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HENRIK MOURITSEN

The Album from Canusium and the Town Councils of Roman Italy*

While the social and economic structure of the curial elites in Italian towns has been the object of extensive research, the institutional framework has been considered less of an issue. MOMMSEN stated that: «den von Rom aus geordneten Gemeinden ward regelmässig ein Rat von 100 Decurionen gegeben», but noted also that this was not a rule without exceptions.¹ The typical council of 100 decurions, identified by MOMMSEN, has since found a place as the «standard» council in many modern discussions of Roman local administration.² We should bear in mind, however, that this «standard» has been produced by collating heterogeneous sources scattered over several centuries, and that it therefore conceptually relies on the assumption that the Roman empire represented a rational, highly standardised administrative system, whose basic principles can be uncovered by careful compilation of disparate evidence. The clarity thus achieved may be deceptive, for the result is often a static and formalistic picture of local institutions which does not allow for local diversity, central flexibility and historical change.

This article attempts to draw a more nuanced picture which takes into account some of the factors that have received less attention in the present consensus. The point of departure is presented by the *album* from Canusium, which provides the only full documentation for an Italian town council. The main issue concerning us here is the common belief that the Canusine list from AD 223 represents a typical Italian council. The risks involved in identify-

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¹ TH. MOMMSEN, *Römisches Staatsrecht*, Leipzig 1887–88, 3, 845.

² E.g. W. LIEBENAM, *Städteverwaltung im römischen Kaiserreiche*, Leipzig 1900, 229 f.; F. F. ABBOTT – A. C. JOHNSON, *Municipal Administration in the Roman Empire*, Princeton 1926, 65; R. DUNCAN-JONES, *The Economy of the Roman Empire*, Cambridge 1982, 283 ff.; F. JACQUES, *Le privilège de liberté*, Rome 1984, 229 f.; G. ALFÖLDY, *Römische Sozialgeschichte*, Wiesbaden 1984, 110.

ing a unique source as representative would seem to be evident, and will be further investigated in the following pages. After a brief look at the structure of the Canusine *ordo*, the theory of the uniform application of a standard council of 100 decurions in Roman Italy is examined from a historical viewpoint and confronted with a broader range of epigraphic material from Italian towns. In the light of this investigation the Canusine *album* will be reconsidered, and a suggestion made that the situation there may in fact be a late development reflecting social and economic changes in the second century AD.

I

The monumental inscription, published in CIL IX 338, gives a complete register of the *ordo* of Canusium in the year AD 223.³ The *album* lists 39 patrons, 31 senatorial and 8 equestrian, and in order of seniority 100 full members of the council, comprising 7 *quinquennalicii*, 4 *allecti inter quinquennalicios*, 29 *duoviralicii*, 19 *aedilicii*, 9 *quaestoricii*, and 32 *pedani*. Finally 25 *praetextati* are listed at the end of the *album*.

The large group of *pedani* has attracted considerable attention. Their name is derived from *pedarii*, supposedly members of the Roman senate who had the right to vote but not to take part in discussions.⁴ The appearance of this category in a municipal context is itself not surprising considering the size of the Canusine council; for without admitting a considerable number of additional non-magisterial members it would not have been possible to fill all the seats.⁵ They can therefore be explained as a direct function of the relationship between magisterial system and council format. Their status and role in the internal structure of the *ordo* has proved more controversial. In terms of legal status they clearly held the lowest rank; the question is whether the *pedani* merely

³ More recent literature includes GARNSEY, *Aspects of the Decline of the Urban Aristocracy in the Empire*, ANRW II,1, 1974, 229 ff.; JACQUES, l.c. 456 ff., 508 ff.; H. HORSTKOTTE, *Magistratur und Decurionat im Lichte des Albums von Canusium*, ZPE 57, 1984, 211–24; *Le epigrafi romane di Canosa*, ed. M. CHELOTTI – R. GAETA – V. MORIZIO – M. SILVESTRINI, Bari 1985, I 45 ff., II 224 ff.; W. JONGMAN, *The Economy and Society of Pompeii*, Amsterdam 1988, 317 ff.; M. CHELOTTI, *Mobilità sociale e legami familiari alla luce dell'albo dei decurioni di Canosa* (CIL IX 338), MEFRA 102, 1990, 603–9; M. SILVESTRINI, *Aspetti della municipalità di Canusium: l'Albo di decurioni*, ibid. 595–602; M. KLEIJWEGT, *Ancient Youth*, Amsterdam 1991, 279 ff.

⁴ The form *pedani* only occurs in IX 338, cf. TLL s.v. *pedaneus* 1.a. According to Gellius 3.18.10 *pedaneus* used in this sense was itself a corruption of *pedarius*.

⁵ With an annual entry of only two new ex-magistrates it was demographically impossible to reach a figure this high. Thus JONGMAN l.c. (n. 3) 320, noted that a life expectancy of around 73, probably first achieved in modern industrial societies, would have to be assumed if an *ordo* of 100 was to be filled exclusively by former magistrates.

occupied this as a temporary position before climbing the status ladder, or were permanently stuck at the bottom of the *ordo*.

PETER GARNSEY suggested that enrolment as *pedanus* in effect represented the first step on the *cursus honorum*, new magistrates being selected exclusively from the group of *pedani*.⁶ Entry into the *ordo* thus took place through the co-optation of new *pedani*, who later received magistracies and advanced within the hierarchy of the *ordo*. The theory was based on two assumptions: that the social make-up of the *pedani* as a group was not markedly different from that of the higher echelons of the *ordo*; and that a Severan dating should be given to Paul. Sent. Dig. 50.2.7.2, which prescribed that magistrates should be drawn from the membership of the *ordo*. Both suppositions have since been challenged, and the conclusion now seems inescapable that the *pedani* generally represented a lower social stratum than the former magistrates.⁷ Prosopographical research has shown that far more *pedani* belonged to families not otherwise represented in the *ordo* than did any other category of councillors; and that compared with the *praetextati* they had fewer family links with the higher echelons of the *ordo*, i.e. the *quinquennalicii* and *duoviralcii*. Though hardly barred from office, they apparently had limited hope of advancing within the *ordo*. The possibility that some of them might have done so cannot be ruled out, but as a group they appear distinctly more humble than the *praetextati*, from whose ranks new magistrates would generally have been drawn.

The assumed typicality of Canusium rests on the theory that 100 decurions was the standard size of an Italian *ordo*; it follows naturally from this total that the councils would have included a substantial number of non-magisterial members. Before examining the epigraphic evidence adduced in support of the idea, let us first briefly consider the theory of a standard size in the wider context of Roman institutions and local administration.

⁶ GARNSEY l.c. (n. 3), anticipated by M.G. GARRETT, Decurions and Priests, *AJPh* 92, 1971, 515.

⁷ The social composition of the Canusine *ordo* has been discussed by JACQUES l.c. (n. 2) 508ff.; JONGMAN l.c. (n. 3) 326ff.; Epigrafi romane di Canosa, I 53ff.; II 226; KLEIJWEGT l.c. (n. 3) 278ff. Various criteria have been attempted. JONGMAN put particular stress on the incidence of Greek *cognomina*, despite the difficulties involved in using this criterion in a South Italian context. The weaknesses of this criterion are noted in Epigrafi romane di Canosa, I 64. The prosopographical patterns first discovered by JACQUES, *ibid.*, seem more important. The dating of Dig. 50.2.7.2 has been countered by HORSTKOTTE l.c. (n. 3), who argues for a fourth-century date. The identifications of fathers and sons in the *album*, suggested by F. DAL CASON PATRIARCA, Considerazioni demografiche sulla lista decurionale della tabula di Canusium, *Ath.* 83, 1995, 245–64, carry little conviction. Unless they are explicitly indicated by the addition of *senior* or *junior*, these links remain conjectural. The fact that freedmen and their descendants, of whom there must have been a certain number in the Canusine *ordo*, shared the *praenomen* and *nomen* of their patrons, further undermines this attempt.

The Roman administrations in Italy had a long and complex history going back to the first *municipia* and colonies founded in the early and middle Republic. Despite obvious difficulties in judging Roman policies at this early stage, it seems clear that the magisterial structures established by Rome in, for example, the Latin colonies were far from uniform. And when the political map of Italy was redrawn in the wake of the Social War and hundreds of communities were given new Roman constitutions, Rome did not seize the opportunity to standardise local administrations. Despite the emergence of some general patterns, e.g. *duoviri* in colonies and *quattuorviri* in *municipia*, the picture was still one of considerable diversity on a regional as well as a community level.⁸

Numerous exceptional magistratures and combinations occurred, some showing continuity from previous administrations. The new Roman system contained several optional elements, like the quaestorate. The overall impression is therefore one of a flexible application of Roman magistracies, giving considerable leeway for local improvisation and diversity. The imposition of a fixed and uniform council structure would not fit very easily into this picture of Roman policy in Italy.

