

ON *FOEDERATI*, *HOSPITALITAS*, AND THE
SETTLEMENT OF THE GOTHS IN A.D. 418

This study sets out to re-examine the key concepts of *foederati* (*foedus*) and *hospitalitas* (*hospitium*) with a view to gaining a fresh insight into the procedure of settlement or accommodation of barbarians by the Roman government during the fifth century. Particular attention is given to the establishment of the Visigothic kingdom on Roman territory in 418, this emphasis being justified by the fact that, as the first such barbarian settlement, it provided a test case and a precedent.

Such re-examination may be thought timely in view of the recent work of W. Goffart¹ who has challenged the theories of E. T. Gaupp² and F. Lot,³ which effectively held the field from 1844 until 1980. Two key words have been repeatedly used in conjunction with the attitude of the Roman government to barbarian settlements, *foederati* (and *foedus*) and *hospitalitas* (and *hospitium*). The Goths, for example, were imperial federates who were settled by the Roman government according to the rules of military *hospitalitas*. Upon re-examination, however, neither concept provides full understanding of the nature of the agreements between the imperial government and the barbarian nations during the fifth century, above all, of the permanent division and occupation of Roman territory and a tax exemption status.

First, there is the question of the applicability of the term *foederati* to the Visigoths. A standard theory of late Roman history is that the Goths, like all the later barbarians and many others before them, were bound to the Empire by a *foedus* which made them allies of the Roman empire. In return for certain subsidies, these *foederati* were required, on demand, to supply troops for major campaigns to the Roman army in which they usually served as auxiliary forces and were employed to protect the frontiers from external enemies. Jones distin-

¹W. Goffart, *Barbarians and Romans A.D. 418-584. The Techniques of Accommodation* (Princeton 1980). But see criticism of M. Cesa, "Hospitalitas o altre 'tecniche di accommodation'? A proposito di un libro recente," *Archivio storico italiano* 140 (1982) 539-52; H. Wolfram, "Zur Ansiedlung reichsangehöriger Föderaten," *MIÖG* 91 (1983) 5-35.

²E. T. Gaupp, *Die germanischen Ansiedlungen und Landteilung in den Provinzen des römischen Westreiches* (Breslau 1844).

³F. Lot, "Du régime de l'hospitalité," *Revue belge de philologie et d'histoire* 7 (1928) 925-1011.

guished between several categories of *foederati* and rightly maintained that the distinctions between these were rather vague.⁴ In order to establish more precisely the meaning of the term and its implications regarding rights, duties and legal status, let us consider its usage in some late Roman authorities.

Olympiodorus of Thebes (early fifth century) supplied a brief definition of *foederati*, whose mixed character he equated with that of the *buccelarii*, mercenaries of Roman and Gothic descent serving an individual.⁵ Over a century later, Procopius distinguished between the *foederati* of his own times, men who, after joining the army of their own accord, served in the cavalry and infantry under Roman commanders and as Roman soldiers, and *foederati* of an older sort, barbarian people who had entered the Empire not as slaves but on the basis of equality.⁶ The meaning of this equality (*politeia*) is open to various interpretations but seems to point to certain legal privileges, perhaps even to citizenship (infra p. 762). Before the sixth century, then, there was a distinction between at least two categories of federates, those who were in the service of a person not necessarily connected with the army, and those who, under their own commanders, served as soldiers in the Roman army whenever called upon to participate in major campaigns or to defend the provinces along the borders.

Neither Olympiodorus nor Procopius answered such crucial questions as the precise procedure of recruitment, the status of the barbarian chiefs in the Roman army, their conditions of service, and what happened to them upon discharge. Of all the late Roman authors, Jordanes (mid-sixth century) used the term *foederati* with the greatest frequency and in a way which demonstrates how flexibly it was employed. According to Jordanes, already in the middle of the third century the Goths living outside Roman territory and under their own kings were federates of the Romans and received annual subsidies from the emperor.⁷ Jordanes emphasizes the fact that, though remote, the Goths were allied with the Empire, thus implying that *foedera* in his own time were normally concluded with people closer to the imperial frontiers and, therefore, in a better position to answer a quick call for help.⁸ In

⁴A. H. M. Jones, *History of the Later Roman Empire* (Oxford 1964) 199.

⁵Olymp. frag. 7 (Muller, *FHG* 4); T. Mommsen, "Das römische Militärwesen seit Diocletian," *Gesammelte Schriften* 6, 241-46 (*Buccelarii*).

