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DIOCLETIAN AND THE DECLINE OF THE ROMAN MUNICIPALITIES

By C. E. VAN SICKLE

It has for a long time been recognized that a sharp decline in the prosperity and strength of municipal life in the Roman Empire took place during and shortly after the reign of Diocletian, and this has been attributed largely to his bureaucratic administrative system and heavy increases in taxation, with their consequent pressure upon the urban middle class—the *curiales*. Of the essential correctness of this view there can be no doubt ; and apart from possible new evidence there is little more to be said on that phase of the subject. But there are other aspects of this important problem which seem to have received less attention than they deserve. Bureaucracies and crushing taxes have not always destroyed the middle classes of the countries in which they have existed, as the case of France under the Old Régime clearly proves ; so there must be other contributory factors which helped to produce this result in the case under consideration. Some of these have been dealt with ; but one at least—the continuance under the new system of a type of internal municipal government suited only to the most prosperous period of the system which it replaced—seems to have been largely, if not entirely, ignored by investigators. Diocletian not only tried to make the *municipia* of his empire efficient agents of the central government, but in addition attempted to render them once more the energetic and prosperous organisms which they had been before the Military Anarchy ; and, as his efforts in the end contributed powerfully to produce exactly the opposite result, this portion of his work is worthy of note, if for no other reason than to serve as a warning for would-be benevolent despots in other ages.

By way of introduction a few general statements must be made for which the writer can lay no claim to originality, and to which the existence of numerous exceptions in detail must be admitted. The first is that at the close of the third century A.D. municipal government in the Empire was organized on a strictly oligarchic basis. Long before Diocletian's accession the common run of citizens had in most places yielded their legislative and electoral functions to the *curia* or its counterpart ; and the *curiae* had become close corporations, whose members enjoyed important legal and social privileges.¹

The second important factor in municipal government was the financial system, with its absence of direct taxes, and its dependence upon *octrois*, voluntary and involuntary contributions from rich

¹ Abbott and Johnson, *Mun. Adm. in the Roman Empire*, 66 and 186. Fiebigcr, P-W, s.v. 'decuriones.'

citizens (especially officials-elect), income from invested funds, and unpaid services. The involuntary contributions and unpaid services for municipal purposes were matched by a similar set of payments and services for the benefit of the Imperial government, all of which passed collectively in Roman law under the name of *munera*. Against these sources of income stood a long series of services rendered by the city to its inhabitants. It not only furnished them with water and in some cases disposed of sewage, but erected public baths, provided shows and plays, and assured them a supply of grain and oil at a low price. Through the income from endowments it might even treat part or all of the citizens to feasts at stated times each year.² Fine public buildings, paved streets, fountains, market-places, theatres, baths, aqueducts—all of these contributed to make city life incomparably brilliant and attractive; but collectively they constituted a municipal plant so expensive that only in prosperous times could the burden be borne without distress; and it has always been found easier to acquire such tastes than to curb them to meet the pinch of straitened circumstances. The lack of general taxes on the one hand, and the exemption of men of senatorial rank from municipal duties on the other, freed the very poor and the very rich from responsibility for maintaining these services, and laid the burden squarely upon the shoulders of the middle class; while even of these some were disqualified by servile birth or dishonourable calling from assuming the most weighty burdens.³

Lastly, it is necessary to recall the condition of the majority of the provincial municipalities at the time of Diocletian's accession. It has frequently been remarked that even such first-century charters as that of Malaca had to provide for a possible dearth of suitable candidates for office.⁴ This provision, however, was probably seldom invoked in the majority of provincial cities before the end of the second century. The jurists, who wrote during the reigns of the Severi, made ample provision for compelling unwilling candidates to serve, and for securing the collection of the *summa honoraria* which each person elected to office was compelled to contribute; and there is plenty of evidence that even then the *munera* had become a burden which men were glad to escape.⁵ This increasing severity probably reflects the early stages of declining prosperity and vitality caused by the calamities of the reigns of M. Aurelius and Commodus, the civil wars of Septimius Severus, and the exactions of the soldiery brought

² Abbott and Johnson, *o.c.* chapters 8 and 10.

