# How often do you think about the Ostrogothic Kingdom?

An Inquiry into Sixth Century Roman Cities under ‘Barbarian’ Kings

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How often do you think about the time between the fall of the Western Roman Empire and the rise of the Italian city states? Much happened in the time between, but both by modern historians and by historians of the past, this period, ranging between the 5th and 10th century and has received very little attention in comparison to the often praised 'classical' Roman period and the more romantic medieval times. Still, this is a period of major cities and abandoned ruins, great law books and oppressive nobles, rich flowing aqueducts and squalor-filled marshes, and on the cusp of the transition between Late Antiquity and the Early Middle Ages stands the Ostrogothic Kingdom of Theodoric the Great and his successors.

The rather theatrical statement that the period has received little attention, must be taken with a grain of salt. It is quite a challenge to find any region or time period in Western Europe that has not received any attention at all. Some historians have ventured to this transitioning peninsula before and the views on it have been subject to change quite a bit. The view of 'barbarians' as destructive peoples rejecting civilisation is at this moment ancient in itself. This view is under strong influence of Edward Gibbon and his 18th century book series: *The Delcine and Fall of the Roman Empire*. He advocates that the primary reason for the fall of the empire lay with the migration of non-Roman peoples, he condescendingly calls 'barbarians' like the Romans had done before him.

Rather old, but still relevant literature, being that of the second halve of the 20th century, seems to preach the exact opposite. Historians like A. H. M. Jones, author of the 1964 two volume book *The Later Roman Empire*, and T. S. Brown, in his book about imperial administration in Byzantine Italy, argue that the Ostrogoths preserved the existing Roman society with little change, going as far as to state that the Ostrogothic Kingdom was truly a Roman one, with the Gothic War and subsequent 'Byzantine occupation' transferring Italy to the Middle Ages.[1] In the early 2000's, the idea of the splendour of the Gothic Kingdom still persisted, but historians such as M. Maas, in his 2005 *Companion to the Age of Justinian*, K. G. Holum, writing about classical cities in this same bundle, and Claudia Rapp, in her book about late antique bishops, became more nuanced. They still viewed the period as one of the preservation of knowledge and ancient civic life, but do agree that the migration period, both before the deposing of Romulus Augustus in 476 CE and after, did bring some changes to the world of the Western Mediterranean.[2] Historians such as Sean D. W. Lafferty, in his 2010 book

[1] A. H. M. Jones, *The Later Roman Empire, 284-602. A Social Economic and Administrative Survey. Volume 1* (Norman 1964); T. S. Brown, *Gentlemen and Officers. Imperial Administration and Aristocratic Power in Byzantine Italy, A.D. 554-800* (Rome 1984).
[2] M. Maas, 'Roman Questions, Byzantine Answers: Contours of the Age of Justinian', in: Idem ed., *The Cambridge Companion to the Age of Justinian* (Cambridge 2005) 3-27; K. G. Holum, 'The Classical City in the

about the *Edictum Theodorici*, indicated the change after the first decade of the new millennium, in his own words, they were starting to challenge the assumptions of how prosperous and peaceful Theodoric's Italy truly was.[3] This resulted in three different views held in the most recent literature.

First, the historians who continued on the path set by their predecessors in the 2010's. They have now become increasingly critical of the view of a prosperous Gothic Kingdom. They argue that the political motives of the ancient authors outweighed their motivation to record history truthfully. Historians like P. Rance and H. U. Wiemer, both writing in the 2022 bundle *A Companion to Procopius of Caesarea*, for example, see the description by Procopius, a Roman historian whose introduction will follow later, of Theodoric as a great king and his successors as significantly lesser, as either a way to legitimize the Gothic War, or as a narrative device that allows the reader to reflect the Eastern Roman emperor Justinian on Theodoric.[4] Although looking at the motives of the ancient author is always important, it is also important to reflect your ideas about this with other factors like archaeological results, which seems often to be left out by those who follow this view.

Second, the historians who keep the nuanced standpoint of the 2010's often underline the presence of the structures of late imperial administration and society but acknowledge the transition of Italy into a military dominated region where regionality increased in importance. Civic life existed still, but was slowly declining, they argue. The power of few strongmen and the church increased, but only steadily, not in a sweeping manner. Examples of historians following this view are M. Shane Bjornlie, with his book about the *Variae*, and Dallas DeForest, in his article about late antique bathing culture.[5]

Third, the historians who follow a new wave of positive attitudes towards the Ostrogothic Kingdom. An important work in this wave is J. J. Arnold's *Theodoric and the Roman Imperial Restoration*, a rather optimistic book in which the title competently explains its content.[6] The most important work for this research is the book about Ravenna, written by

Sixth Century. Survival and Transformation', in: Maas, M. ed., *The Cambridge Companion to the Age of Justinian* (Cambridge 2005) 87-112; C. Rapp, *Holy Bishops in Late Antiquity. The Nature of Christian Leadership in an Age of Transition* (Berkeley 2013).

[3] S. D. W. Lafferty, *The Edictum Theodorici: A Study of a Roman Legal Document from Ostrogothic Italy* (Toronto 2010).

[4] P. Rance, 'Wars', in: M. Meier and F. Montinaro eds., *A Companion to Procopius of Caesarea* (Leiden 2022) 70-120; H. U. Wiemer, 'Procopius and the Barbarians in the West', in: M. Meier and F. Montinaro eds., *A Companion to Procopius of Caesarea* (Leiden 2022) 275-309.

[5] M. S. Bjornlie, *The Variae. The Complete Translation* (Oakland 2019); D. DeForest, 'Baths, Christianity, and Bathing Culture in Late Antiquity', in: W. R. Caraher, T. W. Davis, and D. K. Pettegrew eds., *The Oxford Handbook of Early Christian Archaeology* (Oxford 2019) 189-207.

[6] J. J. Arnold, *Theodoric and the Roman Imperial Restoration* (Cambridge 2014).

Judith Herrin. The value of this book for research about Ravenna cannot be overstated, since it is a detailed thorough analysis of the city through centuries of time, combining much relevant literature and just about all important contemporary sources, and Herrin is the main authority on the subject of this city. Her enthusiasm about Ravenna and making a place for this city in the mind of historians, however, leads to a perhaps too optimistic view of the history of it, also resulting in a rosy picture of the Gothic kings and their kingdom.[7]

Finally, there are still historians such as P. Squatriti and R. Balzaretti who write about late antique and early medieval Italy without truly covering the Gothic period.[8] But, to be fair, Balzaretti is not to be blamed, since he writes about Milan, and as will be seen plenty of times in this paper, Ostrogothic Milan is invisible. It was neither in the centre of attention of contemporary historians nor that of political figures, as will be argued by this thesis.

With the exception of Herrin and Balzaretti, all of these historians look at the entire Gothic Kingdom or at its rulers. This provides a great overview of the region, but with the broader view, the possibility for discussing details is easily lost. In an effort to find the details about the extent of the preservation of Roman civic life, this research will focus on two cities: Ravenna and Milan.

At one of the mouths of the river Po, in the southern side of its delta, lies the ancient city of Ravenna. Originally settled before the arrival of the Romans, it was added to their republic in the first century BC. Its sister settlement of Classis was founded by Augustus for harbouring his fleet, solidifying the collaborating cities as a major trade centre in the western Adriatic Sea. Throughout the Roman period, Ravenna did not hold much political importance. This was until the year 402, when Emperor Honorius, under advice from his half-Vandal military guardian Stilicho, moved the imperial court from Milan to this city. The city was mostly chosen for its ability to be defended, being surrounded by marshes, and easily provisioned from the nearby sea. Throughout the period between this change of capital and the deposing of Romulus Augustus, the city remained an important and flourishing city due to imperial patronage. This is further underlined by Odoacer and Theodoric, the first two non-Roman rulers of Italy since the Roman Empire, both keeping their court in this same city. Throughout the lifespan of the Gothic Kingdom, Ravenna housed its court, all the way up to

[7] J. Herrin, *Ravenna. Capital of Empire, Crucible of Europe* (London 2021).
[8] P. Squatriti, *Water and Society in Early Medieval Italy. A.D. 400-1000* (Cambridge 1998); R. Balzaretti, *The Lands of Saint Ambrose. Monks and Society in Early Medieval Milan* (Turnhout 2019).

its capture by Eastern Roman general Belisarius in 540 CE. Still, even after this conquest, Ravenna remained the centre of administration for the eastern emperors.[9]

The history of the city of Milan starts quite similar to that of Ravenna. It is not founded by, but captured by the Roman Republic, about one and a half centuries earlier, however. Similar to Ravenna, Milan gained its true importance when it was selected as an imperial capital. This happened with the advent of the tetrarchy under Emperor Diocletian in 293 CE. While Diocletian himself ruled the easter parts of the empire from Nicomedia in western Anatolia, he selected Maximian to be his co-emperor, ruling the west from Milan. This city was at the centre of the road systems of northern Italy and stood closer to the northern border of the empire than Rome. In its position as imperial capital, Milan was expanded with many monumental buildings and an improved system of walls and towers defending it. The city decreased in importance once again after the imperial court abandoned it for Ravenna. This process was intensified by the sacks of Milan by Alaric the Goth in 402 and later in 452 by Attila the Hun. The city did not recover its political position in the early Middle Ages, being sacked once again during the Gothic War in 538 and being passed over for Ravenna by both the Goths and Eastern Romans and for Ticinum (Pavia) after the later Lombard invasion.[10]

As can be deducted from the two previous paragraphs, these cities were chosen because they are very comparable. Both cities were large important cities in the later Roman Empire. They have also both housed the western imperial court, with all the levels of administrative and bureaucratic structure and investment in the city by the imperial family that this brought. Both cities were also situated in the north of the Italian Peninsula, both, more specifically, being situated in the Po Valley, where the Gothic influence was much greater than in the Italian south.[11] Finally, Anglophone research, if it discusses one or two cities in particular, it always discusses Ravenna or Rome. By creating the comparison between Ravenna and Milan, the structures and methods used for research on Ravenna can be applied to Milan, resulting in the ability to fill this lacune in historiography.

The focus of this research, thus, will be on the comparison between the Roman institutions of these cities and the ways in which they were affected by Gothic rule. In order to keep the subject concise, three focusses were chosen: municipal government, legal practice, and water management. These three subjects are also the subject of the three chapters of this

[9] For further reading about Ravenna, the often cited: Herrin, *Ravenna*; or Deborah M. Deliyannis, *Ravenna in Late Antiquity* (Cambridge 2010).
[10] For reading about Milan: Balzaretti, *The Lands of Saint Ambrose*; Garnsey, P. D. A., 'Economy and Society of Mediolanum under the Principate', *Papers of the British School at Rome* 44:1 (1976) 13-27.
[11] Lafferty, *The Edictum Theodorici*, 51.

paper. The choice for these three subjects is based on attributes that ancient authors themselves connected with Roman civic life.[12] Two other important institutions which were not chosen were religion and entertainment. These were specifically not chosen, because more even than the institutions chosen currently, they deserve full research for them specifically and would be done injustice being relegated to a single chapter.

The time period chosen for this inquiry is the period between the ascension of Theodoric to the Italian throne and the start of the Gothic War. The period before Theodoric's rise to power, is obviously not influenced by Gothic rule directly yet, while the Gothic war reached such levels of destructiveness and societal disruption, that incorporating it only clouds the already limited view of the Ostrogothic Kingdom that is achievable today.

In order to achieve the goals of this paper, a collection of ancient texts, both literary and papyrological, will be analysed. Among others, there are three authors or works most important for this research. These are Cassiodorus, Procopius, and the *Edictum Theodorici*. First, Cassiodorus (c. 490 – c. 585) was a statesman of Roman descent in the employ of the Gothic kings. His family gained importance due to their large estates in Calabria, providing horses to the imperial and later royal authorities, resulting in various imperial and royal offices held by them. Cassiodorus himself held important positions in the Gothic Kingdom for decades, writing both a history of the Goths and later composing the *Variae*. The *Variae* collection of several *formulae*, being templates for legal procedures based in Roman tradition, and official letters sent from the Gothic court towards all kinds of audiences inside and outside of Italy.[13] It is not known where or when Cassiodorus compiled the collection, but it was most likely around the 540's. Bjornlie argues that Cassiodorus produced the work in an effort to shape the settlement of Italy after the Gothic War to be similar to the time before it.[14] Whether this is the reason, it remains valuable to see the work as the viewpoint of a Roman writer in a high position under the Gothic court presenting only his version of the policies of this former Gothic establishment.