⁶Procopius, *BV* 1 (3), 11.3-4; Mommsen, op. cit., 225-30 (*foederati*).

⁷Jordanes, *Getica* 16, 89 (during the reign of Philip the Arab).

⁸*Ibid.*: *nam quamvis remoti sub regibus viverent suis, rei publicae tamen Romanae foederati erant et annua munera percipiebant.*

this he confirms Procopius' statement about the changing nature of *foederati*. This mid-third century *foedus*, originally concluded with Phillip the Arab, was renewed a few years later by his successors Volusianus and Aemilianus.⁹ Here is a crucial point. *Foedera* were concluded for a limited or specific length of time and had to be renewed, usually at a time of succession. In A.D. 418, the Roman government could have hardly visualized an agreement with the Visigoths which would have to be renewed again and again, for the settlement in Aquitaine was meant to be permanent.

Constantine concluded another *foedus* whereby the Goths were to supply auxiliary forces.¹⁰ Furthermore, they not only served in the Constantinian army, but also contributed to civil projects, such as the building of Constantinople.¹¹ This was not a new phenomenon in itself, since soldiers were closely involved in non-military projects throughout the history of the later Roman empire.¹² So *foedera* between the Romans and the Goths were at one time concluded as between two independent peoples, each with its own territorial boundaries, divided from each other by the Danube. This aspect changed dramatically in A.D. 376, when the Visigoths asked permission to cross the river into Roman territory. Jordanes wrote that, in return for lands within the Roman empire, the Goths promised to obey Roman laws.¹³ Ammianus stated that, in return for permission to cross the Danube and to settle on Roman soil, the Goths promised auxiliaries and to maintain peace.¹⁴ Neither Jordanes nor Ammianus qualified the ensuing agreement as a *foedus*. In neither case was the legal status of the newcomers clarified, nor in what manner lands were to be granted and occupied. But the event certainly marked a change, for it brought for the first time an unconquered na-

⁹Getica 19, 106.

¹⁰Getica 21, 112: (*Gothi*) . . . *qui foedus inito cum imperatore quadraginta suorum milia illi (Constantino) in solacio contra gentes varias obtulere; quorum et numerus et militia usque ad praesens in re publica nominatur, id est foederati.*

¹¹Ibid: *et ut famosissimam et Romae aemulam in suo nomine conderet civitatem, Gothorum interfuit operatio.*

¹²R. MacMullen, *Soldier and Civilian in the Later Roman Empire* (Cambridge, MA 1963) 32-36.

¹³Getica 25, 131: *Vesegothae . . . legatos in Romania direxerunt ad Valentem . . . ut, partem Thraciae sive Moesiae si illis traderet ad colendum, eius se legibus eiusque vivere imperiis subderentur.* The mention of a specific place for settlement is surely retrospective as the Visigoths were in no position to dictate anything to the emperor.

¹⁴Ammianus 31, 4, 1: *missisque oratoribus ad Valentem, suspici se humili prece poscebant, et quiete victuros se pollicentes et daturos (si res flagitasset) auxilia.* According to Zosimus 4.5, the Visigoths promised to behave as faithful allies.

tion within the orbit of the empire, thereby creating a large pool of local recruits on an individual basis as well as the possibility of enlisting entire military units for major campaigns.

Some light is thrown on the nature of the new situation after 376 by the *foedus* of A.D. 382 which Theodosius concluded with the Visigoths after six years of intermittent warfare in Thrace. According to Jordanes, this *foedus* was not a new arrangement but a renewal of the old one previously concluded by Constantine.¹⁵ This is rather interesting, for in one crucial aspect the *foedus* of 382 differed from previous *foedera*. In 382 the Goths were inside Roman territory as an independent unit, and they were there to stay. Jordanes also added that from that point (A.D. 382) on, the Goths served in the Roman army *velut unum corpus*.¹⁶ This last statement is substantiated by Themistius in a speech which he delivered in January 383, just a few months after Theodosius concluded the *foedus*. In a rather vague way, Themistius envisaged a future in which the Goths would become Romans, sharing rights and duties like all other Roman citizens.¹⁷ It should be emphasized that this is strictly a future vision, but it throws precious light on the vexed question of the legal status of the Gothic *foederati* after A.D. 382. Wolfram and Cesa preferred to reject the notion of full Roman citizenship, though not only Procopius but also Themistius and Jordanes (on 376) imply that this indeed may have been the case from A.D. 382 on.¹⁸ The question of the legal rights of the Gothic settlers in Thrace

¹⁵*Getica* 28, 145: *militiaque illa dudum sub Constantino principe foederatorum renovata et ipsi dicti sunt foederati*; E. Demougeot, "Modalités d'établissement des fédérés barbares de Gratien et de Théodose," *Mélanges Seston* (Paris 1974) 152-60 claims that the 382 agreement applied to two distinct groups of Goths. One was incorporated into the Roman army and the second was settled on the soil as cultores.

