On the Standard Size of the Ordo Decurionum

1. Introduction to the problem. — Though it is nowhere explicitly mentioned in the various sources, scholars including Mommsen, Liebenam, Kühler, Abbott and Johnson, Duncan-Jones and Garnsey have generally agreed that one hundred was the standard or statutory size of the municipal ordo decurionum in the Latin speaking West47. The issue is an important one and not just because it has been addressed by so many scholars over so many years, but also because our understanding of many aspects of municipal administration depends on that figure48.

Two recent examples illustrate the range of the discussion. The data on the size of the ordo have been employed to calculate the changing standards of generosity and personal fortunes of the decurions and, also, they have been used to define the period when membership in the ordo became hereditary47. The evidence traditionally cited in support of the one hundred figure is, I will show, inadequate. The conclusion is confirmed by chapter 31 of the newly discovered lex Iriantiana49. The discussion is not, however, limited to the question of the standard size, but touches on a number of related problems associated with the rules and conventions of municipal administration.

II. Traditional arguments for the standard of 100. — The argument for 100 is stated most convincingly by Duncan-Jones. He writes: “At three Italian towns, Cures Sahini, Veii and Canusium, the number of decurions is explicitly attested as 100” and cites ILS 460, 6379, 6121 as the evidence47. Regarding the first two, the size can be deduced from the fact that the “decurions’” are called centurii47. In the third case, the album Canusium, we have a register of all the decurions in the town of Canusium in southern Italy. Between the most senior of the quinquennales and the most junior of the pedani, there are exactly one hundred decurions. Furthermore, thought this argument is not made by Duncan-Jones, the very word, decurio, suggests an organization by tens.

The most significant contribution of Duncan-Jones in respect to this question is methodological. By using the evidence on the distribution of sportulae to decurions he has attempted to calculate the size of the ordo in various municipalities. He observes, for example: “At Ostia two accounts of the same benefaction show that there were 110 decurions of the city in the late second century; in one version their sportulae cost HS 2, 200 in all, and in the other the rate is HS 20 per head50). Alternatively, one may calculate the number of decurions by taking the total amount of the bequest, reckoning a “standard” return of 6% and a “standard” distribution of HS 24. The problem with these calculations, however, is that they reveal, Duncan-Jones argues, ordoes with 110, 114 and 106 decuriones50).

III. Problems and inconsistencies in the traditional arguments. — The arguments based on the use of the word centumvir is inconclusive for several reasons. First, because this term was not used elsewhere to describe the ordo, there may be some doubt whether the implicit figure can be universally assumed in communities in which the councilors have other names50. Moreover, there is no reason to believe that such words like centumvir or centurio/a always assumed some unit of exactly one hundred.

There is a similar problem with the evidence from Canusium. The document supporting the argument is a bronze plaque, the album Canusium, which begins with the statement:

Hvir.quinquennom.nomina.decurionum.in.aere.incidenta.curverunt
The problem is that the total of nomina which follow is not one hundred but one hundred and sixty-four51).

There are, moreover, other recognized “irregularities” associated with a standard of one hundred. The town of Castruimoenium (off the Via Appia) had, it is believed, an ordo of thirty (ILS 3475). Though the evidence is not definitive, Duncan-Jones believes that the senate of the Italian town of Petelia and the African town of Gor also numbered thirty52. Finally, and relevant to this discussion only because it is written in Latin, is ILS 6090, an epistula from unknown 3rd century emperors to the town of Tymandus in Pisidia. This document extends the ius et dignitas civitatis to the community and allows for an ordo of fifty decuriones.

Other sources relevant to this problem provide, unfortunately, little or no usable information. The word decurio (as noted above) suggests an organization by “tens”. The jurist, Pomponius, explains, however, that the tens are not divisions of the ordo but divisions of colonists:

D. 50, 16, 239. 5: decuriones quidam dictos aiunt ex eo, quod initio, cum coloniae deducentur, decima pars eorum qui ducerentur consili publici gratia conscribii soliis est.

47) CIL XIV, 353 and 4642.
48) Ibid.
50) On the variety of names, see Kühler, 2315—8; senatores, conseripti, patres, decuriones, curiales are attested. Cf. Mommsen, Röm. Staateria. III. 440.
51) As there is some duplication, the actual number of different names is one hundred and fifty-nine, see below, IV, B.
52) Ibid.
The word itself provides then no clear indication of the total size of the *ordo*.

