

TWO YOUNG LOVERS: AN ABDUCTION MARRIAGE AND ITS CONSEQUENCES IN FIFTH-CENTURY GAUL*

Some time, probably in the late 460s or 470s C. E., a Gallo-Roman landowner named Sidonius Apollinaris wrote a letter to a fellow landowner named Pudens.¹ The text is preserved in a nine-book collection of letters, self-consciously modelled on those of the younger Pliny and Symmachus. While the literary conceit that this exercise entailed has raised legitimate concerns about the veracity of his letters, nevertheless this collection provides a wealth of information for scholars interested in the political and social transformations of late Roman Gaul, and the responses of local aristocrats to these transformations.² Sidonius came from a distinguished and wealthy aristocratic family, which boasted Praetorian Prefects and a consul in its history. He was married to a woman whose father reigned briefly as emperor; indeed Sidonius had delivered a panegyric honouring his father-in-law's assumption of the purple. Later, Sidonius himself served as Prefect of the City of Rome, before rather reluctantly accepting the post of bishop of Clermont-Ferrand, in the Auvergne. In this role, he adjudicated disputes, ransomed captives, negotiated with Germanic kings, and led the city's defences against Gothic sieges in the 470s.³

The subject of this letter, however, is somewhat less grand. It concerns the actions of two young lovers, one from Sidonius' estate, and one from the estate of his correspondent, who have, it seems, chosen to elope together. At issue is the response

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¹ Sidonius Apollinaris, *Ep.* 5.19. Loyen, in the Belles Lettres edition of Sidonius' letters, dates the letter to before 469: Sidoine Apollinaire, *Poèmes et Lettres*, 3 vols. (Paris, 1960–1970), vol 2, 207. R.W. Mathisen, 'Some hagiographical *addenda* to *P.L.R.E.*', *Historia* 36 (1987), 448–61 (reprinted in id., *Studies in the History, Literature and Society of Late Antiquity* [Amsterdam, 1991], 347–60), at 458, suggests the letter was written in the 470s. A.V. Koptev, 'The raptor and the disgraced girl in Sidonius Apollinaris' *Epistula* V. 19', *Ancient Society* 34 (2004), 275–304, at 275, argues for a date after 469. In the present context, the precise date is of secondary importance, for, as I will argue below, Sidonius is not acting in his capacity as a bishop.

² See, in particular, the discussions of I. Wood, 'Continuity or calamity? The constraints of literary models', in J. Drinkwater and H. Elton (edd.), *Fifth-century Gaul: a crisis of identity?* (Cambridge, 1992), 9–18; J. Percival, 'Desperately seeking Sidonius: the realities of life in fifth-century Gaul', *Latomus* 56 (1997), 279–92; D. Frye, 'Aristocratic responses to late Roman urban change: the examples of Ausonius and Sidonius in Gaul', *Classical World* 96 (2003), 185–96. D. Amherdt, 'Rusticus Politicus: Esprit de caste? L'agriculture et la politique chez Sidoine Apollinaire. Réalité et lieux communs', *Hermes* 132 (2004), 373–87, at 373 with n. 1; 375 with n. 9 provides further bibliographical references. Koptev (n. 1) frames his discussion with particular reference to the letter under discussion here.

³ The most detailed recent treatment of Sidonius' life and career is J. Harries, *Sidonius Apollinaris and the Fall of Rome AD 407–485* (Oxford, 1994); also F.-M. Kaufmann, *Studien zu Sidonius Apollinaris* (Frankfurt am Main, 1995), 41–64.

that the two men should make to this state of affairs, and the constraints and limitations upon their behaviour that existing legal and social conventions offered. While the language of the letter is somewhat allusive, it is clear that in reply to Pudens' request that the suitor not be punished for his actions, Sidonius suggests an adjustment to the way in which the man's relationship with the land he farms is described in the tax rolls. Only this, he declares, will assuage the shame that this episode has caused both to the girl and to Sidonius himself:⁴

Sidonius to his friend Pudens, greeting,

(1) The son of your nurse has run off with the daughter of mine – a scandalous thing, which would have estranged you and me had I not known that you knew nothing of the deed being done. But after some words disclaiming complicity you think fit to beg that this flagrant offence go unpunished. I consent on one condition – that you release the ravisher from his registered resident tenancy, becoming his patron instead of his landlord. (2) The woman in question is already free. The only thing that will cause her to appear to be taken in lawful marriage, not made over for licentiousness, will be that our culprit, on whose behalf you plead, should immediately be made a client instead of a taxpayer and so begin to have the standing of a plebeian rather than of a *colonus*. For nothing short of this arrangement or amends can in any degree set right this insult to me: and I am content to make this concession to your prayers and to our friendship – that, if freedom releases the husband no punishment shall fetter the ravisher. Farewell.

This letter has long been a staple in discussions of the tensions that could exist between the new tax system that emerged following the fiscal reforms of the late third century C. E., and the decisions that individual landowners might make about the management and exploitation of their estates. In particular, scholars have focussed upon Sidonius' recommendation that Pudens change the man's condition from a *persona colonaria* to a *persona plebeia*, thus becoming his *patronus* rather than his *dominus*. These discussions have taken as their starting point the legal position of *coloni* and *inquilini* in the late Roman empire, as revealed by the legislation collected in the Codices of Theodosius II and Justinian and the *novellae* of the fifth-century emperors. Much debate has surrounded the act that Sidonius envisages and the new relationship that it might potentially create, and I return to these questions below.⁵ However, less attention has been paid to Sidonius' motivation for proposing the action that he does, and the foundations upon which his intervention in this matter rests. His knowledge of the law is difficult to gauge, and difficulties over the dating of the letter render arguments that he was acting in his capacity as bishop of Clermont-Ferrand problematic.

⁴ Sidonius Apollinaris, *Ep.* 5.19: *Sidonius Pudenti suo salutem,*

(1) *Nutricis meae filiam filius tuae rapuit: facinus indignum quodque nos vosque inimicasset, nisi protinus scissem te nescisse faciendum. Sed conscientiae tuae purgatione praelata petere dignaris culpa calentis impunitatem. Sub condicione concedo: si stupratorem pro domino iam patronus originali solvas inquilinatu. (2) mulier autem illa iam libera est; quae tum demum videbitur non ludibrio addicta sed assumpta coniugio, si reus noster, pro quo precaris, mox cliens factus e tributario plebeiam potius incipiat habere personam quam colonariam. Nam meam haec sola seu compositio seu satisfactio vel mediocriter contumeliam emendat; qui tuis votis atque amicitiis hoc adquiesco, si laxat libertas maritum, ne constringat poena raptorem. Vale.*

⁵ See, for example, A.J.B. Sirks, 'Reconsidering the Roman colonate', *ZRG* 123 (1993), 331–69, at 351; M. Mircovic, *The Later Roman Colonate and Freedom*, *TAPhS* vol. 87, pt. 2 (Philadelphia, 1997), 122; and the detailed discussion of Koptev (n. 1), 284–6, with nn. 34–44.

I suggest here that Sidonius' motivation is more personal than has been recognised hitherto, and revolves around his own honour. This concern is predicated upon Sidonius' concept of the *familia*, the place of this young woman within that *familia*, and the obligations and responsibilities that this might have entailed for Sidonius himself. The text reveals a complex interplay between the vocabularies of patronage, tenancy and family bonds. This interplay is the key to Sidonius' armoury of self-representation. His emphasis here upon familial or quasi-familial bonds may be placed alongside other instances where he acts as a patron, mediator and bishop. In what follows, I offer a brief discussion of the circumstances surrounding this letter, before exploring the ambiguity and uncertainty surrounding registered tenancy that emerges from this text as well as the legal sources of the fourth and fifth centuries. Next, I investigate the grounds for Sidonius' focus upon this phenomenon, and conclude with some remarks about his response to the elopement, and his motivations for suggesting the solution that he does.

