

INDICE DEL VOLUME
E ABSTRACTS

ISABELLA BALDINI

I gruppi sociali subalterni:

un problema di visibilità archeologica

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The identification and the analysis of the documentation concerning the subordinate classes is one of the problems which, in the last few years, the archaeological researches are trying to face in a systematic way. Similar typologies, depending on places and periods, can be adopted by different social levels, and only the analysis of the context and the comparison on a regional scale offer the possibility to interpret them correctly. A conventional system of distinctive signs and specific representative codes, however, exists, even if in the context of a multifaceted framework. The social hierarchization is visible through the architectural documentation, the necropolises, the written mentions, the figurative repertoire. If the vision of the archaeological reality is certainly incomplete, anyway it reflects tangible aspects of the daily life of the subordinate classes which, in most cases, are not evident in the classificatory terminology of the juridical sources and in the perception of the narrative sources.

CHIARA CORBO

Tra Italia e Africa: la legislazione di Costantino

sugli *inopes parentes*

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The communication analyses two constitutions of the emperor Constantine collected in the Theodosian Code under the title *De alimentis, quae inopes parentes de publico petere debent*. These two laws, *CTh.* 11, 27, 1 (issued in 315) and *CTh.* 11, 27, 2 (issued in 322), are directed to Italy and Africa, respectively. *CTh.* 11, 27, 1 orders that *fiscus* and *res privata principis* be utilized without discrimination to provide clothing and food to destitute parents, in order to limit the crime of children killing. *CTh.* 11, 27, 2 compels imperial officials in Africa to provide, by means of *fiscus*, alimentary relief for indigent parents, who otherwise might be driven to sell or pledge their children. These two Constantinian laws evidence a special attention of the emperor to the problem of *paupertas*, with particular regard to poor childhood.

MARÍA VICTORIA ESCRIBANO PAÑO

Pauperes* en el libro 16 del *Codex Theodosianus

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This paper carries out a casuistic analysis of the references to *pauper* and

paupertas made in the laws compiled in book 16 of *Codex Theodosianus*, dealing entirely with religious matters. The figure of the poor person is at the core of Christian discourse in the fourth and fifth centuries, with the predominant and limiting meaning of beggar or poor person who is only helped by the Church. The imperial chancery, however, did not take on Christian terminology on poverty nor reflect the social significance of charity and alms in legal regulations from Constantine onwards. References to *pauperes* in laws are scarce, almost always secondary, and do not contain an univocal notion of the poor: along with those assisted by the Church, there also appear those who are not seen as fitting by the curia, the poor in general, those with a servile *status*, the false poor or those who became poor after punishment. Moral principles did not inspire legislation regarding *pauperes*. As legislators, Christian emperors did not impose or ensure compliance with Christian ethics on poverty. From Constantine onwards, the law did not set forth charitable assistance to the poor nor linked the granting of privileges to the clergy to the charitable role of the Church, except in the case of chrysargyrom. Between the interests of the *res publica* and those of the *ecclesia*, emperors always opted for the former while taxation always overruled charity amongst their concerns.

ARNALDO MARCONE

«**La differenza del cristianesimo**».

Spazi di assistenza nella città tardoantica

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This paper explores the emergence in late Roman society of “the poor” as a distinct social class, one for which the Christian church claimed a special responsibility. It is the story of how a society came to see itself as responsible for the care of a particular class of people – a class that had not previously been cared for – and of who benefited from that shift in interests. A concerted effort was made to define poverty in the patristic period. Economic and voluntary poverty were valued differently, and these differences lie at the heart of understanding the shifting roles of wealth and poverty in society from the fourth century onward. John Chrysostom and the fourth century Cappadocians, particularly Basil of Caesarea, are perhaps the best-known Greek examples of patristic beneficence. Chrysostom invited his audience to take on the self-ordained priestly dignity that accompanies the role of stewards of the poor. Among the many issues that characterize the tensions between wealth and poverty in Late Antiquity and early Byzantine period the question of trade, profit and salvation appears particularly important.

VALERIO NERI

Tra schiavi e liberi:

