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Mobility and Identity between the Second and the Fourth Centuries: The “Cosmopolitization” of the Roman Empire

Claudia Moatti

What made the Roman Empire an empire, a global world and not just a juxtaposition of cities or provinces? This question has rarely been raised. Most of the studies have concerned local (civic or provincial) stories or have been dominated by the center-periphery model, developed with perfection by Fergus Millar's *The Emperor in the Roman World*. Here, I would like to challenge this model and raise the issue of the internal dynamic of the empire and of the awareness people had of this dynamic, especially in the period between the second and fourth centuries. There are several ways to address this issue: through analysis of the way space is perceived and represented in geographic works; through study of the places of contact and the networks that linked the different parts of the Mediterranean; or through the study of mobility, which will be my point of view here. From the second century CE onward, the Roman Empire was seen as a fluid space where people were free to move, and this freedom was regarded as an important innovation in human history. What made this fluidity possible and what were its effects?

Like other Mediterranean societies from the Bronze Age onward, the Roman Empire was a world in motion. This does not mean that movement was the same during all these periods or that everybody moved: to be considered mobile, a society needs only a certain rate of mobility. Neither does it mean that the authorities always considered this phenomenon in the same way. Indeed, the study of laws about mobility in different periods and circumstances helps us understand the specificity of each society, its worldview. In the Roman Empire, many rules regulated the movement of people, with different logics and different concerns, whether for public order or for affirming a privilege or for fiscal purposes, among other reasons. Here, I would like to present one case study, freedom of domicile, in order to show its progressive regulation and its effects on the construction of the empire, what I call its “cosmopolitization.” This category, which I borrow from the German sociologist Ulrich Beck, has nothing to do with any idea of acculturation, cultural transfer, or cultural contact, all notions based on a substantial definition of culture, nor has it anything in common with cosmopolitanism.

The Concept of Cosmopolitization

Cosmopolitanism is usually considered to be a philosophy, an ideology that defines a world citizenship; cosmopolitization is a *process* or, as Ulrich Beck says, a situation.¹ This process creates a multidimensional world, not a linear one; that is to say, a world based not on the succession but on the accumulation of time-space experiences and of

various affiliations. Such a world is more a *bricolage* than a coherent construction, and it is based on all forms of exchanges, movements (e.g., institutional, economic), and networks. The core of this process is the action of individuals: besides traditional groups and hierarchies, besides imperial control, there is a space for individual agency, which in the Roman Empire was more important than has traditionally been assumed. Consequently, three terms need to be taken into account: mobility, which weaves links and networks; individual action within networks; and accumulation, which produces a new awareness of a common world.

However, these three terms would be insufficient. The weakness of the network model, which puts so much stress on the role of the actors, is probably that it is disconnected from the legal and institutional contexts. This is why I suggest linking the two approaches: the policies and the networks, the constraints and the fluidity, the controls and the freedom. This does not mean that there is necessarily a direct influence of one aspect on the other; it is not a question of causation, but there is undoubtedly a link between regulations and individual experiences. Here, I discuss how cosmopolitization developed alongside the creation of norms about freedom of domicile.

Freedom of Domicile in the Roman Empire: The Domus

In the city-state regime, from an official point of view, a citizen was supposed to have his residence in his place of citizenship, his *patria*, even if, at that time, he could spend a part of his life and own other houses and properties abroad. Until the social war, in 91 BCE, the *patria* of a Roman citizen was either Rome or any Roman city (colony or *municipium*) in Italy; after the Social War and the grant of Roman citizenship to all the Italians, the Italians had two *patriae*, as Cicero said: one of law, Rome (which gave them the status of citizens), and one of nature, the local city through which they exercised their Roman citizenship and which defined both their *origo* (their origin) and their status of *municeps* within the Roman system.² It was in Rome or in this city, wherever in Italy, that a Roman citizen was generally considered to have his domicile; it was in this place also, in Italy or in Rome, that he was registered. So, for the Romans who lived in the provinces, their domicile outside Italy was, until the first century, considered as a matter of fact but not as a legal residence, and the sources contrasted those who lived in Italy (i.e., in their legal domicile or in their *patria*) with those who were abroad (*qui in Italia non sunt*; or *qui transmare sunt*).³

In his biography of Atticus, for example, Cornelius Nepos explains that Cicero's friend, living in Athens during Sulla's dictatorship, refused Athenian citizenship in order to keep the Roman one, and he adds that "this way, he had his

citizenship and his domicile in the same place [*eamdem et patriam et domum*],” – in Rome (*Att.* 3). This passage highlights the old city-state practice: the exclusiveness of the Roman citizenship, the idea that the *patria* was also ideally the place of the domicile, the contrast between the legal residence (here Rome) and the place outside Italy, Athens, where Atticus was merely spending some time. But the text also suggests that in Cornelius Nepos’s time, a distinction between the *patria* and the legal domicile was thinkable.

It is possible that the notion of legal domicile was already defined in the second century BCE,⁴ but Caesar was the first to draw a list of the *cives Romani domo Roma* (citizens living in Rome),⁵ and a *responsum* of the jurist Alfenus Varus (who was consul in 39 BCE) shows that the notion of domicile was still under debate at the end of the republic. Discussing a clause of the *lex portoria* of Sicily that those who transported goods and slaves for their own use *in their legal domicile* did not have to pay customs taxes, he raised the question of the definition of a *domus*.

Igitur quaeri soleret, utrum, ubi quisque habitaret sive in provincia sive in Italia, an dumtaxat in sua cuiusque patria domus esse recte dicetur. Sed de ea re constitutum esse eam domum unicuique nostrum debere existimari, ubi quisque sedes et tabulas haberet suarumque rerum constitutionem fecisset.
(D.50.16.203, Alfenus 7 Dig.)

So the question usually arises: will it be right to speak of a *domus* [to define the place] where a man lives, whether he lives in a province or in Italy, or is it only where his *patria* is? But in this matter, it was decided that the home of each one of us must be regarded as being where one has one's residence and keeps one's accounts and organizes one's affairs.⁶

There are two sides to this issue: the definition of a *domus* (not just a house but a legal residence) outside the *origo*, and the possibility of having one outside Italy. The answer Alfenus gives is that a legal domicile is the place where all one's possessions are. The jurist does not refer any longer to the old definition: the law, he explains, should take into account the concrete situation of the citizen, the place where he effectively lives, in Italy or elsewhere, with all his belongings, and thus recognize the choice of a domicile as a private decision. However, a question remains: How did anyone prove his place of residence at the checkpoints?

Many other issues were raised during this period about the legal domicile: Was it possible to have several domiciles or even to be without a domicile? The discussion continued under the empire until at least the third century. A text from the jurist Paulus, writing under the Severans, discusses the response of the Augustan jurist Labeo:

Labeo indicat eum, qui pluribus locis ex aequo negotietur, nusquam domicilium habere: quosdam autem dicere refert pluribus locis eum incolam, aut domicilium habere: quod verius est. (D.50.1.5, Paulus 45 Ed.)

Labeo holds that anyone who engages in business equally in different places does not have a domicile anywhere; he admits however that some people say that such a person is an *incola* or has a domicile in a number of different places, which is closer to the truth.

