MUNICIPIUM FLAVIUM IRNITANUM: A LATIN TOWN IN SPAIN*

By HARTMUT GALSTERER

It is understandable that the small town of Irni attracted no attention from historians and geographers in Antiquity. Pliny the Elder, whose lists of cities in the provinces include so many insignificant as well as important communities, eschews any mention of it; in his eyes it will have been neither 'dignum memoratu' nor 'Latio sermone dictu facile' (*NH* III, 7). It was left to the enterprise of amateur archaeologists equipped with modern metal-detectors to bring to light the city law, and with that the existence of the city itself. The story of the find and of the stages leading to publication is recounted by J. González in the original publication of two years ago, and need not be repeated here.[1] It is beyond question that it represents an extraordinary enrichment of our knowledge of the Roman city, not just in the Iberian peninsula but throughout the Roman Empire.

Irni can confidently be identified with the findspot of the inscription, a hillock 5 km south-west of El Saujeco in the south of the province of Seville. This small town, which the law identifies as a Flavian *municipium*, was surrounded by a series of other *municipia Flavia*: to the south Sabora, to the north-west Basilippo, and to the north-east Ilipula Minor—and no doubt others not known to us. The only exception was to the north, where the neighbouring city, some 30 km distant, was the long-established *colonia* of Urso. The distances to the neighbouring towns average some 20 km as the crow flies; so the *territorium* of Irni will not have been large. Nor can the town have been affected by any very intensive through traffic, for no major route seems to have passed through it.

The Irni find consisted of the major part of its city law, published on bronze tablets, as was also the norm elsewhere.[2] Out of a total of ten tablets, six (III, V, VII–X) were recovered almost complete, along with some fragments.[3] The most important initial result of its decipherment was that the Lex Irnitana partially overlaps with the long-known Flavian city-laws of Salpensa and Malaca, and that where it does the text is identical; a single original text therefore lies behind all the Flavian city-laws. This is confirmed by the fragmentarily-preserved city laws of Basilippo and Ostippo, which also conserve the same text. Why Flavian city laws published on bronze tablets are known only from Baetica—and even there only from the triangle between Seville, Cordoba and Malaga—remains for the moment a mystery.[4]

The following paper will deal first with the structure of the law, and how far it can be reconstructed, either with certainty or with some probability (I); then I will attempt to provide from the text some conception of the functioning of the Municipium Flavium Irnitanum, as an example of a Spanish Latin *municipium* (II).

* The following remarks are based on a paper given at the colloquium organized by Michael Crawford on behalf of the Society for the Promotion of Roman Studies in November 1986 to mark the original publication of the law. The author would like to thank all those who took part in the discussion on that occasion, especially Michael Crawford and David Johnston, and above all Fergus Millar, who not only offered some useful criticisms of the written text, but subsequently translated it into English.

[1] J. González, 'The Lex Irnitana: a New Copy of the Flavian Municipal Law', *JRS* 76 (1986), 147–243, with an English translation of the law by Michael Crawford; henceforth cited as González. The following works are also cited in abbreviated form:

Galsterer, 'Loi municipale' = H. Galsterer, 'La loi municipale des romains: chimère ou réalité?', *RHD* 65 (1987), 181–203.

Galsterer, *Städtewesen* = id., *Untersuchungen zum römischen Städtewesen auf der iberischen Halbinsel* (1971).

Mackie = N. Mackie, *Local Administration in Roman Spain, A.D. 14–212* (1983).

Mommsen, 'Stadtrechte' = Th. Mommsen, 'Die Stadtrechte der latin. Gemeinden Salpensa und Malaca in der Provinz Baetica', *Ges. Schriften* I (1905), 113–382.

Spitzl = Th. Spitzl, *Lex municipi Salpensani* (1984).

A subsequent edition by A. d'Ors, *La ley Flavia municipal (texto y comentario)* (Studia et documenta 7, 1986), reached me too late to be used here; cf. the review by W. Simshäuser, *ZSS* (in the press).

[2] Cf. here C. Williamson, 'Monuments of Bronze: Roman Legal Documents on Bronze Tablets', *Class. Ant.* 6 (1987), 160–83.

[3] Publication of these fragments was planned for *JRS* 77 (1987), but has unfortunately had to be postponed.

[4] If the attribution of the so-called Fragmentum Italicense to Cortegana, as argued by A. Canto (op. cit., n. 51 below) proves to be correct, this would represent the first known fragment from the north of Baetica.

The last section will be devoted to an assessment of the most important new insights into the nature of the Roman city in the Imperial period which the new law provides (III).

I

The Lex Irnitana is to all intents and purposes almost identical with the long-known city laws of Malaca and Salpensa. The variations relate firstly to the content of the law: that is to say necessary adjustments to take into account local political and social circumstances (for example the number and census-qualifications of the *decuriones*, the limits on cases before local courts). Secondly there are technical variations in the resolution of abbreviations, numbering of paragraphs or otherwise (as in the Irnitana), and so forth. With the aid of this numbering, gaps in the Irnitana can be filled with the aid of the Malacitana and Salpensana, and vice versa. This is of no significance for the eight surviving chapters of the Lex Salpensana (chs. 21–9), since these appear on the first preserved Tablet (III) of the Irnitana, where they are indeed, at both the beginning and the end, more fully preserved.[5] It is more significant that the missing Tablet VI of the Irnitana can be at least partially restored from the Lex Malacitana, namely for chs. 51–9. We thus have a continuous text of chs. 19–31 and 51–97, that is the entire last part of the law. Between ch. 31 and 51 a further twelve chapters are preserved on Tablet V of the Irnitana; but as there is no overlap with the Salpensana and Malacitana they cannot be numbered.[6] All in all we have some 70 per cent of the chapters, sometimes only in fragmentary form, and some two-thirds of the lines of the law.

As regards a number of the missing chapters, it is possible on the basis of allusions in the surviving text to reconstruct at least their overall content, and thereby their positioning in the law. Since ch. 19 outlines the duties and rights of the aediles and ch. 20 those of the quaestors, it can be presumed that ch. 18 dealt with the functions and privileges of the duumviri.[7] Other paragraphs will have dealt with the magistrates as a whole, and will therefore have preceded the individual provisions: for example, one was concerned with the total number of magistrates in the city, an important issue as regarded Latin rights;[8] and another with qualifications for holding a magistracy.[9] Similarly the conditions under which a single duumvir should be elected are likely to have appeared in the general section concerned with magistracies rather than among the provisions relating to the duumviri themselves.[10]

There are various other matters which must have been dealt with in the law and which, given the structure of the preserved sections, cannot in effect have come anywhere except at the beginning. One of these areas will presumably have been the organization of the public cults and priesthoods of the *municipium*, the number and system of appointment of the priests and so forth.[11] The law for the *colonia* of Urso, which belongs a century earlier, had provided for the appointment of *pontifices* and *augures*; and a *pontifex* is for instance attested at the Flavian *municipium* of Arva.[12] Moreover, in the Flavian period, and especially under Domitian, we ought to expect that there will have been provisions for the organization of the Imperial cult. In this context there might well have been clauses relating to the provincial Imperial cult of Baetica—probably organized only after the death of Vespasian; also perhaps

[5] The now available beginning of ch. 21 will necessitate a striking reassessment of Latin rights (see below). At the end of ch. 29, as in the Lex Irnitana the words are written out in full, a certain adjustment as against Mommsen's interpretation imposes itself.

