

Harnessing Violence: Armed Force as Manpower in the Late Roman Countryside

Brent Shaw's monumental study invites reflection rather than critique. Proceeding from its demonstrations that Donatist violence was limited in scale, that Augustine's extensive treatments of the movement have conditioned modern readers to see it as more violent and better organized than it was, and that the "circumcellions" were occasional agricultural laborers enlisted to bully sectarian opponents, this study explores Shaw's findings on three fronts. First, it shows the relationship between Donatist sectarian violence and football hooliganism, both of which represent the expression of surplus male aggression in search of a cause. Second, it explores the relationship between violence and manual labor in an effort to rethink the dimensions of the problem. Finally, it situates the Donatist movement in a broader Mediterranean context by showing how it reflected a growing trend toward the breakdown of state authority in Late Antiquity.

With *Sacred Violence: African Christians and Sectarian Hatred in the Age of Augustine*, Brent Shaw has continued an unbroken streak of overturning entrenched paradigms and setting out new models that are both persuasive and bound to endure.¹ Having carved his way through vast thickets of primary source material and whole forests of scholarship, he has shed new light on the social realities and rhetorical strategies that subtend the construction of religious violence in late antique North Africa. In the face of this tour de force, it becomes difficult to engage Shaw's argument head on, whether to challenge or even merely to recapitulate it. The sheer scale and richness of the material defies simple summary or categorization, and the variability of Shaw's approach and variety of questions he poses and answers will leave much if not most of the argument intact even if challenges to specific sections

¹ B.D. Shaw, *Sacred Violence: African Christians and Sectarian Hatred in the Age of Augustine* (Cambridge, 2011).

emerge. Insofar as a summary might be useful, Clifford Ando has already provided a lucid and accessible précis in a learned review.²

I offer here three approaches to *Sacred Violence*, all tangential to the book's main argument, in hopes of using these unexplored avenues as further ways into the fascinating world Shaw has brought to life. I begin by looking at late antique North African sectarian violence in relation to modern sports hooliganism as an expression of surplus aggression in search of meaningful causes, perpetrated in prescribed spaces created for the symbolic expression of antagonism. Secondly, in light of Shaw's arguments that the circumcellions were groups of underemployed wage laborers hired as thugs, I explore the question of violence as labor product, a surplus commodity that can be harnessed toward the legal and extralegal ends of asserting property claims and intimidating rivals. Finally, I look at North African sectarian violence in the context of private militias in the late antique countryside, in an attempt to test the theory that it may have reflected a broader trend in the breakdown of the authority of the state regarding its most powerful citizens.

Donatism and Hooliganism

Football hooliganism is a phenomenon associated with violent soccer fans worldwide and particularly in England. It has claimed a relatively small number of lives and has instead usually been limited to beatings, arson, rioting, and vandalism. The phenomenon became reified and began to claim attention as a movement in media circles only in the 1950s. Nevertheless, there have been instances of violent fan engagement in the context of football matches dating back to the beginnings of the game in the fourteenth century.

Unsurprisingly, sociological approaches to hooliganism have tracked trends in western scholarship. The first studies, which appeared in the early 1970s, adopted a Marxist viewpoint that attempted to portray the "rise" of hooliganism in the 1950s and 1960s as the violent popular response of the lower classes to the expropriation of their game by the bourgeoisie: the alienation of the masses from what had always been a working-class institution, through commercialization and imposition of bourgeois values and expectations, produced these outbreaks of violent protest.³ Structuralist and figurational approaches came to the fore in the 1980s in a series of studies by

² C. Ando, review of *Sacred Violence*, in *BMCR* 2012.08.30. See also the papers of M. Tilley, D. Frankfurter, and P. Fredriksen at *Journal of Early Christian Studies* 21 (2013), 291–309, each of whom uses the book as a springboard to launch arguments of their own, as alluded to by Shaw in his reply.

³ I. Taylor, "Soccer Consciousness and Soccer Hooliganism," in S. Cohen, ed., *Images of Deviance* (Harmondsworth, 1971), 134–164.

the so-called Leicester School. These conceived of hooliganism as a symbolic expression of social norms built into the lifestyles of the lower classes, which tended to tolerate high levels of aggression in all areas of social relations. The lower-class culture of violence was thus expressed in symbolic form in the context of football matches through hyperaggressive displays of masculinity and uncontrolled disruptive actions.⁴ By the 2000s postmodern approaches tended to emphasize instead the particularity of hooligan behavior as a cross-cultural phenomenon and its embeddedness in individual cultural, linguistic, political, and religious contexts. This entailed a widening of the scholarly lens to include hooliganism in transnational contexts, with the “ultras” of Spanish and Italian soccer culture, whose demographic was largely bourgeois, in fact predominantly young male students.⁵

Postmodern investigations also have found that hooliganism is not necessarily situated socially in the lower classes, nor does it necessarily express in symbolic form latent socioeconomic tensions. Instead, as Ramòn Spaaij has argued:

Research has shown that football hooliganism consists of emerging public enactments of ritualized procedures by constantly changing collections of people. It exists via inter- and intragroup negotiations which are never fully agreed upon but which give rise to future discord. Confrontations occur within normative or pragmatic confines. They involve semi-choreographed situational scenarios acted out as authorities, playing umpire, persistently try to narrow the boundaries of disorder.⁶

Hooliganism does not, in other words, reflect one thing in a society; its meaning changes and shifts depending on temporal, geographical, and cultural contexts. It arises because of the very cleavage created by the ritualized space that is the football match. The contest pits one side against another, creating an arena for the performance of violence, and this symbolic violence on the pitch then spills over into enactments of violent aggression by the fans. Moreover, although it does not arise because of deep tensions in social structures, hooliganism is quite often fueled and contoured by these social fault lines: regional and class inequalities in England; religious sectarianism in Northern Ireland; linguistic subnationalism in Spain; city and regional particularism in

⁴ E. Dunning, J. Williams, and P. Murphy, *The Roots of Football Hooliganism* (London, 1988). See also B. Buford, *Among the Thugs* (New York and London, 1992).