If the existence of a standard *ordo* seems questionable, the specific number of 100 decurions is even more curious. Many individual features of local administrations in the Western empire, as well as the basic principles, were moulded over the institutions of republican Rome. It is therefore an oddity that the chosen council structure did not correspond to any Roman model. In the republican senate there was no tradition for supplementing the ex-magisterial members with a large group of councillors who had held no previous office. The overwhelming majority of the 300 members of the pre-Sullan senate were former magistrates.⁹ The Sullan reform may have increased the number of non-magisterial senators, but it was not until Caesar and Augustus in particular that a group comparable in size and status to the Canusine *pedani* was introduced into the Roman senate; and that system lasted only briefly, since recruitment was again reorganised under the empire. A council of 100 decurions, in effect, meant the invention of a new type of councillor which broke with the Roman concept of the senate as an advisory body of experienced elders who had held public office in the past. A standard of 100 decurions, in sum, had no roots in Roman traditions; on the contrary, if the institu-

⁸ See e.g. F. SARTORI, *Problemi di storia costituzionale italiana*, Rome 1953; A. DEGRASSI, *Scritti vari di Antichità*, Rome 1962, 199–177; M. HUMBERT, *Municipium et civitas sine suffragio*, Rome 1978, 286 ff.; C. LETTA, in: E. CAMPANILE – C. LETTA, *Studi sulle magistrature indigene e municipali in area italica*, Pisa 1979; E. T. SALMON, *The Making of Roman Italy*, London 1982, 177 ff.

⁹ For the Republican senate see M. BONNEFOND-COUDRY, *Le Sénat de la république romaine*, Rome 1989, 655 ff.

tions of republican Rome had provided any guideline for her municipal constitutions, we might expect to find Italian *ordines* with memberships considerably smaller than this figure.

Republican evidence for the size and structure of local senates in Italy is scarce. A Latin colony was founded at Cosa in 273 BC, and its public buildings are among the best preserved from the middle republic.¹⁰ The Curia-Comitium complex goes back to the early colony, but was extensively rebuilt in the period 180–175 BC, when it was given its final form, not since significantly altered until the abandonment of the town in the first century BC. The interior of the senate building measured c. 6.2 m by 9.1 m, which makes a total of 56.4 m². If we envisage two rows of benches on either side of the room, that might provide seating for c. 70 tightly squeezed councillors, but would leave no floor space for anyone to stand. It is therefore difficult to see how the *ordo* of Cosa could possibly have numbered 100. At no point was there any attempt to expand the Curia, so the Cosans would deliberately have built a senate house which could never accommodate more than two-thirds of the council. The logical conclusion must be that the *ordo* of Cosa, a medium-sized town which probably had a population of about 2,500 male citizens, was considerably smaller than the assumed standard of 100.

In his speech against Rullus' land reform bill, Cicero also railed against the proposal to found a colony in Capua, even representing the new settlement as a potential threat to the safety of Rome. As part of this rant Cicero also gives an ominous list of figures for the new settlement, which was going to have 5000 colonists, 100 decurions, 10 *pontifices* and 6 augurs, Leg. agr. 2.96. The reference to 100 decurions might seem a straightforward confirmation of the 'standard' Roman *ordo*, but a closer look at these figures reveals some peculiarities. Typically the priestly colleges mentioned here seem to have been considerably smaller in Roman towns, and like in Rome they may often have been of identical size. Thus in the *Lex Ursonensis* colleges of three augurs and three *pontifices* are prescribed, ch. 67.¹¹ In Rome their numbers had been expanded from nine to fifteen under Sulla, which means that a settlement of only 5,000 colonists would have been endowed with priestly colleges larger than those of Rome in the early first century. That scenario is rather unrealistic, and we might suspect Cicero of using randomly exaggerated figures in order to make the colony appear to be a rival of Rome. The figure of 100 decurions may therefore also be taken with a pinch of salt.

The republican inscriptions published in CIL I contain no reference to non-magisterial decurions. In Aquileia the republican material features 33 members

¹⁰ L. RICHARDSON, Cosa III. The Buildings of the Forum, MAAR 37, 1993, 28; 107 ff.

¹¹ In Timgad there were three augurs and four *pontifices*, VIII 2403.

of the *ordo*.¹² The majority of them, however, appear in their capacity as sitting magistrates. Discarding this evidence, we are left with 14 councillors, two of whom had no held any magistracy. The sample is clearly too small to warrant any far-reaching conclusion; still, one notes that the proportion of non-magisterial decurions, 14 per cent, is less than half that found in the *Canusine album*.

Most of the evidence adduced in support of a standard *ordo* of 100 is much later, being extracted from epigraphic sources produced under the empire. The validity of this evidence has recently been called into doubt by JOHN NICOLS, who pointed out serious weaknesses in the foundation of this standard; the following discussion partly draws on his results.¹³ Apart from the *album* from Canusium, whose typicality is the issue concerning us here, the only explicit support for the theory has come from epigraphic references to the town councillors of Veii, Cures Sabini, and Forum Novum as *centumviri*. But, as NICOLS noted, this title does not necessarily imply an *ordo* of exactly 100 decurions.¹⁴ Moreover, the extreme rarity of this title may seem odd if in fact all the councils had counted 100 members; its appearance in these particular towns – from the time of Augustus onwards – may not be entirely fortuitous.

In a forthcoming monograph on Roman Italy, JOHN PATTERSON notes the historical significance of the title *centumvir*; according to the antiquarian tradition the senators in early Rome had been known by this title.¹⁵ PATTERSON also points out interesting similarities between Cures Sabini and Veii: both played an important role in early Roman history, and later maintained close links to the Imperial house. In Augustan times Veii was refounded as Municipium Augustum Veiens, and in Cures new settlements appear to have been carried out during the same period. The special terminology used in these two places may therefore have been linked to an antiquarian revival inspired by current Roman ideology. The title *centumviri* cannot be taken as an incidental reference to the (typical) number of decurions; the name itself is likely to have been significant, probably an honorary title granted to the councils of these two towns, which both carried almost mythical associations back to the early history of Rome. Whether these councils actually had 100 members cannot be inferred from this, and there is some evidence that Cures did not. The use of the title in Forum Novum, as indicated by a recently published inscription, dating from Augustan times, may be the result of a local borrowing from the

¹² The evidence is presented in G. BANDELLI, *Per una storia della classe dirigente di Aquileia repubblicana*, in: *Les «bourgeoisies» municipales Italiennes aux I^{er} et I^{er} siècles av. J.-C.*, ed. M. CÉBEILLAC-GERVASONI, Paris – Naples 1983, 193ff.

¹³ J. NICOLS, *On the Standard Size of the Ordo Decurionum*, ZSS 105, 1988, 712–19.

¹⁴ NICOLS, l.c. 713.

¹⁵ Livy 1.8; Dion. Hal. 2.12.

neighbouring town of Cures Sabini.¹⁶ Moreover, the fact that it appears in a small settlement like Forum Novum, which cannot plausibly have had 100 councillors, casts further doubt on the inference made from the title to the council structure.

RICHARD DUNCAN-JONES has used the donations of *sportulae* to underpin the theory of a standard *ordo* of 100. But this evidence is equivocal and raises numerous questions. In Ostia two references to the same donation, giving both the sum and the *sportula* rate, allow us to calculate 110 recipients of curial *sportulae* (XIV 353; 4642). An inscription from Firmum Picenum (IX 5376) only gives the size of the foundation and – fragmentarily – the rate of the *sportulae*. The number of potential recipients depends on which interest rate applied; 6 per cent would provide for 107 (or 115) decurions and their wives, 5 per cent only for 89 (or 96).¹⁷ Thus, as already NICOLS noted, neither of the two sources indicates *ordines* of exactly 100 members.¹⁸

There is, moreover, considerable uncertainty as to how donations can actually be used to illuminate the number of councillors. A basic problem concerns the groups entitled to a share in curial *sportulae*, «decurion» being a less unequivocal concept than often assumed. Since the inner circle of full members was surrounded by the greater *ordo*, comprising patrons, *praetextati* and persons granted *ornamenta decurionalia*, the figures cannot be read straightforwardly as the number of full decurions. Most likely the members of the greater *ordo* were also entitled to *sportulae* at decurional rate. Thus, in the *album* from Canusium both patrons and *praetextati* were included in the list of *decuriones*, and the entitlement of the latter is confirmed by Dig. 50.26.1: *minores viginti quinque annorum decuriones facti sportulas decurionum accipiunt, sed interim suffragium inter ceteros ferre non possunt*.¹⁹

¹⁶ Suppl. Ital. 5, 1989, 184ff. no. 18.

