

LOWER-CLASS VIOLENCE IN THE LATE ANTIQUE WEST

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The candidate confirms that the work submitted is his own and that appropriate credit has been given where reference has been made to the work of others.

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Abstract

Historical sources from Late Antiquity are not primarily concerned with what might be called 'social history'. More often they are interested in matters of faith, war and politics, or the biographies of great men and women. Archaeology has allowed us great insight into the material culture of ordinary people during the period, but we still rely on history to inform us about the agency of the lower classes. Unfortunately the preoccupations of extant written sources make it difficult to understand how common people in Late Antiquity perceived their lives, and how they tried to influence their position in society.

It is hoped that an investigation of lower-class violence will provide a way for us to gain some insight into these issues. Violence, as an extreme and relatively rare form of social interaction, cannot necessarily tell us about everyday concerns, but the implicit danger of violence means that it provides a good indicator of what issues and grievances were taken very seriously by common people in Late Antiquity. Moreover violence, especially as performed by lower-class people whose social role was non-violent, was one of the ways in which ordinary people in Late Antiquity caught the eye of contemporary writers. Consequently, though the evidence for lower-class violence in Late Antiquity is patchy and pejorative, it does actually exist, and occasionally in some detail.

Therefore, violence will form the thematic thread of this investigation into the lives of lower-class people in Late Antiquity. It cannot hope to be an exhaustive analysis of their lives in general, but will hopefully provide some insight into their wants and needs, their experience of change and their relationships with authority.

Abbreviations

Primary Sources

CJ = *Corpus Juris Civilis*, Volumes I-III, ed. by P. Krueger and T. Mommsen (Berlin: Weidmann, 1900-4).

CTh = *Codex Theodosianus*, in *The Theodosian Code and Novels and the Sirmondian Constitutions*, ed. and trans. by Clyde Pharr (Princeton: Princeton University Press, 1952).

Dig. = *Digesta: The Digest of Justinian*, ed. by T. Mommsen and P. Krueger with English trans. by A. Watson (Philadelphia, P.A.: University of Pennsylvania Press, 1985).

LH = *Libri Historiarum X*, ed. by B. Krusch and W. Levison, MGH SRM, 1 (Hanover: Impenis Bibliopolii Hahniani, 1951). Quotes in English, with page numbers, from: *The History of the Franks*, trans. by Lewis Thorpe (Harmondsworth: Penguin, 1974).

N.Val = Valentinian, 'Novels', in *The Theodosian Code and Novels and the Sirmondian Constitutions*, ed. and trans. by Clyde Pharr (Princeton: Princeton University Press, 1952).

SHA = *Scriptores Historiae Augustae*, trans. by David Magie (London: Heinemann, 1922-1932).

Collections

CSEL = *Corpus Scriptorum Ecclesiasticorum Latinorum*.

MGH = *Monumenta Germaniae Historica*.

AA = *Auctores Antiquissimi*, 19 vols (Berlin: Weidmann, 1877 – 1919).

SRM = *Scriptores Rerum Merovingicarum*, ed. B. Krusch and W. Levison, 7 vols (Hanover, 1885 – 1920).

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Introduction: Lower-Class Violence in the late antique West.

This project was born out a desire to investigate dissidence in the later Roman Empire and how that dissidence changed during the transition from Roman to non-Roman forms of authority and administration. I had hoped that a study of dissidence would provide a method of understanding the lives of people in Late Antiquity through investigation of how and why they expressed their grievances against authority, and how those interactions changed as the figures in authority did concurrently. However, it quickly became apparent the ‘dissidence’ was far too broad a category to investigate in a project such as this. Moreover, I found that many forms of what might be called dissidence, such as usurpation and civil wars, heresy and barbarian incursions, were both well studied and tended to draw focus away from the common people of the period and toward grand politics and issues relating to religious orthodoxy and ethnicity. Valid though such topics are, I perceived a lacuna in scholarship regarding dissidence among the common people; the vast majority of the population and the backdrop against which politics and religion played out. As a result I began to refine the focus of research in an attempt to find a more suitable and useful thematic thread, and in the end I settled on the label; lower-class violence in the late antique West.

i. Why Lower-Class Violence?

‘A timorous Old Man was feeding an Ass in a meadow. Frightened by a sudden alarm of the enemy, he tried to persuade the Ass to fly, lest they should be taken prisoners. But the Ass leisurely replied: “Pray, do you suppose that the conqueror will place double

panniers upon me?” The Old Man said, “No.” “Then” said the Ass “what matters it to me, so long as I have to carry my panniers, whom I serve?””¹

This *fabula*, written by Phaedrus in the first century AD, might be taken as evidence for the passivity of the poor in the Roman Empire toward political change. Like the Ass, the poor apparently cared not for the identity of their masters, so long as their own situation did not deteriorate. Modern historians of the end of the Roman Empire have typically echoed this impression: studies on the relationship between barbarians and the Roman state and aristocracies abound, but relatively little attention has been devoted to the experience of the poor. Certain scholars, especially Marxists, have emphasised the role of the poor in the context of class struggle, but even G. E. M. De Ste. Croix, who interpreted this *fabula* as an example of class conscious rejection of loyalty toward authority, still saw the Ass as the passive subject of political change.² Fortunately, scholarship has begun to move away from this a presumptive attitude. Biographies of ‘great men’ and analyses of Imperial politics still appear – and rightly so – but today they are increasingly balanced by more diverse and inclusive studies to provide a fuller depiction of the ancient world. Archaeology in particular has greatly altered our understanding of the lives of common people, since it provides us with vital information about the material culture in greater detail than pure history. Even with this insight however, the poor can still be depicted and understood to be mere passive recipients of change. We now know immeasurably more about the day-to-day lives of the people of Pompeii because of archaeological excavation, yet when Vesuvius erupted many of those people had little choice but to await their fate. However, not all changes are so cataclysmic, and few political, social or economic changes are as inexorable as

¹ Phaedrus, ‘Fables’, 1. 15 “The Ass and the Old Shepherd”, trans. in *The comedies of Terence and the fables of Phaedrus*, trans. Henry Thomas Riley (London: George Bell and Sons, 1877), p. 373.

² G. E. M. de Ste Croix, *The Class Struggle in the Ancient Greek World: from the Archaic Age to the Arab Conquests* (London: Duckworth & Co., 1981), p. 444.

volcanism! Therefore I wanted to try to understand how common people reacted to change in their world, and if and how they were able to affect their position in society. Unfortunately we have very little evidence from Late Antiquity that tells us directly about what ordinary people thought of the world and their place in it.

However, we can sometimes understand (or infer) detail about the perceptions of common people through study of their actions. From a historical perspective, violent action is one of the easiest and most useful categories of action or activity to analyse, and through which we can try to understand more about the agency of the lower classes in Late Antiquity. In his series of Collège de France lectures entitled ‘Society must be defended’, Foucault discussed the question; ‘What is power?’ One given solution was to see power in traditional economic terms, but for the purposes of his exercise he investigated two alternative hypotheses; power as ‘that which represses’ and as ‘war, and the continuation of war by other means.’³ Furthermore, he elucidated that his object was:

‘to understand power by looking at its extremities...and especially at the points where this power transgresses the rules of right that organise and delineate it, oversteps those rules and is invested in institutions, is embodied in techniques and acquires the material means to intervene, sometimes in violent ways.’⁴

These lines of thought are particularly relevant to the study of the lower classes in Late Antiquity, as we lack the necessary empirical evidence to assess quality of life in an objective way, and what subjective evidence we have is almost uniformly biased, pejorative or disinterested. This renders assessment of lower-class power in economic terms problematic at best. Therefore it seems sensible to use instances of lower-class

³ Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76*, trans. David Macey (London: Penguin, 2004), p. 15.

⁴ *Ibid*, p. 27.

violence as a focal point for investigating the effect of the transformation of the Roman world, since violence, as an ‘extremity of power’, did elicit attention from late antique writers. Furthermore, and exactly because it was an extreme activity, violence provides a particularly useful measure of human action. Inference about perceptions and thought from the evidence of action alone is often, at best, speculative. However, we can be fairly confident that people in Late Antiquity only entered into life-threatening violence with significant need. Therefore, even though our understanding of their motivations may be speculative, we can at least be sure that the matter was of great significance to them. This may not sound like much, but it is something, and perhaps something profound.

It is hoped that lower-class violence will allow us to see, if imperfectly, how lower-class people interacted with authority and their social environment. In the specific context of Late Antiquity, it is hoped that it will provide another method of understanding their lives. This is significant, because perceptions of quality of life for common people in Late Antiquity varies widely. For Sir Samuel Dill in 1926 there was a stark and depressing contrast between the light of classical Rome, and the almost literal darkness of the medieval era:

‘The Roman Peace which gave the world almost unexampled calm and prosperity, has vanished. As in our own days, passion, greed and bold disregard of moral tradition have followed great wars and triumphs of military strength. ...The long tranquillity of the Roman sway ended in the violence and darkness of the Middle Age.’⁵

This moralistic condemnation of the failure of the *pax Romana* was a product of previous generations of historical interpretation, but juxtaposition of the (relative) peace under Rome with the violence of the ‘Dark Ages’ is not without parallel in modern scholarship.

⁵ Samuel Dill, *Roman Society in Gaul in the Merovingian Age*, (London: Macmillan, 1926), pp. 306-7. See also Guy Halsall, ‘Introduction’ in *Violence and Society the Early Medieval West*, ed. by Halsall, (Woodbridge: Boydell, 1998), p. 4.

Ralph Mathisen, for example, contrasts the violent resolution of conflicts ‘characteristic’ of sixth-century Gaul with ‘the more peaceful methods which almost invariably resolved such disputes in the fifth century.’⁶

At the risk of oversimplifying a complex debate, it is perhaps worthwhile noting how divergent opinions in scholarship can be when attempting to evaluate the quality of life of common people in Late Antiquity. Bryan Ward-Perkins has, for example, argued that the failure of the Roman economic and commercial system deprived the people of the products of thriving specialisation, such as specifically bred livestock and sophisticated pottery, and therefore resulted in a tangible decline in quality of life. However, it is also possible to contrast this notion with that of greater individual freedoms. Chris Wickham has argued that greater peasant self-determination in the post-Roman period allowed them to compete more forcefully with either the state or the aristocracy. As such, a more violent time may actually represent a higher quality of life through political freedom, despite the decline in security and stability. Furthermore, ‘the peasants had to be better off than under the Roman Empire, because they were giving less to landowners and rulers.’⁷ Both of these studies make use of evidence that is more suitable to statistical or objective analysis than that which describes lower-class violence. Our sources are simply too patchy, biased or incomplete to make any fundamental claims about changes in quality of life across the West of Europe in Late Antiquity. However, we will

⁶ R. W. Mathisen, *Roman Aristocrats in Barbarian Gaul* (Austin: University of Texas Press, 1993), p. 142. See also Bryan Ward-Perkins, *The fall of Rome: and the end of civilization* (Oxford: Oxford University Press, 2005), pp. 63-83.

⁷ Ward-Perkins, *The fall of Rome*, pp. 87-121 and Chris Wickham, *Framing the early Middle Ages: Europe and the Mediterranean, 400-800* (Oxford: Oxford University Press, 2005), p. 707. It must be stressed that both offer far more considered and complex arguments than the juxtaposition between their general interpretations necessarily suggests. Wickham, for example, on p. 707 immediately goes on to discuss the lesser material goods available. For fuller depiction of his arguments for society in the post-Roman period, see pp. 577-85. Ward Perkins, meanwhile, whose argument is heavily reliant on archaeology, acknowledges that finds associated with ‘elites’ tend to be preserved, discovered and analysed with greater regularity and therefore may misrepresent the actual quality of life of the majority; p. 139.

hopefully be able to understand more about what factors profoundly affected the quality of life of common people, and how they reacted to it in particular situations.

Furthermore, it is hoped that by focusing on violence, a contribution can be made to an otherwise understudied topic. Perhaps the clearest indicator of this is the analysis of violence in Wickham's *Framing*. This work pays particular and sustained attention to the lower classes and Wickham remains one of the most notable proponents of increased lower-class agency in the immediate post-Roman period. Nevertheless, as Brent Shaw notes, the book glosses over violence: 'the causal effects of large-scale violence are almost wholly subordinated to the other categories of analysis; they enter the narrative almost as after-the-fact notices.'⁸ Blame should not be levelled at Wickham particularly though; Shaw admits that theorisation of violence is particularly difficult and that 'almost nothing of merit exists even now for antiquity'. This he attributes to the long hangover of nineteenth-century historiographical traditions.⁹ The following study cannot claim to be a fundamental theorisation of violence in Late Antiquity, but it will hopefully expand upon how and why violence was used in that period by ordinary people.

ii. Terminology: Class, Legitimacy and Violence

In addition to the condemnation of the post-Roman period as more violent than its predecessor, violence has a significant place in Marxist interpretations of the end of Empire and, indeed, in reactions to those interpretations. The significance of 'class struggle' to this methodology is crucial. As Ward-Perkins has claimed; 'Amongst all the possible causes of Rome's fall canvassed by historians, popular uprisings to throw off

⁸ Brent Shaw, 'After Rome: Transformations of the Early Mediterranean World', *New Left Review* 51, 2008, (89-114), p. 99.

⁹ *Ibid*, p. 99.

the shackles of imperial rule come a very long way down any list.’ This is reasonable enough, but he goes on to argue that; ‘This is hardly surprising, since... Roman rule, and above all Roman peace, brought levels of comfort and sophistication to the West that had not been seen before and that were not to be seen again for many centuries.’¹⁰ This justification is more contentious, as many historians, Marxist or otherwise, would argue that Roman ‘civilisation’ was often unpleasant or even brutal for the general populace.¹¹ Popular revolt did not overthrow the Empire, but cases have been made for the significance of popular discontentment within Roman society. G. E. M. de Ste Croix has argued that, such was the plight of the peasant classes, they were indifferent to the ‘disintegration’ of the Empire and often actively participated in the process, or sought out the rule of barbarians as an alternative.¹² Similarly E. A. Thompson and, more recently Neil Faulkner, have argued for the importance of revolt – particularly that of the Bacaudae – as an additional strain on the already heavily burdened Roman State.¹³ These Marxist interpretations have, in turn, prompted forceful responses; Martin Henig has described Faulkner’s notion of social revolution as the cause of the End of Roman Britain as ‘a figment of his imagination’, whilst Raymond Van Dam regards the idea of peasant revolt as a relic of the Marx-inspired interpretation of late Roman society and that, as such, it ‘can only be maintained with the most doctrinaire perspective.’¹⁴ In this study I will not suggest any kind of metanarrative of the causes of the end of the Roman Empire. Rather, as Momigliano put it, ‘what we want is to understand the change by

¹⁰ Ward-Perkins, *The fall of Rome*, p. 176.

¹¹ For a cautious recognition of this brutality see Peter Brown, *Through the Eye of a Needle: Wealth the Fall of Rome and the Making of Christianity*, (Woodstock: Princeton University Press, 2012), pp. 55-7. For a more overt criticism, see R. MacMullen, ‘Personal Power in the Roman Empire’ in *Changes in the Roman Empire: Essays on the Ordinary* (Oxford: Princeton University Press, 1990), 190-97, p. 190.

¹² G. E. M. de Ste Croix, pp. 475-88.

¹³ E. A. Thompson, ‘Peasant Revolts in Late Roman Gaul and Spain’, *Past and Present*, 2, (1952) 11-23, passim, and Neil Faulkner, *The Decline and Fall of Roman Britain*, (Stroud: Tempus, 2001).

¹⁴ Martin Henig, ‘Review: The Decline and Fall of Roman Britain by Neil Faulkner’ *The English Historical Review*, 117, No. 471 (2002) 442-443, p. 443, R. Van Dam, *Leadership and Community in Late Antique Gaul*, (London: University of California, 1985), p. 26, 37.

analysing it and giving due consideration to conscious decisions, deep-seated urges, and the interplay of disparate events.’¹⁵ Yet a study of lower-class violence, in its implicit recognition of the importance of class and its investigation of violence as a tool for the defence, maintenance or improvement of quality of life, is likely to at least overlap with material studied by both Marxists, and their opponents. Therefore, some assessment of their respective analyses of both events and trends will be desirable and necessary.

The existence of contradictory trends in scholarship should not dissuade us from attempting to investigate a topic; rather, it might inform us that more needs to be said about it! However, because of the contentiousness of the issue, I will provide explanations for my usage of a couple of terms which carry a certain degree of baggage. It must be stressed that these are my usages of these terms; they provide definitions only in the context of this study and are not necessarily applicable or relevant beyond its confines.

Perhaps the most important term to define, for the purposes of this thesis, is my usage of ‘class’. Many varied definitions of this word exist across multiple academic fields and cultural and individual perceptions. In his article on late Roman Social Relations in the New Cambridge Ancient History, Arnaldo Marcone notes that, in contrast to the privileged classes, exact terminology for the lower social orders is inexact and somewhat scarce. As a result he regards it as too broad and heterogeneous to be considered a class.¹⁶ Nevertheless, the use of the idea of social class as a tool to understand status in the ancient world is a common and relatively acceptable technique.¹⁷ ‘Lower class’ will be used in this study as a label to indicate those who were not privileged. Where the details

¹⁵ Arnaldo Momigliano, ‘After Gibbon’s Decline and Fall’ in *The Age of Spirituality* ed. Weitzmann, (New York: Metropolitan Museum of Art, 1980), p. 14.

¹⁶ Arnaldo Marcone, ‘Late Roman Social Relations’ in *The New Cambridge Ancient History XIII*, ed. Averil Cameron and Garnsey, (Cambridge: Cambridge University Press, 1998), pp. 338-370 (p. 339).

¹⁷ For example, Halsall, ‘Introduction’, p. 21 and Peter Brown, *Authority and the Sacred: Aspects of the Christianisation of the Roman World*. (Cambridge: Cambridge University Press, 1995), p. 47.

within the sources allow and where it is valuable for analysis, further enquiry into the particular status of the individual or group will be undertaken. ‘Class’ in this study should not be taken to necessarily imply either class-consciousness or class-conflict. Marcone is right to stress the heterogeneity of the lower social orders within the Empire, and the same can be said of the successor states as well. There is, therefore, no attempt to apply such implications here, especially since it might distort our interpretation or invite criticism for anachronism. To reiterate then, the use of class herein is simply to draw a contrast between the wealthy and influential persons at the top of late antique social hierarchies and *everyone else*. The purpose for this specific definition is essentially exclusionary; as stated above, dissidence is far too broad a topic to attempt to discuss, and there is no space here to try to explain why generals might try to overthrow their Emperors. Generalisation is a dangerous business and it would be wildly inappropriate to try to draw comparison between Aetius’ grievance toward Valentinian III and the grievance of a shepherd towards his master.

Fortunately, and for the purposes of clarity and avoiding anachronism, the Romans themselves applied exactly this form of hierarchical categorisation in their own society. The wealthy, influential, people with the right family, friends or connections were called *honestiores*. Everyone else – farmers, guild-workers, fishermen, artisans and every other status and occupation – fell into a bracket labelled *humiliores*. It is important to stress that this distinction was neither particularly distinct nor strict. It is not necessarily always clear who fitted where in the system; the technical usage of the term was to describe what kind of punishment a citizen might receive for a given crime. *Humiliores* could expect their punishment to be physical and public. *Honestiores* might still receive corporal punishments for more serious crimes, but were likely to receive financial sentences for lesser infractions. In either case, punishments of *honestiores* were not to be inflicted in a public space to avoid the shaming of the convicted party. However, if a

humilial citizen accumulated enough property to attain a curial or magisterial position, they would acquire honestiorial status with it. The vagueness of the distinction between humilial and honestiorial does not harm its usefulness to this study.¹⁸ Only in very rare cases do we see this marker of status used in description of individuals in our sources. Rather, social status is marked either through other terminology or by assumed knowledge. Fortunately, our purpose is not to focus on a particular distinct statuses among many, but rather to exclude the small minority whose high position in society means that they were unlikely to share the same social, economic and judicial weaknesses and insecurities as the rest of the population. Put simply, and crudely, by lower class I mean the (approximately) 90-95% of people that had less wealth and power than the remaining 5-10%.¹⁹

It is also worthwhile to address the problem of legitimacy. In the classic Weberian model the state attempts to monopolise violence in order to safeguard its authority:

‘a state is a human community that (successfully) claims the *monopoly of the legitimate use of physical force*’

‘The state is a relation of men dominating men, a relation supported by means of legitimate (i.e. considered to be legitimate) violence. If the state is to exist, the dominated must obey the authority claimed by the powers that be.’²⁰

This model initially fits our purposes reasonably well in that the Roman State tried to isolate violence to the military and judicial spheres. Thus legitimate violence can be

¹⁸ Valerio Neri uses similar categorisation in ‘Povertà, criminalità e disordine sociale nella tarda antichità’ in: *Ordine e sovversione nel mondo greco e romano*, PISA, edizioni ETS, 2009, pp. 193 - 206 (atti di: Ordine e sovversione nel mondo greco e romano, Cividale del Friuli, 25-27 settembre 2008), p. 193.

¹⁹ For more discussion of hierarchy in Late Antiquity, and particularly for *honestiores* and *humiliores* see Dennis Kehoe, ‘Law and Social formation in the Roman Empire’ in *The Oxford Handbook of Social Relations in the Roman World*, ed. Michael Peachin, (New York: Oxford University Press, 2014); MacMullen, *Roman Social Relations 50 B.C. to A.D. 284* (New Haven: Yale University Press, 1974), p. 99; Mathisen, *Roman Aristocrats*, p. 15 and Marcone, pp. 359-60.

²⁰ Max Weber, *Politics as a Vocation*, Lecture, (1919).

considered that which the state sanctioned. However, even during the fourth century, when the central Roman state retained overwhelming violent potential, the relationship of secular authorities to some forms of violence, such as religious violence, could be more complex than simple opposition. To monopolise violence the state needed to control the meaning of violence.²¹ Ideologically, the need to maintain the *pax Romana* was sufficient justification for secular purposes. Religious violence differed because its religious character meant that challenging it might result in the alienation of the influential structures and adherents of that faith, which, of course, usually included the person of the Emperor.²² Defining the legitimacy of violent actions in the late antique West becomes even more complicated from the late fourth century onward, as external barbarians groups came to form separate entities of authority within the Empire and which eventually replaced imperial authority in those Western provinces. During the transition of power away from the Roman state this problematisation of legitimacy only widened. States were weaker and more numerous, the secular authority of the Church grew, aristocratic potentates wielded power in localities and some regions were apparently outside the rule of any state. Because there were more authorities that might claim to wield violence legitimately, the definition of Charles Tilly will be adopted: ‘Legitimacy is the probability that other authorities will act to confirm the decisions of a given authority.’²³

This definition allows for the understanding of legitimacy as both *de jure* and *de facto*, and, unlike the Weberian explanation, permits a broader understanding of authority than just the state. For example, while we know that Roman aristocracies were not supposed

²¹ M. Gaddis, *There is no crime for those who have Christ: religious violence in the Christian Roman Empire*, (London: University of California Press, 2005), p. 10.

²² H. A. Drake, ‘Intolerance, Religious Violence, and Political Legitimacy in Late Antiquity’ in *Journal of the American Academy of Religion*, 79, 1, 2011, (193-235), pp. 199-202.

²³ Charles Tilly, “War Making and State Making as Organized Crime.” in P. Evans, D. Rueschemeyer, and Th. Skocpol, eds., *Bringing the State Back In*, (Cambridge: University Press, 1985), 169–191, p. 171.

to have armed retinues, we likewise know that the practice was often common or acceptable enough to be *de facto* legitimate, despite the violation of the state's rhetorical monopoly of violence. As such, Tilly's definition will hopefully allow us to understand both judicial and cultural perceptions of legitimacy of violence.

Finally, we must consider what is meant by the term violence itself. In a recent study Slavoj Žižek divided the subject of violence into two distinct categories:

'Subjective violence is experienced as such against the background of a non-violent zero level. It is seen as a perturbation of the 'normal', peaceful state of things.'

'Objective violence is precisely the violence inherent to this 'normal' state of things. [It] is invisible since it sustains the very zero-level standard against which we perceive something as subjectively violent.'²⁴

In this study the former will predominate. Because of the apparent abnormality of subjective violent events they are likely to attract attention, as much among ancient writers as modern media, and therefore source material is more readily available. Objective violence is often hard to discern, even today; indeed that is the primary message of Žižek's argument in his *Violence: Six Sideways Reflections*. The relative paucity of the sources makes this far more difficult for historians of Late Antiquity. Fortunately, lower-class violence was predominantly 'subjective' since in Late Antiquity legitimate violence was theoretically confined to the military, judiciary and perhaps the upper classes. As we have seen, legitimacy of violence widened in the post-Roman West, so that: 'To medieval people in the theorization of the *ordines* of their society, aristocrats were *bellatores*: those of fight (or, more accurately, those who make war)'.²⁵ However, despite a general broadening of violent legitimacy in the post-Roman

²⁴ Slavoj Žižek, *Violence: Six sideways reflections*, (London: Profile, 2008), p. 2.

²⁵ Halsall, 'Introduction', p. 5.

period, lower-class violence was never expressly legitimated and therefore seems to have played little part in maintaining apparent ‘non-violence.’

It is important to be conscious of ‘objective’ violence, both as a backdrop to the activities that will be discussed, and because lower-class groups or individuals could use violence as a tool to legitimate social mobility (this form of violence – the de facto legitimate – will be of particular significance in chapter 5). Still, the purpose of this study is to investigate violence as an extremity of lower-class power, *à la* Foucault, and as such ‘subjective’ violence will remain the focus.²⁶ This emphasis on subjective violence should not be thought of to limit the topic to physical attack. As Gaddis pointed out, armed robbery is considered violent crime whether a shot is fired or otherwise, therefore ‘a display of coercive power backed up by the threat of violence will satisfy the definition even if the threat is not carried out.’ Therefore we will tentatively consider violence as: ‘a use or display of power that others consider wrong or hurtful or that transgresses their ethical or moral norms.’²⁷

iii. What will be in this study, and why?

This study takes a broad overview of lower class violence in Late Antiquity. It is necessary that it must do so, for the evidence that remains to us is generally too patchy to afford more concise study. Furthermore, a broader analysis of evidence on a thematic basis can allow us a greater understanding of general trends. However, it is important to define and explain for the reader what subjects have been chosen, and why they have been as opposed to others, for this study is not exhaustive.

²⁶ Foucault, *Society Must Be Defended*, p. 27.

²⁷ Gaddis, *There is no crime*, pp. 3-4.

I have maintained throughout this study a general focus on the Western provinces of the later Roman Empire and what would become the early medieval successor states. The reason for this was primarily to investigate how the lower-class inhabitants of these territories experienced that transition in authority and how they interacted with authorities throughout the period of Late Antiquity. I also observed that, in general, less attention had been paid to lower-class violence in the Western Empire than in the East, where social conflict, and especially violence relating to religion and sporting events, has been the subject of numerous academic works.²⁸ However, while I have attempted to focus on the West in general, my approach has also been sculpted by a few specific principles and parameters.

Firstly, Late Antiquity describes various chronological dimensions to various people. I have no desire to attempt to place chronological restrictions on that period here, but since the focus of this thesis is in observing interactions during a period of transition, it is necessary that the years of ‘transition’ from one authority to another must be included. To attempt to define the chronological range of transition in Late Antiquity would be a controversial business, not least because this process surely happened at different times and rates in different places. Perhaps, ideally, a century either side of the deposition of the ‘final’ Emperor, Romulus Augustulus, in 476 would be appropriate to encompass the transition from Roman to non-Roman authority in most regions of the former Western Empire. However, to hold firmly to this would seem arbitrary and would be deeply limiting to the possibilities provided by the source material. Therefore, where it seemed useful to the study, I have included evidence from earlier and later works. Most

²⁸ See, for example, P. Bell, *Social Conflict in the Age of Justinian: its nature, management and mediation*, (Oxford: Oxford University Press, 2013), M. Gaddis, *There is no crime for those who have Christ: religious violence in the Christian Roman Empire*, (London: University of California Press, 2005); Alan Cameron, *Circus Factions: Blues and Greens at Rome and Byzantium*, (Oxford: Clarendon Press, 1976) and Ari Bryen, *Violence in Roman Egypt: A Study in Legal Interpretation*, (Philadelphia: University of Pennsylvania Press, 2013).

significantly, much use is made of the *Histories* of Gregory of Tours, who died in 594. However, I have also, for example, made use sources from earlier in the history of the Roman Empire, and indeed studies from the High Middle Ages and modern sociology.

Secondly, it has seemed expedient to include various examples, parallels, or points of comparison from the Eastern Empire. These have been included in the interests of providing a fuller account or filling lacunae, and it is helpful to do so (when and if it is possible) in order to produce what I hope is a better history. However, in the interests of validity I have tried, where possible, to draw eastern parallels from the Balkans or Anatolia rather than from Syria or Egypt. This is because geographic, climatic and cultural differences seem to have been rather less stark, and therefore the information drawn from those regions is generally more valid for comparison with the Western provinces.

Thirdly, whilst it might be desirable to attempt an evenly spread focus across the Western provinces, this is impossible due to the patchy origins, interests and chronologies of surviving sources. Therefore, this study will have – in general – far more to say about Gaul and Italy, than Britain or Iberia. This is particularly true of the post-Roman period, where Gregory of Tours and Cassiodorus provide the majority of historical observations about lower class violence.

Furthermore, as a cursory glance at the contents page will show, I have decided to focus on banditry (with it being the contention of this thesis to include the *Bacaudae* within that broad phenomenon), retaining and rioting as the categories of lower-class violence that will be subject to investigation. These categories should not be considered exhaustive, nor inclusive of all forms of lower-class violence in Late Antiquity. They were chosen because sufficient evidence for them exists to make a useful study (and perhaps cautious generalisation about the methods and motivations of people who

engaged in them), and because they are sufficiently distinct to make for interesting comparison and contrast. Perhaps the most obvious omission from this list is any distinct effort to describe patterns in what might be labelled ‘religious’ or ‘sectarian’ violence. This omission was made consciously, and for two reasons. Firstly, ‘religious violence’ as a label necessarily implies spiritual issues as a motivating factor for the violence. This is not necessarily false, and indeed is often accurate, but it can be illusory. For example, if a congregation riot in protest against the desecration of their church, is it because of its spiritual significance, because the church represents the social hub of the community, or because the distribution of wealth from charity, via the church, is of economic and material importance? All might be true, and of varying importance to individuals rioters. In order to try to avoid limiting our perceptions of motivations for lower-class violence, I have therefore attempted to apply general categories that do not imply preconceptions of this type. As such, although episodes of religiously motivated violence are included in this study, they will appear under more neutral titles. Secondly, ‘religious violence’, along with the military variety, must be the most well studied type in Late Antiquity. The most significant single omission of lower-class violence from this study – the *circumcelliones* and the sectarian violence associated with conflict between ‘orthodoxy’ and ‘Donatism’ in North Africa – has been left out on this basis. Extensive evidence for this violence remains, and extensive scholarly interest has accompanied that evidence. Most notably, the monumental recent study by Brent Shaw is sufficiently thorough and comprehensive, that I could not realistically attempt a new review of that material whilst leaving space for banditry, retainers and riots.²⁹ I would hope however, that his reflections on the matter of lower-class violence would, in general, be complementary

²⁹ Brent Shaw, *Sacred Violence: African Christians and sectarian hatred in the age of Augustine* (Cambridge: Cambridge University Press, 2011). See also an important contribution to the topic by Leslie Dossey, *Peasant and Empire in Christian North Africa* (Berkeley: University of California Press, 2010).

to my own. Despite these relative restrictions on the inclusion of religious violence, a numbers of religiously motivated episodes of violence, particularly in the chapters on rioting and retainers, are included in this study. They have been included among similar instances of violence with differing motivations in order to compare patterns in those types of violence more effectively.

Finally, it is perhaps worthwhile briefly discussing one or two points of what might be called ‘theory’ that will have significance throughout this thesis. The reader may well have noticed the use of certain sociologists and political scientists in this introduction to help frame theoretical notions which will provide a basis of understanding necessary for the rest of this study to be founded upon. Having provided this basis however, they will crop up only infrequently hereafter. The purpose of including their ideas was to provide definitions so as to avoid miscommunication between writer and reader, rather than for the systematic integration of their theories throughout. However, it is important to stress that other points of ‘theory’ will feature more conspicuously hereafter.

This project owes a conspicuous debt to the founders of, and early contributors to, the journal *Past and Present*. Their rigorous scholarship and in particular their emphasis on social history helped to steer the study of the past toward a new and more inclusive future. More than six decades later, their ideas remain fundamental. In particular, the ‘social banditry’ theory and ‘endemic and epidemic bandit’ categorisations of Eric Hobsbawm, the revolutionary interpretation of the bacaudic revolt by E. A. Thompson and the ‘Moral Economy’ theory of rioting by E. P. Thompson have had a profound impact upon the arguments and intentions of this thesis. That is not to say that this thesis will be a simple defence of their interpretations. Indeed, this study will strongly dispute certain aspects of their arguments, especially regarding the interpretation of the Bacaudae. Adherence to the particulars of their respective works isn’t the point. Rather,

it must be stressed that this study hopes to build upon the praiseworthy intent of those authors; to understand history from the perspective of the common people, or, where that isn't possible, to at least try to understand and recognise the role of common people in history.

Chapter One

1. Endemic Banditry, Society and Lower-Class Violence.

In the early Roman Republic *latrones* was a label, originally derived from Greek, applied to those who undertook military service for pay, rather than out of obligation to the state.³⁰ Naturally the mercenary status of the *latro*, coupled with being a non-citizen and outsider, resulted in readily apparent pejorative overtones. By the time of the late Republic however the armies of the Roman state were already professionalised and consequently the *latro* was juxtaposed with the legitimate soldiers of the state. This meaning was retained into Late Antiquity; the *latro* was someone who practised violence without the consent of the state, and in doing so he rejected the state.

As a result *latrones* occupied a unique space in Roman law. The term tends to be translated as bandit or brigand, and I will continue to do so here, but in some ways ‘terrorist’ might be a better way to conceive of their status in the Roman judicial framework. The state attempted to operate a monopoly of violence, in the Weberian sense, and the *latrones* rejected this; therefore they were within the state but not of it. They had none of the dubious credibility of external opponents: ‘Enemies (*hostes*) are those who have declared war on us or on whom we have declared war; all the rest are bandits (*latrones*) or plunderers (*praedones*)’.³¹ This differentiation is reflected in the procedures for citizens who were captured by opponents of the state. If they were captured by legitimate enemies then they lost their rights as a citizen and were enslaved – at least until they legally re-entered society – but captives of bandits were held illegitimately and therefore never lost their legal freedom and status.³² Meanwhile the

³⁰ Brent D. Shaw, ‘Bandits in the Roman Empire’ in *Past and Present*, 105. 1, (1984), 3-52, (p. 26).

³¹ Dig. 50. 16. 118.

³² Shaw, ‘Bandits in the Roman Empire’, p. 22; Dig. 45. 15. 19. 2; *Digesta: The Digest of Justinian*, ed. by T. Mommsen and P. Krueger with English trans. by A. Watson (Philadelphia, P.A.: University of Pennsylvania Press, 1985).

bandits themselves were subject to unusual judicial savagery.³³ They could not expect the usual courtesies offered by the state to accused criminals. Book 9, chapter 35 of the Theodosian code makes a useful case study for this. The chapter is devoted to the correct practice of torture by judicial officials and the first six sections within the chapter regulate who was immune to torture and when people were exempt; two of them explicitly state that during lent there should be no corporeal punishment and no investigation of criminal activities via torture. The seventh and final section, proclaimed in 408, provides the exception: bandits could expect no such leniency and judges were expected to take every action to learn the plans of brigands through torture, regardless of date.³⁴ Bandits, unlike most other categories of criminal, could also be subjected to torture on the spot, before any judicial procedure, in order to reveal the whereabouts of their associates and of course they were to be executed in the most severe and public ways in order to deter others.³⁵ However this punishment was not simply limited to the *latro* himself, but also to conspirators, those who harboured him and the middlemen who fenced the loot for him. All of these were liable to receive equivalent punishment unless their legal status was sufficiently high and different penalties applied.³⁶ Indeed even the families of *latrones* were subject for punishment since such heinous behaviour was seen as hereditary; the sons of bandits only escaped death because of ‘especial imperial leniency’ and instead were denied any inheritances or honours and were damned to live in perpetual poverty and infamy.³⁷ That banditry was something of a practical problem

³³ CTh 9. 2. 5 ranks *latrones* alongside murderers, rapists and similar violent criminals of the most dangerous category. *Theodosiani libri XVI cum constitutionibus Sirmondianis*, ed. by T. Mommsen and P. M. Meyer, I (Berlin: Weidmann, 1905).

³⁴ CTh 9. 35. Perhaps similarly, the armed men and slaves had lesser or no right to sanctuary in a church, 9. 45. 4 and 5.

³⁵ Dig. 48. 19. 16. 10.

³⁶ Garrett G. Fagan, ‘Violence in Roman Social Relations’ in *The Oxford Handbook of Social Relations in the Roman World*, ed. Michael Peachin, (New York: Oxford University Press, 2014), p. 475 (467-495).

³⁷ CTh 7. 11. 1 and 9. 29. 1. For the punishment of families, CTh 9. 14. 3. This entry actually describes the procedure for sons of conspirators, and presumably *sicarii* and similar nocturnal ravagers, but the synonymy of these categories with *latrones* seems very probable, see CTh 7. 18. 7. The *Vita Proculi*

for the Roman state is unsurprising, but what this severity of procedure highlights is that the figure of the *latro* presented an ideological challenge to the state: illegitimate violence outside the aegis of the state could not be tolerated.³⁸

Because of this inimical status the notion of the bandit provided a useful rhetorical mirror to hold up to the state. For example Herodian gives an account of the career of Maternus, a deserter turned brigand during the reign of Commodus who was so successful that his band superseded the status of *latrones* and came to be considered actual *hostes*; genuine enemies of the state. Maternus through his cunning and leadership was able to escape the attentions of the authorities, sack major cities and even mount a bid for the imperial throne.³⁹ Only the betrayal of Maternus and the goodwill of the people of Rome saved Commodus, but he squandered this goodwill and was soon subjected to popular uprisings within the city.⁴⁰ Through extra-judicial violence the emperor had become a tyrant and no better than a bandit.

Cassius Dio uses the uprising of Bulla Felix for social critique in a similar way. Like Maternus, Bulla was able to use his cunning to avoid capture and also utilised disguises to free prisoners and capture and humiliate a centurion. This officer was then subjected to a mock trial, with Bulla dressed in the regalia of a tribune (thereby assuming the role of the legitimate authority), after which the centurion was released with the message ‘feed your slaves so that they do not become brigands’. Bulla’s startling success resulted from his individual brilliance and emphasised the virility of the bandit in contrast to the impotence of the emperor who acted only through agents. Meanwhile the role of the

similarly ascribes the characteristics of brigand origins lingering on in the character of Proculus and his descendants. SHA, *Life of Proculus*, 12-13.

³⁸ A more extended discussion of the legal meaning of *latro* can be found in Thomas Grünwald, *Bandits in the Roman Empire: Myth and Reality*, trans. J. Drinkwater, (London: Routledge, 2004), pp. 15-17.

³⁹ Herodian, 1. 10; *Herodian: with an English Translation*, trans. by C. R. Whittaker (London: Heinemann, 1970).

⁴⁰ Herodian, 1. 12-13.

state as arbiter of justice was exposed to ridicule. But it was the virility of Bulla that eventually exposed him; he slept with the wife of another and was betrayed by the injured party and captured by the emperor's agents while asleep in a cave. The prefect asked him; 'why are you a brigand?' To which Bulla replied 'why are you a prefect?'⁴¹ Some three centuries later Augustine posed the much the same question, though in rather less comic style, when he mused; 'Remove justice and what are states but gangs of bandits on a large scale? And what are bandit gangs but kingdoms in miniature'.⁴²

The illegitimate nature of banditry also made it useful pejorative label for criticising political opposition who would not be understood as bandits in the modern concept of the term, nor the contemporary technical legal status. It is around this usage of *latro* that most of modern scholarship on banditry in the Roman world has focused. Raymond Van Dam and Thomas Grünewald in particular have investigated the application of the label by official sources to imperial rivals in order to denigrate them.⁴³ But while it is important to bear in mind that these highfalutin, rhetorical usages are fairly common in the sources, the quotidian experience of *latrones* was far more mundane. Though the tales of Maternus and Bulla Felix are constructed for satirical purposes, the daring exploits and bravado of this kind of bandit leader probably made them the subjects of folk tales in much the same way as Robin Hood and equivalents around the world.⁴⁴ Indeed, there was even a popular board game called *Ludus Latrunculorum* – game of bandits – described by Varro in the first-century BC but attested as late as the fifth

⁴¹ Cassius Dio, 77. 10, *Roman History*, trans. by E. Cary, 9 vols (Cambridge: Harvard University Press, 1914).

⁴² Augustine, *De Civitate Dei*, 4. 4; *De Civitate Dei*, Volumes 1-7 (Cambridge, Mass.: Harvard University Press, 2014); G. E. M. de Ste. Croix, *The Class Struggle in the Ancient Greek World*, p. 477.

⁴³ Grünewald, *Bandits in the Roman Empire* and R. Van Dam, *Leadership and Community in Late Antique Gaul*, pp. 9-20.

⁴⁴ It is worth noting that in the tales of both Bulla Felix and Maternus the authorial intent is more complex than simply relating entertaining bandit stories. Both are intended as critiques to highlight the poor leadership or injustice on the part of the Emperor. For fuller discussion see Shaw, 'Bandits in the Roman Empire', pp. 44-49 and Grünewald, *Bandits in the Roman Empire*, pp. 110-136.

century.⁴⁵ However these images of bandits are probably no less constructed than those of Herodian and Cassius Dio, or indeed the archetypically anti-state portrayal of *latrones* in the legal codes.

Historical studies of Roman *latrones* have often focused on these kinds of constructed or rhetorical applications of the term.⁴⁶ Whilst this has certainly been invaluable for our understanding of the image of banditry, relatively little attention to the bandits themselves; their methods, their relationships with communities both local and region, the impetus to behave as a bandit, and the methods used to deter and punish that behaviour. I hope that investigating these issues during the Late Antiquity will provide some insight into how *latrones*, and the communities they derived from, experienced the later years of the Roman Empire and the aftermath. This insight would be especially useful, since the information that remains from such communities for posterity is particularly scarce. Few surviving written sources show any interest about the poor, and upland communities seem to have been even less interesting to ancient writers than their lowland or urban fellows. Furthermore, archaeological evidence – usually a useful guide to the common population – is scarce in these regions due to the relative lack of excavations, the culture and lifestyle of those populations and climatic conditions which render survival of artefacts infrequent. With this in mind, it is to be stressed that a focus on the bandits themselves, their lives, relations, and the physical processes of Roman banditry, leaves us in relatively uncharted terrain.

⁴⁵ J. Gómez Pallarès, "'Latro" in Virgil, A. 12, 7: An Alternative Explanation' in *Mnemosyne*, Fourth Series, 53. 2, (2000), 218-221 (p. 219).

⁴⁶ Van Dam, *Leadership and Community in Late Antique Gaul*, pp. 9-20 and Grünewald, *Bandits in the Roman Empire* in particular, although the latter does devote some considerable attention to 'real' bandits.

1.1. Endemic Banditry.

Given this notoriety and the complexity of the image of *latrones* it is unsurprising that the brigand seems to have been fairly commonplace in the Roman world. Attack by bandits is listed in the Digest as a common cause of death, alongside sickness and old age and as a regular misfortune that could affect property, commerce and legal transactions such as the repayment of loans.⁴⁷ *Interfectus a latronibus* (killed by bandits) is formulaic inscription found on tombstones across the Empire.⁴⁸ Even during the proverbially peaceful reign of Antoninus Pius, a provincial governor might find it prudent to include a specialist bandit hunter in his entourage.⁴⁹ However, they were certainly not common in all places or at all times. Rural travellers might have generally felt fear at the prospect of opportunistic theft, but it seems that notorious brigandage was restricted to certain regions and their populations.⁵⁰

This pervasive but regionalised impression of banditry in the Roman world correlates well with one of the less well-known arguments espoused by Eric Hobsbawm in his famous monograph on bandits. He considered banditry to be endemic on the periphery of the state in geographic locales where the intrusion of the state was necessarily difficult, such as densely forested, mountainous or marshy regions.⁵¹ This relationship was essentially the product of adversarial inequality. The fertile, lowland areas dominated by the state had economic and military superiority but lacked the ability to penetrate difficult terrain in anything more than an irregular or superficial way. They

⁴⁷ Shaw, 'Bandits in the Roman Empire', pp. 8-10. This article makes a compelling case for the relative ubiquity of banditry.

⁴⁸ For discussion and a full set of references see Shaw, 'Bandits in the Roman Empire', pp. 10-12.

⁴⁹ Fronto, *Letter to Antoninus Pius*, 8; *M. Cornelii Frontonis Epistulae*, ed. by Michael P.J. van den Hout (Leipzig: Teubner, 1988).

⁵⁰ Isauria in particular, but also southern Italy and mountainous regions in general.

⁵¹ Emmanuel Le Roy Ladurie, *Montaillou* (London: Harmondsworth, 1980) describes in fantastic detail how the uplands of the Pyrenees provided shelter for both heretical beliefs and unusual liberty of action despite the hostility of both the Church and a centralising state. As the seminal study of pre-modern upland societies in Europe *Montaillou* will be a valuable, if chronologically troublesome, source of insight for this study of upland communities in the ancient world.

were therefore unable to subdue the inhabitants of those regions who often used their mobility to raid and rob before escaping back to their inaccessible refuges. The products of banditry were then used to complement the relatively meagre agricultural output of these geographic regions and enrich its inhabitants. However, so long as the lowland state retained enough local influence to prevent the aggregation of politico-military bandit organisations into a rival state, then the violence would be maintained at a relatively minor level. A form of variable equilibrium was maintained, where the need or desire of the state to eradicate bandits was balanced by the difficulty of accomplishing that task. It should be noted that these endemic levels of brigandage were certainly not unchanging, or even steady. The trends of banditry were subject to any number of vicissitudes. Alterations in climate, economic patterns, disease, war, changes in state or local policy or attitudes: all of these issues and more might regulate local patterns in banditry.⁵² Rather, the term ‘endemic’ implies that the relationship between bandits and the state and/or wider society was limited to an extent that was perceived as normal.

Hobsbawm theorized that this endemic banditry became epidemic when the modernising state began to exert meaningful authority in these regions. In reaction to the imposition of obligations and social norms that differed from those of the community more people would opt out of their legitimate social roles in favour of a life of brigandage. He argued that this pattern would continue until the primitive rebellion of banditry was either

⁵² The impact of geography, politics and external factors can perhaps best be understood through the various works devoted to Isauria. Brent D. Shaw, ‘Bandit Highlands and Lowland Peace: The Mountains of Isauria-Cilicia’ in *Journal of the Economic and Social History of the Orient*, 33. 2, (1990), 199-233 and ‘Bandit Highlands and Lowland Peace: The Mountains of Isauria-Cilicia (Continued)’ in *Journal of the Economic and Social History of the Orient*, 33. 3, (1990), 237-270; Noel Lenski, ‘Assimilation and Revolt in the Territory of Isauria, from the 1st Century BC to the 6th Century AD’ in *Journal of the Economic and Social History of the Orient*, 42. 4, (1999), 413-465; Keith Hopwood, ‘Bandits between grandees and the state: the structure of order in Roman Rough Cilicia’ in *Organised Crime in Antiquity*, ed. Hopwood (London: Duckworth with the Classical Press of Wales, 1999), pp. 177-206.

replaced by a more sophisticated form of rebellion, such as the labour movement, or was subsumed into a revolutionary guerrilla campaign.⁵³

These two forms of banditry; endemic and epidemic, are certainly conceptually useful and Grünewald has applied the latter notion to Rome's expansion and the resistance to her authority during periods of conquest or in its aftermath.⁵⁴ However, in the latter years of the Western Empire the ability of the Roman state to project its authority in provincial regions decreased and in the rest of this chapter will attempt to understand trends in banditry during the latter years of the Empire, both in general and in light of endemic-epidemic theory.⁵⁵ It is hoped that this method of interpretation will provide insight into the conditions of life for the peoples of the geographic periphery of the Empire. *Latrocinium* was an ongoing process which brought together individual bandits with their local communities, neighbours, regions and the state through both violent and non-violent interactions.

Firstly, I will make some fairly generalized conclusions about endemic banditry in the late Roman West, with particular focus upon the networks of bandits and their interactions with their communities and neighbours. It is necessary to provide this as a background to epidemic banditry, since there was certainly a degree of overlap between these categories, but it is also valuable in its own right. Endemic banditry might not have the same overt political implications as that which was brought about by anomic social conditions, but nevertheless it remains a method by which the lives of common people in Late Antiquity can be investigated. As a result of the severely limited nature of the

⁵³ Eric Hobsbawm, *Bandits*, (London: Abacus, 2001), pp. 22-33.

⁵⁴ Grünewald, *Bandits in the Roman Empire*, pp. 33-56.

⁵⁵ This in itself is somewhat original since most study of banditry in the Roman Empire has concentrated on particular regions like Isauria, whose notorious brigands impinged on the political events of the wider Empire, or on the early Empire or Principate. Consequently Late Antiquity is somewhat neglected; see Grünewald, *Bandits in the Roman Empire*, p. 4. This is rather unfortunate since banditry features much more prominently in the source material for this period according to Ramsey MacMullen, *Enemies of the Roman Order: Treason, Unrest, and Alienation in the Empire*, (Cambridge, MA.: Harvard University Press, 1966), pp. 256-259.

sources, I have drawn upon diverse materials to elucidate this somewhat speculative study. Some of these sources are from other regions and periods within the Roman world whilst others are sociological or historical works relating to pastoral or bandit societies which can be seen as instructive about the general conditions of life in such societies, even if the details differ markedly. It is worth stressing that the purpose of this study is not a detailed economic geography, nor a detailed micro-history, but rather an enquiry into the social interactions between violent members of the *humilial* inhabitants of the late Roman periphery and their neighbours. It is a sketch of what might have been the case, based on the insight of what sources we have and what we know of similar societies, but certainly does not purport to be an absolute, pan-imperial norm.

1.2. Bandit Social Relations within Uplands.

Geography and banditry seem to have been inextricably linked in the Roman Empire and upland regions in particular seem to have been strongly associated with brigandage.⁵⁶ The bandits themselves were linked with exactly the kind of pastoralist communities that Hobsbawm suggested.⁵⁷ This can be discerned from typical Roman depictions and stereotypes of bandits. Given that upland regions were associated with brigandage it is unsurprising that their populations were too. However the link was not merely incidental; the shepherd and the bandit were considered almost synonymous. For example, an inscription from Caria states that shepherds who grazed their flocks on vineyards were committing an act of banditry, whilst an entry in the Theodosian Code equates the rustling of livestock so closely with banditry that it incurred similar penalties

⁵⁶ It seems that other geographic regions which state authority found difficult to pervade were similarly afflicted. For example the marshland of the Nile delta were inhabited by the Boukoloi, a notorious bandit/pirate group who relied on their swampy homeland as a refuge from which to raid on both land and water. See Richard Alston, 'The Revolt of the Boukoloi' in *Organised Crime in Antiquity*, ed. Hopwood (London: Duckworth with the Classical Press of Wales, 1999), pp. 129-53.

⁵⁷ For example, see Lenski, pp. 446-455 on pastoralism and brigandage in Isauria.

to *latrocinium*, even though the crime was non-violent.⁵⁸ A law of Diocletian and Maximian, meanwhile, states that a man who is cleared of the charge of homicide may still be tried for the related crimes of herdsmen and brigands.⁵⁹ Indeed the connection between shepherd and bandit was so close that it was a subject for comic subversion. In AD 143, the author Marcus Cornelius Fronto wrote to the future emperor Marcus Aurelius with a humorous anecdote, telling how he was riding in the hills and overheard one shepherd warn another to keep a close watch on Fronto and his entourage because they might be bandits. Fronto was so incensed by this that he charged the shepherds, scuffled with them and stole one of their walking sticks.⁶⁰ As ever with history, and especially with evidence relating to peripheral, lower class or marginal peoples written by the hands of elites, this material does not necessarily reflect absolute reality. We certainly cannot claim that all shepherds were bandits; indeed to assume so would be ridiculous. However these depictions must represent prevailing stereotypes which perhaps themselves reflect some reality; shepherds may sometimes have also been, or associated with brigands.

Likewise the association of uplands and banditry in evidence from antiquity may reflect that these locations were particularly notorious; descriptions of both *latrocinium* and the actions taken against it typically occur in these regions. Notably in AD 535, Justinian accorded the governor of Pisidia extraordinary powers in order to enforce taxes on the truculent inhabitants of the highlands of the province, and to destroy the bandits who protected those villages from their lofty refuge known as the wolf's head.⁶¹ This

⁵⁸ Shaw, 'Bandits in the Roman Empire', p. 31 for an explanation of rustling. For the inscription see *Monumenta Asiae Minoris Antiqua* 4. 297 and Hopwood, 'Bandits between grandees and the state', p. 180.

⁵⁹ CJ 9. 2. 11; *Corpus Juris Civilis*, Volumes I-III, ed. by P. Krueger and T. Mommsen (Berlin: Weidmann, 1900-4).

⁶⁰ Fronto, *Letter to Marcus Caesar*, 2. 12.

⁶¹ Justinian, *Novels*, 24. 1; Justinian, 'Novels' in *Corpus Juris Civilis*, Vol III, ed. by P. Krueger and T. Mommsen (Berlin: Weidmann, 1900-4).

association was not limited to sixth-century Asia Minor. Similar examples exist across the Empire: Hydatius records the activity of *latrones* in Galicia, both St. Martin and the Gothic general Sarus were accosted while crossing the Alps, Sardinia and the Apennines were notorious as was Isauria in south-eastern Anatolia, whilst in the Balkans the young emperor Maximinus Thrax rose to prominence as the leader of an ad hoc band of bandit hunters.⁶² The bandit hideout described by the protagonist of Apuleius's *Metamorphoses* is described as 'a wild mountain of unusual height' covered in forests and surrounded by rivers and gorges.⁶³ Even more revealing is a passage from Procopius' *Buildings* which describes how Justinian pacified a bandit-infested region. Tzanica in eastern Anatolia was an inaccessible region replete with mountains, cliffs and tangled forests:⁶⁴

'Accordingly he cut down all the trees by which the routes chanced to be obstructed, and transforming the rough places [made] them smooth and passable for horses... And he built forts in all parts of the land, [and] assigned to them very strong garrisons of Roman soldiers...'

Through these policies he denied the inhabitants the advantages of the terrain and made it easier for the state to exert military pressure in the region. Furthermore, he built

⁶² Hydatius, 'Chronicle', entry 179 (year 456) in MGH AA, 11, p. 29; Sulpicius Severus, *Vita Sancti Martini*, 5. 1; Zosimus, *New History*, (4. 2), trans. by R. T. Ridley (Sydney: Australian Association for Byzantine Studies, 1982), p. 127. For Sardinia see Shaw, 'Bandits in the Roman Empire', p. 7n12.; for the Apennines see CTh 9. 30. 1 and 9. 30. 4; for Maximinus Thrax see SHA, *Life of Maximinus*, 2. 1.

⁶³ *Mons horridus silvestribusque frondibus umbrosus et in primis altus fuit*. Apuleius, *Metamorphoses*, 4. 6. Apuleius, *Metamorphoses*, ed. and trans. by J. Arthur Hanson (Cambridge, Mass.: Harvard University Press, 1989). For further discussion of the literary role of the bandits in the *Metamorphoses* see P. A. Mackay, 'Klephtika': The Tradition of the Tales of Banditry in Apuleius' in *Greece & Rome*, 10. 2, (1963), 147-152.

⁶⁴ It is worth noting that both these passages mention uplands and forests in close connection. This is unsurprising, since the marginality of these regions made clearance of woodlands unlikely. Marshes too were common in the upland plains or valleys when these were fed by heavy rainfall or snowmelt in hills or mountains. The combination of these awkward terrains compounded the difficulties for the 'civilising' forces of the Roman administration. When 'upland' is used throughout this chapter, one should not just imagine the arid, bare slopes of Mediterranean uplands that perhaps dominate the initial perceptions of Roman uplands, but also the forested uplands such as Alpine foothills or the Ardennes. Though thick tree cover could limit the grazing of large herds of sheep or cattle, pastoralism could continue in the margins whilst herds of pigs thrived on the roots, fruits and nuts available in mature woodlands in Late Antiquity. Chris Wickham, 'European Forests in the Early Middle Ages: Landscape and Land Clearance' in *Land and Power: Studies in Italian and European Social History, 400-1200* (London: British School at Rome, 1994), pp. 184-7.

churches, encouraged commerce and other interactions with neighbouring areas, so as to homogenize social norms and in doing so Justinian anticipated the methods employed by more modern states to control their geographic peripheries.⁶⁵

Procopius was unequivocal in likening the wildness of the Tzani to the geography of their homeland. He stressed their savagery and emphasised the infertility of the land which would not support arable crops, or even fruit trees. Consequently the people of this wild land relied on ‘robbing and living always on their plunder.’⁶⁶ They raised cattle but ‘not in order to plough the earth, for the Tzani are altogether indolent and averse to the tasks of husbandry...but in order to have a constant supply of milk and to eat their flesh.’⁶⁷ Procopius’s pejorative tone here exaggerates the wildness of the Tzani in order to increase Justinian’s glory, but nevertheless many upland regions of the Empire were better suited to grazing and pastoralism than to growth of crops.⁶⁸ However, the simplistic, savage depiction of this way of life is entirely false. Myriad local variations of pastoralism surely existed, determined by local culture, climate, geography, land ownership and innumerable other factors. Perhaps the major distinction between types of husbandry in these upland regions was between mixed village agriculture and transhumancy. These two methods, which surely often coexisted, may have nevertheless remained fairly distinct. Village agriculture surely emphasised the rearing of livestock but since the village was a large, relatively self-sufficient community, crops and minor production industries were required to maintain this sufficiency. Since the people of the village were tied to their homes by shelter, property, family and lifestyle, the potential for production of livestock was limited by the grazing that was available within a

⁶⁵ Procopius, *Buildings*, 3. 6; ‘Buildings’, in *Procopius*, Vol. VII, trans. by H. B. Dewing (London: Heinemann, 1940).

⁶⁶ Procopius, *Buildings*, 3. 6.

⁶⁷ Procopius, *Buildings*, 3. 6.

⁶⁸ Marcellinus Comes, *Chronicon*, entry 441, in MGH AA, 11, p. 80, likewise associates the Tzani with other peoples known for pastoralism, nomadism or brigandage, such as the Isaurians, Saracens and Huns.

reasonable distance. In contrast, transhumants were not reliant on the village structure. They lived a transient existence, at least during certain seasons, when they would drive large herds across large distances in order to supply fresh grazing. Despite the assumptions of prejudiced observers like Procopius this lifestyle was typically not self-sufficient.⁶⁹ The temporary needs of the husbandmen might have been met by the milk and meat of their herds, but the production of cheese and textiles required somewhat more permanence, as did their need for metal tools and various other commodities. The transhumant pastoralist then was a commercial farmer; his transience allowed him to produce a surplus of livestock which could then be exchanged for necessities and capital. In geographic parlance, the mixed village agriculturalist was sedentary and subsistent, whilst the transhumant was (semi)nomadic and commercial.⁷⁰

The tone of pejorative depictions of bandits seems to imply that bandits were typically drawn from the latter of these two modes of production.⁷¹ The freedom of movement enjoyed by transhumant pastoralists may have allowed them to raid effectively, as did their local knowledge, whilst this same transience kept them relatively safe from the reprisals of victims and the state. The differing role of the wandering and village

⁶⁹ 'Pure pastoralism' – characterised primarily by diet derived entirely from animal products – cannot really be supported in European environments. Transhumancy is superficially similar because both share an economic focus on livestock rearing, but in fact requires highly developed structures of commercial exchange. However, the apparently equivalent reliance on animals was enough for Roman authors to assume the barbarousness of all pastoralists, whether 'true', transhumant or mixed. See Wickham, 'Pastoralism and Underdevelopment in the Early Middle Ages' in *Land and Power: Studies in Italian and European Social History, 400-1200* (London: British School at Rome, 1994), pp. 121-3 and 146-151 and throughout for detailed observations on Early Medieval pastoralism in Europe.

⁷⁰ Despite these distinctions, it is likely that the boundaries between upland village and transhumant pastoralism were fluid. Both certainly would have kept livestock. Semi-nomadic herders typically originated from upland villages and possibly sought to retire to them if they acquired sufficient wealth from commercial pastoralism. They retained familial connections within those communities and also relied on them for shelter and exchange. Indeed, it seems likely that the two systems might have operated concurrently on a seasonal basis, whereby during the summer months the herds of the community were grazed in uplands by young men from the village, whilst in winter they returned to shelter in the village. The herds would then be thinned by slaughter, and the prime breeding animals sustained through the winter on hay which had been grown during the summer on pasture close to the village. Le Roy Ladurie and Julius Klein, *The Mesta: A Study in Spanish Economic History 1273-1836*, (Cambridge: Harvard University Press, 1920) remain classic studies of upland life in pre-modern periods, and the latter, in particular, focuses on the rhythms of transhumance.

⁷¹ Hopwood, 'Bandits between grandees and the state', p. 180.

pastoralist seems to be reflected in Greco-Roman divinity. Silvanus the careful herdsman and domestic deity is associated with but sometimes depicted in contrast to, Faunus (or Pan) the wild rustic-shepherd deity characterised by altogether more chaotic nature and often malevolent intent. Silvanus is always depicted as aged and was perceived as responsible, diligent and loving. Faunus/Pan however was the archetype of youthful virility and though both were shepherds, he was far more wild and irresponsible.

Interestingly, this contrast itself reflects an inherent form of social tension within upland pastoral communities. In a study of nineteenth and twentieth century banditry in Sardinia, David Moss found that there is typically tension between mature shepherds and their sons and the younger generation generally. Because of the threat of overgrazing and the greater economic potential and bargaining ability of the owners of larger flocks, older shepherds tend to be loath to cede their livestock to others, since doing so could put their position in the local hierarchy at risk. Multiple sons and/or economic disruption in lowland markets for pastoral produce served to further exacerbate these issues. As a result it was typical for younger men to seek to enhance their social position either through rustling the livestock of neighbouring communities or through raiding.⁷² The contrast of the mature, diligent Silvanus and the virile, chaotic Faunus/Pan may imply that the same power dynamic existed in Roman Empire. Unfortunately we are particularly lacking in sources that describe the inner workings of ancient pastoral communities, but the existence of a law dating from AD 409, which legislated against child oblates being given to shepherds, in order that they not be raised as *latrones*, suggests that an excess of children may well have led to inter-generational economic competition and banditry.⁷³ On the basis of this evidence – modern-sociological, mythic

⁷² David Moss, 'Bandits and Boundaries in Sardinia', *Man*, 14. 3 (1979), 477-496.

⁷³ CTh 9. 31. 1.

and Roman legal – it seems plausible to assert that generational tension probably existed in some late antique upland communities, and perhaps been a factor in banditry. ‘Excess’ human reproduction on arable farms typically improved output by providing more hands for work, but in pastoral communities a huge increase in livestock was required to justify the additional labour. Producing that increase in livestock might have been theoretically profitable, but would often have led to overgrazing or tension with neighbours over grazing rights. Many options were surely available to individuals who were disadvantaged by these intrinsic socio-economic tensions, including transhumancy, but violent roles seem to have been common. Some of these were legitimate; pastoral areas, such as upland Syria and the Balkans, seem to have been prime sources of recruits to the army.⁷⁴ However, given the ubiquity of references to banditry, it seems that the violent, illegitimate method of *latrocinium* was a regular means of socio-economic improvement.

Inter-generational tension might not have been the only factor that drove young men in the late antique uplands into careers of violence. In his seminal study on early fourteenth-century Montailou, an upland, pastoral village in Ariège, Le Roy Ladurie noted a typical gender-based demographic imbalance within pastoral communities which resulted from a low incidence of marriage among shepherds and a high mortality rate among males which was exacerbated by a considerably higher average marriage-age among men.⁷⁵ Though we must be cautious about generalisation from data collected centuries later, modern evidence from Orgosolo, an upland Sardinian village now considered the archetype of shepherd-bandit communities, suggests that such patterns are typical within Mediterranean pastoral settlements.⁷⁶ If this gender imbalance within communities did

⁷⁴ Michael Whitby, ‘Army and Society in the Late Roman World: A context for decline?’ in *A Companion to the Roman Army*, ed. Paul Erdkamp (Oxford: Blackwell, 2007), p. 519.

⁷⁵ Le Roy Ladurie, p. 190, 263 and *passim*.

⁷⁶ Antonio Sorge, ‘Divergent Visions: Localist and Cosmopolitan Identities in Highland Sardinia’, *The Journal of the Royal Anthropological Institute*, 14. 4 (2008), 808-824 (p. 810 and 815).

indeed occur, it might imply that the dislocation between 'wild' and 'responsible' was based on lifestyle as well as age. Shepherds, especially those who practised transhumancy, seem to have had reservations about settling down in the village community, and with marriage in particular. These concerns crystallised around two primary issues: freedom of movement and economic potential. Both are well evidenced in both medieval Montaignou and modern Orgosolo. These two issues were intrinsically linked. The livelihood of the professional shepherd was tied to his flocks and these required semi-constant protection and direction so as to avoid loss of stock, overgrazing or the transgression of boundaries. Because of this, shepherds developed a masculine subculture, known in Sardinia as *balentia* and typified there by homosocial gathering, eating, drinking, cavorting, the careless squandering of property or capital, honour and violence.⁷⁷ As a result of both economic obligation and social inclination, shepherds often remained either incapable of, or disinclined to marry. A contemporary informant of Antonio Sorge explains that:

'A shepherd can't give a woman the life she wants - nice clothes, cars, vacations, money in the bank. It is not that we're dying of hunger, but we have not so much to spare. And... we are away for so many hours during the day, and when we come back we're filthy.'⁷⁸

And likewise Pierre Maury, who was born in Montaignou but roamed throughout the Ariège, Pyrenees and Catalonia, told his friend: *I do not want a wife. I can't afford to keep one.* Not only that but, as a Cathar heretic and fugitive from authority, he added: *I don't want to settle down because I would not be safe.*⁷⁹ But this concern for freedom was widespread; Occitanian shepherds might treasure their lifestyle because they were outlaws, because they felt poorly served by judicial process, or out of simple pleasure.⁸⁰

⁷⁷ Sorge, p. 815 and Le Roy Ladurie, pp. 69-70, 106-110.

⁷⁸ Sorge, p. 815.

⁷⁹ Le Roy Ladurie, p. 98.

⁸⁰ Le Roy Ladurie, p. 70.

Upland areas of limited state control also tended to attract refugees from less peripheral regions. These vagrants were likely to be in desperate circumstances already and probably inflated shepherd numbers somewhat, even in times of relative peace and prosperity.⁸¹ If similar concerns affected the upland shepherd in the Roman Empire, then it seems probable that a whole range of factors restricted a sizeable proportion of the male populations of pastoral communities to an irregular or peripheral presence within settled society. Consequently young shepherds were impelled to diversify from village pastoralism into other socio-economic roles, including banditry, as a result of structural tensions within the upland village, desire for social improvement and perhaps even the appeal of a masculine shepherding subculture. But what interactions characterised the relationships between bandits and the communities from which they originated?

Much of the discussion of banditry in modern sociological, historical and anthropological disciplines has been devoted to the ‘reality’ of the social bandit; the ‘noble robber’ who targets only the oppressors and their representatives and who wins fame among the people for redistributing that wealth among the oppressed. Whilst Eric Hobsbawm and various others have propounded the notion of the social bandit, some have refuted these claims and suggest that this idealised portrayal is simply a product of popular mythologizing and that the social bandit is merely a cultural construct of the oppressed. Instead, opponents of the social bandit thesis typically characterise bandits as oppositional to local populations. Even Currott and Fink, whose recent article is intended to reconcile the notion of the social bandit, only allows for accidental social contribution; “Bandits can unintentionally increase social welfare by opposing unpopular laws, by providing checks against government predation”, whilst maintaining that bandits were “violent, calculating, ruthless, and indiscriminating in their

⁸¹ CTh 7. 18. 10.

exploitation”.⁸² Though an uncritical acceptance of the historicity of bandits as ideological opponents of oppression is incautious, such an interpretation of banditry in the Roman Empire would encourage the interpretation that its relation to upland communities was generally predatory/parasitic, especially in light of the pervasive social tensions that seem to have encouraged many young men to become bandits.

However the rejection of a social conscience on the part of the brigand fails to acknowledge that bandits, especially part-time shepherd/bandits, continued to be actors within the community.⁸³ Since they potentially had access to wealth and outside, luxury goods the successful bandit was likely to be a popular figure in the community, so long as he respected the norms and peace of the village, and restricted his violence to the mountains. The fictional bandits in Apuleius’s *Metamorphoses* seem to share exactly this relationship with the local upland population. After raiding a rich man’s house on the outskirts of a city in Greece they returned to the mountains and sought shelter in the houses of some friendly villagers with whom they shared a portion of their booty, presumably in return for shelter, provisions and goodwill.⁸⁴ If a bandit was especially successful, he might even assume a leadership role within the community, exploiting his wealth, reputation, contacts with the other men of violence to develop ties of dependence in much the manner of Hobsbawm’s *Haiduk* category of bandit.⁸⁵ The *Historia Augusta* describes this kind of process in the account of the future Emperor Maximinus Thrax’s early career, during which he accrued wealth and prestige by forming a cadre, of what

⁸² Currott and Fink, ‘Bandit Heroes: Social, Mythical or Rational’, *American Journal of Economics and Sociology*, 72. 2, (2012), 470-497, (p. 471).

⁸³ The part time nature of *latrocinium* is also observable in the fisherman who moonlight as pirates in the fictional work of Achilles Tatius 2. 26-18; 5. 7. Achilles Tatius, *Euclippe and Clitophon*, trans. S. Gaselee (London: Heinemann, 1917), pp. 89-93, 248-253. See also Garrett G. Fagan, ‘Violence in Roman Social Relations’, p. 477.

⁸⁴ Apuleius, *Metamorphoses*, 4. 1.

⁸⁵ The ‘haiduk’ is one of several categories into which Hobsbawm divides the various varieties of bandits. It is typified by a local character and sometimes by a *de facto* legitimacy. For example, a haiduk might be recognised by an overlord as a free man in return for the provision of warriors. See Hobsbawm, pp. 77-90.

are described as ‘bandit-hunters’, to defend his local area.⁸⁶ It is not unlikely that what were locally seen as bandit-hunters were considered textbook *latrones* by the inhabitants of neighbouring districts, but within their own territories, they were apparently popular. In fifth-century Isauria, the leaders of successful bands rose to such prominence that they became major players in Imperial politics.⁸⁷ Similarly the usurper Proculus is described as a nobleman descended from successful Alpine brigands and who was therefore rich in herds and slaves. Though he was a nobleman it is clear that he retained the characteristics of a bandit. He became a military leader but apparently only made his effort on the purple as a result of a prank. When playing *ludus latrunculum* (a game at which he was apparently intrinsically skilled!) in camp his success at being crowned king caused one of his entourage to wrap him in a purple cloak in jest. However the group were alarmed at the treasonous implications of this act and decided to make a serious attempt on the imperial throne. During his brief and contested reign he successfully defeated the Alemanni through using the tactics of a bandit.⁸⁸ Both the nefarious origins of Proculus and the fanciful tale about his ‘coronation’ are almost certainly fictional but it nevertheless suggests that a successful brigand might, eventually, attain a legitimate position of power even if, according to the civilised elite, this would never erase the stain of his birth.⁸⁹ The likes of Maximinus, Proculus and Isaurians like Emperor Zeno and general Illus were far removed from the typical lower-class bandit, but there was potential for violence in the form of banditry to substantially

⁸⁶ SHA, *Life of Maximinus*, 2. 1; *Scriptores Historiae Augustae*, trans. by David Magie (London: Heinemann, 1922-1932). The *Historia Augusta* is, of course, a notoriously unreliable text and it is likely that this tale of Maximinus’s brigand origins is entirely made up. Fortunately however, the detail of this case is not relevant so long as the description represent a potential reality in the eyes of its audience. For an overview of the problems associated with the *Historia Augusta* see Ronald Syme, *Historia Augusta Papers*, (Oxford: Clarendon Press, 1983).