⁵ R. Giulianotti and G. Armstrong, “Avenues of Contestation: Football Hooligans, Running and Ruling Urban Spaces,” *Social Anthropology* 10 (2002), 211–238.

⁶ R. Spaaij, *Understanding Football Hooliganism: A Comparison of Six Western European Football Clubs* (Amsterdam, 2006).

Italy. The violence arises as a form of expression of surplus aggression, generally male, but then structures itself along preexisting, culturally expressed divisions latent in a given society.

All of this will sound familiar to readers of Shaw's book. Indeed, much like the scholarship on hooliganism, Donatism studies have also, and unsurprisingly, proceeded in lockstep with contemporary historiographic trends. Frend's groundbreaking study in 1952 argued that the Donatist movement represented a backlash by the native, Berber cultural substrate of the Numidian high plain against Latin-speaking, Romanized overlords along the Mediterranean littoral.⁷ It was no accident that this deeply learned investigation grew out of a postwar context of emerging anticolonialism in the territories of Algeria that once had constituted the Numidian heartland of Frend's late antique "movement of social protest." The period of the 1960s through the 1990s, by contrast, witnessed the application of Marxist approaches that downplayed the religious dimensions of the conflict in favor of an emphasis on class struggle by revolutionary circumcellions, whose subversive activities were fueled by intense hatred of their landowning overlords.⁸ More recent scholarship has in its turn continued to reflect contemporary concerns. Parallels have been drawn between the sectarian martyrs of late antique North Africa and Islamist extremists in our own time,⁹ and the rise of North African sectarian violence has been explained in terms of peasant self-assertion fueled by the commercial success of the lower classes in the wake of a global trade boom.¹⁰

It is very much to Shaw's credit that his book does not impute contemporary concerns to ancient North Africans. Of course, no book is written in a vacuum, and Shaw's refreshingly particularist viewpoint does, in fact, draw numerous parallels from historical and contemporary comparanda and is, ultimately, rooted in contemporary sociological scholarship. But the virtue of his approach, and for that matter of contemporary sociology, is that it is

⁷ W.H.C. Frend, *The Donatist Church: A Movement of Social Protest in Roman North Africa* (Oxford, 1952).

⁸ G.E.M. De Ste Croix, *The Class Struggle in the Ancient Greek World* (London, 1981), 480–482; cf., earlier, B. Baldwin, "Peasant Revolt in Africa in the Late Roman Empire," *Nottingham Medieval Studies* 6 (1961), 3–11.

⁹ M. Gaddis, *There Is No Crime for Those Who Have Christ: Religious Violence in the Christian Roman Empire* (Berkeley/Los Angeles, 2005), esp. 111 n. 34.

¹⁰ L. Dossey, *Peasant and Empire in Christian North Africa* (Berkeley/Los Angeles, 2010). For excellent studies of violence in other late antique contexts, see T. Sizgorich, *Violence and Belief in Late Antiquity: Militant Devotion in Christianity and Islam* (Philadelphia, 2009); E.J. Watts, *Riot in Alexandria: Tradition and Group Dynamics in Late Antique Pagan and Christian Communities* (Berkeley/Los Angeles, 2010); A.Z. Bryn, *Violence in Roman Egypt: A Study in Legal Interpretation* (Philadelphia, 2013).

willing to dispense with large-scale, monolithic assertions about social structures in favor of much more dynamic models whose moving parts can take account of cultural shifts in four dimensions.

In this vein, I would point to the remarkable similarities between the passage quoted above from Spaaij's study of hooliganism and a passage drawn from Shaw's fourteenth chapter, "Bad Boys":

Being a circumcellion was not like belonging to an organization or having membership in a status group, but rather being someone because one did certain things. The presumption is that this was not a permanent occupation or status, but rather a fluid and changeable way of behaving. If there are two characteristics that perhaps most marked the general nature of circumcellions, it is their collective or group behavior and their status as rootless and wandering men.¹¹

By this reading, circumcellions were thus very much like modern hooligans—strong men capable of real violence who coalesced around a cause that seemed totalizing in its temporal and spatial context and that provided a symbolic arena for the expression of aggression, that is, religious schism. Also like modern hooligans, Shaw's "bad boys" tended to contain their expressions of violence within the bounds of property damage and physical assault without escalating the conflict to the level of mass killing, let alone violent revolution.

Violence as Labor Product

Among the many virtues of *Sacred Violence* is Shaw's careful genealogical reconstruction of the notion of the circumcellion. At root, he takes his cue from Augustine's own etymology: "for circumcellions are named thus because they hang out around granaries (*circum cellas*) . . .";¹² "they are especially inclined to committing acts of terror in the countryside, for when they are free from work in the fields, they mill about granaries on farmsteads for their keep, whence they have received the name 'circumcellions.'" ¹³ Shaw is

¹¹ *Sacred Violence*, 657; cf. 673: "It is probably better to understand 'the circumcellions' as an amorphous and mixed phenomenon."

¹² Aug. *En. In Ps.* 132.3 (CCL 40.1928): "nam circumcelliones dicti sunt, quia circum cellas uagantur: solent enim ire hac illac, nusquam habentes sedes; et facere quae nostis, et quae illi norunt, velint, nolint. For Shaw's arguments on the circumcellions." See *Sacred Violence*, 630–674 as well as "Who were the Circumcellions?" in A.H. Merrills, ed., *Vandals, Romans and Berbers: New Perspectives on Late Antique North Africa* (London, 2004), 227–58; "Bad Boys: Circumcellions and Fictive Violence," in H.A. Drake, ed., *Violence in Late Antiquity* (Aldershot, 2006), 179–196.