With the exception of the *lex Iriniæa* (see below, sect. IV, A), the legal material provides no specific numbers. The municipal charters employ formulae which define the quorum necessary for legally binding action (usually 2/3 of the decurions must be present) and what the majority must be for different kinds of decrees (usually a simple majority of the quorum). Finally, the relevant section of the Digest, entitled de albo scribendo, 50, 3, also fails to provide any specific indication of a total.

When one considers the variation in all these figures noted here, one may well wonder whether there is any reason at all to believe that the standard size of the *ordo* in the Latin West was one hundred or that there was any "standard" at all. IV. A. A. Assessment of the problem: Some suggestions on organization and numbers. — The evidence suggests that there was no standard number of regular members in a municipal *ordo*; indeed, the size of the known orders varies between a low of 30 and a high of 100. If we include honorary members, the number was much higher, in the case of Caesarea it was as high as 168. In what follows, some of the central documents on this issue are reviewed in respect to this conclusion.

A. The *Lex Iriniæa*: The crucial piece of new evidence is chapter 31 of the *lex Iriniæa*.

Rubrica. De convocandis edicto decurionibus sub legendingos decuriones.

Quo anno panesones in co municipio decuriones conserivative quam LXIII, quod ante hanc legem rogatam iure more eius municipii fuerunt, erunt, nisi si eo anno iam erit facta decurionum conscriptorvmque lectio sublectio, qui eo anno dum est iure decernetur, ambro alterve eorum primo quoque tempore, uti recte factum esse velint, ad decuriones conscriptovm, cum eorum partes non minus quam duas tertias aderunt, referro, quo die placeat legi sublegi substitutus eos, quibus adiectos ad numerum decurionum conscriptorum in co municipio decuriones conscriptive futuri sint LXIII, quod ante hanc legem rogatam iure more eius municipii fuerunt. Eoque, cum ad eos de ea re relatum erit, primo quoque tempore diem ei rei, dum ne ex his diebus, per quos, ut res in co municipio prolatæ sint, futurum erit quive dixit proper venerationem domus Augustae feriusque numero erunt, neve tum quiaquam XXX dies ab eo die, quo de ea re decernetur, futurum erit, proximum quemque, quo die iusi usus poterit, de eo XXX die destinento, de quo die maius pars eorum censuerit. IViri ambo alterve eorum primo quoque tempore agito ita uti eo die decuriones conscriptive quaeram per aetatem ...

Several points are noteworthy in this chapter. First, the statutory size of the *ordo* is twice stated to be 63 decurions.

Second, and more important than the simple statement of the number, is the fact that the size was determined by local custom and law and not by any directive of the central government: LXIII quod ante hance legem rogatam iure more eius municipii fuerunt. This suggests that the policy of the central govern-

13) Mommsen suggests that the original number of colonists must have been one thousand, hence an *ordo* of one hundred, Röm. Staater. III, 842. His argument is somewhat circular.

14) Gonzales, 209; *lex Iriniæa*, cc. 29, 31, A, D, G, L, 61, 62, 64, 67, 69, 70, 72, 73, 76, 79, 80, 83.


ment was to allow the individual communities to determine the appropriate size, that other communities, even if they did not have 63 decurions, probably had a traditional number (*iure more eius municipi*) which could be inserted at the appropriate place in the text. There is some indirect confirmation for this notion. In the Flavian charters, a quorum for valid business is defined in terms of a percentage of the regular members of the *ordo*, usually two-thirds. To approve a decree required usually a simple majority. This method allowed the central government to define minimum standards but was still flexible enough to allow for a wide variety in the absolute numbers of the *ordo* in any individual community.

Third, this chapter is also interesting because it specifies that the *duumviri* are to ensure that the number of decurions does not fall below 63 in any given year (in his anno). This is consistent with what is known from other places, namely that in the western provinces and in Spain it was the *duumviri* who had such censorial power. How often would this procedure be necessary? Assuming that the normal entry into the *ordo* was through election to a magistracy and that there were the usual two quaestors in Rome per year, then there would be for each generation of 33 years a potential for 66 new members. This suggests that the members would probably have to be added, but not in every year.