[6] González designates these by letters A–L. They correspond with a fair degree of certainty to chs. 38–49 (see below).

[7] González, 147 reports the discovery of a fragment of the bottom right-hand corner of Tablet II; unless it is the missing heading of ch. 19, it must concern the duties of the duumviri.

[8] Cf. ch. 21: 'quot ex h.l. magistratus creare oportet', and ch. 51: 'tot quot creari oportebit'.

[9] Ch. 51: 'quibus per h.l. eum honorem petere licebit'; cf. ch. 54, 'ex eo genere ingenuorum hominum de quo h.l. cautum comprehensumque est'. *If* the institution of the *summa honoraria* existed in Irni, and if it is mentioned in the law, this would be an appropriate place.

[10] Ch. 24: 'si eum IIvirum ex h.l. solum creari oportuisset'.

[11] Cf. D. Ladage, *Städtische Priester- und Kultämter im lateinischen Westen des Imperium Romanum zur Kaiserzeit* (Diss. Köln, 1971).

[12] Lex Urson. (*FIRA* I², no. 21), chs. 66–8; Arva: *CIL* II, 1064.

provisions for the representation of the new *municipium Flavium* in the *concilium provinciae* in Cordoba.[13]

However, in the surviving parts of the law there is no allusion to priests. Ch. 77 does, however, lay down that the duumviri, immediately on entering office, 'primo quoque tempore', should put forward a resolution to the town council as to how much the town should spend that year on *sacra* and *ludi*. These provisions unquestionably concern sacrifices and games instituted by the magistrates; and the sketch in ch. 79 of the 'regular' expenditures of the town does not envisage any control of public funds by priests. We cannot, therefore, exclude the possibility that, for whatever reason, the city law did not make provision for the organization of public cults.

However, another section which is entirely missing, but which can be presumed on the basis of allusions in the existing text, and would best be located in the earlier part, must have concerned the constitution of the citizen body: that is, who was a *municeps* (and who was not), and who therefore enjoyed the right of *actio popularis*.[14] Similarly the *conubia* of the new Latin citizens seem to have been regulated; for the letter—or *subscriptio*—of Domitian, which appears on the last tablet after the end of the law, and evidently provides an elucidation of the law, speaks of 'conubia comprehensa quaedam lege'.[15] We cannot, however, exclude the interpretation offered by González (p. 238), namely that *lex* here is a reference to the *edictum* of Vespasian of A.D. 73/4, by which he granted Latin rights 'universae Hispaniae'; or even to an undefined 'set of general rules about Latins'. However, given the context, the simplest explanation is to take *lege* as meaning *ea lege*, that is as a reference back to the content of the law itself; or alternatively to the general law or set of rules emanating from the Imperial court which underlies the individual versions, on which see further below (p. 89). The fact that the question of *conubium*—who could enter on a *matrimonium iustum* with whom—could give rise to problems in the initial period after the grant of Latin rights or Roman citizenship, is illustrated also by the well-known inscriptions from Volubilis, which show that Claudius gave the Volubilitani not only the Roman citizenship but also *conubium cum peregrinis mulieribus*.[16]

It must remain more or less a matter of speculation whether the missing eighteen chapters included in the first two tablets incorporated any provisions concerning the census and assessment for it in the *municipium Flavium Irnitanum*. There is nothing relating to this in the surviving chapters; but ch. 86 presumes the existence of a city register in which it was possible to check who (or whose father) owned property worth more than 5,000 HS, but less than the minimum census for *decuriones*. Given that Latins in the provinces certainly paid tribute, as did Roman citizens, such a register was also necessary for taxation purposes. The provincial census itself was carried out by city magistrates under the supervision of senatorial and equestrian officials.[17] It was divided by city territories; it may be supposed that such registers form the basis of the lists of cities in Books III–VI of Pliny's *Natural History*. But, as Mommsen realized long ago, there were in Latin communities no special magistrates for carrying

[13] On the institution of the Imperial cult see J. Deininger, 'Zur Begründung des Provinzialkults in der Baetica', *Madr. Mitt.* 5 (1964), 167–79 and now D. Fishwick, *The Imperial Cult in the Latin West* I. 2 (1987), 219 ff.; A. Stylow (personal communication) expresses strong reservations as to its foundation in the Flavian period. For representation on the *concilium* of another province cf. the Lex de flamonio provinciae from Narbo (*FIRA* I², no. 22).

[14] 'Cuique per h.l. licebit' in ch. 58 and elsewhere. The relevant chapter was perhaps comparable in construction to Ulpian, *Dig.* L, 1, 1: 'municipem aut nativitas facit aut manumissio aut adoptio', cf. González, 200.

J.-L. Mourgues, 'The so-called Letter of Domitian at the End of the Lex Irnitana', *JRS* 77 (1987), 78–87, interprets this as a *subscriptio* of the Emperor in reply to a *libellus* which is not reproduced.

[16] *Inscr. ant. Maroc* II, 369 f. F. Vittinghoff, 'Militärdiplome, römische Bürgerrechts- und Integrationspolitik der Hohen Kaiserzeit', in W. Eck, H. Wolff (eds), *Heer und Integrationspolitik. Die römischen Militärdiplome als historische Quelle* (Passauer Historische Forschungen 2, 1986), 535 f., esp. 552 f., draws attention to the fact that with grants of the Roman citizenship or of Latin rights, the beneficiaries were always the entire citizen body of the community concerned; the grant of *conubium* to the citizens of Volubilis is to be explained in terms of the exceptional conditions prevailing in Mauretania in the aftermath of the war against Aedemon. On the other hand, we are naturally entirely ignorant of the rules which governed the composition of the citizen body in an Iberian-Roman community like Irni in the pre-Flavian period; it remains possible that many inhabitants, previously in a dependent status, did not benefit from the new rights, but became *incolae*. Ch. 94 shows that *incolae* gained equality in private law, but enjoyed only limited rights of political participation.