¹³ Aug. *C. Gaud.* 1.28[32] (CSEL 53.231): "quis enim nescit hoc genus hominum in horrendis facinoribus inquietum, ab utilibus operibus otiosum, crudelissimum in mortibus alienis, villissimum

not the first scholar to put weight on this testimony and thus to conceptualize the name circumcellion as, at root, a term for hired agricultural laborers,¹⁴ but he has developed the idea in elaborate and convincing detail. He argues as follows:

- The circumcellions were probably seasonal workers, especially harvesters, who moved from estate to estate working as wage laborers reaping crops under the supervision of contractors (*mancipes*);¹⁵
- They were at times employed by religious leaders, and particularly dissident religious leaders, to act as bodyguards and strongmen in their ongoing struggles to assert authority over religious groups and ownership claims to ecclesiastical property;
- In religious contexts, the name *circumcellio* was considered a slur, foisted upon these gangs by the Catholic leadership in an effort to brand them as (1) low-status, (2) dispossessed and homeless, (3) inclined to violence, and (4) a threat to the social order;
- As Augustine's testimony reveals, the Donatist leadership and the "circumcellion" religious militants themselves did not accept this designation but preferred instead the name *agonistici*, that is, contestants, or even combatants.¹⁶

All of this seems eminently worthy of credence. Moreover, the composite picture painted by Shaw brings to the fore the constructed nature of this "group" of strong-arm enforcers. The circumcellions were no unified class of people, nor did they share any one identity, nor even any one name. The name is used to amalgamate and stigmatize an imaginary subset of individuals who practiced a type of violent behavior that was in fact exhibited across a variety of groups, including private enforcers marshaled and deployed by Catholics like Augustine himself.

More than any previous scholar of this controversy, Shaw is deeply distrustful of Augustine. Much of his argument is based on the assumption that

in suis, maxime in agris territis, ab agris vacans et victus sui causa cellas circumiens rusticanas, unde et circumcellionum nomen accepit, universo mundo paene famosissimum africani erroris opprobrium?

¹⁴ See E. Tengström, *Donatisten und Katholiken. Soziale, wirtschaftliche und politische Aspekte einer nordafrikanischen Kirchenspaltung* (Göteborg, 1964).

¹⁵ Now see also B.D. Shaw, *Bringing in the Sheaves: Economy and Metaphor in the Roman World* (Toronto, 2013), esp. 38–92 on itinerant harvesters, 216–220 on the dangers these posed to settled communities.

¹⁶ Aug, *En. in Ps.* 132.6 (CCL 40.1930–1): fortasse dicturi sunt: nostri non vocantur circumcelliones: vos illos ita appellatis contumelioso nomine; nam nos eos ita non vocamus. dicant quid eos vocent, et audietis. agonisticos eos vocant.

this towering figure has left us with a giant shadow puppet show created through rhetorical and legal strategies designed to subvert the Donatists by branding them with the opprobrium of jacquerie and hooliganism. He shows, in painstaking detail,

- how few attestations of the word “circumcellion” we have outside the writings of Augustine;
- how Donatist activity was not nearly as violent and uncontrolled as Augustine wishes his readers and hearers to believe;
- how rarely incidents of actual physical violence seem to have occurred;
- how carefully Augustine marshaled evidence for “circumcellion” attacks into a connected (and therefore constructed) narrative about the subversion of public order;
- and how the goal of this orchestrated smear campaign was always to convince state authorities to take decisive legal, and violent, action against his sectarian opponents.

In its broadest outlines, the argument is entirely convincing and breathtaking in its elegant simplicity even as it takes full and perfect account of the complexity of the source tradition. Nevertheless, strictly in the interests of exploring the argument further, I would challenge Shaw on one point and build on his conclusions regarding another.

As Ando pointed out so trenchantly in his review, the sheer bulk of the Augustinian material combined with the utter paucity of alternative sources leaves us very much a prisoner to Augustine’s version of events. Shaw is, as mentioned, acutely aware of this problem, but his reaction is to reject almost wholesale Augustine’s grand narrative of events. This is precisely what allows him to offer such a refreshingly innovative argument, but it is also in some ways merely to turn older arguments on their head. Whether we take Augustine’s testimony as entirely reliable or entirely unreliable, we are bound to let him shape the discourse.

There are, however, some pieces of evidence that warn against assuming that Augustine’s version of the story is quite as untethered from deep history as Shaw might have us think. Chief among these is Optatus, the first edition of whose work *Against the Donatists* appeared in the 360s.¹⁷ Even at this early date, Optatus deploys much of the lexicon and many of the topoi that

¹⁷ On the date, see M. Edwards, trans., *Optatus: Against the Donatists*, Translated Texts for Historians 27 (Liverpool, 1997), xvi–xxix. Shaw, *Sacred Violence*, 146–173, points out the constructed nature of the historical memory Optatus preserves without, however, being able to disprove that the seeds of the narrative whose fruits Augustine will later reap have already taken root in this earlier source.

will resurface in Augustine half a century later: the use of the word *circumcellio* for dissident enforcers;¹⁸ accounts of open violence against persons and property; and the desire to construct a narrative that paints the Donatists as recalcitrant “outlaws” who trampled underfoot the rules of the state and those of the church.¹⁹

Especially revealing is a passage of Optatus that describes the famous encounter between the imperial officials Paul and Macarius and the Numidian dissident bishop Donatus, which took place near his city of Bagaï in 347:

Paulus and Macarius were coming to relieve the poor in every place and exhort individuals to unity; and when they came near the city of Bagaï, then (as I said above) the other Donatus, bishop of that city, desiring to raise an impediment to unity and an obstacle to the arrival of the aforesaid persons, sent heralds through the neighboring places and all the market towns, calling the disaffected circumcellions by name with an invitation to assemble at an appointed place. And the assembly solicited at that time consisted of the same people whose insanity a little while before was seen by those very bishops to have been impiously inflamed. For when, before the establishment of unity, people of this kind were roving from place to place, when Axido and Fasir were being called leaders of the saints by these same maniacs, no one could be secure in his own possessions; the records of debts had lost their force, no creditor at that time had the freedom to enforce payment, all were terrified by the letters of those who boasted that they had been leaders of the saints; and if there was any delay in obeying their behests, a raging multitude suddenly flew to their aid, and, as terror went before them, besieged the creditors with dangers, so that those who should have had suitors on account of their loans were forced to groveling prayers through fear of death. Each one hastened to write off even his greatest debts, and reckoned it a gain if he escaped injury at their hands.²⁰

Optatus is here attempting to convince his opponent, the dissident bishop Parmenian, that the circumcellion threat orchestrated by Donatus of Bagaï had spilled outside the realm of religious cajoling and was threatening to subvert property relations and the social order.²¹ Nor is this the only point at which Optatus emphasizes the importance of property claims at the heart of the Donatist cause, for his diatribe has regular recourse to control over both

¹⁸ See also *CTh* 16.5.52.1 (a. 412).

¹⁹ For charges of physical violence, see Optat. 2.17–18, 3.4 (*CSEL* 26.51–52).

²⁰ Optat. 3.4 (*CSEL* 26.81–82). The translation is taken from Edwards, *Optatus*.

²¹ See the striking similarities with Aug. *Epist.* 108.4 [15] (*CSEL* 57.14–15).

ecclesiastical and private property as a crucial issue in the dispute.²² Here it should be remembered that the entire Donatist controversy had risen to the level of imperial attention over property issues, for it was Constantine's grants of imperial funds for church construction along with his promise of imperial subventions to bishops that brought the Donatist cause to his attention. In the conflicts that arose as a result of disputed claims to these privileges, and then continued over the course of the following century, the controversy then regularly played itself out as an ongoing struggle over the ownership of church properties. During this enduring period of strife, the Donatists—who never truly had the instruments of state at their disposal to enforce their claims—seized or defended the property to which they felt entitled using circumcellion enforcers.²³

Shaw's engagement with this passage, which falls in the fourth and in turn final chapters of his book, attempts to draw a line between sectarian and political violence and argues that the goal of Optatus and in turn of Augustine was to convince government authorities that the Donatists and their militant circumcellions had crossed this line in ways that challenged the interests of the state: religious disputes, the Catholics tried to argue, had morphed into property grabs. I am less comfortable with such a distinction in the registers of violence and less convinced that this move was first ideated by Augustine and Optatus. By 313 the Donatists already had been rebuffed in their efforts to gain recognition from the Roman state, and they never once gained ascendancy in their squabbles with the Catholics during the course of the controversy. In response to this resounding and repeated rejection by the emperors of Rome, they were forced to set up alternative power structures to defend their institutional existence, and these included alternative organs of armed enforcement—agents they themselves termed *agonistici*, but whom their Catholic opponents branded with the demeaning appellation *circumcelliones*.

²² Optat. 2.17–18 (CSEL 26.41–52), (attacks on the churches of Castrum Lemellefense, Carpi, and Tipasa); 3.1 and 3.4 (CSEL 26.67–68, 81–82), attacks on ecclesiastical and private property at Bagaï; 6.1, 5, 7 (CSEL 26.143, 152–153, 155), attacks on altars, sacred vessels and cemeteries. On the importance of the violent settlement of property disputes, see also Aug. *Epist.* 29.12, 108.16, 18 (CSEL 34.122, 630, 632); *C. Litt. Petil.* 2.23 [52], 43 [101–102], 83 [184] (CSEL 52.51, 79–80, 114); *En. in Psalmos* 21.2.31, 36.2.20, (CCL 38.133, 364); *C. Cresc.* 3.43 [47], 4.47 [57] (CSEL 52.453–454, 554).

²³ See, for example, Optat. App. 10 (CSEL 26.215), “comperi haereticos sive schismaticos eam basilicam ecclesiae catholicae . . . solita improbitate invedendam putasse et frequenter tam nobis quam a iudicibus nostris ex nostra iussione commonitos et reddere quod suum non erat noluisse”; *CTh* 16.6.2 (a. 377), “Eos igitur auctoritas tua erroribus miseris iubebit absistere ecclesiis, quas contra fidem retinent, restitutis catholicae”; Aug. *C. Litt. Petil.* 2.19 [43] (CSEL 52.43), “sed dicitis vos loca vestra defendere et resistitis fustibus et caedibus quibuscumque potueritis”; Aug. *Epist.* 185.3 [12–13], 4 [15] (CSEL 57.11–12, 14).

In the instance just quoted from Optatus, the Donatist leadership not only enforced its own claims to ecclesiastical property but also the claims of some of their followers—or recruits—against oppositional landowners and creditors. Without wading into the morass of heuristic strategies rooted in notions of class struggle or regional factionalism, this interpretation provides an explanation for the rise of a system of organized, or at least regularized, violence by a group whose legal existence, and above all whose property claims, the state refused to acknowledge.