¹⁶Ibid: *cum milite velut unum corpus effecit*.

¹⁷Themistius, *Or.* 16.211d (Downey) (Dindorf 257): "Thus (like the Galatians who have been paying the same taxes as we do, fighting our wars and obeying the same laws) we shall shortly see the Scythians as well. Their offenses are still fresh but in the near future they will share our oaths, tables, campaigns and public duties . . ." (my translation). Note that other sources, following the example of Themistius, presented likewise the 382 *foedus* as a result of Gothic submission to Roman superiority (Oros. 7.34; Hyd. sub 382, Pacatus).

¹⁸Wolfram, *ibid.* (note 2), 29 ignored the evidence of the 16th Oration of Themistius and relying on Oration 24, he rejected the notion of Goths paying taxes as Roman citizens; M. Cesa, "Überlegungen zur Föderatenfrage," *MIÖG* 92 (1984), 313 also rejected the possibility of full Roman citizenship rights for the Visigoths. The problem revolves around the interpretation of the word *politeia* in Procopius, *BV* 3.11.3, and Synesius, *De Regno* 25c, the latter written in a strong anti-Germanic vein in A.D. 400,

is a part of the problems raised by Theodosius' Gothic policy.¹⁹ Themistius went to great lengths to create an impression of continuity between Theodosius' diplomacy regarding barbarians and that of other Roman emperors. His insistence on this contributed to the creation of the legal fiction that not only was there absolutely no novelty in settling barbarians inside Roman territory, but the policy of integration of the newcomers was one of long standing. We shall see that it was the combination of conservatism and the power of public opinion that caused the government to look for a solution which would not constitute a radical departure from past practices. In 382 Theodosius surely did not envisage an independent Gothic state with its own laws and customs in Thrace, not far from the imperial capital itself.

The main points of the agreement between the Goths and Theodosius were in essence a repetition of some of the conditions of A.D. 376: the grant of lands, military service, keeping of peace and the possibility of integration into the Roman system. Still, there is no information about the nature and length of the land-occupation, nor about any tax-privileges or definite legal status.

The history of the relations between the Visigoths and the Romans is full of broken and renewed *foedera*.²⁰ Upon his elevation in A.D. 395, Alaric seems to have caused a definite break with the past when, without official permission, he removed his people from Thrace in a migration destined to last over two decades, and to take them all the way from East to West. When Vallia ascended the throne in A.D. 416, Honorius was afraid he would break the old *foedus* concluded with his predecessor, Ataulf (410-15).²¹ The details of that other agreement remain a mystery, as do nearly all the other treaties between the Romans and

and neither can fully support a complete rejection of a grant of legal rights to the Goths. See also G. Wirth, "Zur Frage der föderierten Staaten in der späteren römischen Kaiserzeit," *Historia* 16 (1967) 231-51.

¹⁹On Romano-Gothic relations under Theodosius, M. Pavan, *La politica gotica di Teodosio nella pubblicistica del suo tempo* (Rome 1964); on the participation of the Gothic auxiliaries in campaigns of the Roman army, D. Hoffmann, *Das spätrömische Bewegungsheer und die Notitia Dignitatum* (Düsseldorf 1969) (Epigraphische Studien 7) 1, 464ff and passim; in general, E. Demougeot, *La formation de l'Europe et les invasions barbares* (Paris 1979) 2.1, 134ff.

²⁰On Visigothic history in the fourth and fifth century, L. Schmidt, *Geschichte der deutschen Stämme*² (Munich 1934); E. H. Thompson, "The Visigoths from Fritigern to Euric," *Historia* 12 (1963) 105-26; H. Wolfram, *Geschichte der Goten*² (Munich 1980).