⁸⁷ Lenski, pp. 446-455.

⁸⁸ SHA, *Life of Proculus*, 12-13.

⁸⁹ For the numerous problems with the reliability of the *Historia Augusta* see above, p. 45, n.86.

improve the social position of the lowly shepherd within their community through the distribution of the fruits of their success.

But the maintenance of good relations between bandits and their communities did not rely on success. Indeed, it seems probable that banditry was unsustainable without those communities. Bandits, like transhumant shepherds relied on the local population for support in the form of food and markets. Whilst the shepherd sold the commercial products of his herds, the bandit required an outlet for selling loot; like the shepherd, they needed to exchange the product of their trade for essentials and luxuries that they could not obtain otherwise. This relationship is hardly surprising. Perhaps a majority of bandits were typically shepherds, and therefore many bandits probably retained families, especially when banditry was a seasonal occupation that took place during the colder months, when the flocks had been bought down from the uplands and potential victims could be expected to travel overland, rather than by sea.⁹⁰ Even if the brigands were detached from familial structures, good relationships with kin and the wider community had to be maintained if the bandit was to avoid detection, repercussions or betrayal. Indeed, the Roman state was well aware of this reliance, and made the communities which sheltered bandits a prime focus of its retaliations against banditry. The law required that provincial governors ‘must use force against their collaborators (receptatores) without whom the bandit (latro) is not able to remain hidden for long.’⁹¹ Unsurprisingly then, the successful brigand could not afford to alienate the local population and if he did prosper he might use the village as a public space to display his success, or even try to reintegrate with “peaceful” society. For example, Owen Lattimore observed that in north-eastern China in the 1920s, the one-time bandit would commonly

⁹⁰ That Roman bandits maintained flocks can be discerned from the description of the bandit hideout in Apuleius’s *Metamorphoses* which describes the use wicker hurdles used to house livestock. *caulae firmae solidis cratibus, ovili stabulationi commodae. Metamorphoses*, 4. 6.

⁹¹ Dig. 1. 18. 13. For more on betrayal as a tool of Imperial anti-bandit policy, see below, pp. 58-61.

return to village life, or indeed do so on a temporary basis, before returning to the hills and to brigandage once more.⁹² In either case, the distribution of wealth to the community was surely an opportunity for the bandit to construct relationships of dependence and assert his own position in the social hierarchy.

As a result of this vital dependence on the local population, only the most desperate of bandits would prey on the inhabitants of their own region: evidence suggests that shepherds/bandits in widespread geographic and chronological contexts separate the village and the mountain into the spaces of non-violence and violence.⁹³ In some ways this was logical self-preservation; violence in isolation was violence that was unaccountable (in the same way that ‘dark alleys’ are proverbially associated with urban violence today), therefore the bandit was less vulnerable to the agents of justice. But this was not the only factor. Raymond de Laburat, a fourteenth-century farmer from Ariège, was willing to publicly declare his desire to fight, and possibly murder, his Bishop up in the mountain passes. In the context of informants and the Inquisition, such a declaration was surely dangerous in itself, yet the theoretical act of violence is nevertheless distanced from the village, even when the posturing and threat is not.⁹⁴ It seems likely that this was out of a desire to maintain good relations within the community.

If bandits in fact typically enjoy complex ties to their communities, then perhaps it is unsurprising that they enjoyable a favourable cultural memory. Though the details of the portrayal of bandit ‘heroes’ like Bulla Felix and Maternus were certainly adapted for the narrative purposes of their authors, common themes within them are certainly consistent with later folk tales of similar bandit heroes. This implies that such equivalent folk tales might have existed among the lower-class inhabitants of upland areas during the Roman

⁹² Owen Lattimore, ‘Return to China’s Northern Frontier’, *The Geographical Journal*, 139. 2 (1973), 233-242 (p. 241).

⁹³ Sorge, p. 817.

⁹⁴ Le Roy Ladurie, p. 262.

Empire. Such legends, though surely constructed and often idealised, would imply that bandits had the potential to be conceptually heroic, in the manner of Hobsbawm's 'social bandit'. Unfortunately, we have no records of heroic bandits that derive directly from non-aristocratic sources. However, it is possible that the *Vita Martini* records evidence of this kind of continued affection for a bandit within his lower-class community. An unmarked tomb in the vicinity of Tours was venerated by locals and St Martin was concerned by this incautious appreciation, so visited the site in order to ascertain whether it contained the body of a person who was worthy of its traditional veneration. During the investigation Martin had a vision which revealed the true character of the occupant of the tomb; a *latro*. Naturally, he had the tomb destroyed upon this revelation. The likelihood is that Martin invented this revelation in order to justify the destruction of an unsanctioned cult, but it is possible that the people of the area had once venerated the tomb of a 'bandit hero'. By the time of Martin, the tomb had perhaps been absorbed into Christian tradition and was associated with a martyr, but given the extra-mural and seemingly rural location of the tomb, and the doubts over its occupants, it could have derived from the distant past and therefore might indeed have once housed a locally popular bandit.⁹⁵

⁹⁵ Sulpicius Severus, *Vita Sancti Martini*, 11 in 'Vita Sancti Martini,' *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church: Second Series*, Vol. 11, trans. by Alexander Roberts (Oxford: James Parker and Company, 1894) and *Sulpicii Severi Libri qui supersunt*, ed. by Carl Halm (Vindobonae: C. Gerold, 1866). This is certainly a problematic interpretation. The intent of the passage is to warn against popular expressions of Christian faith that occurred without the approval of the Church. As a result, Sulpicius Severus' choice to describe the inhabitant of the tomb as a *latro* is intentional; an exaggerated and villainous occupant made for a more shocking story and therefore greater impact. Consequently, it could simply be a constructed account but it is possible that Sulpicius may be describing a common or unsurprising tradition. The fact that a *latro* – a secular villain – as the occupant may be revealing, since a persecutor of Christians might have been even more meaningful. A parallel example of veneration might be found in the medieval hagiographical association between the *baucadae* and the Theban Legion. The Legion was ordered to kill fellow Christians – the *baucadae* – by the pagan Emperor Maximian. When the Legion refused they were martyred and later became the centre of a saint's cult, whilst the *baucadae* came to be remembered as particularly Christian rebels. See Van Dam, *Leadership and Community in Late Antique Gaul*, p. 54. J. C. Sánchez León, *Les sources de l'histoire des Bagaudes* (Paris, 1996), is willing to go even further, and suggests that the *latro* can be positively identified as a *baucad*, pp. 68-69 and 143-144. Additionally, there are more modern parallels of the veneration of the tombs of brigands, see Hobsbawm, pp. 160-161. For the probable pagan origin of the tomb, see Peter Brown, *The Cult of Saints: its Rise and Function in Latin Christianity*, (London: SCM, 1981), p. 5.

As a result of this evidence it seems that the notion of predatory brigands ravaging the local people is problematic. Bandits in areas where the practice of banditry was endemic retained good relations with local communities in order to retain necessary social and economic contact and, as a result of these cordial relations, seem to have enjoyed a popular if idealised position in cultural memory. Of course, the extensive upland regions of the Roman Empire were inhabited by many different communities and it is unlikely that there was any strict injunction against subjecting fellow upland pastoralists to *latrocinium*. In modern Sardinia, the semi-nomadic inhabitants of the Barbagia region were notorious for rustling the herds of the mixed agriculturalists of the Marghine hills only a few miles to the northwest.⁹⁶ Although we are poorly informed about these kinds of patterns of banditry in the late Roman period, it is clear that the rustling of livestock, with which banditry was almost synonymous, took place regularly.⁹⁷ Certainly there seem to have been raids on neighbouring villas and towns, whilst in Isauria the proliferation of fortresses, both large and small, indicates the proliferation of rival bandit groups within an upland territory.⁹⁸ This should not be surprising. The economy of pastoral communities relied on livestock and therefore rustling could provide an immediate boost to the local herds. Furthermore, these raids might provide an opportunity to settle the conflicts that typically develop over grazing rights.

It is difficult to say anything certain about the regularity of livestock theft within upland communities on the basis of severe legal injunctions against the practice. In comparison, attacks on travellers are well attested.⁹⁹ These people were only a transient presence in

⁹⁶ Moss, p. 44 and *passim*.

⁹⁷ CTh 9. 30. 1; 9. 30. 3.

⁹⁸ Shaw, 'Bandits in the Roman Empire', p. 41 for raids into nearby lowland regions and Lenski, p. 452 for conflict between bandit groups.

⁹⁹ We know that raiding and rustling of livestock was nevertheless a rather common problem, and almost inseparably related to banditry. According to Columella the hounds of shepherds had to be equally suited to herding the flocks, guarding against wolves and running down thieves. Columella, *De Re Rustica*, 7. 12 in *Res rustica*, ed. by H. B. Ash et al., 3 vols. (Cambridge, Mass.; Harvard University Press, 1941–68). Travellers as victims of banditry is generally well accepted, but the greater attestation of attacks on travellers is, of course, dependent on records and since these derive from exclusively from the literate

the region and therefore could be attacked without alienating the local population. We have already seen that attack by bandits was cited as a common and sometimes inevitable cause of the loss of goods and as a result no legal action could be taken against a victim who lost property – theirs or others – through *latrocinium*.¹⁰⁰ But carters and merchants were not the only targets; even military personnel were potential victims. A letter from Pliny to Hispanus explains that a certain Robustus, who disappeared while travelling north from Rome on the *Via Flaminia*, likely suffered the same fate as Pliny's friend Metilius Crispus who set out with his entourage to take up a high ranking position in the army but was never seen again.¹⁰¹ In comparison, aristocrats travelling between their properties, imperial officials, messengers and even travelling monks like St Martin, must have made fairly easy targets unless they travelled in convoy for mutual protection.¹⁰² Through the violent despoiling of travellers bandits in the Roman Empire were able to derive considerable prestige, not only in the form of wealth, but through fame and/or intimidation. Increased reputation and economic status would thereby allow a lowly shepherd to establish a position of respect within their community.

1.3. Techniques of Banditry and Anti-Banditry.

Thus far in this study of banditry, we have considered the relationship of the shepherd/bandit to their community and the potential results of a successful career in

lowland elites, and this provides an impossibly skewed perspective. One cannot say whether the victims of raids were more typically upland villages or travellers, but it is likely that there were significant regional differences in preferred targets. See also Lincoln Blumell, 'Beware of Bandits!: Banditry and Land Travel in the Roman Empire', *Journeys*, 8, 1-2, (2007) 1-20.

¹⁰⁰ Shaw, 'Bandits in the Roman Empire', p. 8n for a comprehensive list of the legal implications of falling victim to *latrocinium*.

¹⁰¹ Pliny, *Letters*, 6. 25.

¹⁰² Epictetus, *Discourses*, 4. 1, *The Discourses: Books III-IV*, trans. by W. A. Oldfather (Cambridge: Harvard University Press, 1928). "A traveller has heard that the road is infested by robbers; he does not venture to enter on to it alone, but he waits for the companionship on the road either of an ambassador, or a quaestor, or of a proconsul, and when he has attached himself to such persons he goes along the road safely."

banditry. However, it is also important to consider the actual processes of banditry, since these inform us of the methods of violence, the imposition of power and also the role of the community in the practice of *latrocinium*.

Bandit violence typically occurred in isolated spaces where the local knowledge and power of the bandit gave them superiority. Raids on isolated villas may have been attempted now and again, but landowners had extensive households and bred large mastiff-like guard dogs to defend against nocturnal thieves, so it is likely that only powerful or desperate bandits would attempt raiding such a difficult target.¹⁰³ Conversely, the ‘devious paths’ through the Alps on which St Martin was accosted were a feared and treacherous place for lowland travellers.¹⁰⁴ Such locations were difficult to police, ripe for ambush and, as we have seen, kept brigandage out of potentially sensitive communal public spaces. Salvian also emphasises this clandestine imagery:

‘You might compare them to brigands lurking in ambush and snatching their spoils from passers-by; they so hedged in the paths, the winding roads and byways with their close-set traps, that scarcely anyone could be cautious enough not to fall into some of their treacherous snares...’¹⁰⁵

Unfortunately most accounts of attack by bandits are laconic or disinterested and therefore lack details of the process of the attack. However, one letter of Sidonius Apollinaris plays on the stereotype of banditry and in doing so describes what might have been understood to be a typical episode of banditry. A priest called Riochatus, who was carrying books for Faustus of Riez, had stayed with Sidonius for some months

¹⁰³ Columella, 7. 12.

¹⁰⁴ Sulpicius Severus, *Vita Sancti Martini*, 5. 1: *inter Alpes devia secutus incidit in latrones. Sulpicii Severi Libri qui supersunt*, ed. by Carl Halm (Vindobonae: C. Gerold, 1866).

¹⁰⁵ Salvian, 7. 17, trans. in *The Writings of Salvian The Presbyter*, trans. by Jeremiah F. O’Sullivan, (Washington: The Catholic University of America Press, 1977), p. 210. *Salviani presbyteri Massiliensis Libri qui supersunt*, ed. by Carl Halm, MGH AA, 1.2 (Berlin: Weidmann, 1877).

during an unsettled time when travel in the Auvergne was unsafe, but during that time had failed to share the writings of Faustus with Sidonius. Soon after Riochatus left, Sidonius heard rumour that he was carrying a great treasure, so he pursued him on swift horses and, having caught up with him despite the headstart, ‘leapt at his throat with a kiss, laughing like a man but pouncing like a wild beast’.¹⁰⁶

Of course, Sidonius merely wanted to read the words of Faustus, the recipient of the letter, so no harm befell either party. Nevertheless the details of the description are intriguing for our purposes. Sidonius’ letter describes the pursuit of a victim on horseback. Presumably many of the richest targets of bandits would have had horses, and the passage implies that the bandits had access to these too. Though herders were likely to have some horses at their disposal, the fact that they had beasts to spare for the purpose of brigandage suggests that they had some means, or that either their costs or responsibilities might have been covered by some collective action.¹⁰⁷ It is possible that the expenses of outfitting and maintaining a bandit were covered by kin or the community in the hope of profit. However, whilst horses were certainly a valuable asset for brigands, they were probably not a necessity. Many potential victims would have travelled slowly, either because they were on foot, had baggage or were restricted by the terrain.

Far more significant is the description of the ‘rumours of treasure’ that passed through the population. The kin, allies or informants of bandits surely listened for similar rumours and gathered information actively in order to coordinate successful attacks. After all, many travellers might not have been worth the risk to attack, especially if they

¹⁰⁶ Sidonius Apollinaris, *Letters*, 11. 9, trans. in *Poems and Letters: Sidonius with an English translation, introduction and notes*, trans. by W. B. Anderson (London: Heinemann, 1936). *Gai Solii Apollinaris Sidonii Epistulae et carmina*, ed. by Christianus Luetjohann, MHG AA, 8 (Berlin: Weidmann, 1887).

¹⁰⁷ The utility of horses in the practice of banditry is clear from Roman legislation on the use of horses; CTh 9. 30.

were guarded, as travellers in notorious bandit country often would have been.¹⁰⁸ Furthermore, the accumulation of information was probably necessary for the planning of any attack. Bandit/shepherds could hardly spend their days watching the roads for potential victims. Isolated uplands are a harsh environment to wait for an opportunity that might not arrive, especially in winters or the baking heat of summer. They were also unlikely to have so much free time available; as we have seen they maintained relationships with the community and may have had flocks that required careful and deliberate grazing throughout large swathes of territory. Given these practical difficulties, we can reasonably imagine that bandits made use of their existing contacts in the community to maintain networks of informants within local towns and villages rather than relying on rumour alone. Perhaps informants were rewarded with a share of booty, the produce of pastoralism or other services which might be rendered by local men of violence. These networks were probably crucial for the coordination of planned, clandestine violence and may have even actively provided misinformation, by advising targets which routes were supposedly safe, thereby leading them into a trap.¹⁰⁹

The geography of brigandage may also have necessitated a reliance on communication. The bandit attack was covert, almost by definition. The location was rendered secret by geographic isolation or the cover of darkness in order to render detection unlikely.¹¹⁰ Clandestine violence of this kind required considerable planning, but the bandit/shepherd had the necessary skills to predict the movements of targets whilst the

¹⁰⁸ Travellers certainly realised this and often sought formidable company on their journeys. See above, pp. 49-50 for the danger to travellers.

¹⁰⁹ The bandits in Apuleius's *Metamorphoses* (4. 9) make similar enquiries about where wealth can be obtained, but they do so personally, since they are apparently raiding beyond the boundaries of their local networks of information. In the Constantius of Lyon, *Vita Germani*, 20 a clandestine thief managed to integrate himself into the saint's entourage in order to carry out his crime. It is perhaps by using equivalent techniques that bandits also gathered information about potential targets. Salvian, meanwhile, supposes that *latrones* met in churches to discuss their ne'er-do-well activities; Salvian, 3. 9.

¹¹⁰ Authorities seem to have been aware of the necessarily clandestine nature of bandit violence, and accorded much more severe punishments to homicides where the killing was secret and the body hidden than to overt murder. See *Pactus Legis Salicae*, XLI; *The Laws of the Salian Franks*, trans. and intro. by Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), pp. 104-6.

local information networks of the bandit related details about the target so that the bandits could concentrate overwhelming force.¹¹¹ Both of these elements were of great significance to bandits; they were neither professional warriors, nor in a position to sustain casualties with any regularity.¹¹² In order to overcome the confrontational tension between the parties, the brigand probably required the balance of power to be stacked so far in their favour as to render defeat highly improbable. The terror of the victim may have played a significant role in this. Visible fear on the part of the victim impeded their potential to resist and lent the aggressor the emotional advantage in confrontation.¹¹³ Again, the information networks of bandits were probably useful in this regard. If they provided misinformation about notionally safe routes, then the element of surprise favoured the assailants. These informants may even have spread terrifying rumours about local brigands in order to maximise the fear of confrontation, though such measures would have had to be subtle since excessive fearmongering might have discouraged travel or alerted the authorities.

The suddenness of both attack and violence also played a role. The swiftness of the attack lent advantage to the bandits, since only they had been able to emotionally prepare for the confrontation. Sidonius' language implies exactly this behaviour; the brigand strikes deliberately at the throat and his attacks are executed with the swiftness and precision of a tigress.¹¹⁴ Few bandits may have actually reached this level of competence at violence, but the projection of this aura was perhaps as valuable as the skills themselves in ensuring a one-sided engagement. Lethality was probably of great

¹¹¹ For the sociology of clandestine violence, see Randall Collins, *Violence: A Micro-Sociological Theory*, (Princeton: Princeton University Press, 2008), p. 431 and for necessity of numerical superiority for emotional support during clandestine violence, see p. 432.

¹¹² Bandits certainly did not have it all their own way. Galen proposed that aspiring anatomists might reasonably expect to find the decomposing skeletons of unsuccessful *latrones* by the roadside. Galen, *De anatomicis administrationibus*, 1. 3, 3. 5.

¹¹³ Emotional paralysis results from a perception of defeat and an acceptance of it as unavoidable, even if in reality resistance or even success might have been possible. See Collins, pp. 102-3.

¹¹⁴ Sidonius Apollinaris, Letters, Book 11. 9.

importance, as was subtlety. Victims of *latrocinium*, like the Metilius Crispus the friend of Pliny, were often never seen again.¹¹⁵ As we have seen, banditry was consciously limited to a deliberately non-public space and, furthermore, the victims were not symbolically displayed.¹¹⁶ In contrast, bandits who had been overcome by their victims were deliberately left to decompose within sight of the road as a warning to both bandits and other travellers.¹¹⁷ ‘Endemic’ bandits within the Empire were certainly concerned with projecting power within their communities, but this expression was necessarily more subtle than the brute messages of the state. Endemic bandits could not afford to make explicit demonstrations of their authority, even if they wielded that authority within their communities. Excessive public display of power was likely to prompt the response of legitimate wielders of authority, whether the local aristocracy or the state, whilst also discouraging the movement of victims on which the bandit relied for his socio-economic position.¹¹⁸ The local power of the bandit was therefore delicately balanced. They were able to forcefully exert their authority over victims and maintain relationships with local communities, but the expression of this power was restricted by legitimate authorities. Bandit power was therefore necessarily clandestine, and this subtlety reinforced the illegitimacy of *latrocinium* in the eyes of ‘civilised’ authority.

¹¹⁵ Pliny, *Letters*, 6. 25.

¹¹⁶ Contrast this, for example, with the procedure of the state who displayed executed bandits as a deterrent; Dig. 48. 19. 16. 10, or with the circumcellions, whose techniques of violence could be similar to those of bandits but for whom public display of power was an essential product of violence, see Shaw, ‘Sacred Violence’, p. 701 for depiction of circumcellions as bandits, and pp. 681-698 for their use of violence to display authority and ideology. See also Collins, p. 436, for similar practical purposes for displaying a body in a modern context. This observation should not be taken as a suggestion of a lack of cruelty on the part of bandits. Certainly terror and cruelty must have been employed by certain bandits who sought to gain local influence through fear and by those who, like the circumcellions, felt secure enough to make more explicit displays of power. See Hobsbawm, pp. 61-69. However, where the balance of power between bandit and legitimate authority remain clearly asymmetrical, subtly and maintenance of relations with the community were too valuable to be risked by the prudent bandit.

¹¹⁷ Galen, *De anatomicis administrationibus*, 1. 3, 3. 5.

¹¹⁸ There is a critical distinction here from bandit-type endemic conflict in regions where political or religious tensions legitimise a state of continuous violence, for example on frontier of Montenegrin and Albanian/Turkish territory in the early nineteenth century, see Milovan Đilas, *Land Without Justice* (New York; Harcourt, Brace and Co., 1958), pp. 30-32.

The continuation of endemic banditry therefore required the recognition and maintenance of homeostasis that probably benefitted the community. The bandits provided extraordinary income and may have also offered leadership and protection. In return, the communities facilitated the practice of banditry and supported their bandits with provisions and markets. The practice of banditry probably did little to detract from the village economy, since the shepherds probably took to brigandage as an ancillary to herding. It is certain that many bandits will have used their violent expertise or the threat of violence to exert their dominance to the detriment of individuals within their communities but, as we have seen, they were probably too reliant on their communities to afford general alienation. Legitimate wielders of authority can exert drastically unfair relations of power, but illegitimate bandits always required shelter from the state, whilst their communities may have had recourse to it. Indeed, banditry seems likely to have performed a useful social function in easing the same inter-generational and gender-based tensions that encouraged the practice. Through banditry otherwise problematic youths might contribute economically and earn social recognition.

However, despite the potential benefits of brigandage, it remained an intensely hazardous lifestyle. The typical endemic bandit was certainly a *humilis* and therefore vulnerable to torture and public execution by the state. Indeed, it seems probable that they were of particularly low status, since banditry was a risky method of enhancing ones social position.¹¹⁹ As we have seen, it was a strategy of social enhancement that was employed by the youthful and perhaps somewhat detached individuals who were otherwise disadvantaged in their communities. Bandits in the Roman Empire were therefore vulnerable and perhaps desperate. Brigandage may have been common, and even a traditional supplement to agricultural production in some regions, but it remained

¹¹⁹ Salvian, for example, notes that slaves were forced into theft and *latrocinium* by need; 4. 3.

dangerous for its participants. Modern parallels suggest that bandits rarely survive for more than four years.¹²⁰

A number of life-threatening dangers weighed on the shepherd/bandit. Transhumant herding on upland pasture was itself a hazardous occupation and contributed to a high mortality among its practitioners.¹²¹ Throwing banditry into the mix can only have contributed to this. Death might have come at the hands of an obdurate victim or a rival gang of rustlers seeking enrichment or revenge, but surely the greatest danger came from the agents of the state.

Despite the rhetorically antithetical positions of the state and *latrones*, banditry seems to have been *de facto* tolerated in many areas. The obligation to eradicate brigands always had to be weighed against the practical difficulty of catching them and therefore endemic banditry tended to persist. But this relation of power was always subject to change. Outrageous crimes or changes in personnel or policy might suddenly prompt the state to behave more aggressively. For example, it can be assumed that the tenure of Fronto as proconsul of Asia was a difficult period for the local bandits given that he brought with him Julius Senex, a specialist bandit-hunter from Mauretania, who had a reputation for diligence and military tenacity.¹²²

Nevertheless, the policing of banditry remained a difficult proposition. Sheltered as they were by geography and community, bandits were a troublesome prospect for relative outsiders who lacked the knowledge of local landscapes and people.¹²³ The only method to successfully overcome these obstacles seems to have been to rely on bribes and torture

¹²⁰ Hobsbawm, pp. 34-45.

¹²¹ Le Roy Ladurie, p. 190, 263 and *passim*.

¹²² Fronto, *To Antoninus Pius*, 8

¹²³ Notably this was also the case in the Nile Delta where 20,000km² of marshes, mud and salt wastes were home to pastoral farmers who were notorious for their banditry. According to Achilles Tatius (4. 14) the local Boukoloi would break dykes and flood the land in order to trap and defeat Roman military opposition.

to gather information about the bandits and use this to force some cooperation from the aristocracies. In order to obtain this information efficiently, the pursuers of bandits were afforded unusual rights to use torture; they were impeded by neither usual judicial procedure nor symbolic amnesties.¹²⁴ These were the main weapons in Roman anti-bandit policy. The state could not afford to garrison the uplands, so needed to precisely direct its resources against bandits. To do so required the accumulation of information and the state afforded its agents the right to forego usual judicial procedure in order to get it.¹²⁵ This meant that they could overcome the advantages of the *latrones* by targeting one of the pillars of their success: the community.

The Martyrdom of Polycarp gives us an insight into the process of capturing a bandit. This letter/martyr act was circulated in the vicinity of Smyrna during the later decades of the second century and it details the pursuit and execution of Polycarp, the bishop of Smyrna. Polycarp, because of the threat posed by his pursuers, left the city for refuge in the rural hinterland. He subsequently fled from farm to farm, probably in the mountainous region slightly inland from the coastal city. The men sent to capture him, described as *diogmitai* (semi-professional killers), tortured some slaves on the estates where he had hidden and so discovered his current hiding place.¹²⁶ When they finally found and captured him, they did so “as if they were advancing against a robber”: at dusk and fully armed, while the bishop was asleep in the upper rooms of his hiding place.¹²⁷

¹²⁴ CTh 9. 38 for criminal indulgences during festivals. No specific mention is made of *latrones* here, but the related crimes of homicide, treason and tomb-violation were exempted from amnesty, so it would seem that bandits would have been as well. This is especially likely since Isaurian bandits are explicitly barred from amnesty in CTh 9. 35. 7.

¹²⁵ See above, pp. 27-8.

¹²⁶ Shaw, ‘Bandits in the Roman Empire’, p. 18. For the typical role of irregular *diogmitae* in quelling banditry in Anatolia, see Lenski, ‘Assimilation and Revolt in the Territory of Isauria’, p. 423.

¹²⁷ Martyrdom of Polycarp, 7, trans. in *Medieval Saints: A Reader*, ed. Mary-Ann Stouck (Peterborough, Ont.: Broadview Press, 1999), pp. 3-9.

In this episode we see the same practices that seem to have taken place in the pursuit of banditry. Polycarp, like a bandit, relies on community and geography to shelter him whilst the agents of persecution direct their strength against the local people in order to overcome that shelter. For manpower, the pursuers depend on *diogmitai* and it seems that this reliance on irregular force was also typical in anti-banditry. Under imperial law the possession of weapons of war by private citizens was illegal, and this was pronounced as late as AD 364 by the Emperors Valentinian and Valens.¹²⁸ But the threat of banditry was sufficiently severe that an exception was made in such cases. In the absence of an effective police force, the local aristocracy were often expected to be the arm of justice in controlling banditry. Landowners or their representatives were required to report bandits to the local authorities but several laws state that it was the responsibility of the local cities, and particularly their *curiales*, to handle the capture of bandits and their delivery to judges.¹²⁹ This devolution of powers of judicial violence is itself unusual, but several other laws stress that it was the duty of private citizens to ‘detect, to pursue and to betray bandits to local authorities’ and in doing so they were authorised to injure and kill, and were exempted from the usual laws against those actions.¹³⁰

Though regular soldiers might have been used to combat brigands, this description reveals that the Empire was often required to fight fire with fire; or rather fight bandits in a very bandit-esque fashion. The forces of the state were irregular, probably drawn from the *viri strenui* of nearby estates, and sought the element of surprise by attacking at moments of weakness when escape was least likely (as when Polycarp was asleep). The Martyrdom of Polycarp also emphasises the vital role that betrayal had to play in

¹²⁸ CJ 11. 47. 1.

¹²⁹ CJ 1. 55. 6-7 (A.D. 405), 8. 40. 13 (A.D. 238-40).

¹³⁰ Shaw, ‘Bandits in the Roman Empire’, p. 19 and CJ 3. 27. 1-2 (A.D. 391 and 403), 9. 6. 3 (A.D. 265). For greater discussion of these laws and their implications for our understanding of patterns in late antique banditry, see pp. 87-89.

the pursuit of bandits, recalling the demise of Maternus and Bulla Felix.¹³¹ This was not just a literary device but the principal strategy that the state could employ in actively hunting bandits, rather than simply defending against them. As we have seen, the pursuers of bandits were within their rights to cause injury without legal ramification and were empowered to do so on the spot.¹³² This gave them the legal freedom to torture the inhabitants of regions infested with bandits in order to learn their whereabouts. In fact, as we have seen before, an entry in the *Digest* states that doing so was the express duty of a provincial governor.¹³³

The state recognised that geography and the community networks of bandits were vital to sustaining banditry. The former might be attacked, as Justinian did in Tzanica, if the state had sufficient resources and inclination at its disposal, but most provincial governors lacked these means.¹³⁴ Consequently the emphasis was placed on attacking the structure that supported brigandage. The emphasis on betrayal in literary accounts of banditry indicate that the state attempted to infiltrate or target the networks of support and indication on which the bandits relied.¹³⁵ Similarly in modern accounts of banditry, both factual and legendary, the trope of betrayal is so commonplace that Hobsbawm regarded it to be an integral aspect of the noble robber *topos*: ‘he dies invariably and only through treason, since no decent member of the community would help the authorities against him.’¹³⁶ Bandits in the Roman Empire were likewise proverbially

¹³¹ It is possible that the betrayal of Jesus was part of a metaphor for banditry. Certainly his capture by armed men whilst walking in Gethsemane at night is reminiscent of the tactics used against Polycarp and perceived the methods as such, crying; arresters: "Do you take me for a bandit, since you have come with swords and clubs to arrest me?" Mark 14. 48, Luke 22. 52, Matthew 26. 55.

¹³² See above, pp. 27-8.

¹³³ Dig. 1. 18. 13. See above, p. 45-7.

¹³⁴ Procopius, *Buildings*, 3. 6 for Tzanica, and also Lenski, pp. 439-446 on the harrying of Isauria in late fifth century.

¹³⁵ See above, pp. 29-30 for the betrayal of Bulla Felix and Maternus, and also the account of the downfall of the brigand Lydius in Zosimus, *New History*, (1. 69-70), trans. by R. T. Ridley (Sydney: Australian Association for Byzantine Studies, 1982), pp. 21-22. Similarly, Theodosius overcame barbarian bandits in the Balkans by torturing an informant into betraying their location. Zosimus, IV. 48.

¹³⁶ Hobsbawm, p. 47.

tight lipped; Ammianus Marcellinus states with an air of frustration that no torture had yet been conceived that could force an Egyptian bandit to proffer even his own name.¹³⁷ Furthermore, the proliferation of laws explicitly targeting the harbourers of *latrones* and overlapping nefarious groups, like deserters and *sicarii* (knife-men), indicates that betrayal was the key weapon in Imperial anti-bandit policy.¹³⁸

This stratagem was necessitated by the practical difficulties in pursuing bandits. The local communities were unlikely to support the activities of authorities in most circumstances. As we have seen, in many cases the bandits were closely tied to pastoral communities; they maintained traditional occupations as shepherds, retained relationships of family and kin, contributed to the economy and may have a popular if peripheral presence in the local society. They may also have been a threatening presence. If the state was only an occasional actor in the region, the bandits themselves, even if they practised transhumance, were far more quotidian and had both the means to violently impose themselves and established information networks to direct that force. Bandits may have offered both the carrot and the stick to their local communities, as did the state who themselves tempted local people with bribes and idyllic freedom from raids, whilst sponsoring armed gangs of irregular men with extraordinary rights to employ violence. Clearly the application of power in upland regions could be hotly contested. The communities within these regions were placed within a complex system of networks, where loyalties were tested and violence was often common. The violence of bandits might suppress resentment or settle local scores, but it offered enrichment and local power. Yet it brought danger, and bandit populations were at the whim of the state

¹³⁷ Ammianus Marcellinus, 22. 16. 23.

¹³⁸ For example: CTh 7. 18. 6, 7, 8, 11, 12, 14; 7. 19; 9. 29. 1, 2; N.Val. 6 and the various re-issues of these laws in the CJ; 5. 17. 8; 9. 39. 2.

which might, on occasion, direct its resources against the troublesome inhabitants of the uplands.

1.4. Bandit Social Relations beyond the Uplands.

In the preceding section we have seen the complexity of the position of the bandit within the geography of the upland and with the community. In contrast, the rhetorical and legal position of bandits suggests that their relationship with the lowlands was relatively simple. Bandits might periodically descend in order to raid, whilst the state might exert greater or lesser influence in order to limit banditry depending on its resources and inclination. This impression is clearly dominated by violence.

This impression seems to apply, in particular, to the lowland aristocracies whose lands bordered upland regions of banditry. They were surely the subjects of raids and therefore constructed a cultural perception of bandits, and indeed upland peoples in general, as wild and dangerous. As Hopwood states, “Nomads/transhumants were...generally considered outside civilisation: throwbacks to an earlier predatory mode of production whose language and idiosyncratic appearance proclaimed them as Other”.¹³⁹ Therefore it might be assumed that local aristocracies were willing participants when the state called upon them to assist in the policing of banditry. This was apparently a fruitful relationship for all involved. The grandees of civilisation, state and aristocracy, which were delineated only by the blurry dividers between public and private power, could co-operatively engage the predatory tendencies of the semi-barbarian uplanders in order to maintain mutually beneficial peace and prosperity.

¹³⁹ Hopwood, ‘Bandits between grandees and the state’, p. 180.

However it seems that these local aristocrats were often less forthcoming with their support than the state would have liked. Indeed, many laws acknowledge that bandits were in fact being harboured on the estates of the aristocracy and even of actively offering patronage to brigands.¹⁴⁰ This should not be seen as surprising. Although geographic boundaries defined upland and lowland zones into areas of differing production and state influence, they remained connected through a complex web of socio-economic relations. These linked the nomadic and semi-nomadic commercial livestock herders with intermediate village communities, which mixed herding with subsistence agriculture (and some commercial production of vines, olives etc.), and also with the stable, sedentary arable landscapes beyond. Straddling the indistinct boundaries of these zones of differing modes of production, were the influences of the rural nobility, who attempted to maintain or enhance their domination through control of land and chattels, whilst at the centre of the web stood the towns and cities. These were the economic hubs, where markets existed for the sale of surplus produce, and which functioned as bastions of state power, where agents of the imperial superstructure would maintain control, enforce justice and extract taxes, either in coin or in kind. Pastoralists, whether nomadic, seasonally transhumant or more parochial, had to engage with this system more or less actively. Some element of livestock production was surely for the purposes of subsistence, but in any context of large scale production the commercial sale or exchange of produce was the object. This often took place within the village, or even the family, where meat, cheese and fleeces might be exchanged for bread, textiles and similar essentials, but it might also involve the transport of livestock or produce to the urban marketplace.

¹⁴⁰ CTh 1. 29. 8 for patronage. See also Dig. 1. 18. 13, CTh 7. 18. 5, 6, 7, 8, 9, 11, 12, 14; 7.19; 9. 29. 1, 2; 9. 30. 5; and N.Val. 6. This extensive list is not exhaustive.

Commercial links were not the only connections between shepherd and the lowlands. Many shepherds did not just administer their own livestock, but also oversaw the herds of wealthy aristocrats in return for a wage or a percentage of profits. Because aristocrats had more land at their disposal and greater capital for investment in stock, it seems probable that their herds were in fact dominant in many regions. The pastoral business interests of the aristocracy tended to be overseen by a master shepherd (*archipomen* in Greek speaking regions), who functioned as an intermediary between the herders and the magnate or his representatives.¹⁴¹ It is probable that the same middlemen numbered among the *receptatores*, the illicit fences and collaborators who exchanged food, weapons and cash with bandits in return for stolen goods or rustled livestock. It is also possible that bribes or extortion money flowed through the *receptatores* depending on the local balance of power.¹⁴² Where the brigands were locally powerful they probably extracted tribute in order to maintain goodwill, whilst in other circumstances, the aristocracies (or their representatives) might expect payment to turn a blind eye, or to maintain their patronage.

One of the numerous laws that condemns the harbouring of bandits implies that the connection between landowners and *latrones* may have been initiated and maintained by middlemen:

¹⁴¹ Hopwood, 'Bandits between grandes and the state', p. 187. See also the description of Pierre Maury's role as head shepherd in fourteenth-century Pyrenean transhumance, Le Roy Ladurie, pp. 77-102.

¹⁴² For a pejorative description of the legal role of a receptator see Ausonius, *Epistle 26, D. Magni Ausonii Opuscula*, ed. by Carl Schenkl, in MGH AA, 5.2 (Berlin: Weidmann, 1883), in which he describes a middleman-cum-messenger thusly: "You shall see the man himself as he stands close by me, the very image of his class, grey, bushy-haired, unkempt, blustering, bullying, Terence's Phormio, with stiff hair bristling like a sea-urchin, or my lines. This fellow, when light harvests had oft belied his promises, came to hate the name of bailiff; and, after sowing late or much too early through ignorance of the stars, made accusation against the powers above, carping at heaven and shifting the blame from himself. No diligent husbandman, no experienced ploughman, a spender rather than a getter, abusing the land as treacherous and un-fruitful, he preferred to do business as a dealer in any sale-market...". Translation by Hugh Evelyn White in Ausonius, *Ausonius*, Vol. 2, (London: Heinemann, 1921), pp. 95-97.

‘If a person should knowingly harbour brigands or neglect to deliver them to the courts, either corporeal punishment shall be inflicted upon him, or the forfeiture of his property, according to the rank of the person and the discretion of the judge. But if an overseer or procurator (actor sive procurator) should harbour a brigand without the knowledge of his master and neglect to deliver him to the judge, he shall be consumed by avenging flames.’¹⁴³

The stewards on aristocratic estates were directly involved in the maintenance of their land and livestock. They dealt with the master-shepherds and may have been all too aware of the threat of banditry. It is therefore unsurprising that they maintained relationships with local bandits seeking mutual benefit.

This law also highlights the vulnerable role of the middleman.¹⁴⁴ He might typically have been responsible for the day-to-day communication with bandits, but this made him accountable. Stuck between a rock and a hard place, he was liable to be scapegoated by his master in the event of any judicial procedure, especially since such stewards were typically of *humilial* or unfree status.¹⁴⁵

It may well be the case that some relations between bandits and overseers did exist without the input of their aristocratic employers, but the law acknowledges that this was not always the case. Given the regionality that existed between pastoral communities, and equivalent rivalry that probably occurred between groups of *latrones*, it is unsurprising that the prudent landowner might seek to billet some brigands on their land. It might well have been cheaper than being the target of raids or paying extortion money. Furthermore, there were numerous other useful roles for a gang of men with a penchant for violence and intimidation. As shepherds they were used to guarding flocks, but with

¹⁴³ CTh 9. 29. 2. See also 9. 29. 1, 7. 18. 7 and Dig. 48. 19. 27. 2.

¹⁴⁴ CTh 7. 18. 6; 7. 18. 12; 9. 29. 2.

¹⁴⁵ Clyde Pharr, *The Theodosian Code and Novels and the Sirmondian Constitutions*, (Princeton: Princeton University Press, 2007), 9. 29., note 4, p. 248.

suitable equipment they might also guard them from other bandits, rival landowners or even raiding barbarians.¹⁴⁶ Fields, properties, local industries, slaves and wagons transporting goods – bandits might have been found guarding these valuable sources of wealth as often as raiding them.¹⁴⁷ The very person of the aristocrat himself might have been guarded by shepherd/bandits, and indeed by AD 468 the practice was common enough for the Emperors Anthemius and Leo to legislate against the employment of Isaurians (known to be bandits *par excellence*), as well as *bucellarii* and armed slaves, as bodyguards.¹⁴⁸ The existence of these complicit relationships between bandits and aristocrats is attested in literary sources as well as law codes. Ausonius' letter to Theon, an inhabitant of Medoc in the region of Bordeaux, explains this relationship, despite its critical tone:

‘Or are you concerned with greater matters, chasing thieves who wander throughout your whole area who, finally, through fear of you, invite you to join them and share their spoils? You, a gentle man, who hate shedding human blood, compound their crimes for cash, call it a mistake, demand in payment rustled cattle, and leave off playing the judge to take the side of criminals.’¹⁴⁹

As a minor landowner Theon was troubled with bandits and found it easier to come to terms with them, for mutual gain, than to defeat them. In this case, at least according to Ausonius, this wasn't because he was unable to defeat the bandits, but because cooperation was easier and profitable. So, while the *latro* was an irreconcilable rebel in the eyes of the law, the functional status of the bandit was often more complex. The line between *latrones* and *virī strenuī*, strongmen in the employ of the nobility, seems to

¹⁴⁶ CTh 9. 10. 3 for extra judicial violence and seizure of property between landowners.

¹⁴⁷ For the *de facto* institutionalisation of legitimated violent roles for lower-class people, see Chapter 4 below.

¹⁴⁸ CJ 9. 12. 10.

¹⁴⁹ Ausonius, *Epistle* 13, 22-7. The translation given is Hopwood's, 'Bandits between grandees and the state', p. 185. The 'robbers' of the translation are technically *vagantes*, but their synonymy with *latrones* is attested in CTh 7. 18. *passim* and 10 in particular.

have been a very blurry one. Violence is a method of expressing dominance, whether situational or social, and as such it is not surprising to see that alliances were forged, however uneasy, between wielders of authority whose power was not excessively asymmetrical. In this context the aspirant lower-class man of violence could negotiate with his social superiors from a much stronger position than other *humiliores*.¹⁵⁰

This association between bandit and gentry is reminiscent of the relationships described in detail by Anton Blok in his famous critique of Hobsbawm's social bandit theory. Blok argued that bandits, especially in Sardinia and southern Italy which were the focus of his study, were the agents of the rural aristocracy and were employed to suppress peasant revolt rather than embody mythic lower-class rebellion.¹⁵¹ That shepherds were employed as rural enforcers in the Roman Empire is evident from an account of a violent rural dispute in Apuleius's *Metamorphoses*. A rich farmer who desired the lands of his poor neighbour sought to violently drive him off the lands, firstly with threats and intimidation, then with shepherds and their terrifying sheepdogs as muscle. Violence broke out as the allies of the poor man were attacked by the dogs, and in the course of the engagement all the defenders died, as did the rich man.¹⁵² Theon too, according to Ausonius, was complicit in the despoiling of the area through alliance with bandits. Yet this behaviour is not necessarily contradictory to the notion of social banditry. As we have seen, bandits relied on close cooperation with their communities which predatory alliance with aristocracies might, theoretically, have endangered. But typical endemic bandits from within the Roman Empire were pastoralists and therefore tended to occupy different geographic spaces with different communities. The shepherd/bandit may consequently have been an ideal ally for members of the gentry in the settling of disputes

¹⁵⁰ It is possible that these relationships became so ensconced in some regions that banditry developed in to 'entrepreneurial' raiding or *razzia*. See Shaw, 'Bandits in the Roman Empire', p. 7.

¹⁵¹ Anton Blok, 'The Peasant and the Brigand: Social Banditry reconsidered' in *Comparative Studies in Society and History*, 14. 4, (1972), 494-503.

¹⁵² Apuleius, *Metamorphoses*, 9. 35-38.

in lowland arable contexts. As outsiders they did not have to fear alienating the people of the region, whilst through alliance with local aristocracies they gained powerful friends within the Roman order. The shepherd enforcers of the rich man in *Metamorphoses* were perhaps his employees, called down from the local uplands to intimidate his enemies. They were able to perform this role, presumably in return for some reward, then return to their own communities as men of violence who avoided local grievances by operating outside their immediate area.¹⁵³

But Ausonius' chastisement of Theon reveals yet another layer of complexity in the interactions between bandits and the nobility. As a landowner, he was expected to pursue the robbers and either pronounce extra-judiciary punishment or deliver them to the courts. But to do so he had to rely on irregular men of violence like the *diogmitai* employed to capture Polycarp from his refuge outside Smyrna. Similarly Musonius, the deputy governor of Asia during the early years of Valentinian I relied on *diogmitai* to react to the raiding of Isaurian bandits because the military was not sufficient.¹⁵⁴ As we have seen, the irregular men of violence who often performed the heavy work on behalf of Roman aristocrats were exactly the types of men who might, in other circumstances, be derided as bandits. It seems that one aristocrat's *viri strenui* might be another's *latrones*.

These complex relationships between aristocracies and the violent actors in rural communities surely made the state's task even more difficult. Aristocrats and influential figures in rural society certainly benefitted from their arrangements with shepherds/bandits/strong men and were willing to shelter them. Clearly then, some

¹⁵³ A similar example is found in Zosimus, 5. 16, which records how a private landowner, a certain Valentinus of Selga in Pamphylia, outfitted a number of his slaves and farm-workers – who were practised in the ways of war – to harass the army of the general Tribigild from the hilltops. It seems plausible from the upland context and their violent experience, that these men were bandits under the patronage of Valentinus.

¹⁵⁴ Ammianus Marcellinus, 27. 9. 6-7.

aristocrats could not be relied upon to independently prosecute bandits within their spheres of influence were probably reluctant allies or even truculent opponents when the state attempted to intervene.

1.5. Interim Conclusion.

The first half of this chapter has been a broad, general investigation into the character of endemic banditry in the Roman Empire. Banditry of this type was mundane and ubiquitous enough to accumulate cultural significance. Bandits might be incorporated into literature as antagonists (or even protagonists), they might be portrayed as comic figures, the subjects of strategic board games or genuine figures to be feared that characterised some of the more malign tendencies of the gods. But that very ubiquity means that these bandits rarely appear as anything more than incidental in the numerous works in which they appear. Consequently one gets the impression, derived from the urban aristocratic sources which we have, that bandits were rather ephemeral; a threat which did not impose on the civilised Roman world in a manner which deserved analysis. Unlike an external war or internal rebellion which might be explained as a result of policy or political context, banditry was something ever present, and its victims, like those of accidents or shipwrecks, were just the victims of capricious fate.¹⁵⁵

This perspective is in some way reflective of endemic banditry. Despite the judicially inimical status of *latrocinium* it typically did not impose politically in the same way as rebels or external foes. This was probably because endemic banditry was not a social movement brought about by oppressive taxation, injustice, famine or similar extraordinary stimuli.¹⁵⁶ Rather it was structurally integrated within those communities

¹⁵⁵ Shaw, 'Bandits in the Roman Empire', p.9n.

¹⁵⁶ Charles Tilly, 'Introduction' in *Class Conflict and Collective Action*, eds. Tilly and Tilly (Beverly Hills: Sage Publications, 1981), pp. 13-15.

which practised it. Consequently banditry was not only ubiquitous but, as we have seen, connected with upland communities and with legitimate structures of power through well-established social networks. These networks allowed endemic banditry to be practised and shielded it from the agents of the state who sought to retain the state's rhetorical monopoly of violence.

Some studies of Roman banditry have interpreted this kind of banditry as in some way not 'proper' *latrocinium*, since it was considered to be acceptable, even traditional, behaviour in those communities.¹⁵⁷ Therefore it was only illegitimate from the perspective of elite Roman commentators. Certainly this was the case, but to relegate endemic banditry in favour of that brought about by anomic social conditions is to overlook probably the most common source of Roman banditry and to fall into the trap of elite Roman authors who concentrated not on the social causes of violence, but only on the appearance of that violence. For them any violence that was illegitimate and/or tactically employed geography or stealth could be described as *latrocinium*. For example Ammianus Marcellinus could assert, without contradiction or confusion, that the military traditions of the Sarmatians and Quadi made them masters of brigandage and also deride the Emperor Valens for facing the Goths in open battle rather than wearing down their numbers and morale using the methods of the bandit.¹⁵⁸

It is historians who impose boundaries on types of *latrocinium* and categorise these forms in order to, hopefully, attain more incisive conclusions. So far in this chapter I have taken a sweeping approach to the endemic form of banditry which has ranged well beyond the chronological range of this thesis. In some ways this is regrettable, but since

¹⁵⁷ Werner Riess, 'The Roman Bandit (Latro) as Criminal and Outsider' in *The Oxford Handbook of Social Relations in the Roman World*, ed. Michael Peachin, (New York: Oxford University Press, 2014), p. 701 (693-714). Apart from this apparent ranking of banditry however, Riess's distinction of banditry into categories of either 'anomic' perpetrators or 'labelled' criminals' (p. 697) is broadly similar to my interpretation.

¹⁵⁸ Ammianus Marcellinus, 17. 12. 2 and also 16. 10. 20 and 29. 6. 8 for Sarmatians and Quadi as *latrones*; 31. 7. 2 for the foolish tactics of Valens.

references to what has been defined as endemic banditry are typically incidental it has been necessary to look to a wider range of sources. Fortunately this broad scope is also rather instructive; the traditions of endemic banditry in upland communities around the Mediterranean persist quietly in the backgrounds of the many states that have existed there in recorded history. Certainly there is sufficient evidence to justify the continuance of endemic banditry in Late Antiquity.

If we can generalise from this broad array of references then we might draw some conclusions about endemic banditry as a form of lower-class violence and its impact on the communities of the late Roman Empire. It seems that endemic bandits were no less a product of context than those who were forced into banditry by extraordinary stimuli. Banditry was a supplement to pastoral production in many regions where local traditions and geography made this violence practicable even in the face of a disapproving state. The lifestyle of the bandit/shepherd might have caused them to be somewhat detached from the community, but this seems not to have hampered the maintenance of close relationships between them. The bandit remained a part of the community and relied heavily upon it; we can suppose that the upland village was home, marketplace, information centre and shelter to the typical late antique bandit. It is hard to be certain, but it is likely that successful bandits were powerful figures in their communities. Their access to wealth and violence presumably afforded them prestige, but the danger of state reprisal probably prevented them from either becoming socially prominent or alienating their neighbours. Overt power and resentment were likely to bring about the downfall of bandits since betrayal was perhaps the most powerful weapon in imperial anti-bandit policy.

Hazardous though it certainly was, brigandage was a method by which some disadvantaged men might have become socially mobile. Certainly it broadened their

spheres of influence since their violent expertise made them valuable in the eyes of local aristocracies. Perhaps it was through these relationships that endemic bandits had the most telling impact on the state. Communities who were reluctant to surrender their bandit kin could, if necessary, be bribed or bludgeoned into submission but a wealthy patron offered greater protection. Since landowners were expected to do the bulk of day-to-day policing a complicit aristocrat could covertly use *latrones* to guard, thief and even oppress his tenants and neighbours on his behalf. Indeed, since irregular *viri strenui* and *diogmitae* formed the manpower in anti-banditry, we might imagine that competing landlords sponsored gangs to fight proxy wars of crop destruction and cattle rustling. Each presumably claimed legitimacy for his own retainers, yet labelled his opponents ‘brigands’. Certainly this was the rhetoric of conflicts between emperors and usurpers!

The distinguishing lines between brigand, shepherd and rural heavy were exceedingly fine. Romantic as the scene of Apuleius’ mountaintop bandit hideout is, it was surely atypical, perhaps even fantastical.¹⁵⁹ Bandits certainly hid out in mountains, but probably in structures like the *cabane* (hut) in which Occitan shepherds like Pierre Maury produced cheese.¹⁶⁰ After all, shepherd/bandits still had flocks to guard and cheese to make. They might also have been found in their own villages or on the estates of aristocrats. It is likely that some ordinary late antique people saw ‘brigands’ every day but that this was not remarkable because their violent behaviour was, on the communal scale, *de facto* legitimate. Yet their existence was still precarious: *latrocinium* might not have contravened local norms but its protagonists knew their actions were illegal. Anyone had the legal right to kill them and the state bureaucracy, empowered by the irreconcilable tone of Roman law, had extraordinary powers to bring about their destruction. Nevertheless it seems that many men followed this tradition of incidental,

¹⁵⁹ Judith K. Krabbe, *Lusus Iste: Apuleius Metamorphoses*, (Dallas: University Press of America, 2003), pp. 91-97.

¹⁶⁰ Le Roy Ladurie, pp. 106-7.

almost accidental, violent disobedience. It was certainly risky, but violent means were a common strategy by which humilial pastoralists could exert greater agency in their social interactions in Late Antiquity.

Chapter Two

2. Epidemic Banditry in the late antique West.

In contrast to the preceding section, this study on epidemic banditry will focus more closely on the details relating to the late antique West; those territories that had formed the Western Roman Empire and which the successor states replaced during the fifth and sixth centuries. Fortunately, it is not the purpose of this study to engage directly with the historiographical debate over ‘continuity or collapse’ and the ‘End’ of the Roman Empire.¹⁶¹ Nevertheless, the gradual decline of the Western Empire has significant implications for trends in lower-class violence and, I would argue, *vice versa*.

The Western Roman state weakened significantly from the late-fourth to late-fifth centuries to the point that the Emperor Romulus Augustulus was formally replaced by one of his generals, Odoacer, in 476. Despite territory changing hands across the late antique West many ‘Roman’ institutions remained, both in Italy and in more peripheral regions, and whilst political changes often happened quickly, social and cultural changes typically occurred at a much more gradual rate.

It is this interaction between political events and social trends that shall be the main focus of this section. As we have seen, typical endemic banditry in the Roman Empire was part of a complex system of relationships connecting upland to lowland and community to authority. The balance was delicate and the violent power of the state was the main barrier preventing the establishment of authority by bandits over anything more

¹⁶¹ To condense this debate into a footnote is a futile task. Nevertheless, it is worth underlining the contribution of Peter Brown’s *The World of Late Antiquity*, (London: Thames and Hudson, 1971) to the development of the ‘continuity’ thesis. For a modern interpretation that remains focused on aspects of collapse, see Bryan Ward-Perkins, *The Fall of Rome and the End of Civilisation*. For an investigation of the trends and intricacies of historiographical debate and dispute over the centuries, see Ian Wood, *The Modern Origins of the Early Middle Ages*, (Oxford: Oxford University Press, 2013).

than a local area.¹⁶² Similarly the ‘civilised’ honestiorial elite of the Empire were the arbiters of legitimacy and their perceptions were always likely to limit the ambitions of the successful *latro*.¹⁶³ Both of these structures; the military/judicial arm of the state and the honestiorial class, were shaken to a greater or lesser extent by the political, economic and social issues that afflicted the Western Empire from the mid-fourth century onward.¹⁶⁴ As a result we can reasonably expect to see corresponding changes in banditry as its traditional nemeses came under increasing pressure elsewhere.

2.1. Epidemic Bandits: Fugitives, Deserters and Veterans.

Epidemic bandits are essentially ‘made’ rather than ‘born’. They are not brought up in communities with established traditions of brigandage, but rather become brigands as a result of some stimuli such as the desire for social improvement or desperation. The distinction is far from clear; bandits of either variety require certain analogous circumstances to appear. In both cases state power and geography retain significance. Furthermore, as we have seen, there are stimuli based on norms and demography that influence the uptake of banditry as a ‘career’ even in communities where its practice is common. Nevertheless, the recognition of some degree of distinction is important. The existence of endemic banditry gives us an insight into both state power and the lives of the communities of banditry over a long duration. Epidemic banditry gives a comparatively immediate insight; drastic changes in politics, economy, society or

¹⁶² For an investigation of banditry developing into state formation see Peter Kurrild-Klitgaard and Gert Tinggaard Svendsen, ‘Rational Bandits: Plunder, Public Goods, and the Vikings’ in *Public Choice*, 117. 3/4 Essays in Memory of Mancur Olson, (2003), 255-272.

¹⁶³ Associations of banditry could stain even those who reaching the pinnacle of Roman Society. Maximinus Thrax, for example, was ridiculed for his violent rustic ways.

¹⁶⁴ For honestiorial class, see Dennis Kehoe, ‘Law and Social formation in the Roman Empire’ in *The Oxford Handbook of Social Relations in the Roman World*, ed. Michael Peachin, (New York: Oxford University Press, 2014).

climate might produce a rush of banditry in areas where it had previously not existed or had ticked over at a relatively steady rate for decades or more.¹⁶⁵

This comparative immediacy is a useful indicator of change. Ammianus Marcellinus, in response to potential criticism of the rigour of his inquiry, noted that; ‘not everything which has taken place among persons of the lowest class is worth narrating’.¹⁶⁶ For Ammianus’ purposes that was undoubtedly true, but this lack of concern for the lower orders makes the task of the modern social historians significantly more difficult. Epidemic banditry on a large scale, because it was violent and abnormal, received relatively more attention than most violent occurrences among the ‘lowest class.’

Of course, most epidemic bandits never made the headlines. Personal problems as well as institutional oppression or inequality in the Roman Empire must have prompted a steady flow of disadvantaged or adventurous/reckless people to flee their position in society.¹⁶⁷ For these fugitives banditry was always a potential, albeit risky, way of making their living or even their fortune. Its inherent isolation and the prospect of loot were surely powerful temptations and the threat of severe retribution was probably somewhat less significant given that the fugitive had already incurred severe penalties as a result of their flight.

In the late Roman Empire such fugitives appear to have been relatively common. Many occupations were hereditary. Not just farmers and soldiers were held to their careers

¹⁶⁵ Hobsbawm, p. 26. Of course, endemic banditry is never truly steady; at a micro-level it is constantly in flux with the changes of seasons, times and society. But for our purposes this cannot be measured and in any case, study at the macro-level might give us a more practical insight into lower-class quality of life in Late Antiquity.

¹⁶⁶ Ammianus, 28. 1. 15, in *Ammianus Marcellinus: Roman History, Volumes I-III*, trans. by J. C. Rolfe (Cambridge: Harvard University Press, 1939).

¹⁶⁷ Banditry as an opportunity for reckless pursuit of improvement invites comparison with the rise of the holy man in Late Antiquity, which likewise provided similar opportunities. Indeed, even closer parallels seem to have existed on these peripheries of the traditional Roman World; ascetics in late antique Syria referred to themselves as shepherds and men of the mountains – labels that could equally apply to bandits; Peter Brown, ‘The Rise and Function of the Holy Man in Late Antiquity’, *The Journal of Roman Studies*, 61 (1971), 80-101 (p. 83).

throughout the generations, but also postmen, limeburners, fishermen, weavers, swine-collectors, miners and numerous other occupations that were regulated by the state.¹⁶⁸ These institutions were rarely monolithic; there were free farmers and private mines, but in many cases the employees of these less rigorously regulated industries were still of semi- or unfree status. Freedom of movement was likewise restricted. Unattached persons who were found wandering, and who could not demonstrate their position in society, were considered vagrant and were liable to be conscripted or enslaved.¹⁶⁹

Peasant and lower-class interactions with the state could be intensely personal, as could their relationships with aristocracies.¹⁷⁰ The myriad social actions and events that might result in an individual taking up banditry surely changed from case to case. All peasants, except those who were illegally shielded by a wealthy patron, were subject to taxation and most young males were also liable for conscription.¹⁷¹ But the weight and experience of these burdens were felt differently from province to province, village to village and person to person. Those that took up banditry, out of desire or necessity, represent a tiny proportion of the population but this proportion was subject to change. Crises and upheaval seem to have had an impact on both the numbers of fugitives and the numbers of bandits.¹⁷²

An individual case of this may be found in a letter of Sidonius to Lupus of Troyes regarding the murder of their associate Lampridius. He had been strangled by his own household slaves who, after the murder, had fled only to be captured and tortured until they gave a confession and were executed. Sidonius calls the murderous conspirators

¹⁶⁸ For example, see CTh 8. 4. 36 for postal workers; 10. 19. 7, 9, 15 for miners; 10. 20. 11 for collectors of shellfish; 10. 20. 16 for weavers; 14. 7. 1 for limeburners.

¹⁶⁹ For example CTh 7. 18. 10.

¹⁷⁰ Cam Grey, *Constructing Communities in the Late Roman Countryside*, (Cambridge: Cambridge University Press, 2011), pp. 186-9.

¹⁷¹ CTh 7. 13. By 397 even imperial estates were required to furnish recruits; CTh 7. 13. 12.

¹⁷² For fugitives see CTh 5. 7. 1; 5. 17; 5. 18.

latrones.¹⁷³ In a technical sense this was not true, but the connotation of brutal and clandestine violence provided the required imagery. It is also possible that banditry might have been the intent of the murderous slaves; they were already fugitives and willing to commit violence, so the transition from homicide to actual *latrocinium* is perhaps not farfetched. The close connection between fugitives and banditry is hinted at in the terminology of legislation designed to combat both practices. The laws place particular emphasis on the harbourers of the criminals as, in both cases, it was assumed that the practices could not continue without support.¹⁷⁴ Furthermore, the penalties for the actual crimes were usually fairly constant, whereas the penalties for accomplices were variable, based on class and context.¹⁷⁵

Unfortunately, our sources are typically unconcerned with the background of brigands in general or with the options available to fugitives. Consequently when we isolate episodes of banditry in Late Antiquity it can sometimes be difficult to discern whether the bandits were endemic (born) or epidemic (made). However, one important category of fugitives did elicit a great deal of attention; those who were eligible for military service, recruits, deserters and veterans were of great significance to the state. Their loss to flight or brigandage was a blow to both manpower and the martial honour of the state and consequently there is a deal of legislation concerning desertion and related issues, as well as some references in literary material.¹⁷⁶ The visibility of ex-military personnel who engaged in brigandage therefore makes them our primary method of insight into the process of epidemic banditry. It must be stressed, however, that this is likely as a

¹⁷³ Sidonius Apollinaris, *Letters*, 8. 11; *Poems and Letters: Sidonius with an English translation, introduction and notes*, trans. by W. B. Anderson (London: Heinemann, 1936).

¹⁷⁴ Compare, for example, CTh 5. 17. 2 on the harbourers of deserters and 9. 29. 2 on the harbourers of bandits. However, it is worth stressing that this emphasis on harbourers even extends beyond these self-evidently violent groups of undesirables. CTh 10. 20. 8; 9 for example have similarly structured laws which describe the punishments for the harbourers of fugitive hereditary weavers.

¹⁷⁵ CTh 9. 29. 1 declares that accomplices will suffer the same punishment as the *latrones*, whilst 9. 29. 2 lists punishment by burning for humilial harbourers and the forfeiture of property for *honestiores*.

¹⁷⁶ CTh 7 in general, and 7. 18 in particular.

result of source bias. We cannot assume that all, or even most epidemic bandits hailed from military backgrounds; rather it seems that deserters and veterans who became brigands elicited a particularly prominent interest from ancient writers.

Herodian's semi-heroic Maternus was a deserter-turned-brigand extraordinaire who supposedly challenged the emperor, as were Tacfarinas and Gannascus according to Tacitus. Even the archetypal villain Spartacus had walked that career path; *miles, desertor, latro, gladiator*.¹⁷⁷ But the connection was clearly more than just a literary trope; of the eighteen laws in the section of the Theodosian Code relating to deserters, three equate the desertion and banditry directly whilst most of the other entries retain similar language to the legislation on *latrocinium*.¹⁷⁸ Veterans are also directly accused of brigandage in the Code.¹⁷⁹

This is hardly surprising. Men of military age, even if they had not yet been conscripted or were new recruits, were still within the typical demographic of bandits.¹⁸⁰ Deserters and veterans were even more suited to careers in brigandage since they already had the skills, and possibly the material tools, required for the violent acts of banditry. Indeed, it is even possible that they had already acted as legitimate *latrones* during their careers. Soldiers in the Roman Empire expected to profit from looting and plunder while raiding external enemies or on campaign, and could fight using the guerrilla-type techniques of *latrones* when required.¹⁸¹ Even in peacetime it seems they sometimes acted like bandits;

¹⁷⁷ Grünewald, p. 37.

¹⁷⁸ CTh 7. 18. 7, 14, 15. Ramsey MacMullen, *Soldier and Civilian in the later Roman Empire*, (Cambridge: Harvard University Press, 1963), p. 89 also supposes that the bands of roving men who made travel in Italy during the day of Symmachus were deserters turned to brigandage. See Symmachus, 'Letters', 7. 38 (dated c. 398).

¹⁷⁹ CTh 7. 20. 7.

¹⁸⁰ According to the modern parallels this seems to be males aged between the 15 and 30 years old; Hobsbawm, pp. 36-7.

¹⁸¹ For example Ammianus Marcellinus (31. 7. 2) condemns Valens and his general Victor for opposing the Goths openly rather than whittling down their numbers in the manner of brigands.

there are numerous complaints of soldiers despoiling peaceful provincials in the Theodosian Code.¹⁸²

Not only were military personnel well equipped for banditry, but it seems they were also well motivated to desert or avoid military service during the later years of the Roman Empire. The incentives for military service seem to have declined as more emphasis was placed on hereditary soldiers and forced conscription. For example, in the early fourth century, the state was legally obligated to reward veterans with a large monetary sum for those who wished to take up business or a smaller sum and land, seed and grain for those who intended to farm. They were also allowed tax exemptions for five family members and freedom from tolls on traded goods. However these incentives were gradually eroded; already in 324 Constantine limited tax-exempt status to only the veteran and his wife, whilst Valentinian I removed the monetary gift for both businessmen and farmers in 364.¹⁸³ In 385, the freedom from tolls was capped at fifteen *solidi*.¹⁸⁴ This combination of steadily decreasing rewards for service and martial ability seems to have encouraged at least some veterans to employ their violent skills in illegitimate ways:

‘We learn that certain veterans, unworthy of that name, are committing brigandage. We command, therefore, that...they must be stripped of all special privileges if they should disturb the public peace, and if they should commit the slightest delinquency, they shall be subjected to all the penalties.’¹⁸⁵

As well as receiving fewer incentives for service, potential recruits and soldiers were also more restricted in the ways by which they might avoid or cut short their military

¹⁸² For example; CTh 7. 1. 12; 7. 4. 12, 21, 35; 7. 7. 3-5; 7. 9. 1-4.

¹⁸³ CTh 7. 20. 4 and 7. 20. 8 respectively.

¹⁸⁴ CTh 13. 1. 4. For a detailed examination of the reduction in the benefits of military service see Gabriele Wesch-Klein, ‘Recruits and Veterans’ in *A Companion to the Roman Army*, ed. Paul Erdkamp (Oxford: Blackwell, 2007), pp. 443-4.

¹⁸⁵ CTh 7. 20. 7.

service. Men who were already in service were required to serve longer in order to receive their bonuses and serious medical reasons were required for an early honourable discharge. Corruption, which helped men get early discharge fraudulently, was also legislated against.¹⁸⁶ Even those who had been released from service might still be recalled, as was the case in 350 when Constantius required that the wrongfully discharged must return to service.¹⁸⁷ Meanwhile, the sons of soldiers were required to get special imperial dispensation to avoid military service and anyone not hereditarily tied to farming or a guild was liable for the draft.¹⁸⁸ Veterans were threatened with legal recourse if they did not hand over their sons, as were patrons who might otherwise have helped eligible men avoid the army in return for personal service.¹⁸⁹ Sons of veterans serving on the office staffs of governors and other high-ranking officials were to be dragged away to military training camps.¹⁹⁰

In the face of these restrictions some potential recruits took the drastic action of self-mutilation in order to avoid conscription.¹⁹¹ Early in the fourth century, Constantine declared that men who avoided service by cutting off their fingers or thumbs would serve the state as *decurions* instead.¹⁹² Valentinian I reiterated this decree in 367, but within months seems to have become infuriated with the practice and instead demanded that the offender be burnt alive. Additionally, any master who, through negligence, allowed the mutilation to take place was also to be subjected to severe penalties.¹⁹³ It may have been Valentinian's own harsh practices that encouraged self-mutilation at this time, as

¹⁸⁶ CTh 7. 1. 7.

¹⁸⁷ CTh 7. 1. 4.

¹⁸⁸ Wesch-Klein, p. 437.

¹⁸⁹ CTh 7. 1. 5, 8.

¹⁹⁰ CTh 7. 22 .6-10, 12.

¹⁹¹ Ammianus Marcellinus (15. 12. 3) claims that the militaristic and brave Gauls did not practise self-mutilation, unlike the Italians, but this claim is sandwiched in a passage emphasising the valour of the Gauls and is unlikely to represent genuine common practice.

¹⁹² CTh 7. 22. 1.

¹⁹³ CTh 7. 13. 4, 5.

he was a notorious and feared disciplinarian and recruited heavily during the late 360s.¹⁹⁴ This would indicate that ‘draft-dodging’, like epidemic banditry, was influenced by context and zeitgeist. Finally in 381, Theodosius repealed this penalty and instead compelled the mutilated person to serve anyway, whilst masters who furnished mutilated recruits had to provide two ‘damaged’ recruits for each fully fit one.¹⁹⁵ By then even an absence of thumbs was not sufficient reason to get one out of military service.

Given the difficulty of escaping military service by legitimate means (or at least means that maintained one’s position within society), it is not surprising that many tried to flee. The state recognised this tendency and legislated against it: soldiers who were found wandering through the provinces were subject to severe punishment, as were those exceeding the agreed terms of absence on leave.¹⁹⁶ Flight seems to have been a particular problem with recruits. Officers were aware of the stress caused by the introduction to military life, and so decreed that deserters who fled within their first year of service were to be forgiven. This also avoided doubling the yearly burden on landowners who might otherwise have to provide an additional recruit to replace the one that fled.¹⁹⁷ Despite this comparatively welcoming attitude, the army had to be careful with recruits. The Life of Pachomius records that new recruits might be imprisoned for overnight stops on their way to an encampment.¹⁹⁸ They were also bribed and intimidated into good behaviour.¹⁹⁹ The pressure of recruit desertion also put a burden on recruitment officials; in 380 they were offered a two year exemption from their obligations if they could find any deserters, whilst in 382 the state agreed to vindicate their burden of the repayment of the

¹⁹⁴ Zosimus, 4. 12.

¹⁹⁵ CTh 7. 13. 10.

¹⁹⁶ CTh 7. 1. 16; 7. 12. 3.

¹⁹⁷ CTh 7. 18. 14.

¹⁹⁸ Dionysius Exiguus, ‘The Life of St. Pachomius’, 4, in H. van Cranenburgh, *La Vie latine de saint pachôme, traduite du grec par Denys le Petit*, (Bruxelles: Société des Bollandistes, bd. Saint Michel, 24, 1969).

