the reforms imposed by sovereigns, who sought to moderate cold, oppressive administrative procedures by strengthening the traditional network of relations that were based more on bonds of affection. This strategy was intended to neutralize the effects of the rigid centralization by operating on a personal level through the sympathetic relationships with high-level administrators.

The moments when the city *curia* decided to co-opt with a patron and, even more, when it chose to honour him with a permanent monument in the urban space were two key phases in the consolidation of civic identity and collective participation. In Cassino the decision for instituting an urban monument in honour of the citizen and patron C. Paccius Felix occurred during a gathering of the entire population. The final words of the Cassino inscription recall the participation of the children of the residents, that is, young people who had no political rights, but who still had benefited concretely from this patron's generosity. The unanimity of the decision is enshrined in the rare use of the first-person plural of the verb ratifying the decision-making procedure: '*universus populus coloniae Casinatium una cum liberis nostris statuam marmoream erigendam digne censuimus*' ('we, the people

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49 *CIL* IX 4206. For the patronal bronze tablet for his son see above, note 20.

50 See for example Iulius Sulpicius Successus patron of Pozzuoli at the beginning of the fourth century (*AE* 1972, 79 = EDR075343 = LSA 1924): *adfectione amoreque eius erga cives et patria(m)*; L. Munatius Consessianus patron of Naples in the same period (*CIL* X 1492 = EDR134758 = LSA 1901): *ob testimonia amoris sincerissimi*; L. Tiberius Maefanas Basilius *ex praetoribus XV populorum* (*CIL* XI 2115 = EDR149864 = LSA 1623), who *amore dilexerit* the *populus* of Chiusi when he was *defensor*; L. Mamilianus Licinianus, magistrate and *ab origine patronus* of Suessa Aurunca (*CIL* X 4755 = EDR153317 = LSA 1972), received a monument realized by his fellow citizens *amore et beneficiis devincti*.

51 *CIL* XI 4180 = *SupplIt* XIX (2002), 52–53 = EDR130104 = LSA 1635. Concerning this inscription and the female patronage in Italy, see Chelotti and Buonopane, 'La stola, ma non il silenzio'; Cooley, 'Women beyond Rome'; Hemelrijk, *Hidden Lives, Public Personae*, pp. 207–08 (the female component of citizenship probably was involved in the decision to make a monument to *patronae*, who certainly participated in the ceremonies of dedication). This inscription dated 338 CE is also the last one in Italy where the formula *utriusque sexus* was used; among about fifty-five occurrences of the expression, forty-six come from Italy (among honorary, sacred, and funerary inscriptions), but this seems to be the latest one.

of the colony of Casinum, together with our sons and daughters, have rightly decided to raise a marble statue to him').[52]

The attention to this sense of communal belonging involved unexpectedly affectionate behaviour. The inscription on a monument in honour of the governor of Sicily, Iulius Claudius Peristerius Pompeianus, from Lilybaeum begins with the acclamation '*Pompeianis vita!*' (Life to the Pompeiani!'), and ends with another, '*Amazoniis vita!*' ('Life to the Amazonii!').[53] The first expression marks the repetition of the honouree's surname, and the second of his *signum*, Amazonius, which was typical of a learned official whose *merita litterarum* were often praised. Generally controlled by the city's aristocracy and desired by provincial authorities, these acclamations were formulated by the *curia* and reproduced by the people, subsequently recorded in the *acta* and then transmitted to the office of the provincial governor, and finally immortalized in inscriptions.[54] An inscription from the age of Constantine in Preneste in honour of the *consularis Campaniae* Barbarus Pompeianus, recalls the people's rejoicing for the decree that ratified — or perhaps dedicated — the statue in the forum: '*exultantibus cunctis*', 'while all the people rejoiced'.[55] Another erudite inscription in hexameter verse from Pozzuoli in the second half of the fourth century extols the full participation of the city in the celebrations of their patron Tannonius Chrysantius. This epigraphic text cites the chorus of praise for the patron's generosity, the vows taken by the crowd when the monument was decreed or dedicated that invoked God to protect the patron and his worthy descendants, and the drafting of the encomiastic inscriptions.[56] The importance of complete consensus regarding initiatives honouring the city patrons, as well as civic decision-making in general, is indicated in honorary inscriptions in stereotypical, yet meaningful

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52 *CIL* x 5200 = Camodeca and others, *Catalogo*, no. 580 = EDR162991 = LSA 2028, ll. 14–17. Children's presence is also documented in the monument for C. Minucius Aeterius Senior from Forum Popilii (*CIL* x 4725 = LSA 1969, ll. 7–8), maybe the same patron of Capua honoured on 10 May 367 (*CIL* x 4724 = EDR029961 = LSA 1968).

53 *AE* 1906, 75b = EDR072109 = LSA 2853. Similarly the acclamations for the *consularis Siciliae* Alpinius Magnus *signo* Eumenius, also from Lilybaeum (*AE* 1966, 167 = LSA 2852).

54 Concerning urban acclamations, see Hugoniot, 'Les acclamations dans la vie municipale'; Wiemer, 'Akklamationen im spätrömischen Reich'; Porena, 'Forme di partecipazione'; Kruse, 'The Magistrate and the Ocean'; Roueché, 'From Aphrodisias to Stauropolis'; Dunbabin, 'Athletes, Acclamations, and Imagery'; Magalhães de Oliveira, 'Le peuple et le gouvernement des cités'.

55 *CIL* xiv 2919 = EDR122273 = LSA 1684.

56 *CIL* x 1813 = *ILCV* 142 = *CLE* 327 = EDR167203 = LSA 1911, ll. 8–13: *teque tuosque manet / longos mansura per annos / felix prole viri dignos quesitu/ra nepotes at tu summe deus / C<hr>ysanti respice gente/m* ('A destiny happy through the offspring of the man awaits you and yours for long years, looking forward to worthy grandchildren, and you highest God look to the family of Chrysanius', trans. by U. Gehn). For the family of the Tannonii, see now Camodeca, 'Un nuovo "consularis Byzacenae"'.

formulas.[57] This practice is exemplified on the patronage bronzes that have
come down to us from the fourth century from cities of the Italian diocese,
most of which record acclamations of their best wishes for the patron
issued most likely on behalf of the city *curia*.[58] These texts constitute brief
incursions into a lost world of sounds that regularly filled the assembly
halls of the *ordo* and then the public spaces of the city when the populace
gathered, for example, for the inauguration of these honorary monuments.
This repetition of formulas and urban ceremonies helped consolidate the
sense of belonging to the city.[59]

Certain residents in the cities of the fourth century sought to overcome
the boundary of death by leaving a concrete mark in the calendar of their
beloved community, which was a traditional dynamic that continued into Late
Antiquity. Two wills in epigraphic form that were engraved on two honorary
bases found in Preneste shed light on the prevailing emotional attachment of
people to their native city in the second half of the fourth century. Just before
he died prematurely at eighteen years of age, P. Aelius Apollinaris Arlenius
implored his father to assign a country estate to the *collegia* of the city, so that
they could use the revenue to stage a banquet every year on 29 October, the
day of Arlenius's birth, and on the day of his death (which would have been
24 June). In gratitude, the members of the *collegia* erected a togate statue
to him in the *forum* of Preneste, with the text of his will inscribed on the
base.[60] Another monument in the same city, dated 385, celebrates the deep
affection (*ob nimio amore civico*) joining the *clarissimus* Postumius Iulianus
to the people of Preneste. After a long preamble hailing the patron's *amor* and
magna affectio for the community, the inscription on the base of the statue in
the forum also quotes a will and specifies that the income from the estate be
used to hold an annual commemoration of the deceased.[61] The traditional

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57 See the use of *universus* in LSA 1684; LSA 1686; *CIL* x 681 = LSA 1854; *CIL* x 4863 = LSA
    1976; *CIL* x 5200 = LSA 2028; *CIL* x 5349 = LSA 2030; *CIL* x 5426 = LSA 2031; *AE* 1919, 71 =
    AE 1940, 48 = EDR072816 = LSA 2567–68; *AE* 2015, 344. Similarly the use of *cunctus* in *AE*
    1968, 115 = LSA 41; *CIL* x 1820 = LSA 1915 = EDR115997; *CIL* x 4725 = LSA 1969; *CIL* x 1813 =
    LSA 1911; *AE* 2014, 324 = LSA 1912. See also the expression *ordo noster consensu totius c[ivi]*
    tatis in *CIL* vi 31924 = EDR111537 = LSA 1653.
58 *AE* 1990, 211 = EDR081748, l. 23: *Feliciter!* (see Magalhães de Oliveira, 'Le peuple et le
    gouvernement des cités', pp. 31–32); *CIL* x 476 = EDR122208, l. 16: *ab ordine dictum est:*
    placet!; *CIL* x 477 = EDR157430, ll. 16–17: *Ab {h}ordine dictu(m) / est: placet!*; *CIL* x 478 =
    EDR135326 (at the top of the tablet): *Helpidi, homo felix, / Deus te servet!*; ll. 12–13: *Helpidio:*
    placet!; *CIL* ix 259 = SupplIt xxix (2017), pp. 28–32, no. 1 = EDR163418, ll. 2–3: *felix!*; *AE*
    1967, 109 = SupplIt ii (1983), pp. 129–31, no. 3 = EDR109733, l. 2: *Patrone vivas felicem et*
    venerabilem s(a)eculo!; at the end: *Feliciter!*; *AE* 2004, 443 = EDR153193, ll. 1–2: *Acte / b(onis)*
    b(ene)!
59 For a glimpse of another lost civic world, a world full of colour, see Tantillo, 'Statue, colore, e
    ritratti'; Liverani, 'Il ritratto dipinto'.
60 *EphEp* ix 776 = EDR072003 = LSA 1685, with Ricci, 'La carriera del "vir perfectissimus"'.
61 *CIL* xiv 2934 = EDR119818 = LSA 1686.

desire to be immortalized in the memory of the community seems to have remained alive in some Italian cities up towards the end of the fourth century.

The evolution of the sense of identity and civic participation in the cities of late antique Italy can be approached from other, less emotive perspectives. While it is impossible to examine each perspective in this current chapter, we must note that one of the most unifying elements for citizen participation in the Italian cities were games and spectacles. Several scholars have addressed how these entertainments contributed to maintenance of the citizens' sense of identity even though they were very expensive and increasingly divorced from their original pagan ceremonial apparatus. This subject obliges the consideration of at least two further complex aspects: the restoration or the transformation of entertainment buildings in the Italian cities and the weight of the Christianization of society. These two topics require specific treatment.[62] Another challenging theme surrounds the upkeep or transformation of the traditional urban architectural apparatus: it implies that we investigate the crisis of civic euergetism and the irruption of Christian charity into the sensibility of the late antique Italian society. This topic likewise requires a separate study.[63] The sense of identity and civic participation in the cities of fourth-century Italy was noticeable, although sources show difficulties for communities and notables to maintain high standards of well-being. A noticeable change occurred in Italian cities from the first twenty years of the fifth century onwards.

Silence and Involution: On the Traces of Civic Life in Italy between the Fifth and Sixth Centuries

An analysis of the sense of identity and participation in urban life in Italy between the fifth and sixth centuries becomes much more difficult: epigraphic

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62   See Jones, 'The Organization of Spectacle'; Landes and Carrié, 'Jeux et spectacles dans l'Antiquité tardive'; Puk, *Das römische Spielewesen*. On the impact of the new Christian ethic, see Harries, '*Favor populi*'; Lim, 'Consensus and Dissensus'; Veyne, 'Païens et chrétiens'; Spineto, 'Spectacles et religion'; Ebner, 'Hinrichtungen in der Arena'; Remijsen, 'The End of the Ancient Olympics'. For Rome, see Lim, 'People as Power'; Lim, 'Inventing Secular Space'; Vera, 'Ludi pagani e impero cristiano'.

63   For the evidences of private euergetism in the late Italian cities, see Cecconi, *Governo imperiale e élites dirigenti*, pp. 229–33. An exhaustive picture of urbanism in late antique Italy is Christie, *From Constantine to Charlemagne*. For the norms on architectural reuse, see Dubouloz, 'Acception et défense'; Dubouloz, 'Réflexions'; Baker and Marano, 'Demolition Laws'. For the new Christian sensibility, see Pietri, 'Évergétisme chrétien'; Brown, *Through the Eye of a Needle*. On the Christianization of urban spaces, see Brands and Severin, eds, *Die spätantike Stadt und ihre Christianisierung*; Motta, '"Movetur urbs sedibus suis et currit ad martyrum tumulos"'; Orselli, 'I processi di cristianizzazione'; Cantino Wataghin, 'Les villes et leurs saints'. On Rome, see Salzman, 'From a Classical to a Christian City'; on the civic calendar, see Holger, 'Anmerkungen zum urbanen Lebensstil'; Sotinel, 'Christianisme antique'.

sources almost disappeared from the early fifth century on.[64] Although less evident in the provinces of Annonaria Italy, where there were fewer monuments for aristocratic senators and patrons anyway, the phenomenon marks a clear caesura in the Suburbicarian provinces. As pointed out by Bryan Ward-Perkins, 'all trace of senatorial patronage in the *civitates* of south-central Italy ends abruptly with the sack of Rome in 410 and Alaric's subsequent harrying of the south'.[65] Indeed, the war provoked a crisis in Italy that began in the early fifth century, leading not only to the three great sacks of Rome (410, 455, 472 CE) but also to the loss of tributes from the diocese of Africa in 439. This left Italian senators with economic supremacy in the diocese, and yet they seem to have stopped supporting the cities. This dynamic and the accompanying political instability throughout the entire fifth century probably produced the crisis of the 'clientelar urban identity', which had previously manifested in the financing of the material structures and cultural institutions of the Italian cities. Honorary monuments for provincial governors in Italian cities disappeared.[66] This change resulted from the centralization of fiscal control during the long period of crisis. The provincial governors' power had diminished, and they were no longer important, influential nobles, while the praetorian prefect sent *officiales* (*praefectiani*) to the provinces from his seat in Ravenna.[67] This process brought to an end the epigraphic declarations of the sense of civic belonging previously expressed in celebrations of the governors and patrons, whose support had been so beneficial for the cities in the fourth century. These celebrations in Italian cities disappear even for patrons of a higher social level. In 437, the inhabitants of Ariccia explicitly asked to build a monument in their city to the powerful Anicius Achilius Faustus, who was an aristocrat of the highest level, three times prefect of the city and twice praetorian prefect of Italy, and ordinary consul.[68] Such an expression of civic spirit was isolated, however.

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64 See Machado, 'Public Monuments and Civic Life'. For the historical framework, see Humphries, 'Italy, A.D. 425–605'.

65 Ward-Perkins, 'The Cities', p. 380.

66 The latest monuments for provincial governors as patrons in Italian cities are Pontius Proserius Paulinus, ex *consularis Campaniae* in Capua and in Pozzuoli in about 409 CE (*AE* 1972, 143 = EDR075269 = LSA 1934; here C. Machado states: 'If this date is correct, it is an unusually late dedication to a patron by a local community in Italy'; *CIL* x 1702 = EDR115996 = LSA 339). There is also an isolated inscription dated not before the middle of the fifth century in honour of Marianus, governor of Samnium from Venafrum (*CIL* x 4859 = *AE* 2008, 396 = EDR110362 = LSA 328). The last epigraphic acclamation known for a governor was engraved in Regium for Flavius Hadrianus Hierius Zenodorus, corrector of *Lucania et Bruttii* in the early fifth century (*SupplIt* v (1989), 57–58, no. 10 = *AE* 1916, 102 = EDR072762 = LSA 1808).

67 Concerning these dynamics in Italy, see Cecconi, 'Tradizione e novità'; Cecconi, 'I governatori delle province Italiche'; Vera, 'Dalla liturgia al contratto'; Vera, 'Stato, fisco e mercato'.

68 *CIL* xiv 2165 = EDR144089 = LSA 324; cf. *PLRE* ii, pp. 452–54.

The retreat of city life within more narrow, local horizons in the first half of the fifth century can be surmised from monuments in honour of local patrons. These *viri laudabiles* held the position of *defensor* or *curator civitatis*, a role that was apparently gaining importance, and made their career both in the city and in nearby cities as well.[69] A recent epigraphic discovery from Tarquinia in Tuscia shows the desire, as well as the serious difficulty, of the notable citizens to preserve the quality of their urban environment in small towns during the Ostrogothic age. Between 503 and 504, the very young Aurelius Gloriosus (*puer*), *magister et curator civitatis*, son of an *honoratus* of Tarquinia, restored the baths of the decurions of the city at his own expense. The restoration, however, required the economic intervention of his father and the action of a substitute of the child-*curator* (*suffectus*).[70] This Tarquinia inscription from the beginning of the sixth century was engraved with extreme care and reveals a 'patron-child', who was unable to manage his assets and his institutional function independently since he may have resided far from the city (he is *curator*, but replaced in the city by a deputy). This inscription suggests that severe structural problems accelerated the weakening of a sense of identity and civic participation in Italian cities. In the face of this crisis that effected the emotional participation in the curial and provincial administration, the affection of the citizens was transferred towards expressions of the Christian faith and for its leaders or its heroes.[71] In the middle of the fifth century all the citizens of Pavia mobilized in defence of the deacon Epiphanius, who was attacked by a barbarian landowner over a quarrel on the border with the property of the Church: only the intervention of Bishop Crispinus saved the barbarian from being lynched.[72]

It is not possible to discuss the causes of this new silence of the life in Italian cities between the fifth and sixth centuries. The crisis of the role of curials and notable citizens, the shift of the economic centre of gravity towards the countryside, the definitive settling of the barbarian military groups with their families in the cities and countryside of Annonarian Italy and in the Suburbicaria north of Rome — that further divided the destinies of these two areas, two Italies again — and the Christianization of society were all hugely significant phenomena. These broad developments evolved along with the loss of pride

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69 *CIL* x 5349 = LSA 2030; *AE* 1954, 27 = *AE* 1989, 137 = Camodeca and others, *Catalogo*, no. 589 = EDR073953; *CIL* xi 15 = LSA 1612; *CIL* xi 7298 = *ICI* i 18 = EDR100887.

70 *AE* 2008, 524b = EDR131111; edited by Torelli, 'Tarquitius Priscus', the inscription has recently been studied by G. A. Cecconi and I. Tantillo in a forthcoming paper; for the historical context, see Marazzi, 'Ostrogothic Cities'; Cosentino, 'Istituzioni curiali'; Deliyannis, 'Urban Life and Culture'. Another *vir laudabilis curator civitatis* was buried in Beneventum in 522 CE: *CIL* ix 2074 = *ILCV* 363 = *ICI* viii 6 = EDR123519; a *laudabilis puer*, aged ten, buried at Centumcellae / Civitavecchia in 557: *CIL* xi 7587 = *ILCV* 262 (add.) = 3144 (add.) = *ICI* ii.2 2–3 = EDR145278.

71 See Brown, *Through the Eye of a Needle*; Brown, *The Cult of the Saints*; Rapp, *Holy Bishops in Late Antiquity*.

72 Ennodius of Pavia, *Life of St Epiphanius* 21–25.

experienced by the people at the local community level, who were no longer at the centre of a visible and tangible global civilization; indeed, their homeland was by then essentially emptied of its secular and civil content. Without Rome victorious, the Romans of the Italian cities lost contact with their past and yet had no present, a present in which acted a positive element of unity, if not perhaps in a totally new spiritual dimension. In the end, the loss of Rome's hegemony in the West between the fifth and sixth centuries reduced Italy to a marginal area, indeed a feeble, dispersed, peripheral province of the Eastern Empire. The identity of its many cities had lost its focus.

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MICHAEL KULIKOWSKI

Cities and Civic Identities in Late Roman and Visigothic Spain

Introduction

Late in the seventh century, in the north-west of the Iberian peninsula, an ascetic by the name of Valerius left to posterity a collection of autobiographical writings.[1] They demonstrate, among other things, both the ease with which some early medieval authors could assimilate their own experiences to hagiographical tropes and also their continued awareness that cities (or perhaps mere towns, but decidedly not villages) were the real public spaces of the time, perhaps the only ones. When Valerius's would-be ecclesiastical superior, a bishop of Asturica Augusta (Astorga) named Isidore, otherwise attested only as the signatory to a minor provincial Church council, wanted to be rid of the troublesome hermit, he attempted 'per fraudulentae laudis instinctum ad publica Toletanae urbis perduceret' — to get him to give up his monastic solitude and come to a place where he could be more easily controlled.[2] That small *ad publica* carries substantial weight. In the scant literary evidence for seventh-century Spain, there is no equivalent phrasing. Valerius's most recent English translator renders it as 'bring me by the inducement of false praise to the town life of Toledo'.[3] Although grammatically correct, that seems semantically inadequate. *Publicus*, as adjective, *publice*, as adverb, along with the *civis*-words — these lie at the conceptual core of Latinity, protean but inescapably weighted, and as basic to the language's semantic field as *polis*-words are to Greek. 'Town life', yes, but more than that, and in Valerius's

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1 Traditionally known as Valerius of Bierzo. See the edition by Fernández Pousa and the still valuable 1949 study by Aherne, *Valerio of Bierzo*.

2 Valerius of Bierzo, *Obras, Ordo quer.* 7.

3 Aherne, *Valerio of Bierzo*, p. 98.

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view worse than that — life among those not wholly given over to ascetic devotion to God; public life as the antithesis of godly life.

This is effectively the last reference to civic life on the ancient model to survive in the Spanish context. By the time Valerius was writing, the primary identities attested in the Gothic kingdom were decidedly those of the 'patria et gens Gothorum' and the kings that ruled it, supplemented, of course, by devotion to one's local saints. What is more, there were by then very few towns in which public life could be envisaged at all — recent archaeological work has made clear just how drastically urbanism had contracted even before the beginning of the Visigothic period.[4] The contrast with the Classical world is striking. The Iberian Peninsula was both the first sustained site of Rome's western conquests and one of the last, with armies deployed in one place or another from just after the Second Punic War until well into the hegemony of Augustus.[5] In consequence, large parts of the peninsula were also very early subjected to the Roman legal and administrative regime, with native units of governance reshaped in terms of *civitates*, *vici*, and *pagi*, as well as *coloniae* and *municipia*. These, in turn, were inscribed within *conventus*, originally circuit courts for Roman magistrates to dispense Roman law rulings to citizens, but in time yet another layer of potential identity on the spectrum from *vicus* or *pagus* to *provincia*. The creation of Roman-style cityscapes across the peninsula likewise began very early: in the first veteran settlements like Italica and neighbouring Seville, in the three great provincial capitals at Córdoba, Tarragona, and Mérida, and in smaller regional centres across the peninsula that were nonetheless larger than analogous secondary sites in other western provinces.[6] It is difficult to find an adequate vocabulary with which to take in all the different types of civic entity to be found across the peninsula in the late republican and early imperial periods, given the number of native and indigenous sites that still survived. However, from the time of Vespasian, if not before, every inch of peninsular territory was inscribed within some jurisdiction that was either itself nominally urban, or that fell within a nominally urban territory. More so than elsewhere in the West — whether the chequerboard of differing jurisdictions in Africa, the large estates and decaying *municipia* of southern Italy, or the giant, rural *civitates* of Gaul — the Spanish provinces experienced the city as the fundamental legal unit within

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4   See in particular Martínez Jiménez, Sastre de Diego, and Tejerizo García, *The Iberian Peninsula between 300 and 850*; Panzram and Callegarin, eds, *Entre civitas y madina*; Ruiz Bueno, *Dinámicas topográficas urbanas en Hispania*.

5   Richardson, *Hispaniae*, remains the standard Anglophone account of the earlier stages of Roman imperialism in the peninsula. Le Roux, *L'armée romaine*, remains important on the legions in Spain, and there is much of value in the essays collected in Le Roux, *Espagnes romaines* and Le Roux, *La toge et les armes*.

6   Kulikowski, *Late Roman Spain*, pp. 1–38 summarizes this process. Note that the *civitates* of Roman Gaul would be much larger than those of Spain because there were many fewer nucleated settlements than there were in the peninsula.

which populations related to the central power of Rome. The very large number of nucleated settlements that were equipped with the trappings of Roman urbanism — porticaded street grid, sewerage system, forum and civic buildings, *spectacula* — between the first century BCE and the late first century CE is unparalleled elsewhere in the Latin provinces.

That having been said, peninsular urbanism can be exaggerated — and has been, not least by the present author.[7] Not only was the vast majority of the population rural (this was of course true everywhere in Antiquity), but the gap between a place's juridical urbanization and its inhabitants' meaningful affective sense of living within an urban civic sphere must have been immense in those large stretches of the peninsula (the Meseta and the north-west in particular) where the network of nucleated settlements was sparse.[8] Perhaps more importantly, recent research has demonstrated just how important micro-identities and affective bonds were throughout imperial times.[9] In some cases, these were linked to pre-Roman tribal relations. That is very obviously the case in some republican-era documents like the famous inscriptions from Contrebia, which are still effectively imbricated within an indigenous social structure.[10] But that same local prism is also visible on numerous early imperial monuments to local worthies who had carried out various forms of representation of their home town: whether it was with *municipium*, *vicus*, or *pagus*, these micro-identifications had a clear and continuing vitality, although one that is easy to underestimate by comparison to the imposing, and often still standing, monuments of metropolitan-style urbanism.

Late Imperial Spain, to 409

In studying the post-Flavian development of civic life and urbanism in the Iberian provinces, there are a number of impediments to analysis that, while shared by many other regions, are perhaps more extreme in Spain. First of all, the decline of the epigraphic habit in the peninsula is especially precipitate in the later second and especially the early third century. Since epigraphy

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7 Kulikowski, *Late Roman Spain*, reacting against the models of *ruralización* and *proto-feudalismo* of Roman and Visigothic Spain that had dominated discussion from the 1950s to the early 1980s, was much too sanguine about the viability (and thus also the continuity) of many of these sites: arguing from a site's juridical status as a city to its economic and political sustainability as a nucleated settlement gives too optimistic a view of the second-, third-, and fourth-century fates of most republican and early imperial foundations.

8 See Tejado Sebastián, ed., *Vislumbrando la tardoantigüedad*; Martínez Jiménez, Sastre de Diego, and Tejerizo García, *The Iberian Peninsula between 300 and 850*.

9 Johnston, *The Sons of Remus*.

10 Contrebia Belaisca, modern Bottorita in the province of Zaragoza, was part of ancient Celtiberia, and the four short bronze inscriptions discovered there between 1970 and 1994 are the most extensive Celtiberian texts still extant (Botorrita II is in Latin). Text and study in *Monumenta linguarum Hispanicarum IV*, ed. by Untermann.

forms our main route into local and regional identity-formations, its decline is a major blow to understanding whether, or to what extent, micro-regional identities survived into Late Antiquity. Certainly the most obvious and most famous regional identity in Late Antiquity, that of the Gallaeci in Hydatius, is a clear product of the imperial, indeed late imperial, reshaping of the political map: though the peninsular north-west had always had a somewhat distant relationship to the provincial capital at Tarragona, it is only after the reign of Diocletian that Gallaecia became a separate province, carved out of the vast, early imperial province of Hispania (Citerior) Tarraconensis.[11] We will return to Hydatius later, but first let us look at the evidence for juridical identities in the transition from the high Empire to the Tetrarchic and Constantinian periods.

Chance inscriptional finds from the later third and fourth centuries demonstrate that cities retained the old titular distinctions of *coloniae* and *municipia* long after the Antonine Constitution had rendered them meaningless as markers of their inhabitants' citizenship status. This suggests that these titles continued to be a source of civic identity and intra-regional social distinction, something that holds true for the whole of the Western Roman Empire. Municipal magistracies likewise continued into the fourth century, though we cannot be sure of how long. In the Flavian era, bronze tablets like the famous *lex Irnitana* had been put up widely to advertise and regulate the lives of the many new *municipia*, illustrating over multiple tables the constitution by which the *municipium* was to be governed. (The bronze *lex Ursonensis* shows that *coloniae* advertised their constitutions in similar fashion.) Yet most or all of these tablets, which would have formed imposing friezes in the forum, were at some point dismantled and melted down for scrap — they were waste metal, destined for resmelting, by the time they went into the ground for modern treasure hunters to discover. Just when that decommissioning took place is impossible to say on the basis of the current archaeological record, but few would argue for their survival into the Theodosian Empire (and even that might be wildly optimistic).[12] The disuse of such monumental bronze statements of identity does not mean that the municipal institutions described on them had disappeared, but it does mean that the need to display the civic character of a settlement was felt differently than it had been in the early Empire. In fact, that there was indeed a basic continuity of municipal institutions from the high Empire into the fourth century is quite certain. The best evidence for it comes from the canons of a church council that met at Elvira, in Baetica, before 303 (it must pre-date the Great Persecution).[13]

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11   On the Diocletianic reshaping of the peninsula, see Kulikowski, *Late Roman Spain*, pp. 68–82.

12   In general see González Fernández, eds, *Bronces jurídicos romanos de Andalucía*; Fernández Gómez and del Amo y de la Hera, *La Lex Irnitana*.

13   See Kulikowski, *Late Roman Spain*, pp. 39–43. Duchesne, 'Le Concile d'Elvire' long ago proved the pre-303 date, and it is unclear why so many scholars fail to recognize as much.

The world addressed by the churchmen who gathered at Elvira was still operating within the old framework of municipal and provincial magistracies, and the problems which these posed for regulating the behaviour of the faithful. The very first canon states that Christians who continue to burn incense to the 'idols' should remain excommunicate even to their deathbeds.[14] Whatever other specific cults this might refer to, it must certainly take in the imperial cult, which had always had a powerful role in building a sense of community in the Spanish provinces.[15] The *flamines* of the provincial and imperial cults were likewise to be excommunicate till death if they continued to perform their duties after baptism.[16] Even a mere catechumen who sacrificed while holding his flaminate was to be excommunicate for three years.[17] The bishops likewise prescribed perpetual excommunication for parents who married their daughters to *sacerdotes gentilium*.[18] The notorious problem of normative sources like the Elvira canons is deciding the extent to which they reflect any enforceable reality, because the entire urban social order is implicated in, and potentially challenged by, the prohibitions enjoined by the nineteen bishops gathered at Elvira. That can be seen particularly clearly wherever their rigour is relaxed, for instance with *flamines* who wore the regalia of their office without actually engaging in sacrifice.[19] Clearly the bishops had no real choice but to

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14 *Concilios visigóticos e hispano-romanos* (ed. by Vives), Elv. 1: *Qui post fidem baptismi salutalis adulta aetate ad templum idoli idolaturus accesserit, et fecerit quod est crimen capitale, quia est summus sceleris, placuit nec in finem eum communionem accipere.* ('If an adult who, having received the faith of saving baptism, enters a temple of the idols in order to commit idolatry and that which is a capital crime because it is the height of wickedness, he shall not receive communion even at the end of his life'). Conciliar texts are cited from *Concilios visigóticos e hispano-romanos*, ed. by Vives, for ease of reference, but a better critical edition is available in *La colección canónica Hispana*, IV and *La colección canónica Hispana*, V, ed. by Martínez Díez and Rodríguez Barbero.

15 Étienne, *Le culte impérial dans la péninsule ibérique*, remains the classic study.

16 *Concilios visigóticos e hispano-romanos* (ed. by Vives), Elv. 2: *Flamines qui post fidem lavacri et regenerationis sacrificaverunt, eo quod geminaverint scelera, accedente homicidio vel triplicaverint facinus cohaerente moechia, placuit eos nec in finem accipere communionem* ('*Flamines* [priests of the imperial cult] who, having received the faith of baptism and regeneration, conduct sacrifices in as much as they have doubled the wickedness of murder, or tripled that of adultery, shall not receive communion even at the end of their lives').

17 *Concilios visigóticos e hispano-romanos* (ed. by Vives), Elv. 4: *Item flamines si fuerint cathecumini et se a sacrificiis abstinuerint, post trienii tempora placuit ad baptismum admitti debere* ('Moreover, *flamines* who are catechumens and abstain from making sacrifice can be allowed baptism after three years' time').

18 *Concilios visigóticos e hispano-romanos* (ed. by Vives), Elv. 17: *Si quis forte sacerdotibus idolorum filias suas iunxerint, placuit nec in finem eis dandam esse communionem* ('Should someone marry their daughters to the priests of the idols, communion should not be given him even at the end of life').

19 *Concilios visigóticos e hispano-romanos* (ed. by Vives), Elv. 55: *Sacerdotes qui tantum coronas portant nec sacrificant nec de suis sumptibus aliquid ad idola praestant, placuit post biennium accipere communionem.* ('Priests who only wear their priestly headgear but neither make sacrifices nor give any material support to the idols may take communion after two years have passed').

make that concession — the status given by the office-holding aspect of the flaminate, the sense of representing the urban community that it entailed, meant the bishops had to content themselves with banning the sacrilegious content of the priesthoods, rather than forbidding people from pursuing the honour it brought. Indeed, the same inability to effect truly radical change on the civic social fabric is evident in the bishops' unwillingness to lastingly excommunicate those Christians who participated in civic festivals, with all their pagan content.[20] Meanwhile, magistrates and duumvirs were instructed to abstain from entering church during their year of office, because holding office would lead to some inevitable pollution by secular, and thus pagan, ritual. Nonetheless, Christians were not prohibited from holding such offices — the social cost of such a prohibition would have been too high and any such ban would surely thus have failed.[21]

A full century after Elvira, the First Council of Toledo had to forbid baptised Christians from entering the diaconate if they had held magistracies or imperial office.[22] But that canon introduces an interpretative problem. While the early fourth-century evidence from Elvira unambiguously depicts a municipal environment in which we can recognize the social landscape of the early Empire, the late fourth-century evidence might actually demonstrate how much of a shift there had already been towards a world in which imperial service was the dominant, though not the exclusive, public identity: its use of the verb *militare* for governing, and its reference to the cloaks and belts that distinguished both soldiers and civil servants in the post-Constantinian Empire, leaves that question very much unresolved. Certainly fourth- and fifth-century inscriptions from Spain (funerary excepted) are entirely concerned with individuals holding imperial office — commemoration of local prominence had more or less ceased. Thus the fact that we find stray evidence for *curiales* guaranteeing weights and measures in the north-west in the 370s tells us nothing much beyond that such minor fiscal functions persisted, as we would anyway have assumed on the basis of the *Codex Theodosianus*.[23] In

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20 *Concilios visigóticos e hispano-romanos* (ed. by Vives), Elv. 57: *Matronae vel earum mariti ut vestimenta sua ad ornandam seculariter pompam non dent; et si fecerint, trienii temporis abstineant* ('Neither matrons nor their spouses may give vestments to adorn worldly spectacles; and if they do so, they must abstain from communion for three years time').

21 *Concilios visigóticos e hispano-romanos* (ed. by Vives), Elv. 56: *Magistratus vero uno quo agit duumviratum, prohibendum placet ut se ab ecclesia cohibeat* ('A magistrate, during the year in which he holds the duumvirate, is prohibited from entering the church').

22 *Concilios visigóticos e hispano-romanos* (ed. by Vives), I Tol. 8: *Si quis post baptismum militaverit et clamydem sumserit aut cingulum, etiam si gravia non admiserit, si ad clerum admissus fuerit diaconi dignitatem non accipiat* ('If anyone, after having been baptized, enters government service and wears the cloak or the belt [that go with their office], even if they have committed no grave crimes, if they are admitted to the clergy they may not be made deacons'). I take *militia* and *militare* in the standard fourth-century sense of service in the (imperial) government rather than any specifically military usage.

23 *AE* 1915, 75 = *Inscripciones latinas de la España romana* (ed. by Vives), no. 5836.

at least some places in Spain, curias survived into the fifth century as the legal stewards of their cities. A letter of Pope Hilarius from October 465 mentions that the *honorati et possessores* of seven *civitates* in Tarraconensis — Tarazona, Cascante, Tricio, Calahorra, Briviesca, León, and the unidentified site of Varega — have written to him to put the case for Silvanus of Calahorra, against the opposition of the latter's episcopal colleagues.[24] Some (myself included) have argued that these worthies were *curiales* in these towns, but that reading requires us to accept that an *interpretatio* to a law of 408 (*CTh* 1.20.1) in the Breviary of Alaric is correct in defining *honorati provinciarum* as *ex curia corpore*. The accuracy of such *interpretationes* is open to question, while the later Visigothic legal texts are hard to date and hard to use as a result: for example, the Visigothic *formulae*, a collection of model legal documents that probably dates to the early or middle of the seventh century, contain a stray reference to a *stirps senatus*.[25] This is likely to mean someone from a curial family, but that interpretation is by no means obligatory and cannot be demonstrated. The jury must remain out, in other words, on the extent to which curial identity and curial governance survived into and beyond the fourth century. Supra-urban juridical entities like the *conventus* survived into the fifth century (there are many traces of them in Hydatius), but we cannot tell if they survived as legal entities or as mere geographic designations of origin. That is particularly the case when we realize that one *conventus* capital, Clunia, had ceased to function as a nucleated settlement by the fifth century.[26]

Supra-urban jurisdictions are not the concern of the present paper, but noting the disappearance of Clunia as an urban site does raise a question that must be noticed here without being addressed: What sorts of material evidence (apart from inscriptions) can serve as a proxy for a site's continued juridical status as *civitas*, *colonia*, or *municipium*? Does the absence of such evidence signal that a former juridical entity has ceased to exist? These questions are as important as they are difficult to answer, because in the past twenty years, our understanding of the broad outlines of the physical and material development of peninsular cities has changed and deepened. For much of the twentieth century, the standard narrative was one of third- and fourth-century 'ruralización', a move of economic and political life from city to countryside triggered by the vastly exaggerated impact of a Frankish invasion mentioned in the exiguous evidence for the third century. Reacting against this tradition, late twentieth-century work stressed urban continuities

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24 Pope Hilarius, *Epistola*, col. 17.

25 *Formulae merowingici et karolini aevi* (ed. by Zeumer), FV 20.1. The Visigothic *formulae* are edited in *Formulae merowingici et karolini aevi*, ed. by Zeumer, pp. 572–95, with the date of the collection discussed at pp. 573–75. The texts derive from an early modern apograph of a now lost twelfth-century Oviedo manuscript that contained texts by, and collected by, Bishop Pelayo (r. 1101–1129).

26 Martínez Jiménez, Sastre de Diego, and Tejerizo García, *The Iberian Peninsula between 300 and 850*.

from the early Empire into Late Antiquity, pointing to the demonstrable evidence for fourth-century urban life and the insufficient archaeological basis for sweeping catastrophist claims. This reaction, while salutary, was also excessively optimistic about continuities, extrapolating from indisputably prominent and prosperous cities like Mérida, Tarragona, or Zaragoza to the generality of the three hundred or so municipalities created by the Flavian reforms. Continued archaeological investigation has revealed just how unwise such extrapolation really was. Surveys and excavation since the early 1990s (publication of which has resumed after having been severely curtailed by the crash of 2008) have begun to again be published in meaningful numbers and with standards of excavation and publication that allow for reasonable confidence in their accuracy. All of this material suggests that well-meaning pushback against the old ruralization theories tended to exaggerate the urban continuities of Late Antiquity. High imperial Spain was an urbanized landscape, but it was an artificially urbanized one. Lacking deep roots, lavishly built small and medium-sized towns in widely differing regions enjoyed only relatively short periods of urban success: a generation or two in the second century. Those that had no strong economic reason for survival, and no juridical function apart from the local one — which is to say more than three quarters of the Flavian *municipia* — rarely survived the third century as fully occupied townscapes, and many even ceased to be nucleated population centres.[27] That might suggest that their previous civic status was already a sort of ghost at the start of the fourth century, although it is possible that many of the social displays of power previously enacted in the *fora* were now being enacted in villas and other places of less nucleated settlement.[28] Again, the relationship between built environment and juridical status is exceptionally opaque, but one point of note is a trend that begins in the fourth century and accelerates greatly thereafter of population dispersal from lowland sites to sites on higher ground, sometimes though not always smaller ones.[29] The phenomenon is extremely widespread in the fifth and sixth centuries, and it is no longer possible to imagine it as confined to just some regions.[30] So-called

27 Perlines Benito and Hevia Goméz, eds, *La Meseta Sur*; Panzram and Callegarin, eds, *Entre civitas y madina*; Sánchez Ramos and Mateos Cruz, eds, *Territorio, topografía y arquitectura*; Tejado Sebastián, ed., *Vislumbrando la tardoantigüedad*; Diarte-Blasco, *Late Antique and Early Medieval Hispania*.

28 Fernández, 'City and Countryside', suggests intriguingly that an analysis of late antique changes in Spanish society could be more usefully characterized as similar social interactions (jurisdiction, religious display, economic exchange, etc.) taking place with different expressions in different locations. That is to say, the rural/urban dichotomy need not be analysed in such starkly bifurcated terms.

29 Tejerizo-García and Canosa-Betés, 'Power, Control and Social Agency'; there are a series of excellent articles on the subject in López Quiroga and Martínez Tejera, eds, *In tempore sueborum*, pp. 163–228.

30 See Kulikowski, 'Ethnicity, Rulership, and Early Medieval Frontiers'; Kulikowski, 'Wie Spanien gotisch wurde' for a summary and interpretation of the older view.

viewshed analysis and site-catchment analysis can tell us something about what this means in terms of changing power structures, and perhaps about relative security and insecurity, but both are mute on matters of civic identity and their transformation or continuity.[31]

Post-Imperial Spain, *c*. 400 to *c*. 580

For civic identity, then, we need to return to the literary sources for the years during which the peninsula was slipping out of the orbit of imperial government. The fifth century opened in the West with a series of usurpations and civil wars, both directed against the legitimate government in Italy and among rival usurpers themselves.[32] While the Iberian Peninsula had enjoyed remarkable peace and widespread prosperity in the fourth century, it suffered in the fifth. The invasion of Gallia Belgica and Germania by Alans, Vandals, and Suevi in late 406, and the subsequent usurpation of Constantine III in Britain in 407, did not have any immediate impact on Spain: the peninsula was peacefully incorporated by Constantine's regime, which in turn kept the invaders confined north of the Loire until 409. But then the uprising of some Theodosian partisans in Lusitania led first to their suppression by Constantine's *magister militum* Gerontius, and then to his own rebellion against Constantine, with another usurper, Maximus, set up in Tarraconensis as a figurehead. Gerontius engaged with some of the barbarian leaders in Belgica, who proceeded to ravage Aquitania and Narbonensis before invading Spain in September or October of 409. There, in the conditions of civil war, the invaders had more or less free run of the Spanish provinces, connected as they were by convenient road networks and with no units of the field army (*comitatenses*) stationed in any of them. The chronicler Hydatius, on whom we rely for almost all our information on fifth-century Spain, gives us a lurid picture of devastation, starvation, and cannibalism, though one lacking in geographical specifics or local detail.[33] While the basic infrastructure of imperial governance in the peninsula survived, the capacity to use it for such vital functions as tax collection was severely curtailed. By 411, the Alans, Vandals, and Suevi had mapped out their own spheres of influence ('sorte ad inhabitandum sibi provinciarum dividunt regiones,' divided the provinces for settlement — surely not in any sense of actual territorial control).[34] Eventually, the Gothic king Wallia accepted a commission as an imperial general with the task of clearing the Spanish provinces of the invaders of 409.

31   Tejerizo-García and Canosa-Betés, 'Power, Control and Social Agency'. This is a problem that Fernández, 'City and Countryside', recognizes only obliquely.
32   There are numerous accounts of this period. See Kulikowski, *Imperial Tragedy*, pp. 143–64.
33   Hydatius, *Chronica*, entries 40–41.
34   Hydatius, *Chronica*, entry 41.

In this he was wildly successful, until he and his following were recalled to Gaul and settled there.[35] The Gothic withdrawal, however, allowed remnants of the Vandals and the Suevi, plus survivors of the decimated Alans, to consolidate their forces in Gallaecia, whence they launched dangerous raids on the great cities further south: not least of these was Mérida, the diocesan capital, and one of the few peninsular cities in which the archaeological evidence for the century's warfare is genuinely reliable.[36] When, in 429, the Vandals abandoned Spain for the still richer African provinces, conditions might well have been right for imperial recovery, but a weak Italian regime and rivalry among its generals meant that Spain could never be given the serious attention it required. On the contrary, while some imperial government may have remained more or less functional in coastal Tarraconensis, and along the main road routes south to Córdoba and Mérida, imperial armies could do little more than launch punitive raids into the peninsula. After the extinction of the Theodosian dynasty, a succession of ephemeral regimes allowed Gothic kings to act as imperial proxies in Spain, which became the hinterland of the Gothic kingdom in Aquitania and Narbonensis. Gothic armies faced roughly the same challenges as their imperial predecessors — projecting force into the peninsula was feasible enough, nodes of royal strength could be maintained in a few cities, but sustained control of territory was out of the question.[37] That was still more true after the death in battle of Alaric II and the loss of much of the Goths' Gallic kingdom in 507. Under Ostrogothic hegemony, royal attention remained firmly fixed on Narbonensis, even when the Ostrogothic regent Theudis married into the Hispano-Roman aristocracy and became a major landowner in central Tarraconensis. By the time Theudis died in 548, the Gothic monarchy may have been nothing more than an empty title, some regalia, and a portable treasury of uncertain size.[38] That is certainly what things look like in the next two decades, until the accession of Leovigild in 568.

The Visigothic Kingdom, *c.* 580 to 711

From the seventh-century perspective of Isidore of Seville, Leovigild was one in a continuous line of kings stretching back to the first Alaric. The reality is that he more or less founded his kingdom from scratch.[39] This meant the conquest

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35 Kulikowski, 'The Visigothic Settlement'.

36 On Mérida and its material evidence for the warfare of the era, see Kulikowski, 'The Archaeology of War'.

37 Kulikowski, *Late Roman Spain*, pp. 176–214.

38 Kulikowski, *Late Roman Spain*, pp. 256–86.

39 General histories of Visigothic Spain likewise tend to exaggerate royal power and control prior to Leovigild, but Orlandis, *Historia de España*; Orlandis, *Historia del reino visigodo español*; and García Moreno, *Historia de España visigoda* remain solid histories of the period from 568 to 711. Collins, *Early Medieval Spain* covers a longer time-span.

of the Basque country, the complete suppression of the rump Suevic kingdom in Gallaecia, and the subjugation of the cities of the south, especially Baetica. Indeed, with the exception of some Byzantine enclaves around Cádiz, Málaga, and Cartagena — enclaves that are now known to have been rather smaller than once thought[40] — Leovigild succeeded in imposing a Gothic territorial regime in Spain for the first time. With the Third Council of Toledo in 589, Leovigild's son and successor Reccared led the conversion of the kingdom from homoian Christianity ('Arianism') to Chalcedonian orthodoxy. For a century and a quarter thereafter, we have surprisingly little in the way of narrative historical sources available, but a huge quantity of legal evidence both secular (codes and a collection of *formulae*) and ecclesiastical (the canons of the national councils of Toledo and a handful of regional councils transmitted to us in the *Collectio Hispana*). This makes for a tendency to treat the Visigothic era in synchronic rather than diachronic terms, a tendency that is indeed hard to avoid given the nature of the evidence.[41] Rather than detain ourselves here with further narrative details, we can take a structural look at the late sixth- and seventh-century kingdom and assess what it suggests about urban life and civic identity in this period.[42]

Many cities had functioned more or less autonomously in the sixth century, presumably under the leadership of bishops and/or *curiales*: in the late fifth century already we see the bishop taking on roles that would previously have fallen to *curiales*, for instance the famous repair of Mérida's bridge and walls by Bishop Zeno and the Gothic *comes* Salla in 483.[43] Then, in the struggle between the two weak royal contenders Athanagild and Agila in the middle of the sixth century, and in the face of the Byzantine invasion of 552, the southern cities seem to have been entirely independent actors, an impression that continues the state of affairs already glimpsed in the pages of Hydatius.[44] We do not, however, know who precisely led these autonomous *civitates* in their struggles, though obviously someone did. By contrast, the picture we get after the conquest of most of Spain by Leovigild is one in which civic identity is exceptionally weak, except in terms of identification with the local saint — Eulalia at Mérida, Leocadia at Toledo, and so on. That would seem to imply that affective relationships between a people and their city

40   See especially Amorós Ruiz, *El Tolmo de Minateda*.

41   King, *Law and Society in the Visigothic Kingdom* remains fundamentally sound and the institutional chapters of Orlandis, *Historia del reino visigodo español* and García Moreno, *Historia de España visigoda* are reliable summaries.

42   A similarly synchronic approach to the fourth, fifth, and earlier sixth centuries is impossible because the nature of the evidence — mainly the absence of large legal corpora — does not allow it.

43   *Inscripciones cristianas de la España romana y visigoda* (ed. by Vives), no. 363. The first edition was published in 1942; the second edition of 1969 adds an appendix of new inscriptions but does not change the pagination or numeration of the original edition, which tends to be easier to find in libraries outside of Spain.

44   Kulikowski, *Late Roman Spain*, pp. 275–83.

were mediated through the bishop, a fairly normal phenomenon across early medieval Europe. We can see a forerunner of this in the early fifth century, in the letter of Consentius to Augustine describing a witch hunt for Manichees and/or Priscillianists in Tarraconensis: although an imperial *comes*, Asterius, intervenes, the site of his intervention is a church and the voice of the *plebs* is heard there and nowhere else.[45] The centrality of saints' cults and episcopal patronage are less visible in Hydatius than one might expect, but they stand front and centre in the *Vitas [sic] Patrum Emeritensium*, a sixth-century narrative of church history in the former capital of the Spanish diocese, and very much a rival to Gothic Toledo.[46] In another seventh-century saint's life, that of Aemilianus (the Spanish San Millán), we find the traditional topoi of town, country, and wilderness deployed in stark contrast to one another, but this seems more likely to be Braulio, the author, making his hero conform to hagiographical tropes, than to reflect reality in sixth-century Cantabria.[47] We turn, therefore, to the legal evidence.

Whereas in the fourth century, towns had clear legal responsibility for their territories, and it was *curiales* who carried out the basic functions of local government, when sources re-emerge in the sixth and seventh centuries, there is very little reference to cities at all. Indeed, most of the legislative corpus of the seventh century is framed in terms of the king and his officials, or in terms of the relationship between royal and ecclesiastical jurisdiction. This latter was something of a balancing act, and the line between acceptable clerical and acceptable civil jurisdiction was repeatedly called into question. At the great Third Council of Toledo, which converted the royal family and thus the kingdom to Nicene-Chalcedonian orthodoxy, the separation of clerical and civil jurisdiction was made explicit with the anathematizing of clerics who preferred civil, that is, royal, jurisdiction to that of their own bishops.[48] Clerics were meant, by the early sixth century, to act as defenders of the 'people'

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45 Augustine, *Epistulae Divjak* XI*. See Kulikowski, 'The Career of the *Comes Hispaniarum* Asterius' for Asterius and also for the trial of the monk Fronto.

46 The *Vitas Sanctum Emeritensium* with the anomalous 'vitas' standing as a nominative, are treated by nearly every study of this period. The introduction to the 1992 edition, *Vitas sanctorum patrum Emeritensium*, ed. by Maya Sánchez, supersedes all earlier treatments and has yet to be bettered.

47 Lynch, *Saint Braulio*, remains the only serious English study of Braulio, but see the excellent introduction to the recent edition of his correspondence: Braulio of Zaragoza, *Epistulae*, ed. by Miguel Franco and Martín.

48 *Concilios visigóticos e hispano-romanos* (ed. by Vives), III Toledo 13: *Diuturna indisciplinatio et licentiae inolita praesumptio usque adeo illicitis ausibus aditum patefecit, ut clerici quum clericos suos relicto pontifice suo ad iudicia publica pertrahant. Proinde statuimus hoc de cetero non praesumi, sed si quis hoc praesumerit facere, et causam perdat et a comunione efficiatur extraneus* ('A long-standing transgression and licence, grown to the point that it exposes illegal initiatives, is that clerics, disregarding their bishop, drag fellow clerics before a public tribunal. We therefore command that they not presume to do so any more, but if anyone should presume to do this, let him both lose his case and be excommunicated'). This ruling was extended further by IV Toledo 31.

and the poor against the judges and the powerful, which again sets up the contrast of royal justice and ecclesiastical duties.[49] It is less clear, however, where precisely this *populus* is located, or where the clerical duty to protect it is meant to be exercised. The generalizing terms of the canon seem deliberately abstract and not specifically localized. Indeed, for the most part Visigothic canon law envisages the community of the realm in terms of episcopate and king. Civic context is noticeable mainly by its absence. The Fourth Council of Toledo, held in 633 under the presidency of Isidore of Seville, includes as its last canon a very long justification for the fidelity of the *gens Gothorum* to its kings.[50] Throughout this canon, the community imagined is kingdom-wide and always a *gens*, not a *populus*. Its members are never thought of or designated as *cives*. Indeed, that is the conceptual framework of community that obtains for the remaining decades before the Arab conquest: *patria et gens Gothorum* contrasted with *gentes alienae*.[51] Smaller communities are invisible. In fact, when any question about a town does come up in the later councils of Toledo, it is exclusively about Toledo itself as *urbs regia* — for example when VII Toledo (held in 646) restricts bishops of nearby sees from residing in the royal capital for more than a month, as they would naturally be inclined to do for proximity to the king and the court as sources of power.[52] Apart from that, however, the canon law sources are silent.

Royal legislation is not dramatically more revealing. It, too, frames social relations and affective identifications almost exclusively in terms of the relationship of the king to his people and his followers. Working with the Visigothic Code is inevitably problematical, because what we possess are late seventh-century compilations that fossilize a great many old laws, called *antiqua* and not attributed to a particular king. Some of these go back as far as the time of Euric in the fifth century and can be paralleled in the *Codex Euricianus*. Thus, while the seventh-century *lex Visigothorum* was

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49 *Concilios visigóticos e hispano-romanos* (ed. by Vives), IV Toledo 32: *Episcopi in protegendis populis ac defendendis inpositam a Deo sibi curam non ambigant, ideoque dum conspiciunt iudices ac potentes pauperum oppressores existere, prius eos sacerdotali admonitione redarguant; et si contemserint emendari, eorum insolentias regiis auribus intiment, ut quos sacerdotalis admonitio non flectet ad iustitiam, regalis potestas ab improbitate coerceat. Si quis autem episcoporum id neglexerit, concilio reus erit* ('Bishops must not call into question the duty of defending the *populus* imposed on them by God. Thus, when they see that the powerful and the officials have become oppressors of the poor, they should reproach them with an episcopal admonition, and if they refuse to emend their ways, they should bring to the royal attention the insolence of those men, so that those whom the priestly admonition will not turn to justice, royal power shall compel from bad behaviour. And if any from among the bishops should neglect to do this, he will be accused before the council').

50 *Concilios visigóticos e hispano-romanos* (ed. by Vives), IV Toledo 75.

51 E.g. *Concilios visigóticos e hispano-romanos* (ed. by Vives), V Toledo 3; VI Toledo 12; VII Toledo 1; Mérida 3; XIII Toledo 1.

52 *Concilios visigóticos e hispano-romanos* (ed. by Vives), VII Toledo 6. Ripoll and Gurt, eds, *Sedes Regiae* contains several important pieces on royal capitals in the post-Roman period.

intended to compile current, valid law, there is every possibility that some of these 'ancient' laws are mere relics reflecting neither the aspirations nor the realities of the seventh century. Be that as it may, wherever undoubtedly civic identities show up in the Code, they are heavily circumscribed: *curiales* are assimilated to other *privati*, which places them in contrast to nobles or those in service of the king.[53] There is no hint in the law code of curial jurisdiction or of the old curial responsibility for taxation and *munera* in their *civitates*. Outside the laws, we have only Isidore's discussion in the *Etymologiae*, and that is a historical and etymological fantasy, which reflects neither the arrangements of any actual era in Roman history nor those of his own seventh-century.[54] His discussion *de aedificiis publicis*, taking up the very long second chapter of Book 15, is similarly removed from any given historical reality.[55] The one exception to this evidentiary picture is perhaps found in the Gothic *formulae*. As noted above, they are an odd compilation of not entirely certain date, but in them we find references to *gesta municipalia* that are meant to record acts undertaken and testaments registered before the *curia*.[56] The content of this particular *formula* is specifically linked to Córdoba and its *curia*, and because it uses regnal not consular dating, it is unlikely to be a mere fossil of old and discontinued Roman practices.[57] It is not impossible that, in a city as large and important as Córdoba remained throughout the last years of the kingdom and beyond, *curiales* might still have some minor civic functions. But this is such a unique and unparalleled piece of evidence that it would be rash to base larger conclusions on it. All the other legal evidence, much the preponderance, suggests that the real governance of the towns was in the hands of a *comes civitatis*, while its fiscal responsibilities were in the hands of *numerarii* appointed by that *comes* — in other words, the administrative functions that had made *curiales* important

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53   *Leges Visigothorum* (ed. by Zeumer), LV 5.4.19.

54   Isidore of Seville, *Etymologiae* 9. 4. 22–27: *Municipales originales cives et in loco officium gerentes. Decuriones dicti, quod sint de ordine curiae. Officium enim curiae administrant. Unde non est decurio, qui summam non intulit vel curiam participavit. Curiales autem idem et decuriones. Et dicti curiales, quia civilia munera procurant et exequuntur. Principales, magistrati et duumvirales curialium officiorum ordines sunt. Principales dicti, quod primi sint magistratibus. Magistrati vero, quod maiores sunt reliquis officiis. Duumvirales* […] ('Municipal magistrates are citizens native to a place and holding office there. Decurions are so called because they are of the curial order and serve in the *curia*. Thus a person who has not paid the sum or participated in the *curia* is not a decurion. *Curiales* are the same as decurions and they are called *curiales* because they have the care of and carry out civic duties. *Principales*, magistrates, and duumvirs are orders of curial office. *Principales* are so called because they are first, above the magistrates. Magistrates are so called because they are greater than the other offices. Duumvirs […]').

55   Isidore of Seville, *Etymologiae* 15. 2. 1–46.

56   *Formulae merowingici et karolini aevi* (ed. by Zeumer), FV 21, 25.

57   *Contra* Sánchez-Albornoz, *Ruina y extinción del municipio romano*, pp. 101–02.

in the Roman period were now the task of outsiders reporting ultimately to the court at Toledo.[58]

All told, then, the seventh-century material yields a meagre and disappointing harvest. It means that the evidence for urban centres as meaningful civic communities in the Spanish provinces cannot really be said to last much into, let alone beyond, the fifth century. That cities played autonomous roles in the chaotic years of the mid-sixth century is clear, but under whose leadership they did so is not. Likewise the evidence for *curiales* continuing as the leading stratum of their community: when they were assimilated to mere *privati* we cannot say, but that they lost their leading role is impossible to deny. The evidence, scattered and poor though it is, suggests that, by the end of the sixth century at the latest, power had been concentrated in the hands of a noble class from which the Gothic kings drew their officials, imposing those men on a reduced network of peninsular cities that remained useful as centres of taxation and little else. What affective affinities the inhabitants of the seventh-century kingdom felt for their cities must surely have been focalized through local saints' cults and the person of the local bishop. Perhaps memories of times past remained stronger than we know. Córdoba was still Colonia Patricia in the formulary, and Mérida was still *eximia urbs Lusitaniae* in the *Vita Fructuosi*.[59] But to modern eyes, it would seem that the *patria* and the *gens Gothorum*, centred on the *urbs regia* of Toledo, was the primary affective identity in seventh-century Spain. It was at least the only one that contemporaries were interested in discussing.

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58 The account of royal government given in King, *Law and Society in the Visigothic Kingdom* in 1972 remains fundamentally sound, though it is very schematic and perhaps too trusting of the Gothic kings' ability to enforce uniform administrative habits across the kingdom.

59 *Formulae merowingici et karolini aevi* (ed. by Zeumer), FV 25; *Vita Fructuosi*, p. 11 (ed. by Díaz y Díaz).

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Rephrasing Citizenship

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Personal Identity in the Later Roman Empire

Introduction

It generally has been thought that during the Principate concepts of identity and citizenship revolved around two foci: on the one hand, Roman citizenship, and on the other, local, that is, municipal citizenship.[1] For Roman citizens, these two forms of citizenship would have overlapped, as on an inscription of 198 CE referring to a citizen of both Rome and Nida, the Civitas Taunensium, modern Frankfurt.[2] All Roman citizens lived in a *civitas* and, in fact or potentially, had municipal citizenship, a status that was manifested not only in Roman law but also for purposes of personal identification. Even in the sixth century, the *Digest* of Justinian was concerned with the establishment of *origo* and *domicilium* in a *civitas* for all inhabitants of the Empire.[3] This was very important because local citizenship was the basis for personal liability to municipal taxes and duties. Thus, Roman citizenship and municipal citizenship were not mutually exclusive and did not conflict with each other. Rather they

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1   For Roman citizenship, see Sherwin-White, *The Roman Citizenship*; Nicolet, *The World of the Citizen*; Nicolet, *Le métier de citoyen*; Giacomini and Poma, *Cittadini e non cittadini nel mondo Romano*; Gardner, *Being a Roman Citizen*; Noy, *Foreigners at Rome*; De Ste. Croix, *The Class Struggle in the Ancient Greek World*, pp. 453–61; Kaser, *Das römische Privatrecht*; Garnsey, 'Roman Citizenship and Roman Law in the Later Empire'; Marotta, *La cittadinanza romana*. For municipal citizenship, see, e.g., El-Abbadi, 'The Alexandrian Citizenship'; Ando, *Imperial Ideology*; Edmondson, 'Cities and Urban Life'.

2   *CIL* XIII 7222 = *ILS* 7077 (Mainz): […] *L(ucius) Senilius Decmanus q(uaestor) c(urator) c(ivium) R(omanorum) m(anticulariorum) neg(otiatorum) Mog(ontiacensium) c(ivis) T(aunensis) v(otum) s(olvit) l(aetus) m(erito) Saturni(n)o et Gallo co(n)s(ulibus)*; and note Van Andringa, 'Cités et communautés d'expatriés'.

3   *Digest* 50.1: *Ad municipalem et de incolis*. See Le Gall, '*Origo* et *ciuitas*'; Licandro, *Domicilium habere*; Pinsent, 'The Original Meaning of *Municeps*'; Pinsent, '*Municeps*, II'; von Savigny, 'The Roman Doctrine of *Origo* and *Domicilium*'; Thomas, '*Origine*' et '*commune patrie*'.

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were complementary elements of an individual's homogeneous conception of his or her own personal and legal identity.

Although the purely personal, as opposed to collective, expressions of these forms of identity sometimes are found in textual or documentary sources, there they usually are reported by third parties who often are at some distance from the persons being described. The most personal and direct expressions of personal identity appear in epigraphical sources, where Romans of even relatively slim economic resources were able to have the final word on where and how they identified themselves when they died.[4] Thus, one way to approach the question of how the population writ large self-identified in Late Antiquity is by looking at epitaphs, many thousands of which provide in just a few words a glimpse of how individual persons manifested their own sense of self-consciousness.[5]

Roman and Municipal Citizenship

For the Principate, there are many examples of individuals identifying themselves as *cives Romani*, either explicitly, with the abbreviation '*c.R*', or implicitly, by citing their membership in a Roman voting tribe.[6] But even then, in most cases, this designation was accompanied by some form of local identifier. Thus, Fabia Prisca, a '*civis Romana*' from Portugal, also was described as '*Serpensis*', an inhabitant of the town of Serpa, located near the city of Pax Iulia (modern Beja), the conventus capital of Pacensis.[7] An inscription found near Cadiz, perhaps from the third century, records Aurelius Felix, a '*civis Romanus*' from Carteia near Gibraltar.[8] And a first-century epitaph from Ravenna tells the story of Gaius Julius Mygdonius, described as '*generi Parthus natus ingenuus capt(us) pubis aetate dat(us) in terra(m) Romana(m) qui dum factus cives R(omanus)*' (having been free born, a Parthian by ethnicity, taken captive at a young age, brought to Roman soil, and made a Roman citizen).[9]

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4   E.g. MacMullen, 'The Epigraphic Habit'; Meyer, 'Explaining the Epigraphic Habit'; Beltrán Lloris, 'The "Epigraphic Habit"'.

5   For reasons of economy, the following study is limited to Latin terminology. Test soundings suggest that the same results obtain for the use of Greek terminology such as *genos*, *ethnos*, and *politēs*.