³ Paulus, writing under Severus Alexander, first lays down the rule that only men of curial rank can hold the duumvirate or similar offices. *Dig.* I, 2, 7. The *Lex Visellia*, passed under Tiberius, disqualified freedmen from curial offices unless they had received the *ius aureorum anulorum*. Fiebigcr, *l.c.*, and *CJ* ix, 21, 1.

⁴ *CIL* ii, 1964, c. 51.

⁵ The first twelve titles of Book I of the *Digest* treat this subject very fully. I, 1, 1, 3-9, and 17 define *origo* and *domicilium*, legal doctrines used to fasten public burdens upon all, regardless of changes of location. I, 2, 1 enables a city to sue for the return of a fugitive decurion. I, 4, 14 provides for compulsory repetition of offices when other suitable candidates cannot be found. All of these are from the early third century.

about by the new military system inaugurated by Septimius. After the death of Severus Alexander the tempo of disaster quickened. Maximinus not only imposed ruinous fines upon individual curials, but confiscated many municipal endowments.⁶ Then came the civil wars and invasions of the Military Anarchy, which devastated (with few exceptions) the whole Empire, the plague that began under Decius and raged intermittently for nearly two decades, and the currency-inflation which wiped out any funds in the forms of cash or loans which had thus far escaped the rapacity of military usurpers. When under the Illyrian emperors a lull came in the storm, the municipal system had received a staggering blow. Gaul, Spain, the Illyrian provinces, Greece, and Asia Minor had been ravaged—in many cases more than once—and their cities for the most part sacked and destroyed. When they were rebuilt, it was with restricted areas and poor buildings. The researches of Adrien Blanchet and others have provided a striking picture of the Gallic cities as rebuilt in the late third century, their walls in many cases embodying the debris of tombs and temples, and enclosing just enough ground to serve as places of refuge in time of danger. Culture and luxury were not primary considerations with the engineers who planned these works; safety from attack absorbed almost their whole attention. At Augustodunum the inhabited area before its destruction by Tetricus had amounted to two-hundred hectares; as rebuilt by Constantius, it was only ten. That of Bordeaux had been reduced from about seventy hectares to twenty-three, and the reduction in other cases was well over half.⁷ Such changes could only have been the result of a vast diminution in population, even if proper allowance is made for possible congestion within the fortified areas. The long-continued raids of the barbarians into the Balkan peninsula had beyond doubt reduced its cities to a plight even worse than that of Gaul. Egypt had been relatively safe from invasion and civil war; but as early as A.D. 260 Alexandria seems to have lost about sixty per cent. of her earlier population; and conditions during the remainder of the century hardly favoured her recovery.⁸ Districts spared by the invaders had been ravaged by the plague and beggared by taxes and currency disorders. Attributed territories had fared as badly or worse. The importation of barbarian serfs (which became very common in the late third and fourth centuries) is eloquent testimony to the shrinkage in the peasant population, from which so much of the wealth of the cities was drawn and whose natural increase

⁶ Herodian vii, 3.

⁷ Blanchet, *Enceintes romaines de la Gaule*, 282–285; also plates i–iii and v, which illustrate the type of masonry used in rebuilding the lower courses of the Gallic city walls after the Military Anarchy. The British towns as a whole fared better than those of Gaul, but were themselves troubled by pirate-raids and civil wars. Aur. Victor, *de Caess.* xxxix, 20–21, also 39–43, *Incerti Panegyricus Constantio Caesari dictus* (in *Panegyrici Latini*, ed.

Baehrens, p. 244). On the whole subject of city walls in the third and fourth centuries, see the excellent article by R. E. M. Wheeler, 'The Roman Town-walls in Arles,' in *JRS* xvi (1926), 174–193.