THE BACKGROUND TO THE LETTER

Sidonius describes the circumstances which have led to this letter as a case of *raptus* – not rape as a modern audience might understand the term, but rather 'the abduction of an unmarried girl by a man who has not made a formal betrothal agreement with her'.⁶ This theme was a popular literary *topos* in rhetorical exercises and novels of the Empire, and receives the attention of the jurists in the third century.⁷ An edict of Constantine from the mid 320s C.E. brings the phenomenon of abduction marriage firmly into the public sphere, making it a publicly punishable crime, rather than one that adheres to the realm of private law or extra-legal agreement.⁸ It prescribes dire penalties not only for the *raptor*, but also for the *rapta*, if it is determined that she had not resisted strenuously enough.

Judith Evans Grubbs has suggested that the edict is underpinned by a set of assumptions comparable to those of a wide variety of contemporary societies which both practise arranged marriages and display evidence of marriage by abduction, or bride theft. Such societies stress the social context of marriage, its role in reinforcing both familial and communal structures, and the importance of the fathers of bride and groom in negotiating the arrangement. In these circumstances, marriage by abduction is a disruptive phenomenon, potentially estranging families from each other, and often involving violence and even death, both in the act of abduction itself and in its aftermath. In such societies, the concept of bride theft covers a range of events, from the violent abduction and subsequent rape of a girl by a rejected suitor, to a more collaborative undertaking, whereby abductor and abductee connive at her

⁶ J. Evans Grubbs, 'Abduction marriage in antiquity: a law of Constantine (*CTh* IX.24.1) and its social context', *JRS* 79 (1989), 59–83, at 61, and *passim* for a full discussion of the phenomenon of abduction marriage. Also J. Evans Grubbs, *Law and Family in Late Antiquity: The Emperor Constantine's Marriage Legislation* (Oxford, 1995), 183–93, particularly 187, n. 146, including this letter within the discussion; Kaufmann (n. 3), 249, n. 770; Koptev (n. 1), 278.

⁷ A response of the jurist Marcian, for example, acknowledges that a *raptor* may very well end up marrying his abductee, but focusses attention upon the type of action that can be brought against him, and by whom: *Dig.* 48.6.5.2. Full discussion, with further references, in Evans Grubbs (n. 6, 1989), 67–71.

⁸ *CTh* 9.24.1 (probably 326, Constantine *ad populum*). For further discussion and dating, Evans Grubbs (n. 6, 1989), 59; 60; 65–6.

abduction, and may even be abetted by the parents of one or both.⁹ Constantine's edict condemns all scenarios equally. The penalties it prescribes are undeniably harsh. That envisaged for *raptores* is nowhere spelled out, but it was considered so harsh that a law promulgated in 349 by Constantine's son Constantius on the subject sought to replace it simply with the *capitalis poena*. One can only imagine what punishment was considered worse than this. The reasoning behind this change, we are told, is that judges and officials had been deterred from convicting *raptores*, or perhaps even bringing their cases to trial, by the fierceness of the penalty.¹⁰

However, it would be overly credulous to assume that Constantine's edict marked a significant change in attitudes towards abduction marriages in the ancient Mediterranean world, and that families and communities henceforth turned to the courts to seek redress for the injury done to them. None of the parties involved in these affairs had much to gain from such a strategy. Comparative evidence suggests that the courts were only rarely involved, and the most likely outcome of abduction marriages was the eventual marriage of abductor and abductee – either because the honour of the girl was irrevocably damaged, and the petition of her suitor was the best option she was likely to receive, or because this had been the object of both parties all along. Moreover, it seems most probable that families would choose to resolve any issues arising from a bride theft through recourse to extra-legal avenues, either by agreement between the parties, or by turning to a respected figure in the community for arbitration.¹¹ I argue below that the situation in the letter under discussion here is a case of the former, rather than the latter.

As a preliminary to exploring the circumstances of this episode, it is worth spelling out in a little more detail the relationships between the various parties, and the role that each is playing. The two landowners are described as connected by the bonds of *amicitia*, or friendship. While nothing more is known of Pudens, it seems likely that he was from the same socio-economic milieu as Sidonius.¹² There is no further evidence for the context in which these events took place, but Sidonius describes the young man as an *inquilinus*, a registered resident tenant. Additionally, *nutrices* may be observed on rural estates in the legal evidence of the period, which attests to the practice of sending one's children to the countryside to be nursed.¹³ It is therefore probable that

⁹ Evans Grubbs (n. 6, 1989), 62–3. For broader issues surrounding consent and coercion in marriage and sex in the period, see also the collection of articles in A. E. Laiou (ed.), *Consent and Coercion to Sex and Marriage in Ancient and Medieval Societies* (Washington, D.C., 1993). Koptev (n. 1), 278, suggests a clear conceptual distinction between *invitam* and *volontem*, but this seems unlikely.

¹⁰ *CTh* 9.24.2 (349), with Evans Grubbs (n. 6, 1989), 66, who suggests that this probably meant death by the sword. Possibly the punishment that the text is reacting against is *sumum supplicium*: see J. Harries, *Law and Empire in Late Antiquity* (Cambridge, 1999), 128; 140–1.

¹¹ Harries (n. 10), 172–5. For more general accounts of extra-legal dispute settlement, see I. Wood, 'Disputes in late fifth- and sixth-century Gaul: some problems', in W. Davies and P. Fouracre (edd.), *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986), 7–22, at 8–9 and *passim*; J. Harries, 'Resolving disputes: the frontiers of law in late antiquity', in R. Mathisen (ed.), *Law, Society, and Authority in Late Antiquity* (Oxford, 2001), 68–82.

¹² Mathisen (n. 1), 357, identifies him as the recipient of the letter under discussion here, but is noncommittal as to whether any further information concerning his identity exists. Also Kaufmann (n. 3), 340.

¹³ *Inquilini* and *inquilinus* as a rural phenomenon: *CTh* 12.19.2 = *CJ* 11.66.6 (400, Gaul) and below. Wet-nursing in the countryside: *CTh* 9.31.1 (409, Italy): *nemo curialium plebeiiorum possessorumve filios suos nutriendos pastoribus tradat. aliis vero rusticanis, ut fieri solet, nutriendos*

the two young lovers resided on rural estates, and likely that those rural estates were relatively close to one another.¹⁴ Sidonius is known to have owned two estates, one named Avitacum near Clermont-Ferrand in the Auvergne, and the other his patrimonial estate near Lyon.¹⁵ Pudens may therefore have owned land near one of these estates.

The relationships between landowners and lovers are a little more complicated. Sidonius observes that both abductor and abductee are children of *nutrices* – that is, wet nurses. These were characteristically slaves or freedwomen, employed to nurse the children of wealthy, aristocratic families. Inscriptional and literary sources suggest also that relations between *nutrices* and their charges could continue beyond weaning, and remain close into the adulthood of the latter.¹⁶ It is unclear whether Pudens' *nutrix* nursed him directly or his children, but we are on slightly more solid ground when we turn to Sidonius. If the proposed dating of this letter can be accepted, Sidonius would have been in his very late 30s or early 40s when the events he describes occurs.¹⁷ He is known to have had four children with his wife, Papianilla, whom he married shortly before her father, Avitus, assumed the purple in 455.¹⁸ The dates of these children's births cannot be determined with any degree of accuracy, but if we assume that the daughter of Sidonius' *nutrix* was in her late teens or early twenties, she was born in the early 450s. It seems most likely, then, that she was a contemporary, and perhaps a *conlactanea*, or milk sister, of one or more of Sidonius' children.¹⁹ Therefore, while there may be self-conscious echoes of Pliny's expressions of affection and responsibility for his *nutrix* in the literary construction of this letter and its inclusion in Sidonius' published collection, the social realities of the case are rather different.²⁰ Rather than illustrating bonds of affection based on Sidonius' childhood memories of his *nutrix*, it seems that this letter illustrates the breadth with which he conceived his household.

dari non vetamus. For an earlier example, see Seneca *Contr.* 4.6, and K.R. Bradley, *Discovering the Roman Family: studies in Roman social history* (New York and Oxford, 1991), 29 with n. 52. Note also Sidonius *Ep.* 2.2.10 on the presence of *nutrices* on his rural estate at Avitacum, with Koptev (n. 1), 298.