B. The *Album Canusianum*: The *Album Canusianum* offers another perspective. Column I of the document lists the municipal *patronum*. Thereafter, beginning at the top of Column II, we find the *quinquenaliici* and continue through the lower offices *adfecti inter quinquenaliici, II viriici, aestiicii*, etc. To *quaestorii* (those who had actually held municipal office) to the *pedani* (who had not). The list concludes with the names of the *praesidii*. It is, indeed, true that there are one hundred and sixty-four names given on this list of decurions; it has also been observed that, if we eliminate the sixty-four individuals who are either *patroni* or *praetorii*, we have exactly one hundred names arranged in the proper sequence defined by Ulpian; that is, there are one hundred names between the most senior of the *quinquenaliici* and the most junior of the *pedani* (D. 50, 3). If the one hundred reflects the standard number of "regular" decurions, then the other sixty-four *nomina* must refer to decurions of a different category. These sixty-four would be individuals whose membership was perhaps more "potential" than "actual".

There is good reason to believe that such distinctions were in fact made. The jurist, Modestinus, notes that just being listed on the album did not necessarily make someone a *decursio*, rather, the membership must be obtained in accordance with the law, *secundum legem* (D. 50, 2, 10). It is not clear what law he is referring to here (probably the *lex municipalis*), but the following sections of the Digest...
(50, 2, 11–13, from Callistatus and Papirius Justus) take up the question of some of the impediments to membership in the ordo. That is, the jurists are defining here which impediments, (e.g. maximum and minimum age or whether a decurio who had been relegated might subsequently be readmitted) excluded an individual from membership in the ordo22). Alternatively, Modestinus may also be acknowledging the fact that towns like Canusium did indeed assign the name of decurio to individuals who were not otherwise eligible for membership. In this respect it is important to note that there were quite honorable reasons for the impediment. The first names on the list of decuriones of Canusium are nonresident patrons like the praetorian prefects Appius Claudius Julianus (PIR² C 109) and L. Didius Marinus (PIR² D 71). They are followed by distinguished non-resident senators of consular and praetorian status. Another indication that there were different categories of decuriones is the fact that five of the eight equestrians are “doublelisted” (i.e., they appear once among the patrons and once in their respective municipal ranks). That is, distinctions between the two groups of decuriones were indeed made. In sum, a decurio secundum legem must be distinguished from an honorary decurio.

I would suggest that the thirty-four non-resident patrons and the twenty-five praetextati became honorary decuriones and received the ornamenta decurionum or the comoda decurionum23). There were then a hundred regular members of the ordo of Canusium and any number of others entitled to the honors and privileges thereof. Regular members voted, honorary members could not (sed suffragium inter ceteros ferre non posseunt, D. 50, 2, 6, 1, is the formula. See following paragraph). We do, in fact, have numerous examples of those decorations. For example, an inscription from Ariminum notes that a certain C. Valtius Polycarpus had received the ornamenta decurionum (CIL XI, 6378). An inscription from Susa conferring honors on Titus Chressinus reads: ... ut aquae digitus in domo eius floret commodique publicis ac ei decurio fruetur, CIL X, 4780 = ILS 820624). As Augustus allowed retired centurions and military tribunes the rank of decurio in their patriae23), the ornamenta and comoda must have been fairly common. Indeed, Liebenam concludes: „Überaus häufig erfolgte auch im Osten die Verleihung des Ratsherrentitels ehrenhalber an Personen aller Art“25).

C. The Lex Uranonensis: This charter, though Caesarian in date, also provides some information on the size of an ordo. For example, to authorize the cooptation

22) Liebenam, 233; Kübler, 2326 and Garnsey, Social Status and Legal Privilege in the Roman Empire, Oxford, 1970, 243, discuss the various impediments.

23) Garnsey counts four, Aspects..., 245, but there are five: Ligurius, Flavius Crociatianus, Gallius and the two Aeli.

24) Ornamenta may not be the correct word. Patrons of senatorial and equestrian status already possessed the immunities and privileges of the ordo. See below for more on this point.

25) For other examples of the ornamenta, see Dessau’s list in ILS V, p. 619. On the comoda, see Liebenam, 33.


27) The nature of the distribution might have been a relevant factor, too. It is probably for this reason that the lex Uranonensis specifies percentages (see above, IV, A).

28) Kübler, 2324; Liebenam, 229; Duncan-Jones, 287, 1, and Broughton, ESAR IV, 814.