⁸ Eusebius, *HE* vii, 22. The number of citizens between the ages of fourteen and eighty was less than that between the ages of forty and seventy had once been. The percentages are based upon a comparison with the U.S. Census of 1930.

swelled the numbers of the urban populations.⁹ Yet even so the centre of social gravity had shifted to the great manorial estates, where it was to remain until the thirteenth century. In the villas of their owners were to be found the wealth, culture, and political leadership of the Roman world; and these senatorial aristocrats were not subject to the ordinary burdens of municipal citizenship or interested in promoting civic welfare. In short, the trend was strongly against the continuance of the municipal system as it had previously existed, and it was fighting a losing battle for life.

Diocletian recognized the seriousness of the problem and attacked it with characteristic energy, although the available evidence does not indicate that he had a very profound understanding of the situation. Without inquiring into the underlying causes of the ruin which confronted him, he determined to effect a general restoration of civic prosperity which would recall the days of the Antonines. Places which had been destroyed or had fallen into decay were to be rebuilt, city governments were to be galvanized into life; everything was to be regulated in accordance with the principles enunciated long before by his predecessors and their servants the jurists. He continued the reconstruction of ruined cities, just as Aurelian and Probus had done. In this work defence was naturally an important objective. Where local resources were inadequate, he and his colleagues gave liberally for the work, and elsewhere they stimulated laggard communities into activity. The official panegyrists paint glowing word-pictures of ruined cities, their sites overgrown by trees and bushes and haunted by wild beasts, blossoming once more into life.¹⁰ In sober fact we know that in Gaul Constantius rebuilt Augustodunum, and that Cularo and Vitodurum were refortified; while the same reign probably witnessed the construction of the city-wall of Bordeaux, portions of which survived until modern times.¹¹ Archaeological evidence seems to indicate that many of the city walls in Gaul which had been begun during the Military Anarchy were gradually raised to greater height during the remainder of the third century and the early portion of the fourth; and hence much of this work was in progress during the reigns of Diocletian and his colleagues.¹² The same holds true of the walls of cities in other exposed portions of the Empire. Experience had proved that in a period of almost constant warfare and frequent invasion this work was more important than any other; but municipal officials did not always see it so. On at least one

⁹ For some literary evidences of this see *Incerti Panegyricus*, c. 9 (in *Pan. Lat.* ed. Baehrens viii, pp. 237-8), also *ibid.*, c. 21, and Aurelius Victor, *de Caess.* xxxix, 43.

¹⁰ Eumenius, *Pro Instaurandis Scholis*, xviii, 1 (in *Panegyrici Latini*, ed. Baehrens, p. 260).

¹¹ Julian, *Histoire de la Gaule*, vii, 88-95. For Cularo and Vitodurum, *CIL* xii, 2229 and xiii, 5149. On Bordeaux, Blanchet, *op. cit.*, 309.

¹² Blanchet (*op. cit.* 337 and plates i, ii, and v) concludes that the foundations and lower courses of many of the Gallic city walls were laid during times of danger and disorder, but that the superstructures were built in relatively peaceable times. This would mean that they were begun during the Military Anarchy and carried on during the reign of Diocletian.

occasion a provincial governor seized the funds allocated for the provision of circus games and expended them on the fortification of the city. An appeal was taken to the Emperor against this action; but he replied that protection must take precedence over pleasure.¹³ It cannot be positively affirmed that the same policy was applied to the repair of public buildings; but very probably this was the case. In Mauretania Caesariensis the town of Rapidum, destroyed many years before by invading tribesmen, was rebuilt and fortified by Ulpius Apollonius, governor of the province.¹⁴ The great cities of the Empire—Rome, Carthage, Milan, and Nicomedia—were adorned with buildings of various kinds.¹⁵ This is undoubtedly an incomplete list. As to individual buildings repaired in smaller places either at imperial expense or with the encouragement of provincial governors, the African inscriptions furnish a considerable number of examples; and if fuller evidence were available from other regions we should probably find a very similar story there.¹⁶ Lactantius makes Diocletian's activity as a builder one of the counts in his indictment.¹⁷