¹⁴ No doubt unions such as this were common, although not surprisingly they appear only very occasionally in the sources. See, for example, *CJ* 10.39.3 (Philippus), for a union between an urban-based woman and a *colonus*, and the sixth-century *Testamentum S. Remigii* 337, 29, for a couple originally from estates owned by two different landowners.

¹⁵ See C.E. Stevens, *Sidonius Apollinaris and his Age* (Oxford, 1933), 185–95 for attempts to locate Avitacum.

¹⁶ For wet-nursing, see, for example, S.R. Joshel, 'Nurturing the master's child: slavery and the Roman child-nurse', *Signs* 12 (1986), 3–22; K.R. Bradley, 'Wet-nursing at Rome: a study in social relations', in B. Rawson (ed.), *The Family in Ancient Rome: New Perspectives* (Ithaca, NY, 1986), 201–9; id. (n. 13), 13–36; id., 'The nurse and the child at Rome. Duty, affect and socialisation', *Thamyris* 1 (1994), 137–56. The nature of affection between nursing and nurse, and whether it is indeed reciprocal, is particularly difficult to determine: Bradley (this note, 1994), 138. Also Bradley (this note, 1986), 220–2; id. (n. 13, 1991), 18; Joshel (this note, 1986), 3–4.

¹⁷ For dating, above, n. 1.

¹⁸ Kaufmann (n. 3), 43, suggests 452.

¹⁹ Note that, in order to be employed as a wet-nurse, a woman must be lactating: Joshel (n. 16), 5–6; Bradley (n. 16, 1986), 203; 214; id. (n. 16, 1994), 153.

²⁰ Pliny *Ep.* 6.3. Note Joshel (n. 16), 11, where she suggests that Pliny is self-consciously restoring the proper balance of power in his relationship with his *nutrix*.

Sidonius is careful to stress the fact that the girl is free. This suggests that the girl's mother was at the very least a freedwoman at the time the girl was born.²¹ On this basis, he insists that Pudens release the *raptor* from his registered resident tenancy, which he interprets as imposing some kind of dependency or servitude upon the man. He emphasises this point with a neat rhetorical flourish: *si laxat libertas maritum, ne constringat poena raptorem*.²² Indeed, throughout this letter, Sidonius deliberately creates a series of linked opposites, which add to the stylistic aesthetic, but obscure the information he conveys.²³ First, he contrasts the role of the *patronus* with that of the *dominus*, emphasising this point by opposing the position of a *cliens* to that of a *tributarius*. The solution he envisages involves replacing what he calls the *persona colonaria* with the *persona plebeia*, in order that the new-found *libertas* of this man match the status of his wife, who is herself *libera*, and their union be considered to be *coniugium*, rather than *ludibrium*.

Through this slippery literary language, we may surmise that the two are linked in some kind of publicly-acknowledged arrangement. Sidonius begins by referring to the man's condition of *inquilinus originalis*. Under the Principate, *inquilini* were tenants who rented a dwelling as well as agricultural land.²⁴ It seems that this definition was still in use in the fourth century, as Augustine reveals when he observes that '*Inquilini*, who do not have their own home, live in one belonging to another'.²⁵ In legislation of the late Roman period, *inquilini* are often connected with *coloni*, a category of registered tenants whose socio-economic status has long been a subject of controversy in late Roman historiography. It is not my intention to engage in detail here with theories about the so-called 'colonate of the late Roman Empire'.²⁶ Suffice it to say that recent scholarship is reluctant to assume automatically that the legal phenomenon of registered tenancy had as its inevitable corollary the progressive degradation in the status of the free peasantry of the Roman period until it became a condition of personal dependency little short of slavery. The current thinking envisages a much more nuanced relationship between fiscal institutions and socio-economic phenomena. For our purposes here, the fundamental point is that, like

²¹ *Ep.* 5.19.2: *Mulier autem illa iam libera est*. Kaufmann assumes that *nutrices* were only slaves, and argues that Sidonius must have freed the girl: Kaufmann (n. 3), 241; 249. Note Koptev's detailed discussion of the historiography concerning the girl's status: Koptev (n. 1), 300–1.

²² *Ep.* 5.19.2: 'if freedom releases the husband, no punishment shall fetter the ravisher'.

²³ *Pace* Koptev (n. 1), 285–90, who assumes that this is a legal problem, with clearly definable and distinguishable legal categories.

²⁴ *Dig.* 19.2.25.1; 41.2.37; 43.32.1.1.

²⁵ *Enarrationes in Psalmos* 118.8.19.1: *Inquilini non habentes propriam domum, habitant in aliena*. A.H.M. Jones, 'The Roman colonate', *P&P* 13 (1958), 1–13 (reprinted in *The Roman Economy*, 293–307), at 3–4; id., *The Later Roman Empire*, 3 vols. (Oxford, 1964), 796; 799; W. Goffart, *Caput and Colonate: Towards a History of Late Roman Taxation* (Toronto and Buffalo, 1974), 42 with n. 4*; *contra* P. Rosafio, 'Inquilinus', *Opus* 3 (1984), 121–31, at 126; Mircovic (n. 5), 104, Koptev (n. 1), 285–6, who argue that *inquilini* were labourers on another's land, and not permanent residents of that land; that is, they were not *originarii* but *alieni* or *advenae*. G. Giliberti, *Servus quasi colonus: forme non tradizionali di organizzazione del lavoro nella società romana* (Napoli, 1981), 134, assumes that *inquilini* are *servi quasi coloni*, but this, too, is unlikely; cf. A.J.B. Sirks, 'Did the late Roman government try to tie people to their profession or status?', *Tyche* 8 (1993), 159–75, at 165.

²⁶ For fuller discussion of this phenomenon, see now C. Grey, 'Contextualizing *colonatus*: the *origo* of the late Roman Empire', *JRS* 97 (2007), 155–75. Also, for recent summaries of the scholarship, G. Giliberti, *Servi della terra: ricerche per una storia del colonato* (Torino, 1999); W. Scheidel, 'Slaves of the soil: review article', *JRA* 13 (2000), 727–32.

coloni, *inquilini* might be registered through the landowner's tax declaration as attached to a particular *origo*, in order that they might be held responsible for the tax burden attached to that *origo*.²⁷

It seems, therefore, that this man was a tenant who lived in a residence owned by Pudens, as well as renting land that he worked. It is also probable that it is this relationship of tenancy, in conjunction perhaps with the link provided by his mother, which underpins Pudens' intercession on the man's behalf.²⁸ Moreover, Sidonius' description of this individual as a *tributarius* implies that he is a recognised taxpayer. The opposition between the *persona plebeia* and the *persona colonaria* strengthens the impression that this individual was registered on the tax rolls.²⁹ So, the man on whose behalf Pudens pleads is a registered resident tenant. Sidonius interprets this condition to be incompatible with a legally recognised marriage to a free woman, and invites Pudens to terminate this arrangement of *inquilinus* with the man, in favour of a relationship that is simply that of a *patronus* and *cliens*.