[17] Cf. P. A. Brunt, *JRS* 71 (1981), 163 f.

out the census; and although the material has multiplied in the interval, we still have no evidence for *duumviri quinquennales*, *censores* and so forth in Latin communities.[18] That means that duties connected with the census must have been carried out by other officials, who can only have been the duumviri.[19] Evidence for this is provided by the honorific inscription which the citizens of an unnamed *municipium* in Baetica set up for a former aedile and duovir, 'censu et duoviratu bene et e r. p. acto'; the fact that he conducted the census during his duovirate is clear from his *cursus honorum*.[20] This is also confirmed by the Irnitana: the duumviri are responsible for keeping up the list of *decuriones* (ch. 31); and as they also have to see to the entering of the city revenues in the account books (ch. 63), it is probable that it was also they who leased out the taxes concerned. In consequence, the censorial functions, which in Rome were divided into periods of five years, must in Latin communities have coincided with the normal year of office of the chief magistrates. The appointment of new *decuriones* took place where necessary (see below), but could be envisaged as an annual function (ch. 31); and *locationes* and *leges locationum* were announced by the duumviri for the remaining part of their year of office ('per omne reliquum tempus honoris sui'); that is to say the next duumvir could evidently either cancel or renew these contracts. Thus the concept of the *lustrum* was substantially less significant for Latin communities than it was in Rome.[21]

No more need be said of possible reconstruction of the first part of the law.[22] But some restorations may be proposed also for the gap in the middle of the Irnitana, as regards the sections concerned with the council and the popular assembly. The new text, as mentioned above, contains chapter-headings, but no sequential numbering of the chapters, as in the Salpensana and Malacitana. As far as ch. 31 and again from ch. 51 onwards, the numbering of the other two laws can be applied to the Irnitana. This is, however, not possible for Tablet V of the Irnitana, as the link at the beginning and end is missing. These twelve chapters, designated A–L by González, are therefore to a certain degree free-floating. But not entirely, for it can be calculated that chs. 51–9, preserved only in the Malacitana, will have occupied two of the three columns of the lost Tablet VI of the Irnitana. The first column of this tablet therefore contained most of ch. L and some further chapters; at an average of three paragraphs per column therefore, hypothetically two further paragraphs and the beginning lines of ch. 51.

Ch. L represents the beginning of a section on the popular assembly, which continues till ch. 61. So the two (see above) missing chapters must also have been concerned with the same subject. As ch. 51 deals with the case where too few voluntary candidates for the elections present themselves and further 'competitors' have to be nominated, the preceding chapter will certainly have been concerned with the normal circumstances when there were sufficient candidates. Ch. L is concerned with the establishment of *curiae*, and it is very probable that in the one paragraph remaining to be accounted for the same topic was considered. On the basis of this hypothetical reconstruction, the chapters so far designated A–L would be numbered

[18] Mommsen, 'Stadtrechte', 323; cf. Galsterer, *Städtewesen*, 56 f.

[19] The census-regulations in the Tabula Heracleensis (*FIRA* I², no. 13), ll. 142 f., which, however, related explicitly to Italy, envisage fulfilment of the relevant obligations before whoever 'maximum mag(istratum) maximamve potestatem ibi (in the city) habebit'.

[20] *CIL* II, 1256. The suggestion by Mackie, 159, n. 6, that the findspot, S. Juan de Aznalfarache, should be identified with the Caesarian(?), Latin(?) *municipium*(?) 'Osset quod cognominatur Iulia Constantia' (Pliny, *NH* III, 11), is by no means certain, cf. R. Wiegels, *Die Tribusinschriften des römischen Hispanien* (1985), 52. J. González, *Ath.* 65 (1987), 328, cites coins, now lost, with COLON IUL CONSTANTIA OSSET; doubts must remain.

[21] A comparison of liability-periods is also instructive, even when these are not directly analogous. In section 6 of the Lex Tarentina (*FIRA* I², no. 18) former magistrates of the *municipium* are forbidden to leave for a period of five years after holding office. The Lex Irnitana, ch. G, makes it illegal to send anyone on an embassy within one year after his tenure of a magistracy, unless he has settled the accounts relating to his office.

[22] It remains unclear whether the law dealt also with sub-divisions of the town's *territorium*. The law does contain an allusion to the *oppidum*, the urban centre (ch. 19), but none to any *vici* or *pagi*—and not all Flavian *municipia* were as small as Irni. The absence of the *curator rei publicae* is also noteworthy, although it is even more uncertain whether we should expect an allusion to one in a city law of this period, if indeed this institution actually existed under Domitian, above all in Latin communities.

37–48; the other lost tablet of the Irnitana (IV) will then have contained from the end of ch. 31 to the beginning of ch. 37 (=A). This reconstruction is entirely feasible, on the basis of an average of two and a half chapters per column, provided that we do not envisage for this section any exceptionally short chapters (such as, for example, E and F).

There is no shortage of material which we can suppose to have occupied this part. The section on the *decuriones* begins in ch. 30 with the redesignation of all the existing 'senatores prove senatoribus decuriones conscriptive prove decurionibus conscriptisve' as 'decuriones co[ns]criptive' of the *municipium Flavium Irnitanum*, that is of the new *municipium Latinum*, and continues in ch. 31 with the summoning of the council for the co-optation (*sublectio*) of new members. The following paragraphs will presumably have dealt first with qualifications for the decurionate, no doubt similar to those found in comparable codes, for instance the Tabula Heracleensis:[23] that is a stated minimum age (probably twenty-five years, as in ch. 54); a fixed census, of indeterminate level but greater than 5,000 HS, cf. ch. 86; and unblemished civic standing, for instance non-implication in certain professions.[24] In this connection provision for the disqualification of councillors will probably have been made, and along with that procedures for expulsion from the council, and prescriptions for the composition, revision and publication of an *album decurionum*. It is probable also, that by analogy with comparable provisions in the Lex Tarentina (section 3), and of course also those for senators in Rome, there were rules requiring residence in the town, at least for the ten months of the year during which the council normally functioned (ch. K). As ch. A deals with motions before the council and discussion of them, and the following chapters with voting on and recording of decrees, it is probable that the missing chapters which precede A laid down rules as to who had the right to summon the council and at what times this could legally be done.

If all the subjects mentioned were indeed covered here, they should have been sufficient to take up the maximum of five chapters available to fill Tablet IV of the Irnitana. It should of course be stressed once again that our conceptions of what will have been dealt with in the law may bear only a faint resemblance to the intentions of whoever composed it.

With that proviso, the overall structure of the law can, at least hypothetically, be broadly discerned. After some introductory chapters—and we should bear in mind that we have not the least conception of the beginning of such a city law—there followed sections on citizenship-rights and the citizen body as well as *probably* ones concerned with the *res sacrae* of the community. The section on the magistrates began at the latest with ch. 14, and continued until ch. 29 (fifteen chapters). From ch. 30 to ch. K (hypothetically seventeen chapters) the central theme was the council; from ch. L to 61 (perhaps thirteen chapters) the popular assembly. Chs. 66–71 deal with city finances, chs. 72–83 with general issues of administration. A clear delimitation here, even if the Romans themselves recognized and applied such a concept, is particularly hard to make, in that administration in most instances implies expenditure. Finally, the last part of the law (chs. 84–94) deals with the city courts, and the relation of municipal jurisdiction to that of the governor, 'is qui provinciae praerit'.

II

So far I have tried to show how the gaps in the text of the law which result from the loss of four tablets (I, II, IV, VI) can up to a point be bridged, and how the different subject-areas were disposed within the law. The next section will investigate what picture of life in Irni, a Latin *municipium* in the province of Baetica, can be gained from the new evidence. It must, however, be noted immediately that this picture is significantly less vivid than that which the Lex Ursonensis of a century

[23] *FIRA* I², no. 13, l. 89; note also l. 83, the provision that new *decuriones* should be selected only 'in demortui damnative locum eiusve qui confessus erit'.