6   The Epigrafik-Datenbank Clauss / Slaby (EDCS), <http://db.edcs.eu/epigr/epi.php?s_sprache=de>, shows 666 examples; the Epigraphic Database Heidelberg, <https://edh-www.adw.uni-heidelberg.de/home/>, yields 396 hits. The term usually appears in the plural as opposed to the singular form.

7   *CIL* II 971 = *HEp* VIII (1997), 1152 (second/third century): *Fabia Prisca Serpensis c(ivis) R(omana)*.

8   *Inscripciones cristianas de la España romana y visigoda*, no. 138: *Aurelius Felix ingenuus civis Romanus Carteiensis* […] [*ac*]*ceptus in pace*.

9   *CIL* XI 137 = *CLE* 1580 = *ILS* 1980 = *AE* 2012, 501; see Gnoli, 'C. Iulius Mygdonius'; also Bang, 'Die Herkunft der römischen Sklaven', pp. 225–44, for a comprehensive catalogue of slave origins.

On other occasions, individuals were identified by their municipal origin. Thus, a certain Verecunda was interred as a '*civis Dobunna*', a citizen of Corinium Dobunnorum, a *civitas* of Britain, in the second century.[10] Evidence such as this also indicates that women had the same citizenship status as men. Likewise, Dextrinia Iusta was described simply as '*Agrippinensis*', an inhabitant of Köln.[11] On an inscription found at Bonn dated to 235, Titus Macrinius Titianus identified himself as 'a decurion of Colonia Claudia Ara Agrippinensis'.[12] In cases of municipal citizenship, the place of burial and the declared citizenship often were essentially the same.

During Late Antiquity, the construction of personal and legal identity became more varied, and expressions of multiple identity became increasingly common. Following the issuance of the *Constitutio Antoniniana* in 212, when Roman citizenship became almost completely universal, identification as a Roman citizen, still presented as being parallel with civic citizenship, soon petered out.[13] Thus, in an inscription from Frankfurt dated to 230, one of the latest to refer to *cives Romani*, Titus Flavius Sanctinus and his brothers Perpetuus and Felix were identified, also using the *origo* form, as '*cives Romani et Taunenses ex origine*',[14] from the Civitas Taunensium in Germania Superior, thus combining both forms of citizenship. For good measure, their mother Ammias likewise was identified as a '*civis Romana*'.

Identification purely by municipal citizenship also continued. A bilingual epitaph from Trier in the late fourth century commemorated an unnamed 'citizen of Antioch',[15] and another fourth-century inscription from Rome commemorated Bonosus, a '*cibis Triberensis*', or 'citizen of Trier'.[16] An inscription from Cordoba in the first half of the fifth century, meanwhile, remembered Samon, 'a citizen of Toulouse',[17] and an inscription of 424 from Milan honoured Ursicinus, a 'citizen of Tarvisium (Treiso)'.[18]

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10   *RIB* 621 (Templeborough, Britain): *Verecu(n)d(a) Rufi (fi)lia cives Dobunna* [---].

11   *CIL* XIII 8246 = *ILS* 4394 = *Die römischen Steininschriften aus Köln*, ed. by Galsterer and Galsterer, pp. 177–78, no. 196 (first/second century): *Dextrinia Iusta L(uci) Dextrini Iusti filia Agripp(inensis)*.

12   *AE* 1931, 19 = Nesselhauf, 'Neue Inschriften', pp. 98–99, no. 164; cf. *PIR*² C 1025: *T(itus) Macrinius Titianus {V} dec(urio) c(oloniae) C(laudiae) A(rae) A(grippinensis)*.

13   See Heichelheim, 'The Text of the *Constitutio Antoniniana*'; Sasse, *Die Constitutio Antoniniana*; Condurachi, 'La costituzione Antoniniana'; Lukaszewicz, 'Zum Papyrus Gissensis 40 I 9'; Ando, ed., *Citizenship and Empire in Europe*. For multiple citizenship, see, e.g., Fournier, 'L'essor de la multi-citoyenneté'; Heller and Pont, eds, *Patrie d'origine et patries électives*.

14   *CIL* XIII 7335 = *ILS* 7096 = Espérandieu, *Recueil général des bas-reliefs, statues et bustes*, pp. 77–78, no. 111 = *AE* 1998, 996; cf. *PIR* 5.476: *T(itus) Fl(avius) Sanctinus* […] *et Perpetuus et Felix fratres c(ives) R(omani) et Taunenses ex origine patris* […] *et Aurelia Ammias mater eorum c(ivis) R(omana) d(onum) d(ederunt)*.

15   *AE* 2007, 994 = *SEG* 57.995: [---] *civis Antioc[henus]* [---].

16   *ICUR* II 5568: *cibis Triberensis*.

17   *CIL* II²/7 655 = *AE* 1978, 422: *Samon civis Tolosianus*.

18   *CIL* V 6281: *Ursici[nus] cives Tarrisianus* […] *Castino v(iro) c(larissimo) consul(e)*.

Identification by *Gens* or *Natio*

At the same time, other forms of both personal and legal identity, based on regional and ethnic identity, became more common and often replaced civic citizenship as a means of expressing personal identity, especially as related to place of origin.[19] This phenomenon is observed most clearly in epitaphs, where the deceased and those who erected the monuments could make personal declarations regarding the identity of the deceased.[20] The most prevalent kinds of self-identification used during Late Antiquity involved regional or ethnic terms, such as '*Hispanus*', '*Thrax*', or '*Germanus*'. Sometimes these terms occurred alone. On a first-century inscription from Abdiacum (Epfach, Bavaria) in Raetia, a certain Florus was identified simply as '*Sequanus*';[21] at Aquae Mattiacorum (Wiesbaden) at the end of the first century, a Vibius Augustus was described as '*Raetus*';[22] at Beneventum, the *retiarius* Purpurius was identified as '*Graecus*';[23] and in the second century, the freedman Gaius Licinius was denoted in an epitaph from Rome as a Syrian.[24] Non-Romans were similarly commemorated: the freedman Sextus Vividius was described simply as '*Parthus*'.[25]

This style of specifying personal origin was especially common in the Roman army, where recruits almost always came from a place different from where they were stationed.[26] So identification either by a direct reference

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19 In the secondary literature there are few references to this sort of personal identification; see, e.g., Roueché, 'Asia Minor and Cyprus', p. 572, who thought that identification by province rather than by city became a characteristic of the Byzantine Empire during the sixth century: 'Many people chose to describe themselves as inhabitants of their province — as "the Lydian" or "the Cappadocian" — rather than as citizens of particular towns'. In fact, however, this kind of identification was widespread not only during Late Antiquity but even during the Principate and before, for which see, without documentation, Howgego, 'Coinage and Identity', p. 21: 'In their appearances before governors Roman subjects typically described themselves in official terms, naming the city in which they held citizenship, or referring to their province'. Also Borg, 'Das Gesicht der Aufsteiger', with references, e.g., to 'natione Smurnaeus', 'natione Tebaeus', and 'natione Punica' (*CIL* I²/2 2965a). For the suggestion that this usage was 'äusserst selten' during the Roman Republic, see Witzmann, 'Integrations- und Identifikationsprozesse', p. 297. In general, see Mathisen, '*Natio, Gens, Provincialis*, and *Civis*'.

20 Many studies of epitaphs look at collective issues, such as statistical analyses, rather than at issues relating to individual persons; note, e.g., Meyer, 'Explaining the Epigraphic Habit'; Shaw, 'Latin Funerary Epigraphy'. Other studies look at family as opposed to individual identity; note, e.g., Yasin, 'Funerary Monuments and Collective Identity'.

21 *CIL* III 5782: *Florus Optati fil(ius) Sequan(us)*.

22 *CIL* XIII 7584: *Q(uintus) Vibius A(u)gustus Raetus mil(es)*.

23 *AE* 1960, 139–40 (150–200 CE): *Purpurio ret(iarius) Grae(cus)*.

24 *AE* 1979, 36: *C(aius) Licinius C(ai) l(ibertus) Surus*.

25 *CIL* VI 29112 (first/second century; Rome): *Sex(tus) Vividius Sex(ti) l(ibertus) Parthus*; for the use of ethnic designations as names, see Solin, 'Zur Herkunft der römischen Sklaven'.

26 See Tacoma and Lo Cascio, 'Writing Migration', p. 10: 'In military inscriptions [...] *natione* (or a similar term like *domo*) was a standard element, followed by a region, a city, or a tribe. Its formulaic use points to an expectation that soldiers originated elsewhere'.

to a place of origin, or to an ethnic group which itself would be implicitly connected to a geographical location, became a standard method for giving soldiers an identity that followed them throughout their military career. Thus, a lengthy but fragmentary inscription commemorating fallen soldiers erected at Adamclisi in Moesia Inferior between 87 and 90 CE listed, inter alios, the descriptors '*Bellovacus*', '*Raetus*', '*Tunger*', '*Noricus*', '*Agrippinensis*', '*Lusitanus*', '*Nervius*', '*Batavus*', '*Afer*', '*Britto*'.[27] But other forms of personal identity also could be used. Thus, a seventh-century roster of *buccellarii* from Egypt shows soldiers identifying themselves not only ethnically or regionally, as 'Theodoros the Danubian', 'Georgios the Roman', 'Martinos the Persian', or 'Georgios the Goth', but also by any number of personally selected designations, such as 'Theodoros the Tribune', 'Theodoros the Mandator (Herald)', 'Victor, cuirass maker', or 'Belisarios son of Gentzon'. Or with no designation at all, such as Philotheos, Archelaos, or Marianos.[28]

Very often, moreover, these regional or ethnic designations were accompanied by explanatory words relating to a place of origin or a particular people, usually *natio* or *gens*.[29] The word *natio* (and the associated word *natus*), from the verb *nascor* ('be born'), conveyed the notion of birth or origin, and, by extension, referred to a people defined by a supposed shared origin; it often was used to refer to peoples at some distance from Rome.[30] The word *gens*, from the verb *gigno* ('beget'), in a like manner refers to a family or group connected by birth or descent; it, too, often was used for foreign peoples, and could be rather more restricted than *natio*.[31]

Thus, one could indicate place of origin with the word *gente*. In an epigraphic poem of the late third century from Numidia, Publius Sittus Optatus described himself as '*de gente Syrorum*', 'Syrian by ethnicity'.[32] A first-century epitaph from Cimiez named the sailor Mario as '*gente Dareus*', an otherwise unknown place or people.[33] In the later Empire one encounters the *protector* Hariulfus,

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27 *CIL* III 14214 = *ILS* 9107 = *AE* 1901, 40.

28 See Gonis, 'Payments to Bucellarii'; see also Bagnall and Palme, 'Franks in Sixth-Century Egypt'; Underwood, 'When the Goths Were in Egypt'.

29 Note, for the Principate, Pohl and Reimitz, eds, *Strategies of Distinction*, p. 1: 'Most inhabitants of the Mediterranean world, and many in the northern world beyond it, strove to be Romans', but that 'from the late fourth century onwards, ethnicity began to return'.

30 Augustus built in Rome a portico called 'Ad Nationes', which contained images of all the known peoples; see Pliny, *Natural History* 36.5.4.39: *ante aditum porticus Ad Nationes*. One must emphasize that the term 'natio' refers to a group of people with some kind of putative shared origin, not to an organized 'nation' in the modern sense.

31 Confusingly, Lewis and Short, *Latin Dictionary*, state ss.vv. that 'natio' is 'used commonly in a more limited sense than gens' and that 'gens' is 'sometimes more restricted than natio'.

32 *CIL* VIII 7759 (Bordj Saguiet er Roum): *Non externa satus Scythi/ca de gente Syrorum [s]um satus*.

33 *AE* 1964, 249: *Mario Sace f(ilius) gen(te) Dareus coh(ortis) nautic(orum)*; see Laguerre, 'L'occupation militaire de Cemenelum', pp. 165–67.

described as '*gentis Burgundionum*', 'of the people of the Burgundians', for a barbarian people.[34]

More commonly, a sense of ethnic or regional origin also was conveyed by the word *natio*. Often the identifier incorporated a geographical region. Thus, during the Principate one could be described with the designator *natione*, as in '*natione Hispanus*',[35] '*natione Thrax*',[36] '*natione Macedo*',[37] '*natione Graecus*',[38] '*natione Pannonius*',[39] '*natione Ponticus*',[40] or '*natione Libycus*'.[41] Other designators were more clearly ethnic, that is, did not incorporate a geographical location, such as '*natione Maurus*',[42] even though the location would have been implicit in the term. This locution propagated into Late Antiquity, as in '*natione Britannus*',[43] '*natione Gallus*',[44] and '*natione Italus*'.[45]

This custom was especially common among the Celtic peoples of Gaul and Germany, who identified themselves, for example, as 'by *natio* Helvetian',[46] 'by *natio* Sequanian',[47] or 'by *natio* Nervian'.[48] Individuals from the Rhine

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34   *CIL* XIII 3682 (371/430 CE; Trier): *Hariulfus protector domes{i}ti<c>us <f>ilius Hanhavaldi regalis gentis Burgundionum.*

35   *CIL* VI 10048 = *ILS* 5287 = *AE* 1957, 20 (146/50 CE; Rome): [*C(aius) Appu*]*leius Diocles agitator factionis russatae* [*nati*]*one Hispanus Lusitanus*; *AE* 2010, 1261 (171/200 CE; Carnuntum): *T(itus) Aur(elius) Silvanus vet(eranus)* [...] *nation(e) Hispan(us) Tarraconensis.*

36   *CIL* II²/7 364 = *AE* 1962, 51 (second/third century; Cordoba): [---] *nation*[*e* ---] *T(h)r(ax)* [...] *natione Hispanus.*

37   *AE* 1939, 158 (132/35 CE; Beisān, Israel): *Dis Manib(us) P(ublius) Aelius Capito natio(ne) Macedo mil(es).*

38   *CIL* II²/7 359 = *AE* 1962, 46 (101/50 CE; Cordoba): *Mur(millo) Cerinthus Ner(oniani) II nat(ione) Graecus*; *CIL* II²/7 358 (171/230 CE; Cordoba): *Aris*[*tob*]*ulus His*[*p*]*ani XXII* [*na*]*t(ione) Graec(us).*

39   *AE* 1954, 79 (first/second century; Rome): [*D(is)*] *M(anibus)* [*Nat*]*alinio Nataliano d(ecurioni)* [...] *natione Pan*[*noni*]*us*; *AE* 1941, 166 (158 CE; Ankara): *D(is) M(anibus) Ulp(ius) Maximus nat(ione) Pann(onius) miles* [...] *redi(ens) a Parthia decessit* [...] *Tert<u>llo et Clemente co(n)s(ulibus).*

40   *AE* 1999, 1486 (151/200 CE; Athens): *D(is) M(anibus) T(itus) Flavius Maximus mil(es)* [...] *natione Ponticus.*

41   *CIL* XI 92 (second century; Ravenna): *Arriani IIII Fort(una) nat(ione) Liby(cus).*

42   *RIB* 1064 (second century CE; South Shields, Britain): *Dis Manibus Victoris natione Maurum.*

43   *AE* 1939, 53 = *AE* 1948, 171 = *AE* 2004, 881 (fifth century; Arles): *Hic conditus iacet nomine Tolosanus Britannus natione.* The word 'nomine' may have been meant to clarify that 'Tolosanus' was a name and not an indication of origin.

44   *ICUR* VIII 20819 = *ILCV* 266 (442 CE; Rome): *Epitafium Remo et Arcontiae qui natione Galla germani fratres.*

45   *CIL* VI 2787 (285/312; Rome): *D(is) M(anibus) Val(erius) Ursinus mi(les) lanciarius nat(ione) Italus.*

46   *CIL* VI 32789: *D(is) M(anibus) P(ublius) Aelius Pom*[--- *nat(ione)*] *Helvetius.*

47   *CIL* V 907: *Catalus Callaei f(ilius) natione Sequ(anus) equ(es).*

48   *CIL* XIII 1056: *D(is) M(anibus) memoriae Ianuaris nat(ione) XXXV Nervius an*[*n(orum)*].

frontier could be 'by *natio* Ubian',[49] 'by *natio* Batavus',[50] 'by *natio* Suevian',[51] or 'by *natio* Frisian'.[52] This form of identification could overlap with specifically Roman kinds of identification, as seen in the case of Titus Flavius Maritimus, 'a Roman knight, by *natio* a Batavian'.[53] Non-Romans also were identified in this manner. Persons from the other side of the northern frontier could be described as 'by *natio* Getan',[54] or 'by *natio* Hermundurus'.[55] And, in the east, foreigners could be identified, for example, as '*natione Parthus*'[56] or '*natione Armenius*'.[57]

The designation *natio* also could be applied to cities to create a form of civic regional identity or ethnicity. Thus one encounters individuals described as 'by *natio* Alexandrian',[58] 'by *natio*, from Köln',[59] 'by *natio*, from Aquincum',[60] 'by *natio*, Nicomedian',[61] or, 'by *natio*, from Périgueux'.[62] In such cases, the *natio* identification with the place seems to have replaced identification as a municipal citizen.

The word *natio* even could be used to describe ill-defined geographical locations, such as 'by *natio*, from the mountains',[63] or 'by *natio*, from the other

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49 *AE* 1929, 130: *Fronto Dregeni f(ilius) natione Ubius eques ala Ind[iana ---].*
50 *CIL* XIII 7577: *D(is) M(anibus) Tito Flavio Germano veter(ano) [...] natione Bata(v)us.*
51 *CIL* VI 32806 = *ILS* 2198: *D(is) M(anibus) Verecundinio Vero b(ene)f(iciario) [...] natione Su{a}ebo.*
52 *CIL* XIII 8040: *[--- f]rum(entarius?) m(iles) [...] n[ati]one Frisav[us ---]*; also *AE* 1973, 66 (second century; Rome): *D(is) [M(anibus)] T(ito) Fl(avio) Geniali e[q(uiti) sing(ulari) Aug(usti)] [...] [--- nat(ione)] Frisaoni.*
53 *CIL* III 14403a (244 CE): *D(is) M(anibus) T(itus) Fl(avius) Maritimus eq(ues) R(omanus) nat(ione) Batav(u)s [...] Aemiliano et Peregrino co(n)s(ulibus).*
54 *CIL* II²/5 375: *D(is) M(anibus) M(arcus) Aur(elius) Ac(h)aicus [---]I f.(ilius) nat(ione) Geta*; *RIB* 136: *D(is) M(anibus) Metti nation(e) Geta.*
55 *CIL* III 14359,4: *Vibius Cn(aei) l(ibertus) Lo(n)gus [...] nat(ione) [Er]mundur[us ---].*
56 *CIL* VI 8972: *[---]s Aug(usti) lib(ertus) Narcissus [---] natione Parthus paedagogus [puero]rum Imp(eratoris)*; *CIL* VI 31187: *M(arcus) Ulp(ius) C(h)resimu[s sa]cerd[os Iovis Dolicheni] natione Parthus.*
57 *AE* 1982, 82 (fourth century; Rome): *Aedesius neof<i>tus [---] natione Armenius eunuchus [---]*; *CIL* III 3109 (third century; Šolta, Dalmatia): *Aur(elius) Kamines natione Armenius.*
58 *AE* 1906, 163 (71/150 CE; Ravenna): *D(is) M(anibus) C(aius) Baebius Festus III Provid(entia) nat(ione) Alex(andrinus)*; *AE* 1983, 189 (101/250 CE; Misenum): *D(is) M(anibus) C(ai) Iuli Petroniani man(ipularis) [...] nat(ione) Alexan(drinus) mil(itavit)*; *CIL* XIII 8343 = *ILS* 9344 = *AE* 1907, 179 (Köln): *Memoriae Ruphi natione Gr(a)eco Mylasei choraul(a)e [...] Dionysius Asclepiades natione Alexandrinus parens item Atheneus.*
59 *AE* 1960, 139–40 (150–200 CE; Beneventum): *[...] D(is) M(anibus) Filematio na(tione) Agrippin(ensis) [...] ret(iarius) pu(gnarum) XV.*
60 *CIL* VI 3454 (second/third century; Rome): *D(is) M(anibus) Aureli(a)e Gorsil(la)e coniugi [...] natione A[q]ui(n)ce(n)se{m}.*
61 *AE* 1993, 907 (second century; Merida): *D(is) M(anibus) [s(acrum)] Iul(ia) Glyconis nat(ione) Nicomedica.*
62 *CIL* XIII 7031 = *ILS* 2500 (1/51 CE; Mainz): *Adbogius Coinagi f(ilius) na(tione) Petrucorius eq(ues).*
63 *CIL* XIII 7684: *[F]irmus Ecconis f(ilius) mil(es) [...] natione montanus.*

side of the river', an apparent reference to the Tigris River,[64] or even 'by *natio*, a provincial'.[65] The term *natio* also could be applied to home-grown slaves, as 'by *natio*, a *verna* or *vernacula*'.[66] The *natio* form also could overlap with other expressions of local regional or ethnic identity. Thus, in an epitaph from Rome, the charioteer Gaius Appuleius Diocles was described as 'a Lusitanian, by *natio* Spanish'.[67]

In addition, the word *natus* ('born'), from the same root as *natio*, also was used to indicate a place of origin. It could refer to a city. Thus, in an inscription from Beneventum the *retiarius* Filematio was identified as 'born in Köln'.[68] One also encounters Veranius Secundus, whose epitaph found in Qala'at el-Medik in Syria described him as 'by *natio* Italian, born (*natus*) in Forum Cemelum [Cimiez]'.[69] *Natus* also could refer to a region. In an epitaph from Mainz dating to the first half of the third century, an unnamed soldier was described as 'having been born in the province of Moesia Secunda, in the region of Scupinia [Skopje]. Dardania produced me, Germania held me as a settler'.[70] In a particularly poignant inscription of this nature, a certain Murranus, from a neighbouring region and also in the third century, maintained, 'even barbarians can write', and self-described himself as 'a barbarian man, Pannonian by birth (*natu*)'.[71] The term *natio* and its variants thus had a very wide range of meaning as a method for expressing personal identity. These forms of identity were very inclusive and covered Romans and non-Romans both.

Other forms of explanatory words also occasionally appear associated with designations of origin. Sometimes multiple identity was accompanied by the word *domo* to indicate municipal origin.[72] Thus, 'Pannonian by *natio*,

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64 *AE* 1896, 21: *C(aius) Fabullius Macer optio* […] *emit puerum natione transfluminianum nomine Abban quem Eutychen sive quo alio nomine vocatur.*

65 *CIL* XIII 1880: *D(is) M(anibus) et memoriae aeternae Pontiae Martinae natione provincialis.*

66 *CIL* x 3646: *D(is) M(anibus) C(ai) Valeri Clementis vet(e)rani nat(ione) verna; CIL* VI 14208: *D(is) M(anibus) Calpurnia natione vernacula; CIL* XI 61 = *ILCV* 4451b (Ravenna): *D(is) M(anibus) Herenniae Faventin(a)e n(atione) ver(na)*; see, however, Tacoma and Lo Cascio, 'Writing Migration', p. 9: 'Herennia Faventina was certainly not a slave. Her free status is indicated by her duo nomina'.

67 *CIL* VI 10048 = *ILS* 5287 = *AE* 1957, 20: [*C(aius) Appu]leius Diocles agitator factionis russatae [nati]one Hispanus Lusitanus.*

68 *AE* 1960, 139–40: *D(is) M(anibus) Filematio na(tione) Agrippin(ensis)* […] *ret(iarius) pu(gnarum) XV.*

69 EDCS 697: *D(is) M(anibus) Aelian{n}ius Martini[a]nus mil(es)* […] *natione Italus natus Foro Cemeli.*

70 *CIL* XIII 6823 = *CLE* 407: *Natus provincia M[oe]sia superiore reg[io]ne Scupini<t>a Da[r]dan[ia] me genuit tenuit G[erma]nia colonum*; see also Boppert, *Militärische Grabdenkmäler*, pp. 107–09, no. 11, and Schallmayer and others, *Der römische Weihebezirk von Osterburken*, pp. 119–20, no. 133.

71 *AE* 1989, 247: *Avus meus Murranus; nam ipsa miseria docet etiam barbaros scribere misericordias* […] *hominem barbarum natu Pannunium*; also Mancini, 'Iscrizione sepolcrale di Anversa'.

72 See González Fernandez and Gomez, 'Precisiones a las menciones de *origo*'.

with a home at Sirmium',[73] or, in an epitaph from Misenum, 'Italian by *natio*, with a home at Nola'.[74]

Sometimes, regional identification was accompanied by the words *origo* or *oriundus*, derivatives of the verb *orior* ('arise', 'come forth') and referring to a beginning, a line of descent, a family, or a place of origin. Thus, Aurelia Iulia Epictesis was described as 'by origin Cilician' on an inscription from Alexandria,[75] and, on a turn-of-the-millennium epitaph from Spain, M. Aninius Adgovilus was portrayed as 'by origin from Aquae [Sextiae] in Gaul'.[76] From later in the Empire, one also has Vibia Modesta, 'of origin in Mauritania'.[77] This form seems to have been used especially for soldiers, as in the case of a soldier, buried in Britain, who was 'by origin, from Nicaea in Bithynia',[78] or, from the third century, a certain Saturninus, of the Legio II Adiutrix, who, on an epitaph from Intercisa, modern Dunaújváros in Hungary, was 'by origin, from the region Bassianus, previously missed in Dacia'.[79] The *origo* form also regularly appeared in cases of multiple identity, often being combined with municipal identity, as seen in the case of Aurelia Pia, 'born a citizen of Nicaea, of origin Bithynian', whose epitaph from Intercisa in Hungary dates to *c.* 150–300 CE.[80] In the second half of the second century the Spaniard Lucius Licinius Montanus Sarapio was accorded triple identity by the 'most splendid *ordo* of Malaga', being described as a Roman citizen assigned to the voting tribe Galeria, as 'Malagan by *origo*', and as 'adlected to Cordoba'.[81] Another example of triple identity comes from the 240s, in the case of Terentius Saturninus, a member of the '*classis Britannica Philippiana*', described as 'by *natio* African, born in Byzacena, by municipality from Septimia Libera Thysdrus', modern

73 *AE* 1990, 990 = *AE* 1991, 1555 (197/218 CE): *D(is) M(anibus) Calventio Silvano veteran(o)* […] *natione Pannonius domo Sirmi.*

74 *CIL* X 3474: *D(is) M(anibus) P(ublio) Sextilio Marcello n(atione) Italus domu Nol(a) optioni.*

75 *AE* 1980, 895: *Aurelia Iulia Epictesis origine Cilicissa.* See Carroll, 'Ethnicity and Gender in Roman Funerary Commemoration', p. 566: 'A personal detail frequently recorded in epitaphs is the origin (Latin *origo*) of the individual', and note also Carroll and Rempel, eds, *Living through the Dead*; González Fernandez, 'El término *origo*'; and González Fernandez and Gomez, 'Precisiones a las menciones de *origo*'.

76 *AE* 1953, 20 = *CIL* II²/5 1153 (50 BCE–30 CE; Salinas de la Torre): *M(arcus) Aninius Adgovilus oriundus ab Aquis ex Gallia hic situs est.*

77 *AE* 1983, 521 (271/300 CE; Santiponce, Spain): *Vib(ia) Modesta C(ai) Vib(i) Libonis fil(ia) ori(unda) e[x] Mauretania*; see Leroux, 'Oriunda Mauretania'.

78 *CIL* VII 91 = *RIB* 203 (71/87 CE; Colchester): *[oriu]ndus Nicaea [in Bi][thyn]ia.*

79 *CIL* III 3336 = *AE* 2001, 1669: *[--- Satur]nin(us?) [---] o[r]iundus ex regione Bassiane(n)si desideratus in Dacia q(uon)d(am).* Bassiana was a city in Pannonia Inferior, later Pannonia II.

80 *CIL* III 3337: *Hoc lapide tegitur Aurel(ia) Pia piissi(ma) con[iux] ex Nicia cives Byth(ynicae) originis orta.*

81 *AE* 1996, 883 (Cordoba): *L(ucio) Licinio L(uci) f(ilio) Gal(eria) Montano Sarapioni origine Malacitano adlecto Corduben(si) flamini divorum Augustorum provinciae Baeticae splendidissimus ordo Malacitanorum.*

El Djem.[82] The word *stirps* also was used for soldiers, as on a fragmentary inscription from Rome dating to the later fourth century, for a soldier described as being from 'the land of Gaul, by origin from Novempopulana'.[83]

Textual Sources

The same method of regional-cum-ethnic terminology and identification was used in textual sources to describe third parties, which, however, as noted above, lack the direct personal connection to the person(s) being described. For example, the *Historia Augusta* uses, one time each, both the *gente* and *natione* form of identification.[84] Its preference, however, is for the *oriundus* form. It describes Septimius Severus as '*Africa oriundus*'; Clodius Albinus as '*Hadrumentinus oriundo*'; and Probus as '*oriundus e Pannonia*'.[85] Two emperors, Pescennius Niger and Carus, are described as '*Romanus*', but the author is at pains to make clear that this means 'originating in the city of Rome'.[86] Thus, in this case the term '*Romanus*' refers to municipal origin, as in '*Hadrumentinus*', not to Roman citizenship or Roman identity in some broader sense. Ammianus Marcellinus, on the other hand, uses the terms *natus*, *ortus*, and *origine* to identify a person's place of origin as a region, a people, or a city, for example, '*in Cilicia*', '*in Galliis*', '*in Hispania*', '*in Dacia*', '*in Armenia*', '*in Paphlagonia*', or '*apud Tuscos*' and '*origine Persa*', or, '*prope oppidum Tyana*' and '*apud Constantinopolim*', and so on.[87]

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82 *CIL* xii 686 = *ILS* 2911: [*Ter*]*entius Saturninus ex classis Britannicae Phi*[*lippianae na*]*tione Afer Bizacinus o*[*riundus m*]*unicipio Septimia Libe*[*ra T*]*hy*(*s*)*dritanus te*[*stamento*]; see Birley, 'One Thysdrus or Two?', p. 100, also for the military use of 'origo'. The name refers to the granting of municipal status to the city by Septimius Severus, thus making it 'free'.

83 *CIL* vi 32981 = *ICUR* ii 5967 = *ILCV* 418a: [---] *qui stirpe Novempo*[*pulana* ---] *Gallica terra* […]; cf. *AE* 1989, 91 (first/third century): [*D*(*is*)] *M*(*anibus*) [*natus eg*]*o in patria*{*m*} *Puteolana stirpe creatus* [*Antoniu*]*s electa mihi domus est Ostia felix*.

84 *Historia Augusta, The Thirty Pretenders* 29.7.1: *Saturninus oriundo fuit Gallus, ex gente hominum inquietissima*; 26.4: *per Gallieni ducem Camsisoleum, natione Aegyptium*. Also by *civitas*: *Historia Augusta, The Thirty Pretenders* 9.2: *Ille* [---] *vir sapiens de Alexandrina civitate*.

85 *Historia Augusta, Septimius Severus* 1.1: *Severus Africa oriundus*; *Historia Augusta, Clodius Albinus* 4.1: *Albinus Hadrumetinus oriundo*; *Historia Augusta, Probus* 3.1: *Probus oriundus e Pannonia, civitate Sirmiensi*.

86 *Historia Augusta, Pescennius Niger* 7.5: *Nemo adsideret in sua provincia, nemo administraret, nisi Romae Romanus, hoc est oriundus urbe*; *Historia Augusta, Carus, Carinus and Numerian* 5.2–3: *Hoc quoque loco satis clarum est illum voluisse intellegi se esse Romanum, id est Roma oriundum*.

87 Ammianus Marcellinus, *History* 26.6.1: *Procopius in Cilicia natus et educatus*; 19.1.8: [*Theodorus*] *antiquitus claro genere in Galliis natus*; 18.6.16: [*Miles*] *apud Parisios natus in Galliis*; 14.5.6: *Inter quos Paulus eminebat notarius ortus in Hispania*; 15.3.4: *Paulus et Mercurius eminebant: hic origine Persa, ille natus in Dacia*; 16.6.5: [*Eutherius*] *natus in Armenia*; 21.6.9: *Helpidius ortus in Paphlagonia*; 14.11.27: [*Gallus*] *natus apud Tuscos in Massa Veternensi*; 23.6.19: *Philosophus Apollonius traditur natus prope oppidum Tyana*; 25.3.23: *Natus apud Constantinopolim*; 19.2.5: *Bassianus procerum genere natus*; 27.2.2: *Terentius enim humili genere*

A century later, circa 490 CE, Gennadius of Marseille, in his *De viris inlustribus*, mentioned '*Olympius, natione Hispanus*', '*Vigilantius* […] *natione Gallus*', '*Cassianus natione Scytha*', '*Paulus* […] *natione* [---] *Pannonius*', '*Vincentius* […] *natione Gallus*', '*Victorius natione Aquitanus*', '*Cerealis episcopus, natione Afer*', and '*Pomerius, natione Maurus*', not to mention 'Cyrus, by *natio* an Alexandrian'.[88] These forms of identification, using the *natio* type, identified the subject characters by using regional, ethnic, and municipal terminology.

On epitaphs, when it came to self-identification, or identification by an individual's relatives and close associates, regional and ethnic identifiers were most common. The expression '*civis Romanus sum*', often, and incorrectly, said to have been used by St Paul after his arrest, or any approximation of it, never is found in epigraphy.[89] Roman citizenship was valuable and, as seen above, often was expressed collectively, but it was rarely used as a form of personal identity by individuals, who preferred to identify themselves by their geographical or ethnic origin. And perhaps this is no surprise. Roman citizenship was a useful legal status, but it had been assigned by a governmental authority and said nothing about an individual's personal background. Geographical and ethnic identity could be chosen by the individuals themselves as a more accurate reflection of how they felt about themselves and desired to be seen.

Regional and Ethnic 'Citizenship'

These forms of regional or ethnic identification also came to be incorporated into popular concepts of citizenship, and metaphorical forms of 'citizenship' developed as a means of expressing regional and ethnic identity. Thus, from

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in urbe natus; 28.1.5: *Maximinus* […] *apud Sopianas Valeriae oppidum obscurissime natus est* […] *orto a posteritate Carporum*; 30.7.2: *Natus apud Cibalas Pannoniae oppidum Gratianus maior*.

88 Gennadius of Marseille, *De viris inlustribus* 18: *Tichonius natione Afer, in divinis litteris eruditus*; 23: *Olympius, natione Hispanus*; 35: *Vigilantius presbyter, natione Gallus, Hispaniae Barcilonensis parochiae ecclesiam tenuit*; 61: *Cassianus natione Scytha, Constantinopoli a Joanne Magno episcopo diaconus ordinatus, apud Massiliam presbyter*; 75: *Paulus presbyter, natione* [---] *Pannonius*; 80: *Vincentius presbyter, et ipse natione Gallus, in divinis Scripturis exercitatus*; 88: *Victorius, homo natione Aquitanus, calculator scrupulosus*; 96: *Cerealis episcopus, natione Afer*; 98: *Pomerius, natione Maurus, in Gallia presbyter ordinatus*; 81: *Cyrus, natione Alexandrinus, arte medicus*.

89 See Acts 22. 25: *Et cum adstrinxissent eum loris dixit adstanti sibi centurioni Paulus si hominem romanum et indemnatum licet vobis flagellare* (But when they had tied him up with thongs, Paul said to the centurion who was standing by, 'Is it legal for you to flog a Roman citizen who is uncondemned?' NRSV). The locus classicus is Cicero, *The Verrine Orations* 5.147: *Cervices in carcere frangebantur indignissime civium Romanorum, ut iam illa vox et imploratio, 'Civis Romanus sum,' quae saepe multis in ultimis terris opem inter barbaros et salutem tulit* (There, in that prison, guiltless Roman citizens were most shamefully strangled. Now at last the cry, 'I am a Roman citizen,' the famous appeal that has so often brought men help and rescue among savage races in the furthest corners of the earth).

the later Principate comes the epitaph from Britain of an unnamed 'Norican citizen',[90] with other regional citizens of a similar date identifying with Dacia,[91] Thrace,[92] and Bithynia.[93] The concept of citizenship also was applied to ethnic designations,[94] likewise mostly from the later Principate, as in the case of the Lemovices,[95] Sequani,[96] Lingones,[97] Remi,[98] Nervii,[99] Treveri,[100] Germani,[101] and Frisii.[102]

In Late Antiquity, the manifestation of traditional regional identity expressed as regional citizenship flourished and expanded. In the late fifth century, Sidonius Apollinaris, for example, suggested that citizenship could be defined on the basis of 'locus', that is, geographic location.[103] Thus, in 312 CE Valerius Iustinus, a 'Raetian citizen', appears in an inscription from Otricoli in Umbria;[104] 'African citizens' are attested in the fourth century, as in the case of Aurelius Marcianus in an inscription from Salona;[105] in a fifth-century inscription from Trier, one encounters Eustasius, 'a Syrian citizen';[106] and in

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90 *RIB* 1433 (122/300 CE; Halton Chesters, Britain): [--- *civ*]*is Norici an*(*norum*) *XXX.*

91 *RIB* 2046 (122/300 CE; Burgh by Sands, Britain): [---] *Iul*(*ius*) *Pi*[---]*tinus cives Dacus.*

92 *CIL* XIII 8524 (171/230 CE; Durnomagus, Germania Inferior): *Suran*[---]*is Didil*[---] *dup*[*l*(*icarius*)] *al*(*a*)*e Noricorum c*[*ivi*]*s T*(*h*)*rax.*

93 *IDR* III.3 341 (151/230 CE; Ampelum, Dacia): *D*(*is*) *M*(*anibus*) *Al*[*e*]*xandrian*(*us*) *civ*[*i*]*s Bithynus.*

94 Carroll, 'Ethnicity and Gender in Roman Funerary Commemoration', p. 566, suggests, without discussion, that for auxiliary soldiers, 'ethnic origin is expressed in funerary epitaphs by the inclusion of the term *cives* or *natione*, meaning a "citizen of" or "member of" a particular tribe'; see also Hope, 'Inscription and Sculpture'.

95 *CIL* XIII 622 (201/50 CE; Bordeaux): *D*(*is*) *M*(*anibus*) *et memoriae Inve*[*nta*]*e civ*(*is*) *L*[*e*]*m*(*ovicae*).

96 *CIL* XIII 1983 = *ILS* 8158 (second/third century; Lyon): *Pompeius Catussa cives Sequanus.*

97 *AE* 1981, 690 = *AE* 1984, 650 (55/68 CE; Xanten): *cives Lingonum qui Cib*[*ernoduro?*] *consistun*[*t ---*]; *CIL* XIII 2035 (Lyon): *D*(*is*) *M*(*anibus*) *et memoriae aeter*(*nae*) *Valeri Sattioli civ*[*is*] [*Lin*]*gonensis*(?) *ex gente Galerianorum negotiatori artis ratiariae.* The 'Galeriani' were one of the voting tribes of Roman citizens.

98 *CIL* XIII 8309 (71/100 CE; Köln): *Marcus Sacrius Securi f*(*ilius*) *Primigenius eques* […] *cives Remus.*

99 *CIL* XIII 8340 (second/third century; Köln): *Vellango Haldavvon*[*i*]*s cives* [*Ne*]*rvius*; *CIL* XIII 8338 (second/third century; Köln): [*Terti*]*nius Secund*(*us*) [*ci*]*ves Nervius* [*n*]*egot*(*iator*) *pistor*[*ic*]*i*(*us*); *CIL* XIII 8725 = *ILS* 4811 (151/250 CE; Nijmegen): *M*(*arcus*) *Liberius Victor cives Nervius neg*(*otiator*) *frum*(*entarius*).

100 Nesselhauf, 'Neue Inschriften', p. 71, no. 71 = *AE* 1936, 76 (second/third century; Speyer): *Aulius Florius Gr*[*a*]*tus*(?) *c*(*ivis*) *Trever.*

101 *RIB* 1594 (122/300 CE; Housesteads): *Ger*(*mani*) *cives Tuihanti cunei Frisiorum.*

102 *CIL* VII 68 = *RIB* 109 (76/125 CE; Cirencester): *Sextus Valerius Genialis eq*(*u*)*es* […] *civis Frisia*(*v*)*us.*

103 Sidonius, *Letters* 3.5: *Ego vero tantum obstringar indultis, ac si meae proficiat peculiariter proprietati, quidquid meus aetate frater, professione filius, loco civis, fide amicus, acceperit* (I shall be as much indebted to you for this favour as if my own private estate reaped the profit of any benefit received by this man, who is my brother in years, my son by religious profession, a fellow-citizen by domicile, and a friend by his loyalty).

104 *AE* 1982, 258: *D*(*is*) *M*(*anibus*) *Val*(*erius*) *Iustinus mil<e>s* […] *civis R*(*a*)*etus.*

105 *CIL* III 13137 = *ILCV* 3751: *Aurr*(*eli*) *M*[*a*]*rcianus Iahin civis Afer et Quintina uxor ei*[*u*]*s.*

106 *AE* 1923, 37: *Eustasius hic bene pausat in pace civis Surus.*

a fifth-century epitaph from Köln appears Donatus, an 'African citizen'.[107] Other late antique regional 'citizens' are attested from Gaul,[108] Mauretania,[109] Spain,[110] Pannonia,[111] Moesia,[112] Greece,[113] Cappadocia,[114] and Syria,[115] and ethnic citizens are found among the Arabs,[116] Ambiani,[117] Remi,[118] and Germani.[119] One even encounters citizens of barbarian peoples, such as a *'civis Alamanna'*, an 'Alamannic citizen', from Florence in 423 CE.[120] Or a soldier buried near Budapest whose epitaph reads, 'I am a citizen of the Franks and a Roman soldier in arms'.[121] Not to mention, perhaps, a *'civis Toxander'* from Worms in Germania Superior, dated to *c.* 271/350 CE.[122]

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107 Nesselhauf, 'Neue Inschriften', p. 203, no. 226 = *AE* 1956, 251 = *AE* 1995, 1115: [*Hic iac*]*et Donatus ex pro*[*tectorib*]*us civis Afer.*

108 *ILCV* 4441 (fourth century; Rome): *Victor*(*i*)*a civis Galla.*

109 *AE* 1990, 159 (third/fourth century; Naples): [*Hic requiescit? Gau*]*diosus se*[*n*]*ior cibis Mauritaniae.*

110 *CIL* VI 9597 = *ICUR* VII 17495 = *ILCV* 610 (388 CE; Rome): *Rapetiga medicus civis Hispanus* […] *d*(*omino*) *n*(*ostro*) *Ma*(*gno*) *Maximo Aug*(*usto*) *II.*

111 *CIL* VI 32978 = *ICUR* I 1619 = *ICUR* VIII 22460 = *ILCV* 465 (Rome): *Fl*(*avius*) *Ursicinus cives Pannonius militans in officio magistri; CIL* VIII 8190 = *CIL* VIII 19866 = *ILCV* 4456a (fourth/fifth century; Rusicade, Numidia): [*Hi*]*c requiescit Fl*(*avia*) *Amanda civis Pan*(*nonica?*); *CIL* III 9515 = *ILCV* 185 (425 CE; Split): *Clarissima fem*[*i*]*na civis Pannonia* […] *dd*(*ominis*) *nn*(*ostris*) *Ticeodosio undecies et Valen*[*tinian*]*o p*(*er*)*p*(*etuis*) *Augg*(*ustis*); *CIL* VI 41342 = *ICUR* n.s. V 13355 (389 CE; Rome): *Maximilla virgo ancilla dei civis Pannonia* […] *FFll*(*aviis*) *Timasio et Promoto vv*(*iris*) *cc*(*larissimis*) *conss*(*ulibus*).

112 *CIL* XIII 595 (third/fourth century; Bordeaux): *D*(*is*) *M*(*anibus*) *Aurilius Summ*(*us*) *mi*{*li*}*les* […] *civis M*(*o*)*e*{*n*}*siacus.*

113 *RIB* 955 = *ILCV* 3308A = *AE* 1893, 123 (fourth century; Luguvalium, Britain): *D*(*is*) *M*(*anibus*) *Fla*(*viu*)*s Antigonus Papias civis Gr*(*a*)*ecus.*

114 *ICUR* V 13397 (434 CE; Rome): [*Cons*(*ulatu*) *Asparis et Aerobi*]*ndi vv*(*irorum*) *cc*(*larissimorum*) [*depositus?*] *civis Cap*[*padox ---*].

115 *AE* 1923, 37 (fifth century; Trier) *Eustasius hic bene pausat in pace civis Surus..*

116 *AE* 1975, 121 (351/500 CE; Rome): *Bassus* […] *civis Arabus.*

117 *AE* 2006, 1256 (fourth century; Sofia): *D*(*is*) *M*(*anibus*) *Fl*(*avius*) *Felix sig*(*nifer*) […] *civis Ambianensis.* Also Beševliev, *Spätgriechische und spätlateinische Inschriften*, pp. 5–6, no. 6; Woods, 'Flavius Felix'.

118 *CIL* XIII 1796 = *ILCV* 89 (400–450 CE; Lyon): *Hic iacet Aelianus filius Pauli viri praesidialis* […] *cives Remus; AE* 1995, 1169 (first century; Mainz): *Mercator Tabi f*(*ilius*) *cives Remus; RIB* 103 = *ILS* 5435; cf. *PIR*², 426 (296/312 CE; Cirencester): *L*(*ucius*) *Sept*(*imius*) *v*(*ir*) *p*(*erfectissimus*) *pr*(*aeses*) *B*[*rit*(*anniae*) *pr*(*imae*)] *resti*[*tuit*] *civis R*[*emus?*] *---*].

119 *AE* 2000, 1262 (301/450 CE): [*--- Eu*]*sebius filiu*[*s*] *Antianu civis Germanic*{*e*}*u*[*s*] *ex vico Abdarmisu;* see Weber, 'Eine spätantike Inschrift'.

120 *CIL* XI 1731: *civis Alamanna* […] *Mariniano et Asclipiodoto conss*(*ulibus*).

121 *CIL* III 3576 = *ILS* 2814: *Francus ego cives, Romanus miles in armis;* Rigsby, 'Two Danubian Epitaphs', argues that the epitaph should be parsed, 'Francus ego, cives Romanus, miles in armis', but this leaves both 'Francus' and 'miles' without modifiers, the 'miles' now lacks a context, and the obvious parallelism between 'cives' and 'miles' now is lost. The examples cited in the current study of the use of 'civis' with barbarian ethnicities also contradict Rigsby's premise, 'Nor would one speak of a "Frankish citizen" […] there is no such person or status, and this is an impossible contradiction in terms'.

122 *CIL* XIII 6239: *Val*(*erius*) *Rom*[*anus*] *ci*[*vis*] *Tex*[*ander*].

The late antique concept of ethnic citizenship also is found in literary sources, with citizens of Gaul, Africa, and Italy.[123] Sidonius Apollinaris in particular used this kind of locution for barbarians, referring to the Arian debater Modaharius as a '*civis Gothus*', or 'citizen of the Goths', describing Hormidac, a rebellious barbarian leader of the 460s, as a 'citizen' of the Huns,[124] and poetically saying, '*Rhenumque ferox Alamanne, bibebas Romani ripis et utroque superbus in agro vel civis vel victor eras*' (you, the fierce Alaman, were drinking the Rhine on the Roman bank and were proud to be on either side as both a citizen [of the Alamanni] and a victor [over the Romans]).[125] This kind of ethnic citizenship, which could not possibly refer to a legal status, demonstrates the extent to which the concept of 'citizenship' infiltrated itself into concepts of personal identity during Late Antiquity.

The Significance of Citizenship Terminology

The designation *civis*, like terms such as *natio*, *gens*, or *origo*, thus could be used with descriptive terms denoting regions or ethnicities. This raises the question of how these more diffuse kinds of regional-cum-ethnic citizenship related to the more traditional forms of citizenship, that is, Roman citizenship and municipal citizenship. Just what did it mean to be a 'citizen' of a region or a people, of Gaul, or Cappadocia, or the Alamanni? Did this kind of citizenship only have an identificatory role, or, like Roman and municipal citizenship, did it also have legal connotation?

During the Principate, regional or ethnic citizenship could be juxtaposed with Roman citizenship, and individuals could advertise a double citizenship. In an inscription of *c.* 100 CE from Vienna, for example, Titus Flavius Draccus, an *eques* of the *ala* Prima Flavia Domitiana Britannica Miliaria, is described as both a '*civis Romanus*' and a '*civis Sequanus*'.[126] And in the second half of the first century CE, in an epitaph from Aquae Sulis (Bath) in Britain, Lucius Vitellius Tancinus was described as 'a citizen of Spain from Cauriensis' (Castrum Cecilium Cauriensis, or Caurium, modern Coria) while serving

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123 E.g. Gregory of Tours, *In gloria confessorum* 69.1: *Marellinus* […] *Africanae provinciae civis*; Hydatius, *Chronica* 163, s.a. 455: *In Galliis Avitus Gallus civis* […] *Augustus appellatus* 217, s.a. 462: *Agrippinus Gallus et comes et civis*; *Vita Eugendi* 2: *Hac provincia extitit indigena atque concivis*; Heraclides, *Paradisus* 33: *Civis Italus ex Aquileiensi oppido*.

124 Sidonius, *Letters* 7.6.2: *Modaharium, civem Gothum, haereseos Arianae iacula vibrantem*; see also, from Rome, with very extensive restoration, *AE* 1993, 135: *Hic requ*[*iescit in pace*] *Sigismu*(*n*)*dus* [*civis Gothus?*]; Sidonius, *Poems* 2.241–42: *Scythicae vaga turba plagae* […] *cuius dux Hormidac atque civis erat*; the translation of Anderson, 1.29, 'A man of their own nation', loses the flavour of 'civis'.

125 Sidonius, *Poems* 7.373–75. Sidonius clearly means a citizen of the Alamanni, not of the Romans, as Anderson, 1.151, 'Civis does not here mean "Roman citizen"'.

126 *CIL* XIII 15197: *T*(*itus*) *F*(*lavius*) *Draccus eq*(*u*)*es alae I F*(*laviae*) *D*(*omitianae*) *Brit*(*annicae*) *m*(*iliariae*) *c*(*ivium*) *R*(*omanorum*) *civis Sequanus*.

in a unit of 'Roman citizens'.[127] But during Late Antiquity, people declined to identify themselves in terms of Roman citizenship, preferring to highlight their regional or ethnic identity.[128] Thus, in the 430s, Salvian of Marseille could say, '*Itaque nomen civium Romanorum, aliquando non solum magno aestimatum, sed magno emptum, nunc ultro repudiatur ac fugitur*' (The name of Roman citizens, once not only considered to be of great significance but also purchased at great price, now is repudiated and avoided).[129] Which is not to say that Roman citizenship no longer mattered. It did, as seen extensively in Roman law codes.[130] But it now referred only to legal status and was not a means of expressing personal identity.[131]

Overlap of Regional and Municipal Citizenship and Identity

Regional or ethnic identity often overlapped with municipal identity, creating multiple identity. Thus, the soldier Simplicius Serenus was characterized on an epitaph from Rome as 'by *natio* Batavian, from Ulpia Noviomagus [Nijmegen]'.[132] Secundus, another soldier, was remembered on an epitaph from Rome as 'Pannonian by *natio*, from [Colonia] Claudia Savaria', Szombathely in Hungary.[133] On another epitaph from Rome, Dextrianus, also 'Pannonian by *natio*', was 'from Aelia Septimia Aquincum'.[134] In addition, using the *gente* formula, Gaius Annius Flavus was described as a 'Cantabrian by ethnicity, from Portus Victoriae Iuliobrigensis [Santoña] in the province of Hispania

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127 *CIL* VII 52 = *RIB* 159: *L(ucius) Vitellius Mantai f(ilius) Tancinus cives Hisp(anus) Caurie(n)sis eq(ues) alae Vettonum c(ivium) R(omanorum)*.

128 I have not found a single late antique epigraphic example of anyone calling themselves, in either the singular or plural, a 'civis Romanus'.

129 Salvian of Marseille, *De gubernatione dei* 5.5.

130 *CTh* 1.32.1 (333 CE): *Numero civium Romanorum exempti gladio feriantur*; 2.22.1: *Si is, qui dignitate Romanae civitatis amissa Latinus fuerit effectus*; 3.30.4 (331 CE): *Quodsi pauperes sint, capitis diminutione plectantur et desinant cives esse Romani*; 4.7.1.1: *Interpretatio* […] *suscepta libertate cives esse Romanos* […] *sicut civibus Romanis, integra et plena libertas*; 4.12.2 (317 CE): *Interpretatio. septem testibus civibus Romanis praesentibus*; 8.13.1 (349 CE): *Cui scilicet civitatis Romanae iura quaesita sunt* […] *cives pari condicione Romanos*: 9.21.2.1 (321 CE): *Qui hoc detulerint, civitate Romana donamus*; 9.24.1: *Si Latinus sit, civis fiat Romanus*; 14.17.5 (369 CE): *Civis Romanus* […] *quinquaginta uncias comparabat*; Theodosius, *Novels* 16.2: *Civibus Romanis puberibus omnibus*.

131 See Mathisen, '"Roman" Identity in Late Antiquity'; Liebeschuetz, 'Citizen Status and Law', pp. 136–37: 'A sense of Roman identity survived but it had been depoliticised'.

132 *CIL* VI 32869bb: [*D(is)*] *M(anibus)* [*Si*]*mplicinio Sereno eq(uiti) sing(ulari) Aug(usti) natione Ulp(ia) Novimagi Bata(v)us*.

133 *AE* 1916, 52 (Rome): [*D(is)*] *M(anibus)* [--- *Se*]*cundo eq(uiti)* [*sing(ulari)*] […] [*n*]*at(ione) Pannonius Claudia Savaria*.

134 *AE* 1954, 77 (Rome): *Dextrian*[*us natione*] *Pann(onius) Ael(ia)* [*Sept(imia) Aquin*]*ci*.

Citerior'.[135] And on an epitaph from Rome, the charioteer Gaius Appuleius Diocles was associated with two regions, as 'a Lusitanian, by *natio* Spanish'.[136] In these examples, it is left unclear whether the individuals were actual citizens-qua-citizens of the places named.

On other occasions, civic citizenship, as specified by the use of the words *civis* or *civitas*, was specifically combined with geographic or ethnic identification. Thus, one inscription from Lyon commemorates Julius Alexsandrinus, 'a citizen of Carthage, by *natio* African',[137] and another remembers Poppillius, 'a citizen of Lyon, by *natio* a Sequanian'.[138] Or, in an inscription from Lambaesis, one has Mucatralus Auluzenus, 'by *natio* Thracian, born in the city of Augusta Traianum [Beroe, modern Stara Zagora, in Thrace]'.[139] Individuals described as 'by *natio* Thracian' are concomitantly characterized as citizens of Philippopolis, Serdica, and Remesiana in Moesia Superior.[140] An inscription from Ravenna commemorates Marcus Antonius Florus, 'by *natio* Egyptian, of the *civitas* of Alexandria'.[141] And an inscription from Philippi remembers Q. Senivius Nivius, 'Norican by *natio*, from the municipium of Flavia Solva [in Noricum]'.[142] Not to mention Aurelius Mucconis, 'by *natio* Moesian, a citizen of Melta [Loveč, Bulgaria, in Moesia Inferior] from the vicus of Pereprum'.[143]

This practice continued during Late Antiquity. A fourth-century inscription from Rome honoured Belliciola, described as 'a Gaul by *natio* in the *civitas* of Trier'.[144] Between *c.* 350 and 430 CE, in an inscription from Etruria, the *clarissima femina* Flavia Marthana was described as 'a citizen of Antioch, by *natio* a Syrian'.[145] In addition, an inscription of *c.* 300/350 from Salonica

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135 *CIL* II 4192 (Tarragona): *C(aio) Annio L(uci) f(ilio) Quir(ina) Flavo Iuliobrigens(i) ex gente Cantabrorum provincia Hispania citerior.*

136 *CIL* VI 10048 = *ILS* 5287 = *AE* 1957, 20: [*C(aius) Appu*]*leius Diocles agitator factionis russatae* [*nati*]*one Hispanus Lusitanus.*

137 *CIL* XIII 2000 = *ILS* 7648: *D(is) M(anibus) et memoriae aetern(a)e Iuli Alexsa(n)dri natione Afri civi Carthagine(n)si.*

138 *CIL* XIII 2023 = *ILS* 7034 (Lyon): *D(is) M(anibus) et memori[ae] aeternae Poppilli natio[ne] Sequano civi Lugudunensi negotiatori artis prossariae adpertinentis.*

139 *CIL* VIII 3198 = *CIL* VIII 18312 = *AE* 1950, 86: *patri et patrono Mucatrali Auluzeni mil(iti)* […] *natione Thrace natus in civitate Augusta Traiane(n)sie.*

140 *CIL* VI 2601 = *ILS* 2055 (Rome): *D(is) M(anibus) Aur(elio) Bito eq(uiti)* […] *natione T(h)rax cives Filopopulitanus; CIL* VI 2742 (Rome): *D(is) M(anibus) Diogenes Gaius mil(es)* […] *nat(ione) T(h)rax civitate Serdica; CIL* VI 2734 (Rome): [*D(is)*] *M(anibus) s(acrum) Aurelia Marcia n[a]tione T(h)rax civitate Promesiana.*

141 *CIL* XI 6735 = *AE* 1892, 136: [*M(arcus) A*]*ntoniu[s]* [*Fl*]*oru[s]* [*n(atione)*] *Aegypt(us)* [*ci*]*vit(atis) Al[ex(andriae)*].

142 *CIL* III 13707: *Q(uintus) Senivius Nivius Noricus natione municipio (Fla)vi(a)e Solv(a)e.*

143 *CIL* VI 2736 (Rome): *D(is) M(anibus) Aur(eli) Mucconi mi(litis)* […] *natione M(o)es(i)acus civis Meletinus vico Perepro.*

144 *CIL* VI 34676: *D(is) s(acrum) M(anibus) Belliciole co(n)iuge* […] *natione Galla in cibitate Triberis.*

145 *CIL* XI 2842 = *ILCV* 566 (Volsinii): *Fl(aviae) Marthanae c[astissi]m(a)e(?) feminae nati[one Syrae] civi Antiochi(e)ns[i ---].* The reconstruction 'c[astissi]mae' surely should be read as 'c[larissi]mae', especially given the praenomen 'Flavia'.

portrayed a certain Maximinus as 'a citizen by *natio* Iusci[---]'.[146] An inscription from Ad Statuas (Várdomb) in Pannonia Inferior memorialized Aurelius Proculinus, 'by *natio* Syrian, with a home (*domo*) at Emesa'.[147] Or, without the *natio*, around the turn of the fourth century CE Jovinianus was described as 'an Apulian, a citizen of Aecanum'.[148]

Conversely, regional or ethnic citizenship could overlap with traditional expressions of municipal local identity, and regional 'citizens' often named their place of origin, as in the case of Caius Zobonis, an 'African citizen from the place (*de loco*) Kasense'.[149] An inscription from the time of Caracalla (211–217 CE) commemorated Marcus Herennius, described as 'by *natio* Isaurian, from the vicus of Callosum', and his wife, Herennia Imma, who was described as 'of the *civitas* of Isauria, from the aforementioned vicus'.[150] Aurelius Maximus, on an epitaph from Noricum, was described as a 'Syrian citizen, from the region of Zeugma, from the vicus Hennia',[151] and an inscription of the second half of the second century from Mainhardt in Germania Superior honoured Quintinus, a 'citizen of Dalmatia from the *municipium* Magab[---]'.[152] In like manner, Aurelius Iodorus, in an inscription from Savaria in Hungary, was described as 'a Greek citizen from the region of Laodicaea',[153] and Eusebius, a 'German citizen from the vicus Abdarimisu', is attested on an inscription from Viminacium.[154] Another 'Syrian citizen', Aurelius Antoninus, was described as 'from the region of Dolicu' on an epitaph from Brigetio (Komárom).[155] Moreover, an epitaph dated to 151/270 CE found in Želiezovce in Slovakia, in *barbaricum* on the far side of the Danube, commemorated Aelius Domitius, 'a Syrian citizen, at home (*domo*) in Hierapolis'.[156] Curiously, in the case of regional citizenship, the locality almost always is described as a *regio*, a *vicus*, a *locus*, or a *domus*, as opposed to a *civitas*. Does this suggest, perhaps, that there was felt to be an implicit conflict or inconsistency between regional 'citizenship' and municipal citizenship being cited at the same time?

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146 *AE* 2006, 1290: *D(is) M(anibus) Maximinus* […] *cives nat(ione) Iusci* [---] *Sirme(n)se*.

147 *CIL* III 3301 (151/300 CE): *Aur(elius) Proculus vet(eranus)* […] *natione Surus domo Hemesa*.

148 *CIL* V 8582 = *ILCV* 4433 (Aquileia): *Hic positus est Iovinianus civis Aecanus Apulus*.

149 *CIL* XI 61 = *ILCV* 4451b (Ravenna): *Caius Zobonis de lo(co) Kasense civis Afer*.

150 *AE* 1979, 626: *M(arco) Herennio Pappaionis fil(io) Pasicrat(a)e n(atione) Isaurus vico Calloso et Herenniae Nestoris fil(iae) Immae uxor(i) eius civit(ate) Isaur(a) vico s(upra) s(cripto)*.

151 *CIL* III 11701 = *ILS* 7207: *D(is) M(anibus) Aur(elio) Maximo civis Surus ex regione Zeugma vico Hennia* […] *Aur(elius) Bassus Barath(a)e viv(u)s fecit frat(ri) et Aur(elio) Sabino civis Surus ex regione Zeugma vico* [---].

152 *CIL* XIII 6538: *D(is) M(anibus) Maximo Dasant[is] mensori* […] *c(ivis) Dalmata ex municipio Magab[---] et Batoni Beusanti(s) optioni* […] *ex municipio Salvio Apies* [---].

153 *CIL* III 4220: *Aur(elius) Iodorus civ(is) Graec(us) ex reg(ione) La(o)dic(ea)*.

154 *AE* 2000, 1262: [--- *Eu*]*sebius filiu[s] Antianu civis Germanic{e}u[s] ex vico Abdarmisu*.

155 *RIU* 523 (151/300 CE; Brigetio, Pannonia Superior): *A(u)r(elius) Antoni/nus cives Surus ex reg(ione) Dolicu*.

156 *CIL* III 11076: *D(is) M(anibus) Aelius Domitius vet(eranus)* […] *domo (Hi)erapuli cives Surus*.

Regional Identity and Roman Administrative Divisions

Roman administrative policies were based on dividing up the Empire into administrative regions, *civitates* to administer local areas and provinces to administer larger regions. These governmental geographical divisions existed alongside the popular kinds of geographical and ethnic divisions just discussed. So, questions arise regarding what, if any, connections there may have been between popularly created kinds of personal geographical identity and identity based upon governmental administrative divisions.

Ethnic Municipalities

In Gaul, sometimes, regional or ethnic 'citizenship', such as of the Remi, or the Lemovices, no doubt overlapped with municipal citizenship in the sense that in the Roman administrative organization of new provinces, many *civitates*, especially in the west and particularly in Gaul, originated from existing Celtic peoples.[157] Augustoritum became the Civitas Lemovicum, Caesarodunum became the Civitas Turonum, Agedingum became the Civitas Senonum, Augustodunum became the Civitas Aeduorum, Limonum the Civitas Pictonum, Augustonemetum the Civitas Arvernorum, Vesunna the Civitas Petrocorium, and so on. Thus, individuals identifying as a '*civis Remus*', or '*Lemovicus*', or '*Lingonensis*', or '*Ambianensis*', or '*Trever*' perhaps could be identifying as citizens of the Civitas Remorum (Duracortorum),[158] Civitas Lemovicum (Augustoritum), Civitas Lingonum (Andematunnum), Civitas Ambianensium (Samarobriva), or Civitas Treverorum (Augusta Treverorum),[159] rather than as belonging to a Gallic people. But, on the other hand, many other ethnic terms, such as '*Sequanus*', '*Helvetius*', '*Ubius*', '*Nervius*', '*Batavus*', '*Belga*', and '*Frisius*', were not represented by a *civitas* capital, suggesting that the use of these designators probably was not primarily intended to create an association with a *civitas* capital. The use of these ethnic terms thus may represent a survival of forms of local identity going back to pre-Roman times that existed alongside the administrative divisions created by the Romans.

