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The institution of the decuriones in the Late Antique Roman East

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Introduction[1]

It has often been argued that the Roman Empire was an empire of cities. A vast network of smaller cities and larger *metropoleis*, stretching from Britain to the Sahara and from the Atlantic to the Mesopotamia; *poleis* that together with Rome constituted the *Imperium Romanum*. A.H.M. Jones, a historian that has had a gigantic influence on the academic world with regards to how we view the ancient *πόλις,* maintained that "constitutionally and administratively, then, the cities were the cells of which the empire was composed."[2] The lion's share of the scholarly research on this topic, however, has historically been taken up by the first couple of centuries of the empire, the Principate or High Empire. It was during this period that both the empire and its cities experienced their greatest splendour and opulence. This is paper, however, will look into what happened after this era ended and specifically it is going to examine the government of cities under the so-called *decuriones* in Late Antiquity. Up until the middle of this last century, before the extraordinary contributions of Peter Brown and other pioneers of the field, it had often been the argument – a Gibbonian one it may be said – that the Late Antiquity, a period loosely defined temporally but one that may be said to span from the Crisis of the Third Century to the Persian and Arab invasions of the 7th century, was a time of decline and of the decay of the Greco-Roman world. However, as Bowersock accurately puts it in his article on the dissolution of the Roman Empire, "change does not always mean decay".[3] In this paper we are going to look into this period of change and transformation focusing on civic government, that is the self-administration of cities. In particular we are going to examine how the institution of the curiae and the curiales evolved through the centuries as well as what took place after their ultimate demise.

The curiales or decuriones – terms that were synonymous in Late Antiquity - were the urban elites of the empire that were traditionally charged with the administration of the cities. For centuries they were central to both the ideological and

[1] All dates are A.D. unless otherwise stated.
[2] Jones, A.H.M., *The Later Roman Empire 284-602: A Social, Economic, and Administrative Study*, Vol.II, Oxford, 1964, 712.
[3] Bowersock, Glen W. 'The Dissolution of the Roman Empire' in *Selected Papers on Late Antiquity* (Edipuglia, Bari, 2000), 185.

the practical governance of the empire. They were so integrally linked to the fabric of the empire that emperors felt no hesitation to blatantly state that fact in their legislation. Emperor Majorian, for example, in a Jane Austen fashion, effectively stated that it is a truth universally acknowledged that decurions are central to both the state and the cities of the *imperium Romanum*.[4] In the same spirit, Libanius, an important man of letters from the 4th century, rhetorically enquires: "Who does not know that the strength of the curia is the soul of the city?" ("καίτοι τίς οὐκ οἶδεν, ὡς ἡ τῆς βουλῆς ἰσχὺς ψυχὴ πόλεώς ἐστιν;").[5] Their substantial contributions can be readily detected in the physical remains of the ancient cities all around the Mediterranean basin. Although many of the grand monuments of the cities of the empire can be attributed to imperial benefactors, such as Hadrian's Library in Athens and the Arch of Septimius Severus in Leptis Magna, many stunning buildings were constructed as a result of the funds and initiative of wealthy decurions (Great examples include the Great Odeon on the slopes of the Acropolis, which was constructed by Herodes Atticus and bears his name to this day, as well as, the Library of Celsus in Ephesus). The curiales fulfilled that important rule as members of the curia or boule, the city council of a *polis.* Although this paper is focused on Late Antiquity, it is necessary to point out that in the Eastern half of the Roman empire the curiales had already been flourishing for centuries. In fact, they were the virtual continuation of the *bouleutic* and in Egypt of the gymnasial class, groups which had been running their cities before the Romans conquered them.[6] These groups discharged their duties through the *munera* or liturgies (*λειτουργίαι*), which were initially voluntary, but later compulsory, services that involved the curiales offering not only their personal offices but also their capital.

During the Late Antiquity, however, such services for a variety of reasons that will be explained in this paper came to be viewed as a burden. As Jones underlines, "the expenditure which had been either gladly undertaken or at least accepted as a

[4] N. Maj. 7.
[5] Lib. *Or.* 18.147.
[6] In Egypt due to the absence of curiae until the year 200, as will be outlined in a following section of this paper, the gymnasial aristocracy (along with the Gerousia) acquired quasi-political responsibilities. See Bowman, Alan K., and Rathbone, Dominic. "Cities and Administration in Roman Egypt." *The Journal of Roman Studies* 82 (1992): 115.

matter of noblesse oblige came to be regarded as an imposition".[7] This feeling of imposition and burden led to what historians have called the flight of the curiales, a period when a great number of these urban elites sought, through a wide range of means, to escape from their onerous duties. These local elites can be said to have started experiencing noticeable difficulties, throughout the empire, from roughly the 3rd century, with some scholars like Hammond boldly venturing to suggest that traces of problems in curial government can be detected as far back as the middle of the 2nd century.[8]

During the Late Antiquity, that is roughly the period commencing with the reign of Diocletian in the last years of the 3rd century, the decline of the curiales was becoming more and more evident. For the next few centuries, the decuriones tried to flee from their posts through any possible means and the emperors tried to force them to stay put. No matter how hard the imperial government tried however, and try they certainly did, the decline and flight of the curiales did take place. It is exactly this development that we are going to examine in this essay as well the background, function, and afterlife of the curiales. In the first section we shall explore the city and its institutions in the Roman East as well as its state before and during our timeline. Subsequently, an examination of the curiae and the curiales in the Late Antique East will be conducted, where the state of the curiae as well as the various roles, functions and responsibilities of the decuriones will be discussed. In the third section we shall look into the decline and flight of the curiales as well as the causes of that flight and the ways through which the burdened decuriones sought refuge. Finally, in the last section, an investigation into the fall of the curia and the successors of the curiales will be carried out. Additionally, we shall examine the possible links between the demise of the curiales and the transformation/decline of the Roman *πόλεις*.

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[7] Jones, *LRE,* Vol.II, 755.

[8] Hammond, Mason. *The City in the Ancient World*. Cambridge, MA and London, England: Harvard University Press, 1972, 297. Hammond cities Pliny's letters to Trajan that document what Pliny saw as the increasing reluctance of the curiales of Bithynia-Pontus to spend money on their cities. While examples of curial reluctance can be found, in this paper it will be argued that the evidence is not sufficient to suggest a noticeable decline of curial government as an institution,throughout the empire, or even in the Eastern half of the empire, from as early as the 2nd century. For the 3rd century as a starting date for the decline of civic life see Jones, A.H.M., *The Cities of the Eastern Roman Provinces*, 2nd ed., Oxford University Press, 1971.

Before moving on into the main body of this paper, there are two topics that need to be discussed. To begin with, the deliberate exclusion of the Western half of the Roman Empire from this study needs to be addressed. What we call the Western half of the Roman Empire, or later the Western Roman Empire, was a geographically, linguistically (at least for the most part), and ultimately politically different entity from the Eastern half of the Roman Empire (what was later to become the Eastern Roman Empire). While, due the restricted scope of this paper, one cannot delve deep into the reasons and nuances of this division, it would suffice to note here that the Western Roman Empire was comprised of the part of the *imperium* that lay west of the Syrtis Maior in the South and the Central Balkans in the North. The initial differentiating factor of these western territories was the linguistic and cultural strength and influence of the city of Rome on them. That is to say that, by and large, they were primarily Latin-speaking and as a result they were significantly imbued with Latin culture. The Eastern half, on the other hand, was primarily Greek-speaking and its cities were steeped in Hellenic culture due to centuries of Hellenic (and Hellenistic) political domination of the area.[9] This *status quo*, from the very start of the Roman conquest of the Eastern Mediterranean, created an invisible dividing line (albeit one that allowed for a great deal of osmosis to occur) between the two sections of the empire.

This invisible line, however, in the 4th, and even more so in the 5th century, became more distinguishable, if not concrete, when the separate halves of the *imperium* were ruled by different emperors. This change led to a political mitosis which, even though it did not possess a relevant legal framework as theoretically the empire was still one state, furthered that pre-existing division. It was primarily this political division that led to the ostracism of the West from this paper, as beginning with the sole reign of Honorius in 395 the political institutions, including city government, took on a path different from the one seen in the East. Furthermore, whilst this paper examines the period up to the 7th century, Roman rule in the West

[9] That is not to say, however, that the East was not familiar or a participant of the Latin culture of Rome. In fact, until the late Late Antiquity, Latin was still the language of law and administration. That being said, even before the Roman conquest of the Eastern Mediterranean, Greek had been the lingua franca of the region and by the middle Byzantine period, Latin had been replaced on all accounts by Greek. Of course, the issue of the Latin literacy of the middle and late Byzantines is separate matter.

came to an end in 476. So, there is a significant temporal disparity when it comes to the governments of the two halves. Another point of significant difference between the two halves was the situation regarding the state of the cities. In the East urban life continued and in some places in the Near East it even flourished into the 4th and 5th centuries when in the West the city and its economy was in decline.[10] What went hand-in-hand, of course, with the survival of the cities' urban culture was curial government. While curial government was slowly declining in the East, reaching its final demise in the 6th and 7th centuries, in the West such a development had taken place many years earlier. The main difference when it comes to city government, therefore, between East and West was, as Liebeschuetz maintains, timing[11] The end result was roughly the same but the process and the context in which it happened was radically different. Therefore, apart from the obvious practical considerations such as the enormity of the source material, the West was excluded as the paths of the West and the East diverged quite early on in Late Antiquity and as such different factors would have to be taken into consideration that are beyond the scope of this paper.

Finally, the second issue that needs to be addressed is the omission of Constantinople from this study vis-à-vis its curial situation. Constantinople, that is the city founded by Constantine I in 330 on the site of the Archaic Hellenic colony of Megara, was never a city-state in the traditional sense. Of course, the city of Byzantium before it possessed all the hallmarks of a Greek city-state but when the city was re-founded and named Constantinople, it effectively stopped being a city-state; it became exclusively the seat of the imperial administration, a new capital, a *nova Roma*.[12] The result of this status was the absence of a municipal curia and therefore of decuriones. The institution in Constantinople closest in nature to the curia was the Senate but the Senate of Constantinople was a decidedly imperial institution with a role and status that was fundamentally different from that of a city curia.

[10] Kennedy, Hugh. "From Polis to Madina: Urban Change in Late Antique and Early Islamic Syria." *Past & Present*, no. 106 (1985): 4.
[11] Liebeschuetz, J.H.W.G. *The Decline and Fall of the Roman City*, Oxford, 2001, 400.
[12] Hammond, *The City in the Ancient World*, 326.

The city in the Roman East

The city during the Principate

To begin with, in this and the following chapters we shall explore the city and its institutions in the Roman East. Such an analysis is necessary as a preamble to the study of the decuriones in the Late Antique East as it provides the necessary context in which institutions like the curia and its members developed. In this section we shall look briefly at the city during the *principatus*, that is from the reign of Augustus to the reign of Diocletian. In order to be able to analyse the function and later the decline of the curiales, it is essential to investigate the state of the *πόλις* and its institutions during the years preceding their decline in Late Antiquity.

When the Romans conquered the Eastern Mediterranean, city self-government had already been flourishing there for centuries, both in the ancient Greek cities and in the Hellenised cities of the Hellenistic period. The cities that the Romans found had an intricate and sophisticated system of administration and government that they did not even attempt to temper with.[13] As Hammond notes, the long tradition of self-government in the Eastern cities and the Romans' great respect for Hellenic culture would have made the romanisation of the Eastern city-states "unthinkable and probably in fact impossible".[14] Thereafter, the cities continued on administering themselves largely undisturbed by their Roman masters. This administrative configuration, apart from the fact that it suited the proud and patriotic Greek elites as it allowed them to retain a great deal of control over their own affairs, suited the imperial government greatly as it made it possible for Roma to rule over such a vast territory with minimal manpower. Therefore, it was a win-win situation for all parties concerned. On the one hand, the local urban aristocrats, the curiales or *βουλευταί*, and at least in the beginning of this period the sum of a city's male citizenry, were

[13] Even in areas which were part of the eastern half of the empire but were not Hellenised and therefore did not possess the political institutions of the *polis*, like the areas close to the Danube, *poleis* with civic self-government were founded by the Romans to great effect something which shows how beneficial, both financially and administratively, this system was for the heirs of Romulus. See Poulter, Andrew. 'The use and abuse of urbanism in the Danubian provinces during the Later Roman Empire' in *The City in Late Antiquity*, Rich, John (ed.), Routledge, 1992, 99.

[14] Hammond, *The City in the Ancient World*, 288-290.

satisfied that the Romans were not restraining their freedoms and in actual fact quite a few cities welcomed them in a very amicable manner. On the other hand, the emperor and the Senate were perfectly contented to maintain the *status quo* so long as the city was peaceful and paid its taxes properly and promptly and only intervened when absolutely necessary, such as when a city had financial problems in which case it sent officials called *correctors* or *curatores* to rectify the situation. In real terms it can be said that the Romans thought that they had, and it seems that for some time they actual had, found a magic formula of administering the empire. As de Blois underlines, "after all, who could collect taxes, maintain order, and provide the needs at the local level more efficiently and inexpensively that the local unsalaried prominents who often shared in the costs at that."[15] This fact more than anything explains why in later centuries, as we shall see in the following chapters, the imperial government tried tooth and nail to keep the curiae and its members alive.

Moving on to the details of city government, the cities of the Eastern half of the Roman empire in the beginning of the Principate were ruled by the traditional three pillars of Greek government: the curia or boule (*βουλή*), the people or demos (*δῆμος*) and the magistrates. The demos relatively quickly after the Roman conquest became very weak with references to assemblies of the general citizenry being rare. By the 3rd century it was, in practice, no longer a part of the constitution of the cities' government.[16] The curia, which is the topic of this paper, and the magistrates, which were as a rule sourced from its members, lived on until the 7th century. The *βουλή* was a council of men who were theoretically invested in and practically charged with the well-being and administration of the city. They were considered its finest citizens. Their number varied but Jones notes that in the East they usually were 500, following the Athenian example, but sometimes they exceeded that number such as in Antioch where the curia had 600 members.[17] In smaller cities, like Oxyrhynchus, the curia was

[15] Blois, Lukas de. "The Third Century Crisis and the Greek Elite in the Roman Empire." *Historia: Zeitschrift Für Alte Geschichte* 33, no. 3 (1984): 362-3.
[16] Hammond, *The City in the Ancient World*, 291. The only possible successor to the δῆμος were the theatre claques. See, Jones, *LRE*, Vol.II, 723. On the role of theatre claques in the Later Roman Empire see Browning, Robert. "The Riot of A.D. 387 in Antioch: The Role of the Theatrical Claques in the Later Empire." *The Journal of Roman Studies* 42 (1952): 13–20.
[17] Jones, *LRE,* Vol.II, 724; Lib. Or. 2. 33.

a lot smaller with probably around 100 members.[18] To become a member of the curia one had to pass a wealth threshold, although what that was we do not know to a degree satisfactory enough to be able to draw reasonably safe conclusions. What we are almost certain about is that the wealth, or at least a large part of it, needed to be in land and property, the traditional markers of affluence in Antiquity.[19]

Furthermore, one of the most important parts of a city's public life and administration were the liturgies (*munera* or *λειτουργίαι*). These were undertaken by the members of the curiae, the decuriones or curiales, and were a form of, as Liebeschuetz accurately points out, "voluntary or semi-voluntary munificence".[20] Decuriones took on municipal duties, many of which will be detailed in the following chapters, as well as, most importantly for the emperor, imperial duties such as taxation. Under imperial law, the curiales were, as time went on, required to pay in advance the taxes demanded from a particular city, which they were allowed to collect from the populace afterwards. That was a most expensive and onerous duty and eventually contributed to their demise at the end of the Late Antiquity. Another point that is necessary to underline is that legislation regarding the curiales started appearing during the Principate. Despite the importance they would obtain in later centuries, as evinced in the legislative efforts of Late Antique emperors and their ministers, it appears that attempts to systematically regulate the institution and in particular the responsibility of providing *munera* started relatively early on and can be clearly seen in the legislation of the Severan Period. The earliest of these attempts, however, can be seen before the Severans, in the work Papirius Justus who attempted

[18] Rowlandson, Jane. *Landowners and Tenants in Roman Egypt: The Social Relations of Agriculture in the Oxyrhynchite Nome*, Clarendon Press, 1996, 123-124.

[19] N.B. Although we do not have any general laws regarding the property qualification for the decurionship, we do have some laws dealing with specific cases. One such law comes from 439 and was issued by Valentinian III. This law states that the minimum wealth requirement in order to be able to become a curialis is 300 solidi (Valentinian III, *Nov.* 3.4.). Even though such law was intended for empire-wide application, and it would apply in the East as well (it was also issued in the name of emperor Theodosius), Jones underlines that the value of 300 solidi was too high a price for it to have realistically been the minimum requirement of entry. It is clear, he argues and indeed all of the evidence we possess seems to support his point, that during the 5th century people throughout the empire with much less wealth were members of municipal curiae. Therefore, this legislation cannot be used to gauge exactly what the actual property requirements for entry to the curiae were. Jones, *LRE*, Vol.II, 739.

[20] Liebeschuetz J.H.W.G. 'The end of the ancient city' in *The City in Late Antiquity*, Rich, John (ed.), Routledge, 1992, 3.

to collect the legislation of the 2nd century emperors Marcus Aurelius and Lucius Verus.[21]

The city during the Dominate

The reign of Diocletian, the emperor who for many reasons is seen as inaugurating a new era, marks a turning point in the history of the city and its institutions. To begin with, his reforms saw nearly the entire empire's administration restructured. Provinces were divided, multiple augustuses and caesars were created, and more importantly, vis-à-vis this paper, the manpower and strength of the imperial civic service was greatly augmented. These reforms were far-reaching and, as it pertains to our topic, their effects were strongly felt by the urban authorities. The power of the provincial governors, along with the other imperial officers assigned to the provincial administration, was greatly increased to the expense of the curia.[22] This new *status quo* proved to be a trend that would only get worse as time went on; a trend where the power of the central government is increased and that of the local urban elites is steadily diminished. As such, the curiales started to feel like the world around them was starting to change and since the prestige of being masters of their communities was progressively being taken away from them, they began to look for other sources of power and status. For the few curiales that were left behind their former honour had now turned to, especially by the 6th century, a financial and social death sentence. As a result, the decuriones started to escape from their duties in a process called the flight of the curiales. A situation that is going to be analysed in subsequent chapters.

In order to fully appreciate the situation of the curiales in Late Antiquity and to understand why they started to flee from their posts, it is essential to investigate in depth the situation of the cities in the Late Antique East and to gauge their relationship with the curia. It is important to note that the actual state of the cities in the Late Antique East has been a point of contention for many decades. Whatever the talk of

[21] Rostovtzeff, M. *The Social & Economic History of the Roman Empire*, Oxford: Clarendon Press, 1926, 601, n.18.
[22] Jones, A.H.M., *The Later Roman Empire 284-602: A Social, Economic, and Administrative Study*, Vol.I, Oxford, 1964, 46.

the rapid decline of the cities from the 4th century onwards, the city as an institution remained central for many people and it continued to define their identities. A characteristic case in point is Libanius. A proud citizen of Antioch he talked at length of the beauty and importance of his city (a prime example of this is his speech *Ἀντιοχικός*). That being said, not all scholars see the civic pride displayed by Libanius as stereotypical. Many claim that that the civic values of the Greco-Roman world were dying during the Late Antiquity. One typical example is that of Liebeschuetz who maintains that by Late Antiquity "city patriotism had become a very weak emotion".[23] Let us examine the evidence, therefore, and evaluate what the actual state of the Late Antique cities was.

To begin with, an important factor in shaking off that image of decline, that is commonly associated with the cities of Late Antiquity, is archaeology. As Foss has pointed out, our historical sources for the period are very helpful with regards to imperial political history but they do not provide us with sufficient information regarding the provinces.[24] This fact has partly led to misinformed conclusions about the state of the empire and, as it pertains to this essay, the state of the cities. Archaeology has been very successful in filling in those gaps and allowing us to possess a rather less blank canvas of the history of the provinces of the Roman Empire. As such many areas in recent years have been shown, through the archaeologist's trowel, to be a lot more prosperous and developed during this period than it has previously been surmised. Niewöhner, a great authority when it comes to Byzantine Asia Minor, points out that the ancient buildings of Miletus were maintained during this period and survived even when the city was fortified in the 7th century.[25] Another striking example is Crete. Archaeological evidence, especially of mosaics and churches, from towns such as Kissamos, Chania, Chersonisos and Itanos, has shown that Crete was a highly developed and affluent province throughout the Late Antiquity that functioned as

[23] Liebeschuetz, *The Decline and Fall of the Roman City*, 403.
[24] Foss, Clive. *Ephesus After Antiquity: A Late Antique, Byzantine and Turkish City*, Cambridge University Press, 1979, viii.
[25] Niewöhner, Philipp. "The Byzantine Settlement History of Miletus and Its Hinterland – Quantitative Aspects. Stratigraphy, Pottery, Anthropology, Coins, and Palynology". *Archäologischer Anzeiger* 2 (Mai, 2018): 225.

trading hub in the Eastern Mediterranean.[26] Ephesus as well, appears to have remained a great and wealthy city throughout Late Antiquity to the extent that Foss can state that "the monuments now visible have made Ephesus perhaps the most striking example of the rich late antique urban culture in the Mediterranean".[27] What is more, cities in Palaestina appear to have flourished as well. Ashkelon, for example, appears to have experienced a great boom in population and to have remained a great port, whence the bountiful local wine was exported.[28]

What is more, one of the most striking examples of a Late Antique city is undoubtedly Aphrodisias in Caria. Aphrodisias is a very well-preserved Late Roman town that has been 'mined' for years by archaeologists for more information on cities during the Dominate.[29] Its material remains suggest that although new building projects were very limited and some old buildings were used for spolia, the city maintained its civic buildings and it retained its distinctly Roman urban culture. As Smith underlines, "until at least 600 it is clear that the city was able to engineer, organize, and maintain a functioning, classical-looking marble town that an aristocrat of c. 200 would have recognized if perhaps not applauded."[30]

Furthermore, apart from the archaeological sources, the literary evidence that we possess can shed light on the state of the Roman cities during the Dominate. Libanius is our most significant source when it comes to painting a picture of 4th century Antioch, one of the most important cities of the Eastern Roman Empire. During the first centuries of the Dominate, Antioch remained an important pillar of the empire. Its economy was thriving, and its aristocracy seemed wealthy (with affluent decurions such as Libanius' uncle Phasganius and Thalassius I and his son Thalassius II). As Liebeschuetz underlines, Antioch was not in decline in the 4th century and "we

[26] Sweetman, Rebecca J.. *The Mosaics of Roman Crete : Art, Archaeology and Social Change*. New York: Cambridge University Press, 2013, xvi and 12-15.
[27] Foss, *Ephesus After Antiquity: A Late Antique, Byzantine and Turkish City*, vii.
[28] Amm. Marc. 14.8.11–12.
[29] One of the most striking works on Late Roman and Byzantine Aphrodisias is Roueché, Charlotte, and Society for the Promotion of Roman Studies. *Aphrodisias in Late Antiquity : The Late Roman and Byzantine Inscriptions*. Second electronic edition. London: [Centre for Computing in the Humanities, King's College London], 2004.
[30] Smith, R. R. R. "Late Antique Portraits in a Public Context: Honorific Statuary at Aphrodisias in Caria, A.D. 300-600." *The Journal of Roman Studies* 89 (1999): 159.

can be certain that the economic and social foundation of city life in Syria remained secure".[31]

The picture that we have of the Late Antique city, however, is not entirely reassuring, especially when it comes to cities retaining their earlier prosperity or their status as *πόλεις* in the ancient classical style. Even if some cities and areas retained some of their splendour, it was through the skin of their teeth and that became all the more challenging as the centuries progressed. Others, like Athens, that great beacon of Hellenic civilisation, were permanently reduced both in wealth and significance early in the period. Although never completely deserted as a settlement, the sack of 267 by the Heruli proved to be detrimental both to the civic buildings as well as to the institutions of the city of Athena. Although, for the period after that sack and for the rest of Late Antiquity, we do not have sufficient information to be able to reconstruct how the city in general functioned and looked like, let alone examine its urban institutions, we can deduce that the city never properly recovered from the Crisis of the 3rd century and the sack of the Heruli.[32] This dearth of information on Late Antique Athens is best summarised by Kaldellis who notes that "we are better placed to describe what the city was like in the eleventh and twelfth centuries […] As for the seventh and eighth centuries, all we can do is conjecture."[33] The sack of the Heruli, as Thompson points out, proved to be "one of the most significant turning points in the whole history of Athens".[34] Although the city continued to attract students from around the empire, such as Libanius and Julian among many others, it is clear that after this date its significance as anything other than a city of culture and education was much reduced.

What is more, we can also obtain a picture of the steep degradation of Athens in Late Antiquity from the letters of late 4th and early 5th century bishop of Ptolemais, Synesius. In one of his most famous letters, Letter 136, written in 400 and addressed

[31] Liebeschuetz, J.H.W.G. *Antioch: City and Imperial Administration in the Later Roman Empire*, Oxford: Clarendon Press, 1972, 256.
[32] Day, John. *An Economic History of Athens Under Roman Domination*. New York Chichester, West Sussex: Columbia University Press, 1942, 261.
[33] Kaldellis, Anthony. *The Christian Parthenon: Classicism and Pilgrimage in Byzantine Athens*, Cambridge University Press, 2009, 62.
[34] Thompson, Homer A. "Athenian Twilight: A.D. 267-600." *The Journal of Roman Studies* 49 (1959): 62.

to his brother, Synesius talks about the eclipse of Athens. Such is the state of Athens that he curses the boatman that brought him thither presumably because of the grief it caused him to look at a much-reduced Athens ("και κακὸς κακῶς δεῦρό με κομίσας ἀπόλοιτο ναύκληρος"). He says that nothing is left of the city's glory except for its famous placenames ("ὡς οὐδὲν ἔχουσιν αἱ νῦν Ἀθῆναι σεμνὸν ἀλλ᾽ ἢ τὰ κλεινὰ τῶν χωρίων ὀνόματα"). Such was the downfall of the city that he snarkily claims that in the past the city was the home of the wise but now its source of glory and honour are its beekeepers ("αἱ δὲ Ἀθῆναι, πάλαι μὲν ἦν ἡ πόλις ἑστία σοφῶν, τὸ δὲ νῦν ἔχον σεμνύνουσιν αὐτὰς οἱ μελιτουργοί").[35] Furthermore, in another letter of his, Letter 54, written in 396 and addressed again to his brother, Synesius describes Athens as not deserving its exalted name as a temple of education and philosophy and informs us that the proconsul has deprived the city, specifically the city's jewels such as the *ποικίλη στοά*, of its artworks.[36] Finally, the closing of the schools of Athens by Justinian in 529 and the destructive sack in the 580s by the Slavs effectively signed the death warrant for a city than would remain of secondary if not tertiary significance until the 19th century.[37] Additionally, we need to point out that other cities shared a fate similar to that of Athens. Priene and Pergamum for instance, both cities with glorious histories, were steadily declining for centuries before Late Antiquity and by the reign of Constantine they were but shadows of their former selves.[38] Of course some cities formed the exception and became more prosperous in Late Antiquity such as Smyrna.[39] Such cities were an incredibly small minority though.