¹⁷ There are several uncertainties concerning this donation. A fund of HS 100,000 was intended to provide *sportulae* for the decurions, HS 24 in DUNCAN-JONES's reasonable reconstruction, and HS 4 for their wives on two annual occasions. If the wives – all decurions are here assumed to have been married – were included in both distributions (the second one is fragmentarily recorded), the annual expense per decurion would be HS 56. By an interest rate of 6% that would provide for 107 decurions, and by 5% – a rate occurring as frequently as 6% – the figure is 89. Alternatively, if the wives were not included in the second distribution, the corresponding figures are 115 and 96, respectively. DUNCAN-JONES's figure of 114 decurions, l.c. (n. 2) 284, seems puzzling.

¹⁸ NICOLS l.c. (n. 13) 713.

¹⁹ KLEIJWEGT, l.c. (n. 3) 307, has seen this clause as a reference to under-age councillors, a group to which he generally ascribes undue importance, but that interpretation will hardly do. The *sententia* makes little sense if it deals with children who had been admitted to full membership of the *ordo*. The idea of allowing them to speak and vote would be absurd, while on the other hand their right to *sportulae* was evident from their status as *adlecti*. The passage probably refers to *praetextati* whose position was more equivocal. In X 5853 the *puer curiae increment*, i.e. the juvenile section of the greater *ordo*, was explicitly given the same *sportula* rate as the full members.

Alternatively, if the greater *ordo* had been excluded from curial *sportulae*, the result would often have been absurd situations in which municipal patrons and *praetextati* received less than the Augustales.

The greater *ordo* might be of substantial proportions. In Canusium there were 25 *praetextati*, exactly a quarter of the inner *ordo*, which suggests that it may have been statutory, although this is by no means certain. There were also 39 patrons, which was probably more than usual for a town of Canusium's size.²⁰ The number of people holding *ornamenta decurionalia* in Canusium is not known. But since the exact size of the greater *ordo* may not have been fixed, a donor setting up a foundation would have to rely on a rough estimate of the likely number of future decurions entitled to *sportulae*.

Another complication concerns the level of participation in the distributions; a problem highlighted by a donation of a public dinner in Cures Sabini. According to the inscription IX 4971, the *centumviri* were to be seated at 10 *triclinia*, which would allow for only 90 diners. Two explanations may be offered. Either the donor reckoned that some of the decurions who were entitled to a share would not take part in the public feast. Alternatively, there were in reality so few *centumviri* that even when the entire greater *ordo* was mobilised the «official» number could not be reached. The first solution adds further uncertainty to the use of donations as indicators of the number of decurions; the latter undermines the claim that the *centumviri* in Cures represented the same standard as the Canusine *ordo*.

In Castrimoenium reference is made to *trigintaviri*, who are likely to have been the local decurions; XIV 2466 reports that 26 decurions attended a council meeting. On this basis DUNCAN-JONES has argued for the existence of a smaller «standard» of merely 30 decurions. Corroborative evidence is limited to a grant of *sportulae* in Petelia, which suggests a relatively small *ordo*. However, the number of 30 decurions is reached by a chain of conjectures; and given the inherent difficulties in using this type of evidence, it might be safer not to venture any exact estimate of the size of the Petelian *ordo*.²¹ Thus, the attempt to bring these two problematic *ordines* into line – by creating a standard of 30 on the basis of a single documented instance – may not save the concept of centrally regulated standard *ordines*.

From outside Italy the theory receives little support. The only certain evidence for the statutory size of an *ordo* is provided by the *Lex Irnitana*, which fixed the number of councillors at 63.²² The Caesarian *Lex Ursonensis* laid

²⁰ Cf. SILVESTRINI l.c. (n. 3) 597 with literature.

²¹ Contra DUNCAN-JONES l.c. (n. 2) 284.

²² J. GONZALES, The *lex Irnitana*: A New Copy of the Flavian Municipal Law, JRS 76, 1986, 147, chapter 31. J. M. SERRANO DELGADO, La composición del senado local en el municipium Flavium Irnitatum, Homenaje al professor Presedo, Sevilla 1994, 731–42, has made an attempt to fit the *ordo* of Irni into the Roman «standard», suggesting

down rules for the number of decurions who had to be present for various types of decisions to be valid.²³ It has often been assumed that these regulations imply an *ordo* of 100; but things may be more complicated. The *Lex Ursonensis* was pieced together from elements belonging to different laws from different periods. That may also explain the different ways quorum is defined in the text, which partly uses absolute numbers and partly proportions of the total. Hardly surprisingly there seems to be no clear consistency in the levels of attendance prescribed for different decisions. Not all the sources, if any, may refer to *ordines* of 100 decurions. The *lex* prescribes the following absolute figures: 30 (or 20), 40 and 50, while the proportions given would, within an *ordo* of 100, indicate a quorum of 50, 51, 67, and 75 decurions. We find that the two sets of figures appear to fall at different ends of the scale. On the other hand, if we apply these prescriptions to an *ordo* of for example 70, we get a set of figures, 35, 36, 47 and 52, which seems more in line with the absolute numbers. MICHAEL CRAWFORD also suggested that the figure of <50> in chs. 75, 97 and 126 was used deliberately, in which case we might expect it to be different from <half the decurions>, which appears in ch. 125.²⁴ Compared with the quorum prescribed by the Flavian municipal laws, the proportions indicated by the absolute figures also seem remarkably low, if in fact referring to *ordines* of 100 decurions. In these *leges* we never find quorum below half of the decurions, and the most commonly prescribed requirement was an attendance of two-thirds or three-quarters of the membership.²⁵ There may thus be some indications that the *ordines* which the Roman authorities and the compiler of the *Lex Ursonensis* had in mind did not number 100 decurions, but were considerably smaller.

Tymandus in Pisidia received a council of 50 members (ILS 6090), while Antoninus Pius established an *ordo* of 80 in a town in the Strymon Valley in Macedonia.²⁶ According to Tacitus, Hist. 5.19, the *ordo* of Trier had 130 members. The great variety of council sizes, which was possible in the Roman empire, is also indicated by the donation of only HS 4,000 for a foundation in

that the number of councillors in the new colony was expected to rise until it reached the magical figure of 100. The theory must be rejected, however. The *lex* gives no indication that the number was intended – or even allowed – to rise above the statutory 63. The text explicitly states that: . . . *quibus adiectis ad numerum decurionum conscriptorumve in eo municipio decuriones conscriptive futuri sint LXIII*.

²³ Text and commentary in M.H. CRAWFORD (ed.), *Roman Statutes*, London 1994, 393–454.

²⁴ CRAWFORD, *ibid.* 399.

²⁵ See GONZALES l.c. (n. 22). Quorum of half the decurions feature in chs. 31, 61, 62, 79, A; two-thirds: chs. 29, 31, 72, D, G; three-quarters: chs. 79, 83. In chs. 77 and 78 a majority of those present is simply prescribed.

²⁶ SEG 14, 1957, no. 479. Cf. IG Bulg IV 2263.

the African town of Gor.²⁷ The funds were intended to provide for a annual dinner for the decurions, as well as public boxing displays and an oil distribution, which clearly suggests that the *ordo* was quite small.

It would appear from this discussion that 100 may not have been a typical, let alone fixed, number of decurions. The exceptions to the rule are too numerous and the supporting evidence too ambiguous for this theory to be accepted without reservations. A standardised system of councils assumes a high degree of administrative uniformity, of which we find few traces in the Italian administrations. Moreover, if Rome did have particular preferences on this issue, her inclinations might well have gone in the direction of smaller *ordines* which contained fewer non-magisterial decurions and thus were closer to the structure of the republican senate.

II

The question of council sizes in Italy may also be approached from a slightly different angle, shifting the focus from the total numbers to the composition of the body of town councillors as documented in the epigraphic sources from Italy. The aim is to assess the proportion of decurions admitted without previous office-holding, a figure directly reflecting the overall size of the *ordines*.

The starting-point is Pompeii, which will be used as a test case and dealt with in some detail. The Pompeian material features a great variety of different types of inscriptions, some of which are not relevant for our purpose. Thus, inscriptions in which the magistrates appear in an official capacity or as candidates have not been considered. Other types, honorary and dedicatory, may have been socially biased in favour of higher-ranking decurions. The inscriptions best suited for this investigation are the funerary commemorations, which have yielded a relatively large sample of decurions. Altogether 25 Pompeians are recorded as magistrates and decurions in funerary sources.²⁸ Two of these

²⁷ DUNCAN-JONES l.c. (n. 2) 103 no. 267, and 284, at an interest rate of 5% or 6% it would create an annual sum of HS 200 or 240. The suggestion that the *ordo* of Sufes in Byzacena counted 100 decurions, (DUNCAN-JONES, *ibid.*) is purely hypothetical. Only the size of the foundation is known, HS 50,000, while both the interest rate of 6% and the *sportula* rate of HS 30 are conjectures. Moreover, the number of recipients of curial donations cannot have been identical with the number of full decurions, as argued above.