Regional Identifiers and Administrative Geography

Another question that can arise regarding regional designators is how they related to the administrative geography of the late Roman Empire. It is noteworthy that nearly all of the regions used with *gens*, *natio*, and *civis* in Late Antiquity

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157   As in the *Notitia Galliarum*; see, e.g., Beaujard, 'Les cités de la Gaule méridionale'.
158   E.g. Vercauteren, *Étude sur les civitates*; Wightman, *Gallia Belgica*.
159   E.g. Ternes, 'Die römerzeitliche Civitas Treverorum'; Wightman, *Roman Trier and the Treveri*.

are not the names of contemporary Roman provinces.[160] No, these regions are either provinces of the Republic or the early Principate or, as in the case of 'Italy' and 'Greece', never were provinces at all.[161] In addition, by the late Empire many of the regions that had been provinces had acquired different statuses. Some, such as Africa, Gaul, Spain, and Italy in the west, and Dacia and Trace in the east, became dioceses. Other provinces, such as Mauretania, Noricum, Raetia, Pannonia, Moesia, and Cappadocia, were divided into two or more provinces. Only three regions remained as bona fide provinces, Africa in the west, and Bithynia and Syria in the east. 'Graecia', meanwhile, never was a province or diocese.

So, even if during the Principate allusions to the citizenship of a province or to provincial 'nationality' were associated with contemporary Roman provinces — and even that is by no means certain — it is clear that by the late Empire these regional signifiers of identity had nothing to do with actual late Roman provinces. Thus, when one identified oneself as 'Gallic by nation' or a 'citizen' of Gaul, one was identifying either with a general geographical area or with an implied sense of ethnicity, and not with an administrative unit of the Roman Empire, that is, with a province or a diocese. Thus, if one was a 'citizen of Mauritania', for example, no distinction was made between Mauretania Caesariensis and Mauretania Sitifensis. The important thing was the general geographical region, not the administrative unit. It became standard practice for individuals to identify themselves based on a generalized place of origin, that is, a province or a geographical region, or on an ethnic term that would, in turn, be associated with a geographical region. These would appear to be not official, administrative terms, but terms that developed, evolved, and survived as a consequence of popular usage.

The Legal Status of Provincialis

At the same time, moreover, legal sources do refer to a legal sense of provincial, or regional, identity that existed alongside this popular concept of regional identity. For example, in the *Digest* of Justinian, the jurist Ulpian spoke of the method for determining 'Campanian' or 'Pontic' regional identity: a person with two Campanian parents was legally 'Campanian'.[162] No doubt

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160 See Roueché, 'Asia Minor and Cyprus', p. 572: 'In so doing, they were using an elegant archaism, since the smaller provinces were largely based on older historical units, but the usage may also reveal something as to where their loyalties now lay'.

161 For the provinces in 116 CE, see <https://fr.wikipedia.org/wiki/Province_romaine>, [last accessed 10 September 2020].

162 *Digest* 50.1.1.2: *Qui ex duobus igitur Campanis parentibus natus est, Campanus est* [---] *Celsus etiam refert Ponticis ex beneficio Pompeii Magni competere, ut qui Pontica matre natus esset, Ponticus esset* (So anyone who is born from two parents who are Campanian is a Campanian [---] Celsus also reports that the people of Pontus, by a grant of Pompeius Magnus, can regard anyone who is born from a Pontic mother is Pontic).

this method also was used in other regions. Curiously, at this time Campania was not even a Roman province but merely a geographical region. This kind of regional identity is very consistent with the forms used in the inscriptions and may, indeed, have grown out of the kinds of popular usages just discussed. But what did it mean in a legal sense?

In late imperial legal sources, alongside Roman citizenship and municipal citizenship — as in a reference to 'citizens of the city of Eudoxiopolis'[163] — there also was a third, much less well known, legal status, that of *provincialis*.[164] There is, for example, a restriction against anyone serving in an administrative office 'within that province, in which he is a *provincialis* and a *cives*'.[165] From the year 396 comes an even more specific reference to a 'citizen of Lycia'.[166] Just what, one might ask, is this 'provincial citizenship' in a legal sense?

Many Roman laws were addressed '*Ad provinciales*', that is, 'To the provincials'.[167] Now, one might wonder here whether the term *provincialis* is an actual legal status or simply a generic term for all Romans. But there was another term for 'all Romans', *populus*, as can be seen in the legislation addressed '*ad populum*', 'to the people'.[168] In addition, some laws were sent to a particular province, with or without the word *provinciales*. Thus, on the one hand, constitutions addressed 'to the provincials of the province of Proconsularis' or 'to the provincials of Foenice', and, on the other hand, laws sent 'to the Africans', or 'to the Bithynians',[169] which likewise suggests that *provincialis* was not simply a synonym for *populus*. Finally, the distinction between *provinciales* and *populus* also is seen in situations where, to make it clear that everyone in the Empire is meant, the two categories are cited

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163 *CTh* 15.1.42 (404 CE): *Eudoxiopolitanae civitatis cives pro oblata no* […] *suam patriam ergasteria condonamus.*

164 During the Principate, emperors related to provinces as if they had a collective identity: Ando, *Imperial Ideology*, pp. 313–19.

165 *CJ* 9.29.3 (385 CE): *Ne quis* […] *intellegat gerendae* […] *administrationis officium intra eam provinciam, in qua provincialis et civis habetur* (Lest anyone think that the duty of undertaking the administration [could be] within the province in which he is considered to be a provincial and a citizen).

166 *CTh* 9.38.9 (396 CE): *Devotissimae nobis provinciae Lyciae priorem famam meritumque inter ceteras renovari censemus, idque excellens eminentia tua edictis propositis cunctis faciat innotescere, ne quis posthac civem Lycium contumelioso nomine iniuriae audeat vulnerare.*

167 E.g. *CTh* 1.5.1, 1.16.6–7, 2.26.3, 2.30.1, 7.4.26, 7.9.1, 7.13.7–8, 7.13.16, 7.20.8, passim; see also 8.10.2, 11.8.3.1.

168 *CTh* 16.2.4 (321 CE): *Ad populum*; 9.9.1 (326 CE): *Ad populum*; 6.2.17, 6.2.18, 6.4.31, 12.6.24, 13.5.27, 13.9.5 (397 CE): *Ad senatum et populum.*

169 *CTh* 7.4.26: *Idem AA. provincialibus provinciae Proconsularis*; 3.12.1: *Impp. Constantius et Constans AA. ad provinciales Foenices*. Without 'provinciales': *CTh* 9.34.5: *Imp. Constantius A. ad Afros*; 10.7.1: *Imp. Constantinus A. ad Bithynos*; 12.1.5 (317 CE): *Ad Bithynos eos qui in palatio militarunt et eos quibus provinciae commissae* […] *decuriones vel principales constituti cuncta suae patriae munera impleverunt*; 12.1.59: *Idem AA. ad Byzacenos*; 8.4.2: *Idem A. edicto suo ad Afros.*

together, such as 'To all the provincials and the people'.[170] In all these regards, therefore, one might suppose that *provincialis* was a bona fide legal status.

This hypothesis would seem to be confirmed by other laws, in which *provinciales* have a status different from that of residents of cities. For example, there are occasional references to '*concilia provinciarum*', 'provincial councils'.[171] The responsibilities of such councils included forwarding to the emperor the '*decreta provincialium*', or 'provincial decrees'.[172] More specifically, the *provinciales* were responsible for providing *pecunia* rather than *annona* for the Roman army.[173] In addition, other laws demonstrate that *provinciales* had a different identity from that of citizens of cities, regarding, for example, (1) the providing of *munera*; (2) the appointment of *tabularii*, that is, imperial accountants; (3) the granting of *donationes*; (4) the time limits on *causae*, or legal cases; and (5) the procedures for pursuing petitions.[174] In all these respects, cities and provinces acted independently of each other. It seems, therefore, that the status of *provincialis* or even 'citizen of a province' was a true legal and administrative status that existed at the same time as the much more well-known and better attested statuses of Roman citizen and municipal citizen. It was sui generis, with its own kinds of duties and responsibilities.

But it also would appear that the legal status of *provincialis*, based on contemporary late Roman provincial units, was little used outside of law codes, and was completely dissociated from the popular use of geographical regions to establish personal identity. When people referred to themselves using provincial terminology, such as 'a citizen of Gaul', they never referred to themselves as a *provincialis* in its legal sense, or even at all.[175] Indeed, in popular usage it would appear that even the word 'province' was losing its

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170 *CTh* 15.14.5 (352 CE): *Ad universos provinciales et populum*; Theodosius, *Novels* 2.1,3 (427 CE): *Subiectis et provinciis et populis* […] *et provincialibus et populis orientalibus cavenda observandaque.*

171 *CTh* 11.30.15 (329 CE): *Ad concilium provinciae Africae*; 2.19.3 (332 CE): *Ad concilium Byzacenorum*; 4.10.1 (332 CE): *Ad concilium Byzacenorum*; 12.5.2 (337 CE): *Ad concilium provinciae Africae*. See Larsen, 'The Position of Provincial Assemblies', and the chapter by Avshalom Laniado in this volume.

172 *CTh* 1.16.2 (317 CE): *Decreta provincialium non prius ad comitatum perferri oportet.*

173 *CTh* 7.4.1 (325 CE): *Hinc enim fit, ut a provincialibus non annonas, sed pecunias postulent.*

174 *CTh* 3.1.8 (399 CE): *Munera civitatis provinciarumque* [interpretatio: 'debita curiae servitia aut patriae', 'provincia' replaced with 'patria'], cf. 7.13.16 (17 Apr 406 CE): *Provincialibus* […] *licet ingenuos amore patriae credamus incitari*; 7.13.17 (19 Apr 406 CE): *Provincialibus. Provinciales pro inminentibus necessitatibus omnes invitamus edicto, quos erigit ad militiam innata libertas. Ingenui igitur, qui militiae obtentu arma capiunt amore pacis et patriae*; 8.2.5: *Munera civitatis provinciarumque*; 8.12.3 (316 CE): *Donantes extra patriam et provinciam, in qua possident* [here 'patria' is equivalent to municipal citizenship]; 11.30.63 (405 CE): *Vel in ea civitate seu provincia qua degetis sive in proximis atque contiguis provinciis*; 12.12.11 (386 CE): *Si quis vel civitatis vel provinciae vel corporis alicuius ita prosequi desideria voluerit*; also 1.16.2 (317 CE); 3.1.8 (399 CE); 4.13.5 (358 CE); 6.29.5 (359 CE); 7.4.1 (325 CE); 7.4.26 (401 CE); 8.12.8 (415 CE).

175 'Provincialis' was, however, used as a personal name, e.g., *CIL* III 3375: *M(arcus) Ulp(ius) Provincialis an(norum) L h(ic) s(itus) e(st).*

Figure 9.1. Epitaph of Aurelius Aeliodorus, 'Greek by nationality, citizen of Tarsus in Cilicia, living in Seville'. Late fourth or early fifth century, from Tarragona. *CIL* II.2/14.2111. Source: <http://db.edcs.eu/epigr/bilder.php?bild=$AE_1961_00331. jpg;$RIT_00958.jpg;RIT_00958_1.jpg>

association with Roman administrative units. One sees examples of this in the *Expositio totius mundi et gentium*, a description of the whole world written in the mid-fourth century, in which the characteristics of different regions, including the nature of their inhabitants, are briefly described. Here the terms *provincia*, *regio*, *terra*, and *pars* are used interchangeably to describe different regions of the Empire. Sometimes these areas had been provinces in the past, sometimes not. But there was no connection with contemporary administrative provinces. *Provincia* was just one more descriptive word in one's arsenal of regional designators.

Analysis

The discussion thus far indicates that during Late Antiquity there was a great variety of ways in which individuals could choose to identify themselves and there was a widespread use of multiple identity. They could do so by geography, by ethnicity, and by municipality; by *gens*, *natio*, *origo*, *domus*, or *civitas*. In addition, concepts of citizenship were expanded from Roman and municipal citizenship to include ethnic and regional citizenship. These different kinds of identifying characteristics could overlap, that is, one could be a citizen both of a city and of a region. It remains to be seen, however, just what these kinds of regional or ethnic 'citizenship' meant. Why were they used? How were they received? What kinds of information did they convey?

Regional or Ethnic?

One issue that arises is whether these terms were meant to be regional or ethnic. Now, some of these descriptive terms, such as '*Maurus*' or '*Punicus*'

are clearly ethnic as opposed to geographic: there were no geographical areas called 'Mauria' or 'Punicia'. But other cases are not so clear. Thus, in an inscription from Cordoba in Spain dated to 150/200 CE, a person is described as '*natione Gallus*': Is this a reference to the people, the Gauls, or to the region, Gallia?[176] Likewise with an epitaph from Nîmes in Gaul: Is the description '*natione Arabus*' a reference to the people, to the Roman province of Arabia, or to the geographical region 'Arabia'?[177] Does '*natione Germanus*' refer to 'Germani' as a people, to the province of Germania Prima or Secunda, or to the region known as 'Germania'?[178] Sometimes, context indicates that the geographic terms used with *natio* must be ethnic, as in the case of Aurelius Aeliodorus, described in an inscription of the late fourth or early fifth century found in Tarragona as 'by *natio* a Greek, [and] a citizen of Tarsus [in] Cilicia' (Figure 9.1).[179] Presumably, because Tarsus is not in Greece, the word 'Graecus' must have ethnic or cultural significance.[180] But in other cases, as in the concept of civic *natio*, the word *natio* clearly did not have ethnic sense except, perhaps, in some metaphorical manner.[181] In general, given the lack of further qualification in the sources, it would appear that terms that did have an actual geographical analogue, such as '*Gallus*', '*Hispanus*', '*Graecus*', or '*Italus*', could be interpreted or construed either ethnically or regionally, if not both at the same time.

Regional and Ethnic Stereotypes

So just how would these geographical and ethnic terms have been understood in their own time? Their association with concepts of *natio*, *gens*, and *civitas* suggests that they could be more than purely regional. One thus might suggest that they had associated with them certain cultural attributes, assumptions, and stereotypes that could qualify as a form of 'ethnicity'. Thus, someone described as a 'Gallus' not only might be seen as having some kind of connection to the place 'Gallia' but also might be expected to manifest characteristics that one would expect someone from 'Gallia' to have. And, indeed, Gaul and Gauls did have special identifying features. In popular culture, Gauls were portrayed as brave, rebellious, and learned. For example, according to the *Expositio totius mundi et gentium*, Gaul not only had 'brave and noble men', but 'it always

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176 *CIL* II²/7 354: *Alipus* […] *nat(ione) Gall(us)*.
177 *CIL* XII 3324 = *ILS* 5096: *Muner(e) C(ai) Pomp(ei) Mart(ialis?) esse(darius)* […] *n(atione) Arabus*.
178 *CIL* XIII 618: *D(is) M(anibus) Iuni Reguli* […] *natione Germ[a]nus*.
179 *CIL* II²/14 2111 = *AE* 1961, 331: *D(is) M(anibus) Aur(elius) Aeliodorus natione Gr(a)eca civis Tarsus Cilicia commorans (H)ispali*. See Ruiz Gutiérrez, Cortés-Bárcena, and Jiménez-Chapparo, 'Mapping Inscriptions'.
180 See Ferrary, 'La géographie de l'hellénisme'.
181 For the late Roman Republic: Borg, 'Das Gesicht der Aufstieger', pp. 286–89: 'Mit *natio* nicht Ethnisches indiziert wird, sondern nur Ort bzw. Gegend von Herkunft'.

has need of an emperor: it makes one of its own'.[182] The *Historia Augusta* also mentioned this presumed Gallic predilection. In one place, it spoke of '*Galli, quibus insitum est leves ac degenerantes a virtute Romana et luxuriosos principes ferre non posse*' (the Gauls, whose nature it is not to tolerate feeble and luxury-loving emperors who have degenerated from Roman virtue),[183] and in another it noted '*More illo, quo Galli novarum rerum semper sunt cupidi*' (that custom, whereby the Gauls always are desirous of revolution).[184] More specifically, regarding the usurper Saturninus it said, '*Saturninus oriundo fuit Gallus, ex gente hominum inquietissima et avida semper vel faciendi principis vel imperii*' (Saturninus was by origin a Gaul from a most restless *gens* of men, one always desirous of rule and of making an emperor).[185] Another aspect of Gallic 'identity' was a high opinion of Gallic culture: Claudian referred to its 'learned citizens', and Symmachus praised 'Gallic eloquence'.[186]

The most famous late antique stereotypical description of the Gauls, however, comes from Ammianus Marcellinus, who observed:

> Celsioris staturae et candidi paene Galli sunt omnes et rutili luminumque torvitate terribiles, avidi iurgiorum et sublatius insolentes [---] metuendae voces conplurium et minaces placatorum iuxta et irascentium, tersi tamen pari diligentia cuncti et mundi [---] vini avidum genus, adfectans ad vini similitudinem multiplices potus.[187]

> > [Almost all the Gauls are of tall stature, fair and ruddy, terrible for the fierceness of their eyes, fond of quarrelling, and of overbearing insolence [---]. The voices of most of them are formidable and threatening, alike when they are good-natured or angry. But all of them with equal care keep clean and neat [---]. It is a race greedy for wine, devising numerous drinks similar to wine.]

In this way, a certain unique 'Gallic' identity was assumed, which was shared by all Gauls and set them apart from inhabitants of other areas of the Empire.[188]

Other regions likewise would have had lists of commonplaces associated with them, as seen, again, in the *Expositio*: Egypt had '*viros similiter nobiles,*

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182   *Expositio totius mundi et gentium* 57–58: *Post Pannoniam Galliam provinciam* […] *quae* […] *imperatorem semper eget: hunc ex se habet* […] *omnis autem regio viros habet fortes et nobiles*; see Mathisen, *Roman Aristocrats in Barbarian Gaul*, p. 18.

183   *Historia Augusta*, *The Two Gallieni* 4.3.

184   *Historia Augusta*, *The Thirty Pretenders* 3.7.

185   *Historia Augusta*, *The Four Tyrants* 29.7.1. This is the only example of the 'ex gente' terminology in the *Historia augusta*.

186   Claudian, *Panegyric on the Fourth Consulship of Emperor Honorius* 582–83 ('doctis civibus'); Jerome, *Chronicon*, s.a. 358; Symmachus, *Letters* 6.34, 9.88 ('Gallicanae facundiae'); see Mathisen, *Roman Aristocrats in Barbarian Gaul*, p. 172.

187   Ammianus Marcellinus, *History* 15.12.1–4.

188   See Mathisen, *Roman Aristocrats in Barbarian Gaul*, pp. 18–20.

deos colentes eminenter' (noble men, who wonderfully worship the gods).[189]
Thrace had '*maximos habens viros et fortes in bello*' (the greatest men, brave in
war), and Spain had '*dives viris doctis in omnibus negotiis*' (men learned in all
kinds of businesses);[190] Mauretania had '*homines barbarorum vitam et mores,
tamen Romanis subditi*' (men [with the] life and customs of barbarians, but
nevertheless subject to the Romans).[191] The use of such regional attitudes,
stereotypes, cultural attributes, and behaviours thus could be seen as a means
of expressing pride in a region where one had one's origin or otherwise was
identified with.[192] But one probably should be careful not to attempt to
distinguish too closely between 'regional' and 'ethnic' terms as it seems likely
that in Antiquity few such distinctions were made.

Mobility

These regional identifiers also provide evidence for personal mobility during
the Principate and Late Antiquity.[193] Hardly anyone who used this kind of
identifier ended up in their original *patria*: nearly all of the persons described
with a regional or ethnic term came from a place other than where they were
buried. This could suggest that even when people moved away from home,
they retained a strong sense of connection to and identity with their place
or people of origin. Where someone came from and the kinds of people that
one originated from mattered, and followed someone around throughout
their life. This principle is illustrated in the epitaph, from Fanum Fortunae in
Umbria, of the eight-year-old boy Leto, who was described as 'on the soil of
his homeland a citizen of the Phocaeans but now, [a citizen] of the Italians'.[194]
And the epitaph of Flavius Mauricius Innocens, buried in Pisaurum (Pesaro)
in Umbria described him as 'a citizen of Gaul, a *peregrinus*'.[195] Or Victorius
Regulus, who in an epitaph from Lyon from the first half of the third century was
described as 'a citizen of Nemetum [Speyer] and a merchant at Durocortorum

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189 *Expositio totius mundi et gentium* 34.

190 *Expositio totius mundi et gentium* 50.

191 *Expositio totius mundi et gentium* 60. Here, the words 'pars', 'provincia', 'regio', and 'terra' are
     all used to describe geographical regions of the Empire.

192 Isaac, *The Invention of Racism*, p. 40, opines, 'It is precisely the point of stereotypes and
     commonplaces that they deny the individuality of members of a group', but in Antiquity, as
     this study shows, it was not quite so simple. People could embrace these stereotypes as an
     element of their individuality, as is implicit in another comment of Isaac, on the very next
     page, 'There are also positive stereotypes'.

193 In general, see Moatti, 'Mobility and Identity'; Moatti, 'La mobilité négociée'; Moatti, 'Le
     contrôle de la mobilité des personnes'.

194 *CIL* XI 6246: *Leto puer* […] *hic Phocaensium civis in patrio solo nunc Italorum*.

195 *CIL* XI 6473 = *ILCV* 1474c (401/500 CE; Pisaurum, Umbria): *Fl(avius) Mauricius Innocens
     cives Gallus pelegrinus hic iacet qui vixit plus minus ann<o>s XVI menses III dies VII depositus in
     pace b(onae) m(emoriae)*.

Table 9.1. Percentage of epitaphs using the *natio*, *gens*, or *civis* formulae.

Heidelberg Epigraphical Database[a]	Total Inscriptions	Total Epitaphs	*Natione*	Percent of epitaphs	*Gente*	Percent of epitaphs	*Civis/ Cives*	Percent of epitaphs
Total	67,759	27,951	152	0.54%	11	0.04%	121	0.43%
Epigraphik-Datenbank Clauss / Slaby[b]	Total Inscriptions	Total Epitaphs	*Natione*	Percent of epitaphs	*Gente*	Percent of epitaphs	*Civis/ Cives*	Percent of epitaphs
Total	523,461	175,263	938	0.54%	61	0.03%	268	0.15%
% Heidelberg vs Clauss / Slaby	12.9%	15.9%	16.2%		18.0%		45.1%	

Notes:

[a] See <https://edh-www.adw.uni-heidelberg.de/home/> [last accessed 10 September 2020].

[b] See <http://db.edcs.eu/epigr/epi.php?s_sprache=de> [last accessed 10 September 2020].

[Reims]'.[196] Not to mention the aforementioned Aurelius Aeliodorus, who was described lengthily as 'a Greek by *natio*, a citizen of Tarsus [in] Cilicia, living in Seville'.[197] Only rarely were persons buried in the same place of origin attested in their epitaph, as in the case of the *vir perfectissimus* Flavius Victorinus and his wife Perellia Romana, described as 'citizens of Italy, from Aquileia' in a fourth-century epitaph put up at Aquileia by their children Romana and Celsus.[198]

Regarding the overall prevalence of the use of this terminology, Table 9.1 shows that the number of epitaphs using regional or ethnic terminology is just a fraction of the total number of epitaphs. For both the Heidelberg Epigraphical Database and the Clauss/Slaby Epigraphik-Datenbank, only about 0.55 per cent of epitaphs have the *natione* formula, and only 0.03–0.04 per cent have the *gente* formula. But for the *civis* terminology, there is a conundrum: whereas 0.43 per cent of the epitaphs in the Heidelberg database refer to *civis* or *cives* (usually an alternate spelling for singular *civis* as opposed to the plural form), only 0.15 per cent do so in the Clauss/Slaby database, about one-third less than in the Heidelberg database. The reasons for this disparity are uncertain.[199] Many epitaphs are so fragmentary that it is unclear whether

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196 *AE* 1982, 709: *D(is) M(anibus) et memoriae aeternae Victorio Regulo civi Nemeti et neg(otiatori) Duro(cortori) purpurario Vic(to)rius Tetricus vet(eranus) leg(ionis) XX[II] Pr(imigeniae) p(iae) f(idelis) fratri cariss(imo) p(onendum) c(uravit) s(ub ascia) ded(icavit).*

197 *CIL* II²/14 2111 = *AE* 1961, 331: *D(is) M(anibus) Aur(elius) Aeliodorus natione Gr(a)eca civis Tarsus Cilicia commorans (H)ispali.*

198 *CIL* V 1658 = *ILCV* 284: *B(onae) m(emoriae) Flavio Victorino v(iro) p(erfectissimo) comiti et Perelliae Romanae natione Itali cives Aquileienses Flavii Victorinus Romana et Celsus patribus dulcissimis fecerunt corpora deposita die III Idus Iulias.*

199 Regarding the total number of inscriptions, the number of epitaphs, and the numbers with 'natione' and 'gente' the percentages of Heidelberg versus Clauss/Slaby are uniformly between 12.9% and 18%, but in the case of 'civis', the percentage jumps to 45.1%. So, either the number with 'civis/cives' in Heidelberg is, proportionally, too large, or that in Clauss/

the terminology was there, but even so it is apparent that the vast majority of epitaphs did not incorporate regional or *civis* terminology. This could lead one to suggest that including the terminology was a marked behaviour, and one not done gratuitously. If someone was local, there would have been no need to state this on an epitaph. Generally speaking, in most cases it would appear that only if a person died away from home was their original *patria* commemorated. If that is the case, then rather than being evidence for a great deal of personal mobility, this group of epitaphs might be evidence of a relatively small amount of mobility.[200]

Overview

The manifold manners of manifesting regional and local identity discussed above demonstrate the degree to which some individuals living in the Roman world during Late Antiquity were concerned, if not obsessed, with expressing not only their sense of identity with a place or people, but also, implicitly, their sense of connection with others who likewise identified with these places and peoples. Nearly all those who did so, moreover, came from some place other than where they were buried, so it also is noteworthy that people who originated in one place but finished their lives in a different place felt the need to commemorate their original *patria* on their epitaphs. Their sense of identity with their original home stayed with them and meant something. People manifested this sense of connection by using the words *gens*, *natio*, *origo*, and *civis*.

Identifying oneself by *gens*, *natio*, or *origo* using a regional or ethnic term is unsurprising. But the use of metaphorical 'citizenship' is fascinating. This usage creates a third kind of 'citizenship' category to go along with Roman citizenship and municipal citizenship. And, conversely, municipal identity could be recast as a form of *natio* identity. The way that these terms were used tells us a lot about how individual persons envisaged their place in the late Roman world. The lines were by no means hard and fast, and different forms of expressing identity commonly bled into each other. Regional identity, ethnic identity, and municipal identity were all elements of a homogeneous late antique identity paradigm. And somewhere along the way, identification as a *civis Romanus*, or even just as 'Roman', got lost in the shuffle in favour of a multiplicity of ways to manifest local or regional identity. Recalling the words of Salvian, 'The name

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Slaby is too small. The greatest disparity, moreover, comes with the word 'cives', where the Heidelberg database has 53 examples compared to only 25 in the much larger Clauss/Slaby database.

200   Escosura Balbás, 'El fin de la emigración', in a study of migration based on the epigraphical use of 'origo, natione [sic], domicilium, and ethnic cognomina', finds only three examples of immigration into Spain during Late Antiquity, but based on an 'argument from silence', rather paradoxically concludes that immigration continued as before.

of Roman citizens […] now is repudiated and avoided', one wonders whether this increasing emphasis on expressions of local and regional identity provides an implicit commentary on how people felt about continuing to be part of a much broader, larger, and more inclusive Roman Empire.

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A Relationship of Justice

Becoming the People in Late Antiquity

Introduction

In the *Life* of Caesarius, bishop of Arles (502–542), the people of the city make several appearances as a group. In one instance, Caesarius's predecessor Aeonius proposes him as his successor, by addressing the clergy and the citizens (*cives*). In another, the people (*populi*) gather on royal order to stone Licinianus, whose false accusations had caused Caesarius's exile to Bordeaux. Finally, during the Frankish siege of Arles in 507/08, the bishop was accused by a mob (*populari seditione/turba*) of having betrayed the city and was locked up.[1] These are three instances of the people acting as an anonymous collective, which tend to be studied as separate phenomena (episcopal elections; mob justice; collective action). The *Life* provides some justification for this, as it uses a different appellation for the people in each case. Still, all three episodes play within a decade in Arles, and it is likely that we see the same social group acting on different occasions. There is, then, a common history to be told, one that focuses on the relationship between the people and its superiors.

In this chapter, I shall study this relationship not from the perspective of institutional history or of the dominant sociological theories used by ancient historians (usually objectivist in nature, and predominantly functionalist and Bourdieuvian in outlook). Rather, I am interested in the way that it is conceptualized in late ancient sources, assuming that such conceptualizations are deeply connected to effective human interaction

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1 *Vitae Caesarii*, ed. by Krusch, I. 13, I. 24, I. 29 (pp. 461–62, 466, 467–68).

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in society.[2] In other words, late ancient descriptions of the interaction between a people and its superior are not to be treated as ideology aimed at distorting actual social relations or as reflecting second-order moral categories that are merely added onto more fundamental social interaction. In fact, they reveal to us what these interactions meant and thus how they functioned. Besides better grasping what role the people played in late ancient society, this approach may also help us to notice the limitations of the dominant scholarly ways to deal with the phenomenon. I shall argue in particular that the 'people' were constituted in the establishment of a relationship of justice with a superior, with both sides taking on a social role that came with ethical expectations. Whilst there were social and political dimensions to being the people, it was primarily conceived of as a relational concept to the point that one could not conceive of the people without its leader and vice versa. The chapter argues three points: such a model can be inferred from the sources; it helps to understand how we see the people act in Late Antiquity; and it invites us to think anew about the way we write the history of 'popular participation' in the Roman Empire. The chronological horizon of this paper is broadly third to sixth century CE, although I shall occasionally appeal to later material. I briefly speculate on how the results from this chapter relate to long-term social changes in the Roman Empire, but I leave the longue durée history of 'popular participation' aside.

'There Is No Justice among the People except through the Prince'

In his *On Duties*, inspired by a similar work by Cicero, Ambrose of Milan explores social relations, focusing on virtues and how to perform them in particular circumstances. In the middle of the second book, he comments on the importance of justice for men in leading positions: 'Egregie itaque uiros alicui praesidentes muneri commendat iustitia et contra iniquitas destituit atque impugnat' (Justice, therefore, is a wonderful commendation for men who occupy any responsible position; injustice, on the other hand, induces everybody to desert them and turn against them).[3] To illustrate the point, he narrates how the people of Israel turned away from Rehoboam, the son of

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2   I am tributary to Wittgensteinian philosophers such as Winch, *The Idea of a Social Science*, p. 38, and Gaita, *Good and Evil*. For a social theory inspired by Wittgenstein, see Schatzki, *Social Practices*. There are also some points of contact with symbolic interactionism. In the field of Classics, my approach yields results similar to the emphasis put by Morgan, *Roman Faith and Christian Faith*, p. 487, on the foundational role of ethics in society and by Naiden, *Ancient Supplication*, p. 288, on the need to bring back morals into the study of ancient religion and substance into that of ancient law.

3   Ambrose, *De officiis*, ed. and trans. by Davidson, II. 18. 93 (pp. 320–21, adapted).

Solomon, when their demand for a moderation of the rule of his father was rejected by the king. Instead he added to the weight of their yoke.

> Quo responso exasperati responderunt populi: Non est nobis portio cum Dauid neque hereditas in filiis Iesse. Reuertere unusquisque in tabernacula tua, Israel, quoniam hic homo neque in principem neque in ducem erit nobis. Itaque desertus a populo ac destitutus, uix duarum tribuum propter Dauid meritum habere potuit societatem.[4]

> > [Provoked by this response, the people replied: 'We have no portion with David, no inheritance among the sons of Jesse. To your tents, each of you, O Israel! — this man will be no ruler or leader to us'. So, deserted and forsaken by the people, he only just managed to hold the two tribes together — and even that was achieved only on account of the merits of David.]

Ambrose spells out the moral nature of the relationship between ruler and ruled, by saying 'Claret ergo quoniam aequitas imperia confirmet et iniustitia dissoluat' (It is clear, then, that fairness imparts strength to a rule and injustice reduces it to ruins).[5] Corrupt practice (*malitia*) is detrimental to a state as much as it is to a family. Kindness (*benignitas*) is needed, and especially goodwill (*benevolentia*): 'Plurimum iuuat beneuolentia quae omnes studet beneficiis amplecti, deuincere officiis, oppignerare gratia' (Goodwill is of the greatest assistance here, for it makes us eager to embrace everybody everywhere with acts of kindness, to capture their hearts by performing services for them, and to win their allegiance by showing them favour).[6] *Beneficia, officia, gratia* — these three words express the nature of the relationship that Ambrose envisages between superior and inferior, indeed between individuals in general. Social relationships rest thus on a moral foundation of benevolence. In the example of Rehoboam, where the relationship is (as we would call it) political in nature, justice is the key virtue.[7]

The vignette plays out against a background of assumptions about how individuals function in society. Firstly, they occupy *social roles*, like, in this case, that of ruler. A social role demands certain *virtues* and a *character* that its occupier should possess in order to be able to perform the role: he should either possess or acquire the virtues. If not, he fails the role.[8] An example of this is the theme of the 'true bishop' vs. the 'official' bishop in Late Antiquity. It was put in this way: there may be bishops who are not ordained, whilst

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4   Ambrose, *De officiis*, ed. and trans. by Davidson, II. 18. 94 (p. 321).
5   Ambrose, *De officiis*, ed. and trans. by Davidson, II. 19. 95 (p. 321).
6   Ambrose, *De officiis*, ed. and trans. by Davidson, II. 19. 95 (p. 321, adapted).
7   The preceding paragraphs use material from Van Nuffelen, '"A Wise Madness"'.
8   See also Gill, 'Peace of Mind and Being Yourself', pp. 4632–37.

some bishops who are ordained, are not bishops.[9] Not every person occupying the social position of bishop has the appropriate character, whilst some who do have the character, do not have the position. One of the reasons why it is difficult to live up to a role is that virtue is not the mechanical application of rules, but doing what is right in a given situation: depending on the context, being persuaded by the people or persuading them may be the right course of action. Hence, what a right action is, is a matter of interpretation and, possibly, disagreement.

As a social role is relational, it cannot exist without its counterpart, the side with which the relation is struck. Nor cannot it exist without the virtue on which the relationship rests. This is expressed in the Arabic *Letter of Aristotle to Alexander* when discussing royalty:

> Some of them [those criticizing the author's view on royalty] think that the condition of all people (*'annāsu kullahim*) should be one of equality and that there should be no prince and no subject among them. They do not know that this view abolishes prince and justice because there is no justice among the people except through the prince.[10]

If there is no hierarchical relationship between subject and ruler, there is no justice and no prince. Conversely, one cannot be a ruler without a people. As it was put by Optatus, one cannot be a bishop without a flock.[11] One finds a polemical distortion of the same idea in Eunapius's accusation that Constantine the Great transplanted an 'intoxicated mob' to Constantinople because he desired to be praised.[12] Whatever Eunapius's intentions, the accusation betrays an apparent necessity on Constantine's part to be faced with a people. The same idea can be reflected in language too. In Augustine's vocabulary, the *populus*, the general population, becomes the *plebs* once it enters a relationship with, in an ecclesiastical context, the bishop.[13] *Populus* and *plebs* are therefore not purely descriptive designations (even if we can identify some shared social features in the groups designated as such) but relational ones. As was noted a long time ago by G. Dagron, when the emperor

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9   E.g. Jerome, *Epistulae*, ed. by Hilberg, 14. 9 (pp. 57–59). See Rapp, *Holy Bishops in Late Antiquity*, pp. 62–63, for further references. See also Proclus, *In Platonis Rem publicam commentarii*, ed. by Kroll, p. 210, giving priority to the internal state in the case of office-holding.

10   *Letter of Aristotle to Alexander*, ed. and trans. by Swain, 7.7–8 (p. 192). The date of the original is unclear.

11   Optatus, *Adversus Donatistas*, ed. by Ziwsa, II. 4 (p. 39).

12   Eunapius, 'Lives of the Philosophers', trans. by Wright, 462 (p. 380). Compare Millar, *The Emperor in the Roman World*, pp. 374–75: 'Without an urban centre with its concentrated population, and without the traditional mass entertainments at which the emperor would appear to receive the applause of the people and to answer their demands and complaints, a significant element would have been lost from the role and image of a Roman emperor'.

13   Evers, *Church, Cities, and People*, p. 301. Such usage is not universal, however: Müller, 'Kurialen und Bischof, Bürger und Gemeinde', pp. 203–04.

is present in the hippodrome, the people of Constantinople become the Roman people.[14] In a similar way, the 'poor' are not an absolute category in Antiquity: as a category, they are created in a relationship of almsgiving.[15]

The fact that a group of individuals becomes the 'people' when it enters into a relationship with a superior is visible at moments when they actively seek a superior to establish a relationship with. During a rebellion in Africa in 536, Roman soldiers gathered in the hippodrome, the symbolic place where the relationship with the people was acted out in Constantinople, renounced the general Solomon, and elected a new one.[16] As little as a bishop can be bishop without a flock, the people can be people without a superior. In sum, the social role of leader conjures up that of people.

The virtue that shapes this relationship is that of justice, which is as essential to it as the two sides of the relation. Justice is not the grease to keep the relationship going; it is the cogwheel itself. Justice is the typical virtue of social relations: Augustine defined a state without justice as a robber's den.[17] The *Dialogue of Political Science*, a sixth-century philosophical treatise on the state, makes a similar point, emphasizing how one cannot become emperor without being appointed as such by the community and how one then should serve the people:

> Νόμιμον μὲν οἶμαι — ὦ Θωμάσιε — τὸ μηδένα πολιτῶν αὐτονομίᾳ χρώμενον, ἀκόντων τῶν ἄλλων ἢ καὶ ἀγνοούντων, ἢ βίᾳ ἐγχειροῦντα, <ἢ> ἀπάτῃ μηχανώμενον, ἢ πειθοῖ εὐηνίους ἐπαγόμενον ἢ φόβῳ προαναστέλλοντα οἰκειοῦσθαι τὴν ἀρχήν, ὃς δὴ τυράννου τρόπος καὶ οὐ πολιτικὸς ἂν εἴη νόμος, ἀλλ' ὑπὸ τῶν πολιτῶν προσαγομένην τε καὶ οἷον ἐπιτιθεμένην δέχεσθαι τὴν βασιλείαν, ἄχθος μέν οἱ αὐτῷ τὸ τοιόνδε κατ' αὐτὸ καὶ λειτουργίαν οὐκ ἀνεύθυνον παρά γε τῇ θείᾳ δίκῃ ἴσως δὲ καὶ ἐν ἀνθρώποις δεικνυμένην ἡγούμενον, σωτηρίας δὲ μᾶλλον ἕνεκα τῶν πολιτῶν ὅμως καταδεχόμενον, οὐχ αὑτῷ μᾶλλον ζήσοντα ἢ ἐκείνοις.
>
> > [By legitimacy, Thomas, I mean that the law should be that no citizen should exercise power of his own initiative, against the will or without the knowledge of others, grasp it by force or deceitful scheming, or by winning over the pliant with persuasion, or appropriate power

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14 Dagron, *Constantinople*, pp. 303–04. The activation of the social role also works in the other direction: the emperor is only truly emperor to the degree that in the interaction with the people he shows himself to be what one expects an emperor to be. When actual behaviour does not live up to what the constitutional position demands, the emperor becomes a tyrant.

15 Brown, *Poverty and Leadership in the Later Roman Empire*; Allen, Neil, and Mayer, *Preaching Poverty in Late Antiquity*; Finn, *Almsgiving in the Later Roman Empire*.

16 Procopius, *Wars*, trans. by Dewing, IV. 14. 30–35 (p. 236). Cf. Van Nuffelen, 'The Late Antique State and "Mirror Rituals"'. For further examples of such interaction between people and leader, see Van Nuffelen, '"A Wise Madness"'.

17 Augustine, *De civitate dei*, ed. by Dombart and Kalb, IV. 4 (p. 101). The idea is classical in origin: Cicero, *De officiis*, trans. by Miller, 2.41–42 (pp. 208–10).

by a pre-emptive use of fear — for this is the way of a tyrant, not of a community. Instead, he will accept the imperial authority offered to him by the citizens as if it were an imposition, thinking it to be in itself a personal burden and a public obligation for which he will not be unaccountable to God's judgement and perhaps that of men also. He will accept it more for the salvation of the citizens and will live less for himself than for them.][18]

Thus, in the model I have constructed on the basis of a variety of late antique sources, people and ruler are co-constituted in a relationship of justice. Each of the three elements (people, ruler, justice) are needed for the social role to exist and to function properly. As the discourse of tyranny, which we find in the *Dialogue of Political Science*, shows, there was an awareness that the relationship between people and ruler was not always one of justice, but this was understood to be a degenerated and, as the passage from Ambrose shows, unstable form of the relationship. Such negative counter-images have been well studied and are not, in my view, of great interest if understood in absolute terms, as if there is a checklist of actions that define a tyrant. For, indeed, as I pointed out above, one of the features of the model is that performing one's social role is situational, that is, doing the right thing is dependent on the context and on who makes up the other side of the relationship. Following Cicero, Ambrose gives the example of almsgiving: giving each beggar the same amount is less good than giving each his due, dependent on his circumstances and moral status.[19] The logic corollary is that every action is judged by recipients and bystanders on its appropriateness — generating, obviously, different judgements, as Ambrose knew well:

Solliciti enim debemus esse ne quid temere aut incuriose geramus aut quidquam omnino cuius probabilem non possimus rationem reddere. Actus enim nostri causa etsi non omnibus redditur, tamen ab omnibus examinatur.

[We must be careful to avoid doing anything rashly or carelessly, or anything at all for which we are unable to give a credible reason. We may not be called upon to give an account of our actions to everyone, but our actions are weighed by everyone all the same.][20]

Within the context of my topic, the problem of interpretation plays out on a different level too: Who are the people?

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18 *De scientia politica dialogus*, ed. by Mazzucchi, v. 47–48 (pp. 24–25). Translated by Bell, *Three Political Voices from the Age of Justinian*, pp. 155–56.

19 Cicero, *De officiis*, trans. by Miller, 2. 69 (p. 242); Ambrose, *De officiis*, ed. and trans. by Davidson, II. 69 (pp. 304–06).

20 Ambrose, *De officiis*, ed. and trans. by Davidson, I. 229 (p. 301).

Who Are the People?

Episcopal elections in Late Antiquity did not follow a procedure, if one understands by procedure a fixed sequence of actions that need to be performed in order to give legitimacy to their outcome.[21] Custom and canon law developed a number of minimum conditions, such as an ordination by three bishops, the rejection of elections during the lifetime of one's predecessor, and an election by the people, the nobility, and the clergy. Yet there are sufficient 'violations' of these 'rules' to show that they were only slowly becoming legal conditions.[22] For our purpose, it is important to note that it is nowhere defined who the people are and how they vote — indeed, as far as we know, they did not vote but expressed approval or disapproval. Episcopal elections are thus said to aim at consensus, which from the perspective of the model just outlined can be reformulated in this way: during the election, the people expressed its willingness to enter into a relationship of justice with the candidate-bishop — or refused to do so. This is what 'election by the people' amounted to in Late Antiquity.[23]

Disputed elections show that the people were not a fixed social entity that could be easily identified. I shall discuss one example. Silvanus was elected Bishop of Cirta in 306, but not without opposition.[24] In the acts of the court case against him in 320, when he was accused of having handed over sacred objects during the Diocletianic persecution, his opponents narrated how the people (*populus*) had demanded a certain Donatus, a citizen of the town, as bishop. The supporters of Silvanus, in turn, are said to have been *arenarii* (either gladiators or individuals working in the arena), prostitutes, and people from the countryside (*campenses*). If the term *populus* can be applied to Silvanus's followers too, the supporters of Donatus are called *cives* and *populus dei*.[25] One may be tempted to deduce from this a social profile of the two groups (original citizens and newcomers; higher vs lower class[26]), but the function of the social profiling is obvious. The followers of Silvanus are socially depreciated and marginalized, rendering their support for Silvanus suspect, whilst the supporters of Donatus are described as citizens and the 'people of God'. Given the obvious rhetoric of delegitimization towards the people that supported Silvanus (they are made not to be the true people of

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21 Luhmann, *Legitimation durch Verfahren*.

22 Norton, *Episcopal Elections*, pp. 20–30 and 50–80, with in the appendix canon regulations regarding popular participation; Van Nuffelen, 'The Rhetoric of Rules'.

23 Cf. Lepelley, *Les cités de l'Afrique romaine*, p. 179, noting the similarities between episcopal and municipal elections.

24 Evers, *Church, Cities, and People*, pp. 174–76; Magalhães de Oliveira, *Potestas Populi*, pp. 159–75; Shaw, *Sacred Violence*, p. 77.

25 Optatus, *Adversus Donatistas*, ed. by Ziwsa, 24a (p. 196). Magalhães de Oliveira, *Potestas Populi*, p. 171, argues that the appellation *cives* indicates the Christians in their capacity as electors of the bishop. This is right, but the followers of Donatus would surely claim to be *cives* too.

26 Magalhães de Oliveira, *Potestas Populi*, p. 174.

Cirta),[27] it may be wiser not to build too much on these social qualifications. Indeed, when the people are depicted as acting improperly in Late Antiquity, its low social profile tends to be highlighted,[28] or it is characterized as a mob.[29] Social labels in our sources are rarely, if ever, objective assessments.

Taking this episode as a paradigm, we notice several aspects of what the people are in Late Antiquity. First, although *populus* can be used in a descriptive sense, the notion often is normative. It designates not just the inhabitants of a town but the ones who stand in a relationship of justice to their leader. Hence, it is not primarily a numerical category:[30] stories of disputed episcopal elections do not always argue for numerical superiority of the people on the right side: the people are the ones who honestly and rightly choose the true leader, because they are themselves just. At any rate, Christianity has enough stories about a minority holding out.[31] Indeed, as expressed by Plotinus, in an assembly, individuals reach a collective higher truth.[32]

Secondly, the people of Late Antiquity are not primarily identified as a socio-economic group. Admittedly, the people are usually distinguished from the elite (the notables who also have a say in episcopal elections), and thus appear as a broadly negatively defined category: the ones who do not belong to the elite.[33] Yet the notion of a *plebs dei* could include the nobility of the city. When they turn up in the sources, socio-economic indications often have a particular rhetorical function to perform, as in the case of Silvanus to disqualify his support base.[34] By contrast, scholarship on 'the people' usually first sketches a socio-economic profile.[35]

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27   A similar case is discussed by Norton, *Episcopal Elections*, pp. 223–31: the conflict between Bassian and Stephen of Ephesus, treated during the Council of Chalcedon (451).

28   E.g. Libanius, 'Orationes', ed. and trans. by Norman, XLV. 22 (p. 180); John the Lydian, *De magistratibus*, ed. and trans. by Dubuisson and Schamp, III. 70. 8 (p. 134). The rhetorical ploy is obviously age-old in ancient class-conscious societies: Ober, *Mass and Elite in Democratic Athens*.

29   E.g. Victor of Vita, *Historia persecutionis*, ed. by Halm, III. 6 (p. 41). See further Perrin, *Civitas confusionis*, pp. 243–45.

30   Pfeilschifter, *Der Kaiser und Konstantinopel*, p. 397, notices that the Hippodrome in Constantinople has a capacity of only 30,000 and that many more people live in the city. Hence, he asks the question how representative those present in the hippodrome are for the people of Constantinople. This is, to my mind, not the most adequate question to raise, at least not on numerical grounds.

31   See the account of the election of Marcellus of Die (second half of the fifth century CE): Dolbeau, 'La vie en prose de Saint Marcel, évêque de Die'; Müller, 'Kurialen und Bischof, Bürger und Gemeinde', pp. 220–21.

32   Plotinus, *Enneades*, trans. by Armstrong, VI. 5(23). 10, 11–34 (pp. 349–52).

33   Note that there is ample evidence for the people to be highly interested and engaged in high-level theological discussion, now chronicled magisterially in Perrin, *Civitas confusionis*.

34   Pinianus, a rich man forced by the people of Hippo to become presbyter, identifies the people as *pauperes* to claim that their demand was motivated by self-interest (their hope to get alms) and not by a true desire for the well-being of the Church: Augustine, *Epistula*, ed. by Daur, 126.7 (pp. 189–90). We should be careful not to take this at face value.

35   E.g. Purcell, 'The Populace of Rome in Late Antiquity'; Evers, *Church, Cities, and People*; Magalhães de Oliveira, *Potestas Populi*; Pfeilschifter, *Der Kaiser und Konstantinopel*; Zuiderhoek, 'On the Political Sociology of the Imperial Greek City'.

Thirdly, as the model just outlined is a normative one, it obviously is aware of abuses. One such abuse would be the attempt to manipulate the people, during episcopal elections through bribes or the use of the claque when the people engaged rulers in the theatre or hippodrome.[36] Here the people is made to serve individual interests and thus violates the demands of justice. The other major abuse is when the relationship with the ruler is severed, as in the example of Ambrose. There are instances where this is judged positively, when the people defend justice,[37] but the negative label of 'mob' (*turba* vel sim.) is used, implying it acts without leadership and without heeding justice.[38] The possibility (and relative frequency) of manipulation of the people is linked to the implied non-elite status. Their understanding as deviations from proper behaviour by the people should warn us against taking mob behaviour or manipulation by the claque as the paradigmatic and dominant way in which the people expressed themselves in Late Antiquity.[39] In fact, their relative frequency in the sources is to be explained by their understanding of deviations from the model I have just sketched: they become visible in the sources because they are practices that are negatively connoted by the normative model I have set out.

The Public Eye Ensures Virtue

I have argued that the relationship between people and ruler is intrinsically ethical, that is, it is constituted by a relationship of justice. Unjust relations are qualified as tyranny or mob rule. If the people too are supposed to act virtuously, virtue is usually emphasized for the ruler, as the character Menas says in the sixth-century *Dialogue of Political Science*:

> εἴη δ' ἂν οὕτως ὡς μὲν ὁ καθ' ἡμᾶς λόγος ὁ ἐν αὐτοῖς προέχειν διαφαινόμενος τῇ τε ἄλλῃ ἀρετῇ καὶ τῇ τῶν πολιτικῶν γε μὴν πείρᾳ παντοίων πραγμάτων, εἰ δὲ καὶ τῇ τάξει καὶ χρόνῳ καὶ ἀξίᾳ τύχοι πρωτεύων, ἔτι χαριέστερον ἂν γένοιτο, πλὴν ἀλλ' ἀρετῇ γε δοτέον τὰ πρεσβεῖα.

> > [This man would be, so we have argued, he who stands out in terms of both political virtue and indeed of experience of all kinds of public affairs. If he also stood out in terms of rank, age and dignity, he would be still more acceptable — except that priority must be given to virtue.]

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36 Liebeschuetz, *Antioch*, pp. 212–16.

37 Van Nuffelen, '"A Wise Madness"'.

38 E.g. *Historia Augusta*, 'The Two Valeriani', trans. by Magie, v. 1 (p. 6); Augustine, *Epistulae*, ed. by Divjak, 22*.5 (p. 115).

39 For scholars emphasizing the claque and the mob-like action of the people, see, e.g., Norton, *Episcopal Elections*; Liebeschuetz, *Antioch*; Tinnefeld, *Die Frühbyzantinische Gesellschaft*; Mattheis, *Der Kampf ums Ritual*; Petit, *Libanius et la vie municipale à Antioche*, p. 227.

His interlocutor Thomas immediately adds:

> Καὶ μάλα εἰκότως, οὐ παροπτέον δὲ οἶμαι ἐπ' αὐτῷ — ὦ Μηνόδωρε — οὐδὲ
> ἐκεῖνο τὸ τῶν πολλῶν, ἐπεί γε καὶ πολλῶν τι κοινὸν πολιτεία, τῶν μὲν λόγῳ
> τε καὶ ἀρετῇ συζώντων, τῶν δὲ καὶ δόξῃ ἀγομένων καὶ πρὸς τὰς ἀποβάσεις
> τὰς κρίσεις φιλαιτίως ποιουμένων.

>> [And fittingly so. But I think, Menas, that one should not overlook
>> public opinion since the state is a community of many people. Some
>> of these live together virtuously and according to reason, while others
>> are led by opinion and make their judgements, with an eye to blame,
>> in accordance with how things turn out.][40]

From his elite perspective, Thomas expresses doubts about the generally
virtuous nature of the people. Nevertheless, he still accepts that public
opinion on a leader is one element that qualifies a leader. He highlights
public speeches about the welfare of the state as a means by which to judge
the quality of a leader.

Public scrutiny was something of an ideal in Late Antiquity. In the *Life* of
Alexander Severus, who comes closest to what the *Historia Augusta* thinks an
ideal emperor is, the public nature of the emperor's appointments is emphasized:

> Et quia de publicandis dispositionibus mentio contigit: ubi aliquos voluisset
> vel rectores provinciis dare vel praepositos facere vel procuratores, id est
> rationales, ordinare, nomina eorum proponebat hortans populum, ut si
> quis quid haberet criminis, probaret manifestis rebus, si non probasset,
> subiret poenam capitis; dicebatque grave esse, cum id Christiani et Iudaei
> facerent in praedicandis sacerdotibus, qui ordinandi sunt, non fieri in
> provinciarum rectoribus, quibus et fortunae hominum committerentur
> et capita.[41]

>> [Now since we happen to have made mention of his practice of
>> announcing his plans publicly — whenever Alexander desired to name
>> any man governor of a province, or make him an officer in the army,
>> or appoint him a procurator, that is to say, a revenue-officer, he always
>> announced his name publicly and charged the people, in case anyone
>> wished to bring an accusation against him, to prove it by irrefutable
>> evidence, declaring that anyone who failed to prove his charge should
>> suffer capital punishment. For, he used to say, it was unjust that, when
>> Christians and Jews observed this custom in announcing the names
>> of those who were to be ordained priests, it should not be similarly

40 *De scientia politica dialogus*, ed. by Mazzucchi, v. 40–41 (pp. 22–23). Translated by Bell, *Three Political Voices from the Age of Justinian*, p. 154.

41 *Historia Augusta*, 'Severus Alexander', ed. and trans. by Magie, xLv (p. 270). Cf. Thier, *Hierarchie und Autonomie*, pp. 82, 99; Perrin, *Civitas confusionis*, p. 187.

observed in the case of governors of provinces, to whose keeping were committed the fortunes and lives of men.]

The supposed inspiration drawn from Christianity is a figment of the author's mind, but it does point to a shared understanding of the moral expectations of a leader in late ancient society. The idea also finds its way into the occasional law, where the people are accorded the right to express a judgement on the moral standing of proposed candidates for a particular magistracy.[42] It is also the background to legislation demanding that reports of acclamations (which could be negative as well as positive) be brought to the attention of the emperor.[43]

As much as episcopal 'elections', civil 'elections' were moments when the relationship of justice was established with a new leader. The recurring emphasis on the moral check as the essential characteristic of popular involvement highlights the ethical nature of the relationship that we found in the more theoretical passages. Importantly, the dynamic we see is not shaped by institutions even if institutions relate to it. This has several consequences. First, late ancient legislation does not create the relationship between people and ruler but acknowledges its existence and recognizes its importance. For, as little as canon law, imperial law specifies who the people are, how they are to express their opinion, and what counts as an acceptable and unbiased view. It is possible to retract support if the superior does not live up to his role or even to give it later to someone who was initially appointed without a popular say. The role of the people is not formalized through the organization of assemblies with specific voting rights. As a consequence, the notion of people is socially open-ended. Not only was it, as we have seen, a category defined by contrast (the non-elite), but without formal assemblies and criteria for participation it would be very hard to exclude, for example, people punished with *infamia* from participating. Geographically, the notion is equally open-ended.[44] In an ordinary Roman town we can assume that people would have known who lived there, but for cities like Rome and Constantinople that was impossible.

Second, if the relationship thus appears 'informal' (if one takes the position of constitutional history), it does not mean it is not effective. Late ancient sources are full of accounts of the people getting things done.[45] At the same

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42 *CTh* 11.7.20 (412) (II, p. 590); cf. 12.5.1 (325) (II, p. 712). A particular case is the *defensor plebis*: *CTh* 12.1.75 (II, p. 681) with Ausbüttel, *Die Verwaltung der Städte und Provinzen*, pp. 37–38. Further references in Hecketsweiler, *La fonction du peuple dans l'empire romain*, pp. 149, 170, 189. This reminds one of procedures such as the *dokimasia* in Classical Athens, whereby suitability or fulfilment of certain criteria for particular positions was assessed. Such procedures are, however, much more formalized than what we witness for Late Antiquity.

43 *CTh* 1.16.6 (II, p. 56).

44 Evers, *Church, Cities, and People*, p. 263, notes that *plebs* is not (primarily) a territorial entity.

45 *Historia Augusta*, 'Maximus and Balbinus', ed. and trans. by Magie, III. 3–4 (pp. 452–54); Atticus of Constantinople in Cyril of Alexandria, *Epistula* 75, col. 352; Theodore Lector, *Historia ecclesiastica*, ed. by Hansen, epitome 485–86 (p. 138); Procopius, *Wars*, trans. by

time, the people never decided in the way they do in a vote in the *comitia*. Rather, the moral standing of an individual candidate gets scrutinized when there are objections from the people. As we have seen in the passages from Ambrose, the relationship between people and leader was dynamic, with top-down persuasion as important as bottom-up control. We have thus also cases whereby the people get swayed by the ruler. There are also cases of episcopal elections in which the people were neglected: a popular expression of will was, canon law notwithstanding, not a formal requirement. We should thus avoid understanding the relationship on the model of ancient and modern voting assemblies, which accord formal decision power — even if it was only exercised symbolically.[46]

Modern Stories

So far, I have aimed at analysing how the relationship between people and leader is understood and given meaning in late ancient discourse and suggested that the proposed interpretation finds support in the way episodes of interaction between people and leader are reported in the sources. By highlighting how the relationship is ethically grounded, my approach joins recent calls to avoid the common assumption that ethics is a second-order discourse that is grafted onto social relations.[47] Rather, ethics is constitutive of social relations and vice versa.[48] I shall not pursue this here, but rather focus on how my account relates to common narratives of 'popular politics' in the (later) Roman Empire. Indeed, whilst I have pursued a structural approach, teasing out how the relationship is given meaning, scholars usually set their understanding of Late Antiquity against a long history of political participation and representation.[49]

Dewing, VI. 27. 31 (p. 110); Pseudo-Zachariah, *Historia ecclesiastica*, ed. by Greatrex, trans. by Phenix and Horn, III. 11a (p. 126).

46 See, e.g., Jehne, *Demokratie in Rom?*; Mouritsen, *Politics in the Roman Republic*; Barnwell, 'Kings, Nobles, and Assemblies'.

47 An assumption explicitly articulated in approaches influenced by functionalism (Lendon, *Empire of Honour*, p. 10) and Bourdieuvian sociology (Flaig, *Ritualisierte Politik*; Flaig, *Den Kaiser herausfordern*).

48 See references in note 2. This implies that ethics is not just a set of moral rules decreed by a given instance to regulate human action. Rather, 'the ethical is constitutive of what it is to be a human being and what it means to lead a human life' (Gaita, *Good and Evil*, p. 135).

49 Note that 'representation' and 'participation' have a normative charge in modern scholarship, as they imply a judgement on how democracy should properly function: e.g. Van Deth, *What Is Political Participation?*, cover: 'Vibrant democracies are characterized by a continuous expansion of the available forms of participation'. Collective action theory is also tributary to this framework: it focuses on collective action against a perceived injustice (which is, at best, only part of the interaction between people and leader in Late Antiquity) and assumes that a lack of representation is one of its causes.

The traditional story is one of decline of popular participation in the Roman Empire.[50] The Roman *comitia* stopped gathering in the course of the first century CE, and in the cities oligarchies were installed causing the disappearance of assemblies, a process that is taken to be complete by the fourth century. As there is plentiful evidence of the people engaging in political activity during the later Roman Empire (from my perspective I would say: engaging with politicians), it was argued that popular participation became ritualized, which in older scholarship implies that it was emptied of its content and reduced to formal acts.[51] As such, ritualized popular involvement is a quasi-institution, by which I mean that it is depicted as plugging the gap left by the demise of institutions of representation. Alternatively, it is stated that power structures become informal,[52] a term that emphasizes the loss of institutional power. How informal structures, then, are maintained and survive is rarely explained. In addition, it was said that because the people had lost representation, they turned to violence.[53] Because the role of the people in the Roman Empire and later Antiquity is normally still studied under the aegis of a history of political representation, this traditional view still survives in much of the revisionist scholarship of the last years. Scholars working on the Roman Empire tend to push the 'end of the assembly' further towards Late(r) Antiquity, pointing to the evidence for assemblies into the fourth century and beyond.[54] This broadly constitutionalist approach yields, however, surprising results, for it allows to push further still the beginning of full-fledged monarchy and oligarchy without a role for the people. Indeed, as Laurent Hecketsweiler and Anthony Kaldellis have argued, the later Roman Empire and Byzantium still identify popular will as the basis of the state and show up considerable

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50   See the *status quaestionis* in Zuiderhoek, 'On the Political Sociology of the Imperial Greek City', p. 433; Hecketsweiler, *La fonction du peuple dans l'empire romain*, pp. 20–25.

51   Petit, *Libanius et la vie municipale à Antioche*, pp. 220–24; Chastagnol, *La préfecture urbaine*, p. 81: 'une institution presque légale'; Dagron, *L'hippodrome de Constantinople*, p. 182: 'un rituel qui cherchait à combler un vide historique'; Jacques, *Le privilège de liberté*, p. 400: 'une proclamation rituelle plus que d'une élection démocratique'; MacMullen, *Enemies of the Roman Order*, pp. 171–72.

52   Liebeschuetz, *The Decline and Fall of the Roman City*, pp. 121, 214. Cf. Lim, 'People as Power', p. 274, defining power as the ability to draw large crowds.

53   Declareuil, *Quelques problèmes d'histoire des institutions municipales*; Bollinger, *Theatralis licentia*, p. 70; MacMullen, 'The Historical Role of the Masses in Late Antiquity'; Hecketsweiler, *La fonction du peuple dans l'empire romain*, p. 266; Quass, *Die Honoratiorenschicht in den Städten des griechischen Ostens*, pp. 408–09; Meyer-Zwiffelhoffer, *Politikōs Archein*, p. 298; Pfeilschifter, *Der Kaiser und Konstantinopel*, p. 30.

54   Lepelley, *Les cités de l'Afrique romaine*, pp. 144–49; Lepelley, 'Permanences de la cité classique'; Ausbüttel, *Die Verwaltung der Städte und Provinzen*; Oppeneer, 'Assembly Politics and the Rhetoric of Honour'; Tacoma, *Roman Political Culture*. The basis for arguing for the continuation of assemblies needs to be re-assessed, however: neither the fact that the people gathered nor that there were 'elections' is proof for the continuation of voting assemblies. For other continuities in civic institutions, see Lewin, *Assemblee popolari*.

evidence for an effective role of the people.[55] A general idea still seems to be that there was much more violence in Late Antiquity, building on the idea that a society dominated by religion produces much more violence, besides the assumption noted above about the disenfranchisement of the people.

Understanding the phenomena discussed in this chapter from the perspective of a history of political representation has also led to their compartmentalization in scholarship: if similarities between 'episcopal elections' and 'local elections' have often been noticed, it is less often asked what this may mean, except for arguing that the former derives from the latter.[56] Episcopal elections tend to be studied separately from similar instances where the people appear, as we have seen in the *Life of Caesarius*, like riots and 'collective action', acclamations, mob justice, and municipal elections. As I have argued, they are in fact instances of the same social roles that come with being leader and being people.

In a quip, Brent Shaw defined episcopal elections as 'fits of democratic participation'.[57] From the perspective espoused here, they have little to do with participation as commonly understood: episcopal elections are not about giving the people a say in the running of the Church, but about allowing them to enter into a relation of care and justice with the new leader of the community. Nor do they have anything to do with democracy, for the idea of equality is absent and the people are just one of three or four voices in an episcopal election. Significantly, Shaw suggests that episcopal elections are *Fremdkörper* in a society veering towards monarchy, and indeed it has been said that the important role accorded to the people in a monarchy may seem a paradox.[58] From the perspective espoused in this chapter, the contrary is the case: the social role of a monarch conjures up a relationship of justice with the people, and a monarch without people is unthinkable, as much as a bishop without a flock. Indeed, episcopal elections are not 'fits', an unwanted and involuntary appearance in a late antique world hooked on monarchy. They are an expression of an essential feature of what in Late Antiquity a leader (monarch, bishop, governor, etc.) was supposed to be: someone who stood in a relation of justice to a people.

