

ITALY AND THE ROMAN EMPIRE: AUGUSTUS TO CONSTANTINE

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ITALY DURING THE PERIOD OF THE ROMAN MONARCHY and Republic has a history; one which offers us enormous challenges and problems, but still a history: the arrival of the Greeks; the flowering of Etruscan civilisation; the "great Rome of the Tarquins;" the Latin League and its dissolution; the Samnite wars; Hannibal's invasion; the Roman conquest and colonisation of N. Italy; the Social War; the Triumviral proscriptions and settlements; and, what is really a part of that story, the veteran colonies of Augustus.¹

Italy under the Empire has no history. That is to say, it has no narrative history. That ought to be no handicap. Narrative is out of date; what we want is social history, or the *longue durée* of Braudel. But in fact, paradoxically, the absence of a narrative—of any narrative at all which is in any way focused on Italy—has robbed us of historical questions; since there is no narrative history we have been unable to put any coherent questions to such archaeological, epigraphic, and literary evidence as we have, because we do not know what historical evolution it is which we are trying to explain.

Yet a country, or region, with several million inhabitants cannot, in any important sense, have had no history. Nor does it seem feasible that this history, evolving in the centre of a politically unified Mediterranean world, marked by an extraordinary level of urbanisation,² of construction in permanent materials, and of public commemoration in written form on stone or bronze,³ should be wholly beyond our grasp. The most ambitious approach

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¹See now esp. L. Keppie, *Colonisation and Veteran Settlement in Italy 47 bc–ad 14* (London 1983).

²For the significance of this, see, e.g., K. Hopkins, "Economic Growth and Towns in Classical Antiquity," in *Towns in Societies*, eds. P. Abrams and E. A. Wrigley (Cambridge 1978) 35; and his introduction to *Trade in the Ancient Economy*, eds. P. Garney, K. Hopkins, and C. R. Whittaker (London 1983).

³Note esp. R. MacMullen, "The Epigraphic Habit in the Roman Empire," *AJP* 103 (1982) 233–246.

is to survey directly the infinitely varied material available for social history, as Rostovtzeff did in his *Social and Economic History*, and as John D'Arms has recently done specifically in relation to Italy.⁴

This paper will try a different, and more partial, approach. It will ask in what sense and in what forms the Roman Imperial state was present in Italy; or, to put it in a different way, in what ways the functioning of the Roman state may have affected the economic and social history of Italy. The question has two interconnected aspects. Firstly, what degree of exchange of human and economic resources took place as between Italy and the Imperial system? And secondly, what forms of authority were exercised in Italy by appointees of the Roman state? At one level the question has often been asked and the evidence surveyed. It is just over a century since Camille Jullian published his admirable monograph on the political transformations of Roman Italy between Augustus and Constantine.⁵ More recently Werner Eck has examined the organisation of Italy, and the types of official found in post there, up to the middle of the second century. He concludes, surely rightly, that even in the second half of the second century, with Imperial *procuratores* and senatorial *praefecti alimentorum*, *curatores viarum*, *curatores rei publicae*, and *iuridici* of the various regions, Italy still exhibits a striking "shortage of government" (*Defizit an Verwaltung*) as against anything that we might expect in a large territory forming part of a supra-regional Empire. On the other hand, as Brent Shaw points out to me, it is not entirely surprising that an administrative structure should have been associated primarily with conquest and tribute, and only came later to grow inwards to cover the homeland of the Empire as well.

The fact that Italy was not treated like a province, and the absence of any obvious reason why it should not be, was in fact duly commented on by at any rate one senator in the early third century, Cassius Dio, whose home city was Nicaea in Bithynia. In the speech which he gives to Maecenas, addressing Augustus, he recommends that governors should be appointed for Italy beyond the 100th milestone from Rome, as for the other areas of the Empire (52.22.1); that the two Praetorian Prefects should command both the Praetorian Cohorts themselves and the other soldiers in Italy, as well as the Imperial slaves and freedmen there (24.1-4); and that no community or individual should be exempt from direct taxation (28.6). By implication, that is, Italy should also be taxed.

As regards Imperial appointment of senatorial officials to be *curatores* of cities in Italy, or to be *iuridici* of different regions, or, in the third century,

⁴J. H. D'Arms, "The Social and Economic History of Italy from the Age of Augustus to the Time of Cassiodorus." I am very grateful to Professor D'Arms for allowing me to see a typescript of this extensive chapter, due for publication in a volume edited by F. Vittinghoff.

⁵C. Jullian, *Les transformations politiques de l'Italie sous les Empereurs romains*, 43 av. J.-C.-330 ap. J.-C. (Paris 1884).

correctores, it is natural, and not in itself misleading, that we should see all this as preliminaries to the provincialisation of Italy under Diocletian.⁶ But that leaves important questions unanswered. What was the nature of the functions which these officials performed? Is "government" in fact an appropriate term for the roles which they fulfilled? Should we give a different description of the functions of the senatorial *correctores* and *consulares* of the various regions of Italy as they were in the earlier fourth century, after Diocletian's reorganisation?

One major innovation which Dio makes Maecenas recommend by implication to Augustus was certainly carried out by Diocletian, that is to say, the extension to Italy of direct taxation. Or at least to part of Italy, as Aurelius Victor records in bafflingly obscure terms. After describing the division of the Empire among the Tetrarchs, with Italy and Africa going to Maximian, Victor says (39.31): "From this moment on the vast affliction of the *tributa* was introduced into part of Italy. For, although each of them (the four Emperors) carried out the same functions, and in a restrained manner, in order that the armies and the Emperor, who were continually—or (at least) largely—present there, could be supplied, a new set of rules was made for the payment of taxes. This arrangement, which at that time was tolerable, has in our days acquired a destructive character." Writing soon after the middle of the fourth century, Victor slightly blurs two separate developments of the 290s: the introduction of a new general system of taxation by the Tetrarchs, proclaimed in Egypt by the Prefect in 297 (*PCairIsidor* 1 [March 16, 297]), and the presence of Maximian, with his army, in N. Italy. The scattered available evidence does indeed suggest that the establishment of the Tetrarchy in 293 meant that Maximian left Gaul to Constantius, and moved south to make Milan and Aquileia his primary residences.⁷

With that, two central elements of the Roman state, the court and the army—or rather, by this time, *a* court and *an* army—had so to speak decisively retreated inwards from the frontier zones to impose themselves on N. Italy. This situation, briefly foreshadowed in the barbarian invasions of the 160s, had in fact been recurrent since the middle of the third century, and was subsequently to be perpetuated as a central feature of the political and economic geography of the late Empire.⁸ The new situation is perfectly reflected in a panegyrist's description of the meeting of Diocletian and Maximian in Milan in the winter of 290/1 (*Pan.* 3 [11] 8–12). Disregarding the

⁶So, e.g., W. Simshaüser, "Untersuchungen zur Entstehung der Provinzialverfassung Italiens," *ANRW* 2.13 (1980) 401–452.

⁷T. D. Barnes, *The New Empire of Diocletian and Constantine* (Cambridge, Mass. 1982) 56 ff.

⁸For army and court in this area see F. Millar, *The Emperor in the Roman World* (London 1977) 44–45; for the later fourth century and after see L. Ruggini, *Economia e società nell' 'Italia Annonaria'* (Milan 1961).

season, Diocletian arrived from the East over the Julian Alps, Maximian from the West over the Cottian Alps. As the news spread through the towns of Italy, all rushed to see the Emperors pass, altars were lit, offerings made, and victims slain in sacrifice. The privileged few were admitted to gaze on the Emperors, together in the *palatium* in Milan. An embassy arrived from the Senate in Rome, symbolising Milan's acquisition of some of the *maiestas* of the capital city "so that the seat of empire was seen to be that place to which both Emperors had come."

