

# THE ROLE OF CIVIC LEADERS IN LATE ANTIQUE HISPANIA

## *El papel de los líderes cívicos en Hispania durante la Antigüedad tardía*

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RESUMEN: Poco se sabe del gobierno de las ciudades hispanas entre los siglos IV y VII d. C. No se conocen por nombre ni duoviros ni ediles ni cuestores después del s. III, aunque sí se registran un *curator* y algunos *defensores*. No obstante, existe un cuerpo considerable de datos sobre las actividades de los curiales y *principales* hispanos. Tales actividades incluyen la recolección de impuestos, el mantenimiento de los archivos públicos, y el reclutamiento de nuevos miembros. Además, los curiales probablemente estuvieron implicados en la reparación o demolición de edificios públicos, y a veces intervinieron en disputas religiosas.

*Palabras clave:* Antigüedad tardía, Bajo Imperio romano, ciudades, curiales, gobierno local, magistrados.

ABSTRACT: Little is known about the government of Hispanic cities from the fourth to seventh centuries A.D. Not a single duovir, aedile or quaestor is known by name after the third century, though there is a *curator* and several *defensores*. Nonetheless, we have a considerable body of information on the activities of Hispanic curials and *principales*. These

include tax collection, maintenance of public records, and recruiting new members. Moreover, curials were probably involved in the repair or demolition of public buildings, and they sometimes intervened in religious disputes.

*Keywords:* cities, curials, Late Antiquity, Late Roman Empire, local government, magistrates.

The Late Antique period in Hispania (fourth to seventh centuries A.D.) is, if not a dark age, at least a foggy one. While we can glean a jumbled assemblage of information about some aspects of society from surviving sources, we know very little about others. One such area of ignorance is the government of cities. The acts of various Church Councils provide the names of numerous bishops, who undoubtedly played an important role in the life of their communities, but of secular leaders we hear almost nothing. Hence we catch only occasional glimpses of civic officials in a handful of towns, like isolated vignettes in an otherwise blank landscape. We do not even know the name of a single local magistrate in the provincial capitals of Baetica (*Corduba*) and Lusitania (*Emerita*) during the late period, despite the evident vitality of those centres; and for *Tarraco* the record is not much better. Yet it is not necessary to endorse the pessimistic assessment of one historian, that «Será preciso ... un gran esfuerzo de imaginación para reconstruir el pasado urbano de la Península en este periodo»<sup>1</sup>.

## 1. THE CHANGING FACE OF CIVIC GOVERNMENT

It is well known that the powers and privileges of municipal senates were severely curtailed during the Late Empire. Membership in the *curia* was made hereditary, and curial obligations became compulsory. Many curials fled their cities to avoid the crushing burdens of public office. A small body of powerful men, the *principales* or *primates*, dominated local councils<sup>2</sup>. The prerogatives of the traditional magistrates (duovirs, aediles,

1. LACARRA, J. M.: *Estudios de alta Edad Media española*. Valencia, 1971, p. 28. I wish to thank the referees of this journal for helpful suggestions.

2. The term *principales viri*, referring to the leading men of the cities, occurs already in a *senatus consultum* of the period A.D. 176-178, preserved at *Italica* (Santiponce): *CIL*

quaestors) were largely arrogated by new civic officials, the *curator* and *defensor*. At the same time, other influential men, such as the bishop (*episcopus*), nobles (*honorati*) and owners of large estates (*possessores*), came to play an important role in the affairs of the community.

The third century A.D. had been marked by political instability at Rome, an empire-wide economic crisis, and in Hispania, the Frankish invasions. More distressing from the historian's viewpoint is the decline in the so-called epigraphic habit, the practice of inscribing information such as municipal careers and records of benefactions. In consequence, our evidence on local magistrates is extremely meagre. After the third century, we have no mention in Hispania of duovirs, aediles or quaestors; only one curator is attested; and only one town has produced evidence of *defensores*. Ironically, not a single Late Roman local magistrate is recorded in Baetica, the most romanized of the Hispanic provinces. However, we do have evidence for the continued functioning, albeit at a reduced level, of town councils, and for the dominant role played by local oligarchs.

The lone *curator rei publicae* is Messius Marianus of Tarraco (Tarragona), who in the fourth century erected an inscription honouring the provincial governor, M. Aurelius Vincentius, *restitutor thermarum Montanarum*<sup>3</sup>. It is unknown whether these *thermae* are the same as the baths excavated in the Calle Sant Miquel, north of the harbour and west of the theatre<sup>4</sup>. Since Messius Marianus does not list any higher offices, he was probably not of senatorial or equestrian rank, but a senior member of the municipal council, presumably an ex-duovir. Panzram argues that, depending on whether the inscription dates before or after 331, the year in which Constantine ruled that civic curatorships could be held by curials who had fulfilled all municipal duties, Messius Marianus could be either an equestrian agent of the emperor, or a member of the local *ordo*<sup>5</sup>. However, Constantine's ruling does not prove that curials were ineligible to be curators prior to 331: in fact, there are instances of former duovirs

II, 6278 = ILS 5163 = FIRA<sup>2</sup> I, no. 49, line 24. The word *primates*, denoting the senior curials of Hispanic cities, appears in *CTh.* 12,1,4.

3. ALFÖLDY, G.: *Die römischen Inschriften von Tarraco*. Berlin, 1975, n<sup>o</sup>. 155 = *CIL* II<sup>2</sup> 14, 1004.

4. DÍAZ GARCÍA, M., GARCÍA NOGUERA, M. and MACÍAS SOLÉ, J. M.: «Las termas públicas de Tarraco», in FERNÁNDEZ OCHOA, C. and GARCÍA ENTERO, V. (eds.): *Termas romanas en el occidente*. Gijón, 2000, pp. 163-169.

5. PANZRAM, S.: *Stadt und Elite. Tarraco, Corduba und Augusta Emerita zwischen Republik und Spätantike* (*Historia Einzelschriften*, 161). Stuttgart, 2002, p. 115, citing *CTh.* 12,1,20.

or quattuorvirs, not known to be equestrian, who became *curatores rei publicae* in the late second or third century<sup>6</sup>.

The office of *defensor* was established in 368 by Valentinian I, to protect the weak from abuses by the powerful. Although at first an imperial appointment, Theodosius ruled in 387 that the *defensor civitatis* should be elected by each city. We learn from a letter of bishop Severus of Minorca about two *defensores* of the town of *Magona* (Mahón), in the Roman province of the Balearic Islands, in the early fifth century. Theodorus, leader of the Jewish community, was a man preeminent in wealth and earthly honour (*censu et honore saeculi praecipuus*) who had fulfilled all duties of the town council, had served as *defensor*, and was regarded as municipal *patronus*<sup>7</sup>. His successor as *defensor*, in office at the beginning of A.D. 418, was Caecilianus, a man of rank (*vir honestus*) and second only to Theodorus in the synagogue. In February of 418, the arrival on Minorca of the relics of St. Stephen fomented a riot between Jews and Christians which resulted in the burning of the synagogue. Caecilianus subsequently urged the Jewish community to abandon their false religion and accept the faith of the Church. After some vacillation, Theodorus with his entire congregation converted to Christianity<sup>8</sup>. What is interesting about this incident is not only that Theodorus had fulfilled all curial duties—suggesting that *Magona* may still have had aediles and duovirs in the fifth century—but also that he and Caecilianus were Jewish, contrary to a constitution of Honorius and Theodosius in 409 that *defensores* should be «imbued with the holy mysteries of orthodox religion»<sup>9</sup>. As Bradbury points out, this is a good example of a community ignoring imperial edicts and managing its affairs through its own local hierarchy<sup>10</sup>.

Local oligarchs come under harsh indictment in a polemical treatise by Salvian of Marseille in the early fifth century. He complains that honour is purchased by a few—a clear reference to the *summa honoraria*—and paid for by ravaging the many. A magistracy for one man means the

6. E.g. *ILS* 6268 (prior to A.D. 197), 6450 (late second or early third century), 6512 (third century). In Hispania we have *CIL* II, 5354 (Burguillos del Cerro, the probable site of *Segida Restituta Iulia*), a duovir who became curator in the mid- or late second century.