Although I could avoid relating my structural analysis to the narrative about institutional change in the Roman Empire, I want to offer two possible correlations. One would be to understand earlier institutional assemblies as

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55   Beck, *Senat und Volk von Konstantinopel*; Wetzler, *Rechtsstaat und Absolutismus*; Hecketsweiler, *La fonction du peuple dans l'empire romain*; Kaldellis, *The Byzantine Republic*. See also Pabst, *Comitia imperii*, p. 228, arguing that the army always stands for the people, which is unlikely; Janniard, 'Accession au pouvoir impérial et consensus des troupes au IVᵉ siècle après J.-C.'. See already Dagron, *L'hippodrome de Constantinople*, pp. 299–303, and Winkelmann, *Zur politischen Rolle der Bevölkerung Konstantinopels*, p. 106. Wickham, *Medieval Europe* takes assemblies as one form of continuity between Antiquity and the Middle Ages.

56   But see Neri, 'Concetto politico e concetto ecclesiale di *populus* nella tarda antichità'.

57   Shaw, *Sacred Violence*, p. 384.

58   Kaldellis, *The Byzantine Republic*, p. 80.

contexts within which the relationship as I have sketched it played out or even originated. The social attitude underpinning participation in assemblies would then survive their demise. In favour of this approach one can point to an understanding of Roman *comitia* as places for the expression and symbolization of consensus, for as we know *comitia* usually voted 'yes'.[59] An important difference, though, is that the *comitia* had the right of approval by a majority vote (organized in different ways). Later gatherings did not have voting procedures. The alternative would be to argue that the shift to an Empire under Augustus necessitated a configuration of the role of the monarch and created a more hierarchical society.[60] The demise of the assemblies and the development of the social role as I have sketched it would then be two results of a larger change. This last option picks up arguments put forward in scholarship on the history of assemblies.[61] I am not sure if we can decide between these alternatives or even that we should, but the former is closer to a traditional history of representation. A way to test these two narratives would be to study representations of interactions between people and superior over the course of time to see if they are conceptualized differently, something that cannot be attempted here.[62]

Conclusions

The aim of this chapter was to set out an alternative way of writing the history of 'popular politics' in Late Antiquity, different from the dominant constitutionalist and sociological approaches. I hope to have shown that it helps to understand how our sources describe the people and that it is, as such, a performative model.

In conclusion, I would like to emphasize the following three points. First, this chapter has focused on the people and thus may give the impression

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59 Jehne, *Demokratie in Rom?* See also MacMullen, *Enemies of the Roman Order*, pp. 171–72, understanding popular gatherings as a lingering habit.

60 There is a tendency in the Roman Empire to increasingly understand the world, and man in relation to the divine, in terms of hierarchy (Van Nuffelen, *Rethinking the Gods*), something that recurs in Christianity. This may be another thread of the story.

61 Zuiderhoek, 'On the Political Sociology of the Imperial Greek City', pp. 425–29; Heller, 'La cité grecque d'époque impériale'. Bleicken, *Prinzipat und Dominat*, p. 25, argued that the emperor filled the gap left by the demise of the *comitia*.

62 The very longue durée perspective might be that I know of very few political systems in the West, even autocratic ones like the later Roman Empire, that do not seek in some way or another approbation from its subjects. 'Representation' is just a facet of that larger history, one obviously privileged from our standpoint. My colleague Arjan Zuiderhoek suggests that some of the features ascribed here to late antique interactions between ruler and people could also be found in Archaic and Classical Greece (communication of 30 March 2019). A comparison between Late Antiquity and the earlier periods, including the Roman Empire, cannot be attempted here.

that the role of the leader (e.g. the monarch) needs only to be understood in relation to them. Yet, we find continuous anxiety in texts emanating from the municipal and imperial elite from Libanius to the *Dialogue of Political Science* that they be bypassed by the relationship people–governor/emperor.[63]

Equally, the people were only one factor in the episcopal elections. This renders the actual performance of the social role of (e.g.) a monarch even more complex, as the relationship emperor–people could be in tension with that of emperor–elite.

Second, I have not said much about civic identity, but the model presupposes an existing community which actualizes itself through the hierarchical relationship between people and leader. Because it is not formally defined who the people are, it is an open-ended notion, which sometimes may not have been identical with citizenship. This would tie in with the rise of personal relationships next to and sometimes over and against institutional ones in late antique society in general, visible, for example, in the organization of the military and in the following of 'holy men'. The rise of bishops to become the leaders of the cities would be another example.

Third, we should avoid reading the evidence in the light of what I have called the 'history of political representation'. With regard to the people, what the sources depict are gatherings of people, whom it may be wiser not to call 'assemblies' (even informal ones). Indeed, in doing so, one explicitly or implicitly assumes continuity between the formal assemblies of the past and the new gatherings, which, however, play a fundamentally different role from what we usually understand by 'assemblies' in an institutional sense. As said, we can write a history of continuity between the old assemblies and the late antique gatherings, but continuity should not be simply assumed or read into the sources.

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63   See above, notes 28 and 40.

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ELS ROSE

Reconfiguring Civic Identity and Civic Participation in a Christianizing World

The Case of Sixth-Century Arles

Rephrasing Collective Identities: A Late Antique Bishop Preaching

The transformation of the Western Empire into the heterogeneity of the successor kingdoms took a decisive turn in the sixth century. This process of changing and transforming polities went along with a reconceptualization of public identity in various yet closely intertwined aspects (political, social, religious, legal) of life. With the imperial acknowledgement of Christianity as legitimate religion in the course of the fourth century, the role and authority granted to ecclesiastical leaders, particularly bishops, in the Empire's administration at the local level had already augmented.[1] The subsequent growth of the Christian Church as an institution, manifest not exclusively but emphatically in the urban areas of the Empire, and the leading role of urban bishops invokes the question as to how these ecclesiastical officials influenced the processes of change and adaptation that developed in the civic realm once the Empire had come to an end in the West.

The focus of this chapter is on the role of Christianity in the rephrasing of civic identity through a specific rhetoric that approaches the Christian congregation as a new civic community. In literary and performative sources produced by

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Christian authors of the early post-Roman West, the use of terms referring to city, citizen, and belonging to a community of citizens is notable. Even when the legal implications of a distinction between those who held citizenship in the Roman world and those excluded from it gradually changed or even ceased to exist at all,[2] the Latin vocabulary expressing this distinction did not fall into disuse. To the contrary, it took a special place to define the character of the Christian community, the identity of its members, and their participation in urban life and religious cult. The generalization of citizenship to all free Romans after 212 created space for new legal and, especially, local interpretations of citizenship, as Cédric Brélaz points out in his contribution to the present volume. It also created space for new social and symbolic appropriations of the concept of citizenship, to delineate participation in privileges and duties that defined the boundaries of the civic community, which in the course of Late Antiquity came to overlap to an important extent with the Christian ecclesiastical congregation.[3] In the present essay I shall analyse this process through the case study of the metropolitan *civitas* Arles, where the episcopacy was held by Caesarius in the first half of the sixth century (502–542).[4]

As has been highlighted by a number of studies in the past few decades, the episcopal office from Constantine the Great onwards was a dual office, in which the bishop combined his pastoral duties with civic responsibilities.[5] The secular responsibilities of a late Roman bishop increased when the bishop became the central and often sole remaining civic official in metropolitan communities, and as such the main representative of the emperor in a local context.[6] In the case of Arles — an imperial residence since the early fourth century and capital of the province of Gaul from 395 to 476[7] — we see that the fifth-century cathedral was much closer to the civic centre of the ancient Roman city than its predecessor, built under Constantine, had been. The new episcopal centre was erected close to the forum which, probably until well into the 530s, remained the main public area of the city.[8] The late Roman bishop found his office filled with the civic responsibilities traditionally held by the Gallo-Roman aristocracy. For

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2 Ando, ed., *Citizenship and Empire in Europe*; Blanco-Pérez, '*Salvo iure gentium*'; Mathisen, '*Peregrini, Barbari*, and *Cives Romani*'; see also the introduction to the present volume.

3 On the legal and social impact of citizenship discourse to define the civic community as essentially Christian and orthodox, separating Christians not adhering to the Nicene Creed as well as Jews from it, see Flierman and Rose, 'Banished from the Company of the Good'.

4 On Caesarius of Arles, see Klingshirn, *Caesarius of Arles: The Making*; Heijmans, 'Césaire d'Arles'; as well as the thematic issue Grig, 'The World of Caesarius of Arles'; on Arles in Late Antiquity, see Guyon and Heijmans, eds, *L'antiquité tardive en Provence*.

5 See for a history of scholarship Rapp, *Holy Bishops in Late Antiquity*, pp. 9–13.

6 Rapp, *Holy Bishops in Late Antiquity*, p. 277; Van Engen, 'Christening the Romans', pp. 32–33; Delaplace, 'Pour une relecture de la *Vita Caesarii*', p. 314 (Caesarius as *defensor civitatis*).

7 Klingshirn, *Caesarius of Arles: Life*, pp. xii–xiii; Klingshirn, *Caesarius of Arles: The Making*, pp. 53–56.

8 Wickham, *Framing the Early Middle Ages*, pp. 666–67; Klingshirn, *Caesarius of Arles: The Making*, pp. 59–61.

Caesarius, these included the maintenance of the urban infrastructure, which he redesigned into 'a Christian landscape',[9] as well as the care of the urban populace, providing the poor with the necessities of their lives.[10] Caesarius is particularly well known for the specific responsibilities he took to ransom war captives, whom he rescued from enslavement with the help of money gathered by the Church through alms.[11] He is also known as the first bishop to give the Christian practice of charity in the form of (voluntary) almsgiving the more obligatory character of the ecclesiastical tithe.[12] As a metropolitan of the province, finally, Caesarius presided over a number of influential Church councils during the long decades of his office, to start with the Council of Agde in 506.[13] The earliest sixth-century councils, taking place under the Visigothic rule of Provence, are the context in which we must also consider the bishop's role in the digest of earlier imperial legislation in the form of the *Breviarium* of Alaric II.[14]

If we look for traces of a prolonged and at the same time transformative use of vocabulary expressing and re-creating a discourse of citizenship and belonging to the civic community, one specific type of sources to look for are the sermons in which we encounter urban bishops in conversation with their congregation (though indirectly: mediated through the written account of the spoken word, in its turn transmitted in various stages of handwritten transmission).[15] Preaching was one of the central tasks of a late antique bishop, and a great number of Latin sermons from Late Antiquity have survived.[16] One of the most prolific urban preachers of the early post-Roman West was Caesarius.[17] The homiletic corpus of (or, rather, attributed to[18]) Caesarius

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9   Klingshirn, *Caesarius of Arles: The Making*, pp. 61–62.

10 Klingshirn, *Caesarius of Arles: Life*, p. xi; Klingshirn, 'Charity and Power'; Shuler, 'Caesarius of Arles', pp. 56f. More general studies on the role of a late antique bishop towards the poor include Brown, *Through the Eye of a Needle*; Brown, *The Ransom of the Soul*; Allen, Neil, and Mayer, *Preaching Poverty in Late Antiquity*; Van Nuffelen, this volume, p. 253 and n. 14.

11 Klingshirn, *Caesarius of Arles: The Making*, pp. 113–17.

12 Filippov, 'Legal Frameworks', pp. 76–78; Shuler, 'Caesarius of Arles'.

13 Klingshirn, *Caesarius of Arles: Life*, p. xv; Klingshirn, *Caesarius of Arles: The Making*, passim; Filippov, 'Legal Frameworks', p. 69; Delaplace, 'Pour une relecture de la *Vita Caesarii*'.

14 Delaplace, 'Pour une relecture de la *Vita Caesarii*', p. 316; see also Klingshirn, *Caesarius of Arles: The Making*, pp. 95–96; Filippov, 'Legal Frameworks', p. 68.

15 On this central problem in late antique and medieval sermon studies, see Kienzle, 'Medieval Sermons and their Performance'.

16 'Early Latin preaching is vast': Ployd, 'Attending to the Word', p. 479; De Maeyer and Partoens, 'Preaching in Sixth-Century Arles', p. 200; Klingshirn, *Caesarius of Arles: The Making*, pp. 146–47.

17 The edition used throughout this chapter is Morin, CCSL, 103–04. Morin's collection counts more than 240 sermons attributed to Caesarius. On the history and problematic character of Morin's attributions and on Morin as the compiler of the 'collection', which as such does not exist in the manuscript transmission, see De Maeyer and Partoens, 'Preaching in Sixth-Century Arles', pp. 206–08.

18 Caesarius frequently borrowed from and reused existing sermons extensively, for which reason Morin presented a division in three classes: sermons that are largely Caesarius's own composition, sermons with extensive quotations and borrowings, and sermons that

is studied by previous scholars as a relevant source granting insight into the formation of the urban Christian community of Arles.[19] Caesarius's sermons also enable us to trace the use and development of civic discourse in the process of Christianization in the context of this specific early post-Roman urban area.

From Caesarius's point of view, preaching was the best way to perform his religious authority. We find in this bishop an active promotor of the pastoral sermon, particularly in his admonition of fellow bishops to take their responsibility as preachers seriously.[20] In his sermons, Caesarius aimed at including the entire community of the people entrusted to his pastoral care and to communicate the Christian message to the entire, heterogeneous community of Christians in the city and wider diocese of Arles.[21] This is shown not only by the register of Latin he chose, but also by explicit reflections on the need to include the rural and the least literate audiences in the community of attendants.[22] The rhetoric of his sermons, however, is also interspersed with civic concerns and concepts. We may assume that when addressing his congregation and reminding them of their dual citizenship, both to the *patria* of their *civitas* on earth and to their heavenly fatherland, Caesarius chose a register which his audiences were able to recognize because it reflected the way they identified themselves as members of a civic community.[23] Rather than reflecting an ethereal timeless reality that exists entirely outside the civic

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are the result of rewriting existing sermons; see De Maeyer and Partoens, 'Preaching in Sixth-Century Arles', pp. 214–15; Klingshirn, *Caesarius of Arles: The Making*, p. 148; Ferreiro, '"Frequenter Legere"', pp. 249–50.

19 Klingshirn, *Caesarius of Arles: The Making*; see also Moore, *A Sacred Kingdom*, p. 95; see further below, '"Messages from the Homeland": *Patria*'.

20 De Maeyer and Partoens, 'Preaching in Sixth-Century Arles', pp. 201–03, referring to Caesarius, *Sermones*, ed. by Morin, 1 (pp. 1–17); on the pastoral aspects of Caesarius's episcopacy, see Klingshirn, *Caesarius of Arles: Life*, pp. xiii–xv.

21 De Maeyer and Partoens, 'Preaching in Sixth-Century Arles', p. 197.

22 Klingshirn, *Caesarius of Arles: The Making*, pp. 148–49, referring to Caesarius, *Sermones*, ed. by Morin, 86 (pp. 353–57); see also Caesarius, *Sermones*, ed. by Morin, 1.12–13 (pp. 8–10), where Caesarius admonishes his clergy to choose a simple register (*simplex et pedestri sermone admonitio*, 'a straightforward exhortation in simple language', c. 13, p. 10) in order to reach all; this is repeated at the end of the sermon: *Unde magis simplici et pedestri sermone, quem totus populus capere possit, debent dominici mei sacerdotes populis praedicare* ('Hence the priests should preach to the people rather in straightforward and simple language, so that the entire people can understand it'), ed. by Morin, 1.20 (p. 16). The *Vita Caesarii* reports the importance Caesarius attached to preaching and his concern that 'no one is excluded': *Vita Caesarii*, ed. by Krusch, I. 18 (p. 463): *vide ne* […] *alius forsitan secludatur*; trans. by Klingshirn, p. 18. See also Salvatore, *Sermo humilis – sermo mysticus*; Brunner, 'Publikumskonstruktionen', esp. pp. 103–06.

23 Conform the method chosen and explained by Filippov, 'Legal Frameworks', p. 68, with reference to his model Salvatore, 'Uso delle similitudini e pedagogia pastorale'; see also Nathan Ristuccia's work on the sermons of Petrus Chrysologus held a century earlier in the imperial residence Ravenna, interspersed with vocabulary at home in 'the language of Roman law, using images that would parallel the ordinary life experiences of his congregation'. Ristuccia, 'Law and Legal Documents', p. 125.

space, Caesarius's sermons give us insight into the congregation's understanding of their identity being reconfigured as essentially Christian, a process still and unabatedly addressing them as citizens of Arles and, therefore, affecting their civic life.[24]

In the following, the first two sections will deal with the question to what extent Caesarius explicitly addressed his audience in terms of civic identity. To answer this question, I shall analyse Caesarius's use of *civis* and *civitas* in the second section, turning to *patria* as their most frequent co-occurrence in the third section. Caesarius's sermons also provide ample evidence of the bishop's effort to make his audience active participants in the community that he tried to model and shape in the four decades of his episcopate. The second question this chapter tries to answer relates, therefore, to the ways in which Caesarius programmatically forged this participation, both in the religious cult and in a Christian way of life, along the lines of civic discourse. The fourth section will analyse the most frequent co-occurrence of *patria*, which is *via*, interpreted also as *vita*. Caesarius refers with both lexemes to the way of life presented as characteristic of the Christian community-in-the-making. Whether we can consider the invitation to take part in this way of life as a civic participation will be discussed, finally, in the fifth section.

Civic Vocabulary in Caesarius's Sermons: *Civis* and *Civitas*

The first key-terms in Latin civic vocabulary to be addressed are *civis* and *civitas*.[25] The *civis* introduced by Caesarius (with ten occurrences relatively rare in Caesarius's homiletic corpus as represented by Morin's collection) seems, at first glance, to be linked to an exclusively spiritual *civitas*, as the following quotation from *sermo* 151.2[26] exemplifies:

> Duae sunt civitates, fratres carissimi: una est civitas mundi, alia est civitas paradisi. In civitate mundi bonus christianus semper peregrinatur; in civitate paradisi civis esse cognoscitur. […] Peregrini esse debemus in hoc saeculo, ut cives esse mereamur in caelo. Qui amat mundum, et civis esse vult in mundo, partem non habet in caelo; in hoc enim probamus, quod peregrini sumus, si patriam desideramus. Nemo se circumveniat, fratres dilectissimi, christianorum patria in caelo est, non est hic: christianorum civitas, christianorum beatitudo, christianorum vera et aeterna felicitas non est hic. Qui felicitatem quaerit in mundo, non illam habebit in caelo.[27]

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24 See also Brunner, 'Publikumskonstruktionen', pp. 121–22.

25 Caesarius, *Sermones* 7.2, 38.3, 151.2, 151.6, 186.2, 215.4.

26 Classified by Morin among the exegetical, New Testament sermons.

27 Caesarius, *Sermones*, ed. by Morin, 151.2 (p. 618), with an implicit reference to Philippians 3. 20: *Nostra autem conversatio in caelis est.* See further below, '"Messages from the Homeland": *Patria*'.

[Two *civitates* exist, most beloved brethren: the *civitas* of this world and the *civitas* of paradise. In the *civitas* of the world the good Christian is always a stranger; in the *civitas* of paradise he is recognized as a citizen.[28] […] We must be strangers to this world in order to be worthy to be citizens in heaven. Whoever loves the world and wants to be a citizen in the world has no part in heaven; in this we prove that we are strangers if we long for the homeland. Let no-one deceive himself, my dearest brothers: the homeland[29] of Christians is in heaven, it is not here: the *civitas* of Christians, the bliss of Christians, the true and eternal happiness of Christians is not here. Whoever seeks happiness in the world, shall not have it in heaven.]

The true nature of the Christian inhabitant of Arles as depicted here is that of a stranger living in a foreign country. The destiny of the 'good Christian' (*bonus christianus*) is to fulfil this way of living and to become a citizen (*civis*) in heaven, to obtain the heavenly *civitas*. *Civitas* in this passage seems to denote both the city and the more abstract citizenship — particularly in the final sentence where it is used together with the abstract concepts *beatitudo* and *felicitas*. Love for the world hinders belonging to the heavenly *civitas*. The heavenly citizenship is described more concretely as belonging to the heavenly Jerusalem, where the *fratres dilectissimi* are called to co-citizenship with the angels, saints, and martyrs.[30] This reference links sermon 151 to sermons 215.4[31] and 7.2,[32] where Caesarius uses the same list of heavenly co-citizens.

This emphasis on belonging to the heavenly Jerusalem presents Caesarius's understanding of citizenship at first glance as an exclusive and essentially

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28 See also Augustine, *Sermones ad populum*, ed. by Lambot, 111 (p. 116): *Ipse est christianus, qui et in domo sua et in patria sua peregrinum se esse cognoscit* ('For he is a Christian, who identifies himself as a stranger also in his own house and fatherland').

29 On the various possible translations of *patria*, see Isayev, *Migration, Mobility and Place*, p. 401.

30 Caesarius, *Sermones*, ed. by Morin, 151.6 (p. 620): *Sic ergo cum dei adiutorio laborare conemur, fratres dilectissimi, et peccata repudiantes bonis nos operibus exornemus, ut nos rex noster Christus, cives nostri angeli, parentes nostri patriarchae, prophetae, apostoli, martyres, confessores et virgines, qui nos iam in civitatem nostram Hierusalem illam caelestem feliciter praecesserunt, cum gaudio et exultatione suscipiant* ('Let us therefore, most beloved brothers, try to work with God's help and to adorn ourselves, rejecting sin, with good works in such a way that our king Christ, our fellow citizens the angels, our parents the patriarchs, prophets, apostles, martyrs, confessors, and virgins, who have already joyfully preceded us into our city that heavenly Jerusalem, receive us with gladness and exultation').

31 Among the *Sermones de sanctis* this sermon is entitled *De natale sancti Felicis* but preached, according to Clare Stancliffe, at the occasion of the feast-day of Honoratus, Caesarius's distant predecessor as Bishop of Arles: Stancliffe, 'The Thirteen Sermons Attributed to Columbanus', pp. 115–16; see also Mueller's note in the same vein: Caesarius of Arles, *Sermones*, trans. by Mueller, p. 113 n. 1. Stancliffe follows Morin's attribution to Caesarius rather than Engelbrecht's attribution to Faustus of Riez (Stancliffe, 'The Thirteen Sermons Attributed to Columbanus', pp. 112–13).

32 An admonition to the people to spend time in spiritual reading. More on this sermon and its context below in 'Participation'.

religious concept, located in heaven. A closer look at the semantic field in which *civis* and *civitas* operate presents the noun *patria* as the most important key to a further and more multi-layered interpretation of Caesarius's understanding of *civis*.[33] It is, therefore, essential to consider the ways in which he deploys *patria*, as will be done in the following section.

'Messages from the Homeland': *Patria*

A quantitative approach counting the co-occurrences of *civis* and *civitas* in Caesarius's sermons presents *patria* as one of the most important conceptualizations of the enjoyment and performance of citizenship and civic belonging. The word itself occurs eighty-eight times in thirty-five sermons — a comparatively frequent use of this specific term related to other citizenship terminology in the work of Caesarius.[34]

More interesting than the relevance of frequency is the question as to which sources Caesarius relied on in his use of *patria*.[35] The Latin Vulgate gives a limited number of twenty-five occurrences.[36] Nine of these occur in the Book of Maccabees,[37] and four of them concern the same verse that occurs in all four Gospels.[38] In ancient citizenship discourse, *patria* is a central (though never univocal) concept,[39] particularly in the discussion about the relation between political (imperial) and local attachment, two forms of loyalty that are often closely intertwined.[40] Famous is Cicero's perception of *duae patriae*, distinguishing between *patria naturae* as the place of one's origin, and *patria civitatis* (also *patria communis*), the latter deserving the

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33 For a definition of the concept 'semantic field', see Peels, *Hosios*, p. 14, n. 76.

34 The counting is based on the Brepolis Cross Database Searchtool.

35 On the limits of frequency 'as a measure for prototypicality' in a dead language, see Peels, *Hosios*, p. 21.

36 Different versions of the *Vetus Latina* would yield different numbers. One of the biblical loci of *patria* quoted many times by Augustine is Psalm 21. 28, in the Vulgate translated as *Reminiscentur et convertentur ad Dominum universi fines terrae; et adorabunt in conspectu eius universae familiae gentium*, while the Itala version of the *Vetus Latina* translates *et adorabunt in conspectu eius universae patriae gentium*: Brepolis Vetus Latina Database.

37 Six occurrences in the Old Testament; one in Ecclesiasticus/Iesus Sirach; nine in the New Testament; nine in the Book of Maccabees. See for a further discussion Eichenberger, *Patria*, pp. 34–35.

38 *Non est propheta sine honore, nisi in patria sua*, Matthew 13. 57; cf. Mark 6. 4; Luke 4. 24; John 4. 44.

39 Eichenberger, *Patria*, p. 35.

40 As argued by Isayev, *Migration, Mobility and Place*, p. 401: 'There was a reciprocal relationship between local and civic patriotism', with reference to the seminal study of Bonjour, 'Terre natale'; see also Eichenberger, *Patria*, pp. 25–36. The validity of the long-held assumption that local political belonging and participation was largely swamped by Roman imperial political patriotism is contested in various publications by Cédric Brélaz: Brélaz, 'Democracy and Civic Participation'; Brélaz, 'Competing Citizenships'.

citizen's strongest loyalty and affection.[41] Augustine's conceptualization of *patria* is likewise dualist, sketching a dichotomy between *patria sua* and the *patria* that is the true destiny of the Christian *peregrinus*. Augustine holds the *patria* of destination in higher esteem than the *patria* of origin:[42] in the latter citizenship is employed (*utendum*), whereas only in the former it is truly enjoyed (*fruendum*).[43]

Caesarius owed much to the Augustinian perception of *patria*.[44] In his understanding of the heavenly homeland, however, the present world, and life therein, is never absent. Caesarius makes an explicit distinction between, on the one hand, the common understanding of *patria* as the place of origin, which for many citizens of Arles would traditionally also have been their political attachment,[45] and, on the other, the essential homeland to which the Christian longs to return. This becomes clear from the lexical network in which *patria* occurs, first and foremost the modifiers added to *patria*.[46] The most frequent noun modifier is *paradisus*, combined ten times with *patria* either in the phrase *patria paradisi*,[47] or as *patria nostra paradisus est*.[48] Adjective modifiers include *aeterna*,[49] *caelestis*,[50] and, most frequently, *principalis*.[51] The expression *patria principalis* is rare among Caesarius's contemporaries, but Caesarius uses it in a number of instances. The addition of *caelestis* or *aeterna* likewise indicates that use of the lexeme *patria* alone does not guarantee an

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41 Cicero, *De legibus* 2.5, ed. and trans. by Keyes, pp. 374–76; see also Thomas, *'Origine' et 'commune patrie'*.

42 Augustine also uses the notion *patria communis*, to which the Christian desires to return: *ut ad illam patriam communem aliquando redeamus*: *Enarrationes in Psalmos*, ed. by Dekkers and Fraipont, 62.6 (II, p. 797).

43 Augustine, *De doctrina christiana*, ed. by Martin, I. 4 (p. 8): *Quomodo ergo, si essemus peregrini, qui beate uiuere nisi in patria non possemus, eaque peregrinatione utique miseri et miseriam finire cupientes in patriam redire uellemus, opus esset uel terrestribus uel marinis uehiculis, quibus utendum esset ut ad patriam, qua fruendum erat, peruenire ualeremus* ('Therefore, if we were strangers, unable to live happily outside the fatherland, and if we, indeed miserable because of this same foreignhood and wishing to end that misery, wanted to return to our fatherland, we should strengthen ourselves to be able to travel with terrestrial or marine vehicles, which we use to travel home in order to enjoy that place'); see also Eichenberger, *Patria*, p. 32.

44 He was indebted to the North-African bishop in many respects, not only in the many sermons he borrowed for reworking (De Maeyer and Partoens, 'Preaching in Sixth-Century Arles', pp. 214–15; Klingshirn, *Caesarius of Arles: The Making*, p. 150), but also generally in his approach to Christian (community) life and the bishop's role in its formation: Klingshirn, *Caesarius of Arles: The Making*, p. 89.

45 Eichenberger, *Patria*, p. 30: '*patria* als 'Bürgerort des Römers, jene *civitas* also, an die er durch das Bürgerrecht gebunden war'.

46 Eichenberger, *Patria*, p. 32 discusses the same regarding Augustine's use of *patria*.

47 E.g. Caesarius, *Sermones*, ed. by Morin, 78.3 (p. 324).

48 E.g. Caesarius, *Sermones*, ed. by Morin, 151.2 (p. 618).

49 E.g. Caesarius, *Sermones*, ed. by Morin, 7.2 (p. 38).

50 E.g. Caesarius, *Sermones*, ed. by Morin, 151.2 (p. 618).

51 Again Caesarius, *Sermones*, ed. by Morin, 7.2; also 42.1, 58.5, 78.3–4, 171.1 (pp. 185, 258, 324–25, 700).

association among his audience with the *eternal* homeland. It must be modified explicitly — and Caesarius is careful in doing so.

If we further survey the nouns that appear in the semantic field of *patria*, one stands out in terms of frequency: the noun *via*, co-occurring in the same sentence with *patria* in twenty-eight different chapters. In the immediately foregoing and following sentences, *via* is the next-to-most-frequent co-occurring noun (in twelve sections), only preceded by *vita* (co-occurring with *patria* in thirteen sections). The semantic relevance of *via* in relation to *patria*, suggested by these numbers, asks for a further examination of how Caesarius stimulated or even 'entrenched'[52] among his audience the association of 'homeland' with the road leading to it, and how he 'Christianized' the classical model of *patria-via*.

The combination of *via* and *patria* in Caesarius's sermons is commented upon by Clare Stancliffe in her discussion of *sermo* 215, where she singles out the theme of life on earth as 'but a roadway (*uia*) to our true *patria* which is above'.[53] It is true that Caesarius presents *patria* and *via* in a hierarchical relation in *sermo* 215. The sermon celebrates Honoratus of Lérins († 429) as 'a martyr without having fulfilled the suffering of martyrdom'.[54] Caesarius admonishes his audience to use earthly life, in a mimetic imitation of Honoratus, as a laboratory to work in, in order to gain the fruits of this labour in the life hereafter: '*Non quaeras in via, quod tibi servatur in patria*' (Do not try to find on your way what may be presented to you once you will have reached home).[55] The call to imitation is followed by the list of heavenly co-citizens, also occurring in sermons 7 and 151 already discussed.[56] The locus where this co-citizenship is enjoyed is conceptualized by Caesarius as the *principalis patria*, the principal homeland.[57] The idea of a principal homeland, next to which the Christian's dwelling *in hoc mundo* is of secondary importance, is confirmed in the sermon's final section:

> Nos vero, fratres carissimi, quantum possumus dei misericordiam deprecemur, ut nobis ita amorem vitae aeternae inspirare dignetur, ut plus patriam velimus amare quam viam.[58]

> > [Let us pray, most beloved brethren, as much as we can for God's mercy, so that he deigns to inflame us to such love of eternal life that we will love the homeland more than the road to it.]

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52   The image is used by Evens and Green, *Cognitive Linguistics*, pp. 16–17.

53   Stancliffe, 'The Thirteen Sermons Attributed to Columbanus', pp. 116 and 115 respectively.

54   Caesarius, *Sermones*, ed. by Morin, 215.1 (p. 856): *indubitanter credimus eum inplesse etiam non inpleta passione martyrium*. On the notion of bloodless martyrdom, see Markus, *The End of Ancient Christianity*, pp. 70–71; Rose, *The Gothic Missal*, p. 128.

55   Caesarius, *Sermones*, ed. by Morin, 215.3 (p. 857).

56   See 'Civic Vocabulary in Caesarius's Sermons: *Civis* and *Civitas*' above.

57   Caesarius, *Sermones*, ed. by Morin, 215.4 (p. 857).

58   Caesarius, *Sermones*, ed. by Morin, 215.5 (p. 858).

The contrast with other potential places of belonging from which *via* must lead the Christian away is expressed by (*hic*) *mundus*, *exilium*, or *lacrimarum vallis*, used as the main antonyms of *patria* in *sermo* 7.2:

> Quando enim peccavit Adam, tunc in ipso velut in exilium huius mundi proiecti sumus: sed quia rex noster plus quam cogitari vel dici potest pius et misericors est, scripturas divinas velut invitatorias ad nos per patriarchas et prophetas dignatus est mittere, quibus nos ad aeternam et principalem patriam invitaret.[59]
>
> > [For when Adam sinned, we were in him as it were driven out into the exile of this world, but because our king is loving and merciful more than can be thought or expressed, he deigned to send us the divine Scriptures by way of invitation to us through the patriarchs and prophets, with which he invited us to the eternal and principal homeland.]

The way from exile into *patria* is not without labour, as Caesarius expresses repeatedly. In *sermo* 150, likewise mentioning Adam's expulsion from paradise into a state of *labor* (Genesis 3. 17[60]), the labour of the way (*laborem* […] *in via*) is contrasted with the promised reward: *patria*.[61] An additional example is found in *sermo* 231.6, where Caesarius stresses that the laborious road (*in via* […] *laborare*) will only take a short time, while the eternal joy *in patria* will last.[62]

The co-occurrence of *patria-via* in its turn forms semantic networks with other nouns. Most frequent among them is *vita*, co-occurring with *patria* and *via* within the same sentence in nine sermon sections. This threefold semantic network uncovers the ambiguity of the Christian's *peregrinatio*, sojourning as a stranger in this terrestrial life. A first, negative approach to *via-vita*, in which the latter is understood as 'this perfunctory life', is found in *sermo* 186, an *exhortatio ad populum* through an exegesis of 1 John 5.1: 'Everyone who believes that Jesus is the Christ has been born of God' (NRSV). Caesarius

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59 Caesarius, *Sermones*, ed. by Morin, 7.2 (p. 38).

60 *in laboribus comedes eam cunctis diebus vitae tuae.*

61 Caesarius, *Sermones*, ed. by Morin, 150.3 (p. 615). The notion of *labor* on the way to *patria* is also found frequently in Augustine, e.g. *Enarrationes in Psalmos*, ed. by Dekkers and Fraipont, 102.17 (III, p. 1468): *oportet in uia laborare, ut in patria gaudeamus* ('we must work on our way in order to rejoice in the fatherland'); Augustine, *In Iohannis evangelium tractatus*, ed. by Willems, 124.5 (p. 685): *duas vitas* […] *praedicatas* […] *novit ecclesia: una in labore, altera in requie, una in via, altera in patria* ('the Church knows […] two lives […] preached to her: one in labour, the other in rest, one underway, the other in the fatherland').

62 Caesarius, *Sermones*, ed. by Morin, 231.6 (p. 918): *melius est nobis in via brevi tempore laborare, ut postea in patria possimus ad aeternum gaudium feliciter pervenire* ('it is better for us to labour for a short time on our way, so that we will afterwards be able to come to the fatherland and to eternal joy'). This sermon is, according to Morin's introduction, a reworked sermon first authored by Augustine.

describes his audience as 'foreigners and strangers in this world', for whom life is merely the way to *patria*.[63] Just as in *sermo* 215, Caesarius urges his flock not to love the road but to focus on the goal: *patria*.[64] The road is here purely instrumental (*currendo per viam*). Yet it is not neutral: the road to *patria* is a dangerous obstacle. Love for the road, found among lovers of *luxuria* and hindering the arrival *ad patriam*, equals love for this terrestrial life.[65] The danger of fulfilment sought for in this life will take away the longing for eternal life.[66]

At the same time, and here lies the ambiguous tension, a *peregrinus* without *via* is no less lost, as is expressed in *sermo* 190.3 for Christmas.[67] Here, the road to *patria* is understood as the incarnate Christ himself, who is *via, veritas et vita* (John 14. 6[68]):

> Venit ergo, carissimi, ad errantes via […] Quare? Quia sine via redire ad patriam non poterat peregrinus […]. Habemus ergo in via reditum […]. Descendit ad nos via, per quam possumus ascendere.[69]
>
> > [For, my most beloved, the road has come to those who err […] Why? Because without a road a traveller cannot come home […]. Therefore, we have in our road a way back home […]. The road descended to us, through which we may ascend.]

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63 Caesarius, *Sermones*, ed. by Morin, 186.3 (p. 759): *Nos vero, fratres carissimi, qui peregrini et advenae sumus in hoc saeculo, debemus intellegere adhuc nos in via esse, nondum in patria. Vita enim ista via est* ('We therefore, most beloved brothers, who are strangers and residents in this world, we must understand that we are still underway, not yet in the fatherland. For this life indeed is the road').

64 Caesarius, *Sermones*, ed. by Morin, 186.3 (p. 759): *Qui ergo sapiunt* […] *non amant viam; sed currendo per viam, desiderant patriam* ('Those who know […] the way do not love it, but by running over it they long for the fatherland').

65 Caesarius, *Sermones*, ed. by Morin, 186.3 (p. 759): *Amatores vero luxuriae* […] *via diligunt; et dum volunt in via gaudere, non merentur ad aeternam patriam pervenire* ('However those who love luxury […] love the way; and while they want to rejoice in the way, they do not deserve to reach the eternal fatherland').

66 Caesarius, *Sermones*, ed. by Morin, 186.3 (p. 759): *quando viam vitae huius ita perverso ordine et amore diligimus, ut pervenire ad patriam non desideremus* ('when we love the road of this life with such a distorted approach and with love, that we do not desire to arrive in the fatherland').

67 Caesarius, *Sermones*, ed. by Morin, 190.3 (p. 777): *quia sine via redire ad patriam non poterat peregrinus* ('for without a road the traveller cannot reach the fatherland'). Morin describes this sermon as 'largely copied from an unknown source', but he recognizes Caesarius particularly in the final chapters 3 and 4, under discussion here: Morin, p. 775. Mueller points to Dekker's attribution of the sermon to Sedatus of Nîmes (*c.* 500); Caesarius of Arles, *Sermones*, trans. by Mueller, III, p. 21, n. 1. On *peregrinus* as the pre-eminent antonym of *civis* in Roman and early medieval law, see Schipp, 'Römer und Barbaren'; Coşkun, 'Griechische polis und römisches Reich', pp. 102–03.

68 The pericope is quoted in sermons 97.1, 100.3, 100A.3, 149.3; see Caesarius, *Sermones*, ed. by Morin, p. 1005.

69 Caesarius, *Sermones*, ed. by Morin, 190.3 (p. 777).

In this Christmas setting the sacred character of the road to *patria*, depicted as Christ, comes to the fore. Likewise, in *sermo* 210.5 *via* and *patria* together present Christ's dual nature: the road his humanity, *patria* his divinity.[70] The latter sermon also presents the way out of this tension: the road will be safe when it is travelled in faith and while doing good works.[71] The same is expressed in *sermo* 171.1 (a homily on John 5. 2–9). For the sinners, rejected from the homeland of paradise, the road of justice is a way back home.[72] The narrow road even becomes *planam* if the traveller, instead of collecting treasures for himself underway (*sermo* 151.8), is willing to give alms to the poor (*sermo* 8.1).

In the last sermon to be discussed here, the Christian life to which Caesarius invites his audience to participate acquires a civic dimension. In the Epiphany sermon 194, Caesarius presents the magi, urged in a dream not to return via Jerusalem and a second visit to Herod but to take another way home, as a model for the faithful of Arles to change their life in order to arrive in their true homeland. The faithful are urged spiritually (*spiritaliter*) to change their route (*viam*), that is, their *conversationem*.[73] *Conversatio*, used here to explain *via* spiritually, basically means 'way of life'.[74] Relatively rare among classical authors,[75] it is appropriated by early Christian authors to indicate the Christian way of life tout court.[76] Yet in one of the most famous applications, namely in Paul's letters to the Ephesians (2. 12) and Philippians (3. 20), *conversatio* is used in direct relation to citizenship. In the Vulgate, it translates the Greek words πολιτεία (Ephesians 2. 12, addressing the 'commonwealth

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70 Caesarius, *Sermones*, ed. by Morin, 210.5 (p. 840). Similarly in Augustine, *In Iohannis evangelium tractatus*, ed. by Willems, 28.5 (p. 279): *patria est vita Christi, via est mors Christi; patria est mansio Christi, via est passio Christi* ('our fatherland is the life of Christ, our way is the death of Christ, our fatherland is the dwelling of Christ [in the flesh], our way is the passion of Christ'); Augustine, *Enarrationes in Psalmos*, ed. by Dekkers and Fraipont, 123.2 (III, p. 1826): *rex patriae nostrae dominus Iesus Christus, et ibi veritas, hic autem via* ('the king of our fatherland is the Lord Jesus Christ, and there is truth, here however is the way').

71 Caesarius, *Sermones*, ed. by Morin, 210.5 (p. 840): *Si fideliter curris, per ipsum vadis, et ad ipsum pervenis.* […] *deprecemus, ut nobis fidem rectam et intellectum sibi placitum ad exercenda opera bona concedat* ('If you run faithfully, you will run through him, and you will reach him. […] Let us pray, that he will grant us the right faith and the understanding that pleases him in order to fulfil the good works').

72 Caesarius, *Sermones*, ed. by Morin, 171.1 (p. 700).

73 Caesarius, *Sermones*, ed. by Morin, 194.3 (pp. 787–88): *Mutemus viam, si pervenire optamus ad patriam, utique ad patriam caelestem.* […] *Illud autem quod ait evangelista* [Matthew 2. 12], *magos admonitos esse in somnis, ne redirent ad Herodem, sed per aliam viam ad regionem propriam remearent, hoc etiam nobis spiritaliter praecipitur, ut per aliam viam, id est, per aliam conversationem revertamur ad patriam* ('We must change our way if we wish to arrive in the fatherland, indeed the heavenly fatherland. […] What the Evangelist tells us, namely that the magi were admonished in a dream not to return to Herod but to travel back home via another way, is for us a spiritual order, namely that we return via another way, that is, via another *conversatio* to our fatherland').

74 Just as the Greek verb as used in Philippians 1. 27.

75 Mohrmann, 'La langue de St Benoît', p. 341.

76 Hoppenbrouwers, 'Conversatio'.

of Israel', NRSV) and πολίτευμα (Philippians 3. 20: translated in the NRSV as 'our citizenship is in heaven').[77] The context of use, especially Ephesians 2. 19 where Paul addresses the Christians of Ephesus as 'no longer strangers and aliens, but (fellow) citizens with the saints' (NRSV, adapted),[78] makes it rather unlikely that *conversatio* was not used to transpose any (political) associations with citizenship.[79] Other early Christian Latin authors also use the word *conversatio* in the context of citizenship. Jerome uses it to translate the Greek πολιτείαν, with reference to the political structure of the *res publica*.[80] Elsewhere, Jerome uses the word to refer to the just (*iusti*), who are strangers (*advena*) and foreigners (*peregrinus*) on earth and have their *conversatio*, their true citizenship, in heaven.[81] Jerome uses *conversatio* also to refer to the way of life in urban communities (*civitates*).[82] The same choice of words is already found in Tertullian, who uses *municipatus* to translate πολίτευμα in Philippians 3. 20, thus presenting *municipatus* as a synonym for *conversatio*.[83]

Returning now to Caesarius, we may assume that he knew the biblical meaning of *conversatio* very well. Philippians 3. 20 is among the most frequently quoted biblical verses in his sermons.[84] With his use of the same word in the context of describing the way to the heavenly homeland, Caesarius suggests that the change of life (*mutemus vitam*) he urges his audience to accept also includes a change of civic identity. How this civic identity is confirmed by participation in the Christian way of life, and whether this is a civic participation, is discussed in the next session.

Participation

Despite Caesarius's exclusive focus on heaven as the place where the Christian finds home, happiness, and destiny, this heavenly homeland is not reached by escaping worldly life. Especially where *patria-via-vita* co-occur, Caesarius

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77 A better translation would perhaps be 'community', as suggested by Brélaz, *Philippes, colonie romaine d'Orient*, pp. 243–44, with bibliography that further contextualizes the original Greek passage.

78 *ergo iam non estis hospites et advenae sed estis cives sanctorum et domestici dei.*

79 As suggested by Hoppenbrouwers, 'Conversatio', p. 52.

80 Hieronymus, *Liber interpretationis hebraicorum nominum*, ed. by De Lagarde, p. 144: *Corinthum, conuersationem eorum, quam significantius graeci πολιτείαν uocant, hoc est administrationem rei publicae.*

81 Hieronymus, *Commentarii in Isaiam*, ed. by Adriaen, VIII. 26. 20–21 (p. 342): *Porro iusti, licet uidentur in terra, tamen conuersatio eorum in caelis est, qui possunt dicere: aduena ego sum in terra, et peregrinus sicut omnes patres mei.*

82 Hieronymus, *Commentarii in Isaiam*, ed. by Adriaen, VII. 17. 2 (p. 268).

83 Tertullian, *Adversus Marcionem*, ed. by Kroymann, III. 24. 3 and v. 20. 7 (pp. 542 and 725 respectively); Tertullian, *De corona*, ed. by Kroymann, XIII. 4 (p. 1061); Tertullian, *De resurrectione mortuorum*, ed. by Borleffs, XLVII. 15 (p. 986).

84 Caesarius, *Sermones*, ed. by Morin, p. 1009.

depicts the road to this homeland as a way of life in which the Christian is invited to participate. The road to paradise becomes concrete in specific actions. These are sometimes indicated in general terms as acts of *caritas* or good works, sometimes described concretely, particularly when it comes to giving alms. The question raised in this section is the extent to which participation in this way of life is framed as *civic* participation. To answer this question, I shall discuss three domains of participation in the following: charity, liturgy, and spiritual reading, guided by the question as to what extent these 'acts' are related to the terms *civis*, *civitas*, or *patria*.

Charity

There is a direct link between civic vocabulary and charity in Caesarius's sermons. This becomes clearer through an examination of the nuclei *caritas-civis* and *caritas-patria*.

caritas-civis

Among the occurrences of *civis* in Caesarius's homiletic corpus, one stands out in relation to charity, namely in *sermo* 186:

> Cum enim videris hominem caritatem habere, aeternum audium quaerere, invenisti civem, civem angelorum.[85]
>
>> [When you will perceive a person who has charity, one who seeks eternal joy, you will have found a citizen, a co-citizen of the angels.]

This passage modifies the spiritual understanding of the *civis* as conceptualized by Caesarius in the sources discussed in 'Civic Vocabulary in Caesarius's Sermons: *Civis* and *Civitas*'. The *civis* Caesarius has in mind is a person who performs charity. It is *caritas* which makes a Christian a true citizen (*civem*), granting citizenship in the heavenly Jerusalem and defining the co-citizen of the heavenly denizens. Caesarius stresses the public character of this performance of charity, and in this respect, he makes charity look like the ancient model of public gift-giving rather than the Christian model of charity done 'in secret' (Matthew 6. 1–6).[86] The fact that we find this citizen-profile in an 'exhortation to the people'[87] indicates how much Caesarius aims at bringing his entire congregation to the programme of Christian life. The remainder of this sermon concentrates on the link *patria-via* and indicates

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85   Caesarius, *Sermones*, ed. by Morin, 186.2 (p. 758).

86   On charity as a Christian duty for bishops and individuals, see Rapp, *Holy Bishops in Late Antiquity*, pp. 223–26; on the relation to euergetism, Brown, *Through the Eye of a Needle*, esp. pp. 83–88.

87   The title is found in BnF, MS lat. 2768A, where the sermon is part of a series of fifteen sermons copied on fols 110^r–145^v; Caesarius, *Sermones*, ed. by Morin, pp. li–lii and 757.

that the road to *patria* is travelled on two feet: the love for God and the love for one's neighbour.[88]

caritas-patria

Caritas is, then, an important road map to *patria*. In *sermo* 29, focusing on one of the 'two feet', namely love for one's neighbour, Caesarius even shortens the distance between *caritas* and *patria*: '*caritas, fratres,* […] *est* […] *errantibus via, peregrinantibus patria*' (Charity, my brethren, […] is […] a road for those who err, a homeland for foreigners').[89] What does *caritas* as love for one's neighbour entail in Caesarius's understanding? Following again the co-occurrence *patria-via*, references to Christian virtues further explain *via*. The way to go is made explicit in *sermo* 149.6, where several such virtues are listed: giving alms as well as performing humility and charity.[90] The performance of good works in various expressions is thus explicitly embedded in the civic vocabulary of *patria*, particularly when this is linked to *via*. Does this make the performance of charity a civic value? A similar question can be asked when dealing with the celebration of the Christian cult, or liturgy.

Liturgy

In Caesarius's perspective, access to the liturgical celebration of the Christian community is open to all. All Christians were expected to attend Mass on Sundays and feast-days, those not yet baptized at least until the beginning of the Eucharist.[91] Caesarius repeatedly urges the faithful to attend the sacred ritual of Mass, including participation in the offering of the gifts and the consecration of Christ's body and blood.[92] His admonition gains momentum when he tragically depicts himself as a lonely priest, reciting his parts of the Eucharistic prayer and the Pater Noster and finding no people (*populus*) left to respond.[93] Caesarius essentially envisages the celebration of Mass as a corporate ritual, in which all Christians, male and female, religious and lay, priests and faithful, participate.[94]

The two sermons in which exhortations to attend Mass are central (73 and 74) do not explicitly link church attendance to civic vocabulary. The celebration of the liturgy emphatically takes place *in ecclesia* (73.4–5; 74.4), that is, in

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88 Caesarius, *Sermones*, ed. by Morin, 186.3 (p. 759).

89 Caesarius, *Sermones*, ed. by Morin, 29.4 (p. 129).

90 Caesarius, *Sermones*, ed. by Morin, 149.6 (pp. 611–12).

91 Caesarius, *Sermones*, ed. by Morin, 73.1 (p. 306).

92 Caesarius, *Sermones*, ed. by Morin, 73.2 (p. 307). On the reception of the Eucharist by the faithful (both men and women), see Caesarius, *Sermones*, ed. by Morin, 78.2 (p. 324); see also Klingshirn, *Caesarius of Arles: The Making*, pp. 155–56.

93 Caesarius, *Sermones*, ed. by Morin, 73.2 (p. 307); see also Rose, *The Gothic Missal*, pp. 70–71.

94 Caesarius, *Sermones*, ed. by Morin, 80.1 (p. 329).

the confined space of the church building. However, in these same sermons and elsewhere (e.g. 78.5), Caesarius addresses the entire civic community of Arles through the faithful who do come to Mass when he urges the latter to spread what they have heard in church, particularly in the sermons, to their neighbours and relatives who did not come with them. Thus, Caesarius aims at a mediated way of making public what is proclaimed in church.

This proclamation of the inner ecclesiastical experience to the public realm is implied even more strongly by sermons 52.2 and 192.3, where Caesarius emphasizes the need for the *civitas*, to be understood in its double meaning of the city and its community,[95] to be cleansed from non-Christian religious customs. In *sermo* 52, Caesarius signals with horror that the custom to keep the Thursday as a day of rest in honour of Jupiter is not only still pervasive in other places, but *etiam in hac ipsa civitate*.[96] In *sermo* 192 Caesarius fights against the 'deplorable habit' to celebrate the Kalends of January.[97] It is not enough when Christians abstain from such ancient religious customs. Caesarius urges his audience to help him to eradicate these remnants of ancient cults from the entire community, for they might spread and contaminate others, as Caesarius implies with an appeal to the apostle Paul: 'A little yeast leavens the whole batch of dough' (Galatians 5. 9).

One domain of the Christian cult that links directly and in a more positive way to *civitas* is the (liturgical) cult of the saints. In *sermo* 215 discussed above, Caesarius presents the martyrdom of his predecessor Honoratus as an event that relates to the *civitas* as a whole:

> Inter quos praecipuam ac praeclaram lucernam sanctae recordationis domnum Honoratum huic civitati pietas divina concessit, eumque supra candelabrum huius ecclesiae, ut omnibus luceret, elevare dignatus est.[98]
>
>> [Among [the saints], God's love granted to this city as an important and bright light of holy memory the lord Honoratus, and he deigned to place him high on the chandelier of this church, so that he would shine for everyone.]

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95   See Isidore of Seville, *Etymologiae*, ed. by Lindsay, 15. 2. 1: *Ciuitas est hominum multitudo societatis uinculo adunata, dicta a ciuibus, id est ab ipsis incolis urbis* [...] *Nam urbs ipsa moenia sunt, ciuitas autem non saxa, sed habitatores uocantur* ('A city [*civitas*] is a multitude of people united by a bond of community, named for its "citizens" [*civis*], that is, from the residents of the city [*urbs*]. [...] Now *urbs* (also "city") is the name for the actual buildings, while *civitas* is not the stones, but the inhabitants', trans. by Barney and others, p. 305).

96   Caesarius, *Sermones*, ed. by Morin, 52.2 (p. 230); see Klingshirn, *Caesarius of Arles: The Making*, p. 213.

97   Caesarius, *Sermones*, ed. by Morin, 192.3 (p. 781). On the Kalends of January in and beyond the Roman Empire, see Meslin, *La fête des Kalendes de janvier dans l'empire romain*; Graf, *Roman Festivals in the Greek East*.

98   Caesarius, *Sermones*, ed. by Morin, 215.1 (p. 855).

Not the Christian community but the civic community (*civitas*) is mentioned as the prime beneficiary of the glory of Honoratus's good works. Likewise in *sermo* 214.2 the body that carries the patronage (*patrocinium*) of the martyr is *civitas*,[99] which, again, we may understand as the civic community of Arles. Caesarius's emphasis on the relevance of martyrdom and saints' cult to the entire civic community is in line with early Christian conceptualizations of the beneficial presence of a saint (also after death) in a city. Avitus of Vienne represents this thought when he expresses the idea that mere towns grow into *urbes* thanks to the presence of a saint's cult.[100] Within this civic outlook on Honoratus's relevance as a saint, Caesarius presents Honoratus as an example of *contemptus mundi*,[101] and admonishes his audience to focus likewise entirely on the *patria principalis*.[102] The object of the saint's cult is to transform the entire *civitas* into a crowd of *peregrini* on their way home.[103]

Spiritual Reading

As we have seen in '"Messages from the Homeland": *Patria*', the road to *patria* is Christ himself. Where to get the roadmap is explained by Caesarius when he brings into focus the importance of getting acquainted with Holy Scripture as the core of the Christian religion-of-the-book.

The importance of spiritual reading is first and foremost a matter of inner-ecclesiastical cult-bound custom, given the central role of Scriptural readings in the liturgy of Mass and daily office. Caesarius addresses this matter in *sermo* 78, apparently performed in the setting of a vigil (78.5).[104] Caesarius admonishes his flock to maintain a reverential physical posture when listening to the readings, also if some of them, such as the *passiones*, are lengthy (78.1). The young women are Caesarius's special target of reproach: they have no physical impediments to justify their choice to lay down during the readings, nor is there any reason for them to talk and gossip while Holy Scripture is being recited.[105] Caesarius urges his audience not to consider God's word less important than the body of Christ, which the recipients also prepare to receive with reverence, taking care that no crumb will fall on the ground when they receive it with their hands (78.2). Caesarius compares the liturgical readings

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99   Caesarius, *Sermones*, ed. by Morin, 214.2 (p. 854).
100 Avitus of Vienne, *Homiliae III*, col. 295D: *fiunt urbes ex oppidis*; see Saucier, *A Paradise of Priests*, pp. 11–12.
101 Caesarius, *Sermones*, ed. by Morin, 215.1 (p. 855).
102 Caesarius, *Sermones* 215.4, discussed above in '"Messages from the Homeland": *Patria*'.
103 As is made explicit in *sermo* 233.2, 'In natale martyrum', Caesarius, *Sermones*, ed. by Morin, p. 882, where Caesarius urges all to imitate the saints' example of living *iuste et caste* and performing *caritatem*.
104 Caesarius, *Sermones*, ed. by Morin, 78 (pp. 254–58).
105 See also Brunner, 'Publikumskonstruktionen', pp. 113–14. On the inclusiveness of the vocative *fratres karissimi*, and the broader question of those present in church, see Filippov, 'Legal Frameworks', pp. 74–76.

with beautiful ornaments in which, as he supposes, the female attendants among his audience have a keen interest:

> Velim tamen scire, si ab illa hora, qua verbum dei coeperit praedicari, semper pretisosissimas gemmas et inaures vel anulos aureos erogare vellemus, utrum stare aut accipere vellent filiae nostrae. Sine ulla dubitatione cum grandi ambitione quae illis offerrentur acciperent. Nos vero, quia ornamenta corporalia offerre nec possumus nec debemus, ideo non libenter audimur. Sed non est iustum, ut spiritalia ministrantes superflui iudicemur. Qui enim verbum dei libenter audit, inaures animae de patria paradisi transmissas se suscepisse non dubitet.[106]

>> [I would like to know if, when from the moment that God's Word is being proclaimed, we were to hand out precious gems and earrings or golden rings, our young women would stand up to receive them. I am sure that they would accept with great eagerness what is offered to them. I however, as I do not and cannot offer corporeal ornaments, am not eagerly listened to. But we who serve spiritual matters do not deserve to be considered superfluous. Whoever listens gladly to God's Word will doubtlessly receive earrings for the soul sent from the homeland of paradise.]

Caesarius compares himself as preacher to a mother adorning her daughter (78.4). The spiritual ornaments are the ornaments of good works (78.3), spiritual gems coming from the homeland of paradise and given for free (*absque ullo pretio*).[107]

From Caesarius's point of view, the act of spiritual reading is not to be confined to the liturgical setting of Mass and daily office in church. In three sermons (6, 7, 8) he stresses the importance of spending time in spiritual reading also at home: *in domibus et in conviviis vestris*.[108] *Sermo 6* is held outside the city of Arles during a site visit of the bishop. Caesarius addresses his audience in rural metaphors, taking account of their daily life and sorrows and, at the same time, trying to change and adapt their habits to the programme of Christian values he preaches. Caesarius discusses the tendency he perceives among this specific audience to neglect spiritual reading by lack of time or ability to read (6.1). Both objections are brushed aside by Caesarius: time is plenteous, particularly during the long winter nights, and those who cannot read themselves should hire someone to read to them, just as illiterate businessmen hire someone to do the reading and writing for them (*litterarios mercenarios*).[109] If time and means fail, there is always memory, in which so many secular songs are apparently stored; cannot the farmers also remember

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106   Caesarius, *Sermones*, ed. by Morin, 78.3 (p. 324).
107   Caesarius, *Sermones*, ed. by Morin, 78.4 (p. 325).
108   Caesarius, *Sermones*, ed. by Morin, 7.1 (p. 38).
109   Caesarius, *Sermones*, ed. by Morin, 6.2 (p. 31).

the Creed, the Our Father, some chants, and at least Psalms 50 and 90? *Si velis, et poteris*.[110] To stress the urgency of this practice, Caesarius compares spiritual reading as care for the soul with the cultivation of the land. Thus, he relates directly to the daily occupation of his audience, whose responsibility it is to provide the metropolitan area of Arles with food.

The two sermons 7 and 8 are likewise entirely focused on the importance of reading. Of these *sermo* 7 is most relevant here, because it links this practice to discovering the way to *patriam*. This sermon, like *sermo* 78, presents the holy writings as the ornaments preparing the appearance before the heavenly judge. They deserve earnest attention, for the divine Scriptures are like letters sent to find the way back to *patriam*.[111] Caesarius presents these messages from home as means of liberation, offered to establish deliverance from 'the tyranny of diabolical pride'.[112] Those who accept to read prepare themselves to receive the eternal reward; those who refuse will refrain from the award and will give up liberty (7.3).

Caesarius admonishes his flock to read divine Scripture in order to spread the Christian message also outside the church building and throughout the city and urban area of Arles.[113] Metaphorically, Caesarius presents reading divine Scripture as the pre-eminent way of belonging to the Christian community here and hereafter: spiritual reading is like reading a letter from the lost homeland and is a means to find the way back home. Thus, Caesarius embeds the act of spiritual reading in his attempt to redefine the civic community as a Christian community in two ways: first, through his attempt to spread knowledge about the Christian message outside the confined community of the church, and, secondly, by his conceptualization of this Christian literature as both messages from and invitations to return to the principal and eternal *patria*.

Conclusion

The analysis of the urban cathedral sermon as a Christian source with strong Roman civic roots[114] from the perspective of civic discourse highlights the importance within this kind of source of a specific ancient vocabulary related to the city, citizen, and belonging to the body of citizens. The terms in this semantic field are reused, as spolia supporting the construction of a Christian civic discourse. While previous scholars depicted the process of Christianization in Arles during Caesarius's pontificate as a process of

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110 Caesarius, *Sermones*, ed. by Morin, 6.3 (p. 32).
111 Caesarius, *Sermones*, ed. by Morin, 7.2 (p. 38).
112 Caesarius, *Sermones*, ed. by Morin, 7.2 (p. 38): *de potestate etiam antiqui hostis et de superbia diaboli liberare.*
113 On the Roman custom of *domus* and domestic cultic practice as a model for the city, see Isaev, *Migration, Mobility and Place*, p. 409.
114 Perrin, *Civitas confusionis*, pp. 287–88.

'de-romanization',[115] the consistent use of ancient Roman civic discourse in his sermons seems to shed a different light on the relation Caesarius maintained with the Roman heritage. Rather than avoiding all vocabulary that his audience could associate with their civic identity in a Roman city, he uses such vocabulary strategically by providing core terms of Roman citizenship (*civis*, *civitas*, *patria*) and classical co-occurrences (*patria-via-vita*) with new, Christian meaning. The focus here seems to be more on the Christianization of a Roman environment than active de-romanization.[116] The Christian identity that Caesarius envisages for his parishioners is not primarily and entirely un-Roman. The character of the Christian community of Arles, though ultimately oriented towards the heavenly afterlife, includes and affects civic identity in the earthly city of Arles, as the Christian programme, leading the way to a world to come, includes specific forms of civic participation in the terrestrial world.

William Klingshirn, in his classic study of Caesarius as the 'maker' of Christian Arles, has already pointed at the way Caesarius copies Augustine's rendition of Christian life as 'a social life'. Choosing Arles, Caesarius presented his own city as the terrestrial space in which the crowd of Christians, while heading heavenward, were urged to live their life meanwhile as perfectly as possible in the temporary world.[117] Klingshirn argues that Caesarius modelled his urban audience on the monastic (ascetic) lifestyle that he himself had learned to practice during his founding years at Lérins.[118] Others have emphasized the community model under aristocratic rule as the leading model in Caesarius's interpretation of community and leadership.[119] The close examination of civic vocabulary in Caesarius's sermons shows how Caesarius set the Christian community-in-the-making in the context of the civic community of Arles. Rather than blotting out its civic character, Caesarius aimed at changing this civic identity into a Christian civic identity.

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115 As he seemed to be doing in a physical sense by replacing typically Roman uses of public space by Christian ones: 'a larger process of "de-romanization"'. Klingshirn, *Caesarius of Arles: The Making*, pp. 175–76.

116 See Van Engen, 'Christening the Romans'.

117 Klingshirn, *Caesarius of Arles: The Making*, p. 181.

118 Klingshirn, *Caesarius of Arles: The Making*, pp. 181–86; see also Liebeschuetz, *The Decline and Fall of the Roman City*, pp. 162–64.

119 Moore, *A Sacred Kingdom*, p. 95; see also Klingshirn, *Caesarius of Arles: The Making*, p. 44.

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STEFAN ESDERS AND HELMUT REIMITZ

Legalizing Ethnicity

The Remaking of Citizenship in Post-Roman Gaul (Sixth–Seventh Centuries)

Introduction

In the course of the dissolution of the Western Roman Empire we observe the emergence of a legal culture that was shaped by the coexistence, interaction, and interdependence of a variety of legal orders and traditions.[1] This legal pluralism had grown out of the Roman world when the subjects of the fading Western Roman Empire, Roman as well as barbarian, came to see themselves increasingly as belonging to a world where they needed to redefine their relationship to Rome and to each other. This redefinition included the reshaping of the legal frameworks of the later Roman world which resulted in the compilation of new law-codes. Many of these new codes are often mislabelled and lumped together as *the* 'barbarian law-codes', but in fact they present a quite diverse mélange of Roman and non-Roman, of old and new legal norms and practices to respond to the different circumstances in the various successor states.[2] What they have in common is rather their more restricted territorial horizons as well as the assumption of a larger legal whole

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[2] For a recent overview, see Kerneis, ed., *Une histoire juridique de l'Occident*. For a collection of essays on the different legal traditions and their transformation from the late Roman to the post-Roman West, see Epp and Meyer, eds, *Recht und Konsens im frühen Mittelalter*; Charles-Edwards, 'Law in the Western Kingdoms'; Liebs, 'Roman Law'; Liebs, *Römische Jurisprudenz in Gallien*; Liebs, *Römische Jurisprudenz im spätantiken Italien*; Liebs, *Römische Jurisprudenz in Africa*; Siems, 'Die Entwicklung von Rechtsquellen'; Siems, 'Zum Weiterwirken'; Esders, *Römische Rechtstradition und merowingisches Königtum*; Wormald, The 'Leges Barbarorum'.