The form in which Italy, or part of it, now paid taxes to support court and army can hardly be determined. That court and army *were* supported, in cash and kind, is of course certain. The significance of this obvious fact, however, can only be put into relief if we look at current views of the economic function of the Roman state as such within the wider economy of the Empire. Firstly, it is said, the state minted coins not as a service to economic exchange within its borders, but purely as a means of making its own essential payments.⁹ Secondly, it has been argued, the raising of taxes in money in the provinces and the transfer of the surplus taxes from the richer provinces to pay troops stationed mainly in poorer, less-developed provinces produced profound effects on inter-regional trade. In consequence the tax-exporting provinces had also to export goods in order to acquire the cash to pay these taxes. In other words the financial operations of the state had significant effects both on the balance of trade within the Empire and on the level of monetisation and long-distance trade.¹⁰

But where does this picture leave Italy? The answer given does not do justice to a real problem: one of the three spheres of the Empire is defined as "the centre, comprising Italy and the city of Rome, the seat of the Court and of the central government, which, like the armies on the frontiers, consumed a large volume of taxes" (Hopkins 101). As regards Rome itself we need not dispute the point. Even so, it would be worth trying to delimit the nature and extent of the expenditure of Imperial tax-revenue in cash in the city. The question is not as straightforward as it may seem. We have to presume, rather than being able to prove, that at least some coin from provincial taxation was still physically transported to Rome, and stored in the *aerarium* in the temple of Saturn, or in the *aerarium militare*, which a *diploma* of A.D. 65 now shows to have been an actual structure located on the Capitol.¹¹

⁹M. Crawford, "Money and Exchange in the Roman World," *JRS* 60 (1970) 40–48; revised version in his *La moneta in Grecia e a Roma* (Bari 1982) ch. 5.

¹⁰K. Hopkins, "Taxes and Trade in the Roman Empire (200 BC–AD 400)," *JRS* 70 (1980) 101–125. Note for comparison the calculations by R. W. Goldsmith, "An Estimate of the Size and Structure of the National Produce of the Early Roman Empire," *Review of Income and Wealth* 30.3 (1984) 263–288. I owe this reference to Professor B. W. Frier.

¹¹See F. Millar, "The Aerarium and its Officials under the Empire," *JRS* 54 (1964) 33–40; M. Corbier, *L'aerarium Saturni et l'aerarium militare: administration et prosopographie sénatoriale*

As regards expenditures made in Rome from taxation revenue, there were public buildings and aqueducts, whether newly built or undergoing repair; there were the *liberalitates* of the Emperors, which occurred erratically, but certainly required the accumulation of very large quantities of coin. There is nothing to indicate that senatorial officials in post in Rome (such as the *curatores* of the aqueducts or of the banks of the Tiber) were paid salaries; but the *apparitores* who attended both them and the magistrates certainly were entitled to pay from the *aerarium* (Frontinus *De aquae ductu* 100). But of course the essential recurrent expenditure was that on the pay of the units stationed in Rome, the Praetorian Cohorts, the Urban Cohorts, and the Vigiles.

The Imperial state did thus expend a steady flow of money in Rome. It is consonant with this that the (or a) mint was located there.¹² But it is also significant that until the later third century, when mints began to operate in Mediolanum, then moving to Ticinum, and in Aquileia,¹³ this was the only mint of any kind in Italy. So *was* Italy outside Rome in fact a zone which received any significant input of state expenditure in cash? Most imperial building in Italy took the form of specific benefactions by individual Emperors to specific cities. Beyond that, the Emperors very occasionally initiated large-scale building projects, though rarely far from Rome or in areas irrelevant to it: the Claudian and Trajanic harbours at Ostia, Trajan's harbour at Centumcellae, Nero's plan for a canal from L. Avernus to Ostia. In this last case Suetonius implies that it was at least intended to use convict labour.¹⁴ But in general, however, it should be assumed that the works involved cash payments to contractors using free labour.¹⁵ The same may also have been true of the construction and upkeep of roads: *redemptores* are still mentioned in this connection. But in fact, firstly, the question of who normally paid for roads remains remarkably obscure: local communities, the owners

(Rome 1974). For the diploma see S. Dušanić, "A Military Diploma of AD 65," *Germania* 56 (1978) 461–475; *AEpigr* 1978 no. 658. See also M. Corbier, "L'*aerarium militare* sur le Capitole," *Cahiers du groupe de recherches sur l'armée romaine et les provinces* 3 (1984) 147. The diploma is now in M. M. Roxan, *Roman Military Diplomas 178–84* (London 1985) no. 1.

¹²For the officials of the *moneta* in Rome, O. Hirschfeld, *Die kaiserlichen Verwaltungsbeamten bis auf Diocletian*² (Berlin 1905) 181–189; H. Mattingly, *Roman Coins*² (London 1969) 129 ff. See now M. Peachin, "The *Procurator Monetae*," *Num. Chron.* 146 (1986) 94–106.

¹³C. H. V. Sutherland, *The Roman Imperial Coinage* 6 (London 1967) 5; M. Hendy, "Mint and Fiscal Administration under Diocletian, his Colleagues and his Successors, AD 305–24," *JRS* 62 (1972) 75–82; J.-P. Callu, *La politique monétaire des Empereurs romains de 238 à 311* (Paris 1969); M. H. Crawford, "La zecca di Ticinum," in *Storia di Pavia* 1, ed. E. Gabba (Milan 1984) 249–252. See now also M. Hendy, *Studies in the Byzantine Monetary Economy, c. 300–1450* (Cambridge 1985) 378 ff.

¹⁴Suet. *Nero* 31; see F. Millar, "Condemnation to Hard Labour in the Roman Empire, from the Julio-Claudians to Constantine," *BSR* 52 (1984) 124–147, esp. at 133.

¹⁵P. A. Brunt, "Free Labour and Public Works at Rome," *JRS* 70 (1980) 81–100.

of properties bordering a road, or the state, through the *curatores viarum*?¹⁶ In any case in the Empire it was primarily a question of upkeep rather than new construction. Wholly new roads are attested only for Domitian (Statius *Silvae* 4.3 on the Via Domitiana along the coast of Campania) and above all Trajan, whose extensive programme of road-building is celebrated by Galen (ed. Kuhn 10.633); the Via Traiana and the Via Traiana Nova certainly represented major new projects. In effect, therefore, the normal method of financing road maintenance or construction remains obscure, and it was relatively rare for wholly new roads to be constructed; this aspect of the functioning of the state in Italy, though significant, cannot be assumed to have represented a regular channel for the outflow of state funds.

One very distinctive form of expenditure did relate to Italy, and is attested in a wide range of Italian towns. This is of course the scheme for *alimenta*, possibly initiated by Nerva and certainly put through by Trajan; it was designed for the upkeep of children, and achieved by the distribution of loan funds, against security in land, which would produce an income for this purpose for each city. It is unnecessary to rehearse again the arguments to show that its purpose was demographic, and that it did not in intention represent a form of investment designed to counteract some supposed general crisis in Italian agriculture.¹⁷ However, even granted this more limited purpose, the scheme was, by the standards of the very slight activity of the state in general, positive and extensive in conception, costing initially perhaps up to 400,000,000 sesterces (roughly the equivalent of two major aqueducts) and benefiting, initially, perhaps between 100,000 and 150,000 children. There are some slight indications that later Emperors added further sums to the capital, and Marcus Aurelius certainly issued an edict in which he reaffirmed the central purpose of the scheme, that the population of *iuniores* in the towns of Italy should increase.¹⁸ But, once again, this scheme, striking though it is, cannot be seen as a major channel for the *recurrent* diffusion of state funds in Italy.

Had there indeed been such a channel, it could only have been through the payment of soldiers in the Imperial service.¹⁹ Yet, of course, the almost total absence of Imperial forces in Italy under the Principate was precisely one of the most distinctive features of the overall shape of the Roman state.

¹⁶For the evidence, T. Pekáry, *Untersuchungen zu den römischen Reichsstrassen* (Bonn 1968) ch. 3; H. E. Herzig, "Probleme des römischen Strassenwesens: Untersuchungen zu Geschichte und Recht," *ANWR* 2.1 (1974) 593–648; Eck ch. 2.

¹⁷I depend here on R. Duncan-Jones, *The Economy of the Roman Empire* (Cambridge 1982) ch. 7: "Government Subsidies for Population Increase." See also Eck 146–189.

¹⁸Fronto *Ad M. Antoninum de orationibus* 12, *The Correspondence of Marcus Cornelius Fronto* 2.112, ed. C. R. Haines (London 1919) (Naber 161; Van Den Hout 154).