²⁸ Republican: L. Caesius C.f., Un impegno per Pompei II: Fotopiano e documentazione della Necropoli di Porta Nocera, Milan 1983, OS 29; C. Tillius C.f. Rufus, Un impegno per Pompei 17 OS. Augustan/Julio-Claudian: M. Alleius Libella, M. Alleius Luccius Libella, X 1036; M. Alleius Q.f. Minius, Ephemeris Epigraphica 8, 1899, 318; Atullius C.f. Bassus, H. MOURITSEN, Elections, Magistrates and Municipal Elite, Rome 1988, 99; L. Ceius L.f. Labeo, X 1037; L. Cellius L.f., Un impegno per Pompei 4 EN;

were *decuriones adlecti*, AE 1994 395 and 398, dating to Claudian and Flavian (?) times. Both decurions, belonging to the same prominent family, had been admitted *gratis* to the *ordo* while they were still well below curial age. One was only eight years old when he was adlected, while the other received this honour sometime before he died at the age of thirteen.

In two Pompeian inscriptions the deceased are commemorated simply as decurions and do not appear to have held office. However, a closer look at these cases suggests that they may not have been full members of the council. In X 1036 (Tiberian), M. Alleius Libella is mentioned as *decurio* alongside his father M. Alleius Luccius Libella, a former aedile, *duovir*, *praefectus* and *quinquennalis*. The title used, *decurio*, his noble background and not least his age – he was only seventeen – strongly suggest that he was not a *pedaneus* but a *praetextatus*. MARC KLEIJWEGT has recently included Libella in a list of presumed under-age councillors, a category to which he ascribes considerable importance in imperial *ordines*.²⁹ Although the existence of child decurions is itself indisputable, their identification may not be as straightforward as KLEIJWEGT assumed. Two important points of terminology have been overlooked; firstly, that the *praetextati* officially carried the title of decurions, as demonstrated by the *album* from Canusium, where they are included under the heading: *nomina decurionum in aere incidenda*; secondly, that the title *praetextatus* does not appear to have been used to indicate the status of the deceased in funerary inscriptions.³⁰ In other words, young nobles who died in this position were commemorated as *decuriones* – quite rightly so. Their special status could be further explained by adding information about the age of the deceased. But that was probably optional – and in Alleius' case his early entry into the *ordo* may have been considered particularly noteworthy; other *praetextati* may have been older when they were first admitted to the *ordo*.

In X 1074e (Augustan), L. Cellius L.f. Calvos is mentioned as *decurio Pompeis*. But here too there is a possibility that he may have been a *praetextatus*. His father is likely to have been the early Augustan *duovir* L. Cellius, *tribunus militum*

L. Cellius L.f. Calvos, X 1074a; A. Clodius A.f. Flaccus, X 1074d; Cn. Clovatus Cn.f., X 1065; N. Herennius N.f. Celsus, NSc 1910 390; M. Herennius A.f. Epidianus, Un impegno per Pompei 11 ES; D. Lucretius Valens (?), AE 1994 398; L. Piricatus L.f., NSc 1900 270; P. Sextilius P.f. Rufus, X 1273; L. Tillius C.f., Un Impegno per Pompei 17 OS; A. Umbricius A.f. Scaurus, X 1024; A. Veius, X 996; C. Vibius N.f. Figulus, MOURITSEN, l.c. 103. After c. AD 50: D. Lucretius D.f. Iustus, AE 1994 395; M. Obellius Firmus, Cron. Pomp. 2, 1976, 246; T. Terentius T.f. Felix, X 1019; C. Veranius Q.f. Rufus, A.D'AMBROSIO – S.DE CARO, Römische Gräberstraßen, Munich 1987, FN 3; C. Vestorius Priscus, NSc 1910 402.

²⁹ M. KLEIJWEGT l.c. (n. 3) 318, 320.

³⁰ The adjective is used in IX 4208 and XIV 4649, to indicate the age of the honourees at the time when they made their first public donations.

a populo,³¹ and he himself was commemorated next to A. Clodius Flaccus, three times *duovir* and *tribunus militum a populo*, and three of his other relatives.³² Presumably married to Clodius' daughter who put up the inscription *sibi et suis*, L. Cellius Calvos may have been included in the Clodian family burial because an early death prevented him from leaving any adult heirs. The combination of his noble ancestry and relations and his probable youth suggests that most likely he was also a *praetextatus*.

In sum, the Pompeian evidence provides only two certain examples of non-magisterial decurions, which represent 8 per cent of the decurions documented in funerary sources.³³ Not only is this figure considerably smaller than the proportion of *pedani* in the *ordo* of Canusium, but the status of the Pompeian *adlecti* also appears to have been quite different. Not simply filling the lower ranks of the council, they were juvenile members of the local nobility who had exceptionally been admitted to the curial order and clearly were destined for brilliant magisterial careers.

Although the Pompeian evidence provides one of the largest single collections of documents from a well-defined, fairly short period, the total figures remain relatively small. The representativity of the Pompeian findings must therefore be tested against a larger sample of Italian inscriptions, and for this purpose the corpus of inscriptions from Bruttium, Lucania, Campania, and Latium Adiectum, published in CIL X, has been chosen. This material obviously covers a much wider timespan than the Pompeian sources, but that should not affect the relative proportion of non-magisterial decurions in the sample. Here, too, inscriptions featuring magistrates in their official capacity have been excluded, leaving honorific inscriptions, funerary inscriptions and private dedications. Altogether 264 magistrates are attested in these types of inscriptions, and the corresponding number of non-magistrates is 18,–6.3 per cent of all the known councillors. Since honorific and dedicatory inscriptions might favour wealthier and more prestigious members of the *ordo*, we may take a separate look at the funerary inscriptions. Here the figures for magisterial and

³¹ Un impegno per Pompei 4 EN, cf. S. DEMOUGIN, *Prosopographie des chevaliers romains julio-claudiens*, Rome 1992, 141 f.

³² Cf. DEMOUGIN *ibid.* 100.

³³ The dedicatory inscription X 846 records the adlection of N. Popidius N.f. Celsinus. Despite his tender age of six he was admitted to the *ordo* in recognition of his restoration of the Isis temple after the earthquake in AD 62. Two more Pompeians are recorded as *decurio*; Pliny, HN 2.137, mentions an M. Herennius, *decurio* in Pompeii, who was struck by a lightning around 63 BC. Obviously, this merely refers to his status as council member when he died; he may in fact have been identical with the magisterial candidate in IV 48. The same probably holds true of the *decurio* M. Lucretius, who appears in the painted inscription IV 879; its function is unknown, but being an unofficial and ephemeral notice it need not have recorded his entire career, merely his position at the time of writing.

non-magisterial decurions are 156 and 15, respectively, the latter representing 8.7 per cent of the sample.

These figures from Pompeii and central and southern Italy cast doubt upon the existence of large numbers of non-magisterial decurions in the local councils. Their scarcity in the epigraphic record can hardly be explained away by economic factors, i.e. that their more limited resources prevented them from leaving behind any epigraphic testimony. By qualifying for the *census decurionalis*, as they obviously did when entering the *ordo*, the non-magistrates could easily have afforded to put up a funerary inscription, which would preserve their name and achievement for posterity – as many members of less fortunate families did in the second century AD. The only way of explaining their virtual invisibility is to assume that they had not remained in this position but advanced to a higher status within the *ordo*, becoming *aedilicii*, *duoviralicii* or *quinquennialicii* before they died. However, as recently shown in WILLEM JONGMAN's study of Pompeii, that explanation runs into insuperable practical difficulties – as well as numerous problems of a more historical and epigraphical nature.³⁴ Basic demographic factors meant that the *pedani* would have been unreasonably old before obtaining an office and advancing to the higher echelons of the *ordo*. Apart from the inherent absurdity of this scenario, it also implies that many of them would have died before reaching magisterial rank – and would thus have featured in our sources simply as *decuriones adlecti*. Moreover, the magisterial elections in Pompeii do not appear to have been regulated by the *ordo*; nor is there any indication in the plentiful material from the electoral campaigns that some – or all – of the candidates were already members of the *ordo*.³⁵

The epigraphic material from Pompeii and other Italian towns suggests that here the non-magisterial decurions were a much rarer species than in third century Canusium. The contrast between the figures is even more striking when we consider that two factors may have reduced the number of *pedani* in Canusium. Thus, the four *adlecti inter quinquennales* may not have held any magistracy; it was perfectly possible to enroll new decurions directly into high magisterial rank.³⁶ The existence of the quaestorate in Canusium may also have

³⁴ JONGMAN l.c. (n. 3) 324f.