Moreover, what is common for all the cities of the empire (apart perhaps from Constantinople) is that slowly, during the Late Antiquity, they started looking a lot less like ancient cities. Of course, the exact situation varied from region to region, due to

[35] Synesius, *Ep.*136.
[36] Synesius, *Ep.*54.
[37] On the sack by the Slavs see Metcalf, D. M. "The Slavonic Threat to Greece Circa 580: Some Evidence from Athens." *Hesperia: The Journal of the American School of Classical Studies at Athens* 31, no. 2 (1962): 134–57. N.B. Athens regained some of its importance by becoming a place of pilgrimage after the 7th century when the Parthenon was transformed into a place of worship for the Virgin Mary (Θεοτόκος). See Kaldellis, *The Christian Parthenon: Classicism and Pilgrimage in Byzantine Athens*, 62-63. Despite this, however, the city never regained its place as a leading city of the empire and it remained an urban settlement of lesser worth in the following centuries.
[38] See, Foss, Clive. "Archaeology and the 'Twenty Cities' of Byzantine Asia." *American Journal of Archaeology* 81, no. 4 (1977): 477 and 479-480.
[39] Ibid, 481.

the different threats each area faced (The Balkans: The Heruli, the Slavs, and many others. Asia Minor and the Near East: The Sasanids and then the Arabs) and due to the haphazard nature of historical progress and development.[40] That is because one of the first elements of the cities to vanish, as they were transformed into thoroughly Byzantine entities, were their ancient civic monuments. As Saradi maintains, in the first Byzantine centuries, that is during Late Antiquity, archaeology has evinced a "demonumentalization of the public space" something which we could not deduce from other types of evidence.[41] The main characteristics of the ancient city: the colonnaded streets, the open *fora,* the public statuary of the leading personages of the city, and of course the grandeur of the public/civic buildings themselves were starting during this period to experience a steady decay and decline which would be complete by the middle Byzantine period.

The Curia and the curiales in the Late Antique East

The state of the curia and its members in Late Antiquity

After having examined the state of the cities, we must now turn to the state of their curiae. The curia appears to have reached its zenith during the end of the 2nd c. and the beginning of the 3rd centuries.[42] It has generally been argued, as is seen in this paper, that after that date and for the next 4 centuries, the importance of the curia and its members was steadily waning until at last after the reign of Justinian the curia disappeared altogether. Regardless of the verity of that statement, if one looks at this decline superficially or through only the lens of decline – with this decline being viewed retrospectively as inevitable - one fails to see properly and appreciate the evidence regarding the state of the curia and the decuriones in that period of decline, i.e. Late Antiquity. In this chapter, we shall attempt to look at the actual state, function, and importance of the boule and its members in the Late Antique Roman East. As well as the slow centralising force of the imperial government, which led to it taking over

[40] See Kaldellis, *The Christian Parthenon: Classicism and Pilgrimage in Byzantine Athens*, 62.
[41] Saradi, Helen, 'Changes of enduring consequences in Byzantine cities: The allusive nature of the texts' in *Επιστημονική Επετηρίς* 1 (2016), ed. Ανδρέας Γ. Μαρκαντωνάτος, Πανεπιστήμιο Πελοποννήσου Σχολή Ανθρωπιστικών Επιστημών και Πολιτισμικών Σπουδών, Ηρόδοτος, 2017, 83.
[42] Liebeschuetz. 'The end of the ancient city', 3.

the functions which were erstwhile the reserved domain of the city curiae and redistributing them to other groups such as officials and notables.

At the beginning of the period under examination in this paper (i.e. 3rd century), we notice the decuriones present and very much still active in city affairs. In Caesarea Maritima (*Παράλιος Καισάρεια*), the capital of the province of Syria Palaestina, the curia and the decuriones seem to be active in their community and engaging in their age-old traditions. In an inscription from the mid-3rd c. an eques and councillor of the city ("dec (urione) metr (opolis)") called Aurelius Theophilus, set up a statue to a governor of another province, Valerius Calpurnianus, who was probably from Caesarea. Crucially, the inscription expressly states that the statue was set up "ex d (ecreto) d (ecurionum) p (ecunia) p (ublica)" - by decree of the decuriones, with public money.[43] Similarly in another city of the province of Palaestina and later capital of Palaestina Secunda, an inscription was set up in mid to late 3rd century where the boule decided to put up a statue in honour of one of their number, Basileus son of Antiochos.[44] In this, as in the Caesarea inscription, we also get a glimpse into the liturgy system of the curiae. Even though both statues were paid using municipal funds, in both cases a decurion, in Caesarea, Aurelus Theophilus and in Scythopolis, Gaius Lucius, assumed the duty of carrying out the curia's decision. Even as late as the 4th and 5th centuries we observe cities in the East possessing an active curial government. One such example can be seen in the *Vita Porphyrii*, that is the Life of the early 5th century bishop of Gaza. In this *Vita* we find references to both the *βουλευτήριον* (i.e. the curia of Gaza) and the *βουλευτές* (i.e. the curiales) suggesting clearly that the curia as an institution and its members still played an active part in the cities affairs ("Ἀκούσαντες δὲ οἱ λοιποὶ τοῦ βουλευτηρίου, συναχθέντες ἐπῆλθον τῷ τε οἰκονόμῳ καὶ τῷ θεοφιλεῖ Βαρωχᾷ. Συνανέβησαν δὲ τοῖς βουλευταῖς καὶ πολλοὶ τῶν πολιτῶν").[45]

[43] Ameling, Walter, Cotton, Hannah M., Eck, Werner, Isaac, Benjamin, Kushnir-Stein, Alla, Misgav, Haggai, Price, Jonathan and Yardeni, Ada. Volume 2 Caesarea and the Middle Coast: 1121-2160. Berlin, Boston: De Gruyter, 2011, 231, Inscription #1278.
[44] Ameling, Walter, Cotton, Hannah M., Eck, Werner, Ecker, Avner, Isaac, Benjamin, Kushnir-Stein, Alla, Price, Jonathan, Weiß, Peter and Yardeni, Ada. *Volume 5/Part 2 Galilaea and Northern Regions: 6925-7818*. Berlin, Boston: De Gruyter, 2023, 1810, Inscription #7630.
[45] Vita Porphyrii episcopi Gazensis, 95.

Furthermore, in order to assess the place of the curia in the minds of the Romans of Late Antiquity, at least to those that harkened back to the glorious Greco-Roman past of their cities, one need not look any further than the writings of Libanius. A member of the curial order of Antioch, he states in one of his Orations that if the curiae are removed from cities, then nothing is left ("ἴσμεν γάρ, ὡς ἐπὶ τῶν βουλευτηρίων αἱ πόλεις ἑστήκασι, κἂν ταῦτα ὑφέλῃς, οὐδὲν ἔτι τὸ μένον").[46] French in her study on the famous riot of the statues in Antioch in 387, makes a striking remark on the link between the city (*πόλις*) and the curia (*βουλή*) and ultimately with the emperor. She states: "a city reverted to the status of village when it lost its curia, a sign that the city no longer enjoyed its special relationship with the emperor."[47] Just as a city theoretically became a village when it lost its curia, similarly a town became a proper city only when a curia was present. A most illuminating example of that fact is the famous story of Orcistus, a story that not only underscores the special relationship between curia and city but also one that proves that this relationship was cardinal even in Late Antiquity (at least during the first decades of this period). Orcistus was a town one the border between Galatia II and Phrygia II. We are informed of this incident involving this town from a letter of Constantine's in 324-326 to the *vicarius* of Asiana and later *praefectus praetorio Orientis,* Flavius Ablabius. In this letter that was later turned into an inscription, Constantine acceeds to the request for city status by the people of Orcistus. The aforementioned city until this point was amalgamated with another city in Phrygia called Nacolea. In this passage, we see Constantine recounting the Orcistians' words where they described the past glories of their town using the three following traits: the symbols of office of annual magistrates, the large number of curiales, and a large population citizens: "Adseruerunt enim uicum suum spatiis prioris aetatis oppidi splendore floruisse ut et annuis magistratum fascibus ornaretur essetque curialibus celebre et populo ciuium plenum."[48] In this excerpt we observe that for a city one of the most important elements of its very essence and pride was a strong curia.

[46] Lib. *Or.* 28. 23.
[47] French, Dorothea R. "Rhetoric and the Rebellion of A.D. 387 in Antioch." *Historia: Zeitschrift Für Alte Geschichte* 47, no. 4 (1998): 481.
[48] *Monumenta Asiae Minoris Antiqua*, VII, 305, Panel I, line 16-20.

The connection of the presence of a curia in a city and imperial favour is a thoroughly Roman phenomenon, as throughout the empire the grant of a constitution to a city, that previously did not possess one, was seen as an imperial concession.[49] The most characteristic example of this is Alexandria, a city denied a constitution from its foundation until c.200. A *βουλή* was finally granted to it, along with the other cities of Egypt that did not have a constitution, by Septimius Severus.[50] Until the Severan grant of constitution to the Egyptian cities only three cities had a boule and these were the two Greek cities, Naucratis and Ptolemais and the city founded by Hadrian, Antinoopolis, whose constitution was based on the Greek city of Naucratis.[51] The rest of the cities of the province of Aegyptus had to rely on an informal structure of municipal governance that was largely inherited from the Ptolemies; that is a system that relied greatly on the gymnasial aristocracy. Augustus after he conquered the province introduced a series of magistrates such as the ἀγορανόμος and the ὑπομνηματογράφος until the end of the 2nd century had formed a *κοινόν* something which according to Bell "provided the nucleus for the senates established by Septimius Severus."[52]

Furthermore, in the capitals of the *νομοί*, namely the separate provinces within Egypt that dated back to pharaonic times, a quasi general assembly of the citizenry existed.[53] From the Severan period onwards the cities of Egypt had a *βουλή* and a *πρυτανείον*; the hallmarks of civic autonomy. Septimius Severus in effect gave the curiales official responsibility vis-à-vis their city's administration, taxation, as well as supervision of the provisioning of military supplies.[54] What is particularly interesting is

[49] Before the Romans, Hellenistic kings had a certain amount of control over the constitutions of their cities. In Egypt, the Ptolemies refused to the very end to grant a curia to the Alexandrians. On the other hand when Ptolemy I Soter founded the city of Ptolemais Hermiou he granted the city a full constitution with a boule. See McKenzie, Judith. *The Architecture of Alexandria and Egypt c.300 BC to AD 700*, Yale University Press, 2007, 152.

[50] Scriptores Historiae Augustae, Severus 17.2; Dio Cassius, Roman History 51.17.3.

[51] See Millar, Fergus. *The Emperor in the Roman World, 31 B.C. – A.D. 337*. Cornell University Press, 1977, esp. 396.

[52] Bell, H. Idris. *Egypt, From Alexander the Great to the Arab Conquest: A Study in the Diffusion and Decay of Hellenism*, Oxford: Clarendon Press, 1948, 72.

[53] Ibid.

[54] Haarer Fiona, 'Developments in the Governance of Late Antique Cities' in *Governare e riformare l'impero al momento della sua divisione: Oriente, Occidente, Illirico*, Umberto Roberto and Laura Mecella (eds.), École Française de Rome, 2016, 128.

that curial government was introduced to Egypt just as it was starting to wane as an institution elsewhere. Perhaps, it was precisely because of that fact why Septimius Severus introduced a more official form of self-government to the cities of Egypt. Perhaps, the emperor wanted to tackle what he perceived as the rise of the *officia* of the imperial government and wanted to strengthen the curial institutions wherever he could in order to tackle that rise. Whatever his intentions, it is clear that any attempt to reduce the size of the central government was failing.[55] Of course, the dramatic decline of the decuriones did not start until many decades after this grant but many scholars like Rostovtzeff, sharing this view that curiae were starting to decline as early as the late 2nd and early 3rd centuries, see this Severan reform not as a way to perpetuate municipal autonomous government, but as "a means of binding the population to the state by ties of personal service and material responsibility".[56] Once the curiae were introduced, however, a lot of the municipal authority was transferred over to them and from there on out the curiales shared power with the *στρατηγοί* of the individual nomes and of course with the imperial officials.[57] Beginning with the reign of Diocletian they became integral parts of the administration of the Egyptian nomes.[58]

With that being said, it is important to note that the evidence that we now possess does not always allow us to draw concrete conclusions and in this case our knowledge of the physical landscape of the public buildings in Alexandria is deficient. In the chief city of Egypt, a boule from the Severan period has not been found and only a small theatre at Kom el-Dikka has been excavated, that dates from the middle of the 4th century, which is thought to have possibly housed the city council. Even if we assume that this theatre served as a curia from the mid-4th century onwards, we have a gap of about 150 years during which we do not know the place where the council

[55] Blois, "The Third Century Crisis and the Greek Elite in the Roman Empire", 375.
[56] Rostovtzeff, *The Social & Economic History of the Roman Empire*, 431-432. On some numbers relating to the size of the imperial government see C.Th. 1.13.1 (600 people in the office of the Count of the East); 1.15.12-13 (300-400 officials under the vicars); 1.12.6 (50-100 officials under every governor).
[57] See, Bell, *Egypt, From Alexander the Great to the Arab Conquest*, 91.
[58] Bowman and Rathbone, "Cities and Administration in Roman Egypt", 108.

met.[59] There is no doubt however that Alexandria possessed a curia after Septimius Severus.

One of the most important aspects of the connection of the curia to the city was that it provided the city with its executive officers, the magistrates. The chief of the curia was considered, at least at the beginning of our period and roughly until the end of the 4th century, to be the chief official of the city. That official was the elected president of the council known as *πρύτανις/πρόεδρος/προπολιτευόμενος*. He was the first decurio of the city and he was in charge of leading the council and its activities. His presence was ubiquitous but naturally, as most of sources regarding primary material on the curiae come from Egypt, we find him mentioned a great deal there. A typical example of such an officer in Egypt would be Aurelius Eudaimon who is an active prytanis in the city of Oxyrhynchus around the latter quarter of the 3rd century ("ἔναρχος πρύτανις τῆς λαμπρᾶς κ[αὶ] λαμπροτάτη[ς Ὀ]ξυρυγχιτῶν πόλεως").[60]

It needs to be pointed out, however, that although decurions were still very much active in the 4th and 5th centuries, in many places, the curia as an institution was already beginning to decline. In Antioch for example, we have examples of a number of duties (*munera* and tax collecting for the emperor) being allocated to decurions, but we rarely see the council making policy decisions as a legislative body.[61] What is more, in Libanius' work we are informed about other cities in Syria and about the state of their curiae. The Antiochene rhetor tells us that the councils of Emesa and Cyrrhus were facing difficult times and were in decline.[62] Moreover, in Athens, a city in a much-reduced state in Late Antiquity compared to its glorious past, the curia, its famous *βουλή*, seems to have been in dire straits. In an inscription dating to the 4th century, the size of the curia appears to have been greatly reduced from 500 to 300 ("ἡ ἐξ Ἀρείου πάγου βουλὴ καὶ ἡ βουλὴ τῶν τριακοσίων").[63] The information provided by

[59] McKenzie, *The Architecture of Alexandria and Egypt c.300 BC to AD 700*, 171 and 205 and 210.
[60] P.Oxy. 12.1412. Interestingly this same papyrus provides evidence of the common phenomenon in Egypt of wealthy individuals; that of being a decurion in two different cities. Aurelius Eudaimon was a member of both the curia of Oxyrhynchus and Alexandria: "βουλευτὴς τῆ[ς] λαμπροτάτης πόλεως τῶν Ἀλεξανδρέων, γ[υ]μνασ[ι]αρχήσας βουλ[ε]υτὴς ἔναρχος πρύτανις τῆς λαμπρᾶς κ[αὶ] λαμπροτάτη[ς Ὀ]ξυρυγχιτῶν πόλεως".
[61] Liebeschuetz, *Antioch: City and Imperial Administration in the Later Roman Empire*, 257-258.
[62] Lib. *Or*. 27, 42 and *Ep*. 846; Lib. *Ep*. 1071-4.
[63] IG, II^2, 3716.

this inscription is seconded by another inscription from the end of 4th century. In this honorific inscription for the proconsul of Hellas, Rufus Festus, the membership number of the *βουλή* is again stated to be 300 ("τὸν λαμπρότατον ἀνθύπατον τῆς Ἑλλάδος · Ῥούφιον Φῆστον καὶ Ἀρεοπαγείτην ἡ ἐξ Ἀρίου πάγου βουλὴ καὶ ἡ βουλὴ τῶν τριακοσίων").[64]

Finally, before we close this chapter on the curia and the curiales of Late Antiquity, we need to address a very important aspect of the decuriones' existence; their position and status in Roman law. In the Roman Empire, not everyone was equal before the law. Different sects of society warranted a different treatment by the courts and by extension suffered different punishments if found guilty. As Ulpian underlines in his, *Duties of Proconsul*, book 10: "Sed enim sciendum est discrimina esse poenarum neque omnes eadem poena adfici posse."[65] The decuriones, citizens free by birth, were *honestiores* and as such were among the privileged in this hierarchy of legal treatment and they enjoyed a certain number of legal privileges.[66] To begin with, the law codes of both Theodosius and Justinian include a plethora of laws regarding the rights of the decurions. Of these some that are indicative of their status in Roman society will be briefly mentioned here. Generally, decurions were excluded from forced public labour (*opus publicum*) and from being sentenced to work in mines.[67] In addition, decurions, their parents and children could not be condemned to gallows or to the pyre ("nec furcae subici vel vivi exuri") and if they were sentenced to such fates, they must be freed ("Et si forte huiusmodi sententia fuerint affecti, liberandi erunt").[68] They could also not be condemned to that favourite method of execution of the Romans; condemnation to death by wild animals (*damnatio ad bestias).*[69] Under normal circumstances the most severe penalty that could be inflicted on *honestiores* was exile (*relegatio).* What is more, their legal status restricted such sentencing only to the emperor and gave them a right to appeal.[70] Of course, some crimes called for capital

[64] IG, II^2, 4222 .
[65] Dig. 48.19.9.11.
[66] C.J. 10. 33. 1.
[67] C.J. 9.47.3; 9.47.9.
[68] Dig. 48.19.9.11, 12.
[69] C.J. 9.47.12 and Dig. 28.3.6.10.
[70] Dig. 48.8.16 and 48. 19. 27. 1, 2.

punishment, such as the killing of one's parents, which called for the punishment outlined by the Lex Cornelia ("Divus Hadrianus eos, qui in numero decurionum essent, capite puniri prohibuit, nisi si qui parentem occidissent: verum poena legis Corneliae puniendos mandatis plenissime cautum est.").[71]

Capital punishments of decurions are known in Late Antiquity. As almost always, the greatest treasure trove of all information relating to a number of issues to do with the Hellenistic and Roman Age comes from Egypt. In a papyrus from the last quarter of the 4th century, we are informed of a decurion from Alexandria, called Διόδημος that was sentenced to death by the sword as a consequence of murdering a prostitute. What we can deduce from this case is that decurions were not above the law and could be convicted to death especially if the general populace was against them as was the case here. What is more, we can infer that the actions of decurions (in conjunction with the ancient concept of μίασμα) were seen as linked to the moral health of the city and of the curia in general. To that point, the ἡγεμών (the man who ordered the death of the decurio) in his sentence said that his death would clear the name of the city and of the council ("κελεύ[ω] [ὥ]σπερ καθερων* τὴν τῆς πόλεως [καὶ] [τοῦ] βουλευτηρίου κόσμησιν ξίφι* σαι* [κα]ταβληθῆναι ὡς φονέα"). Finally, as a result of the furore this case caused and of the fierce battle given for Diodemos' life by his curial colleagues, we can conclude that the body of decurions in Alexandria at the end of the 4th century was still a force to be reckoned with.[72]

Civic responsibilities

Furthermore, as has been pointed out in previous chapters, one of the two main functions of the decuriones was to carry out a variety of *munera* (liturgies) for the benefit of the city. The curiales as a group were required by law to provide certain services for their city and theoretically it was their moral duty and pleasure to provide their wealth for the city's welfare, something which especially decurions who were performing a liturgy for the first time did with great zeal.[73] During the Principate such

[71] Dig. 48.19.15.
[72] BGU IV 1024 col. VI-VIII.
[73] Downey, Glanville. "Libanius' Oration in Praise of Antioch (Oration XI)." *Proceedings of the American Philosophical Society* 103, no. 5 (1959): 683.

a duty was considered an honour that was competitively discharged. Decuriones would try to outspend each other in order to secure the maximum civic prestige for themselves. During the Dominate, however, the amount of prestige linked to liturgies was severely reduced.

To begin with, a very crucial duty that the curia and individual curiales had, was the securing of the water supply and the maintenance of the relevant structures of the city, including aqueducts and baths.[74] Often the curiales had to organise and personally supervise certain munera. For example, if a sewer needed maintenance, they had to arrange for a corvée for their repair.[75] Further proof of the importance of this duty for curiales we find in a *διάλεξις* of Choricius of Gaza, a rhetorician who lived at the end of the 5th and the beginning of the 6th centuries. In an oration called *Εἰς Ἀράτιον Δούκα καὶ Στέφανον Ἄρχοντα* (*Laudatio Aratii et Stephani)* he chastises Stephanus's curial predecessors for not properly maintaining the aqueduct.[76] Moreover, in Libanius' 4th century Antioch we observe that the curiales were the ones responsible for overseeing the aqueducts and baths of the city.[77] Baths were, as Jones underlines, "considered an essential amenity of civilised life, and every self-respecting city maintained one or two."[78] Maintaining and heating the baths was one of the most important liturgies a curialis could provide.[79] Sometimes, the city treasury could relieve the financial burden of the curiales by providing funds (if any were available) for such purposes.[80]

What is more, the maintenance of public order was considered one of the central duties of the curiales. As with any type of government the security of the governed is always listed as one of the top priorities in its agenda. Just as classical Athens had the Scythian archers (*τοξόται* or *Σπευσίνοι*), so did Late Antique cities provide similar policing bodies.[81] A great source of information for such bodies is

[74] Lib. *Or*. 11. 246-7; Aqueducts: C.J. 1. 4. 26, 10. 30. 4; Just. Nov. 128.16.
[75] Lib. *Or*. 46. 21.
[76] Choricius of Gaza, *Laudatio Aratii et Stephani*, 44-49.
[77] Lib. *Or.* 25, 43 and 46, 21.
[78] Jones, *LRE*, Vol.II, 735.
[79] Lib. *Or*. 1. 272.
[80] C.Th. 15. 1. 32. C.J. 1. 4. 26, Just. Nov. 160, Ed. 13. 14.
[81] Even though we do not possess evidence for every single city in Late Antiquity with regards to this matter, it is safe to assume both rationally and from legislation that some form of policing organised by the city must have existed. See C.Th. 12.14.1.