In this sense, we can return to the notion of violence as labor product. Here I resort to what seems like an essentialist, and therefore unfashionable, argument that physical violence is an inherent by-product of the human species. While each society tolerates varying levels and degrees of violence, it occurs across all cultures and social groupings, and it is also generally expressed with particular frequency and intensity among late adolescent and early adult males. Granted, males between the ages of eighteen and thirty-five are not universally prone to violent action, nor is violence peculiar to that demographic, but crime statistics, patterns of armed conflict, and incidents of random violence all spike among male youth and young male adults regardless of culture or historical period.²⁴ Violence within this demographic is also striking for its general meaninglessness beyond the raw expression of surplus aggression: the causes that provoke violent behavior are not generalizable, and the venues for and modes of its manifestation vary greatly. As the football rowdies of the modern world reveal, young males need only a shared venue and the presence of some cleavage structure around which to form rival identities—in order to initiate and enact violent urges.

This universal expression of fundamentally formless aggression is what I would term, using a Marxist inflection, “surplus violence.” Such excess violent energy is often lacking in social meaning and, because it is unchanneled, possesses little use or exchange value in the broader cultural economy. Nevertheless, when surplus violence can be redirected and rearticulated to suit larger social or religious goals, and when it can be organized around politically contoured categories and state or party causes, it gains signification and with that it can also gain usable and exchangeable value.

In North Africa of the long fourth century, the sectarian religious conflicts that arose in the Christian community in wake of the Great Persecution

²⁴ Eric H. Monkkonen, *Crime, Justice, History* (Columbus, OH, 2002), 119–131 with figures 10.1–2; Manuel Eisner, “Long-Term Historical Trends in Violent Crime,” *Crime and Justice: A Review of Research* 30 (2003), 83–142 at 109–115; Pieter Spierenburg, ed. *Men and Violence: Gender, Honor, and Rituals in Modern Europe and America* (Columbus, OH, 1998). See also R. Muchembled, *A History of Violence: From the End of the Middle Ages to the Present*, trans. J. Birrell (Cambridge, 2008), esp. 45–81, on “youth festivals of violence.”

provided the perfect environment in which to convert surplus male violence into political and cultural capital. In these conflicts, the Catholics had from the beginning the advantage of deploying the power of the state apparatus to enforce their claims to legitimacy. The Donatists, who never enjoyed access to state force, not even in the reign of Julian, had to look elsewhere for the literal "muscle" necessary to push back against the coercion of the Roman government and its regional and local representatives. They found what they were looking for in a body of laborers whose predisposition to the use of brute force, to rough living, to mobility, and to unruly behavior made them the perfect agents for the enactment of sectarian violence. Violence was for these circumcellions a labor commodity in ready supply, and the Donatist religious leadership, desperately in need of armed force, was thus able to deploy the surplus aggression of these casual laborers and give it meaning.

This naturally raises the question of whether the circumcellions were paid, in cash or in kind, for their services. The evidence is scanty, but there are vague inklings in the sources that they were indeed "hired," not just as harvesters but as hooligans.²⁵ Shaw has shown that at times they seem also to have received wine, given the frequency with which they are charged with drunkenness, and they were probably also supplied with provisions more broadly.²⁶ Nevertheless, the most important currency in this exchange relationship was probably not economic but rather symbolic, that is, religious kudos and especially the promise of salvation through martyrdom.

Private Militias in Late Antiquity

The Donatist controversy was hardly the only instance of ecclesiastical schism and religious violence in the fourth- and early fifth-century Mediterranean, but it was surely the largest in scale and duration and also the most highly charged. If, however, we view the situation from the broader perspective of the deployment of private agents of organized violence, it comes to seem less anomalous, for the circumcellions reflect a North African version of a trend that was growing all across the later Roman Empire toward the increasing use of private militias. This phenomenon has already been treated in a full-length study whose findings I touch upon here.²⁷ Two factors led to an increase in the

²⁵ Optat. 2.17 (CSEL 26.51), "cum conducta manu venientes basilicas invasisistis"; 6.1 (CSEL 26.143), "quid perditorum conductam referam multitudinem et vinum in mercedem sceleris datum?"; Aug. *En. in Psalm.* 36.2.20 (CCL 38.364–365), "qui usquequaque rebeli animo calcitrans in malo permansit, ut conducta multitudo perditorum . . . atque impetratis officialibus, basilicarum ianuas obsedissent."

²⁶ Shaw, *Sacred Violence*, 659–664.

²⁷ N. Lenski, "Schiavi armati e formazione di eserciti privati nel mondo tardoantico," in G.-P. Urso, ed., *Ordine e sovversione nel mondo greco e romano: Atti del convegno internazionale*,

use of private armies in Late Antiquity. First and foremost was the degradation of central state authority at the provincial level, which created a vacuum into which local power brokers stepped by assuming the right to retain their own privately controlled armed forces. Second, in many circumstances this process was accelerated by the rise of elite military leaders from non-Roman backgrounds whose native cultures tolerated and even fostered the maintenance of armed retinues disconnected from a state apparatus.

The use and even possession of deadly weapons had been governed since the first century B.C.E. by the *lex Julia de vi publica*, a law still upheld in Justinian's *Digest*.²⁸ This forbade the establishment of private militias and even the ownership of arms or weapons beyond those customary for hunting and fishing.²⁹ The continued effectiveness of this law in late antique North Africa—both as normative regulation and as efficacious social paradigm—probably goes a long way toward explaining the preference of the circumcellions for agricultural implements and above all cudgels for their violence, rather than purpose-made weapons. Such weapons were not readily available, nor were they considered acceptable instruments of physical force in a mental world conditioned by five centuries of peaceful civilian rule.³⁰ Yet from the fourth century onward we have a surprising number of testimonia to the growing prevalence of non-state militias and even of the use of armed slaves and farm workers (*coloni*) by private individuals from all parts of the empire.