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around them that was still strongly defined by late Roman legal traditions and practices. After emancipation from a centralized Roman government, which might well have included these laws within an imperial framework, these laws' relationship to each other had to be defined in new ways.

The creativity and complexity of this process has long been overlooked. As in many other contexts, the intellectual, cultural, and political elites of the post-Roman successor states were regarded by scholars as incapable of keeping up the standards of the late Roman world. Parallel to the current view of a general decline of cultural competences and techniques, scholars assumed a process in which Roman law and legal traditions were vulgarized, barbarized, or replaced by Germanic or barbarian customs.[3] Such a view, however, was also strongly grounded in a presupposed sharp distinction between two well separated legal systems, a Roman and a Germanic one, an opinion which again built upon long-held misconceptions of the end of the Western Roman Empire as a clash of cultures, a triumph of Germanic invaders and a triumph of their mentality, social models, and traditions over Roman civilization and culture.

As more recent studies have shown, however, the end of the Western Roman Empire was not caused by a melodramatic 'clash of cultures' but should rather be studied as a long-term process shaped by a multitude of transitions that eventually resulted in markedly different societies.[4] To be sure, in the course of the fifth century CE, the Western Roman Empire lost its ability to maintain its supra-regional political structure over the different provinces and their local and regional elites. But it was not 'the barbarians' who brought about the destruction of a centralized Roman state in the western provinces. Rather, it was in most provinces a victory of 'local Romanness' — of local Roman elites who created smaller power-blocs in cooperation with local or regional military leaders, mostly of barbarian descent, and their military elites.[5] When some of these power-blocs developed into becoming the successor kingdoms of the Roman Empire, members of the local or regional Roman elites held influential positions and offices and played important roles in adapting the political, cultural, and legal resources of the Roman world to the new

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3   For Germanic law as a *Forschungsproblem* and an anachronistic construct of older legal scholarship, see already Kroeschell, 'Germanisches Recht als Forschungsproblem', and now Meyer, 'Konsens in der Rechtsgeschichte', and the brief overview by Ubl, *Sinnstiftungen eines Rechtsbuchs*, pp. 24–26.

4   For recent overviews, see Halsall, *Barbarian Migrations*; Wickham, *The Inheritance of Rome*; Smith, *Europe after Rome*; Brown, *The Rise of Western Christendom*; Pohl, *Die Völkerwanderung*. For a revival of the clash of cultures perspective, see Heather, *The Fall of the Roman Empire*; Heather, *Empire and Barbarians*; Ward-Perkins, *The Fall of Rome*.

5   For this view on local Romanness, see Brown, *The Rise of Western Christendom*, p. xxvi, and Brown, *Through the Eye of a Needle*, pp. 392–407; taking up the term from Heather, *The Fall of the Roman Empire*, pp. 432–43. See now also Eisenberg, 'Building Little Romes'; on Christian communities and the shaping of a post-Roman discourse on community and citizenship, see the contribution of Els Rose on Caesarius of Arles in this volume.

circumstances. Building upon their expertise and experience they helped to adapt to the absence of an imperial legal structure in the different successor states of the Western Roman Empire. Together with the new kings, they continued to adopt Roman law and to introduce new laws and new forms of legislation, while also continuously transforming the relationship (sometimes competitive, sometimes complementary) of different legal systems to each other.[6] To accept and accommodate this legal plurality was in itself a learning process for the societies of the post-Roman West. The ongoing efforts of its accommodation and organization are closely linked to the question of this volume: the history and transformation of citizenship from the late Roman to the medieval world.

The fate of Roman citizenship following the *Constitutio Antoniniana* of 212 has been the subject of a number of recent studies, which emphasized that, contrary to long-held views, Roman citizenship continued to matter in Late Antiquity.[7] However, the question of how post-Roman developments and the creation of successor states affected the civil status of Romans has attracted far less attention.[8] In regard to the legal status and forms of citizenship in the post-Roman kingdoms, the artificial antagonism of a Roman and a Germanic legal culture has dominated the views of modern scholars for a long time. According to such a view, Roman models of citizenship defined by territorial affiliation with a city or a district were replaced by Germanic forms of social organization defined by kinship or ethnic allegiance.[9] In what follows we will try to show that post-Roman forms of subjecthood and citizenship were as much part of the ongoing experimentation with models and resources of the Roman world in the post-Roman kingdoms, as it was the case with other social and political structures and institutions of the post-Roman West.

Cities in a Changing World: Gregory of Tours's *Histories*

A region where this ongoing experimentation is particularly well documented is Gaul. One of our most comprehensive sources of the time, the histories and hagiography of Gregory of Tours written in the last decades of the sixth century, gives us ample evidence how the contemporaries of Gregory, and not least the Bishop of Tours himself, acted in this changing legal landscape: how

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6   See above, n. 2. For Southern Gaul, see Esders, *Römische Rechtstradition und merowingisches Königtum*.

7   See Pferdehirt and Scholz, eds, *Bürgerrecht und Krise*; Ando, *Imperial Ideology*; Mathisen, 'Concepts of Citizenship'; Mathisen, '*Peregrini, Barbari*, and *Cives Romani*'; and see now for the period until the third century: Dolganov, 'Documenting Roman Citizenship'.

8   See now Esders, 'Roman Law as an Identity Marker'; Bothe, 'From Subordination to Integration'.

9   See the brief discussion in Bothe, 'From Subordination to Integration', pp. 345–47; and from a more general perspective Meyer, 'Konsens in der Rechtsgeschichte', with further literature.

they responded to new uncertainties, but also how they used the changing legal *Spielräume* to promote their own agendas.[10] In one of his many case stories Gregory prevented oathtakers from swearing a false oath on behalf of a certain royal official with the Roman name Pelagius. According to Gregory, Pelagius had stolen from the church of Saint Martin.[11] After Gregory had excommunicated him, Pelagius switched legal registers to avoid a trial in the 'Roman' style. To purify himself he brought twelve of his followers as oathtakers, who swore individually that the defendant's oath was true and correct. Gregory, the bishop, convinced of Pelagius's guilt, did not want to allow what he regarded as sinful perjury. The population of Tours, however, forced Gregory to consent and Pelagius could purify himself by an oath. However, the Bishop of Tours sent away Pelagius's oath-helpers as he did not want to be responsible for their perjury. Taking a stance on the individual's guilt, he let Pelagius swear his oath alone. While Gregory lost this case, Pelagius lost his life from a burning fever in the following summer.

This episode shows the bishop manoeuvring between different legal ideas and concepts, both secular and religious. Gregory was also aware of the opportunities for the co-existence of different legal registers when it came to the defence of his episcopal colleague Praetextatus accused of high treason.[12] He did not manage to protect the bishop. However, Gregory was able to present himself in the trial as staunch defender of the boundaries of an ecclesiastical legal sphere independent of secular legislation and well shielded from interventions of worldly powers, even that of the king.[13] At another instance, Gregory even broke the law himself when he helped to end an altercation between a certain Sichar and Chramnesind.[14] Gregory introduces the two conflicting parties as citizens of Tours. But the judicial framework they used to resolve the conflict was clearly not the law a Roman citizen would have used. It was a codification like the Frankish *lex Salica* that allowed the conflict to be resolved by compensation, which would have to be provided by the two parties or their families.[15] To settle the conflict, Gregory

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10   On the relationship between Gregory of Tours's literary, social, and political strategies, see Brown, 'Gregory of Tours: Introduction', pp. 19–27; Wood, *Gregory of Tours*, pp. 47–55; Reimitz, *History, Frankish Identity*, pp. 27–32. On Gregory, see Murray, ed., *A Companion to Gregory of Tours* with a comprehensive bibliography. On earlier layers of Christian discourse on which Gregory built, see the contribution of Els Rose on Caesarius of Arles to this volume, and Eisenberg, 'Building Little Romes'.

11   Gregory of Tours, *Libri historiarum X*, ed. by Krusch and Levison, VIII. 40 (pp. 406–07); see Esders, 'Der Reinigungseid mit Helfern'.

12   Gregory of Tours, *Libri historiarum X*, ed. by Krusch and Levison, V. 18 (pp. 216–25).

13   Reimitz, 'True Differences'. For the larger legal debate and different opinions behind these stories, see Esders and Reimitz, 'After Gundovald, before Pseudo-Isidore'.

14   Gregory of Tours, *Libri historiarum X*, ed. by Krusch and Levison, VII. 47 (pp. 366–68).

15   Esders, 'Wergeld und soziale Netzwerke im Frankenreich'. On the compensation in post-Roman codifications, see Wormald, 'The Leges Barbarorum'; Bougard, '*Culpabilis iudicetur*'; on wergild, see Bothe, Esders, and Nijdam, eds, *Wergild, Compensation and Penance*. On the *lex Salica*, see now Ubl, *Sinnstiftungen eines Rechtsbuchs*.

offered to pay part of the compensation from the money of the church which, as he himself admitted, was against the laws they had used for the resolution of the conflict.[16] Like Gregory, the members of the governing class in Gaul were well aware of these differences between legal systems. Already in a Roman legal compilation drafted for Burgundy shortly after 500, the author explicitly noted that unlike the laws issued for the Burgundian population (and their interactions with Romans), Roman law had not fixed any wergild tariffs for homicide.[17]

As these few examples illustrate, sixth-century Gaul was a world with a striking diversity of legal orders, of different and overlapping sources of law and authority without any clear hierarchy. But we should not take for granted the wide room for manoeuvre that these episodes indicate. Rather, this legal plurality represents a specific Merovingian development. The formation of this kind of legal pluralism has to be understood as the result of the different legitimation strategies with which the Merovingian kings established themselves as the successors of the Roman emperors and governors in most of the former provinces of Gaul.[18] Other post-Roman kings such as the Ostrogothic kings in Italy and in Provence, the Gibichung rulers of the Burgundian *regnum*, or the Visigothic kings in Aquitaine were originally legitimated by a mandate from the Roman Empire.[19] The emancipation from Roman rule in those kingdoms was based on the cooperation with the Roman elites in them — elites who worked together with the new kings to establish their own new 'little Romes'.[20] In this process the consent and cooperation with the Roman elites by and by replaced imperial legitimation.[21] The codification of laws, which regulated and organized the ways in which Romans and barbarians lived together, was certainly an important focus for this cooperation and consent. In the Visigothic as well as in the Burgundian kingdom, for instance, a new Roman law for the Roman population, as well as a law for the barbarian population, was issued to respond to the new situation. While these new codes either updated or supplemented existing Roman law, their counterparts were drafted for a mixed population. The Visigothic Code of King Euric and the Burgundian Code issued by kings Gundobad and Sigismund — entitled *Liber constitutionum* — also helped to define the status of the barbarian population within a predominantly Roman

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16 Gregory of Tours, *Libri historiarum X*, ed. by Krusch and Levison, VII. 47 (p. 368).

17 See *Lex Romana Burgundionum*, ed. by von Salis, c. 2 (*De homicidiis*) (p. 126): *de preciis occisorum nihil evidenter Lex Romana constituit.*

18 See Ewig, *Die Merowinger und das Frankenreich*, pp. 61–62; Esders, 'Nordwestgallien um 500'; Esders, 'Gallic Politics in the Sixth Century'.

19 Pohl, ed., *Kingdoms of the Empire*; Halsall, *Barbarian Migrations*, pp. 178–85 and 283–302. For the Burgundian kingdom, see Wood, 'The Governing Class of the Gibichung and Early Merovingian Kingdoms'; Wood, 'The Origins of the Burgundian Kingdom'; for the Italian kingdom under Theoderic, see Wiemer, 'Odovaker und Theoderic'; for the legal foundations and mechanics of these processes, see Esders, 'Die Integration der Barbaren'.

20 See Brown, *The Rise of Western Christendom*, pp. xxvi–xxvii.

21 Liebs, 'Geltung kraft Konsens oder kraft königlichem Befehl?'.

legal environment. They guaranteed some of the customs and rights of the barbarian population and organized legal interaction and conflict settlement between them and the Roman population.[22]

The establishment of Merovingian rule over most of Gaul had a different history. In the course of the expansion of his kingdom in the regions north of the Loire, Clovis came to rule regions that had already established themselves as power-blocs largely independent from imperial rule.[23] When Clovis established himself as the ruler of these power blocs it was not so much through conquest as through negotiations and the concession of far-reaching autonomies and privileges for different populations in exchange for their recognition of his rule.[24] The basic principle was also observed in the establishment of Merovingian rule over Southern Gaul, following the establishment of Merovingian rule over the Visigothic kingdom in 507, the Provence, and the Burgundian kingdom in the 530s. The laws and rights of the inhabitants of the regions and cities remained valid, and in many cases, administrative structures and offices were continued under Merovingian rule as they had been before the Frankish takeover.[25]

As a result, the Merovingians did not only come to rule a socially and ethnically highly diverse kingdom, they also reinforced or even multiplied this diversity of legal communities in granting different groups or elites privileges and some legal autonomy in the kingdom. What we observe is the formation of a patchwork of legal communities with quite different but overlapping legal traditions and frameworks. In that situation, the Merovingian kings presented themselves not so much as lawgivers like the rulers of other post-Roman kings in the South of Gaul or in Italy had done before them. They rather positioned themselves as arbiters between different legal traditions and the legal communities of their kingdom. In doing so, they put themselves in an equidistant position to all the different groups and groupings in their kingdom, and thus in the centre of a power balance that was hard to imagine without them.[26]

During the sixth century, the Merovingian equilibrium was also reinforced and further developed through the fact that apart from a few years, there

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22 For Burgundian legislation, see Wood, 'The Legislation of *Magistri Militum*'; Eisenberg, 'Building Little Romes'; for the codification in the Visigothic kingdom, see Liebs, 'Geltung kraft Konsens oder kraft königlichem Befehl?'; D'Ors, *El codigo de Eurico*; Harries, 'Not the Theodosian Code'.

23 Esders, 'Nordwestgallien um 500'.

24 See also Becher, *Chlodwig I.*, pp. 149–56, for the example of the conquest of the kingdom of Soissons with an interesting interpretation of Remigius's letter along those lines.

25 For the context of the conquest of Aquitaine in 507, see the contributions in Shanzer and Mathisen, eds, *The Battle of Vouillé*; for the continuity of pre-Merovingian institutions and structures in the south-east of Gaul, see Esders, *Römische Rechtstradition und merowingisches Königtum*; Buchner, *Die Provence in merowingischer Zeit*; Geary, *Aristocracy in Provence*.

26 See Reimitz, *History, Frankish Identity*, pp. 98–103, building on older insights on the Merovingian 'politics of consensus', cf. Wood, 'Kings, Kingdoms and Consent'; Fouracre, 'Placita and the Settlement of Disputes'; Wood, 'Usurpers and Merovingian Kingship'.

was always more than just one Merovingian king. After Clovis's death the kingdom was divided among his four sons and only reunited for a few years under his son Chlothar I, after whose death the kingdom was again divided among his four sons.[27] To be sure, the competition between the different kings and their retinues was the root of various conflicts, sometimes even military confrontations. But it also provided Merovingian subjects with additional leverage to negotiate claims, privileges, and the acknowledgement of their old rights and customs. One of our best sources is again Gregory of Tours. In his *Histories*, we can even watch the bishop himself using the resulting room for manoeuvre. When the legates of the Austrasian king Childebert II wanted to collect the taxes of the city, Gregory reminded them of the tax exemption that the king's predecessors had granted to the citizens of Tours in exchange for their oath of loyalty.[28] From the *Histories* of Gregory of Tours, we thus get the underlying impression that the inhabitants of most Roman cities under Frankish rule continued to see themselves as citizens, and still felt obliged to pay taxes to the new ruler.[29] At the same time, however, the Bishop of Tours called this openly into question for his city, stating that the loyalty owed by the citizens depended on a tax exemption granted earlier. As Gregory sought to demonstrate, it was the ecclesiastical status of Tours as the home of the important see of the prominent patron Saint Martin that earned its inhabitants immunity. If we may trust Gregory here, he successfully continued to employ a manoeuvrability he had inherited from previous generations to shift the balance in taxation from a Roman to a post-Roman Christian system. While the tax exemption itself was based on post-Roman developments and constellations, the obligation it overrode shows how strongly Roman administrative structures and legal institutions continued to shape Gregory's world.

The Reconfiguration of Social Stratification in the Chronicle of Fredegar

If we compare the world of Gregory of Tours at the end of the sixth century with the one of the second historiography of the Merovingian period, the so-called Chronicle of Fredegar, we encounter a very different image of Merovingian society.[30] The compilers of the Chronicle worked about two

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27 Wood, *The Merovingian Kingdoms*, pp. 88–101; Ewig, 'Die fränkischen Teilungen und Teilreiche'; Widdowson, 'Merovingian Partitions'; Esders, 'Gallic Politics in the Sixth Century'.

28 Gregory of Tours, *Libri historiarum X*, ed. by Krusch and Levison, IX. 30 (pp. 448–49); Esders, 'Sacramentum fidelitatis', pp. 227–32.

29 Kaiser, 'Steuer und Zoll'; Goffart, 'Old and New'.

30 For the Merovingian kingdoms in the seventh century, see Wood, *The Merovingian Kingdoms*, pp. 140–58; and still Ewig, 'Die fränkischen Teilreiche im 7. Jahrhundert'. See also Scholz, *Die Merowinger*.

generations after Gregory.[31] They knew Gregory's *Histories* well — at least in their Merovingian six-book version, which was quite popular throughout the Merovingian period as the unusually high number of extant Merovingian manuscripts well illustrates.[32] The compilers of the Fredegar-chronicle used this Merovingian six-book version as a source for their own narrative of the first centuries of Merovingian history in Gaul until the end of the sixth century. But in their excerpts from the text they reworked Gregory's text and literally turned Gregory's historical vision upside down to adopt it to the changed circumstances of their own times.[33]

Ample attention has been paid to how the compilers changed the role of the Franks and the meaning of Frankish identity in their rewriting.[34] However, the compilers did not only change the role and meaning of the Franks in their history. They also changed the social imagination of the world to which the Franks belonged and presented a view of their post-Roman world as a world divided among peoples. In order to do so, they also reworked other historical sources. They embedded Gregory's excerpt into a 'chain of chronicles', which started with a version of the *Liber generationis* of Hippolytus of Rome presenting a comprehensive list of rulers, prophets, kings, popes, and, not least, the peoples of the world.[35] After the end of the *Liber generationis*, the compilers added a few lists and genealogies of their own and continued their history with the Chronicle of Jerome, which they also comprehensively reworked. After the continuation of Jerome's Chronicle by Hydatius and a short section for which no source has been identified so far follows the rewriting of Gregory's *Histories*, ending with the death of Chilperic I in 584.[36] Then they added as a new book their own account of the history from 584 to the 640s.

If we focus our attention on how the Chronicle of Fredegar conceived of empire, kingdoms, political belonging, and peoples, the most obvious reorganization of these texts takes place in the section of the Chronicle of Jerome, where the compilers did not only make selections and changes to the text. They also changed the visual structure of the Chronicle. The original structure of this Chronicle went back to Eusebius of Caesarea but became popular in the Latin West through the translation and continuation of Jerome

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31 On the Chronicle, see Fischer, 'Rewriting History'; Fischer, *Die Fredegar-Chronik*; Wood, 'Fredegar's Fables'; Reimitz, *History, Frankish Identity*, pp. 166–239; Collins, *Die Fredegar-Chroniken*.

32 See Reimitz, 'The Early Medieval Editions', pp. 527–40, with further literature.

33 On the rewriting of Gregory in the Fredegar-chronicle, see Reimitz, *History, Frankish Identity*, pp. 166–236; for a comprehensive analysis, see the forthcoming study of Fischer, *Die Fredegar-Chronik*.

34 Reimitz, *History, Frankish Identity*, pp. 166–74, with further literature.

35 For the term 'chain of chronicles', see Wood, 'Chains of Chronicles'; on the writing and continuation of late antique chronicles in general, see Burgess and Kulikowski, *Mosaics of Time*; McKitterick, *Perceptions of the Past*.

36 On the sources of the Fredegar-chronicle, see the forthcoming study of Fischer, *Die Fredegar-Chronik*.

at the end of the fourth century.[37] Eusebius and Jerome presented a historical view of the world that was organized in parallel columns, each of which outlined the histories of different empires, kingdoms, and peoples — the Assyrians, the Medes, the Hebrews, the Athenians, Romans, Macedonians, etc. Over time, the columns became fewer and fewer. Some kingdoms and empires just ended, but most became absorbed into the history of the Roman Empire until there was only one column left for the history of the Roman Christian Empire.

The compilers of the Chronicle of Fredegar were certainly working with an exemplar of Jerome with this structure of the narrative.[38] But the Merovingian chroniclers clearly did not want to depict a process in which the history of kingdoms and peoples was eventually absorbed by the history of the Christian Roman Empire. Thus, they reorganized and reworked the text as thoroughly as they had done with their version of Gregory of Tours. In their rearrangement of the Jerome-Chronicle, they decided to avoid presenting the early history in parallel columns and copied Jerome's text as a linear text. In his study on the Fredegar-chronicle, its composition and conceptualization, Andreas Fischer shows that this reworking must have been quite important to the compilers of the Chronicle.[39] It was a difficult task that needed to be done in several stages to reorganize the synoptic presentation of history into a coherent historical narrative in a linear text.

Let us briefly summarize the effects of this reorganization. First, in such an arrangement of the text it was possible to depart from the Chronicle's definition of the main historical actors and groups who had received a place in history in their own column. Now, in the linear text, every people that was mentioned could be considered as having its own equal place in history — particularly if one connected this text with the 'image of history', as Grafton and Williams phrase it, of the original Jerome-Chronicle. The new arrangement also allowed more space for other peoples, and the compilers of the Chronicle did indeed use the space — and not only for the Franks, but also for other post-Roman peoples, such as Burgundians, Saxons, or Alamans.[40] Secondly, this rearrangement also presented a history that was from the beginning a history of kingdoms and peoples. Unlike in the presentation of Jerome, the history of the Roman Empire did not change that much in this regard. It helped to define the profile of many of the groups who had a history in the Roman past and would have one also after the end

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37 On Eusebius's Chronicle and Jerome's Continuation, see Grafton and Williams, *Christianity and the Transformation of the Book*, pp. 133–77; Burgess and Kulikowski, *Mosaics of Time*, pp. 119–31; McKitterick, *Perceptions of the Past*; Vessey, 'Reinventing History'; McMahon, 'Polemic in Translation'; Helm, *Hieronymus' Zusätze*.

38 Krusch, 'Die Chronicae', pp. 472–75; see also the introduction of Rudolf Helm in his edition of Jerome, *Chronicon*, pp. x–xi, xiii.

39 Fischer, *Die Fredegar-Chronik*, pp. 52–84; we should like to thank Andreas Fischer for letting us read and use his important study in advance of its publication.

40 See Reimitz, *History, Frankish Identity*, pp. 222-31.

of the Western Roman Empire. This, however, only becomes evident in the continuation of Jerome's Chronicle, first by Hydatius, then by the excerpts and the reworking of Gregory of Tours's *Histories*, and finally in the independent part of the narrative, the so-called Book IV of the Chronicle. It is quite striking that this world view is maintained throughout the narrative, until the very last chapter of the extant text the Chronicle presents us with a world divided among peoples. Individuals and groups were not defined anymore by their relationship to Rome, or their place within the finely tiered system of different kinds of Roman citizens such as *cives*, *Latini*, or *dediticii* or as foreigners, such as *peregrini*, *foederati*, *barbari*.[41] Their place in the world was not defined by the graded taxonomies of status in the Roman Empire. They were subjected to a view of the world that imagined the social world principally as divided among *gentes* and as principally analogous groups.[42] As we shall see, this, in turn, also corresponded with the redefinition of their legal status in a less centralized and more pluralistic system.

The dividing lines between these peoples, however, were not necessarily congruent with the political boundaries of the Frankish kingdom. Again and again we find individuals described as *de genere Romanorum* who held high offices at the Merovingian courts.[43] Other actors' identities are defined as Burgundians, Saxons, and, of course, Franks. For the time of King Dagobert I (d. 638/39) the Chronicle reports about a campaign against the Basques that took place in the 630s. The king had summoned an army in Burgundy under the command of his referendary Chadoindus. The referendary commanded an army that consisted of various ethnically defined divisions, all of which were under the command of *duces*. There were several Frankish *duces* — *de genere Francorum*, a Roman *dux* with the name Chramnelenus, the *patricius* Willebad who was *de genere Burgundionum*, and Aeghyna of Saxon descent (*genere Saxonum*).[44]

According to 'Fredegar', the army did a good job. It was a particularly successful campaign, which not only ended in a triumphal victory over the Basques but also brought the Britons under Merovingian rule. In the account of the Chronicle one might get the impression that the Merovingian kingdom had indeed become a true successor of the Roman Empire. It is not unlikely that the chroniclers knew some of the accounts of Roman historians who had portrayed the diverse origins and multi-ethnic composition of the Roman armies as an expression of its power and strength as well as for the capacity to

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41 Mathisen, '*Peregrini*, *Barbari*, and *Cives Romani*'.

42 The formulation is inspired by the definition of ethnicity by Brubaker, *Ethnicity without Groups*. For its application in late antique and early medieval history, see also Reimitz, *History, Frankish Identity*, pp. 4–11 with further references, in particular to Pohl, 'Strategies of Identification'.

43 See Reimitz, *History, Frankish Identity*, pp. 185–90, 205–06, 209–10.

44 *Chronicarum Fredegarii*, ed. by Krusch, IV. 70 (p. 160).

successfully integrate these diverse groups into the Roman Empire.[45] But in the account of the campaign in the Fredegar-chronicle, there was no empire anymore in the West, and the former Roman citizens had become part of the ethnic fabric of its successor kingdom.

To be sure, some of the obvious differences between the images of Merovingian society between the *Histories* of Gregory of Tours and the Chronicle of Fredegar have to be understood against the background of the different agendas of the two histories.[46] Many of these differences, however, corresponded not only to the different agendas but also to the changing social and political circumstances between the time of Gregory of Tours at the end of the sixth century and the chroniclers writing after the middle of the seventh.[47] Fredegar's Chronicle does not only reflect these changes. Its compilers studied these changes in their history with great diligence themselves. They carefully explored the transformation of social and political institutions of the ancient world and the Roman Empire in order to understand their relevance and potential further development in their own post-Roman world.

The Fredegar-chroniclers, for instance, registered meticulously the demographic development of the Roman Empire as it was depicted in the Chronicle of Jerome. As Andreas Fischer has noted recently, every mention of the Roman census that appeared in the Jerome-Chronicle was also copied into the highly selective epitome of the Fredegar-Chronicle.[48] These demographic data present a growth of the Roman population from 70,000 Roman citizens in 500 BCE to 6,944,000 citizens at the time of the emperor Claudius in 45 CE.[49] According to the numbers in Jerome, however, the Roman population was already shrinking by the time of Claudius. The census mentioned under Augustus in 12 CE counted roughly 9,370,000, nearly two and a half million more Roman citizens than at the time of Claudius.[50]

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45 For this, see Ando, *Imperial Ideology*; for the later period, see Ford, *Rome, China, and the Barbarians*, with further literature.

46 On this, see Reimitz, *History, Frankish Identity*, pp. 166–74, 231–36, with further references. For a comprehensive comparison of the two texts, see also Fischer, *Die Fredegar-Chronik*.

47 For a discussion of the date of the final redaction and possible earlier layers, see Fischer, 'Rewriting History'; Fischer, *Die Fredegar-Chronik*; Wood, 'Fredegar's Fables'; Collins, *Die Fredegar-Chroniken*.

48 For a longer discussion of the census and a demographic interest in the Chronicle of Fredegar, see Fischer, *Die Fredegar-Chronik*, pp. 90–94.

49 Jerome, *Chronicon*, ed. by Helm, p. 107c, and *Chronicarum Fredegarii*, ed. by Krusch, II. 27 (p. 52) (70,000); Jerome, *Chronicon*, ed. by Helm, p. 180c, and *Chronicarum Fredegarii*, ed. by Krusch, II. 35 (p. 59) (6,944,000). For a comprehensive list, see Fischer, *Die Fredegar-Chronik*, p. 92 with n. 324; on the complex organization of the census, on its comprehensive documentation, and on historians of the first centuries CE researching in archives to acquire reliable information, see Dolganov, 'Documenting Roman Citizenship'; Palme, 'Die ägyptische kat' oikian apographe und LK 2, 1–5'; Palme, 'Neues zum ägyptischen Provinzialzensus'.

50 Jerome, *Chronicon*, ed. by Helm, p. 171a, and *Chronicarum Fredegarii*, ed. by Krusch, II. 33 (p. 57).

The census under Claudius is the last one mentioned in the Chronicle of Jerome as well as in the Fredegar-Chronicle, and it is precisely from this point onwards that the *gentes* in Roman history acquire a stronger profile. This is partly the effect of the highly selective choice of reports from Jerome, which shifts the overall balance of the narrative highlighting the agency of barbarian peoples, Goths, Parthians, Alamans, and Franks in later Roman history much more than Jerome does.[51] But there are also a number of changes and additions to support this image. In the fourth century, a whole Roman army was wiped out by an *inundatio gentium* in the Fredegar-Chronicle.[52] In the Jerome-Chronicle, the reason for the near complete annihilation of the army is a *pestilentia*.[53] When in the year 264 the *Germani* occupy Syria, the Fredegar-Chronicle adds that *Franci* were also part of the campaign.[54] Not always are the *gentes* victorious. While the Alamans devastate Avenches under the emperor Gallienus, a Roman army under the father of the first Christian emperor Constantine, Constantius, kills 60,000 Alamans in a battle near Langres.[55] Soon after that the Chronicle adds that his son Constantine conquered all the *gentes per signum crucis*.[56] A few chapters before the end of the rewriting of the Jerome-Chronicle, the Merovingian compilers added some stories on the Burgundians and their settlement in Southern Gaul. There is even a little origin narrative inspired by reports from Orosius's *Histories* including the fact that the number of Burgundians settled on the Rhône was 80,000.[57] Another interesting addition regards a certain *dux* Pompegianus, who fought bravely in the Roman army in the region of Antioch. Jerome mentions that his cognomen was 'the Frank' (*cognomento Francus*), which the seventh-century chroniclers changed into 'of Frankish descent' (*genere Francus*).[58]

The last example illustrates particularly well how the compilers worked to develop new continuities with the Roman past. The terminology they used to define Pompegianus's status — *genere Francus* — is the same they employed to describe the commanders of the campaign against the Basques discussed above. As briefly mentioned above, most of the commanders were described as of Frankish descent — *de genere Franco*; others mentioned were *ex genere*

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51 E.g. *Chronicarum Fredegarii*, ed. by Krusch, ii. 37 (p. 63) (Goths and *Germani*); ii. 38 (p. 63) (*Parti*); ii. 40 (p. 64) (Alamans, Franks); ii. 42 (p. 67) (*Franci*); ii. 45 (p. 68) (Saxons); ii. 46 (p. 68) (Burgundians). On the connections between the presentation of collective agency and the salience of ethnic identity, see Pohl, 'Ethnonyms and Early Medieval Ethnicity'.

52 *Chronicarum Fredegarii*, ed. by Krusch, ii. 37 (p. 62).

53 Jerome, *Chronicon*, ed. by Helm, p. 288h; for a longer comment on the passage, see Fischer, *Die Fredegar-Chronik*, pp. 92–93.

54 *Chronicarum Fredegarii*, ed. by Krusch, ii. 40 (p. 64): *Francos in eorum habentes auxilium*.

55 *Chronicarum Fredegarii*, ed. by Krusch, ii. 40 and 41 (pp. 64 and 65).

56 *Chronicarum Fredegarii*, ed. by Krusch, ii. 42 (p. 66).

57 *Chronicarum Fredegarii*, ed. by Krusch, ii. 68 (p. 68).

58 *Chronicarum Fredegarii*, ed. by Krusch, ii. 40 (p. 65).

Romano, Burgundionum et Saxonum.[59] This was not just a historiographical *Glasperlenspiel* — a sophisticated and somehow abstract game of intellectual manoeuvres. It was the urgent and intelligent work of historians who had carefully studied the past to explain the changes from the late Roman to their own world in the seventh-century Merovingian kingdom.

Legislation and the Remaking of Citizenship in the Seventh Century

These efforts, however, are not only reflected in historiographical works of the seventh century. We also have documentary and legal sources where we can observe similar tendencies to accommodate new claims to and forms of citizenship in a post-Roman society. As we shall see, there are not only remarkable similarities between historiographic and documentary sources regarding the terminology and methodology that is employed. There are also striking parallels regarding the reconfiguration of Roman models and resources. One particularly interesting example for such parallels is the prologue to a law code that has been edited as the 'Prologue to the laws of the Bavarians'.[60] The extant version of the Bavarian law-code was most likely compiled in the middle of the eighth century, but older layers from the seventh century still shine through.[61] The extant prologue to this law presents us also with a compilation of different texts and starts with an excerpt on the history of legislation from Isidore of Seville's *Etymologies* in his Book v on laws (*De legibus*).[62] It begins with the first law-giver Moses (also mentioned as the first Christian historian by Isidore).[63] It continues its history of legislation with Mercurius Trismegistos as the first legislator of the Egyptians, Solon for the Athenians, Lycurgus for the Lacedemonians, the people of Sparta, and Numa Pompilius the successor of Romulus as the first one who edited *leges Romani*. It then provides a quite detailed account of the different stages of the history of Roman law in the Republic and the Dominate and ends with the collection of laws in the *Theodosian Code*.

After Isidore's comments on the *Theodosian Code*, the compilers of the prologue inserted a sentence to prepare the transition to the history of law after the end of the Western Roman Empire: '*Deinde unaquae gens propriam sibi ex consuetudine elegit legem. Longa enim consuetudo pro lege habetur*' (And then each people compiled its own law from their customs. A long-held

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59 *Chronicarum Fredegarii*, ed. by Krusch, IV. 78 (p. 160).

60 *Lex Baiwariorum*, *Prologus*, ed. by von Schwind, pp. 197–203.

61 On the different layers, see the excellent discussion of Siems, 'Herrschaft und Konsens'; see also Esders, 'Late Roman Military Law'.

62 Isidore of Seville, *Etymologiae*, ed. by Lindsay, 5. 1.

63 Isidore of Seville, *Etymologiae*, ed. by Lindsay, 1. 42. 1 and 5. 1. 1.

custom namely has the validity of a law).[64] After this insertion, the compilers continue again with Isidore's definitions of *lex*, *mos*, and *consuetudo*,[65] before they turn to the legal history of the Merovingian kingdoms. Theuderic I (d. 533 CE) elected wise men, well-versed in the old laws, and ordered them to write down the laws of the Franks, Bavarians, and Alamans. His successors Childebert II (d. 596) and Chlothar II (d. 629) continued the work. But it was above all Chlothar's son, Dagobert I (d. 638/39), who worked together with four *viri inlustres*, Claudius, Chadoindus, Magnus, and Agilulf, and comprehensively revised the legislation of his predecessors and gave each people its written law.[66]

The narrative is quite remarkable. It clearly attests to the confidence with which the Merovingian kings and elites saw their kingdom as a state that had managed to guarantee and — through legal compilations — accommodate an ethnically defined legal pluralism. The parallels with the historiographical project of the Fredegar-chroniclers are striking, and it might be more than a coincidence that one of the four *viri inlustres* mentioned in the prologue is named Chadoindus. As we have seen, this name also appears in the Fredegar-Chronicle as the *referendarius* of Dagobert I and the commander of the multi-ethnic army that set out to campaign against the Basques.[67] More important, however, are the structural parallels between the two texts. Both, the prologue as well as the Chronicle, highlight the continuity of pluralism from the ancient Roman to the post-Roman world. The Fredegar-Chronicle emphasizes the ethnic and political diversity, while the prologue does the same with legal plurality. Roman history, however, plays a catalyst role in the further development of these pluralities. In the Chronicle, the post-Roman peoples — the *gentes* — acquire their profiles through their integration with Roman history and myth. In the prologue, the formation of a multiplicity of laws is portrayed as a parallel process to those of the history of Roman law. The validity of these laws as *lex* — representing *longa consuetudo* — builds equally firmly on Roman approaches to law and legislative traditions.[68] The historical mission of the Merovingian kings and their advisors, then, was to Christianize these laws and to have them written down.

As mentioned earlier, the prologue has been edited by modern scholarship as the prologue to the *lex Baiuvariorum* — the law of the Bavarians. Its manuscript transmission, however, suggests that it was not originally attached to this law-code, or at least *not only* to the Bavarian law-code. Several manuscripts transmit the prologue with other laws such as the *lex Salica*, the

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64   *Lex Baiwariorum*, ed. by von Schwind, p. 209. For an English translation, see Rivers, *Laws*, p. 109.

65   *Lex Baiwariorum*, *Prologus*, ed. by von Schwind, pp. 200–201; cf. Isidore of Seville, *Etymologiae*, ed. by Lindsay, 5. 3.

66   *Lex Baiwariorum*, *Prologus*, ed. by von Schwind, pp. 201–03.

67   Cf. above, p. 304, with n. 44, and see *PLRE*, III, pp. 279–80.

68   For this see, for instance, Harries, 'Roman Law and Legal Culture', with further literature.

lex Alamannorum, and even with Lombard and Visigothic laws. They were written and preserved all over Latin Europe, from northern France to Catalonia and Italy.[69] In one remarkable manuscript from the late Carolingian period, the prologue appears as a preface to the *Epitome Aegidii*.[70] This epitome was an abbreviated version of a revised version of the *Theodosian Code* issued by the Visigothic king Alaric. It became the main medium for the transmission of Roman law into the Merovingian and Carolingian kingdoms.[71] Following the prologue, this version of Roman law was obviously presented as one of the laws that King Dagobert once had ordered to write down or confirm to the different *gentes* of the kingdom.

In any case, the diverse transmission of the prologue suggests that it was probably written in the context of a larger legislative initiative, which included much wider areas and more legal communities than just the Bavarians. The remark that the codification of Dagobert had been preserved until the present day indicates that the prologue was composed after the death of Dagobert in 638/39. Another terminus post quem is provided by the composition and dissemination of Isidore of Seville's *Etymologies*. Isidore finished them in the 630s, and they were already circulating and read in the second half of the seventh century.[72] It would be tempting to link the composition of the prologue to the short reign of Childeric II over the whole Merovingian kingdom from 673 to 675. The *Passio of Leodegar*, written soon after the death of this Bishop of Autun in 676, mentions a kingdom-wide decree from the short time of Childeric's rule over the whole Merovingian kingdom:

> Interea Childerico rege expetiunt universi, ut talia daret decreta per tria quam obtinuerat regna, ut uniuscuiusque patriae legem vel consuetudinem deberent, sicut antiquitus, iudices conservare, et ne de una provintia rectores in aliis introirent.
>
> > [Now that Childeric was king everyone demanded that he should issue the following edicts throughout the three kingdoms over which he had gained sway: that as of old the judges should maintain the law and custom of each kingdom and that no one governing one province should intrude into another one.][73]

A legislative reform or initiative for the different regions of the Merovingian kingdoms could well have been the context for the composition of the

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69   See the introduction to *Lex Baiwariorum*, ed. by von Schwind, pp. 187–88.

70   BnF, MS lat. 4416. On the manuscript and the transmission of the *Epitome Aegidii*, see Trump, 'Römisches Recht im Karolingerreich'; Trump, 'Epitome Aegidii'; Liebs, *Römische Jurisprudenz in Gallien*, pp. 221–30.

71   Liebs, *Römische Jurisprudenz in Gallien*, pp. 166–76; Rouche and Dumézil, eds, *Le Bréviaire d'Alaric*.

72   Codoñer, 'Transmisión y recepción', and, still, Bischoff, 'Die europäische Verbreitung'.

73   *Passio Leudegarii*, ed. by Krusch, c. 7 (p. 289), trans. by Fouracre and Gerberding, pp. 223–24.

prologue to the Bavarian laws, discussed above. This would also explain the transmission of the prologue with other laws. As the passage in the *Passio of Leodegar* makes plain, Childeric issued *decreta* that confirmed the *leges et consuetudines patriae* in the different *provinciae* and *regna* of the Merovingian kingdom. Even if Childeric's initiative was not the occasion for the creation of the prologue, we might still see its composition in the context of legislative endeavours in the seventh century to which Childeric's decrees belonged. Both, the prologue as well as the report of Childeric's legislation, refer to and build upon earlier reforms and reorganizations of the legal framework of the Merovingian kingdoms started under Chlothar II after he had established himself as the sole ruler of the Merovingian kingdom in 613.[74]

Another passage in the *Passio of Leodegar* also reminds us of a provision once given by King Chlothar II. In his Edict of Paris from 614, a year after he took over the rule over all of the Merovingian kingdoms, Chlothar issued a title decreeing that judges should be appointed only to their home provinces.[75] This title of the Edict of Paris is not only interesting because of its parallels with the passage in the *Passio of Leodegar*. It dealt with an important issue in the reorganization of the legal structure of the Merovingian kingdom under Chlothar II.[76] The challenge after the establishment of Chlothar as the sole ruler with just one royal capital in Paris was to organize the diverse rights and laws into a system that bound everyone to the royal centre but was still sufficiently flexible to accommodate regional difference and local particularities. The importance of this measure has long been seen and discussed in modern research. But it has only recently come to light how strongly Chlothar's efforts to reorganize the Merovingian equilibrium built on Roman models, including more recent Justinian legislation.[77]

However, these models were adopted to organize a distinctively post-Roman legal landscape. What we observe in these experiments is the emergence of a new system with which to claim and secure one's status and rights as a free subject in an early medieval state — a system that would have a long future in medieval Europe.[78] An early example of these efforts in the seventh century are two extant formularies from the Merovingian Marculf-collection.[79] The

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74 See Esders, *Römische Rechtstradition und merowingisches Königtum*, pp. 340–57 (on the Edict of Paris from 614), and for a comprehensive comparison with the situation before and after Chlothar II, pp. 358–460.

75 *Et nullus iudex de aliis provinciis aut regionibus in alia loca ordinetur; ut, si aliquid mali de quibuslibet condicionibus perpetraverit, de suis propriis rebus exinde quod male abstolerit iuxta legis ordine debeat restaurare: Chlotharii II edictum, a. 614*, ed. by Boretius, c. 12 (p. 22); trans. by Murray, 'Immunity, Nobility, and the Edict of Paris', p. 27.

76 Wood, *The Merovingian Kingdoms*, pp. 140–49; Scholz, *Die Merowinger*, pp. 181–236; Murray, 'Immunity, Nobility, and the Edict of Paris'; Esders, *Römische Rechtstradition und merowingisches Königtum*, pp. 316–57.

77 Murray, 'Immunity, Nobility, and the Edict of Paris'; see also Esders, 'Pariser Edikt'.

78 Esders and Reimitz, 'Convergence and Diversity'.

79 On the formulary, see Rio, *Legal Practice and the Written Word*, pp. 81–100; Rio, *The Formularies of Angers and Marculf*, pp. 103–16.

collection was probably compiled around 700, but the models of the two *formulae* most likely go back to the time of Chlothar II and his son Dagobert. Both concern the oath of loyalty that legitimated the king as the highest military and legal authority in a Frankish successor state.[80] In this context, both *formulae* reinforced the principle of legal pluralism in similar terms.

The earlier of the two is a formula for the appointment of a *comes*, *dux*, or *patricius*. It highlights the judicial responsibility of the future official to keep the complete fidelity of the people who were residents in his administrative district, that is, the *pagus* (*omnis populos ibidem commanentes*), no matter whether these subjects were Franks, Romans, Burgundians, or belonged to any other nation (*Franci, Romani, Burgundiones vel reliquae nationes*).[81] The listing of the Burgundians among the different groups indicates that the formula goes back to a royal order that was issued for the Burgundian region, and there are good reasons to believe that this document was written in the context of Chlothar's effort to stabilize his rule over the region.[82] The formula refers to the official's judicial responsibilities and thus assumes this responsibility over people with a distinct ethnically defined legal status. The official had to judge them according to their law and custom. However, the district, for which the official was responsible and within which he had to fulfil his functions, was the *pagus*. A territorial and a personal dimension of legal belonging becomes visible here.

The second formula has the same objective but most likely for a different region. Again, the royal official — a count — was to make sure that all the inhabitants of the region (*omnes pagensis vestros*) swore the oath of loyalty to the king, be they Franks, Romans, or of any other nation.[83] Again, territorial and personal aspects of legal status appear combined in this formula on the official's responsibility. But the formula also reveals a more specific context. The occasion for the oath was the appointment of the king's son as sub-king. As we know from the Chronicle of Fredegar, there were two such occasions in the first half of the seventh century. In 623, Chlothar II established his son Dagobert I as sub-king in Austrasia. Ten years later, after Chlothar II had died and Dagobert I had succeeded him as the sole ruler of the kingdom, Dagobert too appointed his son Sigibert as Austrasian sub-king in Metz.[84]

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80 See Esders, 'Rechtliche Grundlagen frühmittelalterlicher Staatlichkeit'; Esders, 'Sacramentum fidelitatis'.

81 Marculf, *Formulae*, ed. by Zeumer, I. 8 (pp. 47–48); for an English translation, see Rio, *The Formularies of Angers and Marculf*, pp. 140–41.

82 For the context, see Esders, *Römische Rechtstradition und merowingisches Königtum*, pp. 340–57.

83 Marculf, *Formulae*, ed. by Zeumer, I. 40 (p. 68); for an English translation, see Rio, *The Formularies of Angers and Marculf*, p. 176.

84 See the brief discussion with further literature in Scholz, *Die Merowinger*, pp. 214–16, and see also below the discussion on the date of the *lex Ribuaria*, p. 312 with n. 87.

Lex Ribuaria

Both contexts have also been linked to the promulgation of a new law for these regions — the *lex Ribuaria*. Indeed, the compilation of this law fits well with these occasions, but in our opinion it does so slightly better with the appointment of Sigibert III in 633/34.[85] The Fredegar-Chronicle reports that it took place in the wake of devastating defeats against the Slavic kingdom of Samo and an increasingly instable situation along the eastern border of the kingdom. According to the Chronicle, in this situation the elites took the initiative and advised Dagobert to install his minor son Sigibert as king in Austrasia. In following their advice, Dagobert established Metz as the royal capital of Sigibert's kingdom, endowed the palace with additional financial resources, and appointed a *dux* and a bishop as co-regents for his three-year-old son.[86] The Chronicle concludes its account with a happy ending. From this point on the Austrasians defended the border and the kingdom against the Slavs with great success. The report indicates that the appointment of Sigibert was more than just the establishment of a sub-king in Metz. It went hand in hand with the administrative and military reorganization of the eastern border regions of the Merovingian kingdom, and it is very likely that the promulgation of a new law-code, the *lex Ribuaria*, was part of this reorganization.[87]

The law was written down for the inhabitants of the Rhineland region around Cologne, and its compilers clearly had the *lex Salica* in mind when they compiled the new law. Their choice of the title *lex Ribuaria* clearly recalled the title of the older *lex Salica*.[88] This older Salian law-code preserved legal traditions that went most likely back to local or regional customs of Frankish groups in the late fifth century. It seems, however, that the code had already acquired some symbolic capital as a distinct Frankish legal tradition in the Merovingian kingdom in the course of the sixth century.[89] The compilers of the *lex Ribuaria* took stock of the symbolic prestige of the older law-code. As in the older law, compositional modes of conflict resolution play an important role in the *lex Ribuaria* as well. As more recent research has shown, however, the model was fundamentally revised and updated along the lines of the reforms of Chlothar II and his successors.

This becomes particularly obvious in a title that grants every free man his own legal status — the famous 'personality of law'. Title 35 of the Ribuarian law decrees that within the *pagus Ripuarius* every Frank, Burgundian, Alaman,

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85   For a different view on the creation of the *lex Ribuaria*, see Ubl, *Sinnstiftungen eines Rechtsbuchs*, pp. 130–33.

86   *Chronicarum Fredegarii*, ed. by Krusch, IV. 75 (pp. 158–59).

87   On the *lex Ribuaria* and its context, see Lück, 'Lex Ribuaria'; Bothe, 'From Subordination to Integration'; Esders, 'Lex Ribuaria'.

88   See also Kano, 'La loi ripuaire'.

89   For the *lex Salica*, see Ubl, *Sinnstiftungen eines Rechtsbuchs*.

or member of any other nation should be judged according to the law of the region in which he was born (*sicut lex loci contenet, ubi natus fuerit, sic respondeat*). In case of a conviction he should consequently sustain the loss '*secundum legem propriam, non secundum Ribvariam*' (according to his own law, not according to Ripuarian law).[90]

In a later title the law provides us with more information about the status and relations of people from a different region. While a person born in the *pagus Ripuarius* was classified as a Ripuarian, those whose origins were outside the *pagus Ripuarius* were labelled *advenae*. The law also considers the different origins of immigrants and lists Roman, Burgundian, Frisian, Saxon, Bavarian, and Frankish *advenae*:

> Si quis Ribvarius advenam Francum interfecerit, ducentos solidos culpabilis iudicetur. Si quis Ribvarius advenam Burgundionem interfecerit, bis octoginta solid. multetur. Si quis Ribvarius advenam Romanum interfecerit, bis quinquagenos solid. multetur. Si quis Ribvarius advenam Alamannum seu Fresionem vel Bogium, Saxonem interempserit, bis octogenos solid. culpabilis iudicetur.
>
> > [If a Ripuarian kills a Frankish foreigner (*advenam Francum*), let him be held liable for 200 *solidi*. If a Ripuarian kills a Burgundian foreigner, let him be fined twice eighty *solidi*. If a Ripuarians kills a Roman foreigner, let him be fined twice fifty *solidi*. If a Ripuarian murders or kills an Alaman, Frisian, Bavarian or Saxon foreigner, let him be held liable for twice eighty *solidi*.][91]

The wergild of a freeborn Ripuarian was 200 *solidi*, and this was valid for (other) Franks as well, whereas the wergild of *advenae* from other ethnically defined legal groups was twice 80 *solidi*.[92] In the same passage, we also find the position of the Christian clergy integrated within this framework or hierarchy of homicides. A cleric only acquired a comparable status to a free Ribuarian if he was a priest for whom the law entitled the family to receive a wergeld of 200 *solidi*.[93] Even more expensive was it to kill a bishop. The murder of a bishop cost as much as the killing of five Bavarians or at least of two Frankish counts. To be sure, these taxonomies were not simply reflecting an already existing social hierarchy but should help to establish and stabilize these social hierarchies.

In the Ripuarian Code, as in the Salic law before, Roman *advenae* were taxed much lower than other *advenae* (as in other clauses of the Ripuarian

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90   *Lex Ribuaria*, ed. by Beyerle and Buchner, 35 [31].3–4 (p. 87), trans. by Rivers, *Laws*, p. 182.

91   *Lex Ribuaria*, ed. by Beyerle and Buchner, 40 [36].1–4 (p. 92), trans. by Rivers, *Laws*, p. 185.

92   See Esders, 'Wergeld und soziale Netzwerke im Frankenreich'; Bothe, 'From Subordination to Integration'; Bothe, Esders, and Nijdam, eds, *Wergild, Compensation and Penance*; and the forthcoming article of Bougard, '*Culpabilis iudicetur*'.

93   *Lex Ribuaria*, ed. by Beyerle and Buchner, 40 [36].5–8 (p. 93), trans. by Rivers, *Laws*, p. 185.

law), and were thus placed in the same category of wergild as individuals of lower social rank.[94] In comparison with the earlier sources we have discussed, however, the status of most *advenae* seems to have been upgraded. This should not mislead us to see this grading as an expression of Germanic ethnocentrism. The *lex* just continued a strategy that seems to have already been important in the older *lex Salica*. It helped to protect the status and claims of a group that saw its elevated position in society endangered by wider political and social horizons in which they became a minority group. The extension of Clovis's rule over most of the provinces of Gaul after 507 might well have concerned the members of the Frankish elites who either were early followers of Clovis in the comparatively small territory in the north-east of Gaul or lived in the Frankish kingdoms that Clovis conquered after 507. After the inclusion of the Roman kingdom of Soissons, and even more so of the wealthy Roman regions south of the Loire, they might well have wanted to secure their old status under the new circumstances — at least within their old territories. While the further development of this model in the seventh-century *lex Ribuaria* took place in a very different historical context, it might still have responded to the concerns of Frankish elites to maintain their status in the political reorganization of the eastern territories of the Merovingian kingdom.

Consequently, the law code was territorial law: all people born in the Rhineland were classified as Ripuarians and thus subject to Ripuarian law. Other legal traditions and identities became relevant only if they had migrated into the region. If, for instance, a Burgundian had married a Bavarian woman and both had come to settle in the Rhineland where they finally, as it happens, were summoned to court, they would have to be judged according to Burgundian and Bavarian law. Their children, however, if born in Cologne would, according to the principle mentioned above, be judged by Ripuarian law. In legal terms, therefore, the concept of *advena* served to adjust ethnicity within two generations: children of *advenae* would acquire a new legal or ethnic identity, which came to be different from the one of their parents. As much as the framing of this legal status looks ethnic and therefore might be read as being based on descent, it was still the territory, district, or jurisdictional sphere in which one was born or came to live that defined one's legal status. This clearly built on older Roman models to define and document one's legal status in the Roman Empire. Their further development allowed the citizens of the Merovingian kingdom to regularly adjust their legal status and protect the rights of immigrants while it also guaranteed and probably even engendered the elevated status of local military elites in a border region of the kingdom.

This fits indeed very well with the context of the legal reorganization of the kingdom after the establishment of Chlothar II as a sole ruler in 613. It fits equally well with the reconfiguration of older Roman models and traditions in the seventh century. While its title, *lex Ribuaria*, was most likely chosen

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94   See the excellent discussion in Bothe, 'From Subordination to Integration'.

in analogy to the older *lex Salica*, the name *Ribuaria* recalls the late Roman *Riparii*. The *Riparii* were a unit of the late Roman army based on the shores of the River Rhine (as part of the limitan troops on the Rhine), probably for the most part composed of barbarians.[95] What is more, not only the name for the inhabitants of the region but also the terminology the compilers of the law used for immigrants — *advena* — has (late) Roman roots. The term *advena* was also included in Isidore of Seville's *Etymologies*, the monumental encyclopaedia that provided its readers 'with the full tableau of ancient wisdom'.[96]

Isidore finished his encyclopaedia around the time the *lex Ribuaria* was written down and addressed the term *advena* in Book IX, entitled *De linguis, gentibus, regnis, militia, civibus, affinitatibus* (On languages, nations, reigns, the military, citizens, and family relationships). Here, he discussed *advena* in the wider context of the term *colonus*, pointing out that an *advena* was a person that was not born where he or she actually lived.[97] Isidore's definition of an *advena* seems to derive from late Roman administrative vocabulary, where the term actually appears as a legal concept to deal with problems of social mobility and migration. The term was based on a distinction between temporary and permanent residence (*advenae autem vel incolae adventicii perhibentur, sed permanentes*). An *advena* had come to a place that he or she had deliberately and officially chosen as *domicilium*. *Domicilium* was another Roman legal concept that played a crucial role in the organization and control of the status of the people who lived in the Roman Empire and their public obligations and taxes.[98]

Isidore's definition, however, seems to build more strongly on late Roman definitions of the term. A law published by the Roman emperor Valentinian III in 451 dealt with the case of certain *advenae*, who had sought work and protection by attending the estates of rich landowners. At their new places of residence, they had entered relationships with women, who were obviously *colonae*. After having married, however, they fled the place, leaving wife and children behind. In order to prevent such a desertion of their new homes, Valentinian decreed that *advenae* had to declare their domicile at the municipal record office of the place where the couple would live at the time of the marriage. In such cases, *advenae* would lose their mobility, but retain their status as a freeborn person — similar to that of a *colonus*.[99] Thus, the declaration of one's domicile at a *municipium* was a method to hold an *advena* liable to certain obligations and to control their mobility.

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95 On the misleading idea of the Salians and Ribuarians as two old Frankish *gentes*, see Springer, '*Riparii* – Ribuarier – Rheinfranken'.

96 Braulio of Saragossa, *Renotatio*, ed. by Martín; trans. by Brown, *The Rise of Western Christendom*, pp. 365–66.

97 Isidore of Seville, *Etymologiae*, ed. by Lindsay, 9. 4 (pp. 36–40).

98 Leonhard, 'Domicilium'; see also Dolganov, 'Documenting Roman Citizenship'.

99 *Novella Valentinani III*, ed. by Meyer, 31.5 (pp. 130–31).

Valentinian's law belongs to and continues wider reflections and debates about citizenship and belonging to a Christian Roman Empire. These reflections were of course strongly inflected by biblical models and approaches to foreigners. Stories about the chosen people itself as *advenae* were also linked to admonishments to show kindness to strangers. Els Rose has recently shown how the influential discourse inflected legislation on foreigners in the fourth- and fifth-century Roman Empire.[100] Other laws also represent intensifying efforts to control migration and social mobility in a Roman world with increasingly mixed populations of Roman citizens and different kinds of non-citizens. In his recent book *Ethnos et droit dans le monde protobyzantin*, Avshalom Laniado provides some interesting examples of how claims and proofs of origins were linked to claims to certain privileges and rights in the Eastern Empire of the fifth and sixth centuries. Particularly interesting is his discussion of the status of federates, such as members of barbarian troops, who could only claim their privileges such as tax exemption if they were able to prove that they were in fact barbarians. They needed to prove that they were *foederati* and *not* Roman citizens and were therefore *not* subject to taxes and other obligations owed by Roman provincials.[101]

Such experimentation with mechanisms of control or the channelling of social mobility did not come to a standstill with the end of Roman rule over the western provinces in the last decades of the fifth century. A law from the Burgundian kingdom issued at the beginning of the sixth century decrees that anyone who received an *advena* had to present him to the judge, who would urge the *advena* to confess under torture to whom he belonged.[102] The law seems to regard *advenae* as people coming predominantly from lower social classes. However, it was also emphasized here that the rule should apply to every *advena* or *homo extraneus*, no matter where he was born, or what his *natio* was.[103] The extension of the definition fits well with a situation in the Burgundian kingdom at the beginning of the sixth century. It might have been a time of intensified migration of people whose status was not always clear and often difficult to ascertain. At the same time, however, the legislators needed to balance the interests and rights of barbarian newcomers (many of whom might well have wanted to remain barbarians, or at least Burgundians, claiming the status and privileges that came with it) with the expectations

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100 Flierman and Rose, 'Banished from the Company of the Good'; see also Rose's contribution to this volume.

101 Laniado, *Ethnos et droit dans le monde protobyzantin*, pp. 110–28.

102 On the *lex Burgundionum* which is actually transmitted under the title *Liber constitutionum*, see Wood, 'The Legislation of *Magistri Militum*'; Esders, *Römische Rechtstradition und merowingisches Königtum*, esp. pp. 287–95; Plessier, 'La loi des Burgondes'.

103 *Lex Burgundionum*, ed. by von Salis, 39.1 (p. 71): [*De receptis advenis*] *Quicumque hominem extraneum cuiuslibet nationis ad se venientem susceperit, discutiendum iudici praesentat, ut cuius sit tormentis adhibitis fateatur.*

of Roman citizens.[104] The provision of the *Liber constitutionum* provided, therefore, new room for manoeuvre by allowing for the possibility to link the concept of *advena* to descent and/or ethnicity as well.

More than a hundred years later, in the Ribuarian law-code, the concept was further developed in a very different context and with very different aims. While the earlier examples show the term *advena* used in the context of restrictive measures regarding social mobility, the Ribuarian law seems to have built upon a concept to encourage migration into the region. In comparison with the earlier sources as well as the definition of Isidore of Seville, it provides a much more elevated place for certain groups of *advenae* within Ribuarian society. It also guaranteed the present status of the migrant with the option for the family to upgrade to the top group of the Ribuarian Franks. Establishing a stable defence structure needed manpower, and the Ribuarian law certainly provided incentives to take up that role and even to move to the region and join the force of the *Ribuarii*. In so doing, the legislators also took the sensibilities or anxieties of immigrants into account, in guaranteeing them the right to be judged only according to the law of their birthplace.[105]

The overall picture that becomes apparent from the Ripuarian Code is one in which the legal status of an individual depended on this person's birthplace, while the ethnic definition of an individual's legal status became an issue predominantly in case of immigration into the eastern frontier regions of the Merovingian kingdoms. Again an ethnically defined legal status becomes important to protect a minority, which might be the politically dominant minority or *advenae* whose kind treatment was seen as a pious action by every seventh-century churchgoer.[106] In light of this observation, we should not forget that the Ripuarian Code includes Roman *advenae* as well as citizens. The status of *cives* was still used in regulations on the manumission of slaves. The Ripuarian Code knows several different types of manumission, which also indicates a considerable degree of social mobility, both in horizontal and vertical terms, in the seventh century.

One chapter of the *lex Ribuaria* deals with the manumission of a slave into the status of a *civis Romanus*. It emphasizes that this sort of manumission confers an elevated status on the former slave who would now have a wergild of 100 *solidi*, which was half that of a Ripuarian.[107] However, if someone wanted to confer full freedom upon his former slave, he could also have him manumitted in the presence of the king by the ritual of penny-throw. In this case, which changed the former slave's status more radically, the individual

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104 Laniado, *Ethnos et droit dans le monde protobyzantin*, and for the West: Wood, 'The Term "barbarus"'; Mathisen, 'Concepts of Citizenship'; Esders, 'Die Integration der Barbaren'.

105 Hoppenbrouwers, '*Leges nationum* and Ethnic Personality'.

106 Deuteronomy 10. 19. We should like to thank Peter Brown for this reference and for reminding us of the importance of Christian discourse for the valorization of *advenae* in late antique and early medieval societies. See also above, n. 100.

107 *Lex Ribuaria*, ed. by Beyerle and Buchner, 64 [61].1–2 (p. 117).

would directly advance into the highest category of freeborn people like the *Ripuarius*, and this may be the reason why an involvement of the king was regarded as indispensable.[108] It also shows how a new layer of freedmen of highest rank being *Ripuarii* came to supersede the existing categories of free citizens. The impression that a higher stratification and differentiation of the status of freedmen took place[109] is supported by the possibility of manumitting a slave in a church using tables. A slave who was manumitted according to this procedure in a church and in the presence of the clergy would henceforth be called a *tabularius*. As such, he and his offspring would remain under the patronage of the church in which he had been manumitted. He would come to have a wergild of (most likely) 100 *solidi*, but it was explicitly forbidden that such a freedman could obtain a higher liberty through penny-throw.[110] Manumission in a church thus became some sort of dead-end street, as these *tabularii* could never leave ecclesiastical patronage. At the same time, manumission into the status of a *civis Romanus* became an intermediate position, conferring a limited freedom, clearly inferior to the highest category of freedmen — that is, those manumitted in the presence of the king through penny-throw.

The Ripuarian law-code thus illustrates a fundamental process of social and legal transformation by which the category of *civis* (*Romanus*) lost some of its importance and became superseded by new categories of legal status and political belonging — at least in the eastern and north-eastern borderlands of the Merovingian kingdom. Here, it seems that the free male members of ethnically defined peoples, whose law had been written down under the authority of the Frankish kings, were the true successors of the Roman citizens, who had once been the group with the most important legal status. At the same time, however, these ethnically defined individuals were all baptized Christians, and thus without any further distinction in certain regards subject to ecclesiastical law. Thus, from the Ripuarian law-code we can see how in the eastern parts of the kingdom, in those areas which had formerly been the late Roman provinces of *Germania superior*, *Germania inferior*, and also to some extent *Gallia belgica*, the ancient notions of legal belonging had already been profoundly transformed and reframed by the middle of the seventh century.

As briefly mentioned above, it is very likely that the promulgation of the Ripuarian law-code took place in the context of the establishment of Sigibert III's sub-kingdom in 633/34 and the political reorganization of the eastern regions of the Merovingian kingdom.[111] According to the Fredegar-

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108 *Lex Ribuaria*, ed. by Beyerle and Buchner, 64 [61].3 (p. 117).