7. Severus, *Epist. de Judaeis*, 6. On this letter see GARCÍA IGLESIAS, L.: *Los judíos en la España antigua*. Madrid, 1978, pp. 86-92; BRADBURY, S. (ed.): *Severus of Minorca, Letter on the conversion of the Jews*. Oxford, 1996; AMENGUAL I BATLE, J.: *Judíos, católicos y herejes: El microcosmos balear y tarraconense de Seuerus de Menorca, Consentius y Orosius (413-421)*. Granada, 2008.

8. Severus, *Epist. de Judaeis*, 19-21.

9. «sacris orthodoxae religionis imbuti mysteriis»: *CJ* 1,55,8.

10. BRADBURY, *Severus of Minorca*, pp. 33-34.

ruin of the rest. «The cities of Hispania know this perfectly well, to whom nothing remains but a name»<sup>11</sup>. The implication is that Hispanic cities have been plundered by the greed of the *principales*, leaving them with their historic name but without their former prosperity.

Civic government in the Late Empire was characterized by the so-called flight of the curials. Much of book 12 of the Theodosian Code is concerned with curials trying to evade municipal *munera* by moving to the countryside, joining the church, the army or the imperial civil service, or seeking admission to the Roman Senate. While many of these laws were addressed to imperial officials in the eastern provinces, suggesting that the situation was much worse there than in the west<sup>12</sup>, there are several indications that Hispania was not immune to the problem. First, we have the flourishing of sumptuous rural villas, which lends credence to the notion that local elites were fleeing the cities to enjoy carefree solitude as *possessores* of large, prosperous estates in the country. While some of these were undoubtedly owned by senators or imperial administrators, others must have belonged to members of the local aristocracy who wished to escape the burdens of municipal office.

Second, a Constantinian edict of 317, addressed to Octavianus, *comes Hispaniarum*, requires all candidates for the *praesidatus* (provincial governorship, an equestrian post in this period) to have first held all offices in their own municipalities, in correct order<sup>13</sup>. The obvious purpose of this rule was to prevent curials from seeking higher office without fulfilling all their municipal obligations. The fact that this constitution was sent to the *comes Hispaniarum* suggests that it was issued in reaction to abuses by individuals bypassing stages of the *cursus honorum* in Hispania<sup>14</sup>.

11. «Honor a paucis emitur, ut cunctorum vastatione solvatur... Unius honor, orbis excidium est. Denique sciunt hoc Hispaniae, quibus solum nomen relictum est»: Salvian, *De gub. Dei*, 4,4; cf. 5,4 («quot curiales... tot tyranni»). Cf. BLÁZQUEZ MARTÍNEZ, J. M.: *La sociedad del Bajo Imperio en la obra de Salviano de Marsella*. Madrid, 1990, pp. 30-34.

12. CURCHIN, L. A.: *The Local Magistrates of Roman Spain*. Toronto, 1990, p. 119; MELCHOR GIL, E.: «Élites municipales y mecenazgo cívico en la Hispania romana», in RODRÍGUEZ NEILA, J. F. and NAVARRO SANTANA, F. J. (eds.): *Élites y promoción social en la Hispania romana*. Pamplona, 1999, p. 254.

13. *CTh.* 12,1,4, cf. 12,1,77. *Praesidatus* means the office of *praeses*, not the presidency of the council of decurions as suggested by PHARR, Cl.: *The Theodosian Code and Novels and the Sirmondian Constitutions*, Princeton, 1952, p. 342 note 16.

14. Cf. WIEWIORSKI, J.: «*Comes Hispaniarum* Octavianus — the special envoy of Constantine the Great». *Gerión* 24, 2006, pp. 334-336 and *PLRE* I, pp. 637-638, on the uncertain identity of this Octavianus with Rufinus Octavianus, *corrector* of Lucania and Bruttium in 313.

Third, we have evidence that city councils in Hispania were struggling to recruit new members. A law of Valentinian and Valens in the year 370 forbids municipal councils to enlist or conscript registrars (*tabularii*) into their *ordo* until they have submitted a public account of the administration of their registers<sup>15</sup>. Since this constitution is addressed to Artemius, *vicarius Hispaniarum*, it is probably a rescript answering an inquiry about a problem Artemius had encountered in Hispania. Then there is the case of Valerius Fortunatus, son of a Roman senator from *Emerita* (Mérida) in the mid-370s. The mother of Fortunatus appealed to Valentinian I that her son should be excused from serving in the Senate since he could not afford to sponsor quaestorial games. Having won the appeal but having lost the immunity from municipal service enjoyed by Roman senators, Fortunatus was pursued by the curia of *Emerita*, which took him to court to force him to join their number and be liable for local *munera*. Luckily, the curials abandoned their suit when it became clear that Fortunatus lacked the wealth required for even local service; and with the aid of Symmachus and the Senate he was apparently able to obtain a financial subsidy enabling him to become a Roman senator after all<sup>16</sup>.

Fourth is the fact that a number of the laws in the Theodosian Code that attempt to stop curials from evading municipal service (for instance, by fleeing to another city or obtaining an undeserved exemption) are echoed in the *Breviarium* of the Visigothic king Alaric II, promulgated in 506. This suggests that the flight of curials and the consequent depletion of their *ordo* continued to be a problem in Hispania into the early sixth century<sup>17</sup>.

The Visigoths seem to have made little change to the internal administration of the towns until the reign of Liuvigild (569-586). At any rate, the *Breviarium* continues to mention curials as well as their municipal obligations (*civilia munera*), which may be assumed to include magistracies<sup>18</sup>. More tellingly, the sixth-century *Interpretatio* appended to one of the laws

15. *CTb.* 8,2,2.

16. Symm., *Orat.* 8. Cf. CURCHIN, L. A.: 'The last Lusitanian senator'. *Conimbriga* 49, 2010, pp. 87-96.

17. *CTb.* 12,1,1; 12,1,12; 12,1,20; 12,1,46; 12,1,170 = *Brev.* 12,1,1; 12,1,2; 12,1,4; 12,1,5; 12,1,9. Curials shall not aspire to become senators (*Nov. Tb.* 15,1 = *Brev.* 8) or clerics (*Nov. Val.* 35,1,3 = *Brev.* 12,3). *CTb.* 12,6,22 = *Brev.* 12,2,2 foresees a shortage of curials (*raritas curialium*) in some towns. The *Breviarium Alarici* can be found in HÄNEL, G. (ed.): *Lex Romana Visigothorum*. Leipzig, 1849. A new edition is planned as *Monumenta Germaniae Historica: Leges nationum Germanicum*, fasc. 2,2.

18. Curials: *CTb.* 2,30,1; 5,2,1; 9,19,1; 12,1,55 = *Brev.* 2,30,1; 5,2,1; 9,15,1; 12,1,6. *Munera*: *CTb.* 12,1,1; 12,1,46; 12,1,170 = *Brev.* 12,1,1; 12,1,5; 12,1,9.

stipulates that no curial shall undertake the office of curator or *defensor*, unless he has first discharged, in order, all the *officia* of his *curia*<sup>19</sup>. This presumably means the traditional offices of quaestor, aedile and duumvir<sup>20</sup>, though we have no record of any individual holding these offices in Hispania after the third century.

The *Fragmenta Gaudenziana*, a legal commentary on a lost edict, compiled probably in southern Gaul between 507 and the mid-530s but usually thought to be based on Visigothic law, contain an interesting provision concerning the registration of the donation of a house in the presence of curials. «If curials cannot be found in the same town, let it be brought to another town where they may be found»<sup>21</sup>. This suggests that in some Gothic cities there were no curials remaining. *Curiales*, *principales* and *magistri* are still mentioned in the *Formulae Visigothicae*, a set of model legal forms compiled under Sisebut prior to 620, in connection with the recording of transactions in the *gesta publica*<sup>22</sup>. References to *curiales*, *principales* and *magistrati* are also made in the *Etymologiae* by Isidore of Sevilla (died 636) but, being based on earlier literature, these have only antiquarian value<sup>23</sup>. In the mid-seventh century, Chindasuinth (642-653) issued a law reminding curials that they should not alienate their property, but conceding that if they did so, the new owner would assume liability for taxes on slaves, lands, vineyards and houses<sup>24</sup>. With this

19. *CTh.* 12,1,20 = *Brev.* 12,1,4. On the *interpretationes* inserted by the compilers of the *Breviarium*, derived largely from the works of earlier Roman jurists, see GAUDEMET, J.: *Le Bréviaire d'Alaric et les Épitome*. Milan, 1965, pp. 37-41; MATTHEWS, J.: *Laying down the law: A study of the Theodosian Code*. New Haven and London, 2000, pp. 87-88; COLLINS, R.: *Visigothic Spain, 409-711*. Oxford, 2004, p. 231.