¹⁹For a useful recent collection of the evidence on the economic effects of the presence of units of the army see L. Wierschowski, *Heer und Wirtschaft. Das römische Heer der Prinzipatszeit als Wirtschaftsfaktor* (Bonn 1984).

The Praetorian and Urban Cohorts and the Vigiles were stationed in Rome itself. Under Augustus and Tiberius one Praetorian Cohort was stationed in Ostia, to be supplemented, or more probably replaced, by an Urban Cohort in the reign of Claudius, and then by a Cohort of the Vigiles from Hadrian onwards; a cohort is also said to have been stationed at Puteoli by Claudius. Beyond that, in the Principate, there were only the fleets stationed at Misenum and Ravenna.²⁰ These forces, of unknown size, but of not less than several thousand men each, will therefore have served as two specific, but isolated, channels through which taxation revenue flowed into Italy.

For the whole of the rest of Italy there is no evidence during the first two centuries A.D., of the establishment of any regular units of the Roman army. No legions and no auxiliary forces were stationed there. The brief and violent irruption of legionary and auxiliary forces from the Rhine and Balkans in 69–70 left no permanent trace. Only under Septimius Severus, as is well known, was a legion, the new II Parthica, established on the Alban Hills; once again in the immediate neighbourhood of Rome. Whether or not this step was part of the deliberate creation by Severus of a “field army,”²¹ at least vexillations of the legion, and possibly on occasion the whole of it, served on campaign with Emperors, for instance in 217/18 in Syria, and in 235 with Maximinus, returning from time to time to their base (*RE* 12.1479 ff.).

Over the following century only the most scattered and unsatisfactory evidence reflects the recurrent presence of the Imperial court and armies in N. Italy, for instance a concentration of cavalry at Milan in 268,²² or, later, garrisons protecting the towns of N. Italy against Constantine’s advance in 312 (*Pan.* 9 [12] 5–6, 8; 10 [4] 21–22, 25). So far as I can see, however, there is no significant and coherent evidence for what, if any, regular military presence there was in N. Italy from the middle of the third to the middle of the fourth century. Central and southern Italy appear in any case to have remained ungarrisoned.

So, as regards that exchange of wealth which was created by the activities of the state, Italy remained, throughout almost the whole period, a backwater. The Roman state certainly did not *spend* there directly on a year-by-year

²⁰Suet. *Claud.* 25. See R. Meiggs, *Roman Ostia*² (London 1973) 46, 62–63, 305. For the Vigiles in Ostia see R. Saxer, *Untersuchungen zu den Vexillationen des römischen Kaiserheeres von Augustus bis Diokletian* (*Epigraphische Studien* 1 [1967]) 110–115. For the fleets see C. G. Starr, *The Roman Imperial Navy 31 BC–AD 324* (London 1960); D. Kienast, *Untersuchungen zu den Kriegsflotten der römischen Kaiserzeit* (Bonn 1966), and now M. Reddé, *Mare Nostrum: les infrastructures, le dispositif et l’histoire de la marine militaire sous l’empire romain* (Rome 1986).

²¹So, e.g., E. Birley, “Septimius Severus and the Roman Army,” *Epigraphische Studien* 8 (1969) 63–82.

²²Zosimus 1.40.1; see R. Grosse, *Römische Militärgeschichte von Gallienus bis zum Beginn der byzantinischen Themenverfassung* (Berlin 1920) 15 ff.

basis. Nor of course did it raise direct taxes. Indirect taxes, in coin, were a different matter. No *portoria* (tolls) seem to have been raised in Italy, except in so far as the *stationes* for collecting the various regional tolls (such as the *quadragesima Galliarum*) might be situated in her ports. But there was the ancient 5% tax on the value of slaves at the moment of manumission, and another 5% tax on inheritances, instituted by Augustus, as well as the 1 or 1/2% tax on sales (abolished in Italy under Gaius) and the 4% tax on the sale of slaves, attested only in the first century (Eck 111–145). The two 5% taxes were raised by *publicani*, at least until the second century; for the *vicesima hereditarium* there were also, at least in the second and third centuries, imperial *procuratores* related to different regions of Italy. As with almost every variety of official functioning in Italy, there is a fundamental question as to what we should suppose that their functions actually were; and I would suggest that here, as in all cases, we should start from the presumption that the primary role was juridical—hearing accusations and solving disputes. Of this more later. For the moment it may be noted that the *vicesimae* represented one of the relatively few established forms of exchange of value between state and subject attested in Italy: Petronius' *Satyricon*, for instance, almost certainly reflecting first-century Puteoli, three times refers to the payment of the *vicesima* at the moment of manumission, with accounts to be settled with the *vicensimarii* (58; 65; 71).

If we are to pursue the baffling question of how to describe the relations between the population of Italy and the Roman state—that is, if we ask what sorts of exchange of any type took place, what if any general rules or individual decisions were imposed there by any central authority, and (above all) how the state exercised force there—taxation, direct or indirect, will not be the only relevant form even of purely financial exchange. The *Satyricon* also reflects another quite different form of exchange, namely the pressure to leave part of one's estate to the Emperor (76). There is no need to collect again the scattered evidence for Imperial estates, bequeathed to the Emperors, or resulting from condemnation and confiscation, which happen to be attested in Italy.²³ It is more relevant that these were felt by Tacitus to have increased since the early first century, and to have led to an extension of the extra-legal powers of those who had charge of them (*Ann.* 4.6) We should note also the significance of the first part of the *edictum* which Claudius issued from Baiae in 46: the long *controversia*, evidently over boundaries, between the Comenses and Bergalei had revealed that most of the *agri* and *saltus* concerned were Imperial property (*mei iuris*). So he had sent one of his *amici* who was to settle the question of ownership, with the

²³See D. J. Crawford, "Imperial Estates," in *Studies in Roman Property*, ed. M. I. Finley (Cambridge 1976) 35–70, esp. 67–69.

aid of his *procuratores* from that and another (?) *regio*.²⁴ That there were Imperial *procuratores* of estates in an area might be relevant to wider questions of how power was exercised, as we shall see. In this context it will be enough to recall that Imperial estates, like private ones, seem normally to have been leased out against a cash rent. We cannot begin to assess the cash income from Imperial properties in Italy; but Pliny's income from his property at Tifernum Tiberinum would have paid the salaries of two Imperial *procuratores* classed as *ducenarii* (Pliny *Ep.* 10.8).

In an indirect way that fact is also part of the exchange between state and subject. Senators could attend the Senate and occupy magistracies and other positions, of which the majority were unpaid, only as a function of having an independent income based on landed property. The familiar questions of the local origins of senators, of the maintenance into the late Empire of a solid core of senators from Italy, of the spread of senatorial status to the provinces, of how long families might maintain membership over generations—all these questions have a significant financial aspect.²⁵ Where did the properties of these families lie? Or, to put it in a different way, whose rents supported their unpaid participation in the functioning of the *res publica*? If we take a very low estimate, and suppose that the average wealth of the 600 senators was no more than twice the minimum requirement of one million sesterces, then their combined annual rental income, at 8% of their total property, will have been somewhere in the region of 100 million sesterces.

Provincial senators also were supposed to acquire a substantial holding in Italian land (Pliny *Ep.* 6.19; *HA M.Ant.* 11.8); but much of this, as Edward Champlin has pointed out, will have been, once again, in the suburban area around Rome.²⁶ The rents paid to senators, whether Italian or provincial, from Italian property, itself entirely untaxed, can thus be seen as an essential element in the maintenance of the state. Moreover, from Diocletian onwards, there was some form of direct taxation on at least some Italian land (above, 297); and from Constantine onwards there was a tax specifically related to senatorial properties, the *follis* or *collatio glebalis*. Beyond the bare mention by Zosimus (2.38) of the institution of this tax by Constantine, there seems to be no evidence at all even to illustrate its working or effects in this period in Italy, or anywhere else (Jones 431, n. 51). This aspect, like so

²⁴*ILS* 206; see U. Schillinger-Häfele, "Das Edikt des Claudius *CIL* V 5050," *Hermes* 95 (1967) 353–365.

²⁵For the relationship between the need to maintain an adequate base in property and the relative rarity of the retention of membership in the Senate over more than a few generations, see K. Hopkins, *Death and Renewal* (Cambridge 1982) ch. 3 (with G. P. Burton). For a systematic survey of the epigraphic evidence for the origins of senators see now S. Panciera (ed.), *Epigrafia e ordine senatorio*² (Rome 1982) 9–781.