Egypt, which provides us with evidence of the type of police force to be found in Late Antique cities. In P. Oxy. 897 (AD 346) we find the first reference to the *riparii* who are responsible for public security. Apart from Egypt, a place for which, like with so many other subjects, we possess a wealth of information regarding this topic is Antioch. As we are informed by Libanius in his speech to the city council (*πρός τήν βουλήν*), the curia of Antioch provided a police force of *κορυνοφόροι* (club-bearing policemen) and *εἰρηνοφύλακες* (protectors of the peace).[82] We are led to believe that a decurion himself filled that post and was responsible for the apprehension of criminals.[83] Of course, such municipal offices didn't only exist in Antioch. We have examples, again with Libanius as our source, for *εἰρηνοφύλακες* in the city of Elusa.[84] What is more, in the Life of Saint Porphyrius, where early 5th century Gaza is portrayed, we find the term *εἰρηναρχῶν*, which refers to the same time of policing force.[85]

Furthermore, a case which underlines just how central a duty the maintenance of public order was for the curiales is the Riot of the Statues in Antioch. In 387, the people of Antioch rose up in rebellion and destroyed statues of the imperial family in response to a new round of taxation forced on an already over-taxed city.[86] The significance of such an action by the Antiochians should not elude us since as French underlines, "physical attack upon the statues amounted to sedition".[87] The councillors seeing that they could not stop the rioting, fled from the city.[88] In reaction to this riot, the emperor Theodosius arrested the curiales of the city for failing to stop it. Libanius, one of our primary sources for the event and an eminent citizen of curial background, confirms that this a duty that the curiales failed to discharge.[89] The emperor ultimately pardoned the city and its curiales but only after a series of embassies both by the bishop Flavian and by councillors of the city, as well as what French calls the "plea-bargain" of Libanius, where the Antiochene rhetor admitted guilt for the entire city for

[82] Lib. *Or.* 48. 9.
[83] C.Th. 12.14.1.
[84] Lib. *Ep*. 53, 101, 102.
[85] Vita Porphyrii, 25.
[86] Our sources for this riot are John Chrysostom, who delivered a series of homilies on the subject (Homilies on the Statues): Joh. Chrys. Hom. on Stat. 13, 15, 17, 18, 21 and Libanius: Lib. *Or.* 19-22.
[87] French, "Rhetoric and the Rebellion of A.D. 387 in Antioch" 479.
[88] Lib. *Or.* 20.10.
[89] Lib*. Or*. 20, 21, 22, esp. 20.3; 22.5.

failing to stop the riotous actions of a small group in order to avoid the much heavier charge of being rioters themselves.[90] This case study underlines one of the central themes of the Late Antique role of the curiales. That is, responsibility without power. Theodosius blamed the curials for not maintaining the peace but as Libanius underlined, the decuriones were not in a position to stop the riot and that is why they fled.[91]

This was not the first time councillors were blamed for not keeping their cities in order. In 303 when a mutiny of a Roman Army unit was quelled by the city's forces, the first response of the emperor Diocletian when he heard of the mutiny was to sentence some of the leading curiales to death.[92] This response tells us that regardless of the failed outcome of the mutiny, the emperor held the curia responsible for maintaining public order and in his mind they had failed. Another such event occurred when the city police did not stop the sacking of the property of an important courtier called Datian. Libanius implies that the curia will be held responsible for this failing.[93] Steadily, this responsibility was removed from the remit of the curiales, perhaps due to their perceived inability to maintain public order. In 409 the emperor Theodosius abolished the magistracy of the *εἰρηνοφύλαξ,* a law which was repeated in Justinian Codex.[94] In this law titled (*De Irenarchis*), Theodosius states that the decurions, whom he calls a pernicious species ("genus perniciosum rei publicae"), that have filled that post have failed in their duty of maintaining peace and harmony ("quae adsimulata provincialium tutela quietis ac pacis per singula territoria haud sinunt stare concordiam"). Therefore, he takes away their power and awards it to the Praetorian Prefect, who in this case was a man called Anthemius.[95]

What is more, the maintenance and, if the finances permitted, the erection of civic public buildings was, traditionally within the purview of the curia. As late as the

[90] French, "Rhetoric and the Rebellion of A.D. 387 in Antioch", 477. On the pardon of the emperor: Joh. Chrys. Hom. on Stat. 21. And Lib. *Or.* 20.7, 38**.** On the embassy of the councillors: Lib. *Or.* 32. 2-6 and *Ep.* 550. On Libanius' plea: Lib. *Or.* 20.3 and 22.5.
[91] Lib. *Or.* 19. 32-33.
[92] Lib. *Or.* 19. 45; 11. 159-162.
[93] Lib. *Ep*. 1184 and 1259. On the curia being responsible for policing and public order see Liebeschuetz, *Antioch: City and Imperial Administration in the Later Roman Empire*, 103.
[94] C.Th. 12.14.1. = C.J. 10.77.1.
[95] C.Th. 12.14.1.

fifth century, in 401, a law was issued that granted the administration of temples to decuriones.[96] In order to carry out this liturgy, which was one of the most expensive, the council could use public civic funds in order to bankroll their projects.[97] When it comes to civic building maintenance and erection, it is important to note that we do not know how much of the total cost was covered by civic funds and how much was paid for by the decurions themselves.[98] What we do know for sure is that if such services were not provided, the decurion responsible was seen as having failed his duty. Such an example is provided by Libanius who informs us of a curialis who failed to secure the proper heating of the baths and was as a result beaten on the order of the comes Icarius.[99] As can be seen from this example it is impossible to deny that the imperial government was encroaching more and more on the prerogatives of the curials. Regardless of the fact that this project was assigned to a curialis, the authority ultimately responsible for the city's public works and its maintenance is clearly the imperial official, be it the governor or in this case the comes. Moreover, it is clear from imperial legislation, for instance in the Theodosian Code, that governors were now the ones expected by the central government to control and take care of the public buildings of cities. As Liebeschuetz points out, in 51 out of 53 laws under the title 15.1 *De operibus publicis*, the person responsible for civic building initiative seems to have been the governor. Apart from the evidence in the law codes, however, we find a number of isolated literary sources that further support this fact. For instance, in the Chronicle of Pseudo-Joshua the Stylite, we observe the emperor in 505 granting the governor of Osrhoene, Εὐλόγιος, a sum of money in order to carry our repairs.[100] Furthermore, proof of this responsibility being in the remit of the governor can be found in Libanius' Ἀντιοχικός speech.[101] Councillors, as we are informed by Libanius, were required in Late Antiquity to answer for their deeds (or more accurately their misdeeds and deficiencies) to the governors.[102]

[96] C.Th. 15.1.41.
[97] C.Th. 12.1.18.
[98] Jones, *LRE*, Vol.II, 737.
[99] Lib. *Or*. 26. 5-6, 27. 13, 28. 6.
[100] Chronicle of Pseudo-Joshua the Stylite, 87.
[101] Liebeschuetz, *Antioch: City and Imperial Administration in the Later Roman Empire*, 132.
[102] Lib. *Or*. 49. 8-9.

We notice that despite the takeover of the care for the city's civic infrastructure, individual decurions (that is not the curia as a whole) in some instances participated in building activity. In the border city of Bostra late in the 5th century (409/410), an inscription informs us of a decurion (*πολιτευομ[ένου]*) called Paul who was responsible for the erection (*ἀπὸ θεμελίων*) of the governor's palace (*τὸ ἡγειμ[ο]νικὸν πραιτώ|[ριον]*). Therefore, we can conclude that not only did decurions still have a role to play in the supervision of civic buildings but also that mentioning the fact that someone was a decurion still carried significance and weight. That being said, alongside his decurionship, the inscription details that Paul was also a *comes* (*κόμιτος*) and a clarissimus (*λαμπρ(οτάτου)*) meaning that he was also an imperial official and *honoratus*.[103] This addition makes us doubt whether his power and responsibility (general and vis-à-vis this specific building) was a result of his imperial or his curial status. Nevertheless, it is important that alongside his imperial *officium* and honours it is mentioned that he was a decurion. From that we can conclude that his curial status was at least partially relevant to the supervision of the erection of the governor's palace.

What is more, the city curiae during the reign of the emperor Julian acquired the power to approve or veto any appointment of public teachers. After the senate's approval, the decree of the curia would be sent to the emperor for the final stamp of approval: his imperial assent. Specifically, the emperor says that because he cannot be present in every municipality ("sed quia singulis civitatibus adesse ipse non possum") he decrees that if anyone wants to teach he will have to be approved by the senate of the city and thusly obtain the consenting decree of the curiales, whom he calls the best ("optimorum"), a possible allusion to the *optimates* and the Greek ἄριστοι ("iudicio ordinis probatus decretum curialium mereatur optimorum conspirante consensu"). Then that decree will be referred to him ("hoc enim decretum ad me tractandum referetur").[104] This decree, given by an emperor deeply immersed in the Hellenic spirit, can allow us to deduce two things. Firstly, that the curiae were deemed capable of carrying out this task and of safeguarding the traditional Greco-Roman

[103] IGLS XIII/1 9123.
[104] C.Th. 13.3.5.

values supported Julian by giving teaching posts only to suitable teachers. Secondly, this decree allows us to conclude that by giving the curiae extra responsibility and enhancing their powers, when his Christian predecessors and successors, as we will see in following chapters, took away from their remit, Julian was actively underlining the strong link between the traditional institution of the curia and the Hellenic culture of which he was the greatest champion. The emperor, whom the Christians have dismissed as the Apostate due to his attempt to turn back the clock on the Christianisation of the empire and to return it to its Greco-Roman religious roots, attempted through his legislation, in that same spirit, to strengthen the traditional municipal government; the curia. In several pieces of legislation, such as the return of the taxes collected from city lands (a topic that will be discussed in more detail in a later chapter), which were confiscated by the imperial fiscus during the reign of Constantius II, Julian showed his unrelenting support of the curial institution which in his mind was part and parcel of his general attempt to return to the traditional Greco-Roman ways. The city, therefore, along with its proper institutions, was seen as integral in the restoration of the ancient way of things. As Liebeschuetz expertly underlines, "belief in the city as an essential form of social organization, and in the value of cults of the city are different aspects of the same attitude of cultural conservatism".[105] Therefore, in this law of his, he is placing his trust in the curiae and is trying to restore their proper place and authority. Finally, interestingly this law survived in the Justinianic legislation, although one imagines that subsequent emperors, especially Justinian, used this legislation to favour Christian tutors and not pagan ones.[106]

Another very important function of the curia was to represent the city at court. Embassies to the emperor by a city were a constant occurrence ever since the Hellenistic period. In the era before the Roman domination of the Eastern Mediterranean, Rome was called upon multiple times to act as an arbitrator on interstate disputes. Especially after the Treaty of Apamea in 188 B.C., Rome with its newly dominant position in the area became the power to which many cities fled in order to resolve an interstate issue diplomatically. After Rome conquered the Hellenic

[105] Liebeschuetz, *Antioch: City and Imperial Administration in the Later Roman Empire*, 12-13.
[106] C.J. 10.53.7.

world of the East, the city of Romulus evolved from a *de facto* arbitrator to the *de jure* authority for dispute resolution.[107] Apart from this reason, however, the cities would now send embassies to Rome in order to petition the Senate, or later the emperor, for a wide variety of issues. The curia played a significant role in this communication between the city and the capital as it was among its members that ambassadors were selected. During the Principate, in particular in the 2nd century AD, we find evidence of this in a letter from Fronto, where he finds himself defending a claim of his client's that he had been a decurio of Concordia for years in part by asserting that this person had been an ambassador of the town and been voted his *viaticum* by the curia.[108] Another piece of evidence from the early empire that curiales were the natural ambassadors of cities comes from Alexandria. In a papyrus fragment that is dated between 30 B.C. and A.D. 14, we find the speech of an Alexandrian delegation to one of the early Roman emperors in which it is requested that Alexandria be granted a curia so that it can be like other Hellenic cities which have a proper constitution with a *βουλή*.[109] In the request, one of the reasons cited for possessing a curia is the ability to have a body from which a selection of ambassadors can be made. It is further stated that if they are provided with such a council, a proper selection can be made so that no one ill-suited is sent as an emissary and that people, whose due it is to provide services for their city, will not be able to avoid performing their liturgies and duties.[110]

This tradition of curial embassies to the emperor continued in Late Antiquity and it was still considered the prerogative of the curiales, as well as their duty, to serve as ambassadors for their cities, as Synesius informs us.[111] As late as the 6th century we find legislation that enshrines the right and duty of the curiae to send and approve of delegations sent to the imperial court.[112] Some voluntary embassies, like the

[107] See Ager, Sheila. L. *Interstate Arbitrations in the Greek World, 337–90 B.C*. University of California Press, 1996; Gruen, Erich S., *The Hellenistic World and the Coming of Rome*. Berkeley: University of California Press, 1984; Kallet-Marx, Robert. *Hegemony to Empire: The Development of the Roman Imperium in the East from 148 to 62 B.C*. Berkeley: University of California Press, 1995; Abbott, F. F. and Johnson, A. C. *Municipal Administration in the Roman Empire*, Princeton, 1926, ch. 11.

[108] Fronto, Ad Amicos II, 7.

[109] As mentioned in an earlier chapter Alexandria and Egyptian cities in general, apart from a few exceptions, did not have a city council.

[110] PSI, 1160, col.ii, ll.11-14.

[111] Synesius, *Ep.* 100.

[112] C.Th. 12.12.15. This law dates from 416 but was included in the Codex so it retained its validity into the 6th century (C.J. 10. 65. 6)

Alexandrian one mentioned above, continued and the curia, since it theoretically represented the people, had the right to communicate with the emperor if it so wished. A typical example of this is the embassy of the Antiochenes to the emperor Julian with the appointed emissary being Libanius himself who composed his Oration 15 (*Πρεσβευτικός πρός Ἰουλιανόν*) for the occasion. The purpose of this embassy was to request that Julian forgive them and take residence in Antioch ("ποθοῦμεν βασιλέως καθέδραν").[113] The most frequent kind of embassy, however, was not the one that cities wanted to send to the emperor but the one that they had to send to the emperor. These compulsory embassies, as Liebeschuetz calls them, were sent on the occasion of an imperial anniversary, when the 'crown gold' was sent to the emperor.[114] Of course, the fact that some embassies were sent over as a formality does not mean that the curials could not kill two birds with one stone. That is why sometimes curiales were sent to deliver the crown gold while simultaneously possessing an extra agenda. Such an example is a 363 embassy from Ancyra, during the reign of the emperor Jovian, where the councillors, apart from visiting the imperial court because they had to, also talked to the emperor about ways to combat Christian sermons that possessed a severe anti-pagan tone.[115] Therefore, we notice here that one of the duties of the curialis was to man the embassies sent to the court.

Finally, a series of other responsibilities traditionally fell under the responsibility of the curiae.[116] Games and spectacles are such an example. Although these vanished from city life after the 6th century, they still formed a major part of curial activity for most of Late Antiquity. Such liturgies constituted a significant part of the spending of the curiae.[117] Moreover, another liturgy that the curia managed, which was cardinal for the proper functioning of the city, was the securing of a sufficient food supply. Even as the late as the 6th century, the curiae were seen as responsible for securing the supply of corn for their city.[118]

[113] Lib. *Or.* 15. 18.
[114] Liebeschuetz, *Antioch: City and Imperial Administration in the Later Roman Empire*, 107-108.
[115] Lib. *Ep*. 1436.
[116] A vast collection, too long to analyse in this paper, of the responsibilities of the curiae can be found in Dig. 50. 4. 1 and 18.
[117] C.Th. 25. 5. 1; Lib. *Or*. 27. 13 and 33, 14.
[118] C.J. 27.2.12.

Imperial responsibilities

Apart from their responsibilities towards the city and its citizens, decurions also had a set of duties assigned to them by the imperial government for the benefit of the imperial government. For centuries, even before Octavian became Augustus, Rome relied upon the urban aristocracy, which was especially strong in the East, to govern in its stead. The emperor and, during the principate, the Senate would assign governors to large provinces with an incredibly small number of staff. In the Dominate, although the imperial civil servants became more numerous, the duties imposed upon the curiales, at least during the first few centuries, hardly decreased. The most onerous of these duties was the payment and collection of taxes, both in cash and in kind on behalf of the emperor. These duties sometimes meant that the decurion would have to go in person to the villages that belonged to a town so as to collect the tax themselves.[119] Councillors were individually held responsible for collecting these taxes and as a result had to suffer the consequences of a potentially failed task as individuals.[120] This activity placed such a great burden on the curiales, especially the less affluent ones, since it forced them to part with a significant amount of capital in one fell swoop without knowing if they were going to be able to collect it all back. This in effect meant, according to some scholars like Liebeschuetz, that Late Antique curiales were in fact less wealthy (or at least had a more limited cash flow) than their ancestors from the Principate.[121] As Lee, points out, however, the curiales initially benefited from the system. They thought that by being put in charge of collecting imperial taxes they could make a significant profit by providing to the emperor the amount he expected from them and then in a corrupt fashion keeping the change.[122]

Imperial taxation and the role the curiales played in it provides us with a good opportunity to expand on a topic that was decidedly present in the minds of the people of the period and as a result of the scholars who study their world; curial corruption

[119] Lib. *Or.* 47. 7.
[120] Evidence of this individual responsibility of councillors when it comes to tax-collecting can be found in Lib. *Or*. 33. 32, 45. 24, 47. 8.
[121] Liebeschuetz, *Antioch: City and Imperial Administration in the Later Roman Empire*, 161.
[122] Lee, A. D.. *From Rome to Byzantium AD 363 to 565: The Transformation of Ancient Rome*. Edinburgh: Edinburgh University Press, 2013, 201-202.

and exploitation. Ideally, the relationship between the curia and the people, as we can see in Libanius' work, is one based on paternalism. That is a relationship where the curia cared for the people as father would care for a child.[123] The curiales, however, were seen by many as taking advantage of and exploiting the people they governed. The main way that they did this was via the collection of taxes. As pointed out earlier, the curiales in the beginning were only too willing to be the emperor's tax collectors because they saw that profit could be made from managing imperial taxes. By collecting more tax than the emperor demanded, the decuriones greedily filled their own pockets. This corrupt profiteering of the curiales is outlined in The *Codex Justinianus*, where in 531 Justinian says that a curialis is unfit to become a bishop or presbyter because the concept of severe exactions of taxes was inculcated in him from a young age ("Τὸν γὰρ ἐντεθραμμένον είσπράξεσι σφοδραῖς") and this role would put them in position that would likely lead them to sin ("καὶ τοῖς διὰ τοῦτο ὡς εἰκὸς ἐπισυμβαίνουσιν ἁμαρτήμασιν").[124] Moreover, another fact that underlines that the curiales were not seen as the defenders of the people can be seen in the case of an *officium* called the *defensor civitatis.* This magistrate, whose responsibility was to look after the common man, was categorically not to be a curialis, because his role was clearly seen as an oppressive one towards to the poor of the city.[125] This prohibition withstood the test of time as it also appears in Justinian's Codex.[126] Therefore, we can observe that decuriones were seen throughout Late Antiquity as corrupt and as taking advantage of the imperial responsibilities that had been placed upon them.

It needs to be pointed out that taxation in the Roman Empire was not static, with particular duties being levied during special circumstances. It was in such a situation that Antioch found itself in the 4th century. Antioch, as the metropolis of Syria, the seat of the *comes Orientis* and of the *magister militum per Orientem*, was a major hub of military activity in the East (as it had been for centuries). Her position and affluence rendered her the perfect base from which the Roman Empire could wage war on Persia. During these wars, great duties related to the army as well as taxes were

[123] This paternalistic ideal can be seen in Lib. *Or*. 11. 139-43.
[124] C.J. 1.3.52.1
[125] C.Th. 1.29.3.
[126] C.J. 1.55.2.

forced upon the decurions of Antioch harming greatly the economic solvency of its curia.[127] Although monetary support was provided in 409 to the council of Antioch, the Persian wars and the heavy financial burdens they brought with them permanently damaged the curiales of Antioch.[128]

What is more, taxation in cash was not the only imperial responsibility that the curiae had. To begin with, we know that imperial taxation needs could be satisfied by payment in kind, i.e. with farm produce.[129] This most probably made the task of the curiales, who had to collect the said tax themselves, much more difficult.[130] Additionally, tax burdens on the curiae were not imposed in a similar fashion universally. That is to say that the imperial responsibilities that each city had were tailored to its specific situation. One such case is Antioch, where the curia apart from collecting the tax also had to undertake the duty of transporting by sea corn that was needed for imperial purposes.[131] Finally, if a city was stationed near the borders of the empire its curia had to shoulder the responsibility of collecting and despatching supplies to the limitanei forts.[132]

Slowly but steadily, however, the curiales were relieved of their tax-collecting responsibilities. As early as the 4th century, the emperors Valens and Valentinian tried to assign the collection of the taxes in kind to imperial officials and *honorati*.[133] In a law from 365 or 368, the emperors while giving away the responsibility to a group of imperial officials (*apparitors*), justified their decision by stating that this group had been proven to be more able property-wise and more trustworthy than the decurions who were traditionally in charge of tax-collecting ("susceptores specierum idcirco per illyrici provincias ex officialium corpore creari praecepimus, quod cognitum est illos et re et fide idoneos haberi quam eos, qui in curia suscipere consueverint").[134] While as Liebeschuetz points out, such attempts in the 4th century were not particularly

[127] Lib. *Or.* 49. 2.
[128] C.Th. 12. 1. 169.
[129] Lib. *Or.* 47. 7.
[130] Jones, *LRE*, Vol.II, 1050-51.
[131] Lib. *Ep.* 959.
[132] C.Th. 7.4.15.
[133] C.Th. 12.6.5, 7; 8.3.1.
[134] C.Th. 12.6.9.

successful at removing the curiales from the tax-collecting process, as the years passed, such an event became inevitable.[135] Key to the ultimate exclusion of the curiales from the system of imperial tax collection was the growth of the power of the Church and of the notables. These 'curial successors' and their approach to urban government will be examined in a subsequent chapter. For now, however, we need to mention the most crucial catalyst in the elimination of the tax responsibilities of the decuriones; the imperial government. The emperors through the introduction of city magistrates like the *exactores* and the *vindices* attempted to take control of tax collection in their own hands.[136] As such, over the centuries, the curiae were incrementally eased out of the system.

Finally, in closing this chapter on the imperial responsibilities of the decuriones, it is important to stress that one must not underestimate the central role that taxation played in keeping the curiales both relevant and alive. In a way, tax-collecting was one of the main reasons (the other being the maintenance of the cities) why emperors up until the 6th century tried to keep the curiae alive (as we shall see in following chapters). When the curiae ceased to be effective vis-à-vis the tax collecting purposes of the empire, the government tried to find other means to satisfy its needs for local and provincial administration and taxation. This inadequacy of the curiales in effect contributed greatly to their ultimate downfall.

The flight of the Curiales

The decline and flight of the curiales

The decline and flight of the curiales has been a subject that for the past decades has greatly occupied the academic world. Pages upon pages have been written on the demise of the decuriones, their class, and the whole civic structure of

[135] Liebeschuetz, 'The end of the ancient city', 13. A number of laws prove that by the end of the 4th century decuriones still had a role to play in tax-collection, albeit a less prominent one: C.Th. 6.3.4; 11.7.12. In retrospect, we can observe that the imperial government was intent on replacing the decuriones with officials under its own control like the exactores, the susceptores, and the vindices but that replacement took centuries (until the late 6th- 7th century) to be fully completed.

[136] These civic magistrates, among others, will be examined in detail, in the following chapter.

which they were a part, i.e. the Greco-Roman *πόλις*. The lenses through which one looks at the decuriones occasionally varies with most examining their existence only as means through which to gauge and assess the end of the ancient city. In this essay the curia and its members have been the central focus of our research, and the city has served as the necessary context in which decuriones were active. In the previous chapters we talked about the role and function of the decuriones in Late Antiquity. Now we shall turn our attention to the more famous aspect of their story; their decline and fall, or as the story is usually being told; their decline and flight.

According to some researchers, like A.H.M. Jones, signs were visible even from the 2nd century with many curiales appearing hesitant to take on the duties that they had for centuries prior relished in undertaking.[137] Noticeable decline, however, does not appear until the tumultuous and financially strenuous years of the Crisis of the Third Century. The general turmoil and more importantly the economic recession, the depreciation of the coinage, the rising of taxes, and the inflationary pressures that were consequences of the Crisis meant that the financial strength of the councillors was much reduced compared to what it was under the Principate. This led to a decline in the available candidates for positions in the municipal curiae. In a series of laws of Diocletian's, we notice that he significantly lowered standards in order to increase the membership of the city senates. For instance, he allowed admission to decurions that were illiterate and to decurions that had been sentenced to infamia.[138] Libanius, writing in the 4th century, was already noticing a steep decline in the state of the curiae of the empire stating that the wealth and number of members of the councils of the cities was greatly decreased compared to earlier times and its members were fleeing to the Senate, the army or other places in order to avoid fulfilling their financially unbearable duties.[139] Nevertheless, the decline was neither smooth nor inevitable. Although in retrospect we can talk about a process through which the curiae disappeared, we cannot talk about a process that dictated that with every passing year after the crisis of the 3rd century until the invasion of the Sassanids and the Arabs in the 7th century, the state of the curiae was in a constant and irreversible decrescendo.

[137] Jones, *LRE*, Vol.I, 20.
[138] C.J. 10.32.6. and 10.59.1.
[139] Lib. *Or.* 18, 146.

Firstly, a situation that lasts for nearly four centuries can hardly be said to be in a state of proper decline and secondly, even if a general pattern presents itself, for which unarguably there is a lot of evidence, there was also a period of resurgence. In the 4th century, for example, the greatest champion of the curiae among the emperors of Late Antiquity, along of course with a lot of other traditional Greco-Roman elements, was Julian. He restored to the curiae many of the city lands and the tax levies that came with them, which had been taken over by the fiscus, something that made the curiales extremely grateful.[140] Apart from the evidence provided for in the Codes and the historical sources, archaeological finds have allowed to further consolidate Julian's support for the urban self-government. In a Latin inscription from Maʿayan Barukh in the province of Phoenice, put up by the Phoenicians, we notice a *vota* to the emperor Julian. In this inscription we find the "Foenicum | genus" praising Julian as "re]stauratori, cu|r[ia]rum et rei public|[ae] recreatori".[141]

Notwithstanding Julian's short-lasting favour, it cannot be denied that the curiae did decline and we can trace that decline in the archaeological record. One of the places that provides us with the greatest amount of information, both with regards to the stadial eclipse of the decuriones, as well as the state of cities in Late Antiquity, is Aphrodisias. As has been mentioned previously in the paper, Aphrodisias, a provincial capital, is one of the best-preserved towns of the Eastern Roman Mediterranean. It allows us to get a glimpse into how a medium-sized Late Roman town looked like but also, which is more relevant to this paper, to gauge the situation of the curiales of such a city.

One particular aspect of the archaeological remains of Aphrodisias that is most informative when it comes to the decuriones is the city's public statuary. During this period (roughly from 300 onwards) a dramatic shift occurs regarding who was the subject of the public statues found in Aphrodisias.[142] Increasingly as the centuries passed, the people honoured were not local decuriones but men with some

[140] C.Th. 10. 3. 1, Lib. *Or*. 13. 45, Amm. Marc. 25. 4. 15: "vectigalia civitatibus restituta cum fundis".
[141] Ameling, Walter, Cotton, Hannah M., Eck, Werner, Ecker, Avner, Isaac, Benjamin, Kushnir-Stein, Alla, Price, Jonathan, Weiß, Peter and Yardeni, Ada. *Volume 5/Part 1 Galilaea and Northern Regions: 5876-6924*. Berlin, Boston: De Gruyter, 2023, 24, Inscription #5893.
[142] See Liebeschuetz, 'The end of the ancient city', 4.

connection to the imperial government. As Smith underlines, "We go from the civilian world of city-minded, patriotic, local leaders whose political identity was located inside their poleis to the authoritarian world of central government, the provincial governor, and a restricted circle of local aristocrats whose prestige was now measured more by their proximity to imperial power."[143] What is more, the statues were not just fewer in number than they were in past but were also not set up by the *βουλή,* the traditional dedicator of public statuary. They were erected by individuals that were imperial officials and governors.[144] The reduction in statue inscriptions is seen by Smith as emblematic of profound change in city politics. Since cities were run by imperial officials and governors, there was simply little need for public statues in general and in particular even less need for statues to local benefactors, men that were traditionally decuriones. As he points out in a pithy, sequential 'triptych': "There was less competition, fewer benefactions, and fewer people to be honoured."[145] What is surprising about Aphrodisias is that for about a century between c.450 to c.550, the number of inscriptions to civic benefactors that have survived is significantly higher than the number found in the periods both before as well as after. This sudden surge, however, which marks an increase in interest as well as in the influence of private benefactors, seems to have been, as Liebeschuetz highlights, an "Indian summer".[146] The downward trend of the Greco-Roman civic structures and institutions resumed after this interlude and at the end of this period secular public inscriptions come to end. From end of the 6th century Aphrodisias is properly transformed from a Greco-Roman city into a thoroughly Byzantine one.