Several elements are worthy of attention here. We see the attempt of the jurist to make a distinction between a legal domicile and a place where one does business. The goal is to define carefully two different categories of mobility: a fluctuating situation (for business) and emigration (the change of domicile). The difference of mentality between Labeo and Paulus is striking: for Labeo, a man could be without a domicile, which means that the *origo*, the city of his family, was still the most important to him; for others, and Paulus follows them, it was possible to have several domiciles, a situation that was perhaps recognized in Italy at the very end of the republic, as is shown by the *Tabula Heracleensis*.⁷ Finally, we see that a person who did not live in the place of his or her origin was defined as an *incola* (resident alien, the equivalent of a *metoikos* in the Greek world).⁸ At the end of the republic, a Roman citizen could thus have three legal affiliations: he could be *civis* of Rome, *municeps* in his place of origin, and *incola* in his place of domicile.

The jurists of imperial times infinitely discussed the criteria of a legal domicile. When a person lives equally in different places, how does one determine his or her domicile? In the following passage, Ulpian refers to a response of Celsus, a jurist of the second century:

Celsus libro primo digestorum tractat, si quis instructus sit duobus locis aequaliter neque hic quam illic minus frequenter commoretur: ubi domicilium habeat, ex destinatione animi esse accipiendum. Ego dubito, si utrobique destinato sit animo, an possit quis duobus locis domicilium habere. Et verum est habere, licet difficile est: quemadmodum difficile est sine domicilio esse quemquam. Puto autem et hoc procedere posse, si quis domicilio relicto naviget vel iter faciat, quaerens quo se conferat atque ubi constituat: nam hunc puto sine domicilio esse. (D.50.1.27.2, Ulp.2 edict.)

Celsus in the first book of his *Digest*, discusses the case of someone who is equally at home in two places and does not spend any more time in one than the other; one must establish where he has his domicile from his full intention. Myself I doubt, if someone lives in both places with full intention, whether he can have a domicile in two places. It is true that it is possible to hold two, but it is difficult, just as it is difficult for anyone to be without a domicile. I think, however, that even this can happen, if someone leaves his domicile and travels

by sea or land, seeking somewhere to go and establish himself, I think that such a person has no domicile.

Again we see an attempt to define the categories precisely and to discuss the possibilities offered by the law. The response to the issue was that the *animus*, the intention of the person, had to be clearly expressed (I will return to this point). Undoubtedly, changing a legal domicile was an individual and free decision, but it also was an explicit pact with the new place.

The idea of a free choice of domicile is constantly stressed in our sources – with some limits:

Nihil est impedimento quo minus qui ubi velit habeat domicilium, quod ei interdictum non sit. (D.50.1.31, Marcellus 1 *Dig.*)

There is no hindrance to having a domicile wherever one wants, as long as it is allowed.

This passage simultaneously claims universal freedom of domicile and alludes to exceptions, which, actually, were numerous: for example, a senator had to have his domicile in Rome until Caracalla;⁹ a legitimate wife had to take her husband's domicile, and a rescript defines her as a forced *incola*.¹⁰ However, a *domicilium necessarium* could be imposed only by the authorities, as the following discussion of a will states:

Tito centum relicta sunt ita uti ... in illa civitate domicilio haberet. Potest dici non esse locum cautioni, per quam ius libertatis infringitur. Sed in defuncti libertis alio iure utimur. (D.35.1.71.2, Papinian 17 *Quaest.*):

One hundred are left to Titus if ... he establishes his domicile in a given city. It can be said that there is no scope for any undertaking whereby the right of liberty is infringed. But our rule is different in respect to freedmen of the deceased.

In other words, a private person could not force anybody, even a freedman, to have his domicile in a specific place: his capacity of movement was a part of his status as a free person.¹¹ That said, not only were there exceptions, but the law also supervised this freedom by indirect rules, which shows that the category of illegal migration was thinkable.¹²

The Declaration of Domicile

To become a resident in a city other than the *origo*, to become an *incola*, a person had to show his *animus*, his intention. As we saw in Celsus's passage, this would help to distinguish between a temporary settlement and a permanent one.¹³ Many texts refer to this idea:

Domicilium re et facto transfertur, non nuda contestatione. (D.50.1.20, Paul. 24 *Quaest.*)

The change of domicile is shown by facts and actions, not by mere words.

A *nuda contestatio*, a declaration or oral expression of a will, was not sufficient, as Paulus says. The *voluntas* had to be made explicit, by transferring all the affairs (*re*) into the new city and by taking part in the community's social and religious life (*facto*).¹⁴ We do not know before whom, when, or where the *contestatio* had to be enacted, but we can well imagine that, as in Republican times, it was done during the local census. Several sources attest to a survey of the *incolae*, as was previously the case in the Greek world,¹⁵ mainly for fiscal reasons:

*qui in ea colon(ia)/ intraue eius colon(iae) fin<e>s domicilium praedi-/umue
habebit neque eius colon(iae) colon(us) erit, is ei-/ |36| dem munitioni uti
colon(us) pare{n}to. (Lex Ursonensis, 98, l. 32)*

Whoever in that colony or within the boundaries of that colony shall have a domicile or estate and shall not be a colonist of that colony, he is to be liable to the same construction work as a colonist.¹⁶

In this Caesarian law of the colonia Ursonensis in Spain, the term *munitio* refers to local *operae* (duties), here activities of construction, which are defined as “similar to those of the citizens of the colony.” As for the *munera*, the fiscal obligations of the elite, other sources suggest that their extension to the *incolae* did not become a general practice before Hadrian.¹⁷ A Trajanic inscription, for example, honors a man who obtained for his city the right of imposing the *munera* on the *incolae*:

*Et super ce[tera omnibus sit notu]m sacratissimum principem Traianum
A[ugustum decrevisse rogatu ei]us, ut incolae, quibus fere censemur,
muneri[bus nobiscum fungantur]. (CIL V 875 = Inscr.Aq. 495)*

It is well known to all that the princeps Trajan Augustus has decided at the request of this man that *incolae* fulfill with us the *munera*, for which we are generally assessed.

The generalization of this obligation as well as the definition of the status of the *incolae* thus seems to have been introduced by Hadrian. This is also confirmed by the observation that the substantive *incolatus*, which abstractly defines the status of the *incolae*, is not attested before him.¹⁸ From his reign, the *incolae* had to fulfill their *munera* not only in their city of residence but also in their city of origin; and they were subject to the two jurisdictions, as Gaius explains in his commentary on the provincial edict:

Incola et his magistratibus parere debet, apud quos incola est, et illis, apud quos civis est: nec tantum municipali iurisdictioni in utroque municipio subiectus est, verum etiam omnibus publicis muneribus fungi debet. (D.50.1.29, Gaius, 1 *edict. prov.*)

An *incola* must obey both the magistrates of the place where he is an *incola* and those of the place where he is a citizen; nor is he subject only to municipal jurisdiction in both municipalities, but he must also perform all public *munera*.