²¹*Getica* 32, 164.

their barbarian federates. In 416, in return for major Visigothic campaigns in Spain against the barbarians there, Honorius' government agreed to give the Goths what they had long been asking for, namely, provisions in the shape of a considerable amount of grain.²² There is not a word yet about a permanent settlement and on no occasion did Jordanes mention the possibility of grants of land for permanent settlement on Roman territory as an integral part of a *foedus*. But the provision of grain was intended not only to relieve the hunger of the Goths but also as a prelude to their settlement.

From Jordanes' *Getica*, it seems clear that the Ostrogoths were also considered by him as *foederati*, though the circumstances under which they reached a *foedus* with the Roman government were quite different from those of the various Visigothic *foedera*.²³ But the word equally applied to agreements between barbarians and barbarians and not only to those between Romans and barbarians. In the 370s the Goths and the Huns renewed an old *foedus* which had been sworn with an oath of fidelity.²⁴ In this case, the Goths (Ostrogoths) were subjects of the Huns, after they had been defeated by them. In the fifth century, the Alamanni were *foederati* of the Suevi and the Goths of the Sciri.²⁵

If one looks at fifth century chronicles like Prosper of Aquitaine, Hydatius, the Gallic Chroniclers, and later Marcellinus Comes, the term *foederati* or *foedus* is rarely used. More significantly, none employed it to describe the actual settlement of the Goths in Aquitaine in A.D. 418. Hydatius, Prosper and Marcellinus used the term *pax* to denote the arrangement between the Roman government and the Visigoths under Vallia, a reminiscence of Jordanes and Ammianus on A.D. 376.²⁶ All emphasized the personal nature of the peace as concluded either between Constantius and Vallia, or between Honorius and Vallia.²⁷ Allowing for possible borrowings from one another, the fact that

²²Olym. frag. 20, comp. with the A.D. 380 *foedus* between Gratian and a group of the Ostrogoths who were given provisions (*victualia*) and Pannonia to settle (*Getica* 37.141). Note that just like the Gothic situation in 382, the Ostrogoths had already entered Pannonia.

²³*Getica*, 52.270; 56.287; 57.290.

²⁴*Getica*, 47.248.

²⁵*Ibid.* 53.275; 40.281.

²⁶Prosper, *Chron.* 1271 (CM 1.469); *Chron. Gall.* 551, 562 (CM 1.655); Marc. Comes sub a. 414; Hyd. *Chron.*, 60.

²⁷Prosper, *Chron.* 1271: *Constantius patricius pacem firmat cum Wallia data ei ad inhabitandum secunda Aquitanica*; Hydatius, *Chron.* 60: *Vallia . . . cum patricio Constantio pace mox facta*; Marc. Comes ad a. 414 is the only one to record the peace

none termed the arrangement of 418 as a *foedus* is significant. Olympiodorus, who did use the Greek equivalent of the word *foedus* to describe the agreement in A.D. 416 which brought the Visigoths grain in return for fighting in Spain (σπονδαί), never mentioned in conjunction with it the possibility of permanent settlement.²⁸ Marcellinus named a single Romano-Gothic *foedus*, the one between Theodosius and Athanaric in A.D. 381, following which Athanaric's *gens sese imperio dedit*. The *gens* became an integral part of the Roman army and was not heard of again.²⁹

If the question of *foederati* was an all-important one in the history of the later Roman empire, the imperial legislator hardly addressed himself to it. There are only three laws in the codex of Theodosius that refer to *foederati*. The first was issued by Honorius in A.D. 406 when Radagaisus invaded Italy from the north and a mixed horde of Vandals, Alans and Suevi swept across the Rhine to Gaul.³⁰ Honorius called on whoever was able to carry arms, including slaves of *foederati* and *dediticii*, to protect the empire against its enemies. There were, then, several categories of soldiers in the Roman army, and *foederati* formed one distinct division. More importantly, they had their own slaves, which immediately put them in a certain economic bracket of the late Roman militia. Another piece of information about the military service of *foederati* is supplied by a novella of Valentinian which assigned federates to the defence of cities and shores.³¹ A novella of Theodosius stationed *foederati* along the frontiers of the eastern Roman empire.³² It can be assumed that *foederati* were mainly assigned to areas on the borders of the empire to protect these against invaders,³³ but it is most un-

between Vallia and Honorius. Note that Prosper of Aquitaine is the only source who linked the agreement with a territorial arrangement while the Gallic Chronicler of 551 and Hydatius based the agreement on the condition of the Visigoths fighting in Spain for the Romans and Marcellinus mentioned only the condition of Placidia's return to her brother.

²⁸Olym. frag. 31 where the negotiations were handled by Eupluteus on behalf of Honorius' government.

