Patronum cooptare, patrocinium deferre:
Lex Malacitana c. 61

The vocabulary of patronage, like the institution itself, is not easily grasped, in part because the Romans used a variety of words to describe the same institution. Hence, fides, clientela, patronatus and patrocinium were employed to characterize different perspectives and various aspects of the same relationship.

This problem is particularly acute when one considers chapter 61 of the lex Malacitana. The chapter in questions reads:

ne quis patronum publicem municipibus municipii Flavi Malacitani cooptato patrociniumve cui defersto, nisi ex maiors partis decurionum decreto ... (ILS 6089 = FIRA* Nr. 24).

The question to be discussed here is whether the formulae patronum cooptare and patrocinium deferre refer to one or more specific kinds of patronage. Might one be considered retrospective and the other prospective in terms of the patronal services? Or, does patronum cooptare imply the grant of general responsibilities while patrocinium deferre specific ones? Or, alternatively, are these expressions simply redundant? These questions are important, for communities employed the patronal relationship for various purposes and may have devised distinct formulae to define particular functions.

The first problem to be considered is whether Roman lawgivers did employ apparently repetitious combinations of formulas in order, for example, to prevent the circumvention of the regulation or to ensure its enforcement. That they did so may be observed in another municipal charter, the lex Ursonea, two passages of which are relevant for this discussion. In chapter 97, the text reads:

ne quis IVir nev quis pro potestate in ea colonia facito neve ad decuriones referito neve decurionum decreto facito fiat, quo quis colonis coloniae patronus sit adoptatur praeter eum ... (ILS 6087).

Though there is no reference to a distinction between patronum coptare and patrocinium deferre, this chapter does regulate two distinct formulae (patronus esse and patronus adoptari) which were apparently being used to designate patrons in contemporary decrees. It is however highly unlikely that the two expressions used here were meant to produce different kinds of patrons or patrons with different functions.

In chapter 130 of the same charter the language is more fulsome:

ne quis IVir sedilis praefectus coloniae Genetiviae Iuliae quicumque erit ad decuriones coloniae Genetivae referito neve decuriones consultio neve decretum...
In practice, however, the theoretical distinction between *patronum cooptare* (as a general patronage) and *patrocinium deferrre* (as a specific legal service of an advocate) does not appear to have been observed in the patronage of communities. Three examples illustrate this problem.

The *lex Malacitana* specifies that the designation of a patron of the community be confirmed by a *decretum decurionum*. A number of these honorary decrees, known as *tabulae patronatus*, have survived.<sup>5</sup> Although the texts of the individual *tabulae* vary considerably, they generally record that the community coopted someone as its patron and that he has received the community in *fidem clientelamque suam*. A *tabula* from Mauretania dating to the reign of Nero reads:

-Q. Julius Q. f. Qui Secundus legatus pro/prostore hospitium fecit cum decurionibus et coloniae colonia/Julia Augusta Legio/7 VII Tupsusus libri/erisque suis coequae pro/trocinio suo tuendos recepit . . . (CIL VIII 8837)<sup>7</sup>

What is interesting here is that *patrocinium* is employed where *fides clientelaeque*, normally appears and that it is considered the complement of *hospitium*. Hence, it is very likely that *patrocinium* here refers to a general, rather than to a specific, patronage.

In an inscription from Pelusium in Italy, a *decretum decurionum* for Nummias Varia is recorded in which the following formulae appear together:

- ut merito debeat ex consensu universorum patrona praefecturae nostrae fieri . . . placere universis conscriptis Nummiae Variae . . . pro splendore dignitatis suis patronico praefecturae nostrae deferrre . . . et singularibus universoque nos remque publicae nostrae in clientelam domus suas recipec dignat . . .

(CIL X 5429)

Here too it is probable that the authors of the *decretum* considered *patrona fieri, patrocinium deferrre* and *in clientelam recipere* to describe the same relationship.

A third example is an inscription from Banaea in Mauretania which dates to A.D. 162. It reads:


This inscription is particularly important because it specifies, as required by the *lex Malacitana*, that the cooptation of the patron result from a *decretum decurionum*. Most significant for this discussion is, however, the emphasis given by the expression *in se* *patrocinium* as an exact complement of *patronum cooptare*. These three examples show conclusively that, in regards to the patronage of communities, the Romans did not in practice make a clear distinction between the status of the patron and the exercise of the duties implied by the assumption of the status. In this context, both formulae refer to the bestowal of a general patronage.

---

5) Cf. *lex Ureoneensis* cc. 125—126, 128—132; the *lex Salpensa* (ILS 6088) c. 26 and the *lex Malacitana*, cc. 62, 67.


7) On the *tabulae*, cf. ILS 6094ff. and below.

8) Cf. PIn. epp. VI, 1, 1, IX, 7, 1 and Cod. II, 7, 9 and the references given in the Oxford Latin Dictionary.

9) Such a *patrona causae* would represent the community in external relations; the appointment of a *patronus causae* for internal affairs is regulated in c. 67.

Even if one accepts that the two formulae are linguistic variations which describe one phenomenon, it is possible that *patronum cooptare* and *patrocinium deferrre* might refer to different aspects of a general patronage. In this case, the former might be viewed as retrospective, "for services rendered", and the latter prospective, that is, for services "to be rendered". There is however no evidence for such a meaning in the context of the patronage of communities.

Among the *tabulae patronatus*, there is no indication that *patrocinium* has this prospective meaning. Rather, it appears to be the case that *patronum cooptare* alone included both the prospective and retrospective services. For, in the one case in which such a distinction is made (*... ut omnis actas curas etias merito gratias agere debeat, futurumque ut tantae virtutis vir auxilio sit futurus municipio nostro*), namely in the decree coopting Pomponius Basus as patron of Feronium (ILS 6106), the community requests Basus to accept it (i.e., the community) in his *clientela* and allow himself to be coopted patron. Moreover, Pliny the Younger, in referring to his cooptation as patron of Feronium (*me patronum cooptavt*) states that he was *paene adhuc puerum* at the time (IV, 14) indicating that the community was anticipating services in the future, rather than rewarding those of the past*).

In summary, there is, first, no reason to think that, of the two formulae discussed here, one has a general meaning and the other a specific or that one is retrospective and other prospective. In the context of the patronage of communities, the two are synonymous. Secondly, it is manifest that the vocabulary of patronage must be treated with considerable caution. In the context discussed here, the two formulae refer to the same institution, but, in other situations, they clearly do not.

Stanford (Cal.)/München

John Nicol

*) On this letter, see J. Nicol, Pliny and the Patronage of Communities, Hermes (forthcoming).