109 Liebs, 'Vier Arten von Römern'.

110 *Lex Ribuaria*, ed. by Beyerle and Buchner, 61 [58].1 (pp. 108–09); see also Esders, *Die Formierung der Zensualität*, pp. 50–60.

111 Cf. above, p. 312.

Chronicle, this reorganization was above all a response to the increasingly successful campaigns of a Slavic kingdom under their king Samo, which probably also reached into the eastern border region of the Merovingian kingdom.[112] This brings us back to the Fredegar-Chronicle. So far, we have above all highlighted the parallels between the Chronicle and the legal sources. The report of the Chronicle about the establishment of Sigibert's sub-kingdom might well give us an opportunity to look at the interactions between the people behind the composition of documents, laws, and histories. As the chroniclers report, the war broke out after a diplomatic mission failed. A group of Frankish merchants had been killed supposedly by Slavs, and a Frankish embassy under a certain Sycharius was sent to Samo to resolve the conflict. As we learn from the Chronicle as well, Samo was originally a Frankish merchant who had emigrated into the Slavic territories and became their ruler. In the meeting with Sycharius, the Franks asked for compensation (*iustitia faceret emendare*),[113] probably along the lines of wergild catalogues as listed in the Frankish laws. However, Samo was not willing to settle the claims on this basis. He suggested instead to resolve the conflict in a trial (*placitum*) obviously under his jurisdiction or jurisdictional guidance. In Samo's view, such a trial would have guaranteed that justice would serve both sides for these issues and other matters of contention that had arisen during the previous years.[114] Sycharius, however, refused to continue any further negotiations on such terms, even though Samo made clear that he saw the territory he governed as belonging to Dagobert's *regnum*, as long as Dagobert kept the agreements and the friendship (*amicitia*) with him and his people. Sycharius nevertheless reacted with insults, saying that it was impossible for Christians and servants of the Lord to have friendship (*amicitia*) with dogs. The term *amicitia* leads us again into the diplomatic and legal history of the late Roman world. Verena Epp has shown how strongly the term was connected not only to affective but also to contractual elements of a bond between two individual or collective partners.[115] With the emphasis on the incompatibility between the Frankish kingdom and Samo's Slavs, Sycharius effectively ended the negotiations. Samo threw Sycharius out. The Chronicle of Fredegar, however, ends its report with a harsh critique of the foolish behaviour of the '*stultus legatus*' (silly legate) which started a war that eventually destabilized the whole eastern border regions of the Merovingian kingdom. The ensuing administrative and military reorganization of these regions certainly tried to clarify the question of the relative status of different communities and value-systems in the region.

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112 On the kingdom of Samo and his conflict with the Frankish kingdoms, see Pohl, *The Avars*, pp. 305–11.

113 *Chronicarum Fredegarii*, ed. by Krusch, IV. 68 (p. 104).

114 *Chronicarum Fredegarii*, ed. by Krusch, IV. 68 (pp. 154–55).

115 Epp, *Amicitia*; Willard, 'Friendship and Diplomacy'.

Conclusion

Let us briefly conclude these observations on the overlaps and parallels between historiographical and legal sources with the help of the seventh-century Chronicle of Fredegar and the legislative reforms and initiatives since Chlothar II's establishment as the sole ruler of the Merovingian kingdoms in 613. In comparing the different sources, it is important to maintain a sense of perspective. The legislative sources discussed here should be understood as part of royal efforts to find a way to reorganize the legal framework for the adjustment of different interests. The Fredegar-Chronicle, however, can hardly be read as history written for the Merovingian kings of their time. The chronicler's perspective presents us with a distant and sometimes even critical perspective on the Merovingian kings.[116] The emphasis on the history of the Franks and the role of Frankish identity for stability and coherence should actually provide contemporaries with an alternative focus for the political integration and social coherence to the focus offered by the Merovingian court.[117] One could even speculate that the Chronicle's critique of the Frankish legate's rejection to settle the conflict on equal terms with the 'king of the Slavs' was a critique of the royal policy of a distant king in the west. The governing classes of the eastern territories might well have seen Slavic policies and leaders and particularly their 'Frankish' king Samo not only as pagans or a foreign threat, but also as potential allies and federates in the territories across the eastern borders. They might well have thought more flexibly about the inclusion of these foreigners into a framework that regulated the interaction and settling of conflicts between themselves and members of Slavic communities than Sycharius did. There is no indication in the extant legal sources of this. The hagiographic evidence presents unsurprisingly a hard boundary between the Christian Frankish kingdom and its pagan neighbours, which eventually led to an ideological 'closing of frontiers' along the eastern and northern periphery of the Merovingian world.[118] More interesting, however, are the parallels between the historical and legal sources in regard to their responses to the challenge of accommodating ethnic and legal pluralism. In their different ways, both types of sources attest to an increasing importance given to the accommodation of both, an ethnic plurality and a legal pluralism that came to coincide more strongly with social stratification, particularly in a military context. Both, a legal pluralism organized by the personality of law, and ethnicity, have long been regarded as having their roots in barbarian or even Germanic traditions. As we have tried to show, however, they were developed from legal and social models that can be traced back to intellectual, social, and political resources and models of the late Roman world. However, this does by no means mean to replace

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116 See Wood, 'Deconstructing the Merovingian Family'.
117 Reimitz, *History, Frankish Identity*, pp. 231–39.
118 Brown, *The Rise of Western Christendom*, pp. 408–33.

Germanic roots of post-Roman societies with simple Roman continuities. Our discussion of the Fredegar-Chronicle and of the Ripuarian law-code illustrates the creativity and sophistication with which late Roman models and world views were transformed and further developed in the post-Roman Merovingian world. The remaking of citizenship is just one example of the ongoing social, political, and religious experimentation that resulted in a very different world from the Roman foundations on which they were built.

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Expressions of Civic Identity in the Early Middle Ages

MATHIEU TILLIER

Urban Populations in Early Islam

Self-Identification and Collective Representation

Introduction

The world of medieval Islam did not have a corresponding equivalent for the notion of citizenship. There is no Arabic word that designates the legal status of an individual who may participate in the political life of a city, a province, or the Empire. However, this does not mean that such participation did not exist. *Shūrā* (consultation) is sometimes used as an example of such a gesture towards an elective system in Islam.[1] However, the *shūrā*-council that elected ʿUthmān (r. 23–35/644–656) as the head of the Muslim community included only six members who were appointed by the previous caliph and were all candidates for the caliphate themselves.[2] As noted by Patricia Crone, *shūrā* was not a democratic election but, rather, a mode of deliberation during a political crisis, which aimed for the emergence of a consensus.[3] Consulting the Muslim constituency to choose the ruler remained, with rare exceptions, a political ideal that was mainly defended by opposition groups. Opponents to the Umayyads thus called for a *shūrā* without defining its ex officio members or ever extending it to a large part of the community. Others called for the adoption of an 'approved' caliph (*riḍā*) without specifying through which procedure such approval could be granted.[4]

The dynastic principle that definitively prevailed after the Abbasid revolution of 132/750 relegated the concept of *shūrā* as a means of legitimation to a secondary position. Although Sunnis from the fourth/tenth century onward came to

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1 On the *shūra*, see Bosworth, 'Shūra'.
2 Tyan, *Institutions du droit public musulman*, pp. 153–54.
3 Crone, '*Shūrā* as an Elective Institution', p. 15. See also Tyan, *Institutions du droit public musulman*, p. 260.
4 Crone, '*Shūrā* as an Elective Institution', pp. 16–22.

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consider the caliph as the representative (*wakīl*) of the entire community, the approval of a very small number of 'voters' (*ahl al-ḥall wa-l-ʿaqd*, litt. 'people who loosen and bind')[5] who belonged to the administrative or scholarly elites was enough to legitimize his accession to power. The previous ruler's choice was only confirmed through such a symbolic designation. The representative nature of these voters stemmed from the legal concept of *farḍ kifāya* (collective duty) that had simultaneously developed, which stipulated that the community was exempt from an obligation as long as a sufficient number of individuals fulfilled it.[6]

Despite such marginalization of the subjects in the appointment process of their sovereign, they may still have been able to participate in the political life on a smaller scale, particularly in their cities. However, the study of the way urban populations represented themselves and understood their role in the administration of their city is not an easy task, especially during the early centuries of Islam when documentation is scarce and literary sources offer only a sketchy vision of cities' political life. This explains why Claude Cahen, who was one of the first historians to explore urban governance in Islam, limited his series of studies to later periods and started in the fifth/eleventh century.[7] His work drew attention to the role certain groups, such as the militias called *aḥdāth* (litt. 'young men') and their 'leaders' (*ra'īs*), played in the administration of Syrian and Mesopotamian cities.[8] As she reviewed Cahen's studies and the subsequent work of his followers, the Ottomanist Nora Lafi concludes that governance was 'at least partially entrusted to the city notables' and highlights the existence of a 'civic sphere' in Islamic cities.[9] However, her conclusions cannot apply to the first centuries of Islam without further investigation.

This present contribution has a twofold objective. First, I investigate how early Islamic populations expressed their belonging in documentary sources and what place cities occupied in these self-representations. Secondly, I examine the role of urban populations in the management and defence of local affairs. This survey will only concern Muslim populations — and not non-Muslims (*dhimmī*-s) — and will rely almost exclusively on Near Eastern examples concentrating on Egypt and Iraq in particular. This paper argues that the sense of belonging to an urban community was not a self-evident phenomenon in early Islam and that expressions of such belonging only multiplied gradually and took different forms. Despite the absence of any permanent representative body in cities, urban elites participated in the management of collective affairs, either through their participation in local institutions or through their ability to speak on behalf of others.

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5   Zaman, 'Ahl al-ḥall wa-l-ʿaqd'.

6   Crone, '*Shūrā* as an Elective Institution', pp. 35–36.

7   Cahen, 'Mouvements populaires et autonomisme urbain'.

8   It should be noted that these categories evolved over time. The *ra'īs* designated a tribal or party leader in early Islam and did not refer to any form of urban organization as in eleventh-century Syria.

9   Lafi, *Esprit civique et organisation citadine*, pp. 38, 50.

Self-Identification of Local Populations

The social world of early Islam is often considered as an urban one. Following the conquests, Arab-Muslim conquerors indeed settled in pre-existing or new cities. Motivated by strategic considerations, this concentration in urban centres lasted for several decades. In Egypt, for instance, the conquerors settled partly in Alexandria — where they kept an important border garrison (*ribāṭ*) to defend the coast against the Byzantines — and mostly in Fusṭāṭ, a new settlement next to the fortress of Babylon, or in its immediate surroundings like al-Jīza.[10] Their presence in the rest of the province was limited to a few soldiers and traders,[11] or to temporary stays in spring pastures to fatten their horses while preparing for summer military expeditions.[12] Arabization and islamization of the Egyptian countryside did not begin before the first half of the second/eighth century, when indigenous administrators were gradually replaced[13] and new Arab tribes settled in the Delta.[14]

The ahl *of a Territory*

One of the most common means in Arabic to designate an individual's belonging to a city or a region was to use the expression '*min ahl*' (belonging to the people of …). According to later reports, the famous battle of Ṣiffīn (37/657) that occurred during the first civil war between Muslims (*fitna*) saw an opposition between the *ahl al-Shām* (the 'people of Syria', Muʿāwiya's supporters) and the *ahl al-ʿIrāq* (the 'people of Iraq', ʿAlī's supporters).[15] Despite the abusive generalization implied by these designations,[16] they nevertheless reflect the contemporaries' perceptions of social divisions along territorial lines.

Starting in the first/seventh century, the expression *min ahl* appears in documentary sources to qualify membership of a group, whether on a religious basis (*ahl al-kitāb*, 'people of the Book' or *ahl al-dhimma*, 'the *dhimmī*-s';[17] *ahl al-islām*, 'people of Islam'[18]) or a territorial one. In Arabic papyri discovered

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10 Al-Maqrīzī, *al-Mawāʿiẓ wa-l-iʿtibār*, I, pp. 560–61.

11 Sijpesteijn, *Shaping a Muslim State*, pp. 82–84, 92.

12 Al-Suyūṭī, *Ḥusn al-muḥāḍara*, I, pp. 153 f.

13 Sijpesteijn, *Shaping a Muslim State*, pp. 103, 108.

14 Al-Kindī, *Wulāt*, pp. 76–77; al-Maqrīzī, *al-Mawāʿiẓ wa-l-iʿtibār*, I, pp. 214–15.

15 Jabali, *The Companions of the Prophet*, p. 144.

16 Jabali, *The Companions of the Prophet*, pp. 177–78.

17 *P.DiemFrueheUrkunden* 7. Papyri are cited according to the rules of the Checklist of Arabic Documents, <https://www.naher-osten.lmu.de/isapchecklist>.

18 See the funerary stele of ʿAbbāsa bint Jurayj in Fusṭāṭ, dated 71/691, in Wiet, *Catalogue général*, IX, p. 1, no. 3201; a stele from Aswan necropolis, dated 206/821, in ʿAbd al-Tawab, *Stèles islamiques de la Nécropole d'Assouan*, I, p. 5, no. 4; an Egyptian stele (al-Shallāl, south of Awsan) dated 209/824, in Wiet, *Catalogue général*, IX, p. 47, no. 3267; an Egyptian stele dated 214/829, in Hawary and Rached, *Catalogue général*, I, p. 77, no. 110; four stelae from Aswan, Ṭafa (Upper Egypt), and an unknown place, dated 217/832 and 218/833, in Hawary

in the Egyptian hinterland, individuals (Copts or Muslims) are very often identified by their belonging to 'the people' (*min ahl*) of a particular village or pagarchy (Arabic *kūra*, an administrative unit),[19] or, more rarely, of a particular city.[20] Because of their legal scope, these documents, which were mostly issued by Muslim authorities, needed to identify individuals precisely and included their places of residence in addition to their names and surnames. However, they do not reveal how individuals perceived their own belonging.

To approach self-representations, it is thus necessary to turn to another documentary corpus: funeral epigraphy. Only a small number of tombstones use the expression *min ahl* to mention the specific city to which the deceased belonged. I examined a corpus of 536 Arab funeral stelae that spanned from present-day Algeria to Iraq, including Egypt (82.1 per cent of the corpus), Arabia, Syria, and Cyprus and dated from the seventh century to 835 CE. In this entire corpus, I found only two instances of such stelae that mention the city to which the deceased belonged.[21] The oldest one is the tombstone of ʿAbd al-Raḥmān b. Ḥaywa ibn Dhī al-ʿ.r.f al-Ḥaḍramī (d. 126/744), in Algeria. This man is mentioned as '*min ahl Ḥimṣ*' (belonging to the people of Ḥimṣ, in Syria) and may have been a soldier who settled in the Maghreb during the conquest.[22] The second inscription appears on the funeral stele of a Qurayshī who died in Egypt in 184/800; unfortunately, the word after *min ahl*, probably a toponym, is erased.[23] Several surviving examples of graffiti engraved on pilgrimage roads in Arabia also mention the same expression: a man 'belonging to the people of Qinnasrīn' (in northern Syria) wrote his name on the rock in 78/697.[24] Two other individuals from the same city wrote requests for forgiveness to God on unknown dates, probably in the early second/eighth century.[25] Two undated inscriptions were carved by

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and Rached, *Catalogue général*, I, p. 95, no. 135 and p. 107, no. 155, and Wiet, *Catalogue général*, IX, p. 73, no. 3314 and p. 72, no. 3313. Let us finally mention the expression '*min ahl millati-ka*' (the people of your religion) in *P.HindsNubia* (year 141/758).

19 See for instance *P.LiebrenzQuittung, Chrest.Khoury* I 48, *P.BeckerPAF* 16 = *P.Cair.Arab.* 286, *P.RagibSauf-conduits* 1, *P.PiletteSauf-Conduit, P.MuslimState* 16, *P.BeckerPAF* 17 = *P.GrohmannApercu* p. 55 = *P.Cair.Arab.* 175, *P.Cair.Arab.* 180 = *P.Alqab* 13, *P.RagibSauf-conduits* 3, 5, 6, 7, *P.Clackson* 45, *P.Steuerquittungen* 1, *P.David-WeillLouvre* 16, *P.Cair.Arab.* 168.

20 *P.StoetzerSteuerquittung, P.Cair.Arab.* 174 (*min ahl madīnat Ushmūn*), *P.HindsNubia* (*min ahl Aswān*), *P.Steuerquittungen* 1, *P.Cair.Arab.* 168 (*min ahl madīnat Ushmūn*).

21 It should be noted that these funeral stelae never mention dates and places of birth. See Rāghib, 'Les pierres de souvenir', p. 346. For a larger overview, see Halevi, *Muhammad's Grave*, pp. 14 f.

22 Tütüncü, *Cezayir'de Osmanlı izleri*, p. 399.

23 *RCEA*, I, no. 65. See also a stele on which an Ifrīqiyyan who died in Fusṭāṭ in 209/824 is called '*min abnāʾ Ifrīqiyya*' (belonging to the sons of Ifrīqiyya). Wiet, *Catalogue général*, IX, p. 47, no. 3268. See also Rāghib, 'Les pierres de souvenir', p. 343.

24 Al-Kilābī, *al-Nuqūsh al-islāmiyya*, p. 64, no. 2; Ibrahim Hamed, 'Introduction à l'étude archéologique', II, p. 496, no. 7.

25 Al-Kilābī, *al-Nuqūsh al-islāmiyya*, p. 212, no. 129.

men 'belonging to the people of Damascus',[26] and one by an individual from Raqqa.[27] A Berber pilgrim from Tangier, in the Maghreb, wrote his name in 142/759–760.[28] Finally, an Egyptian from Fusṭāṭ (*min ahl Miṣr*) engraved a pardon request in Cyprus in 164/780.[29]

On the basis of the few examples that I have been able to glean from the impressive *Thésaurus d'Épigraphie Islamique*,[30] it is possible to draw two conclusions. First, it was quite uncommon to identify an individual by the urban population to which he or she belonged through the expression *min ahl*. Second, this identification formula seems to occur only when the individuals who wrote (or for whom the funeral stele was engraved) were far away from the place to which they claimed to belong. Therefore, expressing a city of belonging was primarily motivated by being present in a foreign land.

Nisba-s: Tribes as Identification Markers

Arabic onomastics offers another way of stating an individual's belonging to a group or territory: the relation name (*nisba*) following the patronymic (possibly developed as a patrilineal genealogy), in the form *al-* + ethnonym or toponym + *iyy* (masculine, abbreviated as *ī*) or *iyya* (feminine), for example, al-Baṣrī for a Baṣran.[31] In the early Islamic period, not everyone used a *nisba* when writing his name. In informal inscriptions (graffiti) and on tombstones, many people only mentioned their name and that of their father (sometimes their forefathers).

Within my corpus of 536 tombstones, I found only nineteen geographical *nisba*-s — 5 per cent of the stelae — fifteen of which refer to a city and four to a larger place, generally a province (Table 13.1). The most frequent *nisba*, 'al-Makkī', appears only six times total and only once in the Arabian Peninsula, far from Mecca.[32] Other occurrences relate mainly to members of a single family buried on the Dahlak Islands in the Red Sea.[33] In comparison, the number of tribal *nisba*-s is nearly ten times higher.[34] I counted 182 instances, and of these five are specified by a clan *nisba* preceded by the particle *thumma* ('then'). More than a third of these funeral stelae thus carry a tribal *nisba* (34

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26 Al-Kilābī, *al-Nuqūsh al-islāmiyya*, p. 323, no. 228, and p. 176, no. 98. A similar inscription mentions a man *min ahl d…* (perhaps Damascus too) in al-Kilābī, *al-Nuqūsh al-islāmiyya*, p. 333, no. 237.

27 Al-Kilābī, *al-Nuqūsh al-islāmiyya*, p. 288, no. 194.

28 Ghabbān, *Shamāl gharb al-mamlaka al-ʿarabiyya al-saʿūdiyya*, ii, p. 228.

29 Megaw, 'A Muslim Tombstone from Paphos', p. 108.

30 <http://www.epigraphie-islamique.org>, [consulted 24 January 2019].

31 Concerning relation names, see Sublet, *Le voile du nom*, p. 95.

32 Al-Faqīh, *Mikhlāf ʿAsham*, p. 456, no. 4.

33 Schneider, *Stèles funéraires*, i, p. 117, no. 4; p. 141, no. 23; pp. 171–72, no. 48-A; pp. 142–43, no. 24.

34 The Arab tribe — and its sub-divisions (clans) — is regarded as a genealogical group whose members are supposed to descend from a common ancestor.

Table 13.1. List of tribal and geographic *nisba*-s on funerary stelae (650–835 CE)

Tribe	Number
al-ʿAkkī	1
al-Aṣbaḥī	1
al-Bāhilī	1
al-Balbāʾī (?)	1
al-Dawsī	1
al-Janabī	1
al-Jumaḥī	2
al-Jurashī	1
al-Ḥaḍramī	9
al-Ḥajrī	1
al-Hāshimī	6
al-Khawlānī	48
al-Khuzāʿī	3
al-Ḥimyarī	2
al-Farhāṭī (?)	1
al-Kindī	7
al-Kalāʿī	2
al-Lakhmī	2
al-Maʿāfirī	8
al-Makhramī	1
al-Murādī	14
al-Naḍrī	1
al-Qasrī	1
al-Quḍāʿī	1
al-Qurashī	29
al-Ruʿaynī	1
al-Ṣadafī	15
al-Tamīmī	6
al-Tujībī	12
al-Zuhrī	3
Total	*182*
Clan[b]	**Number**
al-Jaʿlī	1
al-Ḥarrānī	1
al-Maṣraḥī	1
al-Nabawī (or al-Banawī?)	1
al-Ruʾāsī	1
Total	*5*

Region	Number
al-Baḥrānī (Baḥrayn?)	1
al-Khurasānī (Khurasan)	1
al-Sijistānī (Sijistan)	1
al-Yamāmiyya (Yamāma)	1
Total	*4*

City	Number
al-Aswānī (Assouan)	1
al-Aṭrābulsī (Tripoli)	1
al-Baṣriyya (Baṣra)	1
al-Ḥimṣī[a] (Ḥimṣ)	1
al-Kūfī (Kūfa)	1
al-Madanī (Medina)	1
al-Makkī (Mekka)	6
al-Nasāʾī (Nasā, Khurāsān)	1
al-Ramlī (Ramla)	1
al-Ṣanʿānī (Sanaa)	1
Total	*15*

Notes:
[a] This is actually the *nisba* of the deceased's patron.
[b] We consider a *nisba* to refer to a clan when it follows a tribal relation name from which it is separated by the particle *thumma*.

per cent). The most common ones relate to tribal groups that settled in Egypt after the conquest (Khawlān, Quraysh, al-Ṣadaf, Murād, Tujīb, Ḥaḍramawt, al-Maʿāfir, Kinda), which can be explained by the high proportion of Egyptian stelae in the corpus.

These results corroborate my previous conclusion regarding the use of *min ahl*. In the first two centuries of Islam, Muslims often expressed their membership in a tribal group and, to a much lesser extent, in a city or a region when they died far away from their home. It is also noticeable that the geographical *nisba*-s found in our corpus all qualify people who died after 810 CE.[35] Consequently, the early ninth century appears as a turning point in the way individuals were identified. This conclusion, however, might be a result from the dramatic increase in the surviving number of funeral stelae dating from the first thirty years of the ninth century compared to the total number of those engraved in the previous century and a half. At any rate, it should be noted that a geographical *nisba* was never associated with a tribal one on these tombstones. One claimed to belong to either a tribe or a city, but never both together.

In the eyes of Egyptians, at least, belonging to a city did not appear to be an important way to identify a deceased person on his tombstone, even when he died far from his hometown. Only one Egyptian toponym, Aswān, appears on an Egyptian stele. The *nisba* al-Fusṭāṭī does not appear in the Aswān necropolis until 265/879.[36] Previously, when people from Fusṭāṭ died in another part of Egypt, or even abroad, our corpus suggests that their origin was not mentioned on their tombstones.

Early Muslims thus seem to have designated themselves much more frequently in relation to their tribe than to their city. However, a tribal designation does not necessarily mean identification with a lineage. Most of the names in our corpus do not mention any ancestors beyond the deceased's father and do not go back more than four generations.[37] Tribal *nisba*-s also appear on tombstones of people who were attached to a tribe as clients (*mawālī*).[38] Moreover, they generally refer to large tribal groups and very rarely to more specific clans. For example, the funeral stele of the famous scholar and judge ʿAbd Allāh ibn Lahīʿa (d. 174/790) identifies him only by his

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35   The only exception is a stele from Arabia, undated but estimated to date back to the second/eighth century. Al-Faqīh, *Mikhlāf ʿAsham*, p. 456, no. 4. On geographical *nisba*-s on tombstones, see also Diem, *The Living and the Dead in Islam*, pp. 22–23, in which the author argues that *nisba*-s of origin were only elements of names, and did not necessarily indicate the origin of the deceased.

36   ʿAbd al-Tawab, *Stèles islamiques de la Nécropole d'Assouan*, II, p. 41, no. 190.

37   Cf. Halevi, *Muhammad's Grave*, p. 17.

38   Wiet, *Catalogue général*, IX, p. 5, no. 3205; p. 23, no. 3230; VIII, pp. 40–41, no. 2888; Hawary and Rached, *Catalogue général*, I, pp. 21–22, no. 24; pp. 70–71, no. 100; p. 83, no. 119; p. 85, no. 122; pp. 93–94, no. 133. The institution of *walāʾ* allowed an individual and his descendants to join a tribe to which they did not originally belong. Non-Arab converts were supposed to integrate into tribal society by *walāʾ* in early Islam. See Crone, 'Mawlā', p. 874.

patronym and his tribal *nisba* (ʿAbd Allāh ibn Lahīʿa al-Ḥaḍramī),[39] while later historiography reconstructed his genealogy over five generations and assigned him two possible clans.[40] A material reason might explain such concision: multiplying ancestors' names would have increased the carving space that was needed and thus the cost of tombstones. However, the length of many inscriptions — that regularly multiply pious formulas and even sometimes specify the day of the death — suggests that cost was not a primary concern. A long genealogy evidently was not considered an essential way to identify the deceased. Therefore, tribal identification reflected, first and foremost, someone's horizontal membership in a social group and only secondarily his vertical belonging to a lineage group.

The conquerors' division into tribes long governed social relations in Islam. Garrison cities, such as Fusṭāṭ, Baṣra, and Kūfa, were divided into tribal quarters that continued structuring the urban fabric in the early third/ninth century.[41] In this respect, it should be noted that more than a fifth of our corpus (115 stelae out of 536) comes from Fusṭāṭ. Although all tombstones bearing a tribal *nisba* do not come from this city, one could tentatively postulate that, in some of these cases, the identification of the deceased with a tribal group, such as Khawlān, Kinda, Tujīb, al-Maʿāfir, Murād, or Ḥimyar, could also indirectly refer to a tribal neighbourhood.[42] If so, these tribal *nisba*-s may indicate an urban identification, not signifying the entire city but, rather, their tribal quarter.

The Stranger

If we assume that belonging to a city or a province affected how its inhabitants represented themselves, the mention of 'strangers' should provide a counterpoint to this type of local identification. As a matter of fact, both literary and documentary sources use such a categorization, using the term *gharīb* (pl. *ghurabāʾ*), which denotes an individual who left his original place of residence in the Islamic Empire and settled elsewhere on a temporary or permanent basis, and was cut off from his previous social networks.[43] Al-Kindī (d. 350/961) uses this term to refer to non-Egyptian judges of Fusṭāṭ who came from another province.[44] Similarly, Ibn Yūnus (m. 347/958) composed a *Book of Strangers who Came to Egypt* (*Taʾrīkh al-ghurabāʾ alladhīna qadimū Miṣr*).[45]

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39   Hawary and Rached, *Catalogue général*, I, p. 1, no. 1.

40   See al-Kindī, *Akhbār quḍāt Miṣr*, p. 130.

41   On Fusṭāṭ, see Kubiak, *Al-Fustat*; on Kūfa, see Djaït, *Al-Kûfa*. See also Tillier and Vanthieghem, 'Un registre carcéral de la Fusṭāṭ abbasside', pp. 344–46.

42   See the schematic plan of the tribal quarters of Fusṭāṭ in Kubiak, *Al-Fustat*, p. 176.

43   See Rosenthal, 'The Stranger in Medieval Islam', pp. 41, 42, 65, 73.

44   Al-Kindī, *Akhbār quḍāt Miṣr*, p. 433.

45   See Ibn Ḥajar al-ʿAsqalānī, *Rafʿ al-iṣr*, p. 421. This lost book has been partially reconstructed in Ibn Yūnus, *Taʾrīkh*, II.

Although papyrological sources do not seem to attest to the use of *gharīb* in this sense before the sixth/twelfth century,[46] funeral stelae identify such 'strangers' as early as the third/ninth century.[47] A tombstone from Fusṭāṭ, dated 241/856, mentions a certain al-Ḥasan ibn ʿAbd Allāh al-Baghdādī, originating from Baghdad, and describes him as *gharīb* — highlighting his situation as an alien in Egypt.[48] Ten years later, in 252/866, the stele of a woman named Umm ʿAbd Allāh, who died in Fusṭāṭ, specified that she was an 'Arab' and an 'Azdite' and described her as *gharība*.[49] The same is true for a baker originating from Aleppo who died in Egypt in 253/867,[50] and for a Khurāsānian who died in Syria around the same time.[51]

These relatively late attestations cannot be taken as evidence that Muslims from another province were perceived as 'strangers', or that they perceived themselves as such, in the first/seventh and second/eighth centuries. The predominance of tribal *nisba*-s on tombstones, the rarity of the expression *min ahl*, and the late appearance of the term *gharīb* altogether lead us to conclude that identification with a city, or even a province, remained a secondary phenomenon during the first two centuries of Islam. This situation changed in the first half of the third/ninth century: from the 840s CE onwards, more and more references to geographical origins appeared on Egyptian funeral stelae.[52] This evolution seems to reflect a deeper paradigm shift, which led to the emergence of diversified expressions of regional belonging.

From Tribal to Local Chauvinism

The predominance of tribal categorization in the first two centuries of Islam is echoed in some of the oldest literary sources that have come down to us, that of 'traditions' (*athar*, or *ḥadīth*) or statements attributed to religious authorities belonging to the first generations of Muslims. These traditions reflect competitions between tribal groups who promoted their qualities and prestige inherited from ancient times, rather than rivalries between cities or provinces. In Umayyad Ḥimṣ (Emesa), apocalyptic traditions expressed the

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46 See the petition *P.Heid.Arab*. II 48.
47 See Rāghib, 'Les pierres de souvenir', p. 343; Diem, *The Living and the Dead in Islam*, pp. 88–111.
48 Wiet, *Catalogue général*, II, p. 10, no. 419.
49 Oman, 'Steli funerarie', p. 314, no. 5.
50 Hawary and Rached, *Catalogue général*, III, p. 29, no. 859.
51 Ory, 'Monuments et inscriptions', II, p. 323, no. 81.
52 For deceased people from Baṣra, see Hawary and Rached, *Catalogue général*, I, p. 192, no. 314; III, p. 6, no. 810; p. 78, no. 964; Wiet, *Catalogue général*, II, p. 1, no. 401; p. 32, no. 463; p. 86, no. 566; VIII, p. 58, no. 2923; X, p. 73, no. 3686; p. 75, no. 3692; p. 86, no. 3714; p. 101, no. 3747. For deceased people originating from Kūfa, see ʿAbd al-Tawab, *Stèles islamiques de la Nécropole d'Assouan*, I, p. 14, no. 13; Oman, 'Steli funerarie', p. 310, no. 2; Wiet, *Catalogue général*, II, p. 62, no. 520; IV, p. 52, no. 1320; VII, p. 24, no. 2457; p. 95, no. 2615; p. 96, no. 2619; Hawary and Rached, *Catalogue général*, III, pp. 32–33, no. 865.

political ambitions of tribes originating from the southern Arabian Peninsula, when northern Arab tribes (especially Quraysh) dominated the political scene. These South Arabian tribes claimed the legacy of the former kingdom of Ḥimyar, which still had a tribe named after it, and expected its restoration as a prerequisite for the apocalypse.[53] Jean-Claude Vadet also highlighted some manifestations of South Arabian chauvinism in Fusṭāṭ, which still sought to defend the interests of Yemeni tribes in the early Abbasid era.[54]

As time passed, however, other dynamics prevailed. The progressive islamization of indigenous populations through conversions contributed to a certain dissolution of tribal chauvinism. After the Abbasid takeover in 132/750, the ethnic origin of caliphal elites diversified, as many of them now had Persian origins. Simultaneously, the development of religious scholarship and intellectual exchanges throughout the Empire led to the emergence of regional centres of knowledge. By the end of the eighth and early ninth centuries CE, tribal distinctions were no longer relevant in the field of legal scholarship. As already expressed in the writings of the chancellery secretary Ibn al-Muqaffaʿ (d. c. 140/757), jurists including al-Shaybānī (d. 189/805?) and al-Shāfiʿī (d. 204/820) perceived the genesis of Islamic law as rooted in regional and even local traditions. They opposed the legal thinking of the 'ahl al-Ḥijāz' (the Hijazis) to that of the 'ahl al-ʿIrāq' (the Iraqis) or, more precisely, that of the 'ahl al-Madīna' (the Medinans) to that of the 'ahl al-Kūfa' (the Kūfans).[55] Jurists were categorized according to their legal trend, which derived from their main master, the circle to which they belonged, and, ultimately, their city or region. In the field of law at least, they no longer identified themselves to tribal units, but rather to groups who defined themselves along geographical lines.

The emergence and development of the biographic literary genre reinforced this tendency to identify individuals based on their geographical origin. Among early biographical dictionaries, the oldest that survived is the *Kitāb al-ṭabaqāt al-kabīr* of Ibn Saʿd (d. 230/845), which follows a double organization principle, along both temporal and geographical lines. The book opens with a chronological account of the Prophet's life and his Companions' activities, before adopting a regional structure that starts with the second generation of Muslims (the Successors). Ibn Saʿd devotes successive chapters to the 'people' (*ahl*) of Medina, Mecca and its surroundings, Baṣra, Baghdad, Syria, Egypt, etc.[56] Yet, while geographical criteria already appeared as essential for classifying Muslim scholars, tribal affiliation still remained important at that time. In his biographical collection, Khalīfa ibn Khayyāṭ (d. 240/854) uses three classification criteria: each chapter is devoted to a major urban centre

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53   Madelung, 'Apocalyptic Prophecies'. See also Cook, *Studies in Muslim Apocalyptic*, pp. 179–81.

54   Vadet, 'L'"acculturation" des sud-arabiques'. On tribal chauvinism, see Donner, *Narratives of Islamic Origins*, pp. 106–07.

55   Ibn al-Muqaffaʿ, *Risālat al-ṣaḥāba*, pp. 42–43. See Schacht, *The Origins of Muhammadan Jurisprudence*, pp. 7–9; Tillier, *L'invention du cadi*, pp. 575–78.

56   Ibn Saʿd, *Kitāb al-ṭabaqāt al-kabīr*.

and is divided into generations (*ṭabaqāt*), who are themselves subdivided into sections classified along tribal lines.[57] In the fourth/tenth century, tribal classification gradually disappeared from biographical dictionaries, whereas regional categorization increased.[58] This led from the fifth/eleventh century onwards to the composition of huge biographical sums devoted to permanent or temporary residents of a city, such as the *History of Baghdad* of al-Khaṭīb al-Baghdādī (d. 463/1071) or the *History of Damascus* of Ibn ʿAsākir (d. 571/1176).[59] Another literary genre called *faḍāʾil* ('merits'), which originally endeavoured to promote social units, underwent a comparable evolution during the third/ninth century. In the first half of this century, authors praised the merits of ethnic groups, as in the *Merits of the Persians* of Abū ʿUbayda (d. *c.* 10/825), which is not preserved, or in the *Merits of the Turks* of al-Jāḥiẓ (d. 255/868–869). The end of the century, however, saw the emergence of apologetic works about cities or regions.[60]

Claude Cahen sees in this multiplication of "city histories" the manifestation of a 'conscious specificity […] in the face of princes or military regimes whom regional populations increasingly regarded, rightly, as "strangers"'.[61] It should be noted that the emergence of local historiographies, biographical dictionaries, and apologetic literature also coincided with the expansion of regional autonomies in the Abbasid Empire, from the second half of the third/ninth century onwards. Although already present at an early stage in the first half of the third/ninth century, the identification of individuals with the city where they spent most of their lives developed hand in hand with the regionalization of the Empire. Conversions increasingly diluted Arabs among the rest of the Muslim population and made tribal identification less and less relevant. A geographical classification, on the other hand, helped identify individuals in large transregional biographical dictionaries, to the extent that late authors such as al-Dhahabī (d. 748/1348) systematically attributed regional or urban *nisba*-s to early scholars who probably had not used them to name themselves.[62]

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57 Khalīfa ibn Khayyāṭ, *Kitāb al-ṭabaqāt*. On this book, see Hafsi, 'Recherches sur le genre "*Ṭabaqāt*"', pp. 246–48.

58 See for instance Ibn Ḥibbān (d. 354/965), *Mashāhīr ʿulamāʾ al-amṣār*, who only used geographical origins and generations as classification criteria. The same author also wrote a *Kitāb al-ṭabaqāt al-iṣbahāniyya* on Esfahani scholars, which is no longer extant. ʿAbd Allāh ibn Muḥammad al-Anṣārī al-Iṣfahānī (d. 369/979) followed his example. See Hafsi, 'Recherches sur le genre "*Ṭabaqāt*"', pp. 250–51. Other fourth/tenth-century biographical works centred on a city survived, including those of Baḥshal (d. *c.* 296/905), *Taʾrīkh Wāsiṭ*; al-Qushayrī (d. af. 334/945–46), *Taʾrīkh al-Raqqa*.

59 Al-Khaṭīb al-Baghdādī, *Taʾrīkh Madīnat al-Salām*; Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*.

60 See Sellheim, 'Faḍīla'.

61 Cahen, 'Mouvements populaires et autonomisme urbain, III', p. 250.

62 See for example al-Dhahabī, *Siyar aʿlām al-nubalāʾ*. It should be noted that this author assigns *nisba*-s to people without knowing their birthplace, referring only to the place where they spent most of their life.

Elites in the Management of Local Affairs

Local Institutions

For the majority of the first two centuries of Islam, the Islamic Empire relied on a decentralized organization that left an important place for local institutions. The caliph sent a military-religious governor to every province, or sometimes under the Marwānids (64–132/684–750), a super-governor ruling over several provinces. The caliph dismissed these military-religious governors and replaced them regularly to prevent them from acquiring too much power, and he sometimes doubled them by appointing a tax governor.[63] Under the Umayyads and the early Abbasids, all other provincial institutions fell under these governors' authority. The military-religious governor appointed the chief of police, who was responsible for maintaining order in the provincial capital, as well as a Muslim judge (Arabic *qāḍī*).[64] Local institutions that survived from the former Empires were also subordinate to the provincial governor. In Egypt, the governor of Fusṭāṭ had authority over the Christian dukes who, until the beginning of the eighth century CE, still oversaw the former Byzantine provinces of Arcadia and Thebaid.[65] Dukes controlled pagarchs, that is, the chiefs of Egyptian pagarchies, before the latter passed under the governor's direct authority in the first half of the eighth century.[66]

Military-religious governors were, in most cases, outsiders who came from another province and thus needed to rely on local populations to rule efficiently.[67] Up until the beginning of the Abbasid period, governors selected their police chief, as well as their judge, from among local urban elites.[68] Arabic sources generally do not explain on what ground this selection was based during the Umayyad period. Officially, a governor himself decided who would be his auxiliaries. However, since he had little knowledge of the local society, he most likely consulted the notables before any appointment. Governor Ibn Hubayra proceeded this way to choose a judge when he arrived in Kūfa in 129/746–747.[69] Under the Abbasids, more examples suggest that

63   See Blankinship, *The End of the Jihād State*, pp. 39–41.
64   On the question of a judge's authority over an entire province, see Tillier, 'Introduction', in al-Kindī, *Akhbār quḍāt Miṣr*, p. 23.
65   On this institution and its evolution, see Legendre, 'Hiérarchie administrative', pp. 104–09; Sijpesteijn, *Shaping a Muslim State*, pp. 86–87.
66   See Sijpesteijn, *Shaping a Muslim State*, p. 87.
67   See for instance al-Maqrīzī, *al-Mawāʿiẓ wa-l-iʿtibār*, I, p. 569, in which Caliph Marwān I advises his son ʿAbd al-ʿAzīz, whom he has just appointed governor of Egypt, to get close to local tribal leaders.
68   Kennedy, 'Central Government and Provincial Elites'; Tillier, 'Introduction', in al-Kindī, *Akhbār quḍāt Miṣr*, p. 34; Tillier, 'Legal Knowledge and Local Practices', p. 192.
69   Wakīʿ, *Akhbār al-quḍāt*, III, pp. 23–24.

such consultations were common.[70] This procedure was not a democratic one. Like *shūra* in early Islam, consultations before appointing an official involved only a small number of people who expressed their opinion on possible candidates but did not vote. The delegating authority (the governor, or later the caliph) weighed their arguments and decided. The choice of *qāḍī*-s, in particular, thus did not rely on the *vox populi*, but came rather from a small number of elites. We do not know to what extent they represented the rest of the population. At most, it can be assumed that their opinions reflected some local expectations.

These expectations were all the more important as *qāḍī*-s gradually asserted themselves as central figures in urban administration, both for their judicial activities and for their increasing role in the management of properties and pious foundations.[71] For the sake of justice and efficiency, they needed to know the local society whose problems they were required to solve.[72] Moreover, during the Umayyad and early Abbasid periods, Islamic law was not unified across the Empire. According to Ibn al-Muqaffaʿ (d. *c.* 140/757), in the early 750s CE, legal norms and practices varied from one city to another, even from one quarter to another.[73] In his correspondence with Mālik ibn Anas a few years later, the Egyptian jurist al-Layth ibn Saʿd (d. 175/791) still defended the validity of local Egyptian rules that differed from those implemented in Medina.[74] Consequently, a city's inhabitants expected their disputes to be resolved in accordance with their legal practices. To be fair and effective, any judicial system must be predictable with all parties understanding and abiding by the agreed upon rules of procedure. Yet, not all the cities of the Umayyad Empire accepted the same legal evidence.[75] What would happen if a foreign judge, who adhered to unusual standards, began to apply these standards to a constituency that did not know them? Those persons who stood before the judge would produce evidence of their claim, but in such a way that they still might lose their case.

Muslim authorities were well aware of the issues at stake, and, even when Caliph al-Manṣūr (r. 136–158/754–775) undertook to centralize the judiciary by appointing the *qāḍī*-s of provincial capitals himself, he still recruited them preferentially among local scholars and notables.[76] Early Abbasid caliphs tried to harmonize legal practices within the Empire by promoting certain legal trends and on several occasions attempted to send 'foreign' *qāḍī*-s to certain

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70 For Egypt, see Ibn ʿAbd al-Ḥakam, *Futūḥ Miṣr*, p. 241; al-Kindī, *Akhbār quḍāt Miṣr*, pp. 368, 433–35, 468. For Iraqi examples, see Tillier, *Les cadis d'Iraq*, pp. 146, 159, 161–65.

71 Tillier, 'Legal Knowledge and Local Practices', p. 190.

72 Tillier, 'Qadis and their Social Networks', pp. 125–26; Tillier, *Les cadis d'Iraq*, pp. 187–94.

73 Ibn al-Muqaffaʿ, *Risālat al-ṣaḥāba*, pp. 40–42.

74 On this correspondence, see Brunschvig, 'Polémiques médiévales'; Tillier, 'Les "premiers" cadis de Fusṭāṭ', pp. 216–18.

75 Tillier, *L'invention du cadi*, ch. 3.

76 Tillier, 'Legal Knowledge and Local Practices', p. 198.

cities.[77] However, the discrepancy between their own judicial practice and local expectations caused their rejection by the population. In Egypt, the most revealing example is Ismāʿīl ibn Alīsaʿ, a Ḥanafī jurist from Kūfa, whom Caliph al-Mahdī (r. 158–169/775–785) sent to Fusṭāṭ in 164/781. The manner in which he handled cases of slander and managed pious foundations (*aḥbās*) provoked the protest of the Egyptian jurist al-Layth ibn Saʿd, who wrote to the caliph requesting his dismissal.[78] To remain in office, a *qāḍī* had to align his justice with locally accepted practices. Even when a *qāḍī* was not a 'stranger' and followed a minority legal trend in his city, he risked his rapid rejection by the local population. ʿAbd al-Raḥmān ibn Muḥammad al-Makhzūmī was a Ḥanafī judge, who was appointed in Baṣra in 172/788–789. As Baṣra predominantly adhered to a separate legal tradition, the new judge became confused as to which law he should apply. Faced with a tricky litigation, he suggested that the governor convene a meeting of Baṣran jurists who would issue an opinion that he would follow.[79] The voices of local elites could, therefore, be mobilized to compensate for a *qāḍī*'s inability to act as their spokesman.

The first half of the third/ninth century marked a turning point in the way Islamic rulers took local desiderata into consideration. After the fourth civil war, which pitted Caliph al-Amīn against his brother al-Maʾmūn between 195/810 and 198/813, the latter took more than a decade to restore his authority over the eastern part of the Empire. Consequently, the central government now distrusted traditional provincial elites, who eventually lost much of their prerogatives to newcomers. In the large cities of Iraq and Egypt, notables no longer played any role in the selection of their police chief or their *qāḍī*, who were now appointed without any local consultation.[80] However, the stakes were no longer the same. The emergence of legal schools absorbed the last vestiges of local traditions. In Iraq, the Ḥanafī and Mālikī schools were replacing the earlier circles of Kūfa and Baṣra. Meanwhile, in Egypt, the elites abandoned the legacy of their favourite jurists like al-Layth ibn Saʿd to follow Mālikism and, increasingly, the teaching of al-Shāfiʿī (m. 204/820). Thanks to the traditionalization of law — that is, its reference to the prophetic word and no longer to that of Companions and Successors — these new schools had a universal scope and attracted followers from different regions. Even if a *qāḍī* was a 'stranger', his judicial practice would satisfy his constituency as long as he followed a locally accepted school. Therefore, it was less important that a *qāḍī* was a member of the local elites.

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77   See for example the list of Fusṭāṭ's *qāḍī*-s in Tillier, 'Introduction' to al-Kindī, *Akhbār quḍāt Miṣr*, p. 28; Tillier, 'Legal Knowledge and Local Practices', pp. 201–02.

78   Al-Kindī, *Akhbār quḍāt Miṣr*, pp. 371–72, trans. pp. 134–35. See also Tillier, 'Legal Knowledge and Local Practices', pp. 199–200.

79   Wakīʿ, *Akhbār al-quḍāt*, II, p. 142. Cf. Tillier, *Les cadis d'Iraq*, pp. 178–79.

80   Kennedy, 'Central Government and Provincial Elites', p. 38; Tillier, 'Legal Knowledge and Local Practices', pp. 202–03.

These changes do not mean that urban elites became totally voiceless. In all likelihood, some sort of representation continued at the lower level of witnesses. Since the Umayyad period, the testimony of witnesses in favour of a claimant had been the main type of evidence in the Islamic judicial system. For his testimony to be accepted in court, a witness had to be considered just (ʿadl). In the second half of the second/eighth century, qāḍī-s approved witnesses after conducting investigations about their morality in their neighbourhood.[81] In Egypt, the institution of testimony evolved at the end of the second/eighth century when qāḍī al-Mufaḍḍal ibn Faḍāla appointed ten witnesses to attend his hearing and testify to his judgements. His successors solidified this reform by selecting a group of 'professional' witnesses who were registered with the court. The inhabitants of Fusṭāṭ were expected to have these professionals witness their legal transactions.[82] The qāḍī's selection of a limited number of witnesses regulated access to public speech: accredited witnesses were recognized as good, respectable Muslims, who were thus worthy of being heard. Thereby, the judicial system created a new kind of urban elite that strongly influenced the rest of society. Caliph al-Maʾmūn (r. 198–218/813–833) understood this development very well. When he decided to muzzle traditionalist scholars who pretended to free themselves from caliphal authority in order to submit to the sole Sunna of the Prophet,[83] he tried to reach them through the witness system. In his letter that established an inquisition (miḥna) in 218/833, he ordered qāḍī-s to cease approving any witness who did not adhere to the theological dogma of the creation of the Qurʾan.[84] Depriving traditionalist scholars of their rank as acceptable witnesses also meant, in theory, discrediting them in front of the masses.

Always recruited from the pool of local notables, registered witnesses enjoyed the social recognition that enabled them to speak in public. They primarily spoke in court, but they also could speak during occasions in which the subjects' opinions were sought. This new elite, which developed from the third/ninth century onwards, no longer distinguished themselves on the basis of genealogical criteria, namely their tribes and the virtues they inherited from their glorious ancestors, what Arab authors called al-ḥasab wa-l-nasab. Rather, they claimed their authority on the basis of their moral and religious qualities, which were officially recognized after investigations among urban populations. Although they did not 'represent' the masses as such, their institutional position therefore rested on the principle of social approval.

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81 See Tillier, L'invention du cadi, pp. 309–12.

82 See Tillier, 'Les "premiers" cadis de Fusṭāṭ', pp. 234–35, and the references mentioned in this article.

83 See Jadʿān, al-Miḥna, pp. 278–80; Nawas, 'The Miḥna of 218 A.H./833 A.D. Revisited'.

84 Al-Ṭabarī, Taʾrīkh, ed. by Abū l-Faḍl Ibrāhīm, VIII, p. 633. See also al-Muʿtaṣim's letter to the governor of Egypt in al-Kindī, Akhbār quḍāt Miṣr, pp. 445–47, trans. pp. 221–22.

Representing Provincial Elites before the Central Government: The Delegations

As the above developments illustrate, the imperial government bestowed the important role of managing their affairs upon the local elites during the first two centuries of Islam. We still need to examine how local populations brought their expectations to the central government and whether any kind of representation could transmit the *vox populi*. At the beginning of the twentieth century, Henri Lammens interpreted the regime of Muʿāwiya, the first Umayyad caliph (r. 41–60/661–680), as a form of 'parliamentarism'. This caliph did not rule alone and, instead, surrounded himself with high-ranking advisers from different backgrounds — although they were mostly Syrians.[85] One should note, however, that Muʿāwiya selected his *biṭāna* (litt. 'group of intimate friends'), and it is therefore difficult to consider its members, like Lammens does, as the subjects' 'representatives'.[86] Despite the Jesuit father's recurrent comparisons with modern parliamentary regimes, no system of permanent representation existed before the caliph, such as an assembly or a senate.

Some sort of temporary representation existed, however, in the form of delegations (*wafd*, pl. *wufūd*) sent by provinces to the central government. Lammens, who mentions them mainly in connection with Muʿāwiya, argues that delegations originated in assemblies of notables who met periodically in the Empire's great mosques and mandated representatives to bring their demands to the caliph.[87] This anachronistic model of an idealized 'Arab self-government'[88] does not completely match the realities of early Islam and requires further investigation.

First, it should be noted that the phenomenon of provincial delegations was not limited to the reign of the Sufyānids, as it is usually assumed in modern

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85 Lammens, *Études sur le règne du calife*, pp. 42, 58.

86 Lammens, *Études sur le règne du calife*, pp. 49, 59. Regarding later centuries, Claude Cahen more cautiously points out that 'determining to what extent the *aḥdāth* represented the urban population as a whole or only some elements set against others is a delicate issue' (Cahen, 'Mouvements populaires et autonomisme urbain, I', p. 246). He finally concludes that the *raʾīs* represented 'the milieu of the *fuqahāʾ* and Sunni notables belonging to the dominant school rather than the common people', noting that these notables generally belonged to the 'majoritarian community' (Cahen, 'Mouvements populaires et autonomisme urbain, II', p. 54). This conclusion, while certainly justified, does not solve the thorny question of whether and how the *raʾīs* spoke on behalf of these groups.

87 Lammens, *Études sur le règne du calife*, pp. 60–62. See also Lammens, *Le califat de Yazid Ier*, p. 103.

88 Lammens, *Études sur le règne du calife*, p. 62. It should be noted that Lafi reaches similar conclusions in a historiographical review that mainly relies on the works of Cahen, Hoffmann, and Havemann regarding later periods: 'There certainly existed a local expression of self-government, entrusted in a dynamic mediation to notables, *ashrāf* nobles, and merchants'. Lafi, *Esprit civique et organisation citadine*, p. 49.

historiography.[89] Rather, these delegations continued throughout the second/ eighth century until the fourth civil war. Moreover, the word 'delegation', as it was used in Arabic texts, actually refers to different situations, including the caliph's convocation of individuals[90] and the sending of groups mandated to speak in the name of a specific population. The examination of Egyptian delegations during the first two centuries of Islam shows that provincial governors played an important part in these delegations, either by leading them or by selecting their members.[91] Moreover, 'delegates' usually belonged to the elites, whether they were tribal leaders, high-ranking military officers, or, from the end of the Umayyad period onwards, major civilian administrators and scholars.[92] Seeing these delegations as a direct expression of the popular voice thus appears prima facie as a mistake. Arabic sources mainly reflect an occasional dialogue between local elites — including governors — and the central government.

Nevertheless, delegations appeared at an early stage — at least since the beginning of the Abbasid period — as a form of representation. The pioneer of Arabic lexicography, al-Khalīl ibn Aḥmad al-Farāhidī (d. *c.* 175/791), defines a *wāfid* as 'someone who comes (*yafidu*) to the king *on behalf* of a group (*'an qawm*) regarding a conquest (*fatḥ*), some business (*qaḍiyya*), or a situation (*amr*). The group has sent him (*awfadū-hu*)'.[93] He understands the 'group' as a genealogical one, that is, a tribe.[94] This indicates that provincial delegations were considered an emanation of local tribes. Indeed, Egyptian delegates belonged to the tribes that were best established in Fusṭāṭ, or at least to those that produced the largest number of elites. As no source documents the number of members belonging to each tribe, one can only wonder whether the delegations' composition followed a demographic rule with the most populous tribes offering the largest number of delegates. However, the delegates' selection certainly reflected the political weight of the different groups and the evolution of tribal power relations in Fusṭāṭ.[95]

Yet, one must also consider to what extent this agreement between the tribal map of Fusṭāṭ and the composition of delegations made delegates *representatives* of their tribes. One crucial aspect, namely the selection process, is not documented. However, a few textual clues indicate that they may have been recognized as such. The historian Ibn Yūnus specifies that 'Ulayy ibn Rabāḥ al-Lakhmī (d. 114/732 or 117/735) 'was part of delegations sent to 'Abd al-Malik [r. 65–86/685–705] *for* the Yemenis of Fusṭāṭ' (*kāna yafidu*

89 Hawting, *The First Dynasty of Islam*, p. 62.

90 See for instance Ibn 'Abd Rabbih, *al-'Iqd al-farīd*, II, p. 106.

91 Tillier, 'Représenter la province auprès du pouvoir impérial'.

92 Tillier, 'Représenter la province auprès du pouvoir impérial'. See also Ibn 'Abd Rabbih, *al-'Iqd al-farīd*, II, pp. 68, 69.

93 Al-Khalīl ibn Aḥmad, *Kitāb al-'ayn*, VIII, p. 80.

94 Al-Khalīl ibn Aḥmad, *Kitāb al-'ayn*, V, p. 231.

95 Tillier, 'Représenter la province auprès du pouvoir impérial'.

li-l-Yamāniyya min ahl Miṣr).[96] If my interpretation is correct, the large group of Yemeni tribes thus mandated him to speak to the caliph on their behalf. The main purpose of many delegations — especially in times of crisis — was to convey the pledge (*bayʿa*) of the provincial subjects to a caliph who recently ascended to the throne.[97] Such circumstances clearly show how delegates were supposed to represent an entire population, who could collectively swear allegiance to the sovereign through them. The social balances of Fusṭāṭ probably guided a governor's choice in hiring the members of a delegation. Egyptian Muslim elites owed their position to several factors, such as the prestige they inherited from the time of the conquest, their career in the army or in the administration, their reputation as important scholars, etc. Except when governors selected members of their immediate entourage, their choice was thus limited to the pool of local elites, designated in the sources as *ashrāf* (nobles) and *wujūh* (elites). In other words, selection actually began from the bottom up through the social recognition these elites enjoyed locally. Such recognition makes it possible to consider the delegates as *representatives* of the Egyptians or, more restrictively, of the inhabitants of Fusṭāṭ.

Similar to embassies to the central government, delegations played a major role in maintaining regular contacts between the caliph and his provincial subjects. Thanks to them, the caliph could inquire directly about a province, whose news was otherwise mediated by official reports sent by the governor or the chief of the postal system. Delegations were also used to transmit grievances to the caliph. According to al-Ṭabarī, a member of a Khurāsānian delegation complained to ʿUmar II about their governor's unfair treatment of the converts (*mawālī*), which prompted the caliph to order a tax reform that exempted converts from the poll-tax.[98] Several examples from both Egypt and Iraq show that under the early Abbasids, urban populations used delegations to get rid of a *qāḍī*. For example, the imam of the great mosque of Fusṭāṭ and another notable sent Egyptians to Caliph al-Amīn to complain about *qāḍī* al-ʿUmarī's behaviour, which led to his dismissal.[99] In Iraq, delegations of Baṣrans repeatedly travelled to Baghdad to expose their grievances against the local *qāḍī*. The caliph listened to them and asked with whom they wanted to replace him.[100] These delegations were not spontaneous manifestations of popular discontent. Local elites organized them carefully, in association with the governor, and cared to select representatives among

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96   Ibn Yūnus, *Taʾrīkh*, I, p. 361. See also al-Mizzī, *Tahdhīb al-Kamāl*, XX, p. 430.

97   See Tillier, 'Représenter la province auprès du pouvoir impérial'.

98   Al-Ṭabarī, *Taʾrīkh*, ed. by Abū l-Faḍl Ibrāhīm, VI, p. 559.

99   Al-Kindī, *Akhbār quḍāt Miṣr*, p. 413. The imam, al-ʿAlāʾ ibn ʿĀṣim al-Khawlānī al-Judādī, also acted as deputy governor for al-Ḥasan ibn al-Takhtākh in 193/808. His maternal grandfather was considered a *sharīf*. Al-Kindī, *Wulāt*, p. 146; Ibn Mākūlā, *al-Ikmāl*, II, p. 268; Ibn Nāṣir al-Dīn, *Tawḍīḥ al-mushtabih*, II, p. 235. About the second notable, Hāshim ibn Ḥudayj al-Sakūnī, see al-Kindī, *Akhbār quḍāt Miṣr*, p. 389.

100   Wakīʿ, *Akhbār al-quḍāt*, II, pp. 128–29, 144–45, 149–50.

different theological and legal schools. In order to be heard, the delegates needed to speak in unison and make the caliph believe that their consensus represented that of their city.[101]

Some delegations also complained more directly about a caliph's policy. When Caliph al-Manṣūr planned to build a dam on an important canal of Baṣra,[102] a delegation left Baṣra for the capital to try and dissuade him. It included at least two renowned jurists: Sawwār ibn ʿAbd Allāh, who later became qāḍī of this city, and Dāʾūd ibn Abī Hind (d. *c.* 139/756), a convert (*mawlā*) who was the most respected local mufti.[103] The first convinced the caliph that his plan would harm the 100,000 inhabitants of Baṣra, especially the most vulnerable including widows and orphans, who would no longer have enough drinkable water.[104]

As the governance of provincial cities changed in the third/ninth century in ways discussed previously, delegations almost disappear from the sources. The notables, who were now less involved in the management of urban affairs, probably no longer sent deputations to the caliph with the same regularity. Under al-Muʿtaḍid (r. 279–289/892–902), a delegation of Baṣran notables and scholars still travelled up the Tigris to complain about the heavy taxes that collectors claimed. Amazed by their leader's oratory skills, al-Muʿtaḍid finally gave in to their request before adding: 'Who is this demon rejected by the river?! Let such devils be part of delegations to kings!'[105] Delegations had not totally disappeared, but they were now quite unusual.

Defending Local Interests against the Government

The phenomenon of provincial delegations is thus mainly typical of the Umayyad and early Abbasid periods. Two additional ways of defending local interests before the central government can be highlighted: the petition process and lawsuits against authorities.

Petitions

Already a well-established practice in Byzantium, sending petitions (*qiṣṣa*) to the ruler did not stop after the Islamic conquests. Petitioners wrote to an authority (usually the provincial governor) asking for solutions to personal issues. A few early specimens of Arabic petitions have survived on papyrus,

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101   See Tillier, *Les cadis d'Iraq*, pp. 167–70.
102   This canal is Nahr Ibn ʿUmar, on which see Ibn Qutayba, *al-Maʿārif*, p. 363.
103   Al-Dhahabī, *Taʾrīkh al-islām*, III, p. 645. This delegation also included Saʿīd ibn Abī ʿAmrawayh, a scholar unknown to biographical sources.
104   Wakīʿ, *Akhbār al-quḍāt*, II, p. 58.
105   Al-Masʿūdī, *Murūj al-dhahab*, V, pp. 143–44.

especially from the Abbasid period onwards.[106] Earlier records of petitioning can only be discerned through either narrative sources[107] or, indirectly, through rulers' answers. In Egypt, about ten letters, in which Governor Qurra ibn Sharīk (r. 90–96/709–714) ordered the Aphroditô/Ishqūh pagarch to judge disputes, were probably written in response to petitions.[108]

In most cases, petitions regarded individual matters. Prisoners sent petitions to plead their case and to ask for their release, as evidenced by a Fusṭāṭī register dating back to the end of the second/beginning of the ninth century.[109] Sometimes, a request could even reach the caliph, as when qāḍī Ghawth ibn Sulaymān (d. 168/784–785), while imprisoned in Fusṭāṭ, sent a petition to the governor Ṣāliḥ ibn ʿAlī, who in turn wrote to Caliph al-Manṣūr to ask for his pardon.[110] Processing individual petitions developed throughout the Middle Ages under the generic name maẓālim (litt. 'injustices', which will be discussed below) and gave rise to the development of a complex administration.[111]

In some cases, petitions did not relate to individual cases but, rather, to a problem that potentially afflicted an entire urban population, such as the inequity of an administrator. In Egypt, Caliph Hishām ibn ʿAbd al-Malik (r. 105–125/724–743) dismissed a qāḍī after an injustice was 'brought to his attention.'[112] Under the Abbasids, the Egyptian jurist al-Layth ibn Saʿd wrote to Caliph al-Mahdī asking him to dismiss qāḍī Ismāʿīl ibn Alīsaʿ, whose judicial practice violated local expectations.[113] A few decades later, complaints against a very unpopular qāḍī, Ibn Abī l-Layth, were brought before Caliph al-Muta-wakkil (r. 232–247/847–861).[114] Conversely, some qāḍī-s wrote to the caliph to defend the interests of their constituents. At the request of Egypt's pious people, qāḍī ʿĪsā ibn al-Munkadir sent a letter to Caliph al-Maʾmūn to protest against the appointment of Abū Isḥāq al-Muʿtaṣim as governor of Egypt.[115]

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106 Umayyad petitions: *P.Berl.Arab.* II 23, *P.Jahn* 1 = *P.Heid.Arab.* II 1 recto = *Chrest.Khoury* I 96 = *P.Alqab* 67, *P.Kratchkovski*. Abbasid petitions: *P.Berl.Arab.* II 73, *P.Berl.Arab.* II 74, *Chrest. Khoury* I 80, *P.KhanPetitions* 3, *P.Berl.Arab.* II 82, *P.Vind.Arab.* III 25, *P.World* p. 186, *P.Jahn* 7 = *P.World* p. 185, *P.Hamb.Arab.* II 37, *P.Cair.Arab.* 172 = *P.World* p. 121 b. On the structure of petitions, see Khan, 'The Historical Development', pp. 9, 18, 22. A much higher number of petitions survived from the Fatimid period. See Rustow, *The Lost Archive*, pp. 207–44.
107 See for instance Ibn ʿAbd al-Ḥakam, *Sīrat ʿUmar ibn ʿAbd al-ʿAzīz*, p. 56; al-Balādhurī, *Ansāb al-ashrāf*, ed. by Orient-Institut Beirut, IVa, p. 36; al-Balādhurī, *Ansāb al-ashrāf*, ed. by Zakkār and Ziriklī, VIII, p. 191; al-Ṭabarī, *Taʾrīkh*, ed. by de Goeje, II.1, p. 213.
108 See Tillier, *L'invention du cadi*, pp. 50–91.
109 Tillier and Vanthieghem, 'Un registre carcéral de la Fusṭāṭ abbasside'.
110 Al-Kindī, *Akhbār quḍāt Miṣr*, p. 362, trans. p. 123.
111 On this question, see the historiographical review presented in Tillier, 'The *Maẓālim* in Historiography'.
112 Al-Kindī, *Akhbār quḍāt Miṣr*, p. 341, trans. p. 97.
113 Al-Kindī, *Akhbār quḍāt Miṣr*, pp. 371–72, trans. pp. 134–35.
114 Al-Kindī, *Akhbār quḍāt Miṣr*, p. 463, trans. p. 238.
115 Al-Kindī, *Akhbār quḍāt Miṣr*, p. 440, trans. p. 214. This initiative angered al-Muʿtaṣim who threw the unfortunate qāḍī in jail upon his arrival in Egypt.