Furthermore, one aspect of the flight of the curiales that needs to be pointed out and is clear from the Codes is that the imperial government deeply appreciated the importance and centrality that the curiales possessed for the very fibre of the imperial structure. The immense number of laws regarding the curiales included in both the Theodosian Code (where the chapter (Book 12.1) on decurions is by far the

[143] Smith, "Late Antique Portraits in a Public Context: Honorific Statuary at Aphrodisias in Caria, A.D. 300-600", 161.
[144] Ibid, 173.
[145] Ibid, 173.
[146] Liebeschuetz, 'The end of the ancient city', 5.

largest) and in Justinian's Code and Digest, attest to the fact that the emperor and his servants knew incredibly well that the curia as an institution needed to be maintained.[147] As Jones points out, "from this vast and tangled mass of legislation two points emerge clearly, that the Imperial government considered the maintenance of the city councils essential to the well-being of the empire, and that many members of the city councils strongly disliked their position."[148]

One of the ways through which the emperors tried to maintain the curiae was by issuing laws that restricted the curiales' means of escape from their duties. Many pieces of legislation exist that bound curiales to their posts and from various different emperors. Notable examples include a law of 393, which removes the curiales from imperial offices and returns them to their curiae, as well as the highly florid Novel 38 published in 536 by Justinian.[149] The fact that Justinian, apart from Novel 38, went on to publish two more Novels aimed at preventing a flight of the curiales (both of them in 539) suggests a constant imperial attempt, even as late as the middle of the 6th century, when the number of functioning curiae must have been very small indeed, to save the curiae, or maybe more realistically to delay their total decline as much as possible.[150] The fear of the government that curiales would flee from their posts can also be seen in the laws that limit their movement. In 324, emperor Constantine decreed that if decurions want to visit the imperial court, they must first obtain permission from the governor of the province or else face deportation.[151] Moreover, a law of 371 outlawed the granting of shelter to any fleeing curialis.[152]

What is more, historical sources also inform us of this imperial attempt to either force curiales to remain in their posts or to forcefully enlist people that in earlier periods would not have been eligible to serve on the curia. Ammianus Marcellinus provides us with such an example. While listing some instances where he finds the

[147] Some indicative sections of the Justinianic legislation that deal with decurions: C.J. 10. 22, 32, 33, 34, 35, 38; 12.16 and the majority of Book 50 of the Digest, as well as a number of Novellae such as 87 and 101.
[148] Jones, *LRE*, Vol.II, 748.
[149] C.Th. 1.12.4; Just. Nov. 38. Other Novels that deal with
[150] Just. Nov. 87 and 101.
[151] C.Th. 12.1.9.
[152] C.Th. 12.1.76.

emperor Julian to have acted unjustly and arbitrarily (Amm. Marcellinus reassured us, however, that such instances should not define Julian as they were out of character: "ni quaedam ad arbitrium agens interdum ostenderet se dissimilem sui"), he informs us that he forced unsuitable people or people that possessed special privileges that exempted them (one imagines that here he is referring to curiales who had fled to various places, such as imperial, ecclesiastical or senatorial service, in order to avoid their curial obligations) to be conscripted by the curiae of towns.[153] Specifically he says: "Illud quoque itidem parum ferendum quod municipalium ordinum coetibus patiebatur iniuste quosdam adnecti vel peregrinos vel ab his consortiis privilegiis aut origine longe discretos."[154] Therefore, Ammianus Marcellinus paints the portrait of a man who, although traditionally a great supporter of the cities and of the curial institutions (a person who as we saw earlier restored wealth to the city treasuries), actively forced men to serve in the curiae.[155] Perhaps, however, it is precisely because he cared about the Greco-Roman style of governance, of which the curiae were a central pillar, that he tried to keep the curiae alive by forcefully conscripting men to serve in them. Nevertheless, Ammianus Marcellinus thought that forcing men that did not belong to the curiae to serve there and bear the financial consequences of that, was an unjust move on Julian's part.[156] The example of curiales forced to return to their posts or of citizens being thrusted into the curia against their will are numerous (especially in the works of Libanius). Many examples could be brought forward here. One such example is that of Achillius, a doctor that was living away from his native city, who was forced to return there in order to take up his now deceased father's curial duties.[157]

Furthermore, the imperial government tried to keep the curiae alive by preventing the flight not just of the curiales, but also the flight of capital. As such several laws were issued that, under certain circumstances, reverted a decurion's capital to the curia itself, so that the city's government would still be able to carry out

[153] Amm. Marc. 25. 4. 19.
[154] Amm. Marc. 25. 4. 21.
[155] Further evidence of Julian's support for the town councils can be found in Lib. *Or.* 18.146–47.
[156] This same Julianic forceful conscription in the curiae is again noted by Ammianus Marcellinus in 22.9. 12.
[157] Lib. *Ep.* 756 and 1444.

its responsibilities, even if the individual to whom the capital belonged did not. In a law that dates from 395, it is stated that any decurio that has fled from their post must return within 5 years or his property will be given away to the curia, of which they are a member, so that it can perform the services he is not.[158]

Actively fleeing curiales, however, were not the only problem. Another way for capital to escape seems to have been the death of decurio who has left no one that could take his place in the curia. In a law of 428, the emperors Theodosius II and Valentinian III, decreed that if someone that is not a member of a deceased decurion's family, inherits his property, then the council is owed ¼ of that property.[159] Therefore, the government was anxious that the city was losing capital and moved to make sure that that capital was still at the city's disposal, even if the decurio no longer was. It appears that this flight of capital got progressively worse and by the 6th century the situation was more desperate. That is only natural since the flight of the curiales, which got worse in that century and that of their capital went hand-in-hand. In 536, in a Novel that is remarkable for its insightful yet noticeably nostalgic treatment of the curial institution, Justinian decrees that if a decurion dies without children, male or female, he must bequeath ¾ of his property to his city's curia.[160] That is a remarkable increase. Within a century the amount that must be granted to the city in the absence of a curial replacement from the family of a deceased decurio went from ¼ to ¾.

The contents of both this law and the law of 395 also appear in Procopius's Secret History. He states, in a typical Procopian fashion, that Justinian showed his true character ("γνώρισμα ἤθους τοῦ οἰκείου κἀνταῦθα ὁ αὐτοκράτωρ ἐνδεικνύμενος") when he revoked the ancient law that stated that upon the death of curialis without a male heir the curia received ¼ and his other heirs ¾ of his property. In its place, the emperor decreed the reverse ("ἔμπαλιν τὰ τοῦ πράγματος διοικούμενον ὅπως δὴ"). In other words, the law of Justinian's stated that ¼ went to the heirs and ¾ to the curia.[161] The ancient law, that Procopius refers to here is evidently the law of 395 and

[158] C.Th. 12.1.143.
[159] C.J. 10.35.1.
[160] Just. Nov. 38.1.
[161] Procopius, *Historia Arcana*, 29.19: "νόμῳ δὲ ἄνωθεν διωρισμένον, ἐπειδὰν βουλευτὴς τῶν τινος πόλεων οὐκ ἀπολελειμμένων οἱ παίδων γόνου ἄρρενος ἐξ ἀνθρώπων ἀφανισθείη, τῶν ἀπολελειμμένων ὑπὸ τούτου χρημάτων τὸ μὲν τεταρτημόριον δίδοσθαι τῷ τῆς πόλεως βουλευτηρίῳ,

the new 'audacious' law of Justinian's is the Novel of 536. There is, however, one discrepancy between the legal material and the information provided by Procopius. The Novel of Justinian's states the following: "Εἰ τοίνυν μετὰ τόνδε ἡμῶν τὸν νόμον τελευτᾷ βουλευτὴς παῖδας οὐκ ἔχων οὔτε ἄῤῥενας οὔτε θηλείας, οὗτος τῆς ἑαυτοῦ περιουσίας τὰς τρεῖς μοίρας καταλιμπανέτω τῇ βουλῇ καὶ τὴν τετάρτην οἷς βούλεται."[162] This law, therefore, talks about the lack of an heir male or female. In the story recounted by Procopius, however, the deceased has a daughter that according to Procopius is subject to this law and has to give up ¾ of her inheritance to the curia: "τούτου τοίνυν κειμένου τοῦ νόμου, Ἀνατολίῳ μὲν ἐπεγένετο ἡ τέλειος ἡμέρα τοῦ βίου, ἡ δὲ τούτου παῖς τὸν τούτου κλῆρον πρός τε τὸ δημόσιον καὶ τὸ τῆς πόλεως βουλευτήριον κατὰ τὸν νόμον ἐνείματο".[163] Notwithstanding this discrepancy it is doubtless true that in the 6th century the flight of capital must have got worse for Justinian to decree thusly.

Moreover, another element that affected the decline of the curiales was the centralising tendency of the imperial government, a tendency that only got worse as time went on. From as early as the Roman conquest, the Roman state had steadily excluded the curiae from anything to do with the dispensation of justice. All legal power was gradually granted to the imperial officials (i.e. the governors). Such was the degree of the exclusion of the curiales that by the 4th century practically all cases were dealt with at the governor's court or by his appointees. As Liebeschuetz underlines, "we never hear of any case of the independent exercise of jurisdiction by a civic official.[164] The decurions during Late Antiquity were permanently, as it turned out, blocked out of the juridical system. Furthermore, as the centuries passed most of the importance of the civic magistracies had evaporated. While during the Principate it had been rare, after Diocletian imperial micro-management of the cities' affairs was a common if not normal occurence. Slowly but steadily officials that were supposed to

πάντων δὲ τῶν ἄλλων τοὺς κληρονόμους τοῦ τετελευτηκότος ἀπόνασθαι, γνώρισμα ἤθους τοῦ οἰκείου κἀνταῦθα ὁ αὐτοκράτωρ ἐνδεικνύμενος, νόμον ἔναγχος ἐτύγχανε γράψας, ἔμπαλιν τὰ τοῦ πράγματος διοικούμενον ὅπως δὴ, ἐπειδὰν βουλευτὴς ἅπαις τελευτᾥη γόνου ἄρρενος τῆς οὐσίας οἱ μὲν κληρονόμοι τὸ τέταρτον ἔχοιεν, τἆλλα δὲ πάντα τό τε δημόσιον καὶ τὸ τῆς πόλεως λεύκωμα φέροιντο."

[162] Just. Nov. 38.1.

[163] Procopius, *Historia Arcana*, 29.21.

[164] Liebeschuetz, *Antioch: City and Imperial Administration in the Later Roman Empire*, 113.

be extraordinary and temporary like the *curator civitatis* (*λογιστής*) became permanent and in the 4th century he came to be the top magistrate of the city.[165] A *curator* may have been selected from the *ordo decurionum*, if the decurion in question had completed all his curial obligations, but he was essentially an imperial appointee.[166] The imperial magistrate, however, whose introduction was detrimental for the curiales, was the vindex. The vindex was an imperial official that was introduced in the 6th century by the emperor Anastasius. Our main sources of the existence of such a post are three authors, John Lydus, John Malalas and Evagrius Scholasticus.[167] Apart from these literary sources, the vindex appears in an Edict of Justinian's, as well as in two of his Novels.[168] His absence from the *Codex Justinianus* is notable and it seems to suggest that the compilers thought that the main persons responsible for tax collection were still the curiales.[169] Nevertheless, vindices do appear in Justinianic legislation, so they do continue into mid 6th cenutry.[170]

Therefore, we notice that after the 4th century, apart from the overtly imperial civic servants under the governor and prefects, the city's own administration was starting to change, with the members of the curia taking on municipal posts that were of imperial provenance. Another new officer, one that appears to be reusing the title of an older honorific title is the *πατήρ τῆς πόλεως*. The father of the city was a civic official, that first appears around the middle of the 5th century, that was assigned the responsibility of managing the civic revenues.[171] As Sarris and Miller point out, he was in effect an intermediary between curia and the governor.[172] This official, as can be seen in Novel 85, was by 539 considered one of the leading magistrates of the city.[173] In previous periods this title was granted as an honour to local benefactors. During the middle of the 6th century, however, the *πατήρ τῆς πόλεως* was a city official that was

[165] C.Th. 16. 2. 31.; *Monumenta Asiae Minoris Antiqua* III, 197A.
[166] C.Th. 12.1.20.
[167] John Malalas, *Chronographia*, 16.400; John Lydus, *De Magistratibus reipublicae Romanae*, III, 49; Evagrius, *Historia Ecclesiastica*, III, 42.
[168] Just. Ed. 13; Just. Nov. 128 and 134.
[169] Liebeschuetz, 'The end of the ancient city', 27-28.
[170] Just. Nov. 128.5.
[171]Just. Nov. 128.16. Roueché, C. 'A new inscription from Aphrodisias and the title pater tes poleos', *Greek, Roman and Byzantine Studies* 20 (1979): 182-183.
[172] Sarris, Peter and Miller, David J.D., *The Novels of Justinian: A Complete Annotated English Translation*, Cambridge University Press, 2018, 853, n.32.
[173] Just. Nov. 85.

elected by a group, whose powers were characteristically a product of the decline of the curiales, i.e. the bishop and leading citizens and landowners (that is notables/possessores).[174] We do not know whether, the *πατὴρ τῆς πόλεως* existed in every city, but the issuing of a Novel suggests that he must have been present in at least some cities.[175] Moreover, another traditional Greco-Roman magistracy that was removed from the grasp of the curiales was the corn buyer (*σιτώνης*). The corn buyer was responsible for the acquisition of grain for the city's populace and in previous centuries his was one of the most important liturgies that a curialis could perform. In the 6th century, however, the election of the *σιτώνης* became the responsibility of the bishop and the notables/possessores.[176]

What is more, another official of clearly imperial provenance that filled a formerly curial magistracy was the pagarch. The pagarch (*πάγαρχος*) appears to have existed only in Egypt (perhaps not even in Alexandria), nevertheless he seems to have been one of the most important late Late Antique officials there.[177] As far as 6th century Egypt was concerned the pagarch, alongside the riparius, ἔκδικος and λογιστής, was at the top of the pyramid of magistrates.[178] His primary responsibility was tax-collection.[179] The pagarch was envisaged as being independent from the governor. That is why his appointment was the responsibility of the praetorian prefect and of the emperor.[180] This official seems to have been the chief tax collector in Late Antique Egypt (after c. 5th century). This, however, does not mean that he was the only one responsible for collecting tax. Liebeschuetz has made the argument that curiales still collected tax during the 6th century under the supervision of the pagarch.[181]

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[174] Just. Nov. 128.16.
[175] One city where we can be sure this official existed is Aphrodisias in Caria. This is verified both by Just. Novel. 160 which makes a reference to an Aristokrates, who is the father of Aphrodisias but also by an inscription fund there see Roueché, 'A new inscription from Aphrodisias and the title pater tes poleos', 174.
[176] C.J. 1.4.17; Just. Nov. 128.16.
[177] Just. Ed. 13.12-13.
[178] Haarer, 'Developments in the Governance of Late Antique Cities', 130.
[179] Just. Ed. 13. Praefatio. See Sarris and Miller, *The Novels of Justinian: A Complete Annotated English Translation*, 1077, n.4.
[180] Just. Ed. 13.12; 13.25.
[181] Liebeschuetz, W. "The pagarch: city and imperial administration in Byzantine Egypt", *Journal of Juristic Papyrology* 18, (1974): 164. The sources he cites are papyri from 6th century Aphrodito and Antaeopolis: P. Cair. Masp. 67045—7; 67060; 67326—7.

Furthermore, some magistracies even though they were imperial creations managed, by the end of the 4th century, to become instruments of the curia. These are the *defensor civitatis* and the *exactor civitatis.* To begin with, one of the most characteristic of Late Antique magistracies is the *defensor* (σύνδικος/ἔκδικος).[182] He eventually took over the mantle of the leadership of the city government from the *curator.*[183] The *defensor civitatis* was envisaged as the protector of the poor against the rich and of the weak against the strong. As such the praetorian prefect was responsible for his appointment and the curiales, as the traditional oppressors of the poor were of course excluded.[184] Nevertheless, in 387, the curiae were allowed to choose the defensores of their cities ("potissimum constituantur defensores, quos decretis elegerint civitates").[185]

What is more, another curial official that was initially highly likely an imperial appointee but later became a curial one, was the *exactor civitatis.*[186] The exactores were responsible for the tax collection of their cities. We can infer that the office was created sometime in the early 4th century. One of the earliest pieces of evidence that we have for the *exactor* comes from Hermoupolis Magna and it dates from 320.[187] Although most of the evidence for this magistrate comes from Egypt, a law addressed to the Proconsul of Africa, proves that the office existed in other provinces as well.[188] What makes this official significant, vis-à-vis this paper, is that a law was issued in 386 that decreed that the exactores were to be elected by the curial council ("exactores vel susceptores in celeberrimo coetu curiae, consensu et iudicio omnium, sub actorum testificatione firmentur").[189] This law renders the exactores a notable exception to the centralising rule of Late Antique government.

[182] C.J. 1.55.
[183] Just. Nov. 85.
[184] C.Th. 1. 29. 1, 3, 4.
[185] C.Th. 1.29.6.
[186] On the exactor being an imeperial appointee in the beginning see Jones, A.H.M., *The Greek City from Alexander to Justinian,* Clarendon Press, 1940, 332, n.104. The evidence he cites that in his mind points to the fact that the exactor was an imperial appointee is: Chr., 1. 44.
[187] CPR 17 A 9 b = P.Cair.preis.4.
[188] On the Egyptian evidence: CPR 17 A 9 b = P.Cair.preis.4; PSI 6.684; P.Oxy. 17.2110. The law addressed to the proconsul of Africa: C.Th. 11.7.1.
[189] C.Th. 12.6.20.

Evidence exists, however, that the exactores were a curial appointment before 386. In a papyrus from 370, which contains the details of the proceedings of the curia of Oxyrhynchus, two members (Ἀμμωνιανός and Γερόντιος) are referred to as exactores ("ἐξακτορεύσας").[190] The exactores continued to exist in the 6th century. For starters, they appear in Novel 128 of Justinian's as one of the groups responsible for tax collection.[191] Secondly, the law of 386 is entered into the Codex Justinianus and as such has legal validity in the 6th century.[192] Therefore, from these two examples, of the *exactor and the defensor*, we can see that although the imperial government was certainly more involved in civic and curial administration during Late Antiquity, some civic magistracies were in fact entrusted to the curial assembly, even though they were imperial creations. One possible reason for this theoretically incompatible with the general centralising trend of Late Antiquity increase in the curial remit is, as Jones underlines, the financial responsibility that the curia offered as an institution and as a body of public law. If a tax collector, that had been appointed by the curia, did not perform their duties as they should, the entire curial body was held responsible for the shortfall.[193] As such, even a government with a thirst to centralise could not pass up such a win-win situation, where it received the tax revenue it desired and also avoided the risks of dealing with rogue tax collectors who might run away with the tax or who might ultimately not be able to collect the promised amount. With regards to the defensores being selected by the curiae, the only possible explanation is that the emperors feared that an imperial official with such a central position in city's administration posed too large a danger to the well-being of the poor, as his great powers, if abused, would lead to the oppression rather than the protection of the weak. That is because, imperial officials in general, possessed way more authority and power than curial officials as a result of their status. In conclusion, notwithstanding these explanations, it cannot be denied that these two magistrates went against the centralisation mantra of the imperial court.

[190] P.Oxy. 17.2110.
[191] Just. Nov. 128.5, 8.
[192] C.J. 10.72.8.
[193] Jones, *LRE*, Vol.II, 729.

Another element that contributed to the decline of the curia as institution and by extension the elimination of its membership were the *principales*. These were a small group within the curial order that held the most wealth and power and served as its executive committee. This distinction was not an unofficial one as the leading role of the principales also appears in legislation.[194] The majority of the curiales benefitted from having a curia with a large membership because the costs of their position were distributed among a larger number.[195] The *principales,* on the other hand, preferred a curia that was small. That was because the curial financial burdens did not seem excessive to them and their running the curia in an oligarchic fashion meant that they could corruptly profit more from the curia's activities. Nevertheless, the imperial government not only recognised the principales but it regulated who could become one, thus protecting their status from being diluted. For example in 372, the emperors Valens and Valentinian I issued a law that stated that no one could become a chief decurion without first performing the curial functions expected of them ("nec vero principalium vel sacerdotalium, cum nullam curialium officiorum agnoverint functionem, in honores primos irrepant").[196]

As time went on, their strength continued to increase until they had virtually excluded the rest of the membership of the curia (that is their less wealthy and influential colleagues) from the urban administration. Their position as well as their power grew on the backs of the land and the funds of the curiales they had made redundant. In some places their position was so secure that we can note that they were much less likely to flee than their less affluent curial colleagues.[197] This group purposely excluded the less wealthy curiales from the administration of the city in order to keep the profit of managing the city's affairs and taxation (both of the *polis* and of the emperor) to themselves.[198] Steadily the government conferred legal rights on these principales and it can be stated that it preferred to deal with this small group

[194] Jones, *LRE*, Vol.II, 731. C.Th. 12. 1. 77 and 8. 5. 59.
[195] See Just. Nov. 38, Praefatio.
[196] C.Th. 12.1.77.
[197] See Kopeček. Th. A., "Curial Displacements and Flight in Later Fourth Century Cappadocia." *Historia: Zeitschrift Für Alte Geschichte* 23, no. 3 (1974): 319-320; See also Petit, Paul, *Libanius et la Vie Municipale à Antioche au IVe Siècle après J. C.*, Paris, Librairie Orientaliste Paul Geuthner, 1955, esp. 342-358.
[198] Lib. *Or*. 49. 8.

of wealthy decurions rather than with the whole curia. For instance, the senior decurion of Alexandria, that is to say the chief of the principales and the first among the curiales ("primus curiae") was, after having performed all his compulsory services, granted the rank of *comes primi ordinis*, a title that carried with it senatorial status.[199] In this law of 436, this chief decurion after obtaining this title would also receive, while remaining in the curia, a five-year immunity from having to perform curial liturgies ("comitivae primi ordinis frui per quinquennium dignitate praestita nec senatoriis minime functionibus obstringatur, in curia tamen permaneat.").[200] This law was kept by Justinian although it was partially modified. The title of *comes primi ordinis* would not be granted *for* 5 years but *after* 2 years ("comitivae primi ordinis fruatur post biennium dignitate praestita, in curialibus tamen permaneat.").[201]

What is more, principales were given, in 400, the responsibility of making sure that no member of their curia fled from their posts.[202] This assignment, although given with the typical threat of punishment in the event of it not being carried out properly, shows the level of cooperation between the imperial government and the top decuriones as well as the fact that the emperor and his staff preferred to deal with the principales directly and to treat them as their own instruments and agents in curial governments. Finally, another responsibility that set the principales apart from the rest of the curia was introduced in 365, when they were given the power to collect the uniform tax (*susceptor vestium*). The uniform tax was a tax in kind, where clothes were used as a tax payment.[203] This legislation is remarkable if one bears in mind that curiales in general were not allowed to be selected as *susceptores.*[204] Such a separation

[199] N.B. In an earlier law of 392, it was stated that if a decurion fulfils his duties properly and rises to the rank of principalis and is the primus curiae, he will receive the rank of a count of the third order, with the proviso, however, that he remains a member of his curia. C.Th. 12.1.127 ("quicumque decursis perfunctus officiis primum obtinuerit in sua curia sequentibus ceteris locum, comitivae tertii ordinis habeat dignitatem […] ut hoc honore donatus a nexu propriae originis non recedat")
[200] CTh 12. i. 189.
[201] C.J. 10.32.56
[202] C.Th. 12.19.3. This responsibility was also extended to the defenders of the city ("primates sane ordinum defensoresque civitatum poenae denuntiatione constringimus, ne passim vagari curiae vel collegii defugas in publica damna patiantur.")
[203] C.Th. 12.6.4.
[204] C.Th. 12.6.9.

between the principales and the rest of the decurions must have created a palpable division and possible even enmity between the two groups.

Finally, we must note that this centralisation of power in the hands of the imperial government cannot be properly ascribed to an express will of the emperors of the Later Roman Empire to centralise at the expense of traditional Roman provincial and urban government. Rather, on an instinctual level, centralisation must have seemed like a natural recourse for an empire faced with multiple existential threats. As MacMullen points out in a pithy but accurate comment on political theory: "The greater the threat, the greater the prestige and authority of strong central government."[205] As such, centralisation must have seemed the only way forward for a state that was facing a variety of existential threats on many fronts.

