

XIV.—*Curiales* in the Correspondence of Libanius

ROGER PACK

UNIVERSITY OF MICHIGAN

The first four centuries of the Christian era witnessed drastic changes in the spirit and character of municipal government. Admittance to the town senates (*curiae*) was at first the eagerly desired award for election to the local magistracies, but in course of time the holding of these dignities (*honores*) came to be limited to those who were already *decuriones* or *curiales* by virtue of social rank as expressed chiefly in terms of property. As the stresses of administration multiplied it was a natural step for such *honores* to be transformed into *munera*, duties more or less willingly accepted by those who were alone qualified to discharge them. The spread of the liturgical system and the transference of tax-collection from the *publicani* to the local governments were also factors in the complex process which finally reduced the *curiales* from the proud status of lesser senators to that of an hereditary and compulsory guild. This trend is of course familiar, and in treating the social history of the later Roman Empire it has long been a commonplace to say, in effect, that their burdens weighed so heavily upon the *curiales* that they resorted to every possible means of escape from their class and its attendant obligations.

As the situation can be illustrated in detail from the imperial legislation in the twelfth book of the *Codex Theodosianus*, most discussions of the subject have ranged but little beyond this prime source,¹ to the virtual neglect of a body of material in which the struggles of a number of *curiales* are recorded. The extant correspondence of the sophist Libanius contains over fifteen hundred letters, or more than twice as many as that of Cicero, and, though

¹ See Kübler, *RE* 4.2343–52; O. Seeck, *Geschichte des Untergangs der antiken Welt*, 2^a (Stuttgart 1921) 185–89, 315–22; F. F. Abbott and A. C. Johnson, *Municipal Administration in the Roman Empire* (Princeton 1926) 103–11; M. Rostovtzeff, *The Social and Economic History of the Roman Empire* (Oxford 1926) 468–74; E. Stein, *Geschichte des spätrömischen Reiches*, 1 (Vienna 1928) 73–75, 301–2; and A. Piganiol, *L'Empire chrétien*, 325–395 (Paris 1947) 132–33, 355–59. A. H. M. Jones, *The Greek City from Alexander to Justinian* (Oxford 1940) 192–210, like some of the earlier writers, interprets random passages from Libanius' orations, but passes over the correspondence.

many of them are brief and trivial in content, they have been described as our most important source for the prosopography of the fourth century next to the *Codex Theodosianus* itself.² To be sure, the correspondence fully covers only the years 355–365 and 388–393, but, especially when supplemented by the *Orations*, it reflects the mature experience of an unusually long life, as Libanius was born in 314 and lived on into the last decade of the century.

In the present essay, which may be considered an addendum to an earlier study,³ I propose to evaluate this evidence for the decurionate, and more particularly for Libanius' relation to it. I shall not attempt, however, to exhaust the possibilities of detailed interpretation, for major difficulties arise from the numerous obscurities in the text,⁴ the incompleteness of our information regarding many of the persons who figure in it, and our author's habitual employment of a vague, non-technical terminology in reference to the various offices to which some of them aspired or attained in the imperial government. Yet, with a grateful reliance on the pioneer labors of specialists,⁵ one can at least draw the broader outlines of the subject with a reasonable hope that they will stand firm.

² See O. Seeck, *Die Briefe des Libanius zeitlich geordnet* (Leipzig 1906) 1; cited below as Seeck, *Briefe*.

³ This possible line of inquiry was briefly indicated in my *Studies in Libanius and Antiochene Society under Theodosius* (Menasha 1935) 36; cited below as Pack, *Studies*. H. F. Bouchery, *L'Ant. Class.*, 8 (1939) 261, expressed regret that it had not been pursued. The information on the decurionate contained in the *Orations* is rehearsed in Pack, *Studies*, 30–37.

⁴ Seeck, *RhM* 73 (1920–24) 84, has commented on the reasons for this obscurity.

⁵ Seeck, *Briefe*, though based on the obsolete edition of Wolf (Amsterdam 1738), is still indispensable for the study of the correspondence. His references can be readily converted to the numbering of Foerster's modern edition by using the concordance at the end of Foerster's eleventh volume of Libanius. References given here are to Foerster's edition, with Wolf's numbering (W) added parenthetically, except where it is the same; but for a given individual only those letters are cited which bear directly upon his career as a curialis: in many cases further biographical data, irrelevant to present purposes, can be found in the *Briefe* under the name of the individual concerned. The Roman numerals following many of the names are those used by Seeck to differentiate homonyms, and are retained for convenience. The use of Foerster's edition shows that Pannychius should take the place of Seeck's phantom "Eros," as we now read *ἐρω δὲ* for the false salutation *Ἐρωτι* in *Ep.* 95.8 (94 W); and the cryptic allusions in *Ep.* 1176 (1312 W) to possible curial service by Aristo (II) are rendered the more difficult by the evident word-play on the circumstances of Demosth., *Or.* 54 (see Foerster's note *ad loc.*). G. R. Sievers, *Das Leben des Libanius* (Berlin 1868), is still helpful, though in large measure superseded by Seeck; cited below as Sievers, *Leben*.

I

But first of all we must construct a background for our study by considering the extent to which Libanius' own life was influenced by the curia. Several new interpretations will be mutually strengthened when we correlate certain known facts selected from the abundant biographical materials.

We recall that he himself belonged to a curial family which had been prominent in the affairs of Antioch for several generations, and that throughout his life he maintained intimate contacts with the curia of his native city, even though his position as a public professor of rhetoric rendered him exempt from municipal service.⁶ He thus represented in his own person a definite break with a tradition upon which he always looked back with a nostalgic pride. On the paternal side of the family, his grandfather and great-uncle had been among those decurions of Antioch who, in the time of Diocletian, were unjustly charged with responsibility for the uprising led by the usurper Eugenius; they had been executed and their property confiscated,⁷ with the result that our author's father had been left in reduced circumstances. On his mother's side, as well, Libanius was of curial descent, and his two uncles, Panolbius and Phasganius, served their city as decurions throughout their lives.