Second, Procopius of Caesarea (c.500 – 565) was a scholar and historian and legal advisor to Eastern Roman general Belisarius during, among other conflicts, the Gothic War. He wrote three major works, being *De Bellis*, a history of the various wars of Emperor Justinian,

[12] Cassiodorus, *Variae*, transl. M. Shane Bjornlie (Oakland 2019) 8.31. In this letter which will return multiple times in this thesis, Cassiodorus praises civic life in the practice of Roman tradition. The 'exchanging conversation with peers', 'representing one's own causes with the laws', and 'going to the baths with companions' were the three parts of his laudation that represent municipal governance, legal practice, and water management used for the chapters of this paper.
[13] For further information about *formulae*: Verhagen, H. L. E., *Security and Credit in Roman Law. The historical evolution of pignus and hypotheca* (Oxford 2022) 46-52.
[14] Bjornlie, *The Variae*, 5-10.

*De Aedificiis*, a propagandistic treatise about the building works of Emperor Justinian, and the *Anecdota*, more commonly known as his 'Secret History', a tabloid-like description of the various intrigues and depravities in the lives of prominent figures at Justinian's court. The main importance for this inquiry lies with the Gothic War in his *De Bellis*, being quite descriptive of the Italian Peninsula after a near century non-Roman rule. *De Bellis*, as a historical source, is riddled with on the forefront embellishment of the deeds of 'great heroes', and more subtly his own opinions about and criticism for these heroes and Justinian. Often, Procopius follows ancient literary traditions such as increasing the disparity between the amounts of soldiers in battles, diminishing his own claimed credibility as an eyewitness.[15] Still, these points would mostly be important for research about the war itself or the figures in it. When they are held in mind, it is still possible to distil relevant information about the Italian cities in this time from between the lines.

The third major source for this research is the *Edictum Theodorici* (often abbreviated to *ET*). The *ET* is a legal document of unknown date produced by a group of unknown Roman jurists under the orders of King Theodoric. It was a collection of laws that was used to settle disputes between the Roman and Gothic inhabitants of his kingdom. The collection finds its basis in Roman law, but it was not an exact copy of any Roman document. Topics deemed important by the compilers were elaborated upon, while others were purposefully left out. Using legal documents as sources has its issues. Legal principles must not be mistaken for societal practice. Similarly, the exitance of law must not be seen as evidence of the enforcement of it.[16] Still, much can be learned from the problems that the Ostrogothic court had to deal with and the solutions they made up to counter those problems, whether they were used in practice or not.

Along with several other literary and papyrological sources, which will be introduced further in this thesis, these sources will be supported by archaeological reports. Looking at the approaches of different historians discussing the Ostrogothic period, a clear similarity can be seen between the uses of sources and the viewpoints they take about the kingdom. Both the late 20th century historians, seeing the kingdom as an Italian golden age, and the most recent historians depicting this as bias of contemporary authors seem to put a great value on ancient literature, while mostly ignoring archaeological work on the topic.[17] The more nuanced, and as

[15] G. Greatrex, 'Procopius: Life and Works', in M. Meier and F. Montinaro eds., *A Companion to Procopius of Caesarea* (Leiden 2022) 61-69; Rance, 'Wars'.
[16] Lafferty, *The Edictum Theodorici*, 1-16.
[17] As discussed earlier: Jones and Brown, and Rance and Wiemer.

will be argued in this thesis, more realistic view uses a combination of sources.[18] A notable exception in this use of archaeology in the more nuanced view is Bjornlie, but this thesis will combine their findings with archaeology, which does not contradict his findings all too much. This use of archaeology will find its place mostly in the third chapter.

Finally, this thesis makes a clear distinction between 'Roman' and 'Gothic', 'Ostrogothic', or 'Amal' institutions. Making these distinctions has the potential to leave the augmentation of this thesis to the pitfalls of the romanisation discussion, seeing the influence of the Gothic Kingdom on Italy as a form of 'reverse romanisation'.[19] Therefore it is important to clarify that the terms 'Roman' and 'Gothic' are neither used culturally, ethically, or driven solely by the identity that the people of the 5th and 6th century would attribute to themselves. The term Roman is used for all cases where an idea or a person is present in the Italian peninsula before the coup of Odoacer, whether this idea or person was in their origin and own definition Roman, or from any other culture, people, process, or connection that influenced Italic civic life in the centuries of the Roman empire. For example, decoration using obelisks in Italy, while clearly influenced by ancient Egyptian culture, would for this thesis be classified as Roman. 'Gothic', 'Ostrogothic', and 'Amal', will all be used interchangeably for any person, idea, or adaptation of an existing idea, that came to the Italian peninsula after the ascension of Theodoric as its king in 493 CE. Also, edicts of the Gothic kings that find no direct precedent in Roman history, will be considered Gothic. This definition does include notable exceptions. People who are born in families tracing their origin to before the arrival of Theodoric, and themselves still claim to be Roman, will be seen as Roman for this thesis. Similarly, people arriving in the Italian Kingdom still considering themselves both outsider and Roman, such as Romans in the Easter Roman army in the Gothic war, will not be considered Gothic. Finally, neither 'Roman' nor 'Gothic' (or its variations) is intended to hold any measurement of value over the other.

# Municipal Government

The coup of Odoacer and subsequent conquest of Theodoric changed much in the political landscape of 5th century Italy. The Italian Peninsula, and Rome in particular, had stood at the

[18] E.g. Holum, Lafferty, DeForest.
[19] For the problems with (reverse) romanization, see: Versluys, M.J., 'Understanding objects in motion: an *archaeological* dialogue on Romanization', *Archaeological Dialogues* 21:1 (2014) 1-20; Van Oyen, A., 'Material culture in the Romanization debate', in: A. Lichtenberger and R. Raja eds., *The Diversity of Classical Archaeology* (Turnhout 2017) 287-300.

centre of a huge empire for centuries at that point. This empire had been disintegrating for some time, but still, the western imperial title was a claim to hegemony over its old territories. With the deposing of Romulus Augustulus and the alleged sending of the imperial regalia to Constantinople, the idea of a Western Roman Empire with an Italian heartland was replaced by an Italian Kingdom, led not by a Roman head of state, but a 'barbarian' king.

Even though this change of power, complemented by the arrival of a new 'barbarian' elite, certainly did come with great changes on the upper echelons of society, its effect on the relatively lower levels of governance, specifically municipal government, are less clear. This chapter is devoted to finding out these effects. First, the Roman system of curial municipal management will be discussed. Following this, the chapter will cover the continuation of this system in the Gothic Kingdom. After this, the reliance of the Gothic Kingdom of *comites* and *saiones* will be discussed and how both influenced municipal government. All, these factors will be applied to comparisons between Ravenna and Milan.

## Roman *Curiae*

For the later centuries of the Roman Empire, the major cities of the empire were run by their *curiae* or town councils. These councils consisted of one hundred (or sometimes more) councilmembers or *decurions*, who yearly elected officials to organise the meetings from their own ranks. The *decurions* were recruited from the families of the *curiales*. The *curiales* were made up of the free-born men who owned a certain amount of property. While being a voluntary honorary position in the earlier centuries of the system, at the end of the Roman Empire these men were forced to participate in these city councils. The city council had several important tasks. Its primary task was collecting the taxes of their city. Furthermore, it was responsible for the financing of local defence, provision of food for the city or local military forces, supervision of the construction of public buildings, surveillance of the markets, going on embassies, and the maintenance of civic facilities including the post system, the heating of baths, security, and the organisation of festivities, games, and other entertainment. Also, civil and minor criminal cases were dealt with by the *curia* of a city. Further minor tasks included the registration of wills, exchange of real property and the appointment of guardians. In case the council could not collect plenty of funds for these tasks, they had to pay out of their own pockets. Most of what is known of these councils today stems from their administration. Records of their

meetings and decisions were made through legal documents on papyrus that were preserved in the *gesta municipalia*, the city's archive.[20]

The system must have been rather effective, since it had been used for centuries up to that point, but there was one large issue with it: from as early as the early third century, people continuously attempted to escape their curial status through either the military, the imperial administration, increased social rank with exemptions or the clergy.[21] Even though modern scholarship is in agreement that the attempts of *curiales* to escape their social class is heavily influenced by the financial burdens associated with their responsibilities, there are differences in the opinions of historians whether it was the lower echelons of the *curiales* escaping because of desperation or the upper echelons because of opportunism.

The older scholarship follows the lines of M Whittow. His description of the curial class, in his article about ruling the late Roman city, as a 'hereditary class of unpaid minor administrators' is already quite telling of his stance in this debate. He follows the idea that the burdens of the *curia* were devastating to the economic status of the local elites in a world of decreasing wealth. His view on the desperation is underlined by his statement that "nearly anyone who was able to escape the curia did so".[22] Although more recent works of scholarship have a more nuanced vision on the 'escaping' *curiales* that so often find their ways into imperial laws and edicts, some still find their basis in this older idea. Lafferty, for example, notes that the *curiales* served without compensation and with heavy burden on personal wealth, resulting in the escape attempts from their duties.[23] Even more recent, Herrin also describes the increasing costs of curial duties and the decreasing willingness of people to serve, resulting in the fleeing of *curiales* to church duties and positions in the imperial administration.[24]

Holum takes a more nuanced standpoint in the discussion. He explains that the escape of *curiales* did not only include the poorer ones fleeing or getting deregistered due to financial trouble, but also middling wealth councilmembers petitioning the emperor for exemption. Additionally, he introduces the idea that members with higher levels of wealth rose up through the ranks resulting in escape from their curial duties. According to him, 'leakage' did not only happen downwards, but also upwards as well.[25]

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[20] Herrin, *Ravenna*, 76-78; Lafferty, *The Edictum Theodorici*, 116, 122-123, 136-137; Holum, 'The Classical City', 88-89; Rapp, *Holy Bishops in Late Antiquity*, 183, 281.
[21] Lafferty, *The Edictum Theodorici*, 23; M. Whittow, 'Ruling the Late Roman and Early Byzantine City: A Continuous History', *Past & Present* 129:1 (1990) 3-29, q.v. 9-10.
[22] Whittow, 'Ruling the Late Roman and Early Byzantine City', 10.
[23] Lafferty, *The Edictum Theodorici*, 116.
[24] Herrin, *Ravenna*, 77-78.
[25] Holum, 'The Classical City', 108.

Rapp fully turns the discussion around. According to her, curial status remained a large honour contributing to the recognition of municipal elite men in the eyes of their contemporaries. She argues that these elites were still willing to pay large amounts of money to keep this status. She does also stress the financial burden of curial status, but states that it was not the poor *curiales* escaping. These poorer men were more motivated to keep their relatively high social position, being closer to the bottom edge, for which she uses Antioch as an example. According to her, the richer councilmembers wanted to preserve their wealth, stating that greed, not desperation, motivated them to find administrative or ecclesiastical careers. She explains that church life in general was increasing in size and prestige and the position of bishop was seen as a fitting end to or alternative to an administrative career. She does, however, only use examples out of the east, and partly bases her arguments off of the status and honour attributed to curial positions in legal documents, which weakens some of her augments.[26] It is not advisable to use legal documents attempting to bring people back to curial positions to find out whether these positions were seen as honourable. These documents will naturally make the curial life seem more prestigious than it might have been in order to attract escaped men back to their positions, thus they hold a clear bias.

Finally, A. Skinner argues that there is no substantial upwards or downwards mobility in the curial class. In his article about political mobility in the later Roman Empire, he explains how the reign of the *curiae* slowly transitions into a rule by the 'notables', being rich municipal families, the local elites, and the bishops. Still, these 'new' rulers still belonged to the same families that sat in the *curia* before this transition. He therefore vouches that there was a change in system, but not a change in wealth necessarily. He argues that the laws against curial flight do not show economic decline, but a reorientation of the ambition of the municipal aristocrats towards imperial service instead of curial duty. He declares that it was not upwards or downwards mobility, but sideways.[27]

Though the system no doubt had its shortcomings, made abundantly clear by the agreement in scholarship that there were plenty of *curiales* attempting to escape their fate of lifelong unpaid municipal service, this same situation stands as strong proof that from a top-down perspective, the system did work well enough. Most of the evidence we have of councillors fleeing their duties is through laws and edicts attempting to curb the ubiquity of this phenomenon. The fact that the rulers of the time made many attempts to keep the system

[26] Rapp, *Holy Bishops in Late Antiquity*, 167, 181, 282-4.
[27] A. Skinner, 'Political Mobility in the Later Roman Empire', *Past and Present* 218:1 (2013) 19, 39, 49.

in operation, must mean that it was an effective means of municipal government in the eyes of higher authorities.