However, our understanding of the events remains incomplete in two ways. In the first place, it is difficult to determine who initiated the settlement of this dispute, and in what circumstances. The letter under discussion here is clearly written in response to some kind of communication from Pudens on the matter, and it is possible that it signals an escalation in the nature of the dispute. But there is no way of determining whether Pudens or Sidonius – or, indeed, his *nutrix* or even the children themselves – had the first word on the affair. It seems unlikely that Sidonius has been approached for mediation in his role as bishop of Clermont-Ferrand.³⁰ He was invested as bishop some time between his return from Rome in 469 and late 470, when he can first be observed in the role.³¹ This letter has been variously dated to either before 469 or some time in the 470s, but in any event, there is nothing in the tone or content of the letter to suggest that Sidonius is acting as an arbiter or judge. On the contrary, he is intimately connected to the participants in the affair. Therefore, it would be difficult to attribute the solution he proposes to a parting of the ways between imperial and clerical law on the subject of *raptus* marriages.³² Rather, this letter should be interpreted as evidence for the settlement of disputes independently of the formal

²⁷ The most detailed account of the term *inquilinus* remains Rosafio (n. 25), *passim*. D. Eibach, *Untersuchungen zum spätantiken Kolonat in der kaiserlichen Gesetzgebung unter besonderer Berücksichtigung der Terminologie* (Cologne, 1980), 243, concludes that the similarities or differences between *coloni* and *inquilini* cannot be determined. Sirks (n. 5), 369, suggests that these statuses were very similar, and Mircovic (n. 5), 102; 106 argues that *inquilini* became *coloni adscripticii*.

²⁸ Cf. Symmachus *Epp.* 5.48; 7.56, with C. Grey, 'Letters of recommendation and the circulation of rural laborers in the late Roman west', in L. Ellis and F. Kidner (edd.), *Travel, Communication and Geography in Late Antiquity* (Aldershot, 2004), 25–40, at 32–3.

²⁹ Tenants might be registered under their own names or under the name of their landlord, depending upon whether they owned land themselves. It seems reasonable to assume, as Koptev (n. 1), 287; 289 does, that this individual's taxes were paid by Pudens. It is more difficult to determine, however, whether that made him a 'bound' *colonus*, as opposed to a 'free' *colonus*. For this distinction, see, for example, Sirks (n. 5), 333 with nn. 1–2; Mircovic (n. 5), 65, n. 1; Koptev (n. 1), 293. But the evidence for this distinction, at least in the period under discussion here, is inadequate, and cannot support the weight of interpretation that has been placed upon it: J.-M. Carrié, '“Colonato del Basso Impero”: la resistenza del mito', in E. Lo Cascio (ed.), *Terre, proprietari e contadini dell'Impero romano. Dall'affitto agrario al colonato tardoantico (Incontro studio di Capri, 16–18 ottobre 1995)* (Rome, 1997), 75–150, at 113.

³⁰ As Koptev (n. 1), 283–4, assumes.

³¹ Harries (n. 3), 169; Kaufmann (n. 3), 49; Amherdt (n. 2), 373 with n. 3.

³² Thus Koptev (n. 1), 280–4.

environment of the imperial or ecclesiastical court. Pudens' grounds for intervention in the affair have already been surmised, but the capacity in which Sidonius is acting is more complex. He appears simultaneously to be acknowledging his responsibilities as landlord and/or patron of the young woman's family, and claiming some kind of familial or quasi-familial bond with the young woman herself.

In the second place, Sidonius' proposed solution raises a number of questions about the institutions he describes, and his understanding of how they functioned. First, what role did *inquilinatus* play in the late Roman tax system, and how did this impact upon an individual's relationships with a *patronus*, a *dominus* and the land he cultivated? Second, what provisions, if any, were there for effecting the change that Sidonius suggests? Third, to what extent does Sidonius' understanding of these institutions and processes match the evidence of the legal sources? These questions take us into the realm of late Roman taxation, and its impact upon social and economic practices in the period.

INQUILINATUS ORIGINALIS AND THE ROMAN TAX SYSTEM

The terminology and concepts that Sidonius employs in this letter echo the vocabulary of the tax system instituted at the end of the third century C.E. by Diocletian and his colleagues in the Tetrarchy, and modified under later emperors. In particular, Sidonius signals two sets of relationships central to that new tax system which warrant further discussion. First, in describing the current circumstances of the young man in question, Sidonius uses the label *inquilinatus originalis*. The phrase reveals the central importance of the concept of the *origo* in the fiscal system of the late Roman Empire. This was, in the broadest terms, an area of land in which a landowner, tenant, labourer, or slave was registered through a tax declaration.³³ The importance of the *origo* in the late Roman tax system signals, in turn, the enduring importance of land in determining an individual or municipality's tax liability.

In the new system of *capitatio-iugatio* instituted under the Tetrarchy, a landowner submitted a *professio* or *iugatio*, an itemised declaration of taxable assets to the municipal tax officials. Along with quantities of land of different sorts, numbers of vines, olives and trees in his possession, this document might also include numbers of livestock, slaves and even tenants and agricultural labourers on each of his fields.³⁴ It was not compulsory for a landlord to declare the names of the individuals working his land, but once he did, they were identified in the tax rolls as part of a chain of responsibility for taxes assessed on the field upon which they were registered. In the legislation, these agricultural labourers and tenants are variously referred to as *coloni*, *inquilini*, *plebes* and *casarii*, according to the context and the whim of a particular text's drafter. Frequently, they are further categorised using a series of adjectival nouns which signal the registration of their special relationship with the land in the tax rolls: *originarius*, *originalis*, *tributarius* and *adscriptionis*. These terms are best

³³ CTh 5.16.34 = CJ 11.68.6 (425, to Valerius, CRP); J.-M. Carrié, 'Un roman des origines: les généalogies du "colonat du Bas-Empire"', *Opus* 2 (1983), 205–51, at 227; id. (n. 29), 138; Grey (n. 26), Section IV. Koptev (n. 1), 285, imposes a rather narrow definition of the concept.

³⁴ It seems that the practice of submitting a *professio* to the municipal tax rolls was not a novelty of the Tetrarchy, but the system appears to have been expanded and regularised in the period. In particular, the practice of entering the names of individuals into the tax rolls in connection with rural estates is likely to have been a novelty introduced under the Tetrarchy. The earliest surviving evidence for the practice dates to the fourth century: *Fragmenta Vaticanae* 35.3–4; 249.5–8; CTh 11.3.5 (391, East). Also *P. Oxy.* 3583 (444); *P. Ness.* 3.24 (569).

interpreted as a collection of loosely synonymous ways of signalling the publicly recognised connection between the individual and the land: they were entered into the tax rolls (*adscripti*) in connection with a particular area of land (*origo*), and could therefore be held responsible as taxpayers (*tributarii*).³⁵

The act of registration on a specific area of land had two implications for tenants and their landlords. First, it conflicted with existing economic strategies among aristocratic landowners and their tenants, which customarily involved regular rotation between a number of fields. It assumed that individuals had an enduring and exclusive relationship with a particular piece of land, and ignored the possibility of any change in the productive capacity of that land or the cultivator's interest in working it.³⁶ Second, through their registration, tenants became visible to the municipal and imperial tax machinery.³⁷ It therefore became desirable to ensure that they continued to fulfill their fiscal responsibilities. Where a large landlord's liability for tax could be guaranteed by his or her assets, a registered tenant might not possess any property, and consequently the burden fell upon his person. Thus, the ability of registered *coloni* to leave the *origo* upon which they were registered was limited, and their capacity to sell property also curtailed.³⁸

Further, in attempting to define the terms in which tenants might be compelled to fulfill their fiscal responsibilities, legislators turned to the vocabulary of slavery. Registered tenants might be described as *servi terrae*, and their property characterised as *peculium*. They were given over to *quaedam servitus*, a kind of slavery.³⁹ However, this was not slavery, and the language of slavery provided an imperfect template at best. The effects and implications of this strategy are evident in the legal sources and elsewhere. In particular, they may be observed in discussions of the relationship between a *dominus*, a registered tenant, and the land for which they were mutually responsible. In these circumstances, the ambiguous meaning of *dominus* as both landowner and slaveowner proved convenient, but also presented certain problems, as the letter under discussion here reveals.