20. THOMPSON, E.A.: *The Goths in Spain*. Oxford, 1969, pp. 121; KEAY, S. J.: *Roman Spain*. London, 1988, p. 211. *Nov. Marcian.* 4,1,1 = *Brev.* 4 includes mention of «duumviro», though this does not prove the existence of duumvirs in Hispania in this period.

21. «Quod si in civitate eadem curiales non possunt inveniri, ad aliam civitatem, ubi inveniantur, deferatur»: *Frag. Gaud.* XV (in ZEUMER, K. (ed.): *Monumenta Germaniae Historica: Leges nationum Germanicarum*, vol. 1: *Leges Visigothorum*. Hanover and Leipzig, 1902), p. 471. Cf. VISMARA, G.: *Fragmenta Gaudenziana*. Milan, 1968. Their basis in Visigothic law is denied by KING, P. D.: *Law and society in the Visigothic kingdom*. Cambridge, 1972, p. 161 note 2, but accepted by RADDING, C. M. and CIARALLI, A.: *The Corpus Iuris Civilis in the Middle Ages*. Leiden, 2007, p. 71.

22. ZEUMER, K. (ed.): *Formulae Merovingici et Karolini aevi*. Hanover, 1886, pp. 585-587, formulae 21 («apud curiae ordinem») and 25 («apud illum et illum principales, illum curatorem, illos magistratos»). A sixth-century *curialis* of Cantabria is mentioned by Braulio, *Vita Aemil.*, 16 (23), while a sixth-century *primarius* (sc. *principalis*: *CTh.* 12,1,39) of Emerita appears in the *Vitas patrum Emeritensium*, 4,2.

23. Isid., *Etym.*, 9,4,24-26.

24. «manciipiis, terris, vineis, domibusque»: *Lex Visig.*, 5,4,19.

concession, the curials were no longer tied to their land and thus to their posts; they could sell their property and escape their financial obligations. This is the last time city councillors are mentioned.

By now the cities had ceased to be self-governing. Beginning in the late sixth century, the king installed his own representative, the *comes civitatis*, a nobleman with military, judicial and fiscal powers, in major Hispanic cities. Froga, recipient of a letter of excommunication and anathema from Aurasius, bishop of Toledo in the early seventh century, was possibly *comes* of that city, while Valdericus was *comes Toletanus* in 683<sup>25</sup>. The *comes* was assisted by a deputy (*vicarius*). Another official was the *iudex civitatis*. He is mentioned specifically in two provisions of the seventh-century *Liber iudiciorum* or *Lex Visigothorum*<sup>26</sup>. Both are labelled «Antiquae», which means they probably date to the reign of Liuvigild, though with possible later revisions. A letter of Sisebut in 612 is addressed to the bishops and *iudices* of the cities of *Tucci* (Martos), *Mentesa* (Montiel or La Guardia de Jaén) and *Corduba* (Córdoba)<sup>27</sup>. Several other laws in the *Liber iudiciorum* refer to the *comes civitatis vel iudex*<sup>28</sup>. This phrase has led to considerable speculation as to whether the *comes* and *iudex* were alternative titles for the same official; whether some cities had *comites* while others had *iudices*; whether the *comes* handled serious cases while the *iudex* handled minor ones; whether the *comes* judged cases in the city while the *iudex* judged those in the surrounding countryside; whether the *comes* judged lawsuits involving Goths while the *iudex* presided over Roman litigants (if one can truly speak of Romans, two centuries after the Visigothic invasion); whether the *comes* ran a military court, and the *iudex* a civil one<sup>29</sup>. The laws provide no definitive answer. The Visigothic laws also mention the *numerarius* (a tax official) and, surprisingly, the *defensor*. A law of Reccared (586-601) prescribes that *numerarii* and *defensores* shall be changed annually, and whether chosen by the bishops or the people, they must complete the duties entrusted to them. Moreover,

25. GARCÍA MORENO, L. A.: *Prosopografía del reino visigodo de Toledo*. Salamanca, 1974, p. 49, n.º 61 (cf. *PLRE* IIIA, p. 495); p. 81, n.º 158. On the role of the *comes civitatis*, see IDEM: «Estudios sobre la organización administrativa del reino visigodo de Toledo», *Anuario de Historia del Derecho Español*, 44, 1974, pp. 12-18.

26. *Lex Visig.*, 9,1,6 («iudici... civitatis»); 10,1,16 («iudices singularum civitatum»).

27. *Lex Visig.*, 12,2,13.

28. *Lex Visig.*, 2,1,11 (undated); 2,3,10 (Chindasuinth); 4,2,14; 7,1,5; 8,4,26; 8,4,29 (all *Antiquae*).

29. SÁNCHEZ-ALBORNOZ, C., «El gobierno de las ciudades de España del siglo V al X», in IDEM: *Estudios sobre las instituciones medievales españolas*. México, 1965, pp. 618-626; KING, *Law and society*, p. 81; COLLINS, R.: *Early medieval Spain*. London, 1983, p. 102.

the *numerarius* or *defensor* shall not give any *beneficium* to the *iudex*, nor may he receive or demand it<sup>30</sup>. A list of judges in the time of Recceswinth (649-672) includes the *defensor*<sup>31</sup>. This suggests that some former Roman towns were still electing officials to this position, whose judicial competence was clearly inferior to that of the *iudex*. The Visigothic laws also mention the bishop (*episcopus*), who was unquestionably an important and influential member of the community; however, he played no direct role in local government<sup>32</sup>.

## 2. ACTIVITIES OF THE *ORDO*

As we know from the Theodosian Code, curials and *principales* were involved in a wide variety of administrative duties. In the case of Hispanic cities, many of these everyday matters have unfortunately left no record. There are other activities, however, for which we do have evidence. One of these was the recruitment of new members of the *ordo*, and the prosecution of those who attempted to escape curial service. A law of 375 makes the *principales* responsible for the enrolment of new members in the *curia*<sup>33</sup>. Around this time, as we have seen, the curials of *Emerita* attempted to conscript Valerius Fortunatus, a man of noble birth, into their number; and when he refused, they took him to court but were ultimately obliged to abandon the case. The costs of such litigation, which was not always successful, must have placed an additional strain on the council's finances.

Another activity was the dedication of honorific tributes to emperors and governors. Around the beginning of the fourth century, statues or other monuments were dedicated to the western emperor Constantius I by the cities of *Hispalis* (Sevilla) and *Singilia Barba* (Antequera) in Baetica, and *Aeminium* (Coimbra) and possibly *Eburobrittium* (Óbidos) in Lusitania<sup>34</sup>. In the third quarter of the same century, a statue was dedicated

30. *Lex Visig.*, 12,1,2.

31. *Lex Visig.*, 2,1,25.

32. «En ninguna *civitas* ejercía autoridad civil el obispo»: SÁNCHEZ-ALBORNOZ, «El gobierno de las ciudades», p. 633. However, as indicated above, bishops in some cities elected the *numerarii* and *defensores*.

33. *CTh.* 12,1,79.

34. *CIL* II, 1171 = GONZÁLEZ FERNÁNDEZ, J.: *CILA*, II. Sevilla, 1991, n.º. 13 («pedestal?»); A.D. 293-305); *CIL* II<sup>2</sup>/5, 777 («basis statuæ»; 305/6); *CIL* II, 5239, wrongly attributed to Constantius II; corrected reading in D'ENCARNAÇÃO, J.: «Notas sobre a epigrafia romana de Coimbra», in *Actas das I jornadas do Grupo de Arqueologia e Arte do Centro*. Coimbra,

to the provincial governor Vicarius Usulenus Prosperius, possibly by the *ordo Cordubensis*<sup>35</sup>.