aspetti della mobilità sociale tardoantica

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The article aims to analyze some aspects of the transition in the late antiquity of free persons belonging to the lower classes of the Roman society to the condition of slaves and vice versa, particularly in ways overtly illegal or at least not completely legal, as the flight of slaves to build up for themselves a false free identity or the sale into slavery of sons and other members of the family by the *paterfamilias*. The relative ease of these movements is linked to a lowering of the legal and social position of the *humiliores*, particularly in some professional situations, and their increased closeness to the social and economic conditions of the slaves. From this point of view is analyzed *CTh.* 4, 6, 3 = *CJ* 5, 27, 1 and the problem of its interpretation in *Nov. Marc.* 4, 2-4, which raises the question whether the expression *vel humili vel abiecta* can be read as an allusion to *pauperes* as a whole or only to the specific professions mentioned in the constitution. The article takes then into account the laws about the flight of slaves who, pretending to be free, get jobs and even contracts of colonate in the countryside. To counter this phenomenon the state requires, starting from a constitution of Arcadius and Honorius (*CJ* 11, 48, 12, 1), from the owners and their administrators a responsible attention in accepting strangers in their landholdings. Finally, this study is concerned with the legislative evolution in the fourth and fifth centuries on the sale of children as slaves, focusing in particular on the situation witnessed in *Aug., ep.* 10*. It proposes the hypothesis that the twentyfive years contract of *locatio-conductio operarum* to which Augustine makes hint was thought as a compromise between the intangibility of the free status and the social and economic reality in which the needs that drove the poors to the sale of their children were linked to the interests of the rich to buy up cheap labour force under conditions of relative safety.

SALVATORE PULIATTI

Samaritas atroces et adversus Christianos elatos.

Il problema religioso e politico del samaritismo

in età giustiniana

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The present essay deals with the study of that particular form of marginalization that, during the Late Roman Empire, consists of the legal measures adopted against heterodox minorities. Within the overall framework of non-Catholic movements, a place for itself was occupied by Samaritism, for reasons related to its enclosed nature,

unaffected by any form of compulsion and jealously positioned in defense of its religious traditions. This work is specifically devoted to the study of Justinian's legislation, which focused more organically than others on the phenomenon of Samaritism. For the legislator, in fact, the Samaritism did not constitute only a religious issue, but a source of economic and social conflicts and political claims. Hence the special attention devoted to it and the extent and severity of the measures designed to limit freedoms, individual rights and legal capacities, to the point of putting in question the very possibility of survival. This harsh treatment will diminish only at the end of the reign of Justinian, to resume with renewed force under his successor Justin II.

BOUDEWIJN SIRKS

Did poverty lie at the origin of the colonate?

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Was the colonate part of a fiscal reorganisation under Diocletian, or was it a legal institution of its own? And if of its own, what lay at its origin? Several, but certainly not all texts, connect the colonate with poverty in the sense that somebody enters the relationship of the colonate to escape the worst consequences of poverty. In other cases the colonate is just a condition, while the person subjected to it may exercise a job or be in the imperial service. Further, was poverty in general the reason to create the institution of the colonate? It is suggested that indeed, be it on individual level, the colonate was developed to secure for poor people the payment of their taxes and by that protect them against the worst consequences of poverty, and further, that the colonate was already in substance existing in 293/294

ALFREDINA STORCHI MARINO

Schiavi e uomini di vile condizione nel senatoconsulto claudiano in età tardoantica

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I investigate here the constitutions written in the fourth century to regulate the marriages between freeborn women and other owners' slaves. The imperial constitutions, preserved in the Theodosian code 4.12, innovated upon the *sc Claudianum*, which forbid such unions since 52 AD. They show a widespread interpenetration between free and slave, both horizontal and vertical, both in the countryside and in the cities. The characteristic feature of these constitutions is the distinction made within the categories of slaves (Constantine cancelled the penalty only for the freeborn women who married imperial slaves primarily engaged in agriculture) or the extension of the interdict to free men, but those of almost servile status (perhaps *actores* and *procuratores privati* with the

emperor Julian; workers of the *corpora, monetarii* and *gynaecarii* under the Valentinians). Even among women these laws explicitly select the unions which concern “ladies” of some rank, especially those of the curial order. Another feature that characterizes the legislation of the IV century is the explicit attention to the will of the woman. So the *sc Claudianum* proves to be a flexible instrument for the control of social mobility also in the Late Antiquity.

DOMENICO VERA

Una carità razionale: provvedimenti di carestia e finanza pubblica nel Tardo Impero

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A well known Constantine’s constitution relating to Africa (*CTh.* 11, 27, 1) provides gratuitous distributions of money and fiscal food-stuffs to the hungry people during a great famine, in order to avoid the poor selling their sons. The examination of the measures adopted on the occasion of famine, as well as in financial matters, in Late Antiquity points out that the praxis of the gratuitous distributions was not at all usual. As a rule, during situations of alimentary crisis, the imperial authorities had to guarantee the disposability of the supplies, prevalently of the grain, at prices which were certainly moderate, but never leaving out of the consideration of the increasing of the prices on the free market. Moreover, these operations, if they were carried out through the fiscal grain, did not cause a loss of the Treasury; on the contrary, they resulted profitable in that they were carried out at prices which were beyond both the tariff of acquisition of the grain intended for the distribution and that one for the re-establishment of the supplies.

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