The legal texts of the period also reveal attempts to distinguish the role of the *dominus* – whether of land or individual – from that of a *patronus*, in order to ensure that landowners had the necessary authority and power to enforce the payment of

³⁵ Jones (n. 25, 1964), 799; Carrié (n. 33), 219. Sirks (n. 5), 350; Grey (n. 26), Section IV, with further discussion and fuller bibliographical references.

³⁶ Fuller discussion of the implications of this disjunction between legal ideal and agricultural reality in C. Grey, 'Revisiting the "problem" of *agri deserti* in the late Roman empire', *JRA* 20 (2007), 362–76. Also Goffart (n. 25), 96; T. Lewit, *Agricultural Production in the Roman Economy A.D. 200–400*, BAR Int. Ser. 568 (London, 1991) (republished, with a new introductory chapter and updated bibliography, as T. Lewit, *Villas, Farms and the Late Roman Rural Economy (Third to Fifth Centuries AD)* [London, 2004]), 71.

³⁷ Registration on an *origo* had no impact upon the legal status of those registered: Giliberti (n. 25), 14–15; C. Lepelley, 'Liberté, colonat et esclavage d'après la Lettre 24*: la juridiction épiscopale <de liberali causa>', in *Les lettres de Saint Augustin découvertes par Johannes Divjak: Communications présentées au colloque des 20 et 21 Septembre 1982* (Paris, 1983), 329–42, at 335; C.R. Whittaker, 'Circe's pigs: from slavery to serfdom in the later Roman world', *Slavery and Abolition* 8.1 (1987), 88–122 (republished in M.I. Finley and W. Scheidel [edd.], *Classical Slavery* [London, 1999]), at 109; Sirks (n. 5), 332; 350–1; Carrié (n. 29), 94; Scheidel (n. 26), 731; Grey (n. 26), Section III.

³⁸ Limitations on freedom of movement: *CTh* 5.17.1 (332); *CTh* 1.24.2 (360, Egypt). Limitations on sale of property and/or land: *Brev.* 5.11.1 = *CTh* 5.19.1 (365, East).

³⁹ *CJ* 11.52.1.1 (393, Thrace): *servi.....terrae ipsius cui nati sunt aestimentur*; *CJ* 11.50.2 (396, Asia): *condicionis obnoxii sunt, paene est ut quadam servitute dediti videantur*.

taxes.⁴⁰ In a late fourth-century law concerning registered *coloni* in Thrace, the influence of *patronus* and *dominus* were separated, in a way analogous to Sidonius' opposition of the two roles.⁴¹ A patron's influence over his client was unenforceable in law, for it was based on *fides*. Consequently, it was upon the landowner's *potestas* as *dominus* that his authority rested rather than his *sollicitudo* as a patron. But the law created an ambiguity in the way it described the position of the *dominus*. The claim upon the *colonus* resided in the land – they were *servi terrae*. Upon what basis, then, did the role of the *dominus* rest? Was he *dominus*-as-landowner or *dominus*-as-slaveowner?

This ambiguity in the conception of the *dominus vis-à-vis* registered tenants pervades the legislation of the fourth and fifth centuries, and created as much confusion for contemporaries as it has for modern scholars.⁴² This confusion is evident in Sidonius' conception of the nature of the relationship between Pudens and his *inquilinus*. Sidonius appears to believe that Pudens' role as *dominus* imposed some degree of personal dependency upon this man. Sidonius identifies the crucial factor in their settlement to be an adjustment to the character of the man's relationship with the land he farmed, so that this *inquilinus* can lawfully marry a free woman. In so doing, he reveals that the ambiguity of the legal language used to describe the relationship between a *dominus* and his registered tenants impacted upon social structures and practices as well as the economic decisions that landowners might make *vis-à-vis* the exploitation of their fields.

SIDONIUS' SOLUTION, AND ITS MOTIVATIONS

However, the solution Sidonius offers is not without its own problems. In his mind, the boundary between *inquilinatus* and the patronage relationship that one might expect between a landlord and a tenant is permeable. That is, Sidonius does not consider the decision to enter a tenant into the tax rolls as a *colonus* or *inquilinus originalis* to be irrevocable. Consequently, he asks Pudens to annul the existing publicly acknowledged link between this *inquilinus* and the estate upon which he is registered. It is not clear how much Sidonius knows about fiscal practices and tax law in the period. He certainly acquired an impressive education in literature, rhetoric and philosophy, but he is unlikely to have come into contact with the intricacies of the fiscal system either then or during his period as Prefect of the City of Rome.⁴³ At any rate, his suggestion prompts questions about both the apparatus of tax assessment and collection in late fifth-century Gaul, and the strategies open to a landowner for engaging with that apparatus in order to adjust the fiscal identity of a tenant.

⁴⁰ See, for example, *CTh* 11.1.14 = *CJ* 11.48.4 (371S, East), which explicitly acknowledges the landlord's responsibility for ensuring that his tenant fulfills his fiscal responsibilities.

⁴¹ *CJ* 11.52.1.1 (393, Thrace): *Et licet condicione videantur ingenui, servi tamen terrae ipsius cui nati sunt aestimentur nec recedendi quo velint aut permutandi loca habeant facultatem, sed possessor eorum iure utatur et patroni sollicitudine et domini potestate*

'Although they appear to be free in status, they must be treated as slaves of the land on which they were born, and let them have no possibility of withdrawing when they wish or wherever they want to go, but the landowner should concern himself with their condition using both the solicitude of a *patronus* and the power of a *dominus*.' Dating follows *PLRE* I, 799.

⁴² *Brev.* 5.11.1 = *CTh* 5.19.1 (365, East); *CJ* 11.52.1 (393, Thrace). Also Augustine *Ep.* 24*, with V. Vuolanto, 'Selling a freeborn child: rhetoric and social realities in the Late Roman world', *AncSoc* 33 (2003), 169–207.

⁴³ For Sidonius' education, Stevens (n. 15), 3–13 remains fundamental.

The tax machinery of the late fifth century is difficult to reconstruct. The sources are not particularly forthcoming on the subject, and the increasingly complex relations between 'Roman' and 'barbarian' rulers and administrators in the period further complicate matters.⁴⁴ It is likely that the responsibility for collecting taxes remained in the hands of curial officials, as it had since the fiscal reorganisation of the Tetrarchy and earlier. Among these individuals, the boundary between legitimate and illegitimate exercise of power had always been blurred, and it seems to have become even more so in the period. 'What cities, let alone *municipia* and *vici*, are there in which there are not just as many tyrants as there are *curiales*?' observes Salvian of Marseilles pointedly, and the sentiment is echoed in an anonymous Gallo-Roman comedy, where the *potentia* of a curial magistrate is connected to *latrocinium*.⁴⁵ Nevertheless, it appears that the Roman state continued to expect that those taxes would be transmitted to the fisc, or imperial treasury, and continued to hold its officials responsible for ensuring that this occurred. The task may not have been either particularly welcome or particularly easy, as the cases of Arvandus and Seronatus suggest. Both were accused and found guilty of treason for their dealings with the Visigothic king Euric.⁴⁶ As far as the tax assessment process is concerned, we have evidence that it continued to be possible, at least in theory, for an adjustment to be made to a municipality or individual's tax burden.⁴⁷ Gallo-Roman aristocrats, including Sidonius himself, may be observed leading embassies to the emperor in the period, with the objective of obtaining tax relief for their municipality.⁴⁸ Similarly, an *Interpretatio* in the sixth-century Breviary of Alaric attests to the continued existence of some, at least, of the administrative personnel of the late Roman tax system under the Visigothic kingdom.⁴⁹ Taken together, these scattered attestations suggest that the