Of his father's activity as a curialis we are told little or nothing, yet the father must have had much more than the modest minimum of property requisite for curial rank,⁸ whether acquired by his marriage or otherwise. We read that if he had lived to a riper age his son would have become a curialis, a barrister, or perhaps even a magistrate instead of a rhetor (*Or.* 1.6), and of these three careers the first would surely have been the one immediately in store for him, while admission to either of the others would have been contingent on success in breaking away from the first. Libanius neglects to explain just how his father's early death, while sad in

⁶ On his immunity, see *Or.* 1.257, 2.54, 15.85, *Ep.* 833.1 (753 W). He was allowed to attend sessions of the curia (*Ep.* 1038 [958 W]), and his lecture-room was in the *bouleuterion* itself (*Or.* 5.46, 43.19, 54.74). *Or.* 46.16 seems to mean that the deliberations of the curia reached his ears through a passage connecting their chamber with his lecture-room. See further J. W. H. Walden, *The Universities of Ancient Greece* (New York 1910) 267, note.

⁷ *Or.* 1.3, 2.11, 19.45; cf. 11.158–62, 20.18–20, Sievers, *Leben*, 2–5.

⁸ According to *Cod. Theod.* 12.1.33, twenty-five *iugera* of land was the census of a curialis.

itself, had the happy effect of liberating him from the decurionate, but we naturally assume that when, at the age of twenty-two, he expressed a desire to study in Athens, his father, had he been living then, would have sided with his mother and his uncle Panolbius in opposing the plan (cf. *Or.* 1.13); hence he would have lost the opportunity to qualify while safe abroad for the exempt profession of rhetor.⁹

His years of study were followed by two periods of instruction in Constantinople, with a happier interlude in Nicomedia, and in 354 he settled definitively in Antioch. By then his exemption must have been formally complete. It is not unlikely, however, that in these years, when he had difficulty in securing the imperial sanction to remain as a teacher in his native city, he was still somewhat apprehensive that the local curia might press claims upon him, or at least upon any children of his, for, instead of contracting a legal marriage with someone of his own class, such as his cousin,

⁹ As Libanius was twenty-two when he left for Athens (*Or.* 1.13, 53.4, Sievers, *Leben*, 43, note 2), it seems somewhat remarkable that the curia had not already claimed him, considering that eighteen is given as the age of eligibility in *Cod. Theod.* 12.1.19, and even minors, as we shall see, were sometimes called to duty. Now in 332, when Libanius was eighteen, he was not yet considered mature enough to attend the Olympic games presented by one Argyrius, a friend of his deceased father (*Or.* 53.4), but at twenty-two he was admitted to those sponsored in 336 by his uncle Phasganius (*ibid.*), who alone approved his wish to study in Athens (*Or.* 1.13). In a sense, then, he reached his majority only at twenty-two, and this happily coincided with his departure for study abroad. If the curia made any demands upon him in 332, I believe that Argyrius may have served in his stead. This assumption would give point to the description of Argyrius as the protector of his friend's orphaned sons, and such a situation is well enough evidenced: in 364 Celsus (I) performed the liturgy of the Syriarchate for his infant son (*Ep.* 1399 [1454 W]), and in the same year the senator Alexander (X), along with Celsus and one Candidus, gave the Olympic games for his son (*Ep.* 1167, 1189, 1509 [1306, 1140, 1533 W], and G. Downey, *TAPA* 70 [1939] 428-38).

At his father's death Libanius was only eleven (*Or.* 1.5). If the father had lived until his son was too old to avoid service, and if he had successfully thwarted the ambition which led to his ultimate immunity, the son would of course have inherited his duties (*Cod. Theod.* 12.1.7, 178; cf. *Liban.*, *Ep.* 756.3 [668 W]). We have no information about the service, if any, of Libanius' two brothers, of whom one was older and the other younger than he (*Or.* 1.4).

While he was still in Athens his mother sold most of the land left by her husband, but the buyer asked Libanius to countersign the conveyance, fearing that he might later challenge the transaction on legal grounds (*Or.* 1.26, 58, 55.15). Because of the restrictions on the alienation of land owned by the curiales (Liebenam, *Städteverwaltung*, 495 and note 3), I suggest that the buyer regarded Libanius as a prospective curialis; quite naturally, then, he was astonished at the alacrity with which the document was signed. This episode strengthens one's impression that in these early years Libanius was determined to sever all ties with the curia.

the daughter of Phasganius, to whom he had been betrothed until her death about 353 (*Or.* 1.95), he formed an irregular union with a woman who was probably not of free birth,¹⁰ and certainly of a rank inferior to his own (Eunapius, *Vita Liban.* 8). In so doing, I think he may have been guided by the principle that illegitimate sons did not inherit the social position of their fathers, and that they were ineligible for the curia in case their mothers were actual slaves.¹¹

After the accession of Julian, Libanius received the emperor's permission to make his young natural son, Cimon (also called "Arabius"), his lawful heir (*Or.* 17.37), but final arrangements were evidently cut short by Julian's death. A minor problem confronts us at this point. Libanius maintains that it was a show of independence on his part when he declined Julian's offer to restore to him the confiscated property of his paternal grandfather.¹² This bounty, however, would have materially increased Cimon's patrimony and, being illegitimate, he would presumably have remained exempt from any obligation of curial service. So far, then, we might feel prone to accept Libanius' boast at its face value; yet, when we recall that Julian was zealous in enlarging the curiae, and in fact enacted legislation which added some two hundred members to that of Antioch (*Misopogon* 367D), we may well discern an element of prudence in the refusal.¹³ However that may be, Jovian, when

¹⁰ *Ep.* 1063.5 (983 W), as plausibly emended by Foerster.

¹¹ Jones (above, note 1), 200, 346, generalizes from three passages in Libanius upon this means of guaranteeing immunity for one's offspring (cf. also Justin., *Novell.* 38, Praef. 1), but he fails to observe that our author was himself a case in point. With an inconsistency that would surprise us in most writers, Libanius implies in *Or.* 48.30 that it is reprehensible (or merely a misfortune?) for curiales to have children by slave women.