²⁶E. Champlin, "The Suburbium of Rome," *AJAH* 7 (1982) 97–117.

many others, of the history of the Senate between the mid-third and the mid-fourth centuries, remains wholly mysterious. But, if this new tax was effectively imposed in Italy, it will have constituted yet another significant change in the economic relations of Italy to the Roman state.

It is no doubt naive to suppose that the volume of surviving documentation on a particular area of conflict between state and subject will accurately reflect the real importance of that area. None the less it does seem significant that we have a far more extensive and explicit dossier of complaints and disputes over the transport services which the subjects of the Empire were supposed to provide than, for instance, over direct taxation.²⁷ In the High Empire, at least, the issue concerned not a state transport system organised along particular routes, but obligations on the subjects to provide *vehicula* for any official travellers, not merely messengers armed with a *diploma*, but senatorial and equestrian officials, and soldiers in transit. These obligations were imposed, and the inevitable conflicts arose, in Italy as well. This fact is of course attested by Claudius' well-known edict, from a copy found in Tegea (*CIL* 3.7251): "Although I have often attempted to relieve the *coloniae* and *municipia*, not only of Italy but also of the provinces, and the *civitates* of each province, from the burdens of providing *vehicula* . . ." The post of *Praefectus vehiculorum* had perhaps been created, like the other major prefectures, by Augustus (*Eck* 88 ff.). If his functions (as usual) remain very obscure, the question of the obligations imposed on Italy clearly remained important: hence the much-cited coins of Nerva *VEHICULATIONE ITALIAE REMISSA* (*BMC Imp.* 3.21 nos. 119–211). Since it is patent that the actual movement of official travellers and soldiers to and from Rome cannot actually have stopped, and since they presumably did not walk carrying their provisions for the journey, the reference can only be to an alteration in the terms on which they were entitled to demand transport, accommodation, and services. *REMISSA* will not necessarily have meant the total abolition of such rights. In the fourth century and later the evidence reveals a vast network of *mansiones* and *stationes* at which waggons and horses were supposed to be maintained. But it would still be a mistake to see this *cursus publicus* (as it was now called) purely as a state, or Imperial, organisation. In fact, it involved a set of obligations imposed by the state on local communities, and was managed normally by persons nominated by the city councils (*Jones* 830–834 with notes). Again the real nature of the obligations and exchanges involved requires much more examination. The return journey of the Bordeaux pilgrim in A.D. 333, a private traveller of course, shows him going through a sequence of stopping-points called variously *civitates*, *mutationes*, and *mansiones* from Otranto to Capua, Rome, Ariminum, and

²⁷See S. Mitchell, "Requisitioned Transport in the Roman Empire: a New Inscription from Pisidia," *JRS* 66 (1976) 106–131.

Mediolanum. But what the journey of an *official* traveller over this route would have involved for the communities he passed through still remains obscure.

The movement of a whole unit, or an army, was a different matter, imposing an immediate large-scale obligation to provide supplies (*annona* or *copiae*). A scatter of inscriptions of equestrian officers shows men assigned to this task, including one who was *praepositus annonae expeditionis felicissimae urbicae*; the *urbica expeditio* was certainly Septimius Severus' march on Rome in 193.²⁸ The Emperor, whether or not going to or returning from a campaign, will always have had a military escort (at least one Praetorian Cohort?), so demands for *annona* will have followed.²⁹

In Diocletian's new taxation system, so it is often claimed, direct taxation and the provision of supplies for the army were united in a single system, which essentially transformed taxation and payment of troops in coin into an exchange involving the direct provision of taxes in kind for the army. That may be so; but in this case above all the entire question needs re-examination. For the moment we can only return to the evidence that Imperial forces will have been stationed in N. Italy, at any rate from the mid-third century onwards. There is nothing whatever, to my knowledge, to indicate that regular units were stationed in central and southern Italy at any time up to the reign of Constantine. This contrast clearly lies behind the allusion in Aurelius Victor to the imposition of taxation on "part" of Italy.

Finally, before turning back to some aspects of Italy under the Principate, it is necessary to consider two great changes of the early fourth century which fundamentally affected, or would have affected, the cities of Italy, as of everywhere else. One of them, however, never occurred; the other, of considerable importance in my view, has not been given the attention it deserves. The one which never occurred is the general confiscation of city lands—landed property owned by cities—by Constantine or Constantius. It was not often that A. H. M. Jones misunderstood something. But in this case it seems clear that he attributed to a specific action by the state what was in fact a perennial effect of private acquisitiveness. The view that city lands were taken away by Constantine is now established doctrine, reappearing specifically, for instance, in Bryan Ward-Perkins' recent book on public construction in Italy from the fourth century to the ninth.³⁰ That would

²⁸For these inscriptions see H.-G. Pflaum, *Les Carrières procuratoriennes équestres sous le Haut-Empire Romain* 1.483–484.

²⁹Note esp. Pliny *Pan.* 21, contrasting the burdens imposed by journeys of Domitian and of Trajan. cf. Statius *Silvae* 4.9.16–19, which Eck (91) is surely wrong (for once) to take as a reference to the *praefectura vehiculorum*. See rather E. Champlin, "Pegasus," *ZPE* 32 (1978) 269–278. On the organisation and supply of Imperial journeys, see now H. Halfmann, *Itinera Principum* (Stuttgart 1986) ch. 2.

³⁰B. Ward-Perkins, *From Classical Antiquity to the Middle Ages: Urban Public Building in Northern and Central Italy A.D. 300–850* (Oxford 1984) 22.

indeed have been a major change, if it had in reality accompanied the well-known process of the despoliation of temple treasures. But in fact the evidence which Jones himself cites makes clear that the lands which Julian set out to restore to the cities had not been taken by any Emperor, but had been occupied by private persons, in a way which can be easily paralleled from the earlier Imperial period.³¹ Julian was attempting to strengthen the rights of the cities to their own properties and the income from them, just as he attempted to strengthen their claims to the services of their own citizens.

This latter issue reflects the fundamental change in the relations of state and city which did in reality occur around A.D. 300.³² In the earlier Empire neither equestrian rank nor the holding of equestrian office conferred any permanent immunity from the *honores* and *munera* of a man's native city; the same may even be true, though this is less certain, of senatorial rank and office. At any rate it is abundantly attested that members of both orders did hold office, discharge functions, and spend money in their cities. Around 300, however, the Emperors came to concede a quite new significance to a variety of ranks in the Imperial service (like the *egregiatus* or the *perfectissimatus*) and to the status of ex-office-holder (*ex protectoribus* and so forth). This significance was precisely that these ranks and statuses, derived from roles in the Imperial service (including often nominal or fictitious service), could now confer a life-long immunity from the obligations of *curiales* in the cities. In this respect therefore the so-called "caste-society" of the later Roman empire was no such thing. There was instead a running battle, whose preconditions had been created by the state itself, and which was waged along the frontiers of curial and imperial status. In subsequently trying to prevent *curiales* from acquiring Imperial statuses, the Emperors were facing the consequences of the privileges which they themselves had allowed to be attached to these statuses. The situation which obtained after 313 with regard to the *clerici* of the Christian church was exactly analogous. For they too were granted immunity, and it was equally this very fact which then

³¹Jones 732 and n. 44. None of the evidence cited specifically proves the loss of city lands *to the state* by order of Constantine or Constantius; and in particular Libanius, *Or.* 13.45 and *CJ* 11.70.1 show that what was involved was the improper possession of public property by private individuals. *CTh.* 10.3.1, ordering the recovery and leasing out of *possessiones publicae*, can be seen in the same context, as can Libanius *Ep.* 828. Here, it is true that a house to which the city of Tyre was laying claim is said by Libanius to have been granted by an Emperor to someone as a reward for his services. But the issue again arose within the context of an instruction by Julian that the cities should recover their property (κελεύει δέ, ὡς ἔσμεν, ὁ βασιλεὺς τὰς μὲν πόλεις τὰ αὐτῶν κομίζεσθαι). This same order lies behind Ammianus' brief statement (25.4.15): *vectigalia civitatibus restituta cum fundibus*.