But political institutions demanded and received fully as much attention as did material reconstruction in this campaign of municipal rehabilitation. Every city had its *lex civitatis*, or charter, which defined its privileges and determined its form of government. For these Diocletian showed unfailing respect. He headed a rescript upon the incidence of the *munera* with the words: 'Unless the particular privilege of the city prevents,'¹⁸ and directed that a law-suit regarding the ownership of a piece of ground confiscated by a city be decided in accordance with the terms of its charter.¹⁹ He reserved for the municipal *curiae* the right to designate the persons in each of the learned professions who were to receive immunity from public burdens according to the law of Antoninus Pius.²⁰ On the other hand, decrees of the decurions which set aside imperial laws were declared null and void;²¹ and claims set up by city-governments to the goods of persons dying without heirs were to be disregarded.²² In these decisions we see Diocletian not as an innovator, but as a conservative, whose municipal policy was thoroughly in line with those of his predecessors in the second century.

To carry out such a policy meant the undoing of a considerable amount of readjustment and adaptation to existing circumstances which the city governments had been quietly carrying on during the half-century preceding Diocletian's accession, for which the disorders of the Military Anarchy had provided both a cause and an opportunity. The *Lex Visellia*, which barred freedmen from the attainment of

¹³ *CJ* xi, 42, 1.

¹⁴ *Eph. Ep.* v, 946=ILS 638.

¹⁵ Aurelius Victor, *de Caess.* xxxix, 45.

¹⁶ See the present writer's 'The Public Works of Africa in the Reign of Diocletian' in *Cl. Phil.* xxv (1930), 173-179.

¹⁷ *de mort. pers.* c. 7.

¹⁸ *CJ* x, 40, 6: 'privilegio speciali civitatis non interveniente.'

¹⁹ *Ibid.* xi, 30, 4: 'si secundum legem civitatis—'

²⁰ *Ibid.* x, 53, 5.

²¹ *Ibid.* x, 47, 1-2.

²² *Ibid.* x, 10, 1. This was likewise the rule under the Severi. Callistratus in *Dig.* xlix, 1.

curial rank except when they had obtained the *ius aureorum anulorum*, had been enacted in the principate of Tiberius, and rested upon the assumption that the criterion of fitness for municipal office was personal ability and integrity. In Diocletian's day this had ceased to be true: for so burdensome had these once-honourable distinctions become that only ability to meet the necessary expenditure was really considered,²³ and the old law must have appeared unreasonable and unjust to sorely-burdened curials who but for it might have compelled wealthy freedmen to accept some of the most expensive posts.²⁴ In fact this restriction had broken down during the reigns just preceding that of Diocletian, and freedmen had become members of certain municipal senates. When the matter was brought to the Emperor's notice he resurrected and enforced the *Lex Visellia*, prescribing severe penalties for those who attempted to evade it.²⁵ Even slaves seem at times to have usurped free status and secured election to the none-too-desirable curial offices. Such a step would tend to defeat unpleasant inquiries about their legal standing; and the fact that they succeeded proves that, apart from their rightful owners, few persons were interested in thwarting them. It scarcely needs to be said that Diocletian ordered the offenders to be restored to slavery and punished for their presumption, with indulgence for those whose action had been the result of honest uncertainty as to their rights.²⁶

A scanty but highly significant body of evidence points to another trend of the times—the abandonment by municipal governments of offices and functions which were burdensome and not indispensable. This process of simplification, which in the nature of the case would be haphazard and uneven because it was everywhere extra-legal, undoubtedly had as its aim the reduction of the weight of the governmental load to compensate for the poverty of the urban populations and the increase in imperial exactions; and for this reason it was thoroughly logical and beneficial. But the trend was arrested and its results undone by a rescript of Diocletian dated not later than A.D. 285, ordering local magistrates to convene the decurions, see that nominations were made for all of the *munera* provided for by law, and enter these decrees upon the records.²⁷ It is obvious that this order would not have been issued if there had not been a breakdown in the liturgical system; and its enforcement meant the restoration of the interminable list of municipal services contained in the treatises of Hermogenianus and Arcadius Charisius.²⁸ The effects of this order are to be seen in the experience of the city of Oxyrhynchus. At the