¹² *Or.* 1.125, 36.12, 51.30, *Ep.* 1154.3 (1039 W).

¹³ Of course Cimon, born about 355 (Seeck, *Briefe*, 81), would seem to have been rather young for service in Julian's time, but cases are recorded in which boys of four (St. Basil, *Ep.* 84 [MPG 32.464]) or of seven or eight (*Cod. Theod.* 12.1.19) were enrolled as curiales. Even if there was little risk in 362 that such an extreme measure would be taken, Libanius may have mistrusted the possible long-term results of Julian's legislation (for a summary of it, see W. Ennslein, *Klio* 18 [1923] 143-48). In this year he was playing the difficult role of mediator in a dispute between the emperor and the curia. Drought, crop failure, and the concentration of troops in the city had produced an economic crisis, and Julian identified the curiales with the landowners who, he thought, had alone defeated his remedial measures by engaging in shady speculation in grain. See P. de Jonge, *Mnemosyne*, Ser. 4.1 (1948) 238-45, for quotation and evaluation of the sources: Julian, *Misopogon* 368c-370c; *Amm.* 22.13.4-14.2; Liban, *Or.* 1.126, 15.21-23, 16.15, 18.195; Socrates, *Hist. Eccl.* 3.17 (MPG 67.424-25).

petitioned in his turn, refused to aid Cimon's interest in the matter of the inheritance (*Ep.* 1221.6, 1114.5 [1329, 1285 W]), and a law of Valentinian and Valens, under which he might have received a settlement or legacy, was abrogated,¹⁴ but finally, in 388, Theodosius granted the desired privilege.¹⁵

The results might have been disastrous, because one Thrasydaeus came forward with the contention that Cimon and, indeed, his father as well, were at last liable for curial service.¹⁶ The charge and defense were represented by two rival embassies to Constantinople, and, after considerable intrigue, that which backed the claims of Libanius returned with a reply favorable to him (*Or.* 1.258); the same document may have contained the offer of an honorary appointment as *praefectus praetorio*, which was in any case declined with the assertion that the title of "sophist" was more creditable.¹⁷ To this period, and perhaps to the very year 388, belong the two discourses which deal specifically with the curia, *Or.* 49, *Ad Theodosium pro Curiis*, and, only a little later, *Or.* 48, *Ad Senatum Antiochenum*. Both are closely related to the negotiations which Thrasydaeus had so inconsiderately set in motion, and both are far less disinterested than one might assume from a casual reading; while their overt purpose is to express sympathy for the problem of increasing curial enrollment, and to indicate methods of preventing depletion, it is all with the tacit assumption that no claims can be urged against professors or their sons.¹⁸ The tenden-

The tone of the *Misopogon* is more vindictive than humorous, and it betrays a special bitterness toward the curiales, whom the writer accuses of ingratitude. His reform of the curiae was certainly as honest and objective as his less successful effort to cope with the economic crisis; in fact his policy of expansion was an obvious benefit to the old members of small means. Ammianus, generally an admirer of Julian's, but probably a curialis by birth, asserts that the emperor meddled in the grain market out of sheer love of popularity (22.14.1; cf. Socr., *loc. cit.*), and again, because of the same prejudice or because he may even have been in danger of conscription himself (E. A. Thompson, *The Historical Work of Ammianus Marcellinus* [Cambridge 1947], 81), he strongly condemns the enrollment of new curiales (21.12.23, 22.9.12, 25.4.21). Libanius was probably concerned at this time for the future of Cimon, but he praised the reform afterward in his funeral address for Julian (*Or.* 18.146-148) and spoke of it reminiscently a quarter of a century later in his tendentious address *Ad Senatum Antiochenum* (*Or.* 48.17-18).

¹⁴ *Or.* 1.145, 195, by some identified with *Cod. Theod.* 4.6.4, of A.D. 371.

¹⁵ *Or.* 1.196; cf. *Ep.* 844.4, 845.4, 959 (764, 765, 878 W).

¹⁶ *Or.* 32.7-8; cf. 1.257. It is interesting to find Libanius admitting the truth of Thrasydaeus' claim that Cimon had received the land of an ex-curialis.

¹⁷ Eunap., *Vit. Liban.* 15; Liban., *Or.* 1.257-58, 2.8, 30.1, 45.1, 47.16.

¹⁸ On the circumstances of these two speeches, see Pack, *Studies*, 121-24.

tious nature of these manifestos appears most clearly in those passages where the writer upbraids the curiales for their failure to protest when, every spring, they see their colleagues' sons sailing off to Beirut or Rome to study law or Latin (*Or.* 48.22–26, 49.27–28), of course with the hope of achieving exemption as advocates. We are reminded that the school of Libanius held out a similar prospect to those students who might ultimately succeed in becoming public rhetors. His enmity toward the schools of law was evidently prompted by more than resentment at the loss of students, as he must have felt that his own curriculum offered a practical benefit to the sons of curiales, or at least to those few of superior talents. It is a bit ironical to find that Cimon had been destined for the exempt career of an advocate (*Ep.* 959.3 [878 W]). But in this he failed, and the events of 388, while fortunate in their issue for his father, must have brought him no final guarantee of immunity, because in 390 he journeyed to Constantinople in the hope of obtaining some office which would make him an imperial senator (*Ep.* 959–960 [878–879 W]). The post of *consularis Cypri* seems to have been promised him (*Or.* 1.283), but the senate rejected him¹⁹ because of his illegitimacy (*Ep.* 1064.1 [984 W]). Returning homeward in despair, he was injured by a fall from his conveyance, underwent treatment for a time in Tarsus, and in 391, not long after reaching Antioch, he died, to the boundless grief of his surviving parent: for his mother's passing had been hastened by the news of his defeat, for which she may have blamed herself.²⁰

We have seen that Libanius received a thorough acquaintance with the curia of Antioch through a family tradition from which he himself had the good fortune to break away; that even toward the close of his long career he was obliged to repel an assault upon his cherished immunity; and, finally, that he was always determined to prevent the ranks of the municipal order from closing in upon his son.