[24] Cf. Galsterer, 'Loi municipale', 192.

earlier sketches for us of the Colonia Iulia Genetiva only a few km away. That is a consequence first of an ongoing evolution in the mode of composition of Roman statutes, from richness of detail to a more generalizing style; and secondly of the different aims of the two codes.[25] The Ursonensis is an *ad hoc* composition designed for a particular newly-founded *colonia*, while the Irnitana, as the overlaps with the Malacitana and Salpensana show, depends on a master-statute, valid for all Latin *municipia*, at least those of Baetica and perhaps of all three Spanish provinces. It gives the impression that those points on which the law had to be adjusted to suit local conditions (maximum pecuniary value of cases before local courts, number of *decuriones* and so forth) have been kept to an absolute minimum. For example the Lex Ursonensis precisely specifies how many *lictores*, *accensi*, *scribae* and so forth should be at the disposal of the duumviri and aediles, and what level of pay the individual attendants should receive. But the Irnitana leaves it to the council to decide the pay of the *scribae* and the division of functions among the public slaves of the town.[26] This is intelligible, given the no doubt marked contrasts in size, wealth and public functions between a sleepy country town like Irni and a bustling harbour like Malaca; but it does reduce the value of the law for us.

None the less a great deal remains. First, as regards the functions which the town was to fulfil. An excellent overview of these is provided by the combination of chs. 19 and 20, on the duties of the aediles and quaestors (18 on the duumviri is of course missing), with ch. 79, on the quota required when the council voted on the expenditure of public funds ('de pecunia communi municipum eroganda'). The question of expenditure for cult purposes has already been discussed (p. 79 above). Priests (*pontifices* or *augures*) are not mentioned, but the magistrates are required to concern themselves with the conduct of *sacra*, *ludi* and *cenae*. Jurisdiction is divided between duumviri and aediles, but in such a way that the same limits apply to both, as regards both the pecuniary value of the relevant cases and the range of types of case.[27]

This equivalence of the two magistracies, which is also evident in other areas, raises the question of what is the continuing justification of the specific designation of a duumvir as 'qui i(ure) d(icundo) praerit'; or is this original designation now merely nominal? *Iudices* and *recuperatores*, appointed as judges by the town magistrates, are to be selected by a procedure which is considerably simplified by contrast with that employed in Rome. None the less the judges to be drawn from the *decuriones* and from the class of free *municipes* ranking immediately below them clearly reflect the *iudices ex V decuriis* of the city of Rome.[28] This dual character is interestingly confirmed by an inscription from Narbo of A.D. 11, in which Augustus is thanked for the fact that on 31 May of that year he 'iudicia plebis decurionibus coniunxit'.[29] Narbo was a Roman citizen *colonia*. If it were the case that the participation of non-*decuriones* (*plebei* in the later terminology) were already provided for in the Lex Iulia de Iudiciis Privatis, and applied to local communities, then this will have affected Narbo also. It would then not have been necessary to celebrate this measure twenty-eight years later as a special privilege for the plebs.[30] It is all the more interesting that now, under Domitian, this rule is being extended also to the new Latin communities.

Ch. 79 of the law lays down particularly strict, constitutional conditions for proposals relating to distributions of money, remission of debts to the community or extraordinary expenditures. Voting on such proposals can take place only when three-quarters of all the members of the council are present, *per tabellam* and after the *decuriones* have taken an oath that their votes will be in the interests of the community.

[25] Cf. for what follows Galsterer, 'Loi municipale'.

[26] Lex Urson. chs. 62 f.; Irnitana, chs. 73, 78.

[27] 'De is rebus et inter eos, de quibus et inter quos duumvirorum iurisdictio erit, ad H[S M] iurisdictio ... esto' (ch. 19, ll. 13 f.). Cf. ch. 84, ll. 23 f. '... IIviri qui ibi i.d. praeerit, iurisdictio ... item eadem condicione ... aedilis qui ibi erit iurisdictio', cf. González, 201.

[28] Cf. the (somewhat controversial) treatment by O. Behrends, *Die römische Geschworenenverfassung* (1970), and the review in *Gött. Gel. Anz.* 225 (1973), 29 ff.

[29] *ILS* 112 = Ehrenberg and Jones, no. 100. The reference is not, as Dessau, ad loc. took it, to political mediation between council and people, but to the institution of a *curia* of 'plebeian' *iudices* in Narbo, as already argued by Behrends, op. cit., 134, n. 44.

[30] On the date of the Lex Iulia see M. Kaser, *Das röm. Zivilprozessrecht* (1966), 115 f.

There then follows a list of the 'regular' expenditures which will require to be approved from time to time by the council, but for which neither secret voting nor a previous oath is required, and for which a lower quorum (at least half of the *decuriones*) is sufficient. The aediles, incidentally, were excluded from handling public funds. They could indeed request the performance of services such as *operae* and *vigiliae* (chs. 83 and 19), and had the duty of seeing to the *annona* (ch. 19—how, is not made clear); but for all expenditures they had to address themselves to the duumviri, who in turn authorized the quaestors to pay out the appropriate sums. The 'regular' expenditures, for which ch. 79 lays down a simpler voting procedure, are those for sacrifices and festivals, the magistrates' attendants, journeys on public business, construction and repair of the public buildings of the *municipium*, maintenance of temples and *monumenta*, expenditures by the duumviri, aediles and quaestors on sacrifices in the name of the community, and finally expenditures 'in eas res quae ... officiorumque honoris eius nomine quem quis inierit expugnari debebunt explicandorum causa praeberi oportebit'. Crawford (p. 194) understands by this all further expenditures which the magistrates have to undertake in fulfilment of their duties; the parallel with the reimbursement of expenditures on sacrifices shows that this must be correct, at least in broad outline. *Explicare* however bears the meaning 'bring to an end', while 'honoris ... quem quis inierit' looks back to the moment of entry to office. González (p. 226) draws attention to the Lex Ursonensis, chs. 70 f., which provides for a contribution from city funds granted to the duumviri and aediles of the *colonia* in respect of any *munus* or *ludi scaenici* that they are required to put on. However, there is no specific allusion here to games held on entry to office; and it also seems dubious whether the conduct of games would be described as an *officium*.

Among the public buildings, for which the duumviri and aediles were responsible, the law lists temples (ch. 79), streets and drains (82), baths and a market-building, *macellum* (19), but not, however, an aqueduct, which is provided for at Urso.[31] A *forum* is alluded to in the context of jurisdiction, but only as the site of legal proceedings, and not as an architectural ensemble. There is no allusion to a *basilica* or a *curia*, nor a *tabularium* or *porticus*, unless such buildings are covered by the term *monumenta* in ch. 79. We also hear nothing of the town walls; a very vague and general responsibility for the upkeep of the urban centre, the *oppidum*, is given to the aediles in ch. 19.