²³ As in P. Ryl. 77, in which the entrance-fee of the *cosmete* was the most important fact in his administration, or CPR 20, in which the whole issue revolves about the financial aspect of the office involved. See also Dig. I, 4, 8-10.

²⁴ Particularly the *decemprimatus* or its equivalents, which were for the most part confined to curials.

²⁵ Cf. x, 21, 1 and x, 33, 1.

²⁶ *Ibid.* vii, 16, 11 and 38, and x, 33, 2.

²⁷ *Ibid.* x, 32, 2; marked 'sine die et consule,' but placed before rescripts of A.D. 285 in the same title.

²⁸ Dig. I, 4, 1 and 18.

end of the second century A.D. this city had at least five commissioners of the food-supply (eutheniarchs).²⁹ The office, however, was an onerous one ; and for a long time before Diocletian's accession no one had held it. About A.D. 289, however, the prefect of Egypt revived it, with three men on duty each year. Each one was to serve four months alone, so as to avoid collective responsibility. Shortly afterwards, however, it was found that only two men had been induced to assume office, and that after serving for the allotted eight months they refused to fill out the year. Efforts to secure other nominees failed, and the service broke down. An appeal was made to the prefect ; but we do not know his action in the case.³⁰ In another instance one Agathinus, being chosen to the unwelcome post, appealed.³¹ Plainly the experiment was anything but a success.

The foregoing incidents are typical of Diocletian's whole policy toward city-government. Hardly one point in it can be called new ; and almost all of its characteristics can be traced back to Hadrian, Antoninus Pius, M. Aurelius, or the Severi. All through his reign a flood of appeals against service in the *curiae* or performance of municipal liturgies must have proved to even the most optimistic of idealists that the old system in city administration had broken down beyond repair, and that the so-called *honores*, so far from being sought for by the middle classes in the provincial towns, were being avoided like a plague. He never seems to have doubted for a moment that curial rank was an honour for which all good men would strive, and which should be reserved for the worthiest. In addition to the action on slaves and freedmen (mentioned above), he reaffirmed the law of Hadrian exempting curials and members of their families from cruel and disgraceful punishments,³² and gave to fathers of families precedence over childless men in the *album* of the decurions.³³

Requests for exemption from civic burdens were dealt with in a similarly conservative manner. It is nothing short of astonishing to note with what regularity decisions in such cases were based upon precedents which may be traced back through the works of Ulpian, Papinian, or Modestinus to the emperors of the most prosperous period in Roman history. A curious example of this adherence to tradition is to be found in the rescript deciding against a claim for exemption from performance of *munera patrimonii*, made on the ground that the claimant was a philosopher. Antoninus Pius, in the edict determining the numbers of professional men to whom immunity might be granted in each municipality, had taken the opportunity to indulge in an acid pleasantry at the expense of those who make a profession of teaching or practising philosophy. They could not, he ruled, claim exemption from the *munera patrimonii* ; for these

²⁹ P.Oxy. vi, 908 : ' τοὺς ἐν γυμνασίᾳ [χαις] καὶ ἐν θηνιάρχαις.'

³⁰ *Ibid.* viii, 1252.

³¹ *Ibid.* xiv, 1642.

³² Cf. ix, 47, 12 and x, 32, 4. Cf. *Dig.* xlviii, 19, 9 and 15.