¹⁹⁹ CTh 7. 13. 9.

monetary value of recruits who fled during their first year.²⁰⁰ Innovative measures like these suggest that the problem of desertion had ceased to be limited to a military issue. Pressure on landowners and the bureaucracy implies increasingly social implications.

The steady flow of deserters was almost certainly influenced by prevailing opinions on the likelihood of conflict, mortality, distant service and reward. We can imagine, for example, that famous victories or the promise of loot or donatives prompted a greater degree of loyalty, whilst late delivery of pay or the rumour of enemy attack had the adverse effect. However, more drastic moments of desertion seem to have come in the aftermath of military defeat. The numerous regional rebellions and civil wars that afflicted the Empire created whole bodies of defeated and leaderless Roman soldiery whose options were severely limited.²⁰¹ Some might be incorporated into the army of the victor but otherwise hundreds, even thousands, of men could expect slavery or death from their foes. In such situations flight and eventual brigandage seems to have been common. In 399, Arcadius and Honorius promulgated a law on the treatment of the fugitives from the conspiracy of the Saturians and Subafrensians. This revolt is otherwise unknown, but the law directly links the human fallout of military defeat with brigandage. This disturbance had been overcome through force of arms, but following this defeat many of the rebels had gone into hiding and some were being actively harboured. Consequently the Emperors declared harsh penalties on the harbourers of the brigands and despatched inspectors to return the unsettled lands to a fruitful state.²⁰² Similarly, though somewhat less explicitly, another piece of legislation, dating from 391, granted the right of armed resistance to men who were attacked by soldiers who ‘entered

²⁰⁰ CTh 7. 14. 4, 6.

²⁰¹ Parallel observations have been made about the impact of conflict and social disruption on banditry and vagabondage in numerous contexts, for example in the Hundred Years War when companies of soldiers would regularly resort to illegitimate plundering whenever their legitimate payments ceased. See Bronislaw Geremek, ‘The Marginal Man’ in *The Medieval World* ed. Jacques Le Goff, (London: Collins and Brown, 1997), pp. 358-60.

²⁰² CTh 7. 19.

their fields as nocturnal ravishers or should beset frequented roads by attacks from ambush.’ As a result of this law private citizens were entrusted with the right to pre-emptive vengeance and were encouraged not to ‘spare a soldier who should be resisted with a weapon as a brigand.’²⁰³

Imperial legislation was typically reactive; it responded to petitions or complaints that were often temporary or regional, so we should be cautious about extreme generalisation regarding the scale of desertion. Nevertheless, it seems that the steady, variable flow of deserters who fled the armed forces on their own terms was supplemented by drastic extraordinary desertion events that followed military defeat. A concentration of unattached, armed men combined with the political uncertainty that typically followed defeat, could result in uprisings and significant outbreaks of brigandage. For example, during the reign of Valentinian I the north-western provinces were regularly beset with raids and warfare between the state and external foes. In 367-8 a ‘Great Conspiracy’ of Picts, Scots and Attacotti overran Britain, whilst both sides of the Channel were scourged by seaborne Franks and Saxons. Count Theodosius was despatched with significant reinforcements to restore order. However, whilst he was initially able to defeat the dispersed raiding bands south of the Thames, he seems to have found the task of overcoming the uprising of ferocious native citizens (*diffusam variarum gentium plebem*) of the province a more daunting prospect.²⁰⁴ According to Ammianus, Count Theodosius arrived in London quickly but on arrival was informed by captives and deserters that these enemies could only be overcome through guerrilla warfare. However Theodosius seems to have had more success through offering amnesty to deserters (*desertores*) and the multitude (*multos*) of ‘others who were wandering about in various places on furlough’.²⁰⁵ The interpretation that these are natives of Roman Britain is not

²⁰³ CTh 9. 14. 2.

²⁰⁴ Ammianus, 27. 8

²⁰⁵ Ibid.

certain, but the use of *plebem* suggests that the perpetrators were citizens. Indeed *plebem* and *multos* may in fact imply that the disturbances resulted from a popular, lower-class uprising as, perhaps, does the concern of Theodosius to restore captured property to its rightful, tribute-paying owners.²⁰⁶ In any case, the involvement of deserters is evident and we can clearly discern that the raids of traditional *hostes* caused serious socio-political upheaval in Britain where people and soldiers of the Empire superseded external enemies as the major contributor to unrest.

Similar problems also afflicted contemporary Gaul. After years of oscillating warfare with the Alamanni on the Rhine, Valentinian I hoped to restore order through the development of new defences, including a major fortress on the eastern side of the river. While this fortress was still under construction, it was destroyed by the Alamanni along with almost the entire prospective garrison. This instability surely contributed to the simultaneous frenzy of brigandage throughout Gaul which devastated the province by ambushing travellers on the roads and even claimed the life of Constantius, chief of the Imperial stables and kinsman of Valentinian.²⁰⁷

Interestingly, in both cases of internal unrest in the north-western provinces, Ammianus immediately draws a parallel with equivalent troubles affecting the eastern provinces of the Empire. At the same time as the ‘Great Conspiracy’, and recorded in the following chapter of book 27 of the *Res Gestae*, the *praedones* of Isauria were raiding the towns and villas of Cilicia and Pamphylia.²⁰⁸ Meanwhile the Gallic *latrones* of 28.2.10 were

²⁰⁶ Ammianus had, for example used *plebs* to describe the rioting mob who attempted to burn the house of the Prefect of Rome in 27 .3. 8. See also M. E. Jones, *The End of Roman Britain* (London: Cornell University Press, 1998), p. 171 for *plebem* and *multos* as evidence of lower-class uprising.

²⁰⁷ Ammianus, 28. 2. 10. This was not the first time Gaul had been upset by an outburst of deserter-fuelled epidemic brigandage. Maternus, himself a fugitive from the army, led a *bellum desertorum* against the Roman state in the second century SHA, *Life of Commodus*, 16. 2 and De Ste Croix, p. 476.

²⁰⁸ Ammianus, 27. 9. 6.

mirrored by the Syrian Maratocupreni *grassatores* of 28.2.11.²⁰⁹ Clearly Ammianus was explicitly attempting to convey the impression of Empire-wide unrest.²¹⁰

Ammianus' narrative comes to an end following the disastrous defeat of the Eastern field army by the Goths in Adrianople in 378, but the pattern of imperial legislation suggests that similar problems of desertion and associated epidemic banditry followed that defeat. Six²¹¹ of the eighteen laws on desertion in the Theodosian Code date from the period 379-383, and one of these is explicit in connecting these phenomena:

'If any person...has deserters or brigands on his farm...he shall know that if he is convicted of connivance, the farm on which the aforesaid deserters could afterwards be found shall be annexed to the resources of Our fisc...'²¹²

This law follows a pattern that is common to legislation on both desertion and banditry: the target is the harbourers of these malcontents and, typically, condemns complicit landowners to the loss of property and overseers to death.²¹³

This concern for harbourers suggests that at least some of the epidemic bandits, who were created out of military failure and desertion, received support from the owners or overseers of property in much the same way that some traditional endemic bandits did.²¹⁴

This is hardly surprising. Defeat and embarrassment of the state and army undoubtedly caused widespread and dramatic concern. Pagan intellectuals placed the blame for the loss on Christian neglect for the traditions of the Empire, whilst Nicene commentators

²⁰⁹ Ammianus, 28. 2. 11.

²¹⁰ There are hints from other sources which also suggest widespread disturbance during this period. For example CTh 10. 23 seems to suggest that the Orontes River in Syria was troubled by pirates in c.370 and detailed the fleet of Seleucia to clear the area. The pirates are not explicitly mentioned in this case, but the emphasis on the military role of the fleet and the need to recruit more marines strongly implies a martial task.

²¹¹ CTh 7. 18. 2; 3; 4; 5; 6; 7. It is possible that 7. 18. 8 also dates to 383 but Pharr argues that 391 is more likely; Pharr, p. 177 n. 40. This also seems to be the case with 9. 29. 2, which deals with brigands and their harbourers; Pharr, p. 248.

²¹² CTh 7. 18. 7.

²¹³ CTh, 7. 18. 2; 4; 5; 6; 7 for desertion and 9. 29. 2 for banditry.

²¹⁴ See above, pp. 43-50.

condemned the homoean beliefs of the Emperor Valens.²¹⁵ But wherever the blame was placed, many landowners may have sought to defend their own person and property by sheltering armed men and some no doubt also employed these men to harass their neighbours, whilst the attentions of the state were concentrated on the overcoming and placating the Goths in the Balkans.²¹⁶ In this way the military defeat at Adrianople seems to have had a dual effect; it increased the supply of bandits through refugees and desertion as well as the demand for irregular violence that was induced by politico-military instability. Furthermore, the defeat and consequent roving of the Goths also lowered the capacity of the state to devote its hard pressed resources to the lesser issue of *latrocinium*.

If the pattern of legislation is any indicator, the cessation of hostilities with the Goths had a fairly immediate impact. From 383 there is a lull in laws relating to banditry and desertion and this presumably relates to the conclusion of peace negotiations between Emperor Theodosius and the Goths in the autumn of 382. Meanwhile, in the Western Empire, the usurper Magnus Maximus seized power from Gratian, who was swiftly assassinated. It is possible that this coup prompted a degree of epidemic brigandage as Magnus Maximus attacked pro-Gratian loyalists, but unfortunately, since the laws of usurpers were routinely scourged, we have little evidence of Maximus' domestic policies.²¹⁷ What is clear is that the relative peace of the middle and late years of the 380s did not last.

²¹⁵ Michael Kulikowski, *Rome's Gothic Wars: from the third century to Alaric*, (Cambridge: Cambridge University Press, 2007), p. 144.

²¹⁶ Augustine, for example, describes that certain churchmen and the lay *defensor ecclesiae* of Fussula, a town somewhat south of Hippo, employed both soldiers and deserters, along with locals, to pillage and thieve in the district; Augustine, *Letters*, 20* in *Letters*, Volume VI, Letters 1*-29*, trans. by Sister Wilfrid Parsons (Washington D. C.: Catholic University of America Press, 1989) and *Epistolae ex duobus codicibus nuper in lucem prolatae*, ed. by Johannes Divjak (Vienna: Hoelder-Pichler-Tempsky, 1981).

²¹⁷ For example CTh 15. 14. 7 demands the 'no man flatter himself with any law or decision of the tyrant [Maximus]'

From 391 until the 410s there is a relatively steady stream of legislation relating to desertion and banditry, and the tone of this legislation suggests an increasing urgency. In 391, as we have seen, new rights of self-defence were granted as a result of the threat of attack by nocturnal ravishers.²¹⁸ Furthermore, separate laws were passed against the harbouring of both brigands and deserters; in each case the honestiorial accomplices were financially liable whilst humilial ones were subject to beatings, death or condemnation to the imperial mines.²¹⁹ The promulgation of a similar law on desertion in 396 implies that desertion had become a significant problem during Theodosius' campaigns against the Western usurpers Magnus Maximus (383-388) and Eugenius (392-394). The law follows the same pattern in describing the punishments for the harbourers based on status, but includes an additional clause explaining that men who had gained medical or honourable discharge were safe from the penalties of desertion, even if this had been given during the reign of a usurper.²²⁰ It seems then that any ex-soldier who had served under an illegitimate ruler was likely to be viewed as a deserter by the agents of the state.²²¹

However the deaths of these usurpers apparently did not stem the current of epidemic banditry. The use of horses in the southern Italian provinces of Picenum, Flaminia, Apulia, Calabria, Bruttium, Lucania and Samnium had already been restricted in the 360s in an effort to deny brigands this precious resource, but in the winter of 399 this restriction was extended to the shepherds of Valeria.²²² It is clear that by this time

²¹⁸ CTh 9. 14. 2 and above, p. 83.

²¹⁹ CTh 9. 29. 2 for brigands and 7. 18. 8 for deserters. The dating of these laws is somewhat questionable. See p. 86, n.211 above.

²²⁰ CTh 7. 18. 9.

²²¹ Records of discharge were important documents that validated claims on status and rewards owed to veterans. Some ex-soldiers valued them enough to have them inscribed onto metal and officials seem to have thrived from providing fraudulent papers, much to the distress of the army and state. See Wesch-Klein, pp. 441-2 and, for example CTh 7. 1. 7 and 7. 1. 18.

²²² CTh 9. 30. 5. It might be that the revolt of the Saturians and Subafrensians, (see above, p. 83), can be related to this extension of restrictions on the use of equine animals, but unfortunately these rebels are otherwise unknown so this connection, while possible, cannot be demonstrated.

Imperial agents were aggressively searching out deserters and vagrants; a law given at Milan in the spring of 400 calls on the Prefect of Gaul to prevent them from doing harm to landowners by detaining the *indigenae* (native people) of the provinces.²²³

This concern for the finances of landowners should not be taken as evidence for a slackening of state policy. Indeed the year 403 saw a series of laws that demonstrate how serious the problem had become. In February it was demanded that wandering deserters should be apprehended. This is far from unusual, but the law goes on to state that: ‘...if, when such deserters are found, they should suppose that they ought to resist and hold out with arms, they shall be crushed as rebels in the very attempt of such rash lawlessness.’²²⁴

At any time in the history of the Roman Empire deserters who resisted capture, much like any criminals or deviants, could expect violent treatment at the hands of representatives of authority. The fact that this violent response was acknowledged as lawful, and that violent deserters now required a different legal status suggests that the problem was increasingly severe. Deserters who were returned to society, whether military or civil, were punished by demotion or equivalent loss of civil status, branding, beating or imprisonment. Reclassification as ‘rebels’ destroyed the possibility of renewing association with Roman society. Furthermore it indicated a significance that was far beyond the truculence of normal unrepentant deserters. Rebels were a pernicious threat to the authority of the state: they had to be ‘crushed’.

In the summer of 403, only months after this law was given, a second law was proclaimed which reiterated, along familiar patterns, the punishment for harbourers of

²²³ CTh 7. 18. 10.

²²⁴ CTh 7. 18. 11.

deserters. In this case however, it was acknowledged that the practice was even taking place on imperial estates.²²⁵

The third and fourth laws followed in October. The first of these demanded that deserters be detained by any means. In order to facilitate their capture:

‘All provincials, therefore, shall know that they are granted the right to overpower deserters, and in order that deserters may have no delay of punishment as a solace, We order that punishment shall be swift everywhere. This regulation shall be brought to the notice of the primates of the cities, villages and fortresses, that they may know that harbourers of such deserters will be subjected to the penalty which was established by the laws of Our sainted father.’²²⁶

The contemporaneous second decree stressed this new right:

‘We grant by law to provincials the right to overpower deserters, and if the deserters should dare to resist, We order that punishment be swift everywhere. All persons shall know that, in defense of the common peace, they are granted the right to administer public vengeance against public brigands (*latrones publicos*) and deserters from military service.’²²⁷

This extension of martial roles to the people of the Empire was not without precedent. The right to defend person and property with arms against nocturnal ravishers and ambush had already been granted in 391.²²⁸ However, through this decree, the recently established prerogative to resist roaming and dangerous deserter-bandits was extended to a ‘license of kill’; all provincials of the Empire were empowered to aggressively hunt them down. The state which, rhetorically at least, justified both its monopoly on violence

²²⁵ CTh 7. 18. 12.

²²⁶ CTh 7. 18. 13.

²²⁷ CTh 7. 18. 14.

²²⁸ CTh 9. 14. 2.

and its very existence in order to defend the public peace – the *pax Romana* – had legalised vigilante justice. Clearly, by 403, desertion was perceived as a problem that could, at times, exceed the normal means employed to control it.²²⁹

Our evidence for epidemic banditry in this period derives primarily from legal material. This evidence does not describe particular incidents of brigandage, nor their direct causes and effects, but rather the reaction of the state and lawmakers to a perceived problem. I have argued, and will continue to argue, that these laws – in the context of social and military unrest – indicate a genuine increase in the incidence of banditry. Moreover, the emphasis on fugitives and deserters strongly suggests that these brigands were created by circumstances in context, and therefore represent epidemic banditry rather than just a greater impetuosity on the part of traditional endemic bandits. However, it must be stressed that the evidence we have mainly demonstrates that it was the state and lawmakers who, at this time, paid particular interest to the issue of banditry. Why?

It may be simply deterministic. Military defeat and socio-economic uncertainty caused brigandage which elicited attention. This must be part of the reason, but the state had undergone defeat and instability previously, yet we do not have the same concentrations of evidence in other contexts. Perhaps then our image is skewed by the relative proliferation of legal data for this period. I suspect this is also the case. However, I think it is also clear that Roman lawmakers thought these circumstances peculiar, since they implemented changes that were significant and unprecedented, such as the reclassification of bandits as rebels, and the legitimisation of private, vigilante violence

²²⁹ It is perhaps worth emphasising that the equivalent legislation which legalised the carrying of arms by private citizens to defend against the depredations of barbarians was not introduced until 440; N.Val 9; *Theodosiani libri XVI cum constitutionibus Sirmondianis*, ed. by T. Mommsen and P. M. Meyer, I (Berlin: Weidmann, 1905).

to combat them. In fact, I think the very extremity of this material gives an indication of part of this issue. In 384-5, Symmachus complained that he could not cross the boundaries of the city of Rome for fear of banditry; surely this is a rhetorical exaggeration.²³⁰ The legal material is probably similarly rhetorical. It is likely that the years between the reigns of Valentinian and Honorius were given over to a moral panic over the issue of brigandage. Indeed, it was surely politically expedient to do so; blanket condemnation of barbarians or usurpers might result in political embarrassment if diplomatic conclusions were reached, but the state surely benefitted from being seen to take a hard line on brigandage.

If the evidence of banditry does reflect a moral panic, then it may very well be disproportionate to the actual incidence of epidemic banditry. Unfortunately however, the lack of available material makes this very hard to measure. Indeed, it is also possible that banditry might be underrepresented in the sources that remain to us. We should consequently be cautious about assigning epidemic banditry a prominent place among the ‘causes of the fall of the Roman Empire’, or similar grandiose historiographical narratives. However, I would argue that the unprecedented nature of some of this legal evidence suggests that banditry was a real problem for the state. If so, then it must have been a defining feature in the lives of many provincials and common people. That alone should make it worthy of study.

How then do we approach our legal evidence? If it represents a moral panic then we should rightly be doubtful about conclusions regarding the scale or impact of banditry in this period. Nevertheless, it does seem reasonable to consider this material in light of military setbacks, which do seem to have had a genuine effect on the incidence of

²³⁰ Symmachus, ‘Letters’, 2. 22 (dated c. 382-3); ‘Letters’ in *Q. Aurelii Symmachi quae supersunt*, ed. by Otto Seeck, MGH AA, 6. 1 (Berlin: Weidmann, 1883).

banditry. Certainly the particularly drastic laws on brigandage from 400-403 seem to correlate to the unsettled context to some degree. Theodosius' war to overcome Eugenius had been fairly devastating and the decisive battle at the Frigidus River in 394 was particularly bloody. Additionally, only months later, Theodosius died leaving the Empire divided once again. The consequent rivalry between Rufinus and Stilicho, the *de facto* rulers of the Eastern and Western Empires respectively, resulted in further conflict. Late in 401 Alaric, a Gothic leader and general in the Eastern field army crossed over the Julian Alps into Italy. The motives and intricacies of this move have been much discussed, but for our purposes the significant issue is the devastation that occurred over the following months as Stilicho and Alaric fought a series of battles in northern Italy.²³¹ Surely the fallout from these campaigns prompted the legislation of 403 on desertion promulgated by Honorius from his refuge in Ravenna. By that year, Stilicho had managed to force Alaric back to the Balkans but the respite was temporary. The continuation of legislation throughout the year suggests that significant desertion and consequent epidemic banditry had already taken place. It is possible that the state and society was able to use the sweeping new rights to restrain brigandage during 404, but in the autumn of 405 Radagaisus, a barbarian leader crossed into Italy from central Europe. Perhaps as a result of this in early 406, the state had to legislate again: 'Persons who desert military camps and turn to depredations or brigandage shall not escape the severity of the state.'²³² This law seems to indicate that soldiers were, at this time, ignoring their obligations to the state and leaving their camps to employ their violent skills illegitimately.

It seems probable that, over the following years, this trend did not quickly decelerate. The problems for Honorius and the Western Empire certainly did not. In the winter of

²³¹ For an overview of the politico-military tensions of 394-403 see Kulikowski, *Rome's Gothic Wars*, pp. 162-171.

²³² CTh 7. 18. 15.

405/6 a significant group of Vandals, Alans and Suevi crossed the Rhine causing disruption to the Gallic provinces, whilst in Britain a succession of usurpers were proclaimed, resulting in Constantine III crossing the Channel in 407.²³³ He swiftly wrested control of Britain and most of Gaul and Spain from Honorius and Stilicho, who were fully occupied in resisting another invasion of Italy by Alaric. The turmoil from these disruptions probably increased brigandage as more soldiers deserted and the state concentrated its efforts on fighting invaders and usurpers.²³⁴ The legislation from the court of Honorius seems to reflect this. Since the army, or whatever remained of it, was busy and the very population of the Empire was mobilised against the threat of epidemic banditry there was little more that Honorius could do and, in any case, the vast majority of the Western Empire was controlled by Constantine III.²³⁵ Therefore, instead of pursuing more active policies against brigandage, the state attempted a social solution. In 409 the following legislation was proclaimed in Ravenna:

‘No decurion, plebeian or landholder shall commit his children to herdsmen to be reared. But We do not forbid that such children shall be given to other rural persons to be reared, as is customarily done. If, indeed, after the publication of this law, any person should give his children to herdsmen to be reared, it will appear that he acknowledges that he is an associate of brigands.’²³⁶

Endemic banditry was already present in Italy. The herdsmen of the Italian provinces were already identified as virtually synonymous with bandits and denied the use of

²³³ For further discussion of this event, and the disputed dating of the crossing, see J. F. Drinkwater, ‘The usurpers Constantine III (407–411) and Jovinus (411–413)’, *Britannia*, 29, (1998) 269–98.

²³⁴ For example Zosimus 5. 35. 6 notes the extraordinary desertion even which followed the execution of Stilicho in 408 for crimes against the state. In the aftermath city garrison troops apparently attacked the families of the mostly barbarian field army prompting more than thirty thousand men to rebel and join Alaric. While Zosimus’ testimony regarding the ethnicity and number of soldiers in Stilicho’s army is questionable, it does seem likely that significant desertion would occur in the aftermath of a favoured general.

²³⁵ Of course, Constantine’s usurpation was unsuccessful so we lack any of his legislation.

²³⁶ CTh 9. 31.

horses across most of the peninsula south of the Po valley.²³⁷ This attitude was further entrenched with the publication of this law. It seems likely that they were attempting to curb links between upland pastoralists and those who lived in arable farming or urban communities so as to thwart the practice of harbouring. However, by attempting to halt the ‘artificial’ increase of pastoral communities this legislation shows that the state was concerned about an overpopulation of herdsmen and the consequent abundance of brigands. This is a significant point. Given the troubles with deserter-brigands over the previous years, one might expect the traditional, more endemic, pastoralist bandits to have been eclipsed, yet clearly herdsmen were still identified as bandits and, even in the midst of invasion and usurpation, they were still an acknowledged danger. While it is likely that endemic bandits continued to practise banditry, we cannot know for sure if these references reflect this or just centrist prejudices.²³⁸

During the following years the government of Honorius managed to regain a degree of control over the Western provinces. The Goths, having sacked Rome in 410, moved out of Italy and into Gaul where they fought as allies of the Emperor in defeating his rival Constantine III, whilst the Vandals, Alans and Suevi moved on into the Iberian peninsula. With the return of relative stability, the court offered an amnesty to its vagrant troops; in 413 soldiers who had been absent without leave for one, two or three years were to receive degrees of demotion that depended on the length of their absence, whilst those who had been gone for four years or longer would receive no pardon.²³⁹ The rehabilitating tone of this law suggests that the worst of this outbreak of epidemic banditry had passed – at least in the eyes of the Imperial administration. This may well indicate, likewise, that the moral outrage over banditry which probably contributed to

²³⁷ See above, pp. 88-9.

²³⁸ We will come on to an exploration of the relationships between these varieties of bandit below, pp. 102-4.

²³⁹ CTh 7. 18. 16.

the proliferation of laws against banditry during the 410s was also coming to an end. Italy was free of invaders and the Goths had ceased to be enemies and could, potentially, be used to keep the peace in the southern Gallic provinces. The north of Gaul, Britain and much of Spain were, for the time being, outside the direct control of the Western Roman state so the continuance of banditry in those regions was of little concern in Ravenna. In 416, it was acknowledged that the disturbances of barbarian invasions had caused rifts in society and Romans to kill and plunder other Romans, yet because the circumstances had been extreme the state decreed that those plunderers be treated with mercy. They were protected from all prosecution so long as all property was restored.²⁴⁰

Desertion no doubt continued and presumably still fuelled banditry in regions where conflict or geography allowed lawlessness to prevail. However the close association of desertion and brigandage seems to have waned, as did Imperial and legalistic concern for desertion in general. Valentinian III once again felt the need to legislate against desertion and the harbourers of deserters in 440, but otherwise there is little to suggest that these remained severe social problems.²⁴¹ However, references to banditry in the ancient sources for the mid-fifth century do not suffer the same kind of decline, so how are we to account for this discrepancy?

As we have seen, it is possible that the image of severe deserter-bandit disruption during the later fourth and early fifth centuries is a product of source bias, and that the Theodosian Code – which contains a great number of entries from these years – skews our perspective. However, the account of Ammianus seems to show a correlation between military defeat, desertion and brigandage in the years preceding 378.

²⁴⁰ CTh 15. 14. 14.

²⁴¹ N.Val 6. 1. There is, however, mention of barbarian deserters from the *foederati* who turned to piracy in 437, and in 438 ravaged many islands including Sicily in the Chronicle of Prosper; Prosper, *Chronicon*, MGH AA 9, pp. 475-6. It is likely that these piratical deserters can be associated with the *praedo*/pirate who was captured and executed along with his men in 438 according to the Chronicle of Marcellinus Comes; Marcellinus Comes, *Chronicon*, MGH: AA 11, p. 79.

Furthermore, while most sources for the troubled years between 400 and 410 concentrate on conflicts between the state and usurpers or barbarians, there is some evidence independent of the Code which suggests that deserters and brigands were active in this period. For example, in c.401, in the aftermath of the revolt of the Gothic Roman general Gainas, a group of deserters and fugitives pillaged the countryside and threw Thrace into turmoil. It took an army led by Fravitta, another Gothic Roman general to restore peace to the region.²⁴² A few years later in c.408 a general, whom Stilicho had appointed to fight Constantine III in Gaul, was accosted and robbed of all his booty by bandits in the Alps.²⁴³ To rob such an important military figure was clearly a serious undertaking; even without his army a general would have been accompanied by a bodyguard and train to defend his person and treasure from just such occurrences, so these brigands must have been particularly fearsome or numerous. This corroboration of the evidence from the Theodosian Code, though it is limited, does suggest that increased levels of desertion, particularly in the Western Empire but also in Thrace and the Balkans, did periodically contribute to epidemic banditry and that there was a major peak of deserter-brigandage during the first decade of the fifth century.²⁴⁴ Since deserter-brigandage seems to decline thereafter, but brigandage still appears, it seems that desertion was no longer such a severe problem in the Western Empire. Likewise, we can probably assume that the particular concern among Imperial policymakers to be seen as active opponents of banditry (and desertion) also declined.

²⁴² Zosimus, 5. 22. 3.

²⁴³ Zosimus, 6. 2. 5. Technically these brigands were labelled 'Bacaudae'. See chapter 3.

²⁴⁴ It has been argued that the contentious passage 6. 10. 2 in Zosimus, dated to 410, which instructs the cities of Britain to look to their own defences, in fact refers to the cities of Bruttium. This seems unlikely, but Bruttium, along with the other southern Italian districts, were among the most disrupted by epidemic brigandage around the year 410. For details on this passage, and a refutation of the Bruttium interpretation, see E. A. Thompson, 'Zosimus 6. 10. 2 and the Letters of Honorius' in *The Classical Quarterly*, 32. 2, (1982), 445-462.

It is not the purpose of this study to enquire deeply into the details of the Roman military, but it seems probable that from this period changes in both the military balance in the Western provinces and the composition of Western imperial armies undercut the phenomenon of desertion. Military service seems to increasingly have been owed to generals rather than to the state and, since these generals were often in competition, ex-soldiers could probably find a powerful patron rather than having to strike out as independent *latrones*. Furthermore these soldiers, whatever the origin, increasingly came to be labelled as belonging to barbarian ethnic groups. The use of these labels, even if they had lived inside the Empire for generations, seems to have barred them being viewed as deserters or indeed brigands. Roman authors were inclined to characterise these processes not as the rebellion of citizens, but as the characteristically ‘barbarous’ behaviour of ‘external’ peoples.²⁴⁵

Despite this decline in deserter-brigandage, it seems that conflict, political upheaval and a decline in the ability of the state to enforce the peace continued to produce the requisite conditions for epidemic banditry, as it had in the fourth century, and as Hobsbawm theorized. For example, the region around modern Bratislava had been ravaged by wars, raiding and the movement of people throughout much of the fifth century so that, by c.500, it was considered a wasteland ‘where no man tilled the soil.’²⁴⁶ Yet this devastation seems to have provided opportunity. Political vacuum and a surplus of armed men allowed sizable bands of *latrones* to form. Jordanes describes one Mundo, apparently a descendent of Attila, who:

²⁴⁵ These kinds of developments will be explored further in later when we talk about patrons and retainers in 4.2. See also pp. 64-7.

²⁴⁶ Jordanes, *Getica*, 58.

‘...gathered around him many outlaws and ruffians and robbers from all sides and had seized a tower called Herta, situated on the bank of the Danube. There he plundered his neighbours in wild license and made himself king over his vagabonds.’²⁴⁷

This episode is perhaps questionable in the details, since only Jordanes describes Mundo as a bandit king and others seem to consider him a Gepid, but there is a significance to his description of the process.²⁴⁸ In a troubled context this individual was able to create a local hegemony of brigandage that was significant enough to draw the attention of Sabinian, the Roman general of Illyricum, and to make him a worthy client of Theodoric, the Ostrogothic ruler of Italy. Jordanes’ language aptly represents this gathering of disparate outlaws into a more cohesive and significant whole. Mundo gathers *abactoribus* (cattle-thieves) *scamarisque*²⁴⁹ *et latronibus* – three varieties of brigand – and combines them into yet another form, *grassatores*, under his own leadership. Whatever the historicity of this brief outlaw kingdom, the description of Jordanes shows that conflict and disruption was creating a context in which epidemic brigandage could flourish.

In the chronologically and geographically distant circumstances of southern Merovingian Francia, similar disruptive influences could lead to equivalent disturbances. Sometime prior to 590 a man from Bourges was driven mad by a swarm of flies whilst chopping wood in a local forest. He took to dressing in animal skins and aping the behaviour of ascetic holy men. Then he wandered from Bourges to the district

²⁴⁷ Jordanes, *Getica*, 58. ...*plerisque abactoribus scamarisque et latronibus undecumque collectis turrem quae Herta dicitur super Danubii ripam positam occupans ibique agresti ritu praedasque innectens vicinis regem se suis grassatoribus fecerat.* Jordanes, *Romana et Getica*, ed. by T. Mommsen, MGH AA, 5 (Berlin: Weidmann, 1882). The translation is from Mierow. For more information on Mundo, see B. Croke, ‘Mundo the Gepid: From Freebooter to Roman General’, *Chiron*, 12 (1982), 125–35.

²⁴⁸ The Rugi raiders and latrones that feature in the *Vita Severini* of Eugippius would seem to parallel this kind of barbarian-*latrocinium*; see for example the *praedones barbari* and *latrones* in Eugippius, *Vita Severini*, 4; *Vita Sancti Severini*, ed. by Hermann Sauppe, MGH AA, 1.2 (Berlin: Weidmann, 1877).

²⁴⁹ The meaning of *scamares* is somewhat unclear, but it certainly seems to describe some kind of bandit-like troublemakers. See below, section 3.5.

of Arles, but soon moved on to the vicinity of Javols, where he adopted the persona of Christ re-born and took a female follower as his ‘Mary’. Through healing and prophecy he gathered fame, followers and wealth which he proceeded to redistribute among the poor.²⁵⁰ According to Gregory his retinue numbered over three thousand, among whom were credulous priests alongside the rustic, rural people.²⁵¹ This irregular group then began to rob travellers and again the Pseudo-Christ gave this wealth to his followers.²⁵² Eventually they made their way to Le Puy and seem to have besieged the city. Aurelius, the Bishop there, sent out his strongest servants, under the guise of being deserters and recruits to the Pseudo-Christ’s cause. They succeeded in getting close to the Pseudo-Christ and killed him, whereupon his army, deprived of leadership, dissolved.²⁵³

Gregory is explicit in placing this episode in a social context. In the same chapter and immediately before discussing the Pseudo-Christ, he explains that the region had been devastated by plague and famine. The effect of this plague on Marseilles is described elsewhere in more graphic detail; he suggests that the terror of pestilence drove many of the inhabitants out of the city and that there were few survivors among those that remained.²⁵⁴ In addition to plague and associated famine there are episodes dotted throughout the preceding books of the *Histories* that explain the devastation in the region that resulted from Guntram’s campaigns against the Goths in Septimania in 588 and 589.²⁵⁵ War, pestilence and famine give the final book of the *Histories* an apocalyptic,

²⁵⁰ *LH*, 10. 25; *Conferebant etiam ei aurum argentumque ac vestimenta hi qui ad eum conveniebant. Quod ille, quo facilius seduceret, pauperibus erogabat.* This, and the latin excerpts in the following notes, derive from *Libri Historiarum X*, ed. by B. Krusch and W. Levison, MGH SRM, 1 (Hanover: Impenis Bibliopolii Hahniani, 1951).

²⁵¹ *LH*, 10. 25; *Seducta est autem per eum multitudo immensa populi, et non solum rusticiores, verum etiam sacerdotes ecclesiastici. Sequebantur autem eum amplius tria milia populi.*

²⁵² *LH*, 10. 25; *Interea coepit quosdam spoliare ac praedare, quos in itinere repperisset; spolia tamen non habentibus largiebatur.*

²⁵³ *LH*, 10. 25.

²⁵⁴ *LH*, 9. 22. The famine is also discussed in greater detail in 7. 45.

²⁵⁵ The most significant detail is in 8. 30 which describes how Guntram’s men devastated the Frankish lands on their way southward to Septimania, were defeated, and devastated them again on their way out again. These atrocities included the looting of churches and caused the local people to rise up against their own King’s army. The retreat of Duke Nicetus to his city of Clermont seems to have been especially ruinous and probably passed through the territory of Javols in which the Pseudo-Christ

millenarian tone. Interestingly the Pseudo-Christ seems to have appealed to this pessimistic zeitgeist. Many of his followers were probably refugees from plague or peoples otherwise ruined by their circumstances, and he won their loyalty with the pragmatic and populist tactic of redistributing wealth as well as by appealing to their religion through assuming the identity of Christ reborn.²⁵⁶ The parallels with Mundo and the characteristics of epidemic banditry are clear. Desperate times forced people into the desperate measure that was banditry. Fugitives and refugees formed into a violent group that ambushed and despoiled travellers in the hills and mountains of the Massif Central in characteristic bandit fashion and were even successful enough to attempt to seize a city.

If the examples discussed here can be taken as representative of what might have been common responses to conflict and unrest in Late Antiquity, then it seems that epidemic banditry was a significant social process throughout these centuries. Nevertheless, it is important to stress this process was necessarily temporary and regional, because the outbreaks were responses to stimuli. As we have seen disturbances caused by warfare and other socio-economic factors created circumstances in which people were forced to take the uncertain and dangerous choice to engage in banditry. They were products of these difficult circumstances, but also the beneficiaries of it, since those same circumstances also may have hampered the ability of the state to counteract brigandage. Furthermore, a troubled politico-military context may have also created a surplus of men, weapons and military skills for banditry which allowed their brigand exploits to exceed the norms of endemic banditry.

operated. In addition to these sufferings, the Goths under Reccared followed the retreating Franks and devastated the borderlands from Toulouse to the vicinity of Arles.

²⁵⁶ Lester K. Little, 'Life and Afterlife of the First Plague Pandemic' in *Plague and the End of Antiquity: The Pandemic of 541-750*, ed. Lester K. Little, (Cambridge: Cambridge University Press, 2007), p. 10, 27.

2.2. The Context of Epidemic Banditry in Late Antiquity.

As we have seen, it was typical that epidemic bandits in Late Antiquity were either in or faced with desperate circumstances. They might have been driven to the hills by warfare and plague, been subjected to years of regional unrest, abandoned after military defeat or weighing the relative pros and cons of flight or self-mutilation as a response to conscription. Hobsbawm argued that ‘ex-soldiers, deserters and marauders who abounded in periods of disorder, war or its aftermath, provided a link between social and anti-social banditry. Such men would have fitted easily into social bands, but attached themselves with equal ease to the others...’²⁵⁷ The proposition is that fugitives, including ex-military ones, might fit into existing structures of banditry or bandit-type activity.²⁵⁸ However, groups of deserters who left the army on the scale that is suggested by the evidence of the late fourth and fifth centuries probably would not have needed to link into existing structures, as they would already have had the numbers, equipment and military expertise to function effectively. Since many of them were fugitives or ex-military personnel one might assume that they did not enjoy the close connections that typified the relationships between endemic bandits and their communities. Roman soldiers showed a strong preference for staying local; already in the fourth century the supposedly mobile *comitatenses* were loathe to serve outside their home provinces.²⁵⁹ However, when they were in their home provinces they were more likely to be happy, and less likely to be called into the large scale, high risk military engagements that could prompt exceptional moments of desertion. So, though our evidence is limited, it is

²⁵⁷ Hobsbawm, p. 45.

²⁵⁸ Hobsbawm suggested in particular that they might be attracted into traditional pre-industrial rural criminal organisations, ‘like the great and long lasting secret societies of Imperial China or Vietnam, or... the Sicilian Mafia.’ See p. 45. This certainly seems plausible for the late Roman period, but despite the similarities and indeed overlap between rural crime and banditry proper, there is not the time to investigate such structures in the Roman period.

²⁵⁹ Michael Whitby, pp. 515-531.

probable that the greatest heights of epidemic banditry were caused by initial outbreaks that occurred in the immediate aftermath of catastrophe. These homogenous deserter-bandit groups probably had a limited life span if they existed in isolation. In our investigation into endemic banditry we have seen that unsupported bandits, especially those who were alienated from the local community, were not only vulnerable to betrayal – the primary weapon of Imperial anti-bandit policy – but would also lack access to the sophisticated networks of commerce and information that were required for banditry to function in the longer-term.²⁶⁰

So after the initial phase of disruption, epidemic bandits were likely faced with a conundrum. Either they would have to cease their activities and in some way re-join legitimate society or they could attempt to form connections with existing structures of banditry in the manner that Hobsbawm suggested. The former option was surely popular. Pressure on bandits would have increased as the state recovered from disruption and attempted to combat *latrocinium*. Furthermore, the state made sure that conduits for reintegration remained open; for example the legislation on desertion in 413 allowed deserters who had been absent for up to three years to return to service with only a demotion.²⁶¹ Nevertheless, it seems that many epidemic bandits did attempt to continue their careers in brigandage. It is the relationships between these epidemic bandits, communities and the state that we will be investigating here.

Where did epidemic banditry take place? It is worth dwelling on this point, because evidence that we have can help us to understand the process in its social context. However, locating epidemic banditry is not necessarily a simple task. Firstly, ancient authors rarely draw any distinction between endemic, traditional banditry and epidemic banditry that came about as a result of stimuli. Secondly, the references we have are

²⁶⁰ See above, pp. 60-1.

²⁶¹ CTh 7. 18. 16.

often vague. Ammianus, for example, says that a frenzy of brigandage raged through Gaul in 369, but offers no closer detail in the geographic or social landscapes.²⁶² Nevertheless, there does seem to be a basic pattern among the episodes of brigandage that occur in a context that appears ‘epidemic’. Most obviously, epidemic banditry often appears in the immediate aftermath and vicinity of sustained conflict or devastation. For example, this seems to be the case with the fugitives and deserters who devastated Thrace in the aftermath of Gainas’ revolt, and with Mundo’s bandit kingdom.²⁶³ The other typical location is in upland areas which have the beneficial attributes of geographic isolation and limited state control and therefore allow banditry to flourish. This is not surprising. Those same features which allowed the successful practice of endemic banditry would have also been valuable to deserters and other fugitives. Isolation provided them with a refuge and the geography facilitated epidemic banditry equally well.

Of course, many of these upland areas which were sought out by fugitives would have already supported the complex networks of endemic banditry. One might expect that there would have been conflict between these groups. Individual fugitives could, perhaps, have been incorporated but, as we have seen, there seem to have been instabilities already extant in the demographics of upland communities that pushed ‘surplus’ young men toward banditry.²⁶⁴ The introduction of numerous outsiders can hardly have eased these tensions. However, apart from the general violence and lawlessness that was associated with banditry at the best of times, we have little evidence of increased tension within upland communities during times of epidemic banditry. This can hardly be considered evidence, since our sources are at best laconic and disinterested about social relationships on the fringe of civilised society. But there is some positive

²⁶² Ammianus, 28. 2. 10.

²⁶³ Zosimus, 5. 22. 3 for the problems in Thrace and Jordanes, *Getica*, 63 for Mundo.

²⁶⁴ See above, pp. 39-41.

evidence to suggest that the incomers were not as foreign or unwelcome as might be expected. Once again the interest of contemporary writers with military affairs gives us an insight that we otherwise lack.

Upland areas were perhaps the most significant recruiting grounds for the Roman army.²⁶⁵ The geographic names of units in the army reflect the area in which they were originally raised: ‘the *cohortes* Asturum, ..., Dalmatarum, Thracum, Vindellicorum, or the *alae*..., Illyricorum, ..., Noricorum, and Pannoniorum.’²⁶⁶ Likewise many soldier emperors, those who were of lower-class origins but rose to the purple through military skill, seem to have come from these regions. For example, Maximinus Thrax, Diocletian and Maximian were from Thrace, Dalmatia and Pannonia respectively whilst Marcian and Justin I ‘left the rugged central Balkans to seek fortune in Constantinople.’²⁶⁷ Isauria was famous in the fifth and sixth centuries for its significance as a recruiting ground and as the homeland of Emperor Zeno, but remained notorious as a hotbed of brigandage.

The continuance of violent lifestyles in these regions was probably a significant factor in their importance for recruitment. Jordanes, in his classicising epitome of Roman history *Romana*, continued to associate regions like Isauria, Dalmatia and Liguria with inherent bandit-like characteristics.²⁶⁸ Perhaps the Empire found, or believed, that recruits from these regions already had skills that advantaged them as soldiers. However the Empire may have also intended to alleviate the problem of *latrocinium* in upland areas by recruiting from them. Honorius’ legislation which banned the practice of giving children to *pastores* to be raised in order that they not become brigands shows that the

²⁶⁵ Michael Whitby, p. 519.

²⁶⁶ This list was compiled in Wesch-Klein, p. 437, in order to demonstrate that recruitment tended to come from troublesome peoples of the Empire. The fact that this overlaps so closely with upland regions is surely no coincidence.

²⁶⁷ Michael Whitby, p. 519.

²⁶⁸ Jordanes, *Origine actibusque gentis Romanorum*, 177, 228, 244; Jordanes, *Romana et Getica*, ed. by T. Mommsen, MGH AA, 5 (Berlin: Weidmann, 1882).

Empire was mindful of demographics as a factor related to banditry. Furthermore, it demonstrates that imperial legislators were able to formulate preventative, social solutions to the problem of banditry as well as just punitive responses.²⁶⁹ It is therefore quite plausible that recruitment officials believed that targeting uplands was doubly beneficial; the troops were better and it alleviated the danger of unrest in those areas.²⁷⁰ Moreover, if many soldiers already had a strong association with uplands then they may have already had the requisite skills for banditry there. If they happened to desert within a reasonable distance of familiar uplands, or in the company of comrades who knew those areas, they may even have been able to fluidly integrate into the existing networks of endemic banditry. Again, this is a theoretical probability which cannot be definitely confirmed. However, recent research into the patterns of military retirement do bolster the argument. The prevailing evidence once suggested that veterans returning to the regions of their birth was relatively rare, and that most settled elsewhere; perhaps in the vicinity of their post as an active soldier. But recent finds of military diplomas in the Balkan and Danube provinces, especially Thrace and Moesia, suggest that soldiers regularly returned home, even if they were stationed thousands of miles away.²⁷¹ If the pull of home was this strong for legitimate veterans, we can surely assume that deserters from the Thracian mountains, or any other uplands, were quick to turn homeward if they intended to take up brigandage.

The patterns of banditry within Isauria, the most notorious centre of brigandage in the Empire, can be taken to illustrate this process. The region had been pacified to a greater or lesser degree during the early centuries of Empire but the attempts of the state to impose more direct control, particularly under Gallienus in the third century, seem to

²⁶⁹ CTh 9. 31.

²⁷⁰ Wesch-Klein, p. 437 and above, p. 105, n.266.

²⁷¹ Wesch-Klein, p. 446.

have stoked the tensions between local power and the Empire. Shortly afterward Probus attempted to stabilise the region by settling his (non-local) veterans in the strategic centres of the Isauria uplands on the basis that: ‘it was far easier to keep brigands out of these places than to expel them.’ He also attempted to prevent the descent of these populations into the local traditions of banditry by demanding that the male sons of these communities be sent to join the army as soon as they turned eighteen ‘in order that they might never learn to be brigands.’²⁷² It seems that these policies were unsuccessful. By the mid-fourth century, when Ammianus was arguing that the whole Empire, from east to west, was threatened by the internal barbarity of *latrocinium*, the state struggled to intrude militarily upon the highlands of Isauria.²⁷³ The raiding seems to have continued with regularity, but along with it organised units of Isaurian soldiers began to emerge, often serving under Isaurian officers.²⁷⁴ Both the men and their leaders seem to have increased in significance during the fifth century. Flavius Zeno was successful in defending Constantinople against Attila with Isaurian troops in 447 and was soon after awarded the consulship and given Patrician status. Flavius Zeno’s fame was clearly widespread since, a few years later, another Isaurian general called Tarasis changed his name to Zeno. He too fought successfully against the enemies of the Empire by employing Isaurian soldiers, but this did not win him the devoted support of his homeland since in 469 he had to suppress rebellion in Isauria.²⁷⁵ By 474 Flavius Zeno had become Emperor, and spent much of his troubled reign campaigning against rebellion and revolt in Isauria. Nevertheless, when he was deposed in 475 he fled back to his mountain powerbases. His Isaurian generals, the brothers Illus and Trocundes, initially supported the usurper Basiliscus, but switched back to their former employer

²⁷² SHA, *Life of Probus*, 16.

²⁷³ Lenski, p. 456.

²⁷⁴ Lenski, pp. 424-5.

²⁷⁵ Lenski, pp. 426-7.

and helped Zeno regain the purple. However, their relationship was never fully repaired, and they revolted again in 484.²⁷⁶ Following their Emperor's example, they returned to highlands of Isauria and held out in the fortress at Papirium for four years until their eventual betrayal and defeat.²⁷⁷ When Zeno died in 491 violent competition for the throne broke out between his brother Longinus and Zeno's widow's favourite Anastasius. Longinus, like Zeno and Illus before him, retreated to Isauria to build up his strength, just as his predecessors had done and in 492 came down to Phrygia where he was defeated by Anastasius at Cotyaeum. Once again the Isaurians took to the mountains and defended a number of fortresses for five years, despite 'intense military pressure', until their eventual collapse when Anastasius was eventually able to cut their supply routes.²⁷⁸

The ebb and flow of success, defeat and retreat hints at the patterns of escalating epidemic brigandage on an enhanced scale. Isaurians ranged through the Eastern Empire as men of violence in both illegitimate and legitimate roles and enjoyed a great deal of success, but it seems that when they experienced defeats, the Isaurians, from generals to common soldiers, returned to the highlands of the Taurus Mountains. Of course, the Isaurian generals and Imperial claimants had long ceased to be brigands, but their policy of returning to the highlands in times of duress does seem to correspond to the pattern of veterans returning home after service. The familiarity of locality and the safety offered by the dramatic geography of the uplands was clearly a significant draw to persons who had left military service for whatever reason. After all, the Isaurians were a people of the Empire and even if they enjoyed peculiar independence, their circumstances were at the extreme end of a spectrum, rather than entirely unique. Therefore, despite the lack of general detail in our sources about the origins and choices of epidemic bandits, it can

²⁷⁶ For a historiography of banditry and developing violence power in Isauria, see above; p. 33, n.52.

²⁷⁷ Lenski, pp. 427-8.

²⁷⁸ Lenski, p. 429.

be argued with some confidence that, much as Zeno, Illus and Longinus all retreated to their homelands, so too would a veteran or fugitive deserter from Thrace or Dalmatia whose intent was to take up brigandage.

It is very difficult to be certain about how returning fugitives were received upon returning to their homes. It seems that some ex-military fugitives, and presumably some civilian fugitives as well, such as escaped slaves, would seek out uplands both as refuges and homelands. If they did, then we can presume that the relations between existing endemic bandit communities and the epidemic ‘newcomers’ were not inherently or absolutely hostile.²⁷⁹ While it seems almost certain that tension or conflict would have occurred between traditional endemic bandits, with established links to community and patronage, and epidemic newcomers, some of those newcomers may have possessed tools and connections to allow a smoother integration. Deserters who were born and raised in the mountains surely retained close ties to communities there and could fluidly reintegrate with the existing social networks, including those connected to traditional banditry. If this was the case, then epidemic and endemic bandits – far from being hostile – might have catalysed one another and created a mutually exacerbated problem for the state and local anti-brigand authorities. This mixture of ‘born’ and ‘made’ bandits is perhaps what Jordanes had in mind when he described the brigand-kingdom forged by Mundo. The traditional local *latrones* and *abactores* – bandits and cattle-thieves – of the region were combined with ex-military (perhaps even barbarian?) *grassatores* and *scamares* to create a genuinely heterogeneous gang.²⁸⁰

Mundo’s band may have only existed briefly, but it is entirely plausible that the combination of endemic and epidemic bandits may have prolonged the latter

²⁷⁹ There is little data to track the movements of such persons, but we know that the Roman state was concerned about fugitives returning to their homelands; CTh 5. 6. 3.

²⁸⁰ Jordanes, *Getica*, 63.

phenomenon.²⁸¹ Certainly it seems possible that the unsettled context which created epidemic bandits and was, in turn, exacerbated by them, may have allowed traditional endemic bandits a greater freedom to operate. Necessarily this blurring of spheres makes it difficult to categorise, but it is reasonable to suppose that in the aftermath of political unrest which created epidemic banditry, endemic bandits may have been fuelled by the same currents so that their exploits may have become more common and more daring. In peaceful periods the existence of large households and numerous, large guard dogs might have been enough to deter brigands from tackling isolated, rural villas, but, as we have seen, by 391 Theodosius felt it necessary to legislate for more vigorous methods of self-defence.²⁸² In the aftermath of epidemic banditry, it may have been rather difficult to discern between bandits who were created and those who were born into traditions of brigandage, in much the same way that the line between retainers and bandits was blurry, sometimes even intangible. It is nevertheless important to stress the distinction of these categories, because it demonstrates a vital difference in motivation for lower class violence. It was perhaps natural for adolescents raised among traditions of cattle-thieving to become rustlers like their fathers and grandfathers. But for peasants, slaves or soldiers to take up violent careers in banditry, either in desire of social improvement or because they could see no alternative, required an active rejection of their perceived social role.

Once epidemic banditry was waning, the arrival of deserter-fugitives in a context that was socially and geographically conducive to the propagation of banditry surely caused

²⁸¹ Because Jordanes is unique in describing Mundo in these terms it would be unwise to take this description as proof of a historically factual bandit-kingdom under Mundo. However, it does seem reasonable to assume that Jordanes described the formation of this band of brigands in a manner that would be familiar and plausible to contemporaries, even if he was ill-informed or intentionally deceitful about the particular involvement of Mundo.

²⁸² Columella, 7. 12, provides a detailed description on the characteristics and function of guard dogs in the first century, and these were presumably enough to deter robbers in his own lifetime. In contrast CTh 9. 14. 2 shows that, by the late fourth century, armed defence was a necessity in some regions.

many of them to retain this way of life for longer than they might have otherwise been able to. If the expedient circumstances, such as war, famine or plague, which caused or encouraged epidemic banditry had abated, the state would have quickly attempted to shackle those bandits. But by surrounding themselves with favourable terrain and the support networks which sheltered endemic bandits, they could effectively bridge the gap and perhaps assimilate into endemic banditry. In liminal upland territories the ability of the state to repair roads, clear the encroachment of vegetation and provide effective deterrent in the aftermath of disruption was diminished.²⁸³ These areas were physically harder to access, less valuable and, perhaps, the population was more resistant to the resumption of 'normality'. Even once the state had recovered from war or instability, notorious bandit-hotspots like Isauria might have been difficult to fully re-pacify.

The Roman state itself seems to have been concerned about the long-term causes of banditry. As we have seen, in 409 at the height of epidemic banditry in the Western provinces (or at least those that were still under the control of Honorius), the Imperial court forbade the giving of children to *pastores* in order that they might not be raised as bandits.²⁸⁴ The concept of abandoned children coming back to haunt those who had had them exposed was certainly well known in the Roman Empire. Oedipus was abandoned and raised by a shepherd before returning to his family with catastrophic results. Romulus and Remus too, after having been thrown into the Tiber by the King Amulius and suckled by a she-wolf, were raised by shepherds and returned to overthrow their persecutor at the head of an armed band of herdsmen.²⁸⁵ Of course, the caveat in both

²⁸³ An indication of the state of disrepair which the roads had fallen into in Italy is given by CTh 15. 3. 4, promulgated at Milan by Honorius (and Arcadius) to the Praetorian Prefect Messala. This law bemoaned the immense ruin of the highways in 399 and required that even the *Illustri*, a class that was typically exempt from this public service, should be responsible for their repair.

²⁸⁴ CTh 9. 31.

²⁸⁵ John Boswell, *The Kindness of Strangers: the Abandonment of Children in Western Europe from Late Antiquity to the Renaissance*, (London: Allen Lane, 1989), p. 76. In similar circumstances Cyrus, future King of Persia, was abandoned as an infant when a vision warned that he would rule all Asia. His grandfather Astyages had ordered his death, but a herdsman called Mitrdates and his wife Spaco pitied

cases was that the children were ‘inherently’ royal or noble, and so ‘deservedly’ rose again to the status of their birth. These tales surely did little to discourage the practice of abandoning children, but they do reveal that uncertainties about the ceding of children into the dangerous hands of shepherds existed well before the fifth century. Honorius is unlikely to have been concerned about exposed children directly imposing tragedy or deposition on him, but it is interesting that, even in this context of epidemic banditry, the Imperial court was legislating against a practice that cannot have had an immediate impact on brigandage. Perhaps the contemporary problems of brigandage had simply drawn attention to the issue, but it is plausible that the social disruption in the first decade of the fifth century caused more children to be abandoned than was usual. It is not possible to determine whether this was the case, but more modern parallels about which we have more information do suggest that abandonment broadly increases with conflict and economic downturn. Furthermore, it is worth stressing that the number of children abandoned may have easily had a significant impact, especially if it rose above normal levels in such times. Records from the ancient world do not survive, but Boswell concluded that levels of abandonment in eighteenth-century France and Italy, which ranged from 15 to 30 percent of registered births, would be far more analogous to Roman history than the loose parallel of 1.5 percent of recorded births who become available for adoption in the modern United States.²⁸⁶ Of course, the vast majority of those children who were abandoned would not have become bandits. Some would not have survived exposure or childhood, and many it seems were raised into adolescence in the countryside before returning to city as slaves.²⁸⁷ Others meanwhile would have lived perfectly peaceful lives as free or unfree farmers or labourers. But nevertheless, if

the child and swapped it for a stillborn baby. Cyrus grew into a formidable leader and led the Persians in war to overthrow the Medes and Astyages. Herodotus, *The Histories*, (1.108-30).

²⁸⁶ Boswell, pp. 15-18.

²⁸⁷ Cassiodorus, *Variae*, 8. 33. Boswell, p. 202 for discussion.

politico-economic stimuli created a surplus of males in the population of upland pastoral communities which, as we have seen, might have contributed to a growth in banditry, this must surely be considered a longer term ‘symptom’ of epidemic banditry.²⁸⁸

How then did the Empire respond to outbreaks of epidemic banditry in areas that were already known to be traditional hotbeds of brigandage? The case study of the pastoral uplands of Italy, south of the Po valley, is useful because we have some sustained discussion of brigandage in this region throughout much of Late Antiquity. These upland regions had long been associated with violence because of their troublesome inhabitants.²⁸⁹ In the sixth century Jordanes dwelt on the difficulty early Rome had in subduing the Samnites and Ligurians who prowled through the forests and mountains and fought in the manner of *latrones*.²⁹⁰ Apparently the same concerns were pressing in the 360s since a string of legislation relating to this region was promulgated at this time.²⁹¹ It is plausible, though not possible to determine with any certainty, that the political situation of the years 360-3 had caused the weight of state intrusion to falter in the Italian uplands and therefore allowed brigandage to temporarily increase. In 360 Julian, Caesar in the Western provinces, was proclaimed Augustus against the wishes of Constantius II who was himself troubled with war in the East against the Sassanid Persians. Both gathered military forces in expectation of conflict, but Constantius died in 361 before any confrontation occurred. Julian, now sole Augustus, moved east to confront the Persians but was defeated and died in 363. Jovian, his successor, was barely able to extract the remnants of the army from Persian territory before he too died early in 364. We cannot be sure that these political upheavals had a direct impact on the

²⁸⁸ See above, pp. 39-41, for discussion of demographics and banditry in upland pastoral communities.

²⁸⁹ And they continued to be long after the end of the Roman Empire. Anton Blok, ‘The Peasant and the Brigand: Social Banditry reconsidered’ in *Comparative Studies in Society and History*, 14. 4, (1972), 494-503.

²⁹⁰ Jordanes, *Origine actibusque gentis Romanorum*, 144, 177.

²⁹¹ See above, pp. 88-9, 94-5 and below, pp. 114-6.

presence of state apparatus in upland Italy, but there is evidence that economic policy during these years may have had a direct impact on pastoral farmers in the upland communities that both provided livestock and were the source of banditry. In c.363 Julian, to the detriment of the guild of swine-herders, set the price of pork in the city of Rome at the current price in Campania, a traditional area of pig rearing.²⁹² Demand for pork in the eternal city was always high, so by setting the price in line with Campania, where production and supply far outstripped local demand, was a potentially severe blow to the livestock farmers. More restrictive measures followed in 367; in this case the Lucanian and Bruttian livestock producers were required to cover the costs of the transportation of their stock.²⁹³ These measures are only known to have applied to swine production, but similar measures may have afflicted other pastoral producers. Certainly there were close relations between the guilds of swine and cattle herders since they were formally combined in the reign of Honorius.²⁹⁴ In any case, it seems these restrictive measures may have had a damaging effect; the next extant laws referring to the swine-herders guild were designed to resurrect it and re-establish lapsed rights after it collapsed in the late 380s.²⁹⁵ We cannot know with certainty that there was a causal relationship between the collective impact of political disturbances and increased economic pressure

²⁹² CTh 14. 4. 3. It is also worth noting that while sheep and cattle herders were particularly and notoriously associated with brigandage, goat and swine herders were likely to indulge in illegitimate violent practices. Goat herds were associated with rough or mountainous terrain even more than sheep, whilst pigs were considered well suited to any terrain, whether flat, marshy, forested or mountainous, so long as it was provided with plentiful water. For details, see Columella, 7. 6 and 9 for the lands suited to goats and swine respectively. It is worth mentioning, however, that herds of pigs could not be moved far with ease and so pork production was necessarily far more closely associated with settlement than the potentially transhumant herds of sheep or goats. See Wickham, 'Pastoralism and Underdevelopment in the Early Middle Ages', p. 131.

²⁹³ CTh 14. 4. 4. The effect of these measures was initially felt by landowners and the guild, but it is likely that the depredations were swiftly passed down the social ladder to the farmers and herders themselves who may have considered banditry as a supplement or escape. Legal evidence suggests that, at least in the 390s it was an occupation that people tried desperately to avoid; CTh 14. 4. 7; 14. 7. 1. However, even as we have seen, relationships between those who owned/administered the land and bandits were often close, so we can plausibly imagine landowners or stewards whose coffers were affected by this legislation diversifying into brigandage on the side; see above, pp. 76-89 for the relationships between bandits and harbourers.

²⁹⁴ CTh 14. 4. 10.

²⁹⁵ CTh 14. 4. 5; 6.

and an increase in banditry in upland Italy, but we know that soon after his accession, Valentinian enacted a series of measures to halt the depredations of brigandage. The Emperor, after his acclamation in Asia in the spring, travelled west where, at Altinum in October 364, he wrote to his Praetorian Prefect to inform him that:

‘...all persons [except those who had performed imperial service] shall be excluded from the privilege of possessing horses or mares throughout Picenum and Flaminia [presumably the territories along the Flaminian Way from Rome to Umbria], and likewise throughout Apulia and Calabria, Bruttium and Lucania, and Samnium. Those persons, indeed, who do not turn their minds from such usurpation shall be held liable to the punishment of cattle thieves.’²⁹⁶

A couple of days later he called upon Bulephorus, the Governor of Campania, to assist in these measures. These two additional directives have also been preserved in the Theodosian Code and the first provides explicit evidence about the reason for the ban on equine animals throughout so many Italian provinces:

‘In order that all efforts of brigands may cease because of lack of resources, We deny the right to possess a herd of horses to the shepherds of the estates of Our privy purse, that is to the herders of wool-bearing sheep and of cattle, also to the procurators and overseers of Senators...’²⁹⁷

Violators of this law were likewise subject to receive punishment as cattle-thieves (*abactores*). It seems apparent from these laws that, whatever the preceding situation, Valentinian or his Italian advisors found the scale of brigandage intolerable in 364. Even imperial estates and the staff of Senators were considered liable to be involved, or at least complicit in the brigandage. To complement the ban on horses he also called on

²⁹⁶ CTh 9. 30. 1.

²⁹⁷ CTh 9. 30. 2.

the Bulephorus to severely limit the possession of arms: 'No person whatever, without Our knowledge and advice, shall be granted the right to employ any weapons whatsoever.'²⁹⁸

It is significant that this latter restriction was even more comprehensive than that on horse possession, and it stands in stark contrast to the policies of Theodosius and Honorius who granted rights of armed self-defence first to property owners and later to all provincials everywhere.²⁹⁹ Valentinian, rather than mobilising the people, sought to create a sort of demilitarised zone throughout much of Italy where only Imperial servicemen might ride horses and official licences were required to employ weapons. The purpose was to root out brigandage, but all violators were subject to the punishment as *abactores*.

We do not know what effect these measures had on banditry, though Ammianus' lamentation of Empire-wide brigandage in 367-8 may indicate that the *latrones* were, at least, not totally scourged from Italy. However, these laws do seem to have had an impact on civil life and commerce because in 365 the palatines were granted the use of horses in Picenum and the much-burdened swine-herders were allowed horses for official duties in the urbicarian districts (Italy south of the Rubicon); or at least those regions which were not notorious for cattle-theft.³⁰⁰

Perhaps the policies of Valentinian created, or re-established a balance between state power and *latrocinium*; in effect this would mean that epidemic banditry returned to endemic levels. However it is worth stressing that endemic banditry was not an immutable constant, nor did brigandage cease to be a danger. As we have seen, in the 380s Symmachus claimed that he could not cross the boundaries of the city of Rome for

²⁹⁸ CTh 15. 15. 1

²⁹⁹ See above, pp. 89-91.

³⁰⁰ CTh 9. 30. 3; 4.

fear of banditry, whilst in 399 the problems were apparently severe enough that Honorius extended the ban on horses to Valeria.³⁰¹ In 403 and 409, as we have seen, unprecedented legislation was published on public use of violence and the abandonment of children to herdsmen.³⁰² When travelling north in 416, Rutilius Namatianus complained that:

‘I choose to go by sea, for rivers flood the level
roads and rocks obstruct the mountain ways.
Since the coastal road and fields of Tuscany,
besieged by Gothic hordes with fire and sword,
no longer tame the woods with homes nor bridge the streams,
it’s better to set sail on dangerous seas.’³⁰³

The Goths had since left for Gaul, but it seems likely that the continued presence of epidemic banditry in Italy left these roads dangerous as well as in disrepair.

It is reasonable to suppose that the state had to reckon with the ebb and flow of endemic and epidemic banditry through much of the fifth century. These regions, as we have seen, had long been associated with banditry on some scale and given the preponderance of political and military issues during this period it seems likely, at least, that brigandage did not lessen. Nor should we assume that this situation altered much under the rule of Odoacer or the Ostrogothic Kings of Italy. Cassiodorus, writing in the early sixth century in characteristic, classicising style, informed various recipients of his letters that pursuing brigands ranked high among their duties, or likened exorbitant prices to the

³⁰¹ Symmachus, ‘Letters’, 2. 22 (dated c. 382-3). For Valeria, see CTh 9. 30. 5. The ban therefore now covered the entire of Italia Suburbicaria, the southernmost of the two dioceses of Italy.

³⁰² CTh 9. 31.

³⁰³ Rutilius Namatianus, *De Reditu Suo* 1, trans in *Rutilius Namatianus’ Going Home: De Reditu Suo*, trans. Martha Malamud, (London: Routledge, 2016), p. 44.

activity of highway robbers.³⁰⁴ As a senior administrator in the court of Theoderic and his successors, Cassiodorus was presumably quite concerned with the depredations of brigands in the kingdom. He may also have been personally familiar with them. As a native of Squillace in Calabria, he hailed from a region that was known in ancient times for producing fleeces and, in the 360s, was one of the provinces in which the use of horses had been prohibited for fear of brigandage.³⁰⁵ Cassiodorus *Variae* preserves a letter to Severus, *Vir Spectabilis*, from c.527 which demonstrates that such issues still afflicted the province of Calabria. A certain Nymphadius was travelling to court and stopped for respite at a beautiful spring in the region of Squillace and, while resting peacefully, his pack animals were apparently stolen by cunning local rustics. Cassiodorus, perhaps particularly worried by this brigandage in his own back yard, therefore prescribed the following course of action to Severus:

‘Let the thieves be approached with complete silence, let furtive men be bound in their own snares, so that, as soon as the executioner will have bellowed, their hearts will become distraught, they will leap forth with voices and throw themselves into disorder with murmuring. Thus will signs determine them to surrender their own blood to punishment. Therefore, let what is exacted from them be fitting, so that these places may be passable. Invite the eagerness of travellers with strict discipline, lest such a miracle as is known to always gladden the pilgrim should be avoided on account of the excesses of brigands.’³⁰⁶

This description of methods of anti-banditry, florid as it is, recalls the description of techniques we have previously explored.³⁰⁷ Silent approach, binding bandits in their own

³⁰⁴ Cassiodorus, *Variae*, 7. 1, 11. 12.

³⁰⁵ Columella, 7. 2 for the quality of Calabrian fleeces and CTh 9. 30. 1 for Valentinian’s ban on horses.

³⁰⁶ Cassiodorus, *Variae*, 8. 32. Trans. by Bjornlie, in: Shane Bjornlie, *The Variae of Cassiodorus Senator and the Circumstances of Political Survival, CA. 540-545*. PhD Thesis. (Princeton University, 2006), pp. 489-90.

³⁰⁷ See above, section 1.3.

snare (i.e. using their own techniques against them) and causing panic and disorder suggest that the administration of Athalaric was still fighting banditry with the traditional techniques used for centuries in the Roman Empire.³⁰⁸ Another letter to Severus (which likewise dates from the reign of Athalaric), who seems to have been tasked with combatting banditry across much of southern Italy, suggests that *latrocinium* also continued throughout those same districts. Apparently the major fair in Lucania was regionally and economically very significant since; ‘Everything that industrious Campania, or opulent Bruttii, or cattle-breeding Calabria, or strong Apulia produces, is there to be found exposed for sale’. Unfortunately however:

‘We hear that the rustics are indulging in disorderly practices, and robbing the market-people who come from all quarters to the chief fair of Lucania on the day of St. Cyprian. This must by all means be suppressed, and your Respectability should quietly collect a sufficient number of the owners and tenants of the adjoining farms to overpower these freebooters and bring them to justice. Any rustic or other person found guilty of disturbing the fair should be at once punished with the stick, and then exhibited with some mark of infamy upon him.’³⁰⁹

The provinces listed in these passages were all included among those in which Valentinian had restricted possession of horses, so it seems that despite the efforts of Roman and Ostrogothic administrators through the centuries, these regions remained stubbornly troublesome. Furthermore, we see once again that Athalaric’s policies remained very similar to those of his Italian predecessors. If bandits were to be hunted

³⁰⁸ This was, of course, Cassiodorus’s ideological project; to demonstrate that the Empire and *Res Publica* was continuing as-ever under the able administration of the Ostrogothic monarchy. Continuance of anti-bandit policy was but a small aspect of this continuity.

³⁰⁹ Cassiodorus, *Variae*, 8. 33, trans. in Cassiodorus, *The Letters of Cassiodorus: being a condensed translation of the Variae epistolae of Magnus Aurelius Cassiodorus Senator*, trans. Thomas Hodgkin, (London: H. Frowde, 1886), pp. 381-383. I have used Hodgkin’s translation here, as this passage is not translated in Bjornlie, unlike the other excerpts cited. Despite the looser translation of Hodgkin, the meaning is nevertheless sufficiently exact for the purposes of this argument.

down aggressively, then a state official was required to round up a posse from the local farms to pursue them. Given the close association we have seen between local landowners and shepherd/bandits, we can once again presume that men who could fairly be described as brigands featured on both sides of these engagements. Given these accounts it seems that, during the relative calm of Theoderic and Athalaric's reigns, endemic banditry continued to flourish in southern Italy. A century after the extensive epidemic banditry of the late fourth and early fifth centuries it seems that *latrocinium* had waned to a more traditional intensity.

However, another letter implies epidemic conditions were to ensue in the region shortly afterward. In 535 the army of Justinian, commanded by Belisarius, attacked Ostrogothic Sicily and, having quickly seized the island, crossed over to Bruttium in early 536 and began to march north through Lucania and Campania toward Naples.³¹⁰ This army no doubt caused some destruction, and we know that the Gothic force, sent in response to Belisarius' advance did too:

'And so with the arrival of a numerous army, which is known to have been sent for the defense of the republic, the crops of Lucania and Bruttium are said to have been wasted and the abundance of the region to have been given over to a zeal for plunder.'

Cassiodorus assured his correspondent Valerianus, and the people of the affected regions, that they should not worry for the loss of these supplies since by providing for the troops in the area they had already done their service to the state and therefore would be free of the exactions of tax collectors in the coming year. Nevertheless, it is clear that these assurances were too little or too late for many of the local rural population. Those people, already well versed in brigandage, had risen up and were causing a great deal of trouble. This was probably as a result of the opportunity provided by local disruption as

³¹⁰ Procopius, *History of the Wars*, 5. 8.

well as in defence of their property against the foragers from either Gothic or Byzantine armies. Cassiodorus implored that these people calm themselves:

‘Let there be peace for the Romans while the army of the Goths wages war. Blessed is that desire which obeys, lest rustics, a wild sort of race, should they flee the fatigue of laboring act with illegal daring and those whom you are barely able to control in peace should raise up against you.³¹¹ For which reason, by royal decree, should you remind the individual tenants of estates and the influential possessores that they should incite nothing barbarous in this conflict, lest however much they strive to further the cause of war, they confound peace. Let them take up iron, but that whence they till the fields; let them raise pikes for goading cattle, not the rage of battle.’