There is evidence of an active *curia* in Ravenna in the later Roman empire in the Ravenna Papyri. The Ravenna Papyri is a collection of legal documents, mostly from Ravenna, but from some other Italian cities as well. The papyri record some of the decisions and cases from the *curiae* of these cities, incorporated in their *gesta municipalia*, as mentioned earlier in this chapter. The earliest of these fragments which is found, and the only one from before the fall of the Western Roman Empire, was drafted in 445/446 under the Western Roman emperor Valentinian III in Ravenna.[28] The reason why there are no other documents found from Roman times is not clear, but most likely has to do with the arbitrariness in the transmission of sources in history, since the collection is not an ancient bookwork like the *Variae*, but a product of later collection. The version used in this thesis is the collection by 20th century historian Jan-Olof Tjäder. This is chosen due to it being the most complete translation of the Papyri. This fragmentary nature of the source can, therefore, not be seen as a lack of a Ravennese *curia* in the later Roman Empire.

In her book about Ravenna, Herrin also discusses the Ravennese *curia*. She mentions *curiales* running from their duties in 458, referring to an edict of emperor Majorian.[29] She relates this to the general inability of Italian cities to fill their *curiae* and argues that this situation must have been the case in Ravenna. To strengthen her argument, Herrin refers to the imperial court moving from Milan to Ravenna in 402, which according to her, demoted the status of the council, leaving it to only perform everyday tasks such as registering trade agreements, transfers of property, and wills.[30] This reasoning, however, only points towards one of the possibilities. The arrival of the imperial court in Ravenna could also indicate an increase of prestige of the *curia*, in a similar way as in the Eastern Roman Empire, where the senate, being directly under the emperor, is the most prestigious ‘city council’. Furthermore, applying the edict of Majorian, an edict directed at the entire empire, to Ravenna does not take into consideration the unique position of Ravenna in this time. Ravenna was a wealthy port city on its own, the imperial administration would have poured a lot of wealth into the city as well.[31] This would go against the theory of *curiales* fleeing due to financial hardships, which she does seem to support. Lastly, the presence of the imperial court could reduce flight due to a more

[28] Jan-Olof Tjäder, *Die Nichtliterarischen Lateinischen Papyri Italiens aus der Zeit 445-700* (Uppsala 1955) 35.
[29] Jones, *Later Roman Empire*, 747.
[30] Herrin, *Ravenna*, 77-78.
[31] Ibidem 12-13; For a similar situation in Milan: Balzaretti, *The Lands of Saint Ambrose*, 136-137.

direct management. If the government attempting to discourage councilmembers from fleeing is situated in Ravenna, it would be more likely that they would flee in cities that did not have such a direct link with the emperor like cities in southern or western Italy, where they could do so more discreetly.

Another point supporting the idea that the Ravennese *curia* was a rather successful one is also brought up by Herrin. After analysis of the Ravenna Papyri, she explains that both the church and the *curia* of Ravenna had large estates in Sicily generating huge revenues. Individual estates are recorded to supply the council with around 2.000 solidi annually, compared to the minimum annual salary of a member of the municipal elite only needing to be 300 solidi. An income so great going directly to the *curia* could be a huge relief to the tax burden imposed on the *curiales* themselves, removing the one problem all historians agree on, being the financial burden of curial service.

As will be the case more often in this research, the situation in Milan is far less clear. None of the Ravenna papyri discuss the city and no other records from this period in Milan can be found. The theories used for Ravenna can be used for this city as well, however. Though Milan does not have sources directly referencing a curia, it is without doubt that the city did have one. As discussed earlier, Milan was one of the largest cities on the peninsula and was for a time one of the imperial capitals. The city had a *curia*.

Whether the city had the problems of curial flight is mostly up to speculation. To not fall into repetition too much, the characteristics of Milan that were also discussed for Ravenna will shortly be listed with their consequences. Milan was a large wealthy city housing the imperial court and everything that brought with it until the year 402, when the court moved to Ravenna. This creates the situation that whatever the effect of the imperial court arriving in Ravenna gave the city, the opposite probably happened in Milan, whether this impacted curial flight positively or negatively.

Finally, since the Ravennese church estates on Sicily are accompanied by curial estates, there is a real possibility that the Milanese church estates were also accompanied by similar curial estates. Then again, there is no source verifying this hypothesis. The rest of the chapter will argue that there were probably no such curial estates.

## Gothic *Curiae*

The curial system was a valuable system of municipal governance for anyone controlling the Italian peninsula. This statement is once again supported by the sources, since the system

survived not only a coup, namely that of Odoacer, but also the subsequent war between him and Theodoric. Both non-Roman rulers of Italy held this Roman system of municipal administration intact. One of the main sources reflecting this is once again the *Ravenna Papyri*. As mentioned earlier, the earliest of these fragments was drafted in 445 under the western Roman emperor Valentinian III. The latest stems from the late seventh century, when the Gothic Kingdom was all but a memory.[32] This indicates that the curial system survived in some manner throughout this entire period. A notable example of these fragments directly refers to Odoacer, indicating that during his reign the *curiae* were not only existent, but also cooperated with.[33] Sadly, there is no such direct reference to a Gothic king in the papyri. This on its own can not be seen as proof of the decreased position of the council, however, due to the earlier mentioned fragmentary nature of the source. There is no telling how many papyri would have referred to Theodoric, Ahtalaric or any other Gothic king which have not been preserved or have not been found yet.

A source with bountiful references to the relation between the *curiae* and the Gothic Kings, however, does exist. The *Variae* of Cassiodorus are a wealth of information for the policies of the Amal kings and frequently includes messages from the Ostrogothic rulers to the various *curiae* of their kingdom. From the many letters that Cassiodorus collected together the roles of the *curia* in the Gothic Kingdom can be distilled. The *curiae* in Ostrogothic Italy were responsible for the collection of taxes, maintenance of fortifications (local defences), providing for military forces, managing civil facilities such as water management, provision of building materials, distribution of aid after crises.[34] With the addition of the *Ravenna Papyri* hailing from the time of the Gothic kingdom, or shortly after its collapse, describing many of the earlier mentioned minor tasks such as the registration of wills, the exchange of real property, and the appointment of guardians.[35] If the distribution of aid, the management of the water, and the provision of building materials can be seen as signals that the *curiae* were responsible for the provision of food to a city, the management of the baths, and the supervision of the construction of public buildings, this leaves only a few Roman curial tasks unnamed in these two sources: the surveillance of the markets, the going on embassies, the maintenance of the postal system, security, and the organisation of festivities, games, and other entertainment. Though differences

[32] Tjäder, *Papyri Italiens*, 35-37.
[33] *Ravenna Papyri*, transl. Jan-Olof Tjäder (Uppsala 1995) P. 10-11.
[34] Taxes: Cassiodorus, *Variae*, 1.19, 2.17, 2.24-25, 5.14; defences: ibidem, 3.49; military provisions: ibidem, 4.45; civic facilities: ibidem, 8.29; building materials: ibidem, 3.9, 4.8; aid distribution: ibidem, 11.15.
[35] For the overview of subjects and time of creation: Tjäder, *Papyri Italiens*, 32, 35-37; resulting in the following relevant fragments: *Ravenna Papyri*, P. 3-5, 7, 9, 13, 27, 29-34, 36, 43, 47-49.

between cities and overrepresentation in the propagandistic work of Cassiodorus have to be kept in mind, this does point to properly operational *curiae*.

From the *Variae* it also becomes clear that the Gothic administration, just like the Roman one before it, was keen on keeping the system working. There are several examples of letters containing the wishes of Amal kings to fight a variety of corruption which was making the curial duties (especially collecting enough taxes) more difficult. *Variae* 1.19, 2.24, 2.25, 5.14 are all letters from Theodoric addressing the refusal of richer landowners to pay taxes and addressing their harassment of poorer landowners by allowing these richer landowners to be sued or punished outright.[36] Furthermore, *Variae* 2.17, 4.38, and 7.45 all discuss *formulae* or cases of the reduction or temporary immunity from taxation for various locations; *Variae* 9.4 describes King Athalaric, Theodoric's grandson, allowing a curial family to be removed from the roster, granting them immunity from their curial duties; and *Variae* 7.47 is a formula for allowing *curiales* who are in great debt to sell their property, which they usually were not allowed to do, and 9.2 is an edict protecting them from people imposing debts on them or attempting to purchase their property illegally.[37] Whether this is a situation where *curiales* needed protection from illegal sales or Athalaric wanted to enforce his law against *curiales* selling their property is another question.

The *Edictum Theodorici* also supports the idea of the Amal administration supporting the existence of the *curiae*. *ET* 27 describes the procedure when a *curialis* dies without legally recognized successor or testament.[38] In this case all his belongings go to the *curia*. In this way, the extinction of a curial family at least did not result in their tax revenue disappearing.

Just like in Roman times, however, the trend of escaping *curiales* continues under the Gothic government. *Variae* 2.18 and 8.31 concern this phenomenon, where the former is a letter from Theodoric threatening to sue a bishop if he does not return the councilmembers who have fled to his land to their duties and the latter is a letter from Athalaric describing the joys of municipal life in an attempt to get *curiales* to return to their duties of their own volition.[39] Furthermore, *ET* 69 forces landlords to return (among other categories of peoples) *curiales* to their duties if they are found in their possession (slavery or other forms of indentured servitude) within 30 years of their acquisition.[40] This clearly indicates a need of the Amal government for the curial system to remain active. Finally, while all these letters and laws in and of themselves

[36] Cassiodorus, *Variae*, 1.19, 2.24, 2.25, 5.14.
[37] Ibidem, 2.17, 4.38, 7.45, 7.47, 9.2, 9.4.
[38] *ET*, 27.
[39] Cassiodorus, *Variae*, 2.18, 8.31.
[40] *ET*, 69.

are no proof that all these measures have actually been implemented or whether they were successful, it does show the willingness of the Gothic rulers to portray themselves as the protectors of the *curiae* and shows their desire to maintain the status quo of municipal government.

Since the administrations of both Odoacer and Theodoric settled themselves in the city of Ravenna, the city continued to be the seat of its rulers court. The city was thus influenced in much the same way by court presence as it had been in Roman times. It's remarkable then, that none of the letters in the *Variae* concerning the escape of the *curiales* concern Ravenna itself. The cities mentioned in any kind of problem with the curial system are Adriana, Rome, Trento, and Sarsina, as well as the regions of Savia, Gravissius, Pontonis, and Bruttium. These are cities and regions all over Italy, varying in size and 'ideological' value. Ravenna not making the cut here seems quite unreasonable, considering Rome did. It is true that this alone is not sufficient evidence for the lack of curial flight in the capital, but if it were a hotbed of escapes due to the royal presence, any kind of indication would be expected. Thus, this would more likely point towards a more functional *curia*.

The papyrus records support this. Throughout the three centuries of *Ravenna Papyri*, mostly the same family names remain in power. Herrin lists them as the Aelius, Commodianus, Hernilius, Proiecturs, Melminius, Pomulius, Tremodius, Firmilius, Firmilianus, Florianus families. Her conclusion here is that it must have been because the small number of families wanted to stay in control.[41] The role of the compulsory hereditary nature of curial service in keeping these families tied to the job must not be understated, however. Whichever reason was the leading one, most likely a combination of both, the consistency of family names does point towards a great deal of stability.

The estates supporting the Ravennese *curia* also survived during the Gothic period. According to Herrin, only the ninth century conquest of Sicily by the Umayyads stopped the shipments Ravenna received from the island.[42] If the reasoning earlier in this chapter is followed, this means that curial service in Ravenna remained a relatively low burden for its local elites. The *Variae* supports the existence of estates on Sicily. In a letter, Theodoric emphasizes the importance of the duty of the local *comes* to protect the Sicilian estates of the Milanese church.[43] If the connection between the Milanese church and its estates still stood, there is no reason to suspect that those between Ravenna and their estates have been severed.