³³ *Ibid.* x, 32, 9. Cf. Papinian in *Dig.* l, 2, 6.

involved only the expenditure of money, which all true philosophers despised. Hence all claimants for immunity on these grounds at once branded themselves as impostors.³⁴ This whimsical test was taken up by Papinian and Modestinus,³⁵ and was applied with evident relish by the legal advisers of Diocletian.³⁶ The doctrine of *origo* was stated by them in almost exactly the same terms as in the edict of Hadrian,³⁷ and excuses from performance of the *munera personalia* because of physical weakness or advanced age were dealt with according to the rules laid down by Ulpian.³⁸ Papinian and Ulpian had softened the rigours of the law of collective liability of officials by permitting the members of a given board to assign to each member a definite share of the functions and responsibilities of the board, thus relieving him of risk for the short accounts of his colleagues, unless their estates and those of their sureties proved insufficient to make good the shortages. This rule was continued.³⁹ It would appear from the Egyptian version of the rescript on the exemption of athletes from civic burdens that it also was a confirmation of an earlier law.⁴⁰ Examples of this kind might be multiplied; but the foregoing are sufficient to prove that Diocletian's municipal policy, so far from being a radical departure from past precedents, was conservative, if not reactionary. But they also demonstrate the fact that few, if any, new laws were necessary to bind the curials to their odious and unwelcome tasks. Sixty years before Diocletian's accession Ulpian had written: 'If it shall be proved that decurions have deserted the cities to which they belong and moved into other places, the governor of the province shall take care to recall them to their native soil and shall see that they perform their fitting duties.'⁴¹

But if Diocletian's laws shed a strong light upon the affairs of the curials, and in some cases afford us glimpses of the fortunes of the plebeians, they are strangely and completely silent regarding the relations of the guilds to the imperial and local governments. The jurists show us that already at the beginning of the third century the ban which had formerly rested upon the great majority of the *collegia* was being lifted, and that certain vocations, such as baking, herding swine, and shipping provisions to Rome, were being encouraged. Attempts were being made to render them attractive by promising persons engaged in them immunity from the *munera*.⁴² As yet the State dealt only with individuals, and on a voluntary basis. The reign of Constantine found the members of several trade-organizations

³⁴ *Dig.* xxvii, 1, 6, 7.

³⁵ *Ibid.* l, 5, 8, sect. 4.

³⁶ *CJ* x, 42, 6: 'professio et desiderium tuum inter se discrepant. nam cum philosophum te esse proponas, vinceris avaritiae caecitate,' etc.

³⁷ Ulpian in *Dig.* l, 1, 1. *Cf.* *CJ* x, 40, 7, which cites Hadrian's ruling.

³⁸ Ulpian in *Dig.* l, 4, 3, and l, 5, 2. *Cf.* *CJ* x, 32, 10 and x, 51, 2-4.

³⁹ *Dig.* l, 8, 4. *Cf.* *CJ* xi, 36, 4.

⁴⁰ P. Lipsius 44, col. 2: 'familiare nobis, praerogativas integras inlibatas servare, quas divorum parentorum (*sic*) Augg. constitutiones in suos quibusque concedunt.'

⁴¹ *Dig.* l, 2, 1.

⁴² For the whole question of the *collegia*, to which this study can only devote a very casual notice, see Kornemann, P-W, s.v. 'Collegia.'

bound to their callings, and the tendency was constantly to increase the number of trades thus regimented.⁴³ Not one extant law of Diocletian deals with the matter, and we may only infer that the revolution which was to reduce the urban worker to a State-serf had already begun during the disorders of the third century, and was under way during the period under discussion. Certainly the earliest of Constantine's rescripts speaks of servitude to the guild as an established fact, which it is not necessary to explain in detail.⁴³