The details of this passage are particularly interesting. It confirms that this was an outbreak of epidemic banditry, since rustics who could scarcely be controlled in peacetime had risen up and that others, by behaving barbarously in times of conflict, were confounding peace. Furthermore, it demonstrates that the traditions of Roman social norms were not much altered. The Goths might have replaced the role of the army, but the only reason for the lower classes to take up iron was to till the fields.³¹² Finally, and once again, it demonstrated that the accusation of banditry was often subjective. As we have seen, retainers and bandits might be one and the same, and vary only according to the opinions of the viewer. Likewise, these rustics who seem to have been defending their crops – or those of an aristocratic patron – could be seen as brigands by Cassiodorus, but might have been thought of quite differently by their local communities.

³¹¹ It is worth noting that the pejorative tone of the word ‘rustic’ is typical in the *Variae*; see 1. 2, 2. 13, 5. 17.

³¹² Cassiodorus, as mentioned, was interested in depicting the Ostrogothic Kingdom as loyally continuing the traditions of Rome. However, it is unlikely that he would have thought Roman *latrocinium* was a tradition worthy of continuance, so it is probably safe to assume that these concerns were relatively genuine, despite the rhetoric of peaceful Romans and warlike Goths.

Finally Cassiodorus, as personal advice to Valerianus, advised, as he had with Severus, the best way to restore peace:

‘...let the law courts not desist in thundering verdicts against wicked habits. Let the thief fear a sentence that always terrifies... For thus, you will not even notice the war being waged so victoriously, if your sphere is consideration for civil harmony. Let no man oppress the poor. Seize trespassers and harass those who pursue with hostile intent. It is for you to conduct the civil battle. You will restore everything to peace if you vex the leaders of crime.’³¹³

Unlike the tone of the advice given to Severus in the 520s though, this proposed policy is far more martial. Thundering verdicts, terror and battle were to be the weapons of the state, not just strict discipline, beatings and branding. It seems that the context of war had made the matter far more serious; not only had banditry in southern Italy become epidemic, but the scale of the disruption threatened the success of the defence of the realm.

Much like Isauria, it seems that southern Italy, and perhaps other less well-documented upland regions where banditry was endemic, was always liable to periods of epidemic banditry when stimulated by contemporary events. However, unlike the major peak of epidemic brigandage in the Western Provinces between 390-410, the flow of militarised Isaurians in the late fifth century, or the Pseudo-Christ in southern Gaul in the 590s, this disturbance in the provinces of Lucania, Bruttia and Campania in the 530s does not seem to have been fuelled by fugitives. Rather, the passing of armies, and the associated devastation seems to have incited an already troublesome population to greater violence.

³¹³ Cassiodorus, *Variae*, 12. 5. Trans. by Bjornlie, in: Shane Bjornlie, *The Variae of Cassiodorus Senator and the Circumstances of Political Survival, CA. 540-545*, pp. 549-51.

The devastation of Justinian's Gothic Wars in Southern Italy was extensive, and was surely a factor in the troubles in Bruttia that caused Cassiodorus to pen his letter to Valerianus. Procopius notes of the peoples of Aemilia and Etruria, that by 539; 'many of them as lived in the mountains were reduced to eating loaves made of the acorns of the oak trees, which they ground up like grain. The result of this was that most of the people fell victim to all types of disease.' Meanwhile; 'It is said that of the Roman farmers in Picenum no less than fifty thousand died from famine, as did a great many more in the region north of the Adriatic.'³¹⁴ (*Wars* 6.20.18–33). In such a troubled context, it is of little surprise that the local population – and especially those with traditions of brigandage – took to violence out of necessity and perhaps for self-defence.³¹⁵

Moreover, as far as can be discerned, the commercial long distance horizontal transhumancy in central and southern Italy broke down in the Early Middle Ages. As we have seen, upland pastoral communities were closely tied to endemic bandits, and therefore this unrest, famine and even the earlier raid on the livestock fair might be symptomatic of the breakdown of the primary economic system in the region.³¹⁶ These communities, which had been reliant on the inter-regional cloth and leather commerce, presumably came under increased pressure during the long decline of their industry.³¹⁷ If so, then this outpouring of epidemic banditry may have been as much a result of long-term commercial, agricultural and economic developments as it was the invasion of Justinian. This is worth stressing, because it demonstrates that epidemic banditry did not

³¹⁴ Procopius, *Wars* 6. 20. 18-33. See also B. Shaw, 'War and Violence' in Glen Bowersock, Peter Brown, Oleg Grabar eds., *Late antiquity: a guide to the postclassical world* (London: Belknap Press, 1999), p. 132.

³¹⁵ For endemic banditry in southern Italy, see above, pp. 114-17.

³¹⁶ The raid on a livestock fair, described by Cassiodorus, *Variae*, 8. 33, and above, p. 119, may indicate that pressure was already significant in Athalaric's reign, and therefore prior to Justinian's Gothic Wars, since such fairs were of primary importance to herders. A raid on such an event may have verged on taboo in such communities, and may therefore indicate that some local shepherd/bandits were in dire straits. For the centrality of livestock fairs in transhumancy, see Julius Klein, pp. 3-17, 49-67.

³¹⁷ Wickham, 'Pastoralism and Underdevelopment in the Early Middle Ages', p. 140.

only, or necessarily, occur as a result of the movements of people. At least in areas where the brigand traditions of lower-class violence were maintained endemically, there was potential for a wider uptake of *latrocinium* when conditions allowed.

We cannot be sure what this meant for the people who considered taking up brigand life in these times, nor should we generalise excessively. Some may have seen it as an opportunity for enrichment, others as a desperate necessity when war or plague had robbed them of other options. All, whether locals, fugitives, deserters or already extant endemic bandits who were swept up in the commotion, could expect the harshest of punishments if they fell into the hands of the authorities who themselves saved the most severe penalties for times when brigandage was most damaging. Nevertheless, even if banditry was a last resort, it was a statement of power. Robbery and raiding required the exertion of physical power over others, often those who were socially superior in any other context. Yet the spectre of the fugitive slave, deserter or lowly shepherd waiting in the mountains and forests cast fear into the hearts of Senators, Prefects and even generals.

2.3. The social and political implications of Epidemic Banditry in the late antique West.

Before we precede toward a reinterpretation of the *Bacaudae* in light of epidemic banditry, it is worthwhile reiterating a few of the major arguments of this chapter. Historical studies of the lives of lower-class people in Late Antiquity make up a relatively minor percentage of the scholarship. This is unsurprising because the written sources that remain to us devote relatively little space to such people. This investigation has focused on violence performed by lower-class people because such actions seem to have been more noteworthy to ancient writers. However, it is important to not lose sight

of the purpose, which is to attempt to deepen our understanding of the lives of poorer people in Late Antiquity, and the methods (in this case violent ones) through which they sought to affect their own lives.

The specific implications of epidemic banditry are perhaps best explained in contrast to endemic banditry. Endemic banditry was a social tradition which was intrinsically linked to the community. *Latrones* therefore were men of violence who might have been, in some sense, detached from their communities, but they were still very much a part of them. It was not brought about by extraordinary circumstances, but was among the norms of those communities. Epidemic banditry was by contrast, in some sense a rebellious, even revolutionary, practice. I must emphasise, at this point that I in no way mean to assert that epidemic bandits were had collective political intent, or were even conscious of any political implications of their own actions. I would certainly not agree that bandits in Late Antiquity had any intent to implement fundamental societal change. However, whilst all bandits were criminal from the perspective of authority, endemic bandits were relatively legitimate in the eyes of their community and therefore their immediate society. Epidemic bandits only became bandits through rejection of their position in society; slaves or farmers had to become fugitives, refugees were driven from their homes, army recruits or deserters had to actively choose illegitimacy over legitimacy. Endemic bandits could be born into that role, but epidemic bandits were created by context. It required the breaking of social relationships, norms and bonds in a more radical sense than endemic banditry. Bandits raised in among traditions of brigandage were only criminal in the eyes of distant authority. Epidemic bandits had existed within the communities that reviled their violent actions and therefore their transgression seems more striking from the perspective of legitimate authority.

However, as we have seen, the boundaries between endemic and epidemic bandits were far from clear, especially when they existed or operated in the same geographic spaces. As such, it will be worthwhile exploring what evidence we have for flashes of epidemic *latrocinium* beyond the uplands and the forests and the reaction of authorities to brigandage when it was rather more difficult to ignore or overcome. With that in mind, in the following chapter, we will attempt to interpret a series of rebellions which were labelled ‘bacaudic’ or have been associated with the *Bacaudae* in light of the understanding of epidemic banditry we have established in this chapter.

Two further points must be emphasised before we move on. Firstly, there is a tendency among historians to use the terms ‘banditry’ and ‘brigandage’ in a way that makes the process seem trifling or incidental, as if such things were unimportant. I cannot criticise this attitude unduly, because banditry, lower-class violence, or even social history are not necessarily the focus of the study, nor relevant to its conclusions. However, I must stress that banditry was of great individual importance to the bandit, to their community, to potential patrons and to victims; it was a matter of life and death. Few people would approach a task of such gravity without reason, so we can be sure that affected parties found banditry to be profoundly important. That alone should justify its historical relevance. Moreover, to dismiss brigandage as unimportant – even on a grand political scale – is to ignore the more outstanding implications of the process, and of epidemic banditry in particular. As we have seen in this chapter, banditry could pose a significant challenge to even the mighty Roman state. Even during the stable period of the 360s, the powerful and militaristic Emperor Valentinian I struggled to subdue brigandage. By the 410s the problem was so great that it required Honorius to forego the state monopoly on violence that it had maintained for centuries, and to legalise the private use of violence against bandits. The late fourth and fifth centuries are often perceived as a period in which the Western Empire struggled, and ultimately failed, to deal with conflict in the

forms of usurpation and barbarians. Conflict with bandits played out in a different arena, but it is plausible that it was little less significant than these more fashionable issues.

Secondly, we have seen throughout this chapter that epidemic banditry was not a uniform response to a specific stimulus, or by a specific group. Life in Late Antiquity raised any number of challenges and epidemic banditry posed a varied and potential solution to some of them. Fugitive slaves, farmers or members of hereditary guilds might turn to banditry because of insufferable social or economic conditions. Fear, or rumours of impending defeat might have encouraged army recruits or deserters to turn to brigandage for self-preservation. Soldiers from defeated armies might have exploited their martial skills for enrichment through brigandage because they had nowhere else to turn. Young men with a spirit for adventure might have exploited a weakness of the state in policing brigandage in pursuit of a better life. Persons whose livelihoods were destroyed by the ravages of a passing army, epidemic disease or famine may have become bandits as a last resort for survival. For others, the impetus to turn to brigandage may have resulted from long-term economic or commercial factors that were beyond their control. It is important to remember that in each of these circumstances, individual lower-class people in Late Antiquity could use violence in the form of epidemic banditry to implement their agency. They were not simply passive observers, or victims of change in society, but could use violence to alter their position within it.

Chapter Three

3. Bacaudae: History, Historiography and Banditry.

No study of lower-class violence in the late antique West could be complete without attempting to understand the rather problematic issue of the Bacaudae. This label was applied by around half a dozen authors to rebels against Roman authority in Spain and particularly in Gaul in the third and fifth centuries. The evidence that can be said with certainty to apply to the Bacaudae, or Bagaudae as it is sometimes rendered, amounts to only a few dozen lines, yet the topic has attracted a deal of attention.³¹⁸ At the time the rebellious activities of the Bacaudae demanded the attentions of the foremost generals of the day, their plight became associated with the actions of holy men and their threat affected the relationship between the Roman state and Germanic peoples. The historiography of the Bacaudae is little less dramatic. Contentions between schools of interpretation for the Bacaudae have proliferated throughout the second half of the twentieth century and continue up to the present. Because of this historiographical intrigue, it now seems problematic to attempt to develop an understanding of the bacaudic revolts – as episodes of lower-class violence – without first engaging the historiography of the subject directly. Therefore this chapter will, in the first section, provide an overview of the interpretations that have dominated Anglophone historiography. This will provide an analysis of those scholarly traditions as well as an overview of the subject itself. With that basis established, we can continue on in the following sections to a more thorough discussion of the evidence for the Bacaudae,

³¹⁸ It is appropriate that in studies on the Bacaudae not even the name is agreed upon. Many scholars prefer the rendering Bagaudae, though both the ‘g’ and ‘c’ spellings are attested in ancient sources. The ‘c’ variant seems to have been settled upon in the fifth century however, and since this period of activity is of greater relevance to this study that variant will be used throughout. See Clifford Minor, ‘Bagaudae or Bacaudae?’ in *Traditio* Vol. 31 (1975), 318-322.

which will hopefully be revealing about patterns in late antique lower-class violence, both in circumstances specific to the Bacaudae and in general.

The bacaudic rebellions were understood by some Marxist historians to be evidence of class struggle at a vital moment of transition between classical and feudal modes of production and were consequently attributed great significance. The greatest scholar of the Bacaudae, at least in the Anglophone tradition, was E. A. Thompson. In a number of publications spanning several decades he argued that the bacaudic revolts were not only a symptom of the oppressive nature of Roman society but were a significant, yet overlooked, factor in the decline and fall of the Roman Empire.³¹⁹ His premise assumed an adversarial relationship between the higher and lower classes of the Empire and the direct evidence of bacaudic revolts was used as a basis to argue for common features with other revolts or outbreaks of unrest. The accretion of further revolts under the ‘bacaudic’ umbrella testified to the significance of the revolts and its influence in other matters. Most notably, he argued for the existence of widespread bacaudic revolts in Britain and that the settlement of the Visigoths in Aquitaine was an attempt to prevent the spread of the bacaudic menace from the north of the Loire.³²⁰

Responses to Thompson’s argument were varied. Some accepted the thesis in general, while others chose to accept his assertion that the Bacaudae were peasants in revolt, but chose to reject their wider associations or downplay their historical significance.³²¹ The

³¹⁹ The earliest and fundamental statement of his understanding is E. A. Thompson, ‘Peasant Revolts in Late Roman Gaul and Spain’, *Past and Present*, 2, (1952), 11-23. Other contributions to the topic are found in various other works, notably; *Romans and Barbarians: the Decline of the Western Empire* (London: University of Wisconsin Press, 1982), *Saint Germanus of Auxerre and the end of Roman Britain* (Woodbridge: Boydell Press, 1984), ‘Zosimus 6. 10. 2 and the Letters of Honorius’ in *The Classical Quarterly*, 32. 2 (1982) 445-462 and ‘The Settlement of the Barbarians in Southern Gaul’ in *The Journal of Roman Studies*, 46 (1956), 65-75.

³²⁰ See ‘Zosimus 6. 10. 2 and the Letters of Honorius’ and ‘The Settlement of the Barbarians in Southern Gaul’.

³²¹ Many general histories that discuss Gaul in Late Antiquity devote some time to the Bacaudae or refer to their activities. Most of these, however, have maintained the basics of either the Thompson or Van Dam schools of thought, either in part or in entirety. For examples of such coverage in passing, or at greater depth, see; Peter Heather, *Fall of the Roman Empire: A New history of Rome and the Barbarians*

most strident argument to the contrary was voiced by Raymond Van Dam.³²² No historian is detached from their context, so it is perhaps unsurprising that the Marxist interpretation of Thompson was most critically opposed in an American publication in the 1980s! In a detailed and fascinating rethink of the bacaudic material, with particular focus on the evidence for the third century, Van Dam instead proposed that the unrest was prompted by patterns of imperial engagement with the territories in northern Gaul. When the Emperor or his court was present or nearby, especially at Trier, the patronage that trickled down kept the local aristocracies closely engaged with the centralising project of Empire. When Imperial influence decreased however, and especially during times of warfare, the local elites were inclined to look to their own devices. Van Dam argued that the Bacaudae, far from being peasant revolutionaries, were in fact the retainers of local aristocracies who were sometimes derided in pejorative terms by the sources representing the central Empire which have survived into the modern day.

The variance between these interpretations cannot be underestimated. At root this dispute was an ideological opposition between arguments which either assumed or rejected inherent conflict between social classes. Indeed, when Van Dam claimed that the ideology for ‘social reversal’ simply did not exist in Late Antiquity, he was not only rejecting the specifics of Thompson’s interpretation of the Bacaudae, but also one of the central tenets of the Marxist historical model.³²³ It is important to stress that many other contributions have been made to the debate, and works by J. Drinkwater, V. Neri and J. C. Sánchez León have also been influential, as we shall see. Indeed, neither Thompson

(London: Pan, 2006), p. 283; Adrian Goldsworthy, *The Fall of the West: The Death of the Roman Superpower* (London: Phoenix, 2010), pp. 159-50, p. 359. Christopher Kelly, *Attila the Hun: Barbarian Terror and the Fall of the Roman Empire* (London: Vintage, 2008), pp. 83-5; Peter Brown, *Through the Eye of a Needle* (Princeton, N.J: Princeton University Press, 2012), p. 403; Wickham, *Framing the Early Middle Ages*, pp. 529-33.

³²² R. Van Dam, *Leadership and Community in Late Antique Gaul*, (London: University of California, 1985), pp. 25-56.

³²³ Van Dam, p. 41.

nor Van Dam nor receives much unreserved support. However, because the rival arguments of Van Dam and Thompson represent the poles of interpretation on the spectrum of bacaudic historiography, their juxtaposition will take a prominent place in this chapter.

It will perhaps surprise the reader then to hear that there is a point of reconciliation between these differing interpretations of the role and identity of the Bacaudae in history. Thompson was surely incautious in drawing a direct link between the rather dubious accounts of revolt by Bulla Felix and Maternus and the later uprisings of the Bacaudae in the third and fifth centuries, but it is possible that there remains some correlation. Indeed, Thompson was quite correct to recognise that these events seem to have occurred in similar contexts of substantial military and political upheaval, either regionally or across the Empire.³²⁴ Van Dam likewise supposed that a lack of direct imperial involvement in the regions afflicted by bacaudic unrest was responsible for necessitating the self-help actions of local aristocrats.³²⁵ This common ground between otherwise irreconcilable interpretations attests to the importance of context. As we have seen in the previous chapters, outbreaks of epidemic banditry – such as those that were attributed to the leadership of Bulla Felix and Maternus – most typically occurred in a context of military reversal. In the aftermath of defeat the army was less able to impose control, waves of deserters could be released and economic hardship or instability could fuel considerable increases in banditry.³²⁶ If the premise of epidemic banditry, as I have argued, is accepted, could the rebellion of the Bacaudae be included within this interpretation? It is the intent of this chapter to demonstrate the validity of including the revolts of the Bacaudae within this phenomenon. In this sense, it should be seen to directly follow on from the previous chapter. However, given that the study of the

³²⁴ Thompson, 'Peasant Revolts', pp. 17-19.

³²⁵ Van Dam, pp. 41-55.

³²⁶ See above, section 2.1.

Bacaudae has provoked such contention among historians, it is necessary to treat them as an isolated case. Fortunately, the significance of the Bacaudae as a social movement merits discussion at some length. However, the final sections of this chapter will attempt to directly integrate the Bacaudae within our understanding of patterns of banditry in Late Antiquity, and in particular the developments in this form of lower-class violence during the years of transition from the Roman Empire to its successor states.

3.1. Context for 'Bacaudic' Rebellion: Historiography and History.

E. A. Thompson's controversial article 'Peasant Revolts in late Roman Gaul and Spain' lists a number of separate rebellions as part of the bacaudic phenomenon. This list has been strongly criticised for ascribing bacaudic character to uprisings that are never described by the authors themselves as bacaudic on the basis of circumstantial evidence.³²⁷ These various episodes of unrest were only precariously linked by an unsettled political context and geographic proximity (the latter factor here has itself been questioned).³²⁸ Moreover, he developed notions of what made the bacaudic revolts distinct based heavily on evidence that derived from sources that described episodes of unrest that Thompson believed were bacaudic, but were not labelled as such in the evidence.

Raymond Van Dam, in an influential rebuttal published in 1985, proposed a radically different alternative. Instead of Thompson's peasant revolutionaries, he proposed that 'Bacaudae' was a belittling label applied to authors from the imperial heartlands to

³²⁷ Drinkwater is perhaps the most prominent critic of the evidential basis of Thompson's attribution of bacaudic character to various episodes of unrest, particularly in Gaul and Armorica. J. Drinkwater, 'The Bacaudae of fifth-century Gaul' in *Fifth-Century Gaul: a crisis of identity?* Ed. by J. Drinkwater and H. Elton (Cambridge: Cambridge University, 1992), pp. 208-17.

³²⁸ Again, the most significant critiques are found in Van Dam, pp. 25-41 and J. Drinkwater, 'The Bacaudae of fifth-century Gaul', pp. 208-17.

describe unruly behaviour in peripheral regions of Gaul. He plotted evidence for the relationships between the northern Gallic aristocracies and the Imperial court and proposed that in times where the court was distant – being centred at Arles, Milan or Ravenna as opposed to Trier – those aristocracies tended to become more unruly, or look to their own defences. In the unsettled times of the 280s and 410-40s in Gaul, he supposed that the disturbances labelled as ‘bacaudic’ were in fact the actions of those neglected northern aristocracies, who formed self-help bands to defend themselves and assert their desires. However, despite the extreme contrast between this interpretation and Thompson’s, they both suffer from similar flaws. Each rightly notices patterns in geographic location and unsettled context, yet both present models for bacaudic character based on doubtful evidence. In Thompson’s case he is incautious about ascribing both events and defining characteristics under the ‘bacaudic banner’, while Van Dam makes an association to the actions of aristocracies which is largely speculative and, in fact, seems to run directly contrary to our evidence.

It is perhaps these underlying difficulties that have resulted in the contentious historiography for the *Bacaudae*. Even Thompson considered that subject ‘his King Charles’ Head’, whilst scholars since have sought to avoid contenting with the material.³²⁹ The bacaudic question has even been described as ‘vexed’.³³⁰ However, for the purposes of this investigation, it is exactly those circumstantial associations – like context and geography – that might prove to be the most revealing. The criticism of both Thompson and Van Dam’s interpretations is that their notions of bacaudic character do not seem to fit with the evidence that we have. It is hoped that through analysis of the evidence that a different interpretation of what it was to be a *bacauda* can be established – namely that these episodes can fit beneath the accommodating umbrella notion of

³²⁹ J. Drinkwater, ‘Review’, *The Classical Review*, Vol. 49, No. 1, (1999) 287-8 (p. 287).

³³⁰ R. Samson, ‘Slavery: the Roman legacy’ in *Fifth-Century Gaul: a crisis of identity?* Ed. by J. Drinkwater and H. Elton (Cambridge: Cambridge University, 1992), pp. 218-227 (p. 224).

banditry.³³¹ If the episodes that have been taken as evidence for the Bacaudae, both explicitly bacaudic and otherwise, can be found to fit into the framework of epidemic banditry as has been outlined above, then we may be able to both shed light onto the mysterious identity of the Bacaudae and fit them into a more valid long-term pattern of social unrest in the later Roman Empire. Moreover, if the Bacaudae can be said to fit within the category of epidemic bandits, then we may be able to shed light on what particular details about their activities or context caused them not to be called *latrones*, but Bacaudae.

Firstly however, it is important to understand the material that has been described as bacaudic, why it was described thus, and what details for bacaudic character emerged from those sources according to existing historiographical interpretations. In order to do so, I will attempt a discussion of the bacaudic material recognised by Thompson and Van Dam as a way of elucidating both the historiography and an introduction to the subject. The earliest uprising in Thompson's list of bacaudic events, the revolt of Maternus, occurred from c.186, and resulted in the creation of a 'powerful [rebel] army, a combination of soldiers, peasants, and others, whose history was the first act in the long tale of the Bacaudae.'³³² The uprising, led by a soldier turned brigand, was severe enough that, for once, the *latrones* came to be considered as genuine *hostes* – a reputable, almost worthy opponent for the Roman state.³³³ Thompson contrasted this uprising with that of Bulla Felix, which he also considered broadly bacaudic in character, but insisted that the 'difference [between them], it seems, is the difference between robbery and

³³¹ No less a scholar than Peter Brown has described such projects as fantastical, so a particularly cautious and tentative approach is required (Peter Brown, *Through the Eye of a Needle*, p. 403). Nevertheless, as with most studies of lower-class people in pre-modern times, a certain amount of theoretical thought is required. It is hoped that this is a worthwhile pursuit, if for no greater purpose than to encourage more thought about the lives of common people in the ancient world.

³³² Thompson, 'Peasant Revolts', p. 12.

³³³ See above, pp. 27-8.

something like revolution'.³³⁴ Scale was the defining factor in this. Though both bands were comprised of brigands, led by deserters and violently defied their Emperors, Maternus demanded the attentions of armies, whilst Bulla, at best, led six hundred men. Thompson is happy to concede that Bulla lived in secret, relying on the goodwill of peasants and slaves who he rhetorically championed, but insists that the size of the forces available to Maternus must have necessitated the seizure and appropriation of aristocratic estates within the territories he conquered. Because of this, 'the character of [Maternus'] movement must be sharply distinguished from the mere routine brigandage which could be found in all corners of the Empire at that time, and the suppression of which was part of the day-to-day duties of the armed forces of the government; for the ordinary brigands were scarcely concerned to win control of large tracts of the provinces and to expropriate the landowners.'³³⁵ For Thompson this was the feature that distinguished the Bacaudae from mere bandits; bandits might be allies of the poor and symptomatic of oppression, but the Bacaudae were attempted a reversal of the social hierarchy.

The first appearance of the Bacaudae proper (i.e. an episode that is definitively labelled as bacaudic in the evidence) seems to have begun in c.283-4 whilst the Emperor Carinus was troubled with barbarian incursions on the frontiers. After the accession of Diocletian the state was able to turn its attention to the uprising of the Bacaudae, led by two individuals called Amandus and Aelianus. Diocletian appointed Maximian as his co-emperor in the west and tasked him with the mission of destroying the Bacaudae, which he accomplished in a single year. A more detailed discussion of these events will be provided below. For the time being however, it is worthwhile emphasising that this episode of bacaudic revolt attracted relatively lesser attention from Thompson. He noted

³³⁴ Thompson, 'Peasant Revolts' p. 15.

³³⁵ Thompson, 'Peasant Revolts' p. 14.

that the sources tended to stress the rural origins of the participants in the revolt, but provided little more elaboration since those sources offer little reason for the actual causes of the rebellion or the motivations of the individual rebels.³³⁶

Following this outbreak a considerable lull occurred, punctuated only by a few outbreaks of brigandage in Gaul under the reign of Valentinian I, until the most major bacaudic event according to Thompson's interpretation. This revolt apparently arose in 407 in the context of invasions and usurpations and lasted until around 417 when they were finally crushed, after a decade, by a campaign commanded by Exuperantius. Unfortunately for Thompson's argument, this great revolt can no longer be reasonably considered 'bacaudic.' Indeed, it was the source material for this revolt that has attracted the strongest rebuttal from critics of Thompson's interpretation. Drinkwater, for example, described the use of Rutilius Namatianus and the Querolus to determine the character of bacaudic revolts as 'inadmissible'.³³⁷ The centre of the supposed revolt was north of the Loire, and though there is evidence for unrest, or even peasant revolt in that time and place, it is nowhere described as the activity of *Bacaudae*. Indeed, the only reference to the *Bacaudae* during those years comes from the Alps, where a group described by Zosimus as '*Bacaudae*' waylaid the Roman general Sarus and captured his baggage.³³⁸ Furthermore, this 'great revolt' can hardly have posed very stern opposition; Exuperantius, unlike Maximian, was certainly not a major military leader and his campaign may even have been undertaken as a private citizen.³³⁹

³³⁶ Thompson, 'Peasant Revolts' pp. 15-16.

³³⁷ Drinkwater, 'The *Bacaudae* of fifth-century Gaul', p. 209.

³³⁸ Zosimus, *New History*, (6. 2), trans. by R. T. Ridley (Sydney: Australian Association for Byzantine Studies, 1982), p. 127. This passage is particularly problematic. Zosimus is a routinely unreliable source, and though he does use the term *Bacaudae*, it is not absolutely certain that he meant the term to mean any more than 'bandit'. See below, section 3.5.

³³⁹ Van Dam, pp. 41-2. Exuperantius' status is likely to remain uncertain; he may have been a commander within the military and even if he was a private citizen, they could – as we have seen – wield considerable violent power. A. Wallace-Hadrill, *Patronage in Ancient Society* (London: Routledge, 1989), p. 198.

Nevertheless, though one can refute Thompson's conclusions regarding the scale, intensity and character of the supposed 407-17 revolt, it does seem that some unrest occurred in the northern Gallic provinces during those years. The evidence raised by Thompson, though it may not be evidence for 'Bacaudae', still suggests some disturbance. For example, Zosimus records that Armorica followed Britain in rebellion in 409 by ousting magistrates, disregarding Roman law and governing themselves.³⁴⁰ Moreover, whilst it is true that using sources for unrest that do not refer to the Bacaudae as evidence for bacaudic motivations is incautious, that does not invalidate the use of that evidence in general. The comedy *Querolus*, which is generally dated to the first half of the fifth century, refers to 'natural' law holding sway across the Loire, where rustics perorate, sentences are pronounced under the boughs of an oak and are recorded on bones.³⁴¹ Additionally, a passage in *De Reditu Suo*, by Rutilius Namatianus, (to whom the *Querolus* might be dedicated) describes how Exuperantius, an Imperial official and kinsman of Rutilius, 'trains the Armoric sea-board to love the recovery of peace: he re-establishes laws, brings freedom back and suffers not the inhabitants to be their servants slaves'.³⁴² These passages were of central importance in Thompson's interpretation in the revolutionary character of the Bacaudae; the passage in *De Reditu Suo* demonstrated their ideology of social reversal, whilst the pejorative description of a rustic judicial system was the evidence of an alternate state created by the peasant revolutionaries in opposition to Rome.³⁴³ We should now reasonably doubt the 'bacaudic' nature of these events, and we should certainly not assume a decade-long, coherent 'bacaudic alternative' to Rome north of the Loire in the early fourth century.³⁴⁴ Yet in looser

³⁴⁰ Thompson, *Saint Germanus of Auxerre and the end of Roman Britain*, p. 32.

³⁴¹ Thompson, 'Peasant Revolts', pp. 18-19.

³⁴² Rutilius Namatianus 'De Reditu Suo' in *Minor Latin Poets* by J. W. and A. M. Duff, p. 783.

Thompson, 'Peasant Revolt', p. 19; for the dedication.

³⁴³ Thompson, 'Peasant Revolts', p. 19.

³⁴⁴ Thompson, 'Peasant Revolts', p. 18, took this to be certain; 'What is certain is that the Bacaudae intended to detach themselves altogether from the Roman Empire and set up an independent State of their own.'

conjunction, they may still imply opposition to Rome, or at least a lack of centralised authority in the region – conditions in which epidemic banditry could flourish.

Further and final rebellions of the Gallic Bacaudae occurred in the 430s and 440s. The most notable, led by a certain Tibatto, is documented by the Chronicle of 452 as having occurred in 435 and been quelled in 437. This outbreak seems to be alluded to in panegyrics by Merobaudes and Sidonius Apollinaris, and is mentioned in the *Vita Germani*. Thompson miscalculated the length of this revolt and proposed that it continued to c.444 on the basis of a misdating of the activities and death of St. Germanus, but it does seem that some trouble continued since as late as 448 an individual bacauda, named Eudoxius, fled from the Empire to Attila's territory outside the Empire. More or less contemporary are the several rebellions by Spanish Bacaudae that are recorded by the chronicle of Hydatius, dated to 441, 443, 446, 449 and 454.³⁴⁵ These later events, from the 430s onward in Gaul and Spain represent our best evidence for the Bacaudae. Though the sources are not unproblematic, they are far more contemporary than the remaining sources for the third-century Bacaudae and refer to the rebels as Bacaudae more or less explicitly. They were however less useful for Thompson, since the laconic chronicle entries lacked the evidence of social aims and policy that most interested him. Together, according to the argument of Thompson, this corpus of evidence represented the scant remaining detail of a disposition of unrest and revolution that existed among the peasantries of the Western provinces for almost three centuries. However, when shorn of a connecting thread of 'bacaudic' nature, the correlation between these events,

³⁴⁵ The sources for the fifth-century Bacaudae will be discussed at greater length below, section 3.3. Most of them are conveniently compiled in in *From Roman to Merovingian Gaul: A Reader*, ed. and trans. by Alexander C. Murray, (Peterborough, Ont.: Broadview Press, 2000). A concise account of their activities can be found in Thompson, *Romans and Barbarians: The Decline of the Western Empire*, (Madison: University of Wisconsin Press, 1982), pp. 183-7. All sources for the bacaudae, across the centuries, are collected in J. C. Sánchez León, *Les sources de l'histoire des Bagaudes* (Paris, 1996).

which otherwise represent a relatively thorough and inclusive narrative of rural unrest in these provinces during the period, is rather less certain.

This overview has highlighted the major outbreaks of bacaudic activity according to Thompson; namely the Maternus rebellion, the revolt against Carinus and Maximian ending in c.284, the c.406-417 outbreak, that led by Tibatto in the 430s and the Spanish Bacaudae intermittently from 441-454. As we have seen, the relationship between these events is doubtful, especially if we believe bacaudic identity to be defined by social 'polices' obliquely referenced to in material that does not refer to the Bacaudae. With these problems in mind, we cannot reasonably assign all these events within a 'bacaudic' phenomenon as Thompson described. However, as has been alluded to above, the model of epidemic banditry is far more inclusive, and could perhaps help us to understand why the bacaudic revolts took place. Interestingly, Thompson was aware that a tradition of banditry could adequately link these events. Yet he did not think traditional banditry – what we might term endemic – could really cause disruption on such a scale. It was because of this that Thompson drew such a distinction between Bulla Felix the robber/*latro* and Maternus the revolutionary bacauda; the latter was able to build armies and appropriate estates from landowners; projects Thompson considered to be beyond the capability of brigands. This might be a reasonable assertion in the case of endemic bandits, who relied on a certain obscurity and isolation in order to shelter them from the violent response of the state. Perhaps for Thompson, the definition of bandits implies small scale actions by peasants with traditions of banditry. But day-to-day bandits, like the humble shepherd-bandit, or even Bulla Felix, could be described in the same terminology of *latrocinium* as more serious military rivals such as Maternus. It is up to modern historians and social scientists to describe and theorise further sub-categories that might help elucidate complex social phenomena that attract attention today. Based on such sub-categories, as we have seen, it has been proposed by this investigation that

epidemic banditry in the Roman Empire had a rather different character. Its existence was provoked by the weaknesses or defeats that the state suffered, and fuelled by deserters and fugitives, it could present a weakened state with rather more formidable opposition.³⁴⁶ Just a few years prior to the rebellions of the fifth-century Bacaudae, epidemic banditry had provoked an extraordinary and unprecedented set of policies from the court of Honorius. Centuries of proscription of legitimate interpersonal violence – the ideological bane of the *pax Romana* itself – were swept away because the state was unable to defend its citizens.³⁴⁷ In this case the primary concern was not barbarians, or usurpers, but bandits. In light of this, the scale of bacaudic activity does not seem sufficient reason to preclude it from falling within the category of banditry.

In addition to underestimating the potential for disruption that epidemic banditry could cause, Thompson also seems to have failed to properly understand the strength of connections that linked the bandit to his community; whether they be humble peasants or wealthier landowners. He was certainly aware that bandits did not operate in isolation, and was aware that they could form connections with citizens of honestiorial status. For example, he noted the interaction between Theon and certain brigands in the endnotes of ‘Peasant Revolts’ and related the tale of a third-century bandit/usurper who hailed from a landowning ancestry and could outfit a band of two thousand followers from his own estates.³⁴⁸ Yet in spite of these episodes, he considered the seizure and administration of estates by Maternus and the fifth-century Bacaudae a prime feature that demonstrated that they were greater than mere robbers.³⁴⁹ However, as we have seen, connection and even co-operation between bandits (and rural enforcers who might

³⁴⁶ Thompson was surely aware that defeats could fuel severe outbreaks of brigandage, but did not attempt to integrate this phenomenon into his Bacaudae thesis; Thompson, ‘Peasant Revolts’, endnote 12, p. 21.

³⁴⁷ See above, pp. 89-91.

³⁴⁸ Thompson, ‘Peasant Revolts’, endnote 12, p. 21 and see above, p. 45 and pp. 66-8 for more discussion of these episodes.

³⁴⁹ Thompson, ‘Peasant Revolts’ p. 14.

easily be labelled bandits) and landowners was far from rare; indeed it might well have been unthinkable for ‘bandits’ to operate without a wealthy patron in some regions. The boundaries between brigands, rural enforcers and pseudo-military retainers like *bucellarii* were surely blurry at the best of times. In a context of military disruption, usurpation, desertion and widespread brigandage these distinctions may have fallen away entirely.³⁵⁰

Given the evidence for interactions between *latrones* and the proprietors or overseers of estates, the administrative achievements of the more long-term rebellions, like those of Maternus and the fifth-century Bacaudae, no longer seem to definitively distinguish them from brigandage.³⁵¹ If the Bacaudae were bent on social reversal then such relationships would have been unthinkable, but given that the evidence of *De Reditu Suo* and the Querolus can no longer be considered unproblematic evidence of bacaudic social aims, then ideological barriers no longer seem impermeable. We should not, of course, consider leaders of rebellions like Maternus, Amandus and Aelianus and Tibatto to be the mere playthings of aristocratic patrons, since they clearly had significant power in their own rights. However, the relatively small scale parallel example of Theon’s relationship with his bandit accomplices perhaps reveals how easily an aristocrat could fall under the sway of men of violence.³⁵² In a context of war and unrest, it does not seem inconceivable the estate proprietors were the junior partners in relationships with powerful brigand leaders.

If we can presume, on the basis of this re-evaluation of Thompson’s ‘bacaudic’ evidence, that the categories of ‘bandit’ and ‘Bacaudae’ are not necessarily mutually exclusive, then what are the implications for the alternate interpretation of Van Dam? His proposal,

³⁵⁰ See below, sections 4.2 and 4.3.

³⁵¹ See above, pp. 65-6.

³⁵² Ausonius, *Epistle* 13, 22-7 and p. 65.

in contrast to that of Thompson, was that the *Bacaudae* were informal groups of retainers that were employed by local leaders and aristocracies in Gaul at times when Imperial influence was at a low ebb. Though these groups were seen as suspicious or hostile from the perspective of the imperial centre – hence the use of pejorative language such as ‘*Bacaudae*’ – Van Dam stressed that their project was not separatist, and certainly not revolutionary. They were simply looking to their own devices at a time when the unstable political context demanded a level of defence that the state was failing to provide.³⁵³

As previously mentioned, the point of reconciliation between these two pervasive battle-lines of *bacaudic* historiography is that both agree that the unrest took place in a context of reduced imperial influence in the afflicted regions. Van Dam’s proposal that ‘*Bacaudae*’ was a ‘belittling epithet’ used by centralist authors to describe the loyalist self-help groups formed by aristocrats in troubled districts in northern Gaul certainly does not seem incompatible with a closer association of bandit and *Bacaudae*.³⁵⁴ Based on the considerable evidence of association between bandits and landowners, this interpretation certainly seems plausible.

One certainly cannot claim, unequivocally, that the *Bacaudae* were inimical to aristocracies or did not have relationships with Romans of honestiorial status. Moreover lower-class men of violence – especially retainers, but also rioters and bandits – could and did participate in relationships with those higher up the late antique social hierarchy. However, it must be stressed that the evidence of aristocrats as participants in the movement of the *Bacaudae* is almost completely lacking. No participants can be said to be of honestiorial status, and it seems that, at least in the context of the 430s revolt in northern Gaul, the aristocracies tended to want (not unreasonably!) to be elsewhere when

³⁵³ Van Dam, p. 41.

³⁵⁴ Van Dam, p. 25.

bacaudic unrest (or any unrest!) was underway. In the Querolus the eponymous landowner, for whose petulant complaining the poem is named, shies away from the prospect of greater power north of the Loire. Though his desire was to despoil and strike at both his neighbours and those unconnected to him, he did not desire a life of *latrocinium* or being subject to the laws of the forest in that unsettled region.³⁵⁵ In this hesitancy his perspective was surely representative of many landowning contemporaries. The situation in northern and eastern Gaul had been thrown into upheaval in c.407 by the arrival of both the usurping Emperor Constantine III in Boulogne from Britain, and the crossing of the Rhine frontier by the Alans, Vandals and Sueves. The barbarians proceeded to pillage the towns and countryside of Gaul whilst the usurping army occupied itself with both fighting loyalists and a brisk descent into infighting.³⁵⁶ It must be emphasised that these events created a considerable degree of conflict within Gaul. North-eastern Gaul had suffered heavily at the hands of the Rhine invaders as the list of towns sacked by them, recorded by St. Jerome, emphasises: Mainz, Worms, Reims, Amiens, Arras, Tournai, Speyer and Strasbourg all feature.³⁵⁷ It has been estimated that military losses during these years, based on the *Notitia Dignitatum*, totalled around 47.5% of units destroyed or disbanded due to casualties and desertion, with the attrition rate especially high among the Rhine garrison.³⁵⁸

During this time the aristocracy clearly suffered. Rutilius Namatianus, for example, fled Gaul at this time and penned *De Reditu Suo* in anticipation of a rejuvenation of Roman power in the region. The troubles of Paulinus of Pella provide an equivalent example: his grand estates were ruined by invaders and he was forced to retire, poverty

³⁵⁵ Anon, 'Querolus' in Murray, *From Roman to Merovingian Gaul: A Reader*, pp. 171-3.

³⁵⁶ Knight, p. 48.

³⁵⁷ Merrills and Miles, *The Vandals* (Chichester: Wiley-Blackwell, 2010), p. 39. Likewise Salvian, 6. 82-4, provides a striking eyewitness account of the destruction of Trier at this time.

³⁵⁸ Peter Heather, p. 247.

stricken, to his remaining lands in the south.³⁵⁹ His story, and that of Rutilius, parallel the route trodden by many of the northern Gallic nobility; they found their lands either dangerous or unprofitable and they fled to the south, in particular to the monastery of Lérins, founded largely by northern refugees (c. 410). This institution notably included the monks Honoratus, Hilary, Lupus and Vicentius who all seems to have hailed from Lugdunensis.³⁶⁰ Those that could, unlike the unfortunate Paulinus, brought their moveable wealth and bought up available lands in the south.³⁶¹ Though Rutilius Namatianus did attempt to return to Gaul in 417, with the perceived *ordo renovatio* underway, he met several fellow honestiorial refugees *en route* who still felt that Italy was a safer abode.³⁶² It is clear that many aristocrats suffered during the early decades of the fifth century in Gaul. Imperial officials were targeted by usurpers, whilst loyalists were quick to purge aristocrats who were too enthusiastic in their support for their enemies such as Apollinaris (grandfather of Sidonius Apollinaris) and Decimus Rusticus, the praetorian prefect of Constantine III.³⁶³ Furthermore, whilst Rutilius clearly believed the situation to be fruitful enough to attempt a recovery of his estates in 417, the reassertion of Roman authority in the late 410s in Gaul was a temporary recovery. Indeed, even in the relatively settled year of 418, the Council of Arles – convened to renew civil administration in Gaul after the disturbances since 407 – only called officials from the seven provinces of southern Gaul. It seems that even administrators from the Gothic controlled districts in Aquitaine were seen as more likely

³⁵⁹ Paulinus of Pella, 'Eucharisticus', in *Ausonius* trans. H. G. E. White, (London: Heinemann, 1931), p. 297.

³⁶⁰ R. W. Mathisen, *Roman Aristocrats in Barbarian Gaul* (Austin: University of Texas Press, 1993), p. 60. These assertions are not always clear however. Honoratus, may for example, be the brother of Paulinus of Pella and derive from Bordeaux; David Woods, 'The Origins of Honoratus of Lérins', *Mnemosyne*, 46. 1, (1993), 78-86.

³⁶¹ Drinkwater, 'The Bacaudae of fifth-century Gaul', p. 214.

³⁶² Rutilius Namatianus, 495-6, 542ff. It seems striking to consider that Etruria – which had borne the brunt of the conflicts between Radagaisus, Alaric and the Romans and still bore the scars of those troubles in 417 – was still considered safer than Toulouse by Victorinus, a former *vicarius*, who had fled his hometown in southern Gaul and was met by Rutilius during his northward journey.

³⁶³ Knight, p. 48.

to contribute to renewal than anyone from north of the Loire.³⁶⁴ The conditions only deteriorated with the death of Constantius III in 421 which plunged the Empire back into infighting. Warfare and uncertainty was renewed in Southern Gaul as generalissimos and usurpers fought to influence Honorius and, after his death in 423, Galla Placidia and her son the infant Valentinian III. Furthermore the barbarians renewed their activities; the Visigoths began to expand and attacked Arles, the Gallic capital, in 427. The city was saved that year by *magister militum* Felix and Aetius and the war halted by 430, but Aetius proceeded to assassinate Felix in 430 and kill another general, Boniface, in battle two years later. The political fallout from this indiscretion was sufficient to drive Aetius into exile with the Huns until his reconciliation with Galla Placidia in 433.³⁶⁵ Throughout these years authority throughout much of Gaul was tenuous and uncertain. Those with considerable power tended toward squabbling for titles and imperial influence so that the now semi-peripheral north of Gaul, if it ever truly returned to Imperial hands after 407, was once again overlooked by the machinery of the state. In such circumstances we can be reasonably certain that the greater part of the northern Gallic honestiorial classes were rather embattled. Not only may they have felt distaste – as Querolus did – for direct association with the uncouth activities of bandits or Bacaudae, but it seems that a sizeable portion of them were displaced by the unsettled political climate in the first decades of the fifth century. Given this hostile context, it is perhaps not surprising that there is no solid evidence of aristocratic involvement in the bacaudic disturbances.

That is not to say that power structures or *romanitas* disappeared. The context might not have been particularly hospitable for northern aristocracies and the apparatus of the Roman administration, but those traditions were durable and long established. We can

³⁶⁴ Matthews, p. 336, Mathisen, p. 81.

³⁶⁵ Knight, pp. 55-6.

discern, for example, that at least some authority existed in the region of Armorica during the 430s, perhaps centred on urban districts, even though this region seems to have been afflicted by revolt at exactly that time. The *Vita Germani* reveals that at least some of these were still liable for taxation since the bishop of Auxerre appealed to the praetorian prefect for remission of that obligation (although the need for a remission may itself indicate that state administration north of the Loire was less than flourishing).³⁶⁶ While there is no evidence of aristocratic involvement among the *Bacaudae*, it does not preclude involvement at some level. Moreover, it seems probable that those aristocrats and honestiorial persons who remained would have taken steps to secure and protect both their status and property. In such cases, Van Dam is surely along the right lines, and archaeological evidence would seem to confirm that the northern Gallic aristocracies were involved in significant competition for power in an effort to assure their positions.³⁶⁷

Yet while it would be foolish to argue that traditional Roman power structures had disappeared from northern Gaul during the first half of the fifth century, it cannot however be taken as evidence for aristocratic leadership of the *Bacaudae*. For such leadership, no solid evidence exists. The ‘people of Armorica’ who were in rebellion under Tibatto (the *Vita Germani* does not mention the term *Bacaudae*, but the connection is certain as the date in c.437 and leadership of Tibatto links this evidence directly to the *bacaudic* revolt mentioned in the chronicle of 452) did send a delegation to Germanus to intercede on their behalf against looming destruction at the hands of barbarian federates, but this certainly need not have been a deputation composed of honestiorial emissaries. Indeed, according the *Vita* composed by Constantius of Lyon c.480, the saint was a favourite of the people and was perhaps the ideal intermediary

³⁶⁶ Constantius of Lyon, *Vita Germani*, 19.

³⁶⁷ Halsall, ‘The origins of the Reihengräberzivilisation: forty years on’ in *Fifth-Century Gaul: a crisis of identity?* ed. by J. Drinkwater and H. Elton (Cambridge: Cambridge University, 1992), pp. 206-7.

between rebelling peasants and the legitimate upper echelons of the Roman state who had ordered the destruction of the Bacaudae.³⁶⁸

In fact, the only certain association of higher status elements within the Bacaudae seems to derive from Salvian who, in an oft quoted passage, laments the condition of the common people and *curiales* of Gaul who were burdened by taxation and oppressed by powerful neighbours:

‘All the while, the poor are despoiled, the widows groan, the orphans are tread underfoot, so much that many of them, and they are not of obscure birth and have received a liberal education, flee to the enemy lest they die from the pain of public persecution.’³⁶⁹

Some have taken this passage to imply that the composition of the Bacaudae was of higher status, but this claim is doubtful.³⁷⁰ It must be noted firstly, that the enemy in question are barbarians rather than Bacaudae, although they were fairly closely associated in the rhetoric of Salvian, who juxtaposed the simplicity and morality of their uncivilised existences with the moral outrages of his Roman society. Nevertheless, the distinction is significant. No one would dispute that wealthy Romans might exist and thrive in regions dominated by barbarians. These remained thoroughly Roman, and were probably no less well administered than areas that were still directly controlled by the Empire. The proposition that they might flee to peripheral regions dominated, or at least afflicted by rebellion is far less certain. Moreover, it is clear that Salvian stressed the greater social status of certain refugees in order to emphasise or even exaggerate his point; by noting the plight of educated persons he could stress the severity of the

³⁶⁸ Constantius of Lyon, *Vita Germani*, 19.

³⁶⁹ Salvian, 5. 5, trans. in *The Writings of Salvian the Presbyter*, trans. J. F. O’Sullivan (Washington: Catholic University of America Press, 1977), p. 135.

³⁷⁰ Drinkwater, for example, takes this comment as reason to exclude the peasantry from involvement with the Bacaudae; ‘The Bacaudae of fifth-century Gaul’, p. 213.

situation to elite, literate members of his audience.³⁷¹ We should certainly not assume that the richer echelons of society composed a majority of fugitives who headed the relative ‘Wild West’ north of the Loire. Indeed, as we have already seen, the flow of honestiorial refugees seems to have had a firmly southward trajectory.

There are several named bacaudic leaders, who would presumably be of aristocratic heritage if Van Dam’s theory is to be accepted. Alas, as with most matters that relate to the Bacaudae, detail is generally lacking. Nevertheless, it is probably worth reviewing the evidence for these leaders. The earliest recorded leaders who are positively associated with Bacaudae are Amandus and Aelianus who were of primary significance among the Bacaudae in the early 280s according to Eutropius, Orosius and Aurelius Victor. These leaders are sometimes referred to as Emperors, or usurpers, but there is little reason to do so. The only evidence of an imperial claim by them comes from a Greek translation of Eutropius by Paeanius, and this denotation does not appear in the original.³⁷² It seems likely that Paeanius was unfamiliar with the revolt, and assumed it belonged to the succession of usurpations in the third century. Following on, we have three further named Bacaudae who were active in the fifth century. Tibatto, a leader among the Bacaudae from 435-7, despite appearing in two sources, has no detail attached to his name in the sources. Van Dam proposes that he might have been a local aristocrat, and cites Barnes who suggested that Tibatto might be a suitable candidate for an otherwise mysterious *novus exul* (new exile) who appears before the emperor Valentinian III and

³⁷¹ Van Dam, p. 44, notices that Salvian spends more time discussing the well-born and educated men who were fleeing, but does not realise the rhetoric significance that even the better off were struggling due to the immorality of Roman society. This point only serves to emphasise the plight of the poor in Salvian’s narrative. Moreover, at other points in the text, Salvian clearly describes the afflicted who became Bacaudae as *pauperes* 5. 5, and *humiliores* 5. 7. In the latter passage, he claims that the social and judicial problems that were the cause of the bacaudic revolt were common to almost all the lower classes: *Ita ergo et cum omnibus ferme humilioribus agitur. Salviani presbyteri Massiliensis Libri qui supersunt*, ed. by Carl Halm, MGH AA, 1.2 (Berlin: Weidmann, 1877).

³⁷² See Van Dam, p. 30n. There are supposedly coins minted by Amandus, but these are considered suspect to say the least; Lawrence Okamura, ‘Social Disturbances in Late Roman Gaul: Deserters, Rebels and Bacaudae’ in *Forms of Control and Sublimation in Antiquity*, ed. Toro Yuge and Masaoki Doi, (Tokyo; University of Tokyo Press, 1986), 288-302, p. 293.

deplored his losses in a scene in a fragmentary Merobaudes poem. However, Barnes himself acknowledged that the connection was tenuous and proposed Tibatto only as a better fit than some other known candidates.³⁷³ How that equates to Tibatto belonging to the Gallic aristocracy is unclear; even if Tibatto was kept as a trophy prisoner and taken to Rome where he bemoaned his losses and became the subject of this Merobaudes reference, it would not require us to understand his status to be honestiorial. In fact, given the likely Celtic origin of his name, it seems far more probable that he belonged to the humilial classes.³⁷⁴ Nothing at all is known of the origins of Basilius who lead some Bacaudae in Spain, according to Hydatius, in the 440s. His name may have had associations of authority in the Greek world, but the name cannot be taken as evidence of honestiorial origin in fifth-century Spain. Even if such an association was intended, it is plausible that the name was assumed, just as Roman Emperors of humble origin assumed names that associated them with the divine. The evidence for the final named bacauda, a certain Eudoxius, provides rather more insight. The Chronicle of 452 describes him as a *medicus*, which precludes honestiorial origin. While Eudoxius may nevertheless have been free-born and wealthy, he may also have been a slave as was commonplace among physicians in antiquity.³⁷⁵ It is hopefully apparent from this list of known leaders of the Bacaudae that aristocratic leadership is doubtful. There is no positive evidence that Amandus, Aelianus or Basilius were honestiorial, whilst it is likely that Tibatto was humilial. Eudoxius may have had the means associated with artisan status, but was clearly not an aristocrat. Based on this analysis, we cannot

³⁷³ Barnes, 'Merobaudes on the Imperial Family', *Phoenix*, 28. 3, (1974), 314-19 (p.319): 'It may nonetheless be premature to assume that Merobaudes refers either to an otherwise attested victory or to a known person. The description *novus exul* is barely apposite to an insurgent like Tibatto. Since the words would better suit a defeated barbarian king or prince, they might refer to an unknown victory in Gaul.'

³⁷⁴ For Celtic origin and survival of Celtic languages, see Barry Cunliffe, *Facing the Ocean: the Atlantic and its peoples* (Oxford: Oxford University, 2001), p. 463.

³⁷⁵ Vivian Nutton, 'From Galen to Alexander, Aspects of Medicine and Medical Practice in Late Antiquity', *Dumbarton Oaks Papers*, Vol. 38, (1984) 1-14 (p. 12).

presume the existence of aristocracies at the core of the bacaudic revolts as leaders of ‘self-help’ organisations. Nor however, does the information that we have seen reveal very much about the composition of the Bacaudae otherwise. It has hopefully been established that there are serious flaws with the existing historiographic treatment of the Bacaudae. There is little evidence of either a long-term revolutionary pattern of a bacaudic character that was bent, explicitly, on social-reversal, or of positive evidence for aristocratic leadership in the same movement.

As has been stated previously, the contrast between the theories of Thompson and Van Dam, each representing ends of a spectrum of interpretation, has formed much of the basis of bacaudic historiography and has provoked this attempt at finding a proverbial ‘third way’. Consequently, I have explained the basic tenets and the various difficulties with these theories, and I will continue to make reference to them throughout. However, it would be remiss to not acknowledge some other recent and influential scholarship. Significantly for the purposes of the rest of the chapter, V. Neri has emphasised the marginality of the Bacaudae on the basis of their geographic location and the terminology employed to describe them. Moreover, he has also noted the influence of brigands and drawn some comparison between their shared marginality.³⁷⁶ However, he nevertheless considers the scale of the Bacaudae, in the fifth century at least, to be too great to be the result of lower class violence and banditry alone and therefore follows Van Dam in assuming some local aristocratic organisation and leadership, especially in opposition to barbarians, though his assumptions about this leadership are more

³⁷⁶ Valerio Neri, *I marginali nell'Occidente tardoantico. Poveri, infames e criminali nella nascente società cristiana* (Bari, 1998), pp. 367-417 and, more specifically, pp. 400-417. As we have seen, Neri is aware of the influence of desertion on brigandage in the late fourth and early fifth centuries, but generally underplays the participation of the non-military lower classes in banditry in Late Antiquity, but – primarily on the basis of legal evidence – considered the contribution of the ex-military persons to be far more significant. See above, section 2.1 and also Valerio Neri, ‘Povertà, criminalità e disordine sociale nella tarda antichità’, pp. 198-99.

moderate than Van Dam's.³⁷⁷ Other historians, most notably J. Drinkwater and J. C. Sánchez León, have attempted to elucidate the troubled historiography by a deliberate return to the source material. This intent is mirrored in this study, although to a much more specific, and less encompassing extent than Sánchez León, who has collected all direct and (probable) indirect references to the Bacaudae.³⁷⁸ Interestingly, their approaches diverge over what to do with this material; Drinkwater adopts a somewhat puritanical approach whereby he dismisses virtually all the information that has been said to indirectly refer to the Bacaudae and some other evidence on the basis of questionable manuscript evidence. There is much to be said for this approach, and he rightly highlights that we should not incautiously generalise about what can be said to be bacaudic.³⁷⁹ However, through such rigorous rejection of generalisation his argument risks becoming fragmentary, as it segregates the Bacaudae from other instances of violence with which they share common features. Sánchez León, by contrast, is willing to utilise sources, such as that of Rutilius Namatianus and the Querolus, which Drinkwater considers inadmissible as evidence for the Bacaudae.³⁸⁰ With this different methodology, Sánchez León attains different results; like Neri he stresses the marginal character of the revolt and its participants, which he identifies as largely rural poor, but often in association with bandits or deserters.³⁸¹ However, he differs from Neri in his assessment of the relation of the Bacaudae to the Roman state; where Neri believes the bacaudic revolts to be oppositional to both Rome and barbarians, Sánchez León stresses the antagonism towards Rome more strongly, and consequently allows only for a much

³⁷⁷ See, for example, Neri, 'Povertà, criminalità e disordine sociale nella tarda antichità', pp. 205-6 where he considers the brigand-retinue of Proculus a model for bacaudic leadership. For more on Proculus, see above, p. 45.

³⁷⁸ J. C. Sánchez León, *Les sources de l'histoire des Bagaudes*.

³⁷⁹ J. Drinkwater, 'The Bacaudae of fifth-century Gaul', pp. 208-17.

³⁸⁰ J. C. Sánchez León, *Los Bagaudas: rebeldes, demonios, mártires. Revueltas campesinas en Galia e Hispania durante el Bajo Imperio* (Jaén, 1996), pp. 18-19, 35-6, 74, 87.

³⁸¹ *Ibid*, pp. 31-80 and especially pp. 43-44 for the role of bandits.

less substantial role to be played by local aristocrats.³⁸² Significantly, by stressing marginality, both Neri and Sánchez León differ in their identification of the core of bacaudic support from Drinkwater, who, by focusing on what he considers the core texts, instead stresses the role of fugitives from more central territories. Nevertheless all three rely, to a greater or lesser degree, on the foundations laid by the strident divergence of Thompson and Van Dam. Arguably, any of these valuable contributions may be closer to the mark than their predecessors, but I would argue that some of the original faults still remain.

3.2. Evidence for the third-century Bacaudae.

As we have seen, there are serious flaws in the prevailing historiographical interpretations of the evidence for the Bacaudae. In discussing these flaws, a great deal has been said so far about who the Bacaudae were not. It is hoped that in this section more can be said about who they were. Fortunately, our sources for the general composition of the Bacaudae are typically more revealing than those that hint at the leadership of the movement. In order to make a more positive association between the Bacaudae and what we can discern of their composition, we shall review that relevant source material that can be definitively associated with the Bacaudae as well as certain others which were considered to be bacaudic by Thompson but which cannot be correlated with certainty.³⁸³ It is worthwhile paying attention to some of this tenuous evidence because although we cannot associate it with the Bacaudae with any certainty, it may nevertheless inform us about the context in which they emerged.

³⁸² Ibid, p. 61 for antagonism to Rome; for the role of local aristocrats, p. 78.

³⁸³ This approach broadly follows the example of Drinkwater, 'The Bacaudae of fifth-century Gaul' and Sánchez León, *Los Bagaudas*, even if my argument otherwise differs from theirs, at least to some degree.

The sources for the third-century clearly ascribe lower-class labels to their subject when describing the revolt of the Bacaudae. Eutropius, writing around 360 – and therefore nearly eighty years after the revolt – describes the Bacaudae as peasants (*agrestes*) and rustics (*rusticani*), and as a faction (*factioni*) in insurrection (*tumultum*).³⁸⁴ Aurelius Victor, writing at more or less the same time, mirrors the use of *agrestes* whilst Orosius too, following his example in the early fifth century, employs much the same terminology.³⁸⁵ Jerome's Chronicle, c.380, likewise describes them as a rustic multitude whose faction was suppressed by Maximian.³⁸⁶ All these sources date from seventy or more years after the revolt itself, and none of the authors were alive at the time. This presents something of a problem, not only with the specific descriptions, but with the very usage of the term Bacaudae, since the earliest certain references to them are almost

³⁸⁴ Eutropius on the Bacaudae: 'He [Diocletian] thus became master of the Roman Empire; and when the peasants in Gaul made an insurrection, giving their faction the name of Bagaudae, and having for leaders Amandus and Aelianus, he despatched Maximian Herculus, with the authority of Caesar, to suppress them. Maximian, in a few battles of little importance, subdued the rustic multitude, and restored peace to Gaul.' Trans in; Eutropius, 'Breviarium', 9. 20, trans. in *Justin, Cornelius Nepos and Eutropius*, trans. by John Selby Watson, (London: George Bell and Sons, 1886).

Ita rerum Romanarum potitus cum tumultum rusticani in Gallia concitassent et factioni suae Bacaudarum nomen inponerent, duces autem haberent Amandum et Aelianum, ad subigendos eos Maximianum Herculum Caesarem misit, qui levibus proeliis agrestes domuit et pacem Galliae reformavit. Eutropi Breviarium ab urbe condita cum versionibus Graecis, ed. by H. Droysen, MGH AA, 2 ((Berlin: Weidmann, 1879). Bold highlights my own.

³⁸⁵ Orosius on the Bacaudae: 'Later Amandus and Aelianus in Gaul gathered together a band of farmers, who were called Bacaudae, and stirred up destructive insurrections. Diocletian appointed Maximianus, surnamed Herculus, Caesar and sent him into the Gallic provinces. Here, by his military prowess, he easily put down the inexperienced and disorderly company of peasants.' Trans in; Orosius, *Seven Books Against the Pagans*, 7. 25. 2, trans. by Irving Woodworth Raymond, (New York: Columbia University Press, 1936).

dehinc cum in Gallia Amandus et Aelianus collecta rusticorum manu, quos Bacaudas uocabant, perniciosos tumultus excitauissent, Maximianum cognomento Herculum Caesarem fecit misitque in Gallias: qui facile agrestium hominum imperitam et confusam manum militari uirtute composuit. Historiarum adversum paganos libri VII, ed. and trans. by Marie-Pierre Arnaud-Lindet (Paris: Les Belles Lettres, 1990-1). The evidence for the Bacaudae from Aurelius Victor will be provided below (see n.396) when we return to focus on his account. Bold highlights my own.

³⁸⁶ 'Diocletian adopted as co-ruler Maximianus Herculus who, after suppressing a multitude of peasants, to whose faction he gave the name of Bacaudae, restored peace to the Gallic provinces.' *Diocletianus in consortium regni Herculum Maximianum assumpsit, qui rusticorum multitudine oppressa, quae factioni suae Bacaudarum nomen indiderat, pacem Galliis reddit*. Jerome, Chronicle, 2303, trans. by Kevin Edgecomb (Berkeley: California, 205) and accessed at http://www.tertullian.org/fathers/jerome_chronicle_03_part2.htm <Accessed June 2016> Bold highlights my own.

as close or closer to the activities of the fifth-century revolt than to their third-century subject.³⁸⁷

The similarity between these four sources for the third-century Bacaudae present an interesting possibility, since Jerome's Chronicle was largely a translation of Eusebius' earlier Chronicle, and only the material dating from 325 to 379 is original to Jerome.³⁸⁸ It is not possible to know if this evidence of the Bacaudae was recorded in the Chronicle of Eusebius, written in 325, on which Jerome's Chronicle is based, as the former does not survive in isolation. However, it seems likely that it was included, and this evidence would represent a more contemporary attestation of Bacaudic activity in the third century, but we are reliant on Jerome's translation of Eusebius for content since the extant Armenian translations of Eusebius do not contain the latter portions of the text. Furthermore, it is tempting to believe, on the basis of common form and terminology, that these texts derive from a common origin, such as Eusebius. All four sources (Eutropius, Aurelius Victor, Jerome and Orosius) mention the appointment of Maximian to deal with the Bacaudae in Gaul, all refer to him as Maximian Herculeus and record that he restored the province to peace. Three of the sources, Eutropius, Jerome and Orosius, use the 'bac' rather than 'bag' form of Bac/Bagaudae and all these three likewise use the term 'rustic'. Similarly, Eutropius, Aurelius Victor and Orosius share the use of the names of bacaudic leaders Amandus and Aelianus and the term '*agrestes*', whilst Eutropius and Jerome share the usage of 'faction'. Finally, all four explain how the Bacaudae came by the name, although the detail differs slightly; Eutropius claims they called themselves by that name, Aurelius Victor notes that they were called

³⁸⁷ Van Dam, for example, is reluctant to accept the fourth-century descriptions of Bacaudae as reflective of third-century reality, p. 30.

³⁸⁸ Stefan Rebenich, *Jerome*, (London: Routledge, 2002), p. 12. Jerome's project was to make Eusebius' work available for Western latin-reading audiences and he seems to have included some supplementary details that would be of greater interest to westerners. It is possible that the detail on the bacaudic revolt in the 280s represents one of these original supplements.

Bagaudae by the local inhabitants, Jerome says Maximian gave them the label, whilst Orosius simply records that they were called Bacaudae.³⁸⁹ On the basis of these common forms in the texts it does seem likely that some common source was drawn upon, whether directly or indirectly. If Eusebius were considered a probable common source, then the translations from a Greek text could account for the discrepancies and remaining differences between them, such as the failure to mention the leaders of the rebellion in the account offered by Jerome. However, it is not possible to prove any common source, much less the identity of one. Indeed, the relatively sparse features extant in Jerome's account of the revolt might indicate that Eusebius was not the common sources, or at least not the only one, since it would have required him to truncate Eusebius' version (or for the other sources to elaborate upon it) when we might reasonably expect Jerome to be the most faithful copyist. Nevertheless, on the basis of Jerome's reference to Bacaudae alone, it does seem quite reasonable that we can propose a probable attestation of the term Bacaudae in reference to the third-century revolt as early as the 320's. If so, then we can assume the usage had appeared already in the early fourth century at least.

It is significant to emphasise this point because a far more contemporary source, a panegyric poem from the *Panegyrici Latini* dating to 289, seems to make reference to the revolt of the Bacaudae in the 280s, but does not mention either the leadership of Amandus and Aelianus or the label Bacaudae itself. Given the controversial historiography of the Bacaudae, a lack of explicit usage of the term makes the use of the *Panegyrici Latini* as a source for the Bacaudae somewhat problematic. It has been presumed that because Maximian's victory was over fellow citizens rather than external *hostes* that the panegyrist might not wish to dwell on the victory, or legitimate the revolt

³⁸⁹ See notes 384, 385 and 386 above, and 391 and 396 below for Latin and translations of the relevant passages for our understanding of the third-century Bacaudae.

overly by recording such details.³⁹⁰ This might very well explain why the panegyrist did not linger on detail, but without those detail we are nevertheless faced with a lacuna of seventy years between the earliest evidence of the revolt and the first use of the term *Bacaudae* in the sources. However, if we can accept that a common source was employed by the later sources, or that the term ‘*Bacaudae*’ was probably used by Eusebius within forty years of the rebellion, the lacuna between the *Panegyrici Latini* and the later sources can be halved. This proposed closer chronological association of evidence for the third-century *Bacaudae* is significant because it allows us to feel rather more confident about the validity of both the *Panegyrici Latini* and the later sources as evidence for the *Bacaudae*. This does not mean that the sources should be read uncritically, but it does at least mean that they are worth reading. It is important to stress that the sources can and perhaps should be listened to. Both Thompson and Van Dam did much to undermine the validity of the descriptions provided; for Thompson they were the voices of a fearful and hostile upper-class elite, whilst for Van Dam they were ‘belittling epithets’ with which haughty centralists could deride provincial elites. It is hoped that the above analysis of the relationship of the sources to each other and to the revolt itself will go some way toward justifying a fresh look at the evidence. By doing so, we will ideally be able to provide more evidence for who the *Bacaudae* actually were. With that in mind, we can now continue to highlight the types of terminology used to assess the composition of the revolt. Significantly, the Panegyric to Maximian, which, as we have seen, is by far the most contemporary source, uses similar descriptive terminology to that employed by the later evidence. It described the revolt as one of

³⁹⁰ The editors of *In Praise of Later Roman Emperors: Panegyrici Latini: introduction, translation, and commentary with latin text of R.A.B. Nixon*, ed. by C. E. V. Nixon and Barbara Saylor Rodgers (Berkeley: University of California Press, 1994) are confident in the connection between the relevant passages on the *Panegyrici Latini* and the attestations of *bacaudic* revolt by later fourth-century sources. See p. 61, n.22 and 23 for lesser glory in conflict with Romans and panegyrist’s embarrassment over the subject.

inexperienced farmers (*ignari agricolae*), ploughmen (*arator*), shepherds (*pastor*) and rustics (*rusticus*).³⁹¹ The labels used in the Panegyric therefore mirror the descriptions by Eutropius, Jerome and Orosius in usage of ‘rustic’. Meanwhile the terms *agricolae* and *arator* broadly parallel *agrestes*, which features in the accounts of Eutropius, Aurelius Victor and Jerome. While we cannot discount the possibility that these labels are intentionally belittling and do not accurately depict the leadership of the revolt, the theme of rural lower-class participation is significant. At the very least, this was not a military usurpation in the normal form; indeed the panegyric plays on the juxtaposition of peasant – whose social role was supposedly non-violent – taking on the roles of military personnel: ‘Inexperienced farmers sought military garb; the ploughman imitated the infantryman, the shepherd the cavalryman, the rustic ravager of his own crops the barbarian enemy.’ This line is heavy with invective against illegitimacy and it seems clear that the composition of the revolt marked it out as something different from the civil wars between rival imperial candidates that feature heavily in the narrative histories of the third-century Empire.

Significantly for our purposes, the usage of the term *pastor* in the description provided by the panegyric might signify an acknowledgement that the disturbance was of brigandage-like character. As we have seen, shepherds were often considered barely distinguishable from bandits in the Roman Empire. A contemporary law, dating from

³⁹¹ *Panegyrici Latini*, 10 (2), 4. 4. ‘Was this not similar to that calamity of two-shaped monsters in our lands, I know not whether to say suppressed by your bravery Caesar, or calmed by your mercy?

Inexperienced farmers sought military garb; the ploughman imitated the infantryman, the shepherd the cavalryman, the rustic ravager of his own crops the barbarian enemy. I pass this over in haste, for I see that such are your dutiful feelings that you prefer that victory to be cast into oblivion rather than glorified. Look what followed. Scarcely was that unhappy outburst stilled when immediately all the barbarian peoples threatened the destruction of the whole of Gaul...’