This is clearest in the sixth century, when Justinian attempted to curb the practice with two *Novels* ordering that property holders who kept *bucellarii* (privately retained guards) or soldiers on their estates should be required to surrender their armed retainers or face confiscation of their estates.³¹ Although the sixth century was surely the heyday of *bucellarii*, the problem clearly stretched back much earlier. We also have a law of Leo I dated 468 that states:

Civiale del Friuli, 25–27 settembre 2008 (Pisa, 2009), 146–175. It may well be argued, in light of R. MacMullen, *Voting about God in Early Church Councils* (New Haven, 2006), passim, esp. 56–66, that religious factionalism was *also* a phenomenon characteristic of the Mediterranean more broadly during the later empire.

²⁸ *Digest*, 48.6. See also CTh 9.10.4 = CJ 9.12.8 = *Edict. Theod.* 77 for the ongoing application of the law in the fourth through sixth centuries.

²⁹ On the regulation of violence at the local level, see now C.J. Fuhrmann, *Policing the Roman Empire: Soldiers, Administration, and Public Order* (Oxford, 2012).

³⁰ This would explain the Donatist insistence that they had “used no blades” alluded to at Optat. 2.25 (CSEL 26.64), “an ideo vos putatis innocentes, quia ferro usi non estis?” For the Donatist use of cudgels and agricultural implements as weapons, see Shaw, *Sacred Violence*, 664–666.

³¹ *Nov.lust.* 50.5.1, 7.1 (a. 536); 116.1 (a. 542).

We desire that all persons, both in the towns and in the country, shall be deprived of permission to have *bucellarii*, Isaurians, or armed slaves. If anyone, in violation of this law which we have promulgated for the public welfare, should attempt to entertain armed slaves, *bucellarii*, or Isaurians on his premises, or near his person, we order that he shall be punished severely, after having been sentenced to pay a fine of a hundred pounds of gold.³²

And we can carry the story back even farther, to 396 and 398, when Arcadius and Honorius issued laws forbidding the retention of soldiers in personal service in Armenia Minor and Rome, respectively.³³ Nor are testimonies on this phenomenon limited to normative sources. From the sixth century we have a papyrus written by Dioscouros of Aphrodito complaining to the *dux Thebaidos* of the problem of *bucellarii* who had lent their services for illegal attacks on neighbors, and, even more interestingly, an inscription from Honoriade in Paphlagonia that attempts to restrict estate holders from deploying private guardsmen it calls ξυλοκαβαλλάριοι—mounted cudgelers.³⁴

It would seem that the declining capacity of the state to assert its monopoly on the use of armed force over its subjects, combined with acceptance of new culture-ways that assumed armed personal retainers as normal, opened the door to the use of private armies beginning in the mid-fourth century. The most common generic term for such retainers was, to be sure, *bucellarii*. In Augustine's North Africa this term was used in laws of 408 and 412 revealing that *bucellarii* were present in the retinues of the African usurpers Gildo and Heraclianus.³⁵ As some of the sources quoted above make clear, however, this was hardly the only term for such private soldiers, nor was the use of these armed followers the only expression of militia-style violence. Several sources indicate that landowners also armed their tenants and even slaves toward similar ends: a *Theodosian Code* law of 386, for example, forbids estate owners from arming their *coloni* to fend off tax collectors, and a law from the sixth-century Edict of Theodoric forbids the use of armed *homines* (tenants?

³² *CJ* 11.12.10, "Omnibus per civitates et agros habendi bucellarios vel isauros armatosque servos licentiam volumus esse praeclusam. Quod si quis praeter haec, quae nostra mansuetudo salubriter ordinavit, armata mancipia seu bucellarios aut isauros in suis praediis aut iuxta se habere temptaverit, post exactam centum librarum auri condemnationem vindictam in eos severissimam proferri sancimus."

³³ *CTh* 7.1.15, 17. On the use of private armies of slaves in Rome, see also *Amm. Marc.* 14.6.16–17; *Cass. Var.* 1.30 (*CCL* 96.36–7).

³⁴ *P. Cair.Masp.* I 67089 recto B ll. 12–19; *AE* 1985.816b = D. Feissel and I Kaygusuz, "Un mandement impérial du VI^e siècle dans une inscription d'Hadrianoupolis d'Honoriade," *T&MByz* 9 (1985), 397–415.

³⁵ *CTh* 9.40.19, 21.

slaves?) to threaten neighbors and take over their lands.³⁶ Such armed gangs were also deployed by ecclesiastical leaders, as when Theophilus of Alexandria used armed retainers to take over the monastic settlements of Nitria, or when in 431 Memnon of Ephesus employed local rustics to enforce his predominance at the Council of Ephesus over the Constantinopolitan prelate Nestorius.³⁷ Interestingly, Nestorius had himself been accompanied to Ephesus by a retinue of imperial troops, setting up a situation remarkably similar to what we find in North Africa: a church leader backed up by state force pitted against an opponent compelled to resort to private violence in defense of his cause.

If, as Shaw has argued, circumcellions were itinerant agricultural laborers enlisted for occasional and targeted acts of violence, is it not conceivable that this too represented an expression of the growing phenomenon of private militias, as it was expressed in peculiarly African terms?³⁸ In a North African labor market characterized by heavy dependence on free tenants, combined with a healthy mix of wage laborers that was particularly marked by seasonally employed harvest workers, circumcellions offered the opportunity for an occasional-labor version of private militiamen—mercenary “temps.” Nor need we assume that the circumcellions decried in the religious sources, and especially by Augustine, were always wage laborers, for even if this was the original meaning of the word, once it assumed the connotation of lawless religious fighters, it need not have been, indeed surely was not, applied to a single class of workers but was used for any rural laborer deployed to enact private violence for the dissident cause.