Naturally there was nothing to prevent the magistrates of Flavian *municipia* from constructing buildings other than those named in the law, as is shown by the fragments of foundation-inscriptions from the *municipium Flavium* of Munigua; here a magistrate is recorded as constructing, among other buildings, a *forum*, *porticus* and *tabularium*.[32] But he did this *pecunia sua*, and it is relevant that ch. 83 of the Irnitana lays down, for major municipal building-projects, of the sort for which *operae* may be required of the citizens, particularly strict conditions as to the necessary voting quora: that is to say a majority of two-thirds out of a quorum of at least three-quarters present. One might therefore attribute the absence from the law of allusion to such buildings to a pre-disposition on the part of its author to restrain local communities from a high level of building-expenditure, just as we find a generation later with Pliny in Bithynia.

In the surviving sections of the law questions of public order play no great role. Ch. 79 provides for the *custodia* of *aedes sacrae* and *monumenta*, without going into any detail as to how this is to be achieved. As this provision comes in the context of the 'regular' expenditure discussed above, the function was perhaps carried out by paid *custodes*, since for public slaves of the city no supplementary payment would have been necessary. On the other hand, the *vigiliae* organized by the aediles were an

[31] Lex Urson., l. 99. For the organization of city aqueducts, and in general for the management of underground engineering-works in municipalities, see W. Eck, 'Die Wasserversorgung im römischen Reich: Sozio-politische Bedingungen', in *Die Wasserversorgung antiker Städte* (1987), 51–101.

[32] *AE* 1972, no. 268 f. Of the designation of the office held by Valerius Firmus all that appears to survive is *bis*; the restoration [*IIvir*] *bis* is very probable.

imposition (*exigere*); that is to say this was a city *munus*, and was not paid.[33] Moreover, this was only envisaged 'cum res desiderabit', and so not continuously, whereas the *custodia* must have been a standing function. Whether there was any sort of police force, above all out in the *territorium* around the town, is unknown; perhaps there was some provision for this in the missing ch. 18 on the duties of the duumviri. There is similarly no allusion to a fire service. The possibility of setting up a *collegium* of *fabri* or *centonarii* for this purpose seems to be excluded by ch. 74, which forbids *coetus*, *sodalicia* and *collegia*, apparently without exception.[34] It is also striking that in the law as preserved there is nowhere any allusion to the possibility of calling in 'police' forces from the Roman state, in the event that the duumviri could no longer maintain order—that is to say the possibility of requesting the governor to send in troops.[35] The decision to deploy troops naturally depended on the governor, but cities could certainly take the initiative, for instance if there were raids by cattle-rustlers from Mauretania, an emergency not amounting to an actual war.[36] It is more than improbable that in such a case the initiative would not have come from the town council; given the structure of the law, such a provision, if it had existed, would have had to be included in the surviving sections from ch. 62 onwards, not in the five lost chapters following ch. 31, or in the specification of the duties of the duumviri in ch. 18. The duumviri of Urso still possessed a right of command equivalent to that of a *tribunus legionis*, and were empowered, following a vote of the council, to arm the citizens and lead the local militia in the field (Lex Ursonensis, ch. 103). The duumviri of Irni can scarcely still have enjoyed such powers; but how public order was maintained in the town and its surrounding territory is quite unclear.

Finally we come to the broad area of what we would now include under social provision. The aediles, as mentioned above, are supposed to be in charge of the food supply (*annona*) of the town; but no indication is given of what means they have for achieving this. Ch. 75 forbids the buying-up of any provisions (not just the basic foodstuffs) with a view to speculation, and establishes a public right of accusation (*actio*, *petitio*, *persecutio*) of offenders.[37] However, the terminology is so vague that it cannot have been very effective; wholesale trade as such is not forbidden, and an intention to drive up prices would certainly be very easy to impute but difficult to prove. Moreover, in Flavian *municipia* as elsewhere, the *decuriones* will have been broadly identical with the major local landholders, and there was nothing to prevent them, by contrast with Roman senators, from engaging in wholesale trade. The effect of this provision, as of all similar bans, will have been limited.

The law says nothing about town doctors or teachers, which in relation to the western part of the Empire in the first century can occasion no surprise.[38] We also hear nothing of buildings for public entertainments; nothing of a circus, theatre or amphitheatre. Theatrical performances, gladiatorial shows and *venationes* could be put on, as they had been earlier in Rome, in the forum; however, in that case there might have been a provision comparable to that in Tabula Heracleensis, ll. 77 f., relating to the erection of a temporary stage etc. There seems rather to have been a presupposition, as with 'administrative' buildings (p. 84 above), that such buildings will have been financed privately; in Malaca at any rate there had been since the Augustan period a theatre endowed by private generosity, and perhaps also an amphitheatre.[39]

[33] Cf. ch. 83 on *munitio*.

[34] I cannot subscribe to the opinion expressed in the commentary (223), 'the only thing actually banned is a *coetus*'. If that were so, *sodalicia* and *collegia* would not also have been listed in the heading.

[35] As it seems, the proconsul of Baetica, like many other senatorial governors, will have had one or more auxiliary units at his disposal, see W. Eck, 'Prokonsuln und militärisches Kommando', in *Heer und Integrationspolitik* (n. 16 above), 518 f. (for Baetica see p. 520).

[36] Note by way of illustration in this connection Hadrian's rescript to the *concilium Baeticae*, *Dig.* XLVII, 14, 1 *pr.* = *Coll.* II, 7, 1–2.

[37] Even if it was largely taken over from the Lex Iulia de annona, cf. González, 224.

[38] At Tritium Magallum, a place which seems on the basis of *CIL* II, 4227, to have been incorporated in the tribe Quirina, and therefore was *perhaps* a Flavian *municipium*, a *grammaticus* paid by the city is attested in the second century; see *CIL* II, 2892 and cf. U. Espinosa, *ZPE* 68 (1987), 242.

[39] Cf. Rodriguez Oliva, 'Malaca', in *Ciudades Augusteas de Hispania* II (1976), 59–61.

It is worth noting briefly, in connection with the public expenditures of the town, that the law tells us hardly anything about its revenues. We hear on occasion of the fines which the magistrates could impose; but as regards the *vectigalia* we are informed only that they were contracted out, and that the magistrates, their attendants and their families were forbidden to take part in this *conductio emptio* of the *publica*.[40] As these revenues from urban and landed property, and from tolls and market-dues certainly varied from town to town, it is understandable that there was a reluctance to go into details in the law; none the less it remains surprising that the allusions to revenues in the surviving sections of the law are so colourless.

III

If we look back over the law as a whole, and its overall structure, so far as we have been able to reconstruct it, and consider what it deals with and what it does not deal with, two general tendencies stand out; they are indeed characteristic of the city life of the Imperial period, but have not previously been so clearly recognizable as now.