Some petitions were copied in literary works, which allows a fuller under-standing of their content. Ibn Abī Ḥātim al-Rāzī (d. 327/938) reproduced ten letters that the Syrian scholar and jurist al-Awzāʿī (d. 157/774) allegedly sent to early Abbasid rulers in his *Taqdima*, a long introduction to his book *al-Jarḥ wa-l-taʿdīl*. The form and content of six of these letters are typically those of petitions.[116] Upon solicitation by individuals or groups, al-Awzāʿī acted as their intermediary with the central government, writing either directly to the caliph or, more often, to a high-ranking official. The first letters cited by Ibn Abī Ḥātim relate to individual interests and aim to help people recover debts or be released from prison. In other petitions, however, he became a spokesman for collective interests. He required assistance to the population of Mecca who faced an economic crisis caused by drought and difficulties in accessing the Red Sea. He also called for the caliph's financial support for the soldiers of the Levantine coast, whose stipends (*ʿaṭāʾ*) proved insufficient as a living wage. By the time he wrote these letters, al-Awzāʿī was no longer the courtier he had been under the Umayyads. Retired in Beirut, he continued to function in the eyes of Muslims throughout the Empire as a potential intermediary with the authorities. Through his activity as a petitioner, al-Awzāʿī advocated to the government not only for Muslims but also for *dhimmī*-s.[117] This Beiruti scholar exemplifies the way in which the populations of the Empire, who did not have a permanent system of representation, could raise their grievances through prestigious intermediaries to whom rulers would listen.

Defending the Constituency through the Judicial System

As we have seen, no permanent system of representation existed in the cities of the Islamic world. Nevertheless, in the first two centuries of the Hegira, some key administrative positions were entrusted to local elites, especially the position of *qāḍī*. Occasionally, judges used their prerogatives to defend the interests of their constituents. Several land disputes that broke out in Baṣra in the second half of the second/eighth century shed light on this phenomenon.

The fertile territory of Baṣra in southern Iraq was envied by many people. In the aftermath of the Abbasid revolution (132/750), the new dynasty confiscated large estates that were owned by the Umayyads and their clients, and appropriated or redistributed them.[118] A few years later, the former owners tried to recover their properties through the court system and raised complaints before *qāḍī* ʿUbayd Allāh ibn al-Ḥasan al-ʿAnbarī (d. 168/784–785). The new

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116 Ibn Abī Ḥātim al-Rāzī, *al-Jarḥ wa-l-taʿdīl*, I, pp. 187–95. On the author and his work, see Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, XXXV, pp. 357–66; Dickinson, *The Development of Early Sunnite Hadith Criticism*, p. 26. The latter lists only nine letters (Dickinson, *The Development of Early Sunnite Hadith Criticism*, p. 72). The second letter is actually composed of two letters sent to different addressees.

117 For more details on al-Awzāʿī and his activity as a petitioner, see Tillier, 'La Syrie d'al-Awzāʿī'.

118 See Morony, 'Landholding and Social Change', p. 216.

owners enjoyed the support of Caliph al-Mahdī, who put pressure on the judge to decide in their favour. However, the *qāḍī*, who knew the history of these lands, bypassed the caliph's instructions and rendered his judgement in favour of the former owners, although the caliph eventually forced him to annul his decision.[119] Caliph al-Mahdī also intended to increase the land tax levied on the territory of Baṣra. He ordered the collection of the *kharāj*, a much heavier tax than the tithe (*ṣadaqa*) paid so far by local inhabitants, on lands irrigated by canals that had been dug after the conquest. ʿUbayd Allāh ibn al-Ḥasan refused to comply with this injunction. He brought together the notables and scholars of Baṣra, and he issued a judgement stating that the inhabitants of all the canal areas of the Arabian Peninsula — to which Baṣra belonged at that time — only had to pay the *ṣadaqa*. This time, it seems that the caliph eventually retreated.[120]

Sometime later, another Baṣran *qāḍī* defended local interests against the greed of the central government. Under Hārūn al-Rashīd (r. 170–193/786–809), his vizier Yaḥyā ibn Khālid al-Barmakī attempted to appropriate lands in the Baṣra area through a legal procedure. However, *qāḍī* ʿUmar ibn Ḥabīb, who had initially accepted the testimony of the vizier's agent, eventually favoured the testimony of Baṣra's inhabitants with regard to the extent of the disputed properties.[121] The defence of local economic interests was well worth the vizier's wrath.

Other narratives praise the merits of judges who supported individuals or groups against greedy rulers, particularly during *maẓālim* trials in high courts where subjects could sue officials. The Baghdadi *qāḍī* ʿĀfiya ibn Yazīd thus managed to get Caliph al-Mahdī to return some land that he had seized.[122] While he was *qāḍī* on the western side of Baghdad, Abū Yūsuf (d. 182/798) adjudicated a land dispute between individuals and Caliph al-Hādī (r. 169–170/785–786). According to the procedural rules, the caliph should have won, as he had probably produced witnesses. However, the cunning *qāḍī* benefited from the caliph's ignorance of these rules and made him relinquish his claim.[123] After he became chief *qāḍī* (supreme judge of the Empire), Abū Yūsuf also defended the population of Mosul, whom Hārūn al-Rashīd wanted to persecute after the revolt of a local officer named ʿAṭṭāf ibn Sufyān.[124] Many later stories illustrate how *qāḍī*-s defended (or were expected to defend) the

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119 Wakīʿ, *Akhbār al-quḍāt*, II, pp. 92–95.

120 Wakīʿ, *Akhbār al-quḍāt*, II, pp. 96–97. For a detailed analysis of these cases, see Tillier, 'Un traité politique du IIe/VIIIe siècle', pp. 142–43.

121 Wakīʿ, *Akhbār al-quḍāt*, II, pp. 143–44.

122 Al-Ṭabarī, *Taʾrīkh*, ed. by Abū l-Faḍl Ibrāhīm, VIII, pp. 173–74.

123 Wakīʿ, *Akhbār al-quḍāt*, III, pp. 254–55; Ibn Khallikān, *Wafayāt al-aʿyān*, VI, p. 354; Ibn al-Jawzī, *al-Mutaẓam*, V, p. 454.

124 Ibn al-Athīr, *al-Kāmil fī l-taʾrīkh*, VI, p. 152. On this revolt, see Robinson, *Empire and Elites*, pp. 151, 161.

interests of urban populations against powerful state officials, and protected their properties against usurpations.[125]

A *qāḍī*'s constituents expected him to act as an intermediary between the government and themselves. His daily contact with litigants, in addition to his social network, acquainted him with their problems and enabled him to speak on their behalf, even in the absence of a trial. In the first half of the third/ninth century, one of the most hated chief *qāḍī*-s, Ibn Abī Du'ād (d. 240/854), repeatedly pleaded the cause of the people to indemnify shopkeepers stricken by fire, to dig new canals, or to increase financial support for the inhabitants of the holy cities of Arabia.[126] A *qāḍī* was hierarchically subordinate to the ruler, who had appointed and who could dismiss him. Nevertheless, jurists could not accept that the judiciary should submit to the arbitrariness of politicians, and they gradually developed a theory according to which any judge acted as a representative of the community. In the fourth/tenth century, the Iraqi Ḥanafī jurist al-Jaṣṣāṣ (d. 370/980) claimed that, although the caliph appointed *qāḍī*-s, the latter acted on behalf of the Muslims and were accountable only to God.[127]

Conclusion

Speaking of an 'urban identity' during the first centuries of Islam may oversimplify more complex processes of identification, and one must take into account different levels (imperial, provincial, and local). Epigraphical data suggest that an individual did not present himself in the same way when he was in the city or province where he lived, and when he was away. Most often, a deceased person's sense of belonging to a city — or rather to the inhabitants of a city — was only reported on funeral stelae when he died far from home. At the provincial level, during the first two centuries of the Hegira, Muslims identified themselves primarily through their tribal groups — whether they were Arabs or clients (*mawālī*) — and much less so through their urban community.

The scarcity of documentary examples in which individuals identified themselves in relation to a city in no way precludes a population's involvement in the management of local affairs. The 'civic sphere' that Nora Lafi refers to for later periods already existed in early Islam. Urban elites participated in the governance of their city and exercised the highest official positions: governor, chief of police, or *qāḍī*. Some travelled periodically to defend local

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125   See for example Wakīʿ, *Akhbār al-quḍāt*, II, p. 174; III, p. 197; Ibn al-Jawzī, *al-Mutaẓam*, VII, pp. 61, 271, 366–67; VIII, p. 105.

126   Wakīʿ, *Akhbār al-quḍāt*, III, pp. 297–98; al-Khaṭīb al-Baghdādī, *Ta'rīkh Madīnat al-Salām*, V, p. 244; Ibn al-Jawzī, *al-Mutaẓam*, VI, p. 338; Ibn Khallikān, *Wafayāt al-aʿyān*, I, p. 83; Ibn Ḥajar al-ʿAsqalānī, *Rafʿ al-iṣr*, p. 45.

127   Tillier, *Les cadis d'Iraq*, pp. 637–39.

interests before the caliph, or succeeded through petitions or trials in acting as spokesmen for the voiceless or the community. One can only conclude with Lafi that there existed a form of 'collective representation of the city before the sovereign or the governor'.[128] However, it is difficult to agree with her when she argues that urban assemblies of notables 'were not at all informal'.[129] Although meetings of notables contributed to the decision process, no textual evidence shows that such meetings were permanent institutions or that they were granted any official status. Rather, the sources suggest that their role was largely informal. This informality diminishes neither their importance nor their weight. Yet, temporary formalizations occurred occasionally at the imperial level in the form of provincial delegations whose members were responsible for representing local populations before the caliph. This institution lost its importance, however, in the first half of the third/ninth century.

At first glance, it might seem that we are confronted with a paradox: during the first two centuries of Islam, elites rarely expressed their belonging to a city, yet they actually played a major part in its governance, whereas in the third/ninth century such expressions increased as local elites moved to the background of public life. This paradox may actually be an illusion. As Cahen already pointed out, the loss of control over local affairs to the benefit of strangers was probably responsible for such an 'identity'-based reaction. Just as one previously felt the need to specify his belonging to an urban community only when confronted with people among whom he felt like a stranger, the imposition of external domination increased the sense of local belonging. However, it took some time before local 'representative' institutions reappeared in some regions, such as the *ra'īs* in fifth/eleventh-century Syria.[130]

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128   Lafi, *Esprit civique et organisation citadine*, p. 73.
129   Lafi, *Esprit civique et organisation citadine*, p. 75.
130   Cahen, 'Mouvements populaires et autonomisme urbain, II', p. 53.

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MARCO MOSTERT

Urban Culture in the Early Medieval West

The Case of the Episcopal Towns in the German Kingdom

Introduction: German Episcopal 'Cities'

Although the sources for urban culture in the early medieval West are much less abundant than they are for the period from *c.* 1100 CE onwards, it is nevertheless all but impossible to deal with all aspects of 'Civic Identity and Civic Participation in Late Antiquity and the Early Middle Ages' for all of the West and for the whole of the period *c.* 500–*c.* 1100 CE in the scope of an article. An attempt can be made, however, to answer the following three questions: Is anything known about how early medieval town dwellers organized themselves? How did they see themselves as a group? And were there continuities in the ways late antique town dwellers and their early medieval successors saw themselves?

These questions may be answered in part by using the sources assembled in the *Elenchus fontium historiae urbanae*.[1] However, Italy and the Iberian Peninsula, among other countries, have not been covered by this selective collection of sources. This hampers an investigation of the third question. This may be remedied by zooming in on episcopal cities, for which there is

1 *Elenchus fontium historiae urbanae*, vols I–III.2 have appeared. The countries covered to date are Germany, Belgium, the Netherlands, Scandinavia (vol. I), France and Luxemburg (vol. II.1), England and Ireland (vol. II.2), Austria (vol. III.1), and Hungary (vol. III.2).

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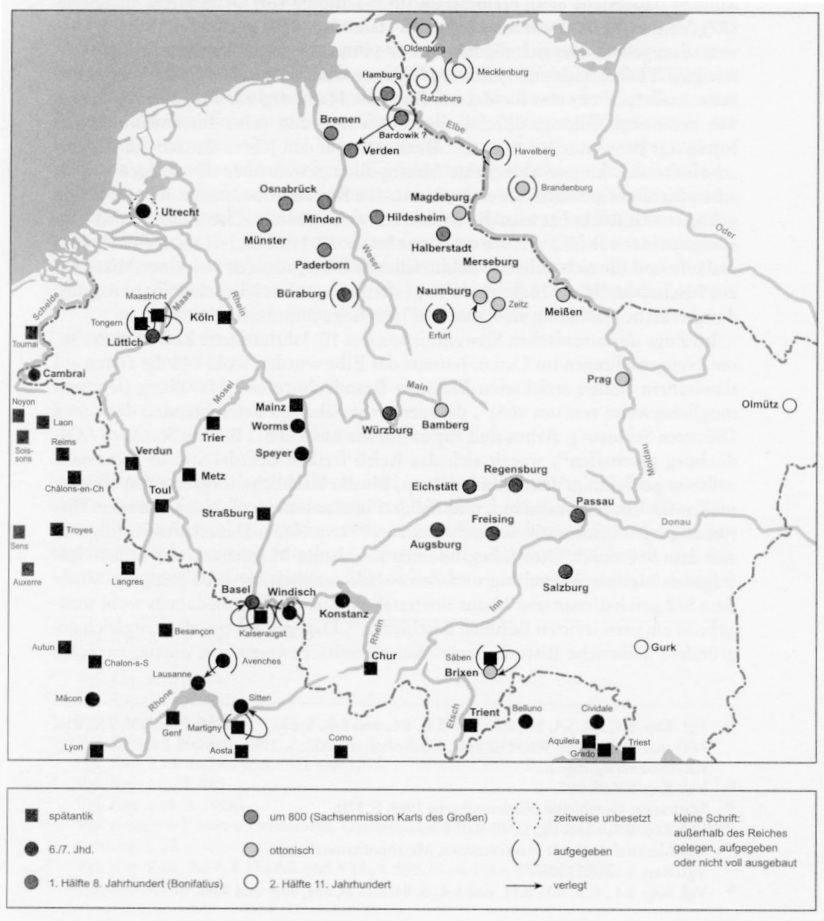
Figure 14.1. Map showing the origins of episcopal towns in the German kingdom from Late Antiquity to the eleventh century, taken from Hirschmann, *Die Anfänge des Städtewesens in Mitteleuropa*, III, p. 1025. Reproduced with permission.

an ample literature. Frank G. Hirschmann, *Die Anfänge des Städtewesens in Mitteleuropa*,[2] chose to deal with the episcopal sees in the German kingdom until the twelfth century. These included both towns and cities with late antique antecedents and later foundations. His study deals inter alia with contemporaries' views on the settlements and their inhabitants. The role of the bishops is pronounced. If one wants to know how the town dwellers

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2 Hirschmann, *Die Anfänge*. Additional information may be gleaned from Rossignol, *Aux origines de l'identité urbaine*.

organized themselves, however, the choice of documents in the *Elenchus* can be taken into account as well.[3]

By combining the approaches suggested by the two publications mentioned above, it is possible to give provisional answers to the three questions that are at the centre of attention in this contribution for what became the German kingdom. The focus will be on those episcopal towns in Germany that had antique origins (see Figure 14.1). This will allow comparisons with many of the other contributions to this volume. For the Carolingian, Ottonian, and, on occasion, later periods, however, data from the later German episcopal towns will be adduced as well. This is justified because of the roughly similar conditions in which many episcopal towns found themselves from *c.* 800 onwards with regard to their relations to the kings and the local bishops. These rulers started to grant written privileges to the inhabitants of towns on a regular basis only from the twelfth century onwards. These texts, in which the rules according to which the urban communes were to organize themselves are spelled out, show marked changes from earlier views on civic identity and civic participation expressed in the (rare) earlier sources. If only to show the apparent discontinuities encountered in the sources, they will be taken into account as well.

The focus in this essay will be on the role of the bishops in 'their' towns. These towns were more likely to thrive, however, if next to the bishops, other members of the secular clergy, and members of the regular clergy, a variety of lay inhabitants could also be found there. Some of them we will encounter briefly in the course of this essay. I will pass over in silence these towns' defences, the occasional royal palaces and the castles of the nobility that could also be found in some episcopal cities, presupposing the presence of secular rulers and their courts.[4] There were markets, including annual fairs, mints, crafts, and long-distance merchants. And all these people needed to be fed and entertained. Bishops, kings, noblemen, the developing communities of citizens, first of all their elites, but on occasion also individuals and *ministeriales*,[5] took part in the embellishment of the towns they lived in through building activities.

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3   There is a huge bibliography on many of the topics touched upon in this article. For reasons of space, the primary sources had to be privileged over discussions of the sources in current scholarly debate. See the online *Bibliographie für vergleichende Städtegeschichte*, maintained by Institut für vergleichende Städtegeschichte of the University of Münster. On their website one can also find a yearly published *Auswahlliste von Neuerscheinungen zur Stadtgeschichte*.

4   A royal palace is mentioned in Metz in the Merovingian age; it was taken over by the bishops in the tenth century. The Regensburg palace of the Aigilulfingian dukes was taken over by Charlemagne. Worms also had a royal palace under the Carolingians. See the summary in Hirschmann, *Die Anfänge*, III, pp. 1171–73, and, for the castles of the nobility, pp. 1173–75.

5   As their name, deriving from *minister*, already suggests, *ministeriales* denoted first servants living in their master's household. Through their undertaking ever more important administrative tasks, though legally unfree, they came to form a 'class' whose power became pronounced, e.g. in the bishops' administrations. See Niermeyer, *Mediae Latinitatis Lexicon Minus*, pp. 684–87.

The clergy lived cheek by jowl with the towns' laypeople, and also with those laypeople who were less fortunate than the lay town-dwellers just mentioned.

Already around the year 900 Cologne is thought to have numbered 21,000 inhabitants; it had a town wall around its 125 hectares' surface; it had a hospital, a market, an annual fair, and a mint. Around 1150 its inhabitants numbered 49,000, and its surface had increased to 223 hectares; it now had six hospitals, its lay inhabitants were beginning to organize the town community, and it had its own town seal. At the other end of the urban scale, the episcopal town of Utrecht around the year 900 may have had one thousand inhabitants and a wall around its two hectares, but nothing is known as yet of the signs of urban life, such as they were, that Cologne could already boast of. Around 1150, however, Utrecht's population had grown as well, to an astonishing 28,000 inhabitants, and the town covered a surface of 132 hectares. It now had a royal palace and a hospital, it had started to organize its community, and it too now had a market, an annual fair, and a mint. Around 900 the other episcopal 'cities' we encounter were situated somewhere between Cologne and Utrecht; in 1150 Cologne remained the largest episcopal city in the German kingdom, and Utrecht had managed to become the seventh-largest after Cologne, Liège, Metz, Mainz, Regensburg, and Trier, leaving behind it a plethora of lesser cities and towns, with Verden and its one thousand inhabitants being among the smallest episcopal towns making up the rear.[6]

It will be clear that in the period under consideration there were marked differences between the individual settlements that we consider as 'episcopal towns'. These continuously developing differences are reflected not only in the presence or absence at any one moment of the general urban characteristics of the settlements in which bishops had their seats. These characteristics also determined the differences between the individual episcopal towns' identities. On occasion, claims to status could elicit responses from contemporaries that showed a lack of credibility of the episcopal towns' civic identities. The general lack of sources on the civic participation of the laity and the diversity among the episcopal towns in the German kingdom make it all but impossible to arrive at general conclusions about their urban culture; general conclusions about their Christian civic identity fare only slightly better. It is nevertheless interesting to consider what can be known about the individual early medieval German episcopal towns, if only to suggest comparisons with their counterparts elsewhere or with developments later on in the German kingdom.

Sources for the Study of Urban Identities

When we want to address civic identities and civic participation, we need to address the problem of the origin of the sources. In the case of the early

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6   Cf. Hirschmann, *Die Anfänge*, III, pp. 1340–51.

medieval episcopal towns of what gradually developed into the German kingdom, these sources emanated mainly from the kings, the local bishops, and their clergy. The bishops were the lords of the towns where they resided. Only incidentally do we hear the voice of the non-clerical inhabitants of the episcopal towns. Bernhard Diestelkamp, who edited the sources for the early history of German towns in the *Elenchus fontium historiae urbanae*,[7] gives as the oldest text a report by Gregory of Tours (*c.* 540–594) about a miracle of Saint Martin on behalf of a merchant of Trier (the term used is *negotiator*), when the latter was staying in Metz to trade in salt.[8] Frank Hirschmann, who was mainly interested in the building history of the episcopal towns, gives surveys of all data known about their history and historiography, which in the case of Trier alone amount to no less than fifty-seven densely printed pages, but in which he relatively seldom gives quotations from the sources. These need to be found through his bibliography.[9]

Clearly, references to ordinary town dwellers are few and far between. This is important, because we may surmise that there were significant differences between the views put forward in texts produced by the episcopal lords of these towns and their clergy, and the views held by their lay co-inhabitants. And even the sources written by the German bishops themselves hardly ever deal explicitly with matters of identity and participation.[10] For the late antique period, there seems to be no evidence of significant strife between the bishops and the local inhabitants of their towns. Considering that the episcopal towns then in existence were embedded in the general urban networks of episcopal *civitates* of Gaul and Germania (see Figure 14.1), we may surmise that (Christian) ideas current in Gaul about citizenship will have been shared among the ecclesiastical elites in the 'German' episcopal towns. These ideas will have been transmitted to the population at large in the form of sermons delivered by the bishops and clergy — as indeed will have been the case in the later Merovingian, Carolingian, and Ottonian periods as well. New sermons may have been committed to writing, but sermons written elsewhere may also have been put to use. Unfortunately, in view of the paucity of evidence about the delivery of the surviving sermons to the bishops' flocks in general,[11] we cannot go much beyond hypotheses.

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7   'Quellensammlung zur Frühgeschichte der deutschen Stadt (bis 1250)', in *Elenchus fontium historiae urbanae*, I, pp. 1–277 [hereafter 'Quellensammlung'], a collection of 177 excerpts relating to events dating from [591] to 1254.

8   Gregory of Tours, *De virtutibus S. Martini*, ed. by Krusch, IV. 29 (p. 206), in 'Quellensammlung', no. 1, p. 39.

9   Hirschmann, *Die Anfänge*, deals with forty-six episcopal seats in vols I–II, pp. 14–1022. The bibliography in vol. III gives editions of printed sources mentioned (pp. 1367–86) and references to the abundant secondary literature (pp. 1386–1535). Also relevant is Patzold, ed., 'Bischofsstädte als Kultur- und Innovationszentren'.

10 See Hirschmann, *Die Anfänge*, III, pp. 1367–86. The same is true for the other towns and topics he deals with.

11 Cf. Mostert, 'Medieval Sermons as Forms of Communication'.

If we have little direct textual evidence of the urban identities of the local bishops and their clergy, the situation regarding knowledge about the local communes formed by the inhabitants of the episcopal towns generally is even worse. The situation will become better when these communes' legal foundations will become fixed in writing from the twelfth century onwards, thanks to the growing royal interests in the development of urban settlements.

There may also be indirect evidence of urban identities, however. This has to do with the presence of monasteries and other foundations of the regular and secular clergy, with episcopal towns as places where the saints congregate, with the care of the poor and the presence of hospitals, with the way strangers were treated, and possibly with episcopal centres of written culture. Last but not least, there are the images left by contemporaries in descriptions of episcopal towns and the terminology with which they refer to them.

Christian Identities and Exclusion

Before starting our survey, it is important to devote a few words to the definition of 'civic identity'.[12] Clearly, when dealing with episcopal towns, we are considering towns with a pivotal role in the organization of Christian society and Christian identities. However, the inhabitants of these towns did not form a cohesive unity. The late antique episcopal towns inherited populations that were by no means exclusively Christian, and their inhabitants were already divided into those that could be deemed trustworthy because they possessed *fides* and *fama*, and whose word could therefore be accepted in a court of law, and those who did not, due to their *infamia*.[13] This juridical distinction survived the general acceptance of Christianity. Now a process of exclusion on religious grounds was added to the already extant process of exclusion on juridical grounds of some of the towns' inhabitants.[14] These processes were to form the basis of further forms of exclusion later on. The most important 'othered' groups earlier on included pagans, heretics, and Jews; other groups were added to them, including those who were on the verge of poverty, those with physical and mental defects, and those who were engaged in certain suspect professions. Christianity has often been able to invert these apparent defects (e.g. by adopting some kinds of 'poverty' as virtues, especially for monks), and it has a proven record of assisting those who were in need. Nevertheless, there have always been restrictions to charity (e.g. in the distinction made between that offered to one's 'own'

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12   The following is inspired by Todeschini, *Au pays des sans-nom*.

13   Todeschini, *Au pays des sans-nom*, pp. 46–52, with references at pp. 310–11.

14   See Bührer-Thierry and Gioanni, eds, *Exclure de la communauté chrétienne*; and Joye, La Rocca, and Gioanni, eds, *La construction sociale du sujet exclu*. See also Zaremska, *Les bannis au Moyen Âge*, pp. 25–64 and notes, pp. 200–204.

poor and the poor who came from elsewhere). This meant that parts of the urban populations had reasons to worry about their exclusion from the town's Christian community. Studies have shown that the Church could also exclude its members from its community from early on — even if it is only in the thirteenth century that *Randgruppen* and *Unterschichten* start to be so clearly defined as to make it almost impossible for some to avoid exclusion. We must be aware of the existence of differences within the late antique and early medieval communities of town dwellers in juridical, religious, economic, and therefore social matters as well, and not to identify the views of the urban community as such with the views of identity and participation preached by a clergy that could be exclusionary as well as inclusive.

Episcopal Seats with Antique Traditions

In the medieval German kingdom, the following episcopal towns had roots in Antiquity: Trier, Metz, Verdun, Toul, Cologne, Mainz, Strasbourg, Chur, and Trento (see Fig. 14.1). The episcopal seat at Tongres, which moved to Maastricht already in Antiquity (with that of Maastricht being moved to Liège later on), did not survive. Säben's episcopal seat likewise did not survive; it was moved to Bressanone. The seat of Kaiseraugst was moved to Basel. With the exception of Chur, Trento, and Säben, these episcopal seats could be found west of the Rhine. They formed part of a network that extended to the south-west and south. The episcopal seats of Cambrai, Constance, and Basel are mentioned before 700; those of Worms and Speyer also had antique roots, but their lists of bishops only start in 614. Utrecht and Liège can be dated as bishop's seats in the late seventh and early eighth century. The other bishop's seats in the later German kingdom are more recent. Their origins have to do with the presence of Boniface († 754), the Carolingian wars with the Saxons, and the Ottonian expansion eastwards.[15]

Above it was suggested that we concentrate on the bishop's seats with antique roots. This is possible only when they are considered as a group, however, as some of them show discontinuities in their existence. Some of these discontinuities may have been caused by the replacements of bishops by Frankish counts in some of the existing *civitates*. This was to prove only temporary, and before long the bishops returned as lords in the episcopal towns.[16] What happened meanwhile with these towns' inhabitants, not to mention the church institutions, however, is not always clear. Continuity is assumed in the cases of Trier and Metz from the late third century onwards;

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15   Hirschmann, *Die Anfänge*, III, pp. 1023–39, with references to the detailed treatment of individual towns in I, pp. 14–457 and II, pp. 458–1022, with indications of the size of the towns and the numbers of their inhabitants (whenever they can be estimated).

16   'Quellensammlung', p. 8.

Verdun and Chur are thought to have been seats of bishoprics from the fourth century onwards, as well as, also from the fourth century (but with less strong evidence) Cologne, Toul, and Trento. In other cases, it is very likely that there was no continuity between Late Antiquity and the early Middle Ages.

Of the late antique episcopal towns, Trier was by far the largest. It measured 285 walled hectares and was the third city in the Roman Empire after Rome and Constantinople. It was an imperial residence and had all the trappings of Roman civilization. In 407 the prefecture of Gallia was moved from Trier to Arles, because of the inroads of 'barbarian' tribes. If anywhere in the later German kingdom, it was in Trier that Roman notions of citizenship would have been known. Ambrose of Milan was born here in 339, in an important family of the senatorial imperial aristocracy.

Cologne and Mainz were capitals of provinces, although less impressively so than Trier. Metz could be compared with the three provincial capitals; the other episcopal towns with antique roots were less impressive.

Metz proved to be the town which witnessed the most continuity. The Latin language survived (in Romance guise), as did Christianity and the episcopal organization. The walls and main churches survived, although the influence of the attacks of 451 by the Huns may have been detrimental. Cologne and Trier also survived to some extent; Mainz was described around 440 as destroyed, and indeed there are gaps both in the written traditions and in the archaeological record. The list of bishops is complete only from the middle of the sixth century onwards. Until the middle of the seventh century, however, the inhabitants spoke a Romance dialect, which suggests some continuity of the region's population.

These few indications of the problematic continuity of the four main bishop's seats with late antique roots will have to suffice. 'Continuity' can best be studied by asking a series of partial questions. Rather than arriving at the conclusion that there was either continuity or not, this may lead to the conclusion that there may have been 'more' or 'less' continuity. The questions that may be asked are the following: Is there continuity of the people involved? Of place? Of time? Of the forms of whatever we want to determine the continuity of? Of function?[17] If we want to know whether there was a continuity of Christianity between, say, the fourth and the sixth century in the towns that, later on, were episcopal towns in the kingdom of Germany, this means asking the following questions: Do the 'Christians' we find in the fourth and sixth centuries belong to the same (social or linguistic) groups? Do we find Christianity in the same place? Are there gaps in the 'Christian' period under consideration? Does Christianity have the same forms? And do those forms have the same functions? When the answer to more of these questions is positive, we can conclude that there is more continuity (in this case: in the Christianity of the later episcopal towns). Clearly, the cases of Trier, Cologne,

17   See Bausinger, 'Zur Algebra der Kontinuität'.

Mainz, and Metz show that the answer cannot be the same for these four towns. And that has implications for our answer to the question of whether it is likely that fourth- or sixth-century Christian notions of civic identity or civic participation could be found in these towns. For each individual town, this question seems even more difficult to answer; for the group of episcopal towns with antique roots as a whole, we can hypothesize that, provided we can suggest sufficient continuity in their Christian character, they shared in the ideas of Christian civic identity and participation that can be shown to have been current elsewhere in Christian Europe.

Monasteries as Indications of Christian Urban Quality

There are several non-textual indicators of Christian urban quality. One of them is the presence of monasteries and other foundations of the secular and regular clergy. The Benedictines were among the first to establish themselves in episcopal towns. According to St Augustine, there were followers of St Anthony and the Egyptian monks at Trier in the time of Emperor Gratian (375–383); possibly this community went back to Athanasius of Alexandria, who was in Trier around 335.[18] Gregory of Tours mentions *monachi basilicae* in Trier around 585; he also mentions *abbates* in the circles of Bishop Magnerich there (after 561 – after 587).[19] How these communities functioned in (or just outside) the town, is unknown. Between 634 and 698, the monks of the monastery of Saint-Maximin of Trier lived according to an Irish-Benedictine mixed rule. Under Bishop Hetti (814/16–847) the monastery accepted the *Rule* of St Benedict.[20] In 778 an Irish-Scottish community appeared in Mainz, in a church close to the Altmünster; it is not heard of again.[21] In 836/38 Bishop Frothar of Toul imposed the *Rule* of St Benedict on the monastery of Saint-Evre, which had been in existence since the seventh century.[22]

For the next century, more Benedictine monasteries appeared, although their number remained relatively small. All of them were founded to the west of the Rhine or south of the Danube, and more than half of them were situated in Romance-speaking areas. In all recorded cases, the bishops took an active part in attempts to found monasteries; apparently, they hoped for a spiritual, but possibly also an economic injection into the life of their episcopal towns. From about 940 onwards there was an intensification in the founding of Benedictine monasteries in episcopal towns, and not only

18 Gauthier, *L'évangélisation des pays de la Moselle*, pp. 87–88.
19 Gregory of Tours, *Libri historiarum X*, ed. by Krusch and Levison, VIII. 21 and IX. 10 (pp. 388 and 425).
20 Anton and Haverkamp, eds, *Trier im Mittelalter*, pp. 47–48, 63–66, 101.
21 *Mainzer Urkundenbuch*, ed. by Stimming, no. 126 (p. 68).
22 *Les actes des évêques de Toul*, ed. by Schoellen, no. 1 (p. 51); see also Hirschmann, *Die Anfänge*, I, p. 145.

in those with antique roots. Metz counted no less than four of them by the middle of the tenth century, and Bishop Thierry I founded a fifth Benedictine monastery for men on the island in the Moselle, Saint-Vincent, in 967.[23] Clearly, Benedictine monks were thought to contribute to the identity of episcopal towns. Conversely, some later bishoprics, such as Magdeburg, were founded with an already extant Benedictine monastery within their walls.[24] By the middle of the twelfth century no less than twenty-seven episcopal towns had at least one Benedictine monastery. Next to the so-called *Schottenklöster*, these were among the oldest ecclesiastical foundations in the bishops' towns. But they were by no means to remain the only ones.

The importance of the monasteries for the identity of episcopal towns is suggested also by the monastic reform movements of the tenth and eleventh centuries, which show a preponderance of monasteries in or close by episcopal towns taking a leading part. Gorze was situated near Metz; Saint-Maximin, in Trier. The reform movement of Saint-Vanne of Verdun was also influential. The bishops also had their Benedictine monasteries reformed, no doubt hoping to gain thereby in spiritual capital. Bishop Gauzlinus of Toul, for instance, had Saint-Evre follow the reform movement of Fleury (Saint-Benoît-sur-Loire).[25] Even more influential was the influence of Cluny on the Benedictine monasteries in almost all episcopal towns.

Similar to the influence of the Benedictine monasteries was that of the collegiate churches (*Kollegiatsstifte*). Here, the spiritual proved less important than in the case of the monasteries. Whether the canons could be seen as equal to the monks was an issue on which views were divided. In the tenth and eleventh centuries, a perceived lack of spirituality could be remedied by transforming collegiate churches into monasteries. In Verdun the lack of a monastery was felt in the middle of the tenth century, and Saint-Vanne was transformed by Bishop Berengar into a Benedictine monastery in 951–952.[26] In Liège, Bishop Balderich (1008–1018) decided on the foundation of the monastery of Saint-Jacques because the church of Liège could afford it, and because monks could live a more rigorous life than canons, as they did not have to take on the administrative burdens of the secular clergy.[27] According to Bishop Burchard of Worms (1000–1025), however, monks, canons and laymen all had their place in the '*familia in ecclesia Dei*' (the family in the Church of God), because '*non omnia possumus omnes*' (all cannot do everything).[28] Canons played a role as early as 626–627 in Saint-Evre, in Toul; halfway through the seventh century in the church of the Apostles (the later Saint-Arnoul) in Metz; and at unknown early dates at Saint-Gereon in

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23   *Vita Deoderici*, ed. by Pertz, p. 473.

24   Hirschmann, *Die Anfänge*, II, pp. 844–45.

25   *Les actes des évêques de Toul*, ed. by Schoellen, no. 9 (p. 71).

26   *Gesta episcoporum Virdunensium*, ed. by Waitz, p. 45.

27   *Anselmi gesta episcoporum*, ed. by Koepke, p. 207.

28   *Vita Burchardi episcopi*, ed. by Waitz, p. 840.

Cologne and Saint-Paulin in Trier. But although they did useful work, their spirituality was different, and somehow to outsiders less obviously powerful, than that of the monks.[29]

Monasteries for women are also mentioned very early on. Bishop Modoald of Trier (614/20–646/47) founded Saint-Symphorian to the north-west of Trier. His successor, helped by St Modesta, founded a second monastery for women, dedicated to the Virgin Mary; it was situated in an ancient Roman *horrea* ('granary'), hence it got its name Ören.[30] Bishops teaming up with pious women were also responsible for the foundations of Saint-Pierre-aux-Nonnains in Metz (middle or end of the seventh century) and Saint-Mary in Mainz (end of the seventh or beginning of the eighth century). In the middle of the twelfth century, twenty-one episcopal towns possessed one or more monasteries for women; Metz and Cologne even had four each.

From the eleventh century onwards, monasteries that followed other rules than that of St Benedict were also founded in episcopal towns: Augustinian canons and orders of knights are mentioned. The number of monasteries in the individual episcopal towns in Germany was considerably larger than in other regions in Western Europe, with the exception of Rome. This does not mean that the German bishops were more interested in monasteries as places of spirituality, congregations of the saints, centres of learning, institutions of charitable work, or indeed units of production and consumption, together giving prestige to their towns and making them into holy places. Rather, German bishops, as lords of their own towns, were simply better able to amass the riches needed to maintain their spiritual infrastructure.

Episcopal Towns as Congregations of Saints

To get an idea of the spiritual riches of the bishop's towns, we have to add to the monastic foundations and their inhabitants the saints, who congregated there as well. These towns boasted the graves of saints, relics, and the patronage by saints to whom churches were dedicated, even if no relics of those saints could be found there. All the main saints of Christendom can be found as patrons in the dedications of the cathedrals and minor churches and altars in the episcopal towns. The Virgin Mary, the Saviour, Saints Paul, John the Baptist and John the Evangelist, Lawrence, Peter, Stephen, and the Holy Cross — to name but a few — occur repeatedly in dedications, as do local saints in those regions where they were venerated, as do saints who were venerated by the rulers. From the sixth and seventh centuries onwards, to give but one example, St Martin became a patron saint of the Franks. Bishop Magnerich of Trier founded the oldest church in honour of this saint in the territory of

29   Hirschmann, *Die Anfänge*, III, p. 1068.
30   Hirschmann, *Die Anfänge*, I, pp. 30–31.

the later German kingdom.[31] In the Carolingian period Martin's cult crossed the Rhine, and Martin became the patron saint of several bishop's churches in Saxony. In Bavaria, however, no dedications are known, whereas to the west of the Rhine his *patrocinium* is only absent in Verdun.[32]

Many saints were present in their relics. The smallest particle of their bones could defend against damage. Smaller relics are found from the eleventh century onwards; in the tenth century the body of the saint was still left intact. Only a few saints present in German episcopal towns were formally canonized before the middle of the twelfth century. Among them were five local bishops, starting with Ulrich of Augsburg (in 993) and finishing with Godehard of Hildesheim (in 1131). The bishops in the west were blessed, different from their colleagues in Saxony, with many bones of their predecessors. They brought these relics to the borders of their dioceses, to bind the ecclesiastical institutions there to their cathedral churches. Sometimes they needed to move the relics to save them, for instance in 955 from the Hungarian danger.[33] Sometimes the saint was able to help his town to victory. In 1141, St Lambert, considered the first Bishop of Liège, was taken, together with a relic of the Cross, to help in taking the castle of Bouillon. The saint's presence indeed resulted in the hoped-for victory.[34]

When Bishop Gerhard I of Cambrai dedicated his new cathedral in 1030, the saints of the whole diocese were brought into the cathedral, where they were arranged under the 'presidency' of the first Bishop of Cambrai, St Gaugericus. The *Gesta episcoporum Cameracensium* go into detail about the placement of the other confessors and virgins, all according to their rank. So many people came to Cambrai that there was no place for all of them within the walls. The event allowed the solemn religious integration of the whole of the town's population, in all its corporative organization, under the ecclesiastical authority over the town.[35] Gerhard I was accompanied by Abbot Richard of Saint-Vanne of Verdun, who augmented the treasury of relics of his abbey (and thereby of Verdun) through buying, extortion, robbery, digging up, and sheer invention. He was, next to the Bishops of Cologne and Metz, one of the most important relic collectors of the age.[36]

Trier had the largest number of holy bishops: twenty-five. Most of them were buried in the cemeteries to the north of the town. At least twenty of them ended up in the town's monasteries. Metz and Verdun also had sizeable numbers of holy bishops. Saint-Clément of Metz boasted no less than six

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31 Ewig, 'Der Martinskult im Frühmittelalter', p. 384.

32 All patron saints of cathedrals, churches belonging to the cathedral (including chapels and crypts), monasteries, and churches (including chapels, hospitals, and secondary patrons) up to the twelfth century have been entered by Hirschmann, *Die Anfänge*, III, pp. 1112–21 in a table.

33 *Thietmari Merseburgensis episcopi Chronicon*, ed. by Trillmich, p. 44.

34 *Triumphus Sancti Lamberti*, ed. by Arndt, p. 506.

35 *Gesta episcoporum Cameracensium*, ed. by Bethmann, p. 483.

36 Wagner and Goullet, 'Reliques et pouvoirs', p. 87.

holy bishops. Verdun had ten of them, as well as an imported saint. Cologne merely had two holy bishops from Late Antiquity or the early Middle Ages, St Severin and St Cunibert respectively. But Cologne had St Gereon, the leader of the Thebaic legion, and St Ursula with her 11,000 virgins. And in Saint-Severin could be found the two Ewalds from the retinue of Willibrord, who had lost themselves in the Saxon mission and were brought to Cologne by King Pippin II. The list is all but endless.[37] It is important to realize that this presence of the saints was seen as very real, and that they were considered able to act on behalf of a bishop's town in death as they had been in life. As the dedication of the cathedral of Cambrai shows, the arrangement of the saints' reliquaries in the newly finished church would have mirrored the placing of the guests had they still been alive. The saints were as much a part of the community of the town as were the bishop, his canons, the monks and nuns, and the lay people of various ranks. With the exception of those who had been excluded from the community (and who were not named because they had lost the right to be named), together, alive and dead, they shared in the town's identity and participated in its civic life.

Assistance to the Poor and Hospitals

From Late Antiquity onwards, bishops were obliged to take care of the poor, the weak, the sick, and the homeless — and provided these disadvantaged people formed part of the Christian community, they acquitted themselves of this task as best they could. The *Rule* of St Benedict prescribed welcoming pilgrims and the poor to the monasteries.[38] The bishop's charity extended, according to Gregory the Great, to the *cura exteriorum* which he had to exercise as *pater pauperum*.[39] In the Carolingian capitularies the bishop's charitable duties were reiterated — and the bishop was to share them with the king.[40] The financial burden was on the bishops, who, according to the *Capitulare ecclesiasticum* of 818–819, needed to reserve up to two thirds of church income to helping the poor.[41] In the eleventh century, however, monastic reformers such as Otloh of Saint Emmeram observed that the bishops of his day no longer used tithes to help the poor.[42]

There are references to bishops who took their charitable functions seriously, although most of these mentions refer to holy bishops. Gregory of Tours mentions

37 Hirschmann, *Die Anfänge*, III, pp. 1135–38, lists for all bishop's towns the holy bishops, the other local saints, and the imported saints whose remains were kept. Patrons of the cathedral, monasteries, or other church foundations are printed in bold.

38 Benedict of Nursia, *Regula*, ed. by de Vogüé and Neufville, c. 53 (II, pp. 611–16).

39 Gregory the Great, *Moralia in Job*, ed. by Adriaen, xx. 3 (II, p. 1004).

40 This royal duty was to continue long afterwards. See Aladjidi, *Le Roi père des pauvres*.

41 *Capitulare ecclesiasticum*, ed. by Boretius and Krause, c. 4 (p. 276).

42 Heckmann, 'Pater pauperum Christi', p. 46.

that Bishop Nicetius of Trier (525–560) was very much concerned about the poor and the weak;[43] and, according to his *Life*, Bishop Arnulf of Metz not only maintained an *ospicium* where he distributed alms, there was also a community of the poor (*matricularii*[44]) who were distinguished from the poor generally — which may be a first distinction between 'our' poor and the poor in general.[45]

Hospitals that can be shown to have been in operation for a long time are mentioned in Bremen for Archbishop Ansgar (847–865), who founded a *hospitale pauperum*, in which the sick were also cared for,[46] and Archbishop Adaldag (937–988) increased its endowment so that henceforth twenty-four poor people could find a place there.[47] Almost at the same time, in 965, the Cologne hospital of Saint-Quirinus (near Saint-Panthaleon) may be meant in the testament of Archbishop Bruno.[48] But by the middle of the tenth century hospitals can be found in only seven out of slightly under forty episcopal towns. By the middle of the twelfth century, their number has grown to fifty-two in thirty episcopal towns. By then, episcopal foundations were getting competition from the communal hospitals founded by lay town dwellers. In Metz one finds the hospital of Saint-Nicolas-en-Neufbourg,[49] in Cologne the hospital of Saint-Bridget (led by a layman, who was appointed by the Abbot of Gross-Sankt-Martin),[50] in Strasbourg the Old Hospital, which was supported by lay town dwellers,[51] and in Verdun Saint-Nicolas-de-Gravière was a lay foundation, but within the province of the bishop.[52]

In the matter of hospitals, the lay inhabitants seem to take over whenever the bishops were felt to leave something to be desired. Care for the poor and the sick was not worthy of mention everywhere, and if it was considered important, it did not necessarily lead to the bishops' taking sufficient measures as only they, as the towns' lords, would have been capable of doing. Hospitals were either taken for granted, and therefore went unnoticed in the written texts at our disposal, or their existence was not indispensable for the Christian identity of a bishop's town. Had it been, then long before the middle of the twelfth century all towns would have boasted at least one hospital.

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43 Gregory of Tours, *Liber vitae patrum*, ed. by Krusch, XVII (pp. 277–83).

44 The *matricularii* were individuals who were on the list of those poor receiving doles from the church permanently. These poor men could act as servants for the upkeep of the church. Cf. Niermeyer, *Mediae Latinitatis Lexicon Minus*, pp. 662–63.

45 *Vita Sancti Arnulfi*, ed. by Krusch, p. 438.

46 Rimbert, *Vita Anskari*, ed. by Trillmich, p. 112; Adam of Bremen, *Gesta*, ed. by Trillmich, pp. 202 f.

47 Adam of Bremen, *Gesta*, ed. by Trillmich, p. 244.

48 *Ruotgeri Vita Brunonis*, ed. by Ott, c. 49 (pp. 51–52), does not, in fact, mention the hospital. Cf. Hirschmann, *Die Anfänge*, III, p. 1141, referring to I, pp. 180–81.

49 Mentioned in Hecelinus, *Miracula recentiora*.

50 *Quellen zur Geschichte der Stadt Köln*, ed. by Rheker-Wunsch, Rusen, and Witler, no. 58 (p. 525).

51 Pauly, *Peregrinorum, pauperum ac aliorum transeuntium receptaculum*, p. 175.

52 Girardot, *Le droit et la terre*, p. 96.

Outsiders and Jews

'Outsiders' do not appear very often in the sources for the episcopal towns of Germany. Most outsiders mentioned had jobs in the building industries. Already in the sixth century, in Trier, Italian builders are present, who had been hired by Bishop Nicetius from the Bishop of Sion (Sitten).[53] Other representatives of immigrant groups are the Frisians (*Frisiones*), mentioned as inhabitants in the Mainz port area[54] and at Worms in the last quarter of the ninth century.[55] They were occupied as merchants, in the Rhine trade. At Merseburg, King Henry I (*c.* 876–936) settled a kind of penal battalion made up of thieves and robbers, who were meant to help fight the Slavs.[56] This must have seemed an excellent way of dealing with criminals. Later on, there are more mentions of strangers. Prague, for instance, suffered from German immigrants, and Duke Spytihněv had them expelled in 1055.[57] His successor Vratislav II (1061–1092), however, welcomed them back and issued a privilege for them in which they were put on the same juridical footing as Jews, Romance-speakers, and Slavs.[58] There must also have been immigrants from the Mediterranean in Prague. In the early twelfth century, inhabitants from Holland were enticed to Bremen to drain swamps,[59] and around 1150 they possibly came to neighbouring Verden, as builders of the church of Saint-John.[60] Finally, until the later Middle Ages the *Schottenklöster* in Regensburg, Erfurt, Würzburg, Constance, and Eichstätt were exclusively meant for Irish monks.

Clearly, immigrants were mentioned mainly when they came in groups to the bishops' towns in Germany, and this seems to have happened ever more often from the Ottonian period onwards. Apart from the builders who came in smaller groups or, one may assume, individually, no mention is made of individual immigrants who came to the towns in search of a better life. People who, at least initially, belonged in the amorphous groups of the *Unterschichten*, were not mentioned by name or origin — although others were. And yet they must have made up a constant trickle of immigrants, as without input from the countryside the towns were not able to maintain the numbers of their inhabitants. The penal battalion of Henry I provides the only explicit mention of the (forced) settlement of people belonging to *Randgruppen*; the relatively rich towns of the bishops must have attracted

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53 *Epistolae Austrasiacae*, ed. by Gundlach, no. 21 (pp. 133–34).
54 *Annales Fuldenses*, ed. by Rau, s.a. 886 (p. 126).
55 *Annales Wormatienses*, ed. by Pertz, p. 37.
56 Widukind of Corvey, *Rerum gestarum Saxonicarum libri tres*, ed. by Hirsch and Lohmann, p. 69.
57 Cosmas of Prague, *Chronica Boemorum*, ed. by Bretholz and Weinberger, c. 14 (p. 103).
58 See *Codex diplomaticus et epistolaris regni Bohemiae*, ed. by Friedrich, no. 290 [1174–1178] (pp. 255–57), and Moraw, 'Das Mittelalter', p. 50.
59 *Bremisches Urkundenbuch*, ed. by Ehmck and von Bippen, no. 27 (p. 28).
60 Hirschmann, *Die Anfänge*, II, p. 791.

many more marginal people, who, because they were merely marginal, were not mentioned by name in the sources.

The presence of Jews also merits a few words. When exactly they came to the realms of the Franks and, more in particular, to those regions that later formed the German kingdom, is not clear.[61] With some certainty a large building in Cologne, which used the remains of an antique predecessor, can be interpreted as an (early) ninth-century synagogue. In the tenth century there was also a ritual bath (*mikveh*) to be found there, by the market. A Jewish quarter is first mentioned in Cologne in 1091 as *inter Iudeos* (among the Jews), and a Jewish cemetery in 1096.[62] Somewhat later than Cologne, Metz had a Jewish community (first mentioned 888),[63] then followed Mainz (937), Worms (960), and the Ottonian towns in the eastern border area of the kingdom (Magdeburg before 965–1096; Merseburg 980–1096), and in the south (Regensburg 981). Trier (1066) and Speyer (1084) are relatively late.[64]

A pogrom took place in 1096, at the time of the First Crusade. Because of the persistent presence of the Jews in the trinity of the enemies of Christianity, that is, pagans, Jews, and heretics, the attitude of the bishops during the pogrom is highly relevant here. It suggests how ideas which ought to have led to the exclusion of the Jews were variously interpreted by those who ought to have been guided by them. In Mainz, the Jews fled into the palace of Archbishop Ruthard; he and his retinue left the town, and left the Jews to be killed by the mob.[65] In Worms, too, the bishop's palace did not provide security.[66] In Trier, on the contrary, Archbishop Egilbert took the Jews into his palace, the *asylum Treverorum* or *palajs*, and delivered a sermon in the Porta Nigra in favour of the Jews. Because he had little influence on the mob of would-be crusaders, however, two weeks later he persuaded the Jews to be baptized and saved many of them in this way.[67] In Metz, too, many Jews let themselves be baptized.[68] In Speyer, Bishop John took most of the Jews to safety in his palace.[69] Whenever the bishops are mentioned, they do what they can (with the notable exception of the Archbishop of Mainz): they offer safety in their palaces and/or persuade the Jews to be baptized. According to the mobs, forced baptism made the Jews into Christians; they at least saved their lives. But there is also the well-documented case of Isaak ben David of Mainz, who had been forced to be baptized, then had to set the synagogue alight, and when he found out his wife had meanwhile been

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61 See Battenberg, *Das europäische Zeitalter der Juden*, I, pp. 45–65.

62 Hirschmann, *Die Anfänge*, I, pp. 169, 173, 228.

63 *Regesten zur Geschichte der Juden*, ed. by Aronius, no. 119 (p. 51).

64 Other towns include Prague (960s, 1090), Verdun (1096?), Würzburg (before 1147), and Olomouc (twelfth century?). The presence of Jews in Cambrai in 1096 is uncertain.

65 *Hebräische Berichte*, ed. by Haverkamp, pp. 290, 300, 374.

66 *Hebräische Berichte*, ed. by Haverkamp, pp. 280, 284, 288.

67 *Gesta Treverorum*, ed. by Pertz, pp. 190–91; *Hebräische Berichte*, ed. by Haverkamp, pp. 26, 131 f.

68 *Hebräische Berichte*, ed. by Haverkamp, p. 480.

69 *Hebräische Berichte*, ed. by Haverkamp, p. 492.

murdered, committed suicide together with his mother and children.[70] When the bishops are not mentioned, some other helpers are. In Prague, for instance, allegedly five hundred armed Jews defended themselves and were helped to safety with the aid of ducal forces (probably they were taken to Vyšehrad, the castle to the south of Prague's centre, the area where the richest Jews, merchants, and moneychangers lived).[71] It is unknown why the bishop did not help them. But the attitude of the bishops generally during this kingdom-wide pogrom seems to show up an anomaly in the idea according to which only Christians could participate in a Christian society. In practice, many Christians believed their Jewish neighbours worth saving; unfortunately, many others believed the message about a Christian society without Jews. This meant that, even if some or most of the Jews in a particular town were saved, just as others in the margins of society, they must have felt the unease and insecurity that comes from being considered at best as second-rate citizens.

Episcopal Seats as Centres of Written Culture

We can be very short about literacy and learning as an ingredient of the bishops' towns' identity. There is growing evidence about the use of writing outside the ambit of the clergy, and nobody was without at least some notion of what writing could do.[72] There is some evidence of continuity in the use of funerary inscriptions, which continued to be made,[73] although many town dwellers must have gone without epitaph.[74] We may assume, however, that most registers of literacy were important mainly to the clergy. In the tenth century most cathedrals had a school.[75] Although they were meant in particular for the formation of the clergy and the choirboys, at Paderborn Bishop Badurad (815–862) admitted also pupils of lower condition to the cathedral school: '*pueros tam nobilis quam inferioris conditionis*' (boys both of noble and lower condition).[76] Reading and writing were necessary skills for the clergy, but outside the rarefied circles of the literates, the possession of a school of renown was not, as yet, something of importance for a town's identity. The writing that went on outside the ranks of the clergy must have been considered at best as a skill as any other, and not worthy to mention.

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70 *Hebräische Berichte*, ed. by Haverkamp, pp. 350f, esp. p. 380.
71 *Hebräische Berichte*, ed. by Haverkamp, p. 482.
72 See, e.g., Mostert, 'News from Early Medieval Utrecht', on finds of writing utensils which must have been in use among farmers and merchants already before the installation of the bishopric at Utrecht at the end of the seventh century.
73 Favreau, *Épigraphie médiévale*, pp. 291–99, and the editions mentioned at pp. 10–13.
74 See Mostert, 'Beyond the Pale'.
75 The exceptions are Chur, Bressanone, Trento, Merseburg, Meissen, and Olomouc; there are no mentions of cathedral schools before the middle of the twelfth century.
76 *Vita et translatio anonymi Paderbornensis*, ed. by der Vry, p. 195.

Towns as Seen by Contemporaries

Already in Antiquity, *laudes urbium* ('praises of towns') had been written, poems which in their choice of praiseworthy things show how their authors and audience thought about particular towns. They had dealt with the climate, the advantageous position of a town, the presence of saints, religious amenities, the arts and sciences, trade, the virtues of the inhabitants, and comparisons with other towns (especially with Rome). Only a few *laudes urbium* have been produced in the area that was to become the German kingdom. After 392 Ausonius wrote a short *laus* on Trier, in which its role as a centre of the Christian faith is not mentioned.[77] Around 770, Arbeo of Freising praises Regensburg for its defensibility.[78] Alcuin praises Salzburg only for its cathedral and its many altars.[79] The *Translatio* of St Liborius to Paderborn, written at the end of the ninth century, mentions, apart from classical clichés, the health-giving source of the Pader.[80] More interesting is the lasting abhorrence of pagan cults mentioned by Adso of Montier-en-Der in his depiction of Toul in the *Vita* of St Mansuetus (written 974–992).[81] Abbot Gerhard of Seeon, at the beginning of the eleventh century, writes an over-the-top praise of Bamberg, calling it the '*caput orbis*' (the head [or: capital?] of the world) and better than Athens, which once had also been a town of book-learning.[82] Liège, too, is the beneficiary of a *laus*, contained in a letter of *c.* 1065 of Gozwin, the leader of the cathedral school of Mainz, who praises Liège for its learning.[83] Other, later *laudes* are similarly laudatory of their chosen towns, and are similarly unhelpful in the search for information on the way contemporaries saw the bishops' towns.[84] It is of interest to note that the towns' inhabitants are not mentioned as such in these *laudes*, with one exception: the *Vita* of St Martin, which was written just after 1129 by Richer of Metz, contains a description of Metz in which we find a cameo of the market and a list of the wares bought and sold there — before the author returns to antique topoi and a list of saintly protectors.[85]

Some information can also be gleaned from travel literature, the most famous example of which is the text written by Ibrahim Ibn Ya'qub, an Arabic-educated Spanish Jew, who travelled in 965–966 to Prague, Paderborn,

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77   Edition in Heinen, *Trier und das Trevererland*, pp. 254–55.

78   Arbeo of Freising, *Vita Haimhramni*, ed. by Krusch, p. 476.

79   Alcuin, *Carmina*, ed. by Dümmler, no. 109 (pp. 335–40).

80   *Vita et translatio anonymi Paderbornensis*, ed. by der Vry, pp. 190–91.

81   Adso of Montier-en-Der, *Vita et miracula Mansueti episcopi Tullensis*.

82   'Preislied Gerhards von Seeon'.

83   *Gozechini scholastici epistola*, cols 888–89.

84   Regensburg in the *Translatio* of St Denis to Saint-Emmeram (1080s), in which the three parts of the town, of which one is that of the merchants, are mentioned; Metz in the *Vita* of Bishop Thierry I by Sigebert of Gembloux (between 1065 and 1070); and Trier, in the *Vita sancti Willibrordi metrica* of Abbot Thiofrid of Echternach (end of the eleventh century).

85   Richer, *Vita Sancti Martini*, ed. by Decker, p. 3.

Table 14.1. Nouns for German episcopal towns[a]

urbs	'town'	*urbs regia*	Regensburg
		principalis urbs Sclavorum	Prague
		urbs metropolitana	Prague
		maxima urbs huius regionis	Prague
civitas	'city'	*civitas regia*	Regensburg
		civitas publica	Worms
		civitas metropolitana	Prague
		civitas maxima, totius Germaniae metropolis	Cologne
arx	'stronghold'	*arx regni*	Worms
metropolis	'capital'	*metropolis Norici regni*	Regensburg
		metropolis et sedes ducatus	Regensburg
		provinciae metropolis	Prague
		metropolis Boemie urbs	Prague
		Theutonum noua metropolis	Magdeburg
		tocius Gallie Germaniaeque metropolis	Trier
		metropolis Germaniae	Speyer
caput (regni)	'capital (of the kingdom)'	*Bawarii caput regni*	Merseburg
		Caput Boemiae	Prague
		see above, under *civitas*	Cologne

[a] For references to the sources, see Hirschmann, *Die Anfänge*, III, pp. 1246–52.

Utrecht, and Mainz. In his description of Prague, he mentions the presence of Muslim, Jewish, and Turkish merchants, who would seem to have been left unmolested by the Christian community of the town.[86] This suggests that trade was more important than fighting the enemies of Christianity.

The ways in which bishop's towns are given epithets may also suggest something of their standing in the eyes of those who could compare them with other towns. I give only a few examples in Table 14.1. All these epithets stress the political role of individual bishop's towns. There does not seem to be any strictly observed hierarchy in their use, as some towns may take several of these epithets according to the context in which they are named. Some of the smaller episcopal towns might simply be called *civitas*, *urbs*, *oppidum*, *castellum*, *vicus*, or *locus*, without second thoughts.

Bishop's towns can also be adorned with appropriate adjectives. A few examples are provided in Table 14.2. The bishops, as lords of their towns, seem to have had a certain preference for stressing the holiness of their towns on their seals and their coins, small objects whose inscriptions could reach relatively large numbers of people.

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86 'Der Reisebericht des Ibrahim ibn Jacqub'.

Table 14.2. Adjectives for German episcopal towns

sancta	'holy'	*sancta Colonia*	Cologne, on bishop Pilgrim's seal
		sancta Ledgia	Liège, on coins
		sancta civitas	Prague
		sancta Treveris civitas	Trier, on coins
sacra	'holy'	*sacra civitas*	Prague
aurea (-um)	'golden'	*aurea Colonia*	Cologne
		aureum regni caput	Mainz

Finally, the ties with Rome are stressed, as on the town seal of Mainz: '*Aurea Magontia Romanae ecclesie specialis filia*' (Golden Mainz, the special daughter of the Church of Rome). Cologne called itself in passing '*Roma secunda*', but in Trier the title stuck longer, being inscribed on coins.[87]

Negative characteristics are mentioned as well. Walther, the later Bishop of Speyer, as schoolmaster at the cathedral school called his town a '*vaccina*' (cow village) in the 970s.[88] Toul, halfway through the eleventh century, was a '*paupercula civitas*' (poorly city),[89] and Basel was, according to some, a village rather than a town.[90] Speyer was unhealthy, especially in the summer, according to Meinhard, teaching at Bamberg cathedral (*c.* 1064): fever was endemic then.[91] Sextus Amarcius, writing some forty years later, wants to derive the name Speyer from its 'bad air'.[92]

New Identities: The Development of Urban Communes

Already in the second half of the tenth century, the lay inhabitants of the bishop's towns began to receive royal privileges. In the eleventh century they became important in the kingdom's (and empire's) politics, and the inhabitants could request further rights for their developing communes (*communitas*, *communia*, *commune*).[93] The position of the towns' lords, in our case the bishops, came under pressure from the inhabitants as well, especially in the twelfth and thirteenth centuries. An urban identity developed in which Christianity became less prominent, and the pride of the lay town dwellers in their community became ever more based on their own organizations. Christianity did not become

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87 For references, see Hirschmann, *Die Anfänge*, III, pp. 1252–53.

88 'Walther von Speyer', ed. by Strecker, p. 12.

89 Hariulf of Saint-Riquier, *Chronique de l'abbaye de Saint-Riquier*, ed. by Lot, p. 254.

90 *Urkundenbuch der Stadt Basel*, ed. by Wackernagel, no. 14 (p. 9).

91 'Weitere Briefe Meinhards', ed. by Erdmann, no. 31 (p. 220).

92 Sextus Amarcius, *Sermones*, ed. by Manitius, p. 128.

93 Niermeyer, *Mediae Latinitatis Lexicon Minus*, pp. 220–24. See also Pitz, *Europäisches Städtewesen und Bürgertum*, pp. 325–27, 360–70.

unimportant — emphatically not, and the history of the medieval towns of the later Middle Ages can be written as one of Christian communities just as their earlier history can be. But there was now more attention in the surviving documents for the lay town dwellers themselves, who in the thirteenth and fourteenth centuries were even to take over the town schools, by then as useful to the merchants as they had been to the clergy from these schools' beginnings.[94] A new identity could develop. How this identity was formed is a topic that cannot be dealt with in this chapter. I will, however, outline some of the differences that existed between the earlier civic identities and the later ones.