The causes of the flight

Whereas the fact that there was a flight of curiales in Late Antiquity cannot be denied, given the enormous amount of evidence categorically affirming its existence, what is a lot more dubious are the causes of such a flight. What is commonly said to be the chief reason why decuriones fled from their duties is the insufferable financial burden placed upon the shoulders of the decurio. Among the rest of the difficulties facing the decuriones, which we will cover shortly, the great curial financial responsibilities are often seen by scholars as the most onerous for the impoverished curialis to bear. In the popular imagination of their contemporaries, peasant and emperor alike, the average curialis was a person of means. And while it may be true that on average a curialis, especially during the earlier years in our period, may have been relatively comfortable financially, he was not by any stretch so rich that any financial burden would have left him unscathed. Some very wealthy examples can always be found such Thalassius I of Antioch, but for many, liturgies placed a significant onus on their finances. The most burdensome responsibility must have of course been the pre-payment of taxes. We can point to a number of examples, even from as early as the 3rd century, that involve decurions not being able to respond to their financial

[205] MacMullen, Ramsay. "Imperial Bureaucrats in the Roman Provinces." *Harvard Studies in Classical Philology* 68 (1964): 312.

obligations. One such example comes from the latter decades of the 3rd century, in a papyrus from Oxyrhynchus where we read of two curiales that had fled from their curia ("ἀποδράντος") and abandoned their liturgical duties.[206] Examples such as this, of which there are many, especially in Egypt where the preservation of papyri offers us a wealth of information regarding all aspects of life, allow us to conclude, as Rowlandson points out, that not every decurio had the sufficient means to carry out their curial duties.[207]

What is more, as we noted above, the emperors relied on the curiales to carry out an ever-increasing number of duties both on a civil and imperial level. An example of this reliance and disregard of the emperors with regards to the actual capabilities of the decurions, can be detected as early on as the 3rd century. In a rescript found in the Justianianic Codex (and therefore valid in the 6th century and beyond), we observe emperor Caracalla decreeing the following: "Cum te Byblium origine, incolam autem apud Berytios esse proponis, merito apud utrasque civitates muneribus fungi compelleris."[208] In this piece of legislation Caracalla is telling a decurio of the town of Byblos that since he has moved to Berytus he must perform his curial duties in both cities. This situation must have been seriously strenuous for the curialis, especially given the fact that this legislation being a rescript means that he must have appealed to the emperor in search of a way out of being in the curial council of both cities. A similar law of 325, of the emperor Constantine, states the same rule but in general terms. A decurion's duty lies both to his native city and to this city of his choice. If he lives in a city different to that of his origin, he shall have to perform liturgies in both cities.[209]

Furthermore, we find further proof of the financial burders the curiales had to face in the work of Libanius. While being called upon to perform one of the most common of curial munera, the bankrolling of games, a number of councillors' pockets found the burden too much to bear and were bankrupted. In particular, Libanius tells

[206] P. Oxy. 12.1415.
[207] Rowlandson, *Landowners and Tenants in Roman Egypt: The Social Relations of Agriculture in the Oxyrhynchite Nome*, 115-116.
[208] C.J. 10.39.1.
[209] C.J. 10.39.5.

us in two of his Orations (27 and 54) of two councillors, Hermeias and Julianus respectively, who were destroyed financially as a result of providing one of the most expensive 'game' liturgies; horse-racing.[210] Nevertheless, some are not convinced that these financial burdens were ultimately so unbearable that curiales became impoverished and as a result of that eclipsed. Jones, for instance, maintains that the cases of bankrupted curiales as a result of their liturgical duties are too few (only the two mentioned earlier) in order to be able to draw a safe conclusion that financial burdens ruined the decuriones. Actually, he points out that the fact that the curial class survived into the 6th century suggests that the curiales did not have to deplete their own funds in order to perform their functions, both civil and imperial.[211] Financial obligations, therefore, were certainly not the only, and possibly not the primary reason why decurions fled from their posts. Nonetheless, we should not understate the fact that the financial situation of the curiae in Late Antiquity got progressively worse and that for the poorer decurions their functions got increasingly harder to carry out as taxes rose and their number was ever decreasing, leaving fewer people to take on more tasks.[212]

Moreover, one factor that aggravated the financial situation of the curiae and contributed to their impoverishment, as well as that of their members, was the transfer of the tax revenue collected from civic lands to the imperial treasury. Although, we can only guess, the main reason why such a transfer took place must have been that the imperial government needed to fill its coffers. The earliest concrete evidence that we have for the transfer of this revenue, which was called *vectigalia*, comes from the restoration of such funds to the cities by Julian in 362 ("possessiones publicas civitatibus iubemus restitui ita, ut iustis aestimationibus locentur, quo cunctarum possit civitatium reparatio procurari.").[213] The civic *vectigalia* consequently must have been transferred to the imperial treasury at least by the reign of Julian' predecessor, Constantius II. Jones makes the case for an earlier imperial confiscation

[210] Lib. *Or*. 27.13 and 54. 22
[211] Jones, *LRE*, Vol.II, 756-57.
[212] Just. Nov. 38. Praefatio.
[213] C.Th. 10.3.1.; See Amm. Marc. 25. 4. 15.

by Constantine I. [214] The evidence, however, for such a confiscation is rather tenuous. Libanius in c. 360 talks about the curiales cultivating the civic lands of Antioch, some of which happen to be large.[215] Additionally, an inscription from Chalcis, Euboea that dates from 359, is proof that cities still had civic revenue at that date. In this inscription civic funds are earmarked by the proconsul of Achaea ("Πούβλ(ιος) Ἀμπέλιος ὁ λαμ(πρότατος) ἀνθ(ύπατος") for works in the city.[216] The dates of both pieces of evidence therefore, as Jones underlines, point to the fact that the city revenue must have been confiscated in the last years of Constantius II's reign.[217] Contrary to what Jones is asserting about Constantine I, however, the evidence not only is not enough to prove that the confiscation took place during his reign but the oration of Libanius' and the inscription from Chalcis prove that even if such an event occurred it was not implemented properly, or it was not intended to deprive the cities of the entirety of their revenue, since cities by c.360 still had some civic revenue.

What is more, after about a century of what can only be described as 'table tennis' tax legislation, where tax revenue was repeatedly taken from the cities and then part of it was given back to them, in 431, cities were granted the power to administer 1/3 of the civic taxes.[218] In this piece of legislation the third is given back so that cities know that their own towns have the management of their own money ("atque hanc tertiam iubemus adeo in dicione urbium municipumque consistere, ut proprii compendii curam non in alieno potius quam in suo arbitrio noverint constitutam.").[219] Over the next few decades, the exact situation remains unclear but we note a series of laws that are aimed at restoring the lands of the cities. One characteristic example is the Novel Theodosius II issued in 443 which gave back to the cities all the lands that had been confiscated over the past 30 years.[220] What transpired

[214] See Jones, A.H.M., *The Later Roman Empire 284-602: A Social, Economic, and Administrative Study*, Vol.III, Oxford, 1964, 18, n.73.
[215] Lib. *Or.* 31.16: "Γεωργεῖτε τοὺς ἀγροὺς τῆς πόλεως σχεδὸν ἅπαντας οἱ βουλεύοντες ὑμεῖς, ὃ τῇ μὲν ἄζει φοιτᾶν ἐντελῆ τὴν πρόσοδον, ἄνευ δὲ κέρδους οὐδὲ τοὺς πονοῦντας ἀφίησι. τούτων δὴ τῶν ἀγρῶν τοὺς μὲν εἶναι συμβαίνει μεγάλους, τοὺς δὲ κομιδῇ μικρούς."
[216] IG, XII, 9, 906: "τίνες καὶ ποίων ἔργων ἐπιμεληταὶ κατέστησαν καὶ ὅσα εἴδη καθ' ἔτος ἕκαστον ἐκ τῆς τρίτης ἐπιν(εμήσεως) ἐκ τῶν πολειτικῶν προσόδων εἰς λόγον τῆς ἐπισκευῆς τῶν αὐτοῖς ἐγχειρισθέντων ἔργων κομίζεσθαι ὡρίσθησαν".
[217] Jones, *LRE*, Vol.III, 231, n.44.
[218] Table-tennis legislation: CTh 4. 13. 7; CTh. 5. 14. 35.
[219] Law of 431: C.J. 4.61.13.
[220] N.Th. 23.1.1.

within the next century is not certain. What we do know with a certain degree of certainty is that by the 6th century, judging by the increase in the power of the notables and the clergy as well as the ever-increasing number of poorer decurions being forced into the senates, the cities were no longer as able to support themselves via the traditional Greco-Roman structures of civic administration as they once had been. What revenue was retained by cities in the 6th century (a fact which is verified by a 6th century law in the Codex Justinianus) had been removed from the remit of the curiae and given to the clergy and notables. In a law of 530, we are informed that the men responsible for the administering of the civic funds of a city are to be a bishop and 3 respected men (i.e. notables).[221] It is no wonder therefore, that curiales fled from their posts, when by end of our period an ever-decreasing number of them was forced to take on more liturgies (to compensate for the liturgies that would have been undertaken by their now 'missing' colleagues) and on top of that were most probably refused access to the city treasury and therefore had to provide *munera* using only their own funds.

While the financial reasons for such a flight, as analysed above, can be said to have been valid and substantive, they are by no means the only ones that drove the curiales away from their councils. As Jones accurately underlines, "it need not be assumed that decurions never took holy orders from a genuine sense of vocation and never joined the army because they preferred an active and adventurous life."[222] Reasons, therefore, other than financial ones, existed that led the decuriones to take flight. The most remarkable case in point is that of wealthy decuriones attempting to flee from the city councils. Such persons were under no financial pressure to escape but they still did. For instance, we hear of curiales trying to leave their curiae in order to join the Senate of Constantinople. For those that had a lot of wealth the rationale that they tried to escape their curial status by becoming senators does not stand to reason if one considers the immense costs involved with becoming and being a senator in Constantinople.[223] For the wealthy decurions, therefore, one probable motive would have been to secure a position of higher prestige than that of a simple curialis. This

[221] C.J. 1.4.26.1.
[222] Jones, *LRE*, Vol.II, 748.
[223] Ibid, 749. See Lib. *Ep.* 731.

potential thirst for such an advancement becomes clear when we realise that the Late Antique Roman empire was a world where the status of senators and that of civil servant *equites* greatly surpassed that of decuriones, even on a municipal level. That great desire for higher status, as well as its effects, we notice in the case of Valerian, a curialis from Emesa. Valerian possessed the rank of illustris and as such, in a story told in a Novel of Theodosius II, he thought he could go rogue and be above the law. His rank gave him the gravitas and the courage to act in such a way and in the end when he was not severely punished for his deeds it is difficult for us to suppose that his status as an *illustris* played no role in his pardon.[224] This story, therefore, serves as a great illustration of the reasons that drove many decuriones to attempt to advance themselves. If one were to achieve a higher status, one's place, not only in society, but also in front of the law, changed radically.

Furthermore, another non financial reason why many curiales wanted climb up the social ladder was to protect themselves and their interests. While the members of a curia were nominally honestiores and as such enjoyed many legal privileges, including protection against physical harm by an official (e.g. a governor). This, however, was apparently not always the case since the emperors, such as Constantius II, had to legislate against the flogging of decurions, a clear marker that governors taking advantage of the lower status of a curialis would even resort to illegally flogging him.[225] This legislation, however, was not sufficient. Therefore, curiales sought to elevate themselves in rank in order to avoid such abuses.[226] The rationale behind such a move is accurately outlined by Jones: "But if a decurion became clarissimus, things were rather different. He was now of equal rank with the governor, if not superior to him. No governor would venture to flog a clarissimus, however provocative his conduct."[227] The curiales knew that as it seems, and many fled to the Senate (which was, as we will see in the following chapter, a great way to increase one's rank and

[224] Th. II, *Nov*. 15. 2.
[225] C.Th. 12. 1. 39, 47.
[226] N.B. This is also what the emperor thought. In a series of laws, the emperors underlined senatorial rank would provide protection against the abuse of governors. Some such examples are: C.Th. 12. 1. 75, 127, 190
[227] Jones, *LRE*, Vol.II, 544.

status) in order to avoid the physical abuse that governors inflicted on them.[228] However, many could not afford such an elevation in rank, and we have many examples of decurions that fell victim to the oppressive fist of the provincial governors, a fist that sometimes led to death. Libanius informs us of a Λάμαχος, of an Εὐστόχιος, and of an Ἑρμείας, all of whom were beaten by a corrupt official.[229] Another victim of the beating was a decurio (τον πολιτευόμενον), who after being subjected to whipping with weights made out of lead, died from his wounds ("Μόνιμον τὸν πολιτευόμενον, τὸν ἐμὸν ὁμιλητήν, τὸν ὁμιλητοῦ πατέρα ταῖς διὰ τοῦ μολύβδου πληγαῖς ἀπώλλυ").[230] Not even principales, the wealthiest of the curiales, were spared from these humiliating and even deadly beatings. In the Codex Theodosianus, in law from 392, we observe that in order for principales to be exempt from beating, they must be loyal and owe nothing ("principales devoti et nihil debentes habeant privilegium, ut nihil corporalium molestiarum patiantur").[231]

What is more, another source of this physical violence against decurions by imperial officials is Synesius of Cyrene. His many letters are a great wealth of information for 5th century Cyrenaica. In a letter that dates from 411, while denouncing a corrupt imperial official, Synesius informs us of the case of Magnus, a decurion who was mistreated and ultimately flogged to death by Andronicus, the corrupt official.[232] That threat of physical violence even for the most powerful and affluent decurions was clearly an incentive for them to flee from their obligations, especially the ones carrying the highest risk of punishment and death (e.g. tax-collection). Libanius informs us that such tactics by the imperial officials led to mass fleeing of councillors from the curia.[233] Finally, we need to underscore that not even the decurions' property was always safe from the imperial officials. The decurion, that Synesius mentions, Magnus, had, before he was killed, his property abused by Andronicus. It was most probably such corrupt

[228] Th. II. *Nov.* 15.1.
[229] Lib. *Or.* 28. 9; 28. 24
[230] Lib. *Or. 54.* 51.
[231] C.Th. 12. 1. 126.
[232] Synesius, *Ep.* 72.
[233] Lib. *Or.* 28. 22-23.

attacks of officials on curial property that finally moved the emperors to legislate for its protection.[234]

What is more, apart from the empire-wide reasons why curiales abandoned their positions and responsibilities, sometimes we notice that the situation in specific areas made the fleeing of the curiales that much easier. It is such a situation that we notice in 4th century Cappadocia. Basil of Caesarea, that most revered figure in the Christian church and influential man of letters, informs us about the transfer of decuriones from his town of Caesarea to another city called Podandus ("πολλῶν μὲν καὶ πρότερον αὐτῆς ἀφαιρεθέντων τῶν πολιτευομένων, νῦν δὲ σχεδὸν ἁπάντων εἰς τὴν Ποδανδὸν μετοικισθέντων."). [235] Such a displacement from the council of one city to that of another, as Kopeček underlines, apart from the practical difficulties it would have entailed, struck at the very heart of what being a curialis was all about. The decuriones were intrinsically linked to the city in which they served. For many of them serving in the curia was a source of patriotic pride. To remove that ancestral and moral link meant to remove any theoretical and logical justification of being in a curia at all. This by extension encouraged many more curials to flee than would have otherwise been the case.[236]

The Senate and the curiales

As with most cases in history, money will open many doors and certainly the powerful decurions that had money to spare had a plethora of options to choose from. Ammianus Marcellinus informs us, already from the mid-4th century that curiales who wanted to rid themselves of their onerous duties attempted to buy immunity from them ("adeo ut plerique territi emercarentur molestias pretiis clandestinis").[237] One of the best ways to use that money, and certainly the most prestigious, was to try to secure a place in the Senate of Constantinople. Throughout the duration of Late Antiquity in the East, curiales flocked en masse to the Senate of Constantinople, hoping amidst other aspirations to rid themselves of their curial obligations. As mentioned in

[234] C.Th. 15.1.7.
[235] Basil of Caesarea, *Ep.* 75.
[236] Kopeček, "Curial Displacements and Flight in Later Fourth Century Cappadocia", 326.
[237] Amm. Marc. 22. 9.12.

the previous chapter, many wealthy decurions attempted to secure senatorial status in order to improve their social standing. This problem of curiales trying to obtain senatorial and other honorary statuses, which carried similar immunity, started almost as soon as the Senate was created by Constantine I and became even more pressing when Constantius II elevated the status of the Senate.[238] From as early as 338, the imperial government was worried that men with the rank of ex-*comes* (among other titles), were abandoning their curial obligations. As such they were being forced back into their curiae.[239] The problem here was that this rank was an honorary title of a quasi-senatorial nature and as such carried curial immunity with it, which people apparently abused. Several other laws of a similar nature were issued over the coming decades.[240] Some laws, such as that from 338 (different form the one mentioned before) went even so far as to impose a fine to those that tried to obtain such honorary ranks in order to avoid their curial duties ("quicumque fugientes obsequia curiarum affectaverint adumbratae nomina dignitatis, etsi eos spes falsi honoris illuserit, xxx argenti libras inferre congantur.").[241]

This series of laws culminated in a law of Constantius II from 361, where he effectively ordered a clampdown on these practices and also carried out a scathing attack on the curial senators. Constantius states curtly that all decurions who had become members of the Senate in order to avoid their curial duties will be stricken from the album of the Senate of Constantinople and will be returned to their municipalities (" si qui forte decuriones munia detrectantes ad senatus nostri sese consortium contulerunt, exempti albo curiae propriis urbibus mancipandi sunt.").[242] As Jones points out, senatorial rank was more dangerous than an honorary dignity (although they both were seen as near the top of the social pyramid of the Roman Empire), because the former carried curial immunity to their offspring, whereas the latter did not.[243] This fact is underlined by a law of 365, which points out that if someone wants to become a senator in Constantinople he must prove that he has

[238] C.Th. 6.4.11.
[239] C.Th. 12.1.26.
[240] C.Th. 12.1.34; C.Th. 12.1.41; C.Th. 12.1.44.
[241] C.Th. 12.1.24.
[242] C.Th. 12.1.48.
[243] Jones, *LRE*, Vol.I, 135-6.

completed his curial obligations and that his sons, who were born before he achieved that rank, must take his place in the curia. It is also clear that the emperor Valens, did not like this desire for upward mobility of the curiales, as he deems it premature greed ("praematura cupiditate").[244] This regulation regarding the emperor's desire to keep the curiae full by making sure that someone can succeed the person that obtains senatorial rank is further clarified and solidified in a law of 371 of the same emperor. In this piece of legislation Valens is making the elevation of a decurion to the senate impossible unless he has a son who can replace him in the city curia.[245] After a wholesale prohibition of curial aspiration to the Senate in 390, in 393 a law was issued that allowed a curialis to become a senator. His property, however, would continue to be in the curia's pleasure.[246]

Moving into the 5th century, it is clear that the struggle between the curiales-senators and the emperors continued as the imperial government legislated profusely to try to figure out a way to keep the curiales in their stations and thus keep the cities' administration alive.[247] As such in 418, a law was issued that the rank of *clarissimus*, the lowest out of three senatorial ranks, could not be granted to decuriones.[248] As Jones, observes, however, this prohibition did not "debar curiales from the two higher grades of the senatorial order"; in ascending order, the *spectabiles* and the *illustres.*[249] This is evident in a law that dates from 436 that permits to curiales that possess the senatorial ranks of *spectabiles and illustres* to "parto semel honore et privilegiis perfruantur". Moreover, the emperor decrees that any decurio who, after this law is

[244] C.Th. 12.1.69.
[245] C.Th. 12.1.74.
[246] C.Th. 12.1.122; 12.1.130.
[247] N.B. A cardinal quality of Roman law was that it was in essence a reactive and not a proactive system. That means that whenever we encounter imperial legislation, we can nearly always conclude that it was issued in order to combat a problem and not pre-emptively. What this essentially means for historians is that we can use the Codes and other pieces of legislation in order to extract information about a great variety of issues plaguing the empire.
[248] C.Th. 12.1.183: "neminem obnoxium curiae et publicis functionibus involutum ad incongruam sibi fortunam deinceps adspirare elicitis codicillis clarissimatus magnitudo tua permittat, ut singulae civitates retineant obnoxios suis muneribus. super hoc enim etiam et illustris praefectura urbana nostra est commonita sanctione"
[249] Jones, *LRE*, Vol.I, 180-181.

issued, acquires the rank of *spectabiles* must shoulder the financial burdens of both his senatorial and curial status.[250]

What is more, in subsequent years, although curial immunity for men of senatorial rank was not eliminated, it was restricted to a limited number of cases. From the reign of emperor Zeno onwards, only a select number of offices and ranks at the top of the imperial administration conferred curial immunity. In law of c. 476, the emperor decreed that men of a variety of ranks can retain their honorific titles, but they still had to perform their curial functions if they had them.[251] The only offices and ranks that granted full curial immunity both to their occupiers as well as to their children born after they reach that rank are: patricians, consuls, Senators with the rank of *consulares*, magister militum and the praetorian Prefect of the East and the praetorian Prefect of Illyricum.[252] The regulations regarding the granting of curial immunity to decuriones who have managed to secure high offices, such as the praetorian Prefect or the praefectus urbi, were revived during the reign of Justinian ("Ἀνανεούμενοι τοίνυν τὸν τοιοῦτον νόμον θεσπίζομεν"), after having apparently been abandoned in previous years (that is between Zeno's and Justinian's reign). Evidence of this revival can be found in Justinian's Novel 70 that dates from 538. This law, however, adds a caveat to the immunity granted. Freedom will be granted, says Justinian, only when such high honours are reflected in an actual occupation of these offices and not when they are merely honorary.[253]

As can been seen through this brief chronological analysis of the steps the government took to restrict the elevation of the curiales to the Senate of Constantinople and to high offices that carried senatorial rank, the Senate remained throughout the Late Antiquity a chief route to immunity for those decuriones that could afford it. The government tried doggedly to keep the curialies out of Senate and

[250] C.Th. 12.1.187.
[251] C.J. 10.32.64.1.
[252] C.J. 10.32.64.3.: "Hos autem, qui quocumque tempore patricii vel consules aut consulares facti sunt aut in posterum fuerint, aut magistri militum vel praefecti praetorio Orientis vel Illyrici vel urbis administrationem in actu positi quandoque gesserunt aut postea gesserint, omnimodo cum facultatibus suis et post eam dignitatem progenitis filiis a curiarum nexibus vel onere decernimus liberari."
[253] Just. *Nov.* 70.1.: "καὶ οὕτω τῆς ἐλευθερίας ἀπολαῦσαι, ὥστε μεγάλης αὐτοὺς ἠξιωμένους τιμῆς, ἀπήνῃ τε ἐποχουμένους καὶ βοώντων κηρύκων ἀκούοντας καὶ πρός γε τῶν δικαστικῶν ἐπιβαίνοντας θρόνων τῆς τοιαύτης τύχης ἐλευθέρους καθεστάναι."

if it could not it attempted to saddle them with the financial burdens of both the Senate and the curia. Nevertheless, it seems that that scheme of the government's failed as the curiales were the candidates *par excellence* for the Senate due their connections and education. Moreover, many of them had the influence and wealth that was required to secure entry to the Senate. What is certain, however, is that until the very eclipse of the curial order in the late 6th and early 7th centuries, the Senate continued to serve as one of the primary destinations for curiales that wanted to better themselves and maybe even avoid their curial obligations while doing so.

The Civic Service and the curiales

Among the most popular places of refuge for fleeing curiales was the imperial civic service, either in Constantinople or in the provinces. Unlike the Senate, which was reserved for the richest of decurions due to great expense of securing senatorial rank, the increasing number of imperial civil service posts allowed the curiales other escape routes from their duties. Of course, some sort of civil service had existed since the very beginning of the Roman Empire but already by the 3rd century their numbers started to steadily rise. In an inscription from the middle of the third century, which was examined in a previous chapter, we can see the flight of decuriones to the civil service. In an inscription where a decurio, using municipal money, dedicates a statue to an imperial official, first among his titles we notice ("eq (uite) R (omano)").[254] Eques (knight) was one of the common ranks conferred on imperial civil servants. Of course, the palatine officia in Constantinople were the most appealing as they carried the greater influence and remuneration. As early as the reign of Constantine, the palatini enjoyed several privileges, among which was curial immunity for themselves and their offspring.[255] Moreover, another law protected the civil servant that worked in the imperial scrinia. In 362, these officers were granted curial immunity after they had served for fifteen years in these posts.[256]

A large part of the state officia, however, were not in the imperial capital but in the provinces. Such offices allowed even the poorer decuriones a way out. As Jones

[254] Ameling et. al. *Volume 2 Caesarea and the Middle Coast: 1121-2160*, 231, Inscription #1278.
[255] C.Th. 6. 35, 1, 3, 4.
[256] C.Th. 6.26.1.

underlines, "service in the provincial *officia* […] can have attracted only the humblest."[257] Nevertheless, if curial immunity was the goal, then becoming a civil servant, whether in the capital or in the provinces carried with it several benefits. For instance, in the first half of the 4th century, we are informed that curiales working for the counts of the largesses or for the fiscal representative of the privy purse gained immunity after 25 years of service ("de largitionalibus comitatensibus et officialibus rationalis rerum privatarum custodiri praecipimus, ut post viginti et quinque annos ad curiam minime revocentur").[258] Like the curial senators, however, the imperial government could not allow the curiales to continue evading their duties. Until 436 a series of 'table tennis' pieces of legislation were created that constantly moved from banning curiales from the civil service to excusing some already existing members and so on. From 436 onwards, though, no length of service granted curial immunity and as such, at least legally, curiales were not allowed to abandon their duties in order to become civil servants. This piece of legislation was carried on the Justinianic Code so we can observe that it lasted into the 6th and maybe the 7th century.[259]

Moreover, a particular type of civil servant that needs to be marked out are the *agentes in rebus*. The *agentes in rebus* were the imperial courier service and also, much more importantly, the imperial secret service. This position, one that was most crucial for an emperor's survival and success, undoubtedly secured them a place among the most important officials in the empire. The emperors did not fail to recognise that, and they treated them accordingly. As such many curiales elected to become members of that service in order to enjoy the privileges that were showered on this covert operation corps. One of these privileges was curial immunity. In a law from the first half of the 4th century, decuriones that have served as agentes in rebus for 20 years will be free of their curial duties.[260] Moreover, in 413 a law was issued that stated that decurions that reached the top of the secret service, in other words became principes, would achieve curial immunity ("nemo post insignia principatus, quae stipendiis ac sudore promeruit, nec revocari ad originem, si forte natus est

[257] Jones, *LRE*, Vol.II, 743.
[258] C.Th. 8.7.6.
[259] CTh. 12. 1. 188 (=CJ 10. 32. 55).
[260] C.Th. 6.27.1.

curialis, nec nominari, quod nefas quidem dictu est, perhorrescat.").[261] This special privilege was retained by Justinian, as a similar provision for the principes is present in a law from 529 in the Codex Justinianus.[262]

Apart from the legislation that records the flight of the curiales towards imperial officia, we possess proof of actual cases where such a flight occurred. An example of a curialis going into imperial service comes from the correspondence of Gregory of Nazianzus. Himself a bishop but also member of the *ordo decurionum* of the city of Nazianzus, Gregory informs us of his nephew Νικόβουλος who clearly in an attempt to avoid performing his curial duties entered the provincial bureaucracy. As the contents of the letter show, someone was trying to bring Νικόβουλος to trial, the outcome of which if the nephew lost would be for him to be obliged to carry out his curial responsibilities. This situation, namely being required to perform one's curial duties, Gregory deems as slavery not only for Νικόβουλος but also for his descendants ("Ἀλλὰ δεῖ δουλεύειν Νικόβουλον, ἢ τοὺς τούτου παῖδας, ὃ δοκεῖ τοῖς ἐπηρεάζουσιν;").[263] This description by Gregory of Nazianzus of curial duties as slavery is reminiscent of Libanius' own comments on curial service to the city. In an Epistle of his, Libanius claims that for the rich man being a curialis is all well and good. For the pauper though it is slavery ("τὸ βουλεύειν πλουσίῳ μὲν ἡγεῖται καλόν, πένητι δὲ δουλείαν").[264] It is from such slavery that many of the less wealthy decurions tried to flee and that is why an ever-increasing number of them were trying to join the ranks of the imperial civil service.