[41] Herrin, *Ravenna*, 76, 123-4.
[42] Ibidem, 114.
[43] Cassiodorus, *Variae*, 2.29.

It seems clear that the *curia* of Ravenna operated much as it did in Roman times, including the possibility of fleeing *curiales*. For Milan, however, parallels are harder to draw this time around. While the periods of presence of the imperial court invited comparison between Ravenna and Milan, the Ostrogothic court did not seem to have been quite as involved with the latter city. At the time of Theodoric's ascension to the Italian throne, Milan had not been the centre of a realm for around seventy years. Not only this, but there also seems to be little interest from the Amal administration in the city, only appearing in a few letters, mostly through reference of its clerical community.[44] Since it is more likely that the presence of a court increased the effectiveness of a *curia*, the position of the Milanese council is uncertain. Furthermore, in the case of Ravenna, the *Ravenna Papyri* support the presence of municipal estates on Sicily, but for Milan, only the *Variae* points to estates, and this letter clearly refers to episcopal, not curial, estates.[45]

Several other letters of the *Variae* point towards a decreasing influence of the Milanese *curia*. The task of organizing spectacles, which was already uncertain if it was still in curial hands, is explicitly not in their hands in Milan. *Variae* 3.39 shows that games were organized by a consul in 512 and *Variae* 5.25 mentions a 'tribune of spectacles' for the organization of entertainment in 523-26.[46] *Variae* 12.27 shows not only the decrease of the role of the *curia*, but also the rise of the role of the Milanese church. It describes the role of the bishop of Milan in the distribution of grain after failed harvests in 535-36, a task which two years earlier was still assigned to the *curiae* of Liguria.[47] This rising prominence of the Milanese bishop, to the detriment of the *curia* is further supported by a scene described by Procopius. In the Gothic War, it is the bishop of Milan, not a representative of the *curia*, who petitions Belisarius for military intervention to assist in their capitulation to the Eastern Roman armies.[48]

## *Comites*

Though it is true that *curiae* remained operative at least in some form until the 7th century, as attested by the *Ravenna Papyri*, cracks were starting to show in the system.[49] Milan is not the

[44] Letters merely mentioning Milan: Ibidem, 1.9, 2.29, 2.30, 4.24, 8.19; letters directly involving Milan: Ibidem, 3.39, 5.25, 5.37, 12.27.
[45] Ibidem, 2.29.
[46] Ibidem, 3.39, 5.25.
[47] Ibidem, 11.15, 12.27.
[48] Procopius, *History of the Wars*, transl. H. B. Dewing (Cambridge 1914) 6.8. (Referred to as *De Bellis* in this thesis) It can be argued that the 'τῶν πολιτῶν ἄνδρες δόκιμοι', notable men among the citizens, mentioned by Procopius were representatives of the curia. It seems more likely, however, that Procopius would have used 'οἱ ἐκ βουλῆς', those from the council, as he uses elsewhere in his work.
[49] Tjäder, *Papyri Italiens*, 35-37.

only city that showed signs of curial 'failure' during the reign of the Gothic Kings. In another letter of the *Variae* it is also clear that the *curia* of Vercellensis is being sidelined in the repair of an aqueduct through the bishop of the city. In his article about aqueducts and water management in Ostrogothic Italy, Yuri A. Marano argues that this was most likely due to an ineffective *curia*.[50] To deal with these situations, and probably attempt to increase their control over their mostly Roman kingdom, the Amal administrators did not only rely on the increasing power of the bishops, but also on agents more directly related to the crown. This happened through both *comites*, royally appointed civic and military officers who found their basis in the later Roman Empire, and through *saiones*, Gothic agents of the crown.

The position of *comes* was not an Ostrogothic invention. Jones extensively explains the history of the *comites*. The title was first officially used by Emperor Constantine when it related to some form of service. Retirees of this service were highly esteemed according to Jones. He lists many functions of *comites* in court like the *Comes Sacrarum Largitonum*, for overseeing the imperial finances, and the *Comes Rei Privatae*, for the administration of the private properties of the emperor. He also mentions the use of *comites* outside of the court, where they were employed for various miscellaneous tasks such as diocese administration in replacement of a vicar or as military commanders. Jones explains how the *comites* were often 'new men', not coming from senatorial families, who viewed personal service to the emperor as something that was beneath them. He argues that they most likely stemmed from 'barbarians' in the Roman military or ambitious men of curial status.[51]

This last aspect of the *comites* must have been seen as a rather profitable by Theodoric. Seeing as the position of *comes* was not a senatorial one, and even better, not even necessarily a Roman one, this would be the perfect place to introduce his own followers to the existing Roman power structures. Herrin supports this idea, stating that Theodoric filled the ranks of the *comites* with men from his own court, mostly military leaders who had joined him in his migration towards Italy. This is further supported by the amount of non-Roman names linked with the title in the *Variae*.[52]

As attested to by the *Variae*, *comites* had several kinds of tasks. Many of them included the same courtly tasks as in Roman times, protection of border regions, or execution of direct

[50] Y. A. Marano, ''Watered . . . with the Life-Giving Wave'. Aqueducts and Water Management in Ostrogothic Italy', in: Erdkamp, P., Verboven, K., and Zuiderhoek, A. eds., *Ownership and Exploitation of Land and Natural Resources in the Roman World* (Oxford 2015) 150-169, q.v. 165.
[51] Jones, *Later Roman Empire*, 104-106, 125, 135-136.
[52] E.g. Osuin in Cassiodorus, *Variae*, 1.40; Suna in ibidem, 2.7; or Adila in ibidem 2.29.

orders from the king to handle certain miscellaneous situations.[53] Many others, however, seemed to overlap with municipal tasks that were traditionally reserved for the *curiae*. *Variae* 2.7 orders a *comes* to collect stone from old buildings for mural fortifications; 4.9 orders a *comes* to provide guardianship for orphaned children; 4.45 orders the *curiales*, but the *comites* as well to provide supplies and boats for a military force. Furthermore, when the *curiae* or other governmental institutions failed in doing their duty properly, *comites* came to intervene.[54] Bjornlie states that he does not know whether the *comes* complemented or replaced existing governmental structures.[55] From various letters, however, it seems that its authority was higher than local magistrates, since it is often underlined that locals should listen to the sent *comes*.[56]

Aside from these instances in which a *comes* is directly ordered to take responsibilities away from local government structures, the *Variae* also shows examples where the *comes* is integrated into civic governance. For several cities there is a direct reference to *comites*, being Massilia, Syracuse, Naples, Portus, Rome, Ticinum and Ravenna.[57] Furthermore, there are two different *formulae* for the appointment of *comites* for 'any' city.[58] It is clear in these letters that the role of *comes* of a city was not a clearly defined one, possibly having the following tasks: defence, keeping peace, civil administration, market/port administration, tax oversight, judiciary tasks (especially between Goths and Romans), and in Rome especially, the protection of ancient monuments against thieves. Most of the letters discuss the *comes* having two or three of these tasks, but no more than that. It is also not clear what made a city viable for or in need of a *comes* in the eyes of the Amal administration, but it is certain that the presence of a *comes* came at the cost of the authority of the *curia*.

Since there is a *formula* for the *comes* of Ravenna, there is no need to guess about its existence. The *formula* is also quite clear about the tasks of this *comes*: port administration.[59] It is no surprise that the *comes* of Ravenna did not have many tasks. The royal court was housed in this city, which most likely took up some of the local administrative tasks, and as was discussed earlier in this chapter, Ravenna must have had a competent *curia*. Furthermore, there were various other magistrates with power in Ravenna. The *Variae* contains a *formula* for a *Praefectus Vigilum*, a magistrate responsible for maintaining order; a *formula* for the

[53] Examples respectively: the position of *Comes Privatarum* in ibidem 4.13; the protection of Sicily in ibidem, 2.29; or 'detective work', 4.18.
[54] E.g. Ibidem, 4.11, 4.16, 4.49
[55] Bjornlie, *The Variae*, 278.
[56] E.g. Cassiodorus, *Variae*, 3.24, 6.24, 7.3.
[57] Ibidem, 3.34, 6.22-6.24, 7.9, 7.13-7.14, 9.11, 10.29.
[58] Ibidem, 7.3, 7.26-28.
[59] Ibidem, 7.14.

appointment of city guards indicating that this selection was in hand of the royal court; and a *formula* for the appointment of a magistrate managing the local mint, once again taking this work out of the hands of local government.[60]

Neither the *Variae* nor any other source discussing Ostrogothic Italy discusses a *comes* of Milan. Similarly, there is no indication what made a city viable or in need of a comes in the eyes of the Gothic government. As mentioned earlier there are several cities which had their own *formula* for a *comes*, being Ravenna, Rome, Portus, Naples, and Syracuse, while we know of other *comites* through individual appointments or letters sent to them, being Ticinum and Massilia. When looking at the differences between these cities, a pattern becomes clear. Ravenna is an outlier, being the capital of Theodoric's kingdom, but all other cities which have their own *formula* are important cities separated from the Amal administration by geographic features. Rome is a populous city with great cultural importance, with Portus as the port needed to keep it alive, both separated from Ravenna by the Apennine Mountain Range; Naples is similarly a populous port city behind the mountains, with even more distance to Ravenna; and Syracuse lies even further, being even more difficult to oversee directly, which is referred to in its *formula* granting the *comes* much personal agency.[61] It seems that these important, but hard to reach, cities needed a more consistent manner in which they were governed than the rest of the kingdom, which warranted an easy manner to consistently appoint representative of the crown there.

While Massilia is also an outlier, being a temporary conquest of the Ostrogoths, the presence of *comites* at Ticinum shows that *comites* were present in cities more easily reached by the Gothic kings. This is no surprise, seeing as there are two different *formulae* for the appointment of *comites* in 'other cities'.[62] Still, it would be expected to at least hear something about the *comes* of Milan, being such a large settlement. Here, a comparison with Aquileia provides much insight. Aquileia is a city at the northern peak of the Adriatic Sea with a rich history in the (later) Roman Empire. This city is, like Milan, easily reached from Ravenna, being a short boat ride away and holding no mountain ranges between them over land and like the case of Milan nothing is heard of a potential *comes* of this city. Finally, as Herrin noted, it is together with Milan (and later Ravenna), the seat of one of the leading bishoprics of the

[60] Ibidem, 7.8, 7.29, 7.32. Bjornlie argues that the city guards would only be hand-picked by the royal administration in cities which they would consider important such as Rome and Ravenna: Bjornlie, *The Variae*, 300.
[61] Cassiodorus, *Variae*, 6.22.
[62] Ibidem, 7.3, 7.26.

west.[63] The presence of such a powerful bishop in both cities most likely decreased the need for, and importance of a potential *comes* for the management of the settlement. So, while it is not certain that there was no *comes* in Milan, it is likely that if there was one, he was delegated a smaller task, like the one in Ravenna.

Concerning the other magistrates that were present in Ravenna, only the manager of the mint is likely to have been present in Milan. Since the Amal kings did not deem it necessary to grant the city its own *formula* for a *comes*, it is highly unlikely that they took the effort to appoint a separate magistrate to provide public security or handpicked guards for the city gates.

## *Saiones*

Where the position of *comes* was a clever adaptation of the earlier Roman function, the position of *saio* has no roots in Roman traditions whatsoever. Jones describes *saiones* as retainers of the Germanic kings conveying royal commands, executing royal judgements, carrying out special commissions and supporting the civil administration against unruly subjects.[64] Herrin similarly describes them as royal agents which were granted estates around Ravenna. She underlines their authority over Roman officials.[65] Lafferty describes them as royal officers charged with exercising the king's authority in the provinces, similar to *comites* but of lesser rank. He also underlines the importance of trusted men of the king all over the kingdom and the variety of the tasks assigned to the *saiones*.[66]

As direct agents of the crown holding sway over just about everyone, *saiones* also at times fulfilled roles traditionally assigned to the *curiae*. As seen in the *Variae*, they requisitioned resources, regulated inheritance, managed the public postal system, and provided pay for traveling soldiers.[67] These were, however, tasks which were the result of direct royal decree, like their investigations into abuse or positions of assistance of protection of local administrators.[68] It can not be assumed that *saiones* held permanent administrative tasks, traditionally reserved for *curiae*, since there are no sources attributing this to them, only individual tasks through royal decree.