29) ILS 6090, 11. 34ff., Abbott & Johnson, 489.
vote (suffragium)\textsuperscript{29}. They also enjoyed all the immunities associated with their rank\textsuperscript{30}. A second group which, to judge by its position on the album Canusinum, was more eminent than the “regulars”, included the municipal patrons of both senatorial and equestrian status. Presumably they had all rights except that of the suffragium\textsuperscript{31}. A third group, in prestige lower than both the patrons and the “regulars” included the praeceptati. As they are mentioned on the album Canusinum, they probably had a “seat” and enjoyed the usual immunities, but will not have been allowed to speak (i.e. dicendas) or vote (suffragium). Beyond these, there may be a fourth group of individuals who did not appear on the album (at least they are not identifiable on the surviving alba), who had no seat in the curia, but who shared many of the protections accorded to the other members of ordo. This last group was quite varied, including, among others, centurions, veterans\textsuperscript{32}, freedmen (ILS 1678 and 5487: M. Egnatius Sciti liber. Venustus ... huic ... (Hispalis) ornamenta decurionatus decrevit) and actors (ILS 5186, 5191, and 5193: M. Aurel. Aug. lib. Agilio Septewrioni pantonio sui temporis primo ... ornamentis decurionat. decreto ordinis exornato ...). The question remains, however, whether these individuals were assumed among the pedani or formed a distinct group. How many of these groups regularly received the distributions limited to decurions is not at all clear, but it may be that such sportulæ were restricted to those whose names appeared on the album.

While there is no question that these categories reflect significant distinctions based on social status, it is less clear that there are any genuine legal or judicial distinctions beyond those already mentioned (suffragium, i.e. dicendas, etc.) or the more visible access seats reserved for the members of the ordo in the theater. In terms of immunities, all members certainly enjoyed the same protections; that is, there does not appear to have been any hierarchy of immunities. Members of the decurial, equestrian and senatorial orders were not set, for example, to the mines\textsuperscript{33}.

V. Summary of Conclusions. — The widely accepted proposition that one hundred constituted the “standard” or “statutory” number of decurions rests on very little evidence. Only the lex Irnitanæ provides a direct statement of size and that is for an order of 63. Other ordines of the Latin west appear to vary between 30 and 168. One hundred regular members may have been an ideal or even a maximum, but, because even citizen communities varied in population, wealth, development and tradition, the number of decurions could not be standardized in the Latin speaking West any more than it could in the Greek speaking East.

Moreover, the new evidence of the lex Irnitanæ indicates that the decision about the size of the local ordo was made in accordance with the law and tradition of the community itself. The central government, it appears, was only concerned to specify the legal minimum for a quorum and for a majority and did so through percentages rather than through absolute numbers.

We must also recognize that the term “number of decurions” is somewhat ambiguous. On one hand, it may refer only to the regular, i.e., voting members of the ordo and, on the other hand, it may also be interpreted to include two other (and possibly as many as three) groups which, though they did not have suffragium, nonetheless enjoyed the title, the immunities and some of the rights of the regular decurions. The total number of “irregular” or honorary decurions of all varieties in any one town may be close to the sixty-four attested at Canusium.

The new arguments based on the implications of how sportulæ were distributed do not unfortunately provide any real indication about the number of regular decurions. Rather, they provide concrete evidence on the total of both regular and honorary decurions who were present in a town at any particular time. It is useful to have such data because they suggest that such terms as “decurion” or the “rights of decurions” were used more loosely by ancients than has been generally recognized by moderns.

Municipalities had a wide range of possibilities for classifying decurions. The first distinction, as noted, is between regular and “honorary” members, while the second assigns each member to a place in a hierarchical structure. Regular members were placed on a scale based on seniority and office (the album Canusinum, the lex Irnitanæ and the Digest define the categories). Among the “honorary” members, the most eminent (they are ranked even before the regular members) were patrons of senatorial and equestrian rank. Lower in status, indeed below the regular members, were the praeceptati and a mixed group of individuals. These honorary members were not eligible for full membership for a variety of reasons: Lack of local residence and/or insufficient years constituted honorable impediments; less reputable ones include status and profession.

Eugene

John Nicols

P. S. Tacitus records that there were 130 senatores at Trier in 69 (hist. 5, 19).

\textsuperscript{29} On these “rights”, see Kübler, 2325.

\textsuperscript{30} That is, they were exempted from “plebeian” penalties and tortures, Garnsey, Social Status, 242ff.

\textsuperscript{31} Again, patrons of senatorial and equestrian status already enjoyed the protections and privileges of decurial status. Presumably, they now had some specific privileges in the community which they would not otherwise have had. How “valuable” such privileges were cannot be determined.

\textsuperscript{32} See above at n. 25.

\textsuperscript{33} On this point, see Garnsey, 103ff. and 120.