II

On turning to the correspondence, we discover that until the end of Julian's reign and, in a few instances, even afterward, the sophist's services were freely placed at the disposal of restive curiales or potential conscripts to the curia. Of course he had

¹⁹ *Or.* 1.279, 283, *Ep.* 1000.3, 1001, 1002.4, 1023 (919–921, 943 W).

²⁰ For fuller accounts of Cimon see Seeck, *Briefe*, 81–82, and Pack, *Studies*, 37–41.

compelling reasons for resisting the imminent loss of useful teaching assistants,²¹ yet in many other cases he must not have felt deeply concerned whether his efforts bore fruit or not. It was no great task for such an inveterate letter-writer to compose a petition for a friend or former student,²² and he must even have welcomed every such opportunity to practice simultaneously the art of epistolography, in which he was an acknowledged master,²³ and that of intrigue, which was as the breath of life to him.²⁴

Since residents of the same city rarely communicate by letter, and since the extant correspondence begins at about the time when Libanius settled permanently in the city of his birth, these epistles unfortunately tell us less than we should like to learn about the curiales of Antioch itself. Still, there is much welcome information to buttress that supplied by the *Orations*, and we glean much beside about the curiae in other parts of the Near East. A far more serious disappointment, though one perhaps equally to have been anticipated, lies in the fact that nowhere do we meet with any reasoned criticism of the decurionate as an institution. Of course the argument that a certain curialis was too impoverished to perform his liturgies²⁵ must have seemed cogent enough, at least from the petitioner's own point of view. Pleas of widely varying worth are put forward. In the case of a physician, for example, Libanius

²¹ Compare the cases of Eusebius (XXII) and Thalassius (IV), as reviewed below.

²² The curiales Eusebius (XXII), Gessius (II), Hyperechius (I), Macedonius (V), and Strategius (II) had attended the school of Libanius and later received his help. Perhaps some of these men had been disappointed in their hope of winning immunity by qualifying as professors, so he felt a certain obligation to aid them.

²³ Virtually every traveller from Antioch to such cities as Constantinople, Tarsus, or Nicomedia would carry a consignment of Libanius' letters to his acquaintances there (Seeck, *Briefe*, 2), and they must always have been expected as a token of continued friendship. Those who were so honored frequently showed the letters to local residents, who admired them as minor works of art (*ibid.*, 18-19). One can well imagine that the recipients felt flattered even when they could or would not grant the favors asked of them; so this much, at least, was always gained.

²⁴ The freedom with which he wrote such letters is shown by an instance in which he interceded for a person whom he had never so much as seen. This was Fraternus, an imperial senator, whom Andronicus (II), as governor of Phoenicia, tried to conscript for curial service somewhere in his province. Libanius admitted that he had never met Fraternus, but applied to Andronicus (*Ep.* 150) at the request of Apringius, a former student, who hoped to marry the senator's daughter and so desired to ingratiate himself by extricating his future father-in-law from his plight.

²⁵ Antoninus (II) (*Ep.* 210), Auxentius (III) of Tarsus (*Ep.* 1393 [1451 W]), Dianius, a Bithynian (*Ep.* 374-376 [377-379 W]), and Domnus of Tyre (*Ep.* 336 [339 W]) are described as destitute.

rather feebly suggests that if he is released, and so enabled to continue the practice of his profession, the example will encourage other young men to begin such study in earnest.²⁶ When he urges that a certain curialis is exempt by law, as an advocate, that would seem decisive in itself, but he bids for sympathy by adding that his protégé lacks the necessary physical strength, and that he is burdened with the support of five undowered sisters.²⁷

Before turning to the curiales who tried to win complete immunity or to force their way into a different caste, it will be convenient, though in some sense artificial, for us to isolate examples of two other categories: (1) those who, so far as we know, made no attempt to rid themselves of either their status or any part of its obligations,²⁸

²⁶ See *Ep.* 756.6 (668 W), for Achillius (III) of Ancyra. It is noteworthy that here no appeal is made to the law exempting *archiatri* (*Cod. Theod.* 13.3.4; cf. Julian, *Ep.* 25B), although in *Ep.* 723 (635 W), of the same year (362), such is the basis of the petition for Philo, a physician who had been claimed by the curia of Rhosus in Cilicia. Ennslin (above, note 13), 148, is of the opinion that Julian's letter, like the law, refers only to *archiatri*, not all physicians, and that Libanius may have misunderstood the application of the law when he spoke of mere *iatroi* in *Ep.* 723.

²⁷ *Ep.* 293 (296 W), for Agroecius (I), an Armenian.

²⁸ Here we may list Bosporius of Ancyra, who must have been a person of importance in his curia, because *Ep.* 756 (668 W) was written to him in behalf of the curialis Achillius (III). In 363 he went on an embassy to Jovian in Antioch, the purpose being to congratulate the new emperor on his accession (*Ep.* 1444 [1480 W]). Albanus and Strategius (II) were the sons of Agesilaus of Ancyra. Albanus somehow increased his lands and fortune in an important trial in Constantinople, and at the same time performed his liturgies (*Or.* 62.37, *Ep.* 730, 794, 1444 [642, 704, 1480 W]), while Strategius accompanied Bosporius on the embassy mentioned above. Maximus (XII) of Ancyra, a wealthy country squire (*Ep.* 298.3, 731.5, 1114.4 [301, 643, 1285 W]), settled a large fortune on his son (*Ep.* 731).

Celsus (I) of Antioch was a member of the imperial senate, and in 361–362 was made *praeses Ciliciae*. As a senator, he might have turned his curial duties over to his son, but in 364 he willingly assumed the expenses of the Syriarchate, producing the Olympic games along with Alexander (X) and Candidus (*Ep.* 1399, 1459, 1509 [1454, 1494, 1533 W]). In 363 he had become *consularis Syriae* (*Ep.* 1113, 1176 [1284, 1312 W]); in 365 Valens offered him some higher post (*Ep.* 1487 [1076 W]), but he preferred to remain in Antioch as a private citizen (*Ep.* 1474, 1476 [1507, 1509 W]). In 363 Letoſius (I) of Antioch received from Alexander (III), the *consularis Syriae* who preceded Celsus and who had been chosen by Julian to punish the Antiochenes (*Amm.* 23.2.3), the responsibility of investigating fugitives from the curia, and he went to work with considerable zeal (*Or.* 48.42, 49.19, *Ep.* 1365, 1405 [1427, 1459 W]).