Undoubtedly, Gaius's text, in the second half of the second century, constitutes a *terminus ad quem*. After that period, the sources provide important evidence for this double fiscal obligation.¹⁹ The moral and legal principle is that it is not possible to refer to a *patria* or to a legal domicile by name only: acts, fulfillment of duties, and solemn commitments also were necessary.²⁰

The requirement of the double *munera* had several implications. First, it meant that an *incola* had to declare his change of domicile to his *patria*, in order not to be accused of avoidance. This is the meaning of a text of Ulpian:²¹

If it has been proved that the decurions left their domicile of the city to which they belonged in order to move elsewhere (*decuriones quod sedibus civitatis ad quam pertinent relictis in alia loca transmigrasse probabitur*), the governor of the province will have to bring them back to their fatherland (*praeses provinciae in patrium solum revocare*) and force them to fulfill their fiscal duties (*et muneribus congruentibus fungi curet*).²²

Second, if an *incola* wanted to move to another domicile, he could officially renounce his previous place of residence only after completion of his fiscal duties, as a third-century text explains:

Incola iam muneribus publicis destinatus nisi perfecto munere incolatui renuntiare non potest. (D.50.1.34, Modestinus 3 *regul.*)

An *incola* who has been designated for the performance of public *munera* cannot renounce his position unless the *munus* has been completed.

The expression *incolatui renuntiare* refers to a public declaration by which a person abandoned his status of *incola*. The expression also appears in a rescript of the Emperor Julian to a petition of the decurions of a city of Phoenicia, asking if their *incolae*, who had been decurions in their city of origin, could be sued in their place of domicile for not having fulfilled their duties:

ad Iulianum consularem foenices. non obstat curialium petitioni, quod ii, quos incolas dixerunt, alibi decuriones esse dicuntur; poterunt enim et apud eos detineri, si eorum patitur substantia et ante conventionem incolatui renuntiare noluerunt. sola vero possessione sine laris collocatione praedictos onerari iuris ratio non patitur, quamvis res decurionum comparasse dicantur. Sane incolatus iure tunc detinendi sunt, sinon aut arma gesserunt aut expeditioni militari praefuerunt aut sub praecone administrationis facti sunt senatores.
(*C.Th.* 12.1.52 [Antioch, 3 Sept. 362])

Emperor Julian Augustus to Julianus, governor of Phoenicia. The fact that those who are claimed as residents are said to be decurions elsewhere will not bar a petition of the decurions of their place of residence. For the aforesaid persons can be detained by the decurions also in their place of residence if their property permits and if they have not been willing to renounce their

residence (*incolatui renuntiare*) before they are sued. But if a person has only a possession in a place without having moved his *lares*, it is not legally right to charge him, even if his goods can compete with those of the decurions. But those are bound by the *ius incolatus* who have not served in the army or led a military expedition or been made senator by the recommendation of having held an administrative office.²³

The *incolae* could be sued, unless they had renounced their status before being claimed as decurions. The abandoning of their status is an explicit *destinatio animi*, an expression of *voluntas* analogous to the acts performed to become *incola*. The role of the administrative confirmation is also suggested by the expression *incolas dicere*, as Lorenzo Gagliardi rightly pointed out: it is the administrative confirmation of a private decision.²⁴ As we can see, the change of domicile gave birth to numerous declarations, acts, and documents, as mechanisms for supervising the freedom of movement.

But the text also reveals two other important details: the first is that the *ius incolatus* was still the object of discussions in the fourth century (concerning who could be claimed as an *incola*); the second is that upper-class *incolae* also had to be decurions in the two cities (that of origin and that of domicile). This possibility for the *incolae* to be decurions in their city of domicile, which is attested in the epigraphical sources from the end of the second century and by the passage of Gaius quoted earlier,

highlights the evolution of their status and their progressive assimilation to the *municipes*: under the republic, they had access to urban facilities and were registered in their city of domicile;²⁵ under the early empire, they could vote (and in the East their children could go to the gymnasia);²⁶ and from the end of the second century they could also have civic functions, even if, according to some jurists of the third century, it was not fair to force people to fulfill *honores* in the two cities:²⁷ in the fourth century the double decurionship had become a regular practice.²⁸

How to explain this phenomenon? According to some historians, this was due to the lack of candidates for civic office because of the emigration of the local elites to Rome; but such an explanation seems insufficient.²⁹ Rather, these developments help us to understand how mobility reshaped the sociability of urban space and eroded the barriers between foreigners and citizens.

The evidence adduced so far also proves that mobility was a big issue for the cities and needed to be monitored. As we have seen, until Hadrian the complaints and requests of the cities were treated case by case. Hadrian then imposed a general rule, that of the double *munera*, which was a way to monitor and control mobility and to help the cities. The numerous rescripts on the double *munera* make explicit the authorities' will to respond to the problems raised by this important feature of the Roman Empire: the free choice of domicile for everybody, even freedmen.

Freedmen

Various inscriptions attest to freedmen's mobility. Some of them suggest that it was controlled by their patrons, as in the Vardagate decree, which refers to freedmen who, after moving with their patrons to this Italian city, obtained first the status of *incolae* and then of *municipes*;³⁰ others explicitly reveal that the freedmen moved on their own account: mobility was precisely a part of their *ius libertatis*. In fact, Roman lawyers recognized the possibility of a freedman engaging in free migration that was often linked to a social and economic promotion:³¹

Eius qui manumisit municeps est manumissus, non domicilium eius sed patriam secutus. (D.50.1.27 pr., Ulp. 2 *edict.*)

A man who is manumitted is fellow municeps of the man who manumitted him, adopting not his domicile but his patria.

Municipes sunt liberti et in eo loco ubi ipsi domicilium sua voluntate tulerunt nec aliquod ex hoc origini patroni faciunt paeiudicium et utrobi muneribus adstringuntur. (D.50.1.22.2, Paul. 1 *Sentent.*)

Freedmen are *municipes* also in the place in which they have themselves established domicile of their own volition; nor does this involve any prejudice to the origin of the patron; and such freedmen are bound to perform *munera* in both places.

The issue, however, was that the freedmen still had to fulfill some duties toward their patrons. The law foresaw, for example, that in a situation of migration (of the freedmen or of the patron), a freedman would have to go to the place where his patron resided:

Ex provincia libertum Romam venire debere ad reddendas operas Proculus ait: sed qui dies interea cesserint, dum Romam venit, patrono perire, dummodo patronus tamquam vir bonus et diligens pater familias Romae moraretur, vel in provinciam proficiscatur: ceterum si vagari per orbem terrarum velit, non esse iniungendam necessitatem libero ubique eum sequi.

(D.38.1.20.1, Paul. 40 *edict.*)

Proculus says that a freedman should come from the province to Rome for the purpose of rendering services, but the patron loses those days that passed while he was on his way to Rome, so long as the patron was residing at Rome as a man of good character and diligent head of the household or was setting out for his province; however, if he wishes to roam the world, his freedman is not to be obliged to follow him everywhere.

This opinion of a first-century jurist is very interesting evidence for the limits of freedom: the control consisted in forcing freedmen not to follow their patron's movements but to fulfill their social (and economic) duties, wherever the patron was. It is also interesting to note the prejudice against mobility: a good *pater familias* did

not move without purpose. Such movement actually was commonplace, as shown by the definition of the domicile as a place where one always returns:

Et in eodem loco singulos habere domicilium non ambigitur, ubi quis larem rerumque ac fortunarum suarum summam constituit, unde rursus non sit discessurus, si nihil avocet, unde cum profectus est, peregrinari videtur, quo si rediit, peregrinari iam destitit. (C.J. 10.40.7)

There is no doubt that individuals have their domicile where they have placed their household gods³² and the greater part of their property and fortunes, and no one shall depart from there unless something requires him to do so, and whenever he does leave the place, he is considered to be on a journey, and when he returns, to have completed it.