³⁵ J. L. FRANKLIN, Pompeii: The Electoral Programmata, Campaigns and Politics, A.D. 71–79, PMAAR 28, Rome 1980, and JONGMAN l.c. (n. 3) 311ff., have tried to demonstrate such curial control. However, at the base of this theory lies the list of candidates, established by FRANKLIN, which shows only two annual candidates for the duovirate. These «fasti» are invalidated by evidence ignored by FRANKLIN or since published in C. GIORDANO and A. CASALE, Iscrizioni pompeiane inedite scoperte tra gli anni 1954–1978, Atti Acc. Pont. 39, 1990, 273–378, esp. no. 4, 8/9, 11. Cf. MOURITSEN l.c. (n. 28) 37ff., and id., A note on Pompeian epigraphy and social structure, C & M 41, 1990, 143f.

³⁶ Cf. SILVESTRINI l.c. (n. 3) 596, R. DUNCAN-JONES, Structure and Scale in the Roman Economy, Cambridge 1990, 24.

affected the proportion of *pedani* in the *ordo*. The position of this office is uncertain; it may not have been a fixed part of the *cursus honorum*.³⁷ The implication is that more than two ex-magistrates might occasionally have entered the *ordo* in a given year. In towns where the quaestorate was absent, the number of non-magisterial decurions could therefore have been even larger. The 32 *pedani* found in the Canusine *album* should therefore be treated as an absolute minimum proportion of non-magisterial decurions in an *ordo* of 100.³⁸

The non-magisterial decurions were not only rarer than the Canusine *pedani*, they also seem to be a more heterogeneous group. Unlike the Canusine *pedani* several of the non-magisterial decurions from other Italian towns belonged to the higher echelons of the elite. The Latin inscriptions published in CIL IX and X yield a sample of 46 decurions who had held no local office.³⁹ Six of these are likely to have been *praetextati*; aged between 16 and 25 they are commemorated simply as *decuriones*.⁴⁰ Of the remaining 40 decurions 17 do not fit the picture of low-ranking *pedani*. They include Roman knights, decurions who held seats in several town councils within a region, and children and adolescents admitted to full membership.⁴¹ These councillors were clearly not humble newcomers; their membership would have been an honorary sinecure, involving prestige and privileges but presumably no expectation of regular

³⁷ Cf. JACQUES l.c. (n. 2) 466 ff.; cf. F. GRELLÉ, *Labeo* 26, 1980, 330 ff. M. SILVESTRI l.c. (n. 3) 596, also notes that the number of quaestors is unknown; there may not have been two of them.

³⁸ This may affect the demographic conclusions to be drawn from the Canusine *album*, cf. the discussion in SILVESTRI l.c. (n. 3) 595 ff.; DUNCAN-JONES l.c. (n. 36) 93 ff.; T.G. PARKIN, *Demography and Roman Society*, Baltimore – London 1992, 137 f.

³⁹ IX 24 add. (Lupiae); 1159, 1166, 1170, 1425 (Aeclanum); 1462 (Ligures Baebiani); 1604, 1617, 1638, 1639, 1642, 1653, 1654, 1659, 1662 (Beneventum); 2223, 2224 (Telesia); 2858 (Histonium); 3023 (Teate Marrucinatorum); 3088, 3093 (Sulmo); 3355, 3356 (Pinna); 3573 (Pagus Fificulanus); 3687 (Marsi Marruvium); 3843 (Marsi Antinum); 5542 (Urbs Salvia and Tollentum); 5560 (Urbs Salvia); X 410 (Volcei); 1132 (Abellinum); 1273bis, 1282 (Nola), 1449 (Nuceria); 1804, 1807, 1827 (Puteoli); 3342a (Misenum and Teanum (?)); 3674, 3679 (Misenum); 3735 (Abella and Puteoli (?)); 3919 (Cales); 4760 (Suessa); 5662 (Frusino); 8215 (Misenum?). In X 1271 the decurion apparently owed his position to *benefic(ia) dei Caesaris*, cf. MOMMSEN l.c. (n. 1) 2,712. The inscriptions can generally be located in the period between the late first century and early third century AD. The exceptions are IX 1638; X 1273, 1449, 1804, 1807, which date to the first century AD.

⁴⁰ IX 1425, 1638, 2223, 2224, 3687, 3843. This identification is supported by the complete absence of *praetextati* in the corpus of funerary inscriptions. Relatives commemorating deceased *praetextati* would therefore either have omitted any reference to their status in the *ordo* or – more likely – have used the title *decurio*, which they rightly carried, cf. above p. 239.

⁴¹ IX 24 add., 1166, 3356, 3573, 5542; X 410, 1132, 1273, 1449, 1804, 1827, 3342a, 3674, 3679, 3735, 4760, 8215.

attendance. Some of them entered directly into the ranks of ex-magistrates,⁴² while others accepted *munera* and *honores* at a later stage. Thus, Veratius A.f. Severianus, *eques Romanus* and *curator r.p.* for Tegianum, was adlected to the *ordo* of Cumae, where he later held *honorem aedilitatis* and *honorem duumviratus*, X 3704.⁴³ The under-age members recorded in funerary inscriptions would presumably have advanced to magisterial rank if an early death had not cut short their careers.⁴⁴ The social status of the remaining non-magisterial decurions cannot be determined, their inscriptions containing no distinctive features apart from the decurionate.

The survey has thus revealed a curious combination of honorary members, partly regional notables, partly the young sons of local grandees, and low ranking decurions, all sharing the same status as non-magisterial decurions. The mixed category of non-magisterial decurions may have been rather unstable; for some the decurionate apparently represented the limits of their social ascendance, for others adlection was merely the first step of a promising municipal career. In some cases it was a local honour bestowed on a regional notable. The relative proportions of these types within a given council cannot be estimated with any certainty. There may have been considerable local variations, and the various types may not even have co-existed; they may be the product of changes in the composition and structure of the *ordines*. A typical council cannot be extracted from a material accumulated over several centuries from towns differing in both size and character.

Still, some overall patterns do seem to emerge. Generally the councils appear to have been smaller than 100. Some may even have been considerably smaller; clearly these councils would have been organised along lines different from those applied to the majority of councils, for whom the senate of republican Rome may have provided a rough blueprint. Most councils included some non-magisterial members; for while the entry to the *ordo* was constant, determined by number of junior magistrates, the vacancies were entirely unpredictable, regulated as they were only by the incidence of death. Therefore, to keep the statutory total of decurions it was necessary to have a group of additional non-magisterial members to act as a buffer for vagaries in the mortality rate. Their numbers defy any exact estimate, although the funerary evidence suggests that on average they did not exceed 10 per cent of the total membership. Within this limited group we distinguish at least two types of decurions, socially representing opposite extremes of the elite.

⁴² X 1132, 8215.

⁴³ Cf. X 1576, 3736.

⁴⁴ IX 24 add. (12 years old), 1166 (infans), 3356 (4 years when adlected), 3573 (4 years), X 3679 (5 years). In X 410 and 1804 the decurions are 24 and 17 respectively, thus falling within the age limits of *praetextati*. They are, however, explicitly mentioned as *adlecti*, the technical term for admission of full members.

III

This conclusion naturally brings us back to the *ordo* of Canusium, where the large group of *pedani* calls for an explanation. Was this a unique phenomenon? Where was the structure derived from? What purpose did it serve? Those are some of the questions raised by these findings.

There is some evidence to suggest that other Italian councils may have contained exceptionally large numbers of non-magisterial decurions. Beneventum thus provides more than two-fifths of all the non-magisterial decurions featured in CIL IX. Altogether 33 Beneventan decurions are documented in funerary inscriptions; 11 of these were commemorated simply as *decuriones*, though one of them was probably a *praetextatus*.⁴⁵ Likewise in Puteoli, for which an *ordo* of at least 92 full members is documented, decurions without magisterial experience make up a considerable proportion of the (very few) decurions attested in the funerary sources.⁴⁶ Similarly in Ostia where no less than 22 of the 41 decurions documented in epitaphs had held no local office.⁴⁷

The figures from Ostia, Puteoli and Beneventum indicate that the proportion of non-magisterial decurions was higher here than in Pompeii and other Italian towns, which in turn would suggest larger *ordines* in these towns. The difference in council sizes may have been an original feature of the Roman administrations established during the Republic; by creating both large and small *ordines*, Rome might have adjusted the number of decurions to the size of the town. That explanation, however, is confronted by the apparent lack of republican models for a large council structure. The problem is highlighted by the case of Canusium, where the first Roman constitution was drawn up after the Social War.⁴⁸ If the structure revealed in the Severan *album* went back to the early first century BC, Rome would not only have imposed a council struc-

⁴⁵ Magistrates: IX 1547, 1614, 1615, 1622, 1632, 1634, 1635, 1637, 1640, 1644, 1646, 1647, 1648, 1649, 1651, 1655, 1657, 1658, 1661, 2240, AE 1968 126, 1981 239; decurions: IX 1604, 1617, 1638, 1639, 1642, 1653, 1654, 1659, 1662, AE 1968 125, 1981 238. The *decurio* in IX 1638 was only 19 when he died.