The Church and the curiales

The 4th century marked one of the most crucial turning points in the history of the Roman Empire. After centuries of at best neglect and at times active persecution, Christianity, starting with Constantine I, became a major force to be reckoned with, eventually leading the traditional Greco-Roman polytheism to extinction within a few centuries. As far as the city is concerned, the impact of the Church on urban life and

[261] C.Th. 6.27.16.
[262] C.J. 10.32.67.3.
[263] Gregory of Nazianzus, *Ep*.146.
[264] Lib. *Ep*. 375.

its institutions was profound. Apart from the fact that it disapproved of many aspects of city life that in the past were a necessary part of its being, like games and luxury, it also drew away the members of its curia. After the battle of the Milvian Bridge, emperor Constantine grants immunity to all the decuriones who were also a part of the clergy.[265] The rush to take the cloth however, was, as it is to be expected, too great and subsequent emperors had to legislate against curial clergy. Theodosius I in 383 imposed a rule whereby all curiales who joined the clergy had to surrender their property "*nec enim eos aliter nisi contemptis patrimoniis liberamus*". In a fit of great sarcasm, he ends his new law, which he addressed Postumianus Praetorian Prefect, by saying that souls concerned with the divine should not occupy themselves with their patrimonies (i.e. world affairs): "*quippe animos divina observatione devinctos non decet patrimoniorum desideriis occupari*".[266]

What needs to be pointed out is that the favourable treatment of the curial clergy initiated by Constantine never completely evaporated.[267] As Jones underlines, "this grant [of Constantine's] was never withdrawn, but the government [that is subsequent governments] strove to counter its deleterious effect on the city councils".[268] A typical example of this attempt to hold curiales to their posts but also not to force a wholesale eradication of the curiales in Church positions is a law from 408 issued by the emperors Arcadius and Honorius. In this decree, clerics that were either deemed unworthy and thus fired from the Church or decided to quit on their own volition, if they were of the curial order or their wealth allowed it, they would be forced to join to their city curia ("et pro hominum qualitate et quantitate patrimonii vel ordini suo vel collegio civitatis adiungatur").[269] Through this example we can see the state's desperate attempt to reduce the flight of men of curial status or wealth to the Church, without on the other hand issuing a strict order that all curial clerics be removed from their posts and thrusted into the city curiae.

[265] Eusebius, HE 10. 7; C.Th. 16. 2. 1.
[266] C.Th. 12. I. 104.
[267] N.B. A brief interlude took place during the reign of Julian when the clergy were no longer exempt from curial service: C.Th 12.1.50.
[268] Jones, *LRE*, Vol.II, 925-926.
[269] C.Th. 16.2.39.

So great was the flight towards the church that the church itself, in trying to keep in line with the wishes of the imperial government, attempted to keep as many curiales out of its ranks as possible.[270] This effort can be observed in what transpired at a council/synod of bishops in Illyricum that was convened at around the year 375. Our source for this event is Theodoret of Cyrrhus. The council decreed that presbyters and deacons must not be recruited from among decuriones ("ὁμοίως τε καὶ πρεσβυτέρους καὶ διακόνους, ἐξ αὐτοῦ τοῦ ἱερατικοῦ τάγματος, ἵνα ὦσιν ἀνεπίληπτοι πανταχόθεν, καὶ μὴ ἀπὸ τοῦ βουλευτηρίου καὶ στρατιωτικῆς ἀρχῆς").[271] What is more, one story that evinces both the desperation of some curiales to escape their duties and the Church's efforts to limit such a flight (which, of course, was in line with imperial legislation) is that recounted by Palladius, Bishop of Helenopolis (although the authorship is disputed). Palladius in his work, the *Dialogue (Dialogus),* informs us that John Chrysostom in his role as patriarch investigated the cases of several bishops buying their seats. The accused bishops argued that they had done so in order to avoid their curial duties (which of course was in violation of the law). The bishops pleaded that they either remain in their seats or that they their curial responsibilities be excused, showing that escaping their responsibilities as decuriones was their primary concern.[272] Such was the burden of the curiales; a burden that forced men to commit bribery in order to secure bishoprics.

The Army and the curiales

What is more, another escape route for the curiales, although a less popular one compared to the ones detailed above, was the military. Some decuriones in their bid to evade their curial duties decided to join the army, primarily as officers, which would *de facto* take them away from their city and their civic responsibilities.[273] The emperors seeing this flight decided to block this path towards immunity. From as early as the reign of Diocletian in a law issued between 285-293, the service of decuriones in the military in order to escape their curial obligation was forbidden ("Non tantum decurionum filiis, sed omnibus in fraudem civilium munerum nomina armatae militiae

[270] See Foss, *Ephesus After Antiquity: A Late Antique, Byzantine and Turkish City,* 15.
[271] Theodoret of Cyrrhus, *Historia Ecclesiastica*, 4, 9.
[272] Palladius, *Dialogus de vita Joannis Chrysostomi,* 86-91.
[273]Lib. *Or.* 48. 42 and 49.19.

dantibus fraudem prodesse displicuit.").[274] This law set the trend for many other subsequent laws that attempted to keep the curiales out of the army and in their senates. For instance, in a law of 325, Constantine, decreed that if someone in the armed forces is proven to be a decurion or from a family of decurions then they must be returned to their curia ("requiratur, utrum ex genere decurionum sit vel ante nominatus ad curiam, ut, si quid tale probetur, curiae suae et civitati reddatur").[275] The problem of the flight toward the army was so severe that in the 4th century if someone wanted to be recruited, he had to prove that he was not a decurion.[276] He could do so by being presented to the curiales of his city who would prove that he was not one of their number or by producing proof that he was not of curial stock.[277]

Moreover, the search for an escape in the armed forces did not end in the 4th century. Our evidence suggests that the issue of curial army officers and soldiers continued on into the 5th and 6th centuries. Specifically, from the 5th century we possess a very curt piece of legislation, which dates from c.472, where the emperor Leo I decrees that no curialis may enter military service.[278] Moving onto the 6th, we have found a papyrus that dates from c.505, which proves that the requirement that one is not of the curial order in order to serve in the army is maintained.[279] Furthermore, the archaeological evidence is seconded by the legal evidence that we possess. That is because the Codex Justinianus contains legislation, regarding this issue, from as early as Diocletian's reign (i.e. the law of 285-293 mentioned earlier) all the way into the 6th century. All the laws entered were legally valid in the 6th century even if they were issued by emperors from previous centuries. Finally, it important to point out that imperial legislation sometimes provided loopholes for curiales that had opted to avoid the obligation and join the army. For instance, in 383 a law was issued that granted a pardon to any decurio that had served in the army for more than 15 years, thereby, allowing them to remain in the armed forces and granting them

[274] C.J. 12.33.2.
[275] C.Th. 12.1.10.
[276] C.Th. 7.2.1.
[277] C.Th. 7.13.1; C.Th. 7.2.2.
[278] C.J. 12.33.4.
[279] P. Ryl. 4. 609.

immunity from their curial duties.[280] Thus it may be said that the emperors, on occasion, gave into pressure and legitimised the flight from their curiae.[281]

Other ways to curial immunity

Although joining the Senate, the civic service, the church, and the army were the routes most usually taken by flighty decuriones, there were other professions and legal statuses that could allow a prestigious or an impoverished curialis to escape his duties. One such avenue to immunity was provided to doctors and professors, that is professors employed by the city such as rhetoricians and grammarians like Libanius. Their professions were exempt from curial duties for the entire Late Antiquity as such privileges are included in both the Theodosian and the Justinianic Codes.[282] Most of the roads to immunity, however, unlike that of the doctors and professors, were slowly blocked by the imperial government. One such example were the provincial priests. Provincial priests, a position thoroughly Greco-Roman in its nature, by the 4th and 5th centuries did not include the worship of pagan gods but solely the worship of the emperor. Leo I removed those curial immunities from one such priest, the Syriarch, and disallowed curiales to even volunteer for the post.[283] As such the road to immunity via provincial priesthoods such as the Syriarch was beginning to be blocked.

Furthermore, another way to escape one's curial obligations was to secure an important patron and enter their service. Libanius provides us with an example that illustrates this 'curial manoeuvre'. He informs us of the case of a curialis from Egypt called Μέγιστος who enter the service of an influential aunt of Libanius', called Βασσιάνα, in order to avoid performing his curial duties.[284] Such patronages, however, were also forbidden by the emperors. In a law of 371 the persons that were harbouring fugitive curiales, and as such offering the kind of patronage Bassiana provided, would lose their property and status ("quippe cum occultatoribus talium praeter iacturam

[280] C.Th. 12.1.95.
[281] The aforementioned law is not the only pardoning of curial army officers and soldiers as a result of length of service. Some examples: C.Th. 12.1.38; 12.1.88.
[282] C.J. 10. 53. 5; C.Th. 13. 3. 1, 3 (= C.J. 10. 53. 6), 16 (= C.J. 10. 53. 11); Lib. *Or*. 47. 13, *Ep.* 776, 1089-90.
[283] C.J. 1. 36. 1.
[284] Lib. *Ep.* 626 and 705.

existimationis etiam rerum discrimen incumbat").[285] Several such laws were issued and it must have been a serious and recurring issue since in a law of 395 the patience and mercy of emperors seems to be running out. In this piece of legislation, the emperors Arcadius and Honorius are forbidding the harbouring of decurions by placing a fee of 5 pounds of gold for each decurion the patron harbours. Apart from providing legal information, however, the emperors use this decree to express their anger that such a disservice to the cities keeps taking place and they outright threaten the harbourers that the emperors' mercy is running out and that they should comply and expel the curial fugitives forthwith because they do not want to further increase the imperial indignation ("omnes igitur quos tegunt expellant, ne clementia nostra ob contumaciam dissimulantium in maiorem indignationem exurgat.").[286]

Moreover, some groups were initially granted immunities but slowly these was removed from them. One such example are Jews. Jews, a group which was initially, by and large, not participating in curial government, were slowly during Late Antiquity forced into the curiae, albeit with a handful of immunities being granted to them in the first few decades. For instance, in 321, Jews were permitted to serve in municipal senates, although they could still nominate some people in their group for immunity.[287] By 398, however, all immunity was lifted and everyone that satisfied the curial criteria had to serve.[288] Finally, another group that had their immunity lifted were the decuriones that worked at the imperial customs (*vectigal*).[289]

What is more, there was one group that was able to avoid the fate of most others in this section when it comes to having its immunity revoked. In fact, this group gradually obtained immunity instead of losing it. Advocates were initially not exempt from curial duties if they were members of the *ordo decurionum*. In a law from 358, Constantius II states in no uncertain terms that if an advocate had curial obligations to the curia of which he was member as a result of his birth or to the one of which he

[285] C.Th. 12.1.76.
[286] CTh.12.1.146.
[287] C.Th. 16.8.3
[288] C.Th. 12.1.158.
[289] C.Th. 12.1.97.

was a member as a result of residency, he had to fulfil those obligations.[290] This idea that curial advocates still had to perform their duties was not abandoned after the death of Constantius II since a similar law was issued nearly 20 years later by the emperors Valentinian II, Theodosius I, and Arcadius.[291] In time, however, a certain group among the advocates, namely the ones that worked in the higher courts, were granted various degrees of immunity. In a law of 440, it is decreed that those advocates who had reached the rank of *fisci patronus* (advocate for the Treasury), that is the greatest rank an advocate could achieve, would receive curial immunity and so would their children.[292] This immunity retained in the 6th century when during the reign of Justinian, in 529, a law granted the same exemption from curial duties for *fisci patroni* and their children born both before or after they achieved this rank.[293]

A final, one would say the most final, way to avoid one's curial duties was to surrender one's property. Although the curial status was a hereditary one, the curial responsibilities were in essence intrinsically linked to wealth, so one could make the bold argument that curial status relied on property more than lineage.[294] Two laws seem to back this statement up and both date from 539. In these two Novellae, Justinian is stating that decurionship comes with the property of the decurio. That is if a decurion sold his property then the buyer would become a decurion.[295] Consequently, if the property ceased to be in the hands of the family, then the family was no longer liable for curial duty as they could not shoulder the cost of liturgies etc. So, for the extremely desperate, resigning their property was a valid choice, although of course its soundness can be disputed. One such example can be found in the first years of the Late Antiquity. In an Oxyrhynchus papyrus we find a document informing us of the decision of a man called Eudaimon to resign his property in order to avoid

[290] C.Th. 12.1.46: "nullum igitur advocatum a curia, cui tenetur obnoxius, patimur excusari, videlicet si civico nomine aut vinculo incolatus oppidanea necessitas eum detinet obligatum."
[291] C.Th. 12.1.116.
[292] C.J. 2.7.8.
[293] C.J. 10.37.67.2.
[294] The hereditary nature of the curia is repeated in a great number of laws where the emperors continually use phrases such as "omnes, qui municipibus genere" (C.Th. 12.1.137). It, therefore, is clear that a decurionship is inherited. Moreover, as Jones makes clear, the hereditary nature of the *ordo decurionum* is made obvious by the fact that emperors have to explicitly allow through law the admission of newcomers to the municipal senates. Some examples are: C.Th. 12.1.96 and 179. Jones, *LRE* Vol.II, 739.
[295] Just. Nov. 87 and 101.

serving as eutheniarch (*εὐθηνιαρχίαν*), a municipal magistrate that was responsible for the food supply**.** So, in order to avoid an expensive magistracy (that is a form of liturgy) Eudaimon completely resigned his property giving it to the curia ("τὴν ἔκστα[σίν] σοι προσφέρω παντ[ὸ]ς τοῦ ὑπάρχον[τός] μοι πόρου").[296] The curia therefore, possessing the property that was going to be used to perform the liturgy, is now in charge of doing it itself.[297]

The fall of the curia, the successors of the curiales and the end of the classical *polis*

The end of the curia

The end of late antiquity (c. 6th-7th centuries), it has been argued, brought about the end of the ancient city.[298] Before we can examine the link between the end of the ancient city, if indeed such a thing took place, and the decline of the curiales, we must first explore the topic of how and when the curiae themselves came to end.

That the curia and its members came to end around the end of Late Antiquity is an established fact. The story of Late Antiquity, it can be argued, is that of the slow and agonising death of that once illustrious institution. Already by the last couple of decades of the 4th century Libanius informs us that his proud city's curia membership had dropped from 600 to 60.[299] From the vast majority of the evidence we possess it becomes clear that, although the curiales survived for many centuries in Late Antiquity, their status was clearly one not sought after and one that seemed increasingly like a skeleton of the past, which was just about kept alive. Although the curial assemblies had survived the turmoil of the 3rd century, albeit with their importance and function diminished, they ultimately could not survive the crises of

[296] P. Oxy. 38.2854.
[297] It is highly likely that Eudaimon's case is more of a clever ploy than a genuine resignation of wealth. Prosopographic evidence suggests that his father's wealth (a man called Aurelios Septimius Serenos), which he was due to inherit, was much larger than the property he surrendered.
[298] See Liebeschuetz, 'The end of the ancient city', 1992, 1-49; Liebeschuetz, *The Decline and Fall of the Roman City*.
[299] Lib. *Or.* 48.4.

the 6th and 7th centuries and as will be examined in a following chapter, nor did the 'classical' nature of the cities to which they belonged.[300] The humiliating depths of curial decline can be observed in a Novel of Justinian's in which we find curiales becoming murex fishers in order to avoid their duties. In this Novel Justinian is trying to restore councillors to their curiae and is justifying such an attempt by stating that city decuriones are in short supply.[301]

The end of curial government is not something that can be dated with any significant degree of accuracy. Like a lot of issues in the history of the Roman empire, the story of the decline of the curia is more of a fizzling-out rather than a meteoric apocalypse. We have not found one singular piece of evidence that can categorically be brought forward as a clear mark of the end of curial government. Nevertheless, we can relatively sure that the curiae did eclipse. To begin with, the main way through which we become aware of the fate of the curiales is through their disappearance from the record. A typical issue historians of the ancient world, in particular, have to deal with is how to interpret the absence of evidence. After some point, with the passage of time, the curia and its members slowly but steadily vanish from our records, be they literary, legislative or archaeological. Of course, the last piece of evidence that we possess that mentions the curia of a city does not automatically mean that right after that point in time the curia disappears. For instance, the last mention that we have of the council of Ephesus is in 431 when a comes, called, Candidianus summoned the councillors together with the honorati of the city ("προσκαλούμενος τὸ σεμνὸν βουλευτήριον καὶ τους λαμπροτάτους") for a vote regarding the deposition of the bishop of the city, who was seen as holding Nestorian beliefs and was therefore a heretic.[302] The only things that can be safely deduced from this piece of evidence is the central role that imperial officials, like Candidianus, possessed in the governing of the capital of a province like Ephesus, the emergence of the *honorati*, and that the council of Ephesus is seen to still be in possession of some authority and power regarding Ephesian affairs and in particular ecclesiastical affairs.[303] What can certainly

[300] Liebeschuetz, 'The end of the ancient city', 34-35.
[301] Just. *Nov*. 38.6.
[302] *Acta Conciliorum Oecumenicorum* Tom. I, Vol.I/3, 47.
[303] See Foss, *Ephesus After Antiquity: A Late Antique, Byzantine and Turkish City,* 14.

not be deduced, solely due to the fact that this is last time we hear of the curia of Ephesus, is that it ceased to exist after this event.

In actual fact, we are absolutely sure that the curiales survived as an institution at least until the reign of Justinian, as he repeated several pieces of legislation dealing with the decuriones in his Corpus Iuris Civilis and as he legislated himself in what are known as his Novels or Νεαραί, as well as in his Codex.[304] However, in the 6th century, that is concurrently with Justinian's Codification, we possess three literary sources that paint a different picture. That is a picture not just of decline but of the utter eradication of the curial council and its order. All of the sources that are going to be mentioned assign the responsibility of the extermination to the emperor Anastasius and in particular to his praetorian prefect Marinus (c.512-515). They accuse Marinus (and it is an accusation since all three view this obliteration of the curial order as detrimental for the health of the empire), that with his introduction of the vindices – officials that seemingly took over the responsibility of tax collection from the curiae - he signed the death warrant of the decuriones.

To begin with, John Malalas, a chronicler from Libanius' home city of Antioch, notes, referring to Marinus, that he removed all the curiales and created the vindices in their place: "ὅστις τοὺς πολιτευομένους ἅπαντας ἐπῆρε τῆς βουλῆς, καὶ ἐποίησεν ἀντ᾽ αὐτῶν τοὺς λεγομένους βίνδικας εἰς πᾶσαν πόλιν τῆς Ῥωμανίας".[305] The second author that appears to be describing the death of the city curiae was John Lydus. John Lydus or John the Lydian was an administrator and scholar active during Justinian's reign and as such a valuable primary source. In his work *De Magistratibus reipublicae Romanae* (c. 550) he wrote that the cunning Syrian Marinus, paralysed the curiae of all the cities ("τὰ μὲν βουλευτήρια πασῶν παρέλυσε τῶν πόλεων") by moving the responsibility of tax-collecting from the curiales to the vindices who then treated the cities as their enemies ("καὶ ἀντὶ τῶν ἀπέκαθεν στηριζόντων τὰ προστάγματα βουλευτῶν προχειρίζεται τοὺς λεγομένους βίνδικας […] οἳ παραλαβόντες τοὺς συντελεῖς οὐδὲν πολεμίων ἧσσον τὰς πόλεις διέθηκαν").[306] Finally, the third source

[304] Among many examples some are: C.J. 10.32.33 – 53, 10.33, 10.34, 10.35, 10.38; Just. Nov. 38 and 87 and 101.
[305] John Malalas, *Chronographia*, 16.400.
[306] John Lydus, *De Magistratibus reipublicae Romanae*, 3, 49.

that talks about the downfall of the curiae, while laying the blame for that on the vindices is Evagrius. Evagrius Scholasticus, a 6th century Syrian, wrote in his work *Ἐκκλησιαστικὴ Ἱστορία* that tax collecting was removed from the curiales' remit and given to the vindices, who were placed in every city ("περιεῖλεν δὲ καὶ τὴν τῶν φόρων εἴσπραξιν ἐκ τῶν βουλευτηρίων, τοὺς καλουμένους βίνδικας ἐφ᾽ ἑκαστῃ πόλει προβαλλόμενους"). After also blaming Marinus for this, he goes on to say that due to introduction of the vindices, the taxes received by the city dropped dramatically and the blooms of the cities withered ("Ὅθεν κατὰ πολὺ οἵ τε φόροι διερρύησαν τὰ ἄνθη τῶν πόλεων διέπεσεν"). Finally, he seems to be categorically asserting that by the end of this 6th century (593-4), when this was written, the curiales were no more. We can draw this conclusion because he talks in the past tense about how in times past, the nobles of the city were inscribed in the city's album (presumably making a reference here to the album curiae: *Dig*. 50.3) because the city deemed those in the *βουλή* as a form of senate ("Ἐν τοῖς λευκώμασι γὰρ τῶν πόλεων οἱ εὐπατρίδι πρόσθεν ἀνεγράφοντο, ἑκάστης πόλεως τοὺς ἐν τοῖς βουλευτηρίοις ἀντὶ συγκλήτου τινὸς ἐχούσης τε καὶ ὀργιζομένης").[307] All these three sources state quite clearly that curiae were a thing of the past and the introduction of the vindex was the event to blame.

Nevertheless, we cannot take the evidence provided by these three authors at face-value. Firstly, we possess a great wealth of legislation from around this period that deals with curiales and their flight.[308] Secondly, as Haarer points out, the sources are not without personal bias and as such their reliability is compromised.[309] Lastly, the institution of the vindex does not appear to be potent enough to have totally eradicated the curiae. The vindex, at least as much as our sources guide us, does not appear to have had as much of an impact as either the emperors would have desired or as the three aforementioned writers would have us believe.[310] Firstly, vindices do not seem to have been present everywhere in the empire, therefore, the decline of the curial class and hence of the Greco-Roman city cannot solidly be attributed to their

[307] Evagrius, *Historia Ecclesiastica*, III, 42.
[308] See note 304 and Liebeschuetz, *The Decline and Fall of the Roman City*, 108.
[309] Haarer, 'Developments in the Governance of Late Antique Cities', 135.
[310] See Liebeschuetz, "The pagarch: city and imperial administration in Byzantine Egypt", 166.

introduction.[311] Actual evidence of vindices has only been found in Antioch (Antipater the vindex – Chronicon Pascale, p.626, AD 532), in Alexandria (Just. Nov. Ed. 13.14), as well as in Anazarbus and Tripolis (Sev. Ant. Ep. 1.9., 27). Therefore, the vindices cannot have been the only ones responsible for tax-collection, with others such as the pagarch in Egypt challenging their supposed monopoly. Moreover, as Haarer, points out, there is no evidence for personnel staff for the office of vindex. So, she surmises, the vindex must have also relied on the curia in his tax-collecting duties.[312] While we cannot know the exact extent of the impact the vindices had on the curiae, or even what the actual state of the curiae was during this period, we do know that they were not dead yet as the three authors are suggesting. As Jones underlines "in the reign of Justinian the cities were still, despite their extreme decrepitude, vital cogs in the administrative machine of the Roman empire" and the city curiae were still a central part of the administration of the empire.[313] Therefore, what is most probable, bearing in mind all the available evidence, is that while the vindices must have had some impact, that impact was not deadly. The curiae appear to have lost their ability to govern themselves (a situation that had been in progress since the 3rd century) and the introduction of the vindices must have reduced their already enfeebled status even further, by taking, some, but not all, tax-collecting responsibility from them and leaving them with primarily one duty apart from tax collection; the very onerous duty of providing liturgies.[314]

Furthermore, it is necessary to note that our evidence suggests that from the 6th century onwards the power and role of the curiales varied from area to area. For instance, in Novel 128 which was issued in 545 by Justinian, the groups responsible for tax collecting seem to vary from province to province and from city to city. The emperor names as possible tax collectors, apart from curiales, governors, exactores, vindices among others.[315] We also notice non-uniformity of tax collecting

[311] N.B. That being said it is important to note that the absence of evidence found does not necessarily imply the absence of evidence.
[312] Haarer, 'Developments in the Governance of Late Antique Cities', 135-136.
[313] Jones, *The Cities of the Eastern Roman Provinces*, xiv.
[314] See Liebeschuetz, *The Decline and Fall of the Roman City*, 108-109 and Jones, *LRE*, Vol.I, 236. For further evidence that decurions were still seen in the eyes of the law as responsible for the collection of taxes: Just. Nov. 128.5.
[315] Just. Nov. 128.5.

responsibility in Novel 134, where Justinian refers to vindices as only one of the groups that were assigned with the job of collecting taxes.[316] The role and responsibilities of the curiales, therefore, varied from area to area as seen in this example, where arguably the most important responsibility of the curia, that of tax collection, is assigned in some places to the curiae and in others to other groups. As Liebeschuetz highlights, the curiae of the cities probably continued to meet but their exact role must have differed from city to city and from province to province.[317] As a consequence, during this period the Roman system of government experienced a great deal of upheaval. The curiales were on their way out but the timing and manner in which they were replaced varied from city to city. As such, the structure of the system that replaced the curiales (which we will look into in depth in the next chapter) had a great deal of fluidity. What we can be sure of is that this new system was definitely less rigid and uniform than the one it had replaced and it would continue to be so for several decades to come.[318]

What is more, the archaeological record can be very helpful in allowing us to determine when the public buildings in general and the boule in particular stopped being used as a council-house. The end of the use of a council-house and other traditional civic buildings can be taken to mean that the curia was no more or at least that it was not seen as a functional element of the city's administration. In Aphrodisias, the *μητρόπολις* of Caria, the bouleuterion has been remarkably well preserved, along with a series of statues placed in the public building of the North Agora of the city, where the bouleuterion is also placed. In the archaeological excavations of the last decades, it was found that the bouleuterion as a building remained in use at least until the late 5th century, when the statue of an city benefactor, Pytheas, was put up and that the North Agora, based on numismatic evidence, was abandoned in the early 7th century.[319] It needs to be pointed out that it is not certain that the building continued to regularly function as a curia until that date. In Ephesus the situation is pretty similar.

[316] Just. Nov. 134.2.
[317] Liebeschuetz, *The Decline and Fall of the Roman City*, 109.
[318] Liebeschuetz, 'The end of the ancient city', 27.
[319] Ratté, Christopher, and R. R. R. Smith. "Archaeological Research at Aphrodisias in Caria, 2002-2005." *American Journal of Archaeology* 112, no. 4 (2008): 723, 727-28.