A major responsibility of curials in the Late Empire was the collection of taxes, in cash or in kind. Two inscriptions of the late fourth century shed possible light on collection of grain tax. The first is a grain measure (*modius*) unearthed in 1913 near Ponte Puñide (La Coruña). It consists of a hollow cylinder of hammered bronze, 23-26 cm in diameter, attached to a circular base, with an inscribed text at the top, «Regulation of the *modius* according to the sacred command of our lords Valentinian, Valens and Gratian, most invincible emperors, by order of Marius Artemius, *vir clarissimus*, serving as Vicar of the Prefect<sup>36</sup>, under the care of Potamius and Quentianus, *principales*»<sup>37</sup>. The three named emperors ruled jointly from 367 to 375, but since Artemius is attested as *vicarius Hispaniarum* in 369-370, the «Ponte Puñide Modius» should date to approximately 370. Being a portable object, it could have come from anywhere. However, given the provenance and date, it is likely to be plunder from one of the Roman towns in Gallaecia or northern Lusitania captured by the Suevi during the fifth century. Potamius is a *supernomen* of Greek origin, attested several times in Hispania<sup>38</sup>, while Quentianus apparently reflects a

1979, pp. 173-174 («basis»: *CIL*; «placa»: d'Encarnação; 305/6). Prof. d'Encarnação kindly confirms (pers. comm., 5.viii.2013) that the Coimbra monument is too thin to be a statue base. It should therefore be an honorific display inscription. A fragmentary plaque from *Eburobrittium* inscribed *D(omino) n(ostro) | Flavio [- -]* is believed by the editors to be another dedication to Constantius I: D'ENCARNAÇÃO, J. and MOREIRA, J. B.: «*Eburobrittium* e as suas epígrafes singulares». *Conimbriga* 49, 2010, pp. 44-45.

35. *HEp.* 8 (1998) 180 = *AE*, 2000, 735. But the inscription might have been dedicated by the *provincia Baetica*. It remains unclear whether «Vicarius» is a personal name or a title.

36. *Agens vicariam praefecturam* (literally «exercising the deputy Prefectship»), a formal title of the *vicarius* in his role as delegate of the Praetorian Prefect, occurs in various sources, e.g. *CTh.* 3,5,3; 8,5,6; 9,34,3; *AE* 2005, 765 and 1696. Artemius is attested as *vicarius Hispaniarum* in *CTh.* 11,26,1 (May 369) and 8,2,2 (June 370); see *PLRE* I, p. 113.

37. «modii l(ex) iuxta sacram iuss[on]lem d(ominorum) n(ostorum) Valentiniani Valentis (sic) et Gratiani invictissimorum | principum, iubente Mario Artemio v(iro) c(larissimo) ag(ente) vic(ariam) p(raefecturam), cur(antibus) Potamio et Quentiano principalibus»: GIL MIQUEL, R.: *Modio romano, de bronce, ballado en Ponte Puñide* (Museo Arqueológico Nacional, Adquisiciones en 1930). Madrid, 1932 = *AE*, 1915, 75. Colour photo in *VV. AA.*: *Los bronceos romanos en España*. Madrid, 1990, p. 340.

38. KAJANTO, I.: *Supernomina*. Helsinki, 1966, p. 87. Cf. Potamius, bishop of *Olisipo* in the 350s (CONTI, M.: *The life and works of Potamius of Lisbon*. Turnhout, 1998); Potamius, bishop of *Bracara* at the eighth council of Toledo in 653 (GARCÍA MORENO, L. A.: *Prosopografía*, p. 151, n.º 382); a Potamius in a fourth-century inscription from *Tarraco* (VIVES, J.: *Inscripciones cristianas de la España romana y visigoda*. Barcelona, 1969,

late pronunciation of Quintianus (cf. «Valentes» for «Valentis» in this inscription). These two *principales*, on behalf of the *vicarius*, certify the correct capacity of the *modius* according to imperial standards.

The original *modii lex* of Valentinian I, Valens and Gratian does not survive, presumably superseded by a law of Valentinian II, Theodosius and Arcadius in 386. It states, as the previous law must have done, that *modii* of bronze and stone shall be deposited in every municipality, so that taxpayers will see the established measures and will know what they must pay to the *susceptores* (tax receivers). The reason for this legislation is clear from another law, which mentions that landowners have suffered heavy losses from the substitution of excessive measures and weights by the *susceptores*<sup>39</sup>. The irony is that the «Ponte Puñide Modius» has an internal capacity of 10 litres, whereas the true *modius Italicus* was only 8,75 litres<sup>40</sup>. This suggests that the «Ponte Puñide Modius», whose purported intent was to prevent fraud, was itself fraudulent, allowing the municipal tax receivers to collect 14% more grain than was due. A possible parallel is provided by the «Carvoran Modius» from outside a fort on Hadrian's Wall, which carries an inscription giving its capacity as 17,5 *sextarii* (9,58 litres), whereas its true volume is 11,34 litres, a difference of 18%. This has led to suspicion that it was «a mean device to defraud the farmers when they came to pay the corn tax (*annona*)»<sup>41</sup>. In the case of the Ponte Puñide example, Balil has suggested that the discrepancy in volume can be explained if the base had become separated at some time and had been resoldered 1,5 cm below its original position<sup>42</sup>. However, as it is likely that the base was originally attached to the bottom of the cylinder, it can hardly have been lowered later. A more ingenious theory has recently been offered by M. Lange. She argues that the measure of the «Carvoran Modius» was gauged with olive oil, using a *sextarius* (1/16 *modius*) of 648 ml rather than the standard *sextarius* of 547 ml, since «oil was not

n.º 11); and Potamia, a sixth-century holy woman: Braulio, *Vita Aemil.*, praef. (1) and chap. 1 (7).

39. *CTh.* 12,6,21 = *CJ* 10,72,9; *CTh.* 11,8,3 = *CJ* 1,55,9.

40. Assuming an average radius of 0,122 m, the Ponte Puñide *modius* could hold 10,048 litres: GIL MIQUEL, R.: *Modio romano*, p. 5. The *modius Italicus* was calculated at 8,755 litres by WEX, J.: *Die Metra der Griechen und Römer*, 2<sup>nd</sup> ed. Leipzig, 1883, p. 22.

41. BERRIMAN, A.E.: «The Carvoran 'modius'». *Archaeologia Aeliana* 34, 1956, p. 130; quotation from LIVERSIDGE, J.: *Britain in the Roman Empire*. New York and Washington, 1968, p. 177.

42. BALL, A.: «El modio de Pontepuñide (Gonzar, Pino, Coruña)». *Gallaecia* 7-8, 1984, p. 182.

unusual as reference medium in ancient metrology»<sup>43</sup>. By this logic, the «Ponte Puñide Modius» of 10 litres would require a *sextarius* of 625 ml, well within the range (592 to 648 ml per *sextarius*) of *modii* measured in oil according to Lange. However, there are problems with this interpretation. If the Carvoran and Ponte Puñide artifacts were intended for the official measuring of grain, why would their capacity be calibrated to a different measurement, designed for oil? Moreover, how could the volume of the «Carvoran Modius» have been measured with oil, when Lange states that it was probably never watertight? It is, of course, possible that the Carvoran and Ponte Puñide measures were incompetently gauged, and that the discrepancy between their capacities and the standard *modius* is fortuitous; but a difference of 14 to 18% seems too large to be accidental.

The other inscription that may refer to the grain tax is a stone plaque from *Oretum* (Granátula) in the province of Carthaginiensis, recording the building of a *borreus* (clearly an error for *borreum* «granary») in the consulship of Valentinian II and Eutropius (A.D. 387)<sup>44</sup>. As interpreted by Fita, the *officina Homoni* was a manufacturer of construction materials (brick and tile) used in the granary, Tiberianus was the building contractor, while Vitalianus and Nebridius were «los maestros de obras». Gozalbes Cravioto, on the other hand, believes that Tiberianus was the provincial procurator of Carthaginiensis who ordered the construction of the granary<sup>45</sup>. However, the poor appearance of the stone, and the naming of Vasconius as user (and presumably owner) of the building, strongly suggest that this was a private rather than a communal or state granary<sup>46</sup>. But the most interesting part of the inscription is the last two lines. Arce believes that the scribe Elefantus and the persons named in the final line are «funcionarios... relacionados con las operaciones de la *collatio* o recolección de impuestos» from the granary<sup>47</sup>. His interpretation finds some support in the

43. LANGE, M.: «The 'Carvoran Modius' – A new interpretation of a Roman measure from the province Britannia». *Boreas* 34, 2011, pp. 153-164.

44. *Ex officina Homoni | utere felix Vasconi | in Chr(isto), proc(urante) Tiberiano | factus est borreus | d(omino) n(ostro) Valentiniano Aug(usto) | ter et Eutropio v(iro) c(larissimo) | cons(ulibus), scrib(ente) Elefanto | [magis]t(ris?) V[italiano] et Nebr[idi]o*: *CIL* II, 6340 (3222) = *ILS* 5911 = *Inscriptiones Hispaniae Christianae* 399.