With this in mind, better sense can be made of the edict of the imperial official Marcellinus, appended to the Acts of the Council of Carthage, that represented a crucial blow to Donatist dominance in North Africa:

As for those persons who know that they are harboring gangs of circumcellions on their lands, let them know that unless they act to repress and restrain the aggression of these men by every means possible, their lands will be immediately confiscated by the state treasury. It is as much a part of respecting Catholic law as it is of the public peace that a stop should be put to the madness of these men.³⁹

³⁶ *CTh* 13.11.3 = *CJ* 11.58.3 (a. 386); *Edict.Theod.* 75.

³⁷ Pallad. *Dial.* 7.29–44 (*SCh* 341.144–146); *ACO* 1.1.3, 5 (pp. 46.7–17, 121.21–31, 127.36–128.13).

³⁸ For precisely this terminology, see Aug. *C. Epist. Parm.* 1.8 [14] (*CSEL* 51.35), cum ipsi *privatis furiosorum agminibus* multo graviora passim atque cotidie nulla regia, nulla ecclesiastica lege comittant

³⁹ *Gesta Conlationis Carthaginensis*: Edictum Cognitoris (*CCL* 149A.179). Hii autem qui in praediis suis circumcellionum turbas se habere cognoscunt, sciant, nisi eorum insolentiam

The similarity of this edict to the law of Leo I cited above (n. 32) is striking, so much so that it is difficult not to see these geographically isolated attestations of private militia activity as interrelated—certainly in the eyes of the legislator, but also likely at the level of social praxis. Both texts attempt to curb the use of armed retainers lodged on private landholdings as enforcers employed to impose justice at the local level, in direct conflict with the authority of the state.

With this background in mind, we can return to Shaw's skepticism about the credibility of Augustine as a reporter of the scale and nature of violence perpetrated by the Donatists and their circumcellions. Was the problem largely a rhetorical construct, a finely tuned smear campaign against a group of religious opponents based on the tendentious reconstruction of a series of largely harmless and generally random acts of symbolic violence into a purported conspiracy against the authority of the Empire? This is Shaw's explanation,⁴⁰ and it is surely enticing in its careful sifting of Augustine's rhetorical chaff from the few grains of hard fact about specific acts of violence that can be gleaned. Here again, however, our crippling dependence on Augustine limits our ability to check his evidence against other sources that might prove him to be a bald-faced liar, a serial exaggerator, a rhetorical genius, or a sincere reporter of a "real and present danger."

Looking at the problem from an empire-wide perspective, however, I am inclined to accept a somewhat more threatening, and thus more traditional, picture of sectarian violence, in which the failing power of the central government to control the use of armed force in the provinces opened the way for competing religious groups to exploit the violent urges inherent in young men in order to defend their property interests and police the symbolic boundaries of their communities. Furthermore, the peculiarly North African availability of free itinerant workers, I would contend, fueled an unusually robust market in violence that compromised state authority in a region long characterized by greater than normal independence from the imperial center and thereby seriously weakened social cohesion on the eve of the Vandal invasions.

Conclusion

In his essay "Critique of Violence" Walter Benjamin draws a distinction between two types of violence he terms "law-creating" and "law-preserving."⁴¹

omnimodis conprimere et refrenare gestierint, maxime ea loca fisco mox occupanda; siquidem tam catholicae legi quam quieti publicae ut eorum conquiescat insania in hac parte consulitur.

⁴⁰ See the dossier at Aug. C. Cresc. 43 [47]–48 [53] (CSEL 52.453–461), with Shaw, *Sacred Violence*, 520–532.

⁴¹ W. Benjamin, "Critique of Violence," in M. Bullock and M.W. Jennings, eds., *Walter Benjamin, Selected Writings*, vol. 1, 1913–1926 (Cambridge, MA, 1996), 236–252, originally published

The former arises with the overthrow of governments—revolutions or military defeats by another state power. The latter is used by an existing state to support and maintain its claim to a legitimate monopoly on force—through state organized militias, police cohorts, and the rule of law. Law-preserving violence is always limited and symbolic: limited because it is not aimed at all members of the polity equally but primarily at those who most resist state authority; symbolic because it uses the targeted application of force to make an example of lawbreakers and dissidents. In some sense, the sacred violence perpetrated in late antique North Africa crosses the line between these two forms. When the Donatists learned early on that they would not receive the support of the Roman state in asserting their claims to the property and authority of the Christian church, which, after Constantine, had become the new centerpiece of Roman state religion,⁴² they began to form militias to resist the surrender of their property and authority within their own territories. At first face, this seems to represent law-creating violence, a revolutionary movement designed to overthrow the rule of an existing state, and so it had long been understood. Yet that the Donatists continually and regularly had recourse to state authority in the hope of realigning the imperial apparatus with their cause—throughout the reign of Constantine (from 312 to 337), then again under Julian (in 362), as well as the usurpers Firmus (in 372) and Gildo (in 397)⁴³—proves that they never abandoned their claims to adherence to the empire. Because they constituted a demographic majority in many regions of North Africa,⁴⁴ their ongoing refusal to surrender church wealth and ecclesiastical governance in their homeland was merely defending the status quo. Dissidents though they were, the Donatists did not desire to throw off the Roman yoke.

With their militant groups of circumcellions, the Donatists were thus in many ways simply maintaining an alternative state neither fully attached to nor fully detached from the Roman Empire, a commonwealth dependency built around adherence to Roman laws and culture-ways that nevertheless did not and could not accept the implications of total submission to Roman sovereignty. Because the Roman state proved unable, or at least unwilling,

in 1921 in *Archiv für Sozialwissenschaft und Sozialpolitik*. For a recent application of the theory in a global context, see B. Ginsberg, *The Value of Violence* (Amherst, NY, 2013).