Still, *saiones* did have authority and hold sway over the local systems of government. Examples such as *Variae* 9.2, where a *saio* is sent to 'help' the local *curia* with corruption

[63] Herrin, *Ravenna,* 99.
[64] Jones, *Later Roman Empire*, 255-256.
[65] Herrin, *Ravenna*, 154.
[66] Lafferty, *The Edictum Theodorici*, 127-128.
[67] Cassiodorus, *Variae*, 2.20, 4.32, 4.47, 5.5, 5.10, 5.20.
[68] Ibidem, 2.4, 2.13, 8.27, 9.2.

scandals, can also be seen as the king sending an agent to investigate the problems and enforce his will upon the *curia*, rather than being a helpful tool for them. According to Herrin, it was not uncommon for complaints to arise about *saiones* due to their violent and oppressive nature. Oppression and corruption, however, were not uncommon among the Roman governmental positions either.[69]

Though the *saiones* had major roles in the direct actions of the Amal court, their roles in the day-to-day governance of the cities in the Ostrogothic Kingdom, seems to have been incidental at best. None of the sources used in this research have any references to the use of *saiones* for tasks specifically in Ravenna or Milan. The role of *saiones* in the governance of these cities can thus be speculated from the general information that is still available for us about the entirety of Italy, but without a position to start from, it's just shooting in the dark. The two things that can be said about *saiones* in the context of Ravenna and Milan are that there most likely were *saiones* operating in these cities on royal tasks throughout the period of the Gothic Kingdom, and that they were probably more active in Ravenna, since the Amal court was located there and Herrin states that the majority of their estates were located around this city.[70]

## Concluding Government

The arrival of Theodoric and his successors initially did not change much to the existing governmental structures that existed in the later Roman Empire. In an effort to keep the local population from hostility towards his administration, local customs were respected, and local matters were dealt with by local magistrates. When a dispute arose between senators, Theodoric tasked senators to resolve it, keeping his own hands clean while still solving the issue.[71] This is also seen in his approach to municipal government.

The *curiae* that governed cities in the later Roman Empire, still governed the cities in the Gothic Kingdom. *Curiales* still attempted to escape their duties like they had been doing since the early third century, but this alone did not decrease the effectiveness of the *curiae* of important cities. The tasks of *curiae* changed little with the transition from Roman to Gothic. They were generally responsible for the collection of taxes, organising of defence and maintenance of local fortifications, the provision for military forces, the managing of civil facilities such as waterworks, the provision of building materials, the distribution of aid after

[69] E.g. ibidem, 5.14, 9.2, 9.14.
[70] Herrin, *Ravenna*, 154.
[71] Cassiodorus, *Variae*, 1.23.

crises, the registration of wills, overseeing the exchange of real property, and the appointment of guardians. The tasks they had to relinquish were the surveillance of markets, diplomatic missions, maintenance of the postal system, and the organisation of festivities, games, and other entertainment. These tasks fell on other magistrates during the Gothic period.

While the Amal kings used a variety of different magistrates for these tasks, there were two main types: the *comites* and the *saiones*. The Roman position of *comes*, increasingly filled by Germanic noblemen, acted as a kind of permanent royal agent in a city. Their tasks would vary much, but all come down to a general idea of governance and protection. The *saiones*, royal agents from Gothic tradition, acted as temporary and more direct enforcers of the will of the Amal kings. Both had their own positions in the cities of the Italian Kingdom, but both seemed relatively absent in Ravenna and Milan.

The *comes* of Ravenna, was little more than a port official and the *comes* of Milan is not represented in the sources at all. Furthermore, the actions of *saiones* in either city are also left out of the source material. Both cities had other means of governance that took the dominant position. In Ravenna, there was an active and operational *curia*, supported by income from Sicilian estates and the prestigious position under the royal court. This council was capable of dealing with their tasks in a less difficult manner than the other *curiae* on the peninsula and thus able to stay effective for longer than the Ostrogothic Kingdom even existed. Furthermore, any other tasks of local governance were taken by direct representatives of the royal court. In Milan, neither the *comes* or the *curia* held the upper hand in municipal management, but the bishop did. Being the leading bishopric in the west, the bishopric of Milan held great sway both within and around its city. Supported by similar Sicilian estates that made the Ravennese *curia* work, they most likely held power over both the old Roman structures and the newer Gothic ones, resulting in a small Roman ‘theocracy’ as an island in the more Gothic dominated Po Valley.

# Legal Practice

While overseeing the taxation of cities and their hinterland was the most important task of the long surviving *curiae* of the Italian cities under the Ostrogothic kings, upholding the law seems to have been a large task as well. Traditionally, Roman *curiae* were responsible for dealing with civil and minor criminal cases and for generally keeping order. These responsibilities continued during the entire existence of the Gothic Kingdom as well. Furthermore, they were

assisted, whether they wanted this or not, by the *comites* and *saiones* discussed in the previous chapter as well, often in the *Variae* being referred to by the term *iudices* or judges. Since the line between civil government and legal practice seem so blurred, this chapter will make an effort to primarily focus on the continuities or Gothic adaptations to law that do not necessarily deal with day-to-day (judicial) court life or are for other reasons separated from the previous chapter. First, it will discuss the *Edictum Theodorici* and the legal differences between Romans and Goths. After this it will it look specifically at the municipal role of *defensor civitates*. Both of these subjects will be related to Ravenna and Milan.

## Romans and 'Barbarians'

From the Edict of Caracalla (212 CE) onwards, all free men within the Roman Empire were its citizens and could thus make use of the *ius civile* or the Roman civil law system. This decision was a major boon for practitioners of Roman law. Where they had to navigate their way through the various law systems existing in the empire before, they now could use the same system of laws and legal practice in every case they were part of. The introduction of Christianity in Roman politics created a new form of peripheral legal peoples. Pagans, Jews, and 'heretics' could only be tried in their own courts, not the public ones. Apart from them, only foreign 'barbarians' were *peregrini* (non-citizens), this included the non-Romans who fought in the Roman military. Often however, *peregrini* were intentionally settled in depopulated regions in the Roman empire, becoming landowners or tenants, thereby being incorporated in the Roman legal system, since both statuses are covered in the *ius civile*. While these *peregrini* rarely formally became Roman citizens, they were able to use the Roman system of law.[72] In the successor kingdoms of the Western Roman Empire, this possibility of Roman citizenship continued, allowing both *ius civile* to survive, but also allowing it to be adapted using royal edicts. One of these edicts is the *Edictum Theodorici*.

The *ET*, similar to the Edict of Caracalla, was an effort to reduce the difficulty of legal practice, by making all people living in the kingdom, if you exclude Jewish people, adhere to the same set of laws.[73] Both Herrin and Lafferty see this as a rather monumental change, since non-Romans had always had their own laws.[74] In his article about citizenship of barbarians in

[72] R. W. Mathisen, '*Peregrini*, *Barbari*, and *Cives Romani*: Concepts of Citizenship and the Legal Identity of Barbarians in the Later Roman Empire', *The American Historical Review* 111:4 (2006) 1011-1040, q.v. 1014-1037.
[73] *Edictum Theodorici*, prologue, 143.
[74] Herrin, *Ravenna*, 182; Lafferty, *The Edictum Theodorici*, 132-133.

the later Roman Empire, however, R. W. Mathisen explains how the non-citizen status of *peregrini* in Roman times did not mean that they did not follow Roman law or were allowed to use it.[75] The main change in comparison with the Roman Empire seems to be that now people of the Arian faith, which many Goths were, and Orthodox faith, which the majority of Romans were, were able to use the same courts, thus reversing the changes of the later Roman Empire.

In his book, Lafferty argues that most of the laws of the *ET* were copies or simplifications of older Roman laws, mostly originating from the *Codex Theodosiani* (c. 435). He also states how most of the preserved laws deal with problems that were part of rural life, such as the rustling of cows or other livestock in *ET* 58, while many of the laws that did not make the cut dealt with civic life such as the organisation of entertainment. He uses this to argue that civic life must have been sufficiently in decline that the old Roman laws dealing with it were no longer deemed necessary.[76] This is, however, a rash conclusion. As is written in the prologue, the *ET* is produced to reduce the number of cases needing to go to King Theodoric by providing more clear laws for local judges work with. The fact that more rural laws arrive at Theodoric, can also point towards greater amounts of uncertainty specifically around rural laws. This is supported by the settlement of the majority of the Goths in rural areas, rather than cities. Thus, in these areas, Gothic and Roman custom was practiced next to each other, increasing the opportunity for legal disputes to arise which local judges could not handle. Furthermore, as Rapp explains, imperial laws had been made the same for every city in the later Roman Empire, while, as P. S. Barnwell explains in his article about law and custom in the transitional period between the Romans and the Middle Ages, rural areas were more likely to have differing laws based on custom.[77] As this most likely survived the transition to the Gothic Kingdom, there were probably less uncertainties in municipal disputes, being handled by the traditional Roman magistrates who had done that for centuries. It seems then that Roman law was clear at this point, and the *ET* was mostly made to facilitate local cases between Goths and Romans by being able to use the same laws.

Since the Goths mostly did not settle in the Italian cities, and the *ET* was produced primarily to ease conflicts between Goths and Romans, further underlined by the fact that most of the topics discussed in this edict are of rural nature, it is not likely that the document had

[75] Mathisen, '*Peregrini*, *Barbari*, and *Cives Romani*', 1037.
[76] Lafferty, *The Edictum Theodorici*, 247-248.
[77] Rapp, *Holy Bishops in Late Antiquity*, 286; P. S. Barnwell, 'Emperors, Jurists and Kings: Law and Custom in the Late Roman Empire and Early Medieval West', *Past & Present* 168:1 (2000) 6-29, q.v. 25-27.

much impact on the two cities discussed in this thesis. Whereas the population of Ravenna might have been affected by the laws due to the presence of the Amal kings, the effect on Milan, being left out of most royal correspondence and edicts and housing a large Roman population, was most likely marginal at best. Did the Gothic period then, next to allowing preserving the *curiae* and extending the roles of *comites* and *saiones*, have any effect on legal practice in these cities at all?

## *Defensores Civitatis*

In the later Roman Empire, one of the most important local magistrates was the *defensor civitatis*. This was a person, chosen from curial ranks, who was tasked with protecting those who could not protect themselves legally, this being mostly the poorer individuals of their city. Their task included both protection from rich landowners and from the state itself. The office, however, was often used to commit abuses and the *defensor* was in many cases easily bribed by people from the richer classes. Lafferty describes how by the time of the Gothic Kingdom, the *defensor civitates* was nothing more than an administrative position within the municipal court, stating how it is used twice in the *ET*, both times responsible for enrolling records into the *gesta municipalia*.[78] As is discussed before, however, the *ET* must have been primarily used for rural cases, leaving a potential role for the *defensor civitates* in civic context.

The *Variae* of Cassiodorus includes *defensores civitates* quite often. The quantitative aspect is misleading in this case however, because in all of these cases they are addressed in a row of other peoples. The term '*defensores*' seem to have been used almost synonymously with either *curiales* or *possessores* (landholders), seemingly pointing to the degradation of the post to 'just another part of local administrations.[79] The only letter concerning solely the office of *defensor civitates* is the *formula* for the appointment of a *defensor civitates* for any city. The *formula* describes the tasks of the magistrate as a regulator of the prices at the local marketplaces, which is an often-appointed task, as seen in the last chapter. Only one small clause in the *formula* refers to their role in protecting citizens from the law, and none refers to their role of protecting citizens from other citizens.[80]

While it can be accepted with some certainty that the office of *defensor civitates* played a role in both Milan and Ravenna, the exact role is not sure. The ancient function of the defence of the poor seems all but forgotten in the Ostrogothic Kingdom, while the tasks granted overlap

[78] Lafferty, *The Edictum Theodorici*, 134-135.
[79] Cassiodorus, *Variae*, 2.17, 3.9, 3.49, 4.45, 5.14, 9.10.
[80] Ibidem, 7.11.

with the other tasks *curiae* already hold, with neither the *ET* nor the *Variae* attesting to a large change in portfolio.