45. FITA, F.: «Reseña epigráfica». *BRAH* 18, 1891, p. 378; GOZALBES CRAVIOTO, E.: «Inscripciones romanas de la provincia de Ciudad Real», *Cuadernos de Estudios Manchegos* 28, 2004, p. 74. *Homoni* is a latinized spelling of the Greek name *Homonoios*.

46. ALFÖLDY, G.: *Römisches Stadtwesen auf der neukastilischen Hochebene*. Heidelberg, 1987, p. 52, wrongly assumes that this was a public granary for the city («eines öffentlichen Getreidespeichers für die Stadt»).

47. ARCE, J.: «*Horrea* y aprovisionamiento en *Hispania* (ss. IV-VI)», in ARCE, J. and GOFFAUX, B. (eds.): *Horrea d'Hispanie et de la Méditerranée romaine*. Madrid, 2011, p. 290.

Theodosian Code, which refers to the scribes (*scribae*), registrars (*tabularii*), accountants (*logografi*) and tax receivers (*susceptores*) of municipalities<sup>48</sup>. When landowners have paid their taxes in kind from their own storehouses, they must deposit their tax receipts with the public registrar. Also, tax collectors (*exactores*) and tax receivers (*susceptores*) must be confirmed unanimously at a full meeting of the municipal council<sup>49</sup>. The last of these laws dates to 386, the year before the granary was built: is it possible that Vitalianus and Nebridius are «[exact]t(ori)bus» rather than «[magis]t(ri)s»? But if these persons are municipal employees responsible for the collection of taxes, why should they be mentioned in a building inscription? Was it in the interest of good business relations with the *municipium* of *Oretum* that Vasconius allowed the inscription on his granary to name not only the building contractors, but also the officials who collected the grain tax payments? There is, however, a different possibility. «Scrib(ente) Elefanto» may refer to the person who composed or carved the inscription, while if we accept Fita's restoration «[magis]t.», which could stand for «magist(ratibus)» rather than «magist(ri)s», we may have a dating formula using the names of the annual duovirs of *Oretum*, corroborating the consular date by reference to the local *fasti*<sup>50</sup>. If this interpretation is correct, the inscription would not refer to taxation at all, though it would give us the names of two local magistrates in an eponymous role.

The fact that *exactores* and *susceptores* are still mentioned in the *Breviarium* suggests that, at the beginning of the sixth century, the curials were still responsible for tax collection, as well as for such matters as the appointment of guardians, the registration of wills and adoptions and of gifts of property<sup>51</sup>. The Visigothic *Formulae* of the early seventh century show them keeping the *gesta publica*, written records of all property transactions in the town. However, after the middle of the seventh century, urban administration was clearly in the post-curial phase. The legislation of Reccesuinth, in the third quarter of that century, transferred to the judges and clerics some of the duties previously performed by curials,

48. *CTh.* 8,2,1; 8,2,3; 8,2,5; 8,3,1.

49. *CTh.* 11,1,2; 12, 6, 20 = *Brev.* 12,2,1.

50. The term *magistratus* is used in place of *duumviri* in *ILS* 6090 (late third or early fourth century); *CJ* 1,56,2 (A.D 366), 10,32,2 (286-305); TJÄDER, J.O.: *Die nichtliterarischen lateinischen Papyri Italiens aus der Zeit 445-700*. Lund, 1955-82, n.º 4-5, 10-11, 14-15, 21, 29, 31 (Ravenna, 474-625).

51. *CTh.* 3,17,2-4; 4,4,4; 5,1,2; 8,12,1; 12,6,21-22 = *Brev.* 3,17,2-4; 4,4,4; 5,1,2; 8,5,1; 12,2,1-2.

in regard to the administration of wills, guardians and minors<sup>52</sup>. Moreover, a law of Ervig in 683 places responsibility for local tax collection in the hands of functionaries in the king's service, namely the *numerarius* (accountant) and *villicus* (steward)<sup>53</sup>.

### 3. THE CURIALS AND PUBLIC WORKS

It was a traditional role of the city council to repair streets and public buildings. Renovations to public construction can be seen in a number of Late Roman cities. At *Corduba* the *scaenae frons* of the theatre was rebuilt with Asiatic capitals in the fourth century, though other parts of the building had been stripped. *Emerita* underwent a spectacular rehabilitation of its public monuments in the mid-fourth century, including the circus, amphitheatre, theatre and baths. The theatre at *Caesaraugusta* (Zaragoza) was converted into an amphitheatre in the late third or early fourth century, with repairs continuing into the sixth century. At *Complutum* (Alcalá de Henares) a large administrative building was constructed in the early fourth century, replacing the old basilica, and flanked by new baths and a new plaza. Ceramic and numismatic evidence suggests that the circus at *Toletum* (Toledo) was maintained until at least the fourth or early fifth century. The baths at *Castulo* (Cazlona) were rebuilt in the fourth century, with reused materials. The amphitheatre of *Tarraco* was refurbished in the time of Constantine. At *Barcino* (Barcelona) the forum was maintained until the fifth or early sixth century. In the early fourth century the sewer beneath the *cardo maximus* at *Iluro* (Mataró) was repaired, remaining in use until the next century. In fourth-century *Valentia* (Valencia) the circus remained in use and most of the buildings around the forum were repaired or rebuilt. *Carthago Nova* (Cartagena) enjoyed an urban renewal in the early fifth century, including a new harbour façade and conversion of the disused theatre into a *macellum*<sup>54</sup>. Kulikowski assumes

52. *Lex Visig.*, 2,5,12(10)-16(14); 4,2,13\*; 4,3,4. Cf. THOMPSON, *The Goths in Spain*, p. 122; LIEBESCHUETZ, J. H. W. G.: *Decline and fall of the Roman city*. Oxford, 2001, pp. 134-135.

53. ZEUMER, *Leges Visigothorum*, p. 479.

54. See reports on individual cities in GARCÍA MORENO, L. A. and RASCÓN MARQUÉS, S. (eds.): *Complutum y las ciudades hispanas en la antigüedad tardía*. Alcalá, 1999, and BELTRÁN FORTES, J. and RODRÍGUEZ GUTIÉRREZ, O. (eds.): *Hispaniae urbes: Investigaciones arqueológicas en ciudades históricas*. Sevilla, 2012. Also: BELTRÁN LLORIS, M.: «El teatro de Caesaraugusta». *Cuadernos de arquitectura romana* 2, 1993, pp. 93-118; SÁNCHEZ-PALENCIA, F. J. and SÁINZ PASCUAL, M. J.: «El circo de Toletum», in *El circo en Hispania romana*. Mérida, 2001, pp. 97-115; BLÁZQUEZ, J. M.: «Castulo, capital of the mining district of Oretania», in

that such reconstruction activity «will necessarily have involved the curias very deeply», but the only evidence he can adduce is the provisions for duties of magistrates and decurions in the Flavian Municipal Law, which can hardly been relevant in the Late Empire. To the contrary, Arce argues that because of the cost of constructing and repairing public works, and the intervention of the governors, the curias were losing control of such activities<sup>55</sup>. Indeed, in the epigraphically attested construction projects of the fourth century —the Constantinian rebuilding of the circus and theatre at *Emerita*, and the repair of baths at *Tarraco* and *Olisipo* (Lisboa)— the work was financed by the provincial governor, not the curia<sup>56</sup>. It should however be remembered that two of these were provincial capitals, where the governor had a dominant presence. In other towns, there is a greater probability that civic construction was the work of local councillors. Legislation of Arcadius and Honorius between 395 and 401, repeated in part by the *Breviarium*, states that municipalities may divert one-third of the taxes from rural estates to the repair of public works, and that curials shall maintain all public buildings, using their own money if necessary<sup>57</sup>. During the Visigothic period, however, civic construction seems to be due entirely to the king, nobles and bishops, not the curials<sup>58</sup>.

A special problem is the extent to which curials were responsible for circuit walls. Walls, believed to date mostly to the Tetrarchic period, were built around *Lucus Augusti* (Lugo), *Asturica Augusta* (Astorga), *Bracara Augusta* (Braga), *Legio VII Gemina* (León), *Veleia* (Iruña), *Termes* (Montejo de Tiermes) and *Gerunda* (Gerona), although those of *Emerita* (Mérida), *Conimbriga* (Condeixa-a-Velha), *Barcino* (Barcelona), *Ilerda* (Lérida) and *Caesaraugusta* (Zaragoza) may be somewhat later. In all, more than two

BLAGG, T. F. C.; JONES, R. F. J. and KEAY, S. J. (eds.): *Papers in Iberian archaeology* (British Archaeological Reports, International Series, 193). Oxford, 1984, pp. 406-407; CERDÀ, J. A. and others: *El cardo maximus de la ciutat romana d'Iluro = Laietania* 10:1, 1997.