⁴² The Catholic sources are intent on emphasizing the inseparable connection between church and state in the post-Constantinian world: see Optat. 3.3 (CSEL 26.73–74); Aug. *C. Litt. Petil.* 2.92 [205], 97 [224] (CSEL 52.129–130, 142).

⁴³ Sources for the Donatist appeals to and concessions from these rulers can be found in J.-L. Maier, *Le dossier du Donatisme*, 2 vols. Texte und Untersuchungen zur Geschichte der altchristlichen Literatur 124–135 (Berlin, 1987–1989), 1.138–254, 2.42–46, 103–105.

⁴⁴ See the tables at Shaw, *Sacred Violence*, 807–811.

to enforce full adherence to its norms in order to bring the Donatists to heel with state-preserving violence, this situation of confessional, but also political, schism was allowed to simmer—or rather fester—for the better part of a century. Nevertheless, the constant threat and desultory enactment of Roman state, and local Catholic, violence against Donatist claims to property and authority did cause the Donatists to form its own mechanisms for enacting “law-preserving” violence of their own. To this end they employed the circumcellions, aggressive, young, underemployed males in search of ideological causes and institutional structures to contour their surplus violence. These served as enforcers for a pseudo-state that had neither the tax revenues nor the institutional profile to support an army of its own.⁴⁵

The situation was further complicated, however, by the confessional and political constraints imposed by Christian religion and Roman citizenship. Given how effective violence has been as a political tool throughout history, it is surprising—or, rather, it has become surprising thanks to the work of Shaw—that the Donatist conflict was not more violent than it apparently was. The relative innocuousness of the situation is more comprehensible, however, when we consider how the bounds of Christian discourse and Roman imperial ideology hemmed in options for the enactment of truly bloody attacks. Christianity problematized violence as a legitimate tool for consensus building; it privileged nonviolent solutions to conflict, without, of course, renouncing violence altogether; and, above all, it valorized the victims of violence—martyrs and confessors—as the standard bearers of legitimate authority.⁴⁶ For its part, the Roman Empire imposed an ideology of adherence to a unified and harmonious state that was inherently opposed to the enactment of violence outside its control. The claim to Roman citizenship on the part of all participants in this conflict circumscribed access to violent options, for this would have destabilized shared claims to membership in the state and a shared conception of the imperative of concord within the unified empire they collectively ideated.

This double bind—adherence to a religious community that openly claimed to reject violent solutions to conflict, and adherence to a civic community that

⁴⁵ This helps explain why the Donatists themselves were particularly eager to call out the Catholics for their own deployment of state military support; Optat. 1.5, 7, 2.18, 3.4 (CSEL 26.7, 9, 52, 84); *Passio Donati Aviocalensis* 6, 13 (Maier, *Dossier du Donatisme*, 1.206–207, 210); *Passio Marculi* 3, 6, 9–11 (Maier, *Dossier du Donatisme*, 1.279, 282, 284–287). It also explains why Catholics then adopted the same rhetorical strategy after the Donatist bishop, Optatus of Thamugadi, deployed military aid against his Maximianist opponents during the Gildo revolt; see Aug. C. *Cresc.* 4.25 [32] (CSEL 52.530); C. *Litt.Petil.* 1.10 [11], 18 [20], 2.23 [53], 83–84 [184], 104 [237] (CSEL 52.11, 15, 51, 113–114, 151), cf. Shaw, *Sacred Violence*, 131–139.

⁴⁶ B.D. Shaw, “Body/Power/Identity: Passions of the Martyrs,” *J ECS* 4 (1996), 269–312.

openly rejected the exercise of private violence by its citizens—moved much or even most of the violence of the Donatist conflict into the discursive sphere. Violence by any party in the service of coercing confessional adherence was openly disavowed, even if occasionally practiced, whether by the officers of the state, by Catholics, or by dissidents. On the contrary, all parties were eager to demonstrate that the *other* side was far more violent than they, as if this alone could defeat claims to authority by their opponents.⁴⁷ In this environment, the discourse of victimhood became just as powerful a weapon in the struggle for ascendancy as the use of violence itself. Augustine's violent rhetoric, which mirrors the scraps of fiery discourse still available from his Donatist opponents, surely does blow the actual levels of violent physical conflict out of proportion. In so doing, it masks a situation that was tense, but only rarely explosive. This Shaw has proven beyond the shadow of a doubt. Nevertheless, I differ with him in degree if not in substance, in believing that this violent rhetoric also masks the level to which the threat of violence—the law-preserving violence of both the Catholics and the dissidents, each with their own bands of militant enforcers—was immanent, omnipresent, and palpable. Moreover, I regard this situation as not having been unique to North Africa.: Alternative communities, micro and macro, Roman and barbarian, political and confessional, were popping up all across the Mediterranean in precisely this period, as the Roman Empire began to spin off its territorial possessions into the kaleidoscope of post-Roman polities that make Late Antiquity so fascinating.

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⁴⁷ See, for example, the remarkable petition of the Donatists to Count Marcellinus at the final session of the Council of Carthage in 411 which opens, tellingly, with the words, "Flavio Marcelino . . . Ianuarianus et ceteri episcopi veritatis catholicae, *quae persecutionem patitur, non quae fecit*," (italics mine), and closes with a catalog of violent acts committed by the Catholics against their party, *Gesta Collationis Carthaginensis* 3.258 (CCL 149a.243–251). The same notion recurs at Aug. C. *Litt.Petil.* 1.18 [20] (CSEL 52.15), si iustiores sunt qui patiuntur persecutionem quam illi qui faciunt; cf. 2.92 [202] (CSEL 52.123–126).

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