⁴⁴ R.W. Mathisen, *Roman Aristocrats in Barbarian Gaul: Strategies for Survival in an Age of Transition*, (Austin, 1993) remains fundamental. Also H.C. Teitler, 'Un-Roman activities in late antique Gaul: the cases of Arvandus and Seronatus', in J. Drinkwater and H. Elton, (edd.), *Fifth-Century Gaul: A Crisis of Identity?*, (Cambridge, 1992), 309–17 for the strategies adopted by some putatively Roman officials, at least. Harries (n. 3), 23–35 discusses the implications of a socially and politically fragmented Gaul for Sidonius, his family and circle of friends and acquaintances.

⁴⁵ *Querolus* 30; Salvian *De Gubernatione Dei* 5.4.18: *Quae enim sunt non modo urbes, sed etiam municipia atque vici, ubi non quot curiales fuerint, tot tyranni sunt?* However, Salvian's testimony for the behaviour of the 'rich' vis-à-vis the 'poor' must be placed within the context of his own very specific rhetorical purpose: C. Grey, 'Salvian, the ideal Christian community and the fate of the poor in fifth-century Gaul', in M. Atkins and R. Osborne (edd.), *Poverty in the Roman World* (Cambridge, 2006), 162–82, esp. 175–80. For the image of the *curialis* as oppressor, see the discussion of C. Lepelley, 'Quot curiales, tot tyranni. L'image du décurion oppresseur au Bas-Empire', in E. Frézouls, (ed.), *Crise et redressement dans les provinces européennes de l'Empire (milieu du III^e–milieu du IV^e siècle ap. J.-C.)*, (Strasbourg, 1983), 143–56.

⁴⁶ Sidonius *Epp.* 1.7; 2.1; 5.13. Arvandus was accused of extortion as well as treason, and part of Sidonius' attack upon Seronatus revolves around his abuse of the tax machinery. There is more to these stories than meets the eye: see the discussion of Teitler (n. 44).

⁴⁷ For brief discussion of what this might have entailed, see Grey (n. 36).

⁴⁸ E.g. Sidonius *Carm.* 5.574–85; *Ep.* 1.9.5; *Ep.* 5.17.5. Full discussion and further references in Mathisen (n. 44), 54; 74; 84; 98.

⁴⁹ *Interp. ad Brev.* 13.2.1 = *CTH* 13.10.1. See M. Rouche, *L'Aquitaine, des Wisigoths aux Arabes, 418–781: naissance d'une région*, (Paris, 1979), 338–42 for further continuities between late and post-Roman taxation in Aquitaine, and L.A. García Moreno, 'Estudios sobre la organización administrativa del reino visigodo de Toledo', *Anuario de Historia del Derecho Español* 44 (1974), 5–155, at 21–65 for the extent to which the Visigothic kingdom in Spain retained late Roman fiscal administrative structures and personnel. M.F. Hendy, 'East and West: the transformation of late Roman financial structures', in *Roma fra Oriente e Occidente*

personnel and administrative machinery of the late Roman tax system continued to exist into the late fifth century. However, their efficiency and effectiveness, as in earlier decades, are impossible to assess, and we need not assume that landowners willingly transmitted either taxes or information to the relevant officials.

When we turn to the legal strategies open to a *dominus* who wished to alter the fiscal identity of a tenant, the evidence is equally elusive. At the very least, it would involve removing the man's name from his *professio*.⁵⁰ It is unlikely that this would be an action viewed kindly by the State, particularly given a series of laws placing limitations upon the economic behaviour of landlords with reference to their registered tenants and slaves. These limitations included restrictions upon a landlord's ability to move registered tenants from the land upon which they were registered, and even to expel or replace them with others.⁵¹ In each case, the aim of the legislation was to ensure that individuals registered in the municipal tax rolls as responsible for the fiscal burden of an area of land continued to fulfill that responsibility. As already noted, such a concern might conflict with the economic strategies landowners employed in the exploitation of their estates, and the social structures within which they and their rural dependents were enmeshed. It also raises doubts about the legality, even the practicability of actions such as that suggested by Sidonius.

Nevertheless, given that Sidonius does envisage this solution, what were his motives? If Sidonius believes the *inquilinus* to be in some sense 'unfree', his desire to see the two legally married may be linked to legislation concerning marriages between people of unequal status, and the status of the children resulting from such unions.⁵² Some confusion surrounded the implications of a free woman marrying an unfree man, with particular attention focussing on whether she could be enslaved as a result.⁵³ In any event, children from such a union, whether free because following the

(*Settimane di studio del Centro italiano di studi sull'Alto Medioevo*, 49) (Spoleto, 2002), 1307–71 offers a broader perspective on the fate of late Roman fiscal structures across the Mediterranean.

⁵⁰ E.M. Wightman, 'Peasants and potentates: an investigation of social structure and land tenure in Roman Gaul', *AJAH* 3 (1978), 97–128, at 112, suggests on the basis of this letter that 'a kindly patron might in some circumstances (despite the illegality of the act) raise an *adscripticius* to the rank of an unregistered *colonus* responsible for his own taxes and clearly enjoying a higher status, if not easier circumstances'. Sirks (n. 5), 354, envisages three possible ways of 'liberating' an individual from his connection to the tax rolls, and is followed by Koptev (n. 1), 294–5, who argues that in this instance the process that Sidonius has in mind is *manumissio in ecclesia*. Such a strategy would not be necessary in the case of a man who was not a slave, and in any case, this interpretation assumes that Sidonius has in mind a strict set of legal principles.

⁵¹ E.g. *CJ* 11.48.7 (371, Gaul): dating follows *PLRE* I, 578, s.v. Maximinus 7; *CJ* 11.63.3 (383, East); *Nov. Val.* 35.1.18 (452, Italy and Africa); D. Vera, 'Padroni, contadini, contratti: *realia* del colonato tardoantico', in E. Lo Cascio (ed.), *Terre, proprietari e contadini dell'Impero romano. Dall'affitto agrario al colonato tardoantico* (*Incontro studio di Capri, 16–18 ottobre 1995*) (Rome, 1997), 185–224, at 216.

⁵² E.g. *CTh* 4.8.7 (331); *CTh* 9.9.1 = *CJ* 9.11.1 *mut.* (326 or 329); *CTh* 4.12.1–3 (314; 317; 320 or 326); *CTh* 10.20.17 (427, to Valerius, *CSL*); *Nov. Maj.* 7.1.2; 5 (458); *Nov. Anth.* 1.1 (468); Evans Grubbs (n. 6), 261–316 remains fundamental. See also A. Arjava, *Women and Law in Late Antiquity*, (Oxford and New York, 1996); H. Grieser, *Sklaverei im späantiken und frühmittelalterlichen Gallien (5.–7. Jh.): das Zeugnis der christlichen Quellen* (Stuttgart, 1997), 99–100; A.V. Koptev, 'Législation romaine des IV^e et V^e siècles sur les mariages des esclaves et colons', in M.-M. Mactoux and E. Geny (edd.), *Esclavage et Dépendance dans l'historiographie soviétique récente*, (Centre de Recherches d'Histoire Ancienne 149), trans. J. Gaudéy (Besançon, 1995), 127–55. Id. (n. 1), 280 with n. 20; 302 with n. 103 provides further bibliography.