Sopater (I) of Apamea had charge of the Olympic games in that city in 361 (*Ep.* 627, 663, 1172 [542, 577, 1309 W]).

Cyrellus (II) of Cyrus travelled to the Euphratensis in 365 on some mission for his city (*Ep.* 1516 [1539 W]). Macedonius (V) of Cyrus, described as a poor but conscientious curialis, was twice sent by his city on embassies to Constantinople (in 388: *Ep.* 872–874 [791–793 W]; in 393: *Ep.* 1071–1074 [991–994 W]).

and (2) those who sought some measure of relief, though they would apparently have been satisfied with less than complete exemption.²⁹

In most instances the members of the first group were the prosperous and influential leaders of their curiae who were chosen for embassies or for the management of games and festivals, and who on occasion either succored or oppressed their humbler colleagues. We perceive in them the last lingering remnants of a true provincial aristocracy, such as that to which the sophist's forebears had belonged, and which was still represented, at the turn of the fifth century, by Synesius of Cyrene, and Evoptius, his brother.³⁰ Their biographies furnish a corrective to the picture given by the *Codex Theodosianus*, which leaves the reader with the impression that the curiales were almost without exception crushed and desperate, helplessly enmeshed in the cogs of the administrative machine. No doubt we risk mistaking apathy for contentment, and probably Libanius is sometimes complaisant enough to turn

Menander of Corinth, though a senator in Rome, gave up this position in order to serve as a curialis in his native city (*Or.* 14.5-6).

Andronicus (I), of Hermupolis in Egypt, was a rather prolific poet. He figures in only two letters (*Ep.* 77-78 [75-76 W]), because he spent his later years in Antioch.

²⁹ These may also be relegated to a footnote.

Achillius (II), a curialis of Ancyra (*Ep.* 355 [358 W]), had spent most of his large fortune on his liturgies. In 362 he came to Antioch on municipal business, as well as to visit his son, a student of Libanius'; Maximus (VI), then *consularis Galatiae*, was asked in vague terms to ease his burdens (*Ep.* 767 [677 W]).

Alexander (VI), a Cilician, also had heavy burdens, the nature of which is not clear; Libanius wrote in his interest to Celsus (I), then (362) *praeses Ciliciae* (*Ep.* 715.6 [627 W]).

Antoninus (II) wished to be released from the duty of grain-transport. Euphemius (I), then (358) perhaps *comes largitionum per Orientem*, was asked to refer his request to higher authority, possibly to the *comes sacrarum largitionum* (*Ep.* 210).

Auxentius (II), a curialis of a maritime city, evidently Tarsus, had given generously to his city, though he was a man of limited means (*Ep.* 692, 1392 [604, 1450 W]). In 363 he was recommended for a reassignment of duty.

Marcianus (VI), a curialis in the province Euphratensis, was involved in 363 in certain difficulties described to Atarbius, the *praeses Euphratensis* (*Ep.* 820 [732b W]). The fortunes of his son, Asteus, then a student of Libanius, were somehow at stake; the meaning may be that if Marcianus were claimed for service he would be forced by old age to make Asteus serve in his place, thus ruining his prospects as a student or rhetor.

³⁰ See C. H. Coster, "Synesius, a 'Curialis' of the Time of the Emperor Arcadius," *Byzantion* 15 (1940-41) 10-38. Coster rightly stresses the nonchalance with which Evoptius, a wealthy man, faced the prospect of enrollment in the curia of Cyrene (Synes., *Ep.* 93 [Hercher, *Epistolographi Graeci* 693]), yet we observe that his brother terms the muster of curiales a "wicked book" and implies that Evoptius was out of town because of a reluctance to serve. Of course the tone of the letter is rather humorous.

hard necessity into a compliment, courteously neglecting to allude to certain constraints imposed upon the curiales whom he describes as having cheerfully met or exceeded the demands made upon them. Nor should one fail to observe that the very sons of some of these contented or apathetic individuals rebelled against their lot.³¹ At the bottom of the scale, the curialis who is subjected to corporal punishment³² unquestionably brings us face to face with brutal fact; but if there are degrees in the realism with which our author portrays the vicissitudes of the curial order, there were also marked differences in the actual fortunes of its members. A certain contrast remains between the uniform harshness of the laws and the more cheerful circumstances of those few curiales whose way of life they did not affect in their full severity.

The curiales of the third and most important category, those who sought immunity or emancipation, may be presented in the form of a numbered series of biographies, some of which are necessarily much abridged.

1. Achillius (III) of Ancyra. in Galatia, had practiced medicine in many of the cities of Palestine. At his father's death in 362 he returned to Ancyra, trusting that his profession would give him immunity to curial service.³³

2. Agroecius (I), an Armenian, and his brother, Eusebius (XI), had become advocates at the court of Modestus, *comes Orientis*, when their city claimed them for service in 359. Libanius' protests were without effect.³⁴

3. Aristophanes of Corinth, the son of Menander (cf. note 28), had served as an *agens-in-rebus* in the interval of costly liturgies, and had later been convicted of high treason, but had been released from the severe penalties of the crime at Constantius' death in 361 (Seeck, *Briefe*, 88–89). In the next year, when Julian was in Antioch, Libanius wrote *Or.* 14 requesting him to give Aristophanes an appointment that would redeem his honor and relieve him of his curial duties.³⁵ He was accord-

³¹ E.g., Aristophanes, the son of Menander of Corinth, and Hyperechius (I), the son of Maximus (XII) of Ancyra.

³² See *Ep.* 994 (913 W), protesting to Cyrus (III), a provincial governor, because he had permitted the unnamed brother of Apollonides to be lashed. Such episodes were rather frequent in spite of their illegality (*Cod. Theod.* 12.1.47, 80, 85, 126, 190).

³³ See *Ep.* 756 (668 W), to the curialis Bosporius.