## Concluding Law

While the Gothic conquerors arrived with their own customs and legal system into post-Roman Italy, it seems that this did not affect the cities of Ravenna and Milan much in other ways than they were already by the increased judicial positions of *comites* and the addition of *saiones* as irregular judges as well. Despite these changes, the traditional legal practices of the Roman empire remained prominent in these settlements.

With the compilation of the *ET*, Theodoric must have made a great impact on the development of the practice of Roman law among his Gothic subjects, especially in cases between Romans and Goths. The majority of the laws in it, however, concerned rural activities, reflecting the locations that the Goths predominantly settled. The effects on the cities of Milan and Ravenna, where local Roman laws were deeply embedded in tradition, can't have been significant. Furthermore, the position of *defensor civitates*, at one point a vital municipal position defending the rights of the underprivileged, was relegated to a minor administrative role in the cities of the later Roman Empire, a downwards spiral which it did not escape under the Ostrogoths.

So, while one of the most important sources of knowledge about the Ostrogothic kingdom remains the Edict of Theodoric, its value for the cities of this thesis seems marginal at best. The Roman legal traditions remained entrenched in these centres, where the population was less affected by Gothic settlement.

# Water Management

This last subject is not only a necessity for a settlement to call itself a city in the eyes of ancient authors, but a necessity for the life of a settlement as well. Water is an interesting subject. If there is too little of it, its detrimental for the survival of humans, but too much of it can be just as damaging. Proper water management is and has always been one of the most important tasks for communities to exist anywhere in the world.

In Antiquity, people were aware of this fact. Among the important hallmarks of Roman cities, Procopius discusses three categories in his propagandistic work about the buildings constructed by Roman Emperor Justinian: defences (walls and fortifications), religion (temples

or churches), and water management (aqueducts, baths, and fountains).[81] Similarly, ancient rulers knew the importance of water management in the eyes of the people. They often included it in their propaganda. To take the example of Procopius and his *De Aedificiis*, he mentions the Justinian building and restoring ten different aqueducts during his reign.[82] Roman rulers knew that the management of this natural resource legitimized their power in the eyes of their subjects.

In his book about water management in Late Antiquity and early medieval times, Paolo Squatriti defines three major uses of water in the cities of the ancient world: domestic use such as drinking, washing, and cooking; for hygienic and social uses such as bathing; and for powering machinery such as mills to make flour from grain.[83] While flour-milling was an important part of the usage of water, there are scant few references to it in the sources. Through Procopius it is known that the mills in Rome, many of them being powered by an aqueduct, were crucial for the feeding of the city. The moment the aqueducts were cut, a new form of milling had to be invented to keep the city from starving.[84] Squatriti argues that many of these kinds of mills existed in the later Roman Empire, whether by water, animal, or by hand.[85] Neither archaeological evidence or any kind of literary source connects such mills with either Ravenna or Milan, however, leaving them to be omitted from this chapter.

The chapter shall be divided by first discussing the sources of water, divided between 'pure' aqueduct and spring water and the other sources of water, namely the wells, cisterns, and reservoirs, and then discussing the use of water for baths and bathing culture.[86] Like the other chapters, this chapter will follow the order of first discussing the wider Gothic Kingdom and following that with a comparison between Ravenna and Milan.

## Aqueducts, Wells, and Cisterns

Just like many other things in late-antique Italy, aqueducts cannot be expected to have suddenly stopped working when the Roman Empire was replaced by its successors. Although it is true that aqueducts required plenty of maintenance and resources to remain operational, we cannot

[81] J. Pickett, 'Water and Empire in the *De Aedificiis* of Procopius', *Dumberton Oaks Papers* 71:1 (2017) 95-126, q.v. 98-99.
[82] Procopius, *On Buildings*, transl. H. B. Dewing and Glanville Downey (Cambridge 1940) 2.6, 3.7, 4.1, 4.9, 4.11, 5.2, 5.3, 6.2. (Referred to as *De Aedificiis* in this thesis).
[83] Squatriti, *Water and Society*, 4-6.
[84] Procopius, *De Bellis*, 5.19.
[85] Squatriti, *Water and Society*, 126.
[86] Still or muddy water was often seen as less pure by Roman authors, for an example of this, the 1st century author Frontinus: Frontinus, *Aqueducts of Rome*, transl. Charles E. Bennet (Cambridge 1925) 2.89-2.93.

assume that the existing structures to see to this maintenance just disappeared. In the description in the *De Bellis* of Procopius of the Gothic War, which ended the Gothic Kingdom, there are two mentions of aqueducts being cut in effort to make progress in the siege of Italian cities. This was done in Naples by the Eastern Romans and later in Rome by the Goths.[87] The operational status of these aqueducts is in the final years of the kingdom either means that they have just been working throughout its entirety from the Roman Empire onwards or that they have been maintained and restored by the Gothic authorities.

Several written sources indicate that the second option is the case. First of all, several of the letters in the *Variae* of Cassiodorus concern the maintenance and repair of aqueducts in various locations.[88] Both Anonymus Valesianus, an unknown 6th century Christian historian with ambivalent attitudes to Theodoric, and Cassiodorus (in his *Chronica*, a timeline of all rulers from the beginning of time up to 519, connecting the Gothic kings to the Roman emperors and further up to the Assyrian kings) mention the restoration of an aqueduct at Ravenna.[89]

Furthermore, archaeological evidence also supports the idea of Gothic maintenance of aqueducts. Marano describes the willingness of the Amal rulers to donate public buildings and spaces to private organisations, with the exception of water management. Like the Roman rulers of before them they wanted to keep this prestigious government task in their own hands, as a show of the strength of their regime. The two types of evidence Marano uses to show royal involvement in the maintenance of aqueducts are brick stamps and inscribed water pipes. Three different bricks stamped with Theodoric's name have been found on remains of aqueducts in Rome. Furthermore, lead piping with Theodoric's name inscribed in it for tapping water from the aqueduct has also been found near his palace in Ravenna, pointing towards the active use of that aqueduct.[90]

It seems clear that, in general, the Amal government was involved in the care for the aqueducts flowing in Italy, keeping this hallmark of Roman cities alive, but was this the case specifically in Ravenna and Milan? For Ravenna the answer is easy: yes. Ravenna, historically, has one known aqueduct: The Aqua Traiana. This was a 35 km long aqueduct constructed by the emperor Trajan. This aqueduct, however, was sinking in the marshes and had sustained

[87] Procopius, *De Bellis*, 5.8, 5.19.
[88] Cassiodorus, *Variae*, 3.31, 5.38, 7.6, 8.29, 8.30.
[89] *Excerpta Valesiana*, transl. John C. Rolfe (Cambridge 1939) 2.71; Cassiodorus, *Chronica*, transl. B. Procee (Vlaardingen 2014) 1342.
[90] Marano, 'Watered . . . with the Life-giving Wave', 151-155.

serious damage leading up to the 5th century, in which it was truly no longer usable.[91] A late 5th century writer and bishop from the Gallo-Roman elite, Sidonius Apollinaris, visited Ravenna in 467 and made comments on the situation:

> But there was one drawback: on one side the briny sea-water rushed up to the gates, and elsewhere the sewer-like filth of the channels was churned up by the boat-traffic, […] the result was that we went thirsty though surrounded by water, finding nowhere pure water from aqueducts, nowhere a filth-proof reservoir, nowhere a bubbling spring or mud-free well.[92]

This clearly shows that the aqueduct indeed was in a state of disrepair in the autumn days of the Western Roman Empire. Herrin tells us that this fragment, though influenced by a classical Roman disdain for marshlands, still should not just be dismissed as such.[93] As mentioned earlier, both literary and archaeological sources claim that Theodoric repaired this aqueduct, thereby bringing running water back to Ravenna after several decades without it. He did not only repair it, but kept its maintenance going, since in *Variae* 5.38 he ordered the *possessores* near Ravenna to remove vegetation near the aqueduct to keep it from being disrupted again.[94]

For Milan, the situation is sadly not as clear. There are no current records of any large aqueduct at Milan like the Aqua Traiana at Ravenna. This was not a new situation in Late Antiquity, however, since neither during the time of the Roman Republic, nor the Roman Empire did the city have an aqueduct, not even when it held the western imperial court. Milan was a large city, according to Procopius second only to Rome, even when the imperial court had followed the emperors to Ravenna.[95] For this large city to have no aqueducts is quite curious. This leads us to the conclusion that aqueducts might not have been the largest source of water for cities in the later Roman Empire and the Gothic Kingdom.

Pickett describes a shift in Late Antiquity away from traditional means of water supply. He states that, originally, people in the ancient world had a strong preference for clear spring water and the running water of aqueducts. Their opinion changed however in the more warlike centuries that preceded the fall of the Western Roman Empire, where cisterns, reservoirs, and wells could provide safe water for a city under siege, while an aqueduct was a (relatively) easy way to enter a city or poison or block its water supply. For this reason, many cities became

[91] Herrin, *Ravenna*, 59.
[92] Sidonius Apollonaris, *Letters*, transl. W. B. Anderson (Cambridge 1936) 1.5.
[93] Herrin, *Ravenna*, 123.
[94] Cassiodorus, *Variae*, 5.38.
[95] Procopius, *De Bellis*, 6.8.

more and more reliant on sources of still water within circuit walls, culminating in the fact that Justinian even places cisterns and reservoirs in his propaganda works, which is unheard of before him.[96]

Ravenna must have had a similar system as well. Even though king Theodoric restores the old aqueduct supplying Ravenna with 'fresh' water, he did this decades after it had fallen into disrepair. A city cannot survive this long without having their own water sources. Especially, since several ancient authors mention that Ravenna had been besieged for three years in the war between Odoacer and Theodoric.[97] Anonymus Valesianus mentions that the price of wheat in the city reached enormous heights, indicating a famine, but fails to mention any kind of thirst problems in the city.[98] Jordanes, a sixth century Eastern Roman bureaucrat, possibly of Gothic descent, in his history of the Gothic peoples, similarly mentions suffering from war and famine, not thirst.[99] There must have been some system of wells, cisterns or reservoirs to account for the water needs of the city.

Squatriti states that the reliance on these three types of water supply was no abrupt development in Late Antiquity. He states that, like is the case with many other resources, ancient cities did not rely on one type of water supply, in order to prevent disaster when one of the sources disappears.[100] He mostly discusses the beginning of the 5th century and the 7th century onwards, however, mostly ignoring the Gothic period. Still, this theory applies to the cities of the Gothic Kingdom as well. Two examples of the Gothic war come to mind: Rome and Naples. In both cases, Procopius mentions that the aqueducts of the city were cut in sieges, in order to remove the water supply of the defenders. In both cases, the city could continue fully on the water supply of other sources such as river water or wells. The only things disturbed were the baths and water mills in Rome.[101]

Squatriti also talks about the differences between wells and cisterns. Wells being dug holes in the ground to be able to access the groundwater and cisterns being large containers to collect rainwater. He explains that wells were preferred in low laying cities that had easy access to relatively clean groundwater and that cisterns were preferred on hilltops, where groundwater was far from ground level, or in places where groundwater was contaminated with salt, where

[96] Pickett, 'Water and Empire', 99-111.
[97] Cassiodorus, *Chronica*, 1324-1331.
[98] *Excerpta Valesiana*, 2.11.
[99] Jordanes, *Getica*, transl. C. C. Mierow (Princeton 1915) 294.
[100] Squatriti, *Water and Society*, 22-23.
[101] Procopius, *De Bellis*, 5.8, 5.19.

he specifically mentions Ravenna. He also explains that the Roman authors used the terms for cisterns and wells interchangeably, adding to difficulty researching the topic.[102]

While it seems clear then, that Ravenna was mostly supplied with rainwater cisterns from before the Western Roman Empire even fell, Milan misses such direct reference. Like Ravenna, it needed extensive water supply. As stated before, Milan was a relatively large city. If both criteria of Squatriti are applied to Milan, it becomes clear that the city must have relied primarily on wells. As can be seen on the map in figure 1, Milan was situated on the extremely flat Po Valley. This means that access to groundwater must have been relatively easy. This is further reinforced by the Groundwater Map of the European Geological Data Infrastructure (EGDI) placing Milan well within the region of 'highly productive porous aquifers'.[103] While the exact groundwater levels of the 5th and 6th century Milanese area are not known, a 2017 article by Paola Gattinoni, of the Department of Environmental, Hydraulic, Infrastructures and Surveying Engineering of the Polytechnical University of Milan, and Laura Scesi, Professor of