55. KULIKOWSKI, M.: *Late Roman Spain and its Cities*. Baltimore, 2004, p. 97; ARCE, J.: *El último siglo de la España romana*. Madrid, 1982, pp. 102-103.

56. *AE*, 1975, 472; *HEp*. 13, 2003-04, 33; *CIL* II<sup>2</sup>, 1004; *CIL* II, 191 = *AE*, 2009, 501. The restoration of a public building at *Corduba* (*CIL* II<sup>2</sup>/7, 321) was also possibly the work of the provincial governor because, according to the *CIL* editors, «saec. IV res publica vix putari potest autrix operum publicorum».

57. *CTh*. 15,1,32 = *Brev*. 15,1,2; *CTh*. 15,1,33 and 41.

58. See GARCÍA MORENO, L. A.: «La cristianización de la topografía de las ciudades de la Península Ibérica durante la antigüedad tardía». *AEspA* 50-51, 1977-78, pp. 311-321; FUENTES HINOJO, P.: «Patrocinio eclesiástico, rituales de poder e historia urbana en la Hispania tardo-antigua (siglo IV al VI)». *SHHA* 26, 2008, pp. 315-344.

dozen Hispanic towns had Late Roman walls<sup>59</sup>. The question is, were these walls built by the curials, or by the army? It has been pointed out that circuit walls were very expensive undertakings that would have required imperial financing, technical advice from military architects and engineers, and possibly military manpower<sup>60</sup>. Yet the ability of local populations to wall their cities is evident from the massive circuit walls around many pre-Roman towns, built without the aid of engineers or a professional army, though without such Late Roman refinements as projecting towers and artillery platforms. A law of 396 orders municipal senates and local inhabitants to build new walls or strengthen existing ones, the expense to be covered by property taxes<sup>61</sup>. Compulsory labour for public construction was part of the *sordida munera* required of the lower classes. On the other hand, it is remarkable that several of the walled towns —Lugo, León and Iruña— are listed in the *Notitia Dignitatum* as housing *limitanei*: the *cobors Lucensis*, *Legio VII Gemina* and *cobors I Gallica*. The fortification of these garrison towns may have been part of the grand strategy of the Tetrarchs, providing a chain of secure defences across northern Hispania and guarding a vital east-west communication route. In any event, the presence of military units makes it likely that the walls of these towns on the northern frontier (the so-called *limes Hispanicus*) were built by the army, with the aid of conscripted civilian labour.

In towns not on the frontier, however, defensive walls were probably built under the auspices of the local curia, either on their own initiative or on instructions from the provincial governor. These walls, while bringing reassurance to the citizenry in a troubled age, were not a response to any immediate threat of barbarian invasion, but a visible display of the city's power and importance. Whereas cities in the Early Empire built forum complexes as urban showpieces, resources in the Late Empire were diverted into the construction of strong walls, perhaps in emulation of the Aurelian wall at Rome. Indeed, literary sources make it clear that walled circuits were one of the defining traits of Late Antique cities<sup>62</sup>. Major cities competed to build monumental walls, for prestige value and in keeping

59. For detailed discussion and bibliography, see FERNÁNDEZ-OCHOA, C. and MORILLO, Á.: «Walls in the urban landscape of Late Roman Spain: Defense and imperial strategy», in BOWES, K. and KULIKOWSKI, M. (eds.): *Hispania in Late Antiquity: Current perspectives*. Leiden and Boston, 2005, pp. 299-340; RODRÍGUEZ COLMENERO, A. and RODÁ DE LLANZA, I. (eds.): *Murallas de ciudades romanas en el Occidente del Imperio*. Lugo, 2007.

60. FERNÁNDEZ-OCHOA and MORILLO, «Walls in the urban landscape», pp. 330-333.

61. *CTb*. 15,1,34.

62. SALVADOR VENTURA, F.: «El centro de Andalucía entre los siglos V y VII». *Habis* 43, 2012, 243.

with the militarism of the age. The security offered by these walls was in part real, since barbarians lacked siege engines, and in part illusory, since cities often fell through treachery rather than storm. The curials would have been responsible for organizing and executing these projects, including materials and labour. These massive undertakings would undoubtedly have taken several years, to the neglect of other public works projects.

An equally interesting problem is the role of the curials in the abandonment or despoiling of public works. In many cities, councils failed to maintain public spaces and monumental buildings. Streets were encroached upon by private houses. Places of public entertainment were abandoned. Fora were robbed of construction materials, turned into burial grounds, or built over by squatters. The amphitheatre at *Corduba* was abandoned in the early fourth century. At *Italica*, failure of local authorities to keep up maintenance of the river bank (*cura alvei*) led in the mid-fourth century to a catastrophic flood of the Guadalquivir that buried the *orchestra* of the theatre in alluvial silt. Tile tombs were dug into the fill, and the visible marbles were broken up for lime. Extensive intramural areas of *Hispalis* were abandoned in the fifth century and occupied by dumps of industrial waste, while the cistern of La Pescadería, part of the city's hydraulic infrastructure, fell into disuse. At *Astigi* (Écija), the nymphaeum south of the forum was abandoned in the fourth century. After an earthquake levelled *Baelo* (Belo) in the mid-third century, the city was reoccupied in the early fourth, but the forum, basilica and curia were not rebuilt. Tombs were dug into the vaulted rooms of the theatre, and houses were built over the forum and streets, even the *cardo maximus* and *decumanus maximus*. At *Malaca* (Málaga) the forum buildings were abandoned and fish-salting factories were built inside the theatre in the fourth century. The colonial and provincial fora at *Emerita* were abandoned in the fifth century and their space occupied by private construction. Similarly at *Conimbriga* the forum was despoiled and reoccupied at this time. The theatre of *Olisipo* fell out of use by the late fifth century, the ruins of its *vomitorium* being reused for private construction<sup>63</sup>.

At *Asturica*, the Termas Mayores were abandoned in the fifth century, while at *Bracara* the public baths witnessed abandonment of

63. Most of these examples are documented in GURT ESPARRAGUERA, J. M.: «Transformaciones en el tejido de las ciudades hispanas durante la Antigüedad tardía: Dinámicas urbanas». *Zephyrus* 53-54, 2000-01, pp. 443-471, and various reports in BELTRÁN FORTES and RODRÍGUEZ GUTIÉRREZ, *Hispaniae urbes*. Also see SILLIÈRES, P.: «Mouvements sismiques et transformations urbaines: L'exemple de la ville hispano-romaine de *Baelo*», in AULIARD, CL. and BODIQU, L. (eds.): *Au jardin des Hespérides*. Rennes, 2005, pp. 487-510.

the *palaestra* and a reduction in the heated areas. The *macellum* at *Lancia* (Villasabariego) was abandoned in the late fourth century. At *Caesaraugusta* the sewers under secondary streets ceased to be cleaned in the late fourth century, while the theatre was abandoned in the mid-sixth. The aediles of *Calagurris* (Calahorra) stopped cleaning the sewers after the third century, and two aqueducts serving the city fell into disuse in the fourth or early fifth. At *Clunia* (Peñalba de Castro) the public baths were reoccupied by industrial workshops in the fifth century, while in the area of the forum, extensive areas were converted into cemeteries. *Ilerda* was reportedly in ruins in the fourth century. The public buildings of *Complutum* were dismantled in the fifth century and used as a quarry for other construction. At *Termes* one of the main aqueducts was abandoned in the early fourth century. The forum of *Ercavica* (Cañaveruelas) was gradually abandoned in the Late Empire and reoccupied by rustic dwellings and tombs. The forum of *Segobriga* (Cabeza del Griego) also was gradually abandoned in the fifth century, and the basilica was robbed of its stones for use elsewhere in the city. At the end of the fourth century the forum of *Valeria* (Valera la Vieja) was systematically dismantled and replaced by private homes. At *Aurgi* (Jaén) during the Late Empire the buildings of the forum were subdivided, and burials appeared inside the city centre. The colonial forum at *Tarraco* was abandoned in the fourth century; the provincial forum in the upper town was abandoned in the 440s and used as a quarry; and the circus was reoccupied by domestic structures in the late fifth century. At *Baetulo* (Badalona) in the Late Empire the baths were reused for the production of flour and olive oil, while at *Barcelona* some of the streets were occupied by private residences. At *Dianium* (Denia) the forum, abandoned at the end of the third century, was reoccupied by private housing. In fifth-century *Valentia* public buildings were systematically dismantled in the fifth century, sewers and wells fell into disuse, and the circus was abandoned<sup>64</sup>.