Mobility could only be temporary or be motivated by necessity: frequent mobility would be threatening or unreasonable.

Evolution in the Fourth Century: The Case of Sons *in Potestate*

From the end of the third century, the emperors introduced more and more constraints on mobility within the empire, whether social or geographic: the legal texts seem to reflect an obsessive fear of fiscal evasion and an increasing fear of uncontrolled mobility (vagrants, monks, soldiers, slaves, or other social categories),³³ a bureaucratic effort also to reinforce the link of individuals to a specific place (*adscriptio*) – their *origo*, a *collegium*, or land (to quote but a few examples) – and to

require identity documents.³⁴ At this time, even imperial service (in the administration or in the army) could not be invoked as a good reason for avoiding the performance of local duties, and many imperial constitutions repeated this concern from the time of Constantine.³⁵ Does this mean that mobility declined?³⁶

A very interesting case study is that of decurions' sons *in potestate* (under the legal control of their fathers).³⁷

Before the fourth century, sons *in potestate* were free to have an independent domicile, as Ulpian explains:

Placet etiam filios familias domicilium habere posse (lib.25 ad Sabinum) ... non utique ibi, ubi pater habuit, sed ubicumque ipse domicilium constituit (lib. 39 ad edictum). (D.50.1.3–4)

It is thought right for a son-in-power also to be able to have a domicile ... not indeed wherever his father has it, but wherever he himself fixes his domicile.

The domicile was the result of their *voluntas*, and the texts strongly contrast it to the *origo*, which could never be changed by a personal decision: *origine propria neminem posse voluntate sua eximi manifestum est*, as Diocletian and Maximian still explained (*C.J.* 10.39.4).

There is apparently no change in the fourth century on this point, although very few texts directly refer to this question; the same logic operated as in the second

century, whether it concerned the double *munera*, the double jurisdiction, or the double *honores*.³⁸ What is more visible in the imperial constitutions of this time is an insistence on the absolute necessity for sons to fulfill duties incurred by their familial status.

According to some historians, this condition proves that their status had become hereditary; such a development would certainly have limited their social and geographic mobility. Actually, the imperial constitutions often refer to the *origo curialis*, but as François Jacques pointed out, not only did wealthy plebeians also rise to the status of decurions, but the old principle of election to the *curia*, according to the ideas of *idoneitas* and honorability, was maintained during this period and constantly invoked.³⁹

What changed in the fourth century was development of imperial legislation on this legal obligation, such as measures to force those who had attempted to flee and escape their duty without good reason to return to their city,⁴⁰ attempts to rule the relationship between municipal and imperial service,⁴¹ restrictions on exemptions and privileges, and explicit intentions to avoid fraud, favoritism, and patronage.⁴² What also changed was the authoritarian language of the law: the local career of a son in power was presented not as what his father had decided,⁴³ or even as dependent on his own will,⁴⁴ but as imposed by his status as defined by either the father or the

grandfather.⁴⁵ This did not change the fact of mobility itself but probably had some effect on its rhythm and rate, that is, on the age when sons could depart.

Undoubtedly, mobility was, for financial and demographic reasons, a very important challenge to the cities, and the emperors wanted to help them; they constantly referred to the priority of this link. However, the imperial law had limited effects. First, cities were free to decide whether they wished to force a son to become a decurion, and we know that they did not always make this claim on those who left the city (Augustine is a good example of this):⁴⁶ as François Jacques has rightly said, the attachment to the city could be virtual.⁴⁷ Second, the imperial orders were often vague (it is not clear, sometimes, whether they refer to the *munera* or to membership in the *curiae*) and not observed to the letter: there is always a distinction between what the law says and what it tolerated, and in fact the sources document the social resistance to this policy. Allusion to frauds (*fraus, artificium, audacia, contumacia*),⁴⁸ to lack of obedience,⁴⁹ and to *occultatores* who would have helped the fugitives,⁵⁰ as well as to the appeal to informers are good evidence of this resistance. And it came not only from individuals – those, for example, who attempted to avoid the *onera decurionatus* by establishing their residence in another city, as attested in a rescript of Constantine to Maximus, Vicar of the Orient⁵¹ – but also from the administration, as shown by a rescript of Gratian, Valentinian, and Theodosius to Cynegius, praetorian

prefect, which alludes to the *coniventia militaris officii*,⁵² or even to the *curiae* themselves.⁵³

Lastly, repetition of the same statements about the *origo* and the *domicilium* – *civico nomine aut vinculo incolatus* as in a constitution of 358⁵⁴ – proves the continuance of mobility as well as the vitality of civic links. This phenomenon had the same effects as in the past: it made it obvious that the affiliations (*origo* and domicile) could not be substituted one for the other but were cumulative. In fact, even if some citizens ran away from their city of origin, generally speaking wealthy people still had, as in the past, an evident and symbolic interest to show that they were honored in several places, to manifest their plural membership – which they did in inscriptions. On the basis of the fourth-century evidence, we can thus assert that mobility was also a feature of the late empire. It wove links between the cities instead of creating ruptures, and it was one of the means by which the imperial territory was unified, at least in the consciousness of the people. This is how it created what I have called “cosmopolitization.”

The Cosmopolitization of the Empire

The epigraphic evidence helps us to better understand this phenomenon, which was also a feature of the early empire. Our purpose in examining this kind of source is not to respond to the usual questions about the origin of this or that individual but to look at the different identities displayed by both Roman citizens and *peregrini* who

moved.⁵⁵ What identities did these inhabitants of the empire want to display? And what conception of identity is being revealed? The goal here is to shift from norms to practice, in order to better analyze how people *experienced* mobility and freedom of movement. The accumulation of multiple identities, an effect of the fluidity of the empire, is one of the responses to this issue.

Let us consider a few examples, starting with the evidence from the second century CE, which, as noted, was a key moment for the legal elaboration of the notion of freedom of domicile and of the status of the *incolae*.

In an inscription of Betica, dated after Hadrian, we can see how a citizen of Cordoba (*colonia Patricia*) received the status of *decurio* as an incola in Axati.

L. Lucretio Severo patriciensi et in municipio flavio Axatitano ex incolatu decurioni statuam quam testamento s(uo) poni sibi iussit ... (CIL, II, 1055 [Lorae = Axati, municipium flavium, Baetica])

To L. Lucretius Severus, citizen of the colonia Patricia and decurion, as an *incola*, in the Flavian municipium of Axati, this statue which, in his will, he asked to be set up ...

The distance between the two sites is not far, and he probably moved for this social promotion. For wealthy persons, social and geographic mobility are often linked, as was also the case for Roman senators. What is interesting is that before he died, L. Lucretius Severus ordered a statue to be set up in the place of his domicile, without

forgetting to name his place of origin. As he gave this order in his will, he probably wrote the text of his funerary inscription himself: this means that it was his own decision to be defined by his affiliation to both places.

An inscription of the late second century, found in Spain, shows another kind of multiple affiliation.