Slowly the public buildings of the city were abandoned, and the settlement moved uphill and was fortified.[320] Moreover, in Ascalon, a once prosperous and wealthy city of Palaestina, the building of the boule went out of use in possibly the 6th century or even the 7th century (but definitely after the 5th), when, as Boehm *et. al* relate, the building was already to some degree dismantled and buildings were constructed up the slope of its cavea.[321] We can be relatively sure, however, that the boule of Ascalon (even if it was not situated in the boule/odeon building of Ascalon) was still alive in the 6th century. In his work *Historia Arcana* (the famous Secret History), Procopius, makes reference to the affluent president of the curia of Ascalon, a man called Anatolius.[322]

The last clear evidence that we have of decurions comes from the 7th century but even that is slim and collected from wide range of different areas. What is more, the evidence that we have from the 7th century is not sufficiently informative when it comes to the institution of the decuriones. That is to say that we do not have any sources, like Libanius, that offer a general commentary on the current situation. The evidence is nearly always an isolated example of a decurio who has performed some kind of service, or even worse a simple reference to a decurio without little more to guide us. One such example is a seal from the 7th century that belonged to a decurio called Euphemius: "Θεοτόκε, βοήθει Εὐφημίῳ δεκουρίον(ι)".[323] Such an example informs us that in the 7th century being a curialis was something that still existed in a legal sense and was seen as a status symbol worth mentioning and taking pride in. This seal is typical, in the sense that it is an archaeological find and that it provides us with prosopographical content, of the 7th century evidence that we possess for decuriones. No matter how insufficient we might deem it, given the fact that it does not allow us to safely deduce much more than has been attempted here, it still relatively more informative than other pieces of evidence we possess where a decurio is simply referred to, with not much more information provided than that. A typical example of such evidence is a decurio with the name of Eulampios, being simply referred to in a

[320] Foss, "Archaeology and the 'Twenty Cities' of Byzantine Asia", 474-75.
[321] Boehm, Ryan. Master, Daniel M. and Le Blanc, Robyn. "The Basilica, Bouleuterion, and Civic Center of Ashkelon." American Journal of Archaeology 120, no. 2 (2016): 313-315.
[322] Procopius, *Historia Arcana* 29.17–25.
[323] Zacos, G. and Veglery, A.*, Byzantine Lead Seals* I/2, Basel, 1972, no. 1462.

letter from the 27th of January 668, written by Pope Vitalian to the Archbishop of Gortyn, Paul.[324]

There is one more example, however, that is relatively more informative than the two previously mentioned. In a tax register of Hermopolis, that survives in a papyrus and dates from the first half of the 7th century, we find two references to both a curia ("δ(ιὰ) τῆς βουλ[ῆ]ς Ἀντιν[ό]ου") and a curialis of the same city ("Μηνᾶ πολιτ̣[υομ(ένου) Ἀντινόου").[325] This piece of evidence is remarkable as it evinces that not only did individual decuriones survive but, in some places like Antinoopolis, so did the curia. Of course, one must not rush to the conclusion that this means that the curia had a significant, if even noticeable, role to play in the 7th century. The evidence, mentioned here, however, suggests that the decuriones as an institution survived until the 7th century, after which the trail of evidence stops.

Finally, while the evidence that we possess can confirm the survival of the institution, it does not provide us with much more information that that, so we do not know what role the curiae and their members had in the 7th century. The most educated guess that we could make, however, based on the evidence that we do have is this. Firstly, that the curiae did not collapse at the same time throughout the Eastern Roman Empire. We can say that the 7th century is the last century from which we have any actual evidence, but we do not know exactly when each of the individual curiae eclipsed. It seems that the collapse was not uniform and since there was no legislation until the 9th century actually abolishing the institution (a date that clearly is far too distant to suggest that curiales survived until then), we have to imagine that the curiae steadily, one by one, disappeared until not one was left. Secondly, we can cannot state that the curiae or the curiales played any structurally important role in their municipalities, even though evidence of curiae exists from the 7th century. This assumption is based both on the fact that we have no evidence pointing to an active role of the curiae and the curiales from this century and on the entire corpus of

[324] Schieffer, R. "Kreta, Rom und Laon. Vier Briefe des Papstes Vitalian vom Jahre 668", *Papsttum, Kirche und Recht im Mittelalter*. *Festschrift für Horst Fuhrmann zum 65. Geburtstag*, ed. H. Mordek (Tübingen, 1991), 29, II. 11- 17 (= PL 87, 1003B).
[325] P. Sorb. 2. 69. 39 and 41.

evidence on decuriones in Late Antiquity which clearly suggests that such an active role in the 7th century would have been highly improbable.

In conclusion, while we cannot claim to know exactly when the curiae ceased to exist, we know when they were abolished in law. The curiales (βουλευταί), and subsequently the institution which they inhabited, were formally disbanded by Leo VI in his Novella XLVI in the 9th century, centuries after our last piece of actual evidence for them. In a fit of reforming fervour Leo VI, or Leo the Wise, issued a διάταξης which he entitled "Περὶ τοῦ ἐκβάλλεσθαι νόμους τινάς, τοῖς μὲν βαρείας ἐπιτρέποντας λειτουργίας, βουλευτηρίοις δὲ προνόμιον ἀρχῶν τινῶν προβολῆς καὶ διοικήσεως αὐτεξουσίου τῶν πόλεων παρέχοντας." In this Novel, Leo clearly assigns all power of administration to himself and his government and abrogates all previous laws that gave authority to decurions:

> "πρὸς μόνην τὴν βασίλειον πρόνοιάν τε καὶ διοίκησιν ἀνήρτηται πάντα, ὡς μάτην περιπλανώμενοι τῷ νομίμῳ ἐδάφει, ἐκεῖθεν τῷ ἡμετέρῳ ὑπεξάγονται δόγματι"[326]

Ostrogorsky rightly maintains, however, that the curia and the city's municipal organisation "had long been dead when its final abolition was formally decreed by Leo VI."[327] Liebeschuetz, in turn, calls the abolition an "anachronism", as does Brandes.[328] All power and authority were now formally the emperor's. A.H.M. Jones in his seminal work *The Cities of the Eastern Roman Provinces* talks about a sudden halt of the city as an institution of public law along with its civic government after Justinian's legislation and that although we do not know exactly when it disappeared, he maintains that they cannot have lingered on for too long after Justinian.[329]

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[326] Leo, Novel 46.

[327] Ostrogorsky, George. "Byzantine Cities in the Early Middle Ages." *Dumbarton Oaks Papers* 13 (1959): 65-66.

[328] Liebeschuetz, *The Decline and Fall of the Roman City*, 109 and Brandes, W. "Byzantine Cities in the Seventh and Eighth Centuries—Different Sources, Different Histories?: Some Methodological Observations on the Relationship Between Written, Numismatic, Sigillographie and Archaeological Sources Used in Research into Byzantine Urbanism in the Seventh and Eighth Centuries". In *The Idea and Ideal of the Town between Late Antiquity and the Early Middle Ages*, eds. Brogiolo, and Ward-Perkins, Brill, 1999, 25-57.

[329] Jones, *The Cities of the Eastern Roman Provinces*, xiv-xv.

Certainly Leo VI's *Νεαρά*, in the late 9th century, was the final nail in the coffin of a long deceased institution, a "token response to a situation which had prevailed for two centuries or more" as Haldon underlines, presumably brought up at all in the context of *ἀνακάθαρσις τῶν παλαιῶν νόμων* of the Macedonian dynasty.[330] That being said, in Roman law, an edict or any piece of legislation still possesses legal validity if it has not been repealed. The decurionship therefore, for all intents and purposes, from a legal perspective was still a valid legal status. What is equally clear, however, given the current evidence, is that decuriones as an institution could not have survived, at the extreme most, the fall of the Heraclian dynasty. In his own Novel, Leo dispels any doubt as to whether the curiales were truly a relic of the past when he, after a long prelude where he waxes lyrical about the philosophical ideas behind proper law-making, refers to the existence of the decurions as no longer current: "οἵ νῦν, ὅτι πρὸς ἑτέραν κατάστασιν τὰ πολιτικὰ μεταπεποίηται πράγματα".[331] Then, if it's just a formality, what is the significance of this abrogation? This repeal by Leo possesses great symbolic significance.[332] It serves to remind us that the Byzantine Empire of the Macedonians was radically different from that of Justinian, in particular when it comes to its cities. The cities of the Middle Byzantine Empire did not possess that antique ideal of self-government or offer a separate citizenship (πολιτεία) of the *polis* anymore; they served merely, from a political perspective, as seats for governors and bishops. This transformation, as Haldon underlines, serves as a reminder of "the loss of fiscal responsibility by urban centres and the withering away of city financial autonomy in respect of central administrative needs." The word *πόλις* now, primarily referred not to the ideal community of Aristotle but to Constantinople.[333]

[330] Haldon, John. "The Idea of the Town in the Byzantine Empire". In *The Idea and Ideal of the Town between Late Antiquity and the Early Middle Ages*, eds. Brogiolo, and Ward-Perkins, Brill, 1999, 16-17.
[331] Leo VI, Novel 46.
[332] Leo VI, addresses the topic of the decurions in another law of his; Novel 47. In this Novel, in a similar fashion to Novel 46, he talks about how the situation is different in his time than it was in the past and as such he abolishes the ability of decurions to elect prefects, which prefects he underlines, are again different to the prefects of his own day.
[333] Haldon, "The Idea of the Town in the Byzantine Empire", 17-19.

The successors of the curia

The decline of the curiae, although it did not happen overnight, meant that the functions, both on a city, as well as on an imperial level, would have gone unfulfilled if they were not taken over by someone else. Luckily for the survival of the empire, they were. For starters, the central government ramped up the process of centralisation that had already started centuries ago. Secondly, a number of groups either acquired political powers, like the Church and the notables, or were given extra remits, like the provincial assemblies.

Before we move on to the examination of the various facets of the successors of the curia it is necessary to point out that for centuries, at least from the 4th until the final demise of the curiae in the 7th, the curiales coexisted with the various institutions that ultimately replaced them. Therefore, one cannot talk of a situation where one institution clearly and swiftly passed the baton on to the next. A characteristic example of this can be found in a dedicatory inscription from the middle of the sixth cenutry (555), that was found in a village called Suhmata which is located right on the border between Phoenice and Palaestina Secunda. The inscription informs us of the laying of a mosaic ("ἐγήνετω σὺν θ(εὸ)ς ἡ ψέφοσις"), almost certainly at a church, which was carried out "ἐπὶ τοῦ ὡσιωτά|του Ἰωάνου ἀρχιεπισκόπου (καὶ) Κυριακοῦ χωρεπ(ισκόπου) | (καὶ) ἐπὶ τοῦ δεσπότου ἡμ(ῶν) Στεφάνου ἀρχ(ι)πρε(σβυτέρου) | (καὶ) οἰκονόμ(ου) (καὶ) ἐπὶ τῶν λαμπροτ(άτων) Μαρίνου κόμ(ητος) (καὶ) Δίῳ β(ουλευτοῦ)".[334] That is to say that the persons responsible for this mosaic were an archbishop, a country/suffragan bishop, the archpresbyter Stephanus, an imperial official, the comes Marinus, and a curialis, called Dio. What we can deduce from this inscription is that for a transitory period between the sole reign of the curials over city affairs until the rule of the state, the notables, and the bishops, a sharing of power and responsibility took place which included the curiales. As it seems in 6th century Phoenicia-Palestine, although greatly reduced in strength and seemingly acting as individuals and not as a council, the decurions were still relevant and active.[335] Another

[334]Ameling et al., *Volume 5/Part 1 Galilaea and Northern Regions: 5876-6924*. Inscription #6079.

[335] It needs to be pointed out that the fact that this inscription refers to a decurio is not indisputable, since the word βουλευτοῦ, apart from the letter 'β', has been filled in by scholars. It is the belief of this

such example of the type of coexistence that took place in Late Antiquity while the curiales were slowly disappearing can be found in 6th century Mesopotamia. At the turn of the 6th century in, Osrhoene, there was a famine. During this crisis we are informed by Pseudo-Joshua the Stylite that the governor, the Church, and the city's nobles (most probably the curiales) worked together to provide relief for the city's populace.[336]

Let us now turn our attention to what the impact that the transition from curial government had on the cities themselves. Haarer stated that when it came to the actual provision of services in the city the transition from government by the curiales to government by its successors caused, at least initially, no disruption.[337] Not everyone is of the same mind as Haarer, however, and indeed there is some evidence to suggest that some disruption and turmoil did occur on a city level as a result of the aforementioned transition. Kamash in his study on the archaeologies of water in the Roman Near East, underlines that during the late Roman period, the archaeological record shows an increased storage of water in cities. He suggests that this development occurred in part as a result of "internal changes to how cities functioned and were governed, which saw the rise of the Church and the decline of civic self-government".[338] These increased water storages point to a disruption in the usual water supply of cities (such as aqueducts etc). One possible reason for that disruption could be increased instability in the region that the city was in as, since water supply was key in the survival of a siege, an increased storage of water suggests an increased level of preparedness for such events.

During the twilight years of the curiae, we see an institution steadily replacing it that had been slowly gaining in strength and influence from the reign of Constantine onwards; the Church. Constantine, arguably the emperor that played the greatest part in promoting Christianity, was a great supporter of the Church receiving more

author, however, as well as Ameling's et al and Vincent that it is a significant probability that it refers to a decurio. See Ameling et al., *Volume 5/Part 1 Galilaea and Northern Regions: 5876-6924*, 234-235 and L. Vincent, RB 43, 1934, 467.

[336] Chronicle of Pseudo-Joshua the Stylite, 42-43.

[337] Haarer, 'Developments in the Governance of Late Antique Cities', 130.

[338] Kamash, Zena.*Archaeologies of Water in the Roman Near East : 63 BC – AD 636*. Piscataway: Gorgias Press, LLC, 2010, 111.

responsibilities; responsibilities that should have belonged to civic or imperial authorities. In 318 he gave bishops the jurisdiction to hear civil cases, provided that both parties agreed to appearing before an episcopal court.[339] In a later law in 333, in the famous *Constitutiones Sirmondianae*, he, in piece of legislation typical in its Late Antique floridity, granted episcopal courts extra power by allowing a litigant to choose the aforementioned courts without the consent of the other party.[340] This grant of jurisdictional rights to the bishops set the trend for many centuries of ecclesiastical courts trying civil cases. The unilaterality of this law was however repealed by later emperors.[341]

By the late 6th and early 7th, a process which had started in the 4th century, the replacement of the decuriones as leaders of their cities with clerics that were not decuriones or that, at any rate, were not defined by the curial status if they had it, was nearly complete. A typical early example of this replacement can be seen in Riot of the Statues in 387, in Antioch. Ordinarily, if an embassy were to be made to the emperor, the body responsible for the selection of ambassador was the curia and the person ultimately sent was invariably a curialis. During the riot, however, when the decurions were seen as being at fault, the city sent a bishop, Flavian, to plead for the city.[342] The bishop, therefore, was slowly rising as the new vox populi of the city. This new role of the bishop cannot only be seen in Antioch. In Cyrenaica, another example of a bishop turning in an ambassador is that of Synesius. In his Letter 100, while describing curial liturgies as accursed (*καταράτου*), he says that he has to perform the duties of ambassador. Now this letter presents us with a complexity. While we see a bishop performing ambassadorial duties, Synesius' letter makes relatively clear that such a duty is technically a curial one. He states that although in the eyes of the emperor he no longer has the duty to perform curial duties, like being part of embassy, he still feels morally bound to serve his community ("ἧς τὸ μὲν ἐπὶ βασιλεῖ γέγονα ἐκτός, ἐμαυτὸν δ' ἄν αἰτιασαίμην δικαίως, αἰσχυνθεὶς ὄνασθαι σπουδῆς οἰχείας. ἀπολογήσομαι

[339] C.Th. 1.27.1.
[340] Const. Sirm. I.
[341] C.Th. 16.11.1 (AD 399).
[342] See, French, "Rhetoric and the Rebellion of A.D. 387 in Antioch", 473.

τοίνυν αὐτὸς ἐμαυτῷ,").[343] What we can deduce from this letter is that bishops were slowly taking over from the decuriones. The fact that, although exempt from curial duties (clearly due to his role as bishop), he still continues to perform such an important liturgy shows that in practice (if not in theory), the Church was *de facto* replacing the curiales.

Moreover, Cyrenaica and its famous bishop, Synesius, are a treasure trove of information for the takeover of the Church in the 5th century. Through his Letters we can infer that he was seen by the populace of the area as their natural leader and representative. Evidence of that can found in his Letters 57 (AD 412-413) - Κατὰ Ἀνδρονίκου - (which actually a speech but has been categorised as a letter) and 58 (AD 412 and 413 AD) – Τοῖς ἐπισκόποις - where he is seen to be playing the role of leader of the community. The bishop in these texts is complaining about Andronicus, an imperial official (a governor of Berenice), and he is demanding his excommunication.[344] Moreover, Synesius in another Letter of his, Letter 47 - Θεοτίμῳ- seems to be trying to prevent someone who is sinful ("ἁλιτήριον ἄνθρωπον") from breaking the law and getting away with it. He states that he does this with the interest of the Pentapolis at heart ("μοὶ καὶ Πενταπόλεως μέλει").[345]

What is more, another area where the Church leaders can be seen to be replacing the curia was urban day-to-day government. Although, our evidence does not allow us to form a complete picture of urban government in the 5th and 6th centuries and we do not know the exact extent to which the Church was actively involved in urban government, we do possess some proof that bishops were deeply involved in the administration of the city's affairs in Late Antiquity.[346] One such example comes from Alexandria. In the Life of the 7th century Patriarch of Alexandria, John the Almsgiver (Ἰωάννης ὁ Ἐλεήμων), we see the Patriarch being responsible and having authority over shops and generally regulating the market as well as supervising the weights and measures.[347] Another, earlier example comes from 6th century

[343] Synesius, *Ep.* 100.
[344] Synesius, *Ep.* 57 and 58.
[345] Synesius, *Ep.* 47.
[346] On the Church's takeover of the city's baths and water management and its consequences see Kamash,.*Archaeologies of Water in the Roman Near East : 63 BC – AD 636*, 109 and 182.
[347] Vita Sancti Joannis Eleemosynarii, 16; 15; 3.

Mesopotamia, specifically the city of Osrhoene, where the emperor gave a sum of money to the bishop of the city, in order, among other things, to carry out repairs in the wall of the city, a duty that for all intents and purposes should have traditionally been carried out by the curia.[348]

Furthermore, an inscription from the town of Lydda-Diospolis-Georgioupolis seems to be providing proof in favour of this argument. This inscription was probably set up during this time period as the very late Greek letters suggest. Its subject matter is the redecoration of a church by a group referred to as "*οἱ μὲν προ|εδρεύσαντες | ἄστεος πάλαι | τοῦ χριστολαμ|ποῦ τοῦ δὲ σεμνο|ποίμενες*". The word *προεδρεύσαντες ἄστεος* is traditionally linked to the curia and there is a chance, as the inscription is not explicit in that regard, that this phrase actually alludes to a body of decuriones. That scenario, however, is unlikely as the inscription is found at what used to be a church, the word σεμνοποίμην points relatively directly to someone with a clerical background and as Ameling et al. point out the word *πάλαι* points to a group of people who are no longer active in their service, something of course that fits the clergy but not the curiales who serve for life. Therefore, there is a good chance that here a word traditionally used to refer to curiales is used to refer to clergy suggesting a replacement in municipal affairs of the curiales by them.[349]

This government of the cities by churchmen, however, was as Liebeschuetz emphasises intrinsically "unclassical".[350] To begin with, this statement can be said to be largely derived from the relatively undisputed fact that, although the church benefited from the urban nature of the empire which acted as a transmitter of Christianity as a religion and many of its bishops were themselves of curial class (prime examples being John Chrysostom and Gregory of Nazianzus), it was not an institution that arose from the Greco-Roman city-state nor did it embody its values. No matter the link between the curial class and the Church, the replacement of the curia by clergymen in the administration and leadership of the city resulted in a completely

[348] Chronicle of Pseudo-Joshua the Stylite, 87.
[349] Ameling, Walter, Cotton, Hannah M., Eck, Werner, Ecker, Avner, Isaac, Benjamin, Kushnir-Stein, Alla, Misgav, Haggai, Price, Jonathan, Weiß, Peter and Yardeni, Ada. *Volume 4/Part 1 Iudaea / Idumaea: 2649-3324: A multi-lingual corpus of the inscriptions from Alexander to Muhammad*. Berlin, Boston: De Gruyter, 2018, 91, Inscription #2695.
[350] Liebeschuetz, *The Decline and Fall of the Roman City*, 401.

different type of government. In the words of Liebeschuetz, "a bishop with any sense of religious vocation, particularly if he had been a monk, had a very different sense of values from a curial magistrate". [351] To many bishops city life, with its games and shows, was anathema, something which largely led, in conjunction with Christian attitudes in general, to the ultimate demise of theatres of any kind.[352] To those bishops, even public benefaction, that most central of pillars of the classical city, was seen as a vice.[353] In conclusion, to underline how ideologically opposed Christianity was to the whole concept of the Greco-Roman city, Hammond, states the following: "For the Greeks and Romans, religion had been a function of the city-state; for the Christians it was independently valid, and ideally civil institutions should be derived from it."[354] As such, it is doubtless that government by the bishops was of a very different nature from that of the curiales. Their ideologies were different and as a consequence the impact they had on the cities of the empire can be seen as a contributing factor to the transformation of the ancient city into the city of the Middle Ages.

Furthermore, another group that benefitted enormously from the decline of the curiales were the notables. The notables were not a clearly defined or an official group, nor was it a term that was used at the time. It was comprised of the *honorati* of the city, that is men that hailed from the area but also had achieved senatorial rank (through imperial service), current imperial officials stationed in the city, and before the ultimate collapse of the curial system, some of the curiales (most notably the principales, a group that was the wealthiest and most powerful among the ordo decurionum).[355] For all intents and purposes, the bishops belonged to this group as people with great political influence and power and more importantly great *ex officio* landed wealth. In this study, however, the bishops have been treated as a separate

[351] Liebeschuetz, *Antioch: City and Imperial Administration in the Later Roman Empire*, 241.
[352] On the negative attitude of the Church towards city life see the description of Carthage in Augustine's Confessions and see the City of God (of the same author); On the decline of theatres in Late Antiquity see Boehm et al. "The Basilica, Bouleuterion, and Civic Center of Ashkelon", 313. On the decline of theatres in Syria see: Kennedy, "From Polis to Madina: Urban Change in Late Antique and Early Islamic Syria", 7.
[353] Joh. Chrys. *De ed. Lib*. 3-11.
[354] Hammond, *The City in the Ancient World*, 319; The link between paganism and the Greco-Roman city is clearly seen in Symmachus' famous 3rd Relatio.
[355] The extent to which the *principales* belonged to the notables group is debated. It can be argued that if they did so, that was primarily as major landowners and not as members of the curia.

group given their singular significance among the various 'curial replacements'. As Lee points out the rise of the notables and the decline of the decurio is reflective of changing patterns of land ownership. This fact can be clearly seen in the terms used for these notables; κτήτορες and possessores.[356] Such a shake-up in landed wealth distribution was a created largely as a result of the flight of the curiales. Decuriones sold their land to escape their duties, and that land ended up in the hands of this newly formed elite group, which was comprised of the people that had enough money to buy that land. In the ever-increasing centralised Roman state, such men were invariably people with connections in the imperial court (along with the rank that such a connection brought them).

What is more, it is necessary to point out the main difference between the notables and the curiales. The notables, although refered to as a collective, were never officially recognised as such and more importantly they did not act a singular body of public law. Rather than being a group with a collective responsibility towards the city and the emperor comprised of many individuals who performed separate functions (others assuming the duty of tax collections and others performing liturgies and filling different magistracy posts), the notables were a loose confederation of men with similar wealth, influence, and interests. They never could and never did act as a single, unitary assembly. Nevertheless, we find in the legislation the notables as a grouping replacing the curiales. To begin with, in a law of emperor Anastasius, the election of the defensores, one of the most important civic officials by that point, was in the hands not only of the curiales, but also of the clergy, the *honorati* and of the possessores.[357] By Justinian's reign, at the latest, they seem to have almost completely taken over from the curiales and were at that point seen as their successors. This becomes clear in a novel of Justinian's from 554, where the local landowners (i.e. the notables) are put in charge of the compulsory purchases of each area, with the law making no mention of the curiales.[358] In doing that Justinian is granting a great set of powers to the notables

[356] Lee, *From Rome to Byzantium AD 363 to 565: The Transformation of Ancient Rome*, 203-204.
[357] C.J. 1.55.11. This veracity of this law regarding the election of the defensores by the clergy and the possessores is seconded by a number of inscriptions found in Cilicia: *Monumenta Asiae Minoris Antiqua* III, 197.
[358] Just. Pro petitione Vigilii, Nov. App. 7, 18.

who could now as, Sarris and Miller point out "serve their private interests by ensuring the purchase or avoiding the requisitioning of the produce of their own estates".[359] The rise of the notables, however, can be noted much earlier. In 469 emperor Leo I decreed that if a city wanted to sell land that was gifted or bequeathed to it, a committee consisting not only of curiales but also of *honorati* and *possessores* had to give consent.[360] Another major difference between the notables and the curiales is that the notables never took on the greatest bane of the Late Antique decurion's existence; tax-collecting. Some individuals may have taken on such responsibilities but, as Liebeschuetz observes, the notables as a whole were "completely successful in avoiding corporate responsibility for taxes".[361]

Therefore, we can observe that the notables as a group slowly took over from the curiales as one of the leaders of the municipalities. The type of government they provided, however, was not the same as that of their predecessors. Rather than ruling over the city in an oligarchic fashion, as the decuriones did, where separate individuals came together and ruled collectively via the power and prestige the institution they represented offered them, the notables ruled as an unofficial confederation of powerful men that owed allegiance to no one apart from the emperor and the state. This transition from the institutionalised, oligarchic power of the curiales, to the atomised confederate rule of the notables is one of the hallmarks of Late Antiquity.