An non illud malum simile monstrorum biformium in hisce terris fuit quod tua, Caesar, nescio utrum magis fortudine repressum sit an clementia mitigatum, cum militaris habitus ignari agricolae appetuerunt, cum arator peditem, cum pastor equitem, cum hostem barbarum suorum cultorum rusticus uastator imitatus est? Quod ego cursim praetereo; uideo enim te, qua peitate es, obliuionem illius uictoriae malle quam gloriam.

Quid vero? Statim, uixdum misero illo furore sopito, cum omnes barbare nationes excidium uniuersae Galliae minarentur... In Praise of Later Roman Emperors, p. 60-62.

the reign of Diocletian and Maximian, insists that a man who is cleared of the charge of homicide may still be tried for the related crimes of herdsmen (*pastores*) and brigands.³⁹² Given this close association, it seems possible that the panegyrist intended to conjure an image of *latrocinium* in the mind of his audience. This may also account for the hesitancy to discuss the revolt in detail, or to include the name Bacaudae. Maximian was, if we can believe Eutropius and Orosius, raised to the purple with the express mission to quell the revolt. Because of the gravity of the task, the panegyrist could hardly leave the achievement unmentioned in a praise poem. However, *latrones* and other civil/social disturbances were not considered victories over legitimate enemies and did not represent glorious triumphs. A victory over bandits or Bacaudae was not to be celebrated and although Maximian could be commended for his dutiful resolution of unrest, the existence of the revolt was itself a cause for lament and best forgotten.³⁹³ In conjunction, the use of *pastor* and the attitude to victory over the Bacaudae in the panegyric suggests that the author wanted his audience to understand the foe to have been akin to *latrones*, but on a scale that demanded not only the attentions of the Emperor, but even the appointment of one.³⁹⁴

What then was the composition of the Bacaudae in the third century? What sorts of people joined together in revolt against the Empire during a context of conflict between rival claimants to the Imperial throne? The consistent usages of peasant labels and terminology of illegitimacy across the sources must be taken as indicative of a lower-class composition.³⁹⁵ There is, as has been said, no evidence of aristocratic involvement,

³⁹² CJ, 9. 2. 11. See above, pp. 35-6 for more detail.

³⁹³ As the panegyrist says: ‘I pass this over in haste, for I see that such are your dutiful feelings that you prefer that victory to be cast into oblivion rather than glorified.’

³⁹⁴ For role of victory over Bacaudae in Maximian’s elevation to co-rule alongside Diocletian, see *In praise of Later Roman Emperors*, p. 48.

³⁹⁵ Van Dam, p. 30, has argued that these terms cannot be used to determine the social origin of the rebels because of the prejudices of the authors. While it may be true that these terms might have been designed to belittle the status of some leaders of the rebellion, or demonstrate its illegitimacy, this cannot reasonably discount its accuracy regarding participants in the revolt. From what other origin might they have hailed? The terminology and attitude of the evidence surely discounts the possibility that the

although we cannot discount the possibility out of hand. However, the overwhelming use of labels which suggest that the revolt was composed by the rural lower classes suggests that they comprised the bulk of the rebels, and perhaps that their grievances were the reason for the uprising.

The use of *pastor* in the Panegyric to Maximian suggests that bandits may have also featured, perhaps alongside fellow rural labourers who are attested in almost every source. For the purposes of identifying the association between the Bacaudae and epidemic banditry, the other significant source is Aurelius Victor. Writing in c.361 Aurelius, as we have seen, mirrors some of the terminology used in Eutropius, Jerome and Orosius, but also adds the further detail that they were *latrones*: ‘in Gaul Helianus and Amandus had stirred up a band of peasants and robbers, whom the inhabitants call Bagaudae’ (*Helianum Amandumque per Galliam excita manu agrestium ac latronum, quos Bagaudas incolae vocant*).³⁹⁶ Alone, the usage of such a fluid term in association

Bacaudae were military usurpers, and likewise any close association with urban unrest. Indeed, according to Aurelius Victor (see below, note 396), they seem to actively target the cities of Gaul. Based on this analysis of evidence for the third-century Bacaudae, I can find no reason to doubt that peasants formed the backbone of the revolt. Though the presence of honestiorial elements, or even leadership cannot be disproved on the basis of this evidence, the burden of demonstrating the inaccuracy or irrelevance of terms like *agrestes*, *agricolae*, *arator*, *latro*, *pastor*, *rusticus*, must fall to those that claim it.

³⁹⁶ ‘For when Diocletian had learned, after Carinus’ death, that in Gaul Helianus and Amandus had stirred up a band of peasants and robbers, whom the inhabitants call Bagaudae, and had ravaged the regions far and wide and were making attempts on very many of the cities, he immediately appointed as emperor Maximian, a loyal friend who, although he was rather uncivilised, was nevertheless a good soldier of sound character. He subsequently received the surname Herculus from the worship of that deity, just as Valerius received that of Jovius. This was also the origin of the names given to those auxiliary units which were particularly outstanding in the army. Well, Herculus marched into Gaul and in a short time he had pacified the whole country by routing the enemy forces or accepting their surrender.’ Aurelius Victor, *Liber De Caesaribus*, 39. 17. *Liber de Caesaribus* by Sextus Aurelius Victor, ed. and trans. H. W. Bird, (Liverpool: Liverpool University Press, 1994), pp. 42-3.

*Namque ubi comperit Carini discessu Helianum Amandumque per Galliam excita manu **agrestium ac latronum**, quos **Bagaudas** incolae vocant, populatis late agris plerasque urbium tentare, Maximianum statim fidum amicitia quamquam **semiagrestem**, militiae tamen atque ingenio bonum imperatorem iubet. Huic postea cultu numinis Herculo cognomentum accessit, uti Valerio Iovium; unde etiam militaribus auxiliis longe in exercitum praestantibus nomen impositum. Sed Herculus in Galliam profectus fusis hostibus aut acceptis quieta omnia brevi patrauerat.* *Livre des Césars*, ed. and trans. by Pierre Dufraigne (Paris: Belles Lettres, 1975). Bold highlights my own.

The term *semiagrestem*, highlighted in the above passage, applies to Maximian and refers to his social background, which Bird translates as ‘rather uncivilised’. Van Dam, p. 30, n.20 argues that if an Emperor could be *semiagrestes* then we cannot use the term *agrestes* to argue for a lower-class composition of the Bacaudae. Why? If Maximian was a former soldier, from the ranks, with a lower-class origin, then in the eyes of the educated elite of Roman society he certainly was a *semiagrestes*.

with a rebellion might indicate very little; the word could simply be a marker for illegitimacy or a style of warfare. Indeed, as we have seen, any guerrilla-type warfare – even that of barbarians – could be labelled *latrocinium*.³⁹⁷ Nevertheless, the use of both *latro* and *pastor* in descriptions of the Bacaudae does suggest bandit like activity. It seems very likely that rural lower classes formed the core of the bacaudic revolt in the third century. Identification with bandits is less emphatic, but nevertheless seems probable.

What are we to do with these descriptions of the composition and character of the third-century Bacaudae? Whilst it is conceded that the evidence is somewhat problematic, the proliferation of references to peasant involvement coupled with the lack of reference to local aristocratic leadership would seem to invalidate the fundamentals of Van Dam's thesis. Thompson's proposal that the Bacaudae were an association of revolutionary peasants however, seems to stretch the evidence too far. On the basis of the third-century evidence we have seen, there is little to suggest that level of coherence in the organisation and ideology of the Bacaudae. Thompson sought to overcome this shortcoming by placing these alongside other outbursts of similar violence, notably the bandit disturbances led by Maternus and Bulla Felix, all of which he labelled bacaudic, even where the term was not employed. As we have seen, the rival interpretations of Van Dam, and especially Drinkwater, were fuelled by such incautious identification.³⁹⁸ In order to justify this appropriation of other disturbances to a bacaudic character, Thompson argued that the contemporary description of Maternus and Bulla Felix as

Diocletian presumably was as well. To senatorial observers, nothing necessarily separated the social origins of a bandit like Bulla Felix and an Emperor like Maximian. I do not see how this usage can demonstrate that the *agrestes* described by Aurelius Victor should be considered anything other. On Maximian's origins, see Timothy Barnes, *The New Empire of Diocletian and Constantine*, (Cambridge MA: Harvard University press, 1982), p. 32, who proposes that his parents were shopkeepers from Sirmium, and *In Praise of the Later Roman Emperors*, pp. 55-6n which suggests that they were day labourers and confirms that all sources agree on Maximian's rustic background.

³⁹⁷ See above, pp. 69-71.

³⁹⁸ See above, p. 151.

‘bandits’ overestimated the ability of mere brigands to offer violent opposition to the state. On this matter he was clearly wrong. As we have seen in Chapter 2, epidemic brigandage was quite capable of causing serious problems for the Roman Empire.³⁹⁹

But if episodes of brigandage cannot be re-categorised as *bacaudic*, then perhaps the *Bacaudae* could be understood within the wider phenomenon of brigandage? In order to avoid the charge of ruthlessly applying an ill-fitting model to the evidence, one must avoid exaggeration or generalisation. Fortunately however, we have already seen that suggestions of banditry do exist amongst the evidence for the third-century *Bacaudae*, sufficiently, at least, for Neri and Sánchez León to attest to their role.⁴⁰⁰ Furthermore, banditry is a much more inclusive category of lower class violence than Thompson’s *Bacaudae* theory. It is widely attested throughout the Roman Empire and Late Antiquity, both before and after the *Bacaudae*. Its relative ubiquity would suggest that it existed endemically in Armorica and marginal regions in north-western Gaul, and related crimes are attested in Spain where the *Bacaudae* would flare up again in the fifth century.⁴⁰¹ More importantly however, the conditions on which the third-century *Bacaudae* emerged closely match the conditions through which epidemic banditry is created.

Epidemic bandits – in contrast to endemic – are made by their context. As we have seen, the fugitive and deserter brigands that caused panic among state legislators in the late fourth and early fifth centuries, the violent peasants that prompted Cassiodorus’ letters in Ostrogothic Italy and the rustic retinue of the Pseudo-Christ in Merovingian Gaul were all created by the socio-economic and military context. Likewise, the third-century *Bacaudae* emerged in the troubled context of late third-century Gaul. The century was

³⁹⁹ See above, Chapter two, and more theoretically, on the issue of banditry and state formation see Kurrild-Klitgaard and Svendsen, ‘Rational Bandits: Plunder, Public Goods, and the Vikings’.

⁴⁰⁰ Neri, ‘Povertà, criminalità e disordine sociale nella tarda antichità’, pp. 198-9, 205-6 and J. C. Sánchez León, *Los Bagaudas*, pp. 43-4.

⁴⁰¹ Neri, ‘Povertà, criminalità e disordine sociale nella tarda antichità’, pp. 197-8.

dominated by political infighting and usurpation of the Imperial throne and for much of the century the Emperor ruling in Gaul was often different to, and sometimes at war with, imperial rivals in Italy or the East. Significantly, at the time of the bacaudic uprising northern Gaul was particularly troubled.⁴⁰² Only in 274 was the separate Gallic Empire finally returned to central control through the campaigning of Aurelian, but these civil wars, along with regular incursions across the Rhine by the Franks and Alemanni, seem to have caused considerable socio-economic and military disruption. The Bacaudae emerged seemingly in the direct aftermath of the defeat and death of Emperor Carus in the East in 283 and the subsequent defeat of his son Carinus by the usurper general Diocletian. Unfortunately, the *Panegyrici Latini*, Aurelius Victor and other sources for the third-century Bacaudae, unlike the sources for their successors in the fifth century, do not offer us specific reasons for revolt. However, it seems reasonable to assume that factors that we have seen to have influenced epidemic banditry elsewhere in Late Antiquity, such as war and military defeat, famine, plague, taxation and oppressive social structures, were probably significant in the uprising of the Bacaudae. In light of these observations, it seems plausible that the third-century Bacaudae can be considered a variety of epidemic banditry, and to have existed within the broader phenomenon of banditry in Late Antiquity. For the moment however, we must be content with just ‘plausible’ and move on to the evidence for the fifth-century bacaudic where more positive conclusions can be given.

⁴⁰² Indeed, no sooner were the bacaudae defeated than an attempt was made at reforming a separate state in the northwestern provinces of the Roman Empire by the usurper Carausius.

3.3. Evidence for the fifth-century Bacaudae.

Having established the terminology of the bacaudic revolt in the third-century and proposed some conclusions about the character of the rebels themselves, we will now consider and compare with the evidence that we have for the fifth-century Bacaudae. As we have seen, much of what Thompson considered to be evidence for the Bacaudae in the fifth-century now seems questionable, since much of it does not reference the Bacaudae directly.⁴⁰³ In order to make comparisons between known bacaudic events – separated by over 140 years – I shall first evaluate the material that refers directly to the Bacaudae, or that we can be reasonably sure refers to them. As with the third-century material, it is worth spending some time evaluating these sources, since some of the evidence is of questionable validity, whilst other elements are relatively unknown, (Drinkwater, for example, in his otherwise thorough overview of the evidence for the fifth-century bacaudae, did not mention the reference to revolt in Armorica which is preserved in the fragmentary remnants of John of Antioch).⁴⁰⁴ However, most of the sources for the fifth-century Bacaudae are well known and analyses have been offered by modern historians both with relation to the Bacaudae and in general, therefore it is not necessary to undertake a particularly sustained analysis here.⁴⁰⁵ Rather, it is hoped that by revisiting these sources, and particularly by comparing and contrasting the evidence contained within them, we can better understand the place of the fifth-century Bacaudae within the general phenomenon of lower-class violence, as well as within their particular historical context.

⁴⁰³ Drinkwater, for example, considers the use of *De Reditu Suo* and the *Querolus* to understand the aims of the bacaudic movement ‘inadmissible’; ‘The Bacaudae of fifth-century Gaul’, p. 209.

⁴⁰⁴ John of Antioch, *Ioannis Antiocheni Fragmenta quae supersunt omnia / recensuit Anglice vertit indicibus instruxit Sergei Mariev*, (Berolini: W. de Gruyter, 2008), frag. 2, pp. 407-9.

⁴⁰⁵ Drinkwater, ‘The Bacaudae of fifth-century Gaul’, offers probably the most influential analysis of the relevance of the sources for the bacaudae, but others, including Thompson, Van Dam and J. C. Sánchez León, *Les sources de l’histoire des Bagaudes*, have offered insights as well.

Probably the most significant source – for the Gallic *Bacaudae* at least – is the Chronicle of 452. Such is the brevity of its references to the *Bacaudae* that they are worth quoting in full:

‘435 – (117): Farther Gaul (*Gallia Ulterior*) followed Tibatto, the leader of a rebellion, and separated from Roman society (*a Romana societate discessit*). This was only the beginning of almost all the servile order (*servitia*) of Gaul coming into accord in a *Bacaudic* revolt.

437 – (119): After Tibatto was captured and the other leaders of the revolt (*sedition*) were put in bonds or killed, the commotion of the *Bacaudae* quietened down.

448 – (133): Eudoxius, a physician by profession and of perverse, if well-developed, talents, fled to the Huns when implicated in the *Bacauda* that took place at that time.’⁴⁰⁶

A number of significant divergences in the depiction of the fifth-century *Bacaudae* from their third-century equivalents appear on the basis of this evidence. The Chronicle of 452, unlike the sources for the third-century *Bacaudae*, does not contain lists of (pseudo)technical labels for the composition of the *Bacaudae*, but instead simply refers to them under the umbrella term *servitia*. This label could equally apply to rustics and farmers, rural slaves like *coloni*, household slaves or to urban lower classes. Perhaps this contrast in nomenclature results from stylistic differences between the chronicle genre and the narrative or poetic sources that contain our information about the third-century *Bacaudae*, but it is equally likely that the Chronicler intentionally employed the term to emphasise the scale of the disruption. The entry claims that almost the whole of the servile order joined in sedition in order to leave Roman administration; this is clearly an exaggeration and the chronicler must have known it to be, since the revolt surely didn’t

⁴⁰⁶ Anon. ‘Chronicle of 452’ (year 435, entry 117) in *From Roman to Merovingian Gaul*, pp. 83-4 and *Chron. Gallica*, MGH AA 9, pp. 660-2.

involve between 50 and 90% of the population of Gaul. Instead, the Chronicler seems to have employed the exaggeration as a literary device to demonstrate the seriousness of the revolt.

This is not surprising; the focus of the Chronicle is on Gaul and the region of Valence in particular, so much so that this is generally assumed to an approximate region for the composition of the work.⁴⁰⁷ The activities of the Bacaudae no doubt drew the attention of the Chronicler, particularly as a result of their relations with St. Germanus and the Alans. The former probably passed through Valence in c.433, when the Chronicler noted his increasing renown, on his way to Arles – the capital of the Gallic provinces – in an attempt to alleviate the tax burdens of the people of Auxerre.⁴⁰⁸ Tax burdens throughout Gaul seems to have been a significant factor in the creation of unrest in fifth-century Gaul if Salvian is to be believed, and Germanus was able to assuage the sufferings of the people of Auxerre through appeals to Auxiliaris.⁴⁰⁹ Though some inhabitants of the region were soon to rise up under the leadership of Tibatto in 435, it nevertheless seems probable that the charitable reputation of the Saint, formed through actions like these, was the reason that the Bacaudae appealed to Germanus to intercede on their behalf and halt the advance of the Alan federate soldiers under Goar. Indeed, it is even possible that the Saint carried information of his diplomatic mission from the Bacaudae and Tibatto to Aetius south through Valence in 437, as the Rhône Valley was the probable route of transit from Gallia Ulterior to Italy. If so, then the Chronicler may have been, or had access to, eyewitnesses of the delegation of Armoricans to Germanus. In light of the particular interest and probable access to information that the Chronicler may have had,

⁴⁰⁷ S. Muhlberger, 'The Gallic Chronicle and its Authority for British Events' in *Britannia* 14 (1983), 23-33, (p. 25).

⁴⁰⁸ Anon. 'Chronicle of 452' (year 433, entry 114).

⁴⁰⁹ Salvian, book 5 is critical of taxation and various ills for causing undue and immoral suffering. See Anthony Barrett, 'St. Germanus and the British Missions' in *Britannia* 40 (2009), 197-217, (p. 208) for Auxiliaris and the inscription that dates his prefecture in Gaul to c.435.

we should take the usage of *servitia* seriously. The evidence of the *Vita Germani* and Chronicle in conjunction would seem to confirm the argument of Salvian; that the *Bacaudae* were formed at least partially as a result of the severity of taxation.⁴¹⁰

At this juncture however, we must explain the validity of using these sources in conjunction to justify these conclusions. Salvian, for example, does talk about the *Bacaudae*, but conceives of the burden of taxation as a general moral ill – one that certainly afflicted potential *Bacaudae* – but not explicitly as a specific cause for their revolt. The *Vita Germani* meanwhile does not use the term *Bacaudae*, but like the Chronicle of 452, does refer to Tibatto as the leader of a revolt in the region of Auxerre. Drinkwater, in an effort to better understand the *bacaudic* movement, divided the material that Thompson had used as evidence for the fifth-century *Bacaudae* into two categories. The first category included those sources that referred directly to the *Bacaudae*, ie. Zosimus, Chron. Gall. 452, Hydatius and Salvian, whilst the second included those sources that ‘scholars consider as referring indirectly to *bacaudic* activity, and which seem to indicate particular unrest in the region of Armorica.’⁴¹¹ In this latter category he included Zosimus, Rutilius Namatianus, the *Querolus*, Sidonius Apollinaris, Constantius’ *Vita Germani*, Merobaudes. Drinkwater did not include the brief comment of John of Antioch in his analysis, but it is safe to assume it would fall within the latter bracket.

This division is useful in some ways and certainly highlights the need for a cautious approach to the subject material. The *Querolus*, Zosimus and Rutilius Namatianus in particular are problematic and will be dealt with below. For the moment however, it is worth stressing that differences in terminology do not mean that the second category of

⁴¹⁰ Drinkwater, ‘The *Bacaudae* of Fifth-Century Gaul’, pp. 211-12 provides a very insightful sketch of the likely economic and social conditions in Gaul c.430-40.

⁴¹¹ Drinkwater, ‘The *Bacaudae* of fifth-century Gaul’, p. 209.

sources are necessarily less relevant. The relationship between the Chronicle of 452 and the *Vita Germani* is key. As stated, the *Vita Germani* does not refer to the Bacaudae directly, but does name Tibatto and Armorica. The reference to Tibatto surely ties the disturbance directly to that described by the Chronicle of 452, whilst the respective geographical labels – Armorica and Gallia Ulterior – while not identical, do broadly overlap. Both describe the conflict as sedition or rebellion. If sedition or rebellion in Armorica between c.435-7 can be assumed with some certainty to refer to the Bacaudae, then we can tie in the evidence of Sidonius, Merobaudes and John of Antioch with a degree of confidence. For clarity, I have opted to include a simple table that shows the various sources that do, or probably do refer to the Bacaudae and certain relevant common details:

	<u>Usage of:</u> Bacaudae/ Bagaudae	Tibatto	Armorica/ Armoricans/ Gallia Ulterior	Spain	Sedition, rebellion etc.
<i>Chron. Gallia. 452.</i>	X	X	X		X
Constantius of Lyon, <i>Vita Germani</i>		X	X		X
Salvian, <i>De Gubernatione Dei</i>	X				X
John of Antioch, <i>Fragment 201.3.</i>			X		X
Merobaudes, <i>Panegyric</i>			X		X
Sidonius Apollinaris, <i>Carmina VII</i>			X		X
Hydatius, <i>Chron.</i>	X			X	

Fig. 1. Table to illustrate the usage of key terminology in the sources for, or associated with, the Bacaudae in the 430-50s.

As this table hopefully demonstrates, there is a relationship between these sources. Whilst only the Chronicle of 452 is unequivocal in linking the Bacaudae, Tibatto, Armorica and sedition, this template of association allows us to understand probable links between other references to unrest associated with either the label Bacaudae, the name Tibatto, or the region of Armorica. Hydatius, of course, stands alone as our evidence of bacaudic unrest in Iberia.

With this in mind it does seem reasonable to use the evidence of the Chronicle, the *Vita Germani* and Salvian in conjunction to emphasise the role that over-burdensome taxation had in encouraging unrest in the population of Gaul in the fifth century. Indeed, the ability to cross-reference certain themes between these sources is invaluable in establishing a context for the activities of the Bacaudae.

The Chronicle was particularly concerned with matters relating to Provence.⁴¹² As we have seen, he made reference to Germanus when the Saint came within his particular sphere of interest. However, the Chronicle was not just an unbiased continuation of Jerome with an inclination toward local affairs; it was structured with an intent to demonstrate certain moral and political ills that were a blight on the region and the Empire. The recent history of the Alans for example, independently of the influence of Germanus (who according to the *Vita Germani*, temporarily prevented them from destroying Tibatto's rebels), was of significance to the chronicler since soon after the quelling of the Bacaudae in 437, they would be settled in Valence by Aetius who was keen to keep the peace in Gaul while he journeyed to Italy in c.440.⁴¹³ The chronicler records that initially they only divided up abandoned country districts in the region, but over the next year or so, their influence spread into Gallia Ulterior, the region so disrupted by bacaudic unrest, in 441-2. Once again, the chronicler acknowledges that

⁴¹² S. Muhlberger, pp. 23-27.

⁴¹³ Constantius of Lyon, *Vita Germani*, 28, and Anon. 'Chronicle of 452' (year 444, entry 124).

Alan military dominance in the district was ordered by Aetius, but as their power grew it seems that they forcefully seized property and slaughtered the opposition that arose as a result.⁴¹⁴

For the chronicler, these events were part of a rising crescendo that culminated with the sack of Carthage and the death knell of the Empire, dated (wrongly) in the Chronicle to 444.⁴¹⁵ Wood isolated a cluster of entries from 440-444 that signified this thematic emphasising of a major event, namely; the cession of Valence to the Alans, the Saxon takeover of Britain, the Alan expansion in Gallia Ulterior, the Burgundian settlement in Sapaudia and the Vandal capture of Carthage.⁴¹⁶ However, it is important that this cluster of barbarian successes is understood in the context of previous entries. As we have seen, the Roman influence in the more peripheral regions of Gaul was severely curtailed after the deaths of Constantius and Honorius in 421 and 423 respectively. The chronicler notes that Honorius' reign left the Empire weakened by many crises, and these continued in the aftermath of his death, with the attempted usurpation by John, who was backed by Aetius, the warfare between rival generals Sigisvult and Boniface in 424, and the murder of the prefect of Gaul by some soldiers in 425. At the same time, the chronicler records that Carthage was encircled by walls for the first time since the Third Punic War. This symbolic detail marks the beginning of a greater cluster of events, still building up to 444, during which the context for the post-440 losses to the barbarians is recounted.

From 425 onward, the Chronicle of 452 records conflict between Aetius and the Goths in 427 and probably again in 433, between Aetius and the Iuthungi in 430, the massacre of Roman soldiers in Spain by the Vandals also in 430, the revolt of Tibatto and the

⁴¹⁴ Anon. 'Chronicle of 452' (year 441-2, entry 127).

⁴¹⁵ On the problems of dating in the Gallic Chronicle of 452, see Muhlberger, p. 32 and Ian Wood, 'The End of Roman Britain: continental evidence and parallels' in *Gildas: New Approaches*, ed. Michael Lapidge (Woodbridge: Boydell Press, 1984), p. 18.

⁴¹⁶ Wood, 'The Fall of Western Empire and the End of Roman Britain' in *Britannia* 18 (1987), 251-262 (pp. 254-6) isolates a similar cluster in the run-up to another symbolic capture of an Imperial city: the sack of Rome.

Bacaudae from 435-7 and war between the Burgundians and Aetius in 436. Only in 440, with Gaul apparently pacified and the Alans settled in Valence, could Aetius leave for Italy.⁴¹⁷ Taken alongside other the other contemporary chronicles written by Prosper and Hydatius, we can add further evidence of further war between Aetius and the Goths near Arles in 430 and in the vicinity of Narbonne from 435-9. Aetius also battled the Franks in 428 and quelled the revolt of the Roman provincials in Noricum, alongside barbarian Iuthungi allies, in 430-1. Finally, in 437-8, barbarian pirates seem to have been active in the western Mediterranean.⁴¹⁸ The impression given by these sources is that the 430s and early 440s were an intensely troubled time, militarily at least, for the Western Empire. Infighting between the generals Felix, Boniface, Sigisvult and Aetius quickly gave way to multiple conflicts with peoples – both barbarian and Roman – once Aetius had gained pre-eminence in Gaul. It seems reasonable to suppose that both barbarians and Romans who had been left to their own devices during the years of civil war from 423-432 resented and resisted the manner of Aetius’ reassertion of Imperial hegemony. It seems that the significance of the Bacaudae, according to the project of the Chronicle of 452, was to emphasise the depths of the resistance to Aetius. It was not only barbarians who fought back, but Romans too; the burdens of civic life were severe enough to drive all the servile people of Gaul into a peripheral region – Gallia Ulterior – from which they could resist Aetius’ renovation of central power.⁴¹⁹

⁴¹⁷ Anon. ‘Chronicle of 452’ (years 425-440, entries 97-124).

⁴¹⁸ See the Chronicle of Prosper of Aquitaine, and the Chronicle of Hydatius, respectively conveniently translated in Prosper of Aquitaine, ‘Chronicle’ in *From Roman to Merovingian Gaul: A Reader*, pp. 62-76 and in Hydatius, ‘Chronicle’ in *From Roman to Merovingian Gaul: A Reader*, pp. 85-98.

⁴¹⁹ It is worth acknowledging at this point that the provinces of Gaul were of primary importance to the policies of Aetius, and by extension the Western Empire, during the 430s and 40s. In those years, Pannonia was ceded to the Huns and the Sueves and Vandals made significant territorial expansions in Spain and North Africa. These actions were undertaken with minimal resistance from the Roman state, which, in the meantime, was busy subduing the potential threats to their authority in southern Gaul, posed by the Franks, Nori and Iuthungi, Burgundians, Bacaudae and Goths. For further explanation of Aetius’ military policies, see J.R. Moss, ‘The Effects of the Policies of Aetius on the History of Western Europe’, *Historia: Zeitschrift für Alte Geschichte*, 22. 4, (1973), 711-731.

The integration of various accounts allow us to plot the record of disruption in Gaul during the first half of the fifth century. Moreover, as with the use of accounts in conjunction to explain facets of the baccaudic revolt, the use of sources together in this careful manner allows us a greater understanding of unrest and resistance to Rome and especially the policies of Aetius. The Chronicle of Hydatius provides an interesting parallel to certain details in the Chronicle of 452. Though Hydatius does not record the revolt of Gallic Bacaudae in Armorica, he does briefly mention the revolt by the Roman provincials in Noricum. Apparently, in 430 they and the Iuthungi fought against Aetius or his lieutenants – presumably in resistance to his efforts to re-take the region. This initial conflict seems to have been indecisive, as the following year he was forced to campaign against them again and subdue their rebellion.⁴²⁰ It is important to stress that the Norici and the Bacaudae did not necessarily have equivalent aims. We must be cautious about assuming too much common ground between groups of known Bacaudae, let alone with other groups with other names. However, these rebellions conform to a pattern in much the same way as the contemporary conflicts with barbarians; it seems that the further from Arles you were, the less the inhabitants of Gaul liked Aetius. In light of the evidence of punitive taxation and resistance to it by the Bacaudae, it seems probable that these taxes were a part of Aetius' policy in Gaul. As he reasserted Imperial authority he reintroduced taxation that had probably lapsed in intervening years. Given the disruptions in the outlying provinces of Gaul, it is perhaps

⁴²⁰ Hydatius, 'Chronicle', 93 and 95. The Chronicle of 452 mentions Aetius' conflict with the Iuthungi, which it likewise dates to 430, but is silent about the involvement of the rebellious Nori. Sidonius, *Carmina* 7, however, does provide confirmation of the suppression of the Nori. The poem, a panegyric to Avitus, lists the encounter among those which Avitus fought in his years as a young warrior alongside Aetius: *thou didst follow Aetius, because he had learnt many a lesson from the Scythian warfare; and he, glorious in arms though he was, did no deed without thee, though thou didst many without him. For when he had finished with the Iuthungi and the war in Noricum, and had subdued the Vindelicians, thereafter in partnership with thee did he deliver the Belgians, whom the fierce Burgundian had harassed...* trans. in Sidonius Apollinaris, *Poems and Letters: Sidonius with an English translation, introduction and notes*, trans. by W. B. Anderson, (London: Heinemann, 1936), pp. 137-9. For some discussion of Noricum during this period, see E. A. Thompson, *Romans and Barbarians*, pp. 113-136.

unsurprising that many were unable or unwilling to pay. The people of Auxerre appealed to their Bishop to plead their case, but it seems that the followers of Tibatto, and perhaps some citizens of Noricum, opted for a more belligerent course of action.

Additional detail regarding the revolt of the Bacaudae in Gaul under Tibatto can be found in the indirect references to the conquests of Aetius and his lieutenants. Doubt has been cast on these materials because they do not refer directly to these Bacaudae, and instead only to the Armoricans. However, given that these references to sedition or unrest in Armorica are closely paralleled by the more certain evidence recorded in the Chronicle of 52 and, more generally, the *Vita Germani* and Salvian, it seems reasonable to include them within our analysis of the fifth-century Bacaudae. Three sources make reference to the victories of Aetius or his lieutenants over rebels in Armorica; Sidonius Apollinaris *Carmina VII*, John of Antioch and Merobaudes *Panegyric II*.

The first of these, Sidonius' poem, a panegyric to the newly proclaimed Emperor Avitus dating to c.455, records the activities of Litorius who in 437 was – like Avitus – a subordinate commander under Aetius. It states that: 'Litorius, elated by the conquest of the Armoricans, was hurrying his Scythian horsemen against the Gothic host through the land of the Arvernian...'⁴²¹ This incidental detail offers little more than confirmation of the revolt of provincials in Armorica that was quelled in 437. The Scythians under Litorius' command may possibly have been the Alans that Germanus restrained in the *Vita Germani*, but were more probably Hunnic auxiliaries who were the favoured soldiers of Aetius. It seems very likely that the enemies of Litorius and the Scythians were the Bacaudae; if so this at least demonstrates that the revolt was serious enough to

⁴²¹ Sidonius Apollinaris, *Carmina* 7, trans. in Sidonius Apollinaris, *Poems and Letters: Sidonius with an English translation, introduction and notes*, pp. 140-41.

justify the attentions of Litorius as well as Goar, and probably the Huns as well as Alans, as well as mention in a later triumphalist panegyric.

The fragment 224 from the corpus of texts ascribed to John of Antioch provides similar confirmation. This Eastern source, dating to the first half of the seventh century, seems largely to be a compilation derived from various late antique historians. The fragment in question, which seems to be based on the earlier history of Priscus (c.470) lists certain accomplishments of Aetius and among them the suppression of rebellious Armoricans.⁴²²

‘[Aetius] murdered Felix, his fellow magister militum, by a trick, because he had been warned by Placidia that Felix was planning to do away with him. He defeated the Goths of West Gaul, who had trespassed on Roman territory. And he disciplined the Armoricans, who had rebelled against the Romans. To sum up, he acquired the greatest power, so that not only emperors, but also neighbouring peoples obeyed his instructions.’⁴²³

This laconic overview of the early career of Aetius seems to offer little more about the identity of the rebellious Armoricans – presumably *Bacaudae* – than Sidonius. It credits Aetius with their defeat, although this was presumably achieved by his subordinate Litorius instead or as well, alongside the defeat of the Goths. The final sentence would appear to group the Armoricans and Goths together, however, as ‘neighbouring peoples.’ This indication of separateness from the Empire is interesting. Though it was recognised in antiquity that the inhabitants of the Empire were distinguishable by *gens* as well as their city, province, social status and various other layers of identity, it is interesting that classification as a ‘people’ was often used to describe rebellious groups

⁴²² John of Antioch, *Ioannis Antiocheni Fragmenta...*, See p. 40* for the details of this fragment and Priscan origin.

⁴²³ John of Antioch, *Ioannis Antiocheni Fragmenta...*, frag. 2, pp. 407-9.

such as the Nori, as we have seen, and the notorious Isaurians. Though neither the Goths nor Armoricans were external ‘neighbours’ beyond the frontiers, this description indicates a perception that the rebellion was distinguishably belonging to a *gens*.

Merobaudes, likewise, indicates that the rebellion could be ascribed to Armoricans in particular. In a Panegyric the warrior-poet, who actually fought the Bacaudae in Spain according to Hydatius, depicts a (presumably typical) rebellious Armorican whose belligerence had been crushed by Aetius, the subject of the praise poem:

‘A native dweller, now more calm, traverses the Armorican wilds. The land, accustomed to conceal with its forests plunder obtained by savage crime, has lost its old ways, and learns to entrust grain to its untried fields. The hand which long fought against the efforts of Caesar upholds the laws received under our consul...’⁴²⁴

In typical florid, panegyric style, this excerpt describes the rebel as native of Armorica who had ‘long fought’ against the representatives of Empire, taking refuge in the forests. But had been returned to his natural law-abiding condition and to agriculture. This imagery of lawlessness among the forests of Armorica, likewise attested in the early fifth century by the Querolus, would seem to chime with the tropes of banditry that we have seen in earlier chapters. Bandits were certainly troublesome, and in this case seem to have demanded the attentions of the foremost generals of the day, but they were closely associated with the geography of their region which could serve to facilitate their violent actions. Just as the Isaurians and Tzani relied on mountains or forests to shelter them from the reprisals of the state, it would seem that the Armoricans did.⁴²⁵

⁴²⁴ Merobaudes ‘Panegyric II’ trans. F. M. Clover ‘Flavius Merobaudes: A Translation and Historical Commentary’ in *Transactions of the American Philosophical Society*, Vol. 61, No. 1, (1971) 1-78 (p. 13).

⁴²⁵ See above, pp. 36-8.

However, assuming that the rebellious Armoricans described by Sidonius, John of Antioch/Priscus and Merobaudes are the same as the Bacaudae of Chronicle of 452 and the *Vita Germani* who likewise place them in the same region, and indeed Salvian, we are left with some problems. Firstly, if the Bacaudae were defined by their *gens*, or at least region, then why was the term used in the manner that it was in the fifth century? It would be understandable to re-use a term for peasant rebellion from the third century to describe similar troubles in the same region, but why then did Hydatius use the term Bacaudae in description of the rebels in Spain, and indeed by Zosimus to describe the individuals who robbed Sarus in the Alps in c.409?⁴²⁶ Secondly, and perhaps even more problematically, there would seem to be a contrast between the ‘Bacaudae as Armoricans’, and the ‘Bacaudae as *servitia* (or other individuals oppressed by tax or injustice)’ as seems to be depicted by the Chronicle of 452, *Vita Germani* and Salvian. The basis of this contrast may be representative of how the fundamental character of bacaudic unrest was understood; for some commentators the rebellion was defined by its geography, for others it was characterised as a protest against social injustices. It is probable that this juxtaposition of alternate characteristics of the bacaudic revolt in the fifth century have influenced the partisan trends in subsequent historiography of the rebellion. Put simply, the evidence for the regional character of the revolt seems to be reflected in the argument of Van Dam, whilst Thompson felt that the bacaudic revolts were tied together by social revolutionary motivation.

The evidence for the Bacaudae in the fifth century is nevertheless consistent about two characteristics. The first, as we have already seen, is that the revolt seems to have been undertaken by members of the lower classes. As we have seen, there is no reason to assume aristocratic leadership given the lack of evidence, and the existence of some

⁴²⁶ See above, p. 136, n.338.

evidence to the contrary. To insist upon aristocratic motivations and leadership of the revolt on the basis of the extant evidence would not only deny common people in Late Antiquity agency, but also overlook the myriad examples of collective lower-class violence which feature regularly throughout the period. In addition to the apparent lower-class character of the revolt, another common feature of bacaudic revolts in the fifth century is opposition to the Empire. Van Dam, in particular, has supposed that the Bacaudae were actually Roman traditionalists who formed violent self-help groups to defend their interests against the barbarians and other threats.⁴²⁷ Though Van Dam is right to stress that certainty is hard to achieve given the hostile nature of many of the sources, it is nevertheless clear that the evidence firmly points away from this conclusion. The Bacaudae certainly did fight barbarians; in Armorica they opposed the Alans of Goar and the Huns, whilst in Spain they fought the Goths in 454. However, in all of these instances the barbarians were serving as federate soldiers of the Empire, and in the case of the Huns, were under the direct command of Aetius and Litorius. In every record of bacaudic violence the opposition is either Imperial or the barbarian representatives of the Empire. This might be a distortion of our sources, which might have been less interested by independent hostilities between the barbarians and Bacaudae, yet this does not seem to be the case. In fact, the Bacaudae are known to have fostered good relations with barbarians; in Spain the Bacaudae in northern Tarraconensis fought against Rome alongside the Suevi, whilst in 448 Eudoxius, the bacaudic leader, sought refuge from Attila.⁴²⁸ By forming alliances with other parties that were hostile to the Empire, the Bacaudae were part of a common pattern of behaviour by those disadvantaged by the Empire in Late Antiquity.⁴²⁹ As we have seen, the Nori allied with

⁴²⁷ Van Dam, p. 41.

⁴²⁸ Hydatius, 'Chronicle', 142 and Anon. 'Chronicle of 452' (year 448, entry 133).

⁴²⁹ Neri, *I marginali*, stresses the significance of marginality as a factor in criminality both as disobedience and dissidence, and with particular reference to the bacaudae, pp. 400-17.

the Iuthungi against Aetius in the 430s, whilst numerous examples exist of individuals or groups of Roman citizens joining barbarians in the hope of improving their lot in life. Ammianus, for example, records that many humiliated Romans joined the Goths during their revolt in 378.⁴³⁰ Orosius, meanwhile, famously stated that many Romans preferred a poverty stricken *libertas* among the barbarians to *tributaria sollicitudo* within Roman society.⁴³¹ Salvian expressed similar sentiments:

‘Thus, far and wide, they migrate either to the Goths or the Bacaudae, or to other barbarians everywhere in power; yet they do not regret having migrated. They prefer to live as freemen under an outward form of captivity than as captives under an appearance of liberty. Therefore, the name of Roman citizens, at one time not only greatly valued but dearly bought, is now repudiated and fled from, and it is almost considered not only base but deserving of abhorrence.’⁴³²

Given these indications, it seems reasonable to maintain that the Bacaudae – and probably other associations of disgruntled former Romans – were more concerned with opposition to state authority than with defence against barbarians. Indeed, what evidence we have suggests that such groups were liable to form alliances with barbarians against the forces of the Roman state.

So far in this study we have seen various characteristics that might seem to help us identify common features in bacaudic unrest. The fifth-century Bacaudae, like their third-century predecessors, seem to have been composed primarily of members of the Roman lower classes. There is reason to believe that this may include the leadership of the rebellions as well, but this seems less certain. In either case, there is little evidence to suggest the participation or leadership of Romans of honestiorial class. Furthermore,

⁴³⁰ Ammianus Marcellinus, 31. 6. 6.

⁴³¹ Orosius, 7. 41. 7.

⁴³² Salvian, 5. 5, trans. in trans. in *The Writings of Salvian the Presbyter*, p. 136.

as we have seen, their adversarial nature to the army and administration of the Empire is a consistent feature. We cannot necessarily deduce that this rejection of oppressive elements of the state equates to a rejection of *romanitas* in general. However, in contrast to the descriptions of the third-century *Bacaudae* – who are overwhelmingly depicted as rural peasants – the sources for fifth-century *Bacaudae* depict them as somewhat more composite, with suggestions of fugitives and bandits alongside rustics and hints of some regional/marginal association. As we have seen, it is difficult to deduce, on the basis of this evidence, whether the information we have reviewed in this section implies that the revolt was based on groups whose violent opposition to Rome was based on common regional origin, or shared social status.

3.4. *Bacaudae* as *latrones*? Understanding the *Bacaudae* as brigands in socio-political context.

Thus far, I have established a number of difficulties with both the Thompson and Van Dam interpretations of *bacaudic* character in the first section of this chapter, and in the second and third sections we hope to have proposed some alternative observations based on a fresh analysis of what sources we have. In this final section, an attempt will be made to establish a long term context for *bacaudic* activity. This is not without precedent; Thompson supposed that the ‘*Bacaudae*’ were themselves a distinct phenomenon in their own right, and argued that there remains evidence for revolutionary revolt in Gaul from the second to fifth centuries. Meanwhile Van Dam plotted episodes of *bacaudic* unrest alongside other measurable currents in independent action on the part of Gallic aristocracies based on the strength of Imperial influence in the region. As we have seen, the contrast between understanding the *Bacaudae* as characterised by their region, or by their social status, seems to be integral to the seemingly intractable divide between these

schools of thought. Both of these interpretations rejected the notion that the *Bacaudae* might be closely associated with banditry. Both considered banditry an insubstantial explanation for the records of their activities that remain to us.⁴³³ However, as has been demonstrated elsewhere in this study and by others, banditry – and particularly epidemic banditry – was quite capable of causing enough disruption to attract the attention of ancient authors.⁴³⁴

With this in mind, it is my proposal that patterns in endemic and epidemic banditry are the most satisfactory explanation for the resolution of the relationship between the various episodes of unrest which we understand to be *bacaudic*. The following section will draw upon the evidence of banditry in the Roman world that we have seen in previous chapters, as well as the analysis of evidence for the *Bacaudae* that we have established above, to attempt to understand the *bacaudic* revolts in the context of lower-class violence in the form of banditry.

It is quite plausible that the western territories of northern Gaul had longstanding, if inconsistent traditions of small-scale endemic banditry. This is equally plausible in north-eastern Hispania, if not in the Ebro valley itself, then perhaps in the uplands of the Pyrenees to the east, and the “central Spanish plateau??” to the west.⁴³⁵ As we have seen, endemic banditry of this type was fairly ubiquitous in the Roman world and we know of better-documented parallels in other regions of the Empire, such as Isauria and the Apennines.⁴³⁶ Even in these troublesome regions banditry seems to have gone through long periods of stability (when endemic banditry was suppressed sufficiently to only appear irregularly in our sources if at all) which were upset by periodic outbreaks that

⁴³³ See above, pp. 137-40.

⁴³⁴ See above, pp. 88-93.

⁴³⁵ Neri, ‘Povertà, criminalità e disordine sociale nella tarda antichità’, pp. 197-8 notes that, for example, cattle-rustling was widespread throughout the Spanish provinces. While *abactores* and *latrones* were not synonymous, this does indicate a proliferation of brigand-like activity in the region.

⁴³⁶ For the ubiquity of banditry in the Roman World, see Shaw, ‘Bandits in the Roman Empire’, pp. 8-10.

were typically caused by weakening in state influence in the region, or fuelled actively by refugees, rebels or deserters.⁴³⁷ These outbreaks have been interpreted by this study as epidemic banditry. If an equivalent situation prevailed in north-western Gaul, then it would help us understand the relationship between the third and fifth-century Bacaudae, and between the Bacaudae and other episodes of bandit-like lower-class violence in the region. Few scholars would now assert, as Thompson did, that Maternus was a ‘bacaud’ but it is quite well accepted that he was a bandit. Moreover, he seems to have been a deserter whose rebellion occurred in the context of political and military instability. Such activity seems to comfortably lie within the category of epidemic banditry.⁴³⁸ Similarly, the revolt of Amandus and Aelianus seems to have been a violent movement of peasants, perhaps focused around a core of more traditional *latrones* and associated *pastores* in a similarly troubled context in the 280s.⁴³⁹ When the Rhine frontier was unsettled during the reign of Valentinian I in the fourth century, ravages of brigandage – perhaps fuelled by desertion or fugitive army recruits – once again occurred in Gaul. In the 410s similar outbreaks of illegitimate and apparently lower-class violence seem to have broken out as conflict broke out between rival Emperors and various barbarians. Thompson labelled these bacaudic, but as we have seen, such attribution is not justifiable based on the information we have. However, it does seem that this violence can be placed within a pattern of revolt in specific political context. The final and most well documented episodes of bacaudic unrest, in Gaul in the 430s and Spain in the 440s and 50s follows much the same pattern.

It is possible to consider these episodes of violence as related only by causation; i.e. the various revolts were simply resultant from an unsettled context and are otherwise

⁴³⁷ For contrasting accounts of the patterns of banditry in Roman Isauria, see Shaw, ‘Bandit Highlands and Lowland Peace: The Mountains of Isauria-Cilicia’ volumes 1 and 2, and Lenski, ‘Assimilation and Revolt in the Territory of Isauria, from the 1st Century BC to the 6th Century AD’.

⁴³⁸ For deserters and epidemic banditry, see section 2.1.

⁴³⁹ See above, section 3.2.

unconnected. But this interpretation presents a number of difficulties. As we have seen, much of our information about the Bacaudae and other bandit-like violence in Gaul seems to associate them with social groups. Maternus and many of his followers were deserters, the third-century Bacaudae seem to have been largely peasants, while the fifth-century Bacaudae seem to have been fugitive *servitia* according to the Chronicle of 452. It is plausible that these groups could have seized the opportunity of unsettled context to revolt and attempt their grievances whilst the Roman state was otherwise distracted. Such outbreaks of violence could therefore be otherwise unrelated. However, as we have seen, many of our authors seem to closely associate these episodes of violence with particular regions, particularly Armorica but the Ebro valley for Hydatius and the Spanish Bacaudae, and with a regional character of some kind.⁴⁴⁰ It seems that these conflicting characteristics may have resulted from a combination of endemic and epidemic banditry. Put simply; there may have been a more-or-less consistent undercurrent of endemic brigandage in north-western Gaul and north-eastern Spain onto which these various epidemic outbreaks latched, or with which they were associated.

It is quite plausible that these forms of banditry could become closely associated. In the case the third-century Bacaudae, we have seen that the peasants who seem to have formed the majority of the rebels may have been assisted by a core of shepherd/bandits. Longstanding community ties may have already existed between these groups and the peasants may have adopted the practices of the endemic bandits during their revolt.⁴⁴¹ Likewise, as we have seen, deserters and fugitive recruits – such as may have fuelled the outbreaks of brigandage under Maternus and during the reign of Valentinian – often sought to return to familiar territories where they could rely on existing relationships

⁴⁴⁰ See above, pp. 172-177.

⁴⁴¹ In much the same way, ‘highland shepherd communities ...constituted the driving force behind three or four of the largest slave uprisings documented in all ancient history.’; Brent Shaw, ‘Bandits in the Roman Empire’, p. 29. See also De Ste Croix, p. 475.

within known communities to support their brigandage. If the fringes of the Ebro valley and Armorica and its environs had longstanding traditions of banditry, then this would have represented a plausible location from which to enact their clandestine and illegitimate violence.⁴⁴² Providing positive confirmation of ‘background level’ endemic banditry is a particularly difficult task, because it was neither particularly significant for elite writers, nor particularly noteworthy. However, the relationship between Theon (the correspondent of Ausonius) and his entourage of brigands might be taken as reflecting a commonplace degree of banditry in the Gallic provinces.⁴⁴³

In the fifth century, once again, banditry and unrest broke out in northern Gaul in the context of usurpations and invasions. This epidemic banditry was probably underway from c.406 and is discernible in the sources that Thompson assumed were evidence of the ‘great’ bacaudic revolt of 406-17. As we have seen, there is no justification to assume a decade of coherent, revolutionary ‘bacaudic alternative’ north of the Loire in these years, but there is quite enough evidence to suppose limited and inconsistent bandit-type unrest in the region, especially in a context of diminished state authority. Zosimus records that Armorica followed the example of Britain in rebelling against Rome, whilst Rutilius Namatianus claims that Exuperantius quelled the unrest by training the Armoricans to observe the laws and halting the attempts of the poor to enslave their former masters.⁴⁴⁴ Drinkwater rightly argued that these snippets of evidence could not support Thompson’s theorisation of a ‘great revolt’, nor could this hint of social inversion justify the supposition that all Bacaudae were fundamentally class warriors, especially when neither source refers directly to the Bacaudae. However, in conjunction, these sources provide sufficient evidence for unrest. In the troubled socio-economic and

⁴⁴² For relations between endemic and epidemic bandits, see above, pp. 108-110.

⁴⁴³ Our best evidence for the general region of western Gaul derives from Ausonius, *Epistle* 13, 22-7 and see above, pp. 66-8. Widespread bandit-like activity is attested rather better Spain. Neri, ‘Povertà, criminalità e disordine sociale nella tarda antichità’, pp. 197-8.

⁴⁴⁴ See above, p. 137.

military context of northern Gaul c.409-17, it is reasonable to suppose that this rebellion was alike to the epidemic banditry which attracted so much attention from Roman lawmakers as we saw in Chapter 2.⁴⁴⁵ Significantly however, the marginal rebels from the troubled provinces probably attracted little attention compared to the deserter fuelled brigandage in Italy that we know from the legal material, since the state was far more concerned with the contest for the Imperial throne between Constantine III and Honorius. Without the imbalance of violent potential between bandits and the state, which limits the authority of bandits, then it is quite plausible that some bandits were able to establish networks of influence and power, embryonic equivalents to those that allowed Isaurian leaders to come to influence imperial politics in the late fifth century.⁴⁴⁶ The mocking depiction of rustic peroration north of Loire recorded in the Querolus, which Drinkwater likewise rejected as evidence for the Bacaudae but which remains useful if we understand the Bacaudae within the broader phenomenon of brigandage, may be a hostile depiction of such authority formation.⁴⁴⁷

It is likely that this unrest in northern Gaul c. 406-17 was based on an increase or expansion of local endemic banditry. The restoration of peasants to their traditional non-violent social role by Exuperantius suggests that – as seems to have been the case in the bacaudic revolt in the third century – peasants may have joined with extant endemic bandits in an attempt to violently improve their social condition. However, the accounts of Salvian and 452 suggest that taxation and other oppressive policies of state, during a time of extraordinary duress for the revenues of the Western Empire, may have encouraged many Romans to seek a refuge among these de-facto external Romans.⁴⁴⁸

⁴⁴⁵ See above, Chapter Two, especially 2.2.

⁴⁴⁶ See above, pp. 55-6.

⁴⁴⁷ See above, pp. 136-8.

⁴⁴⁸ See Drinkwater's discussion of migration as a factor in the revolt of the fifth-century Bacaudae in 'The Bacaudae of fifth-century Gaul', p. 213.

An influx of fugitives may have both fuelled unrest and added to the authority of nascent bandit authority in northern Gaul.

Though the Roman state did attempt to re-establish its usual authority in the northern Gallic territories from c.417, it seems that the deaths of Emperors Constantius and Honorius in the early 420s and the subsequent civil wars curtailed these efforts, to the extent that state authority was patchy and uncertain in these territories. This is far from surprising. Even in Italy the state was struggling to combat the irregular ravages of banditry; this blight forced Honorius to devolve the prerogative for violent power and essentially legitimise private vigilante action against brigandage.⁴⁴⁹ This freedom to establish non-state authority in Gaul seems to have allowed various barbarian groups and the Bacaudae to form embryonic networks of authority. These were severely upset by the expansionist policies of Aetius in the 430s which took the form of extensive campaigning in Gaul and provoked rebellion from the Bacaudae and Nori as well as Goths, Burgundians, Iuthungi and Franks.⁴⁵⁰ These groups had been afforded the opportunity to establish independent power in Gaul during the years of limited state intervention from c.406 until the 430s, and violently resisted the attempt of Aetius to curtail these powers. Much as bandits in Isauria formed authority that was independent of the state and resisted the attempts of the Romans to dismantle this authority, and much as the endemic banditry in Southern Italy was sparked to epidemic proportions by the campaigns of Justinian in the 530s, it seems plausible that Aetius's policies in Gaul in the 430s provoked extensive epidemic banditry in Armorica under the leadership of Tibatto and others.⁴⁵¹

⁴⁴⁹ See above, pp. 89-91.

⁴⁵⁰ See above, pp. 170-1.

⁴⁵¹ See above, pp. 106-8 for Isauria and pp. 117-123 for southern Italy.

Our evidence for the Spanish Bacaudae in isolation is rendered more problematic because we have only a single source, Hydatius, and he offers little detail about their composition or motivation. Nevertheless, it is clear that the Bacaudae based in or around the Ebro valley were causing the Roman state some serious problems. Indeed their opposition to the state was probably no less significant than that of their Armorican counterparts. They are first mentioned in 441 when the ‘Master of Both Services’ Asturius was sent to quell them; presumably their disturbances had reached a significance that demanded the action of such a major military figure. He slaughtered a ‘multitude’ of them in Tarraconensis, but they remained powerful enough two years later to demand the attentions of Asturius’ successor, Merobaudes – the same military poet who wrote the *Panegyric II* devoted to Aetius which celebrated his success over the Armoricans. He broke the ‘insolence’ of the Bacaudae at Aracelli, so that in 446 the next Master, Vitus, was sent against a different enemy – the Suevi.⁴⁵² Thompson raises the significant point that the Bacaudae appear to have been a more pressing concern for the Empire than barbarians.⁴⁵³ At the very least they clearly posed a threat to the supply lines of an army campaigning further into the Spanish interior as well as endangering the only province in Iberia that remained Roman.

The Bacaudae recovered sufficiently from these substantial attacks to massacre Imperial federate soldiers and the local bishop inside a church in the city of Tarazona in 449. Presumably this church was the refuge of the defenders of the city after its outer defences were overcome.⁴⁵⁴ Later in the year the Bacaudae joined the Sueves of Rechiarius to plunder the lands around Saragossa and sack the city of Lerida. Both these activities were undertaken with the leadership of a certain Basilius. The Bacaudae then remain unmentioned until 456 when Frederic, the brother of the Visigoth King Theodoric II,

⁴⁵² Hydatius, ‘Chronicle’ 125, 128 and 134.

⁴⁵³ Thompson, *Romans and Barbarians*, p. 183.

⁴⁵⁴ Thompson, *Romans and Barbarians*, p. 184.

was encouraged into Tarraconensis by Roman authorities to slaughter the Bacaudae. He was apparently more successful than Asturius, as they did not appear again.⁴⁵⁵

Van Dam regards the Spanish Bacaudae as examples of the growing authority of aristocrats in the Ebro valley and that deeds they performed that might seem unusual are the result of 'laconic' references of Hydatius that 'it would be unwise to read too much into.'⁴⁵⁶ But this view is too dismissive of Hydatius.⁴⁵⁷ It is true that he gives little detail about the character of the Bacaudae in Tarraconensis, but they certainly appear to have acted more like rural rebels than traditionalist aristocrats; as their attacks on Roman cities, officials and soldiers and alliances with barbarian enemies of the Empire suggests.

It is possible to make some inference, from the evidence of the Gallic Bacaudae and epidemic banditry in general, about the composition of the Spanish Bacaudae. The province of Tarraconensis, centred on the fertile Ebro valley but bounded to the east, north and west by uplands – the Pyrenees, the Basque and Cantabrian Mountains and the Meseta Central – was home to many great estates and in recent times the power in the region had become more concentrated into the hands of the rural aristocracy who were increasingly assertive.⁴⁵⁸ This concentration was catalysed by the reliance of the state on the province, which escaped invasion and settlement by the barbarian Alans, Vandals and Sueves in the aftermath of the Rhine crossing. A greater burden of taxation presumably fell on the citizens of Tarraconensis, but the aristocracy were able to escape these burdens and thus to thrive in contrast to their lower class neighbours.⁴⁵⁹ We can infer from the apparent marginality of Gallic Bacaudae that the Bacaudae of Spain

⁴⁵⁵ Hydatius, 'Chronicle', 141, 142 and 158.

⁴⁵⁶ Van Dam, p. 51.

⁴⁵⁷ R. W. Burgess 'From Gallia Romana to Gallia Gothica: the view from Spain' in *Fifth Century Gaul: a crisis of identity?* Ed. by J. Drinkwater and H. Elton (Cambridge: Cambridge University, 1992) pp. 19-27 (p. 19).

⁴⁵⁸ Alexandra Chavarría Arnau, 'Villas in Hispania during the Fourth and Fifth Century' in *Hispania in Late Antiquity*, ed. by Kim Bowes and Michael Kulikowski (Leiden: Brill, 2005), pp. 519.

⁴⁵⁹ The scale of Villa construction and renovation in early fifth-century Tarraconensis would seem to attest to this; S. J. Keay, *Roman Spain* (London: British Museum Publications, 1988), p. 206.

probably originated in the mountainous margins of Tarraconensis which were sought, like the Armorican forests, as refuge by the impoverished and oppressed. It is also likely that these uplands were home to pastoralists and transhumants amongst whom banditry, or at least cattle-rustling, had long been practiced.⁴⁶⁰

The influx of fugitive migrants perhaps increased population in these areas allowing the formation of an identity and the development of enough cohesion to encourage raiding and other acts of violence that were directly oppositional to the Roman state. It is possible that this identity was encouraged by, or borrowed from, the example of the Gallic Bacaudae whose exploits would probably have been transmitted to Tarraconensis via fugitives, traders and personal correspondence from Gaul. It is perhaps relevant to note that both Tarraconensis and the Armorica/Gallia Ulterior were geographically contiguous with the seven provinces region of Gaul. Some kernel of bacaudic character was perhaps spread via the influence of fugitives from that region, which remained under the direct control of the Roman state or its Visigothic allies in the first half of the fifth century.

Though specific details in Hydatius record of the activities of the Spanish Bacaudae are sparser than we might wish, they generally correspond well to certain characteristics which we can discern from their Gallic equivalents. They were clearly hostile to the Roman state; they opposed Roman armies, attacked urban centres – where particularly Roman culture was more marked than in the rustic, marginal countryside – and battles with barbarian allies of the Empire. They likewise made common cause with the Suevic enemies of the Roman state, much as Eudoxius seems to have found an ally in Attila.

⁴⁶⁰ Transhumancy is well documented in medieval Spain; see Julius Klein, *The Mesta* and Le Roy Ladurie, *Montaillou* for Pyrenean transhumancy, which connected Occitan Ariège to the Ebro Valley. See above, p. 180, n. 435 for cattle-rustling in Roman Spain. Hydatius, 'Chronicle', entry 179, himself used the term *latro* to describe brigands elsewhere in Spain; this usage of the more ordinary term suggests that he saw the Bacaudae as something different, and more significant. The ordinary *latrones* were, perhaps, rather more akin to traditional endemic bandits.

As far as we can tell the understanding of the Spanish Bacaudae as ‘marginal’, according to the interpretations of Neri and Sánchez León is as valid as it seems for the Armorican Bacaudae. In both cases marginal peoples, in the geographic periphery of the Empire, seem to have provided a core around which fugitives and oppressed peasants could coalesce.⁴⁶¹ These margins were probably home to endemic *abactores* and *latrones* and were probably traditional haunts of fugitives and ‘ruffians’ throughout the history of the Empire.⁴⁶² In the conditions of socio-economic and military chaos that created and catalysed epidemic banditry, fugitives aplenty flocked to these zones where they formed organisations that were sufficiently potent to resist the oppressive countermeasures of the state for over a decade.

The understanding of bacaudic revolt and similar episodes of unrest as periodic outbreaks of epidemic banditry from a backdrop of endemic brigandage as a result of political, military and social context seems to satisfactorily associate these otherwise disparate events into a tangible social pattern. Moreover, it would fundamentally alter our understanding of banditry in the Roman world, allowing us to plot similar outbreaks of epidemic banditry to a probable backdrop of endemic brigandage in various regions. This might not much alter our perceptions of the grand politics and institutions of the Empire, but it would encourage historians to perceive the structures through which the unnumbered lower-class citizens of the Empire could attempt to flex their agency and affect their position within the world. Our perceptions of Rome are too often, though understandably, dominated by the wars and intrigues that feature so heavily in the historical sources that remain to us. However, a greater understanding of currents in endemic and epidemic banditry can encourage us to consider the late antique world at a more parochial level, where a slave or free-farmer might take advantage of the martial

⁴⁶¹ Neri, *I marginali*, pp. 400-417, and ‘Povertà, criminalità e disordine sociale nella tarda antichità’, pp. 198-9, 205-6 and J. C. Sánchez León, *Los Bagaudas*, pp. 43-4.

⁴⁶² See above, p. 188, n. 460.

preoccupations of the upper classes to hoist his cattle goad and take to the hills or forests in search of freedom, fortune or adventure.

3.5. Interim Conclusion: Bacaudae, *scamarae*, *vargi* and *barbari*: Changing conceptions of banditry in in the late antique West.

If the Bacaudae are to be understood as epidemic bandits born from a context of political instability in a region of endemic brigandage (specifically north-western Gaul), the question remains; why was the term used to describe similar unrest in the distant regions of north-eastern Spain and indeed the Alps? This inconsistency could be considered simply an error or, more reasonably, a fashion. Zosimus and Hydatius were presumably familiar with the Bacaudae as raiders and citizens in revolt, so applied the term beyond the regional context of northern Gaul. It is plausible that by the mid-fifth century the term was applied generically, much as we might today colloquially refer to all vacuum-cleaners as ‘hoovers’, despite the fact that the label properly applied to products made by the manufacturer Hoover. However, it does seem that the usage of Bacaudae was not simply a fashionable synonym for *latrones*, since Hydatius uses the term consistently to describe the violence of rebels in the area of northern Tarraconensis, but elsewhere uses *latro* to describe banditry in Gallecia.⁴⁶³

The reader may have noticed over the course of this chapter, and the previous two, that the language of banditry is far more diverse than *latro* and its derivative terminology. Some of these terms might be broadly synonymous, such as *praedones*, or describe a practice with which banditry was associated, such the cattle-rustling *abactores*. However, it is clear that during the later years of the Roman Empire in the West, a new

⁴⁶³ Zosimus, 6. 2 and Hydatius, ‘Chronicle’, 179.

terminology for bandit-like violence seems to have emerged. Barbarians, and especially those peoples who practised hit-and-run style warfare, increasingly came to be described in the terms of banditry. For Ammianus, the military traditions of tribes like the Sarmatians and Quadi were to be associated in the mind with the guerrilla-type violence of *latrones*.⁴⁶⁴ Furthermore, as barbarian groups became more firmly ensconced within the boundaries of the Empire, the practices of barbarian raiding and banditry became increasingly difficult to delineate. In a memorable passage, Zosimus describes the anti-bandit policy of the Emperor Theodosius in the Balkans. The soldiers of the Empire had been away campaigning under the command of the Emperor in the West when certain bandits in the region had taken the advantage of the absence of the army to pillage extensively. When Theodosius returned to pacify the area, he found that regular military tactics were ineffective, so he employed anti-banditry tactics. Much as the hunters of Bulla Felix, and indeed St. Polycarp relied on information and betrayal to locate their elusive foes, likewise Theodosius went undercover and was able to expose an informant of the bandits who resided in a local tavern which he used to gather intelligence for his fellow brigands.⁴⁶⁵ Under torture the informant revealed the location of the bandit hideout, and the Emperor was able to quell their unrest.⁴⁶⁶ This policy followed the standard pattern of imperial anti-bandit tactics, yet it seems that at least some of these brigands were barbarians, perhaps Goths who had been settled in the aftermath of their crossing of the Danube in 376.

This blurring of lines between barbarians and bandits should not be seen as surprising. Rather it is likely that the transition from one to the other was easy; to the civilised, urban elite of the Roman Empire, bandits – who were characteristically upland

⁴⁶⁴ Ammianus Marcellinus, 17. 12. 2 and also 16. 10. 20 and 29. 6. 8 for Sarmatians and Quadi as *latrones*.

⁴⁶⁵ See above, pp. 58-61.

⁴⁶⁶ Zosimus, 4. 48.

shepherds – were semi-barbarian at the best of times anyway. It was for such reasons that certain internal *gentes* – such as the Isaurians – were considered both synonymous with bandits and virtually barbarian.⁴⁶⁷ However, it seems that in the Western provinces of the Empire a new influx of barbarian settlement after 376 (although certainly not an unprecedented one – the settlement of barbarians within the Empire was a long-established policy) catalysed the development of a new terminology of banditry.

Some observers, such as Ammianus and Zosimus, simply added the terms bandit and barbarian together to describe their meaning. Others seem to have tried out new vocabularies. Sidonius Apollinaris described the raiders that dragged the relative of the bearer of one of his letters as *vargi* – a Germanic term for outlaw – and mentions that this term was the common name for bandits in the region of Auvergne.⁴⁶⁸ Similarly, as we have seen, Jordanes used the term *scamarae* to describe some of the diverse band of brigands that operated under the leadership of Mundo.⁴⁶⁹ Eugippius uses the same word, *scamarae*, to describe *barbari praedones* – possibly Rugi – who raided Noricum from across the Danube.⁴⁷⁰ It seems that these forms of vocabulary were solutions to a problem in discourse. Either through use of new terminology or by compounding existing terms together, late antique writers were attempting to reflect a new reality: that banditry in the period was perceived to have changed. Ethnicity seems to have taken on a greater significance in these years as a signifier of brigandage. Where *latrocinium* had once been internal illegitimate violence, that of citizens against their state, the relationship of brigand to authority seems to have changed. *Vargi*, *scamarae* and bandit-

⁴⁶⁷ For the Isaurians see pp. 102-4. However, they were not alone in bearing the stigma of brigand association; see Benjamin Isaac, *The Near East under Roman Rule*, (Leiden: Brill, 1998), pp. 122-58.

⁴⁶⁸ Sidonius Apollinaris, *Letters*, 6. 4 in Murray, *From Roman to Merovingian Gaul: A Reader*, p. 231.

⁴⁶⁹ Jordanes, *Getica*, 58 and above, pp. 98-9.

⁴⁷⁰ Eugippius, *Vita Severini*, 10.

Goths were internal and their violence was still perceived as illegitimate, but their status had changed and they could no longer be juxtaposed with external *hostes* as easily.

This development was hardly without precedent; as stated above, bandits had been perceived as semi-barbarian throughout the history of the Empire, and various internal peoples were associated with brigandage. We have seen that various authors seem to have identified the bicaudic revolt by its location in north-western Gaul, that at least one of its leaders had a local name of Celtic origin and that the term itself derives from a Celtic word.⁴⁷¹ It seems possible, therefore, that in its obscure origins the term *Bacaudae* describes unrest of a specifically regional character. More significantly, it seems likely that by the fifth century, and in the aftermath of the various barbarian settlements in the Western provinces over the previous decades, that the term ‘*Bacaudae*’ found relevance as a label for banditry in a changed context. If it had once specifically implied banditry in the region of north-western Gaul, perhaps as the label *Isaurian* conjured notions of both region and brigandage, this was clearly not the usage by the fifth century. Though we, as historians, might reasonably label the bicaudic rebellions as episodes of epidemic banditry, it would be foolish to assume that Roman observers considered it synonymous with *latrocinium*. Therefore, when Hydatius and Zosimus came to use the term, it seems likely that they meant to describe a phenomenon that they considered different to the usual contemporary perception of traditional *latrocinium*.⁴⁷²

This is significant, because it affects how we perceive banditry to have changed as authority passed from the Roman state to the various successors that replaced it in the West. Michael McCormick may be correct in arguing that banditry became more common in the post-Roman West, but it seems to have been perceived in a different

⁴⁷¹ See above, p. 149, n.374.

⁴⁷² See above, p. 136, n.338 and p. 190 and n.463.

way.⁴⁷³ Gregory of Tours uses the term *latro* only twice in his *Histories* and either in quotation, or in the improper sense of assassins.⁴⁷⁴ In fact, although Gregory describes many episodes of lower-class violence that we might categorise as banditry, to my knowledge he only uses the word *latro* to describe banditry (as we define it) once in all his numerous works.⁴⁷⁵ Similarly, the specific use of the word seems to have disappeared in the *Pactus Legis Salicae*, where *latro* seems to be synonymous with *fur* (thief), and in the *Lex Burgundionem*, where the usage seems to describe animal theft.⁴⁷⁶ Although we cannot generalise too far from this limited sample, it seems to reflect the changes in perceptions that were already ongoing in the later Roman Empire. Raiders were increasingly identified by their ethnicity if they were perceived as external, whilst internal brigands were not seen as betraying the civilising ideology of a monolithic state, but more akin to other criminals. Where in Roman law the *latrones* could be identified as the rhetorical antithesis of the *Res Publica*, in the Early Middle Ages they seem to have been robbers in some form or other.

This development should not be seen as evidence of the diminishing prevalence or significance of banditry in the Early Middle Ages, but rather as emblematic of changes in perceptions of legitimacy in violence and the implementation of authority by the successor states. For our purposes however, it is important to remember that although the discourses of banditry may have changed, we should not assume that shepherds had ceased to raid flocks, or that lower-class persons no longer sought to improve their

⁴⁷³ Michael McCormick, *The Origins of the European Economy: communications and commerce c.700-c.900*, (Cambridge: Cambridge University Press, 2001), p. 74.

⁴⁷⁴ *LH*, 2. 40 and 10. 1. The former use describes assassins sent by Clovis to kill Sigibert as *latruncolis*, the latter is a quote from Gregory the Great.

⁴⁷⁵ Gregory of Tours, 'De virtutibus sancti Martini episcopi', 1. 36. See Raymond Van Dam, *Saints and their miracles in Late Antique Gaul* (Princeton: Princeton University Press, 1993), p. 226.

⁴⁷⁶ *Pactus Legis Salicae* LXXX; *The Laws of the Salian Franks*, p. 137. *Lex Burgundionem* XLVII; *The Burgundian Code*, trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1972), p. 54. 'Pactus Legis Salicae', in *Leges nationum Germanicarum*, 4.1, ed. by Karl August Eckhardt (Hannover: Hahn, 1962) and 'Leges Burgundionem', in *Leges nationum Germanicarum*, 2.1, ed. by Ludovicus Rudolfus de Salis (Hannover: Hahn, 1892).

quality of life with violence in the hills and forests of what had been the Roman Empire. Although the Empire fostered an adversarial rhetoric between the bandit and the state, this was a relationship in which the bandit was unlikely to actively engage. Indeed, if a bandit-leader had reached a prominence where they could directly affect the workings of the Empire, then they were unlikely to remain a bandit for long, but could expect either punishment or some degree of legitimisation. But everyday bandits, even at times of epidemic brigandage, interacted in power relations at a far lower level, and it seems such interactions continued – and continued to effect the lives of common people – well into the post-Roman era of the late antique West.