M. Valerio M. f. Gal(eria) Aniensi Capelliano, Damanitano, adlecto in coloniam Caesaraugustanam e benefic(io) divi Hadriani omnibus honoribus in utraque republica funct ...

To M. Valerius Capellianus, son of Marcus, from the tribes Galeria and Aniensis, who was inscribed in the colony Caesaraugusta thanks to Hadrian's benefaction, and who completed all the honors in the two cities ... (*CIL*, II, 4249 = *ILS*, 6933 [F. Jacques, 1984, p. 659])

A Roman citizen, M. Valerius Capellianus was *municeps* of two cities: his place of origin (Damani, where he belonged to the tribe Galeria) and the place where he was registered by Hadrian (Saragossa, where he belonged to the tribe Aniensis): the case of double tribes is rare, and often linked to an *adlectio*. Equally noteworthy is the fact that he held local magistracies in the two places.

Other people had two *origines*, for example, the freedmen of several patrons, as Ulpian also attests.⁵⁶

*D(is) M(anibus) et memoriae aeter(nae)/ Illiormari Apri, lintia/ri, ex civitate
Veliocas/sium, sublecto in numer(um)/ colonor(um) Lug(dunensium),
corpora/to inter utriclar(ios) Lug(duni)/ consistentium,/qui vix(it) ann(os)
LXXXV sine ul/lius animi sui laesione/ Aprius Illiomarus fil(ius) pa/tri
karissim(o) p(onendum) c(uravit) et sub a(scia) d(edicavit). (CIL, XIII, 1998)*

To the Manes and the eternal memory of Aprius Illiormarus, a linen trader from the city of Veliocasses, inscribed among the coloni of Lugdunum, a member of the corporation of the goatskin makers *who lived in Lugdunum*, who lived 85 years without any moral fault, his son Aprius Illiomarus set up (this monument) to his dear father and dedicated it *sub ascia*.

Born in the city of the Veliocasses, in Normandy, this man, who bore a name of Celtic origin, died in Lugdunum, where his epitaph was set up by his son in the third century. This man was a linen trader and a member of the college of foreigners living in Lyon and, as such, was granted citizenship in the Roman colony. As Nicolas Tran underlined, he certainly obtained the *adlectio* by an imperial privilege since he was a foreigner, but he seems to have kept his previous *civitas* and also his previous regional and ethnic identity, since his name was not romanized.⁵⁷ This inscription also confirms that local activity was more important than status; yet, the son of this man, as is the case of many other *collegiati*, referred to the city of origin of his father, and explicitly displayed his double membership.

Some multiple affiliations were a sign of prestige, as in the following inscription.

... / .../ ann(is) XXXIII/ G. Blossius Saturninus Galeria/ N(e)apolitanus Afe/r,
Arniensis, inco/la Balsensis, fili/ae pientissimae,
h(ic)s(ita)e(st)s(it)t(ibi)t(erra)l(evis). (CIL, II, 105 = ILS, 6902 Pax Iulia: AE
1927, 129; HAE, 157; 973)⁵⁸

... she lived 33 years. G. Blossius Saturninus Afer, from Napeul, belonging to the tribe Arniensis, resident in Balsa, to his pious daughter, here she lies, may the earth be light upon you.

Coming from Napeul (in Africa, hence his cognomen *Afer*), a city that belonged to the tribe Arniensis and where his name is attested, G. Blossius Saturninus was probably adlected *civis* in another city where he became affiliated with his other tribe (Galeria) – perhaps Pax Julia where the inscription has been found⁵⁹ – but resided in Balsa (Ravira, in Lusitania). He not only accumulated local citizenship in two different provinces, and two tribes, but resided in a third place. He dedicated this inscription to his daughter but did not forget to declare his multiple identity, which confirms the visibility of the status of *incola* and the prestige attached to being honored in different places. Linked to wealth, this mobility was a source of pride.

It is hard to estimate the proportion of people who felt themselves involved in this way, but it seems fair to say that such involvement was not unheard of. The

inscriptions that attest to this phenomenon relate to all the provinces, albeit with some regional differences,⁶⁰ and to all kinds of people: soldiers; freedmen; notables, such as Aponius Cherea, who exercised many important functions in his *origo*, Narbonna, and also in Sicily at Syracuse, Thermae, Himera, Panhormos;⁶¹ members of the imperial administration and Senators.

Elite Mobility

Until late antiquity, not only were provincials uprooted when they were promoted to the rank of senator, but they constantly moved during their *cursus*. A good example is M. Cornelius Nigrinus Curiatius Maternus, who was born in Edeta (Spain). In his career, some of his appointments included military tribune of the *legio* XIV Gemina in Britain after the civil war in 68–9, governor of Aquitania, consul in 83, governor of Moesia, legate of Moesia inferior, and governor of Syria between 95 and 97.⁶² Such people spent a large part of their lives outside Rome and maintained links with the provinces they had administered, for example, through patronage of the cities and *collegia*.⁶³ How did this mobile way of living influence their conception of membership, and their relationship to Rome? Did they really maintain contact with their city of origin? This last issue has often been raised, especially by Werner Eck,⁶⁴ but it is rarely possible to extend our observations over several generations.⁶⁵

Legally, under the republic, a notable who received a Roman office did not lose his local affiliation,⁶⁶ but the emperors (Augustus, Claudius, Trajan above all)

repeatedly tried to wrest provincial senators from their local homeland and settle them in the capital, or at least in Italy. Beginning with Augustus, they received Rome as their fictive *origo* and their place of legal domicile; then Trajan ordered them to transfer one-third of their properties to Italy,⁶⁷ which shows that many senators had maintained strong interests abroad, either in their city of origin or elsewhere.⁶⁸ Senators under Caracalla, while conserving their Roman *origo*, were recognized as having a double domicile (in Rome and in their city of origin), and their ability, as well as that of their descendants, to assume local offices in their place of *origo* was strongly affirmed.⁶⁹ The jurist Paulus explained how it was that senators who had to adopt a Roman *origo* and residence could at the same time remain linked to their respective homelands:

Senatores licet in urbe domicilium habere videantur, tamen et ibi, unde oriundi sunt, habere domicilium intelleguntur, quia dignitas domicilii adiectionem potius dedisse quam permutasse videtur. (D.1.9.11, Paul. 41 edict.)

Although senators are deemed to have their domicile in the city, nevertheless, they are also considered as having a domicile in the place from which they originated; for their rank is seen to have given them rather an additional domicile than a change of domicile.

The term *adiectio* (addition) is of fundamental importance: senators could consider themselves as plainly belonging to two places. Indeed, by recognizing their double domicile, Caracalla acknowledged their right not only to mobility but also to a double identity, thereby reinforcing their local power.⁷⁰ It should be noted, however, that this idea of a cumulative identity was, in principle, valid for all citizens, since, as we saw previously, they could be at the same time *cives*, *municipes*, and *incolae*. Moreover, the concept of *Roma patria communis*, which implied that even while staying in Rome citizens were not, on that account, absent from their local homeland, was the recognition of their fictional ubiquity,⁷¹ their capacity of being here and there at the same time. Each of these practices was a form of what I call the cosmopolitization of the empire, which was operative at least until the middle of the fourth century.⁷²

Multiple Identities

So far, we have considered only civic affiliations. But multilingual inscriptions in the Roman Empire also reveal the existence of other degrees of cosmopolitization linked to mobility, and the inscriptions show sometimes very complex situations, with at least three levels of affiliation: membership, origin, and culture. For example, a Roman citizen felt linked to the city of Rome, to his *origo*, the place of origin, and, later on, even to the province of his birth, but also to various other communities (e.g., *collegia*, professional groups): these were different memberships. He could also claim

an origin (*natione, natus*) as a Parthian, a Thracian, or a Palmyrene, to which, from the fourth century onward, he could add a religious identity, that of being a Christian (or not); finally, he could also express this in several languages, thereby defining his cultures. The same applied to *peregrini*, who would state their membership (of such and such a village or city), their origin (e.g., Syrian), and their culture (Greek or Aramaic).