²⁹Marc. Comes ad a. 381 and 382.

³⁰CTh 7.13.16: . . . *praecipue sane eorum servos, quos militia armata detentat, foederatorum nihilo minus et deditorum*. . . .

³¹Nov. Val. 9.1 (A.D. 440).

³²Nov. Theod. 24.1.

³³The type of lands assigned to regular *foederati* (namely those serving individually or in small groups as an integral part of the *auxilia*) was, quite possibly, something like the *terrae limetanae* which had been originally given to *gentiles* (i.e. non-Romans)

likely that any of these laws referred to the Visigoths who in A.D. 406 were in Illyricum and later on in Aquitaine as an independent entity.

To sum up, the term *foederati* meant different things at different times and can only loosely, if conveniently, be applied to the Visigoths, as it can to many other groups directly or indirectly involved in the defence of the empire. But it is insufficient in itself to explain the combination of perpetual occupation of land in the heart of the Empire, permanent tax exemption, grain provision and a special legal status. Our knowledge of the conditions of service of the *foederati* is simply inadequate at this point to account for all the aspects of barbarian settlements.

Moreover, later use of the concept of *foederati* demonstrates the flexibility of a term which Sidonius in the second part of the fifth century could apply to a variety of categories, from individuals in the imperial guard to the Vandals in Africa. Sidonius attributed the weakness of Petronius Maximus' reign (455) to uprisings of the soldiers, the civil populace and the *foederati*, in this case probably the Vandals who had settled in Africa by force.³⁴ In Ravenna of the late 460s one could encounter all sorts of strange phenomena including *foederati*, most likely those of the *auxilia palatina*, in search of cultural betterment.³⁵ More seriously, Sidonius informs us that in Gaul, the *foederati*, in this case the Burgundians and perhaps the Visigoths, posed a threat to the safety of the roads, an accusation which the travels of Sidonius himself all over Gaul make somewhat suspicious.³⁶ Lastly, all the barbarian *foederati* were collectively blamed by Sidonius for the decline of the Roman state, for they not only controlled the resources of the state but also destroyed Rome.³⁷ Barbarian *foederati* continued, then, throughout the fifth century to join the ranks of the Roman army and some appear to have served in the imperial capital itself, Ravenna. Prosper, another fifth century Gallic author, refers to deserters from the *foederati* who took to

for the "care and guarding of the *limes*" (CTh 7.15.1). The basic idea was to combine agricultural and defense needs of imperial property, as these lands often had been granted out of imperial estates) in return for certain privileges such as tax-exemption and some cash. MacMullen, *op. cit.*, 14-7.

³⁴Sidonius Apollinaris (hereafter SA), *Ep.* 2.13.5: *rexit inter tumultus militum popularium foederatorum.*

³⁵SA, *Ep.* 1.8.2.

³⁶SA, *Ep.* 6.6.1.

³⁷SA, *Ep.* 3.8.2: *natione foederatorum non solum inciviliter Romanas vires administrante verum etiam fundamentaliter eruenta.*

piracy.³⁸ They were hardly the Visigoths, who later fought against pirates near Bordeaux.³⁹

One other concept has been widely used to describe the nature of barbarian settlements. The Visigoths and other barbarian nations were settled on imperial territory in the course of the fifth century according to the regulations governing *hospitalitas* (billeting) of soldiers. In his analysis of the techniques of barbarian accommodation, Goffart maintained that *hospitalitas* was merely an idealistic concept which the government found convenient to apply to barbarian settlements though it never reflected the actual nature of the proceedings, which were based on reallocation of taxes rather than of lands.⁴⁰ A careful examination of the concept of *hospitalitas* in late Roman sources shows that, like *foedus* (and *foederati*), *hospitalitas* as perceived by the Roman government is insufficient to explain all the aspects of fifth century barbarian settlements.

Within the collection of laws which deal with military affairs, the imperial legislator devoted several to the problem of *hospitalitas*.⁴¹ The legislation falls into three categories: laws dealing with abuses of *hospitium* by civilians and soldiers; laws granting exemption from *hospitalitas*; and laws detailing the actual process of dividing a house between a "host" and a "guest."⁴² It is noteworthy that the first and the last categories discussed exclusively urban *hospitalitas*. Of areas exempted, the most notable were imperial estates in Africa.⁴³ There is no information to explain the actual division of rural estates, though this type of property seems to have been the one most used for barbarian *hospitalitas*. Moreover, none of the laws speaks of permanent *hospitalitas* or of any tax exemption in this context, but the emphasis is on the temporary nature of the arrangement.⁴⁴

There is also a certain difficulty in accepting Goffart's theory of the idealistic use of the concept of *hospitalitas* on account of its familiar-

³⁸Prosper, *Chron.* 1330 (A.D. 437): *piraticam barbari foederatorum desertores ex-cuerunt*. Quite possibly deserters from the Roman army in Gaul.