Chapter Four

4. Retainers: Lower-class people in legitimated violent roles.

Throughout this study we have seen that the Roman authorities, especially private citizens in positions of power, were routinely able to call upon persons from non-military occupations and statuses to perform violent functions.⁴⁷⁷ This was an everyday occurrence throughout the Empire; though the state had a rhetorical claim to a monopoly on violence, it was practically (though not always) limited to the public sphere. In the household the *dominus* had great power to inflict corporeal punishment over his social inferiors.⁴⁷⁸

Assertions of violent power by individuals on a societal scale were generally seen as less acceptable. The social process known as *patrocinium*, for example, is depicted as grasping and predatory by several late antique authors. The term was generally used to describe patronage, whereby an individual exchanged services for the favours or influence of a benefactor from higher up the social hierarchy. However, certain late antique authors, most notably Salvian who directly mirrored *patrocinium* with *latrocinium*, describe the process as one which the wealthy exploited in order to prey on their neighbours and force them through means that were dubious, or even blatantly illegal, to surrender their properties.⁴⁷⁹ It is fair to say that Salvian and other critics of the immoral use of *patrocinium* for the exploitation of the lesser by the mighty were far from unbiased, but nevertheless their critiques perhaps do represent a development in power relations in the late Roman world. And although most of the agglomeration of power by late antique aristocracies surely took place by fair means, the violent assertion

⁴⁷⁷ For discussion of the legal status of violence, see Jill Harries, 'Violence, Victims and the Legal Tradition' in *Violence in Late Antiquity*, ed. H.A. Drake, (Aldershot: Ashgate, 2006).

⁴⁷⁸ Garrett G. Fagan, 'Violence in Roman Social Relations' in *The Oxford Handbook of Social Relations in the Roman World*, ed. Michael Peachin, (New York: Oxford University Press, 2014), p. 475 (467-495).

⁴⁷⁹ Salvian, 5. 8, pp. 142-3.

of power by private individuals is of primary importance in this chapter. Though wealthy individuals, those with high status, or landowners did have the potential to undertake violent actions in the late Roman Empire, those acts of violence were likely to be on the edge of legality and legitimacy.⁴⁸⁰ Law codes dating to the time attempt to alleviate these agglomerations of private power, instituted a number of injunctions against the soliciting of military personnel or the harbouring of private men of violence. In this case, the response of the state to the growth of private power, especially that associated with predatory *patrocinium*, is probably indicative of the general insecurity about the ability of private individuals to wield violence. Moreover, while this study is not focused on aristocratic or upper-class violence, that violence required individuals who were willing and able to perform it. Through violent actions on behalf of patrons and despite dubious legitimacy, violence as a retainer could promise persons of lower-class status an opportunity to negotiate their position in life and society.

The growth of the violent power of late antique aristocracies has been relatively well studied from the ‘top down’. The implications of increased private power for the development of late Roman ‘proto-feudal’ relationships in particular has attracted a great deal of scholarly interest, as have more general developments in military practice and aristocratic authority.⁴⁸¹ It is well known and often quoted, for example, that Didymus and Verenianus raised slave armies from their estates in Spain to fight on behalf of

⁴⁸⁰ For a definition of what is meant by ‘legitimacy’ in this context, see above, Introduction, ii.

⁴⁸¹ See, for example; Penny MacGeorge, *Late Roman Warlords*, (Oxford: Oxford University Press, 2002); John O’Flynn, *Generalissimos of the Western Roman Empire*, (Edmonton: University of Alberta Press, 1983); C. R. Whittaker, *Frontiers of the Roman Empire: a social and economic study*, (Baltimore: John Hopkins University Press), pp. 243-78, Wolf Liebeschuetz, ‘Warlords and Landlords’ in *A Companion to the Roman Army*, ed. Paul Erdkamp (Oxford: Blackwell, 2007), pp. 479-94. These accounts generally focus on the development of ‘warlords’, their political involvement during the later years of the Western Empire and sometimes their interactions with fellow aristocrats. The actual processes of recruiting private violent supporters and the institutions and processes by which aristocrats gained and maintained that private power have attracted less attention. The implications for those people that were employed in violence directly has been largely overlooked.

Honorius against usurpers and barbarians in the early fifth century.⁴⁸² The significance of this development for the immediate intricacies of imperial politics and the long-term implications of military recruitment practices have been considered in due course, but the effect that such actions had on the people involved is rather less well understood.⁴⁸³ We cannot really discern from the account of Orosius, who described this event, how the arming of slaves affected the relationship between them and their masters, but it is still worth considering. The unfree agricultural workers on grand estates seem to have experienced a radical transformation in their social role. *En masse* they were armed and thrust into danger. What negotiations governed this change in role? Of course, the slaves were unfree and therefore technically bound to obey their masters, but the provision of weapons and enfranchisement to violence (a demonstration of power far outside the notional social roles of lower-class people) may have allowed them a greater vantage point from which to bargain their statuses.

If these slaves, and the late antique poor in general, were truly passive to external threats in the manner of Phaedrus' Ass, then how were they encouraged to serve in a new, more onerous and dangerous role?⁴⁸⁴ In this chapter we will investigate examples of how lower-class people assumed violent roles in non-official, but 'legitimated' ways so as to understand how these new roles and obligations altered their social standing.

⁴⁸² Orosius, 7. 40. Slaves were considered deeply inappropriate for military roles except in the most extreme of circumstances: see for contrast CTh 7. 13. 8 and 7. 13. 16. For the particular context of Didymus and Verenianus see S. J. Keay, *Roman Spain* (London: British Museum Publications, 1988), pp. 202-4.

⁴⁸³ For military recruitment practices see Bernard S. Bachrach, 'Grand Strategy in the Germanic Kingdoms: Recruitment of the Rank and File' in *L'armée romaine et les barbares du IIIe au VIIe siècle*, ed., Françoise Vallet et Michel Kazanski (Paris: Association Française d'Archeologie Mérovingienne et Musée des Antiquités Nationales, 1993), p. 59.

⁴⁸⁴ For the fable of Phaedrus' Ass and its implications, see above, Introduction, i, p. 9-11.

4.1. When are violent roles legitimate?

Determining the legitimacy of violence is a notoriously difficult task. Fortunately, the historian is not required to make a moral judgment, but rather analyse the contemporary understanding of legitimacy. Nevertheless, the problem is fraught with complexity. As we have already seen, banditry was considered absolutely illegal, even inimical to the state, yet banditry was tolerated by many wealthy citizens who were otherwise quite invested in the trappings of Roman citizenship. Furthermore, except in extreme circumstances when the army might be tasked with anti-bandit operations, wealthy citizens were expected to outfit state officials with manpower or even undertake the suppression of brigands in a private capacity.⁴⁸⁵ Suppose then a situation in which two aristocratic neighbours outfit irregular bands of *pastores* to raid their opponent's livestock and to defend their own. Both would surely accuse the other of harbouring *latrones*, yet if the modern historian is presented with a biased account of the conflict, then one will be depicted as a harbourer and the other as the supporter of legitimated *diogmitae*.⁴⁸⁶ Legitimacy, therefore, is very much in the eye of the beholder.

Despite this significant caveat, it is worth persevering with the concept of legitimacy, since inconsistencies in the depictions of violent roles can provide significant insight into the differing conceptions of violence across time, space and social hierarchy. Therefore, in the use of the term legitimacy henceforth I will apply a broad definition. Violent actions by lower-class persons must be legitimated by the authority that enfranchises them to that role, whether that be the state, nobility or the Church. However, I will not include detail on the assumption of military roles by lower-class persons.⁴⁸⁷

⁴⁸⁵ See above, pp. 58-61.

⁴⁸⁶ For *diogmitae*, see Lenski, 'Assimilation and Revolt in the Territory of Isauria', p. 423, and above, pp. 58-9, 68.

⁴⁸⁷ Though of course there was a significant overlap between specifically military and more ad hoc violence, so some discussion will occur, particularly in consideration of ex-military personnel in Late Roman bodyguards, and the 'military' status of aristocratic retainers in Merovingian Francia.

Regulated recruitment of this kind certainly did have a significant impact on the lower-class person's social status; indeed by joining the army rural peasants (the typical and preferred class for military service) technically became *honestiores*.⁴⁸⁸ However, these processes are both well studied and less significant as indicators of quality of life. The state necessarily recruited both in times of peace and war, and therefore it is difficult to use the existence of standard military recruitment as a measure of peaks and troughs in the lives of common people. Instead, this chapter will focus on examples that reveal how authorities negotiated the bestowal of legitimate, or at least tolerated, violent roles to those whose status still technically denied them violent agency.⁴⁸⁹ Hopefully by considering these interactions, and the circumstances of these violent deeds, we can gain a more complete understanding of the potential agency of the lower classes in the late antique West.⁴⁹⁰ Moreover, this investigation into legitimated violence might prove informative about the quality of life of lower-class people and the potential for occupations in violence as a tool for social mobility.

4.2. Retainers and the Late Roman Aristocracy.

There were any number of jobs for legitimate or de facto legitimated men of violence in Roman society.⁴⁹¹ Aristocrats, as well as merchants and similarly wealthy persons were

⁴⁸⁸ Wesch-Klein, p. 447. Likewise professional (waged) military service and legitimacy to participate in violence necessarily altered the social norms by which their actions were judged.

⁴⁸⁹ As with the rest of this thesis, the examples which I have chosen to investigate do by no means represent an exhaustive list of all such interactions between authorities and lower-class persons. Rather I hope to provide a series of case studies from each of which information on particular events and local circumstances can be gained. Having compiled these case studies, it is hoped that more general conclusions can be applied.

⁴⁹⁰ It is worth stressing, once again, the word 'potential' in this sentence. By no means was it typical or even common for lower-class persons to be able to affect or re-negotiate their status by violent means. Nor were violent means the only option available; see Allen E. Jones, *Social Mobility in Late Antique Gaul*, (Cambridge: Cambridge University Press, 2009). These examples display social mobility at the extreme: typically when the position of the authorities was so shaken that they had to allow greater violent freedom to their social inferiors in order to maintain their own status, safety or supremacy.

⁴⁹¹ Shaw, *Sacred Violence*, pp. 630-674 provides an excellent description of the rural itinerant labourers, who in North Africa came to be called *circumcelliones*, who might often have engaged in violent work.

unsurprisingly cautious about the loss of their riches or damage to their lives or property and therefore sought to protect them against crime or the machinations of rivals. As we have seen, brigandage was a ubiquitous, if not necessarily common source of peril, and guards (perhaps even other brigands!) might be employed to defend against *latrocinium*.⁴⁹² A harrowing, if comedic scene, in Apuleius' *Metamorphoses* perhaps illustrates the concern for safety among travellers and the affray that could result from it. Lucius, in Ass-form, was travelling in a tightly grouped and well-armed band of *pastores* who had been forewarned about the dangers of ravening wolves in the district. Unfortunately, the workers (*coloni multitudinem*) on a nearby estate took them to be *latrones* and released a horde of ferocious hounds on the party and then climbed nearby buildings and trees and rained stones down upon them. Cries for pity eventually halted the onslaught and revealed that the violence resulted from a misunderstanding, but Lucius's party suffered some grievous injuries in the meantime.⁴⁹³ We should not take a dramatic tale from a fictional and ridiculous narrative to be evidence for commonplace encounters between overzealous guards who each believed the other to be ill-intentioned. But this tension, amplified to the absurd, does indicate that guards were commonly and necessarily employed. Indeed Columella, in his comparatively sober treatise on the proper management of rural estates, included a lengthy description of the breeding and character of large mastiff-like dogs to defend property against attacks in the manner described by Apuleius.⁴⁹⁴ Columella does not discuss the role of the rural labourers in defence of the property, but there is some indication that loyal service in a potentially violent capacity would be rewarded. He stresses that the employees chosen to oversee livestock must be both loyal and intelligent, because they were entrusted with property and a greater degree of agency and freedom. They were responsible for the care

⁴⁹² Shaw, 'Bandits in the Roman Empire', pp. 8-10, and above pp. 31-2.

⁴⁹³ Apuleius, *Metamorphoses*, 8. 17-18.

⁴⁹⁴ Columella, 7. 12.

of the herds and the defence of livestock against wild animals and thieves.⁴⁹⁵ We cannot tell exactly what the assumption of these violent responsibilities entailed for either the guards of the house or the herds in terms of social status or rewards. However it is clear that the latter at least enjoyed far more privileges than other unfree workers on the estate who might, as Columella advised, be chained while working and overnight and who were often kept under constant supervision.⁴⁹⁶

Violent roles like these existed throughout the Roman Empire, both regionally and chronologically. It is not easy to determine whether they became more or less common in Late Antiquity. The outraged and damning verdict of Salvian on the practice of predatory *patrocinium* by his contemporaries has often been understood as evidence of increasing predation by the wealthiest aristocrats on lesser landowners in the fifth century.⁴⁹⁷ If this depiction is accepted then it would presumably indicate an expansion of the violent power that major ‘patrons’ could exert. However, Salvian was not a commentator without bias. He intended to juxtapose the deplorable situation in society with the ideal of a Christian community, and therefore sought to manipulate, or perhaps even exaggerate certain rapacious characteristics of power relations in Southern Gaul. In particular, he depicts the independent peasantry as saddled with unbearable taxes which forced them to cede their property and freedom to wealthy patrons (who might, of course, be responsible for collecting those taxes), in order to escape the tax

⁴⁹⁵ Columella, 7 .6, 12.

⁴⁹⁶ Columella, 1. 8, 9. These relationships were extant in the business of government as well as in parochial rural occupations. For example, the Emperors Valentinian II and Theodosius I considered slaves (presumably armed), alongside palatine guards, as a vital part of the escort for postwagons carrying imperial treasure. CTh 8. 5. 48.

⁴⁹⁷ In combination with Libanius’s *Oration 47 Against Protection Systems* and legislation from the Theodosian Code, 11. 24, this interpretation has been extended, perhaps incautiously, to apply to the entire Empire. See Cam Grey, ‘Salvian, the ideal Christian community and the fate of the poor in fifth-century Gaul’ in *Poverty in the Roman World*, ed. M. Atkins and R. Osborne, (Cambridge: Cambridge University Press, 2006), p. 162. For a more general introduction to *patrocinium* see Arnaldo Marcone, ‘Late Roman Social Relations’ in *The New Cambridge Ancient History XIII*, ed. Averil Cameron and Garnsey, (Cambridge: Cambridge University Press, 1998), pp. 338-70 (pp. 360-63).

collector.⁴⁹⁸ Though the moralising intent of Salvian has long influenced scholarship, a revisionist trend on *patrocinium* has recently stressed the more ordinary aspects of patronage and representation. Cam Grey, in particular, has emphasised that this process could, conversely, be evidence for a certain agency on behalf of the poor who might, for example, move or erect boundary markers to suggest that their property belonged to more powerful persons in order to dissuade unwelcome visitors.⁴⁹⁹ Likewise, he has also criticised the tendency to take the critiques offered by Salvian and others at face value.

Whilst it is certainly right to acknowledge the complexity of *patrocinium* as a process, and to not generalise excessively from a problematic source, it is certainly worth stressing that ‘predatory *patrocinium*’ – as we shall henceforth refer to the violent appropriation of property or services from the lesser neighbour by a wealthy one – could provide ample opportunities for men of violence. While some of the entries in the Theodosian Code on Patronage imply that the cession of property was voluntary, other sources suggest that violent seizure also occurred.⁵⁰⁰ Literary sources seem to confirm this suggestion. Apuleius, for example, describes an extremely violent case of involuntary appropriation in which both parties took up arms. A rich farmer was able to abuse the position afforded to him because of his wealth and lineage to despoil his neighbour with impunity. He sent men to trample his crops and slaughter or steal his livestock. Then he brought baseless boundary dispute against the neighbour who called up friends and kin to testify to the traditional, accepted boundary between them. The rich man also brought a retinue and attempted to intimidate the neighbour with vicious dogs, which his shepherds unleashed on the poor neighbour. The dogs killed one

⁴⁹⁸ Salvian, 5 .8 and Cam Grey, ‘Salvian, the ideal Christian community and the fate of the poor in fifth-century Gaul’, p. 176.

⁴⁹⁹ Cam Grey, ‘Salvian, the ideal Christian community and the fate of the poor in fifth-century Gaul’, pp. 179-80. Similarly, it seems that some persons of lesser status would fraudulently transfer debts owed to them to wealthy patrons so that they could forcefully extract the money their client was owed. CTh 2. 13. 1.

⁵⁰⁰ For example; CTh 13. 11. 9 and N.Val 8. For the laws on Patronage; CTh 11. 24.

defender, the rich man slew another with a thrown spear and called in a particularly large and fierce slave to help. A third defender, brother to those who had been slain, lured the rich man close by feigning injury then killed him and committed suicide before the rich man's slaves could avenge their master. The poor neighbour, unable to countenance the recriminations that would follow, also committed suicide.⁵⁰¹

This episode of extreme violence, invented for Apuleius' narrative purpose though it is, perhaps indicates the types of techniques used by some unscrupulous aristocrats to bully their social inferiors.⁵⁰² Moreover, it reveals the role of lower-class attendants; both sides called in those that they could to offer support, whether employees, slaves or kin.⁵⁰³ These were enabled to perform violence on behalf of their social superiors and, perhaps could expect reward for it. For example, the leader of destructive raids or a particularly powerful slave might have been considered for an overseeing position in a newly acquired estate, or a loyal shepherd and dog-handler might have become a master shepherd, or *archipomen*.⁵⁰⁴ Finally, we can see that the poor farmer, himself of apparently *humilial* status and abandoned by the Roman judicial system on account of his minor social significance, was nevertheless able to round up a group of allies that were willing and able to violently resist the predatory intent of the powerful neighbour.⁵⁰⁵ So, in addition to understanding *patrocinium* as a system which might in fact be exploited in a positive manner by individuals of lesser status (as Cam Grey has argued), we should also recognise that lesser persons might – despite their disadvantages

⁵⁰¹ Apuleius, 9. 35-8.

⁵⁰² A terser depiction of similar depredation wrought on weaker neighbours by those who could employ violent retainers is provided by Augustine's description of the town of Fussala, south of Hippo, c.422. There the church hierarchy, and especially the lay *defensor ecclesiae*, employed soldiers and deserters, as well as men from the village, to pillage and thieve from the local people. Augustine, *Letters*, 20*.

⁵⁰³ Likewise, Libanius deplores the intervention of 'strong men' on behalf of patrons; Libanius, *Orations*, 47 and Arnaldo Marcone, p. 363.

⁵⁰⁴ Columella, 1. 7. For master shepherds and their relationship to landowners see Hopwood, 'Bandits between grandees and the state', p. 187 and above, pp. 63-4.

⁵⁰⁵ Provincials and rustics enjoyed some legal protection in cases like these, but it is doubtful that they had the influence and social capital to routinely avoid oppression by illustrious neighbours; CTh 11. 1. 1.

– violently resist the encroachment of grasping aristocrats. Salvian’s description, even if it is sympathetic to the plight of poorer persons and critical of patrons and excessive taxes, still ignores the possibility of active, violent resistance to predatory *patrocinium* and the potential for social mobility for retainers on both sides of the confrontation.

Furthermore, even if recent scholarship has been right to stress uncertainty about Salvian’s depiction of increased predatory *patrocinium* in Late Antiquity, there is evidence that suggests that changes were occurring in the patterns of retaining violent men in a private capacity. Didymus and Verenianus were certainly extreme examples of this process, as they were able to raise forces sufficient to trouble barbarian invaders and imperial usurpers. Few aristocrats were as richly endowed in property and we should envisage late antique retinues on a far smaller scale.⁵⁰⁶ However, Roman aristocrats certainly had greater legal freedom to maintain private retinues for violent functions in the fifth century than in previous centuries.⁵⁰⁷ As suggested, patrons might arm their employees, tenants or slaves in order to avoid, or protect them from, the exactions of the state.⁵⁰⁸ Moreover, from 391 landowners were granted rights to armed resistance against nocturnal marauders.⁵⁰⁹ Such perils had always existed on a minor scale, as the misunderstanding between Lucius’ band and the estate workers shows, so this prerogative probably ensured the defenders legal rights and perhaps enabled them to equip themselves with proper weapons rather than relying on hunting equipment, stones and hounds.⁵¹⁰ In 403, this right was extended and all provincials were empowered to actively seek out and attack bandits, rather than just defend themselves against attack.⁵¹¹

⁵⁰⁶ S. J. Keay, pp. 202-4.

⁵⁰⁷ For the use, and increasing use of manpower for violence in Late Antiquity see Lenski, ‘Harnessing Violence: Armed Force as Manpower in the Late Roman Countryside’, *Journal of Late Antiquity*, 6. 2, (2013), 223-250.

⁵⁰⁸ CTh 13. 11. 3 forbids the avoidance of taxes by the use of armed *coloni*.

⁵⁰⁹ CTh 9. 14. 2.

⁵¹⁰ Apuleius, 8. 17-18 and above, p. 201.

⁵¹¹ CTh 7. 18. 14.

Finally, in 440 the threat of seaborne raids by the Vandals, who had recently captured the Roman fleet at Carthage, caused Valentinian III to concede to his citizens the right to:

‘...defend their own, with their own men against the enemy, if the occasion should so demand, they shall use the arms which they can, but they shall preserve the public discipline and the moderation of free birth unimpaired.’⁵¹²

This proclamation makes clear that the state, though it remained wary of generic enfranchisement to violence (hence the stress on maintaining public discipline), was necessitated to allow limited private ‘militarisation’ because of the patterns of violence that brigandage and seaborne raiding had elicited. The Vandals, tellingly, are described as *praedones* and it is significant that only this new development caused the Empire to allow for private violence against barbarians.⁵¹³ The implications are fairly clear. The state was responsible for true ‘warfare’, when armies faced armies, but could not practically defend its citizens against the hit and run methods of piratical Vandals and guerrilla-like bandits. Slave ‘armies’, like those of Didymus and Verenianus were not required. Instead we should imagine small retinues, probably numbering in tens or scores, rather than thousands.

Private retinues on this scale need not have been significantly different from the slaves, shepherds and estate workers who performed violent functions in the time of Apuleius. Indeed, we have evidence that armed slaves were a component of such retinues and, as we have seen, there was a great deal of emphasis on the illegal harbouring of

⁵¹² N. Val, 9.

⁵¹³ N. Val, 9. Interestingly it seems that Stilicho had already taken measures to fortify the coastlines because soon after his execution in 408 Honorius ordered that the coastlines would no longer be guarded because it was hampering commercial exchange. This policy was even more short-lived. Just two years later he ordered all ports, shores naval bases and even remote islands to be guarded against incursion by violence or stealth. CTh 7. 16. 1; 2.

brigand/shepherds in the late fourth and early fifth centuries.⁵¹⁴ However, it does appear that the private employment of more specifically and explicitly violent persons was increasing during these years.⁵¹⁵ We have already seen that desertion from the army in the context of political or military disruption contributed to epidemic brigandage and that these brigands were linked to networks of information and patronage in much the same way that endemic bandits had been.⁵¹⁶ These ex-military bandit/retainers presumably brought a new expertise to private retinues. But not all ex-military personnel became retainers by way of brigandage. In 398 Honorius introduced a law forbidding the solicitation or harbouring of border fortress troops (*burgarii*) from Spain or anywhere else.⁵¹⁷ It seems that the soliciting of public soldiers into private retinues was a significant issue in the 390s because in 396 the fine for doing so was set at five pounds of gold and this was raised, two years later, to twenty pounds.⁵¹⁸ Such practices were by no means unprecedented and the solicitation had already been legislated against the 360s.⁵¹⁹ However, in parallel with the trends in desertion, it seems that the decades either side of the turn of the fifth century were particularly troubled. This is unsurprising. As we have seen, desertion from the army increased during times of unusual strife.⁵²⁰ Presumably private solicitation followed this general trend, as the soldiers sought to avoid increased danger whilst aristocrats hunted for additional muscle as an insurance against it. Furthermore, the ability of the state to crack down on either deserters, brigands, solicitation or the accumulation of private power was hampered during

⁵¹⁴ CJ 9. 12. 10 and Zosimus, 4. 5 and 5. 15 for armed slaves; for harbourers see above, pages 61, 78, 83, 86.

⁵¹⁵ I stress the apparently intentional violence of these retinues in contrast to the accidental or emergency usage of kin, employees or slaves in violent functions. This was typical throughout the Empire both in rural power relations as we have seen, but also in urban contexts. For example, an unpopular prefect of Rome named Lampadius had to rely on his neighbours and servants hurling roof-tiles at the Roman mob to save his mansion from being torched; Ammianus, 27. 3.

⁵¹⁶ See above, section 2.1.

⁵¹⁷ CTh 7. 14. 1.

⁵¹⁸ CTh 7. 1. 15; 17.

⁵¹⁹ CTh 7. 1. 7.

⁵²⁰ See above, pp. 83-5.

wartime. Indeed, private armies – like that of Didymus and Verenianus – which might have been condemned in peacetime were lauded for loyalty in a crisis. Therefore it seems likely that the practice of retaining was linked to political context. If so then it informs us about the agency of those lower-class individuals involved; when times got hard it seems that many military persons wanted out. They fled from hazardous service in the name of the state and engaged themselves with aristocrats as guards or hired muscle. We cannot know the exact details of these new ties of power, but it seems that private violent service provided a tantalising alternative.

These unofficial but legitimated men of violence were probably drawn from diverse backgrounds. We have already seen the utilisation of armed employees or slaves, ex-soldiers and shepherd/bandits by Roman aristocrats for violent functions and a law of Leo and Anthemius in 468, which demanded that private citizens could not employ *bucellarii*, Isaurians or armed slaves, demonstrates that this practice continued into the fifth century.⁵²¹ Aristocrats in need of private power were innovative in their ways of acquiring it. If soldiers could not be found and slaves wouldn't do, then alternatives could be found instead! For example, the would-be Pope Damasus hired charioteers and gladiators to form the violent forefront of his partisans in riots over the disputed Papal succession in 366.⁵²² It therefore seems likely that the personal retinues of private

⁵²¹ CJ 9. 12. 10. Similarly, Zosimus, 5. 16 records how a private landowner, a certain Valentinus of Selga in Pamphylia, outfitted a number of his slaves and farm-workers to harass the army of the general Tribigild from the hilltops.

⁵²² For the use of charioteers and gladiators in the riots between the followers of Damasus and Ursinus in 366 see *Collectio Avellana*, 1. 7 and below, pp. 245-6. In fact charioteers and gladiators seem to have been common troublemakers and formidable bodyguards in Late Antiquity, and the Theodosian Code has regulations about the employment of both in private, violent service; CTh 13. 12. 3 for gladiators and 9. 16. 11 for charioteers. These classes of people, both typically unfree, were closely associated with violence. Gladiators, of course, had a specifically violent occupation whilst charioteers also had a reputation for drunkenness, brawling and association with magic and they seem to have been preferred muscle in various dodgy interactions involving accusations of *maleficium* (magic) and murder in the fourth century. Given this propensity for violence, it is unsurprising to see that their careers seem to have diversified into the same roles of retaining and private violence that (ex-)soldiers and (ex-)brigands seem to have undertaken. Though we cannot tell if the lure was more typically a one-off payday, or steady employment in a career of violence and intimidation, we can discern that they too exploited a reputation to allow greater social mobility. Not all charioteers (or gladiators) were successful enough to achieve the riches and celebrity of the few, but it seems that providing muscle for senatorial backers was

individuals in the later Roman Empire were diverse groups composed of persons from definitively violent backgrounds as well as more typical employees from various occupations but who were deployed in a violent capacity. Aristocrats seem to have been attempting to create groups of retainers through which they could assert their power by violent means. The establishment of such groups was perhaps necessitated in some regions by the unsettled context which allowed raiding to flourish. However, many employers of these retinues surely outfitted their band because it was fashionable to do so. It was a highly visible means of demonstrating their status and personal power.⁵²³ However, it also provided opportunities to a cadre of potential lower-status recruits who could use violent means to improve their social position.

This agglomeration of violent power around private individuals, even if it was typically on a small scale, was a concern to the Roman state which attempted to restrict these developments even as it allowed its citizens greater license to perform violent acts. We should not forget that the legal records that allow us to gain an insight into the composition of private retinues are generally proscriptions against the employment of certain categories of people. Similarly, we glean evidence of the fortification of estates – a process that presumably went hand in hand with the creation of retinues – from laws that allowed the right to fortify in certain regions or that prosecuted persons who had privately occupied border fortresses which had belonged to the state.⁵²⁴ So, while

a less illustrious alternative for some. Parshia Lee-Stecum, 'Dangerous Reputations: Charioteers and Magic in Fourth-Century Rome' in *Greece & Rome*, 53, 2 (2006), 224-234. For more on the role of charioteers and gladiators as the vanguard of illegitimate violence, see below, pp. 245-6 and 262-6.

⁵²³ The confident and somewhat self-aggrandizing inscription of Dardanus is a fine example of such demonstrations of personal power, see Serena Connolly, 'Fortifying the City of God: Dardanus' Inscription Revisited', *The Classical Journal*, 102, 2 (2007), 145-154.

⁵²⁴ CTh 7. 15. 1; 2 for private occupation of border forts; CJ 8. 10. 10 for limited prerogative to fortify estates. For more on this process, see Serena Connolly, 'Fortifying the City of God: Dardanus' Inscription Revisited'. This article focuses in particular on the fortified settlement Theopolis which was constructed in Gaul in the first half of the fifth century by Dardanus, a former praetorian prefect in Gaul, but it also provides a useful bibliography on private fortifications elsewhere in the Empire. John Matthews' description of the unsettled atmosphere in Gaul during the first decades of the fifth century gives an indication of why infighting occurred and why such fortification might have been necessary: John Matthews, *Western Aristocracies and the Imperial Court, A.D. 364-425*, (Oxford: Clarendon Press, 1988), pp. 322-4.

cautious steps toward the legal recognition of private violent power were being taken in the late Roman Empire, the legitimacy of the people who formed the core of that power was somewhat uncertain. While they were clearly de facto legitimated by their socially superior aristocratic employers, in the eyes of the state they were viewed with distrust.

This emphasis on the techniques and technicalities of retaining, and the involvement of lower-class persons in the retinues of aristocrats in the later Roman Empire, provides further insight into the practical means by which aristocrats and the people they patronised (voluntarily or otherwise) avoided the burdens of state taxation. Avoidance of taxation and the substitution of obligations to the state with obligations to a patron was, after all, the major characteristic of *patrocinium*. Most of the legislation in the Theodosian Code seems to be aimed at protecting taxpayers from the violent excesses of patronising aristocracies (and their retinues), but the proscriptions against fortification of estates and the employment of explicitly violent persons implies that wealthy patrons, especially in areas of waning imperial influence, were more able to ignore or resist the demands and violent potential of tax collectors.⁵²⁵ The state certainly took measures to rectify any shortfall that resulted from *patrocinium*. Imperial legislators recognised the difficulty that curial tax collectors faced in collecting from *illustri* and the potential for superexaction when anyone of higher prestige was to collect from peasants, and therefore insisted that taxes be collected by persons of equivalent status.⁵²⁶ However, aristocrats were routinely able to avoid imperial obligations and there is little evidence to suggest that this legislation proved effective. Indeed, we can discern that by the fifth century some aristocrats were able to blithely disregard imperial legislation that limited

⁵²⁵ For legislation on tax collection, see CTh 11. 7 and especially 11. 8 for superexactions. For discussion of collection of taxes in the Later Empire, see Harmut Ziche, 'Making Late Roman Taxpayers Pay: Imperial Government Strategies and Practice' in in *Violence in Late Antiquity*, ed. H.A. Drake, (Aldershot: Ashgate, 2006).

⁵²⁶ CTh 11. 7. 12.

their private power, and even violently resisted judicial procedure against them.⁵²⁷ In such situations lower-class retainers, whether they engaged in willing or predatory *patrocinium*, must have been at the violent frontline of the private rejection of state influence. Likewise, the citizens who were charged with collecting tax on behalf of the Empire surely employed retainers to dissuade tax avoidance.

The plethora of potential occupations in lower-class violence within the legitimate society is perhaps only overshadowed by the convoluted aspect of legitimacy in these myriad and conflicting roles. Over-grasping tax collectors, nefarious patrons and those who used their retinues to form private power were routinely condemned by commentators because their actions were perceived as illegal or immoral, but we can be sure that they were to some degree legitimated at the micro-scale by the persons that employed these retainers. However, it is interesting that other aristocrats who formed retinues to demonstrate their private power were perceived in a more positive way. As we have seen, Orosius (and presumably Honorius) appreciated the loyalist efforts of Didymus and Verenianus.⁵²⁸ Similarly, we can see that Sidonius waxed lyrical about the actions of his brother-in-law Ecdicius, who broke through the Gothic siege lines to resupply Clermont with his private, mounted retinue.⁵²⁹ Sidonius could hardly afford to be critical. He had himself used attacked and driven off, with the help of his attendants, a group of ‘brigands’ who were desecrating the tomb of his grandfather; clearly he had a measure of his own private power.⁵³⁰

⁵²⁷ CJ 9. 12. 10.

⁵²⁸ Orosius, 7. 40 and above, pp. 197-8, 207-8.

⁵²⁹ Sidonius Apollinaris, *Letters*, 3. 3. Similarly, a certain Gallic count named Titus and his personal retinue were apparently so famous that the Emperor Leo called them into his service at Constantinople. *Vita Danielis Stylitae*, 60; in ‘Vita Danielis Stylitae’, in *Three Byzantine Saints: contemporary biographies*, trans. by Elizabeth Dawes and Norman H. Baynes (Oxford: B. Blackwell, 1948).

⁵³⁰ Sidonius, 3. 12. Violent attacks on bandits by private citizens had, as we have seen, been legal for several decades at this stage (CTh 7. 18. 14), so Sidonius in no way incriminated himself through this act, but instead upheld his family honour. However, though Sidonius describes them as *latrones*, it is likely that they were just incautious grave diggers who had inadvertently begun to exhume Sidonius’ grandfather. In any case, the episode was not without violent threat; the guilty were prepared to resist

What we seem to have then is a complex situation whereby legitimacy was afforded to the practice of retinue-keeping based on the actions of the employers and the moral attitude of the observer. Sidonius might well pat himself and kin on the back for their heroic efforts, but if those same retainers helped him despoil his neighbours or avoid taxes, then moralists like Salvian or imperial bureaucrats were unlikely to be as laudatory. This surely placed the retainers themselves in an awkward position. Their employers were no doubt loathe to acknowledge their violent status in an official manner because of the potential for legal or social incrimination. Indeed, all aristocrats must have been anxious to distance themselves from any nefarious connections. Fortunately for them, loopholes in the legislation which attacked the harbourers of violent ‘muscle’ must have allowed aristocrats to pass responsibility onto their overseers.⁵³¹ If valued employees such as overseers – who might be responsible for sizeable estates on behalf of their owners – could be cast aside in this manner, we must assume that retainers were no less expendable.⁵³² Adoption of legitimated, private violent roles in the later Empire could bring opportunity to those willing to risk it, but the ambiguity of that status, as well as the obvious risk of a violent career, surely made it a hazardous choice.

Despite the danger of a violent career and dubious legitimacy it seems that a large demand existed in the late Roman Empire for unofficial men of violence, and that this demand was met by lower-class persons for whom this kind of violence was not a part of their accepted social role. Many certainly had backgrounds in violence, whether this was legitimate – as in the case of ex-soldiers or gladiators – or illegitimate, like the *latrones* that were routinely harboured on aristocratic estates. Backgrounds in violence may have made such men desirable as guards or goons, but their safety was not assured,

Sidonius’ onslaught with force and were tortured (presumably beaten) on the spot for their crimes. See Allen Jones, p. 234.

⁵³¹ See above, pp. 64-6 and n.142.

⁵³² Overseers, especially enslaved ones could be quietly put to death by their masters without legal implications. CTh 9. 12. 1.

even though they had entered the employ of a patron. Accusations of desertion or *latrocinium* might linger, and patrons were likely to deny or jettison bodyguards if they were pressured by the state. Yet private employment as a man of violence seems to have been relatively common. For genuine deserters and brigands a wealthy patron could provide shelter against the retribution of the state in the same way that more humble provincials might seek refuge from crushing taxation on the estates of benefactors. Furthermore, the establishment of networks of genuine reliance with socially influential persons high up the Roman hierarchy could provide potential for social mobility that would be out of the question as a rustic peasant, un-patronised shepherd-bandit, fugitive deserter or unsuccessful charioteer. For such persons violent activity in the service of an employer could have had a remarkable impact on their quality of life. The ‘little guy’ was little valued in late Roman society and an able bodyguard or hired goon was certainly more valued by his masters than a labourer or peasant. For many, the increased status of a violent career or reputation was worth the hazards of physical danger and doubtful legitimacy.

4.3. Legitimated lower-class violence in the post-Roman West.

For all the continuity between the Empire and its successor states that were formed in the fifth century in the former Western provinces, one significant change seems to have been in the perception and legitimacy of violent power. That is not to say that all violent actions were legitimated; many ‘immoral’ actions, such as massacres, murders, usurpations and rebellions were still perceived to be illegitimate in the post-Roman West. However, in the fifth and sixth centuries, the successor states did not attempt to claim a monopoly on violence in the manner that the Empire had rhetorically attempted. This altered perception of violence may have made very little difference at a local or

regional level. As we have seen, semi-legitimate private violence had always been wielded in the Empire, and legal rights to do so seem to have increased during the last century of Roman rule in the West. We certainly should not fall into a trap of assuming that greater legal freedom to perform private violence must equate to increased violence.⁵³³ Rather, the significance of the change – for the purposes of this investigation – is that it clouds the categorical boundaries between private, state and ‘military’ power. Whilst we can be sure that the actions of Didymus and Verenianus were not ‘military’, because neither they nor their followers were part of the professional state ‘army’, historians could not have the same certainty of categorisation in Merovingian Gaul or Visigothic Spain. In these polities, aristocrats might raise similar armies from private estates or territories for which they were responsible as a matter of course, whilst many free men were liable for military service based on their legal status.⁵³⁴ Professional soldiers certainly did not disappear, but they were no longer the sole repository or representation of violent state power.⁵³⁵

Unfortunately, we can still discern relatively little about the position of the lower-class participants in these structures for violence in the post-Roman West. Indeed, the proliferation of states and regional powers makes it even more difficult to generalise, as does the distribution and interest of our source material. On occasion we have glimpses of unusual detail, most significantly in the account of Gregory of Tours (which I shall rely on), but typically laconic chronicles, hagiographies and legal material offer little specific insight into the employment of lower-class persons in violent roles and the social implications of that employment. Therefore, in order to avoid the relatively better studied military sphere and to stick within the chronological boundaries of this

⁵³³ Wolf Liebeschuetz, ‘Violence in the Barbarian Successor Kingdoms’ in *Violence in Late Antiquity*, ed. H.A. Drake, (Aldershot: Ashgate, 2006).

⁵³⁴ Bernard S. Bachrach, ‘Grand Strategy in the Germanic Kingdoms: Recruitment of the Rank and File’, pp. 57-60.

⁵³⁵ Guy Halsall, *Warfare and Society in the Barbarian West 450-900*, (London: Routledge, 2003), p. 45.

investigation, only a few case studies of legitimated lower-class violence shall be investigated here.⁵³⁶ The intent is not to present a detailed and exhaustive description, but rather a series of examples that will hopefully form a framework of how lower-class persons *could*⁵³⁷ assume legitimated violent roles in the successor states to the Roman Empire.

From the time of Apuleius to Salvian, aristocrats used violence to prey on their less powerful neighbours and, in sixth-century Touraine, they continued to do so. Chuppa, former Count of the Stables to Chilperic, made a raid on the district to seize livestock and other property. As a former holder of a military command, we might assume that his retinue was composed of specifically violent personnel (described here as *pueri*), though it is not inconceivable that others of his household had been mobilised on a more irregular basis akin to the armed slaves that helped Apuleius' rich man raid his poor neighbour. In any case, the *incolae* (residents) of Touraine were not to be bullied. They collected a band and pursued their persecutor who only escaped by abandoning his booty. The people of the district around Tours regained their property and killed two and captured two more of Chuppa's men.⁵³⁸ This episode is interesting for a number of reasons. These Tourangeaux were apparently within the broad definition of 'lower' class. *Incolae* is not class specific, but certainly does not positively indicate aristocratic presence, whilst Gregory gives little suggestion that the Count of Tours – mentioned elsewhere in the passage – was responsible for rounding up the posse.⁵³⁹ Indeed, given the immediacy of the response, which was able to quickly catch up with the fleeing

⁵³⁶ For a detailed investigation of post-Roman and early medieval militaries, see Guy Halsall, *Warfare and Society in the Barbarian West 450-900*.

⁵³⁷ I stress 'could' here, because this sample may well reflect extreme examples, rather than a representative survey which ought to be considered the norm. Indeed, 'normal' examples, by their mundane nature, are likely to be drastically underrepresented in the source material.

⁵³⁸ *LH*, 10. 5, p. 552.

⁵³⁹ It is possible that some of these defenders were part of the Tours city militia, but in any case it seems that militias were at best semi-official anyway; S. T. Loseby, 'Gregory's Cities: Urban Functions in Sixth-Century Gaul' in I. N. Wood ed., *Franks and Alamanni in the Merovingian period: an ethnographic perspective*, (Woodbridge: Boydell Press, 1998), p. 258.

Chuppa, it seems probable that both the victims and the violent respondents were peasant farmers or lesser landowners, although Animodius, a local representative of the Count, seems to have taken part.⁵⁴⁰ So, as with the poor man in Apuleius' description of violent aristocratic oppression, it seems that the small farmers of Tours were able to defend their property, but with rather more success.

Moreover, the actions they took to defend themselves – at least in the partisan account of Gregory – seem to have been entirely legitimate. Chuppa's raid was 'immoral', and undertaken in a private capacity, so personal violent retribution was justified. Furthermore, King Childebert ordered an investigation into the affair, and found that Animodius was responsible for allowing Chuppa to escape. He ordered both Animodius and Chuppa arrested, though both eventually avoided punishment.⁵⁴¹ So, not only were the actions of the Tourangeaux legitimated, but commendable, and the judicial system prosecuted those who had hindered them.

According to Gregory, a similar incident of defensive violence on a far smaller scale took place in the rural districts of Tours a few years earlier in 585. King Guntram had ordered soldiers from the city levies of Orleans and Blois to guard over Eberulf (who was charged with the assassination of King Chilperic) so that he could not flee from his sanctuary in the Church of St. Martin in Tours. The soldiers stayed only fifteen days, probably because of their ill-discipline; Gregory reports that they looted, stole pack-animals from the Church and quarrelled so severely that some were killed. On their return, somewhere in rural Touraine, two soldiers, who had been driving stolen mules, came to the house of a local and asked for a drink. The man said he had none, so the soldiers levelled their spears at him and were about to transfix him when he drew his

⁵⁴⁰ *LH*, 10. 5, p. 553.

⁵⁴¹ *Ibid.*

sword and killed them both.⁵⁴² Gregory went to some lengths to show a miraculous aspect to this event; he claimed that the mules found their way home to the Church. However, in this scenario Gregory does not suggest divine punishment in the death of the soldiers, only the divine justice of the return of Church property.⁵⁴³ Therefore, the notable success of one rural inhabitant in overcoming two soldiers is depicted as more mundane and temporal, yet just. It seems probable that, for Gregory, this was not a unique example of pre-ordained justice, but more typical of rural violent agency in the manner of the *incolae* who defeated Chuppa. It should be remembered that the soldiers were from the city levies, rather than professional soldiers, and so might not have been of particularly notable martial quality, but it nevertheless implies potentially significant physical capability on the part of the rural inhabitants. It seems likely that the man in question, who in the account, lacks a name, status, retinue or attendants, and apparently even drinks, was lower class, although his ownership of a sword and house implies that he was at least a freeman and could probably be equated with the small landowners who formed the posse to pursue Chuppa. Similarly, a sword-owning free man might have been liable for military service himself, perhaps in the Touraine militia. Prior experience as a warrior – even a part-time one – might explain how he overcame the militiamen from Orleans/Blois.

⁵⁴² *LH*, 7. 21, p. 402. An interesting parallel to this account of personal resistance to the excessive exactions of soldiers can be found in Apuleius, 9. 40 where Lucius, in Ass form, is commandeered by an overbearing centurion until the farmer who owned Lucius succeeded in tripping the centurion by pretending to supplicate at the feet of his tormentor. The farmer then smashed the centurion's head thoroughly with a rock, took his sword and fled into town on Lucius' back to avoid any retribution. In both cases a farmer, that is a person with a non-violent description of their social role, overcomes specifically military opposition in reaction to injustice. Given these accounts it seems likely that such events took place throughout antiquity, though it is probable that they were infrequent in comparison to successful violence on the part of the oppressive troops. Nevertheless, we should not assume an absence of violent agency.

⁵⁴³ Gregory's intent in describing this episode was probably to support the 'main event' of the bloody deaths of Claudius and Eberulf – both of which demonstrated the fate of ill-disciplined and immoral soldiers. For detail of that episode, see below, pp. 230-1.

The impression given by Gregory in these episodes is that the victims of immoral oppression had great agency and capacity to perform defensive violence in Merovingian Gaul; perhaps more than they had enjoyed in the Roman Empire. Given the increase in legitimate violent roles for civilians, among retinues and city militias, this may well represent an accurate depiction.⁵⁴⁴ However, Gregory was the local bishop and spiritual guardian to the oppressed in these events. It was very much in his interest to stress that justice came to both the morally upright persons under his care, and to the sinners. Consequently, it is difficult to determine on the basis of these accounts whether there was a qualitative difference in the violent capacity of lower-class persons between the late and post-Roman periods.

In any case, we must be aware that there were significant elements of continuity in the character of the violence. Because the details involved in these accounts of legitimate lower-class violence are framed around Merovingian specifics, it is easy to forget the Roman precedent in a tale of Kings, inter-city warfare and actors with ‘barbarian’ names. Nevertheless, clear parallels remain. As we have seen, Apuleius describes similar personal resistance to grasping aristocratic neighbours and roving marauders in the violent confusion between estate workers and shepherds. More significantly, the unnamed Tourangeau would have been well within his rights to oppose oppressive soldiers according to late Roman law which, as of 391, had encouraged its citizens not to ‘spare a soldier who should be resisted with a weapon as a brigand.’⁵⁴⁵ Therefore it seems likely that the general patterns of lower-class violence in these contexts remained broadly similar between imperial and post-imperial contexts, even if there were differences in the regularity of such incidents, or the particular legal or social agency of those involved. It might be possible, with a more sustained focus, to juxtapose specific

⁵⁴⁴ Guy Halsall, *Warfare and Society in the Barbarian West 450-900*, p. 45.

⁵⁴⁵ CTh 9. 14. 2.

characteristics of late Roman and Merovingian social violence in order to isolate more certainty of continuity or change. However, for the purposes of this study it is only necessary to stress the major trend; that lower-class people had the potential for legitimated violence within the legitimate society. This was typically in service to a patron of some sort, but equally lower-class persons might exert legitimated if unofficial violent power in defence of their own person and property.

Nevertheless, when the focus is refined to the specific subject of lower-class retainers to aristocrats, some changes do seem to have occurred in post-Roman Gaul. The most significant aspect seems to have been the institutionalisation of (often professional) bodyguards whose primary function was violence.⁵⁴⁶ Aristocratic persons who were considered deeply immoral in the account of Gregory were not criticised for employing retainers. Even if they used them in a criminal way, the moral choice, not the institution of retaining was criticised.⁵⁴⁷ This stands in contrast with the late Roman concern over the practice of retaining, which seems to have gained social legitimacy only when the actions of the employer were morally positive.⁵⁴⁸ Put simply, it seems as if late Roman retainers were bad unless made good by their employer's morality, whilst post-Roman retainers seem to have started from a more neutral position. Therefore, it is probable that lower-class retainers in the post-Roman period were not liable for punishment because of their (violent) role in itself, though they could still be prosecuted for specific criminal

⁵⁴⁶ The actual regularity of violent 'actions' might have still been fairly infrequent, especially if retainers were kept more for display and status than conflict. Nevertheless, the distinction is significant because it necessitates a recognition of a specifically violent social role, and therefore some degree of legitimation of the participant's agency for violence.

⁵⁴⁷ Retinues were involved in various lamentable feuds and squabbles between aristocrats, such as the famous dispute between Chramnesind and Sichar (*LH*, 9. 19), Secundinus and Asteriolus (3. 33), and Syagrius, son of Bishop Desideratus of Verdun and Syrivald (3. 35), but Gregory limits his criticism to the choices of individuals, not the existence or proliferation of their armed followers. The *Lex Salica* seems to affirm this interpretation. Various Salic laws acknowledge the involvement of armed bands (*contubernii*) in pillage or homicide, but the legality of the 'band' itself is not prohibited. *Pactus Legis Salicae*, XIV, XLII, XLIII; *The Laws of the Salian Franks*, pp. 79-80, 106-8.

⁵⁴⁸ Legal legitimacy was even more difficult to come by. Roman aristocrats were only given the legal right to employ armed retainers in the first decade of the fifth century, but had been expected to provide support to state officials for hunting bandits for centuries. See above, pp. 87-91 and 58-61.

actions. This occupational security probably contributed to the institutionalisation of violent bodyguards, since neither aristocrat nor retainer had to retain plausible deniability. This position of more concrete legitimacy may partially explain why Merovingian aristocratic retainers tend to look more ‘military’; they were perhaps becoming more professionalised in a context where persecution was unlikely.

Whatever the cause of the more professionalised retinues, their distinctly more privileged, perhaps even waged status means that they – like the Roman military – are less relevant to this study. Once their social role became overtly violent, they attained a legitimacy that distinguished them from accidental, occasional or ad hoc men of violence. However, we can perhaps see the legacy of problematic legitimacy in retaining when the employer’s aristocratic legitimacy or violent role was itself problematic. For example, Chramn’s retinue is described as a ‘young and dissolute [band] from the lower classes’ (*vilibus personis aetate iuvene fluctuantibus*).⁵⁴⁹ Munderic, meanwhile is described as having gathered a *rustica multitudo* with promises of an improved life, saying: ‘I am a prince, follow me and all will be well with you’ (*Princeps ego sum. Sequimini me, et erit vobis bene*).⁵⁵⁰ Both these individuals had dubious personal legitimacy; Chramn was a disinherited son of Clothar I, whilst Munderic was an unrecognised claimant to Merovingian lineage and the associated royal status. It is likely that their own personal illegitimacy ‘infected’ their respective retinues and coloured Gregory’s depiction of them.

However, it is also plausible that Chramn and Munderic had to appeal to supporters from backgrounds that were not inherently violent because their royal statuses were not accepted. The disparity of legitimacy between these two examples may confirm this: Gregory felt the need to have Munderic assure his rustic supporters of improved lives,

⁵⁴⁹ *LH*, 4. 13, pp. 207-209.

⁵⁵⁰ *LH*, 3. 14, pp. 173-175.

but Chramn is recorded as giving no such assurances, whilst his followers are more ambiguously described and may be understood as vagrants or mercenaries (as opposed to the ‘rustics’ of Munderic).⁵⁵¹ Both seem to have had to form retinues from less favourable, or at least less reputable personnel, but Chramn’s greater legitimacy, as the recognised offspring of a King, meant that he may have attracted a more militarised following, whilst Munderic seems to have acknowledged an obligation to his rustic adherents. We should perhaps interpret him as a demagogue figure; rallying popular support to bolster his position and doing so by promises of alleviation of grievances. Nevertheless it should be acknowledged that this charismatic leader was successful in encouraging the people to violence against their King; the motivation for aggressive and treasonous behaviour against such a powerful figure must have been very considerable indeed and as far as we can tell, social improvement was a prominent factor in this.

Similar issues are encountered in the descriptions of the retinues of other employers who did not perform a specifically violent role themselves. Gregory explains that a wine merchant called Christopher employed two armed slaves as a bodyguard, which transpired badly for Christopher, because they murdered him in a forest.⁵⁵² Meanwhile Clothild, a nun in St. Radegund’s in Poitiers, employed ‘a band of cut-throats, evil-doers, fornicators, fugitives from justice and men guilty of every crime in the calendar.’⁵⁵³ As with the de-legitimated ‘Merovingians’ Chramn and Munderic, it seems likely that tradesmen and women also had more difficulty both in negotiating the employment of violent lower-class retainers and in justifying their legitimacy. Neither seems to have

⁵⁵¹ *LH*, 3. 14, pp. 173-175 and *LH*, 4. 13, pp. 207-209.

⁵⁵² *LH*, 7. 46.

⁵⁵³ *LH*, 10. 15, p. 567 trans. in *The History of the Franks*, trans. by Lewis Thorpe (Harmondsworth: Penguin, 1974). Thorpe’s translation, given above, is not exactly accurate, but represents Gregory’s distaste rather well. *adgregatis sibi, ut supra diximus, homicidis, maleficis, adulteris, fugitivis vel reliquorum criminum reis, in seditione parata resederet. Libri Historiarum X*, ed. by B. Krusch and W. Levison, MGH SRM, 1 (Hanover: Impenis Bibliopolii Hahniani, 1951).

performed as desired; Christopher's guards killed him, whilst Clothild's men seem to have offered little resistance when faced with the retinue of Count Macco of Poitiers. So, while personal, private retainers certainly do seem to have been more legitimate, institutionalised and 'military' in post-Roman Gaul, the practice nevertheless seems to have followed certain Roman precedents. Employers whose legitimacy was doubtful, or whose social role did not typically involve violence still seem to have had to appeal to non-'military' persons for violent support. Retaining in the sixth century may appear more 'feudal' in character, but this development did not preclude the participation of makeshift heavies and muscle on an ad hoc basis. Indeed, it seems that many opportunities still existed for lower-class men of violence within the legitimate society, even if their assumption of violent roles was often perceived with distaste by contemporary commentators.

Indeed the insight provided by Gregory of Tours affords us a greater insight into bargaining that seems to have been required to create a Merovingian retinue. We have to be mindful that Gregory is disparaging or downright hostile to the violent power of Chramn, Munderic and Clothild, but he nevertheless provides some descriptions which are informative. Chramn's followers – the young and dissolute lower-class men – were perhaps enticed with promises of loot and the prestige that accompanied a violent reputation, a formidable Merovingian patron. Munderic's followers might have had similar incentives, but their apparent rustic status and his promises of improved quality of life suggest more holistic reward; perhaps along the lines of tax exemptions, protection or rights to land use. Clothild's followers are the only retainers who are described as evil in their own right and in the employ of an appropriately immoral master. Yet even their description might be insightful; the fugitives at least seem reminiscent of the *latrones* and deserters who traded violent service for patronage in the later Roman Empire. These examples build on the more general picture of post-Roman

lower-class violence within legitimate society. Not only did the residents of Touraine have violent agency, but persons like them seem to have pursued careers in violence that, as in the Roman period, differed from the roles that were assigned to them by their social standing.

4.4. Lower-class violence and the Church.

Much like Clothild and Christopher, Merovingian churchmen did not have a social role that typically included violence.⁵⁵⁴ After all, they were men of God. But, in sixth-century Gaul the Church was very wealthy, owned a vast amount of property and wielded significant political influence. Individual Bishops were often the most important secular leaders within their dioceses. Therefore, we should not be surprised that clerics, especially of the lower orders, were personally involved in violence or that they used their influence to obtain the violent assistance of lower-class persons.

But before we come to the post-Roman period, it is worth stressing that this was not a new development. Already in the fourth and fifth centuries ecclesiastical personnel were employing violence for various reasons. Rivalry and political intrigue between competing Churchmen could spark severe violence; as in the disputed succession to Pope Liberius in 366. Factional conflict between the adherents of Damasus and Ursinus spiralled beyond the capacity of prefect Viventius to control so that, according to Ammianus, at least 137 people died on a single day of violence.⁵⁵⁵ Minor clerical orders, such as gravediggers and pallbearers were at the forefront of this struggle (alongside less surprising men of violence like charioteers and gladiators) and seem to have often

⁵⁵⁴ Although some Merovingian Bishops seem to have been rather bellicose! The Bishops Sagittarius and Salonius were – according to the hostile observer Gregory – especially warlike and personally went into battle clad in mail and helmets; *LH*, 4. 42.

⁵⁵⁵ Ammianus, 27. 3.

functioned as the violent arm of the Church hierarchy when extenuating circumstances arose.⁵⁵⁶ Damasus' faction eventually overcame the partisans of Ursinus and he became Pope, but defeat or deposition did not necessarily inhibit the violent potential of clerics. Indeed, a law of Honorius and Arcadius given at Ravenna in 405 describes that deposed priest could often present a severe and violent threat by using their extant connections with the people to raise up violent mobs of their partisans. Such clerics had to be separated from their support networks, and so were exiled to a minimum of 100 miles distance from their former community.⁵⁵⁷ Likewise, an established ecclesiastical figure could use his connections with the people to drive out a challenge, perhaps from a 'heretic', as in the case of Priscillian who, along with his fellows, was beaten up and driven out of Emerita by a mob loyal to the incumbent, orthodox Bishop.⁵⁵⁸ It is likely that the churchmen who were able to raise such violent uprisings in their favour had done considerable groundwork to engender such loyalty. Gregory of Tours describes that Desideratus of Verdun had personally appealed to King Theudebert for a loan to assuage the suffering of his poverty stricken diocese.⁵⁵⁹ When Desideratus died, after being tormented and personally robbed by the intrigues of King Theuderic and Syrivald, he could count on the lasting loyalty of those he succoured. His son Syagrius rounded up a gang of Desideratus loyalists and murdered Syrivald.⁵⁶⁰ It seems likely that in incidents such as these, prudent priests and bishops fostered good relations with the people, by distributing alms and fighting poverty. By doing so they established strong material bonds which could be exploited to mobilise violent lower-class support when necessary. The post-Roman example of Desideratus which explains this mechanism is

⁵⁵⁶ Allen Jones, p. 234. *Collectio Avellana*, 1. 7, and above, p. 208, n.522.

⁵⁵⁷ Sirmondian Constitution 2; C. Pharr, T. S. Davidson and M. B. Pharr, *The Theodosian Code and Novels and the Sirmondian Constitutions, a Translation with a Commentary, Glossary and Bibliography* (Princeton: Princeton University Press, 1952), pp. 477-8.

⁵⁵⁸ Priscillian, '*Priscilliani Liber ad Damasum Episcopum*, Tractate II' in *Priscillian of Avila: The Complete Works*, ed. and trans. Marco Conti, (Oxford: Oxford University Press, 2010), pp. 76-77.

⁵⁵⁹ *LH*, 3. 34.

⁵⁶⁰ *LH*, 3. 35.

probably reflective of how these networks of power could function throughout Late Antiquity.

These social bonds with the needy of the parish or diocese were often institutionalised. Many persons of minor social status were accepted into the lower orders of the clergy as lectors, gravediggers, doorkeepers, cantors or acolytes.⁵⁶¹ Others were employed as custodians (this was also a task performed by the lesser clergy) or became the institutionalised recipients of alms (*matricularii*).⁵⁶² Together, these fairly numerous categories of persons were employed by the Church for all manner of menial tasks that ranked low on the ecclesiastical *cursus honorum*. Among these roles was the violent protection of Church property and personnel. They probably operated as cheerleaders for the popular tumults we have seen, railing against opponents and perhaps leading from the front in matters of violence.

These potential sources of ecclesiastical violence were already being employed in the later Roman Empire.⁵⁶³ An entry in the Theodosian Code, dating to 398, insisted that clerics, monks and *synoditae* (companions, fellow travellers) must not rescue, by force or usurpation, criminals who had been sentenced and were due punishment.⁵⁶⁴ The rescue or release of prisoners is a common theme in descriptions of saintly behaviour in Late Antiquity.⁵⁶⁵ Violence is not typical in these descriptions, but this legislation suggests that force or intimidation might have been a significant factor. Moreover, the release of prisoners may have been influential in creating support for churchmen.

⁵⁶¹ Allen Jones, p. 233.

⁵⁶² Allen Jones, pp. 226-233.

⁵⁶³ Perhaps the most prolonged, severe and significant use of violent retainers by the Church was in the sectarian conflicts between the rival Nicene and Donatist Churches in North Africa throughout much of the fourth and the early fifth century. However, for reasons described in the Introduction, iii, the Donatists and their notorious *circumcelliones* cannot be discussed in detail. For thorough investigation of this sectarian violence, which involved a deal of lower-class violence, see Shaw, *Sacred Violence: African Christians and sectarian hatred in the age of Augustine*.

⁵⁶⁴ CTh 9. 40. 16. For *synoditae*, see C. Pharr, T. S. Davidson and M. B. Pharr, p. 257, n. 27.

⁵⁶⁵ Allen Jones, pp. 194-209.

Dramatic, even violent displays of clemency towards the condemned was surely a useful tactic employed by holy men to cement bonds with the local population which might in future be exploited to elicit popular support.⁵⁶⁶ The lesser clergy and registered poor were surely influenced the assertive holiness of their hierarchical betters, but they were also directly beholden to the Church. Their livelihoods relied on income (through wages or alms) directly distributed down the ecclesiastical hierarchy, and of course service to the Church exempted them from secular service. Not only were they safe from conscription or service in post-Roman levies, but in the late Empire the lesser orders such as the *ostiarium* (doorkeepers), and apparently even non-clerical church guardians, were exempted from compulsory public service.⁵⁶⁷

The services which were expected from lesser clerics and *matricularii* could range from the dramatic to the everyday. The most typical tasks that might involve violence were quotidian duties involving custodial work and door-keeping. Churches often contained treasure in the form of valuables and relics and there seems to have been a fairly considerable risk of theft and consequently *custodes* and *ostiarium* were required to keep impure persons from profaning the Church. Presumably this involved them providing a visible deterrent, as well as some patrolling and observation, but when called upon these ecclesiastical ‘heavies’ performed duties as diverse as the killing of birds that disturbed services; to the timely slamming of Church doors so that a Duke was separated from his armed retinue and therefore in a weaker negotiating position.⁵⁶⁸ These were among the tasks lesser clerics and *matricularii* were expected to perform and therefore are depicted in a typically positive manner by our sources. Indeed, if the action was particularly

⁵⁶⁶ Although on occasion it seems that excessive clemency could alienate the populace; *LH*, 6. 8.

⁵⁶⁷ *CTh* 16. 2. 24; 26.

⁵⁶⁸ For the killing of birds *LH*, 4. 31; for slamming the doors on the Duke, *LH*, 6. 11. See Allen Jones, pp. 235-6 for a description of these events and a thorough investigation of the roles of the lesser clerical orders. The custodians of the church at Trier were less successful in trying to deflect the attentions of a mob intent on lynching a despised tax collector. They were brushed aside and the mob stoned their victim to death. *LH*, 3. 36.

righteous it might even be described as miraculous. For example, when a sinful man reached into a tomb at the basilica of Saint Agricola and Vitalis in Bologna to snatch a relic, he was miraculously and severely crushed by the lid of the sarcophagus.⁵⁶⁹ Allen Jones supposes that the *fossores* who were guarding the Church might have given the miracle a helping hand.⁵⁷⁰

However, the violent duties that lower-class persons performed on behalf of the Church were not always so mundane. For example, Gregory records a number of occasions where lesser clerics were hired as assassins. The archdeacon and a faction within the clergy at Lisieux were hostile to their Bishop Aetherius, and so they appealed to a lesser cleric to kill him with an axe in return for a reward. The axeman shadowed Aetherius for some time before he broke down and revealed the plot. Intrigues continued between the factions but it seems that Aetherius had been more diligently canvassing lay supporters in the city, because even after he fled the town under accusation of fornication the townsfolk rose up and beat the archdeacon and a fellow conspirator.⁵⁷¹ Similarly, an *ostiarius* at the Church of St. Vincent in Paris was accused of taking a bribe to murder King Guntram and – interestingly – the accusation came from a fellow doorkeeper.⁵⁷² These comparable incidents demonstrate that the lesser clergy not only had a potentially violent role to play, but that they were sufficiently associated with violence to serve as assassins.⁵⁷³ Moreover, this ultra-violent task was apparently not just limited to in-house factionalism within particular ecclesiastical hierarchies, but even extended to high-profile political murder. Gregory, who describes these salacious details of clerical

⁵⁶⁹ Gregory of Tours, *Glory of the Martyrs*, 43; *Miracula et opera minora*, ed. by B. Krusch, MGH SRM, 1.2 (Hanover: Impenis Bibliopolii Hahniani, 1885). *Glory of the Martyrs*, trans. by Raymond Van Dam (Liverpool: Liverpool University Press, 2004).

⁵⁷⁰ Allen Jones, p. 234.

⁵⁷¹ *LH*, 6. 36.

⁵⁷² *LH*, 8. 10.

⁵⁷³ The plotting and participation in murder at close quarters in the manner would have taken an unusual proficiency in violence, see Collins, pp. 430-440, and it is perhaps unsurprising that neither enterprise succeeded. Nevertheless, it is still worth stressing that clergymen were considered eligible for tasks of such inherent and intense violence.

misdeeds is unsurprisingly critical of the clergymen who took on such immoral and extremely violent occupations.

We have already encountered an even more extraordinary account of lower-class espionage and assassination, though this time described by Gregory in favourable terms. As we have seen, in around the year 590 the Bishop of Le Puy was faced with a veritable siege by the Pseudo-Christ of Bourges and his force of credulous priests and rustics.⁵⁷⁴ This was formidable opposition; Gregory describes the scene in martial language and numbers the followers of the Pseudo-Christ in the thousands.⁵⁷⁵ The unflappable Bishop, despite being faced with such numerous and hostile opposition, nevertheless relied on his retinue of potentially violent supporters. He sent out a number of *viri strenui* (strong men), under the guise of deserters, to get close to the Pseudo-Christ and, when they had done so, they drew their swords and cut him down. The millenarian horde, now deprived of its charismatic leader by the ecclesiastical hit-squad, swiftly dispersed and the Bishop retained his security. Moreover, this account and the previous examples of lesser clerics as assassins testify to their potential proficiency as violent operators. These men were far from 'military', but some of them seem to have had a competence that suggests they were not amateurs either.

In fact, there is evidence to show that the lesser clergy and sympathetic paupers were prepared to oppose secular authorities with more traditional and legitimate violent power. For example, in the aftermath of Guntram's campaign against the usurper Gundovald the King declared that those who had not supplied troops to the levy would be subject to a fine in compensation. Ullo, the Count of Bourges, who had been one of the leaders of the campaign, attempted to impose this fine on a house of St. Martin within his territory. They had refused to provide men, so Ullo sent representatives to enforce

⁵⁷⁴ *LH*, 10. 25.

⁵⁷⁵ Allen Jones, pp. 238-9.

the royal decree. These representatives were met by the *agens* (steward) of the house, who argued that it was not proper for a religious house to provide soldiers and refused to pay the fine. The leader of Ullo's representatives entered the courtyard of the house to forcefully seize the payment, where he apparently collapsed in great pain, pleaded with the *agens* and his men for his well-being and was promptly thrown out the door. The rest of the Count's representatives gathered up their stricken leader and left.⁵⁷⁶ Gregory attributes this violence to the miraculous intervention of St. Martin but it seems more likely that the *agens* and his *ostiarii* were responsible, especially since the house clearly included individuals who were deemed capable of military service.

A more aggressive example of resistance to secular authorities is found in a Novel of Valentinian III, given at Rome in 447, which records that certain clergymen had been prospecting after relics while girded with swords.⁵⁷⁷ These armaments were presumably a precaution against the dismayed relatives who attempted to defend the resting places of their kin in the manner that Sidonius rescued the tomb of his grandfather.⁵⁷⁸ The guilty clerics were to be harshly treated; they were stripped of their privileged ecclesiastical status, proscribed and exiled. But it seems that these violent clergymen might not accept their punishment, since the novel acknowledged the possibility of violent, rebellious resistance to justice.⁵⁷⁹ The possibility of resistance in such cases underlines both the violent potential of lower-class associates of the Church and the strength of the structures that tied them together, even in the face of reprisal by secular authorities with legitimate martial and judicial power.

Finally, it is worth stressing that this violent action on behalf of the Church could manifest on a considerable scale. The custodial duties, assassinations and instances of

⁵⁷⁶ *LH*, 7. 42.

⁵⁷⁷ *N.Val* 23.

⁵⁷⁸ Sidonius Apollinaris, *Letters*, 3. 12 and above, pp. 211-12.

⁵⁷⁹ *N.Val* 23.6.

resistance to secular authority described above generally seem to detail relatively small violent encounters, even if their political or social significance was more sizeable. However, a striking example of lower-class ecclesiastical violence on a larger scale, provided by Gregory, seems to meld the scale of the popular riots with the violent intensity of the duties performed by personnel who were more directly associated to the Church. In 585 King Guntram had sent a certain Claudius with orders to capture or kill Eberulf, who had been accused of assassinating King Chilperic, and who had subsequently taken refuge at the church of Saint Martin in Tours. Claudius gathered a force of three hundred men from the city of Châteaudun and travelled to Tours, where he swore by the relics of Martin that he meant to support Eberulf in his case. Eberulf accepted this, and they adjourned to drink together in the Church vestibule where he had been lodged. Having separated him from his retinue, Claudius and some of his men killed Eberulf, but even as they did so Eberulf managed to knife Claudius in the armpit. As Claudius staggered away Eberulf's men realised the treachery and smashed the glass in the windows so that they could transfix him with spears. Meanwhile Claudius' men opened the doors so that the rest of his men could enter the melee. It is worth stressing that this was an encounter of extreme violence – Gregory describes the severing of thumbs and the scattering of brains in gory detail – between the armed, military retinues of two secular aristocrats. The violence was such that even the Abbot – who seems to have been in charge whilst Gregory was absent from the city – was severely injured. As a result of this violence, a group of *matricularii* – those registered poor of the church who were entitled to alms – as well as other *pauperes*, armed themselves with sticks and stones and rushed to avenge the insult. The soldiers within the church were overwhelmed and beaten to death. This was a significant overturning of the odds. The retinues of Claudius and Eberulf might have already mauled one another or fled and it seems improbable that all three hundred of Claudius' men were present. Nevertheless,

it must have taken a potent mix of economic incentives, loyalty and outrage over the desecration of their holy place to drive men armed with impromptu weapons into battle with genuinely martial opposition. Furthermore, immediate opposition was not the only disincentive; Claudius was sent directly by Guntram and Gregory notes that the King was furious when he heard how events transpired. The perpetrators themselves clearly suspected reprisals were possible since they fled swiftly into the night.⁵⁸⁰

This slaughter in the church of Saint Martin demonstrates that the Church not only had its own connections with lower-class persons who might perform violent roles, but that these persons could even go toe-to-toe with experienced soldiers if the circumstances all aligned. However, it seems that this event was something of an exception. Gregory was very familiar with the potentially violent role of lesser clergy and *matricularii* and was often complimentary about it. Furthermore, he probably knew many of the individuals who violently avenged the desecration of the church personally – after all, it was his church. Yet although Gregory remarks that ‘the vengeance of the God was not slow to fall on those who defiled His holy house’, so he presumably believed that the slaughter of Claudius and Eberulf and their men was just, he was nevertheless horrified by the atrocity.⁵⁸¹ Those who took part in the slaughter are described as ‘wretched’ and ‘possessed by the devil’, so it would seem that Gregory disapproved of the actions of these *matricularii*, even if he took pleasure from the fate of their victims and sympathised with their motives.⁵⁸²

⁵⁸⁰ *LH*, 7. 29.