Take, for instance, the famous second-century dedications in Rome, in Latin and Greek (*IGUR*, 117= *CIL*, VI, 50–51) to the Palmyrene deities Belus and Malachbelus for the well-being of the emperor: they were set up by two individuals, C. Licinius and Heliodorus, in one or several temples in the Trastevere quarter. Heliodorus indicates his Palmyrene origin; possibly, like Licinius, he is a Roman citizen (if so he is a freedman): that is his membership. His inscriptions are written in two languages, Greek (which was one of the languages in Palmyra) and Latin (which he learned in Rome), which shows his culture.⁷³

In the third century (February 236), another Palmyrene, also named Heliodorus, presents a rather different case: he had dedicated an altar to the gods of the Aglibol Moon and the Malachbel Sun and records this in a bilingual inscription (Greek and Palmyrene) (*IGUR*, 119). In the Greek version, he identifies himself as Iulius Aurelius Heliodorus Hadrianus, the son of Antiochos, and a Palmyrene; but in the Palmyrene version, he uses his former name (*IGUR*, 119): Iarhai, son of Haliphi,

son of Iarhai, son of Li^usamus^u, son of Soadu. This Roman citizen, a freedman, combines two group memberships and identities but retains his original culture, which is a combination of Greek and Palmyrene.

Many inscriptions refer to this juxtaposition of identities, with double names and double identities, like the inscription of M. Antonius Gaionas, Roman citizen of Syrian origin who dedicated a ring of sacrifice to the sanctuary of Jupiter Heliopolitanus on the Janiculum in Rome: the Greek text gives his name in Greek and his sacerdotal function as a *deipnokritēs*. The same Gaionas also dedicated in 186, in honor of Commodus, a marble column to the same god, called Jupiter Optimus Maximus Heliopolitanus: this time, the inscription is in Latin and Gaionas not only gives his Roman name but also refers to his religious functions and administrative charge as a *cistiber*: a controller of the streets on the right side of the Tiber.⁷⁴

As these examples show, an individual's identity was no longer thought of in terms of exclusion but rather in terms of accumulation. Cosmopolitanization was engendered by the accumulation of spatiotemporal experiences that resulted from a situation of mobility: it produced a global effect thanks to the links that the circulation of human beings forged between different parts of the world and those that immigrants from different regions forged in one particular place, links that then affected their identities, their language, and their practices.

This cosmopolitan consciousness is what made the Roman Empire an empire: the capacity of moving and weaving links between places, and the liberty of accumulating identities and affiliations, have provided several authors a basis for their theories, such as Cicero in the *De Legibus*, with his theory of the two fatherlands and his first definition of Rome as a *communis patria*, and Favorinus of Arelate, a sophist of the second century, in his treatise *On Exile*, which is perhaps the first treatise on mobility: the idea that mobility is the condition of all individuals and people (we are all immigrants everywhere); that the *patria* is a place of free choice; and that identity is cumulative (he claims that he is at the same time from Arelate, Roman by citizenship and Greek by culture and peregrination).⁷⁵ This is another example of the development of a Roman discourse of mobility and multiple affiliations. It is also a perfect sign of a cosmopolitan consciousness that was not a philosophy but a real way of life.

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Notes to Chapter 6 Moatti

¹ Beck (2000).

² Cic., *De Legibus*, II, 2–5.

³ Their status was that of an absentee: see Moatti (2009): 321–53.

⁴ The *lex repetundarum* of 123 BCE states that the judges in the *quaestiones* had to have a Roman domicile: *CIL*, I², 583 = *FIRA* I, 3, n. 10, l.13: ... *queive in urbem Romam propriusve urbem Romam p(assus) M domicilium non habeat*. But it is difficult to decide whether *domicilium* means legal domicile or a domicile. The chronology of the concept of *domicilium* is still debated among historians: for a late chronology, see Thomas (1998): 25ff., who puts its emergence in relation with the grant of citizenship to all the Italians after the Social War (91–88 BCE); for an early one, see Licandro (2004), for whom it was already a legal category in the second century BCE.

⁵ Suet., *Div. Iul.*, XLI, 5: *Recensum populi nec more nec loco solito, sed vicatim per dominos insularum egit atque ex viginti trecentisque milibus accipientium frumentum e publico ad centum quinquaginta retraxit; ac ne qui novi coetus recensiois causa moveri quandoque possent, instituit, quotannis in demortuorum locum ex iis, qui recens non essent, subsortitio a praetore fieret*. Before Caesar, the Roman domicile was known only through the traditional census. Caesar introduced a specific census (called *recensus*) for those who had their legal residence in Rome, at least for the corn distributions. See Lo Cascio (1997).

⁶ Translation Watson edition (2009), modified. Generally, the translation of the *Digest* follows that of the Watson edition, unless a modification is noted.

⁷ *Tab.Heracl.* lin.157 (*FIRA* I², n13= Crawford (1992): no. 24, 355–91): *Qui pluribus in municipiis colonis praefecturis domicilium habebit, et is Romae census erit, quo magis/ in municipio colonia praefectura h(ac) l(ege) censeatur, eius h.l. n(ihilum) r(ogatur)* (Whoever shall have a domicile in more than one *municipium*, colony or prefecture and shall have been registered at Rome, to the effect that he should be registered in a *municipium*, colony or prefecture under this statute, nothing of it is proposed by this statute). This document has been dated from 78 to 45, but most scholars now accept that it dates from the time of Caesar. The *tabula* also shows that foreign residents (*incolae*) were registered during the census. See Nicolet (1987).

⁸ The word *incola* defines in fact two categories of persons: foreign residents (those who have their legal domicile in a city other than their *patria* or *origo*: they are the equivalent of *metoikoi* in the Greek world); and indigenous people (those who had been living in a place before a foundation of colony and remained there afterward, without having the status of citizens): they are the *paroikoi* of the Greek world. See recently Gagliardi (2006): 46ff., 110ff., 329ff.; Licandro (2004); Licandro (2007): 1357–88. On the Greek vocabulary: Rizakis (1998); Papazoglu (1997): 201ff., 231–2.

⁹ See Chastagnol (1992): 46–7, 167–8.

¹⁰ D.50.2.38.3 (Papirius 2 De Constitutionibus): *Imperatores Antoninus et Verus item rescripserunt, mulierem, quamdiu nupta est, incolam eiusdem civitatis videri, cuius maritus est; et ibi unde originem trahit, non cogi muneribus fungi* (The emperors Antoninus and Verus replied that a wife, during the time she is married, is considered as the *incola* of the same city as her husband's; and where she has her *origo*, she is not forced to fulfill fiscal duties).