Quite early on, the kings occupied themselves with the inhabitants of developing towns, whether they were in the hands of ecclesiastical lords, such as bishops, or not. In 940, Corvey, a daughter of the monastery of Corbie, was given the *bannum* ('royal authority') by Otto I, especially over the people who had to use the monastic *coenobium* and *civitas* that had been built as a refuge.[95] Six years later Otto gave the same monastery rights as lord of the town that was developing around the monastery: '*nullus iudex publicus* […] *ullam exerceat potestatem judiciariam nisi prefati legitimus advocatus abbatis*' (no public judge will exercise any judicial power except the lawful advocate of the abbot aforementioned).[96] The same kind of right will be encountered later on in the charters of rights issued on behalf of the developing urban communities by the kings or by the lords of their towns.

By the middle of the twelfth century, eighteen bishop's towns were either in the process by which their lay inhabitants would form communities with their own legal identity or they had already finished this process. Nine non-episcopal urban settlements, almost all in the Low Countries, were also developing such communities or communes.[97] One of the oldest municipal laws of Germany is that of Freiburg. Originally promulgated in 1120, it received additions at several moments later on. The two versions of this municipal law and their additions show how the town dwellers tried to arrive at ever greater clarity in organizing their lives.[98] The short excerpts quoted below are meant to give an impression of the kinds of matters lay town dwellers found important enough to include in their own law. '*Nullus de ministerialibus vel hominibus domini in civitate habitabit vel jus civile habebit, nisi de communi consensu burgensium*' (None of the servants or men of our lord [the bishop] shall live in town or have citizenship, unless by the common consent of the burghers).[99] The apparatus of the town lord is excluded from the town; the

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94 Mostert, 'Some Thoughts'.

95 Otto I, *Diplomata*, ed. by Sickel, no. 27 (pp. 113–14).

96 Otto I, *Diplomata*, ed. by Sickel, no. 77 (p. 157).

97 See the map in Hirschmann, *Die Anfänge*, III, p. 1203.

98 I use the edition in 'Quellensammlung', no. 55 (pp. 82–102).

99 'Quellensammlung', no. 55.16 (p. 90). The rights of the towns' inhabitants were determined by the content of the privileges granted by the lord of the settlement. The inhabitants were given some form of autonomy, which included the right of the community to develop some

bishop all but suffers exclusion from his own flock.[100] No lord may choose his (parish) priest, '*nisi qui communi consensu omnium civium electus fuerit et ipsi presentatus*' (unless he be elected by the common consent of the citizens and be presented to him [i.e. the lord]).[101] The burghers elect their own bailiff (*scultetum*).[102] They will be responsible for their own possessions; they make rules for inheriting from one's parents; men and women are equal before the town law[103] — and so it goes on.

The Freiburg municipal laws are no exception. The content, style, and purpose of the urban sources published in the *Elenchus fontium historiae urbanae* change from the twelfth century onwards. It is clear at a first glance that they are rather different from those we have encountered in the previous period, when the bishops and clergy were mainly responsible for the construction of civic identities. Hardly anywhere does Christian civic identity or Christian civic participation make an appearance. Quite possibly the town dwellers continued to rely on the bishop and clergy for such matters. They did not feel the need to encumber their own laws and bylaws with them. This does by no means warrant the conclusion that town dwellers did not feel that Christianity mattered in government and administration. But this is not the place to dwell on the later medieval forms of civic identities and participation.

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of its own (internal) institutions. See for a first introduction Pitz, *Europäisches Städtewesen und Bürgertum*.

100 'Quellensammlung', no. 55.16. References are to the first version, in the left-hand column of the edition, at pp. 90–91.

101 'Quellensammlung', no. 55.35 (p. 96). In the new urban context, the words *civis* and *burgensis* have the same meaning. Cf. Niermeyer, *Mediae Latinitatis Lexicon Minus*, s.v.

102 'Quellensammlung', no. 55.35 (p. 96).

103 'Quellensammlung', no. 55.42 (p. 98). The second version, in the right-hand column, adds the German *est genoz* (*ist Genosse*, i.e. is participant with equal rights) to *omnis mulier*.

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GIANMARCO DE ANGELIS

Elites and Urban Communities in Early Medieval Italy

Identities, Political Initiatives, and Ways of (Self-) Representation

No *fodrum*, We Are Citizens! Introductory Observations on the Building of a Shared Sense of Identity

At an unknown location close to the River Rižana in northern Istria in the year 804, 172 *homines capitanei* acting on behalf of Istria's major and minor urban centres (*civitates* and *castella*) appeared before a court held by a priest and two counts, which was directly appointed by Charlemagne and his son Pippin.[1] As representatives of the new rulers, the public officials were called to seek justice for the alleged misdeeds of the Patriarch Fortunatus and Duke John. The remarkably detailed complaints of the *capitanei* were supported by

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1 *I Placiti del 'Regnum Italiae'*, ed. by Manaresi, no 17, is the standard, though not very accurate, edition. A better edition is (with translation into Slovenian and German) Krahwinkler, … *in loco qui dicitur Riziano…*, pp. 67–81; a more recent, digital edition is now available on *Placiti veneti*, ed. by Provesi: Veneto 1, <http://saame.it/fonte/placiti-veneti-veneto-1/>. The fact that the terms *civitas* and *castrum* were perceived in the Northern Adriatic area as interchangeable and used as synonyms is well documented by a later source, the *Istoria Veneticorum* of John the Deacon. *De administrando imperio* of Constantine Porphirogenitus always uses 'castron' for both cities and other major centres, without distinction, the qualification of 'civitas' being reserved to the *polis* par excellence, Constantinople (see also Castagnetti, 'Insediamenti e "populi"', pp. 584–86). For a brilliant framing of the plea of Rižana, with particular regard to the newly imposed Carolingian administration and disciplining of royal agents in Italian border regions, see Davis, *Charlemagne's Practice of Empire*, pp. 102–04 (with selected bibliography about this important document).

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written documentation (*breves*), which the actors had gathered in every town ('*per singulas civitates vel castella*') and had unanimously corroborated ('*omnis populus unanimiter*'). These *breves* substantially focused on a general process of dismantling the customary rights of the Istrian people (the '*consuetudo populi terrę istius*'). Among these rights, the Istrian political and social elite claimed the old privilege of exemption from payment of the *fodrum* (a form of requisitioning of horses' fodder) that seems to have been entirely unknown during the previous Byzantine government ('*Grecorum tempore* […] *fodere numquam dedimus*').

This remarkable document raises important questions. Is the statement of the *capitanei* valid? Is it reasonable to think that the populations of Istria were not required before the Carolingian conquest to contribute in any way to the payment of the military annona?[2] On whose behalf are the *capitanei* here specifically speaking? Are they simply defending a traditional *status* of the laity, and therefore proceeding similarly to those political actors who in the same years demanded and obtained that the '*servientes ecclesiae*', monks and priests, were expressly exempt from the compulsory supply of fodder and victuals for the king's host?[3] Or does the expression '*de violentia vel consuetudine populi terrę istius*' allude to a more general abuse perpetrated by the duke even against the ecclesiastics? A final question presents a particularly interesting conundrum for the present chapter: Is the introduction of the *fodrum* perceived as unbearable because it represents a subversion of general ancient privileges, equally held by cities and rural territories, or only because the city-dwellers (the inhabitants of *civitates* and *castra*) are required for the first time to pay it? In other words, is it possible to consider the exemption proudly claimed here by the Istrian *homines capitanei* as a distinctive feature of urban communities?

About three centuries later, one of the most acute intellectuals of the early communal age, the jurist, consul, and chronicler Otto Morena from Lodi,

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2   The conceptual equivalence between *annona* and *fodrum* clearly emerges in those same years in both normative sources and narrative texts: examples in *Capitula Episcoporum*, ed. by Pokorny and Stratmann, p. 88 ([*Ne*] *quasi per precationem caballos vestros* […] *ad pastum presbyteris commendare praesumatis neque annoniam vel fodrum ab eis exigatis*), and in the *vita* of Louis the Pious by the Astronomer (*inhibuit a plebeis ulterius annonas militares, quas vulgo foderum vocant, dari*: Astronomus, *Vita Hludowici imperatoris*, ed. by Tremp, p. 304). On the exaction of this public tribute within a broader framework concerning the itinerant system of government of the early and high Middle Ages, see (still fundamental) Brühl, *Fodrum, gistum, servitium regis*.

3   Of the many possible examples, two instances serve to demonstrate this point: *Super servientes ecclesiae mansionaticos vel foderum nullus audeat prendere*, as Charlemagne's diploma of AD 792 to the Church of Aquileia states (*Die Urkunden Pippins, Karlmanns und Karls des Grossen*, ed. by Mühlbacher, no. 174, pp. 233–34). Charlemagne's diploma is echoed about forty years later by a privilege granted by Louis the Pious to the monastery of Saint Bertin, whose dependants and tributaries were exempted from the payment of *fodrum* (*Familia monasterii nullis quibuslibet hominibus foderum daret*: *Die Urkunden Ludwigs des Frommen*, ed. by Kölzer, no. 284, pp. 706–09).

had no doubts about the validity of this point.[4] The profound differences between the two contexts discourages simple comparison. However, the twelfth-century evidence of Morena's chronicle holds insights into our theme, especially in the context of the openly conflictual setting from which it emerges. Crisis situations can function as the ideal breeding ground for the strongest expressions of identity, as numerous scholars in history and political science alike have shown.[5] In the case of Morena's *Historia*, indignation was directed towards the intolerable arrogance ('*perfidia*') of the hegemonic city-commune of the region, namely Milan. The Milanese, according to the account of Otto Morena, were not satisfied even after they destroyed Lodi (in 1111), not for having forced its noble and free inhabitants ('*gentiles cives*') to emigrate to the villages around the old walls, nor for having limited their economic and political liberties. Indeed, Milan also demanded from the citizens of Lodi the payment of the *fodrum*, as if they were coarse inhabitants of the countryside ('*sicut pessimi villani*').[6] The social process of identification, alongside the simultaneous process of exclusion, could not be formulated in clearer terms.

Otto Morena's voice is manifestly partisan and strongly committed to defending the ancient prerogatives of his fellow citizens, who thought of themselves as ancient and noble citizens of Lombardy ('*veteres et nobiles Lombardiae cives se existimabant*'). As stated above, the political and institutional context of this complaint is totally different from the context in which the *placitum* of Rižana was composed. The subject of both disputes — direct taxation — has evidently transformed and expanded in the intervening centuries, which witnessed the progressive erosion of the taxation's public origins and of the royal and imperial monopoly through new forms of levy imposed by communal (and even earlier seigneurial) powers.[7] In the mid-twelfth century, indeed, the urban landscape of central and northern Italy had undergone such institutional and political changes that it appeared to be substantially unrecognizable even compared to fifty years before the running-in period — the 'sleepwalking into a New World', to use a powerful expression of Chris Wickham — was at that time fully accomplished. Shortly thereafter, the new communal regimes would give birth to stringent regulations concerning the definition of citizenship (and on the pertinent mechanisms

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4   For a short biography of the judge and chronicler, see Capo, 'Morena, Ottone', with selected bibliography.

5   See, for example, the discussion of Delpeuch, 'À propos de Chevallier', in particular pp. 681–83.

6   *Illi autem, qui steterunt, quamvis nolentes, dolentes tamen pernimium quod cum gentiles fuerant cives, ipsum fodrum sicut pessimi villani timore Mediolanesium ipsis tribuerunt* (Those <of Lodi> who remained, albeit reluctantly, and indeed regretting very much the time when they were free men, paid the fodder, as if they were coarse inhabitants of the countryside, to the Milanese, because they were afraid of that people). Ottonis Morena, *Historia Frederici I*, ed. by Güterbock, p. 36. On this passage (and for a broader view on the entire event), see now De Angelis, 'Fra Milano e l'Impero', pp. 239–41.

7   Fiore, *Il mutamento signorile*, pp. 58–59.

of inclusion and exclusion), overcoming the informality of certain initial developments and subsequently stimulating the incessant intellectual work of the jurists active inside and outside the civic institutions.[8]

Given these premises, it would be wrong to trace the origins or antecedents of the communal organizations in early medieval sources. This approach was the main limit of a long historiographical tradition, which characterized the communal age as the core of a Great National Narrative, and which has generally classified the period between the ninth and the eleventh centuries from a teleological perspective, in which this era functions as a substantially linear phase of preparation for the triumphant future developments.[9] In order to combat this grand narrative, Giuseppe Sergi argued more than thirty years ago that the study of the early medieval Italian urban phenomenon should strive to underline the cities 'nella loro specifica poliedricità', given by 'un'originale combinazione di fattori dominanti e di fattori recessivi'. Cities should be studied as historical subjects, indeed, with unordered developments, whose common denominator — namely, their nature of 'luoghi di continuità di nozioni pubbliche del potere' — is determined by varied social and political actors in a constant negotiation of relations.[10] In this perspective, the evidence of the *placitum* of Rižana acquires further heuristic value, and the comparison (even with their varying contexts) with similar situations in future centuries seems to be less problematic. A case like this casts citizenship not as a legally defined entity, but one that is nevertheless practised, or at least claimed. As in the cited passage of Morena's *Historia*, this case simultaneously portrays the feeling of otherness and a project of shared identity. In twelfth-century Lodi, this takes the form of claiming the same condition of the 'noble' Lombard citizens, while at the beginning of the Carolingian age, the Istrians recalled an old, close relationship with the rest of the northern Adriatic populations, the Venetians and Dalmatians. The latter are presented as 'neighbours and relatives', who mock the Istrians because of the new social conditions in which they were forced to live after the Frankish conquest, with a loss of prestige, impoverishment, and constant humiliation.[11] The Istrians' reference to

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8   Wickham, *Sleepwalking into a New World*; see also Ascheri, 'Nella città medievale italiana' and, for the definitive institutionalization of city-communes on the basis of a juridically defined citizenship, Vallerani, 'Diritti di cittadinanza'.

9   Historiographical framework presented (and criticized) in Wickham, *Sleepwalking into a New World*, pp. 3–5; the traditional perspective has also conditioned archaeological studies related to Italian urbanism in the early Middle Ages (characterized by a constant dialectic between verification of continuity with Roman structures and revival of ancient models in the communal age), as underlined by La Rocca, 'Dark ages a Verona', p. 33.

10 Sergi, 'Le città come luoghi di continuità', pp. 7–9.

11 *Unde omnes devenimus in paupertatem, et derident nostros parentes et convicini nostri Venetias et Dalmatias, etiam Greci, sub cuius antea fuimus potestate* ('We have all fallen into poverty and we are mocked by our neighbours and relatives from the territories of Venice, Dalmatia, and even Byzantium, of which we were formerly subjects'). *I Placiti del 'Regnum Italiae'*, ed. by Manaresi, no 17, p. 55.

this Northern Adriatic koiné represents a very interesting statement that built on a shared sense of identity by making use of a common history as a fundamental resource to influence the present.[12] By turning to the judges and invoking a direct intervention of the new master, the Istrian *homines capitanei* openly aim at restoring that past. 'If Charlemagne will help them, they will survive; otherwise, it would be much more honourable to die' (*Si nobis succurrit domnus Carolus imperator possumus evadere, sin autem melius est nobis mori, quam vivere*).[13]

Rhetorically elaborate passages like this last sentence are uncommon in the judicial depositions we encounter reading the *placita* of that time. Indeed, the Rižana charter is extraordinary in many respects. The discussion of specific aspects of this remarkable charter conceptually frames the possibilities arising from research into early medieval Italian concepts of citizenship, while also underlining certain difficulties. As noted above, these problems primarily result from the complexities imbedded within the language of written sources and the impossibility of defining univocally, from a lexical point of view, the image of citizenship transmitted by early medieval texts. We could extend to the citizenship of the pre-communal age a consideration already formulated with regard to other forms of individual and collective belonging of that time, and in particular in regards to the nobility, for as previous scholars have argued, 'belonging to the elite in the early Middle Ages appears to have been less a question of definition than of perception'.[14] For our purposes, the importance of situating the distinctive vocabulary of citizenship — and its many declinations — in a dynamic ensemble of practices leads to a 'behavioural' definition of social and political civic belonging. Although formulated in a different field, there are significant correlations with 'strategies of distinction' as developed by Walter Pohl with its emphasis on conflictual contexts and political markers within the relational process of identification and recognition.[15] What spaces and occasions were available to urban communities in this process of dynamic interaction with other political actors for them to show a common consciousness of identity? What role did lay elites and communities play in urban contexts that recent scholarship has classified as significant spaces of cultural aggregation and sites of political and institutional centrality?

The continuity of 'public notions of power' preserved by cities even during the Lombard age is now unquestionable, even as the city itself remains almost totally absent in the oldest legislation, that is, the *Edictus* of King Rothari (643). This absence does not come as a surprise, if we consider the peculiar context

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12 See Borri, 'Neighbors and Relatives'. On the perception (and reuse) of the Byzantine past in the political identity of the Northern Adriatic area, see Borri, 'L'Adriatico fra Bizantini, Longobardi e Franchi', and Borri, 'The Waterfront of Istria'.

13 *I Placiti del 'Regnum Italiae'*, ed. by Manaresi, no 17, p. 55.

14 Bougard, Bührer-Thierry, and Le Jean, 'Elites in the Early Middle Ages', p. 740.

15 Pohl, 'Introduction – Strategies of Distinction'.

of this text. The information gap, moreover, is quite easily filled by narrative sources (including Paul the Deacon's insistence on the city as the pivot *ab origine* of a ducal administration) and archaeological data, which testify to the continued vitality of economic exchanges in cities. From the beginning of the eighth century, the renewed legislation (especially the laws issued by King Liutprand) and the increased survival of documentary evidence show cities as seats of a very active judicial staff, as places where consensus could be arranged with the king, and, potentially, as dangerous hotbeds of dissent if not of open sedition. Furthermore, cities functioned as a privileged space for the activity of merchants and, importantly, as the fulcrum of an ecclesiastical system based on the bishop's church that increasingly extended its influence to the entire diocesan territory, thereby representing a solid, necessary reference also for the rural populations.[16] From the late Lombard age and especially with the Carolingian age, the bishop also becomes a political figure as the representative figure of the urban space.[17] Within the episcopal *scriptoria*, cultural strategies are elaborated and texts are produced in order not only to provide models and tools of political engagement of episcopal authority (e.g. through homilies, funeral orations, and letters), but also to favour the polarization of cults and rituals towards the city.[18] As a result, early medieval Italian cities generally developed a stronger sense of political identity under the bishops, and even the city's lay elites from the height of the Carolingian age enter into close relations with the episcopal environment to share their ideological orientations and to become familiar with the management of power. They work in 'institutional symbiosis', as Tabacco maintained,[19] with the bishop's church; indeed, the citizens would emancipate from its 'shadow' only in the late eleventh century, on the eve of the emergence of city-communes. At times, these citizens also carve out certain autonomous spaces through their interactions with documentary culture.

More than two decades of scholarship on this subject have highlighted the existence of widespread literate practices among laypeople, describing a society 'largely dependent on the written word for its religion, law, government and learning'.[20] When taking into account the surviving sources' archival legacy and

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16 For a general overview of urban problems in the corpus of Lombard laws, see Gasparri, 'Introduzione', pp. x–xii.

17 On this development, see the chapter by Marco Mostert in the present volume.

18 The performative dimension of (especially hagiographic) writings in episcopal contexts between Lombards and Carolingians represents a core interest in many studies of Giorgia Vocino; see, in particular, Vocino, 'Hagiography as an Instrument for Political Claims', and Vocino, 'Framing Ambrose in the Resources of the Past'.

19 Tabacco, 'The Institutional Synthesis of Bishop and City in Italy and the Succeeding Communal res publica', in Tabacco, *The Struggle for Power in Medieval Italy*, p. 321.

20 McKitterick, *The Carolingians and the Written Word*, p. 2. See also the essays collected in Mostert and Adamska, eds, *Writing and the Administration of Medieval Towns* and in Mostert and Adamska, eds, *Uses of the Written Word in Medieval Towns* (vols 27 and 28 of the Utrecht Studies in Medieval Literacy series); useful also is Brown and others, eds, *Documentary Culture and the Laity*.

by considering the particular structure of the early medieval documentation, few sources survive outside of ecclesiastical channels of transmission, and these sources are generally only accessible through indirect means. One exception remains the charter evidence, but one must question the levels of competence of those who subscribed charters in their own hand,[21] and remember that such legal means were restricted to individuals (or small groups) from the upper strata of society. The Italian case, from this point of view, does not seem to represent an exception. Nonetheless, a couple of intricate examples discussed below might suggest that they represented only the tip of the iceberg that the surviving sources allow us to grasp. In any case, they are notable for the precociousness with which urban communities (or at least large sectors of them) were able to relate to royal power through the mediation of their representatives and, consequently, gain documentary visibility.

Political Initiative and Literacy of Urban Communities

In 715 the Lombard King Liutprand concluded a treaty with the men of Comacchio (*cuncti habitatores Comaclo*), a Byzantine outpost near the mouth of the River Po. This treaty sought to regulate toll payments by Comacchiese ships that plied their way up the river and entered the Lombard kingdom at Mantua. These ships transported both local goods (such as salt and oil) and goods imported from the East (including pepper and the spice called *garum*).[22] This treaty most likely dealt with ongoing trade (the treaty is said to confirm an *antiqua consuetudo*) and it was not released directly in the hands of the men of Comacchio, but in those of '*Lupicino viro venerabili presbitero similiterque Bertarene magistro militi, Mauro et Stephano comitibus, et per vobis cunctis habitatoribus Comaclo*' (the priest Lupicinus, venerable man, as well as in those of Bertarene, master of the soldiers, and of counts Maurus and Stephen, acting on behalf of all inhabitants of Comacchio). It was not addressed to the whole population, but instead only to the merchants of this important emporium on the Adriatic coast. Nonetheless, it is the earliest written evidence of this trade, later confirmed by Charlemagne.[23] It cannot be overlooked that in the *inscriptio* of the document, the beneficiaries of the agreement are identified as all those who reside in Comacchio, even as in the rest of the text the actual protagonists of the commercial activities are defined as *milites*, a term that typically designated the inhabitants of Byzantine Italy by underlining their military aptitude. If the overlap is not accidental, we face

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21 The studies of Armando Petrucci that have been translated into English and collected by Charles Radding remain fundamental. See Petrucci, *Writers and Readers in Medieval Italy*, in particular pp. 59–76.

22 Edition in *Zur Wirtschaftsgeschichte Italiens im fruehen Mittelalter*, ed. by Hartmann, p. 123.

23 *Capitularia regum Francorum*, ed. by Boretius and Krause, 95.15 (p. 201) (787–788).

an interesting definition of collective identity on an economic basis, shaped by the extension to an entire population of the honours (and burdens) of a decidedly urban activity.

It is uncertain whether a copy of the treaty was ever given to (and kept by) the inhabitants, merchants, or *milites* of Comacchio.[24] Contextual issues remain problematic in the second example that has the potential to illustrate the correlation between literacy and the political initiatives of urban communities. This example is taken from a capitulary of King Pippin of Italy issued in 787–788, which states that '*non est nostra voluntas ut homines Placentini per eorum praeceptum de curte palatii nostri illos aldiones recipiant*' (It is not our will that the men of Piacenza, by means of a solemn disposition, should welcome those half-free coming from the court of our palace). The underlying sentiment is quite clear, as it states Pippin's intent to forbid the people of Piacenza to welcome the half-free men dependent on the fisc in the city. However, the written form adopted in this initiative is unspecified and indeterminable.

A *preceptum*, strictly speaking, is the most solemn written document issued by the royal chancery. Drawn up in distinctive scripts, it is composed of precise formularies and is validated with specific signs of authority, including monograms and seals. At this time, municipal chanceries are neither attested nor conceivable; indeed, a city with strong Roman traditions like Piacenza, which was very rich because it was situated at the crossroads of a crucial river and land routes, could boast only a cultured notarial staff that includes in the eighth century some *exceptores civitatis*.[25] Under these conditions, we must ask: What kind of *preceptum* was the one mentioned in the Capitulary of Pippin? In which environment was it composed and formulated, on whose initiative, and for what purposes? Was it really a written concession or just an oral deliberation given in a public assembly? These questions have no certain answer but, nevertheless, testify to an undoubted, very precocious initiative of an urban community. In this charter, the collectivity was defined in an extremely generic way through the union of the word *homines* (free individuals, in all probability) and the adjective identifier of the residence (*Placentini*). This is a widespread method of designation in early medieval sources at least until the middle of the eleventh century. From then on, certain documentary evidences pay more attention to specifying the contents (and limits) of citizenship.

On the basis of a diploma issued by Emperor Henry III in 1055, there should be no ambiguity in the definition of pre-communal citizenship. The beneficiaries of the privilege were granted immunity on both banks of the River Mincio at the same time as they were also exempted from public tributes ('*ripaticum and theloneum*') in their travels towards Ravenna, Argenta, Ferrara, and *Summolacu*

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24 We even do not know whether the text had the form of a royal diploma or, rather, of a legal provision — a *Constitutio*, as a late, thirteenth-century copy has at its opening.

25 Santoni, 'Notarius civitatis', p. 207.

for commercial purposes. These beneficiaries were clearly identified: they are 'the citizens, that is, all free men residing in the city of Mantua' (*cives videlicet eremanos in Mantua civitate habitantes*).[26] The statement is interesting for two reasons. First of all, it reused the expression *erimani*, which is a mere — and widespread — lexical variant for *arimanni* that is typical of the Lombard legal tradition. This term is generally reserved to rural dwellers and alluded to all free male adults without distinction of wealth and social class, who are able to fight and therefore admitted to participate in assemblies.[27] Secondly, the correlation between military and civil dignity was expressly linked to residence within the urban walls. According to the text (and cross-referencing this evidence with other contemporary sources), we could say that not all the *arimanni* were *cives*, but certainly all the *cives* were *arimanni*.[28] But what exactly shapes their citizenship beyond this political freedom? Is it sufficient to live inside a *civitas*? Is this condition enough to enjoy certain rights and to participate in the associated life of an urban community? For another early medieval royal diploma it would seem so, as the following example will demonstrate.

In June 904, King Berengar I granted Adalbertus, Bishop of Bergamo, 'an unusually far-reaching privilege' that conceded to him the public power of command and coercion of the city together with rights to fiscal revenues: '*districta vero ipsius civitatis omnia que ad rei publice pertinent potestatem sub eiusdem ecclesiae tuitionis defensione predestinamus permanere*' (we establish that all the public powers related to the government of the city have to remain for the future under episcopal authority).[29] Nonetheless, a specific feature of this broad power had to be shared by the bishop with his fellow citizens and — what is particularly notable — with everyone who would take refuge in the city. The walls and the towers of the city, which had been destroyed by the Hungarians, had to be restored '*labore et studio prefati episcopi suorumque civium et ibi confugientium*' (with labour and zeal of the bishop, of his fellow citizens, and of those who took refuge in the city). All these parties together, acting by mutual agreement, would have had the right of rebuilding the fortifications (and maintaining them in perpetuity — '*perpetuis temporibus*') wherever necessary ('*ubicumque predictus episcopus et concives necessarium duxerint*').[30]

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26 *Die Urkunden Heinrichs III.*, ed. by Bresslau and Kehr, no. 356 (pp. 483–84). Out of the vast bibliography about this diploma, it could be enough to mention here Castagnetti, *Arimanni in 'Langobardia' e in 'Romania'*, pp. 117–26, where previous studies are quoted and widely discussed.

27 On the 'arimannia' in the political language after the fall of the Lombard kingdom, see Gasparri, '*Nobiles et credentes omines liberi arimanni*'.

28 Many examples in Tabacco, *I liberi del re*.

29 *I diplomi di Berengario I*, ed. by Schiaparelli, no. 47 (pp. 134–39); detailed analysis in Rosenwein, 'The Family Politics of Berengar I', pp. 270–72, from which the quotation (p. 270) is taken.

30 For other evidence of armed defences of the walls (and, more in general, on military duties and initiatives) by the urban communities in the early Middle Ages, see Majocchi, 'L'esercito del re e le città'.

A broad notion of 'citizenship' emerges from another royal privilege of the tenth century. In 958, the kings Berengar II and Adalbertus confirmed 'for the inhabitants of Genua' (*habitatoribus in civitate Ianuensi*) all the properties they held according to their customary rights and exempting them from public interference. This document conflated the enjoyment of specific rights with residence in the city. The privilege was considered so important by the Genoese that centuries later they copied it as a *magna charta* of their autonomy at the beginning of the first communal *liber iurium*, whereas the text of the Treaty of Constance between Frederick Barbarossa and the Italian city-states more usually opens such communal cartularies.[31]

These charters, and that of Genua in particular, are important. The delimitation of the physical 'boundaries' of citizenship within these documents has a noble tradition, ideally expressed by a famous image of the *civitas* coinciding with the urban collectivity itself.[32] On the other hand, the formula *habitator de/habitator in* (or the equivalent expression *commanens/commanentes*), which is generic enough to be used for rural dwellers too, is not the only terminological possibility available for early medieval scribes and notaries to shape a 'residential' belonging covered with socio-political intent. While such terminology is by far prevalent in private charters, for both small groups and individuals, a wide variety of terminology is displayed by literary sources, legislative texts, and royal/imperial diplomas.[33] The charged Roman term of *civis/cives* is prevalent, especially from the mid-eleventh century, but even earlier in the work of the ninth-century author Agnellus of Ravenna.[34] It is certainly significant that it is chosen and even preferred to more generic terms such as *homines* in performative and strongly political contexts. One such context was the assembly of citizens ('*conventus civium*') of Mantua, Brescia, and Verona which, according to a provision of King Lothar II of 945, should have decided on the fineness of struck coin minted by the Bishop of Mantua.[35] Moreover, it is worth remembering that at least in one case this term was used for a collective identification without internal social hierarchies and, therefore, with a meaning that seems very close to the example of Mantua seen above.

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31 Ascheri, 'Un'altra cittadinanza', p. 316. Edition of the privilege: *I diplomi di Ugo e Lotario, di Berengario II e Adalberto*, ed. by Schiaparelli, no. 11. See also Rovere, 'La tradizione del diploma di Berengario II e Adalberto del 958'.

32 One only has to refer to the famous statement of Isidore of Seville: *Urbs ipsa moenia sunt, civitas autem non saxa sed habitatores vocantur*: Isidore of Seville, *Etymologiae*, ed. by Lindsay, 15. 2.

33 For an overview for the Lombard region, see De Angelis, 'Cittadini prima della cittadinanza'; on the ways of describing rural communities, Lazzari, 'Comunità rurali nell'alto medioevo', pp. 415–16.

34 Especially when the inhabitants of Ravenna are described as a political community capable of undertaking military initiatives: see Agnellus of Ravenna, *Liber pontificalis*, ed. by Holder-Egger, pp. 344, 366–70, 387.

35 *I diplomi di Ugo e Lotario, di Berengario II e Adalberto*, ed. by Schiaparelli, no. 1 (pp. 252–53); on this diploma, see Tabacco, *The Struggle for Power in Medieval Italy*, pp. 172–73.

This particular case stems from a diploma of Otto III issued in May 996, which refers to 'all free citizens of Cremona, both rich and poor' (*omnes cives Cremonenses liberos, divites ac pauperes*).[36] Elsewhere, there were more generic, nuanced expressions, from '*homines civitatis Tergetis*' (of Trieste) to '*universo populo Ferrariensi*' to — and very often, ever since the Lombard laws and the Carolingian capitularies — collective entities only defined with reference to the name of the city they belong to (*Mediolanenses, Papienses, Placentini*).[37]

Beyond these different terminological indications, the salient feature to underscore is the uninterrupted political and economic vitality of these urban communities for the entire early medieval period. Since the Lombard period, civic identity emerges through a dialectical relationship with the 'outside' as seen in the elite charters and treaties with the royal or imperial power. However, this identity was also shaped by a multifaceted interaction with the local hegemonies, generally represented by the bishops. The citizens' autonomy is demonstrated by a precocious use, and constant request, for written documentation, but can also take the form of a strong opposition to royal and episcopal authorities, not infrequently culminating in violent expulsions of the bishop or his officials from the city, such as Rather in Verona in 968 and Landulph in Cremona at the beginning of the eleventh century as well as in their destruction of material symbols of episcopal power.[38] Apart from some isolated cases,[39] these political dynamics clearly show cohesive urban communities without any form of internal social hierarchy. The isolated mention of the '*conventus civium*' of 945 was, as far as we know, invested with deliberative and not merely consultative functions. Unfortunately, this single reference does not allow us to go beyond a minimal and yet homogeneous presentation of the forum.[40]

Other kinds of sources construct a slightly different image, reflecting a certain internal structure of the urban society, in which alongside the

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36 *Die Urkunden Otto des III.*, ed. by Sickel, no. 198 (pp. 606–07).

37 The privilege for the men of Trieste, AD 948, is published in *I diplomi di Ugo e Lotario, di Berengario II e Adalberto*, ed. by Schiaparelli, no. 12; that issued on 24 August 1055 to the people of Ferrara in *Die Urkunden Heinrichs III.*, ed. by Bresslau and Kehr, no. 351.

38 For an overview and sources on these armed revolts of citizens, see Majocchi, 'L'esercito del re e le città', pp. 128–31 (cases of Ravenna, Verona, Bologna, Rome, Parma, Cremona, from the seventh century up to the destruction of the royal palace of Pavia in 1024).

39 The most significant exception is again Cremona, whose citizens, both major and minor, were warned in 1043, alongside the *milites*, the valvassors, and all the people resident within the diocese, to appear before the plea whenever the bishop of the city requested it (*Adalgerius, cancellarius et missus gloriosissimi et piissimi regis Henrici, omnibus militibus, vavassoribus omnique populo in episcopatu Cremonensi seu in comitatu habitantibus nec non cunctis civibus tam maioribus quam minoribus ex parte senioris nostri*): *Die Urkunden Heinrichs III.*, ed. by Bresslau and Kehr, no. 382 (pp. 524–25).

40 Coleman, 'Representative Assemblies in Communal Italy', overestimates and links to an urban dimension the *conventus ante ecclesiam* of a well-known chapter of Rothari's laws, which is instead quite clearly referred to in a rural context: see Gasparri, 'Il Regno longobardo in Italia', pp. 290–92; see also Chavarría Arnau, '*Ante ecclesia* in *conventu*'.
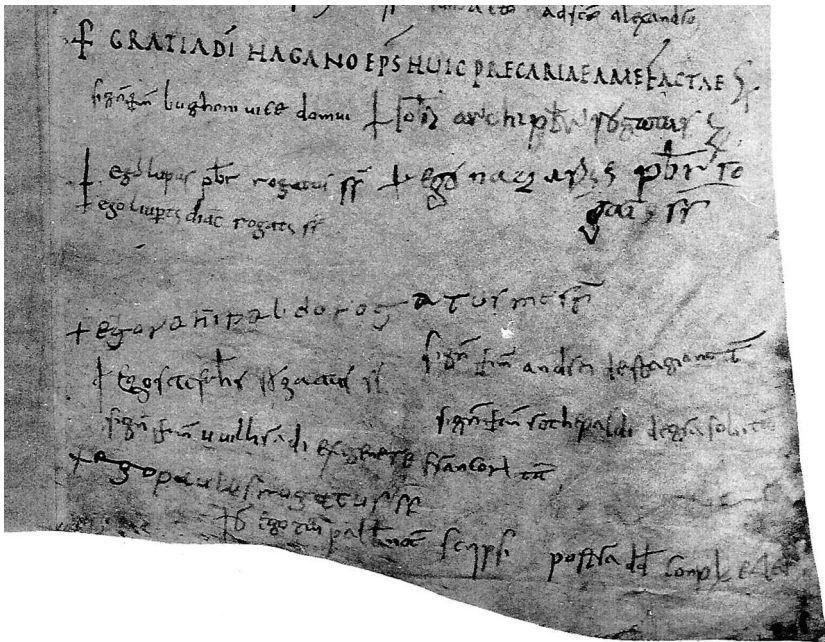
Figure 15.1. Archivio Storico Diocesano di Bergamo, Pergamene dell'Archivio Capitolare, no. 333, July 856. Particular of the eschatocol with subscriptions and Tironian notes used by the bishop Hagano and archpriest John. Reproduced with the permission of the Diocesan Archive of Bergamo.

merchants ('*negotiatores*'), who were always so active in requesting written protections and confirmations of their commercial privileges, an elite of citizens undoubtedly played key political roles. Here, the synodal documents are particularly relevant, as they are introduced by detailed descriptions of the assembly surrounding and supporting the bishop. By the year 1000, the episcopal archive of Bergamo kept two charters of this type. Both present a similar situation, in which some noble men or a representation of lay and noble men are seated in the choir of the cathedral next to the bishop and the rest of the urban clergy 'to discuss the state of the church' (*tractans cum eis de statu et soliditate ipsius ecclesie*).[41] Their names have been lost; up to the end of the eleventh century the eschatocols of such documents only have subscriptions of the ecclesiastical members of the synods. In all probability, they coincided with the same lay urban elite that since the mid-ninth century

41 *Le pergamene degli archivi di Bergamo*, ed. by Cortesi, no. 34 (May 897) (pp. 54–55), and no. 186 (September 1000) (pp. 306–08). Analysis of these two synodal documents (both of their texts and from a palaeographical perspective) in De Angelis, *Poteri cittadini e intelletuali di potere*, pp. 153–85.

was widely documented conducting business with the bishop's curia as they exchanged and granted lands, while also requesting and receiving possessions as leases. They almost systematically occur in episcopal charters, in which they subscribed these documents by using a typical graphic mark of chancery writings. This is the Tironian note for *subscripsi*, introduced in Bergamo in the mid-ninth century by the learned and politically influential Frankish Bishop Hagano (837–867) (Figure 15.1).[42]

The first one who seems to have used this specific note is the archpriest John, albeit in a far less refined and spontaneous execution than Hagano. From its origin in the cathedral school, this note was evidently considered a performative distinctive marking by the local ecclesiastics. It spread quickly among urban elites, who had close relationships with the episcopal seat. Many surviving charters from the last quarter of the ninth century show how the document itself was shared by a large number of active clerics and lay people, who resided in the city: notaries, minor public officials like the *scabini*, rich individuals without any qualification. The years of Adalbertus (888–935) show a peak in its use, during a period that we have already considered as a real turning-point in the process of civic identity building (examples in Figures 15.2–15.4).[43]

Considering the structural uniformity of this widely used sign, and given the fact that it had no specific legal value at the time in that specific documentary context, it seems reasonable to underline its meaning as a particular way of self-representation and distinction of the urban elites, alongside other resources of identity. In the next section, I will discuss one of these tools of distinction and focus on topographical and microtopographical definitions through which city-dwellers identified themselves or, from another perspective, the way in which they together with their properties and the urban space more generally were perceived and represented by the scribes of charters.

Topographical Identity of Urban Elites: Some General Considerations and the Case of Verona, *Sedes Regia*

To start with the self-representations of the literate citizens, I will restrict the geographical area of this brief analysis to northern Italy. In the first place, we should point out that autograph subscriptions of early medieval charters show a general indifference on the part of the individuals towards the declaration of their own city of origin or residence. This is the case especially when the place of origin or residence of the subscribers coincides with the location

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42 De Angelis, 'Aganone vescovo e la scrittura carolina a Bergamo'. For a broader and comparative view on central and northern Italy, see Fissore, 'Segni di identità e forme di autenticazione'. On the origins of Tironian notes and their uses in Merovingian and Carolingian chanceries, see Worm, *Karolingische Rekognitionszeichen*, passim.

43 De Angelis, *Poteri cittadini e intellettuali di potere*, in particular pp. 93–117.
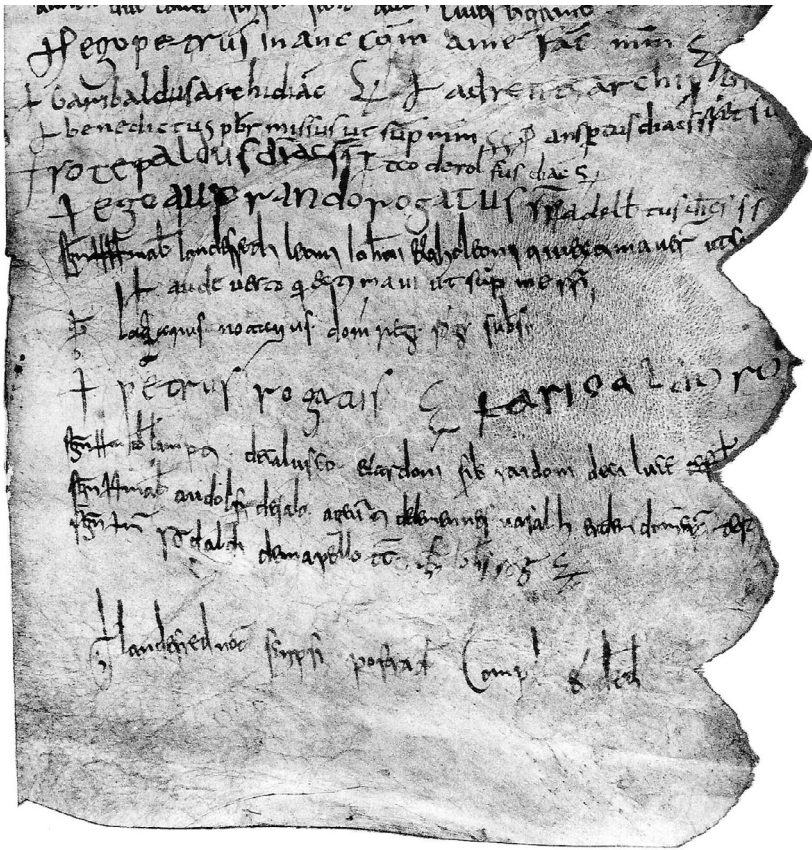
Figure 15.2. Archivio Storico Diocesano di Bergamo, Pergamene dell'Archivio Capitolare, no. 538, July 886. Particular of the eschatocol with subscriptions and Tironian notes used by members of the diocesan clergy and lay witnesses. Reproduced with the permission of the Diocesan Archive of Bergamo.

of redaction of the charter itself.[44] Significantly, however, subscribers do express their provenance when they are called to witness charters outside their district or birthplace, as shown by some Lombard cases.[45] On the other hand, even when such information is provided by notaries, the formula is almost always generic (*Nomen X de civitate Y*), at least for the Lombard and

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44 On the case of early medieval Milan, see now Balzaretti, *The Lands of Saint Ambrose*, p. 155: 'Witness lists only sometimes designated people "of Milan" but we may reasonably presume that witnesses to charters written in Milan either lived there too or had meaningful association with the city'.

45 De Angelis, 'Cittadini prima della cittadinanza', pp. 182–83.
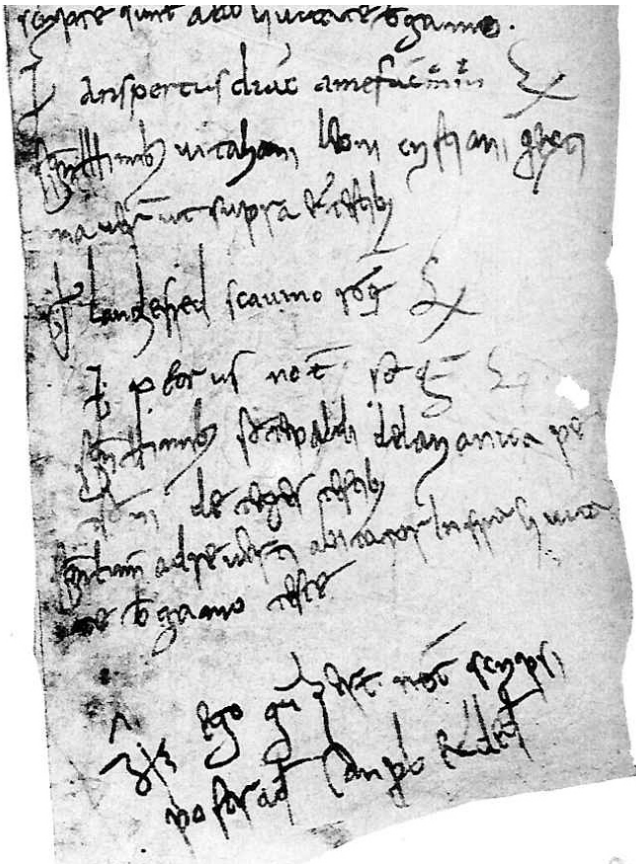
Figure 15.3. Archivio Storico Diocesano di Bergamo, Pergamene dell'Archivio Capitolare, no. 1903, March 905. Particular of the eschatocol with subscriptions and Tironian notes used by members of the diocesan clergy and lay witnesses. Reproduced with the permission of the Diocesan Archive of Bergamo.

Carolingian ages (and except for some cases below). This seems to suggest that the perception of a unitary urban space is devoid of distinctive and functional structures within it. This would suggest to me at the same time and in a seemingly contradictory way that this both confirms and refutes those processes of ruralization of towns identified and described by a large number of archaeological studies, as I will try to explain in the next two paragraphs.[46]

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46 For a historiographical framework on the debate about decay (or continuity) of ancient
    Roman urbanism in the early Middle Ages, see Ward-Perkins, 'Continuists, Catastrophists,
    and the Towns'. Balanced considerations on features (and limits) of the ruralization of early
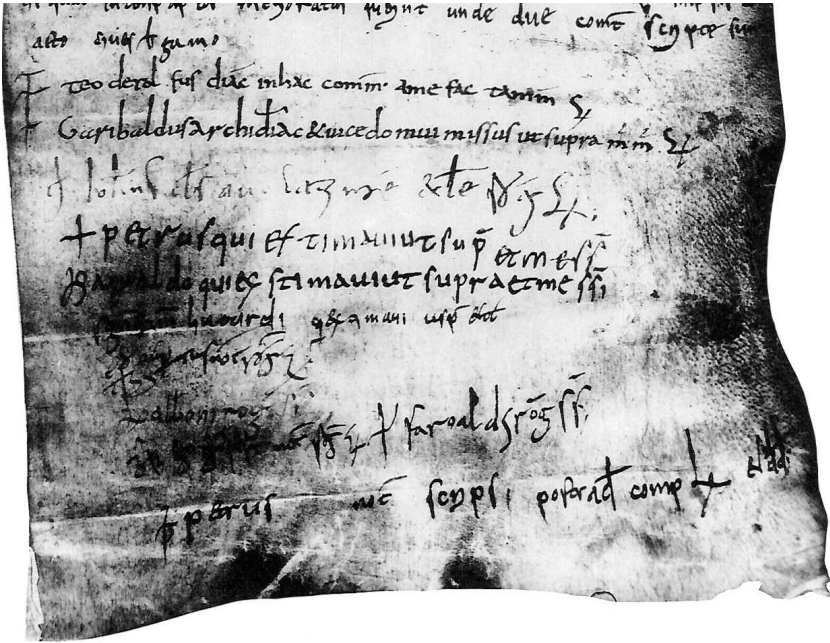
Figure 15.4. Archivio Storico Diocesano di Bergamo, Pergamene dell'Archivio Capitolare, no. 96, March 909. Particular of the eschatocol with subscriptions and Tironian notes used by members of the diocesan clergy and lay witnesses. Reproduced with the permission of the Diocesan Archive of Bergamo.

The simplification of the topographical references used in early medieval anthroponymy is, indeed, a common feature of both urban and rural contexts.[47] However, when used to locate estates and other kinds of properties inside the towns (*infra civitate*, without any further detail), the vagueness is precisely an indication of the unity of the urban space, and not of its fragmentation. Indeed, this indicates its density, and not its (dis)organization in dispersed settlements, as opposed to what we find in the case of rural sites and villages, in which lands are generally located with references to microtoponyms (*in vico X, in loco ubi dicitur Y*).[48]

There is, above all, another element that seems to underline a functional and highly symbolic definition of the urban space. In sharp contrast with the vagueness observed for the properties generically located *infra civitate*, the lands next to the urban walls and near the city gates are always specified and

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medieval towns are expressed in many studies of Sauro Gelichi, since his 'The Cities in Italy in the Early Middle Ages'; see also Gelichi, 'La città in Italia tra VI e VIII secolo'.

47 Lazzari, 'Città e territori', p. 348.

48 La Rocca, 'Residenze urbane ed élites urbane', p. 59.

described in detail.[49] Most importantly, the charters' scribes devote equal attention to identifying all the individuals who live in those 'border areas' by adding precise references to the gates that framed the neighbourhood of residence to their proper names. Expressions like *de porta* are very common. Until the eleventh century, when a growing population and the increased density of the urban settlement made it necessary to find more analytical ways of naming, they substantially represented the main topographical sign of distinction. There are a few exceptions for the earlier period. The most relevant among them, as shown by some works of Cristina La Rocca, is certainly represented by the case of Verona.[50]

La Rocca rightly pointed out that 'during the Carolingian and post-Carolingian periods, Verona city-dwellers identified themselves not simply as *de civitate Verona*, but specifically as belonging to different parts of the city': the names of witnesses are indeed generally accompanied by spatial references such as *de porta pontis, de fontana, de Arcu, de subtus Arena, de antevolto*.[51] What seems particularly interesting to underline is that 'none of these locations refer to any juridical or administrative division of the city' and that only 'very seldom do these topographical details refer to ecclesiastical buildings, as we might have expected': therefore they have to be considered as 'purely topographical indications', highly significative for 'showing the formation of neighbourhood groups within the city' that are shaped by the physical proximity to Roman architectural remains.[52]

As far as I know, the only cases in northern Italy that can be compared to Verona from this point of view are Milan and Brescia, although the latter shows a different, later chronology with most evidence dating from the mid-tenth century. The evidence from these cities occurs on a smaller scale, with the topographical nicknames used only by individuals linked to the female monastery of St Salvatore/St Giulia, and for a more limited number of Roman remains such as the *forum* and the aqueduct.[53] With regard to Milan, which

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49 Thanks to the documentation published in the first and second series of the *Chartae Latinae antiquiores*, the contrast is verifiable for the most important cities of northern and central Italy, but it is particularly evident (and significant, considering the number of original charters that are preserved in the local Diocesan Archive, the richest of Europe for the early Middle Ages) in Lucca, as shown by De Conno, 'L'insediamento longobardo a Lucca'. Several examples are collected and discussed in La Rocca, 'Residenze urbane ed élites urbane', pp. 59–60.

50 For all that follows here, the main reference is La Rocca, 'Dark ages a Verona', in particular pp. 53–63, reprised in La Rocca, 'Perceptions of an Early Medieval Urban Landscape', pp. 504–07. For bibliographical updates, especially with regard to more recent and accurate editions of charters, see *Chartae Latinae antiquiores*, LIX, ed. by Santoni, and *Chartae Latinae Antiquiores*, LX, ed. by Santoni.

51 La Rocca, 'Perceptions of an Early Medieval Urban Landscape', p. 506.

52 La Rocca, 'Perceptions of an Early Medieval Urban Landscape', p. 506.

53 Here are just a few examples: an *Ingelbert, filio quondam Rodemperti, de prope foro publico*, is mentioned in a donation of November 942 to the monastery (*Le carte del monastero di S. Giulia di Brescia*, I, ed. by Barbieri, Cossandi, and Rapisarda, no. 50, <http://www.

has been extensively studied by Ross Balzaretti, charters dating from the late eighth century, through the entire early Middle Ages, and with an increase from the mid-tenth century show 'a pattern of clustering near six […] gates in the city walls', as well as 'significant residential clusters in the city centre around the Roman forum and the early medieval mint […], the cathedral […] and the main road going south from there'.[54]

As stated above, this practice was also documented in Verona from the early Carolingian period. Indeed, it does not seem coincidental that its use started when the city was the residence of Pippin (Charlemagne's son and sub-king of Italy), becoming widespread and reaching its peak among the urban elites during the reign of King Berengar I (888–924). At this moment, Verona acquired a new, special importance as *sedes regia* (royal seat), and we witness a large collective awareness associated with a group identity defined through physical proximity to ancient remains.[55] In that period, relevant symbolic functions and a great prestige are evidently linked to some of these ancient Roman monuments: it was in the Arena *maior* (i.e. the well-known amphitheatre, in the city centre) that the traitor of King Berengar I was judged and executed and his goods were confiscated. Furthermore, the same king used to donate large portions of land inside the Arena *minor* to his *fideles*, such as the deacon Audo in 905 and the chancellor John, who would become the future Bishop of Verona in 913.[56] These ancient buildings were fully part of the urban landscape and represented the stage for the public power to show 'its material and monumental force'.[57] A further element that contributed to shape an ideal urban image, whose space was perceived as a multiplicity of prestigious areas inside the walls, were the ecclesiastical buildings, including a series of ancient churches preserving the relics of local martyrs and thus guaranteeing the divine protection of the royal town (see Figure 15.5).

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lombardiabeniculturali.it/cdlm/edizioni/bs/brescia-sgiulia1/carte/sgiulia0942-11-10>); same reference to the *forum* in a charter of sale of August 980, both for the vendor (the Lombard archpriest *Lumpert, de infra civitate Brixia, de prope foro publico*) and for many witnesses of Roman law qualified as *abitatores infrascripta civitate Brixia prope iamdicto foro publico* (*Le carte del monastero di S. Giulia di Brescia*, I, ed. by Barbieri, Cossandi, and Rapisarda, no. 57, <http://www.lombardiabeniculturali.it/cdlm/edizioni/bs/brescia-sgiulia1/carte/sgiulia0980-08-25>). The aqueduct is mentioned as a reference point in the nickname of Grasempert (*habitator prope fistula Limpheus*), witnessed in a charter of 964 (*Le carte del monastero di S. Giulia di Brescia*, I, ed. by Barbieri, Cossandi, and Rapisarda, no. 55, <http://www.lombardiabeniculturali.it/cdlm/edizioni/bs/brescia-sgiulia1/carte/sgiulia0964-02-06>).

54   Balzaretti, *The Lands of Saint Ambrose*, p. 248.

55   On the political and institutional role of Verona as royal seat in the early tenth century, see Rosenwein, *Negotiating Space*, pp. 145–47.

56   Respectively, *Gesta Berengarii*, ed. by Stella, Liber IV, 66–69, and *I diplomi di Berengario I*, ed. by Schiaparelli, no. 57 and no. 89.

57   La Rocca, 'Perceptions of an Early Medieval Urban Landscape', p. 507.

Figure 15.5. Civitas Veronensis Depicta (*Iconografia Rateriana*), copy of the eighteenth century, Biblioteca Capitolare di Verona, CXIV (106).

This is precisely the image portrayed by the famous *Versus de Verona civitate*, 'c'est-à-dire dans le genre littéraire qui exprime a priori le mieux une identité urbaine'.[58] In this work, composed by a member of the cathedral clergy at the beginning of the ninth century, 'the city's topography is articulated as a list of the prestigious Roman public monuments: the theatre, the amphitheatre, the forum with its seven temples, the city gates, the city walls, which are the witnesses of continuous public concern for the classical past'.[59] A proudly claimed tradition is interwoven in the present with the special dignity of royal residence.[60]

Conclusion

The *Versus de Verona* — a poetic work commissioned by the bishop and elaborated in the episcopal palace at the beginning of the ninth century, aimed at celebrating the royal dignity of the city along an uninterrupted continuity between past and present — is a precious testimony to the multifaceted idea

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58 Bougard, Bührer-Thiery, and Le Jean, 'Les Francs à Venise', p. 227.

59 La Rocca, 'Perceptions of an Early Medieval Urban Landscape', p. 507.

60 *Magnus habitat in te rex Pipinus piissimus | non oblitus pietatem aut rectum iudicium, | qui bonis agens semper cunctis facit prospera* ('In you <Verona> dwells a great king, the most pious Pippin, not forgetful of compassion and justice, who acting well for the right people always does prosperous things for everyone'): 'Versus de Verona', ed. by Pighi, p. 154; see also *Laudes Veronensis civitatis*, ed. by Dümmler, p. 122.

of urban identity and the complex interweaving of relationships between its different ecclesiastical, institutional, and social actors. At the same time, the images of a 'polyfocal town',[61] and the boundaries they implied, 'were used to distinguish the people who lived inside or next to the city walls from the others who did not',[62] so long before the formal juridical definition of the citizenship and the affirmation of the triumphant model of the communal city-state were established and institutionally defined.

From *c.* 950 onwards, an increasing number of 'civic' (self-)identifications and, more generally, of charters involving laypeople, has been traditionally read as a sign of a new sort of urban society and interpreted teleologically with reference to the later city-commune.[63] The survival of many more charters, as Balzaretti maintains with regards to the Milanese case, may be indeed 'caused by some rather sudden profound social change (as Violante implied)', although it is always worth pointing out that 'changes in documentary culture and record-keeping practices may be as likely an explanation'.[64] The emergence of the Italian commune, in any case, arose from a specific historical context and reflected in its institutional patterns specific social hegemonies. It was such an original break with previous forms of government of the *res publica* that it is hard to indicate precise moments of caesurae or acceleration of dynamics in its antecedents.

In this chapter, I have tried to show an uninterrupted vitality of Italian towns in the early Middle Ages from both political and material perspectives. This vitality was reflected in a certain degree of involvement of their elites and communities. These elites often figured as protagonists, in public and military affairs, even though the forms and contents of some of the most relevant initiatives, such as participation and deliberation in assemblies, are rather obscure or totally unspecified. Above all, I think there is enough evidence to demonstrate an ongoing capacity of urban elites and communities to interact with institutions and powers at all levels, as they gained an awareness of literacy for the claim of their rights and for significant ways of (self-)representation. Even before the development of a real institutional consistency as a political collectivity, I would argue that a civic ideology — a 'cityness', as Chris Wickham says[65] — arose from it. This 'cityness' functioned as a shared sense of belonging to a unitary space, although articulated in patterns of neighbourhoods shaped by physical and symbolic elements: a walled space, first of all, since the walls were certainly the most significant point of material and mental demarcation.[66] Together with a certain confidence with political participation experimented and expressed by its inhabitants, that was probably the main legacy that early medieval cities handed over to the communal age.

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61 Hodges, 'The Idea of the Polyfocal Town?'.
62 La Rocca, 'Perceptions of an Early Medieval Urban Landscape', p. 507.
63 Paradigmatic is the famous book of Violante, *La società milanese nell'età precomunale*.
64 Balzaretti, *The Lands of Saint Ambrose*, p. 287.
65 Wickham, *Framing the Early Middle Ages*, p. 595.
66 Balzaretti, *The Lands of Saint Ambrose*, p. 282.

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CLAUDIA RAPP

Citizenship and Contexts of Belonging

A Postscript

The title of this book suggests an oxymoron and offers a much-needed counterpoint to the proliferation of research about the 'Fall of Rome'. In political terms, Late Antiquity and the early Middle Ages are commonly seen as periods of instability, marked by the disintegration of Roman imperial rule and the emergence of a multitude of polities in the West — kingdoms defined by modern historians by ethnonyms (Ostrogothic, Merovingian, etc.) — while in the East the Roman Empire morphed into medieval Byzantium. In such a trajectory, seeking to explore articulations of identity at the local level of civic contexts seems like a tall order.

It poses a challenge to the established ways of seeing. Instead of a telescopic and teleological view that traces a swift and straight line of development with modern Europe as the end point, a careful and patient view through the microscope is needed. Instead of the macro-level of 'empire' or the meso-level of 'kingdoms', in this volume the view is trained on the micro-level of cities and towns as they offer the context for the individuals' positioning within their communities.

This becomes feasible through a further movement from the macro-level to the micro-level, namely in the nature of the sources that are being considered. The grand narratives told by late antique or early medieval historians from the perspective of those at the centre of power are of very limited use here. Archaeology, which has for the past half century offered a welcome corrective to the grand narratives extracted from those sources, is of little help either.

For the enterprise of this volume, a different range of sources is summoned. Epigraphy offers words that were created and read by people who were part of the same local community. This comes in different forms: in funerary inscriptions, individuals identify themselves by their local, regional, or ethnic origins; in honorific inscriptions that would have adorned the bases of their statues, civic benefactors are praised by groups of people who proudly announce their own contribution to the creation of the monument. These

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people become tangible to us as they constitute themselves by their communal action. The expressions of appreciation in these inscriptions often include brief words of exclamation that would have had their origin in acclamations that were performed publicly, either on ceremonial occasions or at spontaneous mass gatherings.

A new soundscape emerges: the voice of the people as expressed in laudatory acclamations for emperors and their representatives (some of which also are recorded in inscriptions), or in shouts of approval at the election of bishops, or indeed in angered cries for political change: all of these are seen as articulations of 'civic identity'.

Civic participation is thus recast, with an emphasis on acclamations and riots. Both are determined by their urban context, and both involve large numbers of people united in a common cause. More than that, they may include individuals who are not citizens by legal rights: women, slaves, strangers. A different discourse of power was established by elite males as they authored narratives of the riots and other occasions. Whenever the 'people' or the 'citizenry' threatened the established order, they are characterized as 'the poor' or 'the mob'.

These moments of urban unrest, which were particularly frequent in the cities of the early Byzantine Empire, are open to interpretation: Does the mere fact of their occurrence signal a truly democratic consciousness? If the possibility that people might engage in seditious activity was never called into question in elite discourse, does this really signal that the people were seen as exercising their citizenship rights?

Historical identity research, building on the work of sociologists, has shown that identity can be assumed or ascribed. Finding evidence in the historical record for assumed identity requires a search for sources where the authorial voice asserts itself, hence the extensive use of epigraphy in this volume. Ascribed identity, by contrast, is most clearly visible in narrative or, better yet, normative sources. As a consequence, the contributions in this volume also draw heavily on legal texts in order to reach a nuanced understanding of the categorization of people depending on their local contexts. Legal material poses its own challenges of interpretation as it represents the intentions of those in a position of rulership, whether Roman emperors or Germanic kings, which are articulated, to varying degree, in constant dialogue with those who are being ruled.

In some instances, however, the concept of 'identity' becomes belaboured, and one wonders how the same sources could have been discussed through a different lens, using a different terminology. Do we really need to assume that every time an author speaks in the first person, he is asserting his 'identity'? There are many instances of multiple, overlapping, or conflicting identities, as the contributions in this volume show. How meaningful does the concept of 'identity' remain in these contexts? Most of all, what emerges is that identity is relational: It is never articulated as stating the obvious, but is affirmed in ever-changing contexts, in response to ever-changing needs and challenges. Only when abroad does one's different origin become an issue. How that origin is presented, whether with reference to a city, a region, or — in the

case of the Muslim inscriptions — a clan, reveals much about the contexts in which individuals wished to present themselves or were seen by others.

This volume asks about questions of identity and participation with a very specific localization: in cities and towns. In doing so, it follows another implied heritage trail of scholarship that extends back to Classical Antiquity, or, to be more precise, ancient Greece and its individual city states. The stepping stones along this trail were originally laid down by nineteenth-century scholars. They have become well worn with subsequent use in the grand narratives that are perpetuated in schoolbooks and have shaped current political discourse: ancient Athens as the seedbed of democracy, the Roman Empire as a model of efficient administration, and the *Constitutio Antoniniana* of 212 which granted the status of Roman citizenship to all citizens of the Empire as the nucleus of the idea of a nation-state where local identities and the belonging to social groups are subsumed into a greater whole. All these elements combined find their perfection, so we have been taught, in our current political systems of elective government and constitutional democracies.

Several contributions in this volume take issue with this established teleology, questioning not only its historical accuracy through a re-evaluation of the sources, but also critiquing its instrumentalization as a historical justification in the political discourse about the supposed superiority of current democracies and nation-states. How democratic, in the truest and ideal sense of the word, are the states that we live in? One is reminded of the slogan: 'If voting changed anything, they would have made it illegal.'

This volume shows pathways that differ from the established heritage trail of teleological state formation that extends to the present day. It offers suggestions, in each contribution in its own way, for asking new questions about individuals and the contexts in which they live their lives and the discourses through which they assert their identities. The context that has been the focus here is that of the urban community as a political entity, the assumption being that these communities are distinct from, and at times in conflict with, the elites. This leaves some questions unanswered: How about institutions? How is power defined, perceived, and articulated? To what degree does wealth matter? How are elites constituted? What are the status markers and how stable are they? What is the possibility for upward social mobility? Much more work needs to be done that also takes socio-economic considerations into account. It is to be hoped that future studies will pick up the trail of inquiry established here, and perhaps even refine the lens of the microscope that has been employed, in order to define their own questions and shape their own toolbox to answer them.

By refraining from proposing a unified narrative, this volume does full justice to the historical realities, and their multiple representations. What emerges instead from the contributions assembled here is that the look through the microscope reveals remarkable signs of continued vitality, in ever different configurations. We are thus left with the question: Did the so-called 'Fall of Rome' really matter to anyone but European historians of bygone generations?

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