³⁴ *Ep.* 293 (296 W), to Modestus, in 359–360, and *Ep.* 294 (297 W), of the same period, to Eusebius (X); *Ep.* 638 (553 W), to the two brothers in 361.

³⁵ *Or.* 1.125; Julian, *Ep.* 74, and Libanius' exultant reply to it, *Ep.* 758 (670 W); cf. *Ep.* 1154.3 (1039 W). Seeck thought that Aristophanes was made *proconsul Achaiae*, but this is untenable, chiefly because in 362 that post was held by Vettius Agorius Praetextatus (*Amm.* 22.7.6); see J. Bidez, *L'Empereur Julien, Oeuvres com-*

ingly chosen for some unknown post, but was removed soon after Julian's death.

4. Auxentius (III) of Tarsus sought release in 363 because of his poverty.³⁶

5. Calliopius (I), evidently of Antioch, became an advocate, and by 360 had possibly shed his curial obligations by obtaining a seat in the senate at Constantinople,³⁷ where he served as *assessor* to Probatius (*Ep.* 214), the *quaestor sacri Palatii*. In 362 he may have been the *consularis Macedoniae* (Seeck, *Briefe*, 99–101).

6. Dianius, a Bithynian, when threatened with imprisonment for inability to fulfill his obligations as a decurion, had fled to Antioch,³⁸ where he had been a house-guest of Libanius (*Ep.* 374.5, 375 [377, 378 W]). In 358, when his kinsman, Aristaenetus (I), became *vicarius* of the diocese Pietas, Dianius returned home with some hope of beginning a career as an advocate.³⁹

7. Domnus of Tyre was claimed by the curia of that city in 357–358.⁴⁰

8. Eusebius (XXII) of Antioch, a former student of Libanius, had become one of his assistants in rhetorical instruction. In 388 the curia of Antioch petitioned Theodosius for an honorary position that would serve to exempt him from curial duties (*Ep.* 907 [825 W]). To this end four decrees were composed, and confirmed by the emperor,⁴¹ but Eusebius' status, like that of Libanius, was imperilled by members of an embassy which went to congratulate Theodosius on his victory over Maximus. Fearing their intrigues, he allowed himself to be chosen as one of a rival embassy, and, receiving a favorable decision, returned home, while the first embassy remained at court, again threatening his status, with the connivance of Eustathius (V), the *consularis Syriae*. Consequently he was forced to travel once again to the capital, where he won his suit, and returned to Antioch in 390.⁴²

plètes, 1, Partie 2 (Paris 1924) 111–14, 178, note 5, and T. W. J. Nicolaas, *Praelextatus* (Nijmegen-Utrecht 1940) 26.

³⁶ *Ep.* 1393 (1451 W), to the curialis Auxentius (II).

³⁷ Such, at least, is Seeck's interpretation of *Ep.* 114.9, but the language may be purely metaphorical, and so Foerster apparently considers it: "Iusum Seeckius (sc. *Briefe*) 100 parum intellexit." Even if Seeck is right, Calliopius owed nothing to Libanius in this affair.

³⁸ On flight as a method of evading service, see *Cod. Theod.* 12.1.12, and cf. No. 11, below.

³⁹ *Ep.* 281 (284 W), 282 (285 W, to Alexander [II], *consularis Bithyniae*, thanking him for his treatment of Dianius), 374 (377 W, to Aristaenetus), 375 (378 W), 376 (379 W), 378 (381 W, to Strategius [I], then *praefectus praetorio Orientis*).

⁴⁰ *Ep.* 336 (339 W), to Gaianus, later *consularis Phoenices*.

⁴¹ *Or.* 54.52, *Ep.* 904 (822 W) to Eusebius [XXVII], then perhaps *magister officiorum*, 905 (823 W), 906 (824 W, to Proculus [III], city prefect of Constantinople), 907 (825 W).

⁴² *Or.* 1.258, *Ep.* 878, 880, 902–909, 918–921, 960 (797a, 798, 820–827, 836–839, 879 W).

9. Evagrius (IV) of Antioch, a Christian and a brother of Olympius (II) and Miccalus,⁴³ was freed from the decurionate through two appointments secured for him in 363–364 by the prefect Salutius.⁴⁴

10. Fraternus, though a senator in Constantinople, was jeopardized in 358–361 when Andronicus (II), a *consularis Phoenices*, tried to expand the curiae in his province (*Ep.* 150, and note 24 above).

11. Gerontius (III) of Apamea went in 362 to Cilicia in order to evade curial service in his native city; this move was apparently made with the encouragement of Celsus (I), the *praeses Ciliciae* (*Ep.* 789 [699 W]). In 363 he was to return to Apamea to receive the chair in rhetoric, but he refused to do so unless called by a decree of the curia, with a guarantee of immunity.⁴⁵ The call was extended (*Ep.* 1391 [1449 W]), but soon an attempt was made to conscript him for service.⁴⁶ *Ep.* 1396 (1453 W), perhaps of 365, implies that Gerontius was teaching in Apamea at that time; if so, he may have won immunity.

12. Gessius (II), an Egyptian, was the nephew of one Apellio, an Antiochene. He had become a *stratiotes*, that is, either an *agens-in-rebus* or a *notarius*, but in 365 the curia of his city petitioned the emperor Valens in an effort to draft his services.⁴⁷ In 388–392 he appears as a teacher of rhetoric in Egypt (*Ep.* 892, 948, 1042 [810, 867, 962 W]), so he may have escaped the decurionate by then.⁴⁸

13. Hyperechius (I) of Ancyra was the eldest son of Maximus (XII) and the brother-in-law of Strategius (II) (see note 28 above). In 360, on his return from Libanius' school, he received a large fortune from his father (*Ep.* 239, 731, 805, 1114 [242, 643, 715, 1285 W]). He disregarded Libanius' advice that he enter upon the career of an advocate (*Ep.* 267 [270 W]), and about 362, after a hard struggle, in the course of which his former teacher gave him persistent support (Seeck, *Briefe*, 182, for full references), he finally achieved his ambition by winning a post on the staff of the *consularis Galatiae* (*Ep.* 792 [702 W]), but was immediately claimed for curial service. To avoid this danger his father desired him to be made an imperial senator, but Libanius advised against it because of the expense involved, and again suggested that he qualify as an advocate instead (*Ep.* 731 [643 W]). Through his eloquence, evidently displayed in a successful suit against the curia, he gained a temporary respite (*Ep.* 777.4 [687 W]), and soon after Julian's death he went to Constantinople (*Ep.* 805 [715 W]), armed with letters of recom-

⁴³ Through the influence of one of his brothers, the wealthy senator Olympius (II), Miccalus secured two appointments which freed him from the curia (*Or.* 63.31).