⁴⁶ See J. H. D'ARMS, Puteoli in the Second Century of the Roman Empire: a Social and Economic Study, JRS 64, 1974, 104–24, 122ff. Magistrates: X 1685, 1725, 1796, 1799, 1806, 1810; decurions: VI 1944, X 1804, 1807, 1827, 3735.

⁴⁷ On Ostia see in general R. MEIGGS, Roman Ostia, Oxford ²1973, 512ff. Magistrates are found in XIV 294, 298, 323, 332, 335, 354, 409, 412, 415, 426, 4622, 4653, 4710, 5376, NSc 1953 no. 49, AE 1988 181, 201; decurions in XIV 292, 294, 321, 341, 378, 411, 414, 435, 4143, 4623, 4625, 4632, NSc 1953 nos. 57, 58, AE 1986 113, 1987 204, 1988 182, 183, 184, 208. More decurions feature in non-funerary sources: XIV 5, 374, 390, 431, AE 1988 212.

⁴⁸ For the Canusine *municipium* see F. GRELLE, Canosa. Le istituzioni, la società, in: L'Italia: insediamenti e forme economiche, ed. A. GIARDINA – A. SCHIAVONE, Bari 1981, 181–225, 206ff.

ture based on principles diverging from her own; she would also have applied a system different from that of most other newly enfranchised communities in Italy. Moreover, Canusium does not appear to have been a particularly large town, and as late as 105 BC the important port of Puteoli probably still had an *ordo* which was substantially smaller. Obviously the earliest Roman colony in Ostia did not have 100 decurions.

The large councils may therefore have been the result of a later expansion of some *ordines* – rather than an original feature of the Roman administrations. However odd the idea of Canusium being a late, localised development might seem, it may deserve more serious consideration. For the fact is that all the evidence for large councils is remarkably late. The *album* from Canusium dates from AD 223, and the record of 92 councillors convening in Puteoli comes from the late second century AD. In Ostia the distribution to 110 curial recipients took place sometime after the death of Hadrian, and the many Ostian *adlecti* are also fairly late, although that to some extent reflects the overall dating of the epigraphic sources from that town.⁴⁹

The size of town councils was fixed in the statutes, but enlargements may have been easily obtainable. Pliny mentions such petitions from cities in Bithynia.⁵⁰ Puteoli had its *ordo* greatly expanded between 105 BC, when 20 decurions were needed to approve a building contract (X 1781), and the late second century AD, when 92 councillors are reported having attended a meeting (X 1783). Likewise, in Tymandus in Pisidia, the number of decurions appears to have been expected to grow with the community,⁵¹ and in Macedonia the afore-mentioned town in the Strymon Valley had the membership of its *ordo* expanded by imperial permission. Clearly such changes were not considered exceptional.⁵²

An important indication that the large group of non-magisterial decurions may not have been an original feature of the Canusine *ordo* is provided by the terminology used in the *album*. Here the non-magisterial decurions are listed under the heading of *pedani*, and until recently this title has been considered

⁴⁹ Late first century or early second: XIV 292, AE 1988 182, 184; second and early third century: XIV 294, 314, 340, 341, 374, 414, 431, 435, 4625, 4632, NSc 1953 294f. nos. 57, 58, 60, AE 1987 204, 1988 207. For the composition of sources on the Ostian *ordo* see H. MOURITSEN, *Mobility and social change in Italian towns during the principate*, in: *Roman Urbanism. Beyond the Consumer City*, ed. H.M. PARKINS, London 1997, 59–82.

⁵⁰ Pliny, Ep. 10.39.5 and 10.112, cf. A.N. SHERWIN-WHITE, *The Letters of Pliny: A Historical and Social Commentary*, Oxford 1966, 721.

⁵¹ ILS 6090, 11, 34ff., cf. ABBOTT – JOHNSON, l.c. (n. 2) 489; NICOLS l.c. (n. 13) 717.

⁵² Cf. P. GARNSEY, *Honorarium decurionatus*, *Historia* 20, 1971, 312. See also M. KLEIJWEGT, *The Salii from Amiternum and the role of the praetextati in municipal councils*, *Historia* 42, 1993, 110–17.

uncontroversial. According to the ancient sources it was derived from *pedarius*, supposedly the name used for non-magisterial members of the republican senate in Rome.⁵³ However, in her careful study of the Roman senate M. BONNEFOND-COUDRY has shown that not only did the Republican senate not contain any group comparable to the Canusine *pedani*, but the label itself, or rather its proper form *pedarii*, was applied to a much wider group of senators.⁵⁴ Originally the term appears to have been used satirically about lower senators who rarely participated in the debates and merely voted in the divisions.⁵⁵ It was not until the principate that it became a more neutral, technical term applying to the lower senators below the level of *praetorii*.⁵⁶ Even then it was not a direct equivalent of the Canusine *pedani*, who had held no office at all. Therefore, by accepting the traditional view of municipal *pedani*, BONNEFOND-COUDRY ends up with an insuperable paradox: a municipal category of apparently Roman origins which did not correspond to the reality or ideals of republican Rome and carried a name that did not become a technical term until centuries later.⁵⁷ It seems a safe assumption that the name was a late innovation within the municipal sphere, and although a pre-existing type of decurion may have been renamed at a later stage, the coincidence between lack of terminological and historical parallels may suggest that real changes took place in the second or third centuries AD.

Though non-magisterial councillors had always existed, they had probably never formed a distinct, stable or homogeneous group within the councils. Some of them were honorary decurions, occasionally enrolled directly among the ex-magistrates as *adlecti inter quaestorios, aedilicios*, etc.⁵⁸ Others, adlected before the official age-limit, may soon have advanced to such rank through subsequent office-holding.⁵⁹ As long as the *adlecti* remained a small and heterogeneous group with constantly changing membership, there was little need for a special terminology; and a collective label like *pedanus* would often have been quite inappropriate considering the high status of some adlected decurions.

⁵³ See above note 4.

⁵⁴ BONNEFOND-COUDRY l.c. (n. 9) 655 ff., concluding that: aucune des définitions d'ordre juridique avancées ou suggérées par les textes anciens n'est satisfaisante; on ne peut identifier les *pedarii* de la fin de la République ni avec les sénateurs inscrits sans avoir géré de magistrature, ni avec les sénateurs non curules, ni avec les magistrats sortis de charge depuis la dernière *lectio* et attendant la suivante pour être inscrits comme sénateurs, 665. For the traditional view see L. R. TAYLOR – R. T. SCOTT, Seating space in the Roman senate and the *senatores pedarii*, TAPhA 100, 1969, 548 ff.

⁵⁵ Cf. Gellius 3.18.5, and 3.18.9, referring to Varro and Laberius, Festus 232 L quoting Lucilius.

⁵⁶ Cf. Tac. Ann. 3.65.2; Front. De aq. 99.4.

⁵⁷ BONNEFOND-COUDRY, l.c. (n. 9) 658.

⁵⁸ Cf. the examples given in GARNSEY, l.c. (n. 52) 317 n. 36.

⁵⁹ Cf. GARNSEY, *ibid.* n. 35.

Such terminology became relevant and possible only after they had become a large and relatively stable element of the councils.

No existing Latin term described the particular type of councillor without magisterial background. When this group developed on a municipal level, a term was naturally sought in the administrative vocabulary from Rome. And here *pedarius* came closest in meaning, although it did not refer specifically to non-magisterial members but to low-ranking senators in general. What mattered most, therefore, seems to have been the common (low) social status of the Canusine *pedani* rather than the particular aspect of office-holding; the usefulness of *pedanus* lay in offering a name for a status category placed at the bottom of the council hierarchy.⁶⁰

The terminology itself may thus lend some support for the low social position, which has been ascribed to the *pedani* on the basis of prosopography. From that perspective they appear as a fairly uniform, socially inferior group with limited prospect of advancing within the ranks of the council. Therefore, what may have happened in Canusium, and perhaps elsewhere, seems to be an expansion of the lowest stratum of the *ordo*, which left the general structure of the *ordo* untouched.⁶¹

IV

Finally, we may attempt to locate curial expansions of this type within a wider socio-political context of the high empire. In this period public life in the Italian towns appears to have been characterised by two important processes: the end of popular politics and the growing economic burdens of public honours.

The introduction of large groups of *pedani* may have been (indirectly) linked to the end of effective general elections; presumably it could not have preceded this development. Originally the appointment of magistrates had been the preserve of the assembly, and even in the first century AD the local elections might still be crucial events to the local elites. Thus the Pompeian evidence suggests the existence of a complex electoral process, which involved clientelism and social control, public munificence, electoral canvassing, and the forming of alliances within the elite. The chances of a young noble succeeding

⁶⁰ The separation of honorary members and low-ranking non-magistrates, necessitated by the development of the latter group, may have been provided in Canusium by the parallel systems of adlection into the *pedani* group and into the *quinquennalicii*.