What is argued here does not imply any conclusion about the control of city properties in the period after Julian.

³²For what follows see F. Millar, "Empire and City, Augustus to Julian: Obligations, Excuses and Status," *JRS* 73 (1983) 76–96.

made it necessary for Emperors to try to prevent *curiales* from entering the clergy. From the point of view of each city, therefore, a gulf had opened up between the declining group of *curiales* upon whom local obligations could still be imposed, and those local landholders who had acquired a permanent immunity by real or fictitious Imperial service, or by the possession of an Imperial status. It was this, namely a change in the rules, and not a direct confiscation of resources, which transformed the position of the cities in the fourth century. The wealth concerned was not removed from the locality by the state, but the cities were unable to tap it for their communal needs.

In this respect of course the cities of Italy were in no different situation from those elsewhere. Many different aspects of this complex conflict are reflected, for instance, in the letter which Constantius II wrote to the town council (*ordo*) of Caesena in Aemilia from Milan in 354 (*CTh* 12.1.54). He begins with nominal ranks gained by influence (*suffragium*):

If any persons are discovered to have gained the rank of *ex praesidibus* or the *perfectissimatus*, let them, while retaining the *dignitates* which they gained by *suffragium*, none the less remain as members of their *ordo*, let them perform curial *officia*, and let them be liable to the duty of performing municipal *munera*, a duty which they share with you. But if anyone has secured the insignia of the *clarissima dignitas*, and has not been able to obtain confirmation of the favour granted to him by producing (the relevant) *codicilli*, let him lose the benefit of the *dignitas* which he had acquired

If we go back to the beginning of the Empire, the *coloniae* and *municipia* of Italy still formed something like a distinct and privileged political corporation. Augustus could boast of the unprecedented crowds which had come from all over Italy for his election as Pontifex Maximus (*Res Gestae* 10.3), and would make appointments to military tribunates on the public recommendation of each town; the group concerned will be those described on inscriptions as *tribuni militum a populo*, all from the Augustan age and all from Italy.³³ As the important new bronze inscription from Baetica shows, when the Senate passed honours for the deceased Germanicus in December, 19, they expressed the wish that the consuls would post up the *s.c.* with their own *edictum*, and order the magistrates and ambassadors of the *municipia* and *coloniae* to take copies and send them to the *municipia* and *coloniae* of Italy, and to those *coloniae* which there were in the provinces.³⁴ By the time Claudius came in 48 to defend to the Senate the idea of accepting senators from Gaul, there had been a slight shift in the terminology used. "But was it a novelty that Divus Augustus, my *avunculus*, and Tiberius Caesar, my

³³Suet. *Aug.* 46; see C. Nicolet, "Tribuni militum a populo," *MélRome* 79 (1967) 29–76.

³⁴J. González, "Tabula Siarensis, Fortunales Siarenses et Municipia civium Romanorum," *ZPE* 55 (1984) 55–100. The reference is to frag. II, col. b, ll.22–26 (p. 76).

patruus, wanted all the flower of the *coloniae* and *municipia* everywhere, provided that they were respectable men and rich, in this *curia*?" (*ILS* 212).

Augustus had also, as Suetonius saw it (*Aug.* 46), populated Italy with 28 *coloniae* (above, 295), and up to a certain extent given them equal rights and dignity with Rome by allowing the *colonici decuriones* to send in written and sealed votes in the elections for the magistracies in Rome. But no extensive programme of colonial foundation or settlement of veterans was ever attempted again. Only Nero and Vespasian engaged in relatively limited settlements in Campania and southern Italy. Thereafter there were none.³⁵ This progression, from a large-scale programme continuing those of Sulla, Caesar, and the Triumvirs, to intermittent minor activity, to total cessation, of course matches the steady decline in legionary recruitment in Italy, on which all studies concur.³⁶ While Italian recruits for the legions never entirely disappeared, it seems that in the second century regular levies were held in Italy only at moments when new legions were being formed, two under Marcus Aurelius and three under Septimius Severus.³⁷

The legions apart, there were also some auxiliary units raised in Italy, the *cohors Apula* and *cohors Campana*, two *cohortes Italicae voluntariorum civium Romanorum*, and some 32 *cohortes voluntariorum civium Romanorum*; what proportion of the latter were ever recruited from Italy remains wholly obscure. But, apart from the two or six *cohortes ingenuorum civium Romanorum* raised in Rome in the crises of A.D. 6 and 9, the entire question of these Italian or citizen cohorts awaits clarification.³⁸ No such problem arises over the Urban Cohorts, whose soldiers came predominantly from central Italy and to a lesser extent from the North; on our evidence less than 10% of them came from the provinces.³⁹ A similar pattern prevailed for the Praetorian Cohorts, at least until Septimius Severus dismissed the existing soldiers and replaced them with men from the provincial armies; thus, as Dio complains, causing the youth of Italy to turn to banditry, and filling the city with men of barbarian appearance and conduct. Thereafter, through the third century, though Italians were not excluded, the Praetorians continued

³⁵L. J. F. Keppie, "Colonisation and Veteran Settlement in Italy in the First Century AD," *BSR* 52 (1984) 77–114.

³⁶See G. Forni, *Il reclutamento delle legioni da Augusto a Diocleziano* (Milan 1953); *idem*, "Estrazione etnica e sociale dei soldati delle legioni nei primi tre secoli dell'impero," *ANRW* 2.1 (1974) 339–391; J. C. Mann, *Legionary Recruitment and Veteran Settlement during the Principate* (London 1983).

³⁷Note J. C. Mann, "The Raising of New Legions during the Principate," *Hermes* 91 (1963) 483–489.

³⁸For the available evidence see M. Speidel, "Citizen Cohorts in the Roman Imperial Army: New Data on the Cohorts Apula, Campana, and III Campestris," *TAPA* 106 (1976) 339–348 (= *Roman Army Studies* 1 [1984] 91–101).

³⁹See H. Freis, *Die Cohortes Urbanae* (*Epigraphische Studien* 2 [1967]) 50 ff.

to be recruited primarily from the provincial legions.⁴⁰ Valerius Clemens, *natione* Italus, who was discharged from the Praetorian Cohorts in 306, and whose diploma was found near Grosseto, was clearly not typical.⁴¹ He will have left the service just before the coup d'état of Maxentius, whose rule from 306 to 312 was to represent the last Imperial régime based on Rome and Italy. What this meant for Italy, in terms of taxation, the raising of forces and the structure of society, is a question which could and should be pursued.

It should be noted however that the patterns of military recruitment have largely been studied through inscriptions, which notoriously decline in numbers in the third century and after. Did the role of N. Italy as a theatre of war in the third century, its provincialisation under Diocletian, the rule there of Maxentius, or the different procedures for recruiting in the fourth century mean that soldiers were again regularly raised there? To my knowledge there has been no study of recruitment by regions in the earlier fourth century, any more than there has of the geographical distribution of the army then. It may have been a sign of the future when the soldiers whom Maximinus used in the 230s for building roads in N. Italy were the *tirones iuventut(is) novae Italicae suae, dilectus posterior(is)*.⁴² The Roman army of the mid-third to mid-fourth centuries still awaits detailed study.

In the fourth century, as is known, the sons of veterans were legally obliged to serve, unless physically disabled. While no such laws can ever have been universally effective, this one did affect at least the future St. Martin, living at Ticinum (Pavia) (Sulpicius Severus, *Vita S. Martini* 2). In the fourth century also, and possibly earlier, landowners were liable for the production of recruits, while the state could if it wished raise a tax in cash (*aurum tironicum*) instead.⁴³ Once again, if we knew whether or how early such a system applied in Italy, it would be important for our conception of the relations of state and subject there.

Whatever the uncertainties in this area, we can assume that the demands of the state, in whatever form, will necessarily have been mediated by, or refracted through, the social structures of the individual communities. Thus wherever, as in Italy, there were rich, landowning families with substantial estates, that will have affected how the demands of the state were channeled. We should recall here the important observation from the earlier Imperial period contained in the *Corpus Agrimensorum* (1.1, ed. Thulin, 45):

⁴⁰Dio 75.2.4–6. See M. Durry, *Les Cohortes prétoriennes* (Paris 1938) 247–251; A. Passerini, *Le coorti pretorie* (Rome 1979) 171–183.