⁴⁴ *Ep.* 1224.1 (1143 W) and 1426.4 (1474 W) refer to the first of these offices, *Ep.* 1287, 1314, and 1467 (1369, 1390, 1501 W) to the second. For his subsequent career, and his prominence in ecclesiastical circles, see Seeck, *Briefe*, 129–30.

⁴⁵ *Ep.* 1366 (1428 W), 1370 (1431 W), to Alexander (III), the governor of Syria who supervised Cilicia as well.

⁴⁶ *Ep.* 1136–1139 (1163–1165, 1297 W); 1136 is addressed to Priscianus (I), the new *praeses Ciliciae*.

⁴⁷ *Ep.* 1524 (1149 W), to Gerontius (II), who had been *praefectus Aegypti* in 361–362, and in 364–365 was living in Constantinople.

⁴⁸ For his later career, see Seeck, *Briefe*, 164–65.

mendation (*Ep.* 804, 810, 812, 1114–1115 [714, 721, 723, 1285–1286 W]) and hoping to win some minor post that would give him permanent immunity (*Ep.* 1441, 1443 [1069, 1070 W]). This turned out to be an appointment to the staff of the *Castrensis sacri Palatii* (*Amm.* 26.8.5). Hyperechius was forced to defend this position (*Ep.* 1454 [1490 W]), and afterward became an adherent of the usurper Procopius, but the unit of which he was placed in command deserted and delivered him to Valens. The fact that he does not figure in the correspondence after that time is taken as confirming the probability that he was put to death. We wonder whether he had finally turned against the regime in despair at his repeated frustrations.

14. Pannychius, a Cretan, had been advanced to the position of *praeses Euphratensis* when we meet him in 359 (*Ep.* 95 [93–94 W], and note 5, above).

15. Philo, a physician of Rhosus in Cilicia, was claimed for service in 362.⁴⁹

16. Seleucus, a Cilician, seems to have been subject to demands for service in 362.⁵⁰ In that year Julian gave him an appointment which carried the title of *comes*,⁵¹ but he soon resigned it in order to serve as a priest in the pagan cult of some province, evidently Cilicia.

17. Severus (V), a Lycian, tried about 358 to secure an official post, but without success.⁵² In 361, however, he obtained a release from the curia, for which Themistius (III), the *praeses Lyciae*, received the credit (*Ep.* 664 [578 W]). He owned large tracts of forest land, the principal source of his income (*Ep.* 1191, 1383.3 [1102, 1145 W]). In 363–364 his immunity was seemingly endangered for a time,⁵³ and we last hear of him in 365 (*Ep.* 1478–1479 [1510b, 1511 W]), when he travelled to Palestine for some unknown purpose.

18. Thalassius (IV) of Antioch was the owner of a sword-factory (*Or.* 42.21, 32) and various landed estates (*ibid.*, 4, 7, 37). He supervised Libanius' students and saw to the dissemination of his speeches (*ibid.*, 29, 36; 54.66). In 388, when the *consularis Syriae*, Eustathius (V), tried to force him into the curia (*Or.* 54.66), he sought a place in the imperial senate. It is doubtful whether he obtained it, although Libanius backed his candidacy with letters to an extraordinary number of court officials and private persons of influence in the capital.⁵⁴

⁴⁹ *Ep.* 723 (635 W), to Celsus (I), the *praeses Ciliciae*; cf. note 26, above.

⁵⁰ *Ep.* 696.6 (608 W). The text reads τὸν Σελεύκον, which would refer to Seleucus' son, a boy hardly a year old (cf. *Ep.* 770 [680 W]; Seeck, *Briefe*, 272, note 1). Seeck accordingly proposed τὸν Σελεύκον οἶκον, but Foerster does not so much as record his emendation.

⁵¹ Palladius, *Hist. Laus.* 144 (MPG 34.1244); cf. Liban., *Ep.* 734, 770 (645, 680 W).

⁵² *Ep.* 19.12 (18 W), to Anatolius (I), *praefectus praetorio Illyrici*.

⁵³ *Ep.* 1383 (1145 W), to Sozomenus, *praeses Lyciae*, in 363; *Ep.* 1384 (1442 W), to Caesarius (IV), *vicarius dioeceseos Asianae*, in 363; *Ep.* 1451 (1487 W), to Clearchus (I), his successor, in the same year.

⁵⁴ Seeck says rather cautiously that his efforts were "zunächst ohne Erfolg" (*Briefe*, 291). Foerster and Muenschner, *RE* 12.2506, assert that he was successful,

In drawing the general conclusions suggested by this material I shall refer to each case by its number.

The validity of a numerical analysis of these cases is naturally impaired by the gap of a score of years (ca. 366–387) which occurs in the middle of the correspondence, but a fairly complete representation can probably be assumed, over the years which are fully covered, for the special class of letters that concerns us here. Of course when the correspondence was published certain letters were omitted because they were considered either too trivial or too dangerous for inclusion; in particular it was thought that many of those from the years of Julian's reign would be incriminating in the eyes of the Christian emperors who followed him (Seeck, *Briefe*, 19–20). Yet no few petitions for curiales are preserved from this period, and if some of them seemed unimportant or incriminating, why not all? In fact this form of resistance to Julian's policy (cf. note 13 above) would logically have served, if anything, to raise the writer in the esteem of the Apostate's successors.