The first is the growing accretion of importance to the town council, visible in every aspect of city life; this accretion took place in parallel with, and not uninfluenced by, the increasing predominance of the Roman Senate in relation to the popular assemblies and the magistrates from the beginning of the Principate onwards. The growth in the significance of the council is demonstrated especially by the fact that now it was not that ex-magistrates were selected for the *ordo*, but that belonging to the *ordo* was a precondition of election. The chapter on the general conditions of eligibility for election to a magistracy is missing, along with the rest of Tablet II, but the newly-revealed beginning of ch. 21 makes the point clearly:[41] 'qui ex senatoribus decurionibus conscriptisve municipi Flavi Irnitani ... magistratis creati sunt erunt'. The parallel with the rule which applied in Rome at least from the reign of Gaius onwards, that a man must have the right to the *latus clavus*, that is to say must belong to the *senatorius ordo*, in order to stand for office, is too clear to be an accident.[42] Only when the number of councillors fell below the peculiar total of sixty-three (which applied in Irni already in the pre-municipal, or at least pre-Flavian law, period), did the mechanism for the *lectio sublectio* of new councillors come into operation, at the most once *per annum*. It is clear that not only the *decuriones conscriptive* themselves were entitled to vote but also a further group, as to whose definition nothing remains on the relevant tablet except the words 'quicumque per aetatem'. Certainty is unobtainable, but it is an attractive possibility in the light of what has been said above, that this group should be identified as those members of the *ordo* who because of the restricted number of places have not yet gained a seat; so, for example, grown-up sons of *decuriones* who themselves were not *decuriones*.

The *decuriones* voted on most of the business and problems of the town, and shared with the duumviri the conduct of municipal affairs. The aediles and quaestors had suffered a significant loss of status by contrast with the Lex Ursonensis. The decrees of the council were also, so far as we can see, not made public, either in written form so that the citizens could read them ('unde de plano legi possint') or even via proclamation by a town crier. The text of a decree was *recitatus* at the next sitting of the council, and approved, and then recorded in the archives ('tabulae communes municipum').[43] The information available to the *plebs* must in fact have been limited. That corresponds to the loss of political significance which the *plebs* suffered; the popular assembly in effect lost all functions except for the elections.

[40] Chs. J and 63. On the *ultro tributa*, regularly listed along with *vectigalia*, cf. Mayer-Maly, *RE* IXA (1961), cols. 579–81, and Spitzl, 83 f. Note the significance in this connection of Titus' letter to Munigua (*AE* 1962, 288). In a legal dispute with a contractor for its revenues the city had appealed to the Emperor from the judgment of a proconsul, without success.

[41] In contrast to Mommsen's restoration in *FIRA* I², p. 204.

[42] Cf. most recently R. J. A. Talbert, *The Senate of Imperial Rome* (1984), 11 f.

[43] Ch. C. Similarly the reading-out of the *litterae* of Domitian, published as an appendix to the law, perhaps took place in the *curia*. In Egypt records of the proceedings in town councils were sent to the governor's archives, ⟶ W. E. H. Cockle, 'State Archives in Graeco-Roman Egypt', *JEA* 70 (1984), 115; however, there is no word of any such procedure in the law.

Even the offer of an honorific duumvirate to the Emperor falls now within the competence of the council, concurrently with that of the popular assembly.[44] The election of a *patronus* is covered in ch. 61, in the section on the popular assembly, and directly following the chapters on the election of magistrates. This suggests that such an election also had previously fallen within the competence of the assembly, but had now shifted to the *decuriones*.[45] There is also another instance in the law where council and assembly are, or can be, in conflict, namely ch. 79. For here, along with the normal case where *decuriones conscriptive* decide on expenditure, there is a passing allusion to the possibility of proposals before the people ('neve ad municipes eius municipi ferto', l. 43). At least parts of this chapter must have been taken over from an older law which concerned one or more *coloniae*, since in the following lines the beneficiaries of a possible distribution are inadvertently referred to as *coloni*. The provision for the participation of the people in voting on financial measures which appears in the previous lines might thus have a similar origin.

This provision, along with ch. E, which forbids one duumvir to declare the termination of a session of the council called by the other duumvir and then to summon a meeting of the *decuriones* himself—these provisions are the only ones in the entire law which go beyond mere administration and give a hint of real politics, i.e. the possibility of tensions between the duumviri or between council and assembly. In general the law entirely fails to envisage political divisions.

A second and perhaps even sharper impression left by a reading of the Lex Irnitana is the low profile of two offices which we would have presumed would occupy a prominent place in a city law: the provincial governor, whose role remains in the background, and the Emperor, who as an actor in government is not mentioned at all. As has already been noted above (p. 84), there is no allusion in the law to the possibility that the proconsul of Baetica, as the only holder of *imperium* in the province, might be appealed to in particular situations, or that he might either wish to, or be able to, exercise supervision of his own initiative. It is true that his permission is required when the town wishes to raise a loan of more than 50,000 HS in any one year (ch. 80); and it is also he who decides how many *decuriones* and how many other *municipes* of appropriate standing shall be placed on the list of *iudices*.[46] Otherwise the governor appears only in the context of municipal jurisdiction and its limits. According to ch. 85, copies of his *edicta, formulae iudiciorum, sponsiones* and so forth had to be put up in public, and the municipal magistrates had to give justice in accordance with these rules.[47] In the *edictum* it was indicated, for instance, who could be an *actor* or *cognitor* (ch. 70). All cases which went beyond the competence of the magistrates of Irni belonged to the jurisdiction of the proconsul, a process facilitated by *vadimonia*, which the law considers in detail; there is a clear predisposition on the part of the legislator to forestall as far as possible any direct appeals to Rome.[48] That the same applied also, for example, to the city revenues is shown by Vespasian's letter to Sabora: 'si qua nova (sc. vectigalia) adicere vultis, de his procos. adire debebitis; ego enim nullo respondente constituere nil possum'.[49] However, nothing is explicitly

[44] Ch. 24. Up to the reign of Tiberius male members of the Imperial family could still hold honorific duumvirates in Spanish towns, as is shown by the coins of Carteia, Acci, Carthago Nova and other places; cf. the indices in O. Gil. Farrés, *La moneda hispánica en la edad antigua* (1966), 427 f. Subsequently this honour was confined to the Emperor and his sons, for example Domitian himself in A.D. 73 at Interamna Lirenas (*ILS* 6125); cf. Mommsen, 'Stadtrechte', 308. If we follow the strict sense of the law even sons were now excluded from such an honour.

[45] This was the case already in Urso, Lex Urson., chs. 97 and 130. However, in that period, as the relevant sections show, the choice of a *patronus* was a major political question; but now, given the absence of the opportunity to vote, this was no longer the case.

[46] Ch. 86. In this instance the governor is fulfilling a role analogous to that of the Emperor, who from the beginning of the Imperial period onwards had been responsible for the membership of the *V decuriae*, cf. *Gött. Gel. Anz.* 225 (1973), 29 f. It is striking that according to the strict sense of ch. 86, neither the proportion between decurion-*iudices* and 'plebeian' *iudices* nor the total number appears to have been fixed once and for all, but seems to have varied year by year.