⁴¹M. M. Roxan, *Roman Military Diplomas 1954–1977* (London 1978) no. 78. Note also M. Roxan, "The Distribution of Roman Military Diplomas," *Epigraphische Studien* 12 (1981) 265–286.

⁴²*CIL* 5.7989 = *ILS* 487; 7990; *AEpigr* 1953, 31; 1979, 256–257.

⁴³See M. Rostovtzeff, "Συντέλεια Τυρώνων," *JRS* 8 (1918) 26–33; Jones 615–616.

Some types of *controversiae* between cities and private persons do not arise readily in Italy, but do so frequently in the provinces, especially in Africa, where *privati* own *saltus* which are of no lesser extent than the *territoria* of the cities; indeed many own *saltus* which are much larger than *territoria*. They have a not inconsiderable labouring population on their private *saltus*, and *vici* round the villa which resemble *municipia*. The cities tend to raise *controversiae* concerning the law of the *territorium*, on the grounds that they claim the right to impose *munera* on such and such a section of land, or to levy a recruit (*tiro*) from a *vicus* or to impose transport services (*vecturae*) or the delivery of supplies (*copiae*).

These and comparable issues will certainly have arisen in Italy, as soon as the state deployed troops there, and raised recruits or levied taxes, whether in cash or kind.

One of the most valuable steps that could be taken towards an understanding of Imperial Italy would be precisely an edition, with translation and commentary, of the *Corpus Agrimensorum*. One of the many things which the works of the *Agrimensores* illustrate is the long-term effect on local property-relations, and power-structures, of the colonisation programme of the second half of the first century B.C. Even when, as we saw, colonisation itself had ceased, its after-effects did not. These effects included, but were not confined to, major issues such as that of Vespasian's claim on all the *subseciva*, plots of land unallotted at the moment of foundation of a *colonia*; this led to embassies coming from all over Italy to protest, to a partial concession by Titus, and to a complete withdrawal of the claim by Domitian.⁴⁴ Similarly, the allotment to veterans of land in Samnium by Vespasian led quickly to confusion over property rights, by the addition and sale of plots, and the customary use of natural features or roads to delimit boundaries (*Corpus Agrimensorum* 62, 95). Another fruitful cause of dispute was the preservation of *loca sacra*, a duty conspicuously laid down in the *mandata* which *legati* received from the Emperor. But in Italy, as Agennius Urbicus explains, this was not so easily achieved. For the *densitas possessorum* meant that much impropriety took place, and *possessores* simply occupied *luci sacri* which were legally the property of the *populus Romanus*, even if located within the *fines* of *coloniae* or *municipia*. This too led to frequent *quaestio* as between cities and *privati* (*Corpus Agrimensorum* 48).

This brings us to the second question about Imperial Italy. How, by whom, and in what ways was power exercised? Did Italy live, in a more specific sense than the provinces, within the decision-making structures of the Roman *res publica*, or under the jurisdiction of its magistrates? Or was it the Emperor to whom cities and individuals turned? Is the appointment of *Consulares* to regions of Italy by Hadrian, of *Iuridici* and *Correctores* later, or of *Curatores* of individual cities, to be seen as the extension of state

⁴⁴*Corpus Agrimensorum Romanorum*, 1.1, ed. C. Thulin (Stuttgart 1971) 41, 96–97.

power, and an intrusion on the autonomy of the cities? What physical force was available either to these senatorial officials or to the cities themselves for the maintenance of order? Or was order in fact not maintained? This last might mean various different things. Local notables might have exercised power in such a way that local organs of communal decision-making could not effectively challenge the interests of important individuals; legal sources of the earlier fourth century do indeed reflect the fact that lower courts might be unable to resist the influence of *potentiores*.⁴⁵ Even earlier, Callistratus applies the concept of being *in vinculis* (and hence unable to appear in court) not only to those in *publica custodia* but to anyone oppressed by *latrones* or *praedones* or *potentior vis* (Dig. 4.6.9); similarly, it was allowable for a man physically detained by *potentiores* to escape to a statue of Caesar (Dig. 48.19.28.7). Actual force might, alternatively, have been exercised by employees of the Roman state; that is, since there was no other substantial body of such employees, by the army or by men from the fleets. Or it might have been exerted by the local communities; but what militias, if any, did the cities themselves possess? They certainly might have a prison (*carcer* or *custodia publica*; Millar [note 14] 130–132); and it is striking that the *Corpus Agrimensorum* (once again) states that cities regularly have suburban sites destined for *noxiorum poenae* (1.1, 47), which must surely mean executions. The implication is confirmed for one Italian *colonia*, Puteoli, by an inscription laying down the duties of the *libitinarius* in relation to executions carried out *publice* by the *magistratus* (AEpigr 1971.88.II.11–14). In both cases the allusion *may* be solely to the execution of slaves; but neither text says so explicitly.

But if the cities had the means, once a criminal had been apprehended, to retain him in custody or carry out his execution, it does not follow that they had either the political will to enforce the law against local *potentiores*, the police resources for the maintenance of public order, or the concentration of physical force necessary for confronting groups of bandits. The question of bandits in the Roman Empire has recently been raised by Brent Shaw; on the face of it, Italy seems to present a prime case of what he calls the “imperfect control of the central state over the whole geographic regions which were surrounded by its forces but which were inadequately penetrated by its institutions.”⁴⁶

For Italy as a whole throughout the period we are confronted by a general question; was legal force exercised by the Roman state, by the cities, by the two in concert, or by neither? Or did there lie, behind the formal apparatus of Emperor, courts, magistrates, and Imperial officials of various kinds on

⁴⁵See, e.g., A. Wacke, “Die *potentiores* in den Rechtsquellen. Einfluss und Abwehr gesellschaftlicher Übermacht in der Rechtspflege der Römer,” *ANRW* 2.13 (1980) 562–607.

⁴⁶Brent D. Shaw, “Bandits in the Roman Empire,” *Past and Present* 105 (1984) 3–52, at 30.

the one hand, and the cities with their councils and magistrates on the other, some alternative power-structures based on patronage, the possession of large properties and groups of slaves, or influence exercised locally, or in Rome, or with the Emperor? Some hints as to possible patterns in the exercise of power are, I think, provided by the well-known inscription from Saepinum relating to the movement of flocks. In spite of recent arguments, I still believe that the problem at issue in this document had nothing to do with the taxation of all transhumant flocks. In my view the interests of the *fiscus* came in solely because flocks owned by the Emperor were among those which used this route.⁴⁷ The inscription, from the reign of Marcus Aurelius, contains letters from an Imperial freedman to the *a rationibus*; from the *a rationibus* to the Praetorian Prefects, Bassaeus Rufus and Macrinus Vindex; and from the Praetorian Prefects to the magistrates of Saepinum. The important feature is that an issue has arisen because the magistrates and *stationarii* at Saepinum and Bovianum (to which, presumably, a separate letter was sent) had been descending on the *pastores* driving flocks of sheep, claiming that the *pastores* were *fugitivi* and the animals stolen; in the resultant *tumultus*, which it is easy to imagine, sheep, including Imperial ones, had got scattered and lost. The Praetorian Prefects write in threatening terms to the magistrates telling them to leave the *conductores* of flocks alone; if not, it might be necessary *cognosci de hoc*.

Does this exchange imply that communal jurisdiction and public order throughout Italy were now the concern of the Praetorian Prefects? One famous anecdote might support this hypothesis, namely Dio's story of Felix Bulla, the leader of 600 bandits who terrorised Italy for two years under Septimius Severus, evading capture (significantly) by *megalodoria*; he rescued two of his men from a local prison by pretending to be a local magistrate who needed them for a wild-beast show, captured and executed a centurion, and was finally trapped by a Praetorian Tribune and interrogated by the Praetorian Prefect, Papinian (76.10). Legal evidence confirms that Severus laid down that Italy *within* 100 miles from Rome came under the civil and criminal jurisdiction of the Prefect of the City (*Dig.* 1.12), and outside that under the Praetorian Prefect (*Coll.* 14.3.2).