¹¹ Cf. Licandro (2004): 385.

¹² Under the republic, the idea of illegal migration concerned those who had illegally left their city or illegally taken the Roman citizenship. This was the case of the Latins in the second century BCE. See Broadhead (2004): 315ff.

¹³ D.50.1.27.2 (Paul. 1 *edict.*).

¹⁴ Cf. Thomas (1998): 34ff.

¹⁵ E.g., in Pergamon before the Roman domination (*OGIS* 338), or in Athens [on the metics, see Maffi (2009): 307ff.]; for the Roman Republic, the survey is explicitly documented by some inscriptions: see the *tabula Heracleensis* (note 6).

¹⁶ Transl. Crawford (1996): t. 1, n. 25.

¹⁷ The Vardagate decree, dated between Augustus and Trajan, also seems to attest to the fact that only the *municipes* had to fulfill the fiscal duties: *Liberti eorum qui secundum voluntatem suam cooptati sunt m[u]nicipes vardacati alterius condicionis sunt quam patroni nisi si et ipsi cooptari volunt et utroque loco munere*

fungi id est in eo in quo coop[t]ati sunt [e]t in eo ex quo patroni eorum oriundi sunt v vacat (The freedmen of those who have been chosen according to their will as *municipes* of Vardagate are of different condition from that of their patron, except if they want to be themselves chosen and to fulfill their *munera* in both places [as *municipes*], that is in the place where they have been chosen and in the place from which their patron has his origin). For the dating: Arangio-Ruiz and Vogliano (1942): 3ff., who date the document from the Flavians and Trajan; Degraasi (1948): 254ff., from Augustus; see also Harris (1981): 358ff.

- ¹⁸ Different texts confirm this dating. See D.50.1.37, Callistr. 1 *De Cogn.*: *De iure omnium incolarum, quos quaeque civitates sibi vindicant, praesidium provinciarum cognitio est. Cum tamen se quis negat incolam esse, apud eum praesidem provinciae agere debet, sub cuius cura est ea civitas a qua vacatur ad munera, non apud eam, ex qua ipse se dicit oriundum esse* (On the right of all the *incolae*. The governors of provinces have jurisdiction over all the inhabitants whom any towns claim as their own; but still, where anyone denies that he is a resident, he must bring suit before the governor of the province in whose jurisdiction the town, by which he is called to discharge a public employment, is situated, and not before the governor of the one where he himself alleges that he was born). The first texts concerning the students' domicile are also from Hadrian: C.10.40.2 (a student is not considered to have his domicile in his place of study) and 10.40.7 (the father who

visits his son in his place of study is not considered to have his domicile there). Seen from this point of view, these statements clearly prevent the cities from claiming from the students and their fathers the *munera* as *incolae* (and not only, as Licandro [2004]: 337ff. suggests, to force the students to fulfill their duties in their city of origin). Before the time of Hadrian, no documents provide a general statement on the status of the *incolae*.

¹⁹ D.50.2.38.3 (Papirius 2 *De Constitutionibus*): *Imperatores Antoninus et Verus item rescripserunt, mulierem, quamdiu nupta est, incolam eiusdem civitatis videri, cuius maritus est; et ibi unde originem trahit, non cogi muneribus fungi*. The fact that the wife, although compared to an *incola*, is not forced to fulfill the *munera* in the city where her husband has his domicile but which is not her *origo*, seems to prove that an *incola* had to be compelled to the double *munera*; C.10.38,3; C.10.38, 5 (Constantine, 325) = *C.Th.* XII, 1, 12 [*Brev.* XII,1,2].

²⁰ This is the meaning of Plutarch's critique of the Stoics who traveled so far from their fatherland of which they only kept the name (Plut., *Contrad. Stoic.* 4,1034 A). Of course, Plutarch expressed a moral critique but he undoubtedly referred to common knowledge.

²¹ D.50.2.1.pr. Ulp., *lib.2 Opin.*= Lenel, *Paling.* II 2308.

²² D.50.2.1.pr. Ulp., *lib.2 Opin.*: *Decuriones, quos sedibus civitatis, ad quam pertinent, relictis in alia loca transmigrasse probabitur, praeses provinciae in*

patrium solum revocare et muneribus congruentibus fungi curet. See remarks by Jacques (1984): 349–50; and it is probably also the meaning of a rescript of Caracalla to a man named Silvanus (C.J. 10. 39.1): as your place of origin is Byblios but your domicile is Beyrouth (*Cum te Byblium origine, incolam autem apud Berytios esse proponis*), you have to fulfill your fiscal duties in the two cities (*merito apud utrasque civitates muneribus fungi compelleris*).

²³ Trans. Pharr (1952), changed.

²⁴ Gagliardi (2006): 405–6.

²⁵ Thomas (1998): 26ff.

²⁶ Mastrocinque (1994): 237ff.

²⁷ Papinian, D.50.1.17.4; Ulpian, D.50.2.1. However, inscriptions show that it could be the case: *CIL*, XII, 1585 (Lugdunum): *Adlecto in curiam Lugdunensium nomine incolatus*; *CIL*, II, 1055: *in municipio Flavio Axatitano ex incolatu decurioni*; *CIL*, II, 2135 (and Gagliardi [2006]: 402ff.); cf. also *CILA*, III 1, 306.

²⁸ *C.Th.* 12.1.5 (Licinius, 317).

²⁹ See Lepelley (1979–81): 197ff. on the decurions in the cities of late antiquity.

³⁰ See note 11. See also *CIL*, XII, 4377: *L. Afranius Cerialis l(ibertus)/ Eros IIIIvir Augustalis domo Ta/racone ospitalis a Gallo/ Gallinaio, Afrania Cerialis l(iberta) Procilla uxor*: as Bonsangue (2006): 39ff. suggested, the freedman probably moved with his patron, Cerialis.

³¹ See, e.g., Haley (1991): 23ff.

³² On the *Lares*, see Gagliardi (2006): 339ff.

³³ Pottier (2009).

³⁴ I shall return to this important aspect elsewhere. A very good example is in C.11.10.4 (Honorius and Theodosius to Anthemius, praetorian prefect), where it is said that a man who wants to join the guild of the armorers “has to make a record (*acta*) showing that neither he, his grandfather or his father were born a *curialis*”; cf. also Constantine’s rescript in *C.Th.* 12.1.9 = C.10.32.16.

³⁵ *C.Th.* 12.1.16 (Constantinus); 12.1.76; C.10.32.31; 32.55 (Theodosius and Valentinianus). Cf. Lepelley (1992), who recalls this attraction of the imperial service for those who wanted to leave their city, as Augustine did it, for example.

³⁶ See remarks by MacMullen (1964): 53.

³⁷ The texts on this topic have been gathered by Alaina Binstock, in a research paper written in 2009 under my direction and at my suggestion at University of Southern California. See also Licandro (2004): 342ff.

³⁸ *C.Th.* 12.1.5 (21 July 317); 12.1.12 (325); 12.1.46 (27 June 358); 12.1.52 (3 September 362); 12.1.137.1 (9 August 393) etc.; see also Julian, *Misopogon* 40.