³⁹SA, *Ep.* 7.6.

⁴⁰Goffart, *op. cit.*, 40-55; 162-75.

⁴¹CTh 7.8 entitled *de metatis* (T. Mommsen and P. Frueger, eds., *Codex Theodosianus*¹⁶ [Berlin 1954]).

⁴²Abuses: CTh 7.9.1-4; immunities: CTh 7.8.1-2,7,9-10,12; procedure: CTh 7.8.4;5.

⁴³CTh 7.8.7-12.

⁴⁴CTh 7.8.10.

ity. The number of abuses that the various laws tried to curtail does not exactly point to the popularity of military billeting, and a letter of the emperor Honorius, possibly dating to A.D. 418, the year of the Visigothic settlement in Aquitaine, insisted on soldiers complying with the regulations of *hospitalitas*.⁴⁵ The letter exhorted the soldiers in Spain (and possibly elsewhere) to move on, whenever required to do so, and not to expect *hospitalitas* beyond a certain time limit.⁴⁶ It is, therefore, rather unlikely that the government which insisted so frequently on protecting its citizens from abuses of *hospitalitas* would use the term to placate the Aquitanian landowners who had to divide their estates permanently with barbarians.

Several authors, as well as barbarian laws, used the term *hospitium* in the course of the fifth century. None of these dates to before the middle of the century, a generation after the actual settlement of the Goths in Aquitaine. Sidonius used the term in the sense of civilian rather than military hospitality even when he mentioned the Gothic king Thorismund.⁴⁷ Gaupp and Lot relied on the use of the term by the early sixth century Burgundian legislator, but there is absolutely no proof that similar conditions existed a century earlier. The fragmentary codex of the Visigothic king Euric (CE), which was not issued before A.D. 476, twice referred to the Goths as *hospites*, but this is also rather a late application of the word, to be only used only with the greatest circumspection within the context of the establishment of the kingdom of Aquitaine in A.D. 418. According to CE 276, the Goths entered Aquitaine *in loco hospitium* and had to swear an oath to maintain the boundaries of the lands which they occupied.⁴⁸ CE 277 is the only law which directly mentions lands occupied by Goths and Romans according to a

⁴⁵"An Unedited Letter of the Emperor Honorius to the Spanish Army," *ZPE* 61 (1985) 273-85; for a different reading and interpretation E. Demougeot, "Une lettre de l'empereur Honorius sur l'hospitium des soldats," *Revue histor. de droit franç. et étrang.* 34 (1956) 25-49 and A. H. M. Jones, *LRE* 1106, note 44.

⁴⁶*ut ubi alibi vivendi degenique tempus extiterit omni alacritate atque virtute abeat, hospitium obsequamini* (my reading).

⁴⁷SA, *Ep.* 7.12.3: *Thorismodum Rhodani hospitem*, alluding to the king's attempt to besiege Arles in A.D. 453. This episode ended up happily for the Romans when the king agreed to lift the siege and to dine with the prefect of the province.

⁴⁸*<se vero fundorum termini in tertius, quas> habent Romani, fuerint, tunc Gothi ingrediantur in loco hospitium et ducant, ubi terminum fuerat ostensus. tunc iudex quos certiores agnoverit, faciat eos sacramenta praebere, quod terminum sine ulla fraude monstraverint* (K. Zeumer, ed., "Codex Eurici," *MGH LL* 1.1-54).

certain pattern.⁴⁹ It is useful to recall that the term *hospitalitas* denoted an obligation on the part of the hosts alone. Yet, the Roman government surely expected the "guests" to render it service upon demand. After 476, however, the situation changed, and the original context of the agreements between the two sides was lost. From then on, the "hosts" could dictate their own terms and impose their own concepts. But the question still remains whether there was an actual division of lands between Romans and Goths in Aquitaine in A.D. 418.