⁵⁸¹ *LH*, 7. 29, p. 412.

⁵⁸² *inergumini ac diversi egeni*; *LH*, 7. 29, p. 412. *Libri Historiarum X*, ed. by B. Krusch and W. Levison, MGH SRM, 1 (Hanover: Impenis Bibliopolii Hahniani, 1951).

4.5. Interim Conclusion: Legitimated violence, social mobility and agency.

Legitimacy of violence by supposedly non-violent persons has always been problematic. While we might be unsurprised that Ammianus – a good aristocratic pagan – disapproved of the mob violence associated with contested papal elections, it might be more surprising that Gregory had such a conflicted attitude toward righteous violence performed in the defence of his own Church. Sometimes, as in Gregory's case, it seems that the sheer scale of violence might be the reason for commentators to hesitatingly ascribe legitimacy; certainly Gregory had no qualms about the killing of Chuppa's *pueri* or the soldiers from Orleans/Blois who demanded a drink from the local man in Touraine. Of course, these episodes of violence did not occur within the Church, but the violent attacks on relic-hunters and military recruiters did, and these too Gregory perceived as uncomplicatedly just.

We cannot establish such a detailed personal perception of violence for any other author, but the impression is that – even during the Roman Empire – perceptions of lower-class violence were always coloured by moral judgments. The corpus of late Roman law gives us an insight into the patterns of retaining and the apparent growth of the employment of supposedly non-violent lower-class persons in violent ways. Yet despite its relatively dispassionate tone, it is apparent that jurists were more concerned with the harbouring of '*latrones*' than the use of normal armed field-guards or attendants. This is also reflected in the literary sources. Justified self-defence or violent service in the name of an aristocratic person who had a socially acceptable violent role was always likely to be perceived as legitimate, whether it was performed by slaves on Columella's villa or the retainers of Ecdidius who broke through the Gothic siege lines.

However, when lower-class retainers were employed for immoral reasons, it was subject to more criticism; Gregory and Salvian were quick to condemn the actions of Chuppa

and grasping aristocrats guilty of predatory *patrocinium*. Likewise, the use of armed retainers by de-legitimated or non-violent persons was bound to cause opprobrium. Political agency, social status and gender were significant factors in determining who had the right to use retainers and who did not. Although the examples of violence described in this chapter were performed by lower-class persons whose social role did not include violence per se, they still operated within legitimate society. As such their legitimacy as violent actors was often intrinsically linked to the violent legitimacy of their masters from higher up the social hierarchy. For Gregory, it was not problematic that Chuppa or Eberulf had armed bands except when they used them for evil, but Clothild – as a woman and a nun – was never likely to be perceived as legitimately violent. With this in mind, it might be surprising that the Church was such a significant utiliser of lower-class men of violence, but the evidence suggests that – in parallel with the secular social hierarchy – the Church had a need for strongmen. Legitimacy remained problematic, and excessive violence by belligerent churchmen or by *matricularii* was always likely to be criticised even within Church structures, yet the basic violent function of lesser clergymen, attached poor or sympathetic mobs seems to have been thought no less problematic than the everyday violence performed by lower-class individuals in secular society.

After all, whether in the service of secular and ecclesiastical *honestiores*, the typical roles for retainers/*virii strenui* was fairly humble. Both had treasures to guard, doors to keep and relations of power to enforce. Western aristocrats in the unsettled context of the late fourth and fifth centuries were clearly able to accumulate more legal rights to perform private violence and it seems that this led to a specialisation of violent roles. Presumably, on a regional or individual basis, the armed slaves and guard dogs that had always existed in the Empire, regardless of their legality, were gradually augmented by ‘full-time’ bodyguards and retainers like the *bucellarii* and *pueri* we have encountered.

But, as the secular aristocrats seem to have gradually aggregated more violent specialists in Late Antiquity, it seems that the Church might have had similar preoccupations with bolstering its violent power. It is hard – since we lack equivalent evidence – to track a clear chronological progression, especially since the violent roles of ecclesiastical retainers never became explicit or institutionalised. But however it came about, we must recognise that the Church had significant access to violent personnel. Moreover, though these were typically ordinary members of the public who could be called upon in crisis, or attached ‘amateurs’ like the lesser clergy, some of them seem to have reached a significant competence in violence.

As ever in the study of the lower classes in Late Antiquity, it is difficult to understand the impact that developments in relationships of power between powerful individuals and institutions and their retainers had on the poorer people themselves. This particular chapter is no exception. It has been characteristically difficult to discern exactly what the fine detail of the social networks of violence meant for the lower-class persons who performed their bloody occupations. Individual case studies typically lack the necessary detail, while any generalised conclusions must be tentative at best. Contemporary depictions of persons or actions as ‘legitimate’ or otherwise can provide insight, but rarely do they detail about the actual practice of retaining. Nevertheless, it is worth stressing some simple and (fairly) uncontentious observations which can hopefully be gleaned from this discussion.

Firstly; the violence in late antique society was often performed by persons whose social role was not explicitly violent. Soldiers, judicial officials and other professionals certainly existed, but many people had reasons to want access to violent men. This demand for private violence was widespread; the desire might have been for protection, to defend political boundaries, to implement rebellion or to terrorize a neighbour or

social inferior. It is certain that even people of humilial status used their own social relationships to obtain violent assistance from friends, kin or dependents, but the evidence is scarce. We have more comprehensive information about the honestiorial employment of *humiliores* for violent functions and these apparently range from the everyday to the extraordinary.

Secondly; the lower-class people that performed these violent tasks *might* have had agency. This was not always or necessarily the case; often they might have been under orders, or faced with simple self-preservation. But involuntary violent service was perhaps less typical. Slaves or dependents must have volunteered to perform violence in some cases, and perhaps demonstrated a proficiency or enthusiasm that suited them to similar tasks in future. From the particularly large slave of Apuleius' grasping landowner, to the *virī strenuī* hitmen of the Bishop of Le Puy we can see glimpses of people who specialised in this unofficial violence. Furthermore, in cases like the attack on Eberulf and Claudius by the Tours' *matricularii* we can see violence that seems to be purely voluntary. These people were not forced into violence unwillingly but sought to gain from it.

Which brings us to the final point, that; the lower-class people that performed these violent tasks might have been rewarded. Building on the assertion of a degree of lower-class violent agency, we can discern evidence of an exchange of reward for services. This probably did not always take place, but the dangers of violent engagement do seem to have been appreciated by the beneficiaries of it. Rewards might have been a simple economic exchange, but a range of preferential treatments or options for social mobility (such as manumission) also seem to have existed, as in the case of Munderic who seems to have promised his rustic followers social reward in return for violent support. The Church, perhaps because of its rhetorical non-violence, seems to have been particularly

innovative in creating social bonds with men of (potential) violence. The lesser clergy and attached poor were institutionalised, whilst the urban poor were mollified with a potent mix of alms and spirituality which could, in times of strife, ensure violent support.

These observations perhaps do not seem radical. Nor should they; as we have seen there is a deal of evidence for the violent employment of lower-class persons in the late antique West and from it we are able to glimpse some fragments of the social interactions which governed these relationships of violence. Nevertheless, studies of violence in antiquity rarely pay attention to violence outside the grand political scale. When social violence is acknowledged the actual processes governing it are rarely problematized. As we have seen, *patrocinium* is a great case study for this neglect. Much worthwhile discussion has taken place about the scale of predatory *patrocinium* and its effect on wealth inequality and patterns of land ownership. These are vital issues, with possible significance for the 'End of the Roman Empire'. Nevertheless, it is worth thinking about what the issue meant for society at the immediate micro-level. Two landowning individuals stood to be enriched or impoverished by a case of predatory *patrocinium*, but the process itself likely entailed violent employment by a plethora of irregular men of violence (on both sides). They faced injury or death for participation in the conflict, but perhaps they volunteered or were encouraged to take part out of loyalty or the prospect of economic or social reward.

Chapter Five

5. Riots: Community, Transgression and lower-class urban violence in Late Antiquity.

Rioting is an inherently visible action. An essential aspect of the riot is the performance of collective action in a public space; the crowd – the embodiment of popular opinion – openly demonstrates its opposition to a rival individual, group, policy or event.⁵⁸³ The principle of strength in numbers is crucial in a well-executed riot. There have to be sufficient people to demonstrate sizable public support, to present a potentially violent countenance and to provide the demonstrators with security against arrest or retribution. Equally significant is the location of the riot. It must occur either as a spontaneous reaction to a transgression and therefore as a clear reaction to it, or in a public space where the voice of the crowd is more difficult for opposition or authorities to ignore.

The necessity of numbers of people (from tens to thousands) and public space typically requires that the action occur in an urban environment. Late Antiquity is no different in this regard but, as is often the case, the study of rioting in this period is somewhat limited by the sources available. Where historians of the eighteenth century can make detailed enquiries into the histories of collective action on a micro-scale,⁵⁸⁴ classicists and medievalists are drawn, almost inexorably, toward major riots in major cities that formed the political and cultural heart of the Roman Empire and its successor states. Events in such locations could have a significant impact on the policy of the state or the Church and consequently they attracted greater attention from contemporary commentators.

⁵⁸³ It must be noted that the crowd, though it certainly embodies popular opinion, does not necessarily represent an overall, or majority opinion.

⁵⁸⁴ For example, see the fascinating study on the town of Bathmen, with a population of around 400, in the rural eastern Netherlands by Wayne Te Brake, 'Revolution and the Rural Community in the Eastern Netherlands' in *Class Conflict and Collective Action*, eds. Tilly and Tilly (Beverly Hills: Sage Publications, 1981), pp. 53-72.

However, this understandable historical bias toward big cities, especially provincial capitals, should not deceive us into believing that riots were exclusive to such illustrious settings. Small-scale riots, or analogous events of collective action or violence, certainly took place in provincial backwaters with populations that numbered only hundreds or less. Local events like these have left comparatively little evidence, but they should not be ignored as a consequence. Riots on any scale were a form of action, a demonstration of agency and an engagement in adversarial discourse by the common people, taken in defence of, or to (re)establish, the rights, morals or norms that were hugely significant to the participants. Because of this riots potentially afford us some significant insight into the preoccupations of the mass of people in antiquity whose voices are ordinarily inarticulate.⁵⁸⁵ Nevertheless, we remain at the mercy of the interests and prejudices of historical sources in the late antique West. Many authors offer frustratingly little detail about the causes of riots (when they describe them at all!) and there is even less specific description of the types of people who took to the streets, *en masse*, to give voice to their grievances. All too often their needs and desires, which risked punishment, injury or even death to the individual rioter, went unnoticed or were otherwise ignored in the construction of historical narratives by commentators who were typically pejorative, hostile or at best paternalistic.

Yet despite this considerable hindrance, authors in antiquity did pay more attention to riots than other forms of lower-class violence. The visibility of riots was the crucial issue. They occurred in public spaces in order to make the grievances of the crowd noticeable. Whilst the personal or collective motivations of peasants in rebellion, or of brigands who rejected *romanitas*, could be ignored by the Roman elite, a mass of people in tumult in the town square was less easy to ignore. Moreover, the interests of the elites

⁵⁸⁵ Charles Tilly, 'Introduction' in *Class Conflict and Collective Action*, eds. Tilly and Tilly (Beverly Hills: Sage Publications, 1981), pp. 13-26.

who wrote down the sources of Late Antiquity and the rioters themselves were often either in accord or in direct opposition, which meant that they might attract the attention of literate classes. City prefects felt it necessary to respond to food riots conducted in direct criticism of their administration, whilst bishops perhaps felt obliged to explain the behaviour of their congregations, or deride the madness of heretical demonstrations. Of course, this relative interest must have made riots a prime vehicle for narrative propaganda, so authorial interest is as relevant as ever in the study of this topic. This is certainly a reason for caution, but these biases – where they can be identified – can themselves offer some insight into the discourses and hot topics of the day.

5.1. Who Rioted?

As we have mentioned, riots took place in an exclusively urban context. However, the label ‘urban’ should not be taken to imply that riots were limited to the streets of Rome or the hippodrome in Constantinople. They might equally occur in the muddy alleyways of provincial Gallic towns or on the doorsteps of Merovingian churches. Yet whatever the scale of the settlement, the urban context must necessarily have determined the composition of riotous gatherings. Peasants or carters from the rural hinterlands, traders from out of town or pilgrims to a holy place may have become involved in riots if they got caught up in the excitement or sympathised with the mission of the crowd. But even if a few outsiders were involved, the majority of the rioters were presumably residents of the settlement in which the riot took place. At least in larger towns and cities they were probably not employed on villas or grand estates, although independent farmers and vegetable croppers may well have existed on the urban fringe of cities. Instead, most rioters must have been employed in more typically urban occupations; in craft skills, manufacture, commerce, transport or service industries. If pejorative sources are to be

believed, the ‘indolent’ poor in receipt of state provisions were particular troublemakers, but we can be fairly sure that most rioters were urban dwellers.

This assertion, although it can be made with relative confidence, must remain marginally speculative. We can rarely see with greater certainty that a particular class or category of people was involved in a specific disturbance. Authors typically limit descriptions of rioters and crowds to unclear designations like *clamor*, *turba*, *multitudo*, *plebs* or *seditio*. Because the accounts are typically hostile to outbreaks of popular violence – even when they sympathised with the grievances of the crowd – we should understand this terminology as part of a power discourse. Pejorative language, whether it was used consciously or not, denigrated the rioters, belittled their concerns and mocked their raucous, uncivilised attempts to influence the actions of policies of their social superiors.⁵⁸⁶

Augustine’s description of a ‘positive’ riot in his own diocese attests to the hostility of the language of rioting. The arrival of the fabulously wealthy Pinianus and Melania the Younger had caused quite a stir in early fifth-century North Africa. Immediately after disembarking in 411 they began to sell their properties and distribute their wealth in the spirit of fervent Christian asceticism. The potential impact of this charity was enormous. Peter Brown calculates that a modest member of the *curial* class could have a revenue of some 50 *solidi* per year, the estates of the church of Hippo perhaps 1,000, whilst Pinianus perhaps gained some 120,000.⁵⁸⁷ More pertinently, much of this charitably donated wealth was to be used in ways that benefitted poor people and the Christian community, such as the manumission of slaves, the liberating of prisoners and the foundation of monasteries.⁵⁸⁸ The celebrity couple stayed a while at Thagaste –

⁵⁸⁶ Arnaldo Marcone, p. 358.

⁵⁸⁷ Peter Brown, *Through the Eye of a Needle*, p. 325.

⁵⁸⁸ Gerontius, *Vita Graeca*, 20-22, trans, Elizabeth A. Clark, *The Life of Melania the Younger*, (New York: Edwin Mellen, 1984), pp. 43-4.

apparently a poor town much in need of financial aid – before touring the coast in the company of Thagaste’s bishop, Alypius. When they arrived in Hippo they were met with great acclaim, but the atmosphere became more precarious once they were cramming inside the church with the raucous congregation. In the confined space, perhaps only 120x60ft, the people began a frightening and persistent roar and demanded that Pinianus become a clergyman of Hippo. Alypius, as a representative of the rival city of Thagaste, did not dare step down from the raised floor of the apse for fear of violence.⁵⁸⁹

Now Augustine, meaning to defend his congregation, claimed that their behaviour was resultant from an appreciation of Pinianus’ piety and not a desire to ‘retain among them a man of wealth who was known to despise money and to give it away freely’.⁵⁹⁰ Whether we accept his protestations or not, we can see that he Augustine nevertheless employs the traditional pejorative descriptions of the crowd as roaring and horror-inducing. If even the most positive depictions of riotous actions were still constructed from the pejorative terminology of the discourse of rioting, then we must acknowledge the problematic nature of these topoi. Indeed, all that we can do is understand the terms of riot as intended to depict the mob as very much lower class in the negative elite-Roman consideration of their social inferiors; these were the inheritors of the seditious plebs of the Roman Republic recast in the discourse of the Empire.

Despite the difficulties in the language of riots (none of the terminology is dispassionate or scientific), there are additional details added by some authors that offer valuable insight about the participants in particular riots. It is worth looking into this evidence because it might prove instructive about the more general characteristics of riots in Late Antiquity, as well as the specifics. Sometimes details about the participants can be

⁵⁸⁹ *Horrendo et perseverantissimo clamoris fremitus*. Augustine, *Letter* 126.1, Serge Lancel, *Saint Augustine*, trans. Antonia Nevill, ((London: SCM Press, 2002), pp. 240-44 and Peter Brown, *Through the Eye of a Needle*, p. 324.

⁵⁹⁰ Augustine *Letter* 125. 2 and Peter Brown, *Through the Eye of a Needle*, p. 324.

inferred from context. This is most obvious in the event of religious disturbances. When rival congregations in schism rioted in confrontation, or when a Christian community rioted against the presence of heretics, Jews or pagans among them, then we can, of course, be confident that the rioters had their faith in common.

In other cases, more specific details are recorded in the source material. As mentioned briefly before, the poor – often the indolent poor in particular – were implicated as the prime movers behind riots. The Theodosian Code provides indirect evidence for the belief that those who received provisions from the state were liable to cause trouble; in 382 a law of Gratian and Valentinian II demanded that the prefect of Rome investigate the circumstances of mendicants in the city. Informants were encouraged to notify authorities if they believed beggars, or those not otherwise employed, were actually able-bodied. If they were found to guilty of indolence, they were denied their freedom and became the perpetual *colonus* of the informant who exposed them.⁵⁹¹ In the context of recent rioting in the capital, it seems likely that this ruthless policy was intended to remove socially maladjusted elements from a hotspot of unrest.⁵⁹² Mendicants were typically in receipt of, or were indirectly reliant upon, food provisions distributed in the major cities in the Empire as a form of state largess.⁵⁹³ However, shortages in supply as

⁵⁹¹ CTh 14. 18. 1. For connection to urban unrest, see Arnaldo Marcone, p. 359.

⁵⁹² Riots occurred in the city of Rome fairly regularly. A non-exhaustive list of known riots in that city should serve to demonstrate that regularity: 342, 357, 366, 381, 419 and 431. See below for further details on some of these events.

⁵⁹³ There is some question in scholarly circles over the identity of recipients of state-provided bread and pork. Peter Brown, *Poverty and Leadership in the Later Roman Empire*, (Hanover: University Press of New England, 2002), pp. 4-6, in particular, has reminded us that many of those who received state largess were of higher status but who nevertheless possessed the *tesserae*, the tokens, which entitled them to identical state rations. Such persons were certainly wealthy enough that they did not rely on state welfare to survive. However, Brown still allows that many of those who received state largess were ‘undoubtedly poor’, and probably dependent on state-provisioned nutrition. Furthermore, it must be remembered that the provision of free grain and other goods, even to relatively well-to-do citizens, would have had a knock-on effect on the market price of those products. It seems reasonable to assume that, in most circumstances, the distribution of foodstuffs through state largess would have diluted the demand on commercial supplies, and therefore have directly or indirectly benefitted the poor of the city. Erdkamp, *The Grain Market in the Roman Empire: a Social, Political and Economic study*, (Cambridge: Cambridge University Press, 2005), p. 242-4. Additionally, this distribution must have had a significant impact on civic life throughout much of the Empire since even relatively minor towns received a

a result of crop failure or the manipulation of markets by profiteering distributors was a common cause of riot, both in Rome and other major cities.⁵⁹⁴ The famous *Misopogon* of Julian was written in response to resistance to his Julian's efforts to regulate the food supply in Antioch, whose people had been beset by troubles and had staged a major riot some years previously in 354 when the governor of Syria was blamed for shortages.⁵⁹⁵ In such circumstances we could suppose that mendicants, who were among the most economically vulnerable and were either directly or indirectly reliant on state-provided foodstuffs, were participant in disturbances that were motivated by economic shortages. But, in certain cases, we can also infer that they were active participants in riots that we might broadly categorise as 'religious' rather than 'economic'; after all, beggars were increasingly reliant on the charity of the church rather than state distribution or aristocratic euergetism. As we have seen the people of Hippo were willing to riot and threaten a bishop to retain the charitable potential of Pinianus. On a far larger scale, we can discern similar material motives in the riot over episcopal succession in Constantinople in 342. After the death of Bishop Eusebius, the Arians and Niceans supported rival candidates and the sedition was so great that it claimed the life of a *magister militum* when the crowd, apparently arrayed as if for war, overcame the soldiers and dragged their general through the streets.⁵⁹⁶ The response of Emperor Constantius II to the unrest is revealing; not only did he attempt to settle the succession affair, but he punished the citizens by denying them about half of the corn ration they had been entitled to under Constantine. This was a major imposition; in 332 there were 80,000 recipients of free bread in the city, and the population likely increased in the intervening decade.⁵⁹⁷

considerable civic *annona*, like Pozzuoli which was granted 100,000 *modii* per year. Peter Brown, *Poverty and Leadership*, p. 32.

⁵⁹⁴ Paul P. M. Erdkamp, 'A Starving Mob has no respect. Urban Markets and Food Riots in the Roman World. 100 B.C – A.D. 400', in *The Transformation of Economic Life under the Roman Empire*, ed. Lukas De Blois and John Rich, (Amsterdam: J. C. Geiben, 2002), pp. 93-115.

⁵⁹⁵ Ammianus Marcellinus, 22. 14. Arnaldo Marcone, p. 329.

⁵⁹⁶ Socrates Scholasticus, *Historia Ecclesiastica*, 2. 13, Sozomen, 3. 7.

⁵⁹⁷ Arnaldo Marcone, p. 328.

By targeting the recipients of state largess, he not only punished economically dependent rioters, but also the Church that was surely faced with a much increased burden of independent charity. For our purposes, it indicates quite clearly that the lower classes of large metropolitan cities, especially those who were reliant on state provisions, were an active and troublesome group in urban unrest.

As one might expect, these indications of the lower social and economic status of rioters are representative of imperial and provincial capitals. However, there is some evidence that the similar categories of people were generally the most active group in riotous activities regardless of the scale. We have already seen that the registered poor of Tours, the *matricularii* who received alms from the Church, were the most active defenders in the riot-like attack on the retinues of Claudius and Eberulf who desecrated the church in 585.⁵⁹⁸ Furthermore, slaves and ‘good-for-nothing, if freeborn, youths’ were specifically identified as the perpetrators of a rebellious uprising in Bazas during a siege by Visigothic forces during 417.⁵⁹⁹ These hints, considered alongside the evidence we have seen for major cities, can be seen as a tentative confirmation of the topos of mob violence in late antique elite discourse. Consequently we can be relatively confident that people of lower-class status were active participants in rioting during this period. Furthermore, the case of Bazas is particularly revealing about the perceptions of the upper classes. In that episode, Paulinus of Pella describes the major danger as coming not from the besieging barbarians, but from within the city where the slaves and freeborn youth, in their fury, ‘had taken up arms for the particular slaughter of the nobles’.⁶⁰⁰ This explicit reference to class conflict is perhaps an indication of the hostile and adversarial

⁵⁹⁸ *LH*, 7. 29, and above, pp. 229-31.

⁵⁹⁹ Paulinus of Pella, ‘Eucharisticus’, in *From Roman to Merovingian Gaul: A Reader*, pp. 167-168.

⁶⁰⁰ Paulinus of Pella, ‘Eucharisticus’, in *From Roman to Merovingian Gaul: A Reader*, pp. 167-168. *gravior multo circumfusa hostilitate factio servilis paucorum mixta furore insano iuvenum nequam licet ingenuorum, armata in caedem specialem nobilitatis*. ‘Eucharisticus’, in *Ausonius* Volume 2 (pp. 294-531), trans. by H. G. E. White (London: Heinemann, 1931).

disposition of the upper classes when they perceived urban unrest, and this perception surely goes some way toward explaining the pejorative topoi of rioting.

To complement this general depiction of riots as predominately composed of lower-class participants, there are occasional references to definite and more specific categories that were especially troublesome in particular riots. As we have seen, when matters of ecclesiastical policy were at stake or spiritual locations threatened, individuals within the church hierarchy, such as *matricularii* or the lesser clergy, were often active participants in violent unrest.⁶⁰¹ The riots in Rome over the disputed Papal succession in 366 provide good evidence for specifically violent categories of personnel. Factionalism had already existed in the capital for some years because Pope Liberius had been briefly replaced by the Emperor for failing to support his policy against the troublesome patriarch of Alexandria. Liberius spent some years in exile while Felix occupied the Papal throne, until he was reconciled to the Emperor and allowed to return and displace the ‘Anti-Pope’. Felix pre-deceased Liberius, but when the latter died the factions seem to have split once again, with the followers of Felix championing Ursinus in opposition to Damasus, who found support among the erstwhile adherents of Liberius. Violence broke out between the two groups, resulting in prolonged and fierce battles in the streets of Rome. A document in the *Collectio Avellana*, written by a partisan follower of Ursinus, claims that Damasus paid gladiators and perjurers to take over the Lateran Basilica and detain rival priests. The populace sheltered the priests and moved them to the basilica of Liberius, which was occupied by the followers of Ursinus. Damasus then called up charioteers, gladiators, gravediggers and his clergy, armed with axes, swords and clubs, to besiege the basilica. They broke open the doors and roof, and rained tiles

⁶⁰¹ For more on the involvement of churchmen in violence, see above, pp. 224-28.

down on the occupants before rushing in and killing 160 people and wounding many more. Apparently no member of the Damasus faction was killed.⁶⁰²

This description of riot, in which the followers of Ursinus are supported by the general population, are never explicitly violent and are martyred by the mercenary adherents of the Damasus, is perhaps troublesome because of its bias. The lack of confrontation by the Ursinus faction and the scale of the atrocities committed by Damasus would seem liable for misrepresentation as propaganda. However, we are fortunate that we have an alternative and comparatively dispassionate account of the riots provided by the pagan Ammianus. His description confirms that the riots were ferocious, lasted several days, caused the well-meaning prefect of Rome to flee the capital and even confirms the massacre in the basilica of Liberius, even though he provides the figure of 137 dead.⁶⁰³ This suggests that the account according to the letter of the *Collectio Avellana* can broadly be believed, although the Ursinus faction probably provided sterner opposition than suggested by the *Collectio Avellana* since the riots lasted days and caused severe disruption in the city. However, the scale of the violence in the Basilica of Liberius perhaps indicates that violent specialists – like charioteers and gladiators – did form the violent core of the Damasus faction in confrontations. These classes of people had a notoriously violent reputation but, as we have seen, gravediggers and clergymen also often performed violent roles in Late Antiquity.⁶⁰⁴

Supporters with such proficiency in violence could make a significant difference in riotous engagements. According to the micro-sociological approach of Randall Collins, the actual performance of violence is irregular, inefficient and unglamorous. Violence

⁶⁰² O. Guenther: *Epistolae Imperatorum Pontificum Aliorum Inde ab a. CCCLXVII usque DLIII datae Avellana Quae Dicitur Collectio*, CSEL vol. 35, (Prague, Vienna, and Leipzig 1895), pp. 1-4. Document 1 in the *Collectio* which describes the violence between Damasus and Ursinus is translated by Aaron J. West at <<http://www.fourthcentury.com/the-collectio-avellana/>> Accessed July 2016.

⁶⁰³ Ammianus, 27. 3.

⁶⁰⁴ See above, pp. 224-28.

between rioters rarely takes the form of dense phalanx-like masses of people in organised confrontation. Rather the rioters and their opponents (whether they be other rioters, police or the army) are typically separated by 50-150 yards, and the space in between is largely reserved for a minority – usually only 1-5% of participants – of radicals, enthusiasts or specialists who typically fight disorganised running battles whilst feeding off the larger crowds for emotional support and refuge. Only when the violent specialists of one side have established dominance and victory in this crucial confrontation does the greater mass of the crowd engage. This does not necessarily occur, but is more probable if the victory of the violent specialists forces the opposition into flight. Once panicked, the once cohesive unit offers minimal resistance. Victims of the confrontation or of the crush of fleeing people are often left to the victors who are themselves stricken with what is described by Collins as *forward-panic*, a surge of released tension and violent excitement that often results in the atrocities that follow riots.⁶⁰⁵

With this sociological insight, we can perhaps postulate that the a surplus of violent specialists among the followers of Damasus, as claimed by the *Collectio Avellana*, allowed them to gain the upper hand in open confrontation. The followers of Ursinus then perhaps fled to the friendly basilica of Liberius in desire of refuge, but where the crush of people in flight and the attacks by jubilant pursuers – themselves in *forward-panic* – caused the aforementioned massacre. Moreover, this insight allows us to offer a more instructive analysis of the influence of specific groups within riots in Late Antiquity. The appearance of named categories as specifically violent can perhaps allow us to speculate that they formed the violent frontline in riotous encounters, as the charioteers, gladiators and clergy did in this instance.

⁶⁰⁵ Randall Collins, *Violence: A Micro-Sociological Study*, (Princeton: Princeton University Press, 2008), pp. 115-132.

It is perhaps because of a proliferation of violent specialists that another often identified category of rioters often seems to coincide with the most deadly riots. This category is, of course, the notorious chariot-racing factions; the partisans of the Blues and the Greens.⁶⁰⁶ Discussion of these gangs of supporters will not feature prominently in this study, largely because the most infamous riots of the chariot-factions occurred in the Greek speaking East. The most famous disturbance, the Nika Riot, apparently claimed the lives of more than 30,000 people who were trapped within the Hippodrome in Constantinople in 532 and massacred by the soldiers of Justinian.⁶⁰⁷ Riot on this scale could have a profound and immediate effect on the Empire and imperial policy. It is therefore unsurprising that ‘sports riots’, like the Nika Riot, have been subject to far more study than other forms of urban unrest.⁶⁰⁸

Nevertheless, it is worth stressing that chariot-racing fans were mentioned in connection to many accounts of riotous behaviour and even, in the case of the riots over the succession of Damasus and Ursinus in 366, in riotous events that did not directly involve racing. Racing fans had a fearsome reputation. Procopius, for example, relates that the hard core of partisan fans wore clothes and hair in outlandish styles that mimicked Hunnic warriors so as to make their countenance more terrifying.⁶⁰⁹ Given this reputation for violence it seems plausible that partisan fans, and the charioteers

⁶⁰⁶ ‘Faction’ is not an unproblematic term in this context, but it will be retained here with the modern English meaning, rather than with specific reference to terminology used in the ancient world. For a thorough discussion of the problems of the term, and for the partisans of the Blues and Greens in general, see Alan Cameron, *Circus Factions: Blues and Greens at Rome and Byzantium*, (Oxford: Clarendon Press, 1976).

⁶⁰⁷ Procopius, *History of the Wars*, 1. 24, trans. H.B. Dewing (New York: Macmillan, 1914), pp. 219-230. Geoffrey Greatrex, ‘The Nika Riot: A Reappraisal’, *The Journal of Hellenic Studies*, Vol. 117 (1997), pp. 60-86.

⁶⁰⁸ Some of this has been somewhat indirect, through attention given to the traits and institutions of chariot-racing and support, but the Nika riot especially has received attention in its own right. See, for example, Geoffrey Greatrex, ‘The Nika Riot: A Reappraisal’, pp. 60-86.

⁶⁰⁹ ‘First the rebels [the Blues] revolutionized the style of wearing their hair. For they had it cut differently from the rest of the Romans: not molesting the mustache or beard, which they allowed to keep on growing as long as it would, as the Persians do, but clipping the hair short on the front of the head down to the temples, and letting it hang down in great length and disorder in the back, as the Massageti do. This weird combination they called the Hun haircut. Procopius, *Anecdota*, 7. 8, trans. in Procopius: *Secret History*, trans. Richard Atwater, (New York: Covici Friede, 1927).

themselves, might have formed the violent core in disturbances like the riot in Thessalonica that so enraged Emperor Theodosius in 390. Prior to the riot a successful charioteer in the city seems to have made advances toward Botheric, the *magister militum per Illyricum*, at a drunken party. Botheric imprisoned the charioteer but when he refused to release him on race day the people of the city rioted and slew many of the garrison, including Botheric himself.⁶¹⁰ In this case we are not specifically informed about the actions of racing fans or fellow charioteers in the disturbance, but it seems probable that they featured heavily. Perhaps violent specialists such as these were a common sight in late Roman riots; men intentionally courted or perhaps even hired, as the *Collectio Avellana* claims, by seditious factions to offer a spine of violent expertise to more popular disturbances.

As previously stressed, the terminology of riots in antiquity can be problematic. However, based on these comparisons and analysis, we can derive a generalised image of the kinds of people that seem to have rioted in Late Antiquity. Ancient descriptions of riots are limited to a restrictive and pejorative discourse, but there does seem to be some consistency in reflecting a general trend: rioters were typically from among the *humiliores*. The urban poor in general seem to have caused their more illustrious fellow citizens some concern. There is a clear tendency in the discourse of riots to vilify the perpetrators and define them in opposition to the refined manners of the nobility. Among the mass of *plebs* there seem to have existed a few categories of people who were notoriously seditious. For example, the ‘indolent’ poor, who received rations from the state are described as particularly liable to revolt in response to shortage. Christian congregations, though not vilified in the same way, nevertheless seem to crop up with regularity as the focal point of urban unrest.

⁶¹⁰ Sozomen, 7. 25.

Another level of magnification is offered by the identification of violent specialists who had disproportionate influence in riots. These specialists might have acted as ‘rabble rousers’ to whip up the crowd against particular opposition or to violent action rather than vocal demonstration. Other specialists seem to have taken centre stage in the violence itself, providing a core of competence that could turn a protest into a battle or a confrontation into a massacre. Some of these specialists might be considered outsiders, or even ‘professionals’ paid to influence or lead more spontaneous partisans, as in the case of Damasus’ use of gladiators and charioteers as told by the *Collectio Avellana*. But in most cases the specialists were not purely mercenary; it is not surprising that fans of chariot racing would demand the release of a charioteer on race-day. The gladiators and charioteers hired by Damasus might be assumed to be more dispassionate about Papal candidates, but one must remember that senatorial candidates could be powerful benefactors, whilst senior churchmen had the power to influence state policy; indeed Christian distaste for gaudy shows put charioteers and especially gladiators under significant pressure.⁶¹¹ It is possible that alliance with a senior cleric allowed them a favourable position from which to bargain about the continuance of their livelihoods. Meanwhile, the lesser clergy and *matricularii*, that also seems to have acted as violent specialists on behalf of the Church, were inextricably tied to ecclesiastical policy, through both ideological alignment and for their material requirements.

Overall then, on the basis of the evidence we have seen, we can conclude that rioters were overwhelmingly poor people. Given the lack of political agency afforded to the lower classes in Late Antiquity this is perhaps unsurprising. Rioting was a potent tool for protest, demonstration or violent action against grievances for the *humiliores*, and one of the few open to them. It might seem simplistic to stress this point, but it is in fact

⁶¹¹ They were banned as early as 325 by Constantine (CTh 15. 12. 1) and as late as 469 (CJ 3. 12. 9).

integral to the understanding of rioting in the ancient world. The discourse of rioting is a problematic veil over the topic, and one that often makes analysis of particular riots troublesome. Only by acknowledging the existence and character of this discourse and building a notional framework of rioting can we hope to understand the processes of rioting; how they took place and, most crucially, why?

5.2. Motivations for Rioting in Late Antiquity.

The categorisation of riots is an awkward proposition. A popular article on riots, divides them into eight distinct types, based on motive and composition; such as food/bread, religious/sectarian, race or student.⁶¹² We have already attempted to offer some analysis of the general composition of riots in Late Antiquity and have determined that the *humiliores* were the overarching social contributors to urban unrest in that era. Having established this principle allows us to move onto the main issue. The primary significance of riots, in the context of understanding the lives, concerns and agency of common people, is in the motivation for them. If we can identify motivations, then we can likewise identify what contemporary issues were significant enough to raise the people to riotous and violent action in Late Antiquity.

Unfortunately, the categories of riot mentioned above are in some ways unsatisfactory. Religious riots could occur in response to persecution or in order to persecute; they could be subject to the complexities of competition or influence in the higher echelons of the ecclesiastical hierarchy. They were not simply passionate – often murderous – demonstrations of faith, but complex phenomena conducted in public space; monks and ascetics might prove their devotion in the solitude of the desert, but religious rioters were

⁶¹²<<https://en.wikipedia.org/wiki/Riot>> Accessed June 2016.

making a blatant and explicit statement through their actions. Moreover, as we have seen, the actions of ‘religious’ rioters can rarely be defined so narrowly. Damasus’ riotous specialists might have had significant financial incentives to riot if the accusations of the *Collectio Avellana* are to be believed.⁶¹³ The tumultuous congregation in the church of Hippo almost certainly did when they tried to retain the super-wealthy Pinianus within their clergy, even if Augustine protested to the contrary.⁶¹⁴ The strict distinction between religious and secular matters is one that is far less apparent to the historian of the pre-modern era. In Late Antiquity the Church performed a vital ‘secular’ function in providing for the material needs of people. Most obviously this came through the distribution of charity and alms, but also through employment, community organisation, leadership and the ability to negotiate with high ranking administrative or executive figures. When taxation was excessively burdensome in Merovingian cities it was not the *comes* that protested to royal officials, but the bishop. In some ways the clergy had taken on the mantle of late Republican tribunes in acting as representatives of the populous.⁶¹⁵

Secular riots – where religious motivations are not apparent – are not necessarily less complex. They too were intentionally public demonstrations and, again, they rarely continue to look simplistic once we begin to analyse them. This complexity is not particular to late antique riots. Perhaps the most influential development in the historiography of rioting is the concept of ‘moral economy’, developed by E. P. Thompson in his study of bread riots in eighteenth-century Britain. In conventional scholarship prior to Thompson these outbreaks of urban unrest had typically been understood according to the pejorative elite discourse of the time, which was no more

⁶¹³ *Collectio Avellana*, 1. 7 and above, pp. 245-6.

⁶¹⁴ See above, pp. 240-41.

⁶¹⁵ Peter Brown, *Poverty and Leadership* for the developing civic roles of clerical personnel in the later Roman Empire.

sympathetic to rioters than were ancient authors.⁶¹⁶ According to this discourse, riot was a simple, spasmodic reaction to shortage: food ran out so people got upset because of their hunger. If this hunger reached a threshold level the response of the people was to give riotous voice to their grievances. This ‘crass economic reductionism’ was rejected by Thompson, who argued that eighteenth-century crowd actions were a ‘highly complex form of direct action, disciplined and with clear objectives’ and that the ‘men and women in the crowd were informed by the belief that they were defending traditional rights and customs’.⁶¹⁷ This was the moral economy that governed eighteenth-century bread riots. They were not spasmodic responses to hunger, but demonstrations against the contravention of societal norms by the authorities or commercial actors that had caused or allowed the shortages of food to occur.

Thompson’s argument and conclusions were limited to bread riots in an industrialising England and the circumstances particular to that context. However, his intent was to demonstrate the common people had historical agency prior to the French Revolution (an intent shared by this study!).⁶¹⁸ His critique of scholarship and his methodology provided an inspiration, and sometimes a framework, for others to problematise riots in other contexts. Paul Erdkamp, for example, has shown that with little alteration the concept of moral economy seems useful for the interpretation of food rioting in the

⁶¹⁶ One could reasonably question whether many contemporary reactions to similar unrest in our own day is any more nuanced. Various newspapers in the United Kingdom, especially the ‘red-tops’ tended to interpret the riots that sprang up across London and the UK in 2011 as a result of a wave of criminality, rather than as a product of cuts to public services, unemployment, wealth inequality etc. Likewise, in the years between the Hillsborough disaster in 1989 and the publication of the inquest into the tragedy, the loss of 96 lives in Hillsborough football stadium in Sheffield was widely believed to have resulted from hooliganism, based on police reports. In 2016 the inquest demonstrated that the victims were, in fact, ‘unlawfully killed’. 116 of 164 police statements were ‘amended to remove or alter comments unfavourable to South Yorkshire police’. See <<https://www.theguardian.com/uk-news/2016/apr/26/hillsborough-inquests-jury-says-96-victims-were-unlawfully-killed>> and <<https://www.theguardian.com/football/2012/sep/12/hillsborough-disaster-report-panel-released-live>> Both accessed June 2016.

⁶¹⁷ E. P. Thompson, ‘The Moral Economy of the English Crowd in the Eighteenth Century’ in *Past & Present*, 50. 1, (1971), 76-136.

⁶¹⁸ E. P. Thompson, p. 76.

metropolises of the Roman World.⁶¹⁹ However, many of the secular riots we will come across in Late Antiquity seem to have little direct connection to food. The same can be said of religious riots, though it should be stressed that moral concerns over food supply and related economic issues might not be far from the surface in many late antique riots. Fortunately the central tenet of the moral economy thesis is quite versatile; the issue is that common people do not automatically riot at a threshold level of hunger, or as a result of general, simple pin-prick stimuli, but rather as a result of self-defined moral principles.

Awareness of the complexity of motivations for riots in Late Antiquity may make the task of the historian more difficult, but this is only a good thing. It encourages a closer analysis of individual episodes of riot; we can see that some riots were immediate and reactionary, whilst others were eventual responses to prolonged unrest and multifaceted grievances. Through recognition of this complexity we can try to understand the common ground that links superficially dissimilar events and, hopefully, allow us to glean more insight from accounts that are often sparse or laconic.

5.2.1. Secular Riots.

To retain an emphasis on complexity and the individual motivations of various riots while maintaining a coherent thematic structure is a difficult task. The comfortable, clearly delineated categories of riot stated above do not offer sufficient flexibility.⁶²⁰ Because of this, I will begin with a broad overview of riots that do not seem to have been motivated by religious issues, either in part or whole.⁶²¹ This is a necessarily

⁶¹⁹ Erdkamp, 'A Starving Mob has no respect.', pp. 111-115.

⁶²⁰ See above p. 251 and <<https://en.wikipedia.org/wiki/Riot>> Accessed June 2016.

⁶²¹ Categorisation of ancient riots is acknowledged to be troublesome. Alan Cameron, admitting gross oversimplification, allows for four general categories: economic (mainly over food supply), political (usually demonstrations, occasionally violent over tax or unpopular officials), religious (at Church

exclusionary choice, but it will allow clear focus on the role of secular, especially socio-economic, motivations in riots. However, this categorisation should not be taken as an argument in favour of a binary distinction between secular and religious riots. The intent is not to juxtapose or contrast these categories, but rather set a groundwork with which common factors in religious riots can be compared. This should hopefully allow us to reach a useful synthesis about the kinds of motivations that created urban unrest in Late Antiquity without having to establish a false dialectic that could inhibit understanding of the complexity of reasons to riot.

Of particular interest to this study is what motivated common people to riot in Antiquity, because these motives can tell us about the issues that the common people found important enough to demonstrate their officially restricted agency. Riots, like all other forms of violence, provide only a skewed image. If a citizen of Rome rioted over want of bread, that does not tell us anything more than that there was disquiet over the abundance of bread. It does not tell us about illness, spirituality, fun, fear, production, employment or any of the other myriad factors that affected individuals and communities. But at least it is better than nothing. That fragment of information about the wants and needs of common people at that specific place and time is valuable – because of its scarcity if nothing else! A detailed and complex approach to riots will hopefully allow us to combine some of these fragments into a more cohesive whole which, in turn, could allow us a better understanding of late antique life in general, and in particular the relations of common people to structures of authority and their potential agency to influence or dispute that authority.

councils and episcopal elections) and ‘what would nowadays be called just hooliganism’. Cameron, *Circus Factions: The Blues and Greens at Rome and Byzantium*, p. 271. These delineations are reasonable enough, but for our purposes the overlap between even such broad categories seems to obscure rather than enlighten the problem.

5.2.1.1. Commodity Shortage and Moral Economy.

With the issue of complexity in mind, it seems sensible to begin with an assessment of the moral economy in riots that occurred as a result of troubles in food supply in Late Antiquity. As mentioned, Erdkamp has offered a convincing argument in favour of the validity of Thompson's thesis for understanding riot in the ancient world from 100 B.C. – 400 A.D.⁶²² Consequently there is no need for a restatement of the case at length. Nevertheless, it is worth going over various outbreaks again in order to establish a thorough depiction of late antique riots, since a couple of significant 'food' riots occurred in Rome during the fourth and fifth centuries.

The city of Rome was, of course, exceptional. It was the largest city in the Empire and, as with most of the great cities, it received a significant proportion of its food via external grain supply transported in from the provinces. This external grain supply was common to various cities, but Rome was especially reliant because of its size and geographic position, and consequently the state was particularly involved in food supply at Rome and also at Constantinople (although transport was still performed by private individuals and corporations).⁶²³ All pre-modern cities were reliant on their immediate agricultural hinterland for food supply but Latium, though fertile, did not produce the surpluses that the famously fecund regions around other metropolises such as Antioch, Carthage and Alexandria could boast.⁶²⁴ Therefore Rome was particularly reliant on imported food. Much of this grain was distributed free of charge to certain registered citizens of the capital. Erdkamp makes the reasonable assumption that around 200,000 citizens were

⁶²² Erdkamp, 'A Starving Mob has no respect.'

⁶²³ Glen Bowersock, *Late Antiquity: A Guide to the Postclassical World*, ed. by Glen Bowersock, Peter Brown, Oleg Grabar (London: Belknap Press, 1999), pp. 301-2.

⁶²⁴ Erdkamp, *The Grain Market in the Roman Empire*, p. 276.

eligible and that their supply was sufficient to feed an additional 100-200,000 inhabitants, totalling over a third of the city's population.⁶²⁵

In 359 the cargo ships travelling from the East were hindered by storms and strong winds, which slowed their progress and made it difficult for them to enter harbour. The people of the city, who, according to Ammianus, considered famine the worst of all disasters began to continually threaten the city Prefect Tertullus with violence. Several riots seem to have occurred and Tertullus, fearing for his life, was forced to appear before the hostile mob with his two sons and plead with them for clemency. The mob was placated by the show of humility and soon the seas calmed and the warehouses were refilled.⁶²⁶

This event was in no way out of the ordinary in fourth-century Rome. In fact, Ammianus describes the tenure of Apronian as Prefect as remarkable because it was not troubled by riot; a success he attributes to Apronian's provision of a 'constant abundance of commodities.'⁶²⁷ However this particular episode is unusual for a number of reasons. Ammianus is critical of the rioters because their actions were unreasonable; Tertullus was not hoarding or profiteering from the shortage but was simply a victim of fate. Tertullus himself recognised this and relied of the natural inclination of the mob to be compassionate – as Ammianus puts it – to recognise his lack of guilt.⁶²⁸

There could hardly be a finer example of 'moral economy' in rioting. This was clearly not the ravaging of a starving crowd, but a conditional relationship. A certain validity is

⁶²⁵ These are generalised figures, but they are likely to be at least illustrative of the situation in Late Antiquity because the city had 120,000 registered inhabitants who received state supplied pork provisions in 419; Erdkamp, *The Grain Market*, p. 242.

⁶²⁶ Ammianus, 19. 10.

⁶²⁷ Ammianus, 26. 3.

⁶²⁸ *Qua miseratione vulgus ad clementia suapte natura proclive lenitum conticuit aequanimiter venturam operiens sortem.* Ammianus, 19. 10; *Ammianus Marcellinus: Roman History, Volumes I-III*, trans. by J. C. Rolfe (Cambridge: Harvard University Press, 1939).

recognised, both in the account of Ammianus and the actions of Tertullus, in riots that opposed injustice and avarice. The project of the mob was not simply to obtain sustenance by any means, but to impose justice on those whose actions were perceived as immoral. Tertullus relied on this moral motivation for riot and was rewarded; he was delivered from certain death, and the people calmly awaited their fate having understood that Tertullus was not to blame for the shortage, but was as much a victim of it as they were.

This action is also a clear demonstration of the agency of the people of Rome. Ammianus, as we have seen, was certainly not sympathetic to the *plebs*, and Tertullus, it seems, was left with little other option than humility.⁶²⁹ Shortage of food, or the fear of shortage, could mobilise large numbers of people. As we have seen, over a third of the city seems to have received free food from the state. Any failure in the dole would directly affect many thousands of people, and indirectly harm many others who would face greater demand for food at commercial markets, thus driving up demand and prices. It was recognised that certain individuals might seek to profiteer from these prices by engineering shortages to heighten profit. Members of the upper class, like Ammianus and Tertullus certainly disapproved of the methods of common people, and feared and hated the spectre of mob violence, but they recognised that there was a validity to their opposition to avarice. The people of Rome seem to have recognised both this grudging admission of validity and the power of violence, threatened or enacted, to improve their lives.

Grain was not the only commodity provided by the late Roman state. It was certainly the most venerable of publically-provided commodities since state acquisition of grain began in Rome as early as the third-century BC. However, over the centuries, olive oil,

⁶²⁹ For Ammianus' view of the lower classes in general, see Ammianus, 28. 1. 15. and above, p. 76 n.166.

pork and wine were included in the public dole.⁶³⁰ It is significant that wine shortages were also among the causes of riot in Late Antiquity. Ammianus's description of a 'wine' riot at Rome in 367 seems to envisage similar patterns to the bread riot of 359. The Prefect Symmachus inherited his position from Apronian and, according to Ammianus, continued to provide plenty and prosperity in the city. However, the people were caught up in a rumour that claimed Symmachus would rather use wine to quench his lime-kilns than sell it at the reduced price they hoped for. The mob were enraged by this and torched Symmachus' residence.⁶³¹ Once again it seems that the perception of injustice was the motivation to spark significant unrest. Ammianus makes clear that the city was prosperous and Symmachus innocent. He is hardly unbiased, but if this can be believed then it seems that it was not true shortage, but perceptions of manipulation that prompted popular violence. In any case, people do not starve from a lack of wine. It was a hugely important supplement to both lifestyle and diet in the Roman Empire, but riots over perceived wine shortage were not an existential threat like the prospect of famine. Once again, it seems clear that riots in the ancient world were not acts of desperation, but rather forms of violent collective action intended to prevent or punish the actions of authority figures that the community felt were unjust.

5.2.1.2. Riot and Relations with Authority.

It has been supposed that Roman citizens in the post-Republican era altered their tactics from riot to demonstration, because the concentration of power under a single autocratic ruler rendered the blunt tool of violence obsolete. Instead, demonstrations at public

⁶³⁰ Erdkamp, *The Grain Market*, p. 256.

⁶³¹ Ammianus, 27. 3. It is worth noting that this threat on the part of Symmachus, to use wine to quench his lime-kilns, was not the throwaway comment it might appear. Wine, along with lime, was a component in the production of waterproof cements used to line pools and other watertight constructions. J. F. Matthews, 'Peter Valvomeres, Re-Arrested' *Homo Viator. Classical Essays for John Bramble*, (Bristol: Bristol Classical Press, 1987) 277-284, p. 280.

events became common where the crowd could shout their grievances to the emperor. Demonstrations like these were certainly a valuable tool.⁶³² However, in Late Antiquity the Emperors were more rarely at their capitals and the lesser person of the Prefect became the object of the people's attentions during shortages. However, the Emperor was not immune to the actions of rioters motivated by grain shortage. In 431 in Constantinople, which like Rome received considerable state grain supply, the Emperor Theodosius II was personally pelted with stones by the mob when he was ceremoniously processing to a public granary, because he had failed to keep it full.⁶³³

As we have seen, riots were a tool in the repertoire of common people in influencing the authorities who ruled over them. Riot was a sign of displeasure and a marker of injustice at shortages of commodities. Emperors were aware of the power of urban unrest and were careful to try to cultivate positive relationships with the urban masses. As early as AD 6 Augustus responded to food shortage by doubling the rations delivered to recipients of the dole and limiting the sale of grain to personal use so that profiteering merchants could not stockpile corn to drive up prices.⁶³⁴ Such policies occurred regularly throughout imperial history; Diocletian, Constantine and Julian all famously attempted to limit the dangers of shortage and improve relations with the common people by fixing prices or expanding the dole.⁶³⁵ But the dole could also be employed as a stick with which the state could punish unruly behaviour; as we have seen Constantius II slashed the corn dole in half after prolonged riots between Nicene and Arian congregations had cost the lives of numerous soldiers and a prominent general who sent in to restore order. At least 80,000 residents received the corn dole in Constantinople, and these rations presumably

⁶³² Peter Garnsey, *Famine and Food Supply in the Graeco-Roman World. Responses to Risk and Crisis*, (Cambridge: Cambridge University Press, 1988), p. 241.

⁶³³ Marcellinus Comes, *Chronicon*, entry 431, in MGH AA 9, p. 78.

⁶³⁴ Erdkamp, *The Grain Supply*, p. 250.

⁶³⁵ Julian, for example, before penning the *Misopogon* to chastise the Antiochenes, had provided 420,000 *modii* (3000 tons) of grain for the relief of famine in the city. Peter Brown, *Poverty and Leadership*, p. 32.

provided for a total of 100-160,000.⁶³⁶ If Constantius II could deprive that proportion of the population, and many others by increasing the burden on private market supply, without significant repercussion, then we must assume that the urban poor of Constantinople were either extraordinarily well fed, or that ‘food’ riots resulted from the moral economy rather than simple hunger stimulus.

Severe and successful though the draconian punishment meted out by Constantius II might have been, the tactic was not often employed. Emperors and high ranking officials were all too aware of the potential destabilising threat that commodity shortage could induce and they were presumably unwilling to exacerbate the issue.⁶³⁷ 367 was not the first year that bore witness to a ‘wine riot’ in fourth-century Rome. In 354 the Prefect Orfitus was afflicted by riots over wine shortage as was his successor, Leontius, in the following year. Leontius attempted to cool the rioter’s tempers with a mix of recognition and punitive measures. He was carried in his carriage into the heart of the mob even though his escort abandoned him. According to Ammianus he stolidly endured the admonishments of the crowd until he recognised a towering ringleader of the riot named Peter Valvomeres. This man was flogged and sent into exile, while the rest of the people quietly dispersed.⁶³⁸ Ammianus represents this as an act of supreme bravery, but it seems that Prefects like Leontius and Tertullus may have routinely exposed themselves to rioters in order to hear their grievances; in this way they could convert violent riot into a vocal demonstration. It allowed the crowd to be heard and to see that they were being heard. Ammianus relates that Leontius had formerly been a thorough and impartial judge, but liable to condemn too severely those who impugned his authority. It seems

⁶³⁶ Arnaldo Marcone, p. 328, following the approximations of Erkamp, *The Grain Supply*, p. 242.

⁶³⁷ For example CTh 9. 4. 1, dated to 391 and promulgated by Theodosius, Arcadius and Honorius, proclaims leniency toward anyone who uttered maledictions against the Emperor including complaints about hard times. Complaining was a serious offense; it impugned the Emperor’s position which was closely linked with notions of divinity. Criticism was therefore not a dissimilar crime to sacrilege. Leniency in such cases was presumably preferred to a hard-line approach that could induce sedition.

⁶³⁸ Ammianus, 14. 6 and 15. 7.

probable that the flogging of a ringleader was a measure that allowed both parties to save face; Leontius heard the people's concerns over the wine ration, but was nevertheless able to demonstrate his power.⁶³⁹

Rioting was a formidable tactic for influencing or even punishing authorities that did not abide with the norms expected by the community. The moral economy argument of Thompson and Erdkamp seems to be a convincing way of understanding this phenomenon; the Roman crowd did not react to hunger with irrational spasmodic violence, but rather responded to the violation of expected obligations and morality through riots that were intended not to destroy, but to achieve redress.⁶⁴⁰ Significantly however, we need not limit this central facet of Thompson's thesis to issues of commodity supply alone. The riots that Leontius responded to were not just resultant from wine shortage. Indeed these riots, though Ammianus attributes their motivation to shortage, were part of a prolonged escalation of violence that had stemmed from the arrest of a charioteer named Philoromus who was a particular favourite of the crowd. He was apprehended in public and the mob immediately pursued and attacked Leontius and his guardsmen who responded with violence and exiled a few ringleaders.⁶⁴¹ A few days later when a new disturbance broke out over wine shortage, Ammianus explains that the

⁶³⁹ Erich Auerbach, in his famous chapter on 'The Arrest of Peter Valvomeres' in *Mimesis*, was rather harsh in his judgement of Ammianus when claimed that the account showed 'no objectively rational relationship whatever between the authorities and the rebels'. Erich Auerbach, Edward W. Said, *Mimesis: The Representation of Reality in Western Literature*, (Princeton: Princeton University Press, 2013), p. 52. Based on the various interactions between authorities and rioters that take place in the *Res Gestae*, Ammianus may have been a rather shrewder observer of politics between the crowd and the authorities than Auerbach allowed.

⁶⁴⁰ E.P. Thompson, p. 136.

⁶⁴¹ The punishment of ringleaders was a symbolic policy intended to discourage further disturbances. It commonplace in the discourse of elites that the crowd was ignorant, and its actions easily malleable. The prosecution of ringleaders cut the proverbial head off the snake, but allowed leniency for the rest of the gullible body. The manipulation of the mob by subversive characters was established both in classical history and politics by famous demagogues such as populist republican rivals Clodius and Milo (the former was killed in the street by the gangs of the latter), but also in Christian teaching, such as the manipulation of the crowd to plea for the freedom of Barabbas rather than Jesus. It was also acknowledged that such nefarious plotters from throughout the social spectrum. *Humilial* agitators like these might be flogged or exiled. CTh 9. 33. 1 ordered that any *honestiores* who tried to assemble the *plebs* or defend the mob against the reactions of the state would be punished with a heavy fine.

people were still seething from the previous incident.⁶⁴² So when the troubles were renewed, the challenge to Leontius – which he personally and publically acknowledged – was not just over the morality of commodity supply, but his arrest of a beloved sportsman.

Charioteers enjoyed close relations with the inhabitants of Roman cities, and especially with the more riotous elements, if our sources can be believed.⁶⁴³ Ammianus claims that the ‘lowest and poorest class’ spent their nights in bars and at the theatre, where they engaged in gambling and drunken yet detailed quarrels over the relative merits and demerits of horses and drivers, that extended until dawn. His language when describing the ‘innumerable crowds of plebeians’ (*plebem innumerem*) who waited in impatient excitement for the results of a race echoes the discourse on riots.⁶⁴⁴ This indicates both the strength of attachment of the people to their pastime, and also the similarity between an excited crowd and a violent one. But as we have seen, the relation between fans and drivers was not simply that of spectator to celebrity. Charioteers and other showmen like actors and gladiators could operate as spokesmen, leaders or violent champions of the crowd; it was partly because of such connections and roles that showmen, like charioteers, often excited the hatred of the elites in Roman society.⁶⁴⁵ When Philoromus was arrested he was in the crowd, with his people. The action was a public attack on the mob by denying them a favourite and perhaps a leader, probably more akin to the arrest of a representative than of the intangible, television celebrities familiar to modern society.

⁶⁴² Ammianus 15. 7.

⁶⁴³ For more on charioteers and the relationship to violence, see above pp. 208-9 n.522 and pp. 246-50.

⁶⁴⁴ Ammianus 14. 6.

⁶⁴⁵ Students were also among the groups tarnished with a reputation for associating with criminals and for carousing in a manner that could incite violence. The state imposed heavy restrictions on their behaviour in an effort to thwart their destabilising influence. CTh 14 .9. 1.

This should not be taken as a denial of their sporting role; charioteers achieved their popular status through their participation and proficiency at racing. But that was not the limit of their connection with the people. They certainly were closely engaged with the crowd, especially during riots where they seem to have operated as ringleaders and even violent specialists.⁶⁴⁶ But their special sporting status made punishment of charioteers a tricky issue for authorities. Ringleaders, like the imposing Peter Valvomeres, could be exiled with comparative simplicity. The crowd might dispute or resent the action, but the Prefect had a duty to maintain peace and law. However, the city also had an obligation to hold public entertainments, with chariot racing as the main event. An exiled plebeian might be forgotten in time, but the failure to provide satisfactory games could be perceived as deviation from expected norms in the same way as a shortage of other commodities, like wine and grain. We do not know if Botheric, *magister militum per Illyricum*, faced troubles when he imprisoned a favoured charioteer after disturbances at a drunken party in Thessalonica in 390. But we know that there were serious riots when the charioteer was not released to participate in the scheduled games; Botheric and much of the garrison were killed by the riotous citizens.⁶⁴⁷ This example provides a further layer of complexity to the riots of Leontius' tenure. When the Prefect first arrested Philoromus, he was not only arresting a favoured charioteer, but perhaps a leader and representative of the people. Not only that, but through the arrest of a sportsman, he may have been contravening his obligation as a prominent administrator to provide games. Moreover, his action and the belligerent approach of his guards toward the crowd seem to have stirred up already extant grievances over the moral economy of wine supply. Treading the line between authority and popularity was obviously a complex task in the major cities of the Empire. It is perhaps not surprising that Ammianus, even though he

⁶⁴⁶ See above, pp. 208-9 n.522 and pp. 246-50.

⁶⁴⁷ Sozomen, 7. 25 and above, p. 249.

is typically hostile and disparaging about the common people, was more impressed by the conciliatory policy of Tertullus than the bullish approach of Leontius.⁶⁴⁸

It is important to recognise that the mob might hold authorities responsible for a number of injustices or failures to fulfil obligations. Food riots and those conducted over disruption of entertainment have elicited a degree of scholarly interest, but to properly illustrate the agency and grievances of the late Roman people it is important to not limit discussion to those discrete categories. For example, the Prefect Lampridius, Symmachus' successor, provoked the fury of the people of Rome by procuring the materials necessary to embark on an extravagant new building project without paying for them. His tenure endured frequent riots because of this injustice and his house (like that of his predecessor) was almost torched during the most severe episode of unrest.⁶⁴⁹ Lampridius was, in this case, hated for the injustice he provoked. In this sense we can assume the crowd was provoked in much the same way as when Leontius arrested their favourite.⁶⁵⁰ Furthermore it is plausible that the unfair exactions by Lampridius catalysed underlying dissent in much the same way that Leontius' arrest exacerbated discontent over wine supply. In any case, perceptions of injustice could provide a powerful motivation to unrest.

The main participants in these episodes of riot are the poorer elements of the urban population – the *plebs* – and especially those 'indolent' members who relied on state provisions. Charioteers and similar persons employed in distasteful professions, especially in entertainment, were also implicated. However, as we have seen, the elite discourse on unrest and riot employed pejorative terminology in a manner that was

⁶⁴⁸ See above, pp. 257-8, pp. 260-1.

⁶⁴⁹ Ammianus, 27. 3.

⁶⁵⁰ Ammianus does not record the reason for the arrest, but his recognition of Leontius' severe reputation hints that the punishment might not have fit the crime.

intended to denigrate.⁶⁵¹ This does not mean that such people were not the main participants in rioting, but it is worthwhile noting that similar grievances caused unrest among other groups. For example, the *corporati* (members of Imperial guilds) might intimidate or employ violence akin to rioting in order to protect their interests against private competitors who sought to undercut them.⁶⁵² This was performed either directly against the competitors or the authorities who were taken to be responsible. In either case, the guildsmen clearly felt that their interests were not being observed or protected and reacted in a way that was not too dissimilar from the *plebs* that were denied their traditional rights to commodities, entertainment or fair prices.

Whatever the individual causes and participants in secular riots in Late Antiquity, the evidence of these relationships between the urban crowd and city authorities is more abundant for the major cities and capitals of the Empire. These attracted more attention, and unrest in such locations could have consequences on a larger scale than those in smaller provincial settlements. However, it is plausible that similar obligations and responsibilities were expected of the authorities in minor cities. These presumably differed according to the specific circumstances; for example, minor cities were typically not reliant on external food supply, nor were their populations supported by state provided dole. However, if supply failed the local authorities might still be held responsible. In the first-century AD the citizens of Aspendos in southern Asia Minor attempted to burn their magistrate for failing to prevent the stockpiling of grain during a shortage. Some decades later in Prusa, the leading local landowner Dio Chrysostom was threatened with burning or stoning for hoarding grain and he had to employ all his oratorical skill in order to convince them of his innocence.⁶⁵³ This reasoning with the

⁶⁵¹ See above, pp. 239-40.

⁶⁵² Arnaldo Marcone, p. 322.

⁶⁵³ Erdkamp, 'A Starving Mob has no respect.', pp. 104-5. A similar disturbance upset the town of Favianis in fifth-century Noricum, but the guilty party – a widow named Procula who had stockpiled grain – was saved from unrest by the intervention of St. Severinus. Eugippius, *Vita Severini*, 3.

people recalls the conciliatory actions of Tertullus when faced with similar threats three centuries later in the Capital. Evidence for similar concern over obligations of supply in smaller cities or towns is less clear, but certain events imply that authorities could still be held responsible for shortage. For example, it is plausible that one of the causes for the unrest at Bazas in 417 was a shortage of food or water in the context of the ongoing Visigothic siege. If the poor perceived that they were being denied a fair share of supplies then they might have targeted social superiors who they presumed were stockpiling or hiding the victuals for personal use or to profiteer. This might explain why they chose to take up arms ‘for the particular slaughter of the nobles’.⁶⁵⁴

Similar failures to assuage the problems of famine and perhaps plague seem to have motivated the supporters of the Pseudo-Christ of Bourges who championed a considerable insurrection in the southern districts of Merovingian Gaul in the late sixth century. They certainly targeted the wealthy, who they perhaps blamed for shortages or profiteering that accompanied the famine. They might have also targeted the Bishop of Le Puy for similar reasons; since the ecclesiastical hierarchy had taken on many of the economic and administrative roles of the Roman bureaucracy they might have a legal obligation to provide.⁶⁵⁵ Moreover, the Bishops was supposed to provide both pastoral care for the needy and spiritual guidance to assuage the anger of God. In a context of war, famine and plague it is perhaps not surprising that the episcopate was blamed for

⁶⁵⁴ Paulinus of Pella, ‘Eucharisticus’, in *From Roman to Merovingian Gaul: A Reader*, pp. 167-168. *gravior multo circumfusa hostilitate factio servilis paucorum mixta furore insano iuvenum nequam licet ingenuorum, armata in caedem specialem nobilitatis*. ‘Eucharisticus’, in *Ausonius* Volume 2 (pp. 294-531), trans. by H. G. E. White (London: Heinemann, 1931).

⁶⁵⁵ The subject of the secular authority of Merovingian and Early Medieval bishops is a complicated issue, and not one that can be investigated to any depth in this study. However, it is perhaps worth noting that there seems to be no standard pattern of episcopal authority. In dioceses where there was a strong secular leadership, such as an influential *comes* then the bishop’s authority may have been weaker than in another see where there was a comparative vacuum of lay power. The classic study of episcopal power is Martin Heinzelmann, *Bischofsherrschaft in Gallien: Zur Continuität römischer Führungsschichten vom 4. bis zum 7. Jahrhundert: soziale, prosopographische und bildungs-geschichtliche Aspekte* (Zurich and Munich: Artemis, 1976). See also Allen Jones, pp. 114-128.

not fulfilling its obligations.⁶⁵⁶ These examples do not show such definite evidence of reaction to injustices in commodity supply as those that derive from major cities, but do seem to suggest that the same broad trends in moral economy governed motivations for rioting in settlements of all sizes.

Furthermore, it seems that the people of post-Roman Gaul could be roused to riot by perceptions of injustice in much the same way that their Imperial predecessors were. Gregory of Tours describes several tax riots that suggest the urban crowd could be just as volatile in the sixth century as they were in the fourth. On the death of Theudebert in c.547 his tax collector Parthenius was forced to flee from Trier where he had exacted taxes from the Franks. They considered such behaviour an injustice and desired vengeance now that the King was dead. Parthenius sought the support of two bishops at the royal court and returned to Trier to try to reconcile with the mob, but failed and the bishops attempted to hide him in a church. The mob rushed in, overwhelmed the *custodes*, dragged Parthenius from the chest in which he had hidden and stoned him to death.⁶⁵⁷ Similar circumstances seem to have caused the downfall of Audo who, according to Gregory, did much evil during the lifetime of King Chilperic as an accomplice of Fredegund and then exacted taxes from free Franks during the reign of King Childebert. In 585 he was in Paris with Fredegund when the Franks were again offered an opportunity for vengeance against a hated administrator because of the death of a royal patron. The Franks stripped and despoiled Audo, took all his belongings, burned his house and would have killed him had he not sought refuge in the cathedral.⁶⁵⁸ A further riot is described by Gregory as response to new and punitive taxes introduced by Chilperic to the citizens of Limoges. The people assembled at an arranged date where they decided to kill Mark, the tax-collector tasked with collecting the new taxes. The

⁶⁵⁶ *LH*, 10. 25 and above pp. 99-101.

⁶⁵⁷ *LH*, 3. 36.

⁶⁵⁸ *LH*, 7. 15.

mob gathered and though they were thwarted in their attempts to kill Mark by the intervention of the Bishop, they still seized the books and records of taxes and burnt them.⁶⁵⁹

These various Merovingian riots show various similar characteristics of motivation in common with the Roman examples we have already seen, despite the numerous and significant differences between the participants. The rioters in Merovingian Gaul, at least in the cases in c.547 and 585, were free Franks, whose position in society was probably relatively privileged in comparison to certain mendicant or deprived rioters we have seen in some late Roman riots.⁶⁶⁰ But whilst the trigger for riot was the injustice of taxation rather than unjustified arrests or the seizure of goods without payment, the response to injustice remained the same. Public rejection of the policy was demonstrated and violent attacks were made against the administrators who were guilty of the injustice; their person and properties were targeted as the houses of Symmachus and Lampridius were in the 360s. Attempts to burn, lynch or stone the offending authorities were very public demonstrations of their betrayal of commonly held norms, and this public retribution was displayed by riotous crowds both before and after the official end of the Western Empire. Moreover, we can discern that the riots were not spontaneous, spasmodic responses to taxation, but calculated and planned. This seems to have been as true in the later Roman and post-Roman West as it was in the eighteenth-century bread riots that were the subject of Thompson's study. The people of Trier and Paris waited on the opportunity afforded by a royal death to attack senior officials, whilst the citizens of Limoges held a public assembly to determine their course of action in the face of new and unjust demand upon them. Riot was the decision, but such a

⁶⁵⁹ *LH*, 5, 28. For more detail on taxation in the Merovingian kingdoms in the sixth century see I. N. Wood, *The Merovingian kingdoms 450-751*, (London: Longman, 1994), pp. 61-3.

⁶⁶⁰ Halsall, *Settlement and social organization: the Merovingian region of Metz*, (Cambridge: Cambridge University Press, 1995), pp. 30-1.

demonstration of agency was not taken lightly. Sedition and violence against a royal official was a serious matter and even though they failed to kill Mark, Chilperic inflicted terrible punishments of torture and death on the people of Limoges.⁶⁶¹ Such punishment was among the harshest delivered to rioters in Late Antiquity. But although the people of Limoges might not have anticipated the degree of Chilperic's anger, they knew – as did all rioters in our period – that their violent actions could provoke an even more violent response from the state.

Interestingly, the responses of authorities in these Merovingian examples of sixth-century riots also show certain similarities to the Roman precedents. Parthenius, like Tertullus, Leontius and Dio Chrysostom attempted to confront and placate the crowd but, unlike the Romans, failed to do so.⁶⁶² This suggests that the officials recognised a certain validity in the prerogative of the crowd to collectively voice their grievances. By appearing before the mob Parthenius presumably meant to demonstrate a recognition of those grievances; the two Bishops he brought perhaps were intended to mollify the anger in the way that Tertullus used his two sons.⁶⁶³ It is perhaps this complex relationship between the urban population and authority that encouraged the people of Limoges to riot. They seem to have assumed that riot was sufficient demonstration of agency to

⁶⁶¹ It is interesting that Chilperic seems to have believed that clerics were guilty of agitating for violence and the rejection of taxes. Gregory claims that this suspicion was unfounded, but Chilperic was sufficiently convinced to stake clergymen to the ground and submit them to torture. Bishops in Merovingian Gaul could certainly be vocal in opposition to unjust exaction in their dioceses. Given clerical obligations to caring for the flock, it is perhaps reasonable to believe Chilperic was correct to some extent and that the churchmen had been vocal about the rights of their congregations. For example *LH*, 4. 2. See I. N. Wood, *The Merovingian kingdoms*, p. 63 for ecclesiastical hostility to tax in sixth-century Gaul.