The Praetorian Prefects, however, clearly could and did warn the local magistrates to desist from police activities which were damaging to the Imperial wealth. Might not the agents of lesser *potentiores* have been able to do the same? These activities had been reinforced by *stationarii*. Are these to be seen as a local militia? The whole question needs to be re-examined. It is, once again, just over a century since the last comprehensive treatment, R. Cagnat's *De municipalibus et provincialibus militiis* (1880); and exactly a

⁴⁷*CIL* 9.2438; for the different interpretation mentioned, see M Corbier, "Fiscus and Patrimonium: the Saepinum Inscription and Transhumance in the Abruzzi," *JRS* 73 (1983) 126–131.

century since Henzen published an inscription from near Pisaurum honouring a Praetorian *evocatus* who in the 240s was operating with soldiers from the Ravenna fleet *ad latrunculum*, and surveyed the scattered evidence for the use of official force to maintain order in Italy.⁴⁸ The despatch of Praetorian cohorts to deal with specific disorders is of course well-known, as at Pollentia under Tiberius, complemented by a force from the Cottian Alps (Suet. *Tib.* 37), or at Puteoli under Nero (Tac. *Ann.* 13.48). It would be much more important to know whether the *stationes militum* which Tiberius is said to have posted more intensively in Italy (Suet. *Tib.* 37) represented the beginning of an established system. In other words might the *stationarii*, doing what appeared to be their duty in Saepinum and Bovianum, in fact have been Praetorians on police duties? It may be relevant that after the establishment of the *legio II Parthica* at Alba, inscriptions attest two of its soldiers on police duties elsewhere in Italy, an *optio* in the reign of Severus himself at Luna (*CIL* 11.1322 = *ILS* 2371), and under Philip a *stationarius* who made a dedication in the *municipium* of Aveia in the territory of the Vestini (*ILS* 9087), far from any major road.

There is indeed some indication that throughout the Empire soldiers on police duty came to act in collaboration with, or under the effective orders of, the local magistrates (Millar [note 14] 130–132). If the *stationarii* at Saepinum and Bovianum were not Praetorians, the word must be applied here to a strictly local force. But I do not know any certain evidence of that, or indeed any concrete evidence for local militias anywhere in Roman Italy. The question of who, if anyone, in Imperial Italy exercised force in the name of the law remains remarkably open.

However, if I am right in saying that the Praetorian Prefects are intervening to *stop* police operations which were disadvantageous to the interests of the *fiscus*, is that not a model for how things might have worked on a local basis? It is not only that Tacitus, as we saw (above, 302), noted that when Imperial estates were relatively rare in Italy the officials in charge of them were still subject to normal legal processes. Other *potentiores* might imprison people (above, 311), and cities might find it hard to impose services on large neighbouring *saltus* (above, 302), or even recover possession of sacred sites (above, 310).

When issues arose between city and city, or within a city over public funds or property, or between a city and a private person, especially one who was *potentior*, and if the communal rights could not be enforced, recourse will have been necessary to some outside or higher authority. This is surely, as is now generally recognised, the background to the appointment, from the late first century onwards, of Imperial officials for cities and

⁴⁸G. Henzen, "Iscrizione trovata presso la galleria del Furlo," *RömMitt* 2 (1887) 14–20; now *CIL* 11.6107 (= *ILS* 509).

regions in Italy. There is no need to rehearse once again the evidence for *Curatores* of individual cities;⁴⁹ for the *Consulares* briefly introduced by Hadrian (Appian *BC* 1 38/172, Eck ch. 7); for the *Iuridici* and their varied regional distribution, between the reigns of Marcus Aurelius and Aurelian;⁵⁰ for the Senatorial *Correctores* who appear in Italy in the third century, to become the established governors of the regions of Italy after Diocletian, sometimes with the title *Consulares*; or for the *Vicarii* who appear in the early fourth century.⁵¹ It is more important to see such officials, none of whom commanded any military force, in the context of the means of redress, or the sources of judicial decision or arbitration, available to Italian communities and individuals under the Empire. Much, as usual, remains unclear. How far was the jurisdiction of the praetors in Rome used by individuals in Italy? We would not have expected the legal procedures current in first-century Puteoli to include the giving of *vadimonium* to appear in the Forum Augustum in Rome, as the documents from Murecine show that they did.⁵² The publication by J. G. Wolff and J. A. Crook of revised texts of these documents, with extensive legal commentary, can be expected to shed a flood of light on the application of Roman law in Imperial Italy, and its role in the lives of individuals.

For communities, although Nero claimed that Italy and the public provinces would henceforth have recourse to the *consulum tribunalia* (Tac. *Ann.* 13.4), the evidence for embassies before the Senate, or for *senatus consulta* concerning the affairs of individual Italian cities, is not extensive.⁵³ But we may note on the one hand the general s.c. of A.D. 44/6 promoted by Claudius, and fulfilling the Emperor's care for the *totius Italiae aeternitas* by forbidding the demolition of buildings for their materials—and then the exemption from this provision gained in 56 for Alliatoria Celsilla, the wife of

⁴⁹See Eck ch. 6; R. Duthoy, "Curatores rei publicae en Occident durant le Principat. Recherches préliminaires sur l'apport des sources épigraphiques," *Ancient Society* 10 (1979) 171–238; G. Camodeca, "Ricerche sui curatores rei publicae," *ANRW* 2.13 (1980) 453–534. See also G. P. Burton, "The Curator Rei Publicae. Towards a Reappraisal," *Chiron* 9 (1979) 465–487. For the prosopography of *curatores* see now F. Jacques, *Les curateurs des cités dans l'Occident romain de Trajan à Gallien, Études Prosopographiques* (Paris 1983). For a detailed discussion of the functions of *curatores* see now the major study by F. Jacques, *Le privilège de liberté: Politique impériale et autonomie municipale dans les cités de l'Occident romain* (161–244) (Paris 1984, Collection de l'École française de Rome 76).

⁵⁰M. Corbier, "Les circonscriptions judiciaires de l'Italie de Marc-Aurèle à Aurélien," *MélRom* 85 (1973) 609–690; W. Simshaüser, *Iuridici und Munizipalgerichtsbarkeit in Italien* (Munich 1973); M. Bonello Lai, *AnnFacLett Cagliari* 38, ns 1 (1976/7) 57 (*non vidi*); Eck ch. 7.

⁵¹A. Chastagnol, "L'Administration du Diocèse Italien au Bas-Empire," *Historia* 12 (1963) 348–379; T. D. Barnes, (above, n. 7) 143–144; 161–165.

⁵²See, e.g., *AEpigr* 1969/70, 96; 1978, 134, 139. See L. Bove, *Documenti processuali dalle Tabulae Pompeianae di Murecine* (Naples 1979) 50 ff.

⁵³See now R. J. A. Talbert, *The Senate of Imperial Rome* (Princeton, N. J. 1984) esp. 384, 417.

an *ornatissimus vir*, by request to the Senate via her *necessarii* (*FIRA*² 1, no. 45). On the other hand there is the striking case recorded by Pliny (*Ep.* 5.4; 13) where the city of Vicetia brought an action before the Senate to prevent a praetorian senator from initiating *nundinae* on his property; but their *advocatus* failed to appear, scared off by warnings from his friends as to the danger of opposing, in the Senate above all, the will of a senator who was now in conflict not so much about his *nundinae* as his *gratia*, *fama*, and *dignitas*. Both issues afford significant hints as to the various forms of influence which could be exercised by members of the upper classes to secure their own interests.

We need not doubt that the possibilities of effective recourse to Senate or Emperor for Italian communities were profoundly affected by the network of senatorial and equestrian landholding in their territories. Eck has suggested that the relatively slight evidence for embassies from Italian towns might be explained by the functioning of patronage in its place (Eck 15). That is possible, though the extensive evidence for city *patroni* in Italy does not contain many instances of effective intervention by well-placed patrons from the locality:⁵⁴ the two clearest and best-known instances are the request of Minicius Italus to Trajan for the right of Aquileia to impose *munera* on *incolae* there (*ILS* 1374), and the similar role of a senator from Tergeste, Fabius Severus, in cases on behalf of the city before Antoninus Pius (*ILS* 6680). It is, however, noteworthy that cities and communities in Italy continued into the fourth century to pass honorific decrees appointing *patroni*. When the *ordo* of Peltruinum passed a decree in 242 that Nummia Varia should be the *patrona praefecturae nostrae* they did so in the hope of being *tuti ac defensi* as a result (*ILS* 6110 = Sherk 20). So too Paestum, in its decrees passed in the reigns of Constantine and Constantius, hoped for the favour of its *patroni* (Sherk 23–25). But the real functioning and significance of that patronage system is not at all clear. Locally, the presence of senatorial landowners may often have limited rather than increased the freedom of action of city councils; how far these and others, as *patroni*, could and did aid their cities in relation to the central powers, remains open to question. When a significant innovation was in question, an Italian community could still, throughout the period, approach the Emperor directly. The clearest proof is of course Constantine's reply to Hispellum in the last few years of his reign (*ILS* 705): they had requested to be allowed to give the name "Flavium" to their city; to build there a temple of the *Flavia gens*; and to be able to hold a theatrical and gladiatorial festival separate from that at Volsinii.