Moreover, the power of the local notables was steadily increasing in late Late Antiquity to the point that in some places their power and influence were of immense proportions.[362] One such place is Egypt. In the late sixth and seventh centuries, some landowners, like the Apions, became so powerful that even imperial officials seem to have ranked underneath them. For instance in the town of Cynopolis the *defensor civitatis (ἔκδικος)*, an official that with imperial sanction that is supposed to protect the poor, appears to be paying homage to the agent of a landlord ("τῷ κοινῷ δεσπότῃ τῷ ἐνδοξ(οτάτῳ) ἰλλ(ουστρίῳ) καὶ ἀντιγεούχῳ").[363] Despite that great power and

[359] Sarris and Miller, *The Novels of Justinian: A Complete Annotated English Translation*, 1126, n.35.
[360] C.J. 11. 32. 3.
[361] Liebeschuetz, "The pagarch: city and imperial administration in Byzantine Egypt", 165.
[362] See Haarer, 'Developments in the Governance of Late Antique Cities' 150.
[363] P. Oxy. 16.1860. Also see Bell, *Egypt, From Alexander the Great to the Arab Conquest*, 127.

influence, the government of the notables did eventually come to an end. The main culprit was the introduction of the thema (θέμα) government. In Crimea we find notables with the titles of *πρωτεύων* and *πατήρ τῆς πόλεως* until the middle of the 9th century until they were ultimately abolished as a consequence of the introduction of the theme of Cherson (θέμα Χερσῶνος).[364] After that the structure of the urban and provincial administration changes further still.

What is more, as we have seen in previous chapters during late Antiquity the previous monopoly of the curiales on the administration of the cities was shattered. During the first few centuries the curiales were forced to cooperate with the imperial government (with which they already had to have a working relationship before the Late Antiquity, albeit now the imperial officials were immensely more involved) and later with the Church and with the notables. In later centuries, however, when the curiales were but a shadow of their former self they were steadily evicted from this cooperative structure of government. The notables and the Church (of course in cooperation with the imperial government) during the last years of the Late Antique period were the ones that were in charge of local government. An illuminating example is an imperial rescript found on a 6th century inscription from Palaestina which decrees that the local bishop and the authorities of the city (most probably the notables in this case) are to cooperate on an unknown local matter.[365]

Finally, another institution that seems to have taken a slice out of the local administration pie and to have benefitted from the decline of the curiales were the provincial assemblies. The reason for the increase in strength of these assemblies, when the assemblies of the curiae were dwindling, can be seen through the example of the provincial assembly of Asia (*Κοινόν Ἀσίας*). Positive evidence for the *Κοινόν Ἀσίας* existed at least until the 4th century as we possess a dedication of the Κοινόν to the proconsul Dulcotius.[366] This assembly differed not only in its 'catchment area' (being a provincial and not an urban assembly) but also in its composition. Its members

[364] Constantine Porphyrogenitus, *De Administrando Imperio,* 42.46.
[365] Ameling, Walter, Cotton, Hannah M., Eck, Werner, Ecker, Avner, Isaac, Benjamin, Kushnir-Stein, Alla, Misgav, Haggai, Price, Jonathan, Weiß, Peter and Yardeni, Ada. *Volume 4/Part 2 Iudaea / Idumaea: 3325-3978: A multi-lingual corpus of the inscriptions from Alexander to Muhammad*. Berlin, Boston: De Gruyter, 2018, Inscription no. 3972.
[366] Jahreshefte des Österreichischen Archäologischen Institutes. 44 (1959), B276ff.

were drawn from the landowners of the province and not necessarily from the families that were included in any curial album.[367]

Furthermore, another piece of evidence that seems to confirm the increase in importance of the provincial assembly at the expense of the curia can be found in Synesius' Letter 95. In this letter, a debate preceding an embassy to the imperial court takes place. Liebeschuetz maintains that this debate most probably took place at a provincial rather than at a curial assembly. [368] He goes on to argue that the evidence from Cyrenaica of this period (beginning of the 5th century) seems to suggest that the curiae no longer played a major part in public life apart from performing the civic liturgies, primarily because Synesius never mentions a meeting or debate of this kind taking place in city curiae during this period. While Liebeschuetz works on the basis of absence of evidence means that something did not exist, it is still the most informed guess that we can make. It seems, therefore, that, as he points out, "the curiae appear to have ceased to provide the actual and symbolic leadership which had been theirs in earlier centuries".[369] In their place it seems that provincial assemblies of notables, with the cooperation and help of bishops (i.e. Synesius in this debate and embassy) and imperial officials, largely replaced the curial assemblies of yesteryear in the political leadership of the area.[370] What is more, the power of the provincial assembly was also, recognised in law. In 569, Justianian's successor, emperor Justin II, issued a Novel that assigned the responsibility of proposing provincial governors to the provincial assemblies, which were composed of the bishops and all the leading men of the province.[371] Provincial government in the 6th century, therefore, was structured in such a way that the Church and notables shared power with the imperial government, with apparently no space for the participation of the curiales.

In conclusion, it is necessary to underline that the decline of the curiales did not occur in a uniform fashion throughout the empire, nor did it happen on the same timeline. In some places during late Late Antiquity, civic government was undertaken

[367] Foss, *Ephesus After Antiquity: A Late Antique, Byzantine and Turkish City*, 20.
[368] Liebeschuetz, J.H.W.G. "Synesius and Municipal Politics of Cyrenaica in the 5th Century AD." *Byzantion* 55, no. 1 (1985): 154.
[369] Ibid, 155.
[370] See C.Th. 12.12.12-15.
[371] Justin II, Nov. 149.1.

neither by the curiales, nor by the typical triptych of officials, clergy, and notables. Sometimes the combination of the groups in power, after what seems like the ultimate demise of the curiales, was different. Such was the case in 6th century Berytus. In this centre of legal learning, we do not find curiales in power, nor do we hear anything about local notables or even local civic officials. The administration of the city was the shared responsibility of the governor of Phoenicia Maritima, the city's bishop, and surprisingly, Berytus' law professors. As Hall underlines, "simply put, the emperor laid the responsibility for keeping order in this particular sixth-century city on a political appointee who may have had some troops to command, an ecclesiastical appointee with greater local allegiance, and the leading interpreters of law who may have come to dominate the social structure of the city".[372]

The decline of the curiales and the end of the Greco-Roman city

It cannot be doubted that from the 6th century onwards there was a gradual decline in the opulence and prosperity of the cities of the empire. The military crises of the 7th century in particular, severely impacted Greco-Roman city life and according to many, like Foss, life in the many cities of the empire looked fundamentally different during this period that it had previously. The porticoed and open cities of antiquity with their monumental public architecture were replaced by the Mediaeval walled towns and fortresses.[373] Of course, this does not mean that the cities of the empire were abandoned and not everyone entirely agrees with Foss. According to some, like Zanini, not everything was different. He argues that the urban landscape cities of the 7th and 8th centuries was "still marked by the traditional places of the central and peripheral power".[374] Nevertheless, the majority of the evidence suggests that it would be unwise and practically impossible not to notice the stark transformation of the urban environment of the Roman Empire. As Haldon beautifully outlines, "The average late sixth-century city did not have an array of well-maintained public buildings; its

[372] Hall, Linda Jones. *Roman Berytus : Beirut in Late Antiquity*. Oxford: Taylor & Francis Group, 2004, 112.
[373] Foss, Clive, 'The Persians in Asia Minor and the end of Antiquity', *The English Historical Review*, Volume XC, Issue CCCLVII, (October 1975): 747.
[374] Zanini, E. 'Coming to the End: Early Byzantine Cities after the mid-6th Century,' In *Proceedings of the 23rd International Congress of Byzantine Studies - Plenary Papers Belgrade : The Serbian National Committee of* AIEB, 2016, 134.

roads and streets were narrower and built upon in a way that suggests a relative or complete absence of central town planning". Material reuse ruled the day, and the size of the cities was significantly smaller.[375] Isolated examples that disprove this rule, as outlined above, existed but it cannot be denied that the model of the ancient Greco-Roman city was by the end of Justinian's reign rapidly evaporating.

The most impactful development that led to this aforementioned decline and transformation was the incessant fighting of the 7th century. The ravages of the Sasanian and Arab wars are most evident in the state of the cities going into the second half of the 7th century. Once the dust of the Arab conquests had settled, the new *status quo* of the cities of the Asia Minor, Egypt and the Near East was radically different.[376] Even cities that were once vital and wealthy metropoleis were now greatly reduced. To begin with, the deleterious effect of the Persian host's march through Asia Minor is evinced in the ancient sources. Whole cites were subjugated and many a population was put under the sword or was placed in shackles. Striking examples include Caesarea and Chalcedon.[377] Such destruction could have hardly been ephemeral and in many cases, archaeology aids us in assessing the true extent of the damage and its consequences. Ephesus provides an example where the archaeologist's trowel has proved significantly useful. After 614, most probably due to the Persian destruction of Asia Minor, the city contracted drastically and it was never to recover its significance, with many parts of the city, including the upper agora with its public buildings being abandoned 614.[378] As Foss underlines, although this former *metropolis* and seat of church councils was during the middle Byzantine centuries still an important city, by the standards of the time, it was a much smaller and significantly less wealthy settlement. A settlement that was radically dissimilar to its Late Antique self.[379] A similar case study was the flourishing provincial capital of Galatia, Ancyra. A great

[375] Haldon, "The Idea of the Town in the Byzantine Empire", 8-9.
[376] One of the most influential papers that has been written on the subject, that argues that the Persian war of the 7th century is inextricably causally linked with the end of antiquity, is Foss, 'The Persians in Asia Minor and the end of Antiquity', 721–747.
[377] For Caesarea: Sebeos Chronicle miscellaneum, 723. For Chalcedon: Michael the Syrian, Chronicle, ed. J. B. Chabot (Paris, 1904), ii. 406.
[378] Alzinger, W. "Ephesos" *RE Supp.* XII. 1588-1704 (1970): 1634-36.
[379] Foss, *Ephesus After Antiquity: A Late Antique, Byzantine and Turkish City,* viii and Foss, "Archaeology and the 'Twenty Cities' of Byzantine Asia", 475.

commercial and intellectual centre, with what Foss calls, “a senate notoriously fond of learning” that once probably served as the place where in the 4th century emperor Julian decreed that public teachers had to be appointed and approved by the city senate (a law examined in a previous chapter).[380] That important and wealthy city was utterly destroyed by the Sasanids in 622. Its public monuments and civic buildings were abandoned and the city proper was moved to a walled castrum on its acropolis.[381] Sardis suffered a comparable fate. A formerly prosperous Late Antique city was thoroughly destroyed by the armies of Chosroes II in 616. As Foss underlines, the areas of the city where the greatest wealth of the city was noticeable, the western quarters, were “destroyed and ruined forever; a way of life established for centuries perished violently”.[382] Finally, some cities like Ephesus and Sardis may have shrunk but it is important to note that the 7th century also saw the complete eclipse of a number of cities. A remarkable example is Miletus which was most likely abandoned around this time period.[383] Therefore, we can observe that the devastation of war did not leave the cities of the empire unscathed. In fact, far from it. The cities emerged from their state of near constant beleaguerment transformed, resembling more the archetype of the Byzantine city than that of the classical.

What is more, the cities that were conquered and lost to the empire after the 7th century were to undertake a transformation that rendered them fundamentally different from a classical city. Antioch, one of the most important cities in the empire, never recovered the primacy that it had during the time of Libanius (with a brief interlude during the Crusades when it reclaimed a slice of its past glory). After its fall into Arab hands, it surrendered its place as the *metropolis* of Syria to other cities further inland such as Aleppo/Halab (former Beroea). Some scholars have even ventured so far as to maintain that it turned into a village.[384] A more in-depth analysis of the cities of the Arab caliphates is beyond the scope of this paper. What can be said

[380] C.Th. 13.3.5 and Foss, C. "Late Antique and Byzantine Ankara", 39.
[381] Foss, "Late Antique and Byzantine Ankara”, 29.
[382] Foss, “Archaeology and the ‘Twenty Cities’ of Byzantine Asia”, 476. On Late Antique and Byzantine Sardis: Foss, ‘The Persians in Asia Minor and the end of Antiquity’, 737-738 and Foss, C. *Byzantine and Turkish Sardis*, Harvard University Press, 1976.
[383] Niewöhner, The Byzantine Settlement History of Miletus and Its Hinterland”, 230.
[384] Hammond, *The City in the Ancient World*, 322.

here though is that the fate that befell the cities that remained part of the empire was not wildly different to those that were under Arab rule.

Now that we have examined the devastation that befell the cities of the East in the 7th century, it is time to examine whether the curial eclipse contributed to that decline. It has commonly been assumed that the decline of the curiae marked the end of the ancient city and that the end of the ancient/classical city, in turn, marked a sharp decline or at least a degradation, of the urban fibre of the Roman Empire with many cities shrivelling and being transformed into fortresses (castra) or completely. In other words, it has been argued that the end of the curial self-government of cities marked the end of the ancient world and the demise of the city as an institution.[385] To some, the link between curia and the Greco-Roman city is seen as immutable. For instance, Zavagno maintains that the curia can be seen as a mirror image of "classic Greco-Roman urban culture".[386] This link means that they each formed an integral part of the other's existence. As a logical result, therefore, their fates were also tied; the end of one of the two meant (or even precipitated) the other's downfall. Others like Haarer, maintain that the decline of the curiae is not simply or directly linked to the decline of the cities, citing as a reason that the former occurred in the 4th and the latter in the 6th centuries.[387] When we have examined the evidence, however, it is difficult for the author of this paper not to disagree, at least to a degree, with Haarer. All the evidence that is going to be examined, combined with the theory that the decline was slow and had many ups and downs along the way, seems to be suggesting that there is a causal link between the decline of the curiae and the decline of the cities, both materially and as Greco-Roman institutions.

While, the effects of the 7th century wars are obvious, it can be argued that it is valid to assume that the downfall of the curia had a part to play in the decline of the

[385] See Hammond, *The City in the Ancient World*, 316. Hammond argues that in earlier centuries, cities thrived as a result of the benefaction and the voluntary service of the curiales. The ruination of that Greco-Roman urban aristocracy, along with the services they provided, in conjunction with the centralising tendencies of the imperial government, proved to be detrimental to the "vitality of the municipalities".

[386] Zavagno, Luca*, Cities in Transition: Urbanism in Byzantium between Late Antiquity and the Early Middle Ages AD 500-900*, BAR Publishing, 2009, 13.

[387] Haarer, 'Developments in the Governance of Late Antique Cities', 134.

cities. Of course, a direct link between curial decay, a process that started 3-4 centuries before the Sasanian-Arab invasions and the impact of the invasions themselves is very difficult to establish. What can be argued, however, is that the attacks from the East arrived at a period when the cities were already weakened as a result of the curial decline. The civic patriotism was almost entirely gone and when the cities were ultimately destroyed by the Persian-Arab hosts, it became illogical to continue to maintain structures that for all intents and purposes were relics of the past that had outlived their utility. So, when the dust settled, the cities took on a very different path than they had before; a path, if one were to put it in cliched terms, toward Byzantium and not toward Greece or Rome. As such it can be said that a causal link does exists between the decline of the curia and the decline of the city, a link that we must concede is not backed up by sufficient evidence in order for it to become undisputable fact. Nevertheless, it would be unwise to ignore a factor as significant as the end of the curia when it comes to assessing the reasons and extent of the decline of the cities of the Roman empire.

What is more, this type of causal combination of curial decline and the downfall of the Greco-Roman city can be seen through the example of the Anatolian town of Aizanoi. Niewöhner, suggests that the timing of the urban decline of the town coincides with the end of proper curial government and the flight of the curiales. He maintains that the city's urban environment declined because the notables, the successors of the curiales, cared more about building churches in the countryside than they did about maintain the civic buildings of Aizanoi. The fall of the urban splendour of this town, in effect, signalled the rise of church-building in the country around it. While he is willing to entertain that other causes like natural disasters or just general poverty might be at fault for the decline of Aizanoi, he seems to prefer the flight of its decuriones as the main reason for the dwindling of the city, a view which the author of this present paper deems as one of the, if not the, most crucial reason for the decline of the ancient Greco-Roman city.[388]

[388] Niewöhner, Philipp. "Aizanoi and Anatolia" *Millennium – Jahrbuch (2006)* 3, no. 2006 (2006): 249-252.

Furthermore, in recent years, a noticeable number of scholars have refused to look at the cities of the Dark Ages and the Middle Byzantine period as in decline or even as changed at all with regards to their urban government. Examples of the first school of thought include Ostrogorsky and Vryonis, who refuse to see any significant waning in the urban culture of the cities of the empire.[389] There is no denying, at least according to Ostrogorsky, that there was change but that change he argued was not decline.[390] There is certainly a fair amount of evidence that makes such a theory look plausible. There is proof in the literary sources that cities, especially metropoleis like Thessaloniki and Nicaea continued to flourish after the 7th century, even though they were changed and fortified.[391] Additionally, Theophanes Continuatus talks about Nicaea as a *πόλις ἀρχαιόπλουτος καὶ πολύανδρος*.[392] What is more, in the 8th century towns continued to be built. In the *Χρονογραφία* of the Patriarch Nicephorus, we are informed that Constantine V built *πολίσματα* in Thrace.[393] With regards to the second school of thought, the one that argues that there was no significant qualitative change in urban government, the most articulate and influential argument has been put forward by Whittow who has argued that the end of curial government did not denote an qualitative change in the actual government of the city since the government continued to be carried out by élites.[394] Another scholar, Zanini, in a similar vein, argues that in the 7th and 8th centuries some of the old urban elites managed to retain their elite status.[395]

Liebeschuetz, however, views the story of the city differently. He observes a clear decline and in a stern response to those that disagree, he states in the conclusion of his *Decline and Fall of the Roman City*, "some choose to see only transformation, but that is not the point of view taken in this book". He goes on to suggest that cities in late Late Antiquity were markedly unlike the ones of yesteryear and that it is the

[389] See, Ostrogorsky, "Byzantine Cities in the Early Middle Ages.", esp. 62 and 65 and Vryonis, S. *The Decline of Medieval Hellenism in Asia Minor and the Process of Islamization from the Eleventh through the Fifteenth Century*, University of California Press, 1971, 6-10.
[390] Ostrogorsky, "Byzantine Cities in the Early Middle Ages.", 47.
[391] Ostrogorsky, 'Byzantine Cities in the Early Middle Ages', 62-63.
[392] Theoph. Cont. 464.8.
[393] Nicephorus, *Chronographia*, 66, 11.
[394] See Whittow, Mark. "Ruling the Late Roman and Early Byzantine City: A Continuous History." *Past & Present*, no. 129 (1990): 3–29.
[395] Zanini, 'Coming to the End: Early Byzantine Cities after the mid-6th Century, 139.

"function of the historian to assess the effects of the change". He concludes that "the historian loses much if he insists on concentrating his attention exclusively on 'recycling'". [396] Liebeschuetz point is not, in our view, merely one of rhetorical and historiographical value. It is one that is most backed up by the evidence (regardless of the type) that has survived and been analysed. Although the author of this paper shares Liebeschuetz's view regarding the end of the antique city, it must be said that such a dilemma cannot be easily or conclusively resolved.

Although these vexed questions (i.e. Was there a decline of the cities? If so, what caused it? Was the flight of the curiales somehow responsible? If so, how?), if answered, would be vital for a better understanding both of Late Antique and Byzantine urban culture, they would probably not significantly alter our understanding of the situation of the curiales in the 7th century.[397] No matter the possible prosopographical continuity in local civic government between the decuriones and the later notables, it can be categorically stated that by the 7th century curial government was a relic of the past. The civic governance provided by the notables and the bishops was neither of the same kind as that of the curiales, nor did it bring about "a revival of civic self-determination".[398] Cities were no more the autonomous communities of yesteryear nor were they an integral part of how the empire was run and administered. The urban government of the notables and the Church embodies none of the principles of Greco-Roman collective government. No glue bound together these notables or bishops, let alone the imperial officials that were put in charge of the cities. The curiae of the past were a body that was collectively responsible both for the administration of the city and for the duties the city had towards the emperor (i.e. taxes). The notables and the clergy had no such collective responsibility, nor did they form a unitary entity of public law. They were just a grouping of separate individuals who happened to have the same position (church and honorati) or the same level of wealth (possessores). Therefore, each one was free to do as they saw fit, and the city

[396] Liebeschuetz, *The Decline and Fall of the Roman City*, 414.
[397] Although a discussion about the fall of the ancient city would certainly involve the curiales, it is beyond of the scope of this paper to delve too deeply into the debate regarding the general decline, urban and imperial, of the 7th century.
[398] Liebeschuetz, *Antioch: City and Imperial Administration in the Later Roman Empire*, 263.

was now run by individuals with their own agenda and not by an assembly of their citizens driven by a determination to lead and serve.[399]

Conclusion

The story of Late Antiquity, with its many dramatic twists and turns and the great questions it poses for Antiquity and the Middle Ages, is one that has received and will most likely continue to receive a lot of scholarly attention as more and more facets of the world it inhabits are revealed. Even more likely, what will continue is the fierce joust regarding its status as a period of transformation or as a period of decline. Of course, there is no simple answer to that question, and more relevantly to this paper there is no definitive answer to the dilemma regarding the decline or transformation of the Roman city. Through the examination of the topic of the decuriones, however, we not only acquire a better view of what curial government looked like in the Roman cities, which is significant from a public law and urban history point of view, but we also add another brushstroke on the kaleidoscopic canvas of the Late Antique Roman government.

The subject of the decuriones in Late Antiquity is one that has fascinated and will doubtless continue to fascinate many classicists as well as a great number of Byzantinists and Medievalists. Late Antiquity, in general, sits at the crossroads of the ancient and the mediaeval worlds and can shed a good amount of light on various aspects of both of them. The decuriones are one such example. The institution of the curiales of Late Antiquity is the connecting link between the classical past and the mediaeval future and their eventual fall aids us a great deal in understanding both the classical and the Byzantine city. Apart from the fact that their story can be a useful tool in the study of other periods, however, the decuriones provide us with a window into the city government of Late Antiquity and the relationship of the city with the imperial government, the Church, and a variety of other groups.

[399] Liebeschuetz, *The Decline and Fall of the Roman City*, 405.

In the various chapters of this paper, we have looked at the many aspects of the story of the decuriones of the Late Antique East. After having provided the all-important context by examining the state of the cities of the empire, we then turned our attention to the curiae and the responsibilities of their members. Afterwards, we explored what is the central, and certainly the most popular, theme of the story of the curiales; their decline and flight. An examination ensued of the causes of the flight as well as of the routes taken by the decuriones that escaped from their posts. Finally, we investigated the end of the curia as well as the symbiotic relationship that it had with the cities of the empire. All in all, this paper has narrated the story of the decline and fall of a once glorious institution and the flight and ultimate extinction of its members. The decuriones, although a sometimes misunderstood institution by many scholars and often viewed as corrupt and irresponsible, were, as many emperors of the Late Antiquity would have easily recognised, the very pillars of the empire. They were keeping the cities of the *imperium romanum* alive and when they vanished a considerable part of antiquity and of Rome died with them. As Liebeschuetz highlights "the story of the city in Late Antiquity involves the end of a political tradition".[400] The living monument to that political tradition were the decuriones and when that monument was torn down so was the ancient city.

I think it only proper to end with the words of an emperor. In the Praefatio of his 38th Novella, Justinian submerged himself in a nostalgic delirium where he recounted what the curiae of the Roman world used to be like. He paints an idyllic picture where the Romans created the curiae which would be responsible for all public affairs and would make sure that everything would be done in the appropriate order.[401] And according to Justinian so it was. The city curia flourished, and the greatest and most important families of the empire were those that belonged to the curial order. The decuriones were numerous and the liturgies bearable, as they could share them

[400] Liebeschuetz, *The Decline and Fall of the Roman City*, 415.

[401] Just. Nov. 38, praefatio: "Οἱ τὴν πολιτείαν ἡμῖν πάλαι καταστήσαντες ᾠήθησαν χρῆναι κατὰ τὴν τῆς βασιλευούσης πόλεως μίμησιν ἀθροῖσαι καθ' ἑκάστην πόλιν τοὺς εὖ γεγονότας καὶ ἑκάστῃ σύγκλητον δοῦναι βουλὴν, δι' ἧς ἔμελλε τά τε δημόσια πράττεσθαι, ἅπαντά τὲ γίνεσθαι κατὰ τάξιν τὴν προσήκουσαν."

amongst themselves.[402] But it was not to last. Justinian's nostalgia rapidly turned to despondency and despair. His reign was to experience the decline of this august institution, and it is with manifest heartache that he states the following: "Finally, if one were to enumerate the city councils of our *res publica*, one will find them diminished. Some lack both members and resources and others while they may still possess a few members, for sure have no money."[403] Unfortunately, Justinian was not wrong in this case, as our evidence points to the fact that the state of this ancient institution went rolling, almost uncontrollably, downhill after his death, until the curiales were for a brief period nothing but a moribund husk of a once glorious pillar of Roman society, kept alive only as a result of the typical intransigence of the Roman government, which was trying doggedly to sustain a symbol that had outlived its utility. This period did not last very long though. After a few decades, the inevitable quietus arrived and the curiales were no more. In a move that from a legal perspective is sound but from a practical point of view can be regarded as overkill, Leo the Wise's abolition of the decuriones concludes a long-winded chapter in the multi-volume history of Roman administration and public law. His reforming zeal finally uprooted any last remnant of what had once been a treasured flower but by the 9th century was nothing more than a useless weed, polluting the much differently landscaped garden of the middle Byzantine Empire.

[402] Ibid: "οὕτω τοίνυν τὸ πρᾶγμα ἦνθησεν, οὕτως ἐφάνη λαμπρὸν, ὡς τὰς μεγίστας τε καὶ πολυανθρωποτάτας οἰκίας βουλευτῶν εἶναι, πλήθους μὲν ὄντος τοῦ βουλεύοντος, τῆς δὲ δοκούσης εἶναι τῶν λειτουργημάτων βαρύτητος οὐδενὶ παντελῶς ἀφορήτου καθισταμένης· τῷ γὰρ εἰς πλῆθος διῃρῆσθαι τὸ βάρος ἀνεπαίσθητον σχεδὸν τοῖς τοῦτο ὑπομένουσιν ἦν."

[403] Just. Nov. xxxviii, praefatio, 1: "τοιγαροῦν εἴ τις ἀριθμήσειε τὰ τῆς ἡμετέρας πολιτείας βουλευτήρια, ἐλάχιστα εὑρήσει. τὰ μὲν οὐδὲ ἀνδρῶν εὐποροῦντα οὐδὲ χρημάτων, τὰ δὲ ὀλίγων μὲν ἴσως ἀνθρώπων χρημάτων δὲ οὐδαμῶς."

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