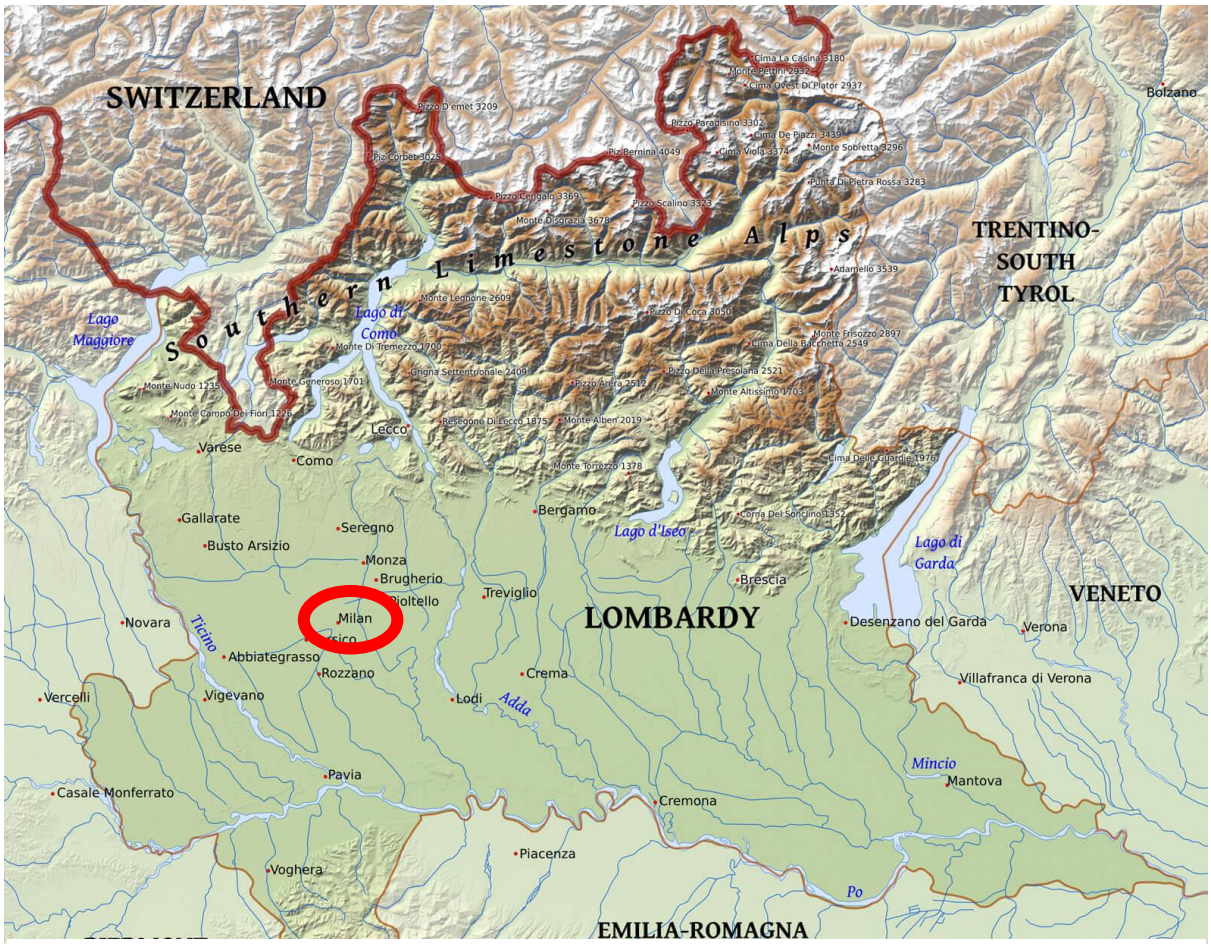

Fig. 1: Geographical map of Lombardy with a red ellipse around Milan

[102] Squatriti, *Water and Society,* 23-24.
[103] EGDI, https://www.europe-geology.eu/scientific-themes/water-resources/groundwater-map/ (consulted 3 March 2024).

Applied Geology at this same university, discusses that Milan has always had a high natural groundwater level before the Industrial Revolution.[104]

Both cities' full reliance on non-aqueduct sources in Roman times is interesting. Roman authors of the time were still following the traditions that flowing water is preferred over still water. This sentiment can be seen in the quote of Sidonius earlier this chapter, where pure aqueducts and bubbling springs were contrasted with filthy reservoirs and muddy wells. Squatriti explains that people around the 700's had already accepted that still water was the new norm, but they had new requirements for testing a water's 'purity'. He states that water needed to be clear, without mud or other opaqueness, it needed to lack any kind of smell, and it was preferably cold.[105] So apparently between the 470's and the 700's water from still sources transitioned from being rejected to accepted.

Perhaps, too much credit is given to Sidonius' opinion about water. He was a member of the clerical elite after all and thus perhaps not representative of the view of the regular citizen. It must not be forgotten that the common people living in cities might have a more pragmatic view on the matter. Perhaps the elite in general was also more accepting towards still water than Sidonius was. Balzaretti describes Milan in its fourth century peak, in which "wealth poured into the city and its infrastructure and architecture underwent complete transformation by the imperial family with the result that Milan became the consumer centre for the whole region."[106] Even in this time of splendour for the city, being the centre of the Western Roman Empire, building many great monuments, even housing the imperial court, no aqueduct was being built. This same story can be told about Ravenna too, where it took a different regime than the Roman one to finally restore the aqueduct that lay in ruins for so many years. Perhaps the idea of 'pure' running water had left the minds of Romans long before. This all is in stark contrast to the government of the Amal Kings, who, as stated before, gave much attention to the maintenance of aqueducts.

## Roman and Gothic Baths

Just like it cannot be assumed that aqueducts just suddenly stopped working with the advent of the Gothic Kingdom, it cannot be assumed that the several uses of water suddenly changed as well. There is a reason why earlier chapters discussed the resilience of Roman law and civic

[104] P. Gattiononi and L. Scesi, 'The groundwater rise in the urban area of Milan (Italy) and its interactions with underground structures and infrastructures', *Tunnelling and Underground Space Technology* 62:1 (2017) 103-114, q.v. 103-105.
[105] Squatriti, *Water and Society*, 37-8.
[106] Balzaretti, *The Lands of Saint Ambrose*, 136.

administration. The Roman way of life did not die out with Gothic rulers, because the population still consisted of a majority of Romans. This means that domestic uses of water mainly stayed the same, as they probably had been the same since before the Roman Republic, namely: washing, cooking, and drinking. More importantly, it means that the other uses of water most likely stayed the same as well. The Gothic elite did not just close down all baths. To the contrary, the Amal administration was a staunch supporter of bathing culture.

A great example of this support is in the *Variae* of Cassiodorus. In a letter sent by King Athalaric to Severus, governor of Bruttium, one of the problems of the first chapter of this thesis is discussed, the flight of *curiales* from their duties. In an effort to persuade *curiales* back to their civic positions, the letter speaks highly of the benefits of life in the city, invoking the image of classical city life. One of these benefits is the visiting of public baths.[107] Even though this is an image that is clearly influenced by earlier classical ideas of city life, it can still be seen as a source for the age in which Cassiodorus lived. The letter would not be quite as convincing for the runaway *curiales* if they knew people in their city did not use the baths anymore. They would be aware of this, being former councilmembers.

Bathing in the Gothic Kingdom was not reserved for the Romans that still lived there either. The Ostrogothic elite was quick to follow in the footsteps of their Roman predecessors. Once again, Procopius gives a helpful example. In his *De Bellis*, he describes a scene during the Gothic War where the wife of prominent Gothic general Uraïas went to a public bath "clad in great magnificence of ornament and taking with her a very notable company of attendants."[108] This woman then ignored the wife of the king because she was not luxuriously dressed or with a great entourage. This led to a conflict between the two families resulting in King Ildibadus killing his general Uraïas. This rather gruesome example shows that bathing culture, just like in Roman times, was a social activity. At the baths the Gothic elite could gain prestige for the amount of wealth and the size of their network they could display. If bathing culture and the social norms surrounding it did not matter for the Goths, the conflict would not have happened.

The Gothic people, like the Romans, also believed in the healing nature of bathing. Several letters in the *Variae* point to this. A letter from Athalaric to a *primiscrinius* (a high-level magistrate based in Roman tradition) grants him leave to visits the Baths of Baiae, a noble retreat in Roman times near Naples, in order to heal after an unnamed injury in the line of duty.

[107] Cassiodorus, *Variae*, 8.31.
[108] Procopius, *De Bellis*, 7.1.

In it, a eulogy is given to the baths and their healing power.[109] Similarly, King Theodahad, Athalaric's successor, sent a letter to Wisibad, the *comes* of Ticinum, modern day Pavia. The *comes* is suffering from gout and is granted leave from official duties to heal at the natural springs of Bormio. Once again, the healing properties of the water are elaborately described and praised in the letter.[110]

Although these two examples depict the Gothic rulers praising the various natural baths in Italy, these rulers have also had a role in maintaining the bathing culture in artificial baths in their kingdom. Two different letters in the *Variae*, both from Theodoric, concern the restoration and maintenance of baths, one in Spoleto and the other in Aponus.[111] The *Excerpta Valesiana* mentions the building of baths at Verona and Ticinum.[112] These literary sources are once again supported by archaeology. In the city of Rome, brick stamps of Theodoric have been found on the baths of Constantine and Caracalla, also on the Porta marina baths in Ostia.[113] All across the kingdom, the Ostrogothic rulers seem to have held their interest in the maintenance of bathing culture.

In Ravenna, this was not different. From the letters of Sidonius Apollonaris, it is clear that Ravenna had operating baths in the later years of the Western Roman Empire, even when he claims that they freeze over, which is most likely just a literary exaggeration.[114] Considering that the city was the administrative centre for both Odoacer and the Amal dynasty, at least up to the Gothic War, it can be assumed that the baths of Ravenna would get at least as much, if not more maintenance as the other cities listed before. The only real threats to the integrity of the structures housing the baths of Ravenna must have been the two transitions of power, Romulus Augustus to Odoacer and Odoacer to Theodoric. Since power transitions had the tendency to bring violence, and violence has the ability to disrupt cultural life and destroy buildings.

Of the transition of power from Romulus to Odoacer, the sources speak of relatively little violence. Anonymus Valesianus mentions the killing of patricians at the pine grove outside of Ravenna and the mere deposing of Romulus.[115] Jordanes mentions the killing of Orestes and a *comes* named Bracila in order to inspire fear among the Romans, an act that would inspire little fear compared to the potential destruction in Ravenna, making this unlikely to have

[109] Cassiodorus, *Variae*, 9.6.
[110] Ibidem, 10.29.
[111] Ibidem, 2.37, 2.39.
[112] *Excerpta Valesiana*, 2.71.
[113] Marano, 'Watered . . . with the Life-giving Wave', 159-160.
[114] Sidonius Apollonaris, *Letters*, 1.8.
[115] *Excerpta Valesiana*, 2.8, 2.10.

happened.[116] Cassiodorus mentions the killing of the consuls Orestes and Paulus, but once again no further violence.[117] Finally, Procopius mentions that Orestes was murdered by *foederati* because he would not divide the Roman Empire between them and Odoacer took power from there on.[118] While it is true that absence of evidence is not evidence of absence, it seems unlikely that Ravenna was damaged in this transition of power, for the ancient authors are known for the exaggeration of damages and destruction, not so much for keeping it quiet.

The second transition did see more violence. When Theodoric invaded Italy on the invitation of the eastern emperor, Odoacer offered fierce resistance, which is attested to by all the literary sources used for the last paragraph. However, they roughly tell the same story. There was a battle at the river Sontius (Isonzo), a later battle at Verona and a battle at the river Addua, all three defeats on Odoacer's side, resulting in a three-year siege of Ravenna, which surrenders when Odoacer allows Theodoric into the city.[119] Even though the city was besieged for an extensive time, the baths of Ravenna most likely survived this war. The main example of baths falling into disuse from this time period is the case at Rome, where the cutting of aqueducts made the baths unusable according to Procopius.[120] Since Ravenna had no working aqueduct to begin with, it must be assumed that its baths were supplied by another means from inside the city. Thus, a siege is unlikely to have been able to prevent this source from operating.