⁵⁴See A. Sofredi, "Il patronato in Italia alle luce delle iscrizioni latine," *Epigraphica* 18 (1956) 157–172; L. Harmand, *Le patronat sur les collectivités publiques* (Paris 1957); R. Duthoy, "Quelques observations concernant la mention d'un patronat municipal dans les inscriptions," *AntCl* 50 (1981) 295–305.

All this they obtained, without apparent recourse to *patroni*, or reference to the *Corrector* of Tuscia and Umbria or the *Vicarius* of Italy.

The same of course was frequently achieved by provincial cities. The question of the gradual "provincialisation" of Italy is perhaps ultimately of significance not because this expression is itself necessarily misleading, but because it also throws into relief the very limited functions performed by the provincial governors themselves in civilian contexts. *Curatores*, as recent studies by Eck, Camodeca, Burton, and Jacques (above, note 49) all agree, were not in fact there to perform or usurp the functions of cities. Their formal role was to act as a point of recourse when issues arose over the disbursement of city funds or the use of public property. When the magistrates and decuriones of Caere wrote in 113 to their *curator* to request his assent to the allocation of a public site for a building, he was elsewhere, and needed only to write a formal letter of assent. But objections might have been made, and he *could* anyway have said no. In that case of course there would have been no inscription to record this transaction (*ILS* 5918 = Sherk 51).

Similarly, the *Iuridici*, as their title makes clear, were there to give justice (*iura reddere*), as had been Hadrian's *Consulares* (*HA M. Ant.* 11.6). They too were a point of recourse, as is clear above all in the *senatus consultum* of the 170s on the price of gladiators.⁵⁵ Its provisions were to be enforced on the *lanistae* by the governors; in Transpadana and the *regiones* of Italy the relevant *arbitrium* was a matter for the *Praefecti Alimentorum*, if present, or a *Viae Curator*, or, if none were available, a *Iuridicus* or Prefect of the Fleet—in short any official to whom an interested party could gain access. There were after all only some six *Iuridici* throughout Italy. Even where they are recorded as having taken steps in relation to the *annona* of a city,⁵⁶ these should not, I suggest, be interpreted as having been administrative measures, for which they had no resources, but as legal ones, comparable to the *edictum* of Antistius Rusticus in Antioch in Pisidia in 93, by which those with corn were compelled to put it on the market, under threat of penalties (*AEpigr* 1925.126). Precisely as with a governor, the single *Iuridicus* of a substantial area could in the nature of the case only rule on those issues, disputes, or crises which were brought to his attention. Like the *Correctores* who became the established governors, or equivalents of governors, in Italy in the early fourth century, each *Iuridicus* functioned in an area containing a population of several hundred thousand people, and had no military forces at his disposal. When we come to these fourth-century *Correctores*, our knowledge, previously so dependent on formal inscriptions, now derives

⁵⁵J. H. Oliver and R. E. A. Palmer, "Minutes of an Act of the Roman Senate," *Hesperia* 24 (1955) 320–349.

⁵⁶See, e.g., *ILS* 1118 (Concordia); *CIL* 11.377 (Ariminum).

largely from legal sources. But it still may not be misleading if we see them essentially as judges, in both civil and criminal cases. Thus, to take only two instances, Constantine writes in 316 to Hilarianus, *Corrector* of Lucania and Bruttii, about the treatment of *decuriones* accused of aiding the falsification of a will (*CTh* 9.19.9; *CJ* 9.22.2); or to his predecessor in the previous year about the necessity of retaining cases before his own court, and preventing appeals to *Vicarii* or Praetorian Prefects (*CTh* 1.16.1).

That was one real change in the government of Italy, the creation of several tiers of jurisdiction. Another, perhaps more significant, was that the issues to be decided now included those relating to the payment of direct taxes. So Constantine laid down to the *Consularis* of Aemilia and Liguria in 323 that imperial properties in Italy (*fundi patrimoniales adque enfyutenticarii per Italiam nostram*) were liable for the regular taxes (*canonica*), but were exempt from the *extraordinaria* (*CTh* 11.16.2). So too we can see in Italy, but also elsewhere in the Empire, a change whereby the persons who take credit for buildings in cities are not so much local benefactors or magistrates as *Curatores* and *Correctores*.⁵⁷ A prime case is the inscription recording the construction of the temple of Deus Sol in Comum under Diocletian and Maximian: *T. Fl. Post. Titianus v.c., corr. Ital., perfecit ac dedicavit, curante Axilio Iunior v.c., curatore* (*AEpigr* 1919.52). In this way, in words displayed for every passer-by to read, a new structure of authority and initiative was made visible. More significant still is the inscription recording the reconstruction of the walls of Verona in 265, *iubente sanctissimo Gallieno Aug. n., insistente Aur. Marcellino v.p., duc. duc., curante Iulio Marcellino* (*CIL* 5.3329). In N. Italy at least, external pressures had now caused the Roman state, in the person of the Emperor and his army and its officers, to fall back, or collapse inwards, on to a world of self-governing *res publicae*.

Even now, however, there was another Italy, where the state exercised no more than civil jurisdiction, and where in specific contexts the cities could still look to quite different sources of central authority. For in 289 we find the *decuriones* of Cumae appointing a new priest of the Magna Mater, and having their decision, and the priest's right to wear an armlet and *corona* within the bounds of the city, approved in a formal letter by the college of the *Quindecimviri Sacris Faciundis* in Rome.⁵⁸ Diocletian and Maximian, with their deep commitment to Roman religious traditions, would no doubt have approved also. But they did not need to be asked.

Imperial Italy still does not have a history. I have however attempted to find a number of factors within the overall evolution of the Roman state which might have contributed to social change in Italy. Very little in this is

⁵⁷See esp. Ward-Perkins (above, n. 30) ch. 1 and App. 1.

⁵⁸*CIL* 10.3698 = *ILS* 4175 (= F. F. Abbott and A. C. Johnson, *Municipal Administration in the Roman Empire* [Princeton, N. J. 1926] no. 149.)

at all clear; but one factor which, in a very general way, is suggestive is the imposition of court and army and taxation in N. Italy in the course of the third century.⁵⁹ Elsewhere in Italy the Roman state was present in various very limited ways—the jurisdiction exercised by the few *Iuridici* or *Correctores*, the need for cities to gain the consent of *Curatores* for expenditures, the raising of some indirect taxes, the recruitment of soldiers first for the legions and some citizen cohorts, then (in effect) only for the units in Rome—and in the third century only for the *Cohortes Urbanae*. In what forms and to what extent taxation and recruitment were imposed on all of Italy in the early fourth century still remains quite uncertain. But there is still nothing to indicate that substantial forces were stationed there except in the North. Italy thus still presents fundamental puzzles. Firstly, can it really be true that there was no significant exchange of economic and human resources between Italy and the Empire of which it was a part? And, secondly, if the state did not exercise power and physical force there, who did?

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⁵⁹Since this paper was delivered, and revised for publication (both in 1985), a number of important relevant works have appeared, some of which are noted above. But it has not been possible to take account of by far the most significant of them, the papers contained in A. Giardina (ed.), *Società romana e imperio tardoantico* 1–4 (Rome and Bari 1986), esp. vol. 1: *Istituzioni, ceti, economie*, and vol. 2: *Roma: politica, economia, paesaggio urbano*. Note above all, for its relevance to the central theme of this paper, A. Giardina, “Le due Italie nella forma tarda dell’impero,” 1.1–30.