Why were curials unable or unwilling to continue the upkeep of public works? Several reasons can be offered. First, after the financial crisis of

64. For most of these sites, see GURT ESPARRAGUERA, «Transformaciones en el tejido»; BELTRÁN FORTES and RODRÍGUEZ GUTIÉRREZ, *Hispaniae urbes*. Also: SEVILLANO FUERTES, M. A. and VIDAL ENCINAS, J. M.: «Las termas mayores de Astorga», in FERNÁNDEZ-OCHOA, C. and GARCÍA ENTERO, V. (eds.): *Termas romanas en el occidente*, pp. 204-205; ESPINOSA, U.: *Calagurris Iulia*. Logroño, 1984, pp. 201-202. On *Ilerda* see Auson., *Ep.* 24,58-59. On *Ercavica* and *Valeria*, FUENTES DOMÍNGUEZ, Á.: «Castilla-La Mancha en los siglos IV y V», in IDEM (ed.): *Castilla-La Mancha en época romana y antigüedad tardía*. Ciudad Real, 2006, pp. 205-206. On *Dianium*, GUTIÉRREZ LLORET, S.: «El poblamiento tardorromano de Alicante a través de los testimonios materiales». *Antigüedad y Cristianismo* 5, 1988, p. 328.

the third century, curials could not afford to repair the many public buildings in the city, some of which had been donated through the generosity of rich citizens in the first two centuries A.D. with no provision for their subsequent maintenance. Already during the Early Empire, inscriptions record that many public structures had fallen apart through old age (*vetustate conlapsum/corruptum*). By the Late Empire numerous buildings must have been beyond economical repair. Municipal coffers were depleted, and the élite preferred to spend their wealth enhancing their own homes and importing luxury items, rather than on euergetism. The curials had little interest in protecting the pristine street grid when faced with the temptation to extend their residences onto public thoroughfares.

Another reason for the cessation of investment in public construction was an increasing rejection of the classical model of urbanism. Magnificent but expensive monumental buildings, which had been the hallmark of Roman cities in the Early Empire, no longer served the needs of provincial society<sup>65</sup>. Hispanic cities had become, not de-urbanized, but demonomentalized, metamorphosing into a new, meaner form of urbanism. Changes were made to the physical layout of the city: large spaces like the forum could better be used to accommodate houses or cemeteries. In consequence, by the Visigothic period, towns were «generally rather wretched and squalid places»<sup>66</sup>, long since deprived of their public buildings.

A third reason was the influence of Christianity, which made a profound mark on the urban landscape in the fifth and especially sixth centuries. Augustine's *De civitate Dei* and Salvian's *De gubernatione Dei* voice the disdain of the Church fathers for traditional pagan institutions. Public buildings such as temples, basilicas (where Christian martyrs had been condemned to death) and curias were anathema to the early Christians, symbolizing the evils of Roman society. In their place, the bishops built churches, episcopal palaces and martyrs' shrines. While there is no convincing evidence for a systematic destruction of pagan temples by Christian authorities in Hispania<sup>67</sup>, the conversion of the bulk of the population to Christianity meant that these temples soon fell into disuse and collapse. In any event, city governments no longer kept them in repair. Moreover, whereas Roman law had forbidden intramural burials,

65. GURT ESPARRAGUERA, «Transformaciones en el tejido», p. 445; KULIKOWSKI, M.: «Cities and government in Late Antique Hispania», in BOWES and KULIKOWSKI, *Hispania in Late Antiquity*, pp. 57-59.

66. COLLINS, *Visigothic Spain*, p. 221.

67. LÓPEZ QUIROGA, J. and MARTÍNEZ TEJERA, A. M.: «El destino de los templos paganos en Hispania durante la antigüedad tardía». *AEspA* 79, 2006, pp. 125-153.

they were permitted by Christianity. Hence we find cemeteries within the walls, and even inside former public buildings, evidencing the «conquest of the city by the dead»<sup>68</sup>.

After repairs had been neglected, public buildings were either demolished or became stone quarries exploited for private or ecclesiastical construction. The role of the curials in this dismantling is open to question. According to chapter 62 of the Flavian Municipal Law, the curia must approve the demolition of buildings; but this law was probably a dead letter by the Late Empire. The Theodosian Code, in repeatedly enjoining municipalities to repair their public monuments, gives no authorization for their demolition. The fact that the forum of *Valeria* seems to have been systematically and carefully dismantled in the fourth century, led Fuentes Domínguez to argue that the local authorities handed it over to contractors for the removal and sale of the construction materials, including statues and inscriptions<sup>69</sup>. A less charitable interpretation would be that local authority had collapsed, and that contractors on their own initiative systematically stripped the forum of reusable materials<sup>70</sup>. Thus, the dismantling of public buildings was not necessarily orchestrated by the curials. A similar principle applies to the construction of residential spaces in the abandoned circuses of *Tarraco* in the fifth century and *Valentia* in the sixth, and to the creation of intramural garbage dumps (*basureros*) at these two cities as well as *Caesaraugusta* and *Carthago Nova* in the sixth and seventh centuries. Gurt Esparraguera assumes that the organization required for these activities would have necessitated «la intervención de los poderes públicos de la ciudad»<sup>71</sup>. If this inference is correct, it will mean that local officials in this period played a larger role in civic administration than the merely notarial function usually adduced, by an *argumentum e silentio*, from the Visigothic *Formulae* and papyri from Ostrogothic and Byzantine Italy (which are concerned with the role of magistrates and curials in recording property transactions, but do not necessarily preclude other functions). Nevertheless, we should not discount the initiative of enterprising contractors in exploiting abandoned building sites, and of local residents and industries dumping their rubbish in unoccupied parts of the city.

68. GONZÁLEZ ACUÑA, D.: «Planificación y gestión urbana en *Hispalis*», in BELTRÁN FORTES and RODRÍGUEZ GUTIÉRREZ: *Hispaniae urbes*, p. 877.

69. FUENTES DOMÍNGUEZ: «Castilla-La Mancha en los siglos IV y V», pp. 205-206.

70. Cf. PHARR, *The Theodosian Code*, p. 423 note 1: «Builders, often without authorization, commonly employed the materials from ruined and deserted structures for their own use».

71. GURT ESPARRAGUERA, «Transformaciones en el tejido», pp. 453-457.

#### 4. CURIALS AND THE CHURCH

It is probable that Hispanic curials were mostly pagan until well into the fourth century<sup>72</sup>. The *sacerdotes* of the major deities, as well as the *pontifices* and *flamines* of the Imperial cult would have belonged to the curial class. The Council of Elvira (*ca.* A.D. 302-306) does not forbid magistrates to be Christian —after all, Christianity accepted persons of all ranks— but it does prohibit them from attending church during the year of their duumvirate. The probable rationale was not only that the duumvirs were obliged *ex officio* to perform certain pagan rituals, but also that they were involved in remanding suspected Christians for trial by the governor<sup>73</sup>. The same Council also imposes penances on *sacerdotes* and *flamines* who serve or give financial support to idols or make burnt offerings after baptism<sup>74</sup>. Imperial edicts in the fifth century decreed that clerics who were defrocked could, if having sufficient wealth and legal standing, be conscripted into the local curia; but no curial could become a cleric (which would exempt him from curial service)<sup>75</sup>. By this time, most civic officials will have become Christian. The example of Theodorus of Minorca, already discussed, shows a local magistrate converting from Judaism to Christianity in 418.

The involvement of curials in religious controversy is documented in the *Libellus precum*, a petition sent to the emperors in 384, complaining about the persecution by former Arian bishops of those still adhering to the Nicene creed. One of the victims was Vincent, priest in an unnamed Baetican city, who remained in communication with the Luciferian bishop Gregory of *Iliberris* (Granada) and consequently suffered persecution at the hands of bishops Hyginus of *Corduba* (who had previously persecuted the Priscillianists) and Luciosus of an unnamed diocese<sup>76</sup>. Vincent

72. PALOL, P.: «La cristianización de la aristocracia romana hispánica». *Pyrenae* 13-14, 1977-78, pp. 281-300, argues that the Hispanic élite, while not actively opposing Christianity after its recognition by Constantine, did not become predominantly Christian until the reign of Theodosius I.