[47] Interestingly, neither here nor anywhere else in the law is there any reference to a *lex provinciae*, a further argument for the view that there were no such *leges* for the Spanish provinces, cf. Galsterer, 'Loi municipale', 193 f.

[48] Cf. D. Johnston, 'Three Thoughts on Roman Private Law and the Lex Irnitana', *JRS* 77 (1987), 45 f., esp. 46. The *poena iniustae appellationis* alluded to in Titus' letter to Munigua (*AE* 1962, 288) will hardly have fulfilled its purpose if the Emperor responded as a matter of routine with *indulgentia*.

[49] *FIRA* I², no. 74.

stated on this score in the law, any more than on the idea that the governor should exercise an oversight over the financial conduct of the town or over its building operations. Nor does the law envisage the possibility that he might allow an increase on the sixty-three places for councillors or permit any exceptions to the ban on associations in ch. 74. We seem far away from Pliny and the problems which presented themselves in his relations with the cities of Pontus and Bithynia. But Pliny's mission was naturally an exceptional one and he exercised abnormal powers.[50] Moreover, we certainly cannot compare cities like Nicomedia with Irni; and, finally, a whole generation intervenes between the Lex Irnitana and Pliny's activity. The suspicion remains, however, that this cannot be the complete explanation.

Yet more surprising is the absence of the Emperor. An honorific duumvirate may be offered to him, and if he accepts it he nominates his *praefectus*; oaths are taken by his name—and that is all. If we did not have the three chapters on *legationes*, and the provisions relating to people going on journeys 'rei communis municipum eius municipi causa', presumably on embassies to the governor or the Emperor, we might suppose that Irni had at the most a loose association with the Empire and that the Emperor exercised scarcely any influence on the cities. However, the Lex Irnitana, like all the other laws which belong to the same group, comes of course from Baetica;[51] it is possible that the influence of the Emperor in a *provincia publica* in the first century A.D. was still up to a point informal, and not channelled through the provision of laws.[52] But a glance at the Augustan edicts from Cyrene suggests the opposite, and the publication of the *litterae* of Domitian as an appendix to the law also demonstrates that the Emperor was conceived of without question as the ultimate authority in the interpretation of the law.[53] This new text serves if anything to support Fergus Millar's thesis that the Emperor functioned passively, by reacting to petitions and requests for rulings.[54] It cannot of course be excluded that more justice was done to both proconsul and Emperor in the missing chapters at the beginning of the law; in the case of the Emperor this is all the more likely in that in some way or other there will have been a reference to the grant of Latin rights by Vespasian and to his *edictum* on the same subject, subsequently repeated by Titus and Domitian; however, it is not entirely desirable to attempt to pack everything that one feels to be lacking into this missing section, which might already seem somewhat overloaded. As a result, therefore, it seems inevitable to concede that Roman city laws—or at least those relating to Flavian Latin *municipia* in Spain—treated matters which we would regard as central to their purpose, for instance relations to the Emperor, only very marginally, or not at all. David Johnston has already demonstrated that the provisions of the Lex Irnitana concerned with jurisdiction in the town are not independently intelligible and applicable, but presuppose a knowledge at least of the *edictum proconsulis* and of the Lex Iulia Iudiciorum Privatorum.[55] Other sections of the law also presuppose further legal enactments: *leges*, *senatus consulta* and above all Imperial letters and so forth.[56] How these various forms of legal enactment were disseminated must be admitted to remain a mystery.[57]

[50] On Pliny in Bithynia see most recently P. Garnsey and R. Saller, *The Roman Empire* (1987), 36 f.

[51] Apart from Irni, Malaca and Salpensa, the relevant places are Basilippo and Ostippo, as well as the so-called Fragmentum Italicense, cf. González, 150; and for its attribution to Cortegana, A. Canto, *ZPE* 63 (1986), 217 f. (counter-arguments by González, *ZPE* 70 (1987), 217 f.). It would be reasonable to speculate as to whether the covering law for Flavian *municipia* was not applied somewhat differently in an Imperial province like Tarraconensis.

[52] → F. Millar, 'The Emperor, the Senate and the Provinces', *JRS* 56 (1966), 156 f.

[53] That is shown, for example, by the allusions to Imperial *edicta*, *decreta* and *constitutiones* in the law (chs. 19 f.).

[54] F. Millar, *The Emperor in the Roman World* (1977), and earlier → 'Emperors at Work', *JRS* 57 (1967), 9–19. In the light of the Irnitana Millar's thesis gains more plausibility than I was willing to concede in my review in *Gött. Gel. Anz.* 232 (1980), 72 f.

[55] Op. cit. (n. 48).

[56] Ch. 71 presupposes the Lex Iulia iudiciorum publicorum; ch. 56 the Lex Iulia and Lex Papia Poppaea; and ch. 64 the procedures for the pledging of property that were in operation at the Aerarium in Rome. Closer study would certainly bring to light further 'background material' of this sort.

[57] Cf. H. Galsterer, 'Roman Law in the Provinces: some problems of transmission', in *L'impero Romano e le strutture economiche e sociali delle province* (Biblioteca di Athenaeum 4, 1986), 13 ff.

IV

Finally, two further, more general points. The first concerns the place where the law will have been composed; and this in turn has consequences for our conception of *leges municipales* and of the procedure known as *leges dare*. Some years ago I concluded on the basis of the heading of ch. 26 that the procedure of *legem dare* can only have taken place in Salpensa itself: for this chapter lays down that the duumviri, aediles and quaestors currently in office must take an oath to obey the law 'in diebus quinque proximis post hanc legem datam'. In the case of laws 'given' somewhere else, for instance in Rome, the formula would have been something like 'tot diebus proximis quibus sciet Romae ...'[58] This argument seems to me still to retain some force. On the other hand, we now have in ch. L the formula 'diebus LXXX proximis quibus haec lex in id municipium perlata erit'. This implies that the law had previously been in existence somewhere else; and given the limited importance of the governor, as shown above, that place can in effect only have been Rome.[59] But on the other side again we should not put too much weight on legal formulae; for instance ch. 31 uses the formula 'ante hanc legem rogatam', although the Irnitana was surely not a law which had been put before the *comitia* in Rome.[60]

The composition of these municipal laws can now, however, be understood rather more clearly than was the case before. The model on which they were directly based was a sort of covering law, put together in Rome out of re-used material, probably including earlier city laws. I have discussed this question already, on the basis of observations made by Martin Frederiksen, in an article on the existence or non-existence of a general *lex municipalis*, and do not wish to take the matter further here.[61] The presence of tralatician material is, for instance, responsible for the way in which the text switches between *id municipium* and *municipium Flavium Irnitanum*; for the appearance of *coloni* in a municipal law (p. 87 above); and for variations in style (for instance chs. 91 f.), which stand out in contrast with the surrounding material.