An exchange of letters between Valentinian III and the Gothic king of Toulouse, Theodoric I, on the eve of the battle of the Catalaunian fields against Attila (A.D. 451) seem to contribute to the reservations so far expressed.⁵⁰ Though the essence of the correspondence revolves about the emperor's efforts to enlist Visigothic help against the Huns, there is not a single mention of the status of *foederati* nor of any Visigothic obligation to come to the aid of the Romans.⁵¹ Theodoric's answer extols the martial virtues of the Goths but fails to refer to any specific military duty.⁵²

Since neither Roman laws of *hospitalitas* nor the terms of various *foedera* point to a division of rural estates or to a partial occupation on a permanent basis, it remains to ask what had been the legal basis of the settlement of the Goths in 418. Of all the laws dealing with the military, there is one group of laws that outlines specific privileges which precisely echo those conferred on the Visigoths and later barbarians. These are the laws dealing with veterans and the privileges which the emperors granted to them.

CTh 7.20.2 (A.D. 320/326) granted veterans exemption from compulsory municipal services, public works and market tax. CTh 7.20.4 (A.D. 325) bestowed tax exemption status on the veteran and his family while CTh 7.20.3 (A.D. 320) assured the grant of vacant lands which the veterans could hold untaxed in perpetuity. Moreover, a veteran was en-

⁴⁹*sortes Gothicas et tertias (or tertiam) Romanorum, quae intra L annis non fuerint revocate (sic), nullo modo repetantur. . . .* This reverses the traditional division between "hosts" and "guests" according to the Roman laws on *hospitium*, a reversal which has actually been never adequately explained.

⁵⁰Jordanes, *Getica* 36.187-89.

⁵¹Ibid. 188: *armorum potentes favete propriis doloribus et communes iungite manus, auxiliamini etiam rei publicae, cuius membrum tenetis.*

⁵²Ibid. 189: *habetis Romani desiderium vestrum; fecistis Attilam et nobis hostem.* The authenticity of these documents may be suspected but their spirit reflects rather accurately their time of composition.

titled to receive cash to buy equipment for the land which he was to possess. Significantly, the government also granted measures of grain to the veterans about to occupy lands. A law of A.D. 364 enabled veterans to choose their legal residence, presumably urban, and conferred on them perpetual exemption from taxes and public burdens.⁵³ It also allowed veterans to possess fields taken from vacant lands, or other lands which the legislator did not specify, wherever they wanted, with exclusive rights to receive the income from these fields. Another law encouraged veterans to cultivate the neglected properties of absent owners and lands which had not been tilled for a while.⁵⁴ The profits of such occupation were to be enjoyed solely by the new occupants without a challenge by the legal owner.

The number of similarities between what is known of the terms of barbarian settlements in the fifth century and the rights of veterans is too large to be mere coincidence. It may not, therefore, be unreasonable to infer that the Goths who had served Roman interests in Spain, fighting other barbarians on Rome's behalf just before their transfer to Aquitaine, were regarded by the government as veterans and treated exactly as such. A legal fiction had thus been created to conceal a radical departure from past practices, and to gloss over the fact that, though the Roman government may have been in a position to dictate certain terms, it was incapable of driving the Goths back across the Roman *limes*. Veterans' privileges provided the ideal compromise whereby to ensure Gothic loyalty and pacify any landowners involved in the process.

In Aquitaine, the government could confer on the Visigoths imperial lands as well as deserted property and even occupied estates. If there was a direct division of lands, it cannot be firmly established for A.D. 418, and the numbers of the Visigoths may not have justified such drastic measures. The division of estates may have been a later phenomenon when the constant settlement of barbarians had reduced the available amount of deserted lands or other kinds of land. Both the grant of tax-exempt status as well as the receipt of measures of grain fit what is known of the government's attitude to the Goths at the beginning of the fifth century. In addition, the A.D. 418 arrangement with the Visigoths had a singular advantage, for these people were not unknown in Gaul,

⁵³CTh 7.20.8; R. Thouvenot, "Sur les avantages concédés aux vétérans par l'empereur Constantin," *Mélange Piganiol* 2 (Paris 1966) 843ff.; V. Giuffrè, *Iura et arma. Intorno al VII libro del codice Teodosiano*³ (Napoli 1983) 83ff.

⁵⁴CTh 7.20.11 (A.D. 368/70).

where they had fought against usurpers and had tried at one point (A.D. 414) to establish a kingdom independent of Roman authority and without imperial auspices. To some extent, the continual presence of barbarians in Spain made Aquitaine into a sort of frontier and justified the settlement there of veterans or barbarians.