⁶¹ In Ostia, Puteoli and Beneventum the majority of *adlecti* can on the basis of *cognomina*, *tribus* and familial links be identified as descendants of freedmen. Thus in Ostia XIV 5, 292, 294, 314, 321, 341 bis, 378, 390, 411, 431, 4625, 4632, AE 1987 204, 1988 182, 184, representing 68% of the *adlecti*. Puteoli: VI 1944, X 1804, 1807, ILS 2748, AE 1976 140, leaving only X 1808. In Beneventum, where many of the inscriptions are fragmentary: IX 1638, 1654, AE 1981 238, can be thus identified.

his father into the curial order depended on the successful playing of all these cards. For although the elite's overall control over the electorate is beyond doubt, the competing influences meant that the outcome was not a foregone conclusion; even members of curial families might fail at their first attempt to get elected.⁶² A system of this type had no place for large numbers of *pedani*, who would undermine the rules of political competition. The introduction of a whole group of decurions admitted without a popular 'mandate' would have brought into question the cumbersome and unmanageable 'democratic' way of regulating elite competition. Their existence would have implied a two-tier system, offering alternative ways to power and prestige: one involving the entire electorate and another merely depending on support from parts of the *ordo*. Costly, complicated and essentially unpredictable, the former would seem to work solely on the premise of being the only accepted channel leading to membership of the official ruling class.

It is commonly assumed that this system of appointing magistrates had disappeared by the later empire, when popular approval had become a mere formality and magistrates were nominated directly by the council.⁶³ The chronology of this shift is uncertain and many details remain nebulous. Generally, however, it has been placed during the second century AD. From a system based on general elections, involving broad sections of the population, local politics became internalised within the *ordo* and the 'democratic' element largely was eliminated. The result was a change in the rules of the political game, creating new potentials for structural change in the curial body; with the decurionate no longer linked to office-holding, an increase of their numbers would present no threat to the established power-structure.

This transformation of the political process may have coincided with incipient economic changes which put increasing financial pressure on the holders of public honours. To meet the growing expenses of running the towns, the *munera publica* became steadily more elaborate and oppressive during the second century.⁶⁴

⁶² Electoral defeats obviously leave little trace, but the few instances thus ascertained also feature members of the established elite, e.g. Cn. Helvius Sabinus, probably the son of L. Helvius Blaesus Proculus, *duovir* in AD 52, who had to run several times for the aedileship in the 70's, cf. MOURITSEN l.c. (n. 28) 40f.

⁶³ LIEBENAM l.c. (n. 2) 271, 479; LANGHAMMER, Die rechtliche und soziale Stellung der Magistratus Municipales und der Decuriones, 1973, 46ff. JACQUES l.c. (n. 2) tried to upgrade the role of the people, but the attempt was not entirely successful; the later references to popular involvement in the election appear to be little more than rhetorical convention.

⁶⁴ Cf. LANGHAMMER, l.c. 237ff.; L. NEESEN, Die Entwicklung der Leistungen und Ämter (*munera et honores*) im römischen Kaiserreich des zweiten bis vierten Jahrhunderts, *Historia* 30, 1981, 203–35, 229; F. VITTINGHOFF, Epilog: Zur Entwicklung der städtischen Selbstverwaltung – einige kritische Anmerkungen, in: id. (ed.), *Stadt und Herrschaft, Römische Kaiserzeit und Hohes Mittelalter*, 1982, 107–46, 128ff.

A simple method of alleviating the burden was to widen the circle of people liable to public *munera*. Already during the reign of Antoninus Pius, Tergeste had asked for permission to admit chiefs of local, not officially incorporated, tribes as members of the *ordo*, the motives clearly being economic (V 532). Likewise, in Claudiopolis in Bithynia the council immediately exploited the expansion of the *ordo*, building a new bath from the entrance fees paid by the new councillors (Pliny Ep. 10.39.5).⁶⁵ Thus, in addition to the *munera publica*, the new decurions would also contribute directly to the city coffers through the payment of *summa honoraria*, perhaps not applied universally before the early second century AD.⁶⁶ The membership of the *ordo* of the Macedonian town in the Strymon Valley was increased for the explicit purpose of maximising income from *summae honorariae* (IG Bulg. IV 2263). The economic incentives for expanding the *ordo* therefore became self-evident during the high empire. The curial families now had a manifest interest in inviting more families to share the financial responsibilities of the *ordo decurionum*.⁶⁷

The creation of more decurions would not necessarily devalue the prestige of the old curial families; the new members were given the status of *pedani* and placed at the bottom of an already stratified *ordo*. In fact, by this expansion the old nobility would be able to accommodate more of their clients into the *ordo* than had previously been possible. Thus it can also be seen as a new development in the patterns of elite competition, reflecting the process of internalisation of local politics which had paved the way for the expanded *ordo*. Freed of the constraints inherent in the old 'democratic' system of appointing magistrates, the curial families could ease their economic burdens by following a natural tendency towards expansion, fuelled by a vested interest in admitting more of their allies and clients.

In conclusion, there appears to be insufficient evidence to sustain the idea of the Canusine *album* representing a standard *ordo*. It may have been the result of a recent expansion in response to new economic pressures during the second century AD. But again this does not constitute a new typicality; far from being a general phenomenon, this was probably an option open to only a few larger Italian cities, whose economic and demographic structure permitted an enlargement of the curial order. In smaller communities the situation may have been quite different; here other strategies to counter economic difficulties

⁶⁵ Another Bithynian city, Prusa, had successfully applied for the emperor's permission to admit 100 new members to the *boule*, Dio Or. 45.7–10; 48.11.

⁶⁶ GARNSEY l.c. (n. 52) and DUNCAN-JONES l.c. (n. 36) 176ff.

⁶⁷ KLEIJWEGT l.c. (n. 3) 290f. A different, probably complementary method of relieving the economic burdens may have been to grant *ornamenta decurionalia* to persons otherwise ineligible for a decurionate. Thus M. KLEIJWEGT, *The Value of Empty Honours*, Epigraphica 54, 1992, 131–42, notes that the purpose of bestowing *ornamenta decurionalia* was to provide extra income for the public treasury, 131.

would have been attempted, like the bestowal of *ornamenta decurionalia* on persons outside the council or the appointment of additional municipal patrons with extensive economic responsibilities.

The large *ordines* in this interpretation represent a transitional phase in which the burdens of municipal administration were mounting while the prestige and privileges still managed to attract both old and new families to the *ordo*. The continued attraction of local honours is evident from the Canusine *album*, where the relatively new category of *pedani* suggests a considerable level of curial ambitions undeterred by the growing costs. The attraction of local administrative posts to the established elite is implied by the presence of 25 young nobles already awaiting full membership of the *ordo*. We may wonder, however, whether the expansion of *ordines* would not have been a temporary, perhaps even short-sighted, solution to the problems faced by the towns in the high empire. Eventually it may have contributed to the undermining of the local administrations; for while the honours system was expanded, the competition and thereby also the attraction of the posts may gradually have been reduced, creating a situation in which access to the *ordo* became so easy that the status achieved no longer justified the steadily growing expenses involved.

Appendix. The ordo of imperial Ostia: from election to adlection

While the Pompeian evidence clearly belongs to the 'democratic' phase of local politics, the bulk of the sources from imperial Ostia reflects a different system, when the *ordo* in effect had assumed the functions of the popular assembly. Already RUSSELL MEIGGS noted that by the end of the first century AD the elections had been transferred to the senate.⁶⁸ That conclusion is undoubtedly correct, although it was drawn from features which may be less conclusive than MEIGGS assumed.

In XIV 415 from the early second century L. Calpurnius Satorius is described as *d(ecurionum) decreto aedili adlecto*, while Cn. Sergius Priscus features in XIV 412 (late first century) as *ex d(ecurionum) d(ecreto) aedili adlecto*. However, since adlection to the *ordo* and an appointment to a public office are two entirely different things, these formulations are meaningless as they stand. It would make better sense to interpret *aedili* as *aedili(cio)*, indicating that they had been adlected into the ranks of *aediles*. This practice is documented in XIV 409: *aedilicio adlecto*.⁶⁹

⁶⁸ MEIGGS l.c. (n. 47) 183.

⁶⁹ This inscription underlines the fact that the recording of careers in Ostian epigraphy did not follow standardised – or even rational – rules. The early career of Cn. Sentius Felix is here given as *ad aedilicio adlecto* followed by *decurioni adlecto*, which makes little sense, suggesting as it does that he was adlected into aedilician rank before his adlection as decurion.

Thus the two inscriptions may not prove that the *ordo* directly appointed the magistrates, although the practice of adlection *inter aedilicios* would suggest that the role of the assembly had indeed changed.