To this basic framework there were then added, to produce a specific law designed for a particular town, some elements derived from local knowledge. This might theoretically have taken the form of a dossier with details of size of population, census-figures, existing constitution and so forth, sent on to Rome by the governor.[62] It is, however, more likely that the community itself addressed a proposal of this sort to the Emperor, or that an embassy from the place in question went to Rome, where it could supply the relevant local information. How else could the Emperor—or whichever *libertus Augusti* in the bureau *ab epistulis* (or *a libellis*?) was entrusted with the composition of the text—know that the total of the *decuriones* in pre-municipal Irni was sixty-three (ch. 31), that the population should be divided into a maximum of eleven *curiae* (itself certainly also a traditional number, see ch. L),[63] and that the order of seating at the games should remain as before (ch. 81)? Information supplied by the embassy concerning the over-all wealth of the population and that of the upper class in particular may hypothetically have served to determine the value of cases for which the local courts would be competent, and the minimum census-valuation for

[58] Galsterer, *Städtewesen*, 44 f. To the evidence cited there in n. 44 add also the Lex de Flamonio Narb. (*FIRA* I², no. 22), l. 19.

[59] My previous suggestion that peregrinatory commissioners acting on the instructions of the governor will have put together these laws now seems to me very improbable.

[60] In view of the local context of ch. 31, this formula cannot derive from one of the Roman *leges* serving as precedents, to be discussed shortly; but neither can the term *rogatio* be an allusion to the popular assembly of Irni itself. The most probable solution is that a thoughtless copyist found the abbreviation POST H.L.D. in the text before him, read D. as R., and expanded it as R(OGATAM).

[61] Galsterer, 'Loi municipale'. The reflections by Mourgues, op. cit. (n. 15), seem to me unnecessarily complicated. I hope to return to this question elsewhere.

[62] The Imperial letter from Tymandus, *ILS* 6090 = *MAMA* IV, 236, see Millar, *ERW*, 395, shows clearly that the provincial governor had sent a dossier to Rome; by contrast Orcistus seems to have gained city rank by a direct appeal to the Emperor, who communicates his decision in a letter addressed to Ablabius, the *vicarius* of Asiana (*ILS* 6091; see A. Chastagnol, *MEFRA* 93 (1981), 381–416).

[63] In the Municipium Flavium Arva we find eight *centuriae* with local names (Oresis, Nanensis, Erquesis etc.) putting up an honorific inscription for a *patronus* of the *municipium* at a point designated by the town council (*CIL* II, 1064). It is at least a very reasonable hypothesis that these *centuriae* are the equivalent of the *curiae* at Irni.

decuriones. The process of composition of a specific law for a particular city will furthermore have been responsible for a considerable proportion of the variations between the different editions—a more or less marked tendency to abbreviation on the one hand or to spelling out technical terms in full on the other; or the suppression of the chapter-numbers in the Irnitana (or did the editor simply forget them?). The resulting document will then perhaps have been handed over to the ambassador from the town by the Emperor in some sort of formal audience, and this process may have been designated as *legem dare*. At the other end, once the law had been brought back to Irni, it will certainly have been read out there, just as the Imperial *litterae*, handed over (*datae*) on 10 April 91, in Circeii, were read out (*recitatae*) on 11 October of the same year in Irni. It may be that time-limits counted from the moment of *legem dare* were calculated only from this formal occasion of the public proclamation of the law. Whatever further processes of publication of such laws there were, and how bronze tablets containing the inscribed text of laws were then deployed, are questions which in this context need not concern us.[64]

Finally, the question of Latin rights as such, of which we have gained a much more distinct conception thanks to the Lex Irnitana. Firstly, as regards what Greek authors like Strabo and Appian at any rate regarded as the prime substance of *ius Latii*, the gaining of the full Roman citizenship through holding office:[65] magistrates could be drawn only from the pool of sixty-three *decuriones* (ch. 54). The minimum age was twenty-five, and iteration was possible in the case of the duumvirate after an interval of not less than five years.[66] Unless we presume that iteration was a normal strategy, we should expect that, with a standard age of entry of twenty-five and an average tenure as *decurio* of fifteen years (i.e. a life-expectancy of only forty years), three out of every four *decuriones* will have become *duumviri*. But as the aedileship and the quaestorship also needed to be filled, and from the same pool, it will have followed automatically that almost every candidate will have held both the quaestorship and the aedileship before the duumvirate. Ch. 54, which disqualifies any candidate for an aedileship or quaestorship who 'in earum qua causa erit, propter quam, si civis Romanus esset, in numero decurionum conscriptorumve eum esse non liceret', similarly seems to presuppose such a *cursus*.[67] As a result every member of the council, in Irni at least, will have had the chance and—as ch. 51 suggests—even the duty to hold a magistracy and therewith to become a Roman citizen. Any question of competition or electoral strife can therefore only have arisen, at the most, in relation to the lower stages, that is to say in relation to the filling-up of the *ordo decurionum*.[68] Unfortunately the relevant chapters of the law are lost.

As will be evident, while by virtue of the new law a few questions have been brought closer to a solution, many further questions now present themselves, and consequently require a more detailed examination.

Historisches Institut, Rhein.-Westf. Technische Hochschule, Aachen

[64] H. Dessau, *Wiener Studien* 24 (1902), 240, concluded that, as the only surviving tablet of the Lex Salpensana was found in Malaca, and as the name of Domitian is nowhere erased, the law could not have been formally published in Salpensa. Now, however, the Irnitana is at our disposal; it was found in Irni and here too Domitian's name is not erased. Dessau's arguments are therefore not valid; but the reason why the Emperor's name was allowed to remain in both laws, while it was erased at Malaca, remains unclear. Was it that Irni and Salpensa lay so far from the major political centres that there was no need to pay heed to the order for the erasure of the name?

[65] Strabo IV, 1, 12 (on Nemausus); Appian, *BC* II, 26 (on Novum Comum).

[66] The minimum age of twenty-five, valid for magistrates (ch. 54) and *iudices* who were not *decuriones*, is probably to be presumed for *decuriones* also, cf. Mommsen, 'Stadtrechte', 311, n. 73. For average expectations of life see the tables given by K. Hopkins, *Death and Renewal* (1983), 148.

[67] Why the translation and commentary (p. 215) take this disqualification as applicable also to the duumvirate I cannot understand; in that case it would have been simple to lay down the preconditions of eligibility for all magistracies together, without taking them in two separate sentences. We do, however, have a series of inscriptions referring to *IIviri civitatem Romanam per honorem consecuti* (*CIL* II, 1945; 2096; *AE* 1981, 496). But like all such inscriptions they derive from a limited geographical area and from a brief space of time, from A.D. 75 into the reign of Domitian (cf. A. Stylow, 'Apuntes sobre epigrafia de epoca flavia en Hispania', *Gerión* 4 (1986), 290 f.), therefore probably from *before* the issuing of the city laws under Domitian. We do not know in what way, if at all, the succession of offices was regulated in the *edictum* of Vespasian, the only relevant Imperial constitution then in force. These inscriptions are therefore not relevant to the interpretation of ch. 54.

[68] The interpretation of ch. 21 adopted by me in *Städtewesen*, 49 f., that the purpose was to limit the number of new Roman citizens, is thus definitively controverted. I still, however, find the meaning of this chapter unclear.