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 SOME MARGINAL REMARKS ON PROF. RANDAZZO'S PAPER

Prof. Randazzo's paper on the question of continuity or discontinuity in the decurionate is very interesting and he made many inspiring observations. It is a long period we are talking of, and the decurionate was in any case for a greater part of this period the backbone of local government. It is, therefore, a large subject and I can only hope to make some marginal remarks and contribute to his paper.

One is, that already in the second, perhaps even in the first century AD the decurionate might have undergone a restriction. Various texts in the Digest on the suitability of candidates for the decurionate seem to define the possibility to be elected into the decurionate, but may in reality just have purported the reverse: to restrict entrance to the decurionate. Cfr. D. 50.2.2.3, which says, that a son must have been conceived before his father's removal or else he will, being born after the banishment, count as a *plebeius* and not a curial (and all of D. 50.2.2.2–6 is about birth status). By curial is meant somebody who is the son, or, in some cases, the grandson of a *decurio* (CTh 12.1.64) and in Antiochia sons with a maternal *decurio* (CTh 12.1.51). Such a rule seems to help these sons to enter the decurionate, but in reality it may have been meant to restrict the number of available sons of decurions: previously all those born after the banishment may have counted as eligible. A rule can be interpreted in two ways and our view influences this. If we assume there was a shortage of eligible candidates, we readily see an expansion here. But was there a shortage in the second century? Why do the emperors stress that *plebeii* and others are eligible (D. 50.2.6 pr., 50.2.3.2, 50.2.9 pr.)? Only if they were not normally elected. This would corroborate the phenomenon of the album of Canusium, where there are lists of *iuvenes* not yet eligible for the decurionate. By being elected as *supernumerarii* without voting rights (D. 50.2.6.1), they would have blocked for years in advance the admission of others. Such a limitation on entrance would correspond with the previous restriction on the entrance into the senate, and the sons of decurions are put at a par with the sons of senators in D. 50.2.2.4. Thus descent would have functioned more as a dynastic principle. It would point to the existence of local aristocracies. It is not an uncommon phenomenon in history that local rulers restrict entrance.<sup>1</sup>

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<sup>1</sup> A.J.B. Sirks, *Die Nomination für die städtischen Ämter im römischen Reich*, in *Stadt - Gemeinde - Genossenschaft*. Festschrift für Gerhard Dilcher zum 70. Geburtstag, hgg. v. A. Cordes, J. Rückert, R. Schulze, Berlin 2003, 13-22, here 20–22.

Further, on the other side of the spectrum, by the end of the fifth century AD, we see in the east the phenomenon of the disappearing *boulè*. It disappears perhaps not so in reality, but rather in administration. There are no longer decisions by the *boulè* found. On the other hand, Anastasius relegated the appointment of a *sitonès* from the *boulè* to a gremium of the local bishop and largest landowners; and Justinian had the *defensor civitatis* appointed by the landowners of the town.<sup>2</sup> This fits the growing role of the bishop in public life as head of his metropolitan church, but perhaps it also reflects the increasing riches of the church. Interesting is, that in the west too the bishop gains a public role, but here it is due to the disappearance of the central and provincial government.

As to the *curia*, it may have continued to exist but here also its role in the administrative life had ended. We see the emerge of landowners as a decisory gremium. Since decurions were usually of the landowning class, it would imply that there must have been landowners outside of this group or else the shift would have been unnecessary. Perhaps the local landowners, who seem to appear as a group distinct from the decurions – but may have overlapped –, were partly consisting of imperial officials who had settled down in the provinces, or had their houses and estates there while being absentee landlords. They would nevertheless have succeeded to be immune from the municipal charges on basis of their imperial service. If this suggestion is correct, the measures taken by Anastasius and Justinian may be seen then as adjustments to reality in order to guarantee the continuity of municipal administration.

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<sup>2</sup> *Ein früh-byzantinisches Szenario für die Amtswechslung in der Sitione. Die griechischen Papyri aus Pommersfelden (PPG) mit einem Anhang über: die Pommersfeldener Digestenfragmente und die Digestenüberlieferung*, hgg. v. A.J.B. Sirks, P.J. Sijpesteijn und K.A. Worp (in *Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte*, 88), München 1996, 102–104 (C. 10.27.3, Nov. 128.16; Nov. 15.1.1).