It is, then, the concept of veteran-privileges, rather than that of *foederati* and *hospitalitas*, that best explains all the unusual features of the Visigothic settlement of Aquitaine and successive settlements of barbarians in Gaul.⁵⁵ This also explains the conspicuous absence of laws

⁵⁵A thorough examination of the cases of the Burgundians and the Alans in Gaul requires another detailed study. The evidence suggests that the solution of veteran privileges as the legal basis of their settlements applies here as well. The Burgundians were settled in the Savoie in 443: *Sapaudia Burgundionum reliquiis datur cum indigenis dividenda* (*Chron. Gall.* 452 sub a. 443) (*Chron. Min.* 1.660). Note the reference to an actual division of lands. Note also that the numbers of settlers involved may have been considerably smaller than those of the Visigoths. In addition, the Burgundians may have been Catholics at that point (A.D. 443), a fact which must have facilitated their acceptance by the locals. In the past, they fought for Roman usurpers, as well as for the legal government. Just thirteen years later, in 456, another division took place, this time initiated by local landowners, as it seems, who wanted the support of the Burgundians against the emperor Majorian. A not unusual use of veterans. R. W. Mathisen, "Resistance and Reconciliation: Majorian and the Gallic Aristocracy after the Fall of Avitus," *Francia* 7 (1979) 604-607 with Mar. Avit. *Chron.* s.a. 456 (*Chron. Min.* 2.225). In between, the Burgundians served the Roman government both in Spain (against the Sueves) and in Gaul (against Attila). *LBurg* 54, the core of the *hospitalitas* theory, was issued nearly a century after the first barbarian settlement in Gaul, and some seventy years after Aetius settled the Burgundians in the Savoie. What can be recovered from it of the original conditions of settlement is largely hypothetical. It points mainly to abuses of the system while endeavoring to maintain a status quo which may have come into existence only after 476. The case of the Alans is rather curious. They were settled in two separate groups and in two different regions. In 440, one group was settled in the area of Valence on the Rhone: *deserta Valentinae urbis rura Alanis, quibus Sambida praeerat, partienda traduntur* (*Chron. Min.* 1.660). Here is a clear reference to the use of deserted lands, a precise echo of veteran privileges. Two years later, on the Loire, another group of Alans was given lands in the heart of the troubled region of Armorica. Yet, the locals objected to this measure and the Alans expelled the landowners by force: *Alanis, quibus terrae Galliae ulterioris cum incolis dividendae a patricio Aetio traditae fuerant, resistentes armis subigunt et expulsis dominis terrae possessionem vi adipiscuntur* (*Chron. Min.* 1.660). B. S. Bachrach, *A History of the Alans in the West* (Minneapolis 1973) 59-71. Why would the Romans object to a project clearly supported by the government and presumably aimed to protect them against the Bagaudae, particularly if the Alans of this group were the descendants of those who saved the inhabitants of Bazas in 415 when the city was under Visigothic siege? (Paulinus of Pella, *Eucharisticon*). The concept of veteran privileges may have failed here, perhaps as the local landowners preferred independence to imperial rule. We can see here an example of yet another use of veterans,

directly dealing with this all-important phenomenon of barbarian accommodation, as well as the notorious lack of resistance on the part of the local land-owners to the division of their estates. Even the optimism of Rutilius Namatianus, who returned to his native Gaul on the eve of the Visigothic settlement in Aquitaine becomes explicable, for the turmoil of previous years was now over, the veterans settled, and the work of restoration in full swing.⁵⁶

HAGITH SIVAN

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

namely to protect the interests of the legal but remote government against independent minds. Lastly, the concept of veteran privileges appears as the legal basis of barbarian settlements in Italy as well, even after 476. Odoacer and his followers were soldiers in the Roman army and their demands were perfectly acceptable in the light of the laws on veterans. It is curious that their particular demand for lands to settle on has never been connected with the legal rights of veterans. Ten years later, when the Ostrogoths appeared in Italy as imperial soldiers, they could and did adopt and adapt the arrangements of Odoacer. We do know from Cassiodorus (*Variae* 2.17) that the Goths in Italy did not have to pay taxes just as veterans were exempted from taxation. After all, they did pay nominal loyalty to the emperor in Constantinople.

⁵⁶*De Reditu Suo* 1.148 with "Rutilius Namatianus, Constantius III and the Return to Gaul in Light of New Evidence," *Mediaeval Studies* 48 (1986) 522-32.