73. Conc. Eliber. 56; cf. KULIKOWSKI, «Cities and government», p. 38.

74. Conc. Eliber. 2-3 and 55.

75. *CTh.* 16,2,39 (A.D. 408); *Nov. Val.* 35,1,3 (451/2). IV Toledo 19 forbids curials to become bishops, though KING, *Law and Society*, p. 66 note 2 remarks that this source does not reflect contemporary reality. Contrary to KULIKOWSKI, «Cities and government», p. 38, I Toledo 8 forbids soldiers (not magistrates) to be clerics.

76. FERNÁNDEZ UBIÑA, J.: «El *Libellus precum* y los conflictos religiosos en la Hispania de Teodosio», in TEJA, R. and PÉREZ, C. (eds.): *La Hispania de Teodosio*, vol. 1. Salamanca, 1997, pp. 60-65; ESCRIBANO, V.: «Heresy and orthodoxy in fourth-century Hispania: Arianism and Priscillianism», in BOWES and KULIKOWSKI, *Hispania in Late Antiquity*, pp. 138-139. There is

himself escaped a murderous attack on his church, but the bishops demanded of the local curials that the leaders of his congregation be thrown into prison. One of these, a *principalis* of that city who refused to recant, was killed by hunger and cold<sup>77</sup>. When Vincent and his followers built a new church in the countryside, the bishops again demanded aid from the curials of various cities. A mob was assembled, the church was broken into, and sacred objects profaned<sup>78</sup>.

Pope Hilary, in a letter to the bishops of the province of Tarraconensis in 465 in response to their complaints against bishop Silvanus of *Calagurris*, indicated that he had received letters in support of Silvanus from the *honorati* and *possessores* of seven cities in the Ebro Valley: not only *Calagurris* but *Turiaso* (Tarazona), *Cascantum* (Cascante), *Vareia* (Logroño), *Tritium* (Tricio), *Libia* (Herramélluri) and *Virovesca* (Briviesca)<sup>79</sup>. The *honorati* and *possessores* are local office-holders and landowners, presumably including curials and *principales*<sup>80</sup>. Thus we again have civic officials intervening in an ecclesiastical dispute. By the sixth century, however, the importance of the *principales* was largely eclipsed by that of the bishops, themselves members of the urban aristocracy<sup>81</sup>.

no justification for the proposal by CHADWICK, H.: *Priscillian of Avila*. Oxford, 1976, p. 13, that Lucius is identical to the Lucius who attended the Council of Zaragoza in 380.

77. *Libellus precum*, 74 (PL xiii, col. 97C; more recent edition by CANELLIS, A.: *Supplique aux empereurs: Libellus precum et lex Augusta* (Sources Chrétiennes, 504). Paris, 2006). KULIKOWSKI, «Cities and government», p. 38 claims that the curia judged Vincent himself; but if so, this must have been *in absentia*, since Vincent was in hiding.

78. «ex diversis urbibus decurionum»: *Libellus precum*, 75 (PL xiii, col. 97D). *CTb*. 16,5,4 (A.D. 376 or 378) authorizes the destruction of places of heretical assembly.

79. «honoratorum et possessorum Turiassonensium, Cascantensium, Calagurritanorum, Vargensium, Tritiensium, Leviensium et Veroviscensium...litteras»: Hil., *Ep*. 16, in THIEL, A. (ed.): *Epistolae Romanorum pontificum genuinae*, vol. 1. Braunsberg, 1867, pp. 165-166.

80. *Honorati* can mean any office-holders, including senators (*CTb*. 6,20,1) but also curials (*CTb* 6,23,2; 16,5,54,4; *interpretatio* to *CTb*. 1,20,1 = *Brev*. 1,7,1). Cf. CECCONI, G. A.: «*Honorati, possessores, curiales*: Competenze istituzionali e gerarchie di rango nella città tardoantica», in LIZZI TESTA, R. (ed.): *Le trasformazioni delle élites in età tardoantica*. Roma, 2006, pp. 44-50. Although the Ebro valley was still under Roman control in 465, there were unlikely to be Roman senators in small towns like *Vareia* and *Virovesca*, so the *honorati* must be local politicians.

81. GARCÍA MORENO, L. A.: «Élites e Iglesia hispana en la transición del Imperio romano al Reino visigodo», in CANDAU, J. M. and others (eds.): *La conversión de Roma: Cristianismo y paganismo*. Madrid, 1990, pp. 239-244.

## 5. CONCLUSIONS

In 396 the emperors instructed Petronius, *vicarius Hispaniarum*, that *gesta municipalia* must be witnessed by three curials in addition to the magistrate and public secretary<sup>82</sup>. This letter shows that the powers of magistrates had been reduced to the notarizing of paperwork. In this we may detect the legacy of Valentinian I who, in an effort to protect plebeians from exploitation by the powerful, transferred to the *defensor* the legal powers formerly exercised by the *duumviri iuredicundo*, while relegating to local magistrates the «power» (in reality the limitation) of keeping municipal records<sup>83</sup>. But the letter also shows that the emperors were out of touch with their outer provinces. For at this moment, the fora of several Hispanic cities had already been abandoned and curials were fleeing their obligations, for instance by moving to rural areas. The essentially notarial role of the curials is echoed in the seventh-century *Formulae Visigothicae*.

In terms of specific officials, we have evidence for a *curator* at *Tarraco* in the fourth century, *defensores civitatis* at *Magona* in the early fifth, and *principales* of unnamed Baetican and Gallaecian towns in the 360s-370s. There are also possible *defensores* at *Lucus Augusti* and *Olisipo* in the 460s<sup>84</sup>, and curials are still mentioned in Visigothic legislation<sup>85</sup>. But significantly, although the Council of Elvira shows the continued existence of duumvirs at the beginning of the fourth century, no known individuals are attested as duumvirs, aediles or quaestors in Hispania after the third century. In contrast to the frequent mention of these magistrates in Early Imperial inscriptions, they make no appearance in Hispano-Christian epigraphy. Either these offices were now extinct or, given the Christian antipathy towards magistrates, it was no longer desirable to advertise that one had held them.

Besides maintaining the *gesta publica*, we find Late Antique curials involved in tax collection, erecting honorific monuments to the emperor, regulating grain measures, and recruiting new members to their *ordo*.

82. *CTb.* 12,1,151. ARCE, J.: *Bárbaros y romanos*, 2<sup>nd</sup> ed. Madrid, 2007, p. 31, bizarrely sees this letter as corroborating the vitality of municipalities.

83. «Magistratus conficiendorum actorum habeant potestatem»: *CJ* 1,56,2 (366). *Defensores*: *CTb.* 1,29,1 (364/368). Cf. FRANKS, R. M.: *Contra potentium iniurias: The defensor civitatis and Late Roman justice*. München, 2001, pp. 87-105.

84. Hydat. 194 («rectore suo»), 240 («qui illic praeerat»), interpreted as *defensores civitatum* by ARCE, *Bárbaros y romanos*, p. 232.

85. The inclusion of fourth-century laws about curials and municipal officials in the sixth-century *Breviarium* may reflect wishful thinking on the part of Alaric that the cities were still capable of governing themselves.

The probable role of Hispanic curials in repairing or dismantling public buildings, and constructing circuit walls, has been discussed in this paper, though no definitive answer can be provided. Lastly, we have seen the intervention of curials in religious disputes, prosecuting heretics or supporting controversial bishops.

#### ADDENDUM

In 2014 a new inscription from *Astigi* was published, naming Aurelius Florentius, *curator coloniae Astigitanae* and datable to the second half of the fourth century<sup>86</sup>. According to the fragmentary text, Florentius undertook the decoration and dedication of a public building, possibly baths, on behalf of the provincial governor, who presumably provided funding. This inscription not only provides a second example of a fourth-century *curator rei publicae* in Hispania, but also offers hope of more such discoveries in future.

86. ORDÓÑEZ AGULLA, S.; SAQUETE, J. C. and GARCÍA-DILS DE LA VEGA, S.: «Un gobernador de la Bética en una inscripción edilicia hallada en Astigi». *Epigraphica* 76, 2014, pp. 301-322.