⁶⁶² This fear of popular displeasure was perhaps not limited just to officials. King Guntram, along with his brothers Sigibert and Chilperic had been banned from entering Paris without the consent of his brothers and in the 580s both Sigibert and Chilperic had died soon after breaching the agreement. Guntram believed they had been assassinated and was therefore terrified when he too entered the city in 584 so he made an impassioned plea to the citizens of the Paris to do him no harm and set about providing for the poor and undoing Chilperic's injustices in order to gain their favour. *LH*, 7. 6, 7, 8.

⁶⁶³ Goffart, 'Old and New in Merovingian Taxation' in *Rome's Fall and After*, (London: Hambleton, 1989), p. 220, supposes that Parthenius and Audo might have been subjecting the Franks to taxes due from Roman estates which they had come to own. If so Parthenius might have attempted to explain his lack of guilt to the mob during their confrontation in the manner of Tertullus during the confrontation.

force at least a limited conciliation (such as that allowed by the policies of Leontius). The admittedly biased rhetoric of Gregory suggests that they would not have decided in favour of riot if they had been more familiar with Chilperic's mood.⁶⁶⁴ In general however, the discourse employed by Gregory to describe the riots is in accordance with Imperial tradition: the crowd gathers in a *multitudo* for the purposes of *seditionem*.⁶⁶⁵ The similarity of modes of interaction between the elite who were directly involved with dealing with the crowd and those who described it implies a strong degree of continuity about the relationship between the people and those that ruled them.⁶⁶⁶

Taxes were not the only secular concerns that were severe enough to provoke unrest in Merovingian Gaul. Another event, again described as a sedition (*seditionem*) by a vulgar mob (*insurgente vulgo*), was in fact conducted by the community to impose justice rather than to oppose injustice. A hermit in the vicinity of Angoulême called Eparchius was famed for his merciful freeing of prisoners, and he had considerable sway over the local judges and count. However, the incessant rejection of legal procedure became too much for the people of the city when the count was encouraged to release a particularly heinous

⁶⁶⁴ Gregory is generally a hostile source toward Chilperic, even going so far as to describe him as a latter-day Nero or Herod. However there is reason to believe that Gregory exaggerated his hostility. See Halsall, 'Nero and Herod? The Death of Chilperic and Gregory's Writings of History' in K. Mitchell and I. N. Wood, *The World of Gregory of Tours*, (Leiden: Brill, 2002), pp. 337-50 and I.N. Wood 'The Secret Histories of Gregory of Tours'. In: *Revue belge de philologie et d'histoire*, 71. 2, (1993), 253-70 for the details about this bias and Gregory's subtle uses of his history in general. Michael Burrows, 'Gregory of Tours, Political Criticism and Lower-Class Violence' in *Mirabilia*, 18. 1, (2014), 32-44.

⁶⁶⁵ See above, p. 240. This seems to contrast to the terminology of banditry, which seems to have altered significantly during the course of Late Antiquity. See above, section 3.5.

⁶⁶⁶ It has been supposed that the Franks were peculiar in their riotousness, and that their response to injustice differed. Halsall, for example, proposes that 'Their anger took the form of righteous indignation whereas southern, Roman tax riots were based on injustice or breach of a specific previously granted immunity' (*Settlement and social organization*, pp. 30-1). Certainly they were liable to resent taxation (inherently) more than the Gallo-Roman citizens of Gaul, as their service to the state was often delivered through military service rather than tax. However, this difference is no indication of peculiar belligerence or rebelliousness on behalf of the Franks. Rather it was simply that that community felt that they had been dealt an injustice because they did not usually pay taxes. I see no reason why this should be understood differently to the sense of injustice felt by the Gallo-Roman citizens of sixth-century Limoges at excessive taxation, or that perceived by rioters across the late antique world. Expectations differed according to time, place and the norms of a particular community. It is reasonable to suppose that urban 'Franks' had slightly different norms regarding taxation that their 'Roman' neighbours in sixth-century Gaul. But the response to those authorities who contravened those norms sufficiently seems to have been fairly consistent.

criminal. The mob gathered and verbally questioned the credibility of his political authority. Under this pressure he submitted and the prisoner was hanged.⁶⁶⁷ Once again, in this episode, we see that the people could employ collective action to influence the decisions of authorities which the crowd perceived to be failing in their obligations. The accused was known as a thief guilty of multiple offences and was believed to be a robber and murderer as well. He had committed the injustices, the secular authorities whose job it was to carry out punishments were failing due to the influence of Eparchius.⁶⁶⁸ The mob protested, threatening not only immediate violence, but a general breakdown in law as a result of the Count's leniency. The Count, faced with such massed opposition, bowed to popular opinion. When Eparchius arrived on the scene the Count was forced to explain himself; 'the mob held a demonstration and I could not do what you asked, for I had a riot on my hands'.⁶⁶⁹

The Count had to deal with a problem that was a potential difficulty for many, perhaps all, urban authorities throughout Late Antiquity. When the authorities failed to meet the expectations of the crowd disquiet was fostered. If these dissatisfactions were sufficiently extreme, gradually increased over time, or if opportunity was provided by political instability, they could swiftly develop into violent riots. This broad conclusion seems to be as true, as far as we can tell from the incomplete distribution of sources, for many secular disturbances between the fourth and sixth centuries in the provinces (or former provinces) of the Western Empire. A range of secular motivations could provoke riot; not just food shortages, but also a failure to provide commodities in general, or to

⁶⁶⁷ *LH*, 6. 8.

⁶⁶⁸ The man was eventually saved by a miraculous collapse of the gallows. It is worth mentioning that Capitulary I, LXXV and Cap. III, LXLV and LXLVI in the *Lex Salica* legislate against the removal of criminals from the gallows before their death. The hermit and the count seem to be breaking the law, not just the desires of the community. Katherine Fischer Drew, *The Laws of the Salian Franks*, (Philadelphia: University of Pennsylvania Press, 1991), p. 135 and 143.

⁶⁶⁹ *insurgente vulgo, aliud facere non potui, timens super me seditionem moveri. LH*, 6. 8, pp. 338-9; *Libri Historiarum X*, ed. by B. Krusch and W. Levison, MGH SRM, 1 (Hanover: Impenis Bibliopolii Hahniani, 1951).

live up to other obligations such as the provision of games or justice. Furthermore, injustices on the part of authorities, as perceived by the community, could also add to the rumbling grievances or spark an episode of unrest. Our sources are rarely concerned to offer a deep analysis of the motivations of common people for what they understood as law-breaking, criminal violence. But even despite this we can perceive a complexity to riots; failure to fulfil obligations and injustices could overlap and fuel the fires of discontent in tandem. Moreover, discontent was rarely enacted through immediate spontaneous reaction, but rather the discontented planned their actions with care, and even waited for suitable opportunities to voice discontent. The authorities, whether Emperors, Kings, Bishops, provincial Counts or metropolitan Prefects, must have been conscious of this check on their authority in the cities they ran; a lack of representation in Late Antiquity typically denied the common people the ability to make new policies, but they clearly enjoyed a formidable degree of agency if they felt the authorities were transgressing popular norms.

5.2.1.3. Secular Riots and the ‘Outsider’.

As far as can be discerned, riots directed at injustices by legitimate authorities were the most common form of motivation for secular riots in Late Antiquity. However, it must be stressed that other motivations existed for a number of riots, perhaps most notably in the reaction to outsiders. These often took the form of hostile reactions to outsiders whose presence within the city was considered potentially threatening, or whose actions were perceived as transgressive.⁶⁷⁰ The most common form of these riots against

⁶⁷⁰ Riot, or popular unrest, in response to attack by political enemies seems to have been relatively rare. Citizens certainly took up arms to help garrison troops to defend their walls, but occupying armies do not seem to have typically encountered unrest in the immediate aftermath of the capture of a settlement. However, such reactions may have been considered possible; the Gothic army fighting against Mundus in the early stages of Justinian’s Gothic War were apparently unwilling to garrison the town of Salones in Dalmatia for fear of its hostile inhabitants. Procopius, *Wars*, 5. 7.

outsiders seems to have been in the reactions of urban dwellers against barbarians. For example, the chief magistrate of Adrianople roused the mob to attack a number of Goths who were in Roman service, but who he blamed for the destruction of properties around the city in the aftermath of the Visigothic revolt. The Goths had petitioned the magistrate for supplies and instead were faced with a hostile crowd, composed of the poor of the city and workers at the Imperial arms factory, who hurled stones and abuse at them.⁶⁷¹ A number of similar events took place in fourth and fifth centuries. The people of Constantinople famously rioted against the excesses of the barbarian garrison commanded by Gainas in 400 and, apparently, drove seven thousand of them to seek sanctuary in a church where they were burned to death.⁶⁷² On a far smaller scale in late fifth-century Noricum the townspeople of Comagenis took the opportunity of the confusion caused by an earthquake to riot against their barbarian garrison and drive them out.⁶⁷³

Sixth-century parallels are not exact, but the same hostility to foreign soldiers can be detected. As we have seen, the people of the city and district of Tours reacted aggressively to the depredations caused by Guntram's soldiers when they tried to apprehend Eberulf from sanctuary in the Church of St. Martin, and when militiamen tried to seize a drink from a local resident.⁶⁷⁴ It is hard to know if these men might have been perceived as 'external barbarians' in the same way that the citizens of Comagenis or Constantinople might have understood their garrisons. But whether they were considered 'foreign' or not, they were nevertheless external. Moreover, the cities of Merovingian Gaul often seem to have had oppositional relationships with each other. In this case, the offending soldiers – mainly from Châteaudun – commanded by Claudius

⁶⁷¹ Ammianus Marcellinus, 31. 6.

⁶⁷² Zosimus, 5. 19.

⁶⁷³ Eugippius, *Vita Severini*, 2.

⁶⁷⁴ *LH*, 7. 21, 7. 29, and above, pp. 216-7 and pp. 230-31.

who desecrated the church at Tours were already probably hostile to the new Count of Tours, Willachar, with whom they had recently warred.⁶⁷⁵ The presence of external or barbarian soldiers who were perceived as hostile could clearly be a provocation to the community; apparently throughout the period of Late Antiquity suspicious or negative perceptions of outsiders could motivate riotous conflict.

However, the violence does not necessarily seem to have been directed against barbarians in an irrational, or particularly prejudiced way. In all these cases the outsider soldiers, though perceived as hostile, were nevertheless under orders from or representatives of the state or governing authority. When they caused trouble the authorities could be called into question; violence against representatives of authority was implicitly a critique of policy.⁶⁷⁶ Moreover, the ‘barbarian/external soldiers who caused riotous reaction from the community typically seem to have been guilty of transgressing social norms in the manner that could provoke the ire of the crowd regardless of ethnicity. Gainas, for example, was rumoured to have planned to steal the wealth of the silversmiths in order to fund his political machinations.⁶⁷⁷ Illegal expropriation like this was sufficient cause for the people of Rome to riot against Lampridius; it may have been no less influential in provoking riot against Gainas.⁶⁷⁸ Gainas was not only a barbarian, but also an authority figure in the Roman system.⁶⁷⁹ In like manner, the riot in Thessalonica which culminated in the massacre of the barbarian

⁶⁷⁵ *LH*, 7. 13.

⁶⁷⁶ Gregory of Tours seems to use popular reaction to the bad behaviour of soldiers in for political critique in his *Histories*. Guntram was his King so overt criticism was not a safe option for Gregory; instead he chose to focus on a series of episodes of popular violence against the martial representatives of the King to covertly highlight his failings – as a ruler – to control the excesses of his men. Michael Burrows, pp. 32-44.

⁶⁷⁷ John of Antioch, *Fragmenta*, p. 393, Socrates, *Ecclesiastical History*, pp. 308-309; Sozomen, *Ecclesiastical History*, p. 368.

⁶⁷⁸ Ammianus, 27. 3 and see above, p. 265.

⁶⁷⁹ Cameron has stressed that claims of ‘anti-barbarian’ or ‘nationalist’ factions or parties within Constantinople are inaccurate. Accordingly, Gainas and the reaction to his machinations should be understood along the lines of relations between Romans and generals, rather than in terms of ‘anachronistic party labels’. A. Cameron and J. Long, *Barbarians and Politics at the Court of Arcadius* (Berkeley: University of California Press, 1993), p. 335.

general Botheric and his soldiers in 390 seems to have been provoked by the imprisonment of a favoured charioteer (as we have seen). But if Botheric and his men rode roughshod over community norms, it seems plausible that their perceived barbarity might have a contributory factor to the tensions in the city.

Complexity, as has been stressed, should not be underestimated in the study of riots. Violent reactions from the urban population were rarely simple and reactionary. The outsider status of soldiery could surely provoke hostility from the crowd, but externality was not necessarily the deciding issue. In the late sixth-century Gaul Guntram's campaign to annexe Visigothic Septimania collapsed outside Carcassonne, having ravaged its way to the city through Visigoth territory. Gregory notes that the brutality of the invasion was unusual and provoked a significant backlash. The Burgundian army seems to have been ruthlessly pursued during its retreat by both the Goths and the citizens of Toulouse who were roused to violence by the outrages of Guntram's men. We can assume that the 'outsider' status of the Burgundian soldiery was a contributory factor in provoking the common people to violence (although not technically riot) in this case. However, it seems probable that the behaviour of the troops was also a factor. A contingent of Guntram's force from Clermont under Duke Nicetius appears to have lost discipline during this retreat, looting and pillaging into Frankish territory, even stealing the silver from the Churches on the highway to Clermont. In response 'many were killed by the locals who rose against them.' This latter example of violence is clearly not committed against outsiders; it was mounted by the people of Auvergne *in seditionibus* against their *dux*.⁶⁸⁰ It seems that local people were liable to attack soldiers, if they were vulnerable and considered dangerous, in order to preserve their property from looting.

⁶⁸⁰ *plerique in seditionibus interempti sunt. LH*, 8. 30, pp. 459-462; *Libri Historiarum X*, ed. by B. Krusch and W. Levison, MGH SRM, 1 (Hanover: Impensis Bibliopolii Hahniani, 1951).

This seems to have been little less likely in notionally ‘friendly’ territory than in ‘hostile’ regions if the behaviour of the soldiers transgressed local norms.

What mattered was behaviour. If outsiders were perceived to act in an outrageous way then they might provoke riots. As far as we can see, the expectations and reactions to bad behaviour in outsiders were broadly similar to that of authorities in general. As we have seen, the expropriations of Gainas may have influenced popular opinion against his policies in much the same way as it did with Prefect Lampidius.⁶⁸¹ More certainly, it is quite evident that Duke Nicetus was capable of provoking significant unrest in both Septimania and the Auvergne. In one he was an outsider, in the other he was the leading local authority. The people in both territories rose up against him and slaughtered his foraging parties both during the retreat through first Gothic and then friendly Frankish lands.⁶⁸² Another parallel reaction can be glimpsed in the technique of waiting for opportunity to riot. In fifth-century Comagenis the people waited for an earthquake to oust their garrison. Similarly, in sixth century, the citizens of Paris and Trier likewise bided their time, and only rioted against hated local officials once their influence was undercut by a royal death.⁶⁸³ It is difficult to offer any concrete evidence about the thoughts and perceptions of common people in Late Antiquity, but as far as we can discern here, outsider status was a contributory factor to popular unrest, but it was not necessarily the dominant factor in such occasions.

‘Otherness’ was apparently not usually a cause for secular pogroms in Late Antiquity. Instead it seems to have fallen to the rhetoric of influential figures in the rousing of riot to use complex and interrelated factors, encompassing injustice, obligation and otherness, to stoke tensions into flame. Augustine might provide an example of such

⁶⁸¹ Ammianus, 27. 3 and see above, pp. 264-5 and p. 275.

⁶⁸² *LH*, 8. 30.

⁶⁸³ *LH*, 3. 36, *LH*, 7. 15 and see above, pp. 268-9.

rhetoric. In a letter to Alypius, Bishop of the neighbouring city of Thagaste, he describes the depredations suffered by the people of the city and hinterland of Hippo at the hands of slave-dealers (*mangones*). These individuals were making a mockery of the Roman system of voluntary slavery, which legally bound a person to servitude for a set period, by ravaging isolated regions and carrying off victims involuntarily. These were sold in overseas provinces where they would be regarded as true slaves, not free people temporarily in servitude. The slavers were armed, and their operations were likened to barbarian raids, but Augustine considered them far worse; the Church routinely ransomed captives from barbarians but the illegally enslaved could not easily be returned from overseas. These greedy and barbaric criminals, Augustine stresses, hailed from Galatia, a province in the central highlands of Anatolia.⁶⁸⁴

Augustine's project was to reform the laws by which the Galatians could be prosecuted. He claimed that the existing law, which involved physical punishment, was too draconian and discouraged prosecution. Instead he proposed heavy fines that would allow administrators more freedom to sentence and likewise discourage the enterprising slavers. In order to emphasise the necessity of the legal change, he stressed the barbarity, and otherness, of the Galatians.⁶⁸⁵ The intent was to shock the authorities into action. This potent anti-Galatian rhetoric was probably also employed by the citizens of Hippo who took matters into their own hands. Augustine recounts that four months before penning the letter, the Galatians had gathered many victims from the hinterland of Hippo and especially Numidia in the dockyards of the city ready for deportation. A good Christian brought news of this to the church and so the congregation (though not Augustine, who was absent during the unrest) broke into the prison and boarded the ship

⁶⁸⁴ Augustine, *Letter 10**.

⁶⁸⁵ Galatia, like neighbouring Isauria, had a reputation for barbarity despite being a long-established Imperial province. Jerome claims that the Galatians, who supposedly derived from Celtic peoples who had settled in Anatolia hundreds of years previously, still spoke the same language as the people of Trier in the late fourth century. Jerome, *Comentarii in Epistolam ad Galatos*, 2. 3.

of the Galatian slavers and freed 120 people.⁶⁸⁶ The leaders of this action, and any other episodes of resistance against outsiders, may have employed the rhetoric of Augustine in order to rouse their fellows to riot.

This seems to be the function of anti-‘Other’ discourse in late antique riots. That the Galatians were Galatians was not the root of the grievance; they were hated for their enslaving of free, and often Christian, Romans. But emphasising perceptions of their barbarity was a tool for encouraging action to redress their immoral behaviour. Augustine’s petition to alter the law and change judicial policy may also reveal a hint of tension toward authorities in this unrest. Failings to maintain law and order also caused the people of Angoulême to confront their Count and question his authority.⁶⁸⁷ It is possible that Augustine feared a similar disturbance in Hippo; he certainly felt the need to reassure Alypius that he was absent during the unrest. In any case, it seems probable that anti-Galatian feeling was not unproblematic bigotry.

Differing ethnicities could clearly complicate matters, and hostile parties could make use of differences in appearance, language or creed (many barbarians were Arian⁶⁸⁸) to stoke tensions. But we should not see ethnicity or otherness as a standalone, uncomplicated motivation for riot. Outsiders were no more likely to induce ‘irrational spasmodic’ violence than food shortages. Citizens of Roman and post-Roman cities, especially those in metropolises or in the border regions were well used to seeing ethnic differences, especially in garrison troops. Even before the large scale employment of Goths and other barbarians within the imperial armies in the fourth century, the Empire had used external barbarians – such as Franks serving under their own commanders – or

⁶⁸⁶ Augustine, *Letter* 10*.

⁶⁸⁷ *LH*, 6. 8. and above, pp. 271-2.

⁶⁸⁸ Creed may have been a factor in the uprising against Gainas. The barbarians were certainly denounced most severely in contemporary ecclesiastical sources written by Socrates, Sozomen and John of Antioch. They also sought refuge in a Nicene church. This may have been a conscious choice to discourage the Catholic mob from assaulting their sanctuary. If so, it did not succeed. Zosimus, 5. 19. See above p. 275.

imperial soldiers from distant lands.⁶⁸⁹ Syrians, Egyptians or Galatians were surely little less foreign to Western fellow Romans than notionally ‘barbarian’ Goths. Interactions between locals and outsiders could be a source of tension, or could exacerbate the existing unrest. But such differences do not seem to have caused violent urban unrest on their own; moral expectations – in Thompson’s terms – seem to have been the key factor in causing secular riots.

5.2.2. Religious Riots in Late Antiquity.

It is the supposition of this study that these common trends in motivations for secular riots – moral transgressions, failure to fulfil obligations and injustices – might often be found in religious riots as well. If so, it seems likely that the interactions between the riotous crowd and authorities, both secular and ecclesiastical, would also share characteristics. Studies of religious violence in Late Antiquity have paid a great deal of attention to the doctrine of the church toward violence, the reaction of the church hierarchy to that violence and the theological stumbling blocks that could give rise to sectarian conflict. These issues will not be under investigation here; no more than the legal technicalities or the historiography of ethnicity were in preceding sections. This is not the place to be investigating theological differences. As before, the focus will be on the crowd. Religious motivations to riot were no less urgent or meaningful to the people of Late Antiquity than secular ones. Religious immorality and transgression could not only have a temporal impact, but an everlasting one. However, this significance should not suggest a necessary pre-eminence of religious motivation either. Rather, it seems

⁶⁸⁹ The same can presumably be said of Franks, Goths or Burgundians living alongside Romans in the late fifth and sixth-century successor states in the former western provinces of the Empire.

reasonable to assert that the factors involved in the inciting of a religious riot in the late antique West were as complex and interrelated as any other.⁶⁹⁰

The thematic thread of this investigation into religiously motivated riots will be the notion of transgression. The purpose of this is to make for a more consistent theme with secular riots, so that we can try to identify common practices and patterns. Transgression of community norms was a powerful motivator for lower-class urban violence in Late Antiquity. As we have seen, the failure of authorities to observe the norms of behaviour, whether by failing to supply food or wine, to deliver games or by the imposition of unfair taxation could be perceived as transgressive, according to the specific norms and practices of the community in question. In this following section, we will attempt to discover what spiritual actions or practices were seen as transgressive, both by individuals who were from outside and inside the community. In the case of outsiders, sheer abnormality might have provoked hostility, but how and why remains intriguing. For insiders, the most important factor to understand is how the transgressive action that provoked riot came to be seen as a transgression. Insiders were, by definition, within and known to their community, and it is important to investigate the context for these events so that we can understand how behaviour that had been accepted came to provoke violence.

⁶⁹⁰ It is worth reiterating the word ‘west’ in this sentence. The history of religious riots, and violence in general, was more tumultuous and has been better studied in the eastern provinces and what became the Byzantine Empire. This is not surprising. The riots and violence that accompanied episcopal councils and the various heresies and schisms that afflicted the Eastern Church dwarf the disturbances that occurred further west. These riots and episodes of unrest shall not much feature here however, due to the geographic restrictions of this study. Fascinating investigations and ample bibliographies for religious violence in the East can be found in: P. Bell, *Social Conflict in the Age of Justinian: its nature, management and mediation*, (Oxford: Oxford University Press, 2013), M. Gaddis, *There is no crime for those who have Christ: religious violence in the Christian Roman Empire*, (London: University of California Press, 2005) and Ari Bryen, *Violence in Roman Egypt: A Study in Legal Interpretation*, (Philadelphia: University of Pennsylvania Press, 2013), and many other works.

5.2.2.1. Riots against Spiritually Transgressive ‘Outsiders’.

As we have seen, communities in the late antique West could respond to the violation of community norms with violence. Common values determined both perceptions of normality and responses to it, both in religious and secular behaviours. It is important to stress, however, that it seems that deviance alone from community-defined normality was not usually reason enough to motivate rioting. As with secular riots relating to outsiders and barbarians, the mere existence of differing persons or behaviour does not seem to have caused religious unrest in typical circumstances. Rather, it was the perception that a community’s spiritual norms were threatened, or that behaviours were antagonistic to the community, that seemingly prompted a violent response from the crowd.

The arrival of outsiders whose religious activity was perceived as hostile seems to have been a motivating factor in religious riots in Late Antiquity. The most obvious examples of overtly hostile behaviour by outsiders towards spiritual communities derive from hagiographies. A number of episodes of violence, or threatened violence, derive from the activities of holy men who sought to proselytize and defy the traditions of pagans. Gaul seems to have been the heartland of activity for vigorous idol-smashing ascetics and ecclesiastics in the fourth, fifth and sixth centuries.⁶⁹¹ Not surprisingly, the

⁶⁹¹ The caveat that must be admitted with the following examples of violence against St. Martin and other Christian holy men is that their categorisation as ‘riots’ is slightly dubious. They mainly occurred in villages, and the rustic topos, insisted upon by hagiographers to portray the opposition toward the Saint as credulous, (see Van Dam, ‘Introduction’ in *Glory of the Confessors*, (76), trans. Raymond Van Dam, (Liverpool: Liverpool University Press, 2004), p. xix for more detail on this use of ‘rustic’), implies a countryside location. However, the crowds that gathered, described as multitudes and apparently numbering into hundreds of participants, suggests that sizeable numbers gathered. Likewise, the spiritual locations and public demonstrations of power and agency by holy men and crowd alike suggests that these events can be treated in a manner akin to more properly urban unrest, even if the surroundings were not particularly densely populated. It is also worth mentioning that the unrest that accompanied some episodes of idol-smashing may well be fictional, and we should be increasingly dubious based on region and chronology. Despite these doubts, it is still worthwhile to look at these examples for their portrayal of violence and how this might have reflected genuine community values or lower-class agency. See Yitzhak Hen, ‘Paganism and Superstitions in the time of Gregory of Tours: Une question mal posée!’ in K. Mitchell and I. N. Wood, *The World of Gregory of Tours*, (Leiden: Brill, 2002), pp. 229-40.

communities whose religious traditions were being attacked seem to have responded with unrest and even violence. St Martin came under attack in numerous villages from the local rustics when he attempted to destroy their temples or fell sacred trees. At one village, the inhabitants allowed him to destroy a temple but were roused when the saint began to fell a sacred tree and attempted to lure Martin into being crushed by it.⁶⁹² At another village, named Leprosum, he was driven back by the multitude and received injuries from them.⁶⁹³ His biographer, Sulpicius Severus, suggests such violence was a common response to Martin's activities; in a village of the Aedui; 'When Martin was there overthrowing a temple, a multitude of rustic heathen rushed upon him in a frenzy of rage', but Martin was saved from a sword blow by God. Sulpicius likens this miracle to another instance where he was saved from a knife-wielding man who sought vengeance for his destroyed idols.⁶⁹⁴ The hagiographies of Gregory of Tours provide details for similar events throughout late antique Gaul: in Autun, in either in the mid-fourth or, possibly, in the early fifth century, Bishop Simplicius riled a 'huge horde' of pagans (exceeding four hundred in number) by felling their sacred statue of Berecynthia, though he was delivered from violence when the statue failed to right itself of its own accord and the pagans acclaimed the bishop.⁶⁹⁵ In the 430s, the youthful future abbots Lupicinus and Romanus were attacked with stones by locals 'acting under demonic inspiration', as they tried to found a religious community in the Jura Mountains.⁶⁹⁶ In c. 520, the deacon Gallus, later Bishop of Clermont, whilst in the service of King Theuderic I destroyed the traditional place of worship of the pagan inhabitants of Cologne with fire

⁶⁹² Sulpicius Severus, *Vita Martini*, 13.

⁶⁹³ Sulpicius Severus, *Vita Martini*, 14.

⁶⁹⁴ Sulpicius Severus, *Vita Martini*, 15, trans. Alexander Roberts (1894).

⁶⁹⁵ Gregory of Tours, *Glory of the Confessors*, 76, trans. Raymond Van Dam, (Liverpool: Liverpool University Press, 2004), p. 56. Henceforth cited as *GC*.

⁶⁹⁶ Gregory of Tours, *Life of the Fathers*, (1. 1-2), trans. Edward James (Liverpool: Liverpool University Press, 1991), pp.4-5. Henceforth cited as *VP*. There are discrepancies between the lives of these abbots as portrayed by Gregory and by their official hagiography, the *Vita Patrum Jurensium*, written by a monk at one of their Jura monasteries probably c. 510-20, but this story is accounted for in both lives. *VP*. 1. 1, p. 3n1.

and was pursued by them, ‘their swords in their hands’ so that he had to seek refuge in the king’s house and the intercession of Theuderic himself to calm their anger.⁶⁹⁷

The indication from these examples is that communities were willing to violently oppose the violation of their spiritual traditions.⁶⁹⁸ Lone clerics, or those traveling with just a few companions were – unsurprisingly – particularly vulnerable targets.⁶⁹⁹ As we have seen, achieving asymmetry in confrontation was a significant factor in crossing the boundary from angry protest to violent riot.⁷⁰⁰ In such circumstances these clerics almost certainly ceded immediate violent supremacy to the communities whose hostility they provoked. However, we should not imagine that such acts of violence were taken incautiously, or with the belief that retribution might not follow. Martin returned to the village of the Aedui with two spear wielding angels to destroy the temple; Jeremy Knight notes that the description might as easily depict Roman soldiers.⁷⁰¹ In any case, the saint certainly had the ear of the Emperor Magnus Maximus during the years of his usurpation.⁷⁰² Similarly the deacon Gallus could call on the sympathetic authority of Theuderic to defend him from the wrath of the outraged inhabitants of Cologne. Riotous violence, even against isolated outsiders, was not undertaken without careful consideration of reprisals. Furthermore, the depiction of the idol-smashing clerics emphasises their physical vulnerability to confrontation in order to spotlight the triumph

⁶⁹⁷ *VP*. 6. 2, p. 34.

⁶⁹⁸ There has to be a certain doubt regarding the details of violence, since violent opposition to the activities of a holy man could be used by the hagiographer to emphasise the Saint’s commitment to God and the mission. However rejecting the accounts of hagiographers on that basis is foolish; we will never know for sure how the villagers perceived the arrival of an idol-smashing outsider, but the hagiographical accounts indicate how a response that was perceived to be plausible in Late Antiquity. Moreover, the violent, riotous reaction to the transgression of communal norms as depicted by the hagiographers seems plausible given the equivalent reactions to transgression that provoked secular riots.

⁶⁹⁹ Companions are rarely accounted for in these examples of violence against holy men, but it seems likely that Martin and others would have been accompanied by followers. The destruction of temples and similar acts of desecration likewise indicates the presence of physical assistance.

⁷⁰⁰ Randall Collins, pp. 115-132 and pp. 233-4.

⁷⁰¹ J. Knight, *The end of antiquity: archaeology, society and religion AD 235-700* (Stroud: Tempus, 2007), p. 118.

⁷⁰² Timothy David Barnes, *Early Christian Hagiography and Roman History*, (Tübingen: Mohr Siebeck, 2010), p. 228-232

of God's representative over temporal opposition. Given the rhetoric of these accounts, it is difficult to be certain of detail, but we can be sure that the odds were not so stacked against holy men as their hagiographers would have us believe.

Violence against outsiders who transgressed communal norms was rarely simple reactionary response. Communities were probably well informed about the secular and ecclesiastical power or influence that holy men could wield, yet they were nevertheless unwilling to allow certain deviant behaviours. In Spain, during the reign of Leovigild, a Nicene ascetic named Nactus came from Africa and found favour with the King despite his Arianism. He was given a certain amount of land in reward for his prayers and holy lifestyle. According to his hagiographer, the rustic locals were appalled at their new master, whose clothes were ragged and hair uncut. They believed it was better to die than serve under such a man and so ambushed him while he was out grazing his sheep and broke his neck. Soon after they were arrested by royal agents and later tormented and killed by demons.⁷⁰³ The indication from the *Lives of the Fathers of Mérida* is that these people found the extremes of abnormality practised by Nactus intolerable and were willing to risk death as a result of the enactment of their violent agency. They planned their violent actions and put them into effect in a conscious manner. Likewise, the villagers in fourth-century Gaul might allow Martin to smash a temple but not fell a sacred tree, whilst the crowd at Autun awaited the reaction of the divine to the actions of Simplicius before resorting to violence.⁷⁰⁴ These accounts of violence against ascetic holy men are highly stylized, and the confrontations and adversarial disparity are likely to fictionalised. We cannot be sure that they closely represent the actions of the villagers in question, but the depiction itself may be as significant. Riotous response was not

⁷⁰³ Paul the Deacon, 'Lives of the Fathers of Merida' in *Lives of the Visigothic Fathers*, trans. A. T. Fear, (Liverpool: Liverpool University Press, 1997), p. 56-7.

⁷⁰⁴ See above, pp. 282-3. It is possible that the rioters in these episodes even knew their legal rights. Despite the support Martin seems to have had from certain legitimate authorities, the destruction of pagan temples in country districts seems to have been considered seditious up until 399; CTh 16. 10. 16.

automatic in these episodes, no more than the people of Late Antiquity were automatons. Violent reaction was conditional; for the hagiographer who recorded these events the behaviours of rustics toward perceived transgressors and their perceptions of authorities were given consideration, just as they were in the conditional, confrontation and sometimes violent exchanges between the Roman mob and their Prefect recorded by Ammianus. The reasoned morality behind these episodes of violence against irreligious outsiders is striking. The episodes are not just attacks on despised foreigners, but complex assessments of behaviour and assertions of agency against, at least in some cases, prominent representatives of authority. Indeed, the authority might not just be temporal; holy men attempted their (potential) outrages as a demonstration of spiritual truth and communities seem to have cautiously assessed their divine favour. Riot might bring soldiers to the village, or the risk the ire of Emperor or King; but it could also risk divine retribution if the wrong decisions were made.

Nevertheless, violence against spiritually hostile outsiders was not, of course, a necessarily anti-authoritarian statement. Indeed violence was often performed in accordance with the desires of local authorities, as in Emerita, where Priscillian and his followers were attacked by a mob and kicked out of the city by a mob organised by Hydatius, the 'orthodox' bishop of the city.⁷⁰⁵ The norms of the community were determined by the community, but were subject to influences, such as the desires of the elite figure like Bishop Hydatius, or the advances of a new religion, as in Autun where the crowd were apparently convinced of the power of Christianity through the actions of Simplicius. The authorities within or ruling over these communities typically shared the same broad set of values as the common people. When their hostilities towards

⁷⁰⁵ Priscillian of Avila, 'Tractate II: Priscillian's Book to Bishop Damasus' in *Priscillain of Avila: The Complete Works* ed. and trans. Marco Conti, (Oxford: Oxford University Press, 2010), pp. 76-77 and, for more detail, see Virginia Burrus, *The making of a Heretic: gender, authority and the priscillianist controversy*, (Berkeley: University of California, 1995), pp. 50-4.

outsiders were held in common the same threat of temporal punishment did not have to be psychologically overcome before violence was performed. However, it is important to recognise that the outsider was still seen as a transgressor. As we have seen, outsiders were not likely to trigger urban unrest unless their behaviour – whether religious or secular – was considered unacceptable. If moral or normative boundaries were overstepped however, urban communities in the late antique West clearly had a certain degree of agency to violently redress the situation, whether the authorities were sympathetic, disinterested or indeed hostile to that response.

5.2.2.2. Religious Violence within the Community.

However, riotous violence against religious transgressors did not occur solely as a result of the arrival of outsiders whose practices were unknown or perceived as deviant. Religious violence also occurred within communities which could be split by faith, theology or ecclesiastical factions. In such cases it is imperative to understand the changes in communal perceptions of normality that caused religious riot. It was not unusual for individuals of different faiths or creeds to co-exist within the same communities in Late Antiquity. On the whole, interactions between them must have been peaceful, probably even friendly, for those communities to be maintained. In order for riots to occur against members of a shared community, changes in perception or behaviour were required. Either the actions of victims must have changed and provoked new hostility, or (and more likely) the perceptions of what constituted transgressive behaviour changed on the part of the rioters. How did these changes come about, and what can it tell us about patterns of violence and the lives of common people in Late Antiquity? The following sections will try to investigate these issues.

As we have seen, disputed papal succession, as in the Damasus versus Ursinus papal succession in Rome, could lead to the development of violently competitive supporters.⁷⁰⁶ Similar tensions in ecclesiastical politics could be a potent motivating factor in religious riots. After the death of Nicetius of Lyons in 573 the clergy were divided between those loyal to the policies of dead bishop and those who sided with his successor Priscus. Equivalent factionalism within the clergy is not uncommon in Gregory's narrative, however this instance was particularly severe; he records that a priest of Priscus's faction was confronted one evening by the spectre of the dead Nicetius who reprimanded him and repeatedly punched him in the throat so that he died the next day.⁷⁰⁷ Soon after a riot broke out between the factions during which stones and firebrands were thrown and one man killed another, only to be hunted down by the victim's brother several days later. The brother was then imprisoned, but prayed to Nicetius and was released.⁷⁰⁸ It seems reasonable to speculate, as Allen Jones has, that the beating was delivered by partisans of Nicetius and that the release was an effort to assuage tension within the city.⁷⁰⁹ It is important to emphasise the significance of this. In the cases of spiritually motivated riot against outsiders the anger of the mob is directed toward an individual wrong-doer (sometimes along with their companions), whose otherness might be emphasised as a result of their origins, impiety or hostility toward local norms. However, in this case, as with other violence in ecclesiastical factionalism, the rioters had to ostracise their own neighbours and kin, rather than a more emotionally distant individual. This surely testifies to the continued importance of communal sanctity in the late antique West.

⁷⁰⁶ See above, pp. 245-8.

⁷⁰⁷ For factionalism in the Merovingian Church see, for example, *LH*, 6. 11, 22, 36 and *VP*, 4. 4.

⁷⁰⁸ *LH*, 4. 36.

⁷⁰⁹ Allen Jones, pp. 194-6.

The development of violent conflict within Church politics was not the only motivator for intra-communal violence and, as we have seen, late antique communities did not conceive of notions of what behaviours were unacceptably transgressive in a vacuum. Changes in religious or political circumstances could radically alter perceptions of acceptability within the community. For example, in the aftermath of the execution of Priscillian in c.385 tensions were clearly heightened against the followers who still retained beliefs which had been so forcefully disavowed by authority. In Bordeaux, a noblewoman named Urbica, perhaps Pomponia Urbica who is otherwise known to have been married to Julius Censor and related through this marriage to Ausonius, was stoned to death by a 'seditious' and 'vulgar' mob on account of her impiety.⁷¹⁰ It seems likely that Urbica had lived among the citizens of Bordeaux for years prior to the validation of violent methods against heretics by the execution of Priscillian, but it was only in the post-execution context that the crowd felt either the need or the opportunity to follow the extreme Imperial precedent by violently scourging impiety from the community. Motivation and opportunity likely worked in tandem. The invasion of Gaul by Attila's Huns in 451 seems to have provided the citizens of Paris with a similar chance and reason to persecute Genovefa. Certain grievances towards her already seem to have existed prior to the invasion, but when she persuaded the people not to flee the city with their goods because she was convinced God would save the city, the crowd, in panic, believed that she was a false prophet and had misled them into ruin. Only the intercession from a respected clergyman of Auxerre saved her from being stoned to death.⁷¹¹ Though the details of these two riots vary hugely they reveal the effects of

⁷¹⁰ Prosper, 'Chronicon, 1187' in 'Chronica Minora I' in MGH AA 11, p. 462 and see Virginia Burrus, p. 82. See also H. Chadwick, *Priscillian of Avila: the occult and the charismatic in the early Church* (Oxford: Clarendon Press, 1976).

⁷¹¹ 'The Life of Saint Genovefa', as translated in *Sainted Women of the Dark Ages*, ed. and trans. J. A. McNamara, J. E. Halborg and E. Gordon Whatley, (London: Duke University Press, 1992), p. 23. The editors produced the translation from the edition in *Acta Sanctorum*, January 3, 137-53, on the grounds that this is held to be the oldest and lacks many of the flaws that existed in the version used by Krusch

political context on the motivation to riot. It is not clear how deeply the grievances towards these women were felt prior to the hardening of anti-Priscillianist sentiment or the Hunnic invasion, but the important issue for our purposes, in this study, is that both of them lived in the communities prior to those events. Prior to these changes in circumstance (in one instance, changing perception of heresy, in the other an invasion) they had been accepted. However, in the context of heightened tension, the thresholds of acceptable behaviour shifted; fears about the effect of irreligiousness on the community reached a new level and previously tolerable behaviour came to be considered transgressive, even from fellow members of the community.

Similar changes seem to have affected the perception of Jewish persons or groups within wider Christian communities in the late antique West. In Minorca, famously, the arrival of relics of St. Stephen from the holy land in 418 seems to have encouraged Christians and in particular the Bishop on the island, Severus, to begin the forcible conversion of the Jews. Violence seems to have been employed by the Christians who burned down the synagogue, although riot does not explicitly feature in the account of Severus.⁷¹² In any case, the changes in perception caused a Jewish community on the island, totalling 540 in 418, that had existed alongside Christians neighbours for years, to be converted in only eight days.⁷¹³ Clearer evidence of anti-Jewish riot in the aftermath of policy change is evident in Merovingian Gaul, where the conversion of Jews was an increasingly significant episcopal and even royal policy.⁷¹⁴ In Clermont in 576 Bishop Avitus attempted to put this policy into practice. Some Jews converted, but a riot was

for 'Vita Genovefae virginis Parisiensis' in *Passiones vitaeque sanctorum aevi Merovingici et antiquiorum aliquot*, MGH SRM, 3 (Hannover: Hahn, 1896).

⁷¹² The destruction of a synagogue was legally considered a seditious offence, whilst violence against Jews incurred the usual penalties, so it is possible that Severus downplayed any violence in the 'miraculous' conversion of Minorca's Jews. CTh 16. 8. 9; 12; 14; 20; 21; 25; 27.

⁷¹³ Severus of Minorca, *Letter on the Conversion of the Jews*, ed. and trans. Scott Bradbury, (Oxford: Clarendon Press, 1996).

⁷¹⁴ Brian Brennan, 'The Conversion of the Jews in A.D. 576', *The Journal of Theological Studies*, 36. 2, (1985), 321-337 (p. 322). See also the important study of Walter Goffart, 'The Conversions of Avitus of Clermont and similar passages in Gregory of Tours' in *Rome's Fall and After*, pp. 293-317.

sparked when an unnamed Jewish man poured rancid oil onto the head of a convert during his baptismal procession, which coincided with the Easter celebrations, and also with the celebration of Passover.⁷¹⁵ This apparent slight prompted an aggressive reaction from the crowd who were only prevented from stoning the offender through the intercession of the Bishop.⁷¹⁶ Soon after the crowd burned down the synagogue and the Bishop offered the remaining Jews the choice of conversion or leaving the city. Avitus did not demand conversion as such, but insisted that the city should be as one flock under his guidance as shepherd. Once again, episcopal policy, resulted in a shifting of the boundaries of transgression.⁷¹⁷ According to Gregory over five hundred Jews were converted in Clermont, whilst the rest left for Marseilles.⁷¹⁸ However, it is also interesting to notice that as well as changes in policy dictated by religious authority, the co-incident of major festivals for both Jews and Christians may have stoked tensions to unusual levels. As Goffart has noticed, the incidences of violence and conversion that remain in the historical accounts of interactions between Christians and Jews in Late Antiquity grab the attention of the reader, and allow us to overlook the normalcy of day-to-day interactions within the community. The typical state of being was coexistence.⁷¹⁹ These examples allow us to understand, however, that in the context of change – in this case from religious and secular authorities – what was once usual came to be seen as transgressive. Perhaps, in the peculiar context of overlap between Passover and Easter,

⁷¹⁵ Easter was particularly emotionally charged festival for relations between Christians and Jews in Merovingian Gaul; Brennan, p. 327. See Elliot Horowitz, *Reckless Rites: Purim and the legacy of Jewish Violence* (Princeton, N. J.: Princeton University Press, 2006), pp. 151-2 for the effect of the co-incident of Passover and Easter.

⁷¹⁶ Note that the Jewish community likewise held perceptions of what was perceived to be transgressive; the lack of faith of the convert was punished with hostility and public embarrassment, even in the face of the tension whipped up by the conversion rhetoric of Bishop Avitus. Indeed, in the version of events described by Venantius Fortunatus, the reaction of the Jewish community was quite belligerent; they gathered together in a rebellious crowd and locked themselves away in a house. Brennan, p. 330.

⁷¹⁷ Previously Jews seem to have been welcome and integrated in Clermont; in the fifth-century Bishop Sidonius Apollinaris took a tolerant approach and it seems that this was continued by Avitus's episcopal rivals, Cautinus and Eufrasius, who seem to have espoused a less hard-line policy; Brennan, p. 324.

⁷¹⁸ *LH*, 9. 11.

⁷¹⁹ Goffart, 'The Conversions of Avitus of Clermont and similar passages in Gregory of Tours', pp. 316-17.

the zeal for spiritual normality became particularly intense. In these unhappy circumstances, people who had been neighbours came to inflict violence upon one another.

5.2.2.3. Outsiders, Insiders and Shifting Perceptions of Transgression.

Interestingly however, an example of riot in Marseilles shortly afterward demonstrates that spiritual divisions, even in the context of heightened religious tensions, did not override other potential transgressions that could provoke a violent reaction from the community. Chiperic had considerable zeal for proselytization, indeed he ordered the conversion of all Jews in his Kingdom, and took a certain convert named Phatyr as his godson. This Phatyr took exception to a Jewish citizen of Marseilles, named Priscus, who resisted pressure to convert, even though the King had had him imprisoned. Priscus managed to bribe his way out of jail and was headed for the synagogue along with some companions when he was accosted by Phatyr along with his servants. Phatyr cut Priscus's throat with a sword and killed the rest of his companions before seeking sanctuary in the Church. However panic arose between the murderers who began to attack one another. Several were killed and the victor fled the bloodied sanctuary, only to find the outraged mob assembled outside the Church; the transgressor had fled into the arms of the crowd and was killed.⁷²⁰ This episode serves as an important counterbalance to the previous examples of shifting perceptions of transgression; Priscus and his companions may well have been seen as deviant in the context of royal and episcopal pressure to convert in late sixth-century Gaul, but murder followed by the desecration of sanctuary remained a much more significant motivation to riot. Violence against members of the community, even if they were somewhat peripheral, as Priscus

⁷²⁰ *LH*, 6. 17.

seems to have been, was a potent provocation to the community. It was significant enough that they were willing to risk royal displeasure through collective violence against Chilperic's own godson.⁷²¹ This is deeply significant, as it underlines the complexity of community and notions of transgression in Late Antiquity. From the outset of this chapter, and indeed this thesis, we have sought to stress that lower-class people in Late Antiquity were not mere passive recipients of violence, and that violence on their part can inform us about their perceptions and experience of life. In the previous section, we saw that contextual changes in community could cause friction and violence between neighbours whose differing spiritual behaviours had not been seen as transgressive (or at least transgressive enough to provoke riot) up until that point. In this example, we can see that despite the official policy from the realm's authorities, Christian members of a community were willing to riot against the transgressive actions of a Christian against a Jewish neighbour in the community. This seems to give us an important measure of both what was considered normal and transgressive. It is as simple point, but worth stressing: in this case the violence of the convert Phatyr was considered transgressive by the (largely Christian), despite the fact that his violence was aimed at a Jew who was unwilling to convert. In order to punish the transgression, the community were willing to violently riot and murder a favoured godson of the King.

Not only was the crowd willing to sail against the winds of official policy, but on occasion their sympathies could swing with the vicissitudes of immediate situational context. In the summer of 419 an enthusiastic orthodox catholic priest called Fronto took it upon himself to root out heresy in the province of Tarraconensis by pretending to be

⁷²¹ This is a stark contrast to the anti-Jewish riots at Clermont: those were perhaps even lawful (late Roman law codes continued to have relevance in Merovingian Gaul and CTh 16. 8. 1 demanded death by fire for Jews who attacked converts) whilst the citizens of Marseilles directly contravened royal policy with riot. Chilperic did in fact pardon the murders of the servants because Phatyr escaped, but such a reaction was not assured. The citizens of Limoges would find out the consequences when Chilperic reacted badly to news of urban riots. *LH*, 5, 28, see above, p. 269-70, n.661.

a heretic. He managed to ingratiate himself with a woman of senatorial rank who informed him that her priest, named Severus, had been traveling with three suspicious books which had since been stolen by barbarians and delivered to the local Bishop, Sagittius. Armed with this information, Fronto accused Severus of heresy before the episcopal court of Bishop Titianus; the metropolitan in Tarraco. However by that time the books in question had been passed around among several bishops including Titianus himself, and Syagrius of Osca – Severus’s direct superior – and ended up back in Severus’s possession. Knowing that Fronto lacked this crucial evidence he refuted the claims and, relying on local support, denounced his accuser. Given that the bishops of the court had themselves been implicated in the return of evidence to the accused, it is unsurprising that the people of the towns they represented turned on Fronto, who, fearing murder, sought sanctuary in the church of the city. To make matters worse, Severus summoned his relative Asterius, who was the senior military official in all of Spain, to come and make sure that the family name was not sullied.⁷²² Faced with overwhelming opposition from the local authorities, all of whom had strong ties of patronage with the people of the Tarraco, Fronto was violently abused, both verbally and physically, by the crowd. Stones were hurled at him and the mob pleaded with the assembled bishops to allow summary justice in the form of lynching. Fronto was only able to appease them with promises that he would meekly submit to death by stoning if he was found guilty. However, it is important to highlight here that the reputation of the community was the major concern for the rioters, not any personal vendetta. When a henchman of Asterius attempted to drag Fronto from his sanctuary the people intervened and drove the man from the city with fatal wounds. Clearly they valued the sacred boundaries of the church more highly than retribution against a fugitive who they had already deemed guilty and,

⁷²² For Asterius’ career, including this affair, see Kulikowski, ‘The career of the *comes Hispaniarum* Asterius’ in *Phoenix*, 54 (2000) 123–141.

furthermore, were willing to risk the displeasure of the most powerful general in the area in order to maintain that sanctity.

Nor indeed was the condemnatory opinion of the mob immutable; Fronto was fortuitously saved by the intervention of Bishop Syagrius who confirmed the existence of the books and provided excerpts from them as evidence. Fronto seized this opportunity and read aloud from these texts, so that the crowd instead attacked Severus and one of the implicated episcopal judges. In doing so they rejected their ties to neighbouring cities and the bonds of patronage that surely linked them with the powerful senatorial kin of Severus, Asterius and the Bishops.⁷²³ Clearly the application of justice and the maintenance of orthodoxy – however they defined this – was of paramount significance to the people of Tarraco. Their anger at perceived transgression at first coincided with the direction of the local authorities, though they were nevertheless unwilling to allow the desecration of sanctuary. But when new evidence emerged their perceptions of transgression shifted in accordance and the authorities became the target of popular hostility.

5.3. Interim Conclusion: Rioting and Lower-Class Agency in Late Antiquity.

As these last two episodes of riot demonstrate, the division of late antique rioting into categories of religious and secular may be helpful from an analytical perspective, but such divisions will rarely be entirely satisfactory. In the course of these disturbances secular transgressions, such as perjury and murder were committed, but in a religious

⁷²³ This whole affair is described in a letter of Consentius to Augustine; Augustine, *Letter 11** in Augustine, *Letters*, Volume 6, Letters 1*-29*, trans. Sister Wilfrid Parsons, (Washington D. C.: Catholic University of America Press, 1989), pp. 81-98. For a meticulous scholarly appraisal of the events in that letter, see Kulikowski 'Fronto, the bishops and the crowd: episcopal justice and communal violence in fifth-century Tarraconensis' in *Early Medieval Europe*, 11 (2002) 295–320. See also García Moreno, "Élites e iglesia hispanas en la transición del imperio romano al reino visigodo," in J.M. Candau, ed., *La conversión de Roma. Cristianismo y paganismo*. (Ediciones Clasicas: Madrid, 1991), pp. 223–257.

context. Religious sanctuary was defiled, but was this a legal offence or a spiritual outrage? How should they be categorised? The answer is, perhaps, to avoid strict discrimination between the spheres in our minds, even if we maintain a distinction for analytical purposes. Common people in Late Antiquity would have rarely drawn definitive distinctions between the religious and the secular, so perhaps we should avoid rigid distinctions too. The purpose of this chapter has been to attempt to define the issues that were important enough to the crowd to induce violent opposition in the form of riot. Across broad categories, that might be considered economic, political, social, sporting and religious, it seems that riot was a form of violent agency exercised by the common people against transgression.

These transgressions were not set in stone; they were subject to immediate circumstances and the cultural climate. Nor did transgressors fall into neat categories; riot was not inherently a hostile response to authorities nor the unfamiliar behaviours of outsiders, although it could be both. It could also defend outsiders, or be directed by authorities. However, it is important to stress that, however subject to influence the moral boundaries of the common people were, that they seem to have self-defined the limits at which transgression would provoke protest or violence. In this sense riot was a demonstration of agency; it was not the only form by which the lower classes could redress their grievances, but it was a potent tool that could be made use of to defend or improve the lives, beliefs or traditions of the common people.

Toward the outset of this chapter, we extended the premise of Thompson's Moral Economy thesis to help explain how and why people rioted over commodity shortages in Late Antiquity. Then, as in the eighteenth-century, which was the subject of Thompson's enquiry, it seems clear that riot was not an automatic response to a stimulus. People did not riot as a last violent protest before malnutrition robbed them of remaining

energy; rather riot was a response to moral failing by which the community perceived that it had been let down or betrayed. Riot, therefore, formed an aspect of the discourse between the lower classes and authority.

Interestingly, on the basis of the riots investigated in the course of this chapter, it seems that the basic thesis of Thompson's argument is applicable more generally across late antique rioting regardless of motivation. It seems that rioting was never simply an automatic response. When riots were underway, they could be curtailed by authorities who engaged with them. The motivations for riot could smoulder until a perceived weakness on the part of authorities afforded the people the opportunity to voice or enforce their grievances. Long-term neighbours whose actions were not perceived as transgressive might quickly become subject to riotous violence as a result of changes in circumstances. Rather than an instinctive or unthinking response to stimuli, rioting represents a method by which lower-class people could make their voices heard, and through which their problems might be relieved. The motivations for riots therefore, tell us a great deal about the values and preoccupations of common people in Late Antiquity.

Conclusion.

In an attempt to follow the thematic thread of lower-class violence in the late antique West this study has run its course across a wide range of material. We have seen Emperors, Kings, Popes, Bishops, aristocrats, landowners, soldiers, farmers, shepherds, slaves, charioteers, custodians, lime-burners, postmen, cattle-rustlers, bandits, rebels, *bucellarii*, *Bacaudae*, assassins, Romans, Armoricans, Isaurians, Nori, barbarians, Goths, Iuthungi, *scamarae*, Nicene Christians, Priscillianists, Arians, pagans and Jews, and tried to highlight and understand the violent interactions between these various groups. These interactions have been studied across half a continent, across climatic, geographic and political boundaries and over the course of three centuries. However this study, like the above list, cannot claim to be exhaustive. As stated at the outset, this project was and is not intended to identify and describe every incident of lower-class violence in the late antique West. Far from it. Instead, I hope to have traced this thread through a number of case studies arranged into categories for the purposes of structure. It is hoped that these categories, each being one of the five chapters of the thesis, could each stand in relative isolation, although it is accepted that chapters one, two and three are more mutually reliant.

However, because of this categorisation, and because of the sheer diversity of the subject material, it is important to stress some of the common themes for which I have drawn this material together. Each chapter is furnished with its own conclusion, or concluding remarks. The purpose of this section is to provide some level of synthesis by drawing together the strands of the argument from each chapter. It is not a review of the material covered, but instead it is intended to highlight common themes and attempt some cautious generalisations about violence and the lives of common people in Late Antiquity, and its importance to the wider topic.

i. Who was violent, and how?

At the outset of this investigation, it was stressed that the lower classes of late antique society were extremely varied and heterogeneous, and that we should not suppose any notion of class-consciousness. This remains true, and if anything the multitude of groups which have been seen to have got caught up in lower-class violence testifies to that very diversity. We have proposed that endemic bandits, as far as can be discerned, were from the economic and geographic margins of the ancient world, such as the uplands or wetlands, and were typically pastoralists. However, if such groups seem to have provided a baseline of *latrocinium*, at least in some regions, at other times bandits were created by political or social context, rather than born into traditions of brigandage. At such times, the origins of bandits were far more diverse, and we can discern that lower-class individuals from various backgrounds, especially farmers, fugitives from hereditary occupations, slaves and deserters, came to swell the ranks of epidemic brigandage and the *Bacaudae*. Rioters and retainers were likewise typically the poor, but in both cases we can see that certain categories of people gained a reputation for proficiency. Shepherds, bandits and deserters were all favoured by powerful patrons for work as retainers because they often brought violent expertise into the role. For similar reasons, charioteers, gladiators and perhaps, intriguingly, members of the lesser clergy could be found at the forefront of riots for similar reasons.

This is revealing about the practice of violence in Late Antiquity; experience and reputation were clearly valued. It seems that endemic bandits sought the experience of tradition, such as elders who had known generations of raiding. Such endemic expertise in brigandage could also provide a core around which prospective epidemic bandits could coalesce, as in the case of the third-century *Bacaudae*, where it seems that farmers

might have made use of the knowledge and practices of shepherd/bandits. Likewise in the fifth century, fugitives may have made for Armorica because it was known to be a place where bandits could find refuge and occupation. Similarly deserters and even military veterans were feared for the disruption that they might cause. This fear made them targets, and they were often subject to harsh punishments along with their infamous reputations.

Yet good fighters could usually find employment; the Isaurians and bandits might have had poor reputations, but it made them worthy employees if violence was expected. Charioteers and gladiators might have been considered drunken and loutish, but that made them ideal as a violent experts in a riot over disputed Papal election.⁷²⁴ Intriguingly, this respect for reputation and emphasis on experienced fighters seems to exist regardless of social class, and perhaps even of motivation. Wealthy patrons, rebel Bacaudae, petty bandits, custodians, bodyguards, and rioters all wanted to survive and have men of violence on their side.

ii. Lower-class violence and Authority.

Complexity has been another common trait across this investigation. It might have been assumed that lower-class violence necessarily implied conflict between classes. Sometimes this was the case. The Pseudo-Christ of Bourges seems to have robbed the rich to give to the poor, whilst rioters in Bazas took advantage of a barbarian siege to attempt a slaughter of the nobility.⁷²⁵ Many bandits, and the Bacaudae in particular, seem to have been very hostile toward Roman authority, whilst various riots were directed against transgressions by authority figures. However, just because such motivations

⁷²⁴ See above, pp. 65-7 for bandits and Isaurians and for charioteers and gladiators see p. 208 and n.522, pp. 245-9, pp. 262-4.

⁷²⁵ See above, pp. 99-101 for the Pseudo-Christ and p. 244 for the riot at Bazas.

inspired violence does not mean that those motivations were uniform. As we have seen, that categorisation of a bandit was very much open to interpretation; one man's bandit could easily be another man's retainer!

Grievance against oppression by authority was just one of many motivations for lower-class people to take up violence. Some might have desired social improvement through work as a bodyguard to a patron, some might have felt loyalty to a church, shrine, or to the norms and cohesiveness of the community itself. It is important to remember that when we observe social conflict in Late Antiquity, it is likely that there were lower-class individuals engaged in violence on both sides. Retainers may have defended aristocrats from *Bacaudae* whilst bandits in the employ of one aristocrat may have meted out 'justice' to those in the employ of his landowning neighbour. Consequently, we should not think of relations with authorities in necessarily simple terms; lower-class people could be the opponents, employees, slaves or allies of authority figures. They could also use their violent roles to negotiate a better position in society, perhaps by patronage, by intimidation or by force.

iii. Lower-class violence and the Community.

Violence, at least in the forms that we have seen it in this study, was typically a frantic and dangerous business; on this basis it might be assumed that it tended to alienate the community. This was often, perhaps even typically, the case. The impoverished, violated, mutilated and murdered victims surely bred a great deal of contempt and hostility toward lower-class violence; we should remember the striking scene in Apuleius in which a rich man attempted to steal property from his neighbour, with both sides employing what we would call lower-class retainers. Several of the combatants were killed brutally, including the rich neighbour, with one man even ripped apart by

hounds. Families were wiped out and the poor neighbour killed himself rather than face the sorrow and recrimination of the violence.⁷²⁶ The scene itself is fictional, but its real life equivalents were surely equally tragic.

However, it is important to stress that this too was not uncomplicated. We have seen, for example, that endemic bandits were closely reliant on their communities, suggesting that Hobsbawm's theory of social banditry might be applicable and indeed a fairly common phenomenon in Late Antiquity. Bandits were rarely self-sufficient, and the community provided vital support for their activities. This was recognised by the state, which perceived this reliance and focused upon it as the integral policy of their techniques of anti-banditry. Even epidemic bandits often seem to have tried to return to friendly territory, where they either had kin and connections to facilitate their banditry, or to a region – such as Armorica or the Apennines – where they might find sympathy or fellowship. Even more striking is the relationship between rioters and their community. Following E. P. Thompson's moral economy thesis, we have seen that a major, perhaps defining, feature of late antique riots is the perception of transgression of norms as defined by the community. These were subject to change and influence, and were certainly not held uniformly, but the transgression of communal morality was the cause of many an instance of urban unrest. In light of this, we should be cautious about assumptions of antagonism. Lower-class people who behaved violently could not fall back on their legal rights or friends in high places to defend them; they needed support. This might have come from their bandit gang or from an aristocratic employer, but it might often have come from the community itself, which sometimes tolerated, encouraged or defended those violent acts.

⁷²⁶ Apuleius, 9. 35-8 and see above, pp. 203-4.

iv. Lower-Class Violence and its impact on the End of the Western Roman Empire.

Way back in the introduction it was noted that ‘popular uprisings...come a very long way down any list’ of causes of the End of the Western Empire.⁷²⁷ This remains true, but any belittling attitude toward the violent agency of that populace is now, I hope, due a little reconsideration. Banditry, regardless of its form, hindered communication and commerce as travellers and merchants presented prime targets. This might have been of minimal consequence in times of general peace, but when the Empire was struggling to respond to crises, it might have had a serious impact given the apparent ubiquity of banditry. Epidemic bandits, in particular, may have had a fairly severe impact on the economic output of a region, as in Southern Italy where Cassiodorus had to plead with the people to put down their pikes and leave the fighting to the Ostrogoths.⁷²⁸ Of possibly even greater importance was the impact of banditry on manpower. Bandits, and the Bacaudae especially, proved to be a potent draw for dissatisfied elements of Roman society in the late fourth and early fifth centuries. Deserters from the army, in particular, went directly from being servants of the Emperors to enemies of the state when they became bandits. It is impossible to empirically calculate the scale of epidemic brigandage at this time, but it was clearly significant. The problem was so severe that the state ceded its traditional and long held monopoly of violence in order to legitimise private, vigilante violence for the purpose of anti-banditry. The legitimacy of private citizens who fought barbarians and usurpers on behalf of the state was dubious. That those citizens who fought bandits were enfranchised to do so must indicate the severity of banditry. More direct evidence of the scale of epidemic brigandage can be found in the activities of the Bacaudae; these rebels necessitated Diocletian’s decision to appoint

⁷²⁷ Ward-Perkins, *The fall of Rome*, p. 176, and see above, Introduction, ii, pp. 14-5.

⁷²⁸ Cassiodorus, *Variae*, 12. 5 and above, pp. 120-22.

a co-Emperor in the third century to deal with them, whilst in the fifth century they demanded the attentions of the generals Aetius, Litorius, Merobaudes and Asterius along with federate Alans, Huns and Goths. Indeed, it even seems that the Bacaudae were powerful enough to have organised alliances, or diplomatic relations of some kind, with the Sueves and Huns. The Bacaudae, and epidemic bandits in general, did not bring down the Empire, but they were a serious thorn in the side of generals in the Western Empire during the critical decades from the 390s-440s.

Also significant, and directly related, must be the increasingly popular practice of retaining in Late Antiquity. Bandits provided recruits for such retinues, whilst the prevalence of banditry provided both a need for retinues to exist and a degree of legal justification for their existence. Armed retainers, likewise, did not bring down the Empire, but the concentration of violent power in private hands may have been part of a trend that undermined the ability of the state either to operate a publicly funded army, or effectively draw taxes from its citizens. As stated, it is not the intent of this study to argue that lower-class violence was of primary or even major importance, relative to other factors, in the end of Roman administration in the Western provinces. However, it seems clear that it had some considerable and damaging effect on the ability of the Roman state to endure other more serious issues, and is therefore worthy of some notice.

- v. The End of the Western Roman Empire and its impact on Lower-Class Violence: Violence and quality of life during the Transformation of the Roman World.

How did ordinary people experience the end of Roman administration in the provinces of the Western Empire, and how did it affect their quality of life? As we have seen, differing interpretations can be offered; some might propose that economic and

commercial decline brought a halt to the access to material goods that had been freely available under Rome, but others might argue that the easing of tax burdens and widespread hereditary employment may have qualitatively eased the burden felt by common people.⁷²⁹ Lower-class violence is a measure of extreme situations, and it is consequently of little use in trying to make generalisations about whether the post-Roman period was a relative ‘golden’ or ‘dark’ age in comparison to life under Roman rule. It is likely that it was both, based on time, place and individuality.

It is also hard to speculate about whether lower-class violence was more or less common under the Empire or after the notional end of Roman rule in c.476. We might suppose, for example, that the decline of the great urban centres of population in Late Antiquity would have caused a consequent decline in rioting. These major cities with large populations were directly supported by the state and relied, to a greater or lesser degree, on its administrative institutions to maintain large populations that were beyond the capacity of the local hinterland to supply. We can see that in the late Roman period failures to provide supplies was seen as transgressive by those populations, and significant rioting took place. But as the populations declined it seems that local supply was more likely to prove sufficient victuals to satisfy demand and that, therefore, this major motivation for late Roman rioting was alleviated. Yet whilst it is true that this motivation for riots seems to diminish in significance, it is far from clear that rioting was less common. In Gaul, at the time of Gregory of Tours, religious and judicial transgressions, along with taxation, seem to have become more pressing issues. How do we understand this? Can we make general observations about the motivation for riots in Late Antiquity, or just contrast the motivations for rioting in Austrasian Clermont and Imperial Rome? Or perhaps the particular interests and biases of our sources, like sixth-

⁷²⁹ See above, Introduction, i, pp. 12-4 and n.7.

century Bishop Gregory and fourth-century, pagan, ex-soldier Ammianus Marcellinus, simply distort our understanding irreparably?

Patterns in late antique retaining are hardly less difficult to discern. Under the Roman Empire the notional state monopoly on violence necessitated small-scale retaining; the army could not be everywhere, so aristocrats and the wealthy felt it necessary to keep bodyguards and armed retainers for protection and to enforce their desires, but these retinues had to be subtle enough to not incur the wrath of authorities. In the post-Roman West, legitimacy to act violently was less closely guarded by authorities, so perhaps there were more opportunities for lower-class people to engage in *de facto* or *de jure* legitimate violence because of fewer restrictions? This may have been the case in some instances, but elsewhere economic decline may have severely restricted the capacity for the wealthy to patronise armed retinues. Furthermore, the wider legitimacy for violence may well have swiftly evolved, so that violent social roles became closely tied to martial aristocracies whose role as *bellatores* came to contrast with the role of the lower classes, whose place was to work.⁷³⁰

As for banditry, it seems very difficult to propose that it either became more or less common over the course of Late Antiquity. Certainly the gradual breakdown in pan-Imperial commerce may have had a significant impact on the upland communities of the Western Empire who herded livestock to supply the demand for cheese, meat, wool and leather. If these communities fell into decline, then the endemic banditry with which they were associated might have declined along with it, but conversely it might have encouraged diversification into raiding to fulfil shortfalls. Likewise, the breaking of the Roman state monopoly on violence may have given bandits more freedom to raid, but it may have afforded private citizens greater freedom to eliminate bandits in their district.

⁷³⁰ Halsall, 'Introduction', p. 5 and above, pp. 20-1.

We can be fairly certain that there was a relative peak in epidemic banditry during the period of 390-440, but we cannot say that either endemic or epidemic banditry was empirically more or less common in c.370 than in c.570.

However, on the subject of banditry, we can be reasonably sure that perceptions of the process changed during this same period. Earlier in the Roman Empire, bandits and external barbarians were juxtaposed as distinct categories of enemies of Rome. By the late Empire it seems that these categories were increasingly difficult to distinguish as barbarians became internal, and as internal 'peoples', like the Isaurians and perhaps Armoricans, came to be perceived as barbarous. Terms such as *Bacaudae*, *scamarae*, and *vargi* may have been linguistic solutions to the problems of categorisation of barbarians and bandits in the late antique mind, with the eventual result that the term *latro* seems to have lost some of its specific meaning.⁷³¹

All told, it is likely that we will never be able to make reasoned generalisations about the prevalence of lower-class violence in late Roman and Early Medieval societies, although convincing arguments might yet be made, especially at a more regional level. Fortunately, it is not the purpose of this thesis to try to claim that life was objectively better or worse for the inhabitants of the Roman or post-Roman West based on trends in lower-class violence. What we can say is that all these basic categories of violence seem to have prevailed throughout the period. In the case of epidemic banditry (including the revolts of the *Bacaudae*), we can seem to discern a peak in activity during the late fourth and early fifth centuries that probably is reflective of particular disruption, and perhaps also of opportunity for lower-class violence during those years. However, it also seems clear that epidemic banditry, on a lesser scale, afflicted Italy and Gaul both in the 360s and still in the 530s and 590s respectively. Trends are less easy to discern in the other

⁷³¹ By contrast, the terminology of rioting seems consistent throughout the period. See above, p. 240 and 271.

categories of lower-class violence, but they nevertheless are still visible at both ends of the loose period covered here, *id est* c.370-c.570.

Tentatively then, we can propose that the continuity in forms of lower-class violence might indicate that similar stimuli and motivations existed and that these were therefore likewise continuous in some sense. So, whilst it seems that, for example, a failure of state officials to fulfil their obligations to provide food might have been less a cause for riot in the sixth century than in the fourth, it does seem that transgression in other forms, such as excessive taxation or a lack of proper spiritual conformity, still prompted a broadly similar violent response. Administrations may have changed, but lower-class people seem to have retained a similar capacity to express their agency through violence. This should not be taken as evidence of monolithic or complete continuity. The evidence is far too patchy and far too diverse in character to even hint at such a conclusion. However, there must have been significant elements of continuity, at least in some areas, since catastrophic collapse or complete changes in society would likely have resulted in more discernible changes in the patterns of lower-class violence.

Ultimately, this evidence of continuity might simply suggest that life was often really difficult for lower-class people in Late Antiquity. Violence was an inherently dangerous practice, and the lower status and traditionally non-violent social role of common people left them even more vulnerable to its vicissitudes. The decision to behave violently can rarely have been taken lightly. And yet, throughout the period people still fled hardships and oppression to live as bandits, still publically aired their grievances against the representatives of authority, and still took up hazardous careers in violence for the hope of improving their lives. Most slaves, most peasants and most workers may have had no option but to passively accept their fates, and remain on the receiving end of violence. However, even if life could be intolerably hard for lower-class people in the late antique

West, it is absolutely clear that they had some degree of agency. This remains the central point of this thesis. Poor people in Late Antiquity were not uniformly the victims of their circumstances in the manner of Phaedrus's Ass.⁷³² Nor did they necessarily accept new burdens or injustices with resignation. Rather, they were evidently mindful of their condition and quality of life and were, on occasion, able to do something about it.

⁷³² For the fable of Phaedrus' Ass and its implications, see above, pp. 9-11 and also, p. 198.

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