⁵³ See the detailed discussion of Evans Grubbs (n. 6), 261–316. Koptev (n. 1), 291 with note 63, 302 with note 103 provides further references and bibliography.

status of their mother, or slave as a result of their mother's enslavement, would be illegitimate, and therefore their ability to inherit would have been severely curtailed. Additionally, a law of 419 suggests that children of *coloni* continued to be subject to the land upon which their father was registered, even after he had left that land.⁵⁴ Perhaps, then, Sidonius' interest lies in protecting any offspring of this union from the claims of a later landowner, and ensuring their inheritance.

However, there seems to be something more to Sidonius' response to this incident. It is tempting to read into this letter resonances of both affection for the young woman's mother, who was his children's wet-nurse, and obligation or loyalty to his own children, who may have been *conlactanei*, or milk siblings, with her.⁵⁵ Certainly, Sidonius' interest in the matter seems to be personal, for he appears to connect the fate of his *nutrix*'s daughter directly to his own dignity and that of his family. Throughout, his tone is playful, and we need not take him too seriously when he makes his extravagant protestations of potential estrangement from Pudens. Nevertheless, he both opens and closes the letter with claims to be personally scandalised and insulted by the current turn of events, and describes the incident using the terms *stuprum* and *contumelia*, words usually employed in contexts of sexual shame.⁵⁶

Sidonius' personal interest in this affair reveals glimpses of both his conception of the relationship between rural and urban *familiae* and his construction of the circle of individuals on whose behalf he might feel a sense of shame. In the first instance, he appears to ignore the conceptual separation of rural and urban concerns that appears, for example, in juristic discussions of *familiae urbanae* and *rusticae*.⁵⁷ This distinction does appear elsewhere in Sidonius' own collection. In a letter praising the morality and rectitude of a certain Vettius, for example, Sidonius remarks upon the relative merits of his *servi rustici* and *urbani*, keeping the two carefully distinct. But caution is necessary. The letter is modelled closely upon Pliny, and may not convey Sidonius' own sense of a clear distinction between the two.⁵⁸ In other literature of the period, and elsewhere in Sidonius' own collection, we observe hints of a less clear-cut separation between the urban and rural location and roles of slaves and other dependents.⁵⁹

A similar elision is visible when we turn to Sidonius' conception of his personal stake in the affair. A third-century response of the jurist Ulpian provides a possible interpretative context. In discussing *iniuria*, Ulpian signals the potential for wrong to

⁵⁴ *Brev.* 5.10.1.2 = *CTh* 5.18.1.2 (419, Italy).

⁵⁵ For *conlactanei*, see Bradley (n. 13), 149–55.

⁵⁶ R.A. Kaster, *Emotion, Restraint, and Community in Ancient Rome* (Oxford, 2005), s.v. *contumelia*, equates *contumelia* with *iniuria*. For the contexts in which these concepts characteristically occur, T.A.J. McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome* (Oxford and New York, 1998), 194–220; 313–5; Kaster (this note), 35–8.

⁵⁷ See, for example, Paul, *Dig.* 32.99, explicating the differences between *servi urbani* and *rustici*.

⁵⁸ Sidonius *Ep.* 4.9.1, with Frye (n. 2), 192. For the use of Pliny as a model for this letter, see Harries (n. 3), 10; Percival (n. 2), 280. See Kaufmann (n. 3), 239–40 for further on the relationships between Sidonius' urban and rural *familiae*.

⁵⁹ Slaves travelling fairly freely between city and country and performing a variety of economic roles: e.g. *Querolus* 68–9. See also Sidonius' fulsome description of his villa at Avitacum, where he observes *clientulae* and *nutrices* bustling around preparing for a feast: *Ep.* 2.2.10. Cf. the seminal analysis of the mixed urban/rural roles and locations of slaves by M.K. Hopkins, 'Novel evidence for Roman slavery', *Past and Present* 138 (1993), 3–27 (reprinted in R. Osborne [ed.], *Studies in Ancient Greek and Roman Society* [Cambridge, 2004] chap. 9).

be felt on behalf of individuals beyond one's immediate family or *familia*, including kin outside the agnatic line and even individuals attached by nothing more than bonds of affection.⁶⁰ To be sure, we should not expect Sidonius to be following the letter of the law here. Rather, we may with caution place both his letter and Ulpian's evidence within a code of social ethics that connected one's sense of shame to acts performed or experienced by members of one's household, kin group, or social circle.⁶¹

By including the *rapta* of this letter within that group, Sidonius appears to be out of step with a relatively well-documented Roman aristocratic understanding that servile or dependent elements in their *familiae* existed primarily to perform services which they could or would not perform themselves.⁶² Indeed, in linking his honour directly to that of the daughter of his children's *nutrix*, Sidonius acknowledges or claims a personal bond with the young woman.⁶³ That bond appears to be based on his position as *paterfamilias*, but in this instance his *familia* has expanded to encompass not only his immediate household but also the *familia rustica* on his rural estates. We may envisage three possible contexts for Sidonius' attitude, none of which is entirely satisfactory. Perhaps Sidonius is here extending some special position within his household to family members of his children's *nutrix* on the basis of their affection for her.⁶⁴ This is possible, but if he had sent his children away to the country, as seems likely in this case, the woman would never have been part of his domestic *familia*. The relationship that Sidonius claims with the girl could be based on her sharing a mother's milk with his children. If so, this is the only documented instance of a *paterfamilias* acknowledging a *conlactanea* of his children among his own

⁶⁰ Ulpian, *Dig.* 47.10.1.3: *Item aut per semet ipsum alicui fit iniuria aut per alias personas. Per semet, cum directo ipsi cui patri familias vel matri familias fit iniuria: per alias, cum per consequantias fit, cum fit liberis meis vel servis meis vel uxori nuptae: spectat enim ad nos iniuria, quae in his fit, qui vel potestati nostrae vel affectui subiecti sint.*

'Again, contumely can be effected against someone personally or through others: personally, when a head of household or matron is directly affronted; through others, when it happens by consequence, as when the affront is to one's children or slaves, one's wife or daughter-in-law; for a contumely affects us which is suffered by those who are subject to our power or are the objects of our affection.' Trans. A. Watson (1985): 771.

⁶¹ McGinn (n. 56), 289–316, supplementing id. 'Ne serva prostituatur: restrictive covenants in the sale of slaves', *ZRG* 107 (1990), 315–53, discusses this system in terms of the 'honour-shame syndrome'. Note, however, Kaster (n. 56), 36; 37 with n. 28; 38–9; 42–4, who discusses both the experience of sexual shame on one's own behalf and the (more problematic) experience of shame on behalf of those to whom one is somehow connected. Note also that in recent anthropological scholarship, the applicability of the so-called 'honour-shame syndrome' across the Mediterranean world and throughout history has been called into question: see, for example, the critiques of M. Herzfeld, 'Honour and shame: some problems in the comparative analysis of moral systems', *Man* 15 (1980), 339–51; id. 'As in your own house': Hospitality, ethnography, and the stereotype of Mediterranean society', in D. Gilmore (ed.), *Honor and Shame and the Unity of the Mediterranean* (Washington, D.C., 1987), 75–89 and A. Lever, 'Honor as a red herring', *Critique of Anthropology* 6 (1986), 83–106. Also the discussions of J. Dubisch, "'Foreign chickens" and other outsiders: gender and community in Greece', *American Ethnologist* 20 (1993), 272–87 and G. Fiume, 'A changing Sicily: homage to Jane and Peter Schneider', *Journal of Modern Italian Studies* 11 (2006), 37–60, at 52–3.

⁶² Cf. Bradley (n. 16), 216.