³⁹ See Gaudemet (1951): 44ff. and, above all, Jacques (1984): 318–19, followed by Carrié and Rousselle (1999): 682ff. See also the constitution of 436 from Theodosius and Valentinianus (C.10.32.55), addressed to Isidorus, praetorian

praefect, which makes the distinction between the *curiales* and those who were *subiecti curiae* (plebeians without exemptions): another proof that the status of decurion has not become strictly hereditary. On this distinction, see Jacques (1984): 314ff.

⁴⁰ *C.Th.* 12.1.16 (Constantinus to Annius Tiberianus, comes, 21 April 327); see also C.10.32.55 (Theodosius and Valentinianus, to Isidorus, praetorian prefect, 436 CE).

⁴¹ *C.Th.* 12.1.9; 11; 13, etc. Even the sons of veterans were urged to return to their city of *origo* if they were not able to join the military service: *C.Th.* 7.22.5 (13 November 333); *C.Th.* 12.1.35 (27 June 343); 12.1.45 (22 June 358), etc.

⁴² *C.Th.* 12.1.1; 17; 20; 24; and later: 33; 35; 48.

⁴³ On the father's responsibility: cf. D.50.1.2 (Ulp.1 *Disput.*): *Quotiens filius familias voluntate patris decurio creatur ...*; C.10.32.1 (Valerianus and Gallianus to C. Caeso, 259 CE): *si cum te pater decurionem voluisset*; C.10.32.5 (Diocletianus and Maximianus, 286 CE). This changes after *C.Th.* 12.1.7, as Jacques (1984): 316 also remarked.

⁴⁴ D.50.4.3.5

⁴⁵ See, e.g., C.11.64.1 (Gratianus, Valentinianus and Theodosius to Cynegius, Praetorian Prefect), quoted note 30 in this chapter; cf. *C.Th.* 12.1.79 (Valentinianus and Valens, 3 December 375).

⁴⁶ On Augustine: Petit (1955): 34–8 ; Lepelley (1979–81): 271–3.

⁴⁷ Jacques (1984): 321.

⁴⁸ E.g., *C. Th.* 12.1.12 (below); *C. Th.* 12.1.9.

⁴⁹ *C. Th.* 12.1.23.

⁵⁰ Cf. *C. 10.32.31* (Valentinianus, Valens, Gratianus to Modestus, praetorian prefect, 13 July 371).

⁵¹ *C. Th.* 12.1.12 [= *brev.* 12.1.2] *Si qui vel ex maiore vel ex minore civitate originem ducit, si eandem evitare studens ad alienam se civitatem incolatus occasione contulerit, et super hoc vel preces dare tentaverit vel qualibet fraude niti, ut originem propriae civitatis eludat, duarum civitatum decurionatus onera sustineat, in una voluntatis, in una originis gratia.* (If any person derives his *origo* from a greater or lesser municipality, and if because of his desire to avoid the duties of the aforesaid status he betakes himself to another city for the purpose of establishing residence there, and if he attempt to offer a supplication to the emperor about this matter or to depend upon any fraud whatsoever to escape the birth status of his own city, he shall sustains the burdens of the decurionate in both municipalities, in the one because of his will, in the other by *origo*).

⁵² *C. J.* 11.64.1.

⁵³ *C. Th.* 12.1.71 of 370; 79, of 375; 129 of 392.

⁵⁴ *C. Th.* 12.1.46.

⁵⁵ Important remarks on that point in Frezouls (1989): 123ff.

⁵⁶ D.50.1.7 (Ulp. 5 *Off. Procons.*): *si quis a pluribus manumissus est, omnium patronum originem sequitur.*

⁵⁷ Tran (2006): 281.

⁵⁸ D’Encarnaçao (2000): 1291ff. ; Haley(1991): 44; Lefèvre (2005): 118.

⁵⁹ In Lusitania (today Beja).

⁶⁰ Frezouls (1989); Pavis D’Escurac (1988).

⁶¹ *ILGN, 573: A]ponio L(ucii) fil(io), Papiria /Chereae auguri quaes/tori c(olonia) J(ulia) P(aterna) C(laudia) N(arbone) M(artio) aedilicis or/narmentis honorato ob/ quam rem rei publicae Narbonens/(is) [HS M]D intulit. Item provinc(ia)/ Sicilia Syracusis Thermis/ [Him]eris Panhormo aedili/cis et duumviralibus et/flamonis et augura/libus ornamentis/honorato/[Ap]nius Blas[tus]/ [pa]trono op[timo] d.d*

⁶² Alföldy and Halfman (1973).

⁶³ In the album of Canusium, we see that the great patrons were the eponymous consul of 224, the prefect of Egypt, and the legate of Moesia. See Jacques (1984): 508–26; Salway (2000); see also Clemente (1972): 142–229.

⁶⁴ Among an impressive number of publications, see, e.g., Eck (1996b): 213–26.

⁶⁵ The most famous inscription is that of Hispallis in Spain (*CIL*, II, 1174). She is called *consularis filiae, senatoris uxori, senatoris sororis, senatoris matri*. So, while she remained in Spain, she was linked to three generations of senators (see Eck [1996a]). On these questions, see also Rufino et al. (2006), especially the

contributions of F. Javier Navarro and J. Rodriguez Neila); see also the important publication *Tituli 5* (1982).

⁶⁶ Cf. *lex Ursonensis* (Crawford [1992]: I, 25), tablet c, col. III, XCV: *sive is propter magistratu<m> potestatemque p(opuli) R(omani) minus atesse poterit* (lines 23–4). The bibliography is huge: e.g., Biondo (2000): 33–69; Gaggiotti and Paci (1992): 201–44.

⁶⁷ Pliny the Younger, *Ep.* 6.19.

⁶⁸ Cf. Eck (1996a): 175; Nicols (1990): 81ff. On the resistance to this measure, see Chastagnol (1992): 166ff. On the question of the senatorial domicile, see Chastagnol (1992): 46–7, 167–8, 196–7; and on the resistance to the measures of Trajan see Chastagnol (1992): 166.

⁶⁹ D.50.1.22.5 (Paul.1 *Resp.*): *senatores et eorum filii filiaeque quoquo tempore nati nataeve, itemque nepotes, pronepotes, et proneptes ex filio origini eximuntur, licet municipalem retineant dignitatem* (The senators and their sons and daughters whenever born as well as their grand sons and granddaughters, born from a son, are taken away from their *origo* although they keep their municipal *dignitas*). The reference to the descendants reveals the imperial attempt to discard the senators from their local roots; but confirms that the relationship with the city of *origo* was not lost for several generations because the local *dignitas* was maintained. On this text, see Chastagnol (1992): 166–7.

⁷⁰ On the link between a global and a local power, Chastagnol (1992): 313ff.

⁷¹ Thomas (1998): 9ff. has considered all the juridical effects of what he calls the ubiquity of Rome. But we could also say that all the citizens were, in that way, ubiquitous.

⁷² On the change in the status of the senatorial elite from the middle of the fourth century, see Chastagnol (1992): 313ff.

⁷³ *CIL*, VI, 50 = *IGUR*, 117; on these inscriptions, see Adams (2003): 248ff.

⁷⁴ On this inscription, I follow Hajjar (1977): nos. 300, 298, 301.

⁷⁵ Moatti (2007): 129–36.