For this reason the circumstance that eight of the sixteen cases from the years 355–365 belong to the brief reign of Julian (Nos. 1, 3, 4, 11, 13, 15–17) appears to be in significant congruence with the fact that Libanius' political influence was then at its apogee.⁵⁵ His personal immunity was safe during the greater part of this period, so that he risked nothing in trying to win it for others. Then comes the long interval of epistolary silence until 388–393, when we meet him again, a septuagenarian, in the time of Theodosius. It was during these last years that he wrote so many of the *Orations* whose dominant note is one of chagrin because his political views no longer carried much weight with the governors of Syria or their superiors in the administration. Early in this period, as we have seen, his immunity was challenged, while his son began a struggle that ended only with his death in 391. In these years Libanius aided only two curiales (Nos. 8, 18), and these cases were special because they both involved rhetors, his own assistants, whose services were valuable to him in his old age, and who were both threatened by the governor Eustathius (V), his former friend who had turned arch-enemy. At the time when he proclaimed a zeal,

as shown by *Ep.* 922–930, 939, 943 (840–848, 858, 862 W); but these letters merely point to the *attempt* to win admittance in 390.

⁵⁵ Observe also that four of the five cases listed in note 29 belong to the reign of Julian.

however insincere, for expanding the curiae (*Or.* 48-49), he could not consistently or prudently have sought exemption for a wide circle of acquaintances, as he had done in his secure and confident middle age.

Release from the decurionate could be won legitimately either by grant or by appointment to an exempt position or admission to an exempt career. A grant could be issued either by action of the curia concerned (cf. No. 11), no doubt contingent on the approval of the provincial governor, or by imperial decree (cf. No. 8), but either of these must have been difficult to secure, because a decurion's own colleagues would naturally have been reluctant to excuse one of their own number, while, on the other hand, an appeal to the emperor would have had to be supported by strong arguments and influence. An advancement was more desirable, as Libanius shows when he petitions Julian in the interest of Aristophanes (No. 3); he points out that the other curiales in Corinth will resent a grant of immunity, but there will be nothing invidious in the conferment of some high post (*Or.* 14.47-51).

In his speech *Ad Senatum Antiochenum* (*Or.* 48.7) Libanius lists the favorite methods of evasion as entering military service (cf. *Or.* 18.146, *Cod. Theod.* 12.1.11, 13, and *passim*), or becoming an *agens-in-rebus* (cf. Nos. 3, 12), an *assessor* to a governor (cf. No. 13), or an advocate (cf. Nos. 2, 5, 6, 13, and the case of Cimon). These devices he views as illicit, but it is clear from his correspondence that he did not generally so regard them, and that in practice they by no means offered a lasting guarantee of immunity. We note that he makes no reference to the exemption won by physicians (cf. Nos. 1, 15), or professors, like himself (cf. Nos. 8, 11), or, less precariously, by appointees to high office⁵⁶ (cf. Nos. 3, 9, 14, 16) or to the imperial senate (cf. *Or.* 18. 146, Nos. 5, 13, 18, and the case of Cimon).⁵⁷

No uniform principle can be discerned in his choice of the dignitaries to whom he addressed his petitions, except that it was almost *de rigueur* to solicit the governor of the province in question,

⁵⁶ Unless this meaning lurks under the vague rhetorical sentence, τὴν πατρίαν τάξιν οὗτος ὑπερεπήδησε.

⁵⁷ The transition from curialis to senator was not easily made and involved considerable expense (cf. No. 13, and *Ep.* 731 [643 W]), but it had the advantage that under certain conditions it conferred an hereditary immunity on one's children. For full citation of the pertinent laws, see Abbott and Johnson (above, note 1), 104-5. Yet a senator might himself be challenged for curial service (No. 10).

as he had the chief responsibility for keeping the ranks of the curiae filled.⁵⁸ We observe, however, that our author recognized no necessity of moving upward through official channels,⁵⁹ but that his contacts, so impressive in their extent and variety, enabled him to apply to the highest strata of the imperial hierarchy, often in the hope of exerting a downward pressure on reluctant underlings.⁶⁰

The degree of success that awarded his efforts is obviously difficult to estimate, but it appears, on the whole, not to have been very high, and in fact a notable record of success would surprise us, considering the rigidity of the caste system. Of the six curiales who triumphed (Nos. 3, 5, 8, 9, 14, 16), a half seemingly owed little or nothing to his assistance (Nos. 5, 9, 14), while one case (No. 2) represents a clearcut failure, and the result of the others is either open to doubt (Nos. 11–13, 17–18) or wholly unknown (Nos. 1, 4, 6, 7, 10, 15). For most of these latter cases failure is the probable assumption, because Libanius would not, as a rule, have neglected to place a triumph on record by congratulating the recipient of favor and thanking those who had bestowed it.

Finally, we may perhaps characterize his attitude toward the decurionate as a mixture of sentiment and cautious realism. The first of these ingredients is manifest in his memories of his family's glory and his complaints about the spiritless or undignified behavior of latterday curiales; the second, in the fact that he rejected the career of curialis for himself, his son, and those whom he tried to assist, so far as he dared, to make their way into a happier condition of life. Of a curialis who later became a philosopher, soldier, statesman, and bishop, it has been remarked that ". . . the central fact in the life of Synesius was that he was a curialis."⁶¹ I think we may as fairly say of Libanius, who won such prominence in the literary culture of his age, that an important fact in his life, if not indeed the central one, was that he would have been a curialis had not fortune and design conspired to rescue him from that generally discouraging predicament.

⁵⁸ Conspicuous for such activity were Celsus (I), governor of Cilicia in 362 (*Ep.* 696 [608 W]), and Alexander (III), governor of Syria in 363 (*Ep.* 1392 [1450 W]).

⁵⁹ For an exception to this principle, see *Ep.* 210, written for Antoninus (II) (note 29, above).

⁶⁰ In 361, for example, he wrote to Modestus, *comes Orientis*, requesting him to bring his authority to bear upon Acacius (I), the *consularis Galatiae*, an enemy with whom he was unwilling to communicate directly (*Ep.* 308 [311 W]; Seeck, *Briefe*, 38, 40).

⁶¹ See Coster (above, note 30), 11.