⁶³ Such a bond is by no means applicable without exception to members of one's *familia*. Note his disapproving attitude towards the inappropriate relationship of a member of his own social circle with a slave girl, whom he describes as *domestica Charybdis*: *Ep.* 9.6.

⁶⁴ Cf. Joshel (n. 16), 13–14, discussing evidence from the antebellum South, but offering cautions about the transferability of this evidence.

household. There exists also the possibility that the girl is Sidonius' own daughter with a female member of his household.⁶⁵ But such an argument would be stretching the evidence almost to breaking point.

In the absence of any further information about this affair and its participants, our conclusions in this regard must remain speculative. But Sidonius' attitude here is more than simply a late Roman potentate extending his *beneficia* to his dependents. He certainly acted in this capacity, as letters on behalf of clients and dependents in a variety of circumstances make clear.⁶⁶ It is more than a local bishop assuming a position as mediator in his community, as Sidonius may also be observed doing.⁶⁷ It is more even than a landlord claiming a close personal bond with a resident of his estates on the strength of a tenancy arrangement, such as we see in other letters of the fourth and fifth centuries. Those letters emphasise the role of the *dominus*, which appears to elide with, or stand in place of, the position and responsibilities of a *patronus*.⁶⁸ In this letter, Sidonius attempts to maintain the distinction between the two, at least with reference to Pudens' relationship with his *inquilinus*.⁶⁹ No such distinction is maintained in his presentation of his relationship with his *nutrix*'s daughter. Rather, Sidonius collapses both the physical and the personal distance between female members of his immediate household and those whose contact with him may only have been fleeting.

CONCLUSIONS

Sidonius Apollinaris' letter collection reveals the complexity and geographical scope of his circle of acquaintances, the breadth and depth of his learning, and the extent and immediacy of his continuing engagement with the idea of empire and the notion of *Romanitas*. It also betrays ambivalences and contradictions in his responses to the immense demographic, economic, political and material changes that affected the world in which he lived.⁷⁰ In recent scholarship, two aspects of those responses have been emphasised. On the one hand, it has been argued that Sidonius' uncomplimentary attitude to the countryside and its inhabitants may be placed within a long-established rhetorical and literary tradition. He speaks with distaste about the individuals dwelling on his rural estates, and chides correspondents who, in his opinion, have chosen to withdraw from affairs of state and sequester themselves on their rural estates. Such behaviour he equates with *rusticitas*, and interprets as boorish, uncultured and irresponsible.⁷¹ On the other hand, it has been suggested that Sidonius' fulsome praise for his rural estate at Avitacum and the massive Burgus

⁶⁵ Note Paulinus of Pella *Euch.* 166–74 on his own fathering of a child with one of his slave girls.

⁶⁶ E.g. *Epp.* 2.7; 3.4; 9; 4.7.

⁶⁷ E.g. *Epp.* 6.3; 10; 7.2.

⁶⁸ Symmachus, *Epp.* 5.48; 7.56; *Epistula ad Salvium* 2. Also Koptev (n. 1), 293 on *dominus* and *patronus* as coterminous concepts in Christian texts of the period; this builds on Kaufmann (n. 3), 245 n. 751.

⁶⁹ Perhaps this reveals his own interpretation of *dominus* as more slaveowner than landlord or patron. Cf. the discussion of the implications of ambiguity in the legal language above, nn. 39–42.

⁷⁰ See the recent discussions of Kaufmann (n. 3), 263–6; Percival (n. 2); Frye (n. 2); Amherdt (n. 2).

⁷¹ Amherdt (n. 2), 375 and *passim*.

of his friend Pontius Leontius constitutes one element in a broader cultural process among the aristocracy of Roman Gaul in the period: namely, the self-conscious creation of an *urbs in rure* as a way of maintaining *Romanitas* outside the crumbling physical fabric of the towns. The expansive colonnades, baths and ornate trappings of Gallo-Roman villas attested in both literary and archaeological sources from the period have been interpreted as evidence that aristocrats in the region acknowledged the waning of the towns as centres for Roman culture, and sought to preserve that culture on their rural estates.⁷²

Both arguments assume a fundamental divide between city and country, aristocrat and peasant in the period. Whether Gallo-Roman aristocrats are abandoning the cities because they find them to be cultural wastelands, or attempting to maintain boundaries between themselves and the peasants whose barbaric existence impinged more and more upon their consciousness, they are interpreted as creating or cultivating borders between their idealised conception of themselves and the realities of their world. But the effectiveness and extent of those borders may have been overemphasised. Indeed, recent scholarship envisages a steady interchange between urban and rural environments, and recognises instances of intimate contact between wealthy landowners and the tenants and labourers cultivating their estates.⁷³ The letter under discussion here is neither an expression of cultural mores nor an indicator of ideological values. Rather, it provides a tantalising glimpse of the *realia* of a late Roman aristocrat's engagement with his dependents, and the ways in which he chose to portray that engagement to a fellow-aristocrat.

We may surmise that Sidonius' *nutrix*, at least, lived in or very near the villa itself.⁷⁴ It is likely that Pudens' *inquilinus* rented a dwelling somewhere on his landlord's estate, though there is no way of determining at what distance from the villa. Nevertheless, Sidonius implies an enduring personal bond between himself and his correspondent on the one hand, and their rural dependents on the other. For Sidonius, at least, that personal bond is closer than merely one of patronage. Indeed, by identifying the principal issue to be resolved in this case as one of personal honour, Sidonius self-consciously and explicitly includes a young woman residing on his rural estate within his *familia*.⁷⁵ It is tempting to interpret this strategy as an indication of a subtle shift in Sidonius' centre of gravity.⁷⁶ This shift must be placed alongside his attempts to maintain the literary and cultural trappings of *Romanitas*, and against other

⁷² Avitacum: *Ep.* 2.2. Burgus: *Carm.* 22. Frye (n. 2), 186; 190 and *passim*, building on Percival (n. 2), 281. Note, however, Percival's cautions about the extent to which the appearance of *Romanitas* is being kept up: Percival (n. 2), 286–7.

⁷³ C. Lepelley, *Les cités de l'Afrique romaine au Bas-Empire*, 2 vols. (Paris, 1979 and 1981), 1.47–8; L. de Ligt, *Fairs and Markets in the Roman Empire: Economic and Social Aspects of Periodic Trade in a Pre-Industrial Society*, (Amsterdam, 1993), 129; D. Riggs, 'The continuity of paganism between the cities and countryside of late Roman Africa', in T. S. Burns, and J. W. Eadie (edd.), *Urban Centers and Rural Contexts in Late Antiquity* (East Lansing, Michigan, 2001), 285–300, at 288; Grey (n. 28), 32–4.

⁷⁴ Cf. Sidonius *Ep.* 2.2.10.

⁷⁵ He also seems to assume or imply that Pudens' honour might be affected by the shameful actions of his *inquilinus*. Cf. Kaster (n. 56), 38–9; 44–5.

⁷⁶ It may be possible also to trace this shift through artistic representations in villas of the period. See, for example, S. Muth, 'Eine Kultur zwischen Veränderung und Stagnation: Zum Umgang mit den Mythenbildern im spätantiken Haus', in F.A. Bauer and N. Zimmermann (edd.), *Epochenwandel? Kunst und Kultur zwischen Antike und Mittelalter* (Mainz am Rhein, 2001), 95–116.

evidence in his collection for a distrustful or disinterested attitude towards the countryside. Sidonius was not merely a Roman aristocrat, clinging to the last vestiges of a dying culture, and seeking to relocate that culture to a rural bastion. Rather, he was an individual responding to the changing circumstances in which he found himself, and reconstituting his ideal of the Roman *familia* as a mixed urban and rural phenomenon.

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