In spite of Diocletian's efforts to restore vitality to the cities of the Roman Empire, there is evidence that the conditions of city life and the lot of the curials in particular changed markedly for the worse during his reign. One does not need the diatribes of Lactantius or the equally startling evidence of the Edict of Prices to prove this. The sections of the Code of Justinian which deal with municipal affairs themselves bear eloquent testimony pointing toward the same conclusion. The earliest rescripts of that collection were issued by Hadrian. Book x, title 32 ('On Decurions and their Sons'), contains only one for the period of 167 years between the accession of Hadrian and that of Diocletian, and twelve for the twenty-year reign of Diocletian. Titles 39 to 70 (inclusive) of the same book, which deal with the *munera* and the means of gaining immunity from them, contain 33 for the former period, and 41 for the latter. It is reasonable to assume that Justinian's editors found a nearly proportionate increase in the number of law-suits, involving the position and duties of curials and the legal responsibilities of citizens in general, dating from the beginning of this epoch-making reign. An analysis of these rescripts shows that, although no new legal principles were being formulated, the burdens imposed upon the urban populations had suddenly become intolerable, and that there was a general rush to escape them; while the Imperial Government, armed with a wealth of legal maxims gathered during the preceding three centuries, was carefully closing every loop-hole. Brothers were keeping the family property undivided, so that one set of *munera* would do for all. In vain!⁴⁴ A petitioner claimed to be fifty years old, to have gout, and to have been excused by a provincial governor. He was contemptuously rebuffed.⁴⁵ Another had secured a grant of immunity from the decurions of his native town. It was invalidated.⁴⁶ Water-organ players, hunters, philosophers, and the custodians of the property of persons absent on city business fared no better.⁴⁷ Women and children were made liable for the *munera patrimonii*.⁴⁸ Young men of curial rank were forbidden to enter the army.⁴⁹

It may, of course, be urged that the increased distress of the

⁴³ *CTb.* xiii, 5, 2-3, xiv, 3, 1 and xiv, 4, 1 may be taken as examples of Constantine's policy. xiii, 5, 2 in particular seems to presuppose earlier legislation on the same subject.

⁴⁴ *Cj* x, 43, 2.

⁴⁵ *Ibid.* x, 32, 13.

⁴⁶ *Ibid.* x, 47, 1.

⁴⁷ *Ibid.* x, 42, 6.

⁴⁸ *Ibid.* x, 42, 7.

⁴⁹ *Ibid.* xii, 33, 2.

curials at this time was due to other causes—the imperial *munera* and the system of taxation inaugurated by Diocletian. That these measures added to the burdens of all classes cannot be doubted ; but in Egypt at least the tax-law was not published until A.D. 297,⁵⁰ and it could not have been published anywhere more than a year or two earlier. The complaints on municipal matters begin immediately after the attempt to revive the *munera* (A.D. 285 at the latest) and, so far as the few dated rescripts allow us to see, belong for the most part to a period prior to the tax-reform. As to the imperial *munera*, they can hardly have been heavier during the first ten years of Diocletian's reign than in the frightful disorders of the four previous reigns, for which our sources have preserved but few law-suits involving municipal obligations. The Empire had, so far as municipal government went, come to the parting of the ways in the last decade of the third century A.D. The expenses of imperial government were rising rapidly, and the wealth wherewith to pay them had actually decreased. Some of these expenses may have been unnecessary ; but for the most part they provided for the safety of the Empire, while much of the cost of municipal government provided only pleasures and luxuries which might, in the prevailing stress, have been better abandoned. The only possible adjustment of the load which would not have broken the backs upon which it rested would have been one which kept only the barest essentials of municipal government, thus enabling the curial class to save its energies for the performance of its heavy imperial duties. Instead of attempting to do this, or of accepting quietly the results of extra-legal adjustments already in use in places at his accession, Diocletian added enormously to the imperial side of the average curial's burdens without any important diminution of his local obligations. The result is to be seen in the later laws of the Theodosian Code and the Novellae of Majorian. The unhappy middle class, caught between the imperial hammer and the municipal anvil, was crushed.

⁵⁰ A. E. R. Boak, 'Early Byzantine Papyri in the Cairo Museum,' *Études de Papyrologie* ii (1933), 1-22.