It is likely that the baths at Ravenna were operational at the beginning of the Gothic period, but the question is if they were maintained. As is argued previously in this chapter, both Romans and Goths still made use of the baths in their cities and the Amal administration made efforts to maintain the operational status of the baths in their kingdom. It would be unlikely that the attention which they granted to baths in the towns in their provinces would not go to the baths in the city in which they housed themselves. Herrin states that Theodoric built a bath in the residence of the leading Arian minister and built several baths in Ravenna of which the remains are no longer visible.[121] Squatriti also states that bishops of both Arian and Orthodox allegiance furnished bathing facilities at Ravenna after the Gothic war.[122] The fact that there is such a demand for baths that bishops of both confessions feel the need to construct new ones can be seen as an indicator that this war might have both made the bathing facilities in Ravenna

[116] Jordanes, *Getica*, 46.243.
[117] Cassiodorus, *Chronica*, 1303.
[118] Procopius, *De Bellis*, 5.1.
[119] *Excerpta Valesiana*, 2.11; Cassiodorus, *Chronica*, 1319-1331; Jordanes, *Getica*, 57.293-294; Procopius, *De Bellis*, 5.1.
[120] Procopius, *De Bellis*, 5.19.
[121] Herrin, *Ravenna*, 149, 156.
[122] Squatriti, *Water and Society*, 46.

inoperable, either due to direct damage or through the prioritizing of funds towards the war effort and thus negligence of the baths, and removed the kings who originally made sure that this Roman pastime could continue in their kingdom. The fact that bishops took over this task only after the war supports the idea of operational baths living on royal patronage.

For once, the information about Milan is more easily found than that of Ravenna. Fourth century Gallo-Roman aristocrat Ausonius, in his eulogy of the great cities of the Roman Empire, writes directly about Milan. Among other works of architecture that Ausonius praises, he briefly speaks of the Baths of Herculeus.[123] According to Sadi Maréchal in his work on public baths in Late Antiquity, this bathing complex, built by the Roman Emperor Maximian, belonged to the 'imperial' type of baths: huge thermae connected to imperial residences in the largest of Roman cities.[124] The existence of this bathing complex is further reinforced by the fact that the remains are still visible in present day Milan incorporated partly into the Church of San Vito in Pasquirolo.

There is no reason to assume that the use of the Baths of Herculeus stopped with either change of government discussed earlier. None of the sources mention any military activity around Milan during the coup of Odoacer. The war between Theodoric and Odoacer does include Milan, but it was taken peacefully by Theodoric after a battle near the city.[125] Only when the city was 'razed to the ground' in the later Gothic war does the status of its bathing complex become uncertain.[126]

DeForest supports the idea of a persistent bathing culture. He states that the 'robust discourse of bodily denial in certain Christian groups' did not have as strong an effect on the lifestyle of the layman as is often accepted by modern scholarship. Archaeological evidence for baths in the late Roman Empire underlines his point. He also describes how the large imperial bathing structures stood between large groups of smaller *balnea* within Roman cities, which is most likely what the new bathhouses constructed in this time are more akin to according to him.[127] Although his work might point at a difference in bathing culture, trending towards smaller baths, this also points at the existence of a significant number of smaller baths in the large Roman cities that might not be discussed in any of the literary sources. These baths might also not have been found archaeologically because of their small sizes, coupled with the statement of Herrin, that secular buildings are less inclined to survive because they are cared

[123] Ausonius, *The Order of Famous Cities*, transl. H. G. E. White (Cambridge 1919) 7.
[124] S. Maréchal, *Public Baths and Bathing Habits in Late Antiquity* (Leiden 2020) 183.
[125] *Excerpta Valesiana*, 2.11; Cassiodorus, *Chronica*, 1323.
[126] Procopius, *De Bellis*, 6.11.
[127] DeForest, 'Baths, Christianity and Bathing Culture', 190-194.

less for than ecclesiastical ones and often used for building materials for these buildings.[128] Many of these baths might have been incorporated into churches like the Baths of Herculeus were, but in a way that modern archaeologists have no means of finding yet.

## Concluding Water

Like the Romans of old, the Goths had their hand in water management. With the changing of political power, economic structures did not suddenly stop existing. Aqueducts kept flowing and were even restored all over the Italian Peninsula by the Amal authorities. Through the use of brick stamps and inscriptions of lead water pipes, supported by ample literary references, it is clear to see that the Gothic kings were involved in keeping the water flowing into the cities. In Milan, the existing structures of water gathering through the use of wells was maintained, while the city of Ravenna took it a few steps further by being granted a restored aqueduct that had not even supplied the city in the autumn days of the Roman Empire. In a way, it could be said that the water management of Ravenna became more Roman under the Gothic rulers than it had been in the waning years of the Roman Empire.

Bathing was also not instantly gone with the deposing of the last emperor. Bathing culture was just as flourishing as it was before, if not even more since it became part of the policy of the new Gothic elite. *Curiales* were motivated by the Amal administration to return to their cities, partly for the rich bathing culture, Gothic noblewomen (and most likely men too) partook in the social activity of public bathing, bringing large entourages to symbolize their positions in society, and the healing qualities of bathing found their way into Gothic rhetoric, even if this did happen through a Roman statesman. Just like with aqueducts, both literary and archaeological sources point to active involvement of the Gothic government in the maintenance of bathing complexes. Furthermore, there might even be large numbers of baths in the Roman cities of the Gothic Kingdom that have not been discovered yet. Milan housed a large number of baths in the Roman period, and due to the lack of conflict the city faced in the time between the fall of the Western Roman Empire and the advent of the Gothic War, it is safe to assume that these baths remained operational, attributing to a lively bathing culture in the city. Ravenna similarly had baths in the city, as was already pointed out by Sidonius. Through the patronage of the Gothic kings, which was most likely more favourable to their resident city, bathing culture remained a central aspect of city life there too.

[128] Herrin, *Ravenna*, 156.

The views of water freshness were changed since the classical Roman period, as had the size of bathing establishment, However, as both these transitions had already started long before the Kingdom supplanted the Empire, they cannot be described as Gothic systems replacing the Roman ones, since they were Roman in nature. Roman water management sure did fade away during the transition of the ancient to the medieval era, but it started before the birth of the Gothic Kingdom and intensified enormously after it had already ceased to exist, leaving both Gothic Ravenna and Milan to be supplied by Roman water systems, and entertained through Roman bathing culture.

# Conclusion

The Ostrogothic Kingdom was an indicator of transition. Often overshadowed by the grandeur of classical Rome and the allure of the romantic medieval times with its defiant city states. While discussion still rages among historians whether the kingdom leaned more towards the Roman side, with Theodoric as a new Augustus, or towards the medieval side, with the 'barbarian' kings as harbingers of the end of civilization as we knew it, there is a consensus that it is somewhere in between.

With this case study into the cities of Milan and Ravenna from the ascension of Theodoric to the onset of the Gothic War, an image can be created of the continuity and change in the landscape of major urban centres after the fall of the Western Roman Empire. This inquiry has shed light on three important factors of civic life in this transitional period.

Ravenna and Milan serve as examples of the dichotomy of the trajectory of municipal governance in post-Roman cities. Where the initial arrival of Theodoric, like the rule of Odoacer, did not change much in the governmental life of either city, prolonged rule of the Ostrogoths, whether directly or indirectly, did result in differences establishing themselves. Ravenna is a prime example of the maintenance of Roman life. Its *curia* found a way to keep itself operational even past the lifespan of the Gothic Kingdom. This council held its traditional roles in collecting taxes, registering wills, dealing with civil and minor criminal cases, overseeing the exchange of real property, appointing guardians and, most likely, more tasks that were not even recorded. In these times, when other *curiae* started failing due to a variety of reasons, ranging from the possible decrease of prestige, or the financial burdens of curial life, the Ravennese *curia* held its ground due to fortunate circumstances. The direct link with the royal court made it a prestigious council to sit in, and the links with Sicilian estates lifted a

great part of the monetary burden curial life brought with it. Where other *curiae* were placed under the jurisdiction of royal agents like the *comites* and the *saiones*, Ravenna also had an eased position. The *comes* was only responsible for organising trade, and the *saiones* were not often called in to deal with matters in this city. Thus, the Ravennese *curia* is an example of the persistence of Roman municipal institutions when the conditions are right.

Milan is the other side of the coin. Its *curia*, diminished in prestige by the flight of the imperial court, and though operational in a large wealthy city, not likely supported by external estates, lost its prominence over time. While it is not certain if the *curia* was still a prominent factor in Milanese local governance during the autumn days of the Western Roman Empire, it is clear that its position under the Gothic kings only deteriorated. The abandonment of central government decreased its prestige while the presence of the strong Milanese church exerted pressure from within its own city. In this city, like with Ravenna, the *comes* had a small role to play. It was not seen as important enough by the Gothic government to obtain its own *formula* and did not find its way into the *Variae* or any other source for that matter. Due to the large disparity between Roman and Gothic peoples in this region, and the relative lack of interest of the Amal rulers in the city, the activities of *saiones* must also have been negligible, since their primary tasks included disputes between Romans and Goths and executing royal commands. By the later days of the Gothic Kingdom, the bishop and a few notable citizens were in charge in the city, resulting in them being in the embassy being sent to surrender the city to the Eastern Romans in the Gothic War. Thus, Milan symbolizes that this transitional period under the Amal administration, could also give rise of ambitious strongmen under the right circumstances.

The discussed cities do not show much in the transition of legal practice. As the minor chapter dedicated to it has argued, the main adaptations the Gothic government made to law were focused on the main locations of immigration of the Goths: rural norther Italy. While both cities were located in northern Italy, and did have strong connections to their agricultural hinterland, legal practice concerning civic matters was not changed by the arrival of the Goths. Both cities continued operating legally within their own Roman traditions. One of these Roman processes, the diminishing status of the *defensor civitatis*, also found its continuation in the Gothic Kingdom. The position moved from a valued philanthropic magistrate in the Roman Empire, to a corrupt administrator in the later Roman Empire, to the financial administrator that it is in the Gothic Kingdom. There is no reason to assume the *defensores* of Ravenna and Milan escaped this fate.

The task of managing water did not decrease in importance and thus did not decrease in practice. The later Roman Empire already saw its transition from the reliance on ‘pure’

running spring water from aqueducts to a more pragmatic inclusion of other water sources. All across the Italian peninsula, wells, cisterns, and reservoirs reinforced the traditional means of procuring water. Milan and Ravenna were no exceptions. Milan, being a city on a low plain of the Po Valley, close to groundwater aquifers, was a city of wells. Even as an imperial capital, the city never received an aqueduct, because it never needed it. Ravenna, on the other hand, did have an aqueduct, but it was left in disrepair for decades. The city, due to its positions between bogs, marshes, and the salt-filled seawater, could not rely on groundwater like Milan did. For the decades since the failing of its aqueduct, the city must have relied primarily on rainwater collection through cisterns, a horrid sight in the eyes of elitist Late Romans, but most likely fully accepted by the local population. Theodoric saw fit to repair the aqueduct, however, bringing the traditional 'pure' water back to his capital. It can be argued that this Gothic project took the city in a transition back to a more Roman age.

Bathing was also a strong Roman tradition that did not vanish with the political changes of the fifth century. Roman local elites were lured to their *curiae* with the promise of traditional Roman civic life and bathing culture, while the new Gothic elites were equally enamoured with this tradition of leisure and aplomb. Both cities kept its bathing complexes intact during the years up to the Gothic War. Milan having a large collection of smaller baths next to its huge imperial complexes dating from its time of imperial prominence, while Ravenna's baths sizes remain quite a mystery, but their number kept increasing until even after the Eastern Roman banner flew over its walls.

The case study of these two important cities makes it clear that there is no one way in which the Gothic administration influenced civic life in post-Roman urban centres. Where one city's *curia* remained strong and in power, the other got replaced by another Roman institution; where legal practice had its changes, there were in reality large differences between its effect on rural and municipal life, and on areas with larger and smaller Gothic minorities; where some places had their aqueducts restored, others had relied on other sources long before Theodoric entered the peninsula. Still, the existence and restoration of municipal amenities such as bathhouses all over the kingdom, indicates the persistence of civic life under political change and the role the Amal kings attributed themselves to protect and preserve this integral aspect of Roman society.

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