In the Flavian inscription, NSc 1953 256, M. Acilius Priscus' career is given as *quaest(or) aer(ari) suffra[gi]o de[]curion(um) Ilvir*. The formulation is unique in Ostian epigraphy, and no general inferences can be drawn from it. Moreover, although Acilius obviously owed his post to a vote in the *ordo*, the formal appointment may still have taken place in the assembly. More significant may be the fact that he had already been adlected to the *ordo* before holding any of his magistracies. Such a step would radically alter the relationship between office-holding and decurionate, and a survey of the inscriptional evidence suggests that by the time of the Flavians this practice was already becoming standard procedure in Ostia.

The development cannot be traced in any great detail, though there are some chronological indicators. In the first century BC, C. Cartilius Poplicola had been elected *duovir iudicio colonorum*, i.e. through a popular vote in the assembly (Scavi di Ostia: le necropoli 169 ff.). The first references to adlection comes from the Augustan/Julio-Claudian (?) period, when the two PP. Lucilii Gamalae apparently were adlected after their aedileships, (XIV 375⁷⁰ and

⁷⁰ The first stages of the career are here recorded as *aed. sacr. Volke. | aedili d. d. allecto | gratis decurioni pontifici Ilvir censo[ri]ae pot. quinquennal*, and MEIGGS l.c. (n. 47) 558, interprets the opening *aed* as *aed(ium)*, but *aed(iu)* seems a more likely reading, cf. I² 3031a. The date of XIV 375 has generated considerable controversy. MEIGGS *ibid.* 493, argued for an Augustan date, while F. ZEVI, P. Lucilio Gamala Senior e i quattro tempietti di Ostia, MEFRA 85, 1973, 555–81, has suggested a date in the 60's BC on the basis of the reference in the inscription to the donation of four temples, and has been followed by J. KRUMMREY in CIL I² 3031a, who gives extensive bibliography. That date, however, seems extremely unlikely considering the epigraphic form and content of the inscription, which is preserved only in transcripts. Its length is several times longer than any other honorific inscription from the Roman republic. The lay-out of the text is also quite different from that found in late republican documents; the neat and regular arrangement of the lines seems to belong to a later epigraphic tradition. Moreover, there are virtually no examples of pre-classical orthography in the text, which includes several words where we would expect pre-classical spellings in this period, e.g. *pecunia*, *colonis* and *idem*. The only examples are *praxume*, *Ostiesibus*, and *abeneae*, and this scarcity of pre-classical features is brought out very effectively by a comparison with the early Augustan epitaph for C. Cartilius Poplicola (Scavi di Ostia: le necropoli 169 ff.), which is distinctly pre-classical in its layout and orthography. Moreover, XIV 375 contains several types of information for which there is no parallel in republican epigraphy. Thus, the very detailed records of Lucilii's donations, including his public dinners, and of the honours he received, in particular the various statues and the public funeral granted by the council. All are they characteristic features of later honorific inscriptions but virtually unknown in republican material. A pre-augustan date therefore seems very difficult to reconcile to the form and content of the document, which seems typical of later

MEIGGS l.c. (n. 47) 558f. no. 3). That is peculiar, since their first office would automatically have admitted them to the *ordo*, making adlection superfluous. Formally, adlection was an alternative to office-holding, not a supplement. The apparent oddity might be explained by the addition of *gratis*, which indicated that they had not paid the usual entry fee.⁷¹ The *ordo* had taken a vote and decided that the two nobles were to be admitted free of cost, and *adlectus* may be a – technically inaccurate – attempt to describe the particular procedure by which their otherwise regular entry had exceptionally been granted free of charge.

Adlection becomes important later in the first century, when it emerges as a fixed element of the Ostian *cursus honorum*. Among the earliest examples are XIV 349, perhaps dating from Julio-Claudian times, and NSc 1953 255, which may be Flavian. Here C. Fabius Agrippa and A. Egrilius Rufus are first recorded as *decuriones adlecti*, followed by a list of the aedileships, quaestorships and duovirates they had held. Thus, it seems that from the middle of the century adlection had become a standard practice in Ostia, where the local magistrates almost invariably feature as *decuriones adlecti* – or simply *decuriones* – before the mentioning of any of offices.⁷² The implication of this evidence is that from then on new magistrates were already members of the *ordo*, whose membership provided all the candidates. It follows that access to the curial class was now regulated through the process of adlection rather than election.

honorific inscriptions. Most likely the document belongs to the first half of the first century AD, in which case the disputed *bellum navale* mentioned in the text, would have been a *naumachia*, cf. most recently G. WESCH-KLEIN, *Funus Publicum*, Stuttgart 1995, 128–30.

⁷¹ While we find *grateis* in the Augustan inscription MEIGGS l.c. (n. 47) 558 no. 3, the classical spelling *gratis* was used in XIV 375, throwing further doubt on the early dating of this document.

⁷² The evidence includes XIV 201, 332, 349, 376, 409, 415, 415, 4142, 4620, 4642, 4664, 4672, 5376, NSc 1953 255, 256. Exceptions to this apparent rule are represented by XIV 400 and 401 for Q. Plotius Romanus, who held the aedileship in the first half of the second century AD, and the Antonine inscription 4622 for P. Aufidius Fortis. None of these inscriptions mentions adlection. However, since there is strong evidence that this had become standard practice, it seems unlikely that the traditional procedure would still have functioned in some cases; that would have created a peculiar double system of admission, one through the *ordo*, the other through the assembly. Moreover, as we saw, Ostian inscriptions are neither accurate nor consistent in their recordings of public careers. Thus, 4621 for P. Aufidius Fortis senior does not mention the adlection included in 4620. XIV 171 and 4452, both dating from the third century, carry no mention of adlection either, but at that point the practice of adlecting future magistrates seems to have become so well established that it may automatically have been implied in the magisterial *cursus*. In AE 1987 181, *decurio* follows after the mention of *omnibus honoribus functus*, but since the aedileship in any case would have given access to the *ordo* that is probably just an inaccuracy.

The *ordo* nominated the candidates from among its own membership, leaving the assembly as a mere rubber-stamp.⁷³

As argued above, the effective transfer of the magisterial election to the *ordo* would have opened up for an expansion of the council through the admission of additional *adlecti*, and there are signs that such a development may have taken place in Ostia. Thus, in the early second century a large number of decurions appear in the sources who held no later office. Although this does coincide with a general increase in epigraphic activity, it is striking that no *decurio adlectus* without office is known before the end of the first century, while they make up a high proportion of the notables documented later. Possibly this phenomenon reflected an expansion of the lower ranks of the *ordo*.

Paradoxically, the situation observed in Ostia seems to resemble quite closely the system which PETER GARNSEY envisaged for the *ordo* of Canusium. But here the apparent difference in the social status of the *pedani* and the *praetextati* undermined this interpretation, suggesting as it did that most magistrates were drawn directly from the latter category. That again draws attention to the position of the young nobles in the Ostian *ordo*, where there is some evidence to suggest that they may not have been separated from 'ordinary' *adlecti* in the same way as in Canusium. We find in the Ostian material a remarkably high proportion of under-age councillors, most of whom are explicitly recorded as *adlecti*.⁷⁴ Since magistrates seem to have been drawn directly from the body of councillors, we might speculate whether young nobles could have been adlected directly into the *ordo* rather than receiving the special status of *praetextati*. All nobles started their careers as *decuriones adlecti*, who were therefore not – unlike the Canusine *pedani* – a separate, low-ranking category in the council. Since it merely represented the first step on the municipal *cursus*, the status was naturally attractive to the elite, who may have pressed for the official age qualifications to be disregarded and their sons adlected as early as possible. We may therefore doubt whether the Ostian nobility perceived any need for a category of *praetextati*.

We cannot tell how common the council structure described here was in Roman Italy. There are signs that the Ostian *ordo* may have been fairly unique. Nowhere else is adlection systematically recorded as the first step of a magisterial career, and in no other place do we find quite as many under-age councillors. Ostia may perhaps represent an early experimentation with the municipal council structure, which was bound to change with the general political shift

⁷³ Later references to the assembly are exceptional and do not suggest that it was actively involved in the appointment of magistrates. XIV 376 does not refer to an ordinary office but to a *curator pecuniae publicae exigendae et attribuendae in comitiis factus*.

⁷⁴ See M. KLEIJWEGT, Young men in the council of Ostia, *Charistion C.P.T. Naudé*, Pretoria 1993, 45–61.

from assembly to *ordo*. That change probably reached Ostia earlier than most other Italian towns, certainly before it happened in Pompeii.

More than anything, Ostia may therefore serve as a reminder that the *ordines* of Italy represented a very flexible structure which allowed for a wide range of local diversity in size, internal organisation, promotion of magistrates, and recruitment of young members, but probably all following general trends towards the internalisation of politics within the *ordo* and – wherever possible – towards the expansion of the membership in order to broaden the economic base of the curial class.

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